

PETROLEUM TANKERS SAFETY BILL, 2019

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A BILL

FOR

AN ACT TO PROVIDE AN EFFICIENT LEGAL FRAMEWORK FOR THE REGULATION OF FREIGHT TRAFFIC AND USE OF PETROLEUM TANKERS ON THE HIGHWAY TO CONVEY PETROLEUM PRODUCTS AND OTHER CARGOES, PROMOTE THE SAFETY OF ALL ROAD USERS; AND FOR RELATED MATTERS

Sponsored by Senator Ubah, Ifeanyi Patrick

[] Commencement

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

PART I - OBJECTIVES AND APPLICATION

1. The objectives of this bill are to-

Objectives of the Bill

(a) Eliminate practices that are averse to freight traffic and petroleum haulage in Nigeria;

(b) Promote petroleum and commercial cargo haulage safety, and reduce accidents arising from transportation of petroleum products by road;

(c) Promote investments in truck transit parks and related transport infrastructure in Nigeria;

(d) Promote innovation and integration of technology in the management of cargo haulage and freight traffic in Nigeria;

(e) Strengthen existing collaborations between government agencies and freight forwarders in Nigeria;

(f) To ensure the availability, quality, reliability, affordability and safety of tankers and trucks involved in the haulage or transportation petroleum products and other cargos in the country; and

(g) Promote the welfare of tankers and truck drivers and prescribe liability for operators in the petrol and commercial cargo haulage in Nigeria.

2. This Bill applies throughout the Federal Republic of Nigeria

Application and Scope of the Bill

Enforcement
and administration
of the Bill

1 PART II - ENFORCEMENT AND ADMINISTRATION OF THE BILL

2 3.-(1) Without prejudice to the provisions of any Act of the National
3 Assembly or any subsidiary legislations made thereunder, the Petroleum
4 Tanker Safety Department (hereinafter referred to as the "PSTD ") is hereby
5 established under the Department of Petroleum Resources to perform the
6 functions and exercise the powers conferred on it by this Bill.

7 (2) Pursuant to the objectives of this Bill, it shall be the responsibility
8 of the PFSD to monitor the use of articulated vehicles on the highway and also
9 issue regulation on various matters relating to freight traffic safety including-

10 (a) The manufacture, construction, modification, maintenance,
11 registration and operating methods for Petroleum Tankers involved in carriage
12 of petroleum products and other goods by road;

13 (b) Mandate every petroleum tanker driver to take special training on
14 tanker driving and safety training and obtain special certification/license;

15 (c) To approve and certify licenses to be issued on level of tonnage of
16 petroleum products vehicles;

17 (d) To check and inspect tank leak proof, discharge valve
18 certification, fabrication steel requirements and exhaust pipes and engines
19 certification;

20 (e) To collaborate with the Federal Road Safety Department as
21 established under the Federal Road Safety Department to ensure safe
22 transportation of petroleum products by road;

23 (f) The licensing and promotion of ideal working environment for
24 truck and tanker drivers in Nigeria;

25 (g) Formulation of special standards for road safety and road
26 infrastructure relevant to freight traffic;

27 (h) Collaborate with the relevant government agencies to ensure
28 efficient and safe transportation of petroleum Products and commercial cargo
29 across Nigeria;

30 (i) Promote public-private partnership schemes that will enhance the

1 development of truck transit parks and other transportation infrastructure
2 relevant to effective freight traffic management in Nigeria;

3 (j) Facilitate innovation, technological integration in the
4 management of freight traffic and sustainable utilization of road transport
5 network in Nigeria;

6 (k) Ensure adequate protection and safety of vulnerable road users
7 against the transportation of petroleum products and other commercial
8 cargo by road;

9 (l) Prescribe standards for the design and construction of tanker
10 trucks for transportation of petroleum products and other commercial cargo
11 taking into consideration the comfort of drivers as well as occupants of such
12 vehicles and the safe carriage of goods by road generally;

13 (m) Prescribe standards and procedures for tests of competence
14 for issuance of licenses to tankers and truck drivers;

15 (n) The conduct of safety and performance audits to monitor
16 compliance with the standards and regulations as may prescribed by the
17 PTSD;

18 (o) Specify conditions for safe usage of Petroleum Tankers with
19 regard to other road users, persons and property near roads;

20 (p) Issuance and re-issuance or suspension of driving licenses and
21 parameters and procedures for testing for road worthiness of Petroleum
22 Tankers;

23 (q) Creation, maintenance and sharing of standards, national
24 uniform database for collecting and managing data including data relating to
25 licenses, registration, insurance, permits, road crashes, offences and
26 penalties regarding Petroleum Tankers used for haulage;

27 (r) Mechanisms for accreditation of certification bodies and testing
28 centers engaged in certification and testing of motor vehicles and drivers of
29 motor vehicles under this Bill;

30 (s) Enforcement of quality control in relation to any aspect of

1 transport and road safety pertaining to use of Petroleum Tankers for
2 distribution of petroleum products and other commercial cargo;

3 (t) Evaluation of enforcement and administration of this Bill;

4 (u) Accreditation of assessors of safety audits, inspection and
5 ratings;

6 (v) Dissemination of information related to restricted roads, no
7 entries, one ways, restricted entry and time-zones for articulated vehicles as
8 defined under this Bill;

9 (w) Adoption and implementation of a national safety plan on use of
10 Petroleum Tankers on the highway;

11 (x) Provide technical assistance and advise government at all levels in
12 Nigeria on the administration of provisions of this Bill relating to safety and
13 arising out of management inter-state freight traffic management;

14 (y) Develop in consultation with relevant agencies, regulations
15 specifying guidelines for establishment and operation of trauma facilities and
16 paramedical facilities for dealing with freight traffic related injuries;

17 (z) Undertake freight traffic education programmes and conduct
18 campaigns to create awareness amongst all section of the road users on the risks
19 associated with transporting petroleum products and other commercial cargo
20 by road;

21 (aa) Collaborate with relevant interest groups and non-governmental
22 groups working in the area of road safety, freight traffic management, petroleum
23 products distribution and assist them in the efficient promotion of traffic
24 management and road safety procedures; and

25 (bb) Carry out any other incidental measure necessary to give effect to
26 the provisions of this Bill;

27 4. The PTSD shall have powers to make regulations for the purpose
28 of carrying into effect the power of this Bill and the subsidiary legislations
29 made thereunder.

