

NIGERIAN SAFETY 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 SAFETY
INVESTIGATION BUREAU

3. Establishment of Nigerian Safety Investigation Bureau
4. Functions of NSIB
5. Powers of NSIB
6. Independent of the NSIB and Director-General

PART III - GENERAL ORGANISATION AND ADMINISTRATION

7. Establishment and Composition of NSIB Governing Board
8. Tenure of office
9. Remuneration of Board members
10. Functions and powers-of the Board

PART IV - MANAGEMENT AND STAFF OF NSIB

11. The appointment of Director-General of NSIB
12. Secretary of the Board of the NSIB
13. Appointment of Directors

PART V - FINANCIAL PROVISIONS

14. Funds of the NSIB
15. Expenditure of the NSIB
16. Accounts and Audit
17. Annual Reports
18. Power to Accept Gifts
19. Powers to Borrow and Invest
20. Exemption from Tax
21. Service in the NSIB to be pensionable

PART VI - INVESTIGATIONS AND REPORTS ON TRANSPORTATION
OCCURRENCES

22. Investigations
23. Coordination of investigations and remedial actions
24. Restriction on investigations of transport safety matters
25. Transport safety matters
26. Reports on investigations and findings
27. Draft reports
28. Admissibility of reports

PART VII - POWERS OF INVESTIGATORS

29. Appointment of the Investigator-in-Charge (IIC)
30. Powers of the Investigator to search without warrant
31. Powers of a court of competent jurisdiction to grant search warrant
32. Power to test things seized
33. Powers to exclude persons from particular areas
34. Disruption to be minimised
35. Offence in respect of exclusion order
36. Power to stop and detain transport vehicles
37. Return of seized properties
38. Power to order for toxicological examination
39. Attendance before an investigator to answer questions etc.

PART VIII - REPORTING OF TRANSPORTATION OCCURRENCES

40. Notification and Reporting

PART IX - PROTECTION OF ON BOARD RECORDING AND
RESTRICTED INFORMATION

41. On-Board recording and restricted information
42. Prohibition of the use of On-Board recording or restricted information

PART X - INFORMATION RELATING TO SAFETY INVESTIGATION

43. Power to obtain Information
44. Refusal to give information
45. Confidentiality

46. Publication of information relating to transport safety investigation

PART XI - FAMILY ASSISTANCE PROGRAMME

47. Coordination of family assistance providers

PART XII - OFFENCES AND PENALTIES

48. Obstruction or hindering the investigation of a transportation occurrence

49. Offences by body corporate

50. Prevention of further violation of the provisions of this Act

51. Representation of the NSIB at hearing of suit

PART XIII - JURISDICTION

52. Jurisdiction

PART XIV - LEGAL PROCEEDINGS

53. Limitation of actions against the NSIB

54. Restriction on execution of judgment against the NSIB

55. Protection of officers, servants and agents of the NSIB

56. Indemnity

57. Notice or other document required or authorised to be served

PART XV - MISCELLANEOUS

58. Power of Minister to give Direction to the NSIB

59. Power to make regulations

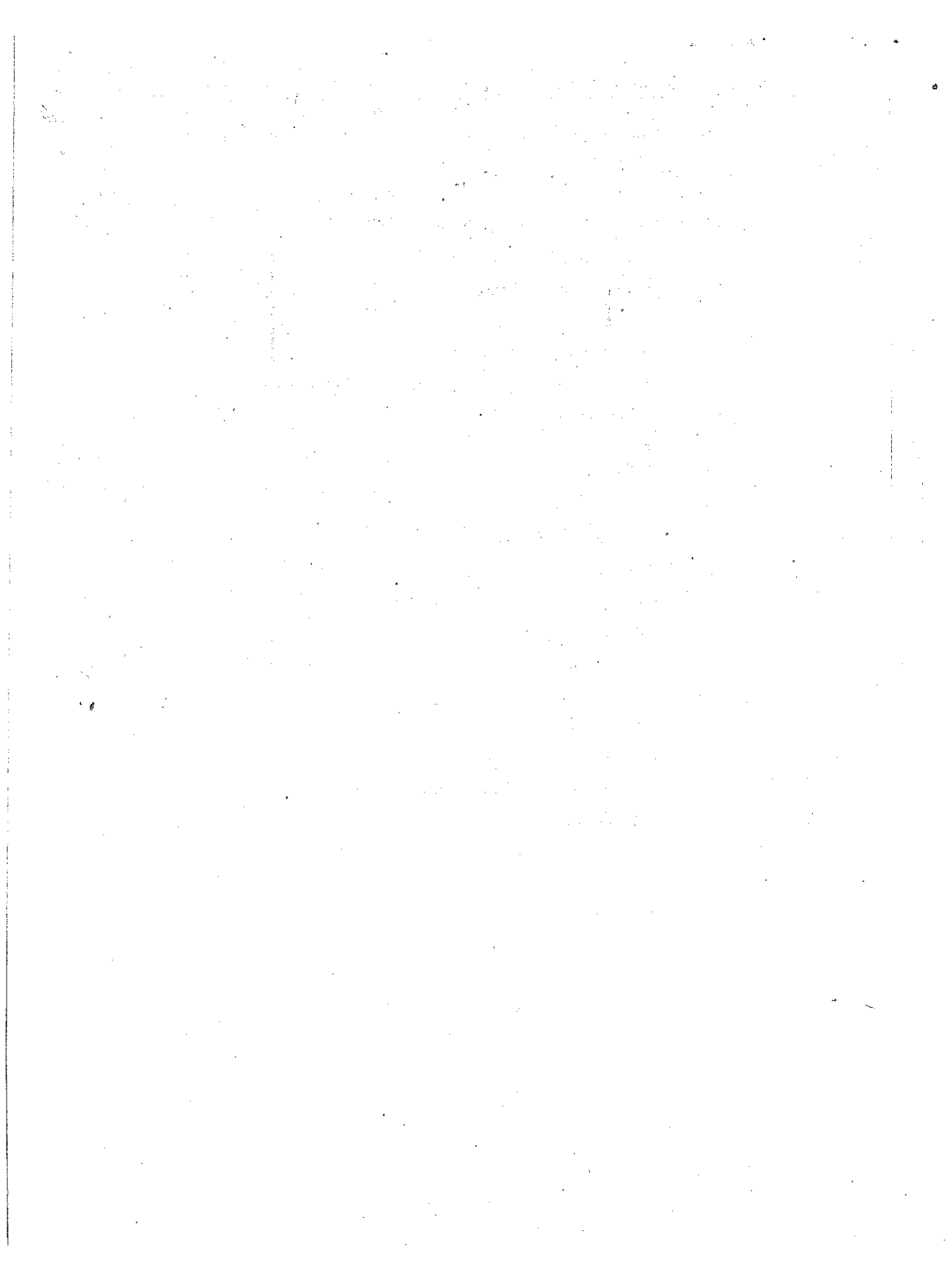
60. International Treaties, Conventions or Agreements

61. Transitional provisions

62. Interpretations

63. Short title

SCHEDULE



A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN SAFETY INVESTIGATION BUREAU, FOR THE REGULATION, PREVENTION AND PROVIDING EFFECTIVE ADMINISTRATION FOR SAFETY INVESTIGATION IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Senator Abdullahi, Yahaya Abubakar

[] Commencement

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

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PART I - OBJECTIVE AND APPLICATION

1. The objective of this Act is to provide an effective legal and institutional framework for the prevention, regulation and administration in safety investigation of transportation occurrences in Nigeria and anywhere Nigerian interest is involved or the transportation vehicle is a Nigerian carrier.

Objective

2.-(1) This Act shall apply to the investigation of transportation occurrences in:

Application

- (a) air;
- (b) tracked vehicle transport system; and
- (c) any other means of transportation in Nigeria.

(2) The provisions of this Act shall apply to all civil aircraft transportation occurrences:

- (a) in or over Nigeria;
- (b) in or over any place that is under Nigerian airspace;
- (c) where Nigerian citizens are involved; and
- (d) in any place or over any air space, where:
 - (i) Nigeria is requested to assist in investigating the aviation occurrence,
 - (ii) the aircraft involved is operated by a person to whom Nigerian

- 1 aviation document has been issued or registered,
- 2 (iii) the aircraft occurrence involves an aircraft registered in Nigeria
- 3 and occurred in the territory of a non-contracting State,
- 4 (iv) an aircraft registered elsewhere than in Nigeria but is operated by
- 5 an undertaking established in Nigeria, when the investigation is not to be
- 6 carried out by another State; or
- 7 (v) the aircraft occurrence involves an aircraft registered in Nigeria
- 8 and it cannot definitely be established as being in the territory of any State.

- 9 (3) The provisions of this Act shall apply in the case of rail and tracked
- 10 vehicle occurrences:
- 11 (a) in or within railway tracks in Nigeria;
- 12 (b) in rail vehicles owned or operated by Nigeria;
- 13 (c) where Nigerian citizens are involved; and
- 14 (d) in or within any place outside Nigeria where:
- 15 (i) Nigeria is requested to assist in investigating the railway

- 16 occurrence,
- 17 (ii) the rail vehicle involved is one operated by a person to whom
- 18 Nigerian railway license has been issued or registered, or
- 19 (iii) involving a rail vehicle registered or licensed in Nigeria.

PART II - ESTABLISHMENT OF THE NIGERIAN SAFETY
INVESTIGATION BUREAU

Establishment
of Nigerian
Safety
Investigation
Bureau

22 3.-(1) There is established a body to be known as the Nigerian Safety
23 Investigation Bureau, in this Act referred to as "the NSIB".

Functions of
NSIB

- 24 (2) The NSIB:
- 25 4.-(1) The functions of NSIB shall be to:
- 26 (a) receive and assess reports of transportation safety matters and
- 27 other safety information as may be prescribed by Regulations made pursuant to
- 28 this Act;
- 29 (b) investigate transportation occurrences;
- 30 (c) independently investigate transportation safety matters;

1 (d) receive and assess information on transportation occurrences
2 and safety matters;

3 (e) identify factors that:

4 (i) contributes or have contributed to transportation safety matters,

5 (ii) affects or is likely to affect transportation safety;

6 (f) report publicly on transportation occurrence investigations;

7 (g) conduct public enlightenment programmes about matters
8 relating to transportation safety;

9 (h) collaborate with Federal, State and Local Government
10 Agencies on matters relating to transportation safety;

11 (i) collaborate with any national authority or other international
12 body that has functions or powers relating to transportation safety;

13 (j) collaborate with relevant agencies and first responders at sites
14 of transportation occurrences;

15 (k) establish and maintain standard laboratories and such other
16 facilities as may be necessary for carrying out its functions under this Act;

17 (l) control the coordination of the Family Assistance Programmes
18 which shall be provided, implemented and managed by the airline, marine,
19 railway and track vehicle operators;

20 (m) do anything incidental to its functions for the purposes of
21 improving transportation safety in Nigeria; and

22 (n) do anything that may be assigned to it by the Federal
23 Government of Nigeria, from time to time.

24 (2) NSIB may assist the Court during proceedings between parties
25 involved in a transportation safety matter.

26 (3) Notwithstanding sub-section (2) of this section, NSIB shall
27 with the approval of the Attorney-General of the Federation, prosecute any
28 offence under this Act.

29 5.-(1) The NSIB shall have the power to:

30 (a) investigate or cause to be investigated any transportation

1 occurrence and cause of a:

2 (i) civil aircraft occurrence,

3 (ii) marine occurrence involving a Nigerian vessel,

4 (iii) rail and tracked vehicle occurrence in which there is a fatality or
5 substantial property is damaged; or

6 (b) investigate any other transportation occurrence, which in the
7 opinion of NSIB:

8 (i) is avoidable:

9 (ii) has safety lessons to be learnt from; or

10 (iii) involves safety concerns of a recurring character.

11 (c) draft, consider and transmit any report of its investigation to the
12 public in the manner provided under this Act or as may be prescribed by
13 Regulations made pursuant to this Act;

14 (d) charge such fees as it deems fit for its services other than for the
15 investigation of transportation occurrences;

16 (e) establish or issue policies and procedures manual, regulations,
17 employee manual, reporting systems and any other documents or as may be
18 relevant for carrying out of its functions under this Act;

19 (f) establish or certify transportation safety investigation causes
20 relating to and promoting transportation safety;

21 (g) collaborate with any relevant person, first responders and
22 institutions for the purposes of achieving its objectives under this Act;

23 (h) procure temporary or intermittent service of an experts or
24 consultants with requisite qualifications and experience in transportation
25 safety investigation involving any mode of transportation to which this Act
26 applies;

27 (i) use when appropriate, available service, equipment, personnel and
28 facilities of a department or agency of the Federal, State or Governments on a
29 reimbursable or non-reimbursable basis;

30 (j) collaborate with research institutions or any other body to carry out

1 studies related to its functions under this Act;

2 (k) represent the Government of the Federal Republic of Nigeria in
3 any international organisation or events involving investigation of
4 transportation occurrences;

5 (l) negotiate and enter into agreements with individuals, private
6 entities, departments and agencies of government, governments of foreign
7 countries for the provision of facilities, technical services and training in
8 transportation safety investigation theory and techniques;

9 (m) communicate safety matters to relevant sectors of the
10 transportation industry, and the public in any way by:

11 (i) making safety action statements and recommendations; and

12 (ii) issuing safety advisory notices or bulletins;

13 make such Regulations as may be necessary under this Act to give force and
14 effect to the provisions of this Act.

15 (3) In exercising and performing the powers, functions and duties
16 conferred on NSIB under this Act, may delegate any part of its powers to its
17 staff or appoint, contract, liaise or co-operate with experts, including
18 specialised agencies, resource persons, academic and technical institutions
19 or advisory committees to conduct transportation safety investigations on its
20 behalf in carrying out its functions or duties under this Act.

21 6. The NSIB shall not be subject to the direction or interference
22 from any entity in the performance of its functions or exercise of its powers
23 under this Act in relation to:

24 (a) how a particular transportation safety investigation will be
25 carried out; or

26 (b) The content of a public report on a particular transportation
27 safety investigation.

28 PART III - GENERAL ORGANISATION AND ADMINISTRATION

29 7.-(1) There is established a Governing Board for NSIB (in this Act
30 referred to as the Board) which shall consist of the following members:

Independence
of the NSIB and
Director-General

Establishment
and Composition
of NSIB Governing
Board

1 (a) a chairman, who shall be a person with requisite knowledge,
2 qualification and practical experience in the field of aviation of not less than 20
3 year's experience;

4 (b) a representative of the Ministry in charge of Aviation or an officer
5 of the Ministry not below the rank of a Director;

6 (c) a person with requisite knowledge, qualification and practical
7 experience of not less than 15 years in aeronautical engineering, aircraft
8 maintenance or aircraft piloting;

9 (d) a person with requisite knowledge, qualification and practical
10 experience of not less than 15 years in maritime safety, engineering or
11 administration;

12 (e) a person with requisite knowledge, qualification and practical
13 experience of not less than fifteen years in railway engineering or
14 administration;

15 (f) a legal practitioner in Nigeria within the meaning of the Legal
16 Practitioners Act, who has been so qualified for not less than fifteen years and
17 possesses at least ten years active legal practice experience; and

18 (g) the Director General of NSIB.

19 (2) The Chairman and members of the Board other than the Director-
20 General shall be appointed on a part-time basis by the President on the
21 recommendation of the Minister.

22 (3) The Supplementary Provisions set out in the Schedule to this Act,
23 shall have effect with respect to the proceedings of the Board and other matters
24 contained therein.

Tenure of office

25 8.-(1) A member of the Board other than the Director General
26 appointed pursuant to section 7 of this Act shall hold office for a period of four
27 years in the first instance and may be eligible for reappointment for another
28 term of four years and no more.

29 (2) Notwithstanding the provisions of subsection (1) of this section, a
30 person shall cease to hold office as a member of the Board, where the person:

- 1 (a) becomes bankrupt or compounds with his creditors;
- 2 (b) is convicted in Nigeria or elsewhere of a felony or any offence
3 involving dishonesty or fraud;
- 4 (c) is incapable of carrying out his duties by reason of physical or
5 mental illness;
- 6 (d) is guilty of a serious misconduct in relation to his duties as a
7 member of the Board;
- 8 (e) is disqualified or suspended from practicing his profession in
9 any part of the world by an order of a competent authority or Courts or in the
10 case of a person dispossessed of professional qualification;
- 11 (f) is in breach of the conflict of interest provisions set out in
12 section 9 of this Act;
- 13 (g) resigns his appointment by giving 30 days written notice
14 addressed to the President through the Minister; or
- 15 (h) ceases to hold the office on the basis of which he became a
16 member of the Board, in the case of an ex-officio member, he.

17 (3) A member of the Board other than the Director-General may be
18 removed' by the President, on the satisfaction that, it is not in the interest of
19 the NSIB or the public for such member to continue in office.

