

MOTOR VEHICLES (THIRD PARTY LIABILITY INSURANCE) (ECOWAS BROWN CARD SCHEME) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Designation of the National Insurance Corporation of Nigeria as the Nigerian National Bureau.
1. Modification of existing laws.
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An Act to make provisions for the participation by Nigeria in the ECOW AS Brown Card Scheme.

[1986 No. 15.]

[11 *th* July, 1986]

[Commencement.]

WHEREAS by a Protocol signed on 29th May 1982 between Member States of the Economic Community of West African States, and ratified by the Federal Republic of Nigeria on 21 st June 1983, Nigeria agreed to participate in the Economic Community of West African States (ECOWAS) Brown Card Scheme designed to provide third party liability insurance protection for victims of road accidents within the territories of the Contracting Parties;

AND WHEREAS the Protocol now signed and ratified by the required number of members of the Economic Community of West African States to bring the same into force is further designed to promote the development of trade and tourism among the Member States of the Community;

AND WHEREAS under the provisions of the Protocol aforesaid it is necessary for Member States of the Community to enact legislation to give municipal effect to the

protocol within their respective countries.

1. Designation of the National Insurance Corporation of Nigeria as the Nigerian National Bureau

(1) Notwithstanding anything to the contrary contained in any other enactment, and in accordance with the provisions of Article 5 of the Protocol, the National Insurance Corporation of Nigeria is hereby designated as the Nigerian National Bureau for the purposes of the Protocol.

(2) Accordingly, the National Insurance Corporation of Nigeria shall-

(a) act as the sole agency charged with responsibility for issuing ECOW AS Brown Cards as required under the Protocol;

(b) handle Nigeria's financial and other commitments under the Protocol;

(c) act as the managers of insurance operations against liability risks in respect of motor vehicle accidents;

1. settle claims arising from accidents caused in any West African country covered by the scheme, by holders of the Brown Card issued by it;

1. handle claims arising from accidents caused in Nigeria by holders of the Brown Cards issued by the National Bureau of other participating countries; and

1. enter into agreements with Nigerian insurers who may apply to participate in the scheme as members of the Bureau.

(3) The participating members shall provide the Bureau with such guarantee as the Bureau may require and shall make contributions towards the operating expenses of the Bureau.

(4) No insurer shall participate in the scheme unless he has entered into an agreement with the National Bureau pursuant to section I (2) (f) of this Act.

1. Modification of existing laws

(1) The provisions of any existing law relating to Motor Vehicles Third Party Insurance or any other matter to which this Act relates, shall have effect with such modification as may be necessary to bring it into conformity with the provisions of this Act.

(2) For the purposes of this Act, **“existing law”** means any law, enactment or instrument whatsoever which is in force immediately before the date when this Act comes into force and shall include in particular-

(a) section 3 and section 23 of the Motor Vehicles (Third Party Insurance) Act;

[Cap. M22]

(b) the Road Traffic Laws;

(c) Part IX of the Insurance Act; and

[Cap. 117.1992 No. 2.]

(d) all regulations, orders and instruments made under the aforementioned enactments.

1. **Penalty**

Any person from any member country of the Economic Community of West African States who uses or drives any motor vehicle on a Nigerian road without the possession of a valid ECOWAS Brown Card issued by a National Bureau of the member country is guilty of an offence and liable on conviction to a fine of five hundred naira or to imprisonment for fifteen months or to both such fine and imprisonment.

1. **Interpretation**

In this Act, unless the context otherwise requires-

“Brown Card” means the Ecowas Brown Card within the meaning of the Protocol;

“Community” or **“ECOWAS”** means the Economic Community of West African States;

“member of the National Bureau” means an insurer duly registered under the relevant law in Nigeria as an insurance company and who has entered into an agreement with the Nigerian National Bureau for the purpose of participating in the ECOWAS Brown Card Scheme;

“Protocol” means the Protocol on the Establishment of ECOWAS Brown Card Scheme relating to Third Party Liability Insurance (No. A/PI/5/82) signed and ratified by Member States.

5. **Short title**

This Act may be cited as the Motor Vehicles (Third Part Liability Insurance) (Ecowas Brown Card Scheme) Act.

MOTOR VEHICLES (THIRD PARTY LIABILITY INSURANCE)
(ECOWAS BROWN CARD SCHEME) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation