

CHAPTER 141

FEDERAL ROAD SAFETY COMMISSION ACT

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CHAPTER 141

FEDERAL ROAD SAFETY COMMISSION ACT

1988 No. 45. An Act to establish the Federal Road Safety Commission with responsibility for preventing and minimising road accidents on highways and clearing obstructions on any part of the highways and for educating drivers, motorists and other members of the public generally on the proper use of highways; and to provide for other matters connected therewith.

Commencement.

[see section 21]

PART I.—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE FEDERAL ROAD SAFETY COMMISSION

Establishment and composition of the Federal Road Safety Commission, etc.

1. (1) There is hereby established for Nigeria a Federal Road Safety Commission (hereinafter in this Act referred to as "the Commission") which under that name shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name and whose members shall exercise the functions specified in this Act.

(2) The Commission shall consist of—

(a) a Chairman and ten other persons to be appointed by the President, Commander-in-Chief of the Armed Forces; and

(b) the Director of the Corps.

(3) The provisions of the First Schedule to this Act shall apply with respect to the proceedings of the Commission and the other matters provided therein.

Tenure of office of members.

2. (1) Subject to subsection (2) of this section, a member of the Commission other than an *ex-officio* member shall hold office for such period (not exceeding three years) as may be specified in his letter of appointment.

(2) Notwithstanding anything to the contrary in the letter by which he is appointed, a member of the Commission

other than an *ex-officio* member, may at any time resign his appointment by writing under his hand, a letter addressed to the President, Commander-in-Chief of the Armed Forces, and the membership of the person concerned shall terminate on the date of receipt of the letter of resignation.

(3) The President, Commander-in-Chief of the Armed Forces may at any time remove any member from office if in his opinion it is in the interest of the Commission or of the nation for such member to be removed from the Commission.

3. (1) The Commission shall be charged with the responsibility for—

- (a) the policy making;
- (b) the organisation; and
- (c) the administration,

of the Federal Road Safety Corps established by and under section 11 of this Act.

(2) In particular, it shall be the duty of the Commission to—

- (a) draw up (progressive) programmes of training for members of the Federal Road Safety Corps designed for securing their effectiveness and efficiency in the performance of its functions under this Act; and
- (b) appoint suitable persons as Route Commanders, Road Marshals, Vehicle Inspection Marshals and other servants or agents as would in the opinion of the Commission enable it to achieve the objectives of this Act and exercise disciplinary control over persons so appointed.

4. The Commission may, subject to such conditions as it may think fit, delegate any of its powers under this Act to any of its members or to the Director.

5. Subject to the provisions of sections 7 and 8 of this Act the Commission may make regulations generally for the carrying out of the objectives of this Act and, in particular, may make regulations relating to—

- (a) ranks, pay and allowances of members of the Corps;

Control of
policy by the
Commission.

Delegation
of powers.

Power to
make
regulations.

- (b) hours of duty and leave of members of the Corps;
- (c) the procedure and terms of appointment of members of the Corps;
- (d) subject to the provisions of this Act, the qualification for appointment of members of the Corps or any ranks and the procedure for promotion to any such rank;
- (e) the maintenance of discipline among members of the Corps; and
- (f) the establishment, investigation and certification of driving schools other than those established by the Commission under this Act.

Directives
of the
President.

6. (1) The President, Commander-in-Chief of the Armed Forces may give directives of a general or a special character to the Commission relating to the performance by the Commission of any or all of its functions under this Act or the policy to be followed by the Commission in the exercise of its functions and it shall be the duty of the Commission to comply and give effect to any such directives.

(2) The Commission shall furnish the President, Commander-in-Chief of the Armed Forces with such information and returns relating to its current and proposed activities as the President, Commander-in-Chief of the Armed Forces may, from time to time, require and the Commission shall give to the President, Commander-in-Chief of the Armed Forces all facilities for verifying the information or returns so furnished.

Director of
the Road
Safety
Corps.