20 (4) Where a member of the Board ceases to hold office for any
21 reason whatsoever before the expiration of the term for which such member
22 was appointed, another person shall be appointed to the Board by the
23 President in accordance with section 7 of this Act to fill the vacancy
24 occurring, for the unexpired term.

25 (5) In the absence of a Board, the Minister shall set up an interim
26 board to perform the functions of the Board, pending the setting up of a new
27 board.

28 9. The remuneration, allowances and benefits payable to the
29 members of the Board, shall be in accordance with extant Federal
30 Government Financial Guidelines and Circulars.

Remuneration of
Board members

Functions and
powers of the
Board

- 1 **10.** The Board shall have power to:
- 2 (a) formulate, monitor and determine the general policy guidelines
- 3 for the NSIB;
- 4 (b) ensure the implementation of the policies and programmes of
- 5 NSIB;
- 6 (c) fix terms and conditions of service including remuneration of the
- 7 employees of NSIB in accordance with the provisions of the Salary and Wages
- 8 Commission;
- 9 (d) receive and review annual reports from the management of the
- 10 NSIB of the activities of the NSIB in the preceding calendar year, which shall
- 11 include a copy of the audited accounts of that calendar year;
- 12 (b) cause the accounts of the NSIB to be audited not later than 6
- 13 months after the end of each year by auditors appointed from the list and in
- 14 accordance with the guidelines supplied by the Auditor-General of the
- 15 Federation;
- 16 (c) submit to the Minister, not later than 30 September in each year an
- 17 estimate of the expenditure and income of the NSIB for the next succeeding
- 18 year; and
- 19 (d) carry out such other functions as are necessary or expedient to
- 20 ensure the efficient performance of the functions of the NSIB under this Act.

21 **PART IV - MANAGEMENT AND STAFF OF NSIB**

The appointment
of Director-General
of NSIB

- 22 **11.**-(1) There shall be for the NSIB a Director-General who shall be
- 23 appointed by the President on the recommendation of the Minister.
- 24 (2) The Director-General shall:
- 25 (a) be a person with extensive knowledge and expertise in one or more
- 26 areas relevant to the functions of NSIB; and
- 27 (b) hold office for a period of four years in the first instance and may
- 28 be eligible for reappointment for another term of four years and no more.
- 29 (3) The Director-General shall be the chief executive and accounting
- 30 officer of the NSIB and shall be responsible for:

1 (a) the execution of the policies, decisions and programmes of the
2 NSIB;

3 (b) the administration, coordination, supervision and management
4 of the day to day activities of the NSIB;

5 (c) the implementation of the Board's decisions and ensuring that
6 the NSIB achieves its objectives under this Act;

7 (d) the direction and supervision of all employees of the NSIB; and

8 (e) the maintenance of proper accounting and financial records in
9 accordance with applicable extant Federal Government Financial
10 Guidelines and Regulations.

11 (4) The Director-General may in the exercise of his powers under
12 this Act give directions as to:

13 (a) how investigation is to be conducted;

14 (b) the content of a public report as to a particular investigation;

15 and

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

17 (5) The Director-General shall:

18 (a) act in consonance with the provisions of this Act and any
19 regulations made pursuant to this Act; and

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

22 (6) The Director-General may be suspended or be removed from
23 Office by the President, where the Director-General:

24 (a) has demonstrated inability to effectively perform the duties of
25 his Office;

26 (b) is guilty of serious misconduct in relation to his duties;

27 (c) is, in the case of a person dispossessed of his professional
28 qualifications, shall be disqualified or suspended from practicing his
29 profession in any part of the world by an order of a competent authority or
30 the Courts; or

1 (d) is guilty of a conflict of interest under this Act.

Secretary of the
Board of the
NSIB

2 12.-(1) There shall be for the Board, a Secretary who shall possess
3 relevant professional qualifications in law with not less than 10 years post call
4 experience.

5 (2) The Secretary shall keep all records of the NSIB and the Board,
6 write and receive correspondence on behalf of NSIB and perform such other
7 duties and functions as the Board or the Director-General may, from time to
8 time direct or assign to him.

Appointment
of Directors

9 13.-(1) The Minister may upon the recommendation of the Board,
10 appoint by written instrument such no. of directors having technical or
11 specialised knowledge in one or more areas relevant to the functions of NSIB
12 and powers under this Act to assist it in carrying out its duties under this Act.

13 (2) The Directors appointed by the Minister shall hold office for a
14 period of four years in the first instance and may be eligible for reappointment
15 for another term of four years and no more.

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

19 (4) Directors appointed subject to this Act shall conduct their
20 activities in accordance with the provisions of this Act and relevant
21 Regulations made under this Act.

22 PART V - FINANCIAL PROVISIONS

Funds of the
NSIB

23 14.-(1) The NSIB shall establish and maintain a fund (hereinafter
24 referred to as the NSIB Fund") which shall comprise of:

25 (a) an initial-take-off subvention as may be appropriated to the NSIB
26 by the National Assembly;

27 (b) all subventions and annual budgetary allocation from the
28 Government of the Federation;

29 (c) such monies as may, from time to time, be provided to the NSIB by
30 the Federal Government, a State government or a Local Government Council;

1 (d) all sums accruing to the NSIB by way of Gifts, endowments,
2 bequests, grants or other contributions by persons and organisations;

3 (e) foreign aid and assistance;

4 (f) any other fund that may be approved for the development of
5 transportation safety in Nigeria; and

6 (g) all other sums or assets that may from time to time be vested in
7 or accrue to the NSIB in the course of performing its duties under this Act.

8 (2) The NSIB Fund shall be managed in accordance with extant
9 Financial Regulations applicable in the Public Service of the Federation and
10 Regulations made pursuant to this Act.

11 (3) NSIB shall have and maintain at any given time, an emergency
12 fund not below the sum of N500,000,000.00 only in a special account with
13 the Central Bank of Nigeria to cater for investigation of any major
14 transportation occurrence.

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

20 15. NSIB shall apply the proceeds of the fund established pursuant
21 to section 14(1) of this Act:

Expenditure of
the NSIB

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

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

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

30 (d) to publicise and promote the activities of NSIB;

1 (e) for the maintenance of any property acquired or vested in the
2 NSIB; and

3 (f) to undertake any other activity, programmes or matter connected
4 with all or any of the functions of the NSIB under this Act.

Accounts and
Audit

5 **16.-(1)** NSIB shall keep proper accounts and records of its funds and
6 shall prepare in respect of each financial year, a statement of accounts in such
7 form as may be required and in conformity with best practice and Financial
8 regulations.

9 (2) NSIB shall within six months after the end of each year to which
10 the accounts relate, cause its accounts to be audited by auditors appointed from
11 the list of auditors and in accordance with guidelines supplied by the Auditor-
12 General of the Federation.

13 (3) The auditors shall, on the completion of the audit of the accounts
14 of NSIB for each year, prepare and submit to the Board reports setting out:

15 (a) general observations and recommendations of the auditors on the
16 financial affairs of NSIB for the year and on any important matter which the
17 auditors desire to bring to the notice of the Board; and

18 (b) detailed observations and recommendations of the auditors on all
19 aspects of the operations of NSIB for that year.

Annual Reports

20 **17.** The NSIB shall, not later than 30 September in each year, prepare
21 and submit to the Minister and the Auditor General of the Federation, a report
22 on the activities and administration of the NSIB during the preceding year and
23 shall include in the report a copy of the Audited Financial Statement of the
24 NSIB for the immediate preceding calendar year and the auditor's report
25 thereon.

Power to accept
gifts

26 **18.-(1)** NSIB may accept gifts of land, money or other property on
27 such terms and conditions, if any, as may be specified by the person or
28 organisation donating the gift.

29 (2) NSIB shall not accept any gifts where the conditions attached by
30 the person or organisation donating the gifts are inconsistent with its functions.

1 and responsibilities under this Act.

2 19.-(1) The NSIB may, with the approval of the Minister, borrow
3 by overdraft or otherwise, such monies as it may require for the performance
4 of its functions under this Act.

Powers to borrow
and invest

5 (2) NSIB shall not borrow money which exceeds the limit set by
6 the Government of the Federation and where the sum to be borrowed is in
7 foreign currency, NSIB shall not borrow the sum without the prior approval
8 of the President.

9 (3) NSIB may invest funds in such securities as it deems fit and
10 proper and shall strive to recover the whole of its costs and to achieve
11 reasonable returns on capital and investment.

12 20.-(1) NSIB shall be exempted from the payment of tenement
13 rates and income tax on any income accruing from its investments.

Exemption from
Tax

14 (2) The provisions of any enactment relating to the taxation of the
15 companies or trust funds shall not apply to NSIB.

16 21.-(1) Service in the NSIB shall be public service for the purpose
17 of the Pension Reform Act or any other Act for the time being in force and
18 accordingly, officers and other employees of the NSIB shall in respect of
19 their service, be entitled to pension, severance and other retirement benefits
20 in conformity with provisions of the Pension Reform Act.

Service in the
NSIB to be
pensionable

21 (2) Notwithstanding the provisions of subsection (1) of this
22 section, nothing in this Act shall prevent the appointment of a person to any
23 office on terms which preclude the grant of pension and retirement benefits
24 in respect of that office.

25 (3) For the purpose of the application of the provisions of the
26 Pension Reform Act, any power exercisable by a Minister or other authority
27 of the Government of the Federation are hereby vested in and shall be
28 exercisable by the Director General of NSIB.

1 PART VI - INVESTIGATIONS AND REPORTS ON TRANSPORTATION

2 OCCURRENCES

Investigations

3 22.-(1) The NSIB:

4 (a) may investigate any transportation occurrence or transport safety
5 matter for the purpose of carrying out its functions under this Act;6 (b) shall investigate any transportation occurrence or transport safety
7 matters, if requested in writing by the Minister to do so; and8 (c) may discontinue an investigation at any time and stage, if
9 authorised by a competent authority to do so.10 (2) Where the NSIB is requested to discontinue a transportation
11 occurrence investigation under subsection (1) of this section, it shall within
12 30 days of the discontinuance of an investigation, make a public statement
13 setting out the reasons for discontinuing the investigation.14 (3) NSIB may investigate a transportation occurrence which it may
15 not ordinarily investigate where a Governor of a State of the Federation
16 requests the investigation of a matter relating to transport safety within its State
17 territory and undertakes to be liable to NSIB for any costs incurred by NSIB in
18 the investigation.19 (4) The request for the investigation of a transportation occurrence
20 under subsection (3) of this section shall be made in writing setting out the
21 reasons for the request.22 (5) In deciding whether to investigate a transportation occurrence
23 pursuant to a request under subsection (3) of this section or not, the NSIB shall
24 take into account, the:

25 (i) reasons set out in the request;

26 (ii) possibility of the findings to lead to the prevention of future
27 occurrences; and

28 (iii) availability of funds and resources to fund the investigation.

29 (6) Where the NSIB decides not to undertake a transport safety
30 investigation, the reason for such decision shall be disclosed and transmitted in

1 writing to the Minister or the person who made the request under
2 subsections (1) and (3) of this section.

3 23.-(1) NSIB shall where it is required, permit the participation of
4 other Government departments, agency or instrumentalities in an
5 investigations to the extent to which it considers appropriate.

Coordination if
investigations
and remedial
actions

6 (2) Where an investigation into a transportation occurrence under
7 this Act is required, but an agency undertakes remedial measures with
8 respect to that transportation occurrence, the NSIB and that agency shall
9 take all reasonable measures to ensure that activities with respect to the
10 transportation occurrence are coordinated to achieve the aims of the
11 investigation.

12 (3) Where conflicting interests arise between the NSIB and an
13 agency of government as to coordination of activities pursuant to subsection
14 (3) of this section, the requirements and interests of the NSIB and any
15 agreement entered into pursuant to Regulations made under this Act, shall
16 take precedence to the extent of the conflict.

17 (4) The NSIB shall take all reasonable measures to ensure that it
18 follows the common investigation methodology, procedures and best
19 practices in relation to the specific transportation occurrence as may be
20 stipulated in this Act or Regulations made pursuant to this Act and it is
21 compatible with any International Agreements or Conventions to which
22 Nigeria is a party.

23 24.-(1) NSIB shall not investigate any transportation occurrences
24 relating to any military carrier without a written request from a relevant
25 authority of the Nigerian Armed Forces.

Restriction on
investigations of
transport safety
matters

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

28 25.-(1) Transportation occurrences involving a transport vehicle is
29 a transport safety matter, where:

Transport safety
matters

30 (a) the transport vehicle is destroyed;

- 1 (b) the transport vehicle is damaged;
- 2 (c) the transport vehicle is abandoned, disabled, stranded or missing
3 in operation;
- 4 (d) a person dies as a result of an occurrence associated with the
5 operation of the transport vehicle;
- 6 (e) a person is injured or incapacitated as a result of an occurrence
7 associated with the operation of the transport vehicle;
- 8 (f) property is damaged as a result of an occurrence associated with
9 the operation of the transport vehicle;
- 10 (g) the transport vehicle is involved in a near accident; or
- 11 (h) the transport vehicle is involved in an occurrence that affected, or
12 could have affected, the safety of the operation of the transport vehicle.

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

Reports on
investigations
and findings

16 26.-(1) The NSIB may, at any time before an investigation is
17 completed, publish a preliminary report in relation to the safety investigation to
18 the appropriate authority, including relevant stakeholders, where it considers
19 that the publication of such report is necessary or desirable to recommend for
20 prompt action or proffering any preventive action that needs to be taken for the
21 immediate enhancement of transport safety.

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

Draft reports

26 27.-(1) The NSIB may provide a draft report on a confidential basis, to
27 any person whom it considers necessary, for the purpose of:

- 28 (a) allowing the person to make an inputs to the draft report; or
29 (b) give the person an advance notice of the report to be published.

30 (2) Any person who receives a draft report under subsection (1) of this

1 section, shall treat it with utmost confidentiality and shall not:

2 (a) copy or recopy the draft report;

3 (b) put the draft report in the public domain in any form
4 whatsoever; or

5 (c) disclose to any person or the public the contents of the report.

6 (3) Any person who contravenes the provisions of subsection (2) of
7 this section commits an offence and shall be liable on conviction to a fine of
8 N200,000.00 or to a term of one year imprisonment or to both.

9 (4) Strict liability rules shall apply to an offence under subsection
10 (2) of this section, where the draft report is received under subsection (1) of
11 this section.

12 (5) Subsection (2) of this section shall not apply to any copying
13 done or disclosure made that is necessary for the purpose of preparing a
14 review or providing inputs or submissions to the draft report; or taking steps
15 to remedy safety issues that are identified in the draft report.

16 (6) A person who receives a draft report under subsection (1) of this
17 section shall not be required to disclose it in any proceedings in a court of
18 law.

19 28.-(1) Notwithstanding the provisions of the Evidence Act, the
20 content of a safety investigation report made pursuant to the provisions of
21 this Act and regulations made thereunder, may not be admissible in
22 evidence as to form the basis of liability in any criminal or civil proceedings
23 apart from Coronial Inquiry.

Admissibility
of reports

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

28 PART VII - POWERS OF INVESTIGATORS

29 29.-(1) The Director-General may for the purpose of carrying out
30 investigation into transportation occurrences appoint an Investigator-in-

Appointment of
the Investigator-
in-charge (IIC)

1 Charge or such other person or persons as investigators for such transportation
2 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-Charge or
8 investigator shall:

9 (a) on display of appropriate credentials and authority, enter into 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 to
12 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 carrying out an investigation, have unhindered access to
15 and control over all relevant materials or pieces of evidence, including on-
16 board recorders, either in air, marine or rail traffic records related to a transport
17 safety investigation under this Act.

18 (4) An Investigator shall have unhindered access to the site of any
19 transportation occurrence, premises, location, facility, the transport vehicle, its
20 contents or wreckage, constituting the subject of a safety investigation
21 contemplated by this Act.

22 (5) A person who knowingly obstructs, impedes, or fails to make
23 statement to any Investigator or persons acting under the authority of the NSIB
24 it, the exercise of its powers under this Act without reasonable cause commits
25 an offence and shall be liable on conviction to a fine of not less than
26 N500,000.00 or to a term of not less than 3 months imprisonment or to both.

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

29 (7) For the purpose of this section, the NSIB shall:

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

- 1 debris, or components for examination or analysis;
- 2 (b) be granted access to and the use of any contents 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
- 6 or from the authority responsible for the regulation of the vehicle operators
- 7 and of the operators of the transportation facility;
- 8 (d) recover for accident victims, personal effects taken from the
- 9 site of the occurrence;
- 10 (e) take photographs, video recordings, sound recordings, or other
- 11 records of the premises or evidential material;
- 12 (f) be at liberty to hand over a witness to the relevant authority
- 13 where sabotage is considered; and
- 14 (g) do all such other things as it may by regulations made pursuant
- 15 to this Act be required to do in the exercise of its powers to investigate
- 16 transportation occurrences.