1 5.-(1) If the Department proposes to make regulations pursuant to
2 the provisions of this Bill, it must publish a draft of the proposed regulation
3 specifying-

Procedure for
making regulations

4 (a) The objectives of the proposed regulation;

5 (b) How the draft regulation complies with the provisions of this
6 Bill;

7 (c) A regulatory impact analysis of the proposed regulation and
8 cost-benefit analysis where feasible;

9 (d) The process on which a person may make representation in
10 relation to proposed regulations;

11 (e) The implementation schedule for any regulation which shall be
12 determined after due consultation with all stakeholders.

13 (2) The Department shall consider and where necessary give effect
14 to any representation made by stakeholders pursuant to the provisions of this
15 section:

16 Provided that the decision of the Department shall be final with
17 regard to whether or not it had considered any regulation made to it.

18 (3) Nothing in this section precludes the PTSD from making
19 emergency regulations which may requires suspension of the procedure
20 under subsection (1) of this section if the time taken to comply with it has the
21 potential to cause considerable harm or losses for the person likely to be
22 affected by such regulation.

23 6.-(1) There is established a National Technical Working
24 Committee on Freight Traffic Management in Nigeria (" the Committee)
25 consisting of independent technical experts, representatives of relevant
26 government MDAs, pressure groups and other entities in the haulage of
27 petroleum products and other commercial cargo in Nigeria to offer technical
28 advise and ensure inter-agency synergy with the PTSD in the discharge of its
29 functions under this Bill.

Establishment,
membership and
functions of the
Committee

30 (2) the Committee established under this section may have such

1 sub-committees as may be necessary for the effective discharge of its functions
2 as stipulated under subsection (1) of this section and the Committee may co-opt
3 such persons not exceeding five (5) as may be desirable into its membership or
4 the membership of its sub-committee.

5 (3) without prejudice to the generality of the provisions of subsection
6 (1) of this section, the PTSD may establish such number of sub-committees
7 as it may consider necessary, including on the following matters-

8 (a) truck transit parks and transport infrastructure development;

9 (b) crash investigation and forensics;

10 (c) Data collection analytics;

11 (d) Petroleum Tankers' safety regulation;

12 (e) driving skills testing;

13 (f) technology and enforcement including testing standards for
14 offences including drunk - driving and over speeding;

15 (g) vehicle fuel quality;

16 (h) vehicle noise standards

17 (i) insurance relating to Petroleum Tankers and third parties

18 (4) the Committee may from time to time be reconstituted by addition
19 of new members or removal of existing members or by changing the name of
20 the committee or sub-committee as the case may be.

21 (5) the Committee and sub-committee established under this Bill
22 shall have the power to regulate its own proceedings and for this purpose may
23 adapt rules as to time, venue, quorum and other matters relating to its meetings

24 (6) the administrative, financial research support for the committee
25 and its sub-committees shall be provided by the Department.

26 (7) membership of the committee and sub-committees established
27 under this section may be made up of representatives of-

28 (a). Petroleum Tanker Safety Department herein established;

29 (b) Federal Road Safety Agency (FRSC);

30 (c) The Nigerian Maritime and Safety Agency (NIMASA);

- 1 (d) Nigeria Parts Authority (NPA);
 2 (e) Nigeria Customs Service;
 3 (f) Nigeria Agricultural Quarantine Service (NAQS);
 4 (g) Nigeria Police Force;
 5 (h) Nigerian Navy;
 6 (i) Standards organizations of Nigeria;
 7 (j) NEXIM Bank;
 8 (k) Central Bank of Nigeria;
 9 (l) National Bureau of Statistics;
 10 (m) Infrastructural Concession and Regulatory Council (FCRC);
 11 (n) Independent Corrupt Practice and other offences Commission;
 12 (o) Manufacturers Association of Nigeria;
 13 (p) Nigeria Chamber of commerce and industry allied and
 14 agriculture (NACCIMA);
 15 (q) Petroleum Tanker Drivers Association (PTDA);
 16 (r) National Union of Road Transport Workers (NURTW);
 17 (s) The Nigerian Railway Corporation,

18 PART III - TRUCK TRANSIT PARKS AND OTHER TRANSIT IMPROVEMENT
 19 INFRASTRUCTURE

20 7.-(1) From the commencement of this Bill, no owner of an
 21 articulated lorry shall use or permit the lorry to transport petroleum products
 22 or other commercial cargo save in accordance with the conditions of the
 23 permit issued by the Department under this Bill.

Obligation of
owners of
Petroleum Tankers

24 8. The owner of an articulated Lorry who intends to use or caused
 25 to be used his lorry for transportation of petroleum products or other
 26 commercial cargo shall make an application to the Department in the form
 27 and named as may be specified by the Department.

Permit for
transportation
of petroleum
products, etc.

28 9. No state shall prevent or hinder inter-state transportation of
 29 petroleum products or other commercial cargo by an articulated lorry
 30 granted permit to transport such goods by the Department.

