

A BILL

FOR

AN ACT TO REGULATE AND CONTROL INDOOR AND OUTDOOR SIGNAGE,
HOARDING AND ADVERTISEMENTS IN THE FEDERAL CAPITAL TERRITORY
(FCT) ABUJA AND FOR RELATED MATTERS

Sponsored by Hon. Aniekan Umanah, Hon. Hassan Sokodabo

[] Commencement

BE IT ENACTED by the National Assembly of the Federal
Republic of Nigeria as follows:

PART I - ESTABLISHMENT OF BOARD

1 1.-(1) There is hereby established an agency to be known n as the
2 Signage Advertisement Control Agency (referred to this Bill as 'the
3 Agency"). Establishment
of Board

4 (2) The Agency shall be a body corporate with perpetual
5 succession and common seal and shall have power to sue and be sued in its
6 corporate name and may own and dispose of properties.

7 2.-(1) The Agency shall have a Board consisting of: Composition of
the Board

8 (a) Part-time Chairman who shall be a person of proven integrity
9 appointed by the FCT Minister subject to confirmation by the National
10 Assembly;

11 (b) Two executive Directors;

12 (c) The Minister for Environment or his representative;

13 (d) The ALGON Chairman FCT or his representative who shall
14 also be a serving Chairman! Chairperson of an Area Council in the FCT;

15 (e) The General Manger of the Agency;

16 (f) A representative of:

17 (i) the Minster of FCT;

18 (ii) Ministry of Works;

19 (iii) Civil Society Organization or APCON.

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| Secretary of the Agency | 1 | 3.-(1) The Secretary of the Agency shall serve as the Secretary to the |
| | 2 | Board. |
| | 3 | (2) The Chairman and other members, other than ex-officio members, |
| | 4 | of the Board shall be paid such remuneration as the Minister may, from time to |
| | 5 | time, approve. |
| Tenure of office | 6 | 4. A member, other than ex-officio member, shall hold office for a |
| | 7 | term of four years and may be reappointed for a further term of four years only. |
| Vacancy | 8 | 5.-(1) The office of a member shall become vacant if: |
| | 9 | (a) his tenure of office has elapsed; |
| | 10 | (b) he, by notice under his hand addressed to the Minister of FCT |
| | 11 | resigns his office; |
| | 12 | (c) he is unable to discharge the functions of his office whether arising |
| | 13 | from infirmity of mind, body or any other cause; |
| | 14 | (d) he is convicted by a court of competent jurisdiction of an offence |
| | 15 | involving stealing, Fraud or dishonesty; or |
| | 16 | (e) he is removed from office by the FCT Minister. |
| | 17 | PART II - FUNCTIONS OF AGENCY AND BOARD |
| Functions of the Agency | 18 | 6. The Functions of the Agency shall be to: |
| | 19 | (a) Control indoor and outdoor structures to be used for signage and |
| | 20 | advertisements; |
| | 21 | (b) Issues licenses and permits for the construction and placement of |
| | 22 | indoor and outdoor structures in any part of the State; |
| | 23 | (c) Protect the environment from potential adverse impact from visual |
| | 24 | blights; |
| | 25 | (d) Control the number, size and location of indoor and outdoor |
| | 26 | structures; |
| | 27 | (e) Ensure that the indoor-outdoor structures are carefully designed, |
| | 28 | erected, modified, maintained or removed when no longer in use to avoid |
| | 29 | potential damage to lives and property; |
| | 30 | (f) Ensure that indoor and outdoor structures are compatible with |

1 surrounding land uses and environment and further the beautification of the
2 immediate surrounding and vicinity of the advertisement;

3 (g) Control the pasting and display of posters on public structures
4 and highways;

5 (h) Organize the procedure to regulate the ownership and operation
6 of indoor and outdoor structures for the purpose of signage or
7 advertisements under specific regulations as contained in this Law;

8 (i) Reject, revoke or modify a permit if found to be in violation of
9 any of the provision of this Law or the conditions for its grant;

10 (j) Prepare and keep all records related to the issuance and denial of
11 indoor and outdoor structures permit as well as appropriate general records;

12 (k) Establish a data-base of all indoor and outdoor structures used
13 for signage and advertisement, their owners and operator as well as their
14 location and the reason for the operation.