17 30.-(1) Where an Investigator believes on reasonable grounds that

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

19 investigation, at or in any place, the Investigator shall obtain a warrant may

20 without warrant enter and conduct search in the place for any such object

21 and seize such object as may be found in the course of the search.

Powers of the
Investigator to
search without
warrant

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

23 (1) of this section in relation to a particular place without the consent of the

24 person apparently in charge of that place unless by reason of extreme

25 urgency, it would not be practicable for the Investigator to obtain a warrant.

26 31.-(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 an

29 investigation being carried out in respect to transportation occurrence, it

30 may, upon an ex-parte application, issue a warrant authorising the

Powers of a
court of competent
jurisdiction to
grant search
warrant

1 Investigator to enter and search the place for any of such thing and to seize any
2 of such thing as may be found in the course of that search.

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

Power to test
things seized

6 **32.** Where anything is seized by an Investigator under this Act, the
7 Investigator:

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

11 (b) shall, to the extent that it is practical and safe to do so, so as not to
12 unreasonably impede the progress of the investigation, take all reasonable
13 measures to invite the owner of the subject matter of the transportation
14 occurrence or any other person that appears to be entitled to it, to be present at
15 any tests referred to in paragraph (a); and

16 (c) shall, subject to the purpose of the search, cause the thing to be
17 preserved pending its return in accordance with section 38 of this Act.

Powers to exclude
persons from
particular areas

18 **33.** An Investigator may, for the purposes of preserving and
19 protecting evidential material in a transportation occurrence may, prohibit or
20 limit access to such evidential material and area immediately surrounding the
21 place at which they are located for such period as may be necessary for the
22 purposes of the investigation.

Disruption to
be minimised

23 **34.** In exercising the power conferred by section 34 of this Act, an
24 Investigator shall have regard to the desirability of minimising any resulting
25 disruption to transportation services.

Offence in respect
of exclusion
order

26 **35.-(1)** A person shall not knowingly enter an area restricted or
27 prohibited in contravention to section 34 of this Act.

28 (2) Any person who contravenes the provisions of subsection (1) of
29 this section commits an offence and shall be liable on conviction to a fine of not
30 less than N100,000.00 or for a term of 1 month imprisonment or to both.

1 36.-(1) Where an Investigator believes on reasonable grounds, that
2 there is an evidential material in or on a transport vehicle; and that there is
3 the need to prevent the material from being removed from Nigeria or from
4 being interfered with or to prevent its concealment, loss, deterioration or
5 destruction, the Investigator may stop and detain the vehicle for the purpose
6 of conducting search with reasonable force as may be necessary to preserve
7 such evidential materials.

Power to stop
and detain transport
vehicles

8 (2) An Investigator shall not detain a vehicle pursuant to the
9 provisions of subsection (1) of this section for longer than it is necessary for
10 the reasonable exercise of its powers under this Act.

11 37.-(1) Anything seized pursuant to the provisions of this Act,
12 except on-board or any relevant recordings, shall be returned to the owner or
13 the person from whom it was seized, as soon as possible after it has served
14 the purpose for which it was seized unless:

Return of seized
properties

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

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

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

23 (3) Where, on an application under subsection (2) of this section,
24 the court is satisfied that the seized thing has served the purpose for which it
25 was seized or should, in the interests of justice, be returned to the applicant,
26 the court may grant the application and order the seized thing to be returned
27 to the applicant, subject to any terms or conditions that may appear
28 necessary or desirable to ensure that the thing is safeguarded and preserved
29 for any purpose for which it may subsequently be required by NSIB.

Power to order
for toxicological
examination

1 38.-(1) Where the Investigator is of the opinion that the medical
2 examination of a person who is directly or indirectly involved in the operation
3 of an aircraft, ship, rail vehicles or other motor vehicle, is or may be, relevant to
4 the investigation, such person may by notice in writing signed by the
5 Investigator, require the person to submit to a medical examination.

6 (2) Where the Investigator is of the opinion that a physician or other
7 health practitioner or organisation has information concerning a patient that is
8 relevant to that investigation, he may by notice in writing, require the
9 physician, health practitioner or organisation to provide that information to the
10 Investigator.

11 (3) Where the Investigator is of the opinion that the performance of an
12 autopsy on the body of a deceased person or the carrying out of other medical
13 examinations of human remains, is, or may be relevant to the conduct of an
14 investigation, cause such an autopsy or medical examination to be performed
15 and, for that purpose, may by notice in writing, request the person having
16 custody of the body of the deceased person or other human remains to permit
17 the performance of that autopsy or that medical examination.

18 (4) A person shall not fail or refuse to provide information in
19 accordance with a requirement imposed under subsection (2) of this section, by
20 making the body of a deceased person or other human remains available for the
21 performance of an autopsy or medical examination in accordance with a
22 requirement imposed under subsection (3) of this section.

23 (5) A person shall not fail or refuse to submit to a medical examination
24 in accordance with the requirement imposed under subsection (1) of this
25 section, provided that information obtained is pursuant to such an examination
26 as privileged.

27 (6) Subject to the power of the NSIB to make use of medical
28 examination obtained under this section as it considers necessary in the
29 interests of transportation safety, a person shall not:

30 (a) knowingly communicate medical examination report or permit it

1 to be communicated to any third party; or

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

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

12 39.-(1) Where an Investigator considers it necessary to request a
13 person to attend and answer a question for the purposes of an investigation,
14 may:

Attendance before
an investigator
to answer questions
etc.

15 (a) request the person to attend and answer such question relating
16 to matters relevant to the investigation; or

17 (b) request the person to produce specified information or
18 evidential material.

19 (2) Subsection (1) of this section shall not apply in relation to the
20 person who in his person or capacity as a coroner.

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

26 (4) When a person appears before an Investigator under subsection
27 (1)(a) of this section, the Investigator may request that the questions be
28 answered by way of an affirmation.

29 (5) A person who appears before an Investigator in accordance with
30 the requirement set under subsection (1)(a) or (b) of this section, may subject

1 to the regulations made pursuant to this section, be entitled to be paid such
2 travelling allowances as may be approved, from time to time, by the NSIB.

3 (6) A person to whom a notice is given in accordance with this section,
4 but fails or refused to attend and answer questions lawfully put to the person or
5 to produce the specified information or evidential material in accordance with
6 the requirement, commits an offence and shall be liable on conviction to a fine
7 of not less than N500,000.00 or to a term of not less than 6 months
8 imprisonment or to both.

9 PART VIII - REPORTING OF TRANSPORTATION OCCURRENCES

Notification
and Reporting

10 40.-(1) The NSIB shall subject to the approval of the Minister make
11 regulations for the establishment and administration of standards for the
12 mandatory or voluntary notification and reporting of transportation
13 occurrences or such classes thereof as may be specified in the Regulations.

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

17 (3) Regulations made under subsection (1) of this section shall
18 include rules for the protection of the identity of person who report
19 transportation occurrences.

20 (4) Where the identity of a person who has made a report pursuant to
21 Regulations made pursuant to this section, such person shall be protected by
22 the Rules referred to in subsection (3) of this section as to information that
23 could reasonably reveal the identity of the person, and a person shall not:

24 (a) knowingly communicate it or permit it to be communicated to any
25 person; or

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

28 (5) Any report made to the NSIB under a voluntary reporting system
29 established by regulations made under subsection (1) of this section shall not
30 be used against the person who made the report in any legal, disciplinary or

1 other proceedings if the person's identity is protected by rules referred to in
2 subsection (3) of this section.

3 PART IX - PROTECTION OF ON BOARD RECORDING AND RESTRICTED
4 INFORMATION

5 41.-(1) In this section, "on-board recording" means the whole or
6 any part of:

On-Board
recording and
restricted
information

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

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

15 (2) In this section 'restricted information' means the whole of:

16 (a) statements taken from a person by the NSIB in the course of
17 safety investigation;

18 (b) communications between persons having been involved in
19 transport vehicle;

20 (c) medical or private information regarding a person involved in
21 the transportation safety occurrence;

22 (d) recordings and transcripts of recordings from sea, rail or traffic
23 control unit;

24 (e) analysis and opinions about information, including on board
25 recorder information, made by the NSIB or other members of the safety
26 investigation team; and

27 (f) the draft final Report of transport safety investigation.

28 (3) Every on-board recording and restricted information are
29 privileged and except as provided by this section, a person shall not,
30 including a person to whom access is provided under this section, shall not:

1 (a) knowingly communicate an on-board recording, restricted information or
2 permit them to be communicated to any person; or

3 (b) be required to produce an on-board recording, restricted
4 information or give evidence relating to it in any legal, disciplinary or other
5 proceedings.

6 (4) Any on-board recording or restricted information that relates to a
7 transportation occurrence being investigated under this Act shall be released by
8 the Operator to an Investigator on requests for it, for the purposes of
9 investigation.

10 (5) An Investigator may make use of any on-board recording or
11 restricted information obtained under this Act as he considers necessary in the
12 interests of transportation safety.

13 (6) Subject to the provisions of subsection (6) of this section, an
14 Investigator shall not knowingly communicate or permit to be communicated
15 to any person any portion of an on-board recording or restricted information
16 that is unrelated to the causes or contributory factors of the transportation
17 occurrence under investigation or to the identification of safety deficiencies.

18 (7) An investigator may make available any on-board recording or
19 restricted information obtained under this Act to:

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

22 (b) any person carrying out a coordinated investigation under section
23 24 of this Act.

24 (8) Notwithstanding the provisions of this section, where, in any
25 proceedings before a competent authority, a request for the production and
26 discovery of an on-board recording or restricted information is made, the
27 competent authority shall:

28 (a) cause notice of the request to be given to the NSIB, if the NSIB is
29 not a party to the proceedings;

30 (b) examine the on-board recording or restricted information in

1 camera and give the NSIB a reasonable opportunity to make representations
2 with respect thereto; and

3 (c) order the production and discovery of the on-board recording or
4 restricted information, subject to such restrictions or conditions as the
5 competent authority may deem appropriate, and may require any person to
6 give evidence that relates to the on-board recording or restricted information
7 if the competent authority concludes in the circumstances of the case that the
8 public interest in the administration of justice far outweighs in importance
9 the privilege attached to the on-board recording.

10 (9) The Director-General may refuse to make the on-board
11 recording information, restricted information or any part thereof available
12 to the coroner, if in his opinion such disclosure would likely interfere with
13 any investigation into the transport safety matter to which the on-board
14 recording or restricted information relates.

15 (10) Notwithstanding the provisions of this section, the Director-
16 General shall not make the on-board recording record or restricted
17 information and any other investigation records available for purposes other
18 than transport safety investigations unless where in civil proceedings, a
19 court of competent jurisdiction determines that their disclosure or use
20 outweighs any likely adverse domestic and international impact such
21 disclosure may have on the current, or any future investigation.

22 42.-(1) A person or organisation is entitled to take any disciplinary
23 action against its employee on the basis of an unauthorised use of on-board
24 recording or restricted information.

Prohibition of
the use of on-board
recording or
restricted
information

25 (2) Any information or thing obtained as a direct or indirect result
26 of the use of on-board recording or restricted information, is not admissible
27 in evidence in criminal proceedings against a crew member, other than
28 proceedings for an offence under this Act.

29 (3) Any person who makes a copy or a disclosure of an on-board
30 recording or restricted information without authorisation commits an

1 offence and shall be liable on conviction to a fine of not less than One
2 N1,000,000.00 or to a term of not less than 1 year imprisonment or to both.

3 PART X - INFORMATION RELATING TO SAFETY INVESTIGATION

Power to obtain
information

4 43.-(1) For the purpose of obtaining required information for the
5 discharge of its functions conferred by this Act, any authorised officer of the
6 NSIB may by notice in writing, request any person connected with a
7 transportation occurrence to furnish information relating to:

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

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

14 (2) The notice under subsection (1) of this section may require any
15 person to specify the times at which, the form and manner in which, any
16 information required under subsections (1)(a) or (b) of this section shall be
17 made.

18 (3) NSIB may pursuant to the provisions of subsection (1) of this
19 section request for any data base or information from any relevant authority or
20 agency in furtherance of its obligations under this Act.

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

25 (5) In this section, "authorised officer" means the Director-General or
26 any other officer of the NSIB specifically or generally designated by the
27 Director-General to carry out any of the functions of the NSIB under this Act.

Refusal to give
information

28 44.-(1) A person shall not conceal, refuse or fail to supply
29 information to the NSIB or to appear before an Investigator for the purpose of
30 carrying out an investigation under this Act.

1 (2) Any person who conceals, refuses or fails to give information as
2 required under this Act, commits an offence and shall be liable on conviction
3 to a fine of not less than N500,000.00 or imprisonment to a term of not less
4 than 6 months or to both.

5 (3) Where the offender is a body corporate, it shall be liable on
6 conviction to a fine of not less than N1,000,000.00.

7 (4) Where any person knowingly makes a statement in any
8 particular manner as aforesaid, which is false in any particular material, the
9 person commits an offence and shall be liable on conviction to a fine of not
10 less than N5,000,000.00 or to imprisonment to a term of not less than 2 years
11 or to both.

12 45.-(1) A member of the Board, Management, Director-General,
13 officer, employee or other staff of the NSIB shall not, for his personal gain,
14 make use of any information, which come to his knowledge in the exercise
15 of his powers, or is obtained in the ordinary course of his duty as a member of
16 the Board, Management, the Director-General, officer, employee or other
17 staff of the NSIB.

Confidentiality

18 (2) Every member of staff of the NSIB shall treat as confidential
19 any information at their disposal in the exercise of their respective powers or
20 obtained in the performance of their respective duties and shall not disclose
21 such information except when required to do so by the Director-General in
22 such circumstances as may be deemed fit.

23 (3) A staff of the NSIB who contravenes any of the provisions of
24 this section commits an offence and shall be liable on conviction to a fine of
25 not less than N2,000,000.00 or to a term of not less than 2 years
26 imprisonment or to both.

27 46. Notwithstanding the provisions of section 46 of this Act, the
28 Director-General may at anytime publish, or cause to be published,
29 information relating to a transport safety investigation whether or not such
30 transportation occurrence is the subject of an investigation.

Publication of
information
relating to transport
safety investigation

PART XI - FAMILY ASSISTANCE PROGRAMME

Coordination
of family assistance
providers

1
2 47.-(1) As soon as practicable, after being notified of a transportation
3 occurrence within Nigeria involving an air, marine or rail occurrence, the
4 magnitude of which results in fatalities of a critical mass, the NSIB shall
5 designate and publicise the name and phone number of its personnel who shall
6 head, coordinate or the Officer to be in-Charge of coordinating the family
7 support services.

8 (2) The Officer in-Charge of family support services shall in line with
9 the provisions of the relevant Regulations made pursuant to this Act, be
10 responsible for the coordination of the Family Assistance Programme for the
11 families of victims of the occurrence and shall in the discharge of his functions
12 and responsibility, comply with the provisions of this Act and all processes,
13 procedures and guidelines provided in the Regulations.

14 (3) The NSIB may, as soon as practicable, after being notified of
15 transportation occurrence within Nigeria, which requires a safety
16 investigation, designate an independent organisation, with experience in
17 disasters and post trauma communication with families, to have the primary
18 responsibility for coordinating the emotional and psychological care and
19 support of the families of victims involved in the occurrence.

20 (4) The responsibilities of an organization so designated by the NSIB
21 under subsection (3) of this section, with respect to the families of victims
22 involved in a transportation occurrence, shall be as prescribed in Regulations
23 made pursuant to this Act by NSIB.

24 (5) A person shall not impede the ability of the NSIB, its designated
25 officers or designated organization to carry out its responsibilities under this
26 section or the ability of the families of victims of the transportation occurrence
27 to have contact with one another.

28 (6) In the event of any transportation occurrence, no unsolicited
29 communication concerning any interest shall be made to the public without
30 recourse to the NSIB.

1 (7) Any owner, operator of transport vehicle involved in the
2 occurrence that fails to comply with the provisions of subsection (5) of this
3 section commits an offence and its directors shall be liable on conviction to a
4 term of six months imprisonment or to a fine of N500,000.00 each or to both.

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

10 (9) Where the NSIB relinquishes its investigative powers under
11 this Act in respect of any transportation occurrence, it shall assist the body to
12 which it has relinquished investigative power in assisting families with
13 respect to the occurrence to the maximum extent possible.

14 PART XII - OFFENCES AND PENALTIES

15 48.-(1) A person, group of persons, officer, employee or
16 representative of any organisation or authority shall obstruct or hinder the
17 investigation of any transportation occurrence by the NSIB.

