



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 27 March, 2018

1. The House met at 11.21 a.m. Mr Speaker read the Prayers.
2. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Votes and Proceedings* of Thursday, 22 March, 2018.

The Votes and Proceedings was adopted by unanimous consent.

3. **Messages**
Mr Speaker read the following messages from the President of the Federal Republic of Nigeria:

(i)



PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA

8th March, 2018

Rt. Hon. Yakubu Dogara
Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.

Dear Rt. Hon. Y. Dogara,

WITHDRAWAL OF BILL
RE: REQUEST FOR THE AMENDMENT OF THE FISCAL
RESPONSIBILITY ACT BY THE NATIONAL ASSEMBLY TO GIVE
EFFECT TO THE PROPOSED PROMISSORY NOTE AND BOND
ISSUANCE PROGRAMME

I refer to the letter SH/AG.PRESIDENT/02/16 dated 4th August, 2017 forwarding the Bill here in reference.

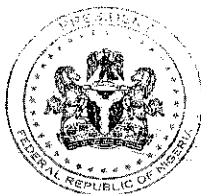
In this regard, I hereby formally withdraw this Bill.

Please accept, Right Honourable Speaker, the assurances of my highest consideration.

Yours sincerely,

(Signed)

Muhammadu Buhari



(ii)

**PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA**

8th March, 2018

Rt. Hon. Yakubu Dogara
*Speaker of the House of Representatives,
National Assembly Complex,
Three Arms Zone,
Abuja.*

Dear Rt. H. Y. Dogara,

**REQUEST FOR THE ESTABLISHMENT OF A PROMISSORY NOTE
PROGRAMME AND A BOND ISSUANCE TO SETTLE INHERITED
LOCAL DEBTS AND CONTRACTUAL OBLIGATIONS**

I wish to convey the resolution of the Federal Executive Council (FEC), requesting the National Assembly, to pass a Bill to effect the Promissory Note and Bond Issuance Programme, to clear the longstanding obligations inherited by this Administration.

The Promissory Note and Bond Issuance programme has become imperative to clear these obligations which include: (a) unpaid obligations to pensioners, salaries and promotional arrears to civil servants, (b) obligations to petroleum marketers, (c) contractors and suppliers debts, (d) unpaid power bills and obligations from tariff reversal in 2014, (e) Export Expansion Grant (EEG) Scheme debts, (f) judgment debts, (g) refunds to State Governments for projects undertaken on behalf of the Federal Government.

As you may be aware, sections 41 (1) (a) and 44 (2) (b) of the Fiscal Responsibility Act (FRA) stipulates that the proceeds of borrowing by Government at all tiers, shall be applied solely towards capital expenditure. To provide legal backing to clear the recurrent expenditure component of the obligations, a request for amendment of the FRA was sent to the National Assembly via letter from the Presidency, reference SH/AG.PRESIDENT/02/16; dated 4 August 2017. (Enclosed as Annex I).

I have attached information on the subject programme from Honourable Minister of Finance for your consideration who would also provide any additional information or clarification you may require for prompt approval of this programme.

While anticipating your usual cooperation, please accept, Right Honourable Speaker, the assurances of my highest consideration.

Yours sincerely,

(Signed)

Muhammadu Buhari

4. Announcement

Visitors in the Gallery:

Mr Speaker recognised the presence of the following visitors in the Gallery:

- (i) Staff and Students of ***Bill Clinton International Academy***, New Nyanya, Karu, Nasarawa State;
- (ii) Staff and Students of ***Debiruss Schools, Playgroup, Nursery, Primary and College***, Ajah, Lekki Expressway, Lagos State; and
- (iii) Staff and Students of ***Topfaith International Secondary School***, Mkpatak, Essien Udim, Akwa Ibom State;
- (iv) Students of ***Department of Accounting, Faculty of Management Science, University of Maiduguri***, Borno State.

5. Petition

A petition from Sesugh Saaku, on the alleged harrasment and intimidation by staff of Development Control of the Federal Capital Development Authority (FCDA) and River Park Estate over his piece of land located at Plot CRD 1381, CRD Lugbe I Layout, Lugbe, Abuja, was presented and laid by Hon. Abbas Tajudeen (*Zaria Federal Constituency*).

Petition referred to the Committee on Public Petitions.

6. Presentation of Bills

The following Bills were read the *First Time*:

- (1) Electric Power Sector Reform Act (Amendment) Bill, 2018 (HB. 1384).
- (2) National Universities Commission Act (Amendment) Bill, 2018 (HB. 1385).
- (3) Federal Polytechnics Act (Amendment) Bill, 2018 (HB. 1386).
- (4) Nigerian Extractive Industry Transparency Initiative Act (Amendment) Bill, 2018 (HB. 1387).
- (5) Federal University of Oye- Ekiti (Establishment) Act (Amendment) Bill, 2018 (HB. 1388).
- (6) Federal University of Oye- Ekiti (Establishment) Act (Amendment) Bill, 2018 (HB. 1389).

7. Presentation of Report.***Committee on Telecommunications:***

Motion made and Question proposed, "That the House do receive the Report of the Committee on Telecommunications on the issue from the Statutory Revenue Fund of the Nigerian Communications Commission, the Total Sum of ₦204,800,719,000.00 (Two Hundred and Four Billion, Eight Hundred Million, Seven Hundred and Nineteen Thousand Naira) only, out of which the sum of (₦27,063,043,000.00) Twenty-Seven Billion, Sixty-Three Million, Forty-Three Thousand Naira only is for Recurrent Expenditure, the sum of (₦13,612,183,000.00) Thirteen Billion, Six Hundred and Twelve Million, One Hundred and Eighty-Three Thousand Naira only, is for Capital Expenditure, the sum of (₦4,451,491,000.00) Four Billion, Four Hundred and Fifty-One Million, Four Hundred and Ninety-One Thousand Naira only, is for Special Projects while the sum of (₦145,745,300,000.00) One Hundred and Forty-Five Billion, Seven Hundred and Forty-Five Million, Three Hundred Thousand only and (₦13,928,700,000.00) Thirteen Billion, Nine Hundred and Twenty-Eight Million, Seven Hundred Thousand Naira only will be transferred to the Federal Government of Nigeria and the Universal Service Provision Fund (USPF) respectively, and the sum of (₦9,751,262,61.00) Nine Billion, Seven Hundred and Fifty-One Million, Two Hundred and Sixty-Two Thousand and Sixty-One Naira only, is for the Budget of the Universal Service Provision Fund, for the period ending on 30 June, 2018" (*Hon. Saheed Akinade-Fijabi — Ibadan South West/Ibadan North West Federal Constituency*).

Agreed to.

Report laid.

8. Consolidation of Bills:

Motion made and Question proposed, "That a Bill for an Act to Amend the Animal Diseases (Control) Act, Cap. A17, Laws of the Federation of Nigeria, 2004 to increase some Penalties and to Provide for the Establishment and Maintenance of Electronic Animal Identification System throughout the Federation; and for Related Matters (HB. 682 and HB. 1268) be further consolidated with a Bill for an Act to Provide for the Prevention of the Introduction and Spread of Infectious or Contagious Diseases among Animals, Poultry and Hatcheries in Nigeria, Control of Animal Diseases using Essential Veterinary Drugs, Pesticides, Biologies, Veterinary Medical Device or Products of Biotechnology as specified in Schedules 1 and 2 to the Bill, and for Related Matters (HB. 140) (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

9. A Bill for an Act to Provide for the Protection of Persons whose Private Image are released on the Internet; and for Related Matters (HB. 1370) — Second Reading.

Order read; deferred by leave of the House.

10. A Bill for an Act to Amend the Flags and Coat of Arms Act, Cap. F30, Laws of the Federation of Nigeria, 2004 to provide for Stiffer Punishments for Persons and Organizations that Exhibit the National Flags and Coat of Arms in defaced, disrespectful and bad condition; and for Related Matters (HB. 1205) — Second Reading

Order read; deferred by leave of the House.

11. Rescission of the Resolution on Need to Investigate the Recent Mishaps involving Dana Airline pursuant to Order Nine, Rule 1 (6) of the Standing Orders of the House of Representatives
Motion made and Question proposed:

The House:

Notes that, on Thursday, 7 March, 2018, it passed a Resolution on the Need to Investigate the Recent Mishaps involving Dana Airline;

Aware that the House resolved to set up an *Ad-hoc* Committee to investigate all the Regulatory Agencies in the Aviation Sector, particularly NIMET, NCAA, NAMA, and FAAN to determine compliance with Aviation Regulations and best practices and to also determine the state of air worthiness of Aircrafts in Nigeria and report back within 6 weeks (HR.87/2018);

Informed that the Committee on Aviation had commenced investigations into the mishaps involving Dana Airline and had met with the relevant Agencies in the Aviation Sector;

Also aware that constituting an *Ad-hoc* Committee may create jurisdictional conflict since the Committee on Aviation had commenced actions on the matter;

Resolves to:

- (i) rescind its Resolution of Wednesday, 7 March, 2018 to set up an *Ad-hoc* Committee on Need to investigate the Recent Mishaps involving Dana Airline; and
- (ii) mandate the Committee on Aviation to investigate the matter and report back within six (6) weeks for further legislative action (*Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency*).

Agreed to.