7. (1) There shall be a Director of the Corps who shall be appointed by the President, Commander-in-Chief of the Armed Forces and who shall be a person possessing sound knowledge of and ability in the organisation and administration of road traffic and road safety matters.

(2) The Director shall be the chief executive of the Corps and shall be exclusively responsible for the execution of the policies and decisions of the Commission and for carrying into effect the day to day activities of the Corps.

(3) Without prejudice to the provisions of subsection (2) of this section, the Director shall—

- (a) exercise general supervision and control over members of the Corps and the other staff of the Commission;
- (b) direct the activities of members of the Corps and of the officers and servants of the Commission;
- (c) manage the Commission's financial affairs; and
- (d) deploy the human and material resources of the Commission in such manner as will best ensure the attainment of the aims and objectives of this Act.

8. (1) The Commission shall, as soon as may be after the commencement of this Act, establish, in each State or operational zone, a model driving school as a standard for driving schools in each State or operational zone and for the testing and retraining of drivers.

Education centre for drivers.

(2) The driving schools shall—

- (a) provide training in driving and in road traffic regulations to potential drivers; and
- (b) organise seminars and provide education in road traffic regulations and improved driving techniques to persons who are already holding permits or licences to drive and handle motor vehicles on the highways.

(3) The driving schools shall award certificates to students or trainee drivers who successfully complete the courses prescribed by the school.

(4) The Commission shall provide such facilities for the driving schools as may enable them to achieve its objectives under this section.

9. The funds of the Commission shall consist of—

- (a) such funds as may, from time to time, be provided by the Federal Military Government;
- (b) any other sum or property which may in any way become payable to or vest in the Commission.

Funds and resources of the Commission.

Accounts
and audit.

10. The Commission shall keep proper accounts, in a form which conforms with accepted commercial standards, of its receipts, payments, assets and liabilities and shall submit the accounts annually, for auditing by a qualified auditor from the list of auditors supplied by the Auditor-General of the Federation.

PART II.—ESTABLISHMENT, FUNCTIONS AND RANK OF MEMBERS OF THE ROAD SAFETY CORPS

Establish-
ment and
functions
of the
Road Safety
Corps.

11. (1) There is hereby established for the Commission, a body to be known as the Federal Road Safety Corps (in this Act referred to as "the Corps") which shall consist of such number of uniformed and non-uniformed members as may be determined, from time to time, by the Commission with the approval of the President, Commander-in-Chief of the Armed Forces.

(2) The Corps shall discharge functions relating generally to—

- (a) making the highways safe for motorists and other road users;
- (b) recommending works and devices designed to eliminate or minimise accidents on the highways and advising the Federal Ministry of Works and Housing on the localities where such works and devices are required; and
- (c) educating motorists and members of the public on the importance of discipline on the highways.

(3) In particular, but without prejudice to the generality of the provision of subsection (2) of this section, members of the Corps shall, subject to the provisions of this Act, be charged with responsibility for—

- (a) preventing or minimising accidents on the highways;
- (b) clearing obstructions on any part of the highways;
- (c) educating drivers, motorists and other members of the public generally on the proper use of the highways;
- (d) giving prompt attention and care to victims of accidents;

- (e) conducting researches into causes of motor accidents and methods of preventing them and putting into use the results of such researches;
- (f) determining and enforcing speed limits for all categories of roads and vehicles;
- (g) co-operating with bodies or agencies or groups engaged in road safety activities or in the prevention of accidents on the highways;
- (h) making regulations in pursuance of any of the functions assigned to the Corps by or under this Act;
- (i) performing such other functions as may, from time to time, be assigned to the Corps by the Commission.

(4) In the exercise of the functions conferred by this section, members of the Corps shall have power to arrest and prosecute offenders reasonably suspected of having committed any of the following offences, that is—

- (a) obstructing highway with a vehicle or any other object;
- (b) driving or riding any vehicle on the highways in excess of the prescribed speed;
- (c) wrongful overtaking of another vehicle;
- (d) failing to obey traffic lights, road signs or pavement markings;
- (e) driving or riding a vehicle without carrying breakdown transparent warning cones or triangles, or, in the case of a breakdown, without reporting within reasonable time of the breakdown to members of the Corps so that necessary measures may be taken to effect the removal of the breakdown vehicle from the highway;
- (f) being on a road without lights, signs or reflectors as required by law;
- (g) contravention of the provisions of any order, bye-laws, regulations or rules relating to—
 - (i) the route to be followed by vehicles generally or by vehicles of the class to which the vehicle belongs, or

- (ii) the roads which are to be used for traffic by such vehicles;
- (h) being on a road without a valid vehicle licence or identification mark being displayed;
- (i) being on a road without the driver thereof being in possession of a valid driving licence or any other licence or permit required by law;
- (j) driving a motor vehicle on a highway recklessly or negligently or at a speed or in a manner which is dangerous to the public;
- (k) driving or attempting to drive a motor vehicle on a highway under the influence of drugs or alcohol;
- (l) operating a vehicle with forged driving or insurance papers;
- (m) unauthorised removal of, or tampering with, road warning signs;
- (n) creating a road hazard without adequate warning signs;
- (o) removing a vehicle on which the sign DO NOT MOVE has been pasted by members of the Corps or other duly authorised body;
- (p) failure to observe speed limit erected at road construction areas;
- (q) in the case of slow vehicles, failure to move to the extreme shoulder of the road where up to four vehicles are held up, unable to overtake;
- (r) in the case of a vehicle carrying a load of gravel or other unstable material, failure to cover such material with tarpaulin or strong plastic;
- (s) failure to display number-plates on vehicles;
- (t) loading a vehicle above the weight it is licensed to carry; and
- (u) in the case of road construction companies, failure to provide adequate warning signs at construction areas day or night.

(5) In the discharge of the functions of the Corps by or under this Act and notwithstanding the provisions of section 18(1) of this Act, a member of the Corps shall have power to—

- (a) arrest any person suspected of committing or having committed an offence under this Act;
- (b) remove and detain for a reasonable length of time any vehicle which has been parked in a manner that causes an obstruction on a highway:

Provided that no vehicle shall be removed or detained where there is reasonable cause to believe that such action would cause damage to the vehicle, but the owner or driver of the vehicle shall pay a sum of twenty naira for every day or part thereof of such obstruction in addition to any other penalty which may have been prescribed under this Act;

- (c) endorse, after conviction, any driving licence indicating the offence committed by its holder;
- (d) seize, when necessary, the driving licence of any person suspected to have committed an offence under this Act;
- (e) impound a vehicle suspected to have been stolen where the driver of the vehicle fails to produce on demand and to the satisfaction of the member of the Corps the particulars of such vehicle;
- (f) tow away and park such impounded vehicle in the premises of the Corps and promptly notify the police of the matter for further investigation.

(6) The driver or owner of a vehicle shall be liable to pay a sum of ten naira for every day or part thereof during which the vehicle is detained:

Provided that if the driver or owner of the vehicle fails to reclaim such vehicle within six months of the date of its detention the Corps may apply to the High Court for an order forfeiting the vehicle to the Corps which may thereafter dispose of the vehicle by public auction and deposit the proceeds of sale in the Government Treasury.

(7) Any person who contravenes any of the provisions of subsection (4) of this section or commits any offence under

this Act shall be liable on summary conviction to penalty as specified in the relevant section of the enactment concerned with the offence or, as the case may be, in respect of offences specified in column 1 of the Second Schedule to this Act, as prescribed in the second column of the Second Schedule to this Act.

(8) Persons suspected of having committed an offence under this Act may be prosecuted in any Magistrate's Court in the State within which the offence is committed.

(9) For the purposes of enforcing or prosecuting offences under this Act, the Road Traffic Act, the Federal Highways Act and any regulations made under these Acts shall apply to this Act.