Obligations of
State Governments

Procedure for
modification
and renewal of
permit for
transportation
of petroleum
products

1 **10.**-(1) The Department shall make regulations specifying the
2 procedure to be followed for-

- 3 (a) The application for modification of an existing permit;
4 (b) The renewal or suspension or cancellation of a permit; and
5 (c) Issuance of temporary permit for transport of goods.

6 (2) The Department shall make regulations specifying the fee to be
7 paid for the issuance or renewal of permit granted pursuant to the provisions of
8 this Bill.

9 (3) Refusal to grant a permit under this Bill shall be communicated to
10 the applicant in writing stating the reason for such rejection or refusal:

11 Provided that no application for a permit shall be rejected or refused
12 without providing the applicant an opportunity of providing reasons in support
13 of his application.

Special
regulations for
transportation
of petroleum
products, etc.

14 **11.**-(1) The Department shall, in consultation with other members of
15 the Committee established under this Bill, make special regulations for the
16 transportation of petroleum products and hazardous goods by road.

17 (2) Without prejudice to the generality of the foregoing, rules and
18 regulations made under this section may be with respect to the following-

19 (a) method and manner in which petroleum products and other
20 hazardous cargo are to be stored, packaged, handled and transported;

21 (b) routes and schedules for transportation of petroleum products and
22 other cargoes;

23 (c) safety procedures, equipment and containment measures to be put
24 in place to prevent loss of containment (LOC) in case of road accidents;

25 (d) mandatory accreditation and re-accreditation of people involved
26 in transportation of petroleum products and other hazardous cargo;

27 (e) training and re-training of and essential qualification of people
28 involved in, and the approval of training courses and qualifications relating to
29 involvement in the transportation of petroleum products and other hazardous
30 cargo by road;

1 (f) inspection of facilities and Petroleum Tankers involved in the
2 transportation of petroleum products and other hazardous cargo by road; and

3 (g) issuance of permit, including validity and requirements for
4 renewal of such permits.

5 12. From the commencement of this Bill, it shall be the
6 responsibility of the Department in consultation with the Committee
7 established under this Bill to superintend over the operation of Truck Transit
8 Parks contained in the First Schedule to this Bill or as may be established
9 henceforth and the Department shall ensure the development of more Truck
10 Transit Parks and other Transit improvement infrastructure across the
11 country.

Establishment
of Truck Transit
Parks

12 13. The Department shall establish a Nationwide Road Crash
13 Emergency Access telephone numbers particularly for road crashes or
14 accidents involving petroleum tanker drivers and to request for first
15 response emergency services.

Nationwide road
crash emergency
access telephone
numbers

16 PART IV - FREIGHT TRAFFIC LIABILITY AND CLAIMS TRIBUNAL

17 14. The driver of an articulated lorry shall cause the vehicle to
18 stop & remain stationary, in the event of the vehicle being involved in a
19 collision with a person, animal or building, vehicle or causing damage to
20 property, for such reasonable time as may be necessary, when required to do
21 so by an authorized police officer in uniform, and the driver shall produce
22 their license and share the name and address of the owner of the vehicle to
23 any person affected by any such collision or damage who demands it
24 provided such person also furnishes their name and address.

Obligation of
driver of
Petroleum Tanker
in case of accident

25 15. When any person is injured or any property of a third party is
26 damaged, as a result of a crash in which an articulated lorry is involved, the
27 driver of the vehicle or other person in charge of the vehicle shall-

Articulated lorry
driver to secure
medical attention
for victims

28 (a) unless it is not practicable to do so on account of mob fury or
29 any other reason beyond the control of the driver, take all reasonable steps to
30 secure medical attention for the injured person, by arranging alternative

1 transportation to convey the victims to the nearest medical facility hospital or
 2 nursing home, and it shall be the duty of every registered medical practitioner
 3 or the doctor on duty in the hospital or nursing home to immediately to attend to
 4 the injured person and render medical aid or treatment without waiting for any
 5 procedural formalities, or financial arrangements unless the injured person or
 6 the guardian of the injured person, in case the person is a minor, desires
 7 otherwise.

Precautionary
 measure by driver
 of articulated
 lorry when
 approaching
 densely populated
 settlements etc.

8 **16.** Every driver of a motor vehicle at the approach of any densely
 9 populated settlement or unguarded railway crossing shall cause the vehicle to
 10 stop and the driver of the vehicle shall cause the conductor or cleaner or
 11 attendant or any other person in the vehicle to get down and clear human traffic
 12 or walk up to the railway crossing and ensure that no train or trolley is
 13 approaching from either side and then drive the motor vehicle across such
 14 railway crossing, and where no conductor or cleaner or attendant or any other
 15 person is available in the vehicle, the driver of the vehicle shall get down from
 16 the vehicle himself to ensure that no train or trolley is approaching from either
 17 side before the railway track is crossed.

Insurance policy
 for Petroleum
 Tankers

18 **17.** No person shall use, or knowingly cause or allow any other person
 19 to use, an articulated lorry for transportation of petroleum products or other
 20 commercial cargo, unless there is in relation to the use of the lorry a valid policy
 21 insurance complying with the requirements of this Bill, and the owner of the
 22 lorry shall obtain additional insurance cover over and above the mandated
 23 policy of insurance as provided under this Bill.

Basic
 requirements
 of articulated
 lorry insurance
 policy

24 **18.** In order to comply with the requirements of this Bill, a policy of
 25 insurance must be a policy which-

- 26 (a) is issued by a person who is an authorized insurer; and
- 27 (b) insures the person or classes of persons specified in the policy to
- 28 the extent specified in this Bill:

29 (i) against any liability which may be incurred in respect of the death
 30 of or bodily injury to any person including owner of the goods or such owner's

1 authorized representative carried in the lorry or damage to any property of a
2 third party caused by or arising out of the use of the lorry on the highway or
3 persons or property located near the highway; and

4 (ii) against the death of a person or bodily injury to any driver of the
5 lorry and third parties arising out of the use of the lorry on the highway.