12. Call for Intervention over the Spate of Mindless Killings, Kidnaping, Robbery and other Violent Crimes Currently Prevailing in Irepo/Orelope/Olorunsogo Federal Constituency of Oyo State

Motion made and Question proposed:

The House:

Notes the recent increase in banditry and other violent crimes in some parts of Nigeria;

Also notes that the increase in activities of bandits and insurgents might have evolved from decimation of trained groups from their stronghold in the Sambisa forest and North - Eastern Nigeria by security agencies;

Further notes that the violent groups, sometimes consisting of foreigners from neighbouring Countries, are currently on the move and finding safe havens in other places within and outside Nigeria;

Aware that in the last three (3) weeks, some of the insurgents and bandits have appeared in the Northern axis of Oyo State, especially in Kisi, Igboho, Igbope, Igbeti of Irepo/Oorelope/Olorunsogo Federal Constituency and over 200 villages and nearby settlements;

Also aware that the insurgents and the bandits are presently in make shift camps within the Old Oyo National Park and Games Reserve, traversing the Federal Constituency spanning approximately 2,500 square kilometers of forest land;

Disturbed that the bandits cross the roads within the Federal Constituency to rob passengers, kidnap people to instill fear and, to negotiate for and collect ransom randomly;

Further aware that when the bandits are not on the highway, they storm the villages to maim, loot and even kill in search of food, money and shelter;

Also disturbed that villagers, farmers and cattle rearers living in the surrounding villages have now fled and taken refuge in Igbeti, Igboho Kishi, etc. thus sleeping in open spaces, over-stretching the limited resources;

Further disturbed that Irepo/Oorelope/Olorunsogo Federal Constituency of Oyo State now has Internally Displaced Persons, which may result in famine as farmers and herders have fled from their farms and villages;

Worried that in the last three (3) weeks, no fewer than 8 people have died while more than 15 persons have been kidnaped for ransom, some resulting in fatalities and gunshot injuries;

Conscious of the fact that if drastic and decisive actions are not urgently taken, economic and social activities within the constituency will be paralyzed with the attendant economic effect on the South-West zone and the country as a whole.

Resolves to:

- (i) observe a minute in silence in honour of the victims of the mindless killings;
- (ii) urge the Chiefs of Army and Air Staff and the Inspector General of Police to urgently deploy the necessary forces to quell the activities of the bandits and insurgents;
- (iii) also urge the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) and the National Emergency Management Agency (NEMA) to provide relief materials, shelter and needs for the victims of the violence within Irepo/Oorelope/Olorunsogo Federal Constituency of Oyo State; and
- (iv) mandate the Committees on Emergency and Disaster Preparedness and Internally Displaced Persons (IDPs), Refugees and Initiatives on North-East Zones to ensure compliance (*Hon. Olatubosun George Oladele — Irepo/Oorelope/Olorunsogo Federal Constituency*).

Debate.

Amendment Proposed:

Leave out the Title and *insert* a new Title as follows:

"Call for Intervention over the Spate of Mindless Killings, Kidnaping, Robbery and other Violent Crimes Currently Prevailing in Irepo/Oorelope/Olorunsogo Federal Constituency of Oyo State" (*Hon. Saheed Akinade-Fijabi — Ibadan South West/Ibadan North West Federal Constituency*).

Question that the amendment be made — Agreed to.

Question on the Motion as amended — Agreed to.

The House:

Noted the recent increase in banditry and other violent crimes in some parts of Nigeria;

Also noted that the increase in activities of bandits and insurgents might have evolved from decimation of trained groups from their stronghold in the Sambisa forest and North - Eastern Nigeria by security agencies;

Further noted that the violent groups, sometimes consisting of foreigners from neighbouring Countries, are currently on the move and finding safe havens in other places within and outside Nigeria;

Aware that in the last 3 weeks, some of the insurgents and bandits have appeared in the Northern axis of Oyo State, especially in Kisi, Igboho, Igbope, Igbeti of Irepo/Oorelope/Olorunsogo Federal Constituency and over 200 villages and nearby settlements;

Also aware that the insurgents and the bandits are presently in make shift camps within the Old Oyo National Park and Games Reserve, traversing the Federal Constituency spanning approximately 2,500 square kilometers of forest land;

Disturbed that the bandits cross the roads within the Federal Constituency to rob passengers, kidnap people to instill fear and, to negotiate for and collect ransom randomly;

Further aware that when the bandits are not on the highway, they storm the villages to maim, loot and even kill in search of food, money and shelter;

Also disturbed that villagers, farmers and cattle rearers living in the surrounding villages have now fled and taken refuge in Igbeti, Igboho Kishi, etc. thus sleeping in open spaces, over-stretching the limited resources;

Further disturbed that Irepo/Oorelope/Olorunsogo Federal Constituency of Oyo State now has Internally Displaced Persons, which may result in famine as farmers and herders have fled from their farms and villages;

Worried that in the last 3 weeks, no fewer than 8 people have died while more than 15 persons have been kidnaped for ransom, some resulting in fatalities and gunshot injuries;

Conscious of the fact that if drastic and decisive actions are not urgently taken, economic and social activities within the constituency will be paralyzed with the attendant economic effect on the South-West zone and the country as a whole.

Resolved to:

- (i) observe a minute in silence in honour of the victims of the mindless killings;
- (ii) urge the Chiefs of Army and Air Staff and the Inspector General of Police to urgently deploy the necessary forces to quell the activities of the bandits and insurgents;
- (iii) also urge the National Commission for Refugees, Migrants and Internally Displaced Persons (NCFRMI) and the National Emergency Management Agency (NEMA) to provide relief materials, shelter and needs for the victims of the violence within Irepo/Oorelope/Olorunsogo Federal Constituency of Oyo State; and
- (iv) mandate the Committees on Emergency and Disaster Preparedness and Internally Displaced Persons (IDPs), Refugees and Initiatives on North-East Zones to ensure compliance. (HR. 127/03/2018).

A minute silence was observed in honour of the deceased.

13. *Motion made and Question proposed*, "That the House do suspend Order Seven, Rule 2 (2) to enable Mr Speaker preside over the Committee of the Whole" (Hon. Orker-Jev Emmanuel Yisa — Buruku Federal Constituency).

Agreed to.

14. Consideration of Reports

- (i) *A Bill for an Act to Repeal the Federal Roads Maintenance Agency (Establishment, etc.) Act, 2002; the Federal Highways Act, 1971 and the Control of Advertisement on Federal Highways Act, 1986 and Enact the Federal Roads Bill for Establishment of the Federal Roads Authority, the Framework for Private Sector Participation, the Regulation of the Roads Sector; and for Related Matters (HB. 1075) (Committee of Whole):*

Motion made and Question proposed, "That the House do consider a Bill for an Act to Repeal the Federal Roads Maintenance Agency (Establishment, etc.) Act, 2002, the Federal Highways Act, 1971 and the Control of Advertisement on Federal Highways Act, 1986 and Enact the Federal Roads Bill for Establishment of the Federal Roads Authority, the Framework for Private Sector Participation, the Regulation of the Roads Sector; and for Related Matters (HB. 1075) and approve the recommendations therein" (Hon. Femi Gbajabiamila — House Leader).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO REPEAL THE FEDERAL ROADS MAINTENANCE AGENCY ESTABLISHMENT, ETC. ACT, 2002 (AS AMENDED), THE FEDERAL HIGHWAYS ACT, 1971 AND THE CONTROL OF ADVERTISEMENT FEDERAL HIGHWAYS ACT, 1986 AND ESTABLISH THE FEDERAL ROADS AUTHORITY TO PROVIDE FOR THE OWNERSHIP, REGULATION, MANAGEMENT AND DEVELOPMENT OF THE FEDERAL ROADS NETWORK AND FOR RELATED MATTERS (HB 1075)

PART I — OBJECTIVES AND APPLICATION

Clause 1: Objectives.

- (1) The objectives of this Bill are to:

- (a) establish the Federal Roads Authority to perform the functions set out in accordance with the provisions of this Bill;
- (b) manage the Federal Roads Network so that it is safe and efficient, with a view to meeting the socio-economic demands of the country;
- (c) promote the sustainable development and operation of the road sector; and
- (c) facilitate the development of competitive markets and the promotion of enabling environment for private sector participation in the development, financing, maintenance and improvement of roads in Nigeria.
- (e) provide for the regulation of the road sector by an independent regulator.

Application.

- (2) The provisions of this Bill shall apply to the development, funding, management and administration of Federal Roads in Nigeria (Hon. Femi Gbajabiamila — House Leader).

Question that Clause 1 stands part of the Bill — Agreed to.

PART II — ESTABLISHMENT OF FEDERAL ROADS AUTHORITY

Clause 2: Establishment of the Federal Roads Authority.

- (1) There is established, a body to be known as the Federal Roads Authority (in this Bill referred to as the "Authority") which shall be responsible for the asset management and works (development, rehabilitation, maintenance and road safety works) on Federal Roads in Nigeria.
- (2) The Authority shall be a body corporate:
 - (a) with perpetual succession and a common seal.
 - (b) may sue or be sued in its corporate name; and
 - (c) may own, hold or dispose of property whether movable or immovable.
- (3) The Headquarters of the Authority shall be situated in the Federal Capital Territory, Abuja and the Authority may establish and maintain operational offices and base camps in other parts of the Federation for the purpose or the management of Federal roads (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 2 stands part of the Bill — Agreed to.

Clause 3: Governing Board of the Authority.

- (1) There is established for the Authority a Governing Board (in this Bill referred to as Governing Board 'the Board') which shall be responsible for policy formulation for the Authority and superintending over the affairs of the Authority.
- (2) The Board shall consist of the following members:
 - (a) a non-Executive Chairman;
 - (b) six (6) non-executive members from the private sector who shall possess professional experience relevant to the sector, with one person to be appointed from each of the six geo-political zones;
 - (c) one representative each of the following Ministries and Agencies not below the rank of a Deputy Director:
 - (i) Federal Ministry responsible for Roads;
 - (ii) Federal Ministry of Finance;
 - (iii) Federal Road Safety Commission;
 - (iv) Nigerian Society of Engineers and the Nigerian Institution of Highway and Transportation Engineers jointly; and
 - (d) the Managing Director of the Authority appointed under the provisions of section 10 of this Bill;

- (e) two (2) Executive Directors appointed under the provisions of section 10 of this Bill;
- (3) The Authority's Board shall be responsible to the Minister responsible for roads.
- (4) The Supplementary Provisions set out in the Schedule 1 to this Bill shall have effect with respect to the proceedings of the Board and other matters contained therein (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 3 stands part of the Bill — Agreed to.

