

A BILL

FOR

AN ACT TO AMEND THE COUNCIL FOR THE REGULATION OF FREIGHT FORWARDING IN NIGERIA ACT CAP C54 LAWS OF THE FEDERATION OF NIGERIA AND FOR RELATED MATTERS, 2019

Sponsored by Hon. Partrick Asadu

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria:

- 1 **1.** Section 2 is amended as set out below: Amendment of
- 2 The Board shall consist of the following: Section 2
- 3 (a) One person who is appointed by the President on the
- 4 recommendation of the Minister of Transportation as chairman;
- 5 (b) One person who shall be elected by the governing board from
- 6 its members as Vice Chairman;
- 7 (c) Six persons who are experienced in Freight Forwarding and or
- 8 Maritime, appointed by the Minister to represent the six-geo-political zones
- 9 of the Federation in rotation for two years at a time, no two of whom shall be
- 10 indigenes of the same State;
- 11 (d) Two persons appointed by the Minister to represent the
- 12 Institutions of higher learning offering courses in freight forwarding and
- 13 supply chain management accredited by the Council in rotation;
- 14 (e) A representative of each of the following establishments:
- 15 (i) Federal Ministry of Transportation;
- 16 (ii) Federal Ministry of Finance;
- 17 (iii) Federal Ministry of Education;
- 18 (iv) Nigeria Customs Service;
- 19 (v) Nigerian Shippers' Council;
- 20 (vi) Nigerian Ports Authority;

- 1 (vii) Nigerian Civil Aviation Authority (NCAA);
2 (viii) Nigerian Railway Corporation;
3 (ix) Federal Ministry of Industry, Trade and Investments;
4 (x) Nigerian Association of Chambers of Commerce, Industry, Mines
5 and Agriculture (NACCIMA) and Manufacturers Association of Nigeria
6 (MAN) in rotation;
7 (xi) Nigerian Institute of Freight Forwarders (NIFF);
8 (f) Ten Registered Freight Forwarders elected from amongst
9 Registered Freight Forwarders operating in each of the zones, as follows:
10 (i) Three from western ports,
11 (ii) Two from Eastern Ports,
12 (iii) Three from Cargo Airports, and
13 (iv) Two from Land Boarder Stations.
14 (2) (i) There shall be a Chairman who shall be appointed by the
15 President on the recommendation of the Minister. The Chairman who shall
16 hold office for two years shall preside over all meetings of the Board;
17 (ii) The Vice Chairman shall be elected from amongst members of the
18 Governing Board. He shall hold office for two years from the date of his
19 election and shall act in the absence of the Chairman. He shall, where by reason
20 of death, insanity, incapacity or inability of the chairman to complete his term,
21 act as chairman for the un-expired portion of the term of office.
22 (3) If the Chairman or Vice Chairman ceases to be a member of the
23 Governing Board he shall cease to hold any offices designated under this
24 section.
25 **2.** 3(1) The provisions of the First Schedule to this Act shall have
26 effect with respect with the qualifications and tenure of office of members of
27 the Governing Board and other matters therein mentioned.
28 **3.** Section 6 (2) is amended by introducing new (d), (e), (f) and (g) as
29 set out below:
30 (d) all practitioners operating fees;

Amendment of
Section 3

Amendment of
Section 6

1 (e) subscriptions, fees and charges for services rendered by the
2 Council;

3 (f) all such monies as may from time to time be lent or granted to
4 the Council by the Government of the Federation or a State;

5 (g) all other sum as may be received by the governing board from
6 other sources.

7 Section 6 (3) is amended by substituting (b) as follows.

8 (b) Such reasonable travelling and subsistence allowance of
9 members of the Council and Governing Board may approve.

10 **4.** Section 7 is amended by substituting the words "Council" for the
11 words "Governing Board" Amendment of
section 7

12 The Governing Board may invest moneys in the fund in any security created
13 or issued by or on behalf of the Government of the Federation or in any other
14 securities in Nigeria approved by the Governing Board.

