

NIGERIAN TRANSPORTATION ACCIDENT INVESTIGATION BUREAU
(ESTABLISHMENT, ETC.) BILL, 2019

ARRANGEMENT OF SECTIONS.

Section:

PART I - OBJECTIVE AND APPLICATION

1. Objective
2. Application

PART II - ESTABLISHMENT OF THE NIGERIAN TRANSPORTATION
ACCIDENT INVESTIGATION BUREAU

3. Establishment of Nigerian Transportation Accident Investigation
Bureau (NTAIB)
4. Functions of NTAIB
5. Powers of NTAIB

PART III - GENERAL ORGANISATION AND ADMINISTRATION

6. Establishment and Composition of NTAIB Governing Board
7. Tenure of office
8. Conflict of Interest
9. Remuneration of Board members
10. Functions and powers of the Board

PART IV - MANAGEMENT AND STAFF OF NTAIB

11. Director-General of NTAIB
12. Secretary of the Board of the NTAIB
13. Appointment of Directors
14. Service in the NTAIB to be Pensionable

PART V - FINANCIAL PROVISIONS

15. Funds of the NTAIB
16. Expenditure of the NTAIB
17. Power to Accept Gifts
18. Powers to Borrow and Invest
19. Exemption from Tax

20. Accounts and Audit

21. Annual Reports

PART VI - INVESTIGATIONS AND REPORTS ON TRANSPORTATION

OCCURRENCES

22. Investigations

23. Exclusive Jurisdiction of the NTAIB

24. Coordination of investigations and remedial actions

25. Restriction on investigations of transport safety matters

26. Transport safety matters

27. Reports on investigations and findings

28. Draft reports

29. Reports not admissible in evidence

PART VII - POWERS OF INVESTIGATORS

30. Appointment of the Investigator-in-Charge

31. Powers of the Investigator to search without warrant

32. Powers of a court of competent jurisdiction to grant search warrant

33. Power to test things seized

34. Powers to exclude persons from particular areas.

35. Disruption to be minimised.

36. Offence in respect of exclusion order.

37. Power to stop and detain transport vehicles.

38. Return of seized properties

39. Power to order for toxicological examination

40. Attendance before an investigator to answer questions etc.

PART VIII - REPORTING OF TRANSPORTATION OCCURRENCES

41. Notification and Reporting

PART IX - PROTECTION OF ON BOARD RECORDING AND RESTRICTED

INFORMATION

42. On-Board Recording Information

43. Use of on-board recording prohibited.

PART X - INFORMATION RELATING TO SAFETY INVESTIGATION

44. Power to obtain information
45. Refusal to give information.
46. Confidentiality
47. Publication of information relating to transport safety investigation

PART XI - FAMILY ASSISTANCE PROGRAMME.

48. Coordination of family assistance providers

PART XII - SPECIAL POWERS OF THE NTAIB

49. Power to acquire land
50. Power to establish Staff Housing Scheme
51. Training of the NTAIB employees, etc

PART XIII - OFFENCES AND PENALTIES

52. Obstruction or hindering the investigation of a transportation occurrence
53. Offences by body corporate
54. Prevention of further violation of the provisions of this Act
55. Representation of the NTAIB at hearing of suit

PART XIV - JURISDICTION

56. Jurisdiction

PART XV - ADMINISTRATIVE TRIBUNAL

57. Establishment and composition of an Administrative tribunal
58. Constitution of the Tribunal.
59. Term of office.
60. Disqualification of members of the Tribunal
61. Resignation and removal.
62. Salaries, allowances and other conditions of service of members of the Tribunal.
63. Filling up of vacancies.
64. Chief Registrar to the Tribunal.

65. Other staff of the Tribunal.
66. Jurisdiction of the Tribunal.
67. Funds of the Tribunal.
68. Power to accept gifts.
69. Account and audit
70. Application of the funds of the Tribunal
71. Appeals from decisions of the NTAIB
72. Powers and Procedures of the Tribunal.
73. Right to legal representation.
74. Onus of proof.
75. Judgment of the Tribunal.
76. Exclusion of proceedings.
77. Appeal to the Court of Appeal.
78. Further appeals.
79. Costs.

PART XVI - LEGAL PROCEEDINGS

80. Limitation of actions against the NTAIB
81. Restriction on execution of judgment against the NTAIB
82. Protection of officers, servants and agents of the NTAIB
83. Indemnity
84. Notice or other document required or authorised to be served

PART XVII - MISCELLANEOUS

85. Power of Minister to give Direction to the NTAIB
86. Power to make regulations
87. International Treaties, Conventions or Agreements
88. Transitional provisions
89. Consequential amendments and savings
90. Interpretations
91. Short title

SCHEDULE

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN
TRANSPORTATION ACCIDENT INVESTIGATION BUREAU FOR THE MULTI-
MODAL REGULATION AND ADMINISTRATION OF TRANSPORTATION SAFETY
IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Oluwole Oke

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows-

1

PART I - OBJECTIVE AND APPLICATION

2

1. The objective of this Act is to provide for an effective legal and Objective

3

institutional framework for the regulation and administration of multi-

4

modal transportation safety and investigation of Transportation

5

Occurrences in Nigeria and anywhere Nigerian's interest is involved or the

6

transport vehicle is a Nigerian Carrier.

7

2.-(1) The provisions of this Act shall apply to the prevention and Application

8

investigation of Transportation Occurrences for the following modes of

9

transportation-

10

(a) air,

11

(b) marine,

12

(c) rail and Tracked Vehicle; and

13

(d) Road.

14

(2) The provisions of this Act shall apply in the case of Air

15

Transportation to all civil aircraft Occurrence -

16

(a) in or over Nigeria;

17

(b) in or over any place that is under Nigerian Airspace;

18

(c) where Nigerian citizens are involved; and

19

(d) in any place or over any air space, where -

1 (i) Nigeria is requested to assist in investigating the aircraft
2 occurrence;

3 (ii) the aircraft involved is one operated by a person to whom Nigerian
4 aviation document has been issued or so registered;

5 (iii) a non - Contracting State is uninterested in the investigation;

6 (iv) an aircraft registered elsewhere than in Nigeria but is operated by
7 an undertaking established in Nigeria when such an investigation is not carried
8 out by another State; or

9 (v) the aircraft occurrence involves an aircraft registered in Nigeria
10 where it cannot definitely be established as being in the territory of any State.

11 (3) The provisions of this Act shall apply in the case of Marine
12 Transportation to all civil Marine Occurrence-

13 (a) in or within Nigerian waterways;

14 (b) where the Nigerian ship, small ship and crafts is in the exclusive
15 economic zone, territorial and inland seas, inland waterways and in the ports of
16 Nigeria;

17 (c) where the ships, small ships and crafts flying a foreign flag in the
18 exclusive economic zone, territorial and inland seas, inland waterways and in
19 the ports of Nigeria;

20 (d) where Nigerian citizens are involved;

21 (e) the marine occurrence involves a ship, small ships and crafts
22 registered or licensed in Nigeria; and

23 (f) in or within any other place, where -

24 (i) Nigeria is requested to assist in the investigation of a marine
25 occurrence by an appropriate authority; or

26 (ii) the Marine occurrence involves a ship, small ships and crafts
27 registered in Nigeria where it cannot definitely be established as being in the
28 territory of any State.

29 (4) The provisions of this Act shall apply in the case of Rail and
30 Tracked Vehicles to all Rail and Tracked-Vehicle occurrences -

- 1 (a) in or within Railway Tracks in Nigeria;
- 2 (b) in rail vehicles owned or operated by Nigeria;
- 3 (c) where Nigerian citizens are involved; and
- 4 (d) in or within any place outside Nigeria where-
- 5 (i) Nigeria is requested to assist in investigating the railway
- 6 occurrence;
- 7 (ii) the rail vehicle involved is one operated by a person to whom
- 8 Nigerian railway license has been issued or so registered; or
- 9 (iii) involving a rail vehicle registered or licensed in Nigeria.
- 10 (5) The provisions of this Act shall apply in the case of Road
- 11 Transportation to all civil road occurrences-
- 12 (a) or crashes, likely to impact the public's confidence in road
- 13 transportation safety;
- 14 (b) or crashes, that generate high public interest or national safety
- 15 issues;
- 16 (c) or fatalities on public transportation vehicles (such as buses and
- 17 vans);
- 18 (d) or fatalities on articulated vehicles (such as lorries, trailers);
- 19 (e) or collisions at the road or rail grade crossings; or
- 20 (f) involving issues with wide-ranging safety significance, such as
- 21 collapses of highway bridge structures.

22 PART II - ESTABLISHMENT OF THE NIGERIAN TRANSPORTATION

23 ACCIDENT INVESTIGATION BUREAU

24 3.-(1) There established a body to be known as the Nigerian

25 Transportation Accident Investigation Bureau in this Act referred to as "the

26 NTAIB").

Establishment
of Nigerian
Transportation
Accident
Investigation
Bureau

27 (2) The NTAIB-

28 (a) shall be a body corporate with perpetual succession and a

29 common seal;

30 (b) may sue and be sued in its corporate name;

1 (c) may acquire, purchase, mortgage, hold and dispose of property
2 whether movable or immovable; and

3 (d) shall be independent in carrying out its functions and duties under
4 this Act.

Functions of
NTAIB

5 **4.** The NTAIB shall-

6 (a) be solely responsible for the investigation of transportation
7 occurrences;

8 (b) investigate Transport Safety Matters;

9 (c) receive and assess information on Transport Safety Matters and
10 other transportation occurrences;

11 (d) identify factors that-

12 (i) contributes or have contributed to transport safety matters, or

13 (ii) affect or might affect transport safety;

14 (e) report publicly on transportation occurrence investigations;

15 (f) conduct public educational programmes about matters relating to
16 transport safety;

17 (g) cooperate with any Federal or State Government Agency that has
18 functions or powers relating to transport safety;

19 (h) collaborate with any foreign national authority that has functions
20 or powers relating to transport safety;

21 (i) cooperate with all relevant agencies or first responders to and from
22 sites of transportation occurrences;

23 (j) establish and maintain standard laboratories or such other facilities
24 necessary for carrying out its functions;

25 (k) control the coordination of the Family Assistance Programmes
26 which shall be provided, implemented and managed by the Airline, Marine,
27 Railway and Track Vehicle Operators and Road Insurance Providers;

28 (l) do anything incidental to its functions for the purpose of improving
29 transportation safety in Nigeria; and

30 (m) do anything that may be assigned to it by the Federal Government

1 of Nigeria, from time to time.

2 5.-(1) The NTAIB shall have the power to-

Powers of NTAIB

3 (a) investigate or cause to be investigated any transportation
4 occurrence and establish the facts, circumstances and probable causes of-

5 (i) a civil aircraft occurrence that it has authority to investigate
6 under this Act,

7 (ii) a major marine occurrence on the navigable waters or territorial
8 waters of Nigeria involving a Nigerian vessel;

9 (iii) a rail and tracked vehicle occurrence in which there is a fatality
10 or substantial property damage, or

11 (iv) a road or highway occurrence, including railroad grade
12 crossing occurrences;

13 (b) any other transportation occurrence which in the opinion of
14 NTAIB-

15 (i) is catastrophic;

16 (ii) has safety lessons to be learnt; or

17 (iii) involves problems of a recurring character.

18 6. The NTAIB shall have the power to-

19 (a) draft, consider and transmit any report emanating from any
20 investigation to the public in the manner provided under this Act or
21 prescribed by the regulations;

22 (b) charge such fees as it deems fit for its services other than for the
23 investigation of transportation occurrences;

24 (c) establish or issue operational policies and procedural manual,
25 regulations, employee manual, reporting systems and any other documents
26 relevant for carrying out of its functions under this Act;

27 (d) establish or certify transportation safety courses relating to and
28 promoting transportation safety;

29 (e) collaborate with any relevant person, first responder and
30 institutions for the purpose of achieving its objectives under this Act;

1 (f) procure temporary or intermittent services of experts or
2 consultants having suitable qualifications and experience in transportation
3 safety investigation involving any mode of transportation to which this Act
4 applies;

5 (g) use when appropriate, available services, equipment, personnel
6 and facilities of a department, agency or instrumentality of the Federal, State or
7 Local Governments on a reimbursable or non-reimbursable basis;

8 (h) make contracts with research institutions and non-profit entities to
9 carry out studies related to its functions and powers under this Act;

10 (i) represent the Government of the Federal Republic of Nigeria in
11 any international organisation or events for the investigation and control of
12 transportation occurrences;

13 (j) negotiate and enter into agreements with individuals, private
14 entities, departments, agencies and instrumentalities of government, whether
15 Federal, State or Local and Governments of foreign countries for the provision
16 of facilities, technical services and training in transport safety investigation
17 theory and techniques; and to require that such entities provide appropriate
18 consideration for the reasonable costs of any facilities, goods, services, or
19 training provided by NTAIB;

20 (k) communicate safety factors to relevant sectors of the transport
21 industry and the public in any way by-

22 (i) making safety action statements and recommendations, and

23 (ii) issuing safety advisory notices or bulletins; and

24 (l) make such regulations as may be necessary under this Act to give
25 full force and effect to the provisions of this Act.

26 (3) In exercising and performing the powers, functions and duties
27 conferred on it under this Act, the NTAIB may delegate the whole or any part of
28 its powers to its staff or appoint, contract, liaise or co-operate with experts,
29 including specialised agencies, resource persons, academic and technical
30 institutions or advisory committees to conduct transport safety investigations

1 on its behalf in order to assist it in carrying out its functions or duties under
2 this Act.

3 PART III - GENERAL ORGANIZATION AND ADMINISTRATION

4 7.-(1) There is established a Governing Board for NTAIB (in this
5 Act referred to as 'the Board) which shall consist of the following members -

Establishment
and Composition
of NTAIB
Governing Board

6 (a) a chairman who shall be a person of recognised expert
7 knowledge, qualification and practical experience in one or more of the
8 fields of law, aviation, maritime, rail or road transportation;

9 (b) the Permanent Secretary of the Ministry in charge of
10 Transportation not below the rank of a Director;

11 (c) two members who shall each be persons of recognised expert
12 knowledge, qualification and practical experience of not less than 15 years
13 in aircraft maintenance or aircraft piloting;

14 (d) two members who shall be a person of recognized expert
15 knowledge, qualification and practical experience of not less than 15 years
16 in maritime safety, engineering or administration;

17 (e) two members who shall be a person of recognised expert
18 knowledge, qualification and practical experience of not less than 15 years
19 in road transportation engineering;

20 (f) a member who shall be a person of recognised expert
21 knowledge, qualification and practical experience of not less than 15 years
22 in railway engineering or administration;

23 (g) two legal practitioners in Nigeria within the meaning of the
24 Legal Practitioners Act, who has been so qualified for not less than 15 years
25 and possesses at least 10 years' active legal practice experience; and

26 (h) the Director-General of NTAIB.

27 (2) The chairman and members of the Board other than the
28 Director-General shall be appointed on a part-time basis by the President on
29 the recommendation of the Minister.

30 (3) The Supplementary Provisions set out in the Schedule to this

1 Act shall have effect with respect to the proceedings of the Board and other
2 matters contained therein.

Tenure of office

3 8.-(1) A member of the Board other than the Director-General
4 appointed pursuant to section 6 of this Act shall hold office for a period of 4
5 years in the first instance and may be eligible for reappointment for another
6 term of 4 years and no more.

7 (2) Notwithstanding the provisions of subsection (1) of this Act, a
8 person shall cease to hold office as a member of the Board where—

9 (a) he becomes bankrupt or compounds with his creditors

10 (b) he is convicted in Nigeria or elsewhere of a felony or any offence
11 involving dishonesty or fraud;

12 (c) he is incapable of carrying out his duties by reason of physical or
13 mental illness;

14 (d) he is guilty of a serious misconduct in relation to his duties as a
15 member of the Board;

16 (e) he is disqualified or suspended from practicing his profession in
17 any part of the world by an order of a competent authority in the case of a person
18 possessed of professional qualification;

19 (f) is in breach of the conflict of interest provisions set out in section 8
20 of this Act; or

21 (g) he resigns his appointment by giving 30 days' written notice
22 addressed to the President through the Minister.

23 (h) in the case of an ex-officio member, he ceases to hold the office
24 on the basis of which he became a member of the Board.

25 (3) A member of the Board other than the Director-General may be
26 removed by the President, on the satisfaction that it is not in the interest of the
27 NTAIB or the public for the member to continue in office.

28 (4) Where a member of the Board ceases to hold office for any reason
29 whatsoever before the expiration of the term for which he is appointed, another
30 person shall be appointed to the Board by the President in accordance with

1 section 6 of this Act to fill the vacancy occurring, for the unexpired term.

2 (5) In the absence of a Board, the functions of the Board shall be
3 performed by an interim board made up of the Minister, Permanent
4 Secretary of the Ministry in charge of Transportation and the Director-
5 General of NTAIB.

6 9. -(1) The Conflict of Interests provisions under Paragraphs 19 to
7 23 of the Schedule to this Act shall apply to all members of the Board of the
8 NTAIB during the term of their membership of the Board.

Conflict of
Interest

9 (2) Any member of the Board having a financial interest in any
10 transaction of the NTAIB activities shall make full disclosure of such
11 interest to the appointing authority within 6 months of his appointment.

12 10. The remuneration, allowances and benefits payable to the
13 members of the Board shall be in accordance with extant Federal
14 Government Financial Guidelines.

Remuneration of
Board members

15 11. The Board shall-

Functions and
powers of the
Board

16 (a) be responsible for the determination, formulation and
17 monitoring of general policy guidelines for the discharge of the functions of
18 NTAIB;

19 (b) ensure the implementation of the policies and programmes of
20 NTAIB;

21 (c) fix terms and conditions of service including remuneration of
22 the employees of NTAIB in accordance with the provisions of the Salary and
23 Wages Commission Act;

24 (d) receive and review annual reports from the management of the
25 NTAIB of the activities of the NTAIB during the immediately preceding
26 calendar year which shall include a copy of the audited accounts for the
27 calendar year;

28 (e) cause the accounts of the NTAIB to be audited not later than 6
29 months after the end of each year by auditors appointed from the list and in

1 accordance with the guidelines supplied by the Auditor-General of the
2 Federation;

3 (f) submit to the Minister, not later than 30th September in each year
4 an estimate of the expenditure and income of the NTAIB for the next
5 succeeding year;

6 (g) carry out such other functions as are necessary or expedient to
7 ensure the efficient performance of the functions of the NTAIB under this Act.

8 **PART IV - MANAGEMENT AND STAFF OF NTAIB**

Director-General
of NTAIB

9 **12.-(1)** There shall be for the NTAIB a Director-General who shall be
10 appointed by the President on the recommendation of the Minister.

11 (2) The Director-General shall-

12 (a) be a person with extensive knowledge of and expertise in one or
13 more areas relevant to the functions of NTAIB; and

14 (b) hold office for a period of 4 years in the first instance and may be
15 eligible for reappointment for another term of 4 years and no more.

16 (3) The Director-General shall be the chief executive and accounting
17 officer of the NTAIB and shall be responsible for-

18 (a) the execution of the policies, decisions and programmes of the
19 NTAIB;

20 (b) the administration, coordination, supervision and management of
21 the day to day business of the NTAIB;

22 (c) the implementation of the Board's decisions and ensuring that the
23 NTAIB achieves its objectives under this Act;

24 (d) the direction and supervision of all employees of the NTAIB; and

25 (e) the maintenance of proper accounting and financial records in
26 accordance with applicable extant Federal Government Financial Guidelines
27 and Regulations.

28 (4) In the exercise of his powers under this Act, the Director-General
29 give general directions on-

30 (a) how a particular investigation will be carried out;

1 (b) the content of a public report on a particular investigation; and

2 (c) the publication and circulation of the Final Report.

3 (5) In the exercise of his powers under this Act the Director-

4 General shall-

5 (a) act in consonance with the provisions of this Act or any
6 regulations made thereunder; and

7 (b) have regard to the desirability of minimising any resulting
8 disruption to the transport system by means of transport vehicles.

9 (6) The Director-General may be suspended or removed from
10 Office by the President where he-

11 (a) has demonstrated inability to effectively perform the duties of
12 his Office;

13 (b) is guilty of serious misconduct in relation to his duties as
14 Director-General;

15 (c) in the case of a person possessed of professional qualifications,
16 he is disqualified or suspended from practicing his profession in any part of
17 the world by an order of a competent authority; or

18 (d) is guilty of a conflict of interest as stipulated in section 8 of this
19 Act.

20 13.-(1) There shall be for Board, a Secretary who shall possess
21 relevant professional qualifications in Law with not less than twelve years
22 post call experience.

Secretary of the
Board of the
NTAIB

23 (2) The Secretary shall keep the corporate records of the Board,
24 conduct correspondence and perform such other duties and functions as the
25 Board or the Director-General may, from time to time, direct or assign to
26 him.

27 14.-(1) The Minister may upon the recommendation of the Board,
28 appoint by written instrument directors having technical or specialised
29 knowledge in one or more areas relevant to NTAIB functions and powers
30 under this Act to assist it in carrying out its duties under this Act namely-

Appointment
of Directors

- 1 (a) director of investigations (Air);
- 2 (b) director of investigations (Marine);
- 3 (c) director of investigations (Rail);
- 4 (d) director of investigations (Road);
- 5 (e) director of legal services;
- 6 (f) director of human resource management;
- 7 (g) director of planning research and statistics;
- 8 (h) director of finance and account; and
- 9 (i) any other director as may be considered appropriate or expedient
- 10 by the Board, from time to time.

11 (2) The Director shall hold office for a period of 4 years in the first
12 instance and may be eligible for reappointment for another term of 4 years and
13 no more.

14 (3) Remuneration and allowances payable to the Directors shall be as
15 may be approved by the Board and stipulated in their instrument of
16 appointment.

17 (4) Each of the directors of investigation mentioned in subsection (1)
18 (a) - (d) of this section shall have authority to direct the conduct of
19 investigations on behalf of the NTAIB under this Act in relation to aircraft
20 occurrences, marine occurrences, railway and road occurrences respectively,
21 provided that the directors' authority under this subsection shall be exercised in
22 accordance with the provisions of this Act and relevant regulations made under
23 this Act.

Service in the
NTAIB to be
Pensionable

24 15.-(1) Service in the NTAIB shall be public service for the purpose of
25 the Pension Reform Act or any other Act for the time being in force and
26 accordingly, officers and other employees of the NTAIB shall in respect of their
27 service, be entitled to pension, severance and other retirement benefits in
28 conformity with provisions of the Pension Reform Act.

29 (2) Notwithstanding the provisions of subsection (1) of this section,
30 nothing in this Act shall prevent the appointment of a person to any office on

1 terms which preclude the grant of pension and retirement benefits in respect
2 of that office.

3 (3) For the purpose of the application of the provisions of the
4 Pension Reform Act, any power exercisable by a Minister or other authority
5 of the Government of the Federation are hereby vested in and shall be
6 exercisable by the Director-General of NTAIB.

7 PART V - FINANCIAL PROVISIONS.

8 16.-(1) The NTAIB shall establish and maintain a fund ("the Funds of the
9 NTAIB's Fund") which shall comprise of- NTAIB

10 (a) an initial take-off subvention as may be appropriated to the
11 NTAIB by the National Assembly;

12 (b) all subventions and annual budgetary allocation from the
13 Government of the Federation;

14 (c) 3% of the Ticket Sales Charge, Charter Sales Charge and Cargo
15 Sales Charge being collected by National Civil Aviation Agency;

16 (d) 10% of air Passenger Service Charge (PSC) collected by any
17 airport operators;

18 (e) 5% of the 3% of gross freight of all international inbound and
19 outbound cargo from ships or shipping companies;

20 (f) 10% of the 2% contract cabotage fees charged by the Nigerian
21 Maritime Administration and Safety Agency (NIMASA);

22 (g) 5% of Ticket Sales of rail passengers and cargo charges;

23 (h) 5% of all fees collected from existing or future federal
24 government owned, managed or concessioned toll gates

25 (i) 1% of the ecological fund;

26 (j) such monies as may, from time to time, be provided to the
27 NTAIB by the Federal Government, a State government or a Local
28 Government Council;

29 (k) all sums accruing to the NTAIB by way of gifts, endowments,
30 bequests, grants or other contributions by persons and organisations;

1 (l) foreign aid and assistance;
2 (m) any other fund that may be approved for the development of
3 transportation safety in Nigeria; and

4 (n) all other sums or assets that may from time to time be vested in or
5 accrue to the NTAIB in the course of performing its duties under this Act.

6 (2) The NTAIB's Fund shall be managed in accordance with extant
7 Financial Regulations applicable in the Public Service of the Federation and
8 Regulations made by the NTAIB.

9 (3) NTAIB shall have and maintain at any given time an emergency
10 fund not below the sum of Five Hundred Million Naira only (N500, 000, 000)
11 in a special account with the Central Bank of Nigeria to cater for the
12 investigation of any major transportation occurrence.

13 (4) In conformity with the requirements of any applicable
14 international convention, Instrument or protocol, the proceeds of the
15 emergency fund established and maintained by the NTAIB pursuant to
16 subsection (3) of this section shall remain available until expended and shall be
17 replenished by the NTAIB so soon thereafter.

Expenditure of
the NTAIB

18 17. NTAIB may, from time to time, apply the proceeds of the fund
19 established in pursuance of section 15(1) of the Act-

20 (a) for the payment of salaries, fees and other remunerations or
21 allowances, payable to employees, experts or professionals appointed by the
22 NTAIB;

23 (b) to pay overhead, benefits and other administrative costs of the
24 Board;

25 (c) for the reimbursement of members of any committee set up by the
26 Board, for such expenses as may be authorised in accordance with the rates
27 approved by the Government of the Federation;

28 (d) to publicise and promote the activities of NTAIB;

29 (e) for the maintenance of any property acquired or vested in the
30 NTAIB; and

1 (f) to undertake any other activity, programmes or matte
2 connected with all or any of the functions of NTAIB under this Act.

3 18.-(1) NTAIB may accept gifts of land, money or other property
4 on such terms and conditions, if any, as may be specified by the person or
5 organisation making the gift. Power to accept
gifts

6 (2) NTAIB shall not accept any gift where the conditions attached
7 by the person or organisation making the gift are inconsistent with its
8 functions and responsibilities under this Act.

9 19.-(1) Subject to all applicable laws and regulations, the NTAIB
10 may, from time to time with the approval of the Minister, borrow by
11 overdraft or otherwise, such monies as it may require for the performance of
12 its functions under this Act. Powers to borrow
and invest

13 (2) NTAIB shall not borrow money which exceeds the limit set by
14 the Government of the Federation and where the sum to be borrowed is in
15 foreign currency, NTAIB shall not borrow the sum without the prior
16 approval of the President.

17 (3) NTAIB may invest funds in such securities as it deems fit and
18 proper and shall strive to recover the whole of its costs and to achieve
19 reasonable returns on capital and investment.

20 20.-(1) NTAIB shall be exempted from the payment of tenement
21 rates and income tax on any income accruing from its investments. Exemption from
Tax

22 (2) The provisions of any enactment relating to the taxation of the
23 companies or trust funds shall not apply to NTAIB.

24 21.-(1) NTAIB shall keep proper accounts and records in relation
25 to its funds and shall prepare in respect of each financial year a statement of
26 accounts in such form as may be expedient and in conformity with best
27 practice. Accounts and
Audit

28 (2) NTAIB shall within six months after the end of each year to
29 which the accounts relate, cause its accounts to be audited by auditors
30 appointed from the list of auditors and in accordance with guidelines

1 supplied by the Auditor-General of the Federation.

2 (3) The auditors shall, on the completion of the audit of the accounts
3 of NTAIB for each year, prepare and submit to the Board reports setting out-

4 (a) general observations and recommendations of the auditors on the
5 financial affairs of NTAIB for the year and on any important matter which the
6 auditors desire to bring to the notice of the Board; and

7 (b) detailed observations and recommendations of the auditors on all
8 aspects of the operations of NTAIB for that year.

Annual Reports

9 22. The NTAIB shall, not later than 30th September in each year,
10 prepare and submit to the Minister and the Auditor - General of the Federation,
11 a report on the activities and administration of the NTAIB during the preceding
12 year and shall include in the report a copy of the Audited Financial Statement of
13 the NTAIB for the immediate preceding calendar year and the auditor's report
14 thereon.

15 PART VI - INVESTIGATIONS AND REPORTS ON TRANSPORTATION

16 OCCURRENCES

Investigations

17 23.-(1) The NTAIB shall, if so requested by the Minister-

18 (a) investigate any transportation occurrence or transport safety
19 matter for the purpose of carrying out its functions; or

20 (b) discontinue an investigation at any time.

21 (2) Where the NTAIB discontinues a transportation occurrence
22 investigation under subsection (1) of this section, it shall within 30 days of the
23 discontinuance of an investigation, make a public statement setting out the
24 reasons for discontinuing the investigation.

25 (3) NTAIB may investigate a transportation occurrence which it may
26 not ordinarily investigate where a Governor of a State of the Federation
27 requests the investigation of a matter relating to transport safety within its state
28 territory and undertakes to be liable to NTAIB for any costs incurred by NTAIB
29 in the investigation.

30 (4) The request for the investigation of a transportation occurrence

1 under subsection (3) of this section shall be made in writing setting out the
2 reasons for the request.

3 (5) In deciding whether to investigate a transportation occurrence
4 pursuant to a request under subsection (3) of this section, the NTAIB shall
5 take into account, the-

6 (i) reasons set out in the request;

7 (ii) potential for the findings of the safety investigation to lead to
8 the prevention of future occurrences; and

9 (iii) sufficiency of any funding and resources that are or will be
10 available in relation to the investigation.

11 (6) Where the NTAIB decides not to undertake a transport safety
12 investigation, the reason for that decision shall be recorded and transmitted
13 in writing to the Minister or the Governor who made the request under
14 Subsections (1) and (3) of this Section.

15 24.-(1) Notwithstanding any other Act of the National Assembly,
16 no department may commence an investigation into a transportation
17 occurrence for the purpose of making findings as to its causes and
18 contributory factors.

Exclusive
Jurisdiction of
the NTAIB

19 (2) Where an investigation into a transportation occurrence is
20 commenced by the NTAIB under this Act after an investigation into that
21 transportation occurrence has been commenced by another agency, the
22 agency shall forthwith discontinue its investigation, to the extent that it is an
23 investigation for the purpose of making findings as to the causes and
24 contributory factors of the transportation occurrence.

25 25.-(1) An investigation by the NTAIB under this Act has priority
26 over any investigation by any other Government Department or Agency.

Coordination of
investigations and
remedial actions

27 (2) NTAIB shall where required permit the participation of other
28 Government Departments, agency or instrumentalities in an investigations
29 to the extent to which it considers appropriate.

30 (3) Where, at any time, during an investigation into a transportation

1 occurrence under this Act, an Agency and that Agency undertakes remedial
2 measures with respect to that transportation occurrence, the NTAIB and that
3 Government Department shall take all reasonable measures to ensure that
4 activities with respect to that transportation occurrence are coordinated to
5 achieve the aims of the investigation.

6 (4) Where conflicting interests arise between the NTAIB and an
7 Agency in coordinating activities pursuant to subsection (3) of this section, the
8 requirements and interests of the NTAIB, and any agreement entered into
9 pursuant to regulations made under this Act, shall take precedence to the extent
10 of the conflict.

11 (5) The NTAIB shall take all reasonable measures to ensure that it
12 follows the common investigation methodology, procedures and best practices
13 in relation to the specific transportation occurrence as may be stipulated in its
14 regulations and that are compatible with any International Agreements or
15 Conventions to which Nigeria is a party.

Restriction on
investigations
of transport
safety matters

16 26.-(1) NTAIB shall not investigate any transportation occurrences
17 relating to any military carrier without a written request from a relevant
18 authority of the Nigerian Armed Forces.

19 (2) In this section, carrier shall have the meaning of any modes of
20 transportation specified under section 2 of this Act.

Transport
safety matters

21 27.-(1) Transportation occurrences involving a transport vehicle is a
22 transport safety matter, where-

23 (a) the transport vehicle is destroyed;

24 (b) the transport vehicle is damaged;

25 (c) the transport vehicle is abandoned, disabled, stranded or missing
26 in operation;

27 (d) a person dies as a result of an occurrence associated with the
28 operation of the transport vehicle;

29 (e) a person is injured or incapacitated as a result of an occurrence
30 associated with the operation of the transport vehicle;

1 (f) property is damaged as a result of an occurrence associated
2 with the operation of the transport vehicle;

3 (g) the transport vehicle is involved in a near accident; or

4 (h) the transport vehicle is involved in an occurrence that affected,
5 or could have affected, the safety of the operation of the transport vehicle.

6 (2) For the purposes of this Act, a transport safety matter also
7 includes something that occurred, that affected, is affecting or might affect,
8 transport safety.

9 **28.**-(1) The NTAIB may, at any time before an investigation has
10 been completed, publish preliminary report in relation to the safety
11 investigation to the appropriate authority including relevant stakeholders, if
12 it considers that the publication of the report is necessary or desirable to
13 recommend for prompt action, any preventive action which needs to be
14 taken for the immediate enhancement of transport safety.

Reports on
investigations
and findings

15 (2) As soon as practicable after an investigation has been
16 completed, the NTAIB shall by electronic channels, hard copies or other
17 means, publish and release to the public a Final Report and shall through the
18 Minister inform the President accordingly, in writing.

19 **29.**-(1) The NTAIB may provide a draft report on a confidential
20 basis, to any person whom the NTAIB considers appropriate, for the purpose
21 of-

Draft reports

22 (a) allowing the person to make inputs to the NTAIB about the draft
23 report; or

24 (b) giving the person advance notice of the likely form of the
25 published report.

26 (2) A person who receives a draft report under subsection (1) of this
27 section shall treat it with utmost confidentiality and shall not-

28 (a) copy or recopy the draft report;

29 (b) put the draft report in the public domain in any form whatsoever;

30 (c) disclose any of the contents of the report to any other person or

1 to a court of law for whatever reason.