Clause 4: Appointment and Qualification of Board Members.

- (1) The Chairman and other members of the Board, other than the Managing Director and the two (2) Executive Directors, shall be non-executive and appointed on part-time basis by the President on the recommendation of the Minister.
- (2) The Chairman and members of the Board including the Managing Director and the two (2) Executive Directors, shall be persons of proven integrity and recognized expert knowledge.
- (3) The Chairman and other members of the Board shall have requisite qualification and with not less than ten (10) years cognate professional experience in one or more of the following fields —
 - (a) civil engineering or other relevant engineering disciplines;
 - (b) construction management;
 - (c) infrastructure asset management;
 - (d) transport management technology;
 - (e) infrastructure financing;
 - (f) corporate management;
 - (g) law;
 - (h) finance;
 - (i) accountancy; or
 - (j) economics (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 4 stands part of the Bill — Agreed to.

Clause 5: Exemption.

A person shall not be a member of the Governing Board of the Authority if he is already a member of the Governing Board of the National Roads Fund established under the National Road Fund Act (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 5 stands part of the Bill — Agreed to.

Clause 6: Tenure and Removal Office of a Board Member.

- (1) A Non-Executive Member of the Board shall hold office —
- (a) for a term of four (4) years in the first instance and may be reappointed for a further term of four (4) years and no more; and
 - (b) on such terms and conditions as may be specified in the letter of appointment.
- (2) A person shall cease to hold office as a member of the Board where:
- (a) he becomes bankrupt;
 - (b) he is convicted of a felony or any offence involving dishonesty or fraud;
 - (c) he becomes of unsound mind or is incapable of carrying out his duties;
 - (d) he is guilty of a serious misconduct in relation to his duties;
 - (e) he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority;
 - (f) if he resigns his appointment by a letter addressed to the President through the Minister responsible for Roads;
 - (g) the President is satisfied that it is not in the interest of the Authority or of the public for the person appointed to continue in office; or
 - (h) in the case of an ex-official member, he ceases to hold the office on the basis of which he became a member of the Board (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 6 stands part of the Bill — Agreed to.

Clause 7: Functions of the Board.

The Board shall have overall control of the Authority and serve the purpose of ensuring good corporate governance and achieving the objectives of the Authority including providing guidelines for the implementation of government policy, performance monitoring, develop and approve organizational processes, schemes of service and regulations and approve appointments for the effective discharge of the functions of the Authority under this Bill and ensure harmonious professional and working relationships between the management of the Authority and the Ministry or any other relevant agency (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 7 stands part of the Bill — Agreed to.

Clause 8: Cessation of Office.

Where a member of the Board ceases to hold office for any reason whatsoever before the expiration of the term for which he is appointed another person representing the same interest as that member shall be appointed to the Board for the unexpired term (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 8 stands part of the Bill — Agreed to.

Clause 9: Emoluments.

The Chairman and members of the Board shall be paid such allowances or incidental Emoluments and expenses as the Government, may from time to time approve, in accordance with existing laws and regulations (*Hon. Femi Gbajabiamila — House Leader*).

Amendment Proposed:

In line 2, immediately after the words “expenses as”, *leave out* all other words and *insert* the following “determined by the Salaries and Wages Commission in accordance with existing Laws and Regulations” (*Hon. Mark Gbilla — Gwer-East/Gwer West Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 9 as amended, stands part of the Bill — Agreed to.

PART III — STAFF OF THE AUTHORITY**Clause 10: Appointment of the Managing Director and Executive Directors.**

- (1) There shall be for the Authority, a Managing Director to be appointed by the President on the recommendation of the Minister.
- (2) The Managing Director shall be:
 - (a) the Chief Executive and accounting officer of the Authority;
 - (b) responsible for the day-to-day administration of the Authority;
 - (c) responsible for the supervision of all other employees of the Authority and subject to such restrictions as the Board may impose, for disposing all questions relating to the service of the employees, their pay, allowances and privileges;
 - (d) responsible for matters concerning the accounts and records of the Authority;
 - (e) appointed for a term of five (5) years in the first instance and may be re-appointed for a further term of five (5) years and no more; and
 - (f) a person who possesses adequate professional qualifications, skills and experience with a minimum of a degree in Civil Engineering and registered by the Council for the Regulation of Engineering in Nigeria (C.O.R.E.N) to practice as an engineer with not less than fifteen (15) years cognate professional experience.
- (3) (c) There shall be appointed for the Authority, two (2) Executive Directors to assist the Managing Director in the performance of his functions to be appointed by the President on the recommendation of the Minister under this Bill.
- (b) An Executive Director shall be —
 - (i) appointed on such terms and conditions, as may be specified in his letter of appointment for a term of five (5) years in the first instance and may be re-appointed for a further term of five (5) years and no more;

- (ii) in charge of Engineering and Operations; and in charge of Finance and Administration who shall be responsible to the Managing Director and the Board;
- (c) a person who possesses adequate professional qualifications, skills and experience with a minimum of a degree in Civil Engineering and registered by the Council for the Regulation of Engineering in Nigeria (C.O.R.E.N) to practice as an Engineer with not less than fifteen (15) years cognate professional experience (*Hon. Femi Gbajabiamila — House Leader*).

Amendments Proposed:

- (i) In subclause (f), leave out the word "Civil" (*Hon. Pwajok Edward Gyang — Jos South/Jos East Federal Constituency*).

Question that the amendment be made — Negatived.

- (ii) In subclause (3) (c), leave out the word "Fifteen (15)" and insert the word "Ten (10)" (*Hon. Pwajok Edward Gyang — Jos South/Jos East Federal Constituency*).

Question that the amendment be made — Agreed to.

- (iii) Insert a new subclause (3) (c) (ii), "and the persons with Finance and Administration professional qualification shall head the Finance and Administration Departments" (*Hon. Kwewum Rimande Shawulu — Donga/Ussa/Takum Federal Constituency*).

Question that the amendment be made — Agreed to.

Question that Clause 10 as amended, stands part of the Bill — Agreed to.

Clause 11: Removal of Managing Director or Executive Director.

- (1) The Managing Director or an Executive Director may be suspended or removed from office by the President if he —
 - (a) has demonstrated inability to effectively perform the duties of his office;
 - (b) has been absent from five consecutive meetings of the Board, without the consent of the Chairman, unless he shows good reason for such absence;
 - (c) is guilty of serious misconduct in relation to his duties;
 - (d) is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority; or
 - (e) is incapable of carrying out the functions of his office either arising from infirmity of mind or body.
- (2) The Managing Director and Executive Directors shall not be removed from office except in accordance with the provisions of this Bill (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 11 stands part of the Bill — Agreed to.

Clause 12: Secretary and Other Staff of the Authority.

- (1) The Board shall appoint a Secretary who shall be the Head of the Legal Department of the Authority, to keep the corporate records of the Authority and undertake such other functions as the Board may from time to time direct.
- (2) The Secretary shall possess adequate professional qualifications, skills and experience as a legal practitioner with not less than 10 years cognate experience.
- (3) Subject to section 31 (2) of this Bill the Authority shall employ such other number of persons as it considers necessary for the exercise of its powers and performance of its functions under this Bill.
- (4) The Board shall determine the terms and conditions of service of the members of staff of the Authority and shall in consultation with the National Salaries, incomes and Wages Commission, review the remuneration and allowances payable to the employees of the Authority, from time to time (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 12 stands part of the Bill — Agreed to.

Clause 13: Service in the Authority to be Pensionable.

- (1) Service in the Authority is pensionable under the Pension Reform Act and accordingly, officers and other, persons employed in the authority shall be entitled to pension and other retirement benefits in respect of their service in the Authority as prescribed in that Act.
- (2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Bill shall prevent the appointment of a person to any office on terms which preclude a 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 Reform Act, any power exercisable by the Minister or other authority of the Government of the Federation, other than the power to make regulations under the Pensions Reform Act, hereby vested in and shall be exercisable by the Authority and not by any other person or authority.
- (4) Employees who join the staff of the Authority from the Civil Service shall have all existing and outstanding Civil Service emoluments and pension entitlements transferred from their existing Service to the Authority at the time of appointment (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 13 stands part of the Bill — Agreed to.

PART IV — FUNCTIONS AND POWERS OF THE AUTHORITY**Clause 14: Functions of the Authority.**

- (1) Subject to the provisions of this Bill and the functions and powers of any regulatory agency on the roads sector as provided for under this Bill or in any other Act, the Authority shall —
 - (a) own and manage Federal Road assets in accordance with the provisions of this Bill;

- (b) ensure the efficient and effective construction, rehabilitation, reconstruction and maintenance of all Federal roads;
- (c) enter into Private Sector Participation agreements including concessions and other forms of contracts as well as the issuance of permits and licences relating thereto to any person for the purpose of executing road Private Sector Participation agreements and other forms of contracts with any person authorised for the purpose of executing relevant projects provided that the grant of a Private Sector Participation agreement shall be subject to public procurement rules as approved by the Federal Government from time to time and in accordance with the relevant laws and regulations for the procurement and operation of Private Sector Participation agreements;
- (d) develop, determine and be responsible for the classification of roads and technical regulation of roads including the specifications, design, standards on road development;
- (e) make policy recommendations to the Federal Government on matters relating to the management, construction, rehabilitation, reconstruction and maintenance of Federal roads;
- (f) carry out the procurement and enter into contracts for road works of any type with local entities with the aim of developing, encouraging, and enabling the growth of the Nigerian road contracting market and building the capacity of the private contracting sector;
- (g) carry out periodic maintenance and emergency repair of roads in accordance with policy priorities, Tolling Road Maintenance and Development Plans, National Roads Fund disbursements and as the Authority may in its discretion determine;
- (h) plan and manage the development of road safety technical designs, standards and audit in collaboration with any regulatory, enforcement or other authority or agency with the responsibility for roads and road safety;
- (i) plan and develop strategies to assist the relevant agencies towards ensuring efficient and effective movement of traffic on the Federal Road Network and ensure their implementation;
- (j) liaise and consult with any regulatory, enforcement or other authority or agency with responsibility for roads and road safety and other relevant Ministries, Departments and Agencies;
- (k) work in partnership with similar agencies at the state and local government levels by providing policy advice, guidance and technical support for the efficient and effective management, rehabilitation, reconstruction and maintenance of National road networks;
- (l) prescribe measures for preventing damage however caused by any person to any road or any part thereof and for recovering, in full or in part, the cost of repairing the damage from such person or his insurers;

- (m) ensure effective monitoring of the conditions of all Federal Roads for the purposes of timely implementation of road maintenance, rehabilitation and development programmes;
- (n) develop and utilize an appropriate Road Asset Management System for the day to day and strategic planning and evidence based reporting processes of the Authority;
- (o) prepare and publish evidence based performance reports on the Authority's projects funded by the National Roads Fund and any other funding sources or other donors;
- (p) publish periodic reports of the activities, projects, contracts, plans, performance and achievements of the Authority and the condition of the Federal Road Network and make the reports available to the general public to ensure transparency and probity;
- (q) advise the Minister and any regulatory, enforcement or other authority agency with responsibility for roads and road safety:
 - (i) on the specifications, design, standards and classification of roads and the prohibition of any act that may lead to damage to roads;
 - (ii) on the types, sizes, and usage of vehicles on national roads and the laden and axle weight of vehicles for the purpose of protecting national roads from damage;
 - (iii) on appropriate and effective methods of enforcing road traffic legislation for the purposes of preventing damage to roads and promoting road safety;
 - (iv) on appropriate road signs, and other road agencies on the location of road signs on public roads;
 - (v) on matters relating to safety of persons on roads;
 - (vi) on appropriate levels of charges, fines, penalties, levies or any sum required to be collected in relation to any road; and
 - (vii) on such reviews in road user charges as are necessary for the purpose of the National Roads Fund;
- (r) advise the Minister on the development and training of human resources, research and studies necessary or required for performing its functions towards the development of the roads sector;
- (s) identify and recommend to the Minister, supplementing donor funding opportunities for the management, construction, rehabilitation, reconstruction and maintenance of Federal Roads; and
- (t) carry out other functions which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Authority (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 14 stands part of the Bill — Agreed to.

Clause 15: Powers of the Authority.

The Authority shall, in order to fulfill its functions under this Bill, have the following powers:

- (1) Power for granting Private Sector Participation:
 - (a) consider applications for any form of Private Sector Participation including concessions and to issue and if necessary, extend, renew or revoke any Private Sector Participation agreements in accordance with extant laws and regulations;
 - (b) subject to extant regulations and laws carry out -inquiries, tests, audits or investigations and take such other steps as may be necessary to monitor the activities of concessionaires or parties involved in Private Sector Participation and to secure and enforce compliance with the provisions of this Bill or any subsidiary legislation, concession terms, agreements or conditions made pursuant to this Bill;
 - (c) where it considers it to be in the public interest, compel a concessionaire or parties involved in Private Sector Participation to provide any information or any document concerning activities notwithstanding that such information or document may contain business secrets: provided that any such information or documents shall be restricted to those that a person can be legally compelled to produce as evidence by a court of law in Nigeria;
 - (d) to publish information received in the course of exercising its powers and functions under this Bill or to require concessionaires and other PPPs to publish certain information if it is satisfied that the publication is consistent with the objects of this Bill provided that the Authority shall consider the commercial interests of the parties to whom the information relates before publishing the information;
 - (e) undertake consultations with stakeholders including members of the public, read operators and industry participations affected by or with an interest in its directions and to consider any responses to consider any responses to the consultations;
 - (f) enter into contractual agreements generally and incur obligations;
 - (g) to acquire, hold, mortgage, purchase and deal howsoever with property whether moveable or immoveable, real or personal;
 - (h) subject to section 18 of this Bill, borrow such sums as it may require for the performance of its functions under this Bill subject to the provisions in relevant-treasury and establishment circulars,
 - (i) to determine or agree with any relevant party involved in a concession or other Private Sector Participation agreement on any fees, levies, charges, rates and tariffs in relation to any concession or other Private Sector Participation arrangement, subject to the powers of the Road Sector Regulator; and
 - (j) approve the award and termination of contracts.

- (2) Powers to acquire land for Federal Roads:
- (a) the Federal Government may, in accordance with the provisions of the Lands Use Act acquire land for the purposes of this Bill and when so acquired such land shall be deemed to be a Federal Road within the meaning of this Bill; in this subsection, the reference to land includes reference to a road, other than a Federal Road;
 - (b) except in respect of roads which are deemed to be Federal Roads, compensation shall be paid pursuant to the Land Use Act, for land acquired under sub-section (1) (a) of this section after the commencement of this Bill;
 - (c) where land at the commencement of this Bill or at any time thereafter is part of a Federal Road, the ownership shall include not only the surface but also the subsoil to an indeterminable depth, and user adverse to that-as a Federal Road shall operate in favour of level crossings constructed by the Nigerian Railway Corporation and then only where a train or engine is approaching and within half a kilometre of a level crossing;
 - (d) it is declared for the avoidance of doubt that in the application of this section, an acquisition of land for the purposes of this Bill shall be for a public purpose of the Federation within the meaning of the Land Use Act; and
 - (e) the acquisition of land for the purposes of this Bill includes the right to obtain control over the land and to use the land for the erection of buildings and for the supervision of the user by the public.
- (3) Powers incidental to intention to acquire land for Federal Roads (a) subject to the provisions of this section, where it appears to the Authority that land in any locality is likely to be needed for the purposes of a Federal Road, the Authority may in writing authorise any person to enter upon any land in the locality for the purpose of surveying and taking necessary levels, and for that purpose the person so authorised may:
- (i) dig into or bore under the subsoil and do all other acts necessary to ascertain whether the land is suitable for use as a Federal Road; and
 - (ii) clear and demarcate the boundaries of any such land.
- (4) Powers:
- (a)
 - (i) in the case of a customary land in the manner provided by the Land Use Act where a right of occupancy is revoked; and
 - (ii) in any other case by a court having jurisdiction in respect of the place where the land is situated in respect of drainage and other works;
 - (b) notwithstanding the provisions of subsection (4) (a) of this section, the Authority may for purposes of and incidental to this Bill surveyor otherwise demarcate in any State and thereafter lay off on a plan the middle line of a Federal Road, and notice of such surveyor demarcation and laying off shall be published in the Federal Gazette, and in the Gazette of any State affected or likely to

be affected; if the middle line is so laid off, the Authority may not later than twelve (12) months thereafter, exercise his power under this section within a distance of one hundred (100) metres on either side of such middle line which shall include the Road Reserve;

(c) nothing in this section shall authorise the Authority or any person authorised by him to enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) unless at least seven (7) days notice in writing of the intended entry has been given to such occupier;

(d) compensation for damage done under this section shall in case of dispute as to amount be determined —

(i) the Authority may in the performance of its duties under this Bill make and thereafter maintain in respect of any Federal Road, convenient decking and drainage work for the purpose of making good any interruptions caused to the use of the lands of adjoining owners or occupiers through which such Federal Road passes or is made, or of diverting storm or other water from a Federal Road;

(ii) for all or any of the purposes in sub-section (5) (a) of this section, the Authority may enter upon land adjoining the Federal Road subject to the giving of reasonable notice to owners or occupiers and doing as little damage as possible through such entry or exit after entry; and in the course thereof the Authority may block up, divert or alter the level or course of water flowing in defined channels, natural or artificial, or otherwise contained by any means; and

(iii) nothing in this section shall require the Authority to provide convenient decking or drainage work:

(i) where the owners or occupiers have failed to make representation during the time that the section, of the Federal Road affected, adjoining or passing through their land was in course of construction; or

(ii) where owners or, as the case may be, occupiers of the adjoining land have agreed to receive and have been paid compensation; or

(iii) where decking and drainage work provided by the Authority is thereafter diverted or altered otherwise than by the Authority.

(iv) in the exercise of its power under this section, the Authority may require any person having apparent control over the location of any pipe or electric wire or post to alter the level or position thereof as the case may require after reasonable notice of the requirement has been duly given; and the Authority shall in the course of road works generally cause as little inconvenience as possible to persons affected.

