

*Extraordinary*



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FEDERAL ROAD SAFETY COMMISSION INSPECTORATE TRAINING SCHOOL  
(ESTABLISHMENT) BILL, 2021  
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# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL ROAD SAFETY COMMISSION  
INSPECTORATE TRAINING SCHOOL AS A HIGHER NATIONAL DIPLOMA  
AWARDING INSTITUTION TO PROVIDE ACADEMIC AND PROFESSIONAL  
TRAINING AND FOR RELATED MATTERS

*Sponsored by Hon. Akinfolarin Mayowa Samuel*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal  
Republic of Nigeria as follows:

1 PART I - ESTABLISHMENT OF THE FEDERAL ROAD SAFETY COMMISSION

2 INSPECTORATE TRAINING SCHOOL

3 1. The objects of the Inspectorate Training School are to:

Objects of the  
Inspectorate  
Training School

4 (a) encourage the advancement of learning and avail the  
5 opportunity of acquiring a higher education in liberal, scientific,  
6 engineering and any other discipline to cadets, other members of the Federal  
7 Road Safety Corps (the Corps) and road safety personnel of other nations  
8 that the Federal Government of Nigeria may from time to time decide;

9 (b) provide courses of instruction and other facilities for the pursuit  
10 of teaching and learning in all the faculties and campuses of the Inspectorate  
11 Training School as may be established nationwide and make those facilities  
12 available on proper terms to members of the Corps as are qualified to benefit  
13 from them;

14 (c) nurture, equip and produce globally competitive road safety  
15 personnel with requisite knowledge, skills and attitudes suitable for  
16 leadership, scholarship, road traffic administration and safety management;

17 (d) encourage and promote academic excellence in the  
18 Inspectorate Training School;

1 (e) conduct research in relevant fields of learning and human  
2 endeavour;

3 (f) align its activities to the safety, security, social, cultural and  
4 economic needs of the people of Nigeria;

5 (g) prepare cadets to earn higher national diplomas in those  
6 disciplines which are of special interest to the needs and aspirations of the  
7 Corps;

8 (h) develop in each cadet the physical attributes and skills necessary  
9 to meet the requirement of a non-commissioned Officer of the Corps; and

10 (i) carry out any other activities as are necessary or expedient for the  
11 performance of its functions under this Act.

Establishment  
of the Federal  
Road Safety  
Commission  
Inspectorate  
Training School

12 **2.-(1)** There is established a training school to be known as the  
13 Federal Road Safety Commission Inspectorate Training School, Owa-Alero,  
14 Delta (in this Act referred to as "the Inspectorate Training School").

15 (2) The Inspectorate Training School as a road safety academic and  
16 professional institution shall have the power to award higher national diplomas  
17 and professional certificates in accordance with the highest academic  
18 standards as may be prescribed by the National Board for Technical Education,  
19 from time to time.

20 (3) The Inspectorate Training School:

21 (a) shall be a body corporate with perpetual succession and a common  
22 seal;

23 (b) may sue or be sued in its corporate name; and

24 (c) may acquire, hold or dispose, grant, charge, purchase or mortgage  
25 any of its property, movable or immovable, wherever situate subject to the  
26 provisions of the Land Use Act, for the purpose of carrying out any of its  
27 functions under this Act.

Functions of the  
Inspectorate  
Training School

28 **3.** The functions of the Inspectorate Training School shall be-

29 (a) to provide full-time or part-time courses of instruction and training  
30 in-

- 1 (i) road safety technology, science, commerce and management;  
2 and  
3 (ii) such other fields of applied learning relevant to road safety and  
4 the needs of the development of Nigeria;  
5 (b) to arrange conferences, seminars and study groups relative to  
6 the fields of learning specified in paragraph (a) of this subsection;  
7 (c) to perform such other functions as in the opinion of the Council  
8 may serve to promote the objectives of the Inspectorate Training School.  
9 (d) be responsible for the discipline and welfare of members of the  
10 Inspectorate Training School;  
11 (e) arrange for the general welfare of children of members of staff  
12 or may donate for any charitable purpose;  
13 (f) refer matters relating to the discipline of road safety personnel  
14 in the Inspectorate Training School to the Management of Federal Road  
15 Safety Corps for appropriate action;  
16 (g) conduct examinations, award higher national diplomas,  
17 certificates and other distinctions to persons pursuing approved courses of  
18 studies and having satisfied the requirements prescribed by the Inspectorate  
19 Training School under this Act;  
20 (h) conduct research in relevant fields of learning and other human  
21 endeavours;  
22 (i) engage top quality lecturers, instructors and other staff of  
23 international standard aimed at creating a centre of excellence in approved  
24 fields of study in the Inspectorate Training School;  
25 (j) withdraw from any graduate of the Inspectorate Training School  
26 for good cause, higher national diploma, certificate, fellowship,  
27 studentship, bursary, medal, prize or other academic titles as deemed  
28 appropriate by the Inspectorate Training School;  
29 (k) demand and receive from students, except cadets from the  
30 Corps, for the purpose of instructions, such fees as the Inspectorate Training

1 School may, from time to time, determine;  
 2 (l) accept gifts, legacies and donations, provided that the terms and  
 3 conditions attached to such gifts, legacies or donations are not inconsistent  
 4 with the objects and purpose for the establishment of the Inspectorate Training  
 5 School;

6 (m) erect, provide, equip and maintain libraries, parade grounds,  
 7 laboratories, lecture halls, halls of residence, refectories, sports grounds,  
 8 playing fields and other buildings as are necessary for the carrying out of the  
 9 objects of the Inspectorate Training School under this Act;

10 (n) hold public and inaugural lectures, symposia and workshops;

11 (o) undertake printing, publishing and selling of books and journals of  
 12 the Inspectorate Training School; and

13 (p) undertake such other activities considered appropriate for a higher  
 14 national diploma- awarding school of the highest standard and do all such acts  
 15 or things that are incidental to the attainment of the objects, functions and  
 16 powers of the Inspectorate Training School under this Act.

Establishment  
of Federal Road  
Safety Commission  
Inspectorate  
Training School  
Council

17 **4.** There shall be established a Federal Road Safety Commission  
 18 Inspectorate Training School Council (hereafter in this Act referred to as "the  
 19 Council") which shall be a body corporate with perpetual succession and a  
 20 common seal and may sue and be sued in its corporate name.

Membership  
of the Council

21 **5.** The Council shall consist of:

22 (a) the Secretary to the Government of the Federation as Chairman;

23 (b) the Corps Marshal;

24 (c) the Deputy Corps Marshal (Training);

25 (d) the Commandant of the Inspectorate Training School;

26 (e) the Provost of the Inspectorate Training School;

27 (f) Executive Secretary of National Board for Technical Education or  
 28 his representative;

29 (g) three persons appointed by the President to represent civil society



1 organisations working on road safety or public service reform related issues;  
2 and

3 (h) the Registrar of the Inspectorate Training School, who shall be  
4 the Secretary to the Council.

5 **6.-(1)** Subject to provision of this Act, the Council shall be the  
6 governing body of the inspectorate Training School and shall have the  
7 general management of the affairs of the Inspectorate Training School, and  
8 in particular, the control of the property and finances of the Training School;  
9 and shall also have power to do anything which in its opinion is to facilitate  
10 the carrying out of the activities of the Inspectorate Training School and  
11 promote its best interests.

Functions and  
powers of the  
Council

12 (2) The Council may acquire and hold such movable or immovable  
13 property as may be necessary or expedient for carrying into effect the  
14 provisions of this Act and for the same purpose may sell, lease, mortgage or  
15 otherwise alienate or dispose of any property so acquired.

16 (3) The Council may enter into such contracts as may be necessary  
17 or expedient for carrying into effect the provisions of this Act.

18 (4) The Chairman may give to the Council directions of a general  
19 character or relating generally to particular matters (but not any individual  
20 person) with regard to the exercise by the Council of its functions and it shall  
21 be the duty of the Council to comply with the directions.

22 (5) For the purpose of carrying out its responsibilities under this  
23 Act, the following standing committees are to be established by the Council:

24 (a) Finance and General Purpose Committee;

25 (b) Appointments, Promotions and Disciplinary Committee  
26 (AP&DC);

27 (c) Tenders Board;

28 (d) Academic Board; and

29 (e) Admission Selection Board.

30 (6) The standing committees shall function in line with the

	1	provisions of the Second Schedule to this Act.
Removal of a Member of the Council from Office	2	<b>7.-(1)</b> If it appears to the Council that a member of the Council should
	3	be removed from office on the ground of misconduct or inability to perform the
	4	functions of his office, the Council shall make a recommendation to the
	5	Secretary to the Government of the Federation, and if the Secretary to the
	6	Government of the Federation, after making such inquiries as he considers
	7	necessary, approves the recommendation, the Secretary to the Government of
	8	the Federation shall, in writing, declare the office of such member vacant.
	9	(2) The Secretary to the Government of the Federation may remove
	10	any member of the Council if he is satisfied that it is not in the public interest or
	11	in the interest of the Inspectorate Training School for such a member to
	12	continue as a member of the Council.
	13	PART II - PRINCIPAL OFFICERS AND OTHER STAFF OF THE
	14	INSPECTORATE TRAINING SCHOOL
Appointment and tenure of the Commandant of the Inspectorate Training School	15	<b>8.-(1)</b> The Corps Marshal shall appoint for the Inspectorate Training
	16	School, a Commandant, who shall be a member of the Corps.
	17	(2) A person to be appointed the Commandant for the Inspectorate
	18	Training School shall not be below the rank of Corps Commander with a
	19	minimum qualification of Master Degree from a recognized university.
	20	.(3) The Commandant shall:
	21	(a) be the Chief Executive and Accounting Officer of the Inspectorate
	22	Training School;
	23	(b) be responsible for the day-to-day administration of the
	24	Inspectorate Training School;
	25	(c) keep the books and records of the Inspectorate Training School;
	26	(d) be responsible for the preparation of programmes and plans for the
	27	approval of the Council, as are necessary to carry into effect approved policy or
	28	any directive of the Council;
	29	(e) hold office in accordance with the Corps' posting policy and be
	30	accountable to the Council; and

1 (f) carry out any other duties as may be assigned to him under this  
2 Act or by the Council.

3 **9.**-(1) The Corps Marshal shall appoint for the Inspectorate  
4 Training School, a Deputy Commandant, who shall be a member of the  
5 Corps.

Appointment and  
tenure of the Deputy  
Commandant of  
the Inspectorate  
Training School

6 (2) A person to be appointed the Deputy Commandant for the  
7 Inspectorate Training School shall not be below the rank of Deputy Corps  
8 Commander with a minimum qualification of first Degree from a  
9 recognized university.

10 (3) The Deputy Commandant shall assist the Commandant in the  
11 day to day administration of the Inspectorate Training School and in all  
12 matters relating to professional training of cadets and members of the Corps  
13 in the Training School or any other responsibility as may be assigned by the  
14 Commandant or the Council.

15 (4) In the absence of the Commandant, the Deputy Commandant  
16 shall act in his stead and be accountable to the Commandant.

17 (5) The Deputy Commandant shall hold office in accordance with  
18 the Corps' posting policy.

19 **10.**-(1) There shall be a Provost of the Inspectorate Training School  
20 ("the Provost") who shall be appointed by the Council in accordance with  
21 the provisions of this Act.

Appointment and  
tenure of the Provost  
of the Inspectorate  
Training School

22 (2) Where a vacancy occurs in the post of Provost, the Council shall  
23 advertise the vacancy in a reputable journal or widely read newspaper in  
24 Nigeria, specifying-

25 (a) the qualification of the person who may apply for the post; and

26 (b) the terms and conditions of service applicable to the post, and  
27 thereafter, draw up a short list of suitable candidates for consideration;

28 (3) A Joint Council and Academic Selection Board consisting of-

29 (a) the Chairman of the Council;

	1	(b) two members of the Council not being members of the Academic
	2	Board;
	3	(c) two members of the Academic Board not below the rank of Senior
	4	Lecturer, shall consider the candidates on the short list drawn up under
	5	subsection (2) of this section through an examination of their curriculum vitae
	6	and interaction with them and recommend to the Council three candidates for
	7	its consideration.
	8	(4) The Council shall appoint, as Provost, one of the candidates
	9	recommended to it under the provisions of subsection (3) of this section.
	10	(5) The Provost shall hold office for a period of five years beginning
	11	with the effective date of his appointment and shall not be re-appointed.
Appointment and tenure of the Registrar of the Inspectorate Training School	12	<b>11.-(1)</b> There shall be a Registrar for the Inspectorate Training School
	13	who shall be responsible to the Provost for the day- to-day administration of the
	14	Inspectorate Training School and shall perform such other duties as the
	15	Councilor, as the case may be, the Provost may from time to time require him to
	16	do.
	17	(2) The Registrar shall be the Secretary to the Council, the Academic
	18	Board and any committee of the Council and shall attend all the meetings of
	19	those bodies unless excused for good reason by the Chairman of the Council.
	20	(3) In the absence of the Registrar, the Chairman of the Council may,
	21	after consultation with the Provost, appoint a suitable person to act as Secretary
	22	for any particular meeting of the Council.
	23	(4) The Secretary to the Council or a person appointed to act under
	24	subsection (3) of this section shall not vote on any question before the
	25	Councilor count towards a quorum unless he is entitled as a member of the
	26	Council.
	27	(5) A Registrar shall hold office for a period of four years beginning
	28	from the effective date of his appointment and shall not be re-appointed.
Other Principal Officers of the Training School	29	<b>12.-(1)</b> There shall be for the Inspectorate Training School the
	30	following other principal officers in addition to the Registrar, that is-

1 (a) the Bursar; and  
 2 (b) the Librarian,  
 3 who shall be appointed by the Council on the recommendation of the  
 4 Academic Selection Board constituted under this Act.

5 (2) The Bursar shall be the Chief Financial Officer of the  
 6 Inspectorate Training School and be responsible to the Commandant for the  
 7 day to day administration and control of the financial affairs of the School.

8 (3) The Inspectorate Training School Librarian shall be  
 9 responsible to the Provost for the administration of the library and the co-  
 10 ordination of the library services in the teaching units of the School.

11 (4) The Bursar or Librarian shall hold office for a period of four  
 12 years and shall not be re-appointed.

13 (5). The Principal Officers may resign their appointment by notice  
 14 to the Chairman of the Council.

15 **13.-(1)** The Council may appoint such other persons to be  
 16 employees of the Inspectorate Training School as the Council may  
 17 determine to assist the Provost and the Principal Officers of the Inspectorate  
 18 Training School in the performance of their functions under this Act.

Other Employees  
of the Inspectorate  
Training School

19 (2) The power to appoint all other employees of the Inspectorate  
 20 Training School shall be exercised by the Council on the recommendation of  
 21 the Appointment and Promotions Committee set up under this Act;

22 (3) Subject to the provisions of this Act, the remuneration, tenure of  
 23 office and conditions of service of the employees of the Inspectorate  
 24 Training School shall be in line with service in the Public Service of the  
 25 Federation.

26 **14.-(1)** There shall be established for the Inspectorate Training  
 27 School a board to be known as the Academic Board which shall consist of  
 28 the following members-

The Academic  
Board of the  
Inspectorate  
Training School

29 (a) the Provost of the Inspectorate Training School, as the  
 30 Chairman;

1 (b) the Deputy Commandant of the Inspectorate Training School;  
 2 (c) all Heads of Departments;  
 3 (d) the Librarian; and  
 4 (e) not more than two members of the academic staff, other than  
 5 Heads of Departments, who may be appointed by the Academic Board.

6 (2) The Academic Board shall be responsible for-

7 (a) the direction and management of academic matters of the  
 8 Inspectorate Training School including the regulation of admission of students,  
 9 the award of higher national diplomas, certificates, scholarships, prizes and  
 10 other academic distinctions;

11 (b) the making to the Council of such periodic reports on academic  
 12 matter as the Academic Board may think fit or as the Council may from time to  
 13 time direct; and

14 (c) the discharge of any other function which the Council may  
 15 delegate to it.

Application of  
the Pensions Act

16 **15.**-(1) Service in the Inspectorate Training School shall be approved  
 17 service for purpose of the Pension Reform Act and accordingly employees of  
 18 the Inspectorate Training School shall, in respect of their services, be entitled to  
 19 pensions and other retirement benefits as are enjoyed by persons holding  
 20 equivalent offices in the Public Service of the Federation.

21 (2) For the members of the Corps serving in the Inspectorate Training  
 22 School, the existing law on pension for members of the Corps shall apply.

23 (3) Notwithstanding the provisions of subsection (1) of this section,  
 24 nothing in this Act shall prevent the appointment of a person to any office on  
 25 terms which preclude the grant of pension in respect of that office.

Removal and  
Discipline of  
Academic,  
Administrative  
and Technical  
Staff

26 **16.**-(1) If it appears to the Council that there are reasons for believing  
 27 that any person employed as a member of the academic, administrative or  
 28 technical staff of the Inspectorate Training School, other than the Provost,  
 29 should be removed from office on the ground of misconduct or inability to  
 30 perform the functions of his office, the Council shall

- 1 (a) give notice of those reasons to the person in question;
- 2 (b) afford him an opportunity of making representations in person
- 3 on the matter to the Council; and
- 4 (2) The Provost may, in a case of misconduct by a member of staff,
- 5 which in the opinion of the Provost is prejudicial to the interests of the
- 6 Inspectorate Training School, suspend such member and any such
- 7 suspension shall forthwith be reported to the Council.
- 8 (3) For good cause, any member of staff may be suspended from
- 9 office or his appointment may be terminated by the Council, and for the
- 10 purpose of this subsection, "good cause" means-
- 11 (a) any physical or mental incapacity which the Council, after
- 12 obtaining medical advice, considers to be such as to render the person
- 13 concerned unfit for the discharge of the functions of his office; or
- 14 (b) any physical or mental incapacity which the Council, after
- 15 obtaining medical advice, considers to be such as to render the person
- 16 concerned unfit to continue to hold his office; or
- 17 (c) conduct of a scandalous or other disgraceful nature which the
- 18 Council considers to be such as to render the person concerned unfit to
- 19 continue to hold his office; or
- 20 (d) conduct which the Council considers to be such as to constitute
- 21 failure or inability of the person concerned to discharge the functions of his
- 22 office or to comply with the terms and conditions of his service.
- 23 (4) Any person suspended pursuant to subsection (2) or (3) of this
- 24 section, shall be placed on half pay and the Council shall before the
- 25 expiration of the period of three months after the date of such suspension
- 26 consider the case against that person and come to a decision as to-
- 27 (a) whether to continue such person's suspension and if so on what
- 28 terms (including the proportion of this emoluments to be paid to him);
- 29 (b) whether to reinstate such person, in which case the Council

1 shall restore his full emoluments to him with effect from the date of suspension;

2 (c) whether to terminate the appointment of the person in question, in  
3 which case such a person will not be entitled to the proportion of his  
4 emoluments withheld during the period of suspension; or

5 (d) whether to take such lesser disciplinary action against such person  
6 (including the restoration of such proportion of his emoluments that might  
7 have been withheld) as the Council may determine and in any case where the  
8 Council, pursuant to this section, decides to continue a person's suspension or  
9 decides to take further disciplinary action against a person, the Council shall  
10 before the expiration of a period of three months from such decision come to a  
11 final determination in respect of the case concerning any such person.