2 (3) A person who contravenes the provisions of subsection (2) of this
3 section is liable to a fine of two hundred thousand Naira only (N200,000.00) or
4 to a term of 1 year imprisonment or both.

5 (4) Strict liability applies to the element of the offence under
6 subsection (2) in the event that the draft report is received under subsection (1)
7 of this section.

8 (5) Subsection (2) of this section does not apply to any copying or
9 disclosure that is necessary for the purpose of preparing a review, inputs or
10 submissions on the draft report; or taking steps to remedy safety issues that are
11 identified in the draft report.

12 (6) A person who receives a draft report under subsection (1) of this
13 section cannot be required to disclose it in any proceedings in a court of law.

Reports not
admissible in
evidence

14 **30.**-(1) Notwithstanding the provisions of the Evidence Act, the
15 content of a safety investigation report made pursuant to the provisions of this
16 Act and regulations made thereunder, shall not be admissible in evidence as to
17 form the basis of liability in any criminal or civil proceedings apart from
18 Coronial Inquiry.

19 (2) Except for an inquiry by a Judicial Commission set up by the
20 President on the recommendation of the Minister, a member of an investigation
21 team or an investigator of the NTAIB is not competent or compellable to appear
22 as a witness in respect of the content and substance of a safety investigation
23 report or findings made pursuant to this Act.

24 (3) The opinion of a member of an investigation team or an
25 investigator pursuant to subsection (1) of this section shall not be admissible in
26 evidence in any legal, disciplinary or other proceedings, on the safety
27 investigation report of a transportation occurrence.

28 PART VII - POWERS OF INVESTIGATORS

Appointment
of the Investigator-
in-Charge

29 **31.**-(1) For the purpose of carrying out investigation into
30 transportation occurrences, the Director-General shall appoint the

1 Investigator-in-charge or such other person or persons as investigators for
2 the transportation occurrence.

3 (2) The Director-General shall carry out or cause an investigator
4 appointed under subsection (1) of this section to carry out a transport safety
5 investigation into a transportation occurrence which occur in any of the
6 instances prescribed under section 2 of this Act.

7 (3) A Person appointed under this section as Investigator-in-
8 Charge may-

9 (a) on display of appropriate credentials and authority, enter any
10 premises where he believes on reasonable grounds that a transportation
11 occurrence has taken place, or there is, may be at the place, anything relevant
12 to the conduct of an investigation, or where wreckage from the occurrence is
13 located; and do anything necessary to conduct an investigation; and

14 (b) during any material time, may inspect any record, process,
15 control, or facility related to a transport safety investigation under these
16 provisions.

17 (4) The Investigator shall have unhindered access to the site of any
18 transportation occurrence, premises, location, facility, the transport vehicle,
19 its contents or wreckage which is the subject of a safety investigation
20 contemplated under the Act.

21 (5) A person who knowingly obstructs or impedes any Investigator
22 or persons acting under the authority of the NTAIB in the exercise of its
23 powers under this Act without reasonable cause commits an offence and is
24 liable on conviction to a fine of not less than N500,000 or to a term of not less
25 than three (3) months imprisonment or both.

26 (6) The onus of proving reasonable cause referred to under
27 subsection (5) of this section shall rest on the person relying on such
28 defence.

29 (7) For the purpose of this section, the NTAIB shall-

30 (a) ensure an immediate listing of evidence and controlled removal

- 1 of debris, or components for examination or analysis;
- 2 (b) have immediate access to and use of the content: of the relevant
- 3 on-board recorders and any other recordings;
- 4 (c) have unhindered access to any relevant information or records
- 5 held by the owner, the operator or the manufacturer of the transport vehicle and
- 6 by the authorities responsible for regulation of the vehicle operators and of the
- 7 operators of the transportation facility;
- 8 (d) recover personal effects of the victims taken from the site of the
- 9 occurrence;
- 10 (e) make photos, video recordings, sound recordings, or other records
- 11 of the premises or evidential material;
- 12 (f) be at liberty to hand over a witness to the relevant authority where
- 13 sabotage is considered; and
- 14 (g) do all such other things as it may by regulations made pursuant to
- 15 this Act be required to do in the exercise of its powers to investigate
- 16 transportation occurrences.

Powers of the
Investigator to
search without
warrant

17 **32.-(1)** Where an Investigator believes on reasonable grounds that

18 there is, or there may be, anything relevant to the conduct of an investigation, at

19 or in any place, the Investigator may without warrant enter and search that

20 place for any such object and seize such object as found in the course of that

21 search.

22 (2) An Investigator shall not exercise the powers under subsection (1)

23 of this section in relation to a particular place without the consent of the person

24 apparently in charge of that place unless by reason of extreme urgency, it would

25 not be practicable for the Investigator to obtain a warrant.

Powers of a
court of
competent
jurisdiction to
grant search
warrant

26 **33.-(1)** Where a court of competent jurisdiction is satisfied by

27 information on oath that an Investigator believes on reasonable grounds that

28 there is, or there may be, at or in any place, anything relevant to the conduct of

29 an investigation of a transportation occurrence, it may, upon an ex-parte

30 application, issue a warrant authorising the Investigator to enter and search that

1 place for any such thing and to seize any such thing found in the course of
2 that search.

3 (2) In executing a warrant under this Act, an Investigator shall not
4 use force unless the Investigator is accompanied by a law enforcement
5 officer and the use of force is specifically authorised in the warrant.

6 **34.** Where anything is seized by an Investigator under this Part of Power to test
7 this Act, the Investigator- things seized

8 (a) may, subject to paragraph (b) of this section, cause such tests to
9 be conducted on the thing as are necessary for the purposes of the
10 investigation in respect of which the thing was seized;

11 (b) shall, to the extent that it is practical and safe to do so and does
12 not unreasonably impede the progress of the investigation-

13 (i) take all reasonable measures to invite the owner of the thing, and
14 any person who appears on reasonable grounds to be entitled to it, to be
15 present at any tests referred to in paragraph (a); and

16 (ii) allow persons referred to in subparagraph (i) to be present at
17 those tests.

18 (c) shall, subject to the need to conduct tests, cause the thing to be
19 preserved pending its return in accordance with section 38 of this Act.

20 **35.** An Investigator may, for the purposes of preserving and Powers to exclude
21 protecting anything involved or likely to have been involved in a persons from
22 transportation occurrence, whether or not the thing has been seized under particular areas
23 this section, prohibit or limit access to the area immediately surrounding the
24 place at which the thing is located for such period as is necessary for the
25 purposes of the investigation.

26 **36.** In exercising the power conferred by section 34 of this Act, an Disruption to be
27 Investigator shall have regard to the desirability of minimising any resulting minimized
28 disruption to transportation services.

29 **37.**-(1) No person shall knowingly enter an area in contravention of Offence in respect
30 a prohibition or limitation of access pursuant to section 34 of this Act. of exclusion order

1 (2) Any person who contravenes the provisions of subsection (1) of
2 this section commits an offence and shall be liable on conviction to a fine of not
3 less than one hundred thousand Naira only (N100,000) or a term of 30 days
4 imprisonment or both.

Power to stop
and detain
transport vehicles

5 38.-(1) Where an Investigator believes on reasonable grounds, that
6 there is an evidential material in or on a transport vehicle; and that is the need to
7 prevent the material from being removed from Nigeria or from being interfered
8 with or to prevent its concealment, loss, deterioration or destruction; the
9 Investigator may stop and detain the vehicle for the purpose of search and may
10 do with such assistance, and by such force, as is necessary and reasonable in the
11 circumstances.

12 (2) An Investigator shall not detain a vehicle pursuant to the
13 provisions of subsection (1) of this section for longer than is necessary and
14 reasonable to exercise those other powers.

Return of seized
properties

15 39.-(1) Anything seized pursuant to the provisions of section 31 of
16 this Act, except on-board or any relevant recordings, shall be returned to the
17 owner or the person from whom it was seized, as soon as possible after it has
18 served the purpose for which it was seized unless-

19 (a) the owner thereof or a person who appears on reasonable grounds
20 to be entitled thereto consents otherwise in writing; or

21 (b) a court of competent jurisdiction orders otherwise.

22 (2) A person from whom anything was seized pursuant to section 31
23 of this Act, except recordings, or the owner or any other person who appears on
24 reasonable grounds to be entitled thereto, may apply to a court of competent
25 jurisdiction for an order that the seized thing be returned to the person making
26 the application.

27 (3) Where, on an application under subsection (2) of this section, the
28 court is satisfied that the seized thing has served the purpose for which it was
29 seized or should, in the interests of justice, be returned to the applicant, the
30 court may grant the application and order the seized thing to be returned to the

1 applicant, subject to any terms or conditions that appear necessary or
2 desirable to ensure that the thing is safe guarded and preserved for any
3 purpose for which it may subsequently be required by NTAIB.

4 40.-(1) Where the Investigator believes on reasonable grounds that
5 the medical examination of a person who is directly or indirectly involved in
6 the operation of an aircraft, ship, rail vehicles or other motor vehicle is, or
7 may be, relevant to the investigation, he may by notice in writing signed by
8 the Investigator, require the person to submit to a medical examination.

Power to order
for toxicological
examination

9 (2) Where the Investigator believes on reasonable grounds that a
10 physician or other health practitioner or organisation has information
11 concerning a patient that is relevant to that investigation, he may by notice in
12 writing, require the physician, health practitioner or organisation to provide
13 that information to the Investigator.

14 (3) Where the Investigator believes on reasonable grounds that the
15 performance of an autopsy on the body of a deceased person, or the carrying
16 out of other medical examinations of human remains, is, or may be, relevant
17 to the conduct of the investigation, cause such an autopsy or medical
18 examination to be performed and, for that purpose, he may by notice in
19 writing, require the person having custody of the body of the deceased
20 person or other human remains to permit the performance of that autopsy or
21 that medical examination.

22 (4) No person shall refuse or fail to provide information in
23 accordance with a requirement imposed under subsection (2) of this section
24 or to make the body of a deceased person or other human remains available
25 for the performance of an autopsy or medical examination in accordance
26 with a requirement imposed under subsection (3) of this section.

27 (5) No person shall refuse or fail to submit to a medical
28 examination in accordance with a requirement imposed under subsection
29 (1) of this section, provided that information obtained pursuant to such an
30 examination is privileged.

1 (6) Subject to the power of the NTAIB to make use of medical
2 examination obtained under this section as it considers necessary in the
3 interests of transportation safety, no person shall-

4 (a) knowingly communicate it or permit it to be communicated to any
5 third party; or

6 (b) be required to produce it or give evidence relating to it in any
7 legal, disciplinary or other proceedings.

8 (7) Where an Investigator has required a person to do something
9 under subsections (1), (2) or (3) of this section and the person has refused to do
10 as required, the Investigator may make an application to the court of competent
11 jurisdiction setting out the facts, and the court may inquire into the matter
12 and, after giving the person an opportunity to comply with the requirement,
13 take steps for the punishment of the person as if the person had been guilty of
14 contempt of the court, or may make such other order as it finds appropriate.

Attendance before
an investigator
to answer
questions etc.

15 41.-(1) Where the Investigator considers it necessary to require any
16 person to attend and answer questions for the purposes of an investigation, he
17 may-

18 (a) require any person to attend and answer questions relating to
19 matters relevant to the investigation; or

20 (b) require a person to produce specified information or evidential
21 material.

22 (2) Subsection (1) of this section does not apply in relation to a person
23 in his or her capacity as a coroner.