- (v) the failure to comply with the requirement of the Authority as directed or given to any person under this section shall be an offence punishable on conviction by a fine of not less than Five Hundred Thousand Naira (N500,000.00) or by imprisonment for a term not exceeding twelve (12) months, or by both such fine and imprisonment.
- (5) Powers relative to obstruction on Federal Roads:
- (a) in the performance of any of its functions in relation to the development, rehabilitation or maintenance of a Federal Road under this Bill if trees or other natural or man-made objects are standing in a position likely in the opinion of the Authority to obstruct the course of a Federal Road in the event of falling or being found on or near a Federal Road or likely to obstruct the use of the Federal Road, any person duly authorised in writing in that behalf by the Authority may enter an adjoining land to any necessary extent in order to fell or otherwise remove such obstruction as circumstances may require;
- (b) if the power conferred by sub-section (6) (a) of this section is exercised in respect of a tree or other natural or man-made objects on land other than a Federal Road, compensation shall be payable to the owner only where the Federal Road was in use before the tree or other natural or man-made objects became a potential source of obstruction, and the tree or other natural or man-made objects had at the time of its felling or removal a marketable value, provided that in default of agreement under this subsection the amount shall be fixed by a competent person appointed for this purpose by the Authority; and
- (c) an award of compensation fixed by agreement under sub-section (6) (b) of this section shall be final and a court shall only entertain a suit to recover compensation for any tree or other natural or man-made objects felled, removed or otherwise dealt with under this section where the amount is fixed by agreement is not paid.
- (6) Power to enter adjacent land:
The Authority or any person authorised by him in writing, may in case of any slip or other accident happening or being apprehended in any cutting, embankment or other work under the Authority's control, enter on any land adjoining a Federal Road and do all work necessary to repair damage thereby occasioned and for the purpose of prevention or control of slips likely to occur from adjoining land on to a Federal Road.
- (7) Power to establish Pay-for-Service arrangements, collect revenues and set fees, levies, charges, rates and tariffs related thereto subject to the powers of the Road Sector Regulator in this regard under the provisions of this Bill or any other Act:
- (a) power to Erect Tollgates —

- (8) Power to make therefrom:
- (i) the Authority shall have power to erect, equip and maintain tollgates on/any Federal Road as and when required, upon approval of the President. without prejudice to the generality of subsection (8) (a) (i) of this section, and notwithstanding the provisions of any other Act, the Authority may authorise any person, in return for undertaking such obligations as may be specified in a Private Sector Participation agreement or project agreement with respect to the design, construction, maintenance, operation, improvement or financing of Federal Roads to enjoy specific rights as may be stated in the Private Sector Participation agreement or project agreement including the right to levy, collect and retain tolls, user fees, service charges, or any other fees, levies, charges, rates and tariffs in respect of the use of Federal Roads;

- (ii) the Authority may, by regulation, specify the conditions under which a member of the public will access the use of a Federal Road. A party involved in a Private Sector Participation with the Authority shall propose for the approval of the Authority, any tolls, user fees, service charges, or any other fees, levies, charges, rates and tariffs or any review of same in relation to the use of Federal Roads by reference to such circumstances or combination of circumstances or classification as the Authority may specify, after consultation with the party involved in a Private Sector Participation and any other relevant authority or party;

- (iii) the Authority may provide for tolls, user fees, service charges, or any other charges that shall be paid into the National Roads Fund, to be charged for a period specified or in a manner as may be determined by the Authority;

- (iv) regulations with respect to advertisements and the collection of revenue —

- (a) subject to the provisions of this section, the Authority may make with the approval of the Minister regulations:

- (i) for the control by means of permits or otherwise, of the display of advertisements on Federal Roads so far as it appears to the Authority to be expedient in the interest of amenity or public safety; and

- (ii) for the imposition and collection of prescribed charges in respect of the display on Federal Roads of advertisements of such classes or description as may be prescribed.

- (b) without prejudice to the generality of sub-section (9) (a) of this section, regulations made under this section may —

- (i) provide for regulating the dimensions, appearance and position of advertisements which may be displayed on Federal Roads and sites on which advertisements may be so displayed;
- (ii) provide for prohibiting the display on Federal Roads of advertisements of any prescribed class or description;
- (iii) provide for enabling the authorised officials or persons to require the removal of an advertisement which is being displayed in contravention of the regulations or the discontinuance of the use of the display of advertisements on any site which is being so used in contravention of the regulations;
- (iv) specify different provisions, and prescribe different charges, in respect of advertisements of different classes or descriptions and with respect to in different situations and generally with respect to different circumstances;
- (v) impose in respect of any breach of the regulations any penalty, and may make provision as to the persons who are to be treated as displaying an advertisement for the purpose of any provision of the regulations which makes it an offence to display an advertisement in breach of the regulations; and
- (vi) include such incidental or supplementary provisions as it appears to the Authority necessary or expedient for giving effect to the purposes mentioned in sub-section (9) (a) of this section.
- (c) the Federal Government may, subject to the provisions of this Bill, collaborate with the Government of a State or a Local Government in respect of traffic on Federal Roads as may be expedient in the circumstances with regard to the prohibition of erection of hoardings and other forms of advertising within a distance of one hundred meters from the middle line of any road formation in the vicinity of a Federal Road or within the distance aforesaid from the middle line of the Federal Road.
- (9) Power to collaborate with State Government and Local Governments:

- (8) Power to make therefrom:
- (i) the Authority shall have power to erect, equip and maintain tollgates on/any Federal Road as and when required, upon approval of the President. without prejudice to the generality of subsection (8) (a) (i) of this section, and notwithstanding the provisions of any other Act, the Authority may authorise any person, in return for undertaking such obligations as may be specified in a Private Sector Participation agreement or project agreement with respect to the design, construction, maintenance, operation, improvement or financing of Federal Roads to enjoy specific rights as may be stated in the Private Sector Participation agreement or project agreement including the right to levy, collect and retain tolls, user fees, service charges, or any other fees, levies, charges, rates and tariffs in respect of the use of Federal Roads;
 - (ii) the Authority may, by regulation, specify the conditions under which a member of the public will access the use of a Federal Road. A party involved in a Private Sector Participation with the Authority shall propose for the approval of the Authority, any tolls, user fees, service charges, or any other fees, levies, charges, rates and tariffs or any review of same in relation to the use of Federal Roads by reference to such circumstances or combination of circumstances or classification as the Authority may specify, after consultation with the party involved in a Private Sector Participation and any other relevant authority or party;
 - (iii) the Authority may provide for tolls, user fees, service charges, or any other charges that shall be paid into the National Roads Fund, to be charged for a period specified or in a manner as may be determined by the Authority;
 - (iv) regulations-with respect to advertisements and the collection of revenue —
 - (a) subject to the provisions of this section, the Authority may make with the approval of the Minister regulations:
 - (i) for the control by means of permits or otherwise, of the display of advertisements on Federal Roads so far as it appears to the Authority to be expedient in the interest of amenity or public safety; and
 - (ii) for the imposition and collection of prescribed charges in respect of the display on Federal Roads of advertisements of such classes or description as may be prescribed.
 - (b) without prejudice to the generality of sub-section (9) (a) of this section, regulations made under this section may —

- (i) provide for regulating the dimensions, appearance and position of advertisements which may be displayed on Federal Roads and sites on which advertisements may be so displayed;
 - (ii) provide for prohibiting the display on Federal Roads of advertisements of any prescribed class or description;
 - (iii) provide for enabling the authorised officials or persons to require the removal of an advertisement which is being displayed in contravention of the regulations or the discontinuance of the use of the display of advertisements on any site which is being so used in contravention of the regulations
 - (iv) specify different provisions, and prescribe different charges, in respect of advertisements of different classes or descriptions and with respect to in different situations and generally with respect to different circumstances;
 - (v) impose in respect of any breach of the regulations any penalty, and may make provision as to the persons who are to be treated as displaying an advertisement for the purpose of any provision of the regulations which makes it an offence to display an advertisement in breach of the regulations; and
 - (vi) include such incidental or supplementary provisions as it appears to the Authority necessary or expedient for giving effect to the purposes mentioned in sub-section (9) (a) of this section.
- (c) the Federal Government may, subject to the provisions of this Bill, collaborate with the Government of a State or a Local Government in respect of traffic on Federal Roads as may be expedient in the circumstances with regard to the prohibition of erection of hoardings and other forms of advertising within a distance of one hundred meters from the middle line of any road formation in the vicinity of a Federal Road or within the distance aforesaid from the middle line of the Federal Road.
- (9) Power to collaborate with State Government and Local Governments:

The Federal Government may, subject to the provisions of this Bill, collaborate with the Government of a State or a Local Government in respect of traffic on Federal Roads as may be expedient in the circumstances (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 15 stands part of the Bill — Agreed to.

PART V — FINANCIAL PROVISIONS

Clause 16: Fund of the Authority.

The Authority shall establish and maintain a fund which shall comprise:

- (a) an initial take off grant or subvention as may be appropriated to the Authority, by the National Assembly to cover one time transitioning and one time capacity building costs;
- (b) such moneys as may be appropriated to the Authority from time to time by the National Assembly through the national budgetary process;
- (c) allocations from the National Roads Fund;
- (d) proceeds from the sale of assets that may accrue to the Authority;
- (e) Public Private Participation fees, toll fees, rates and tariffs imposed by arrangement made by the Authority; and
- (f) lease, license, rents, advertisement revenue and other internally generated revenue from services or facilities provided by the Authority (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 16 stands part of the Bill — Agreed to.

Clause 17: Application Fund of Authority.

The Authority may from time to time apply its funds:

- (a) to the development of the Federal Road Network and its operations for road management, construction, rehabilitation, reconstruction and maintenance of roads deemed to be Federal Roads within the meaning of this Bill;
- (b) to the development and maintenance of roads deemed to be federal roads within the meaning of this Bill;
- (c) to the administration of the Authority;
- (d) to the paying of the emolument, allowances and benefits of members of the Board and for reimbursing members of the Board or of any Committee set up by the Board for such expenses as may be expressly authorized by the Board;
- (e) to the payment of the salaries fees or other remuneration or allowances and Pensions, and other benefits payable to the officers and other employees of the Authority, so however that no payment of any kind under this paragraph (except such as may be expressly authorized by the Board) shall be made to any person who is in receipt of emoluments from the Federal or State Government; and

- (f) for the development and maintenance of any property vested in or owned by the Authority (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 17 stands part of the Bill — Agreed to.

Clause 18: Borrowing Powers, Gifts, etc.

- (1) The Authority may, with the consent of the Minister responsible for borrow such money as the Board may require in the exercise of its functions under this Bill.
- (2) The Authority may with the consent of the Minister and in consonance with any relevant agency of government and any laws, guidelines or rules relating thereto raise and issue infrastructure bonds for the purpose of its objectives under this Bill.
- (3) The Authority may accept gifts, grants of money, aid or other property from national, bilateral or multilateral organizations and upon such terms and conditions as may be agreed upon between the donor and the Authority provided that any conditions attached to such gifts are not inconsistent with the objectives and functions of the Authority under this Bill (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 18 stands part of the Bill — Agreed to.