15 **5.** Section 9 is amended as set out below: Amendment of
Section 9

16 The Council shall keep proper accounts in respect of each financial year and
17 proper records in relation to those accounts and the Council shall cause the
18 account to be audited by a firm of chartered accountants approved the
19 Governing Board when audited, the accounts shall be submitted to the
20 Governing Board for approval by them at a meeting of the Governing Board.

21 **6.** Section 11(1) is amended by inserting a new (1) (a), (b) and (c)
22 as set out below: Amendment of
Section 11

23 (a) There shall be for the Council an Executive Secretary appointed
24 by the President, Commander-in-Chief of the Armed Forces of the Federal
25 Republic of Nigeria on the recommendation of the Minister of Transport;

26 (b) The Executive Secretary shall hold office for a period of four
27 years on such terms and conditions as may be specified in his letter of
28 appointment and shall be eligible for a reappointment for another term of
29 four years;

30 (c) The Executive secretary shall be the Chief Executive Officer of

1 the Council and shall be responsible for:

2 (i) The execution of the policy plans and the day to day administration
3 and management of the Council;

4 (ii) for the direction, control and supervision of all other staff of the
5 Council.

6 Section 11 (2) is amended by inserting new section 11 (2) (a) and (b)
7 as set out below:

8 2(a) The Council shall appoint such other persons as it may from time
9 to time deem necessary to assist the Executive Secretary in the efficient
10 performance of his functions under this Act;

11 (b) The Council shall have the power to pay such persons so employed
12 such remunerations and or allowances as it may so determine.

13 Section 11(5) is amended by substituting the word "Council" with the
14 words "Governing Board" as set out below:

15 (5) subject to the foregoing provision of this section, the Governing
16 Board shall make rules with respect to the form and keeping of this register and
17 the making of entries therein, and in particular-

18 Section 11(6) is amended as set out below:

19 (6) The Executive Secretary shall under the direction and subject to
20 the requirement of the Governing Board-

21 (c) record the names of Registered Freight Forwarders who are in
22 default for more than six months in the payments of annual subscriptions, and
23 to take such action in relation there to (including removal of the names of the
24 defaulters from the Register).

Amendment of
Section 21

25 7. Section 21 is amended as set out below:

26 21(2) The Tribunal shall consist of the Chairman of the Governing
27 Board, a legal officer from the council and seven other members appointed by
28 the Governing Board.

29 21(4) The panel shall be appointed by the Governing Board and shall
30 consist of five members of the Governing Board, a legal officer from the

1 Council, a member of the Securities Agencies and one Registered
2 Freight Forwarder who is not a member of the Governing Board.

3 **8.** Section 25(3) is amended as set out below: Amendment of
4 25(3) Rules made under this section shall be published in the Section 25(3)
5 Gazette.

6 **9.** Section 27(5) is amended as set out below: Amendment of
7 27(5) A person who commits an offence under this section is liable- Section 27(5)

8 (a) On summary conviction to a fine of an amount not less than
9 N250,000.00 (Two Hundred & Fifty Thousand Naira);

10 (b) On conviction on indictment, to a fine of an amount not less
11 than N300,000.00 (Three Hundred Thousand Naira) or to imprisonment for
12 a term not exceeding one year or to both such fine and imprisonment.

13 **10.** Section 29(3) is amended as set out below: Amendment of
14 29(3) Rules made for the purpose of this Act, shall be subject to Section 29
15 confirmation by the Governing Board.

16 **11.** Governing Board defined as those referred to in section (2)1: Amendment of
17 "Chairman" and "Vice Chairman" means persons appointed as such to chair Section 30
18 the Governing Board establish under this Act;

19 "Freight Forwarder" means any person or company who arranges the
20 carriage or movement of goods and associated formalities (Customs and
21 other services) on behalf of an importer or exporter along the international
22 boundaries of seaports, cargo airports and land Borders stations.

23 **12.** This Bill may be cited as Council for the Regulation of Freight Citation
24 Forwarding in Nigeria Act (Amendment) Bill, 2019.

25 SCHEDULES

26 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

27 *Qualification and Tenure of Office Members of the Governing Board*

28 1.-(1) In this subsection Governing Board replaces Council.

29 (2) Any member of Governing Board who ceases to be a member
30 thereof shall, if he is also a member of the Council cease to hold office on