12 (5) It shall be the duty of the person by whom an instrument of  
13 removal is signed in pursuance of subsection (1) of this section, to use his best  
14 endeavours to cause a copy of the instrument to be served as soon as reasonably  
15 practicable on the person to whom it relates.

16 (6) Nothing in the foregoing provisions of this section shall prevent  
17 the Council from making such regulations for the discipline of other categories  
18 of staff of the Inspectorate Training School as it may think fit.

19 **PART III - FINANCIAL PROVISIONS**

Funds of the  
Inspectorate  
Training School

20 **17.-(1)** There is established for the Inspectorate Training School, a  
21 fund which shall consist of:

22 (a) budgetary and extra budgetary allocations received from the  
23 Government Federation including grants and annual subventions;

24 (b) monies held immediately before the commencement of this Act by  
25 the Federal Road Safety Commission Inspectorate Training School, Owa-  
26 Alero, Delta;

27 (c) gifts, loans, endowment, grants-in-aids, testamentary disposition,  
28 donations, bequest or other voluntary contributions where the terms and  
29 conditions attached are not inconsistent with the functions of the Council;

30 (d) all foreign aids and monetary assistance received by the Council



1 under any agreement or arrangement with any international body or  
2 organization with the approval of the Federal Government;

3 (e) monies paid as fees to the Inspectorate Training School by  
4 students other than cadets;

5 (f) fees, charges, dues or monies from publications and services  
6 rendered by the Inspectorate Training School;

7 (g) revenue accruing to the Inspectorate Training School,  
8 including interests accruing from monies invested by the Inspectorate  
9 Training School; and

10 (h) such other monies as may be received by the Inspectorate  
11 Training School from investments and any other money accruing to the  
12 Inspectorate Training School from other sources.

13 (2) Any money received by the Inspectorate Training School in  
14 form of endowments, gifts or donations shall be entered in a register kept for  
15 the purpose, showing the names of donors and any special conditions  
16 attached, where such money is accepted by the Inspectorate Training  
17 School.

18 (3) Any property, money or funds donated for a specified purpose  
19 shall be applied; administered and expended specifically for the purpose it  
20 was meant.

21 (4) The fund established pursuant to subsection (\) of this section  
22 shall be managed in accordance with extant Financial Regulations  
23 applicable in the Public Service of the Federation.

24 (5) Any money withdrawn from the fund established in subsection  
25 (1) of this section shall be applied for the specific purposes for which it was  
26 withdrawn.

27 (6) The Inspectorate Training School may apply the fund  
28 established under subsection (1) of this section:

29 (a) to pay the costs of administration, charges and expenses of the  
30 Inspectorate Training School;

1 (b) to discharge the cost of maintaining the Main Campus and other  
2 campuses of the Inspectorate Training School;

3 (c) for the development and maintenance of any property vested in or  
4 owned by the Inspectorate Training School;

5 (d) for the payment of the allowances and other benefits of members  
6 of the Council or any committee set up by it;

7 (e) for payment of emoluments, allowances, benefits and other  
8 entitlements of the Principal Officers and other staff of the Inspectorate  
9 Training School;

10 (f) for payment for all purchases made by the Inspectorate Training  
11 School and the training of members of its staff;

12 (g) for provision of scholarships, bursaries and awards for specialized  
13 training of members of staff of the Inspectorate Training School;

14 (h) for payment to publicize and promote the activities of the  
15 Inspectorate Training School;

16 (i) for payments for the support of national and international scientific  
17 and professional organizations;

18 (j) for payments of annual and other subscriptions and contributions  
19 to national and international scientific and professional organizations;

20 (k) for the payment of all consultancies, legal fees and costs of  
21 contracts awarded by the Inspectorate Training School; and

22 (l) for any other expenditure as may be approved by the Council, from  
23 time to time, in connection with all or any of its functions and powers under this  
24 Act.

Power to accept  
gift

25 **18.-(I)** The Inspectorate Training School may accept gift of land,  
26 money or other property on such terms and conditions, if any, as may be  
27 specified by the person or organisation making the gift.

28 (2) The Inspectorate Training School shall not accept any gift, if the  
29 term or condition attached by the person or organisation making the gift is  
30 inconsistent with the provisions of this Act.

1 (3) All property, money or funds donated for any specific purpose  
2 shall be applied and administered in accordance with the purpose for which  
3 they were donated and shall be accounted for specifically.

4 **19.** The Inspectorate Training School may with the approval of the Power to borrow  
5 President, borrow such sums by way of loan, overdraft or from any other  
6 source, as may be required for the performance of its functions and meeting  
7 its Obligations under this Act; and any interest payable on monies so  
8 borrowed shall be paid out of the fund of the Inspectorate Training School.

9 **20.-(1)** The financial year of the Inspectorate Training School shall Financial year  
and academic  
calender  
10 commence on the 1<sup>st</sup> day of January of each year and end on the 31st day of  
11 December of the same year or any such time as may be prescribed by  
12 financial regulations issued by the Federal Government of Nigeria from  
13 time to time.

14 (2) The Council shall determine academic calender of the  
15 Inspectorate Training School.

16 **21.-(1)** The Inspectorate Training School shall keep proper Accounts and  
Audit  
17 accounts and records of its receipts, payments, assets and liabilities in  
18 respect of each year manually and electronically and shall:

19 (a) cause the accounts to be audited, within three months from the  
20 end of each financial year, by auditors appointed from the list and in  
21 accordance with guidelines issued by the Auditor-General of the Federation;  
22 and

23 (b) prepare a Statement of Account in respect of each year in such  
24 form and manner as may be. approved by the Federal Government from time  
25 to time.

26 (2) An auditor appointed pursuant to subsection (I) of this section  
27 shall:

28 (a) have access to all accounts and other records relating to such  
29 accounts as are kept by the Inspectorate Training School and shall have the  
30 power to require from any staff of the Inspectorate Training School such

	1	information and explanation as in the auditor's opinion are necessary for the
	2	purpose of the audit; and
	3	(b) be paid from the Funds of the Inspectorate Training School.
	4	(3)The Audited accounts and records of the Inspectorate Training
	5	School shall be submitted to the Council for consideration and subsequently
	6	forwarded to the Auditor-General of the Federation.
Annual Estimates and Budget	7	<b>22.</b> -(1) The Inspectorate Training School shall, not later than 30th
	8	September of each financial year or such earlier date as the Council may
	9	determine, prepare and submit an estimate of its income and expenditure for
	10	the next succeeding year to the Council for consideration and submission to the
	11	Secretary to the Government of the Federation for onward transmission to the
	12	National Assembly.
	13	(2) Notwithstanding the provisions of subsection (I) of this section,
	14	the Council may, where necessary due to unforeseen circumstances, submit
	15	supplementary or adjusted statements of estimated income and expenditure to
	16	the Secretary to the Government of the Federation for onward transmission to
	17	the National Assembly for approval.
Annual report	18	<b>23.</b> The Council shall cause to be prepared an Annual Report, which
	19	shall include the audited accounts of the Inspectorate Training School for the
	20	previous financial year and a statement of its assets and liabilities as at the last
	21	day of the financial year.
Bank Account	22	<b>24.</b> All monies received on account of the Inspectorate Training
	23	School shall be paid into such accounts as may be approved to be opened by the
	24	Council or any account designated by the Federal Government.
	25	PART IV - TRANSFER OF PROPERTY TO THE INSPECTORATE
	26	TRAINING SCHOOL
Transfer of Property to the Inspectorate Training School	27	<b>25.</b> All property held by or on behalf of the Inspectorate Training
	28	School by any provisional council, planning and implementation committee or
	29	any interim body by whatsoever name called, shall by virtue of this Act and
	30	without further assurances vest in the Inspectorate Training School and such

1 property shall be held for the purpose of this Act.

2 **26.** The Council shall not dispose of or charge any land or an  
3 interest in any landed property including any land transferred to the  
4 Inspectorate Training School by this Act, held by or on behalf of the  
5 Inspectorate Training School except with the prior written consent and  
6 approval of the Visitor.

Restriction on  
disposal of landed  
property of the  
Inspectorate  
Training School

7 **27.** Subject to the Land Use Act, which provides for the  
8 compulsory acquisition of land for overriding public interest, any  
9 requirement of land by the Inspectorate Training School shall be deemed to  
10 be for the overriding public interest purpose of the Federation.

Compulsory  
acquisition of  
land for overriding  
public interest

11 **PART V - MISCELLANEOUS**

12 **28.-(1)** The Minister of Education shall be the Visitor of the  
13 Inspectorate Training School.

Visitation

14 (2) The Visitor may, as often as circumstances require, not being  
15 less than once in every five years, conduct a visitation to the Inspectorate  
16 Training School or cause a visit to be made to the Inspectorate Training  
17 School by such persons as the Visitor may appoint to look into any of the  
18 affairs of the Inspectorate Training School.

19 (3) It shall be the duty of the bodies and persons in the Inspectorate  
20 Training School to:

21 (a) make available to the Visitor or to the persons conducting a  
22 visitation under this section, such facilities and assistance as may be  
23 reasonably required for the purposes of the visit; and

24 (b) comply with any instruction that is consistent with the  
25 provisions of this section, which may be directed by the Visitor in  
26 consequence of his visit.

27 **29.-(1)** A cadet shall be commissioned by the Order of the  
28 President after successful completion of road safety training and fulfilling  
29 all academic requirements of the Inspectorate Training School as provided  
30 in this Act.

Commissioning  
of cadets

1 (2) Any cadet withdrawn before being commissioned on disciplinary  
2 grounds or such other grounds except on medical or compassionate grounds  
3 shall not be granted the use of the higher national diploma certificate or  
4 transcript, as the case may be.

5 (3) Cadets on training in the Inspectorate Training School shall be  
6 entitled to monthly allowance as may be determined, from time to time, by the  
7 Council.

Exclusion or  
discrimination  
on account of  
race, religion,  
etc.

8 **30.**-(1) Cadets of the Inspectorate Training School shall not be  
9 required to satisfy any requirements as to race, including ethnic group, sex,  
10 place of birth or family origin, religious or political persuasion, as a condition  
11 to becoming or continuing to be cadets at the Inspectorate Training School, the  
12 holder of any higher national diploma of the Inspectorate Training School or of  
13 any appointment or employment in the Inspectorate Training School or as a  
14 member of any body established pursuant to this Act.

15 (2) A person shall not be subjected to any disadvantage or accorded  
16 any advantage in the Inspectorate Training School, by reference to any of the  
17 matters specified in subsection (1) of this section.

Supremacy of  
the FRSC  
(Establishment)  
Act

18 **31.** Where any of the provisions of this Act relating to matters  
19 affecting the appointment, promotion and discipline of a cadet is inconsistent  
20 with the Federal Road Safety Commission (Establishment) Act, the provision  
21 of the Federal Road Safety Commission (Establishment) Act shall prevail.

Implementation  
of policies of the  
Inspectorate  
Training School

22 **32.** Any policy initiated in the Inspectorate Training School, other  
23 than as provided for in section 4 of this Act, shall not be implemented without  
24 prior approval of the Council.

The seal of the  
Inspectorate  
Training School

25 **33.**-(1) The fixing of the seal of the Inspectorate Training School shall  
26 be authenticated by the signature of the Commandant and the Registrar or any  
27 other officer authorised generally or specially by the Commandant to act for  
28 that purpose.

29 (2) Academic Certificates issued by the Inspectorate Training School  
30 shall have the School's seal affixed and signed by the Provost and the Registrar

1 of the Inspectorate Training School.

2 (3) Any contract or instrument which, if made or executed by a  
3 person not being a body corporate, would not be required to be under seal,  
4 may be made or executed on behalf of the Inspectorate Training School by  
5 any authorized person.

6 **34.**-(1) The Council may make Regulations, Rules or Guidelines to Regulations,  
7 regulate the carrying out of activities and programmes of the Inspectorate Rules and  
8 Training School or authority or any matter connected with the Inspectorate Guidelines  
9 Training School or for the effective implementation of any of the provisions  
10 of this Act.

11 (2) Subject to the provisions of subsection (1) of this section, the  
12 Council shall have power to amend its Regulations, Rules or Guidelines  
13 made under this Act provided that the proposal for amendment shall be  
14 passed by two-third majority of the Council members.

15 (3) Notwithstanding the provisions of subsection (2) of this  
16 section, the Council shall have power to approve, amend or reject any  
17 proposal for amendments as may be deemed necessary.

18 **35.**-(1) Subject to the provisions of this Act, the Principal Officers Transitional  
19 of the Federal Road Safety Commission Inspectorate Training School, arrangements  
20 Owo-Alero, Delta existing before the coming into effect of this Act are  
21 deemed to have been transferred to the Inspectorate Training School  
22 established under this Act under the same terms and conditions.

23 (2) Subject to any direction to the contrary which may be given in  
24 that regard by the Council, any person who was a member of staff or was  
25 employed by the Federal Road Safety Commission Inspectorate Training  
26 School before the coming into effect of this Act, shall continue in office and  
27 be deemed to have been appointed under this Act for purposes of Pension,  
28 and become the holder of the appointment at the Inspectorate Training  
29 School with such status, designation and functions which corresponds with

1 those which appertained to him as a member of staff on such an employment.

2 (3) Properties held immediately before the commencement date of  
3 this Act on behalf of the Inspectorate Training School by any person shall, by  
4 virtue of this Act, be vested in the Inspectorate Training School established  
5 under this Act.

6 (4) The Inspectorate Training School established under this Act shall  
7 be subject to all the obligations and liabilities to which the former Inspectorate  
8 Training School was subject immediately before the commencement of this  
9 Act and all other persons shall have the same rights, powers and remedies  
10 against the Inspectorate Training School established by this Act as they had  
11 against the Inspectorate Training School immediately before the  
12 commencement of this Act.

13 (5) Any proceeding or cause of action pending or existing  
14 immediately before the commencement of this Act by or against the  
15 Inspectorate Training School in respect of any right, interest, obligation or  
16 liability of the Inspectorate Training School may be continued or commenced,  
17 as the case may be, and any determination of a court of law, tribunal or other  
18 Commissions or persons may be enforced by or against the Inspectorate  
19 Training School established by this Act to the same extent that such  
20 proceeding, cause of action or determination might have been continued,  
21 commenced or enforced by or against the Inspectorate Training School subject  
22 to the provisions of this Act.

23 (6) As from the commencement of this Act, any disciplinary  
24 proceeding pending or existing against any employee of the inspectorate  
25 Training School shall be continued and completed by the Inspectorate Training  
26 School established under this Act.

Limitation of law  
suit against the  
Inspectorate  
Training School

27 **36.-(1)** Subject to the provisions of this Act, the provisions of the  
28 Public Officers Protection Act shall apply to any suit instituted against the  
29 Inspectorate Training School, an officer or employee of the Law Inspectorate  
30 Training School.



1                   (2) No suit shall lie or be instituted in any court against the  
2     Inspectorate Training School for an action carried out in pursuance or  
3     execution of this Act or any enactment or law, or of any public duty or  
4     authority in respect of any alleged neglect or default in the execution of this  
5     Act or any other enactment or law, duty or authority, unless it is commenced:

6                   (a) within three months of such act, neglect or default complained  
7     of;

8                   (b) in the case of a continuation of damages or injury, within six  
9     months next after the ceasing of the act, neglect or default.

10                  (3) No suit shall be commenced against the Inspectorate Training  
11     School before the expiration of a period of one month after written notice of  
12     the intention to commence the suit has been served on the Inspectorate  
13     Training School by the intending plaintiff or his agent.

14                  (4) The notice referred to in subsection (3) of this section shall  
15     clearly and explicitly state the cause of action, the particulars of the claim,  
16     the name and place of abode of the intending plaintiff and the relief sought.

17                  (5) The notice referred to in subsection (3) of this section and any  
18     summons, notice or other document required or authorized to be served on  
19     the Inspectorate Training School under this Act or any other law, may be  
20     served by:

21                  (a) delivering it to the Commandant of the Inspectorate Training  
22     School; or

23                  (b) sending it by registered post addressed to the Commandant of  
24     the Inspectorate Training School at the Main Campus of the School.

25                  **37.** In any action or suit against the Inspectorate Training School,  
26     no execution shall be levied or attachment processed against the  
27     Inspectorate Training School unless not less than 30 days' notice of the  
28     intention to execute or attach has been given to the Inspectorate Training  
29     School.

Restriction on  
execution against  
property of the  
Inspectorate  
Training School

Indemnity of  
officers of the  
Inspectorate  
Training School

1                   **38.** A member of the Council, Principal Officer or employee of the  
2   Inspectorate Training School shall be indemnified out of the assets of the  
3   Inspectorate Training School against any proceedings brought against him in  
4   his capacity as a member of the Council, Principal officer or employee of the  
5   Inspectorate Training School where the act complained of is not ultra vires his  
6   powers.

Interpretation

7                   **39.** In this Act, unless the context otherwise requires:  
8   "Academic staff" means a member of staff of the Inspectorate Training School  
9   whose sole and primary responsibility is teaching, research and community  
10   service;  
11   "Academic year" means two semesters covered by a period of not more than  
12   twelve months within which students must complete a level of study;  
13   "Administrative staff" means those persons in the employment of the  
14   Inspectorate Training School other than academic staff who hold  
15   administrative, professional or technical posts;  
16   "Alumni Association" means any association recognised by the Council as  
17   being representative of graduates or former students of the Inspectorate  
18   Training School;  
19   "Council" means the Council established under section 4 of this Act;  
20   "Commandant" means the Commandant of the Federal Road Safety  
21   Commission Inspectorate Training School, Owo-Alero, Delta;  
22   "Cadets" means an undergraduate in training at the Inspectorate Training  
23   School undergoing training to be a non-commissioned Officer of the Corps;  
24   "Deputy Commandant" means the Deputy Commandant of the Inspectorate  
25   Training School;  
26   "Graduate" means a person on whom a higher national diploma has been  
27   conferred by the Inspectorate Training School;  
28   "Functions" includes powers and duties;  
29   "Instructor or Lecturer" means a person holding a full time appointment as a  
30   member of the instructing, teaching or research staff of the Inspectorate

1 Training School;

2 "Inspectorate Training School" means the Federal Road Safety Commission  
3 Inspectorate Training School, Owa-Alero, Delta;

4 "Notice" means notice in writing;

5 "Minister" means the Minister of Education;

6 "Officer" means a staff of senior rank holding an administrative post, but  
7 does not

8 include Visitor and members of the Council;

9 "President" means President of the Federal Republic of Nigeria;

10 "Principal Officer" means the officers mentioned in Part II of this Act;

11 "Professor" means a person designated as a professor of the Inspectorate  
12 Training School

13 in accordance with provision made in that behalf by Statute or by  
14 Regulation;

15 "Property" includes rights and assets;

16 "Regulations" includes rules and regulations made pursuant to the  
17 provisions of this Act;

18 "Student" means a person who is not a Nigerian cadet but admitted into the  
19 Inspectorate Training School for the purpose of being trained;

20 "Undergraduate" means a person undergoing a course of study at the  
21 Inspectorate Training School pursuant to the acquisition of a higher national  
22 diploma.

23 **40.** This Bill may be cited as the Federal Road Safety Commission Short title  
24 Inspectorate Training School (Establishment) Bill, 2021.

1 FIRST SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

3 [Section 4(1)]

4 *Proceedings of the Council*

5 1.-(1) Subject to the provisions of this Act, the Council may make  
6 standing orders regulating its proceedings or any of its committees.

7 (2) Questions for determinations shall be decided by a majority of the  
8 members present and voting; and in the event of equality of votes, the  
9 Chairman shall have a second or casting vote.

10 (3) Standing orders made for a Committee shall provide for the  
11 Committee to report to the Council on any matter referred to it by the Council.

12 (4) The quorum of the Council shall be one-third of the members of  
13 the Council and the quorum of a Committee of the Council shall be fixed by the  
14 Council.

15 (5) The Council may invite any person to attend and participate in any  
16 of its meetings provided that a person so co-opted shall only be in attendance  
17 and shall not count towards the quorum or vote at the meeting.

18 *Meetings of the Council*

19 2.-(1) The Council shall at least twice a year and as and when  
20 necessary for the performance of its functions under this Act.

21 (2) At any meeting of the Council, the Chairman shall preside or in his  
22 absence, the members present at the meeting, shall appoint one of the members  
23 to preside.

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

29 (4) Notwithstanding anything in the foregoing provisions of this

1 paragraph, the inaugural meeting of the Council shall be summoned by the  
2 Chairman.

3 *Committees*

4 3.-(1) The Council may appoint one or more committees to carry  
5 out on behalf of the Council such functions as the Council may determine.

6 (2) A Committee appointed under this paragraph shall consist of  
7 the number of persons determined by the Council of whom not more than  
8 two-third may be persons who are not members of the Council.

9 (3) A person other than a member of the Council shall hold office  
10 on a Committee of the Council in accordance with the terms of the letter by  
11 which he is appointed.

12 (4) A decision of a Committee of the Council shall be of no effect  
13 until it is ratified by the Council.

14 *Miscellaneous*

15 4.-(1) The fixing of the seal of the Council shall be authenticated by  
16 the signature of the Chairman, the Registrar or any other member of the  
17 Council authorized generally or specially by the Council to act for that  
18 purpose.

19 (2) Any contract or instrument which, if made or executed by a  
20 person not being a body corporate, would not be required to be sealed, may  
21 be made or executed on behalf of the Council by any person generally or  
22 specially authorized by the Act for that purpose by the Council.

23 (3) Any document purporting to be a document duly executed  
24 under the seal of the Council shall be received in evidence and shall, unless  
25 the contrary is proved, be deemed to be so executed.

26 (4) The validity of any proceedings of the Council or of a  
27 Committee of the Council shall not be adversely affected by any vacancy in  
28 membership of the Council or by any defect in the appointment of a member  
29 of the Council or of a person to serve on the Committee, or by reason that a  
30 person not entitled to do so took part in the proceedings.

1 (5) Any member of the Council and any person holding office on a  
2 Committee of the Council, who has a personal interest in any contract or  
3 arrangement entered into or proposed to be considered by the Council or a  
4 Committee of the Council shall disclose his interest, and shall not vote on any  
5 question relating to the contract or arrangement.

6 (6) A person shall not by reason only of his membership of the Council  
7 be treated as holding an office in the public service of the Federation.

8 SECOND SCHEDULE

9 COMMITTEES OF THE INSPECTORATE TRAINING SCHOOL

10 (Section 61)

11 *Standing Committees of the Council*

12 1.-(1) For the purpose of carrying out its responsibilities under this  
13 Act, the following standing committees are to be established by the Council:

14 (a) Finance and General Purpose Committee;

15 (b) Appointments, Promotions and Disciplinary Committee  
16 (AP&DC);

17 (c) Tenders Board;

18 (d) Academic Board; and

19 (e) Admission Selection Board.

20 (2) Provisions shall be made by Rules for the constitution and terms of  
21 reference of the Committees referred to in sub-paragraph (I) of this Schedule as  
22 deemed appropriate by the Council.

23 *Finance and General Purpose Committee*

24 2.-(1) There shall be a Committee of the Council to be known as the  
25 Finance and General Purpose Committee, which shall subject to the direction  
26 of the Council exercise control over the property and the expenditure of the  
27 Inspectorate Training School.

28 (2) The Finance and General Purpose Committee shall consist of:

29 (a) the Chairman of the Council who shall be the Chairman of the  
30 Committee at any meeting at which he is present;

1 (b) the Commandant;  
2 (c) five other members of the Council appointed by the Council;  
3 and

4 (3) The functions of the Finance and General Purpose Committee  
5 shall be to:

6 (a) consider and make recommendation to the Council on the draft  
7 annual estimate of income and expenditure for each financial year;

8 (b) advise the Council on deposits and investments of money  
9 belonging to the Inspectorate Training School;

10 (c) recommend to the Council rules and procedures in the Financial  
11 Regulations for the control of expenditure and administration of the  
12 Inspectorate Training School's finances;

13 (d) consider and decide on request for variation within the  
14 approved annual estimates from any unit of the Inspectorate Training  
15 School, subject to the approval of the Council;

16 (e) advise the Council on any matter relating to the development of  
17 the Inspectorate Training School sites as may be referred to it by the  
18 Council;

19 (f) carry out any other function as may be delegated to it from time  
20 to time by the Council.

21 (4) The quorum of the Committee shall be five members including  
22 the Chairman and the Commandant.

23 (5) Subject to any directions given by the Council, the Committee  
24 may regulate its proceedings.

25 *Appointments, Promotions and Disciplinary Committee*

26 3.-(1) The Appointments, Promotions and Disciplinary Committee  
27 shall handle appointments, confirmations, promotions and discipline of all  
28 senior staff (academic, administrative and professionals) of the Inspectorate  
29 Training School.

30 (2) The Appointments, Promotions and Disciplinary Committee

1 shall comprise of:

- 2 (a) the Provost of the inspectorate Training School as Chairman;  
3 (b) two members of the Council;  
4 (c) two internal members;  
5 (d) two elected members from the Academic Committee who shall  
6 not be below the rank of senior lecturer; and  
7 (e) the Registrar of the Inspectorate Training School who shall serve  
8 as the Secretary to the Committee.

9 (3) The Appointments, Promotions and Disciplinary Committee  
10 shall:

- 11 (a) consider all appointments and promotion of all staff except those  
12 of Principal Officers and make appropriate recommendations to the Council;  
13 (b) handle all disciplinary cases involving members of staff who are  
14 not members of the Corps; and  
15 (c) subject to the provisions of this Act, make recommendation to the  
16 Council on any matter involving appointment, promotion and discipline of  
17 staff who are members of the Corps.

18 (4) The quorum of the Committee shall be five members including the  
19 Chairman.

20 (5) The Committee shall have power to constitute a sub-committee to  
21 handle cases of junior staff of the Inspectorate Training School who are not  
22 members of the Corps.

23 *Tenders Board*

24 4.-(1) There shall be a Tenders board for the Inspectorate Training  
25 School whose membership shall consist of:

- 26 (a) the Commandant, who shall be the Chairman;  
27 (b) the Deputy Commandant;  
28 (c) the Provost of the Inspectorate Training School;  
29 (d) one representative of the Council;  
30 (e) the Director of Legal Services; and



1 (f) the Registrar of the Inspectorate Training School Board. who  
2 shall serve as Secretary to the board.

3 (2) The functions of the Tenders Board shall include:

4 (a) advising the Council on projects and construction of building,  
5 supply of goods and services;

6 (b) consideration and acceptance of tenders from contractors;

7 (c) initiating action on the production of the tender's documents;

8 (d) considering tenders submitted by contractors wishing to  
9 execute projects in the Inspectorate Training School;

10 (e) processing tenders and award of contracts which fall within its  
11 spending limits and reporting such award of contract to the Council; and

12 (f) referring to the Council for approval on tenders for contracts  
13 above the spending limits of the Board.

14 *Academic Board*

15 5.-(1) There shall be for the Inspectorate Training School an  
16 Academic Board whose membership shall consist of the:

17 (a) Commandant, who shall be the Chairman;

18 (b) Deputy Commandant;

19 (c) Provost of the Inspectorate Training School;

20 (d) Librarian;

21 (e) Bursar;

22 (f) Director of Academic Planning;

23 (g) Director of Training;

24 (h) Director in charge of Cadets Affairs;

25 (i) Director of Works;

26 (j) Director of Administration;

27 (k) Registrar of the Inspectorate Training School or his  
28 representative who shall serve as

29 *Secretary to the Board*

30 (2) The functions of the Academic Board shall include:

1 (a) advising the Council on policy matters relating to general affairs  
2 of the Inspectorate Training School, cadets training and administration and  
3 discipline;

4 (b) consider and take decision on cadets withdrawal; and

5 (c) any other duty that may be referred to it by the Council.

6 (3) The decision of the Academic Board on a cadet's withdrawal on  
7 disciplinary grounds shall be final subject to ratification by the Council.

8 *Admission Selection Board*

9 6.-(1) There shall be for the Inspectorate Training School an  
10 Admission Selection Board for the purpose of screening, interviewing and  
11 selection of qualified candidates for admission into the Inspectorate Training  
12 School whose membership shall consist of:

13 (a) the Deputy Corps Marshal (Training) as Chairman;

14 (b) a representative of the Council

15 (c) the Commandant of the Training School;

16 (d) the Provost of the Training School;

17 (e) the Registrar of the Training School;

18 (f) the Director of Training of the Training School;

19 (g) a representative of the Federal Character Commission as observer;

20 and

21 (h) the Deputy Registrar of the Training School in charge of  
22 admissions who shall serve as Secretary to the Admission Selection Board.

23 (2) The functions of the Admission Selection Board shall include:

24 (a) screening and interviewing qualified candidates invited for  
25 selection interview by the Inspectorate Training School;

26 (b) disqualifying any candidate found deficient in any aspect of the  
27 screening processes;

28 (c) applying the screening criteria that are in use for the selection  
29 process of members of the Corps that may be determined by the Corps, from  
30 time to time;

1 (d) ensuring the observance of all the requirements for admission  
2 into polytechnics by the regulatory bodies such as National Board of  
3 Technical Education and Joint Admissions and Matriculations Board;

4 (e) selecting qualified candidates to be admitted into the  
5 Inspectorate Training School in each admission year.

6 (3) The decision of the Selection Board on admission shall be final  
7 subject to the approval of the Council.

EXPLANATORY MEMORANDUM

*(This memorandum does not form part of this Act but is intended  
to explain its purport)*

This Bill seeks to establish the Federal Road Safety Commission Inspectorate Training School with powers to train, nurture, equip and produce globally competitive graduates with requisite knowledge, skills, values and attitudes suitable for leadership, scholarship and rendering community services and to award higher national diplomas and certificates in accordance with the highest academic standards.



FEDERAL ROAD SAFETY COMMISSION ACADEMY  
(ESTABLISHMENT) BILL, 2021  
ARRANGEMENT OF SECTIONS

*Sections:*

PART I - ESTABLISHMENT OF THE FEDERAL ROAD SAFETY  
COMMISSION ACADEMY

1. Objects of the Academy
2. Establishment of the Federal Road Safety Commission Academy
3. Powers of the Academy
4. Establishment of Federal Road Safety Commission Academy Council
5. Membership of the Council
6. Functions and powers of the Council
7. Meetings of the Council
8. Removal of a Member of the Council from Office
9. Establishment and Composition of Federal Road Safety Commission Academy Senate
10. Functions and Powers of the Senate

PART II - PRINCIPAL OFFICERS AND OTHER STAFF OF THE ACADEMY

11. Appointment and tenure of the Commandant of the Academy
12. Appointment and tenure of the Deputy Commandant of the Academy
13. Appointment and tenure of the Provost of the Academy
14. Procedure for the appointment of the Provost
15. Registrar of the Academy
16. Bursar of the Academy
17. Librarian of the Academy
18. Appointment and tenure of the Registrar, Bursar and Librarian of the Academy
19. Remuneration of Principal Officers of the Academy
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# A BILL

## FOR

AN ACT TO ESTABLISH THE FEDERAL ROAD SAFETY COMMISSION  
ACADEMY AS A DEGREE AWARDING INSTITUTION TO PROVIDE ACADEMIC  
AND PROFESSIONAL TRAINING AND FOR RELATED MATTERS

[ ] Commencement

*Sponsored by Hon. Akinfolarin Mayowa Samuel*

ENACTED by the National Assembly of the Federal Republic of  
Nigeria as follows:

PART I - ESTABLISHMENT OF THE FEDERAL ROAD SAFETY

COMMISSION ACADEMY

1. The objects of the Academy are to:

Objects

(a) encourage the advancement of learning and avail the  
opportunity of acquiring a higher education in liberal, scientific,  
engineering and any other discipline to Officer cadets, other members of the  
Federal Road Safety Corps (the Corps) and road safety officers of other  
nations that the Federal Government of Nigeria may from time to time  
decide;

(b) provide courses of instruction and other facilities for the pursuit  
of teaching and learning in all the faculties and campuses of the Academy as  
may be established nationwide and make those facilities available on proper  
terms to members of the Corps as are qualified to benefit from them;

(c) nurture, equip and produce globally competitive road safety  
officers with requisite knowledge, skills and attitudes suitable for  
leadership, scholarship, road traffic administration and safety management;

(d) encourage and promote academic excellence in the Academy;

(e) conduct research in relevant fields of learning and human  
endeavour;

(f) align its activities to the safety, security, social, cultural and

	1	economic needs of the people of Nigeria;
	2	(g) prepare officer cadets to earn degrees in those disciplines which
	3	are of special interest to the needs and aspirations of the Corps;
	4	(h) develop in each officer cadet the physical attributes and skills
	5	necessary to meet the requirement of a commissioned Officer of the Corps; and
	6	(i) carry out any other activities as are necessary or expedient for the
	7	performance of its functions under this Act.
Establishment of the Academy	8	2.-(1) There is established a body to be known as the Federal Road
	9	Safety Commission Academy (in this Act referred to as "the Academy").
	10	(2) The Academy as a road safety academic and professional
	11	institution shall have the power to award degrees, diplomas and certificates in
	12	accordance with the highest academic standards as may be prescribed by the
	13	National Universities Commission, from time to time.
	14	(3) The Academy:
	15	(a) shall be a body corporate with perpetual succession and a common
	16	seal;
	17	(b) may sue or be sued in its corporate name; and
	18	(c) may acquire, hold or dispose, grant, charge, purchase or mortgage
	19	any of its property, movable or immovable, wherever situate subject to the
	20	provisions of the Land Use Act, for the purpose of carrying out any of its
	21	functions under this Act.
Powers of the Academy	22	3.-(1) For the purpose of carrying out the objects of the Academy
	23	under section 2 of this Act, the Academy shall:
	24	(a) establish such campuses, colleges, faculties, institutions, schools,
	25	facilities and extra- mural departments and other teaching and research units
	26	within the Academy as may be necessary and desirable from time to time, on
	27	the approval of the National Universities Commission;
	28	(b) institute professorship, readership, lectureship or other posts and
	29	establish offices and make appointments as may be considered appropriate;
	30	(c) institute and award fellowships, scholarships, exhibitions,



1        bursaries, medals, prizes, distinctions, awards and other forms of  
2        recognition or title;

3                (d) be responsible for the discipline and welfare of members of the  
4        Academy;

5                (e) arrange for the general welfare of children of members of staff  
6        or may donate for any charitable purpose;

7                (f) refer matters relating to the discipline of road safety officers in  
8        the Academy to the Management of Federal Road Safety Corps for  
9        appropriate action;

10               (g) conduct examinations, award degrees, diplomas, certificates  
11        and other distinctions to persons pursuing approved courses of studies and  
12        having satisfied the requirements prescribed by the Academy under this Act;

13               (h) conduct research in relevant fields of learning and other human  
14        endeavours;

15               (i) engage top quality lecturers, instructors and other staff of  
16        international standard aimed at creating a centre of excellence in approved  
17        fields of study in the Academy;

18               (j) withdraw from any graduate of the Academy for good cause,  
19        degree, diploma, certificate, fellowship, studentship, bursary, medal, prize  
20        or other academic titles as;

21               (k) deemed appropriate by the Academy; demand and receive from  
22        students, except cadets from the Corps, for the purpose of instructions, such  
23        fees as the Academy may, from time to time, determine;

24               (l) accept gifts, legacies and donations, provided that the terms and  
25        conditions attached to such gifts, legacies or donations are not inconsistent  
26        with the objects and purpose for the establishment of the Academy;

27               (m) erect, provide, equip and maintain libraries, parade grounds,  
28        laboratories, lecture halls, halls of residence, refectories, sports grounds,  
29        playing fields and other buildings as are necessary for the carrying out of the  
30        objects of the Academy under this Act;

1 (n) hold public and inaugural lectures, symposia and workshops;  
 2 (o) undertake printing, publishing and selling of books and journals of  
 3 the Academy; and

4 (p) undertake such other activities considered appropriate for a  
 5 degree-awarding Academy of the highest standard and do all such acts or  
 6 things that are incidental to the attainment of the objects, functions and powers  
 7 of the Academy under this Act.

8 (2) The Academy shall subject to any limitations or conditions  
 9 imposed by Statute:

10 (a) invest any money belonging to the Academy by way of  
 11 endowment, whether for general or special purposes, with power to vary any  
 12 such investment, from time to time;

13 (b) invest such other money as may not be immediately required for  
 14 current expenditure in any investments or securities and in the purchase or  
 15 improvement of land, with power to vary any such investments from time to  
 16 time;

17 (c) deposit any money for the time being not invested with any  
 18 approved bank on deposit or current account; or

19 (d) borrow, whether on interest or not and if need be upon the security  
 20 of any of the property, moveable or immovable of the Academy, such money as  
 21 the Council may from time to time require or expedient to borrow or to  
 22 guarantee any loan, advances or credit facilities.

Establishment  
of the Academy  
Council

23 4. There is established for the Academy a Council to be known as the  
 24 Federal Road Safety Commission Academy Council (in this Act referred to as  
 25 "the Council") which shall:

26 (a) initiate or approve the policy of the Academy, and

27 (b) give the Academy directions on general or specific matters.

Membership  
of the Council

28 5. The Council shall consist of:

29 (a) the Secretary to the Government of the Federation as Chairman;

30 (b) the Chairman of Federal Road Safety Commission;

- 1 (c) the Corps Marshal;
- 2 (d) the Commandant of the Academy;
- 3 (e) the Provost of the Academy;
- 4 (f) Permanent Secretary responsible for Education or his
- 5 representative;
- 6 (g) Executive Secretary of National Universities Commission or
- 7 his representative;
- 8 (h) four persons appointed by the Senate of the Academy from
- 9 among its members;
- 10 (i) two persons to be elected by the Congregation of the Academy
- 11 from among its members; and
- 12 (j) the Registrar of the Academy, who shall be the Secretary to the
- 13 Council.
- 14 **6.-(1)** The Council shall:
- 15 (a) exercise control and supervise the policy, finances, public
- 16 relations and property of the Academy;
- 17 (b) appoint the Academy Provost, professors and other academic
- 18 and administrative staff of the Academy;
- 19 (c) stipulate the terms and conditions of every appointment and
- 20 determine the remuneration of the principal officers and other staff of the
- 21 Academy that are not members of the Corps and scope of their
- 22 responsibilities;
- 23 (d) promote and discipline erring staff of the Academy that are not
- 24 members of the Corps on the advice of the appropriate Committee;
- 25 (e) consider and approve the Academy's annual budget or
- 26 estimates, external auditor's report and any variation therein;
- 27 (f) approve recommendations made for the appointment of
- 28 emeritus professors;
- 29 (g) appoint bankers, auditors or any other officers or agents that
- 30 may be required for the Academy;

Functions and  
Powers of the  
Council

1 (h) ensure that proper records of the assets and liabilities of the  
2 Academy are kept;

3 (i) have power to make regulations for the effective implementation  
4 of the provisions of this Act and may recommend any amendment to this Act;

5 (j) ensure that income and expenditure account and any other  
6 accounts of the Academy are kept and audited annually by auditors appointed  
7 by the Council with the audit report submitted to the Council;

8 (k) approve the academic programmes of the Academy;

9 (l) provide facilities and buildings including libraries, classrooms,  
10 lecture theatres, medical facilities, hostels, work stations, laboratories, parade  
11 grounds, road networks, street lights, water, sports facilities, stadia, furniture  
12 and other facilities needed for the carrying on the mandate of the Academy  
13 under this Act in collaboration with relevant Authorities;

14 (m) receive report from any committee set up by the Council of the  
15 Academy;

16 (n) set criteria for cadets admission into the Academy and constitute  
17 the Admission Selection Board; and

18 (o) exercise all such powers as may be conferred on the Council by  
19 this Act or by any regulation made pursuant to this Act.

20 (2) The Council may delegate any of its powers or functions to any  
21 person, authority or committee except for its powers to approve any regulation  
22 made pursuant to this Act.

23 (3) Approve the creation of any Office, Department or Committee as  
24 may be considered necessary or expedient for the smooth running of the  
25 Academy.

26 (4) For the purpose of carrying out its responsibilities under this Act,  
27 the following standing committees are to be established by the Council:

28 (a) Finance and General Purpose Committee;

29 (b) Appointments, Promotions and Disciplinary Committee  
30 (AP&DC);

1 (c) Tenders Board;

2 (d) Academic Board; and

3 (e) Admission Selection Board.

4 (5) The standing committees shall function in line with the  
5 provisions of the Second Schedule to this Act.

6 7.-(1) The Council shall meet as and when required for the Meetings of the  
7 performance of its functions under this Act and in accordance with the Council  
8 provisions of the First Schedule to this Act.

9 (2) The first meeting of the Council under this Act shall be  
10 convened by the Chairman in such manner as he may determine.

11 8.-(1) The office of a member of the Council, shall become vacant Removal of a  
12 if: Members of the  
Council

13 (a) he ceases to hold the office on the basis of which Council; or

14 (b) the President is satisfied that it is not in the interest of the  
15 Academy or of the public for the person to continue in office as a member of  
16 the Council. he became a member of the council.

17 (2) Where the Council is satisfied that a member of the Council  
18 should be removed from office on grounds of misconduct or inability to  
19 perform the functions of his office, the Council shall make a  
20 recommendation to the President through the Secretary to the Government  
21 of the Federation and the President, after making such enquiries which he  
22 considers necessary, may approve the recommendation made by the Council  
23 and may by an instrument in writing signed by him, remove or suspend that  
24 member from office.

25 9. There shall be for the Academy a Senate with the following Establishment  
26 composition: and Composition  
of Senate

27 (a) the Provost of the Academy, who shall be the Chairman;

28 (b) the Deans of Faculties and the Directors of Academic Units;

29 (c) the Heads of Departments;

30 (d) the Professors in the Academy;

- 1 (e) the Librarian of the Academy;
- 2 (f) two representatives elected from the academic staff;
- 3 (g) the Registrar, who shall serve as the Secretary.
- 4 (2) Election shall be held for the selection of members in a manner on
- 5 such day in the month of May or June in each year as the Provost of the
- 6 Academy may from time to time determine.
- 7 (3) An elected member shall hold office for a period of two years
- 8 beginning on 1st August in the year of his election and may be re-elected for
- 9 another period of two years and no more.
- 10 (4) An elected member may, by notice to the Senate, resign his office.
- 11 (5) Subject to the provisions of this Act, the Senate shall organize and
- 12 control teaching, research activities, admission and discipline of cadets and
- 13 other academic matters.
- 14 (6) Without prejudice to the generality of the provision of sub-section
- 15 (5) of this section, the Senate shall regulate:
- 16 (a) The establishment, organization, control of faculties and
- 17 departments, and the allocation of responsibilities to such faculties and
- 18 departments;
- 19 (b) Standards for the appointment and promotion of academics;
- 20 (c) the organization and control of courses of study and conduct
- 21 examinations on such courses;
- 22 (d) the award of degrees and other qualifications as may be prescribed
- 23 in connection with examinations held under this Act;
- 24 (e) the making of recommendations to the Council with respect to the
- 25 award to any person of the title of Professor Emeritus;
- 26 (f) participation in the selection of persons for admission as students
- 27 or cadets at the Academy; and
- 28 (g) the grant of fellowship, scholarship, prize and similar awards
- 29 within the control of the Academy.
- 30 (7) The first meeting of the Senate as constituted in this Act shall be

1 convened by the Provost of the Academy on such date and in such manner as  
2 he may determine.

3 **10.** The Senate may:

Functions and  
Powers of the  
Senate

4 (a) subject to the approval of the Council, make regulations for the  
5 purpose of exercising any function conferred on it by the provisions of this  
6 Act;

7 (b) withdraw from any person any degree, diploma, certificate or  
8 other awards of the Academy who has been found guilty of dishonourable or  
9 scandalous conduct in gaining admission into the Academy or obtaining that  
10 award;

11 (c) make regulations for at least one of the persons appointed as the  
12 external examiners at each examination held in conjunction with any course  
13 of study is not a Lecturer at the Academy but a Lecturer of another  
14 University or other degree awarding institution of high repute;

15 (d) handle other matters that may be referred to it by the Council or  
16 the Commandant.

#### 17 PART II - PRINCIPAL OFFICERS AND OTHER STAFF OF THE ACADEMY

18 **11.-(1)** The Corps Marshal shall appoint for the Academy, a  
19 Commandant, who shall be a member of the Corps.

Appointment of  
the Commandant

20 (2) A person to be appointed the Commandant for the Academy  
21 shall not be below the rank of Assistant Corps Marshal of the Corps with a  
22 minimum qualification of Master Degree from a recognized university.

23 (3) The Commandant shall:

24 (a) be the Chief Executive and Accounting Officer of the Academy;

25 (b) be responsible for the day-to-day administration of the  
26 Academy;

27 (c) keep the books and records of the Academy;

28 (d) be responsible for the preparation of programmes and plans for  
29 the approval of the Council, as are necessary to carry into effect approved  
30 policy or any directive of the Council;

Appointment  
of the Deputy  
Commandant

1 (e) hold office in accordance with Corps' posting policy and be  
2 accountable to the Council; and

3 (f) carry out any other duties as may be assigned to him under this Act  
4 or by the Council.

5 **12.-(1)** The Corps Marshal shall appoint for the Academy, a Deputy  
6 Commandant, who shall be a member of the Corps.

7 (2) A person to be appointed the Deputy Commandant for the  
8 Academy shall not be below the rank of Corps Commander with a minimum  
9 qualification of first Degree from a recognized university.

10 (3) The Deputy Commandant shall assist the Commandant in the day  
11 to day administration of the Academy and in all matters relating to professional  
12 training of cadets and members of the Corps in the Academy or any other  
13 responsibility as may be assigned by the Commandant or the Council to him.

14 (4) In the absence of the Commandant, the Deputy Commandant shall  
15 act in his stead and be accountable to the Commandant.

16 (5) The Deputy Commandant shall hold office in accordance with  
17 Corps' posting policy.

Appointment  
of the Provost

18 **13.-(1)** There shall be appointed for the Academy, a Provost by the  
19 Council who shall, in relation to the Academy be accorded priority over all  
20 other members of the Academy except the Commandant.

21 (2) The Provost shall hold office for a non - renewable term of five  
22 years.

23 (3) Subject to the provisions of this Act, the Provost of the Academy  
24 shall be:

25 (a) a Professor;

26 (b) responsible for directing and coordinating the academic activities  
27 in the Academy;

28 (c) the academic officer and Chairman of the Senate for the  
29 commissioning of cadets;



1 (d) determine the Academic dress code for the Academy and  
2 regulate the use; and

3 (e) perform such other functions as may be assigned to him by the  
4 Council or the Commandant.

5 (4) The Provost shall be a member of the Council, Chairman of the  
6 Senate, member of the faculty boards, institutes or any committee  
7 constituted by any of the bodies under the Academy in this Act.

8 **14.**-(1) The Provost of the Academy shall be appointed following  
9 an interview conducted for candidates of professorial rank by a Panel of the  
10 Council, which shall be composed of:

Procedure for  
Appointment of  
the Provost

11 (a) the Permanent Secretary in the Office of the Secretary to the  
12 Government of the Federation;

13 (b) Deputy Corps Marshal responsible for Training;

14 (c) Commandant of the Academy;

15 (d) representative of the National Universities Commission;

16 (e) two members of the Senate; and

17 (f) Registrar of the Academy, who shall serve as the Secretary to the  
18 Panel.

19 (2) The recommendations of the interview panel shall be presented  
20 to the Council and the Council shall in turn, deliberate and make the final  
21 decision on the candidate to be appointed as the Provost of the Academy.

22 **15.**-(1) There shall be for the Academy, a Registrar, who shall be a  
23 seasoned administrator and the Chief Administrative Officer responsible to  
24 the Commandant for the day to day administration of the Academy other  
25 than financial affairs of the Academy.

Appointment  
of Registrar

26 (2) The Registrar shall, by virtue of his office, be the secretary to  
27 the Council, the Senate and the Convocation for the commissioning of  
28 cadets and all other statutory bodies and committees, and shall carry out any  
29 function as may be conferred on him under this Act or by the Council.

Appointment of Bursar	1	<b>16.</b> There shall be for the Academy a Bursar, who shall be a
	2	professional Accountant and the Chief Financial Officer of the Academy and
	3	be responsible to the Commandant for the day to day administration and
	4	control of the financial affairs of the Academy.
Appointment of Librarian	5	<b>17.</b> There shall be for the Academy a Librarian, who shall be a
	6	professional and be responsible to the Provost of the Academy for the day to
	7	day administration of the Library in the Academy, coordination of all library
	8	services in its campuses, faculties, schools, departments and other teaching and
	9	research units under the Academy.
Tenure of Registrar, Bursar and Librarian	10	<b>18.</b> The Registrar, Bursar and Librarian shall by their appointment in
	11	the Academy hold office for a term of four years renewable for another term of
	12	four years subject to satisfactory performance and no more.
Remuneration of Principal Officers	13	<b>19.</b> The Principal Officers specified under this Part shall be paid such
	14	remuneration on such terms and conditions as may be specified in their
	15	respective instrument of appointments.
Resignation of Appointments	16	<b>20.</b> Except for the Commandant and Deputy Commandant, any other
	17	officer mentioned under this Act, may resign his appointment by notice in
	18	writing addressed to the Commandant.
Appointment of Other Staff	19	<b>21.-(1)</b> There shall be appointed by the Council for the Academy other
	20	officers of directorate cadre, such as:
	21	(a) Director of Academic Planning;
	22	(b) Director of Physical Planning;
	23	(c) Director of Health Services;
	24	(d) Director of Legal Services who shall be a serving member of the
	25	Corps not below the rank of Deputy Corps Commander;
	26	(e) Director of Information Communication Technology who shall be
	27	a serving member of the Corps not below the rank of Deputy Corps
	28	Commander;
	29	(f) Director of Cadet Affairs, who shall be a serving member of the
	30	Corps not below the rank of Deputy Corps Commander;

1 (g) Director of Road Safety Training, who shall be a serving  
2 member of the Corps not below the rank of Deputy Corps Commander;

3 (h) Director of Works, who shall be a serving member of the Corps  
4 not below the rank of Deputy Corps Commander;

5 (i) Director of Administration, who shall be a serving member of  
6 the Corps not below the rank of Deputy Corps Commander; and

7 (j) any other director as may be appointed by the Council.

8 (2) Notwithstanding the provision of subsection (I) of this section,  
9 the Corps Marshal shall post the officers listed in paragraphs (d), (e), (t), (g),  
10 (h), (i) and U) of subsection (I) of this section.

11 (3) The Senate shall on behalf of the Council, appoint for the  
12 Academy Deans of Faculties, Schools, Institutes, Head of Departments and  
13 other teaching and research units as may be specified by the Council.

14 **22.**-(1) Service in the Academy shall be approved service for  
15 purpose of the Pension Reform Act and accordingly employees of the  
16 Academy shall, in respect of their services, be entitled to pensions and other  
17 retirement benefits as are enjoyed by persons holding equivalent offices in  
18 the Public Service of the Federation.

Service to be  
Pensionable

19 (2) For the members of the Corps serving in the Academy, the  
20 existing law on pension for members of the Corps shall apply.

21 (3) Notwithstanding the provisions of subsection (I) of this section,  
22 nothing in this Act shall prevent the appointment of a person to any office on  
23 terms which preclude the grant of pension in respect of that office.

#### 24 PART III - FINANCIAL PROVISIONS

##### 25 **Funds of the Academy**

26 **23.**-(1) There is established for the Academy, a funds which shall consist of:

27 (a) budgetary and extra budgetary allocations received from the  
28 Government of the Federation including grants and annual subventions;

29 (b) all monies held immediately before the commencement of this  
30 Act by the Federal Road Safety Commission Academy, Udi, Enugu State;

1 (c) gifts, loans, endowment, grants-in-aids, testamentary disposition,  
2 donations, bequest or other voluntary contributions where the terms and  
3 conditions attached are not inconsistent with the functions of the Council;

4 (d) all foreign aids and monetary assistance received by the Council  
5 under any agreement or arrangement with any international body or  
6 organization with the approval of the Federal Government;

7 (e) monies paid as fees to the Academy by students other than cadets;

8 (f) fees, charges, dues or monies from publications and services  
9 rendered by the Academy;

10 (g) revenue accruing to the Academy, including interests accruing  
11 from monies invested by the Academy; and

12 (h) such other monies as may be received by the Academy from  
13 investments and any other money accruing to the Academy from other sources.

14 (2) Any money received by the Academy in form of endowments,  
15 gifts or donations shall be entered in a register kept for the purpose, showing  
16 the names of donors and any special conditions attached, where such money is  
17 accepted by the Academy.

18 (3) Any property, money or funds donated for a specified purpose  
19 shall be applied; administered and expended specifically for the purpose it was  
20 meant.

21 (4) The fund established pursuant to subsection (I) of this section shall  
22 be managed in accordance with extant Financial Regulations applicable in the  
23 Public Service of the Federation.

24 (5) Any money withdrawn from the fund established in subsection (I)  
25 of this section shall be applied for the specific purposes for which it was  
26 withdrawn.

27 (6) The Academy may apply the fund established under subsection (I)  
28 of this section:

29 (a) to pay the costs of administration, charges and expenses of the  
30 Academy;

1 (b) to discharge the cost of maintaining the Main Campus and other  
2 campuses of the Academy;

3 (c) for the development and maintenance of any property vested in  
4 or owned by the Academy;

5 (d) for the payment of the allowances and other benefits of  
6 members of the Council or any committee set up by it;

7 (e) for payment of emoluments, allowances, benefits and other  
8 entitlements of the Principal Officers and other staff of the Academy;

9 (f) for payment for all purchases made by the Academy and the  
10 training of members of its staff;

11 (g) for provision of scholarships, bursaries and awards for  
12 specialized training of members of staff of the Academy;

13 (h) for payment to publicize and promote the activities of the  
14 Academy;

15 (i) for payments for the support of national and international  
16 scientific and professional organizations;

17 (j) for payments of annual and other subscriptions and  
18 contributions to national and international scientific and professional  
19 organizations;

20 (k) for the payment of all consultancies, legal fees and costs of  
21 contracts awarded by the Academy; and

22 (l) for any other expenditure as may be approved by the Council,  
23 from time to time, in connection with all or any of its functions and powers  
24 under this Act.

25 **24.-(1)** The Academy may accept gift of land, money or other  
26 property on such terms and conditions, if any, as may be specified by the  
27 person or organisation making the gift.

Power to accept  
gift t

28 (2) The Academy shall not accept any gift, if the term or condition  
29 attached by the person or organisation making the gift is inconsistent with  
30 the provisions of this Act.

	1	(3) All property, money or funds donated for any specific purpose
	2	shall be applied and administered in accordance with the purpose for which
	3	they were donated and shall be accounted for specifically.
Power to borrow	4	<b>25.</b> The Academy may with the approval of the President, borrow
	5	such sums by way of loan, overdraft or from any other source, as may be
	6	required for the performance of its functions and meeting its Obligations under
	7	this Act; and any interest payable on monies so borrowed shall be paid out of
	8	the fund of the Academy.
Financial and Academy Year	9	<b>26.</b> -(1) The financial year of the Academy shall commence on the 1st
	10	day of January of each year and end on the 31st day of December of the same
	11	year or any such time as may be prescribed by financial regulations issued by
	12	the Federal Government of Nigeria from time to time.
	13	(2) The Council shall determine academic calendar of the Academy.
Accounts and audit	14	<b>27.</b> -(1) The Academy shall keep proper accounts and records of its
	15	receipts, payments, assets and liabilities in respect of each year manually and
	16	electronically and shall:
	17	(a) cause the accounts to be audited, within three months from the end
	18	of each financial year, by auditors appointed from the list and in accordance
	19	with guidelines issued by the Auditor-General of the Federation; and
	20	(b) prepare a Statement of Account in respect of each year in such
	21	form and manner as may be approved by the Federal Government from time to
	22	time.
	23	(2) An auditor appointed pursuant to subsection (I) of this section
	24	shall:
	25	(a) have access to all accounts and other records relating to such
	26	accounts as are kept by the Academy and shall have the power to require from
	27	any staff of the Academy such information and explanation as in the auditor's
	28	opinion are necessary for the purpose of the audit; and
	29	(b) be paid from the Funds of the Academy.
	30	(3) The Audited accounts and records of the Academy shall be

1 submitted to the Council for consideration and subsequently forwarded to  
2 the Auditor-General of the Federation.

3 **28.**-(1) The Academy shall, not later than so" September of each  
4 financial year or such earlier date as the Council may determine, prepare and  
5 submit an estimate of its income and expenditure for the next succeeding  
6 year to the Council for consideration and submission to the Secretary to the  
7 Government of the Federation for onward transmission to the National  
8 Assembly.

Annual Estimates/  
Budget

9 (2) Notwithstanding the provisions of subsection (I) of this section,  
10 the Council may, where necessary due to unforeseen circumstances, submit  
11 supplementary or adjusted statements of estimated income and expenditure  
12 to the Secretary to the Government of the Federation for onward  
13 transmission to the National Assembly for approval.

14 **29.** The Council shall cause to be prepared an Annual Report,  
15 which shall include the audited Annual Report accounts of the Academy for  
16 the previous financial year and a statement of its assets and liabilities as at  
17 the last day of the financial year.

Annual Report

18 **30.** All monies received on account of the Academy shall be paid  
19 into such accounts as may be approved to be opened by the Council or any  
20 account designated by the Federal Government.

Bank Account

#### 21 PART IV - TRANSFER OF PROPERTY TO THE ACADEMY

22 **31.** All property held by or on behalf of the Academy by any  
23 provisional council, planning and implementation committee or any interim  
24 body by whatsoever name called, shall by virtue of this Act and without  
25 further assurances vest in the Academy and such property shall be held for  
26 the purpose of this Act.

Transfer of  
Property

27 **32.** The Council shall not dispose of or charge any land or an  
28 interest in any landed property including any land transferred to the  
29 Academy by this Act, held by or on behalf of the Academy except with the  
30 prior written consent and approval of the Visitor.

Restriction on  
disposal of  
property

Compulsory acquisition of land	1 2 3 4	<b>33.</b> Subject to the Land Use Act, which provides for the compulsory acquisition of land for overriding public interest, any requirement of land by the Academy shall be deemed to be for the overriding public interest purpose of the Federation.
	5	PART V - MISCELLANEOUS
Visitation	6 7	<b>34.</b> -(1) The President of the Federal Republic of Nigeria shall be the Visitor of the Academy.
	8 9 10 11	(2) The Visitor may, as often as circumstances require, not being less than once in every five years, conduct a visitation to the Academy or cause a visit to be made to the Academy by such persons as the Visitor may appoint to look into any of the affairs of the Academy.
	12	(3) It shall be the duty of the bodies and persons in the Academy to:
	13 14 15	(a) make available to the Visitor or to the persons conducting a visitation under this section, such facilities and assistance as may be reasonably required for the purposes of the visit; and
	16 17	(b) comply with any instruction that is consistent with the provisions of this section, which may be directed by the Visitor in consequence of his visit.
Commissioning of cadets	18 19 20	<b>35.</b> -(1) A cadet shall be commissioned by the Order of the President after successful completion of road safety training and fulfilling all academic requirements of the Academy as provided in this Act.
	21 22 23 24	(2) Any cadet withdrawn before being commissioned on disciplinary grounds or such other grounds except on medical or compassionate grounds shall not be granted the use of the Academy degree, certificate or transcript, as the case may be.
	25 26 27 28	(3) Cadets on training in the Academy shall be entitled to monthly allowance as may be determined, from time to time, by the Council, on the recommendation of the Finance and General purposes Committee of the Academy.
Discrimination on account of race, religion, etc.	29 30	<b>36.</b> -(1) Cadets of the Academy shall not be required to satisfy any requirements as to race, including ethnic group, sex, place of birth or family



1 origin, religious or political persuasion, as a condition to becoming or  
2 continuing to be cadets at the Academy, the holder of any degree of the  
3 Academy or of Race, any appointment or employment in the Academy or as  
4 a member of any body established pursuant to this Act.

5 (2) A person shall not be subjected to any disadvantage or accorded  
6 any advantage in the Academy, by reference to any of the matters specified  
7 in subsection (I) of this section.

8 37. Where any of the provisions of this Act relating to matters  
9 affecting the appointment, promotion and discipline of a cadet is  
10 inconsistent with the Federal Road Safety Commission (Establishment)  
11 Act, the provision of the Federal Road Safety Commission (Establishment)  
12 Act shall prevail.

Supremacy of  
the FRSC Act

13 38. Any policy initiated in the Academy, other than as provided for  
14 in section 4 of this Act, shall not be implemented without prior approval of  
15 the Council.

Implementation  
of policies

16 39.-(1) Bodies established under this Act, shall have power to  
17 constitute committees consisting of members of that body, and shall subject  
18 to the provisions of sections 6(2) of this Act, authorise a committee  
19 established by it to exercise on its behalf, such functions as may be delegated  
20 to the committee.

Establishment  
of Committees

21 (2) Subject to subsection (I) of this section, any two or more of the  
22 bodies established by this Act may hold joint meetings or appoint  
23 committees consisting of members of those bodies for the purpose of  
24 considering any matter within the competence of those bodies or any of  
25 them, and either deal with it or report on it to those bodies or any of them.

26 (3) Except as may be otherwise provided under this Act, statute or  
27 regulations to regulate the quorum and procedure-of any committee or  
28 subcommittee established under this Act shall be such as may be determined  
29 by the body constituted.

30 (4) Nothing in subsections (I), (2) and (3) of this section shall be

	1	construed as enabling the Council to empower any other body to make Statute,
	2	regulations or to award degree or other qualification of the Academy.
Seal of the Academy	3	<b>40.</b> -(1) The fixing of the seal of the Academy shall be authenticated by
	4	the signature of the Commandant and the Registrar or any other officer
	5	authorised generally or specially by the Commandant to act for that purpose.
	6	(2) Academic Certificates issued by the Academy shall have the
	7	Academy seal affixed and signed by the Provost and the Registrar of the
	8	Academy.
	9	(3) Any contract or instrument which, if made or executed by a person
	10	not being a body corporate, would not be required to be under seal, may be
	11	made or executed on behalf of the Academy by any authorized person.
	12	(4) Any division established in the Academy and designated as a
	13	faculty pursuant to the provisions of this Act, shall be organized in accordance
	14	with the provisions of the Second Schedule to this Act.
Powers to make Regulations	15	<b>41.</b> -( I) The Council may make Regulations, Rules or Guidelines to
	16	regulate the carrying out of activities and programmes of the Academy or
	17	authority or any matter connected with the Academy or
	18	for the effective implementation of any of the provisions of this Act.
	19	(2) Subject to the provisions of subsection (I) of this section, the
	20	Council shall have power to amend its Regulations, Rules or Guidelines made
	21	under this Act provided that the proposal for amendment shall be passed by
	22	two-third majority of the Council members.
	23	(3) Notwithstanding the provisions of subsection (2) of this section,
	24	the Council shall have power to approve, amend or reject any proposal for
	25	amendments as may be deemed necessary.
	26	(4) Where under this Act, it is provided that proposals or
	27	recommendations are to be made and submitted by one authority or to more
	28	intermediate authorities, it shall be the duty of every such authorities to forward
	29	such proposal or recommendation received by it to the appropriate authority
	30	and such intermediate authority may, if it deems fit, forward therewith its own

1        comments on such proposal or recommendation.

2                    **42.**-( I) Subject to the provisions of this Act, the Principal Officers        Transitional  
3        of the Federal Road Safety Transitional Commission Academy, Udi, Enugu        Arrangements  
4        existing before the coming into effect of this Act are deemed to have been  
5        transferred to the Academy established under this Act under the same terms  
6        and conditions.

7                    (2) Subject to any direction to the contrary which may be given in  
8        that regard by the Council, any person who was a member of staff or was  
9        employed by the Federal Road Safety Commission Academy before the  
10       coming into effect of this Act, shall continue in office and be deemed to have  
11       been appointed under this Act for purposes of Pension, and become the  
12       holder of the appointment at the Academy with such status, designation and  
13       functions which corresponds with those which appertained to him as a  
14       member of staff on such an employment.

15                   (3) Properties held immediately before the commencement date of  
16       this Act on behalf of the Academy by any person shall, by virtue of this Act,  
17       be vested in the Academy established under this Act.

18                   (4) The Academy established under this Act shall be subject to all  
19       the obligations and liabilities to which the former Academy was subject  
20       immediately before the commencement of this Act and all other persons  
21       shall have the same rights, powers and remedies against the Academy  
22       established by this Act as they had against the Academy immediately before  
23       the commencement of this Act.

24                   (5) Any proceeding or cause of action pending or existing  
25       immediately before the commencement of this Act by or against the  
26       Academy in respect of any right, interest, obligation or liability of the  
27       Academy may be continued or commenced, as the case may be, and any  
28       determination of a court of law, tribunal or other Commissions or persons  
29       may be enforced by or against the Academy established by this Act to the  
30       same extent that such proceeding, cause of action or determination might

Limitation of  
Law suits

1 have been continued, commenced or enforced by or against the Academy  
2 subject to the provisions of this Act.

3 (6) As from the commencement of this Act, any disciplinary  
4 proceeding pending or existing against any employee of the Academy shall be  
5 continued and completed by the Academy established under this Act.

6 **43.-(1)** Subject to the provisions of this Act, the provisions of the  
7 Public Officers Protection Act shall apply to any suit instituted against the  
8 Academy, an officer or employee of the Academy.

9 (2) No suit shall lie or be instituted in any court against the Academy  
10 for an action carried out in pursuance or execution of this Act or any enactment  
11 or law, or of any public duty or authority in respect of any alleged neglect or  
12 default in the execution of this Act or any other enactment or law, duty or  
13 authority, unless it is commenced:

14 (a) within three months of such act, neglect or default complained of;

15 (b) in the case of a continuation of damages or injury, within six  
16 months next after the ceasing of the act, neglect or default.

17 (3) No suit shall be commenced against the Academy before the  
18 expiration of a period of one month after written notice of the intention to  
19 commence the suit has been served on the Academy by the intending plaintiff  
20 or his agent.

21 (4) The notice referred to in subsection (3) of this section shall clearly  
22 and explicitly state the cause of action, the particulars of the claim, the name  
23 and place of abode of the intending plaintiff and the relief sought.

24 (5) The notice referred to in subsection (3) of this section and any  
25 summons, notice or other document required or authorized to be served on the  
26 Academy under this Act or any other law, may be served by:

27 (a) delivering it to the Commandant of the Academy; or

28 (b) sending it by registered post addressed to the Commandant of the  
29 Academy at the Main Campus of the Academy.

1	<b>44.</b> In any action or suit against the Academy, no execution shall be	Restriction on
2	levied or attachment process issued against the Academy unless not less than	Execution of
3	30 days' notice of the intention to execute or attach has been given to the	Court Order
4	Academy.	
5	<b>45.</b> A member of the Council, Principal Officer or employee of the	Indemnity of
6	Academy shall be indemnified out of the assets of the Academy against any	Officers
7	proceedings brought against him in his capacity as a member of the Council,	
8	Principal officer or employee of the Academy where the act complained of is	
9	not ultra vires his powers.	
10	<b>46.</b> In this Act, unless the context otherwise requires:	Interpretation
11	"Academy" means the Federal Road Safety Commission Academy, Udi,	
12	Enugu;	
13	"Academic staff means a member of staff of the Academy whose sole and	
14	primary responsibility is teaching, research and community service;	
15	"Academic year" means two semesters covered by a period of not more than	
16	twelve months within which students must complete a level of study;	
17	"Administrative staff means those persons in the employment of the	
18	Academy other than academic staff who hold administrative, professional	
19	or technical posts;	
20	"Alumni Association" means any association recognised by the Council as	
21	being representative of graduates or former students of the Academy;	
22	"Approving authority" means the Federal Executive Council;	
23	"Council" means the Council established under section 4 of this Act;	
24	"Commandant" means the Commandant of the Federal Road Safety	
25	Commission Academy, Udi, Enugu;	
26	"Cadets" means an undergraduate in training at the Academy undergoing	
27	training to be an Officer of the Corps;	
28	"Deputy Commandant" means the Deputy Commandant of the Academy;	
29	"Graduate" means a person on whom a degree other than an honorary degree	
30	has been conferred by the Academy;	

- 1 "Faculty" means any Faculty established by the Academy;
- 2 "Functions" includes powers and duties;
- 3 "Instructor or Lecturer" means a person holding a full time appointment as a
- 4 member of the instructing, teaching or research staff of the Academy;
- 5 "Notice" means notice in writing;
- 6 "Officer" means a staff of senior rank holding an administrative post, but does
- 7 not include Visitor and members of the Council;
- 8 "Postgraduate" means students pursuing or continuing formal education after
- 9 graduation from an institution of higher learning including students pursuing
- 10 programmes whose entry requirements are bachelor's degree or higher national
- 11 diploma from a recognised university or polytechnic;
- 12 "President" means President of the Federal Republic of Nigeria;
- 13 "Principal Officer" means the officers mentioned in Part II of this Act;
- 14 "Professor" means a person designated as a professor of the Academy in
- 15 accordance with provision made in that behalf by Statute or by Regulation;
- 16 "Property" includes rights and assets;
- 17 "Regulations" includes rules and regulations made pursuant to the provisions
- 18 of this Act;
- 19 "Student" means a person who is not a Nigerian cadet but admitted into the
- 20 Academy for the purpose of being trained;
- 21 "Undergraduate" means a person undergoing a course of study at the Academy
- 22 pursuant to the acquisition of a first degree.

Short title

- 23 47. This Bill may be cited as the Federal Road Safety Commission
- 24 Academy (Establishment, Etc) Bill, 2021.

## 1 FIRST SCHEDULE

## 2 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

## 3 [Section 4(1)]

4 *Proceedings of the Council*

5 1.-(1) Subject to the provisions of this Act, the Council may make  
6 standing orders regulating its proceedings or any of its committees.

7 (2) Questions for determinations shall be decided by a majority of  
8 the members present and voting; and in the event of equality of votes, the  
9 Chairman shall have a second or casting vote.

10 (3) Standing orders made for a Committee shall provide for the  
11 Committee to report to the Council on any matter referred to it by the  
12 Council.

13 (4) The quorum of the Council shall be one-third of the members of  
14 the Council and the quorum of a Committee of the Council shall be fixed by  
15 the Council.

16 (5) The Council may invite any person to attend and participate in  
17 any of its meetings provided that a person so co-opted shall only be in  
18 attendance and shall not count towards the quorum or vote at the meeting.

19 *Meetings of the Council*

20 2.-(1) The Council shall meet as and when necessary for the  
21 performance of its functions under this Act and shall meet at least twice a  
22 year in accordance with the provision of this Schedule.

23 (2) At any meeting of the Council, the Chairman shall preside or in  
24 his absence, the members present at the meeting, shall appoint one of their  
25 members to preside.

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

1 (4) Notwithstanding anything in the foregoing provisions of this  
2 paragraph, the inaugural meeting of the Council shall be summoned by the  
3 Chairman.

4 *Committees*

5 3.-(1) The Council may appoint one or more committees to carry out  
6 on behalf of the Council such functions as the Council may determine.

7 (2) A Committee appointed under this paragraph shall consist of the  
8 number of persons determined by the Council of whom not more than two  
9 thirds may be persons who are not members of the Council.

10 (3) A person other than a member of the Council shall hold office on a  
11 Committee of the Council in accordance with the terms of the letter by which  
12 he is appointed.

13 (4) A decision of a Committee of the Council shall be of no effect until  
14 it is ratified by the Council.

15 *Miscellaneous*

16 4.-(1) The fixing of the seal of the Council shall be authenticated by  
17 the signature of the Chairman, the Registrar or any other member of the  
18 Council authorized generally or specially by the Council to act for that purpose.

19 (2) Any contract or instrument which, if made or executed by a person  
20 not being a body corporate, would not be required to be sealed and may be  
21 made or executed on behalf of the Council by any person generally or specially  
22 authorized by the Act or the Council for that purpose.

23 (3) Any document purporting to be a document duly executed under  
24 the seal of the Council shall be received in evidence and shall, unless the  
25 contrary is proved, be deemed to be so executed.

26 (4) The validity of any proceedings of the Council or of a Committee  
27 of the Council shall not be adversely affected by any vacancy in membership of  
28 the Council or by any defect in the appointment of a member of the Council or  
29 a person to serve on the Committee, or by reason that a person not entitled to do  
30 so took part in the proceedings.



1 (5) Any member of the Council and any person holding office on a  
2 Committee of the Council, who has a personal interest in any contract or  
3 arrangement entered into or proposed to be considered by the Council or a  
4 Committee of the Council shall disclose his interest, and shall not vote on  
5 any question relating to the contract or arrangement.

6 (6) A person shall not by reason only of his membership of the  
7 Council be treated as holding an office in the public service of the  
8 Federation.

9 SECOND SCHEDULE

10 COMMITTEES OF THE ACADEMY

11 [Section 6(2)1

12 *Standing Committees of the Council*

13 1.-(1) For the purpose of carrying out its responsibilities under this  
14 Act, the following standing committees are to be established by the Council:

- 15 (a) Finance and General Purpose Committee;  
16 (b) Appointments, Promotions and Disciplinary Committee  
17 (AP&DC);  
18 (c) Tenders Board;  
19 (d) Academy Board; and  
20 (e) Admission Selection Board.

21 (2) Provisions shall be made by Rules for the constitution and  
22 terms of reference of the Committees referred to in sub-paragraph (I) of this  
23 Schedule as deemed appropriate by the Council.

24 *Finance and General Purpose Committee*

25 2.-(1) There shall be a Committee of the Council to be known as the  
26 Finance and General Purpose Committee, which shall subject to the  
27 direction of the Council exercise control over the property and the  
28 expenditure of the Academy.

29 (2) The Finance and General Purpose Committee shall consist of:

- 30 (a) the Chairman of the Council who shall be the Chairman of the

- 1 Committee at any meeting at which he is present;
- 2 (b) the Commandant;
- 3 (c) five other members of the Council appointed by the Council; and
- 4 (d) two members appointed by the Senate.
- 5 (3) The functions of the Finance and General Purpose Committee
- 6 shall be to:
- 7 (a) consider and make recommendation to the Council on the draft
- 8 annual estimate of income and expenditure for each financial year;
- 9 (b) advice the Council on deposits and investments of money
- 10 belonging to the Academy;
- 11 (c) recommend to the Council rules and procedures in the Financial
- 12 Regulations for the control of expenditure and administration of the Academy's
- 13 finances;
- 14 (d) consider and decide on request for variation within the approved
- 15 annual estimates from any unit of the Academy, subject to the approval of the
- 16 Council;
- 17 (e) advice the Council on any matter relating to the development of
- 18 the Academy sites as may be referred to it by the Council;
- 19 (f) carry out any other function as may be delegated to it from time to
- 20 time by the Council.
- 21 (4) The quorum of the Committee shall be five members including the
- 22 Chairman and the Commandant.
- 23 (5) Subject to any directions given by the Council, the Committee
- 24 may regulate its proceedings.
- 25 *Appointments, Promotions and Disciplinary Committee*
- 26 3.-(1) The Appointments, Promotions and Disciplinary Committee
- 27 shall handle appointments, confirmations, promotions and discipline of all
- 28 senior staff (academic, administrative and professionals) of the Academy.
- 29 (2) The Appointments, Promotions and Disciplinary Committee shall
- 30 comprise of:

- 1 (a) the Provost of the Academy as Chairman;  
2 (b) two members of the Council;  
3 (c) two internal members;  
4 (d) two elected members from the Academic Committee who shall  
5 not be below the rank of senior lecturer; and  
6 (e) the Registrar of the Academy who shall serve as the Secretary to  
7 the Committee.
- 8 (3) The Appointments, Promotions and Disciplinary Committee  
9 shall:
- 10 (a) consider all appointments and promotion of all staff except  
11 those of Principal Officers and make appropriate recommendations to the  
12 Council;  
13 (b) determine cases for promotion to the rank of Professor and  
14 Reader that should go for external assessment;  
15 (c) handle all disciplinary cases involving members of staff who  
16 are not members of the Corps; and  
17 (d) subject to the provisions of this Act, make recommendation to  
18 the Council on any matter involving appointment, promotion and discipline  
19 of staff who are members of the Corps.
- 20 (4) The quorum of the Committee shall be five members including  
21 the Chairman.
- 22 (5) The Committee shall have power to constitute a sub-committee  
23 to handle cases of junior staff of the Academy who are not members of the  
24 Corps.

25 *Tenders Board*

- 26 4.-(1) There shall be a Tenders Board for the Academy whose  
27 membership shall consist of:
- 28 (a) the Commandant, who shall be the Chairman;  
29 (b) the Deputy Commandant;  
30 (c) the Provost of the Academy;

1 (d) one representative of the Council;  
2 (e) one representative of the Senate;  
3 (f) the Director of Legal Services; and  
4 (g) the Registrar of the Academy who shall serve as Secretary to the  
5 Board.

6 (2) The functions of the Tenders Board shall include:

7 (a) advising the Council on projects and construction of building,  
8 supply of goods and services;  
9 (b) consideration and acceptance of tenders from contractors;  
10 (c) initiating action on the production of the tender's documents;  
11 (d) considering tenders submitted by contractors wishing to execute  
12 projects in the Academy;  
13 (e) processing tenders and award of contracts which fall within its  
14 spending limits and reporting such award of contract to the Council; and  
15 (f) referring to the Council for approval on tenders for contracts above  
16 the spending limits of the Board.

17 *Academy Board*

18 5.-(1) There shall be for the Academy an Academy Board whose  
19 membership shall consist of the:

20 (a) Commandant, who shall be the Chairman;  
21 (b) Deputy Commandant;  
22 (c) Provost of the Academy;  
23 (d) Librarian;  
24 (e) Bursar;  
25 (f) Dean of Postgraduate School;  
26 (g) Deans of Faculties;  
27 (h) Director of Academic Planning;  
28 (i) Director of Training;  
29 (f) Director in charge of Cadets Affairs;  
30 (k) Director of Works;

1 (l) Director of Administration;  
2 (m) Registrar of the Academy or his representative who shall serve  
3 as Secretary to the Board.

4 (2) The functions of the Academy Board shall include:  
5 (a) advising the Council on policy matters relating to general  
6 affairs of the Academy, cadets training and administration and discipline;  
7 (b) consider and take decision on cadets withdrawal; and  
8 (c) any other duty that may be referred to it by the Council.  
9 (3) The decision of the Academy Board on a cadet's withdrawal on  
10 disciplinary grounds shall be final subject to ratification by the Council.

11 *Admission Selection Board*

12 6.-(1) There shall be for the Academy an Admission Selection  
13 Board for the purpose of screening, interviewing and selection of qualified  
14 candidates for admission into the Academy whose membership shall consist  
15 of:

16 (a) a representative of the Council, who shall be the Chairman;  
17 (b) the Deputy Corps Marshal (Training);  
18 (c) the Commandant of the Academy;  
19 (d) the Provost of the Academy;  
20 (e) the Registrar of the Academy;  
21 (f) the Director Training of the Academy;  
22 (g) Deans of Faculties;  
23 (h) a representative of the Federal Character Commission as  
24 observer; and  
25 (i) the Deputy Registrar of the Academy in charge of admissions  
26 who shall serve as Secretary to the Admission Selection Board.

27 (2) The functions of the Admission Selection Board shall include:  
28 (a) screening and interviewing qualified candidates invited for  
29 selection interview by the Academy;

1 (b) disqualifying any candidate found deficient in any aspect of the  
2 screening processes;

3 (c) applying the screening criteria that are in use for the selection  
4 process of members of the Corps that may be determined by the Federal Road  
5 Safety Commission, from time to time;

6 (d) ensuring the observance of all the requirements for admission into  
7 university by the regulatory bodies such as National Universities Commission  
8 and Joint Admissions and Matriculations Board;

9 (e) selecting qualified candidates to be admitted into the Academy in  
10 each admission year.

11 (3) The decision of the Selection Board on admission shall be final  
12 subject to the approval of the Council.

13 *The Senate*

14 7. The Quorum of the Senate shall be one-third of members of the  
15 Senate.

16 8. The Senate shall meet once in a month or at any time at the request  
17 of the Provost of the Academy or at the written request of one-third of its  
18 membership to the Chairman of the Senate, who shall within two weeks convey  
19 a meeting in response to the request, and the members making such request  
20 shall spell out the business of the meeting on which the request is being made.

21 9. The Chairman of the Senate shall have one vote as any other  
22 member but in the event of equality of votes, the Chairman shall exercise in  
23 addition, a casting vote.

24 *Committees of the Senate*

25 10.-(1) The Senate shall have the following standing Committees:

26 (a) Academic Planning and Curriculum Development Committee;

27 (b) Library and Publications Committee;

28 (c) Ceremonies Committee;

29 (d) Research Grant Committee;

30 (e) Cadet and Students Welfare and Disciplinary Committee;

1 (f) Committee of Deans and Academic Directors;

2 (g) Sports Committee;

3 (h) Convocation; and

4 (i) Business Committee.

5 (2) Except as provided under the Third Schedule to this Act, the  
6 Senate shall provide for the Constitution and terms of reference of the  
7 Committees established in subparagraph (I) of this paragraph.

8 *Congregation*

9 11.-(1) There shall be for the Academy a Congregation, whose  
10 membership shall consist of all members of the academic staff and graduate  
11 members of the administrative staff, with the Commandant or in the absence  
12 of the Commandant, the Deputy Commandant as the Chairman.

13 (2) The Congregation shall meet once at the end of each academic  
14 semester making it at least two meetings in any academic year provided that  
15 additional meetings may be convened by the Commandant or the Deputy  
16 Commandant where the need arises.

17 (3) The functions of the Congregation shall be primarily to enable  
18 staff as a body, express their views on affairs of the Academy.

19 (4) (a) The Congregation shall elect two members to Council,  
20 provided that one member elected shall be from the academic staff of the  
21 Academy and one member so elected shall be from the administrative staff  
22 of the Academy;

23 (b) Members so elected shall serve for a term of two years and a  
24 member once elected shall not be eligible for re-election until two years  
25 have passed from the time of their last election.

26 (5) The Congregation shall be concerned with matters affecting the  
27 academic and well-being of the Academy and its functions shall neither  
28 include those of an association of university teachers concerned with  
29 salaries and conditions of service nor a staff club, concerned with the general  
30 amenities or social services.

1 (6) The Academy shall maintain a Register containing the names of  
2 all the members of the Academic Congregation, which shall be kept by the  
3 Registrar.

4 (7) The Academic Congregation shall have a standing Committee and  
5 such other committees as may be approved by the Council.

6 (8) The composition of the Standing Committee and other  
7 Committees of the Academic Congregation shall be, as may be directed by the  
8 Commandant.

9 (9) The Standing Committee of the Academic Congregation shall  
10 prepare the agenda for each meeting of the Academic Congregation and follow  
11 up actions on matters agreed upon by the Academic Congregation.

12 *Faculties and Faculty Board*

13 12.-(1) There shall be established in each Faculty a Faculty Board,  
14 which subject to the provisions of this Act and to the direction of the  
15 Commandant, shall-

16 (a) regulate the teaching, study and the conduct of examinations  
17 connected with the courses assigned to the faculty; and

18 (b) deal with any other matter that may be assigned to it by the  
19 Council, the Commandant or the Academic Board.

20 (2) Each Faculty shall be divided into such number of departments as  
21 may be prescribed by the Council.

22 (3) Where a Faculty consists of two or more colleges or schools, each  
23 college or school shall have its own Board, which shall be under the control of  
24 the Academic Committee.

25 (4) Each Faculty Board shall consist of:

26 (a) the Dean of the Faculty;

27 (b) Heads of Departments of the Faculty;

28 (c) such number of lecturers assigned to the Faculty and having the  
29 prescribed qualifications as the Faculty Board may determine; and

30 (d) such number of persons whether or not members of the Academy



1 as the Faculty Board may determine, with the general or special approval of  
2 the Academic Board.

3 (5) The quorum of the Faculty Board shall be nine members or one-  
4 third of the members of the Faculty Board whichever is greater.

5 (6) Subject to the provision of this Act or any regulations on its  
6 behalf, the Faculty Board may regulate its own procedure of meetings.

7 *The Dean of Faculty*

8 13.-(1) The Dean of Faculty shall be appointed in such manner and  
9 hold office for such term, subject to conditions as may be prescribed by  
10 regulations made by the Council.

11 (2) Where there is no Professor in a Faculty, the office of the Dean  
12 of the Faculty shall be held by members of the Faculty holding the rank of  
13 Reader or Senior Lecturer on the basis as may be determined by the Provost.

14 (3) The Dean shall be the Chairman of the Faculty Board and shall  
15 be a member of all committees and boards constituted by the Faculty and  
16 when the Dean is absent from any meeting, the most senior member present  
17 at the meeting shall preside.

18 (4) The Dean of a Faculty shall exercise general superintendence  
19 over the academic and administrative affairs of the Faculty and it shall be the  
20 function of the Dean to present qualified cadets and students in character and  
21 learning for the conferment of degrees, after having qualified for the degree  
22 of the Academy at examinations held in the Faculty.

23 (5) The Dean of the Faculty may be removed from office by the  
24 Provost for good cause and in the event of a vacancy occurring following the  
25 removal of a Dean, an acting Dean may be appointed by the Provost,  
26 provided that arrangement shall be made for a new Dean to be appointed in a  
27 manner prescribed within a period of three months from the date when the  
28 acting Dean assumes office.

29 (6) For the purpose of subsection (5) of this section "good cause"  
30 shall mean:

1 (a) conviction for any offence which the Provost considers to be such  
2 as to render the person concerned unfit for the discharge of the functions of his  
3 office;

4 (b) any physical or mental incapacity which the Provost, after  
5 obtaining medical advice, considers to be such as to render the person  
6 concerned unfit to hold his office;

7 (c) conduct of a scandalous or of a disgraceful nature, which the  
8 Provost considers to be such as to render the person concerned unfit to continue  
9 to hold his office;

10 (d) conduct which the Commandant considers to be such as to  
11 constitute failure or inability of the person concerned to discharge the functions  
12 of his office or comply with the terms and conditions of his service; or

13 (e) conduct which the Commandant considers to be generally of such  
14 nature as to render the continuous appointment or service of the person  
15 concerned as prejudicial or detrimental to the interest of the Academy.

16 *Academic and Curriculum Development Committee*

17 14.-(1) The Academic and Curriculum Development Committee shall  
18 consist of the:

19 (a) Provost of the Academy as the Chairman;

20 (b) Deans of Faculties;

21 (c) Director of Academic Planning;

22 (d) Bursar;

23 (e) Librarian;

24 (f) Director of Training;

25 (g) Director of Cadet Affairs; and

26 (h) Registrar as a member and Secretary.

27 (2) The quorum of the Committee shall be 50% of the members  
28 including the Provost of the Academy.

29 *Library and Publications Committee*

30 15.-(1) The Library and Publication Committee shall consist of:

1 (a) the Librarian of the Academy as Chairman;  
2 (b) one representative of each Faculty;  
3 (c) one representative of Postgraduate Schools; and  
4 (d) the Registrar or his representative who shall serve as the  
5 Secretary.

6 (2) The functions of the Committee shall be to:

7 (a) assist and advise the Academy on the development of the  
8 Library as the center of learning and research;  
9 (b) formulate regulations for the use of the Library and its facilities;  
10 (c) prepare the Library budget;  
11 (d) select and recommend manuscripts for publications by the  
12 Academy;  
13 (e) supervise the production of official publications that shall bear  
14 the emblem of the Academy;  
15 (f) regulate the development and the use of e-library; and  
16 (g) undertake other related tasks that may be assigned to the sub-  
17 committee by the Academic Committee.

18 (3) The quorum of the Committee shall be 50% of the members  
19 including the Chairman of the Committee.

20 *Ceremonies Committee*

21 16.-(1) There shall be a Ceremonies Committee, which shall  
22 consist of:

23 (a) a nominee of the Commandant as Chairman;  
24 (b) representative of each Faculty;  
25 (c) representative of the Librarian;  
26 (d) representative of the Bursar;  
27 (e) representative of the Director Physical Planning;  
28 (f) representative of the Protocol and Public Relations Units;  
29 (g) representative of the Security Unit;  
30 (h) representative of the Catering Services; and

1 (i) representative of the Registrar who shall serve as Secretary to the  
2 Committee.

3 (2) The quorum of the Committee shall be 50% of members including  
4 the Chairman.

5 (3) The Ceremonies Committee shall have the following terms of  
6 reference:

7 (a) organizing public events of the Academy;

8 (b) recommending to the Academic Committee persons to be  
9 considered for the award of honorary degrees; and

10 (c) advising the Academy on issues concerning ceremonial matters  
11 generally.

12 *Research Grant Committee*

13 17.-(1) There shall be a Research Grant Committee which shall  
14 consist of:

15 (a) an appointee of the Provost of the Academy as Chairman;

16 (b) a representative of each Faculty;

17 (c) a representative of the Postgraduate School;

18 (d) a representative of the Information and Communications  
19 Technology (ICT) Centre;

20 (e) the Director of Academic Planning;

21 (f) the Librarian; and

22 (g) representative of the Registrar who shall serve as the Secretary to  
23 the Committee.

24 (2) The quorum of the Committee shall be 50% of members including  
25 the Chairman.

26 (3) The Committee shall be responsible for:

27 (a) assessing research projects submitted by Faculties, Departments  
28 and members of staff, and approve those with merit or support with research  
29 grant;

30 (b) administering research funds of the Academy;

1 (c) receiving, considering and recommending Staff Development  
2 for each Department to appropriate organs of the Academy and ensure  
3 compliance when approved; and

4 (d) advise the Academic Committee and other relevant  
5 Committees on matters concerning research policy and practice in the  
6 Academy.

