

FEDERAL URBAN MASS TRANSIT AGENCY ACT

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SCHEDULE

FEDERAL URBAN MASS TRANSIT AGENCY ACT

An Act to establish the Federal Urban Mass Transit Agency and to provide, among other things, for the orderly and efficient development of urban mass transit services in Nigeria.

[1993 No. 67.]

[3rd August, 1993]

[Commencement.]

1. Establishment of the Federal Urban Mass Transit Agency

(1) There is hereby established in the Presidency, a body to be known as the Federal Urban Mass Transit Agency (in this Act referred to as "the Agency").

(2) The Agency-

- (a) shall be a body corporate with perpetual succession and a common seal; and
- (b) may sue and be sued in its corporate name.

2. Composition of the Governing Board of the Agency

(1) There is hereby established for the Agency, a governing board (in this Act referred to as "the Board") which shall consist of the following-

- (a) an executive chairman who shall be the chief executive of the Agency and shall be appointed by the President;
- (b) one representative each of the following Federal Ministries that is-
 - (i) Communications;
 - (ii) Transport;
 - (iii) Aviation;

- (iv) Works and Housing;
- (v) Industry;

- (vi) Science and Technology;
- (vii) Finance; and

(c) five other persons, including a representative of women to be appointed by the President.

(2) The supplementary provisions contained in the Schedule to this Act, shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

[Schedule.]

3. Functions of the Agency

(1) Subject to this Act, the Agency shall perform the following functions, that is-

(a) plan and advise the Federal Government on policy issues affecting urban mass transit planning, operation, and management in Nigeria;

(b) formulate the overall national policy on urban mass transit to include the regulation of fare structure, safety standards and comfort of passengers;

(c) set Federal Government objectives and priorities on urban mass transit on a continuous basis and also convey to the public the Federal Government's policies on urban mass transit system development;

(d) implement Federal Government directives on mass transit;

(e) monitor and supervise the operations and activities of the State Mass Transit Agencies and promote urban transport operators in relation to technical assistance projects received from the Agency;

(f) conduct or commission studies on all aspects of urban mass transit in Nigeria from time to time with the overall objective of improving urban mass transit delivery system in Nigeria;

(g) organise training, workshops, seminar and conference as it deems fit to enhance the performance of its role and those of mass transit delivery system in Nigeria; and

(h) perform such other functions which may be assigned to it from time to time by the President.

4. Objectives of the Agency

It shall be the objective of the Agency to-

- (a) evolve effective and efficient development of Nigerian urban mass transit system;
- (b) improve the commuting difficulties of workers in major urban centres in Nigeria;
- (c) modernise and lay a solid foundation for orderly and comprehensive programme of urban mass transit system in Nigeria and promote the development of economic growth and employment generation and other multiplier effects.

5. Tenure of office of the executive chairman and members

The executive chairman and the other members appointed by the President, shall hold office for a period of five years in the first instance and shall be eligible for re-appointment for a further period of five years and no more.

6. Removal of members from office

A member of the Agency-

- (a) may at any time be removed from office by the President, for inability to discharge the functions of his office, whether arising from infirmity of the body or any cause whatsoever; or
- (b) may resign his membership by notice in writing addressed to the President, and that member shall on the date of the receipt of the notice by the President, cease to be a member;
- (c) shall be paid such allowances as the President, may, from time to time, determine.

7. Liaison with other bodies

The Agency shall liaise and work in close co-operation with other relevant Ministries, Government Agencies at the Federal, State and local governments and co-operate with all international, private and public institutions, enterprises and individuals concerned with the realisation of the objectives of the Agency.

8. Organisational structure of the Agency

(1) The Agency shall be divided into the following departments, that is-

- (a) Personnel Management;

- (b) Planning, Research and Statistics;
- (c) Finance and Supplies;
- (d) Transport Operations and Management;
- (e) Engineering Services; and

(f) such other departments as may be required from time to time for performance of the functions of the Agency.

(2) The departments established under subsection (1) of this section shall each be headed by a director who shall be appointed by the Board.

9. Appointment of secretary and other employees of the Agency

(1) There shall be appointed by the executive chairman, with the approval of the Board, a secretary who shall be qualified to practice as a legal practitioner in Nigeria and has been so qualified for not less than 8 years.

(2) The secretary shall-

- (a) be the legal adviser to the Agency;
- (b) prepare the minutes of the Board and any of its committees;
- (c) keep and secure the records of the Board; and

(d) perform such other functions as may be determined by the executive chairman or the Board from time to time.

(3) The Board may, from time to time, appoint for the Agency such other employees as it deems necessary for the efficient performance of the functions of the Agency under this Act.

(4) The members of staff of the Agency appointed under subsection (3) of this section shall be appointed on such terms and conditions of service as the Board may, after consultation with the Federal Civil Service Commission, determine.

(5) The staff of the Agency shall be public officers as defined in the Constitution of the Federal Republic of Nigeria, 1999.

[Cap. C23.]

