

FEDERAL HIGHWAYS ACT

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Offences

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FEDERAL HIGHWAYS ACT

(EXTRACTS)

An Act to vest the powers of management, direction and control of Federal highways throughout Nigeria in the Minister of Works and Housing, in respect of planning (including research and designing of Federal highways), the construction and maintenance, the supervision of users of such highways and the regulation of traffic thereon.

[1971 No. 4.]

[Commencement: 1st June, 1971]

[L.N. 35 of 1971.]

Offences

5. Causing death by reckless or dangerous driving

Any person who causes the death of another person by the driving of a motor vehicle on a Federal highway recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the Federal highway, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the Federal highway, shall be guilty of an offence and liable on conviction to imprisonment for a term of seven years.

6. Reckless, etc., driving on Federal highway

(1) Any person who drives a motor vehicle on a Federal highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the state, condition, and use of that highway, and to the amount of traffic which at the time is or might reasonably be expected to be on that highway shall be guilty of an offence and liable on conviction to a fine of four hundred naira or to imprisonment for two years or to both such fine and imprisonment.

(2) If upon the trial of a person for an offence under section 4 of this Act, the court is not satisfied that the person's driving was the cause of the death but is satisfied that he is guilty of driving as mentioned in subsection (1) of this section, the court may convict that person of an offence under this section.

7. Careless and inconsiderate driving

(1) Any person who drives a motor vehicle on a Federal highway without due care and attention, or without reasonable consideration for other persons using the Federal highway shall be guilty of an offence and be liable on conviction to a fine of one hundred naira or in the case of a second subsequent conviction, to a fine of two hundred naira or to imprisonment for six months or to both such fine and imprisonment.

(2) Where a person is charged with an offence under section 6 of this Act and the court is of the opinion that the offence is not proved, then at any time during the hearing or immediately thereafter the court may, without prejudice to any other power exercisable by the court, direct or allow a charge for an offence under this section to be preferred forthwith against that person and may thereupon proceed with that charge, so however that the person charged or his counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against him or otherwise, of answering the new charge, and the court shall if it considers that he is prejudiced in his defence by reason of the new charge being so preferred, adjourn the hearing.

8. Driving under influence of drink: power to disqualify from driving in certain cases

(1) Any person who when driving or attempting to drive, or when in charge of a motor vehicle on a Federal highway is under the influence of drink or drugs to such an extent as to be incapable of having proper control of such vehicle, shall be guilty of an offence and liable on conviction to a fine of four hundred naira or to imprisonment for two years, or to both such fine and imprisonment.

(2) If a person is convicted under this section or under section 4, 5 or 6 of this Act he shall, unless the court for any special reason otherwise orders, be disqualified for a period of twelve months or if the court thinks fit, for any greater period (from the date of the conviction) from holding or obtaining a driving licence.

9. Power of arrest in certain cases

A police officer may arrest without warrant the driver of a motor vehicle on a Federal highway who within his view commits an offence under section 5, 6, 7 or 8 of this Act, unless the driver either produces his licence to drive or produces other evidence of his identity acceptable to the police officer.

10. Drivers of motor vehicles to have driving licences

(1) A person shall not drive on a Federal highway a motor vehicle of any class or description unless, he is the holder of a valid licence authorising him to drive a motor vehicle of that class or description.

(2) A person shall not employ another person to drive on a Federal highway a motor vehicle of any class or description unless, the person employed is the holder of a valid licence authorising the person employed to drive a motor vehicle of that class or description.

(3) A person who acts in contravention of subsection (1) or (2) of this section shall be guilty of an offence and liable on conviction to a fine of one hundred naira or in the case of a second or subsequent offence to a fine of two hundred naira or to imprisonment for six months or to both such fine and imprisonment.

11. Offences relating to licences and identification marks

(1) Any person who for purposes incidental to user on a Federal highway (and whether or not so used)—

- (a) forges, or fraudulently defaces, alters, adds to or mutilates, any driving or vehicle licence or identification mark;
- (b) exhibits or uses any driving or vehicle licence, or identification mark which has been forged or defaced;
- (c) lends or allows to be used by any other person any such licence as aforesaid or identification mark pertaining to another vehicle; or
- (d) uses a driving licence belonging to another person or exhibits or uses on a vehicle any licence upon which figures or particulars have become illegible, or exhibits or uses on a vehicle any colourable imitation of a licence to which he is not entitled,

shall be guilty of an offence.

(2) Any person who drives on a Federal highway a motor vehicle required to bear a prescribed identification mark without that identification mark or with a false identification mark shall be guilty of an offence.

(3) In this section the burden of proof of any absence of intent to commit an offence shall lie upon the person charged therewith.