15 7. The functions of the Board shall be to:

Functions of the
Board

16 (a) Regulate day-to-day operation of the advertisement control
17 system, and decide whether a particular advertisement should be permitted
18 or not;

19 (b) Ensure that signs or advertisement do not constitute a danger or
20 nuisance to members of the general public whether by way of obstruction,
21 interference with traffic signals or with the visibility of such signals, light,
22 nuisance or otherwise;

23 (c) Approve, fees, levies and fines chargeable by the Agency for
24 Indoor and Outdoor advertisement structures and infractions by offenders
25 should not exceed 10% of the annual industry rate;

26 (d) Ensure that signage or advertising displayed in the FCT
27 environment is aesthetically pleasing, appropriate and placed at suitable
28 sites with an uncluttered effect;

29 (e) Ensure that the FCT environment is characterized by a light
30 standard of user-friendly signage and advertising, satisfactorily integrated

1 into the environment;

2 (f) Engage the services of agents, professionals, contractors and other
3 persons as may be required for the performance of its functions and prescribe
4 their terms of engagement;

5 (g) Operate bank accounts in such banks as it may approve'

6 (h) Set up organizational structures as may be necessary for the
7 performance of the functions of the Agency; and

8 (i) Do such other things as it may consider necessary for the excellent
9 performance of the functions of the Agency

10 PART III - STAFF OF THE AGENCY

Staff of the
Agency

11 8.-(1) There shall be a General Manager for the Agency appointed by
12 the FCT Minister who shall be a person experienced in advertising
13 management and shall be responsible for the implementation of the decisions
14 of the Board of the Agency.

15 (2) The General Manager shall be the Chief Executive Officer of the
16 Agency and shall:

17 (a) Subject to such general policy guidelines as may be approved by
18 the Board, be responsible for the day-to-day management of the affairs of the
19 Agency; and

20 (b) Perform such other functions as the Board may, from time to time,
21 assign him.

22 9.-(1) The Board may, subject to the approval of the FCT Minister,
23 employ such number of staff as it considers necessary for the purpose carrying
24 out the functions of the Agency under this Law.

Power of the
Board

25 (2) The Board shall have power to:

26 (a) develop appropriate conditions of service covering remuneration,
27 fringe benefits and pension for the staff of the Agency subject to the applicable
28 conditions in the public services of the State; and

29 (b) Appoint, promote, transfer and exercise disciplinary control over
30 its staff subject to the Public Service Rules.

1 10. Nothing in this Bill shall preclude the Board from appointing
2 persons from within or outside the public service of the federation or the
3 FCT whenever it deems it necessary to do so.

4 11. There shall be an Accountant to the Agency who shall:

5 (a) Keep the book of account of the Agency in accordance with
6 modern accounting principles;

7 (b) Prepare all vouchers relating to payment of salaries, allowance
8 and claims;

9 (c) Shall with inputs by other Departments cause to be prepared a
10 detailed Budget performance of the current fiscal year as well estimates for
11 the succeeding year to be submitted to the relevant Committees of the
12 National Assembly for appropriation;

13 (d) Perform such other duties as the Board or the General Manager
14 may assign.

15 12. The Board may:

16 (a) cause to be appointed a special and adhoc committee among its
17 members over such specific matters that may require professional and
18 multidisciplinary approach to guide the Board in the efficient discharge of
19 its functions. The committee ceases after the issues that necessitated its
20 creation has been dealt with;

21 (b) appoint agents, consultants or contractors, from time to time, as
22 the Board may deem fit to exercise or perform any of the powers or duties
23 conferred or imposed upon the Agency, or to provide professional services
24 to the Agency.

25 13.-(1) There shall be established such departments as the Agency
26 may require.