24 (3) The requirement under subsection (1) of this section shall be by a
25 notice in writing signed by the Director General or his designate, and shall
26 specify the time and place at which the person is required to attend before the
27 Investigator or produce the evidential material specified in the notice.

28 (4) When a person attends before the Investigator under subsection
29 (1)(a) of this section, the Investigator may require the questions to be answered
30 by affirmation.

1 (5) A person who attends before the Investigator in accordance
2 with a requirement under subsection (1)(a) or (b) of this section may subject
3 to the regulations made pursuant to this section, be entitled to be paid such
4 travelling allowances as may be approved, from time to time, by the NTAIB.

5 (6) A person to whom a notice is given in accordance with this
6 section, that fails or refuses to attend and answer questions lawfully put to
7 him, or to produce the specified information or evidential material in
8 accordance with the requirement, commits an offence and is liable on
9 conviction to a fine of not less than five hundred thousand Naira only
10 (N500,000.00) or to a term of not less than 6 months imprisonment or both.

11 PART VIII - REPORTING OF TRANSPORTATION OCCURRENCES.

12 42.-(1) The NTAIB shall subject to the approval of the Minister
13 make regulations for the establishment and administration of standards for
14 the mandatory or voluntary notification and reporting of transportation
15 occurrences or such classes thereof as may be specified in the regulations.

Notification
and Reporting

16 (2) The NTAIB may, subject to this section, make such use of any
17 report made to it pursuant to regulations made under subsection (1) of this
18 section as it considers necessary in the interests of transportation safety.

19 (3) Regulations made under subsection (1) of this section may
20 include rules for the protection of the identity of persons who report
21 transportation occurrences.

22 (4) Where the identity of a person who has made a report pursuant
23 to regulations made under this section is protected by rules referred to in
24 subsection (3) of this section, information that could reasonably be expected
25 to reveal that identity is privileged, and no person shall-

26 (a) knowingly communicate it or permit it to be communicated to
27 any person; or

28 (b) be required to produce it or give evidence relating to it in any
29 legal, disciplinary or other proceedings.

30 (5) A report made to the NTAIB under a voluntary reporting system

1 established by regulations made under subsection (1) of this section shall not
2 be used against the person who made the report in any legal disciplinary or
3 other proceedings if the person's identity is protected by rules referred to in
4 subsection (3) of this section.

5 PART IX - PROTECTION OF ON BOARD RECORDING AND RESTRICTED
6 INFORMATION

On-Board
recording
Information

7 43.-(1) In this section, "on-board recording" means the whole or any
8 part of-

9 (a) a recording of voice communications, sound or images originating
10 from, or received on, or in the control area of any transport vehicle; or

11 (b) a video recording or any recording(s) of the activities of the
12 operating personnel of an aircraft, ship, road or tracked vehicle, or locomotive
13 that is made, using recording equipment that is not intended to be controlled by
14 the operating personnel in the control area of transport vehicle and includes a
15 transcript or substantial summary of such a recording.

16 (2) Every on-board recording is privileged and except as provided by
17 this section, no person, including any person to whom access is provided under
18 this section, shall-

19 (a) knowingly communicate an on-board recording or permit it to be
20 communicated to any person; or

21 (b) be required to produce an on-board recording or give evidence
22 relating to it in any legal, disciplinary or other proceedings.

23 (3) Any on-board recording that relates to a transportation occurrence
24 being investigated under this Act shall be released by the Operator to an
25 Investigator who requests it for the purposes of the investigation.

26 (4) The Investigator may make such use of any on-board recording
27 obtained under this Act as it considers necessary in the interests of
28 transportation safety.

29 (5) Subject to the provisions of subsection (6) of this section, an
30 Investigator shall not knowingly communicate or permit to be communicated

1 to any person any portion of an on - board recording that is unrelated to the
2 causes or contributory factors of the transportation occurrence under
3 investigation or to the identification of safety deficiencies.

4 (6) The investigator may make available any on-board recording
5 obtained under this Act to-

6 (a) a coroner who requests access thereto for the purpose of an
7 investigation that the coroner is conducting; or

8 (b) any person carrying out a coordinated investigation under
9 section 24 of this Act.

10 (7) Notwithstanding anything in this section, where, in any
11 proceedings before a competent authority, a request for the production and
12 discovery of an on-board recording is made, the competent authority shall-

13 (a) cause notice of the request to be given to the NTAIB, if the
14 NTAIB is not a party to the proceedings;

15 (b) examine the on-board recording in camera and give the NTAIB
16 a reasonable opportunity to make representations with respect thereto; and

17 (c) order the production and discovery of the on-board recording,
18 subject to such restrictions or conditions as the competent authority deem
19 appropriate, and may require any person to give evidence that relates to the
20 on-board recording if the competent authority concludes in the
21 circumstances of the case that the public interest in the administration of
22 justice far outweighs in importance the privilege attached to the on-board
23 recording.

24 (8) The Director-General may refuse to make the on-board
25 recording information or any part thereof available to the coroner if in his
26 opinion such disclosure would be likely to interfere with any investigation
27 into the transport safety matter to which the on-board recording relates.

28 (9) Notwithstanding the provisions of this section, the Director-
29 General shall not make the on-board recording record(s) or information
30 available for purposes other than transport safety investigations unless

1 where in civil proceedings, a court of competent jurisdiction determines that
2 their disclosure or use outweighs any likely adverse domestic and international
3 impact such disclosure may have on the current, or any future investigation.

Use of on-board
recording prohibited

4 44.-(1) No person or organisation is entitled to take any disciplinary
5 action against its employee on the basis of an on-board recording information.

6 (2) Any information or thing obtained as a direct or indirect result of
7 the use of on board recording information, is not admissible in evidence in
8 criminal proceedings against a crew member, other than proceedings for an
9 offence against this Act.

10 (3) Any person who makes a copy or a disclosure of an on-board
11 recording information without authorisation commits an offence and is liable
12 on conviction to a fine of not less than N1,000,000.00 or to a term of not less
13 than 1 year imprisonment or both.

14 PART X - INFORMATION RELATING TO SAFETY INVESTIGATION

Power to obtain
information

15 45.-(1) For the purpose of obtaining required information for
16 discharge of the functions conferred by this Act, any authorised officer of the
17 NTAIB may by notice in writing require any person connected with a
18 transportation occurrence to furnish information relating to -

19 (a) voyages, flights or class of flights, journeys (whether beginning
20 and ending at the same point or at different points) as may be specified in the
21 notices; and

22 (b) flight plans, journey logs, travel history, navigation instruments
23 carried aboard an aircraft, ship, rail or road vehicle, and any other information
24 required for their safe navigation on air, rail, road, water or air.

25 (2) The notice under subsection (1) of this section may require any
26 person to specify the times at which, the form and manner in which, any
27 information required under subsection (1) (a) or (b) of this subsection shall be
28 made.

29 (3) NTAIB may pursuant to the provisions of subsection (1) of this
30 section request for any data base or information from any relevant authority or

1 agency in furtherance of its obligations under this Act.

2 (4) Any person who knowingly deceives or makes false statement
3 to the authorized officer during interview commits an offence and shall be
4 liable on conviction to a fine of not less than N500, 000.00 or imprisonment
5 to a term of not less than 1 year or both.

6 (5) In this section, "authorised officer" means the Director-
7 General or any other officer of the NTAIB specifically or generally
8 designated by the Director-General to carry out any of the functions of the
9 NTAIB under this Act.

10 46. -(1) No person shall conceal, refuse or fail to supply
11 information to the NTAIB, or to attend before an Investigator for the purpose
12 of carrying out the investigation under this Act.

Refusal to give
information

13 (2) A person who conceals, refuses or fails to give information as
14 required under this Act, commits an offence and is liable on conviction to a
15 fine of not less than N500, 000.00 or imprisonment to a term of not less than
16 6 months or both.

17 (3) Where the offender is a body corporate, it shall be liable on
18 conviction to a fine of not less than one million Naira only (N1,000,000.00).

19 (4) Where any person knowingly makes a statement in any
20 particular manner as aforesaid, which is false in any particular material, the
21 person shall be guilty of an offence and liable on conviction to a fine of not
22 less than five million Naira only (N5,000,000.00) or imprisonment to a term
23 of not less than two years or both.

24 47.-(1) A member of the Board, Management, Director-General,
25 officer, employee or other staff of the NTAIB shall not, for his personal gain,
26 make use of any information which has come to his knowledge in the
27 exercise of his powers or is obtained by him in the ordinary course of his
28 duty as a member of the Board, Management, the Director- General, officer,
29 employee or other staff of the NTAIB.

Confidentiality

30 (2) A member of staff of the NTAIB shall treat as confidential any

1 information which has come to his knowledge in the exercise of his powers or
2 obtained by him in the performance of his duties and shall not disclose such
3 information except when required to do so by the Director-General in such
4 circumstances as he may deem it fit.

5 (3) A staff of the NTAIB who contravenes any of the provisions of this
6 section commits an offence and shall be liable on conviction to a fine of not less
7 than two million Naira only (N2,000,000.00) or to a term not less than two
8 years imprisonment or both.

Publication of
information
relating to
transport safety
investigation

9 **48.** Notwithstanding the provisions of section 46 of this Act, the
10 Director-General may at any time publish, or cause to be published,
11 information relating to a transport safety investigation whether or not such
12 transportation occurrence is the subject of an investigation.

13 **PART XI - FAMILY ASSISTANCE PROGRAMME**

Coordination
of family
assistance
providers

14 **49.**-(1) As soon as practicable, after being notified of a transportation
15 occurrence within Nigeria involving an air, marine, rail or road occurrence, the
16 magnitude of which results in fatalities of a critical mass, the NTAIB shall
17 designate and publicise the name and phone number of its personnel who shall
18 head, coordinate or the Officer-in-Charge of coordinating the family support
19 services.

20 (2) The Officer-in-Charge of family support services shall in line with
21 the provisions of the relevant regulations made pursuant to this Act, be
22 responsible for the coordination of the Family Assistance Programme on
23 behalf of the families of victims of the occurrence and shall in the discharge of
24 his functions and responsibility comply with the provisions of this Act and all
25 processes, procedures and guidelines provided in the regulations.

26 (3) The NTAIB may, as soon as practicable, after being notified of a
27 transportation occurrence within Nigeria and requiring a safety investigation,
28 designate an independent non-profit organisation, with experience in disasters
29 and post trauma communication with families, to have the primary
30 responsibility for coordinating the emotional and psychological care and

1 support of the families of victims involved in the occurrence.

2 (4) The responsibilities of an organisation so designated by the
3 NTAIB under subsection (3) of this section, with respect to the families of
4 victims involved in a transportation occurrence, shall be as prescribed in
5 Regulations made pursuant to this Act by NTAIB.

6 (5) No person shall impede the ability of the NTAIB, its designated
7 officers or designated organisation to carry out its responsibilities under this
8 section or the ability of the families of victims of the Transportation
9 Occurrence to have contact with one another.

10 (6) In the event of any transportation occurrence, no unsolicited
11 communication concerning any interest shall be made to the public without
12 recourse to the Director-General.

13 (7) Any owner, operator of transport vehicle involved in the
14 occurrence that fails to comply with the provisions of subsection (5) of this
15 section commits an offence and its directors shall be liable on conviction to a
16 term of six months' imprisonment or to a fine of five hundred thousand Naira
17 only (N500,000.00) each or both.

18 (8) Where an offence under this section is committed by an entity
19 on the instigation or with the connivance of, or is attributable to any neglect
20 on the part of a director, manager, secretary of the entity or any person
21 purported to act in any such capacity, the officer shall be liable on conviction
22 to 1 year imprisonment.