6 19.-(1) A Fund, called the Tankers and Trucks Crash Fund; shall be
7 constituted and the following shall be credited to the Fund:

Tankers and
Trucks Crash
Fund

8 (a) compulsory contribution as may be determined by the
9 Department payable by all applicants at the point of application for permit
10 for transportation of petroleum products or others in haulage business;

11 (b) Any grant made to the Fund by any of the three tiers of
12 government, corporate entities or charities to organization not inconsistent
13 with the objectives of this Bill; and

14 (c) Any other source of income as may be prescribed by the
15 Department in Consultation with the Committee.

16 (2) The Fund shall be constituted for the purpose of providing
17 compulsory compensation or medical assistance to the following -

18 (a) A person who has been grievously hurt in a road crash involving
19 Petroleum Tanker until such a time as the person may be stabilized or as may
20 be determined by the Department;

21 (b) One or more legal representatives of a person who died in a
22 road crash that was not caused by a hit and run lorry and for which road crash
23 no person can be held liable;

24 (c) A person grievously hurt in a road crash where no fault can be
25 fixed upon either that driver of the lorry or on the owner of the lorry involved
26 in the crash; and

27 (d) Any other victim as the Department may specify by
28 regulations.

29 (3) The maximum liability of the Fund in any case shall be as may
30 be specified by the Department.

1 (4) In all cases specified in sub-section 2(a) of this section, when the
2 claim of such person becomes payable, then the Fund is entitled to recover
3 from the insurer the amount equivalent to such compensation received by such
4 victim.

5 (5) The Fund shall be managed by the Department and it may specify
6 with special regard-

7 (a) the insurance of all licensees of petroleum transportation tanker
8 owner;

9 (b) Capability of the Department to meet the compensation needs of
10 the victims of road crash involving Petroleum Tankers.

Restriction on
use of Petroleum
Tankers in
specified areas

11 20. The Department may in consultation with the Committee and
12 after due satisfaction in the interest of public safety or convenience, or because
13 of the nature of any road or bridge, prohibit or restrict by notification, subject
14 to such exceptions and conditions as may be specified in the notification, the
15 driving of or the use of trailers in any specified area or on a specified road and
16 when any such prohibition or restriction is imposed, shall cause appropriate
17 traffic signs to be placed in accordance with this Bill.

Petroleum Tankers
Claims Tribunal

18 21.-(1) The Federal Government may, by notification signed by the
19 Minister Petroleum or Minister of State for Petroleum as the case may be,
20 constitute one or more Petroleum Tanker Accidents Claims Tribunals
21 (referred to as Claims Tribunals) for such areas as may be specified in the
22 notification, for the purpose of adjudicating upon claims for compensation in
23 respect of Petrol tanker crashes involving the death of, or bodily injury to
24 persons arising out of the use of Petroleum Tankers on the highway, or damage
25 to any property of a third party so arising, or both.

26 (2) The Federal Government shall use the details from the registers
27 maintained by the claims Tribunal in accordance with the provisions of this Bill
28 to carry out an assessment annually, in order to determine the number of Claims
29 Tribunals needed in a particular State or geopolitical region, the results of
30 which must be made public upon being determined.

1 (3) A Claims Tribunal shall consist of such number of members not
2 exceeding three as the Federal Government may think fit to appoint; and one
3 of them shall be appointed as its Chairman.

4 (4) A person shall not be qualified for appointment as a member of
5 a Claims Tribunal unless such person:

6 (a) has good knowledge of freight traffic administration; or

7 (b) is, or has been educated up to university degree or its
8 equivalent; or

9 (c) is qualified for appointment as a High Court Judge or as a
10 Magistrate.

11 **22.-(1)** An application for compensation arising out of a crash of
12 the nature specified in sub-section (1) of section 21 may be made:

Person's entitled
to file claims
petition

13 (a) by the person who has sustained the injury; or

14 (b) by the owner of the property; or

15 (c) where death has resulted from the crash, by all or any of the
16 legal representatives of the deceased; or

17 (d) by any agent duly authorized by the person injured, or all or any
18 of the legal representatives of the deceased, as the case may be:

19 Provided that where all the legal representatives of the deceased
20 have not joined in any such application for compensation, the application
21 shall be made on behalf of or for the benefit of all the legal representatives of
22 the deceased and the legal representatives who have not so joined, shall be
23 impleaded as respondents to the application.

24 (2) Every application under sub-section (1) of this section shall be
25 made in such form and manner as may be prescribed by the Tribunal at the
26 option of the claimant either to the Claims Tribunal having jurisdiction over
27 the area in which the crash occurred or to the Claims Tribunal within the
28 local limits of whose jurisdiction the claimant resides, or carries on business,
29 or within the local limits of whose jurisdiction the defendant resides.

30 (3) The Claims Tribunal shall treat any Detailed Crash Information

1 Report prepared pursuant to the provisions of this Bill and forwarded to it in
2 determining appropriate compensation for the claimant.

3 (4) The Claims Tribunals shall examine whether the Detailed Crash
4 Information Report is complete in all respects and shall pass appropriate orders
5 in this regard.

6 (5) If the Detailed Crash Information Report is not complete in any
7 particular respect, the Claims Tribunal shall direct the Investigating Officer to
8 complete the same and shall fix a date for the said completion.

9 (6) The Claims Tribunals shall treat the Detailed Crash Information
10 Report filed by the Investigating Officer as a claim petition under this section
11 and where the Police is unable to produce the claimants on the first date of
12 hearing, the Claims Tribunal shall initially register the Detailed Crash
13 Information Report as a miscellaneous application which shall be registered as
14 a main claim petition after the appearance of the claimants.