Clause 19: Reports, Budgets and Audited Accounts.

- (1) The Board shall:
- (a) receive and review annual reports from the management of the Authority and submit same to the President and the National Assembly, through the Minister in the first quarter of every year and the report shall be on the activities and performance of the Authority during the immediately preceding calendar year, and shall include a copy of the audited accounts of the Authority for that calendar year;
- (b) submit not later than four⁶ (4) months to the end of each year to the Minister an estimate of the expenditure and income of the Authority for the next succeeding year; and
- (c) keep proper accounts of the Authority in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than three (3) months after the end of each year by professionally qualified and licensed auditors appointed by the Board with the approval of the Auditor-General of the Federation.
- (2) The Authority shall —
- (a) consult with the Ministry in respect of long term strategic development plans and policy guidance, and Budget availability, and supplementary donor financing;
- (b) consult with the National Roads Fund in respect of finance and funding availability for routine and preventative maintenance and road safety improvement works;

- (c) using its Road Asset Management System, prepare, maintain and monitor national development objectives, prioritization criteria and performance expectations in accordance with the provisions set out in the Schedule II of this Bill; and
- (d) develop, maintain and deliver reporting regimes that are outcome oriented, and evidence based and that meets the needs of its funding agencies (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 19 stands part of the Bill — Agreed to.

PART VI — ROLE OF THE MINISTER

Clause 20: Role of the Minister.

(1) The Minister shall:

- (a) formulate, determine and monitor the general policy for the road sector in Nigeria to ensure, amongst others, the utilization of the sector as a platform for the economic and social development of Nigeria;
- (b) provide general policy guidelines, specifications and standards for the construction, reconstruction, rehabilitation and maintenance of Federal Roads in Nigeria; and

(2) The Minister may give directives to the Authority relating to the performance by the Authority of any of its functions under this Bill provided that such directives are not inconsistent with the objectives and functions of the Authority under this Bill.

(3) The Minister shall prior to the formulation or review of policies for the roads sector, consult with and have due regard to the representations of relevant stakeholders in the sector, including, but not limited to, the Authority, industry participants and the general public (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 20 stands part of the Bill — Agreed to.

PART VII — REGULATION OF ROAD SECTOR

Clause 21: Establishment of the Road Sector Regulator.

- (1) There shall be established by an Act of the National Assembly a regulator for the road sector to be the Road Sector Regulator.
- (2) The Road Sector Regulator shall be responsible for matters relating to the economic and safety regulation and supervision of the road sector in Nigeria and shall have the functions, powers and duties as may be conferred under this Bill or any other Act any of which it shall exercise particularly where it determines that there is a failure in the operation or provision of services or facilities in the road sector; or where and when for any other reason it deems it necessary or relevant, and to such extent that it shall so determine.

- (3) Where upon the commencement of this Bill or at any time thereafter, a road sector or transport sector regulator is established by an Act of the National Assembly to exercise the powers and perform the functions of the Road Sector Regulator stipulated under this Bill or any other Act, then that road sector regulator shall have the functions, powers and duties of the Road Sector Regulator except insofar as the Act of the National Assembly establishing the road or transport sector regulator adopts, preserves, transfers or transitions to such a body or to any other body (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 21 stands part of the Bill — Agreed to.

Clause 22: Functions of the Road Sector Regulator.

- (1) The Road Sector Regulator shall have the following functions with respect to the regulation and supervision of the road sector;
- (a) create a regime for the organisational supervision of the operations of the Authority or agency within the road sector in their function as bodies managing public assets and delivering public services for which it must be accountable;
 - (b) create a regime for the economic regulation of the road sector;
 - (c) supervise regulatory activities within the road sector with regards to safety in relation to the activities of the Authority, or any agency responsible for road safety;
 - (d) liaise with the agency responsible for road safety to make regulations to ensure that the road operators, road service providers, licensees, road users, concessionaires and parties involved in Private Sector Participation or any other person utilise the roads in the safest possible manner;
 - (e) protecting and promoting the interests of customers and road users against unfair practices by the Authority, road operators and road service providers including but not limited to matters relating to charges and tariffs and for the availability and access to quality road services in accordance with the provisions of this Bill;
 - (f) promoting equitable and fair competition in the road sector and protection of road operators and road service providers from abuse of market power or anti-competitive and unfair practices by other road operators and road service providers;
 - (g) monitoring and reporting on the degree to which favourable conditions for competition are present in the market for road services;
 - (h) encouraging and promoting cooperation amongst road operators, road service providers, parties involved in Private Sector Participation, concessionaires, licensees, road users, or any other person utilising the roads and providing regulatory guidelines thereon;

- (i) examining and resolving complaints objections and disputes filed by or existing between or amongst the Authority, road operators, road service providers, parties involved in Private Sector Participation, concessionaires, licensees, road users or any other person involved in the road sector using such dispute-resolution methods as the Road Sector Regulator may determine from time to time;
 - (j) advising the Authority and the Minister on the formulation of general policies (or the road sector and generally on matters relating to the road sector in the exercise of the Authority's and the Minister's functions and responsibilities under this Bill;
 - (k) implementing the regulatory policies issued by the federal government in respect of the road sector and executing all such other functions and responsibilities as are given to the Road Sector Regulator under this Bill or are incidental or related thereto;
 - (l) facilitating the financial viability of the road sector and related services and facilitating the incentive for efficient long-term investment in Nigeria for the provision of road services and road infrastructure;
 - (m) supervising and monitoring of performance standards and indices relating to the quality of road services having regard to the best international practices and standards;
 - (n) generally advising and assisting stakeholders in the road sector with a view to the development of the industry and attaining the objectives of this Bill;
 - (o) ensuring the harmonization of road standards and practices across the country; and
 - (p) facilitating liaison between road operators, road service providers, concessionaires, licensees and other persons and agencies charged with responsibility for regulating the transport sector in order to promote intermodalism.
- (2) The Road Sector Regulator shall have and perform such other functions as may be conferred upon it under any other Bill (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 22 stands part of the Bill — Agreed to.

Clause 23: Powers of the Road Sector Regulator.

- (1) The Road Sector Regulator shall, in order to fulfill its functions under this Bill have the power —
- (a) to supervise and ensure that any agency responsible for road safety carry out their responsibilities and adhere to the relevant laws and regulations guiding their activities;
 - (b) to regulate passenger and haulage fares, tariffs and charges in accordance with the provisions of this Bill;

- (c) to carry out inquiries, tests, audits or investigations, including technical and management audits and take such other steps as may be necessary to monitor the activities of the Authority, road operators, road service providers, parties involved in Private Sector Participation, concessionaires licensees, and other persons and agencies and to secure and enforce compliance with this Bill;
 - (d) to establish customer protection measures in accordance with the provisions of this Bill;
 - (e) where it considers it to be in the public interest, to compel a road operator, road service provider, parties involved in Private Sector Participation concessionaires, licensees and other persons and agencies to provide any information or any document concerning its activities notwithstanding that such information or document may contain business secrets; provided that any such information or documents shall be restricted to those which a person can be legally compelled to produce as evidence by a court of law in Nigeria;
 - (f) to publish information received in the course of exercising its powers and functions under this Bill or to require a road operator or road service provider, parties involved in Private Sector Participation, concessionaires, licensees and other persons and agencies to publish certain information if it is satisfied that the publication is consistent with the objects of this Bill provided that the Road Sector Regulator shall consider the commercial interests of the parties to whom the information relates before publishing the information;
 - (g) to undertake consultations with the public, road operators, road service providers, parties involved in Private Sector Participation, concessionaires, licensees, road users, other persons and agencies and industry stakeholders within the road sector affected by or with an interest in its directions and to consider any response to the consultations;
 - (h) provide for the licensing of road operators and road service providers parties involved in Private Sector Participation, concessionaires, licensees and other persons and agencies carrying out commercial activities on Federal Roads; and
 - (i) to do all such things as are necessary for or incidental to the carrying out of its functions and duties under this Bill.
- (2) Subject to the provisions of this Bill, the Road Sector Regulator has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions and to enable it to achieve its objectives under this Bill and under any relevant legislation.
- (3) In furtherance of its functions and powers, the Road Sector Regulator shall make such orders, regulations or subsidiary legislation as it shall deem necessary for the performance of its functions and exercise of its powers and to enable it to achieve its objectives and to give full force and effect to the provisions of this Bill and the enforcement of such regulations under this Bill and under any relevant legislation (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 23 stands part of the Bill — Agreed to.

PART VIII — ROADS PLAN

Clause 24: Preparation of Roads Plan.

- (1) In consultation with the Ministry, the National Roads Fund and any relevant agency, the Authority shall prepare, maintain and monitor a Five-Year Rolling Road Maintenance and Development Plan (hereinafter referred to as the "Plan") for the fulfillment of its responsibilities under this Bill; and to meet national development objectives, prioritisation criteria and performance expectations in accordance with the provisions set out herein.
- (2) The Plan shall —
 - (a) be broken into yearly action programmes and shall contain such information, amongst others, that would allow a determination of the Authorities proposed activities over the Plan period in respect of each element of the Federal Road Network;
 - (b) constitute the basis for determining the financial and physical resource needs and proposed modes of its sourcing; the likely outcome from the implementation of the Plan and key performance indicators by which its implementation performance can be measured and monitored;
 - (c) identify year by year, road sections that become no longer maintainable and due for rehabilitation and upgrading.
 - (d) form the basis of annual budgetary proposals in the National Budgetary process.
- (3) The Authority shall submit the Plan to the National Roads Fund Board within four (4) months before the start of the Authority's financial year for the year of submission, in such form and containing such details as the National Roads Fund Board shall specify, outlining a comprehensive plan of action for the roads under the jurisdiction of the Authority and the estimated costs of every activity required to implement the plan of action.
- (4) The National Roads Fund Board shall review the Plan and the funding submissions of the Authority against set financial, economic and social criteria for the achievement of the objects of the National Roads Fund Board; and shall upon satisfying itself of the integrity of the Plan and the submissions of the Authority, approve the programme contained in the Plan for funding from the Roads Fund.
- (5) The Authority shall keep the Plan under review and update it annually, with appropriate input and approval of the National Roads Fund Board, within the five (5) year rolling plan cycle (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 24 stands part of the Bill — Agreed to.