23 PART XII - SPECIAL POWERS OF THE NTAIB

24 50.-(1) The NTAIB, may subject to the Land Use Act, acquire land
25 for the purpose of discharging its functions under this Act.

Power to acquire
land

26 (2) Where a person or entity possess any hindrance to the
27 acquisition of any land required for any purpose of the NTAIB, including
28 any failure by the NTAIB to reach an agreement as to the amount to be paid
29 in respect of the acquisition, the Minister may, on the application of the
30 NTAIB and after such enquiry as he may think necessary declare that th

1 land is required for the service of the NTAIB and accordingly for an overriding
2 public purpose.

3 (3) Where a declaration is made under subsection (2) of this section,
4 the land to which the declaration relates shall be deemed to be land required for
5 a public purpose of the Federation within the meaning of the Land Use Act for
6 acquiring the land for the Federal Government.

7 (4) Where a declaration has been made under subsection (2) of this
8 section in respect of any land and the land has been acquired pursuant to
9 subsection (3) of this section, the Governor may vest the land in the NTAIB by
10 means of a certificate under the hand and seal of the Deeds Registrar.

11 (5) The compensation if any, payable under the Land Use Act for the
12 acquisition of any land under this section or, payable under the appropriate law
13 for the vacation of any rights relating to the land, as the case may be, shall be
14 paid by the Federal Government.

15 (6) A plan of any land referred to in subsection (2) of this section-

16 (a) containing measurements of the boundaries of the land;

17 (b) showing the relationship of the land to any sufficient description
18 of the land for the purposes of any application under that subsection; and

19 (c) signed by the Director-General of the NTAIB, shall be a sufficient
20 description of the land for the purpose of any application under that subsection.

Power to establish
Staff Housing
Scheme

21 **51.-(1)** The NTAIB may with the approval of the Minister engage in
22 the establishment of staff housing scheme.

23 (2) The NTAIB shall with the approval of the Minister issue
24 guidelines for the establishment and management of the staff Housing Scheme
25 referred to under subsection (1) of this section.

Training of the
NTAIB's
employees, etc.

26 **52.-(1)** The NTAIB may conduct training of its employees in those
27 courses necessary for the proper performance of its functions under this Act.

28 (2) The NTAIB may authorise attendance at courses given under this
29 subsection by other government personnel, personnel of foreign governments,
30 personnel from industry or otherwise who have a requirement for safety

1 investigation training.

2 (3) In pursuance of the provisions of this section, the NTAIB may
3 design, approve and coordinate training in collaboration with relevant
4 institutions for-

5 (a) competency and skills acquisition of employees necessary for
6 carrying out their duties and executing their powers under this Act;

7 (b) other safety personnel of the governments of foreign countries;
8 and

9 (c) State authorities or private organisations as the NTAIB may
10 designate in consultation with the Minister.

11 PART XIII - OFFENCES AND PENALTIES

12 53.-(1) No person, group of persons, officer, employee or
13 representative of any organisation or authority shall obstruct or hinder the
14 investigation of any transportation occurrence by the NTAIB.

Obstruction or
hindering the
investigation of
a transportation
occurrence

15 (2) Any person who contravenes the provision of subsection (1) of
16 this section commits an offence and is liable on conviction-

17 (a) in the case of an individual, to a fine of not less than five
18 hundred thousand Naira only (N500,000.00) or a term of year
19 imprisonment or both; and

20 (b) in the case of an entity, body corporate or group of persons, a
21 fine of not less than one million Naira only (N1,000,000.00) and shall during
22 the subsistence of the offence be liable to a fine for each day or part of the day
23 the offence continues-

24 (i) One hundred thousand Naira only (N100,000.00) in the case of a
25 corporation;

26 (ii) Fifty thousand Naira only (N50,000.00) in the case of a person
27 acting in the capacity of an officer or representative of the organisation where
28 the offence was committed; and

29 (iii) Twenty five thousand Naira only (N25,000.00) in any other
30 case.

Offences by body
corporate

1 54.-(1) Where any offence under this Act is committed by a body
2 corporate or on the instigation or with the connivance of or attributable to any
3 neglect on the part of its director, manager, secretary, head of branch or project
4 manager or other similar officers, the body corporate, shall be deemed to have
5 committed the alleged offence and shall be liable to be prosecuted under this
6 Act.

7 (2) Where a person is convicted of an offence under subsection (1) of
8 this section, he shall in the case of-

9 (a) an individual, be liable to a fine of not less than five hundred
10 thousand Naira only (N500,000.00) or to a term of one (1) year imprisonment
11 or both; and

12 (b) a body corporate, be liable to a fine of not less than one million
13 Naira only (N1,000,000.00)

Prevention of
further violation
of the provisions
of this Act

14 55. Where the NTAIB is satisfied that any person is violating or is
15 about to violate any provision of this Act, the NTAIB may take action which in
16 its opinion is necessary to prevent the violation or further violation of the
17 provisions of this Act.

Representation
of the NTAIB
at hearing of
suit

18 56. In any proceeding before a court of law or tribunal, the NTAIB
19 may, with the consent of the Attorney-General of the Federation, be
20 represented by its legal officers or any legal practitioner authorised by the
21 NTAIB who shall have the right to appear at any stage of a proceedings and
22 who shall satisfy the court that he is duly authorised by the NTAIB in that
23 behalf.

24 PART XIV - JURISDICTION

Jurisdiction

25 57.-(1) The Federal High Court shall have exclusive jurisdiction to try
26 offences, hear and determine proceedings arising under this Act-

27 (a) whether or not the offence was commenced in Nigeria and
28 completed outside Nigeria;

29 (b) when the offence is committed by a citizen of Nigeria or a
30 foreigner; or

1 (c) where a victim is resident in Nigeria, or is in transit, or has
2 connection with Nigeria or is dealing with or on behalf of the Government of
3 Nigeria.

4 (2) The Federal High Court shall have jurisdiction to impose any
5 penalty provided for an offence under this Act or any other related law.

6 (3) The penalty imposed on a person convicted of an offence
7 referred to in sections 52 and 53 of this Act may be reduced in such manner
8 as the court deems fit where that person has, before any proceeding, made
9 possible or facilitated the identification of other accused persons and their
10 sponsors or who, after the commencement of the proceedings, has made
11 possible or facilitated the arrest of such persons.

12 (4) In any trial for an offence under this Act, the Court shall have
13 power, to adopt all legitimate measures that it may deem necessary to avoid
14 unnecessary delays and abuse in the conduct of proceedings.

15 (5) Without prejudice to the power of the Attorney - General of the
16 Federation under section 174 of the Constitution of the Federal Republic of
17 Nigeria, 1999 (as Amended), the NTAIB shall with the consent of the
18 Attorney-General of the Federation have power to initiate and undertake the
19 prosecution, in its name, of any person in respect of any offence created
20 under the provisions of this Act or any regulation, rule, or Order made
21 pursuant to this Act.

22 PART XV - ADMINISTRATIVE TRIBUNAL

23 58.-(1) There shall be established a tribunal to be known as the
24 Administrative Tribunal (in this Act referred to as 'the Tribunal') to exercise
25 the jurisdiction, powers and authority conferred on it by or under this Act.

Establishment
and composition
of an Administrative
tribunal

26 (2) The Tribunal shall consist of ten persons to be appointed by the
27 Minister as follows-

28 (a) a full time chairman who shall be a legal practitioner with not
29 less than fifteen years' experience and has been in active legal practice;

30 (b) four other full time Members (three of whom shall be Legal

1 Practitioners of not less than 10 years' experience) who shall-
2 (i) be knowledgeable in transportation matters,
3 (ii) devote themselves to issues relating to adjudication; and
4 (ii) not exercise any administrative function;
5 (c) five other part time members who shall be persons of proven
6 ability and expertise in aviation, maritime, railway and road modes of
7 transportation respectively.

8 (3) The Chairman shall be the Chief Executive and Accounting
9 Officer and shall be responsible for the overall control, supervision and
10 administration of the Tribunal.

Constitution of
the Tribunal

11 **59.**-(1) For the purpose of exercising any jurisdiction conferred by
12 this Act, the Tribunal shall be duly constituted if it consists of not less than 3
13 members of the Tribunal.

14 (2) The Chairman of the Tribunal may constitute a panel of three (3)
15 from its membership whenever he deems it necessary for the purpose of
16 exercising the jurisdiction vested in the Tribunal by this Act or any other Act
17 provided that-

18 (a) a member presiding as chairman of any panel shall be a legal
19 practitioner; and

20 (b) for the purpose of this Act, the sitting of any of such panel shall be
21 deemed a sitting of the Tribunal.

Term of office

22 **60.** The Chairman and other members of the Tribunal shall hold office
23 for a term of 4 years renewable for another term of 4 years and no more.

Disqualification
of members of
the Tribunal

24 **61.** A member of the Tribunal shall cease to hold office where-

25 (a) he becomes of unsound mind;

26 (b) he becomes bankrupt or he makes a compromise with his
27 creditors;

28 (c) he is convicted of a felony or any offence involving dishonesty;

29 (d) he is guilty of serious misconduct in relation to his duties; or

30 (e) in the case of a person who has a professional qualification, he is

1 disqualified or suspended (other than at his own request) from practicing his
2 profession in any part of Nigeria by the order of any competent authority
3 made in respect of him personally.

4 62.-(1) A member of the Tribunal may, by notice in writing under
5 his hand addressed to the Minister resign his office; provided that the
6 member shall, unless he is permitted by the Minister to relinquish his office
7 continue to hold office until the expiry of three months from the date of
8 receipt of such notice or until a person duly appointed as his successor
9 assumes his office or until the expiry of his term of office, whichever is the
10 earlier.

Resignation and
removal

11 (2) A member of the Tribunal shall be removed from office by an
12 order made by the Minister on-

13 (a) any of the grounds referred to in section 60 of this Act; or

14 (b) the ground of proven charge of misbehaviour or incapacity after
15 due inquiry has been made and the member concerned has been informed of
16 the charge against him and given an opportunity of being heard in respect of
17 the charge.

18 63. The salaries and allowances of the Chairman, members and
19 Chief Registrar of the Tribunal shall be equivalent to that of the Chief Judge,
20 Judges and Chief Registrar of the Federal High Court respectively.

Salaries,
allowances and
other conditions
of service of
member of the
Tribunal

21 64. Where, for reason other than temporary absence, any vacancy
22 occurs in the office of a member of the Tribunal, the Minister shall appoint
23 another person in accordance with the provisions of this Act to fill the
24 vacancy.

Filling up of
vacancies

25 65.-(1) The Minister, may from time to time, on the
26 recommendation of the Director-General, appoint a fit and proper person to
27 be Chief Registrar and Deputy Chief Registrar of the Tribunal, who shall
28 perform such duties in exercise of powers and as may from time to time, be
29 assigned to them by the rules of the Tribunal and subject thereto by any
30 special order of the Chairman.

Chief Registrar
to the Tribunal

1 (2) The Chief Registrar, Deputy Chief Registrar, and Registrar, shall
2 have power to administer oaths and perform such other duties with respect to
3 any proceedings in the Tribunal as may be prescribed by the rules or by any
4 special order of the Chairman.

Other staff of
the tribunal

5 66.-(1) The Tribunal shall employ the services of such staff as the
6 Tribunal may deem necessary for the efficient performance of its functions
7 under or pursuant to this Part of this Act.