15 (7) The Claims Tribunal shall list the miscellaneous application for
16 preliminary hearing to enable the police to notify such date to the victim/family
17 of the victim, owner, driver and insurer of the vehicle involved in the crash.

18 (8) After the appearance of the claimants, the miscellaneous
19 application shall be converted and registered as a claim petition.

20 (9) Where the claimants have filed a separate claim petition, the
21 Detailed Crash Information Report shall be tagged to the claim petition.

22 (10) If no separate claim petition has been preferred, the Claims
23 Tribunal shall call upon the claimant to submit statement of facts regarding
24 compensation in such form and manner as may be prescribed by Tribunal in
25 this regard.

26 (11) If the police are unable to produce the claimants for up to a period
27 of three months after the first date of hearing, the Claims Tribunal shall deem
28 the matter disposed of.

29 Provided that a claimant may, at any time up to a period of twelve
30 months after the matter has been disposed under sub-section (11) of this

1 section, file a claim petition relating to the same crash.

2 (12) Notwithstanding anything in this Bill or any Act of the
3 National Assembly for the time being in force, the right of a person to claim
4 compensation for injury in a crash shall upon the death of the person injured,
5 survive to his legal representatives, irrespective of whether the cause of
6 death is relatable to or had any nexus with the injury, or not:

7 Provided that in cases where the cause of death is not relatable to or
8 has no nexus with the injury, the compensation shall be restricted to the
9 period between the date of injury and the death of the person injured.

10 23.-(1) Upon receipt of an application for compensation made
11 under the provisions of this section, the Claims Tribunal shall, after giving
12 notice of the application to the insurer and after giving the parties (including
13 the insurer) an opportunity of being heard, hold an inquiry into the claim or,
14 as the case may be, each of the claims and, subject to the provisions of this
15 Bill may make an award determining the amount of compensation which
16 appears to it to be just and specifying the person or persons to whom
17 compensation shall be paid and in making the award the Claims Tribunal
18 shall specify the amount which shall be paid by the insurer or owner or
19 driver of the vehicle involved in the crash or by all or any of them, as the case
20 may be:

Procedure and
power of Claims
Tribunal

21 Provided that, in the case of death, the amount of compensation,
22 excluding compensation for loss of earnings and for medical expenses prior
23 to death, shall be an amount as may be prescribed by rules made by the
24 Tribunal.

25 (2) The Claims Tribunal shall, while making an award under this
26 Bill, also refer to the impairment schedule detailing the various types of
27 injuries or impairments along with the compensation prescribed thereunder
28 which shall be in accordance with the rules of the Tribunal and updated from
29 time to time.

30 (3) The Claim Tribunal shall arrange to deliver copies of the award

1 to the parties concerned expeditiously and in any case within a period of fifteen
2 days from the date of the award.

3 (4) When an award is made under this section, the person who is
4 required to pay any amount in terms of such award shall, within thirty days of
5 the date of announcing the award by the Claims Tribunal, deposit with the
6 Tribunal the entire amount awarded in such manner as the Claims Tribunal may
7 direct.

Claims Tribunal
as an administrative
tribunal exercising
judicial powers

8 24.-(1) In holding any inquiry under the provisions of this Bill, the
9 Claims Tribunal may, subject to its rules of procedures have all the powers of a
10 Civil Court for the purpose of taking evidence on oath and of enforcing the
11 attendance of witnesses and of compelling the discovery and production of
12 documents and material objects and for such other purposes as may be
13 prescribed; and the Claims Tribunal shall be deemed to be an administrative
14 tribunal exercising judicial powers.

15 (2) Subject to any rules that may be made by the Claims Tribunal, the
16 Claims Tribunal may, for the purpose of adjudicating upon any claim for
17 compensation, choose one or more persons possessing special knowledge of
18 any matter relevant to the inquiry to assist it in holding the inquiry.

Judgment and
award of
compensation
by the Claims
Tribunal

19 25. -(1) The Claims Tribunal in passing orders shall record concisely
20 in a judgment, the findings on each of the issues framed and the reasons for
21 such findings and make an award specifying the amount of compensation to be
22 paid by the opposite party or parties and also the person or persons to whom
23 compensation shall be paid:

24 Provided that the compensation awarded for death, injury or
25 disability arising out of a motor vehicle crash shall be as per the scheme
26 notified from time to time by the rules of the Claims Tribunal.

27 (2) The procedure of adjudicating the liability and award of
28 compensation may be set apart from the procedure of disbursement of
29 compensation to the legal heirs in a case of death, and where the Claims
30 Tribunal feels that the actual payment to the claimant is likely to take some time

1 because of the identification and determination of legal heirs of the
2 deceased; the Claims Tribunal may call for the amount of compensation
3 awarded to be deposited with it, and then, proceed with the identification of
4 the legal heirs for disbursing payment of compensation to each of the legal
5 heirs equitably.

6 (3) If the parties to an application for compensation or claims
7 petition under this Bill settle the same between themselves at any time
8 during the pendency of the application for compensation or claims petition
9 before the Claims Tribunal, the Investigating Officer shall ensure that such
10 settlement is bona fide and was not made under any undue influence and, if
11 so satisfied, shall assent to placing such settlement before the Claims
12 Tribunal which, in turn, shall satisfy itself as to the genuineness and
13 authenticity of such settlement, and then the Tribunal shall give its assent to
14 such settlement and pass an order adopting and affirming the settlement as
15 its final decision.