PART IX — OFFENCES AND PENALTIES

Clause 25: Offences and Penalties.

Except as otherwise provided under any other section of this Bill) any person who willfully —

- (a) prevents or obstructs any authorised officer, agent or person in the performance of his function under this Bill;
- (b) fails to pay to any officer, agent or person empowered to collect any fees, levies charges, rates and tariffs payable under this Bill;
- (c) withholds any fees, levies, charges, rates and tariffs paid under this Bill;
- (d) does any other fraudulent act or thing relating to the issue of receipts or collection of fees, levies, charges, rates and tariffs under this Bill shall be guilty of an offence and liable on conviction to a fine not less than Two Hundred Thousand Naira (₦200,000.00) or to imprisonment for a term not exceeding two (2) years or to both such fine and imprisonment (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 25 stands part of the Bill — Agreed to.

PART X — MISCELLANEOUS

Clause 26: Application of the Public Officers Protection Act.

Subject to the provisions of this Bill, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an officer or employee of the Authority (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 26 stands part of the Bill — Agreed to.

Clause 27: Notices.

A notice, summons or other documents required or authorized to be served upon the Authority under the provisions of this Bill or any other enacted law may be served by delivering it to the Managing Director or by sending it by registered post addressed to the Managing Director at any of the principal offices of the Authority or by electronic means through e-mail or website of the Authority (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 27 stands part of the Bill — Agreed to.

Clause 28: Legal Proceedings.

No civil action shall be commenced against the Authority or its authorised officers before the expiration of a period of 30 days after written notice of intention to commence the suit shall have been served on the Authority by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the —

- (a) cause of action;
- (b) particulars of the claim (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 28 stands part of the Bill — Agreed to.

Clause 29: Indemnity of Officers of Authority.

A member of the Board, the Managing Director, any officer or employee of the Authority shall be indemnified out of the assets of the Authority against any liability incurred by him in defending any proceeding, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted, where such proceeding is brought against him in his capacity as a member of the Board, the Managing Director, officer or an employee of the Authority (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 29 stands part of the Bill — Agreed to.

Clause 30: Regulations.

The Board may, with the approval of the Minister make such regulations as in its opinion, are necessary or expedient for giving full effect to the provisions of the Bill and for the due administration of its provisions (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 30 stands part of the Bill — Agreed to.

Clause 31: Confidentially.

- (1) A member of the Board, or the Board or the Managing Director or any other officer or employee of the Authority shall:
 - (a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his power or is obtained by him in the ordinary course of his duty as a member of the Board or as a Managing Director, officer or employee of the Authority;
 - (b) treat as confidential, any information which has come to his knowledge in the exercise of his power or is obtained by him in the performance of his duties under this Bill;
 - (c) not disclose any information referred to under paragraph (b) of this sub-section, except where required to do so by a Court or in such other circumstances as may be prescribed by the Board from time to time.
- (2) Any person who contravenes any of the provisions of sub-section (1) of this section commits an offence and shall be liable on conviction to a fine of not less than Five Hundred Thousand Naira (N500,000.00) or imprisonment for a term not exceeding two (2) years or both such fine and imprisonment (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 31 stands part of the Bill — Agreed to.

Clause 32: Repeal, Savings and Transitional Provisions.

- (1) The Federal Roads Maintenance Agency (Establishment etc Act, 2002; the Federal Roads Maintenance Agency (Amendment, etc.) Act, 2007; the Federal Highways Act 1971 and the Control of Advertisement (Federal Highways) Act 1986 are repealed.
- (2) Without prejudice to section 6 of the Interpretation Act, the repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the Bill.
- (3) Any subsidiary legislation, bye-law, regulation, order, made, issued, given or done under the repealed Acts and which are in force at the commencement of this Bill, shall to the extent that their provisions are not inconsistent with any object or provision in this Bill, continue to be in force and have effect as if made, issued, given or done under this Bill until such a time that anything done under this Bill amends, overrides, revokes or replaces it in any manner.

- (4) Every instrument, contract, requirement, certificate, appointment with tenure, notice, direction, decision, authorization, consent, application, request or thing made used, given or done under the repealed Acts shall, if in force at the commencement of this Bill continue to be in force and have effect as if made, issued, given or done under this Bill until such a time that anything done under this Bill amends, overrides, revokes or replaces it in any manner.
- (5) The Statutory functions, rights, interest, obligations and liabilities of the Federal Roads Maintenance Agency and the Department of the Ministry responsible for construction, rehabilitation and maintenance of Federal Roads before the commencement of this Bill under any contract, rights of way, concessions or instrument shall by virtue of this Bill be deemed to have been assigned to, transferred or vested in the Authority.
- (6) Upon the Commencement of this Bill, such number of persons employed by the Agency as may be required by the Authority shall be deemed to be staff of the Authority and shall be transferred to the service of the Authority in line with the provisions contained in section 8 of Schedule III to this Bill
- (7) The Minister may within the twenty-four (24) months after the commencement of this Bill, by order published in the Gazette, make additional saving or transitional provisions in order to give better effect to the objectives of this section (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 32 stands part of the Bill — Agreed to.

Clause 33: Interpretation.

In this Bill except the context otherwise requires —

"Advertisement" means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, which is employed wholly or partly for the purposes of advertisement, announcement or direction, including any hoarding or similar structure used, or adapted for use, for the display of an advertisement or a message that is not solely serving a function that is traffic and road use related (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the word "Advertisement" be as defined in the interpretation to this Bill — Agreed to.

"Authority" means the Federal Roads Authority established under section 3 of this Bill (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the word "Authority" be as defined in the interpretation to this Bill — Agreed to.

"base camps" means the outfit or unit office established by the Authority along Federal Roads (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the words "base camps" be as defined in the interpretation to this Bill — Agreed to.

"Board" means the Governing Board of the Authority established under section 4 of this Bill (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the word "Board" be as defined in the interpretation to this Bill — Agreed to.

"Federal Road(s)" means Federal trunk roads, roads and bridges owned by the Federal Government including:

- (a) land acquired or existing as a Federal road or highway pursuant to any legislation, subsidiary legislation, bye-law, declaration or order made before the commencement of this Bill and gazetted in the Federal Gazette;
- (b) land acquired under this Bill for the purpose of Federal Roads;
- (c) Federal trunk roads within the context of item 63 of part 1 of the second schedule to the Constitution of the Federal Republic of Nigeria 1999 (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the words "Federal Road(s)" be as defined in the interpretation to this Bill — Agreed to.

"Federal Road Network" means Federal Roads (inclusive of Rights of Way, Road Reserve, bridges, and road furniture) (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the words "Federal Road Network" be as defined in the interpretation to this Bill — Agreed to.

"geopolitical zones" means the six geopolitical units of the Federation (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the words "geopolitical zones" be as defined in the interpretation to this Bill — Agreed to.

"member" means a member of the Board and includes the Chairman (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the word "member" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means Minister in charge of Federal Road Infrastructure (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"Ministry" shall be construed accordingly (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the word "Ministry" be as defined in the interpretation to this Bill — Agreed to.

"Person" shall mean a natural person, body corporate, partnership, joint venture, co-operative, trust, or other entity that is recognized by the law as a distinct body with the right to enter into contracts and to own property (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the word "Person" be as defined in the interpretation to this Bill — Agreed to.

"Private Sector Participation" means a business relationship procured through a contractual agreement whether by means of a concession, Public-Private Partnership, joint venture, or other agreement between a government agency and one or more private sector entities for the purpose of the provision of a project, service or facility by the private sector that will serve the public (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the words "Private Sector Participation" be as defined in the interpretation to this Bill — Agreed to.

"President" means the President of the Federal Republic of Nigeria (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the word "President" be as defined in the interpretation to this Bill — Agreed to.

"Road" / "road(s)" means Federal Roads (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the words "Road" / "road(s)" be as defined in the interpretation to this Bill — Agreed to.

"Road Asset Management System" means a central data repository that stores, processes, displays and reports information on the assets within the road network to include road inventory and condition, bridge inventory and condition, classified traffic counts and axle loadings for road agencies to manage their road networks transparently in an efficient and effective manner (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the words "Road Asset Management System" be as defined in the interpretation to this Bill — Agreed to.

"Road Reserve" means the land means the land adjacent to the road carriageway, to a width of 60meters as specified in road regulations and belonging the Federal Government of Nigeria and deemed part of the Federal Road (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the words "Road Reserve" be as defined in the interpretation to this Bill — Agreed to.

"Road Sector Regulator" shall mean any person, body, agency, organization specifically designated by an Act of the National Assembly with the functions and powers of being a multi- sector transport regulator responsible for the regulation of matters which includes the economic and safety regulation of the road sector to such extent as determined under this Bill or any other Act (*Hon. Femi Gbajabiamila — House Leader*).

Question that the meaning of the words "Road Sector Regulator" be as defined in the interpretation to this Bill — Agreed to.

Question that Clause 33 stands part of the Bill — Agreed to:

Clause 34: Short Title.

This Bill may be cited as the Federal Roads Bill, 2018 (*Hon. Femi Gbajabiamila — House Leader*).