7 *Committee of Deans and Academic Directors*

8 18.-(1) There shall be a Committee of Deans and Academic  
9 Directors which shall consist of:

- 10 (a) the Academy Provost or his representative as Chairman;  
11 (b) Deans of Faculties and Post Graduate School;  
12 (c) all Directors of Academic, Institutes and Centres; and  
13 (d) the Registrar or his representative who shall serve as the  
14 Secretary to the Committee.

15 (2) The functions of the Committee shall be to:

- 16 (a) review from time to time the minimum entry requirement for  
17 degree and other programs of the Academy;  
18 (b) formulate for the consideration of the Academic Committee,  
19 regulations governing the conduct of examinations in the Academy;  
20 (c) review the existing regulation from time to time, for appropriate  
21 recommendation to the Academic Committee;  
22 (d) considers matters on examinations as may be referred to it by  
23 the Academic Committee;  
24 (e) make recommendation to the Academic Committee on  
25 academic matters as it deems necessary; and  
26 (f) undertake related task as may be assigned by the Academic  
27 Committee.

28 *Convocation Committee*

29 19.-(1) The Convocation Committee shall consist of the:

- 30 (a) Chairman of the Governing Council of the Academy;

- 1 (b) Commandant of the Academy;  
2 (c) Deputy Commandant;  
3 (d) Provost of the Academy;  
4 (e) Registrar of the Academy;  
5 (f) Librarian of the Academy;  
6 (g) Bursar of the Academy;  
7 (h) Lecturers within the meaning of this Act; and  
8 (i) Registered graduates of the Academy.
- 9 (2) A person shall be entitled to have his name registered as a member  
10 of Convocation where:  
11 (a) he is either a graduate of the Academy or have satisfied such  
12 requirements as may be prescribed for the purpose of this paragraph; and  
13 (b) he applies for the registration of his name in the manner prescribed  
14 by the Academy and pays the prescribed fees.
- 15 (3) There shall be a regulation for the purpose of this paragraph for the  
16 payment from time to time of fees by persons whose name are on the register  
17 and for the removal from the register of the name of any person who fails to pay  
18 those fees.
- 19 (4) The person responsible for keeping the register shall, without the  
20 payment of any fees, ensure that the names of all persons who are for the time  
21 being members of Convocation by virtue of paragraph (I) (a) or (b) of this  
22 schedule are entered and retained on the register.
- 23 (5) A person who reasonably claims that he is entitled to have his  
24 name on the register shall be entitled on demand to inspect the register or a copy  
25 of the register at the principal office of the Academy at all reasonable times.
- 26 (6) The register shall unless the contrary is proved, be sufficient  
27 evidence that any person named therein is a member of the Convocation, and  
28 that any person not named therein is not a member of Convocation, but for the  
29 purpose of ascertaining whether a particular person was such a member on a  
30 particular date, any entries and deletion from the register made on or after that

1 date shall be disregarded.

2 (7) The quorum of Convocation Committee shall be one-third of  
3 the total number of members of the Convocation Committee.

4 (8) The Commandant shall be Chairman at all meetings of  
5 Convocation Committee when he is present, and in his absence, the  
6 Academy Provost shall preside.

7 (9) Convocation shall:

8 (a) confer degrees of the Academy under the Chairmanship of the  
9 Commandant of the Academy;

10 (b) elect representatives of the Convocation from the Council  
11 members; and

12 (c) perform any other functions that may be provided by this Act.

13 (10) The quorum of the Committee shall be 50% of members  
14 including the Chairman and Director of Academic Planning.

15 *Business Committee*

16 20.-(1) There shall be for the Academy a Business Committee,  
17 which shall consist of:

18 (a) a nominee of the Provost of the Academy who shall be a  
19 member of the Academic Committee as Chairman;

20 (b) other members elected by the Academic Committee as it deems  
21 necessary;

22 (c) a representative of each Faculty;

23 (d) a representative of the Postgraduate School; and

24 (e) the Registrar or his representative who shall be the Secretary to  
25 the Committee.

26 (2) The quorum of the Committee shall be 50% of members  
27 including the Chairman and the Secretary.

28 (3) The Business Committee shall be responsible for:

29 (a) preparing the agenda for each Academic Committee meeting;

30 and

1 (b) dealing with matters referred to it by the Academic Committee  
2 from time to time.

3 *Cadet Training Committee*

4 21.-(1) The Cadet Training Committee shall consist of:

5 (a) the Director of Training, who shall be the Chairman;

6 (b) the Director of Cadets Affairs;

7 (c) the Chief Instructor, Field Studies;

8 (d) the Chief Instructor, Professional Studies;

9 (e) the Chief Instructor, Legal Studies;

10 (f) the Chief Instructor, Liberal Studies;

11 (g) two representatives of the academic branch to be appointed by the  
12 Provost;

13 (h) the Corps Provost of the Academy; and

14 (i) the Director of Administration who shall be the Secretary.

15 (2) Subject to the provision of this Act, the Cadets Training  
16 Committee shall, in relation to its teaching unit:

17 (a) advise the Academy Board on all matters relating to organizing  
18 cadets training, instructions and research into police road traffic administration  
19 and safety management aspects of the subjects taught by that teaching unit of  
20 the Academy, including the curricula and the examinations connected  
21 therewith;

22 (b) monitor and regulate the conduct and progress of cadets in that  
23 teaching units and report thereon to the Academy Board;

24 (c) deliberate on the performance of all cadets in road traffic  
25 administration and safety management subjects at the end of each semester;  
26 and

27 (d) determine passes and failure of cadets at all times, in accordance  
28 with the criteria set for passing and failing as laid down in the Academy  
29 assessment policy for road traffic administration and safety management  
30 subjects.



- 1                   (3) The Cadets Training Committee shall determine and  
2 recommend to the Academic Board in accordance with the Academy policy,  
3 the Cadets who:
- 4                   (a) are qualify to graduate, pass out or be commissioned;  
5                   (b) deserve to be given awards, such as the:  
6                   (i) Sword of honour;  
7                   (ii) Gold medals; and  
8                   (iii) Silver medals.  
9                   (c) merit promotion to the next higher class;  
10                  (d) deserves to be allowed to resit for papers failed in any road  
11 traffic administration and safety management subject;  
12                  (e) deserve to be warned for poor performance in papers in road  
13 traffic administration and safety management subjects and certain aspects of  
14 cadet life;  
15                  (f) deserve to be relegated to the next lower class for poor  
16 performance; or  
17                  (g) deserve to be withdrawn from the Academy for poor  
18 performance.

EXPLANATORY MEMORANDUM

*(This memorandum does not form part of this Act but is intended  
to explain its purport)*

This Bill seeks to establish the Federal Road Safety Commission Academy with powers to train, nurture, equip and produce globally competitive graduates with requisite knowledge, skills, values and attitudes suitable for leadership, scholarship and rendering community services and to award degrees, diplomas and certificates in accordance with the highest academic standards.



# A BILL

## FOR

AN ACT TO PROVIDE FOR THE REGULATION OF AIR PASSENGERS RIGHTS  
AND DELAY AND CANCELLATION OF FLIGHTS IN NIGERIA AND FOR  
RELATED MATTERS

*Sponsored by Hon. Abdulraheem Tunji Olawuyi*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of  
Nigeria as follows:

1 CHAPTER 1 - GENERAL PROVISIONS

2 1. This Regulation shall apply to all aspects of contracts of  
3 carriage for flights or portions of a flight into, from, and within the territory  
4 of Nigeria operated by Nigerian air carriers, and flights or portions of a flight  
5 from the territory of Nigeria operated by foreign air earners:

Application of  
the Bill

6 Provided, that the compensation rules shall not apply to carriers  
7 flying into the territory of Nigeria, if the laws of the country of origin  
8 provide similar or higher compensation. Otherwise, these rules shall apply  
9 in full.

10 CHAPTER II - RIGHT TO BE PROVIDED WITH ACCURATE

11 INFORMATION BEFORE PURCHASE

12 2.-(1) Every passenger shall, before purchasing any ticket for a  
13 contract of carriage by the air carrier or its agents, be entitled to the full, fair,  
14 and clear disclosure of all the terms and conditions of the contract of carriage  
15 about to be purchased. The disclosure shall include, among others,  
16 documents required to be presented at check-in, provisions on check-in  
17 deadlines, refund and rebooking policies, and procedures and responsibility  
18 for delayed and/or cancelled flights. These terms and conditions may  
19 include liability limitations, claim-filing deadlines, and other crucial  
20 conditions.

Right to full,  
fair and clear  
disclosure of tile  
service offered  
and all the terms  
and conditions  
of the contract  
of carriage

1           (2) An air carrier shall cause the disclosure under this Section to be  
2     printed on or attached to the passenger ticket and/or boarding pass, or the  
3     incorporation of such terms and conditions of carriage by reference.  
4     Incorporation by reference means that the ticket and/or boarding pass shall  
5     clearly state that the complete terms and conditions of carriage are available for  
6     perusal and/or review on the air carrier's website, or in some other document  
7     that may be sent to or delivered by post or electronic mail to the passenger upon  
8     his/her request.

9           (3) The air carrier must also ensure that passengers receive an  
10    explanation of key including travel agencies. In case of online bookings, the air  
11    carrier must establish a system wherein the purchaser is fully apprised of the  
12    required disclosures under this Section twice prior to the final submission of  
13    his/her online offer to purchase.

14          (4) Aside from the printing and/or publication of the above  
15    disclosures, the same shall likewise be verbally explained to the passenger by  
16    the air carrier and/or its agents in English and Filipino, or in a language that is  
17    easily understood by the purchaser, placing emphasis on the limitations and/or  
18    restrictions attached to the ticket.

19          (5) The key terms of a contract of carriage, which should include,  
20    among others, the rebooking, refunding, baggage allowance and check-in  
21    policies, must be provided to a passenger and shall substantially be stated in the  
22    following manner and, if done in print, must be in bold letters: (in English)

23    "NOTICE:

24    The ticket that you are purchasing is subject to the following  
25    conditions/restrictions:

26          1. \_\_\_\_\_

27          2. \_\_\_\_\_

28          3. \_\_\_\_\_

29    Your purchase of this ticket becomes a binding contract on your part to follow  
30    the terms and conditions of the ticket and of the flight. Depending on the fare

1 rules applicable to your ticket, non-use of the same may result in forfeiture  
2 of the fare or may subject you to the payment of penalties and additional  
3 charges if you wish to change or cancel your booking.

4 For more choices and/or control in your flight plans, please consider other  
5 fare types.”

6 (6) Any violation of the afore-stated provisions shall be a ground  
7 for the denial of subsequent applications for approval of promotional fare, or  
8 for the suspension or recall of the approval made on the advertised fare/rate.

9 3.-(1) Advertisements of fares shall be clear and not misleading.

10 (2) Major restrictions, such as those on rebookability or  
11 refundability, which may be attached to certain fare types, shall be disclosed  
12 in full and in such a way that the passenger may fully understand the  
13 consequences of purchasing such tickets and the effect of non-use thereof.

Rights to clear  
and non-misleading  
advertisement of  
important reminders  
regarding fares

14 (3) Every air carrier causing the publication of fare advertisements  
15 in any medium, shall likewise disclose the following:

16 (a) Conditions and restrictions attached to the fare type;

17 (b) Refund and rebooking policies, if any;

18 (c) Baggage allowance policies;

19 (d) Government taxes and fuel surcharges;

20 (e) Other mandatory fees and charges;

21 (f) Contact details of the carrier (i.e. phone number, website, e-  
22 mail, etc.); and

23 (g) Other information necessary to apprise the passenger of the  
24 conditions and the full/total price of the ticket purchased:

25 Provided, that, in case of promotional fares, the additional  
26 information shall be included.

27 (h) Number of seats offered on a per sector basis;

28 (i) The duration of the promo; and

29 (j) The Nigerian Civil Aviation Authority Approval No. of Fares:

30 Provided, further, that, where there are differing conditions, such

1 as fuel surcharge in relation to the points of destinations or origin, the  
2 advertisements of these carriers may provide only the range thereof and not the  
3 actual surcharge of each route.

4 (4) The above-mentioned required disclosures shall occupy not less  
5 than one-third (1/3) of the advertising material. A copy of the same shall be  
6 printed on or attached to the ticket in English and Filipino.

7 In the case of broadcast media, it shall be enough that the air carrier and/or  
8 advertising agent incorporate the foregoing terms and conditions by reference,  
9 as provided for in Section 2.

Right against  
misleading and  
fraudulent sales  
promotion  
practices

10 4. Consistent with the declared policy of the State to protect the  
11 interests of the consumers, which includes protection from misleading and  
12 fraudulent sales promotion practices, all sales promotion campaigns and  
13 activities of air carriers shall be carried out with honesty, transparency and  
14 fairness, and in accordance with the requirements of the Consumer Act of  
15 Nigerian, and its Implementing Rules and Regulations.

16 Air carriers shall provide to Federal airport authority of Nigeria a copy of its  
17 promotional materials for post audit not later than the publication, release, or  
18 launch date whichever is earlier.

19 It is understood that professional authorities for those engaged in advertising,  
20 sales and promotion may impose additional standards or measures to regulate  
21 their industry.

#### 22 CHAPTER III - RIGHT TO RECEIVE THE FULL VALUE OF

#### 23 THE SERVICE PURCHASED

Right to  
transportation  
and baggage  
conveyance

24 5. Every passenger is entitled to transportation, baggage conveyance  
25 and ancillary services, in accordance with the terms and conditions of contract  
26 of carriage with the air carrier. Thus, any violation of the terms and conditions  
27 of the contract of carriage due to the fault or negligence of the air carrier shall  
28 entitle the passenger to compensation or alternative arrangements, as provided  
29 in this Air Passenger Bill of Rights, which are acceptable to the passenger.

1                   **6.** In accordance with the usual air carrier procedures, a passenger  
2 holding a confirmed ticket, whether promotional or regular, with complete  
3 documentary requirements, and who has complied with the check-in  
4 procedures, shall be processed accordingly at the check-in counter within  
5 the check-in deadline. The airline shall, therefore, and subject to  
6 infrastructure limitations, clearly designate the boundaries of its assigned  
7 check-in areas or counter/so.

Right to be  
processed for  
Check-in

8 A passenger within the air carrier's cordoned or other designated check-in  
9 area as herein defined at least one (1) hour before the published estimated  
10 time of departure shall not be considered late or a no-show, and shall not be  
11 denied check-in. The carrier shall exert utmost diligence in ensuring that  
12 passengers within the cordoned or other designated check-in area and/or  
13 lined up at the check-in counters are checked in for their flights before the  
14 check-in deadline.

15 A passenger who is late in accordance with the preceding paragraph may be  
16 denied check-in and directed to a standby or rebooking counter, as the case  
17 may be, for proper processing.

18 Any dispute under this Section shall be resolved by the air carrier on-site.  
19 For this purpose, the air carrier must present to the passenger proof,  
20 including, but not limited to, closed-circuit television monitor recordings,  
21 processing or number slips issued at the entrance of the check-in area, and  
22 other applicable or available means, that the latter failed to appear within the  
23 prescribed time for the check-in procedure.

24                   **7.-(1)** Passengers shall be given enough time before the published  
25 estimated time of departure within which to go through the check-in and  
26 final security processes. For this purpose, air carriers operating in  
27 international airports and in other airports designated by the Nigerian Civil  
28 Aviation Authority shall open their check-in counters in such airports at least  
29 two (2) hours before the estimated time of departure. In other airports, air  
30 carriers shall open their check-in counters at least one (1) hour before the

Right to sufficient  
processing time

1 estimated time of departure.

2 (2) Air carriers operating in international airports and in other airports  
3 designated by the Nigerian Civil Aviation Authority shall open a separate  
4 dedicated counter for a flight nearing check-in deadline to facilitate the  
5 checking in of passengers at least one (1) hour before the published estimated  
6 time of departure.

7 (3) To ensure that Person with disability s and senior citizens shall  
8 have equal access to air transportation services, air carriers shall at all times and  
9 in all instances adhere to regulations Requiring Certain Buildings, Institutions,  
10 Establishments and Public Utilities to Install Facilities and Other Devices, and  
11 other related laws. Accordingly, an air carrier shall designate at least one (I)  
12 check-in counter which will prioritize Person with disability s, senior citizens,  
13 and persons requiring special assistance or handling. If this is not practicable,  
14 the air carrier shall instead provide for priority handling and processing of such  
15 passengers. The air carrier shall likewise coordinate with the appropriate  
16 authorities for the use of proper airport equipment, entryways, and/or  
17 aerobridges, as the case may be, when the same are available, to facilitate  
18 transactions, movement, boarding, and/or disembarkation of Person with  
19 disabilities, senior citizens, and/or persons requiring special equipment, at the  
20 airport.

21 Persons accompanying a Person with disability, a senior citizen, or a person  
22 requiring special assistance or handling should also be accommodated at the  
23 designated check-in counter mentioned in the preceding paragraph. It is the  
24 duty of an air carrier or its authorized agent to inform its passengers if  
25 additional costs will be incurred for the use of facilities designed for passengers  
26 needing special assistance in airports located in other countries.

27 It is the responsibility of a Person with disability to declare his/her need for  
28 special assistance or handling to the airline, upon booking his/her flight. If the  
29 Person with disability fails to do so, the airline may not be held liable for any  
30 services it was not able to provide the passenger and/or for any additional costs



1 incurred for the use of special assistance facilities.

2           **8.-(1)** A passenger checked in for a particular flight has the right to  
3 board the aircraft for the purpose of flight, except when there is legal or other  
4 valid cause, such as, but not limited to, immigration issues, safety and  
5 security, health concerns, non-appearance at the boarding gate at the  
6 appointed boarding time, or government requisition of space as provided for  
7 in Section 10.2. Other than these causes, no passenger may be denied  
8 boarding without his/her consent.

Right to Board  
Aircraft for the  
purpose of flight

9           (2) While it is an accepted practice for an air carrier to overbook its  
10 flights, any expense, consequence, or inconvenience caused to affected  
11 passengers must be borne by the air carrier, as follows:

12           (a) The air carrier shall determine the number of passengers in  
13 excess of the actual seat capacity of the aircraft;

14           (b) The air carrier shall announce that the flight is overbooked, and  
15 that it is looking for volunteers willing to give up their seats in exchange for  
16 air carrier compensation;

17           (c) The air carrier shall provide the interested passengers or  
18 volunteers a list of amenities and offers, which they can choose from, which  
19 list of amenities shall always include the option to be given priority booking  
20 in the next flight with available space or to be endorsed to another air carrier  
21 upon payment of any fare difference, and provided that space and other  
22 circumstances permit such accommodation, at the option of the passenger,  
23 and/or a cash incentive;

24           (d) In case the number of volunteers is not enough to resolve the  
25 overbooking, the air carrier shall increase the compensation package by  
26 certain degrees or by adding more amenities/services until the required  
27 number of volunteers is met.