Cap. 184 of
the 1958
Edition.
Cap. 135.

Ranks of
members of
Road Safety
Corps.

12. (1) Members of the Corps shall bear such ranks and designations as may be assigned to them by the Commission within the following grades, that is—

- (a) Route Commander;
- (b) Vehicle Inspection Marshal; and
- (c) Road Marshal.

(2) The qualification for the appointment of members of the Corps shall be in accordance with the rules made by the Commission for that purpose.

Route
Commander.

13. Route Commanders shall perform such functions as may, from time to time, be assigned to them by the Commission.

Declaration
of interest
by members
of the Corps.

14. (1) A person shall, before he is appointed as a member of the Corps, be required to declare his interest, if any, in any transport or other business organisation undertaking transportation of passengers, of goods or engaged in the manufacturing or sale of any equipment used by the Corps.

(2) A member of the Corps who acquires any financial interest in any organisation undertaking transportation of passengers or goods or in the production or sale of any equipment used by the Corps shall, within one month of

such acquisition, give notice thereof in writing to the Commission specifying the interest so acquired and the Commission may, after taking into consideration all the circumstances of the case, decide whether—

- (a) to retain him as a member of the Corps; or
- (b) to remove him from such membership; or
- (c) attach any condition to his membership.

15. The Commission shall provide for the service of members of the Corps such equipment as the Commission may consider necessary for the effective and efficient discharge of the functions conferred by and under this Act; including the provision of uniforms, identification cards light reflecting night garments, raincoats, high-powered motor-cycles, motor cars, ambulances, recovery vehicles, two-way mobile radio, telephone sets and powerful torches.

Provision of equipment.

16. (1) The operation of the Corps shall be limited to the Federal Highways, and for the administration of this Act the Commission shall create operational zones, each of which shall be under the control of an officer appointed by the Commission.

Jurisdiction and operational zones.

(2) The Commission may deploy to each operational zone such numbers of Route Commanders, Vehicle Inspection Marshals and Road Marshals as it may deem sufficient for enforcing the provisions of this Act within the operational zone.

17. (1) A member of the Corps shall not, when on duty and in uniform and operating on the route to which he is assigned, be liable for any act validly done by him in the exercise of his duties and within the limit of the powers as conferred on him by this Act or any rules or regulations made thereunder and a non-uniformed Marshal shall, when on duty and operating on the route to which he is assigned, enjoy the immunity granted to a uniformed Marshal by this section.

Immunity and protection of members.

(2) Any person who obstructs or assaults a member of the Corps in the performance of his duties shall be liable on conviction to a fine of one hundred naira or to imprisonment for six months or to both such fine and imprisonment.

Members to be regarded as persons in the public service of the Federation, etc.
Cap. 62.

18. (1) Service by members of the Corps under this Act shall be deemed to be public service of the Federation within the provisions of section 277(1) of the Constitution of the Federal Republic of Nigeria, as amended.

(2) The Commission may require any person employed as a member of the Corps to undergo such course of training related to the functions of the Corps under this Act and at such institutions or organisations, as the Commission may, from time to time, decide.

Allocation of service numbers.

19. (1) Every member of the Corps shall have allocated to him, a service number, which shall be prefixed against his name in the register of members to be kept by the Commission.

(2) The service number shall be the identity number of the member and shall be affixed in the case of a uniformed Marshal on the shoulder flap or such other conspicuous part of his uniform as the Commission may decide.

(3) A uniformed member of the Corps shall be in his uniform whenever he is on duty in his office or on the highway.

PART III.—MISCELLANEOUS

Interpretation.

20. In this Act, unless the context otherwise requires—
“Commission” means the Federal Road Safety Commission established under section 1(1) of this Act.

“Corps” means the Federal Road Safety Corps established under section 11 of this Act.

“member” means a member of the Corps or, as the case may require, of the Commission and includes the Chairman of the Commission.

Short title and commencement.