Question that Clause 34 stands part of the Bill — Agreed to.

SCHEDULES

SCHEDULE I

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

(Section 3(4))

1. Subject to this Bill and section 27 of the Interpretation Act (which provides from decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its Committees.
2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their members to preside.
3. The quorum at a meeting of the Board shall consist of the Chairman of, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule, and five other members.
4. The Board shall for the purpose of this Bill, meet not less than three times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to the Chairman by not less than eight members, the Chairman shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board 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 Board and shall not count towards a quorum.
6.
 - (a) 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 Authority is concerned.
 - (b) A committee appointed under this paragraph shall:
 - (i) consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person other than a member of the Board shall hold office on the Committee in accordance with the terms of his appointment; and
 - (ii) be presided over by a member of the Board.
 - (c) The quorum of any Committee set up by the Board shall be as determined by the Board.
 - (d) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

7. The fixing of the seal of the Authority shall be authenticated by the signature of the Chairman, the Managing Director, or any other person generally or specifically authorized by the Board to act for that purpose.
8. Any contract or instrument which, if made by a Person not being a body corporate; would not be required to be under seal may be made or executed on behalf of the authority by the Managing Director or by any other person generally or specifically to authorized by the Board to act for that purpose.
9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and shall, unless the contrary is proved, be presume without further proof to have been so signed.
10. (1) The validity of any proceedings of the Board or of any of its Committees shall not be affected by:
 - (a) any vacancy in the membership of the Board, or Committee; or
 - (b) any defect in the appointment of a member of the Board or Committee (*Hon. Femi Gbajabiamila — House Leader*).

Question that the provisions of Schedule I stand part of the Bill — Agreed to.

*SCHEDULE II**EXECUTION OF THE ROAD MANAGEMENT TASK**Form of Execution of Road Management Function*

1. (1) The Board shall carry out its road management function through executing Agencies which may be either of road management consultants, road agencies or agents of local government authorities.
 - (2) It shall be the duty of the Board to prepare and publish guidelines and procedures as to the manner of the discharge of these functions by these executing agencies and the Authority shall ensure that these guidelines and procedures are such as to ensure transparent, accountable and cost-effective performance of their duties by chest agencies,
2. (1) Without prejudice to the foregoing, the guidelines and procedures shall address issues relating to preparation and approval of plans and programmes, procurement of works, financial management of works, disbursement of funds,
 - (2) It shall be the duty of the Authority to ensure awareness and understanding by the road agencies of these guidelines and procedures and their due implementation,
3. Any of the above executing agencies may be engaged by the Authority to prepare and submit to the Authority annual work plans covering the road network under its responsibility, not later than four months before the beginning of the next fiscal year.

Preparation and Adoption of Annual Work Plans

4. (1) The Board will prepare and adopt manuals of procedures defining its way of collaboration with the different types of executing agencies, including financial management systems, maintenance management systems, management information systems, procurement and disbursement procedures, etc. to be adopted by the executing agencies.
- (2) The Authority shall execute its duty with due regard to environmental issues (*Hon. Femi Gbajabiamila — House Leader*).

Question that the provisions of Schedule II stand part of the Bill — Agreed to.

SCHEDULE III

TRANSFER OF ASSETS

1. All Assets and funds which immediately before the commencement of this Bill were vested in the Federal Roads Maintenance Agency set up under the Federal Roads Maintenance Agency (Establishment etc.) Act, 2002 and the Federal Roads Maintenance Agency (Amendment, etc.) Act, 2007, "the Agency" and the department of the Ministry responsible for construction, rehabilitation and maintenance of Federal Roads shall by virtue of this Bill be vested in the Federal Roads Authority. Provided that nothing in this Bill shall be construed to preclude the power of the Ministry responsible for roads from engaging in the construction of roads.
2. All references in this schedule to the Agency shall mean and include the department of the Ministry of Works responsible for construction, rehabilitation and maintenance of Federal Roads.
3. All bonds, hypothecations, securities, deeds, contracts, instruments, documents, and working arrangements with respect to the assets transferred, that subsisted immediately before the commencement of this Bill and to which the Agency was a party shall be as fully effective and enforceable against or in favour of the Authority as if, instead of the Agency, the Authority had been named therein.
4. Any cause of action or proceeding which existed or was pending with respect to the assets transferred by or against the Agency immediately before commencement of this Bill, shall be enforced or continued, as the case may be, by or against or in favour of the Authority in the same way that it might have been enforced or continued by or against the Agency had this Bill not been passed.
5. No action or other proceeding shall be commenced against the Authority in respect of an employee or asset that has been transferred to the Authority, where, if there had been no transfer, the time for commencing the action or other proceeding would have expired.
6. Nothing in this Bill and nothing done as a result of a transfer under sub-paragraph (1) of this paragraph shall create any new cause of action in favour of:
 - (a) a holder of a debt instrument that was issued by the Agency before the commencement of this Bill; and
 - (b) a party to a contract with the Agency that was entered into before the commencement of this Bill.

7. Any guarantee or surety-ship given or made by the Federal Government or any other person in respect of any debt or obligation of the Agency, and which was effective immediately before the transfer of the principal debt or obligation, shall remain fully effective against the guarantor or surety on and after the transfer date in relation to the payment of the debt or the performance of the obligation, as the case may be, by the Authority to which the principal debt or obligation was transferred.

Transfer of Employees

8. (1) Upon the Commencement of this Bill, such number of persons employed by the Agency as may be required by the Authority shall be deemed to be staff of the Authority and shall be transferred to the service of the Authority on terms not less favourable than those enjoyed immediately prior to the transfer.
- (2) The service rendered by an employee transferred pursuant to sub-paragraph (1) of this paragraph to the Agency shall be deemed to be service with the Authority for the purpose of determining employment related entitlements as specified in the relevant laws of employment in Nigeria.
- (3) Until such time as conditions of service are drawn up by the Authority:
- (a) the terms and conditions of service applicable to employees of the Agency shall continue to apply to every person transferred to the Authority as if every such person were still in the service of the Agency; and
- (b) the Authority shall continue to contribute towards any pension scheme to which the Agency was contributing in respect of persons in the employ of the Agency prior to the transfer date.
- (4) Nothing in this paragraph shall operate so as to prevent any employee of the Agency from resigning or being dismissed from service.
- (5) Nothing In this paragraph shall operate so as to create an entitlement for any employee of the Agency to become an employee of the Authority

Directions to the Agency

9. (1) The Minister may give the members of the Board of the Agency directions in writing in order to ensure the proper transfer of the assets of the Agency to the Authority and the Agency shall without delay, comply with every such direction.
- (2) Without derogating from sub-paragraph (1) of this paragraph, directions given under that sub-paragraph may provide for:
- (a) the cessation of all or any of the functions of the Agency;
- (b) the termination of any contract entered into between the Agency and any person, provided that no such direction shall authorise the Agency to commit an unlawful breach of any such contract; and
- (c) the production of any report and the provision of any information concerning the conduct of the Agency or the members of the board of the Agency or anything done by or on behalf of the Agency or the members of the Agency
(Hon. Femi Gbajabamila — House Leader).

Question that the provisions of Schedule III stand part of the Bill — Agreed to.

Explanatory Memorandum:

(This Memorandum does not form part of the above Bill but is intended to explain its purport)

This Bill seeks to repeal the Federal Roads Maintenance Agency (Establishment etc.) Act 2002 (as amended) the Federal Highways Act, 1971 and the Control of Advertisement (Federal Highways) Act, 1986 and establish the Federal Roads Authority for the safe and efficient management of the Federal Roads Network to meet the socio-economic demands of the country; promote the sustainable development, management, operation and regulation of the road sector; and facilitate the development of competitive markets and the promotion of enabling environment for Private Sector Participation in the financing, maintenance and improvement of roads in Nigeria (*Hon. Femi Gbajabiamila — House Leader*).

Agreed to.

Long Title:

A Bill for an Act to Repeal the Federal Roads Maintenance Agency Establishment, etc. Act, 2002 (as Amended), the Federal Highways Act, 1971 and the Control of Advertisement Federal Highways Act, 1986 and Establish the Federal Roads Authority to Provide for the Ownership, Regulation, Management and Development of the Federal Roads Network and for Related Matters (HB 1075) (*Hon. Femi Gbajabiamila -- House Leader*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report on a Bill for an Act to Repeal the Federal Roads Maintenance Agency (Establishment, etc.) Act, 2002, the Federal Highways Act, 1971 and the Control of Advertisement on Federal Highways Act, 1986 and Enact the Federal Roads Bill for Establishment of the Federal Roads Authority, the Framework for Private Sector Participation, the Regulation of the Roads Sector; and for Related Matters (HB. 1075) and approved Clauses 1 - 8, approved Clauses 9 - 10 as amended, approved Clauses 11 - 34, the Schedules, Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(ii) **Committees on Power, and Public Procurement:**

Motion made and Question proposed, "That the House do consider the Report of the Committees on Power, and Public Procurement on the Need to Investigate the Sale of Power Holding Company of Nigeria (PHCN) Non-Core Assets and Scraps and approve the recommendations therein" (Hon. Daniel Asuquo — Akankpa/Biase Federal Constituency).

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

Consideration deferred.

Report recommitted to the Committees on Power, and Public Procurement.

Chairman to report progress.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole deferred consideration on the Report of the Committees on Power, and Public Procurement on the Need to Investigate the Sale of Power Holding Company of Nigeria (PHCN) Non-Core Assets and Scraps and recommitted the Report to the Committees to re-examine and report back.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

15. Adjournment

That the House do adjourn till Wednesday, 28 March, 2018 at 11.00 a.m. (Hon. Femi Gbajabiamila — House Leader).

The House adjourned accordingly at 2.13 p.m.

Yakubu Dogara
Speaker