Obstruction or
hindering the
investigation of
a transportation
occurrence

18 (2) Any person who contravenes the provision of subsection (1) of
19 this section commits an offence and is liable on conviction:

20 (a) In the case of an individual, to a fine of not less than
21 N500,000.00 or a term of 1 year imprisonment or to both; and

22 (b) in the case of an entity, body corporate or group of persons, a
23 fine of not less than N1,000,000.00 and shall during the subsistence of the
24 offence be liable to a fine for each day the offence continues:

25 (i) in the case of a corporation, N100,000.00;

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

29 (iii) in any other case to N25,000.00.

Offences by
body corporate

1 49.-(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, shall in the case of:

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

11 (b) a body corporate, be liable to a fine of not less than N1,000,000.00.

Prevention of
further violation
of the provisions
of this Act

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

Representation
of the NSIB at
hearing of suit

16 51. In any proceeding before a court of law or tribunal, the Attorney-
17 General of the Federation or Law Officers in his Chambers shall appear for the
18 matter or may on application by NSIB, grant a fiat for prosecution any of its
19 matters.

20 PART XIII - JURISDICTION

Jurisdiction

21 52.-(1) The Federal High Court shall have exclusive jurisdiction to try
22 offences, hear and determine proceedings arising under this Act:

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

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

27 (c) where a Victim is resident in Nigeria, or is in transit, or has a
28 connection with Nigeria or is dealing with or on behalf of the Government of
29 Nigeria.

30 (2) The Federal High Court shall have jurisdiction to impose any

1 penalty provided for an offence under this Act or any other related law.

2 (3) The penalty imposed on a person convicted of an offence
3 referred to in sections 50 and 52 of this Act may be reduced in such manner
4 as the court may deem fit, where the person has, before any proceeding,
5 made possible or facilitated the identification of other accused persons and
6 their sponsors or who, after the commencement of the proceedings, has
7 made possible or facilitated the arrest of such persons.

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

11 PART XIV - LEGAL PROCEEDINGS

12 53.-(1) Notwithstanding anything in any other enactment, no suit
13 against the NSIB or a member of the Board, or any employee thereof, for any
14 act done in pursuance or execution of any of the provisions of this Act, or of
15 any public duties of the NSIB, or in respect of any alleged neglect or default
16 in executing such enactment or law, duties or authority shall lie or be
17 instituted in any court unless it is commenced within 3 months of the act,
18 neglect or default complained of or, in the case of a continuance of damage
19 or injury, within 6 months after the ceasing thereof.

Limitation of
actions against
the NSIB

20 (2) No suit or action shall be commenced against the NSIB before
21 the expiration of a period of 1 month after written notice of intention to
22 commence the suit shall have been served upon the NSIB by the intending
23 plaintiff or his agent; and the notice shall state the:

24 (a) cause of action;

25 (b) the particulars of the claim;

26 (c) the name and place of abode of the intending plaintiff; and

27 (d) the relief sought in the claims.

28 54.-(1) In any action or suit against the NSIB, no execution or
29 attachment process in any nature thereof shall be issued against the NSIB
30 unless not less than 3 months notice of the intention to execute or to attach

Restriction on
execution of
judgment against
the NSIB

1 any of the property of NSIB has been given to the NSIB.

2 (2) Any sum of money, which may by the judgment of any court be
3 awarded against the NSIB shall, subject to any direction given by a competent
4 court where notice of appeal of the said judgment has been given, be paid from
5 the fund of the NSIB.

Protection of
officers, servants
and agents of
the NSIB

6 55.-(1) Subject to the provisions of this Act, the provisions of the
7 Public Officers Protection Act shall apply in relation to any suit instituted
8 against an officer or employee of the NSIB.

9 (2) Notwithstanding anything contained in any other law, no suit shall
10 lie against a member of the Board, or any other officer or employee of the NSIB
11 for an act done in pursuance or execution of this Act or any other enactment, or
12 of any public duty or authority in respect of any alleged neglect or default in the
13 execution of this Act or any other enactment, duty or authority.

Indemnity

14 56. The NSIB, a member of the Board, the Director-General and
15 every officer or employee of the NSIB shall be indemnified out of the assets or
16 funds of the NSIB against any liability incurred by such officer in defending
17 any proceedings, whether civil or criminal, or in connection with any
18 application by such officers.

Notice or other
document required
or authorised
to be served

19 57. Any notice or other document required or authorised by any
20 provision in this part to be served on or given to any person may be served or
21 given by:

22 (a) delivering it to that person;

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

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

27 (d) sending it to him at bye-mail, fax, post or transmission; or

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

PART XV - MISCELLANEOUS

1
2 **58.**-(1) Notwithstanding any other provision of this Act, the
3 Minister may after consultation with the Board of NSIB except in matters of
4 transport safety investigation, give directives of a general character to the
5 Management of the NSIB with regards to the performance of
6 its duties or exercising its powers, as the case may be and it shall be the duty
7 of the NSIB to comply with the directives.

Power of Minister
to give Direction
to the NSIB

8 (2) The general directives shall not be inconsistent with the
9 provisions of this Act, but relates to matters of policy in:

10 (a) the interest of national security;

11 (b) relation to any matter appearing to the Minister to affect the
12 relations of Nigeria with a country or territory outside Nigeria:

13 (c) order to discharge or facilitate the discharge of any obligation
14 binding on Nigeria by virtue of its being a member of an international
15 organisation or a party to an international or regional agreement;

16 (d) order to obtain or facilitate the attainment of any other object of
17 which is in his opinion appropriate in view of the fact that Nigeria is a
18 member of an international organisation or a party to an international
19 agreement;

20 (e) order to enable Nigeria become a member of an international
21 organisation or a party to an international agreement; or

22 (f) order to prevent or deal with an act in pursuance of which will
23 conflict with the requirements of any enactment or instrument relating to the
24 NSIB except in time of war, whether actual or imminent, or of great national
25 emergency of which those directives or requirements shall be disregarded.

26 **59.** The NISB may in the exercise of its powers under this Act, may,
27 in consultation and approval of the Minister, make regulations and Orders:

Power to make
regulations

28 (a) for the conduct of transport safety investigations in Nigeria;

29 (b) prescribing the manner of exercising or carrying out any of its
30 powers, duties and functions and generally, for its efficient operation;

1 (c) for the keeping and preservation of records, documents and other
2 evidence relating to transportation occurrences;

3 (d) for the attendance of interested persons at test to destructions;

4 (e) defining, for the purpose of an investigation, the site or sites of any
5 transportation occurrence and prescribing rules for the protection of those
6 sites;

7 (f) for defining the rights, obligations or privileges of persons
8 attending investigations as observers or with observer status;

9 (g) for the procedures and rules to be followed in conducting public
10 inquiries;

11 (h) concerning what is to be regarded as a transportation occurrence;

12 (i) concerning the forms of warrants issued in respect of entry to
13 search;

14 (j) for mandatory and voluntary reporting;

15 (k) for the implementation and management of Family Assistance
16 Programmes; and

17 (l) for generally carrying out such other things incidental to its
18 functions and powers under the Act.

International
Treaties,
Conventions
or Agreements

19 **60.** The NSIB shall take necessary measures to give effect to any
20 applicable international treaty, convention or agreement concerning any aspect
21 of transport safety investigation to which Nigeria is a party.

Transitional
provisions

22 **61.-(1)** Notwithstanding anything to the contrary in this Act, the
23 employees and appointees of the Accident Investigation Bureau (in this Part
24 referred to as 'AIB') existing immediately before the commencement of this
25 Act is deemed to have been transferred to NSIB established under this Act on
26 terms and conditions not less favourable than those obtainable immediately
27 before the commencement of this Act and service in the AIB is deemed to be
28 service in the NSIB, for the purposes of pension.

29 (2) There shall be vested in the NSIB all assets, funds, resources,
30 movable and immovable property which immediately before the

1 commencement of this Act were vested in the AIB.

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

5 (4) Any proceeding or cause of action pending or existing
6 immediately before the commencement of this Act by or against the AIB
7 existing immediately before the commencement of this Act in respect of any
8 right, interest, obligation or liability of the AIB may be continued, or as the
9 case may require, be commenced and the determination of a court of law,
10 tribunal or other authority or person may be enforced by or against the NSIB
11 to the same extent that such cause of action or determination might have
12 been continued, or enforced by or against the AIB as if this Act had not been
13 made.

14 (5) Any regulation, Order, by-law or notice made or issued or
15 deemed to be made or issued by, or for the purpose of, the AIB existing
16 immediately before the commencement of this Act shall be deemed to have
17 been made or issued by or for the purpose of the NSIB and shall continue in
18 force until revoked or amended, subject to such modifications as may be
19 applicable to the NSIB established under this

20 **62.** In this Act unless, the context otherwise requires:

Interpretations

21 "Accident" means an investigable matter involving a transport vehicle
22 where:

23 (a) a person dies or suffers serious injury as a result of an
24 occurrence associated with the operation of the transport vehicle;

25 (b) the vehicle is destroyed or seriously damaged as a result of an
26 occurrence associated with the operation of the transport vehicle; or

27 (c) any property is destroyed or seriously damaged as a result of an
28 occurrence associated with the operation of the transport vehicle;

29 "Administrative tribunal" means an independent judicial forum for the
30 resolution of disputes arising between an individual, operator, or entity and

- 1 any transportation regulatory authority or agency;
- 2 "Aircraft occurrence" means any civil aircraft accident or serious incident as
3 may be defined in the ICAO Annex 13 or any amendment(s) thereto;
- 4 "Authority" Means the Nigerian Civil Aviation Authority;
- 5 "Causes" means actions, omissions, events, conditions, or a combination
6 thereof, which led to the transportation occurrence. The identification of
7 causes does not imply the assignment of fault or the determination of
8 administrative, civil or criminal liability;
- 9 "Chairman" means Chairman of the Governing Board of NSIB;
- 10 "Civil proceedings" means any proceedings before a court of competent
11 jurisdiction in Nigeria other than criminal proceedings;
- 12 "Coroner" means any person empowered to hold inquests under the Coroners
13 Law or any other related law;
- 14 "Coronial inquiry" means a coronial inquiry, coronial investigation or coronial
15 inquest under the Nigerian law;
- 16 "Control Area" means:
- 17 (i) the flight deck and recording systems of an aircraft;
- 18 (ii) the bridge or a control room of a ship; and
- 19 (iii) the cab of a locomotive;
- 20 "Director-General" means the Director General, Chief Executive and
21 Accounting Officer of the Nigerian Transportation Accident Investigation
22 Bureau appointed under section 11 of this Act;
- 23 "Employee" means any person employed by the NSIB;
- 24 "Federation" means the Federal Republic of Nigeria;
- 25 "AIB" means Accident Investigation Bureau;
- 26 "Fund" means the source of money that will be allocated to NSIB for its
27 operations and maintenance;
- 28 "Governor" means a Governor of any of the States of the Federal Republic of
29 Nigeria;
- 30 "Governing Board" includes the Director-General, the Chairman and other

1 members of the Board as may be appointed by the President on the
2 recommendation of the Minister;

3 "Incident" means an operational interruption, defect, fault or other irregular
4 circumstance in a transportation vehicle that has or may have influenced or
5 threatened transportation safety and that has not resulted in an accident;

6 "Information" includes a record regardless of form and a copy of a record;

7 "Insurance Provider" means any company lawfully authorised to provide
8 financial protection against, damage, injury, death or any loss whatsoever as
9 may be required on International agreement; convention or treaty means a

10 treaty or agreement whose parties are:

11 (a) Nigeria and a foreign country; or

12 (b) Nigeria and two or more foreign countries;

13 "Investigation" means a process conducted for the purpose of preventing
14 transportation occurrence which includes the gathering and analysis of
15 information, the drawing of conclusions, including the determination of the
16 cause or causes and, when appropriate, the making of safety
17 recommendations;

18 "Investigator" means a person appointed as an Investigator of transportation
19 occurrences by the Director-General of NSIB;

20 "Marine occurrence" means:

21 (a) any marine accident, serious marine casualty and incident
22 associated with the operation of a ship [excluding ships of war, or other ships
23 not propelled by mechanical means, wooden ships of primitive build and
24 pleasure yachts unless they are or will be crewed and carry more than 12
25 passengers for commercial purposes, and fixed offshore drilling units,
26 which takes place between the time any person boards the ship, with the
27 intention of sail until all such persons have disembarked, where a person is
28 fatally or seriously injured, the ship sustains damage or structural failure or
29 the ship is missing or is completely inaccessible; and

30 (b) any situation or condition that the Board of NSIB has

1 "Safety recommendations" means any proposal by the NSIB conducting the
2 technical investigation, based on information derived from that investigation,
3 made with the intention of preventing transportation occurrences;
4 "Serious Incident" means an incident involving circumstances indicating that
5 an accident nearly occurred.
6 "Site" in relation to transportation occurrence means any of the following sites
7 associated with an accident:
8 (a) a site containing the transport vehicle or any of its wreckage;
9 (b) a site where there is an impact point associated with the accident;
10 and
11 (c) if the accident involved destruction or serious damage to property
12 (other than the transport vehicle), a site containing that property or any of its
13 wreckage; together with such area around the site as the Director-General
14 determines to be reasonably necessary to facilitate the investigation of the
15 accident and securing the site,
16 "State" means any of the States of the Federal Republic of Nigeria or a nation or
17 territory considered as an organized political community under one
18 government;
19 "Statement" means an official account, record and statement of evidence and
20 fact given by a person to an investigator(s) of the NSIB;
21 "Tracked vehicle" means a self-propelled vehicle that moves on tracks;
22 (Transport) means the movement of human, animals or goods
23 from one location to another by use of transportation vehicle;
24 "Nigerian Transportation Accident Investigation Bureau" means the authority
25 designated as responsible for the administration and regulation of safety
26 investigation of transportation occurrences in Nigeria;
27 "Transportation occurrence" means an aviation, railway, marine or road
28 occurrence;
29 "Transport safety matters" means the occurrences as listed in section 26 of this
30 Act; and

1 'Vehicle' means a mobile machine that transports people or cargo, such as
2 aircraft, railed and hacked vehicles, motor vehicles, ships, buses, vans,
3 lorries, trucks, trailers etc.

4 63. This Bill may be cited as the Nigerian Safety Investigation, Short title
5 Bureau (Establishment, Etc.) Bill, 2019.

6 SCHEDULE:

7 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD

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

9 Proceedings of the NSIB Governing Board

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

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

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

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

25 Convening of Meetings of the Board

26 5. The Board shall meet to transact its business pursuant to this
27 Act whenever it is summoned by the Chairman shall, and if so required by
28 notice given to him by not less than four other members of the Board,
29 specifying, amongst others, an agenda for the meeting, the Chairman shall
30 summon a meeting of the Board that shall be held within fourteen days from

1 the date on which the notice is given to him to discuss the items specified in the
2 notice;

3 provided that the Board shall for the purposes of this Act meet not less than four
4 times in each calendar year.

5 6. If the office of Chairman is at any time vacant, or the Chairman is
6 absent from Nigeria or is in the opinion of the Board permanently or
7 temporarily unable to perform the functions of his office, the Officer appointed
8 to act in his stead shall convene such meetings of the Board as may be required
9 during the period of vacancy, absence or otherwise.

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

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

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

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

21 *Committees*

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

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

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

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

3 *Seal of the NSIB*

4 15. The fixing of the common seal of the NSIB shall be
5 authenticated by the signature of the Chairman and the Secretary or any
6 Member of the Board generally or specifically authorized by the Board to
7 act for that purpose.

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

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

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

19 *Conflict of Interest*

20 19. Subject to the provisions of this schedule, the Members of the
21 Governing Board, Director-General, Directors, Members of the
22 Management Staff, and other employees of the NSIB shall not while in
23 office manage or operate any transportation enterprise involving transport
24 vehicles applicable under this Act.

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

28 21. Any of the persons mentioned in subsection (1) above is
29 prohibited from participating in any action or decision that may, whether
30 directly or indirectly; affect their financial interest(s) in any transportation

enterprise contemplated under this Act.

22. The members of the Governing Board, Director General and member of the management staff of NSIB and all other employees shall:

(a) not for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of the duty as Director General, Director, Investigator, officer or employee of the NSIB;

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

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

EXPLANATORY MEMORANDUM

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

This Bill seeks to provide for the establishment of the Nigerian Safety Investigation Bureau (NSIB), for the regulation, management and administration of transportation occurrences and incidents investigation in Nigeria, and operation and application of this Bill.

The Bill provides for the establishment of the Nigerian Safety Investigation Bureau (NSIB) as a body corporate with legal personality, separate from the Government of Nigeria. The Bill also provides for the appointment of the Director General and other officers of the NSIB, and for the powers and functions of the NSIB. The Bill further provides for the regulation, management and administration of transportation occurrences and incidents investigation in Nigeria, and for the operation and application of this Bill.