8 (2) The remuneration (including allowances) and terms and
9 conditions of service of the staff of the Tribunal shall be as may be determined
10 by the Tribunal provided that it is not less than what is obtainable in the
11 transportation sector.

12 (3) All sums payable by virtue of this section and under section 62 of
13 this Act shall be charged on and paid out of the Consolidated Revenue Fund of
14 the Federation.

15 (4) All employees of the Tribunal shall be entitled to pensions and
16 other retirement benefits provided that nothing in this section shall prevent the
17 appointment of a person to any office on terms which preclude the grant of
18 pension and other retirement benefits.

Jurisdiction of
the Tribunal

19 67.-(1) The tribunal shall to the exclusion of any other court of law or
20 body in Nigeria exercise jurisdiction to hear and determine-

21 (a) any question of law or dispute involving a decision or
22 determination of the NTAIB and related stakeholder institutions including the
23 Nigerian Civil Aviation Authority in the operation and application of this Act,
24 and in particular, relating to any dispute between-

25 (i) operators;

26 (ii) operators and their Clients;

27 (iii) operators and the NTAIB or the Nigerian Civil Aviation
28 Authority;

29 (iv) the NTAIB and other related Agencies or Authorities; and

30 (v) the Nigerian Civil Aviation Authority and other agencies;

1 (b) to hear and determine an appeal of the decision of the Nigerian
2 Civil Aviation Authority in relation to -

3 (i) the denial, amendment, modification, suspension, or revocation
4 of a certificate, license, permits issued by any transportation authority or
5 agency;

6 (ii) the revocation of a certificate of registration;

7 (iii) an order imposing a penalty;

8 (iv) any individual, operator, or entity who reasonably believe;
9 there has been an infringement of its rights of fair hearing in the exercise of
10 an administrative decision by any transportation regulatory authority or
11 agency;

12 (2) The Tribunal shall also exercise jurisdiction in any other matter
13 as may be prescribed by an Act of the National Assembly.

14 (3) In the exercise of its jurisdiction the Tribunal shall have the
15 power to interpret any law, rules or regulation as may be applicable.

16 68.-(1) The Tribunal shall establish and maintain a Fund, which
17 shall be applied towards the discharge of its functions under this Act.

Funds of the
Tribunal

18 (2) There shall be paid and credited to the Fund established under
19 subsection (1) of this section-

20 (a) an initial set up subvention as may be appropriated to the
21 NTAIB by the National Assembly;

22 (b) annual subventions from the Federal Government with respect
23 to recurrent and capital expenditures;

24 (c) fees collected for the services rendered by the Tribunal under
25 this Act; and

26 (d) such other sums of money as may be provided by the Federal
27 Government for the Tribunal.

28 (3) "Fund" in this section means all monies due to the Tribunal for
29 its operations and maintenance.

Power to accept
gift

1 69. The Tribunal may accept any grant of money or contributions on
2 such terms and conditions, if any, as may be specified by the person or
3 organisation making such grant or contribution provided that the terms and
4 conditions are consistent with the functions and objectives of the Tribunal
5 under this Act.

Account and
audit

6 70. The Tribunal shall keep proper accounts of its receipts, payments,
7 assets and liabilities and shall submit the accounts annually for auditing by a
8 qualified auditor appointed from a list of Auditors and in accordance with the
9 guidelines supplied by the Auditor-General of the Federation.

Application of
the funds of the
Tribunal

10 71. The Tribunal may from time to time apply the proceeds of the
11 funds established in section 67 of this Act to-

- 12 (a) meet the cost of administration of the Tribunal;
13 (b) reimburse members of the Tribunal or any committee of the
14 Tribunal for expenses authorised; and
15 (c) meet the cost of capital projects.

Appeals from
decisions of
the NTAIB

16 72.-(1) A person aggrieved by any action or decision of the NTAIB
17 under this Act, may institute an action in the Tribunal or appeal against such
18 decision within the period stipulated under this Act provided that the aggrieved
19 person shall give to the NTAIB 14 days' notice in writing of his intention to
20 institute an action or appeal against its decision.

21 (2) An appeal under this part of the Act shall be filed within a period of
22 thirty days from the date on which a copy of the order which is being appealed
23 against is made, or deemed to have been made by the NTAIB and it shall be in
24 such form and be accompanied by such fees as may be prescribed provided that
25 the Tribunal may entertain an appeal after the expiration of the said period of
26 thirty days if it is satisfied that there was sufficient cause for the delay.

27 (3) On receipt of an appeal under subsection (2) of this section, the
28 Tribunal may, after giving the parties an opportunity of being heard, make such
29 orders thereon as it deems fit, confirming, modifying or setting aside the order
30 appealed against.

1 (4) The Tribunal shall cause a copy of every order so made to be
2 forwarded to the parties to the appeal and to the Nigerian Civil Aviation
3 Authority.

4 (5) The Tribunal, shall in the exercise of its powers under this Act,
5 conduct its proceedings in such manners as to avoid undue delay and shall
6 dispose of any matter before it finally within three months from the date of
7 the commencement of the hearing of the substantive action.

8 73.-(1) The Tribunal may make rules regulating its procedures.

Powers and
Procedures of
the Tribunal

9 (2) The Tribunal shall have, for the purposes of discharging it ;
10 functions under this Act, power to-

11 (a) summon and enforce the attendance of any person and examin ;
12 him on oath;

13 (b) require the discovery and production of documents;

14 (c) receive evidence on affidavits;

15 (d) call for the examination of witness or documents;

16 (e) review its decisions;

17 (f) dismiss an application for default or deciding matters ex-parte;

18 (g) set aside any Order or dismissal of any application for default o-
19 any Order made by it ex-parte; and

20 (h) do anything which in the opinion of the Tribunal is incidental o-
21 ancillary to its functions under this Act.

22 (3) Any proceeding before the Tribunal shall be deemed to be
23 judicial proceeding and the Tribunal shall be deemed to be a civil court for
24 all purposes.

25 (4) Proceedings of the Tribunal may be held in camera as and when
26 deemed appropriate in the interest of the public.

27 74. A party may appear either in person or authorise one or more
28 legal practitioners to represent it before the Tribunal.

Right to legal
representation

29 75. The onus of proving any matter before the Tribunal shall be on
30 the applicant or appellant as the case may be.

Onus of proof

1 unless it is commenced within three months next after the act, neglect or
2 default complained of or, in the case of a continuance of damage or injury,
3 within six months next after the ceasing thereof.

4 (2) No suit or action shall commence against the NTAIB before the
5 expiration of a period of one months after written notice of intention to
6 commence the suit shall have been served upon the NTAIB by the intending
7 plaintiff or his agent; and the notice shall clearly and explicitly state the-

- 8 (a) cause of action;
- 9 (b) the particulars of the claim;
- 10 (c) the name and place of abode of the intending plaintiff; and
- 11 (d) the relief which he claims.

12 82.-(1) In any action or suit against the NTAIB, no execution or
13 attachment process in any nature thereof shall be issued against the NTAIB
14 unless not less than three months' notice of the intention to execute or attach
15 has been given to the NTAIB.

Restriction on
execution of
judgment against
the NTAIB

16 (2) Any sum of money, which may by the Judgment of any court be
17 awarded against the NTAIB shall, subject to any direction given by a
18 competent court where notice of appeal of the said judgment has been given,
19 be paid from the fund of the NTAIB.

20 83.-(1) Subject to the provisions of this Act, the provisions of the
21 Public Officers Protection Act shall apply in relation to any suit instituted
22 against an officer or employee of the NTAIB.

Protection of
officers, servants
agents of the
NTAIB

23 (2) Notwithstanding anything contained in any other law, no suit
24 shall lie against a member of the Board or any other officer or employee of
25 the NTAIB for an act done in pursuance or execution of this Act or any other
26 enactment, or of any public duty or authority in respect of any alleged
27 neglect or default in the execution of this Act or any other enactment, duty or
28 authority.

29 84. The NTAIB, a member of the Board, the Director-General and
30 every officer or employee of the NTAIB shall be indemnified out of the

Indemnity

1 assets or funds of the NTAIB against any liability incurred by such officer in
2 defending any proceedings, whether civil or criminal, or in connection with
3 any application by such officers.

Notice or other
document required
or authorised
to be served

4 85. Any notice or other document required or authorised by any
5 provision in this part to be served on or given to any person may be served or
6 given by-

7 (a) delivering it to that person;

8 (b) leaving it at his usual or last known residence or place of business,
9 whether in Nigeria or elsewhere;

10 (c) sending it to him by post last known residence or place of business,
11 whether in Nigeria or elsewhere;

12 (d) sending it to him at by e-mail, fax, post or transmission; or

13 (e) other similar means which produce a document containing a text
14 of the communication, in which event the document shall be regarded as served
15 when it is received.

16 PART XVII - MISCELLANEOUS

Power of Minister
to give Direction
to the TSBN

17 86.-(1) Notwithstanding any other provision of this Act, the Minister
18 may after consultation with the NTAIB except in matters of transport safety
19 investigation, give directives of a general character to the Management of the
20 NTAIB with regards to the performance of its duties or exercise of its powers,
21 as the case may be, and it shall be the duty of the NTAIB to comply with the
22 directives.

23 (2) The general directives shall not be inconsistent with the
24 provisions of this Act and shall relate to matters of policy-

25 (a) in the interest of national security;

26 (b) in relation to any matter appearing to the Minister to affect the
27 relations of Nigeria with a country or territory outside Nigeria;

28 (c) in order to discharge or facilitate the discharge of any obligation
29 binding on Nigeria by virtue of its being a member of an international
30 organization or a party to an international or regional agreements;

1 (d) in order to obtain or facilitate the attainment of any other object
2 of which is in his opinion appropriate in view of the fact that Nigeria is a
3 member of an international organization or a party to an International
4 Agreement;

5 (e) in order to enable Nigeria become a member of an international
6 organization or a party to an international agreement; or

7 (f) in order to prevent or deal with an act in pursuance of which
8 will conflict with the requirements of any enactment or instrument relating
9 to the NTAIB except in time of war, whether actual or imminent, or of great
10 national emergency of which those directives or requirements shall be
11 disregarded.

12 87. The Minister may, through the NTAIB, make regulations,
13 issue guidelines and orders-

Power to make
regulations

14 (a) prescribing the manner of exercising or carrying out any of its
15 powers, duties and functions and generally, for its efficient operation;

16 (b) for the keeping and preservation of records, documents and
17 other evidence relating to transportation occurrences;

18 (c) for the attendance of interested persons at test to destructions;

19 (d) defining, for the purpose of an investigation, the site or sites of
20 any transportation occurrence and prescribing rules for the protection of
21 those sites;

22 (e) for defining the rights, obligations or privileges of persons
23 attending investigations as observers or with observer status;

24 (f) for the procedures and rules to be followed in conducting public
25 inquiries;

26 (g) concerning what is to be regarded as a transportation
27 occurrence;

28 (h) concerning the forms of warrants issued in respect of entry to
29 search;

30 (i) for mandatory and voluntary reporting;

1 (j) for the implementation and management of family assistance
2 programmes; or

3 (k) for generally carrying out such other things incidental to its
4 functions and powers under the Act.

International
Treaties,
Conventions or
Agreements

5 **88.** The NTAIB shall take necessary measures to give effect to any
6 applicable international treaty, convention or agreement concerning any aspect
7 of transport safety investigation to which Nigeria is a party.