21. This Act may be cited as the Federal Road Safety Commission Act and shall be deemed, except in respect of those sections creating offence and awarding punishment, to have come into force on 18th February 1988.

SCHEDULES

FIRST SCHEDULE

Section 1(3)

Proceedings of the Commission

1. The Commission may make standing orders regulating the proceedings of the Commission or of any committee thereof.

2. The quorum of the Commission shall be five and the quorum of any committee of the Commission shall be determined by the Commission.

3. At any time while the office of the Chairman is vacant or the Chairman is, in the opinion of the Commission, temporarily or permanently unable to perform the functions of his office, a member of the Commission duly appointed by the Commission shall perform those functions and references in this Schedule to the Chairman shall be construed accordingly.

4. (1) Subject to the provisions of any applicable standing orders, the Commission shall meet whenever summoned by the Chairman; and if the Chairman is required so to do by notice given to him by not less than three other members, he shall summon a meeting of the Commission to be held within twenty-one days from the date on which the notice is given.

(2) At any meeting of the Commission, the Chairman or, in his absence, any member duly appointed by the Commission, shall preside at that meeting.

(3) Where the Commission wishes to obtain the advice of any person on a particular matter, the Commission may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.

5. (1) The Commission may appoint one or more committees to carry out, on behalf of the Commission, such of its functions as the Commission may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Commission and not more than one-third of those persons may be persons who are not members of the Commission; and a person other than a member of the Commission shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

(3) A decision of a committee of the Commission shall be of no effect until it is confirmed by the Commission.

Miscellaneous

6. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman or of some other member authorised generally or specially by the Commission to act for that purpose.

SECOND SCHEDULE

Section 11(7)

<i>Offences</i>	<i>Penalty</i> ₦ : k
(a) being on a road without lights, signs or reflectors as required by law	100 : 00
(b) obstructing a road or waiting or parked or being loaded or unloaded otherwise than as required by law	100 : 00
(c) contravention of the provisions of any order, bye-laws, regulations or rules relating to—	
(i) the route to be followed by vehicles generally or by vehicles of the class to which the vehicle belongs, or	
(ii) the roads which are to be used for traffic by such vehicles	100 : 00
(d) exceeding the prescribed speed limit	200 : 00
(e) being on a road without a valid vehicle or identification mark being displayed	200 : 00
(f) being on a road without the driver thereof being in possession of a valid driving licence or permit required by law	200 : 00
(g) wrongful overtaking of other vehicles	200 : 00
(h) failure to obey traffic lights or signs	200 : 00
(i) disregard of road signs, markings and pavement ..	200 : 00
(j) failure to carry break-down transparent warning cones or triangles	100 : 00
(k) driving a motor vehicle on a highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public	200 : 00
(l) driving or attempting to drive a motor vehicle on a highway under the influence of drugs or alcohol	200 : 00
(m) operating a vehicle with forged driving insurance papers	200 : 00
(n) unauthorised removal of or tampering with road warning signs	200 : 00

SECOND SCHEDULE—Section 11(7)—continued

Offences

	<i>penalty</i>
	₦ : k
(o) creating a road hazard without adequate warning signs	200 : 00
(p) removing a vehicle on which the sign DO NOT MOVE has been pasted by members of the Corps or other duly authorised body	200 : 00
(q) failure to observe speed limit erected at road construction areas	200 : 00
(r) in the case of a vehicle, failure to move to the extreme shoulder of the road where up to four vehicles are held up, unable to overtake	200 : 00
(s) in the case of a vehicle carrying a load of gravel or other unstable material, failure to cover such material with tarpaulin or strong plastic	100 : 00
(t) failure to display number-plates as required by law ..	100 : 00
(u) loading a vehicle above the weight it is licensed to carry	200 : 00
(v) failure by a road construction company to provide adequate warning signs	200 : 00

FEDERAL ROAD SAFETY COMMISSION ACT

CHAPTER 141

SUBSIDIARY LEGISLATION

No Subsidiary Legislation