16 **26.-(1)** The enforcement of the awards of the Claims Tribunal shall
17 be transmitted to the Federal High Court for enforcement in accordance with
18 the rules of procedure as may be prescribed by the Claims Tribunal for
19 enforcement of its award and extant rules of the Federal High Court for the
20 enforcement of decisions of Administrative Tribunals of coordinate
21 jurisdiction with the Claims Tribunal and it shall proceed to recover/execute
22 the award in following terms:

Enforcement of
awards of Claims
Tribunal

23 (a) If after the expiry of 90 days from the pronouncement of the
24 award by the Claims Tribunal, payment of the amount awarded by the
25 Claims Tribunal has not been made, notice must be issued to the Bank
26 named by the Insurance Company directing such Bank to deposit the cheque
27 drawn in the name of the claimant/claimants legally entitled in accordance
28 with the award covering the amount(s) in accordance with the Claims
29 Tribunal award within a week of receipt of such orders, and the cheques
30 should be retained for payment to the claimant;

1 (b) Once the amount is deposited by cheque in accordance with the
2 aforesaid procedure, the Claims Tribunal is required to ensure that within a
3 period of six weeks thereafter the amount is disbursed to the claimants under
4 the supervision of the Presiding Officer by issuing the said cheque to the
5 claimant, so that the claimants are not put through undue harassment;

6 (c) In case for some reason it is not possible to make the payment to
7 the claimant within three months of the issue of the cheques in the name of the
8 claimant, then the Claims Tribunal should ensure that such cheques are
9 returned to the Insurance Companies in lieu of fresh cheques drawn in favour of
10 the appropriate account of the Claims Tribunal and which are required to be
11 deposited in an interest bearing short term fixed deposit for a six monthly
12 period by the Claims Tribunal;

13 (d) If directions given by the Claims Tribunal to the banks are not
14 complied with, the Claims Tribunal may order freezing of bank accounts to the
15 extent covered by the award.

16 (2) The Claims Tribunal shall maintain in addition to any register that
17 may be required to be maintained, the following:

18 (a) Register for applications for interim award;

19 (b) Register for deposit of payments in the Claims Tribunal through
20 cheques,

21 (3) Claim petitions on the ground of death, permanent disability,
22 injury and damage to property shall be entered in a separate register.

23 (4) The record of all the awards passed by the Claims Tribunals shall
24 be maintained by the Claims Tribunal officials in such manner as may be
25 prescribed.

Implementing
insurer in certain
cases

26 27.-(1) Where in the course of any inquiry, the Claims Tribunal is
27 satisfied that:

28 (a) there is collusion between the person making the claim and the
29 person against whom the claim is made; or

30 (b) the person against whom the claim is made has failed to contest the

1 claim, it may, for reasons to be recorded in writing, direct that the insurer,
 2 who may be liable in respect of such claim, shall be impleaded as a party to
 3 the proceeding and the insurer so impleaded shall thereupon have, the right
 4 to contest the claim on all or any of the grounds that are available to the
 5 person against whom the claim has been made.

6 **28.** Where any Claims Tribunal allows a claim for compensation
 7 made under this Bill, such Tribunal may direct that in addition to the amount
 8 of compensation, simple interest shall also be paid at such rate and from such
 9 date not earlier than the date of making the claim as it may specify in its order
 10 for compensation.

Award of interest
 where any claim
 is allowed

11 **29.**-(1) Any Claims Tribunal adjudicating upon any claim for
 12 compensation under this Bill may, in any case where it is satisfied direct that:

Award of
 compensatory
 cost in certain
 cases

13 (a) the policy of insurance is void on the ground that it was obtained
 14 by misrepresentation of facts in any material particular; or

15 (b) any party or insurer has put forward a false or vexatious claim
 16 or defence or is guilty of misrepresentation;

17 make an order for the payment of special costs by way of compensation to
 18 the insurer or, as the case may be, to the party against whom such claim or
 19 defence has been put forward:

20 (2) No person or insurer against whom an order has been made
 21 under this section shall, by reason thereof, be exempted from any criminal
 22 liability in respect of such misrepresentation, claim or defence as is referred
 23 to in sub-section (1) of this section.

24 (3) Any amount awarded by way of compensation under this
 25 section in respect of any misrepresentation, claim or defence, shall be taken
 26 into account in any subsequent suit for damages for compensation, in
 27 respect of such misrepresentation, claim or defence.

28 **30.**-(1) Subject to the provisions of sub-section (2) of this section,
 29 any person aggrieved by an award of a Claims Tribunal may, within ninety
 30 days from the date of the award, file an appeal to the Federal High Court.

Appeals against
 awards made by
 the Claims
 Tribunal

1 Provided that no appeal by the person who is required to pay any amount in
2 terms of such award shall be entertained by the Federal High Court.

3 (2) The Federal High Court may extend the time within which to file
4 the appeal pursuant to subsection(1) of this section and also entertain the
5 appeal after the expiry of the said period of ninety days, if it is satisfied that the
6 appellant was prevented by sufficient cause from filing the appeal in time.

7 (3) No appeal shall lie against any award of a Claims Tribunal if the
8 amount in dispute in the appeal is less than N1,000,000 (one million naira).

Recovery of money
from the insurer

9 31. Where any amount is due from any person under an award, the
10 Claims Tribunal may, on an application made to it by the person entitled to the
11 amount, issue a certificate for the amount to be collected, and the person
12 entitled to collect the amount shall proceed to recover the same in the same
13 manner as the Claims Tribunal may direct.

Appellate
jurisdiction of
the Federal High
Court over awards
of the Claims
Tribunal

14 32. From the constitution of the Claims Tribunal established under
15 this Bill, the Federal High Court shall have appellate jurisdiction to entertain
16 any question relating to any claim for compensation which may be adjudicated
17 upon by the Claims Tribunal for that area, and no injunction in respect of any
18 action taken or to be taken by or before the Claims Tribunal in respect of the
19 claim for compensation shall be granted by the Federal High Court.

20 PART V - OFFENCES AND PENALTIES

General
provisions
regarding
penalties

21 33.-(1) Any Offence committed under this Act, may be punishable
22 with one or more of the following penalties-

23 (a) Fines or as specified;

24 (b) community service as may be specified by the Sentencing Rules of
25 the Claims Tribunal for bailable offences;

26 (c) impounding of vehicles for a term, as specified; and

27 (d) suspension of driver's license of the driver involved in road crash
28 or accident;

29 (e) suspension of registrations or permits, as specified;

30 (f) cancellation of licenses, registrations or permits, as specified;

1 (g) compulsory refresher training in a manner as specified by the
2 Department for each offence.

3 (2) reference to impounding of motor vehicles under this Bill is
4 construed to include the immobilization of the motor vehicle on the
5 premises of the owner of the motor vehicle by means of an immobilization
6 device or appliance designed or so adapted to be fixed to a vehicle for the
7 purpose of preventing it from being driven or otherwise put in motion and is
8 of a type approved by the Department to be used for that purpose.

9 (3) Where a petrol tanker or any other type of articulated vehicle is
10 used in contravention of the provisions of this Bill, the fact of the
11 contravention or offence, and relevant details of the person involved in the
12 offence or contravention shall be recorded against the registration certificate
13 of such vehicle, in such manner as may be specified by the provisions of this
14 Bill or Regulations made thereunder.

15 (4) Unless otherwise specified in this Bill, an offence under a
16 provision would be considered a repeat offence if its Department takes place
17 either within a period of one year, or as otherwise specified by the
18 Regulations, from the previous Department of an offence under the same
19 provision.

20 (5) If an offence under this Bill is committed in a child zone the
21 fine for such an offence shall be twice that as prescribed for such offence
22 under this Bill.

23 (6) The nature and manner of community service may be as
24 specified by the Sentencing Rules of the Claims Tribunal.

25 (7) Whoever contravenes any provision of this Bill or of any rule,
26 regulation, order or notification made pursuant to this Bill shall, if no
27 penalty is provided for the offence, be punishable for the offence in
28 accordance with the provisions of subsection (1) of this section or the
29 sentencing guidelines of the Court.

30 (8) Any person who commits an offence under this section shall, in

1 addition to the prescribed may have their names and photograph published, at
2 their expense, in three leading newspapers circulating in the State where they
3 reside, of which at least one must be in English and one in the vernacular
4 language, in a form as specified by the Department.

Causing an
unauthorized
person to drive
an articulated
lorry

5 **34.** Whoever, being the owner or the driver of an articulated lorry as
6 defined in this Bill, or the person under whose instructions the driver of a lorry,
7 knowingly causes or permits a minor or any other person who does not satisfy
8 the provisions of this Bill to drive that lorry commits an offence and upon
9 conviction be sentenced in accordance with the provisions of this Bill.

Offences relating
driver's license

10 **35.**-(1) Any person who, while holding any driver's license for the
11 time being in force, attempts to obtain any other driver's license except as
12 provided under this Bill commits an offence and shall upon conviction be
13 sentenced in accordance with the provisions of this Bill.

Offences relating
breach of
regulations

14 **36.** Any person who contravenes the provisions of the regulations
15 made pursuant to the provisions of Bill commits an offence and shall upon
16 conviction be sentenced in accordance with the provisions of this Bill.

Offences relating
to driving an
unsafe articulated
lorry

17 **37.**-(1) Any person who drives or causes or allows to be driven a lorry
18 defective in relation to road safety, including headlights, taillight, indicators,
19 break lights, tyre tread, control of noise and air pollution, or with reduced
20 vehicle conspicuity for other road users for haulage, which such person
21 knows of or could have discovered by the exercise of ordinary care commits an
22 offence and upon conviction be sentenced in accordance with the provisions of
23 this Bill.

Offences by
companies

24 **38.**-(1) Where an offence under this Act has been committed by a
25 company, every person who, at the time the offence was committed, was in
26 charge of, and was responsible to, the company for the conduct of the business
27 of the company, as well as the company, shall be deemed to be guilty of the
28 contravention and shall be liable to be proceeded against and punished
29 accordingly.

30 (2) This sub-section shall not render any such person liable to any

1 punishment in this Bill, if such person proves that the offence was
2 committed without that person's knowledge or that the person exercised
3 reasonable due diligence to prevent the Department of such offence.

4 (3) Where an offence under this Bill has been committed by a
5 company, and it is proved that the offence was committed with the consent
6 or connivance of, or is attributable to any neglect on the part of any director,
7 manager, secretary or other officer of the company, such director, manager,
8 secretary or other officer shall also be deemed to be guilty of that offence and
9 shall be liable to be proceeded against and punished accordingly.

10 **39.** Any person who-

11 (a) transports a shipping container by road without prior inspection
12 and authorization by a Federal Road Safety Officer on patrol or within his
13 vicinity; or

14 (b) without installation of twist locks, twist lock sockets, operating
15 levers and other safety measures or devices to prevent derailment of the
16 container while in transit; or

17 (c) loads a container on a vehicle or wagon for transportation by
18 road in such a manner as to affect the stability of the vehicle or constitute
19 danger to other road users;

20 Commits an offence and shall upon conviction be punished in accordance
21 with the provisions of this Bill.

22 **CHAPTER VI - MISCELLANEOUS**

23 **40.** -(1) Anything done or purported to have been done under any
24 existing Act of the National Assembly including any notification, rule,
25 regulation, order or notice issued, or any appointment or declaration made,
26 or exemption granted or any confiscation made, or any penalty or fine
27 imposed, any forfeiture, cancellation or any other thing done or any other
28 action taken under any Act of the National Assembly, in force immediately
29 before the commencement of this Bill shall, so far as it is not inconsistent
30 with the provisions of this Bill, be deemed to have been issued, made,