Transitional
provisions

8 **89.-(1)** Notwithstanding anything to the contrary in this Act, the
9 employees and appointees of the Accident Investigation Bureau (in this Part
10 referred to as 'AIB') existing immediately before the commencement of this
11 Act is deemed to have been transferred to NTAIB established under this Act on
12 terms and conditions not less favourable than those obtainable immediately
13 before the commencement of this Act and service in the AIB is deemed to be
14 service in the NTAIB, for the purposes of pension.

15 (2) There shall be vested in the NTAIB all assets, funds, resources,
16 movable and immovable property which immediately before the
17 commencement of this Act were vested in the AIB.

18 (3) All rights, interests, obligations and liabilities of the AIB under
19 any contract, instrument, in law or in equity, shall by virtue of this Act be
20 assigned and vested in the NTAIB established under this Act.

21 (4) Any proceeding or cause of action pending or existing
22 immediately before the commencement of this Act by or against the AIB
23 existing immediately before the commencement of this Act in respect of any
24 right, interest, obligation or liability of the AIB may be continued, or as the case
25 may require, be commenced and the determination of a court of law, tribunal or
26 other authority or person may be enforced by or against the NTAIB to the same
27 extent that such cause of action or determination might have been continued,
28 or enforced by or against the AIB as if this Act had not been made.

29 (5) Any regulation, Order, bye-law or notice made or issued or
30 deemed to be made or issued by, or for the purpose of, the AIB existing

1 immediately before the commencement of this Act shall be deemed to have
2 been made or issued by or for the purpose of the NTAIB and shall continue in
3 force until revoked or amended, subject to such modifications as may be
4 applicable to the NTAIB established under this Act.

5 90.-(1) Section 29 of the Civil Aviation Act, 2006 is deleted.

6 (2) Sections 49 and 50 of Nigerian Maritime Administration and
7 Safety Agency Act, 2007 is deleted.

8 (3) Section 88 of Nigeria Railway Corporation Act, Laws of the
9 Federation of Nigeria, 2004 is deleted.

10 (4) Without prejudice to section 6 of the Interpretation Act, the
11 deleting of the sections of the Acts specified in subsection (1) of this section,
12 shall not affect anything done under or pursuant to any of the sections.

13 (5) Every regulation, order, requirement, certificate, notice,
14 direction, decision, authorisation, consent, application, request or thing
15 made, issued, given or done under the deleted sections shall, if in force at the
16 commencement of this Act, continue to be in force and have effect as if
17 made, issued, given or done under the corresponding provisions of this Act.

18 (6) Any investigation commenced under any of the deleted
19 sections which in the case of an ongoing investigation, has not been
20 completed, or in the case of a formal investigation has not been the subject of
21 a draft report, shall continue as if it had been commenced under this Act.

22 (7) In the event of conflict between any regulation, order,
23 requirement, certificate, notice, direction, decision, authorisation, consent,
24 application, request or thing made, issued, given or done under the repealed
25 section with any of the provision of this Act, this Act shall prevail and that
26 other regulation, order, requirement, certificate, notice, direction, decision,
27 authorization, consent, application, request or thing shall remain void to the
28 extent of its inconsistency.

29 91. In this Act unless, the context otherwise requires-

Consequential
amendments
and savings

Interpretation

1 stock on a railway, and

2 (b) any situation or condition that the Board has reasonable grounds to
3 believe could, if left unattended, induce an accident or incident described in
4 paragraph (a) above.

5 "Road occurrence" means-

6 (a) any accident or serious incident associated with the operation of a
7 road Vehicle, which takes place between the time any person boards the road
8 vehicle, with the intention of movement until all such persons have
9 disembarked, where a person is fatally or seriously injured, the road vehicle
10 sustains damage or structural failure or the road vehicle is missing or is
11 completely inaccessible; or

12 (b) collapse of a highway bridge or other road infrastructure;

13 "Safety action statement" means a statement-

14 (a) setting out any safety issues identified during the course of an
15 investigation that should be addressed; or

16 (b) setting out any steps taken by persons to remedy safety issues
17 identified during the course of an investigation;

18 "Safety advisory notices/safety bulletins" means safety guidelines
19 recommended by the NTAIB;

20 "Safety recommendations" means any proposal by the NTAIB conducting the
21 technical investigation, based on information derived from that investigation,
22 made with the intention of preventing transportation occurrences;

23 "Serious Incident" means an incident involving circumstances indicating that
24 an accident nearly occurred.

25 "Site" in relation to transportation occurrence means any of the following sites
26 associated with an accident:

27 (a) a site containing the transport vehicle or any of its wreckage;

28 (b) a site where there is an impact point associated with the accident;

29 (c) if the accident involved destruction or serious damage to property

1 (other than the transport vehicle), a site containing that property or any of its
2 wreckage;
3 together with such area around the site as the Director-General determines to
4 be reasonably necessary to facilitate the investigation of the accident and
5 securing the site;

6 "State" means any of the states of the Federal Republic of Nigeria or a nation
7 or territory considered as an organised political community under one
8 government;

9 "Statement" means an honest and official account, record and statement of
10 evidence and fact given by a person to an investigator(s) of the NTAIB;

11 "Tracked Vehicle" means a self-propelled vehicle that moves on tracks;

12 "Transport/Transportation" means the movement of human, animals, or
13 goods from one location to another by use of transportation vehicle;

14 "Nigerian Transportation Accident Investigation Bureau" means the
15 authority designated as responsible for the administration and regulation of
16 safety investigation of transportation occurrences in Nigeria;

17 "transportation occurrence" means an aviation occurrence, a railway
18 occurrence, a marine occurrence or a road occurrence;

19 "Transport Safety Matters" means the occurrences as listed in section 26 of
20 this Act; and

21 "Vehicle" means a mobile machine that transports people or cargo such as
22 aircrafts, (check the meaning of vehicle and replace if aircraft is not properly
23 captured) railed and tracked vehicles, motor vehicles, ships, buses, vans,
24 lorries, trucks, trailers etc.

25 **92.** This Bill may be cited as the Nigerian Transportation Accident Short title
26 Investigation Bureau (Establishment, Etc.) Bill, 2019.

1 SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD

3 [Sections 6 (3) and 8 (1)]

4 *Proceedings of the NTAIB Governing Board*

5 1. Subject to this Act and section 27 of the Interpretation Act, the
6 Board shall have power to regulate its proceedings and may make standing
7 Orders, rules and terms with respect to the holding of its meetings, and those of
8 its committees, notices to be given, the keeping of minutes of its proceedings,
9 the custody and production for inspection of such minutes and such other
10 matters as the Board may, from time to time determine.

11 2. Every meeting of the Board shall be presided over by the Chairman
12 or his designate; and if the Chairman or his designate is unable to attend a
13 particular meeting, the members present at the meeting shall elect one of them
14 to preside at the meeting.

15 3. The minutes of the meeting shall be recorded by the Secretary and
16 signed by the Chairman or the person who presided at the meeting, after
17 confirmation by the Board.

18 4. A quorum at a meeting of the Board shall be one-third of the total
19 number of members

20 *Convening of Meetings of the Board*

21 5. The Board shall meet to transact its business pursuant to this Act
22 whenever it is summoned by the Chairman shall, and if so required by notice
23 given to him by not less than four (4) other members of the Board, specifying,
24 amongst others, an agenda for the meeting, the Chairman shall summon a
25 meeting of the Board that shall be held within fourteen (14) days from the date
26 on which the notice is given to him to discuss the items specified in the notice;
27 provided that the Board shall for the purposes of this Act meet not less than four
28 (4) times in each calendar year.

29 6. If the office of Chairman is at any time vacant, or the Chairman is
30 absent from Nigeria or is in the opinion of the Board permanently or

1 temporarily unable to perform the functions of his office, the Officer
2 appointed to act in his stead shall convene such meetings of the Board as
3 may be required during the period of vacancy, absence or otherwise.

4 7. The Board shall meet for the conduct of its business at such
5 places and on such days as the Chairman may appoint.

6 8. A question put before the Board at a meeting shall be decided by
7 consensus and where this is not possible, by a majority of the votes of the
8 members present and voting.

9 9. The Chairman shall, in the case of an equality of votes, have a
10 casting vote in addition to his deliberative vote.

11 10. Where the Board seeks the advice of any person on a particular
12 matter, the Board may invite that person to attend for such period as it deems
13 fit, but a person who is invited by virtue of this paragraph shall not be
14 entitled to vote at any meeting of the Board and shall not count towards the
15 quorum.

16 *Committees*

17 11. The Board may appoint one or more committees to carry out
18 on its behalf such of its functions as the Board may determine and report on
19 any matter with which the Board is concerned.

20 12. A committee appointed under paragraph 11 of this Schedule
21 shall be presided over by a member of the Board and shall consist of such
22 number of persons (not necessarily all members of the Board) as, may be
23 determined by the Board.

24 13. A person who is not a member of the Board shall hold office on
25 the committee in accordance with his letter of appointment.

26 14. A decision of a committee of the Board shall be of no effect
27 until it is confirmed by the Board.

28 *Seal of the NTAIB*

29 15. The fixing of the common seal of the NTAIB shall be
30 authenticated by the signature of the Chairman and the Secretary or any

1 Member of the Board generally or specifically authorised by the Board to act
2 for that purpose.

3 16. A contract or an instrument which, if made or executed by any
4 person not being a body corporate, would not be required to be under seal, may
5 be made or executed on behalf of the Board by the Chairman or by any person
6 generally or specifically authorised to act for that purpose.

7 17. A document purporting to be a contract, an instrument or other
8 document signed or sealed on behalf of the Board shall be received in evidence
9 and, unless the contrary is proved, be presumed without further proof, to have
10 been properly signed or sealed.

11 18. No member of the Board or a committee of the Board shall be
12 personally liable for any act or omission done or made in good faith while
13 engaged in the business of the Board.

14 *Conflict of Interest*

15 19. Subject to the provisions of this schedule, the Members of the
16 Governing Board, Director-General, Directors, Members of the Management
17 Staff, and other employees of the NTAIB shall not while in office manage or
18 operate any transportation enterprise involving transport vehicles applicable
19 under this Act;

20 20. Any of the persons specified in subsection (1) above having a
21 financial interest in any transportation enterprise shall make full disclosure of
22 such interest to the appropriate authorities;

23 21. Any of the persons mentioned in subsection (1) above is
24 prohibited from participating in any action or decision that may, whether
25 directly or indirectly; affect their financial interest(s) in any Transportation
26 enterprise contemplated under this Act.

27 22. The members of the Governing Board, Director-General and
28 member of the management staff of NTAIB and all other employees shall-

29 (a) not for his personal gain, make use of any information which has
30 come to his knowledge in the exercise of his powers or is obtained by him in the

1 ordinary course of the duty as Director-General, Director, Investigator,
2 officer or employee of the NTAIB;

3 (b) treat as confidential any information which has come to his
4 knowledge in the exercise of his powers or is obtained by him in the
5 performance of his duties under this Act; and

6 (c) not disclose any information referred to under paragraphs (a)
7 and (b) of this subsection, except when required to do so by a court of
8 competent jurisdiction or in such other circumstances as may be prescribed
9 by the Management from time to time.

10 23. Any person who contravenes the provision of subsection (4) of
11 this section, commits an offence and is liable on conviction to a fine of not
12 less than two hundred thousand Naira only (N200, 000.00) or to a term of not
13 less than six months imprisonment or to both.

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of this Act but is intended to
explain its purport)*

This Bill seeks to provide for the establishment of the Nigerian Transportation Accident Investigation Bureau (NTAIB), for the multi-modal regulation, management and administration of transportation occurrences and incidents investigation in Nigeria and an Administrative Tribunal for the resolution of disputes in the operation and application of this Act.