27 (2) The Departments may include:

28 (a) Legal Department;

29 (b) Planning, Research and Statistics Department;

30 (c) Finance and Accounts Department;

- 1 (d) Information Department;
- 2 (e) Human Resources Departments
- 3 (f) Any other departments as the Agency may require for the effective
- 4 discharge of its responsibilities, provided such depts do not exceed seven (7)

5 PART IV - MEETINGS

Meetings

6 14.-(1) The Board shall meet at least once every quarter for the

7 dispatch of business at such place and time as the Chairman may determine.

8 (2) A meeting of the Beard shall be convened at the instance of the

9 Chairman or where two or more members request for such meeting by a notice

10 in writing to the Chairman.

11 (3) The Chairman shall preside at any meeting of the Board and in his

12 absence, the members present shall elect one of their numbers to preside at such

13 meeting.

14 (3) The Chairman or any member presiding in the absence of the

15 Chairman shall have a vote and in the case of any equality of votes, second or

16 casting voice.

17 (4) The Secretary of the Agency shall be entitled to attend all meetings

18 of the Board and shall take part in its proceedings and the Board may also

19 require any of its officers or servants to attend such meeting and take part in the

20 proceedings but neither the Secretary nor any of the officers or servants of the

21 Agency attending such meetings, shall have a right to vote on any matter or

22 count towards the quorum.

23 15. No meeting of the Board of Agency shall proceed to business

24 unless there is a quorum present and one-third of members present at any

25 meeting shall form the quorum.

26 16. Whenever the Board needs the advice of any person on any matter,

27 the Board may co-opt such a person to be present at such meeting, and the

28 person so co-opted shall advice the Board on any matter referred to him but

29 shall n t vote on any question or count towards the quorum at such meeting

30 17. The validity of any proceedings of the Board shall not be affected

1 by any vacancy in its membership or any defect in the appointment of a
2 member or by reason that a person who is not entitled has taken part in such
3 Proceedings.

4 18. The Board may make standing orders to regulate its Standing Orders
5 proceedings and those of any of its committee.

6 PART V

7 19. The funds of the Agency shall consist of: Funds of the Agency

8 (a) Such money as may be appropriated to the Agency by the
9 Federal Capital Territory and such other monies as may be granted to the
10 Agency from time to time by the Area Councils or other donors;

11 (b) Alimonies which may vest in the Agency under any Law;

12 (c) All fees, charges and tariffs for services rendered by the
13 Agency; and

14 (d) All other monies accruing to the Agency from any other
15 legitimate source.

16 20.-(1) The Revenue of the Agency shall be shared in accordance Revenue of the Agency
17 with the following formula:

18 (a) Forty percent (40%) to the FCT;

19 (b) Thirty-five percent (35%) to the Area Councils;

20 (c) Twenty-five percent (25%) to the Agency for administrative
21 cost.

22 (2) Notwithstanding the provisions of subsection (1) of this
23 section, the revenue sharing formula shall be subject to review from time to
24 time as it appears expedient.

25 21. The Agency may with the approval of the Board borrow money Power to borrow
26 by way of loans and overdraft on such terms and conditions as the Agency
27 may require in the exercise of its functions under this Bill.

28 22. All sums received on account in the name of the Agency shall
29 be paid into such reputable bank in the FCT as may be approved by the
30 Board and the signatories to the account shall be as determined by the Board

1 provided that the Head of Accounts, the General Manager and Head HRM shall
2 be co-signatories and the mandate shall be for any two to sign.

Fees

3 **23.** The Board shall prescribe fees, tariffs and charges and may review
4 from time to time such fees, tariffs and charges and also make direct annual
5 rental charges on users of structures and signage in line not exceeding 10% of
6 the industry approved rate/value subject to review as deemed appropriate
7 under this Law.

8 **24.-(1)** The Board shall prescribe necessary charges for amendment
9 of existing structures and review from time to time, the fees and charges as
10 prescribed in Regulations made under this Law.

11 (2) Notwithstanding the provision of any other law any person who
12 fails or neglects to pay fees, tariffs or charges for structure and signage shall be
13 deemed to be a debtor and such debt may be recovered by a civil action in the
14 appropriate court.

15 **25.** The Board shall prescribe the amount to be paid as fees/charges
16 within the different zones for mounting of outdoor structures as well as the
17 necessary charges for amendment of the existing structures and review from to
18 time, the fees and charges contained in the regulations made under this Law.

Account keeping

19 **26.-(1)** The Agency shall cause to be kept, proper accounts in respect
20 of its revenue and expenditure and shall within three months after the end of
21 each financial year, prepare annual statement showing accurately its financial
22 position.

23 (2) The annual statement of account shall be audited by an auditor
24 jointly appointed by the Board in conjunction with the office of the Auditor
25 General of the FCT

26 (3) The Agency shall forward copies of the audited annual statement
27 of account together with copies of the audited report to the FCT and the Area
28 Council, and relevant Committees of the National Assembly respectively.

Quarterly report

29 **27.** The Agency shall submit quarterly report of its activities to the
30 FCT and Area Councils.

1 28. The Agency shall as soon as possible after the end of each Annual report
2 financial year and, not later than three months, submit the annual report of its
3 activities to the FCT and Area Councils as well as the National Assembly.

4 29. The Board shall have power to make and modify regulations to Regulations
5 enforce the provisions of this Law and such regulations may be published by
6 the Agency from time to time.

7 30.-(1) An) person who violates any of the provisions of this Law Offence
8 or who fails to comply with any regulations or order, falsifies plans,
9 statement or information or who continues to display a sign or billboard,
10 L.E.D, Screens, post any bills, posters, signs, panels, banners, stickers and
11 other advertising materials and messages on trees, electricity poles, road
12 directional signs, road dividers, flyovers, bridges, walls and rocks or on any
13 unauthorized surface whatsoever, commits an offence and shall be liable to a
14 fine of five hundred thousand Naira or six months imprisonment or both on
15 conviction.

16 (2) Without prejudice to subsection (1) of this section the Agency
17 may cause the removal of any structure or sign that violates this Law or
18 regulations made under this Law and the owner of the structure or sign shall
19 be liable to bear the cost of such removal, and any person who fails, neglects
20 or refuse to pay for such removal when requested to do so by the Agency
21 shall be guilty of an offence and shall, in addition to paying the cost of the
22 removal, be liable to a fine of one hundred Thousand Naira or imprisonment
23 for three years.

24 31. Where there is conflict or inconsistency between this Law and
25 any other Law in the FCT, the provisions of this Law shall prevail to the
26 extent of such inconsistency.

27 32. The Federal Capital Territory Minister shall supervise the
28 Agency in line with the applicable rules in the public service of the
29 Federation.

30 33. In any civil proceedings, the Agency may be represented in

1 court by counsel nominated by the Head of FCT, Legal Department.

2 **34.**-(1) Where dispute cannot be amicably resolved, the dissatisfied
3 party shall first serve one month's notice of intention to commence court action
4 on the Agency.

5 (2) Such notice of intention to commence a court action or suit shall
6 state:

7 (a) The cause of action in the intended suit;

8 (b) the name and place of abode of the intending plaintiff or claimant;

9 and

10 (c) The claims and reliefs sought by the intending plaintiff or
11 claimant.

Interpretation

12 **35.** In this Law, unless the context otherwise requires-

13 "Board" means the Board of the Agency established under section 2 of this
14 Law;

15 "Directional sign" means any sign that serves to designate the location or
16 direction of any place or area. This includes such signs as those identifying
17 roads, restrooms, telephone, parking areas, access, exits;

18 "Government" means Government of FCT;

19 "Minister" means the Minister of FCT;

20 L.E.D' Means Light Emitting Diode;

21 "Ministry" Means Ministry of FCT, Environment, Works and Information;

22 "Sign: Means any emblem painting, banner, pennant, placard, design,
23 identification, description, illustration, illuminated or non-illuminated to
24 advertise, Identify, convey information or direct attention to a product, service,
25 place of activity, person, institution business including any permanently
26 installed or situated merchant signs and shall also include all sign structures.

Citation

27 **36.** This Bill may be cited as the Regulation and Control of Indoor and
28 Outdoor Signage, Hoarding and Advertisement in FCT Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to regulate and control indoor and outdoor signage, hoarding and advertisements in the Federal Capital Territory (FCT) Abuja.