Offences relating
to transportation
of containers
by road

Savings
provisions

1 granted, done or taken under the corresponding provision of this Bill ; and
 2 (b) any certificate of fitness or registration or license or permit issued
 3 or granted under the repealed enactments shall continue to have effect after
 4 such commencement under the same conditions and for the same period as if
 5 this Bill had not been passed; and

6 (c) any scheme or stage carriage permit granted and renewed under
 7 any Act of the National Assembly, in force immediately before the
 8 commencement of this Bill shall, so far as it is not inconsistent with the
 9 provisions of this Bill , be deemed to have been issued, made, granted, done or
 10 taken under the corresponding provision of this Bill ; and

11 (d) any proceeding instituted any Act of the National Assembly in
 12 force before the commencement of this Bill and pending immediately before
 13 the commencement of this Bill before any Court, shall, subject to the
 14 provisions of this Bill, continue to be heard and disposed of by the said Court;

15 and
 16 (2) Any penalty payable under any Act of the National Assembly in
 17 force immediately before the commencement of this Bill, and any action
 18 already taken for the recovery of such penalty under any existing Act of the
 19 National Assembly shall subsist until such a penalty is recovered as if this Bill
 20 has not been passed.

Interpretation

21 **41.** In this Bill unless the context otherwise requires-

22 "Petroleum Tankers" means and includes tankers for the transportation of
 23 petroleum products;

24 "Department "means the Petroleum Tankers Safety Department established
 25 by Section 3(1);

26 "certificate of fitness" means a document issued under this Bill that certifies
 27 that the articulated lorry meets such safety and other standards stipulated under
 28 this Bill or provided in the regulations made by the Department;

29 "Certificate of registration" means the certificate issued under this Bill by the
 30 Department to the effect that an articulated vehicle has been duly registered in

- 1 accordance with the provisions of this Bill;
- 2 "Claims Tribunal" means the Petroleum Tanker Accidents Claim Tribunals
3 established under clause 21 of this Bill;
- 4 "Community Service" under this Bill means a requirement of unpaid work
5 under such terms as may be specified by the sentencing rules of the court and
6 imposed on a person who has committed an offence under this Bill;
- 7 "company" means anybody corporate involved in freight transport or
8 haulage business involving petroleum products and other commercial
9 cargo;
- 10 "Court" Federal High Court established under section 230 of the 1999
11 Constitution of the Federal Republic of Nigeria, as amended;
- 12 "owner" in relation to Petroleum Tanker means the person or company in
13 whose name a lorry stands registered and where such a person is a minor, the
14 guardian of such minor; and in relation to a lorry which is the subject of a
15 hire-purchase agreement, or an agreement of lease, the person in possession
16 of the vehicle under that agreement; or in respect of an unregistered lorry, the
17 person in possession or control of the vehicle; or a vehicle manufacturer or
18 dealer or importer till such time the vehicle is registered;
- 19 "permit" means a document issued by the Department or appropriate officer
20 of the Department authorizing the use of an articulated lorry for
21 transportation of petroleum products, shipping containers or other
22 commercial cargo by road;
- 23 "property" means and includes movable and immovable properties such as
24 bridges, culverts, causeways, trees, posts, houses, animals of whatever
25 description;
- 26 "public place" means a road, street, way or other place, whether a
27 thoroughfare or not, to which the public have a right of access, and includes
28 any place or stand at which passengers are picked up or set down;
- 29 "road safety" means the set of practices which identify those problems that
30 contribute to crashes, accidents or injuries and includes methods and

1 measures adopted by the Department pursuant to the provisions of this Bill for
2 reducing the risk of a road crash death or injuries sustained in a crash in a public
3 place including but not limited to driver education regarding responsible road
4 sharing and protection of vulnerable road users, enforcement of traffic laws,
5 manufacture lorries with in-built high safety standards, construction of safe
6 roads and provision of emergency road services;
7 "restricted road" includes a road on which a speed limit applies or has a
8 restriction on the types of vehicles which may ply on that road or has been
9 notified by the Department to be a restricted road.

Short title

10 42. This Bill may be cited as the Petroleum Tankers Safety Bill, 2019.

11 SCHEDULE

12 [Clause 12]

13 PROVISIONS RELATING TO ESTABLISHMENT OF TRUCK TRANSIT PARKS

14 The following Truck Transit Parks (TTPs) are recognized under this Bill:

- 15 1.-(1) Lokoja Truck Transit Park, Kogi State;
16 (2) Obollo-Afor Truck Transit Park, Enugu State;
17 (3) Benin-Bypass Truck Transit Park, Edo State;
18 (4) Aviele Truck Transit Park, Edo State; and
19 (5) Illela Truck Transit Park, Sokoto State;
20 2. Facilities at the recognized Truck Transit Parks:
21 (1) Gas stations and fire stations;
22 (2) Hotels and motels;
23 (3) Restaurants, Rest rooms and showers;
24 (4) Mechanic workshops, warehouse, truck park and link way;
25 (5) Gate House, local market and shopping mall;
26 (6) police post and Federal Road Safety Commission Office;
27 (7) Health clinics;
28 (8) Automated cargo tracking systems;
29 (9) weigh-bridges; and
30 (10) prayer rooms.

EXPLANATORY MEMORANDUM

This Bill seeks to provide an efficient legal framework for the regulation of tankers and trucks on the highway to convey petroleum products and other commercial cargoes; it further seeks to promote the safety of all road users, lives and the properties of people vulnerable to freight transport accidents by prescribing stiff penalties for violation of Highway and Freight transport Regulations by operators.