10. Pensions

(1) Service in the Agency shall be approved service for the purpose of the Pensions Act and, accordingly officers and other employees of the Agency shall be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act.

[Cap. P4.]

(2) Notwithstanding the provisions of subsection (1) of this section, the Agency may appoint a person to any office on terms which preclude the grant of a pension or other retirement benefits in respect of that office.

(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation other than the power to make regulations under section 23 thereof is hereby

vested in and shall be exercisable by the Agency and not by any other person or authority.

11. Fund of the Agency

(1) The Agency shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Agency.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-

(a) such moneys as may, from time to time, be lent or granted to the Agency by the Government of the Federation or of a State;

(b) all moneys raised for the purposes of the Agency by way of gift, loan, grant-in-aid, testamentary disposition or otherwise;

(c) all subscriptions, fees or charges for services rendered by the Agency; and

(d) all other assets that may, from time to time, accrue to the Agency.

(3) The fund shall be managed in accordance with rules made by the President, and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions-

(a) specifying the manner in which the assets or the fund are to be held and regulating the making of payments into and out of the fund;

(b) requiring the keeping of proper accounts and records for the purposes of the fund in such form as may be specified in the rules.

12. Expenditure of the Agency

The Agency may, from time to time, apply the proceeds of the fund established pursuant to section 11 of this Act to-

(a) the cost of administration of the Agency; and

(b) the payment of the salaries, fees and other remuneration, allowances, pensions and gratuities payable to members or employees of the Agency, so however that no payment of any kind under this paragraph shall be made to any person who is in receipt of emoluments from the Government of the Federation or of a State.

13. Power to accept gifts

(1) The Agency may accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person making the gift.

(2) The Agency shall not accept any gift if the conditions attached by the person making the gift are inconsistent with the functions of the Agency.

14. Power to borrow

The Agency may, with the consent of the President, borrow, on such terms and conditions as the Board may determine, such sums of money as the Board may require in the exercise of the functions conferred on it under this Act.

15. Annual estimates, accounts and audit

(1) The Board shall cause to be prepared not later than six months before the end of each year or such other time as the President may direct, an estimate of the expenditure and income of the Agency during the next succeeding year and when prepared they shall be submitted to the President.

(2) The Board shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Board such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Agency shall be audited within six months after the end of each year by auditors appointed by the Board from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

16. Annual reports

The Board shall, not later than six months after the end of each year, submit to the President and its administration during the immediately preceding year and shall include in such report the audited accounts of the Agency and the auditors' comments thereon.

17. Directives by the President

The President, may, from time to time, give to the Board directives of a general nature as to the manner in which the Agency shall exercise its functions under this Act and it shall be the duty of the Board to give effect to such directives.

18. Regulations

The executive chairman of the Agency may, with the approval of the Board, make regulations for carrying into effect the provisions of this Act.

19. Interpretation

In this Act, unless the context otherwise requires-

"**Agency**" means the Federal Urban Mass Transit Agency established by section I of this Act;

"**functions**" includes duties and powers.

20. Short title

The Act may be cited as the Federal Urban Mass Transit Agency Act.

SCHEDULE

[Section 2 (2).]

Supplementary provisions relating to the Board

Proceedings

1. Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board or any committee thereof.

[Cap. I23.]

2. The Board shall meet at least four times in a year and at such other times as the executive chairman may, from time to time, determine and in any case, shall not meet more than six times in a year.
3. Every meeting of the Board shall be presided over by the executive chairman of the Board and if the executive chairman is unable to attend any particular meeting, a member may be appointed by the members present to Act as chairman for that particular meeting.
4. A quorum at a meeting of the Board shall consist of four members.
5. Where standing orders made under paragraph 1 of this Schedule provide for the Board to co-opt persons who are not members of the Board, such persons may advise the Board on any matter referred to them by the Board, but shall not be entitled to vote at a meeting of the Board or count towards a quorum.

Committees

6. Subject to its standing orders, the Board may appoint such number of standing and *ad-hoc* committees as it thinks fit to consider and report on any matter with which the Board is concerned.
7. Every committee appointed under paragraph 6 of this Schedule shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.
8. The quorum of any committee set up by the Board shall be as may be determined by the Board.
9. Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Board to consist of or to co-opt persons who are not members of the Board, the committee may advise the Board on any matter referred to it by the Board.
10. A decision of a committee shall be of no effect until it is confirmed by the Board.

Miscellaneous

11. The fixing of the seal of the Agency shall be authenticated by the signature of the executive chairman and of any other person authorised in that behalf by the Board.
12. Any contract or instrument which, if made or executed by any person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the Agency by any person generally or specially authorised to act for that purpose by the Board.
13. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed to have been so signed and sealed.

14. The validity of any proceedings of the Board shall not be adversely affected by-

(a) any vacancy in the membership of the Board; or

(b) any defect in the appointment of a member of the Board; or

(c) reason that a person not entitled to do so took part in the proceedings of the Board.

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SUBSIDIARY LEGISLATION

No Subsidiary Legislation