12. Driving without authority of owner of motor vehicle

Any person who on a Federal highway drives a motor vehicle on any occasion without the authority express or implied of the owner shall be guilty of an offence and liable on conviction to a fine of ₦100 or to imprisonment for six months, or to both such fine and imprisonment.

13. Failure to report accidents

(1) Where an accident occurs on a Federal highway by reason of the use of a motor vehicle or trailer and injury is caused to any person, property, or livestock in the charge of any person, the driver of the motor vehicle shall—

- (a) immediately stop the vehicle;
- (b) when requested so to do furnish his name and address, the name and address of the owner of the vehicle, the identification mark of the vehicle, and other particulars relating thereto to any person to whom or to the owner or person in charge of the property or of the livestock to which, the injury or other damage has been caused, or to any police officer;
- (c) if the person injured so requests, (and in case that person is unconscious or the injury caused to that person appears to endanger life) do all things reasonably practicable to attend to the injured person so as to procure for him medical attention and, where necessary, his removal to a hospital, and the driver aforesaid shall report the accident as early as possible to the nearest police station; and
- (d) where a case is not within paragraph (c) of this subsection, report the accident as soon as possible (not later in any event than 24 hours from the time when the accident occurred) to the nearest police station.

(2) Any person who fails to comply with any of the requirements of subsection (1) of this section shall be guilty of an offence under this Act.

14. Failure to supply, etc., information lawfully demanded

(1) Any person suspected of having committed an offence under this Act, and who refuses without lawful excuse to give a police officer his name and address or such other information that may reasonably be demanded of him by the police officer, or who gives a false name or address or false information, shall be guilty of an offence.

(2) The owner and any other person in control or apparent control of a vehicle or of any animals on a Federal highway shall on lawful demand by a police officer, give to that officer information which the owner or other person aforesaid may have concerning any offence involving the use of the vehicle or the driving of animals on the Federal highway at the time of the offence, and the failure to comply with any such lawful demand shall itself be an offence under this Act.

15. Overloading or driving a vehicle in an unsafe condition

Where on a Federal highway an offence relating to the overloading of a commercial vehicle or of driving a commercial vehicle in an unsafe condition or at a speed exceeding that prescribed by law is committed, the persons liable to conviction in respect of the offence shall be—

- (a) the driver;

- (b) the owner if not also the driver; and
- (c) a bailee if not also the driver,

so however that proceedings against any person as owner or bailee under paragraph (b) or (c) of this section shall not be instituted without the approval of the Attorney-General of the Federation, and it shall be a good defence to a prosecution if the owner or bailee as aforesaid, proves to the satisfaction of the court that no act or omission on his part was conducive to the commission of the offence.

16. Use of motor vehicle for purposes other than licensed

Any person who uses a motor vehicle for a purpose other than that for which it is licensed shall be guilty of an offence; and save in the case of driving without a licence (in respect of which a different penalty may be imposed) nothing in this Act shall affect or diminish the liability of the driver or, as the case may be, the owner or bailee of the vehicle or as a driver under any other enactment or rule of law.

17. Offences in respect of which penalties are not elsewhere prescribed

Where in respect of an offence under this Act no penalty is prescribed, the court convicting may in the case of a first offence, impose a penalty by way of fine of two hundred naira or of imprisonment for a term of twelve months or both, and in respect of a second or any subsequent offence (whether of the same kind or not) the penalty shall be imprisonment for a term of eighteen months without the option of a fine unless the court otherwise considers that a fine will be appropriate in the circumstances.

FEDERAL HIGHWAYS (PERMISSIBLE WEIGHTS AND WEIGH-TRIDINGS) REGULATIONS

[Commencement 1/1/1980]

1. Conditions relating to weights of vehicles on Federal Highways

As from the commencement of these Regulations, no person shall cause or permit a vehicle to be used on any Federal highway or shall drive or have charge of a motor vehicle or trailer when so used on such highway unless all the conditions hereinafter set forth are satisfied, that is—

- (a) a vehicle, if its net weight exceeds 200 kg, shall be capable of being so worked that it may travel either forwards or backwards;
- (b) no motor vehicle or trailer (exclusive of the load thereon) shall exceed 2.5 metres in overall width and the overall length of an articulated vehicle shall not exceed 14 metres and the overall length of a vehicle and trailer drawn by such vehicle shall not exceed 18 metres;
- (c) no motor vehicle or trailer shall be so worked that any part thereof extends more than two metres beyond the rear alignment of the vehicle or trailer or more than 2.5 metres beyond either side of the vehicle and trailer when so worked as to be in a line with the rear of such vehicle, or that any