28           (3) Government agencies and/or officials wanting to acquire  
29 aircraft space for official government purposes shall submit a written  
30 request justifying the requisition to the Nigerian Civil Aviation Authority,

1 which shall then make the request to the air carrier concerned, detailing:

2 (a) The number, identities, and affiliation of the persons requesting  
3 for space;

4 (b) The date and time (if applicable) of the flight; and

5 (c) The destination.

6 Should government requisition result in passengers having to forego their  
7 confirmed space, the air carrier shall look for volunteers in accordance with  
8 Section 10.1.

9 Provided, that the air carrier shall have the right to claim from the  
10 requesting government entity the full-fare value of the seats requisitioned by  
11 the latter.

12 (4) The settling of compensation for passengers pursuant to this  
13 Section shall not be an excuse for the undue delay of the flight's estimated time  
14 of departure.

15 CHAPTER IV - RIGHT TO COMPENSATION

Right to  
compensation  
and amenities  
in case of  
cancellation  
of flight

16 9. In case of cancellation of flights, the following shall be observed:

17 (1) In case of flight cancellation attributable to the carrier, a passenger  
18 shall have the right to:

19 (a) Be notified beforehand via public announcement,  
20 written/published notice and flight status update service (text);

21 (b) Be provided with the following, if he/she is already at the airport at  
22 the time of the announcement of the flight cancellation: sufficient refreshments  
23 or meals (e.g. snacks consisting of at least a bottle of water and a sandwich, or  
24 breakfast, lunch, or dinner, or a voucher for the same, as the case may be); hotel  
25 accommodation (conveniently accessible from the airport); transportation  
26 from the airport to the hotel, v.v.; free phone calls, text or e-mails, and first aid,  
27 if necessary;

28 (c) Reimbursement of the value of the fare, including taxes and  
29 surcharges, of the sector cancelled, or both/all sectors, in case the passenger  
30 decides not to fly the ticket or all the routes/sectors;

1 (d) Be endorsed to another air carrier without paying any fare  
2 difference, at the option of the passenger, and provided that space and other  
3 circumstances permit such re-accommodation;

4 (e) Rebook the ticket, without additional charge, to the next flight  
5 with available space, or, within thirty (30) days, to a future trip within the  
6 period of validity of the ticket. However, for rebooking made in excess of the  
7 aforementioned thirty (30) days for a trip likewise within the validity of the  
8 ticket, fees and/or fare difference shall apply:

9 Provided, that in case a carrier cancels a (light at least twenty-four  
10 (24) hours before the ETD, it shall not be liable for the foregoing amenities,  
11 except, it shall be obliged to notify the passenger, and, in accordance with  
12 the preceding provisions, to rebook or reimburse the passenger, at the option  
13 of the latter.

14 (2) In case the air carrier cancels the flight because of force  
15 majeure, safety and/or security reasons, as certified by the Civil Aviation  
16 Authority of Nigeria, a passenger shall have the right to be reimbursed for  
17 the full value of the fare.

18 (3) The provisions of this Section shall be the minimum  
19 entitlement of a passenger in case of cancellation, and shall not prohibit the  
20 air carrier from granting more favourable conditions or recourses, as it may  
21 deem appropriate.

22 **10.-(1)** In case of Terminal Delay of at least three (3) hours after the  
23 estimated time of departure, whether or not such is attributable to the carrier,  
24 a passenger shall have the right to:

Right to  
compensation  
and amenities in  
case of flight  
delay and  
exceptions thereto

25 (a) Be provided with refreshments or meals (sufficient snacks,  
26 breakfast, lunch, or dinner, as the case may be), free phone calls, text or e-  
27 mails, and first aid, if necessary; and

28 (b) Rebook or refund his/her ticket in accordance with the  
29 preceding Section or be endorsed to another carrier, in accordance with the  
30 preceding Section.

1 (2) In case such Terminal Delay extends to at least six (6) hours after  
2 the estimated time of departure for causes attributable to the carrier, it shall be  
3 deemed cancelled for the purpose of making available to the passenger the  
4 rights and amenities required to be provided in case of actual cancellation, as  
5 provided for in Section (1); and in addition, an affected passenger shall be  
6 given the following:

7 (a) Additional compensation equivalent to at least the value of the  
8 sector delayed or deemed cancelled to be paid in the form of cash or voucher, at  
9 the discretion of the air carrier; and

10 (b) The right to board the flight if it takes place more than six (6) hours  
11 after the estimated time of departure and the affected passenger has not opted to  
12 rebook and/or refund. For this purpose, the air carrier is obliged to exert all  
13 efforts to contact the passenger for the flight.

14 (3) A passenger shall likewise have the right to be provided with  
15 sufficient food and beverage, in cases of Tarmac Delay of at least two (2) hours  
16 after the estimated time of departure, reckoned from the closing of the aircraft  
17 doors, or when the aircraft is at the gate with the doors still open but passengers  
18 are not allowed to deplane.

19 (4) The provisions of this Section shall be the minimum entitlement of  
20 a passenger in case of delay and shall not prohibit the air carrier from granting  
21 more favourable conditions or recourses, as it may deem appropriate.

Compensation  
under Section 10  
as liquidated  
damages

22 **11.** The compensation provided in Section 10, if accepted by the  
23 passenger, shall constitute liquidated damages for all damages incurred by the  
24 passenger as a result of the air carrier's failure to provide the passenger with a  
25 confirmed reserved seat:

26 Provided that, while a confirmed reservation is necessary to make a  
27 passenger eligible for compensation, a written confirmation issued by the air  
28 carrier or its authorized agent qualifies the passenger in this regard, even if the  
29 air carrier cannot find the reservation in the electronic records, as long as the  
30 passenger did not cancel the reservation or miss a reconfirmation deadline.

- 1                   12.-(1) A passenger shall have the right to have his/her baggage  
2                   carried on the same flight that such passenger takes, subject to  
3                   considerations of safety, security, or any other legal and valid cause.
- 4                   (2) In case a checked-in baggage has been off-loaded for  
5                   operational, safety, or security reasons, the air carrier shall inform the  
6                   passenger at the soonest practicable time and in such manner that the  
7                   passenger will readily know of the off-loading (i.e. that his/her baggage has  
8                   been off-loaded and the reason therefore). If the passenger's baggage has  
9                   been off-loaded, the air carrier should make the appropriate report and give  
10                  the passenger a copy thereof, even if it had already announced that the  
11                  baggage would be on the next flight.
- 12                  The air carrier shall carry the off-loaded baggage in the next flight with  
13                  available space, and deliver the same to the passenger either personally or at  
14                  his/her residence. For every twenty-four (24) hours of delay in such  
15                  delivery, the air carrier shall tender an amount of \_\_\_\_\_ to the passenger,  
16                  as compensation for the inconvenience the latter experienced. A fraction of a  
17                  day shall be considered as one day for purposes of calculating the  
18                  compensation.
- 19                  For the purposes of this section, the twenty four (24)-hour period shall  
20                  commence one (1) hour from the arrival of the flight of the passenger  
21                  carrying such baggage.
- 22                  (3) Should such baggage, whether carried on the same or a later  
23                  flight, be lost or suffer any damage attributable to the air carrier, the  
24                  passenger shall be compensated in the following manner:
- 25                       (a) For international flights, the relevant convention shall apply;
- 26                       (b) For domestic flights, upon proof, a maximum amount  
27                       equivalent to half of the amount in the relevant convention (for international  
28                       flights) in its Naira equivalent.
- 29                  (4) For compensation purposes, a passenger's baggage is presumed  
30                  to have been permanently and totally lost, if within a period of seven (7)

Right to  
compensation  
for delayed, lost,  
and damaged  
baggage

	1	days, counted from the time the passenger or consignee should have received
	2	the same, the baggage is not delivered to said passenger or consignee.
Right to compensation in case of death or bodily injury of a passenger	3	<b>13.</b> For international flights, in case of death or bodily injury
	4	sustained by a passenger, the relevant Convention and inter-carrier agreement
	5	shall apply. However, for an international carriage performed under the 1966
	6	Montreal Inter-Carrier Agreement, which includes 'a point in the United States
	7	of America as a point of origin, a point of destination or agreed stopping place,
	8	the limit of liability for each passenger for death, wounding or other bodily
	9	injury shall be the sum of Seventy-Five Thousand United States Dollars
	10	(US\$75,000.00), inclusive of legal fees and costs. Provided, in the case of a
	11	claim brought in a state where a provision is made for a separate award for legal
	12	fees and costs, the limit shall be the sum of Fifty-Eight Thousand United States
	13	Dollars (US\$58,000.00), exclusive of legal fees and costs.
	14	For domestic flights, the compensation shall be based on the stipulated amount
	15	in the relevant convention which governs international flights, the same to be
	16	given in Naira denominations.
Right to immediate payment of compensation	17	<b>14.</b> An air carrier liable for any and all .compensations provided by
	18	these rules shall make the same available to the affected passenger at the air
	19	carrier's counters at the airport on the date when the occasion entitling the
	20	passenger to compensation occurred, or at the main office or any branch of the
	21	air carrier at the discretion of the passenger. The air carrier shall tender a check
	22	for the amount specified, or cash, or the document necessary to claim the
	23	compensation or benefits mentioned above;
	24	Provided, that such document shall be convertible to cash within fifteen (15)
	25	days from the date when the occasion entitling the passenger to such
	26	compensation occurred.
	27	CHAPTER V - ADMINISTRATIVE MATTERS
Air Carrier and Nigerian Civil Aviation Authority complaint and assistance desks	28	<b>15.</b> Air carriers shall provide Customer Service Representatives who
	29	can address common problems, such as arranging for meals and hotel rooms
	30	for stranded passengers, settling denied boarding compensation, arranging

1 luggage resolutions, and settling other routine claims or complaints, on the  
2 spot. In addition, the Nigerian Civil Aviation Authority may provide  
3 Complaints and Assistance Desks in all airports. These shall be manned by  
4 Nigerian Civil Aviation Authority or Nigerian Civil Aviation Authority -  
5 deputized personnel, who shall assist passengers whose rights to the service  
6 have not- been fully satisfied by the air carrier. The said personnel shall  
7 assist in the filing and prosecution of the complaints of passengers whose  
8 rights have been violated and who wish to go after-the concerned air  
9 carriers.

10 **16.** Every air carrier must refund checked baggage fees and other  
11 optional service fees (i.e. insurance, donation to WWF, seat selector fee,  
12 etc.), if the passenger did not use his/her ticket. *Provided*, that the said ticket  
13 is refundable and that the passenger is not at fault. *Provided further*, that  
14 refund of checked baggage fees will also apply, if the baggage was not  
15 delivered to the passenger within twenty-four (24) hours from the arrival of  
16 flight, on top of the compensation fee as mentioned in Section (2).

Refund of other  
fees

17 **17.** Air carriers shall submit a monthly report to the Nigerian Civil  
18 Aviation Authority on the following:

Written Reports

19 (a) The number of regular and promotional fare passengers who  
20 have been denied boarding, or whose flights were delayed or cancelled;

21 (b) The number of regular and promotional fare passengers whose  
22 baggage was lost, damaged, or off-loaded;

23 (c) The number of regular and promotional fare passengers who  
24 died or sustained an injury during the course of the flight or performance of  
25 the contract of carriage, as well as the reasons and other circumstances of  
26 such occurrences:

27 *Provided*, that the air carriers shall maintain a database containing  
28 the names, addresses. and/or other particulars of such passengers, their  
29 flights, concerns or complaints, as well as records of the air carrier's  
30 personnel regarding the same, if any, and other pertinent information,

	1	available to the Nigerian Civil Aviation Authority upon request.
	2	CHAPTER VI - FINAL PROVISIONS
Periodic review	3	<b>18.</b> This Order shall be reviewed periodically by an inter-agency body
	4	consisting of representatives from the Federal Airport Authority of Nigeria, the
	5	Nigerian Civil Aviation Authority, and airport operators, in consultation with
	6	the air carrier companies and/or other directly affected stakeholders. Such
	7	review may include the assessment, modification, removal, and/or update of
	8	provisions in accordance with issues arising from the implementation of this
	9	Order.
Separability	10	<b>19.</b> If any sections or any part of this Regulation is declared
	11	unconstitutional by a competent authority, the remaining sections or parts
	12	thereof shall not be affected thereby.
Repeal	13	<b>20.</b> All other orders, guidelines, economic regulations, and other
	14	issuances of the Nigerian Civil Aviation Authority, the Federal Airport
	15	Authority of Nigeria and the DOTe, which are inconsistent with these
	16	provisions, are hereby amended, repealed or modified accordingly. Otherwise,
	17	provisions not deemed inconsistent shall be of suppletory application.
Violations and Penalties	18	<b>21.</b> All violations of this Joint Administrative Order shall be
	19	penalized in accordance with the pertinent provisions of the Civil Aviation Act
	20	of Nigeria, save for violations pertaining to Sections 5 and 6 which are
	21	governed by the relevant provisions of the Consumer Act of Nigerian, the
	22	implementing agency of which is Federal Airport Authority of Nigeria.
Interpretation	23	<b>22.</b> For the purpose of this Regulation:
	24	(1) “Air Carrier” refers to a Nigerian-based carrier operating
	25	scheduled or non-scheduled domestic and/or international flights to or from or
	26	serving a point within the Nigerian, or a foreign carrier operating scheduled or
	27	non-scheduled international flights from Nigeria. Air carriers are also
	28	generally referred to as airlines;
	29	(2) “Baggage” is any personal property carried by the passenger,
	30	either by check-in or hand-carry. “Off-loaded Baggage” refers to baggage



1 which has been checked in but has either not been put in or been  
2 subsequently removed from the cargo hold of the carrier;

3 (3) “Cancellation” is the act of calling off a flight. This shall  
4 include the following instances:

5 (a) Cancellation by the air carrier before the estimated time of  
6 departure with or without its fault;

7 (b) Cancellation by the air carrier after an unduly long delay;

8 (c) Cancellation by the passenger holding a regular fare/ticket, or a  
9 situation deemed cancelled as contemplated in Section 12.2;

10 (4) “Check-in deadline” refers to the point in time before the  
11 published estimated time of departure on or before which a passenger must  
12 present himself/herself to the air carrier at the latter's check-in counter,  
13 which is usually not less than forty-five (45) minutes before such estimated  
14 time of departure;

15 (5) “Check-in period” is the time when the air carrier's check-in  
16 counters are open for accepting and processing passengers checking in for  
17 their flights, which starts at least two (2) hours before the estimated time of  
18 departure in international airports and in other airports designated by the  
19 Nigerian Civil Aviation Authority. In other airports, the check-in period  
20 shall start at least one (1) hour before the estimated time of departure;

21 (6) “Confirmed Reserved Seat” means a seat on a specific date and  
22 on a specific flight and class of service of a carrier, which has been requested  
23 by a passenger, and which the carrier or its agent has verified, by appropriate  
24 notation on the ticket, as being reserved for the accommodation of the  
25 passenger;

26 (7) “Convention” refers to the applicable international agreement,  
27 convention, or treaty on carriage of goods or persons by air signed and/or  
28 ratified by Nigerian;

29 (8) “Delay” is the result of the deferment of a flight to a later time.  
30 “Terminal Delay” is a delay that occurs while passengers are still inside the

1 terminal waiting for boarding, while “Tarmac Delay” is a delay that occurs  
2 while passengers are already on board the aircraft;

3 (9) “Denied Check-in” takes place when a passenger, who has  
4 presented himself/herself for check-in at the appointed area and at the  
5 appointed time, is denied or not processed for boarding a particular flight.  
6 “Denied Boarding” takes place when a passenger, who holds a confirmed  
7 reserved seat, and who has presented himself/herself for carriage at the proper  
8 time and place and fully complied with the carrier’s check-in and  
9 reconfirmation procedures, and who is acceptable for carriage under the  
10 carrier’s tariff, was not allowed to board the aircraft;

11 (10) “Fare” is payment in consideration for the carriage of a  
12 passenger. “Regular Fare” is any fare that is offered on a regular basis and does  
13 not qualify as promotional fare. “Promotional Fare”, which is generally lower  
14 than a regular fare, is applied for before, and approved as such by, the Nigerian  
15 Civil Aviation Authority;

16 (11) “Government requisition of space” .refers to a formal request by  
17 the government or its agencies to an air carrier company for the use of an  
18 aircraft, or any part thereof, for regulatory, safety, security, and/or emergency  
19 purposes;

20 (12) “No-show” is the failure of the passenger to appear at the check-  
21 in counter within the check-in deadline or to show up at the boarding gate at the  
22 time indicated on the boarding pass;

23 (13) “Overbooking” is the practice by air carriers of selling confirmed  
24 reserved space beyond the actual seat capacity of the aircraft;

25 (14) “Passenger” shall refer herein to a person actually traveling by  
26 air. A person who is named in the flight ticket shall be considered a passenger  
27 for the purpose of these rules.

28 (15) “Person with disability” includes those who have long-term  
29 physical, mental, intellectual or sensory impairments, which, in interaction  
30 with various barriers, may hinder their full and effective participation in

1 society on an equal basis with others;

2 (16) “Sales Promotion” means techniques intended for broad  
3 consumer participation which contain promises of gain, such as prizes, in  
4 cash or in kind, as reward for the purchase of a product, security, service or  
5 winning in a contest, game, tournament, and other similar competitions  
6 which involve determination of winners and which utilize mass media  
7 and/or widespread media of information. It also means techniques purely  
8 intended to increase the sales, patronage and/or goodwill of a product.

9 **23.** This Bill may be cited as the Passengers Rights Bill, 2021.

Short title

#### EXPLANATORY MEMORANDUM

This Bill seeks to provide for the regulation of Air Passengers Rights and delay and cancellation of flights in Nigeria.



# A BILL

## FOR

AN ACT TO ESTABLISH FOOD PROCESSING AND PRESERVATION CENTRE IN OSI EKITI LOCAL GOVERNMENT AREA OF KWARA STATE WHICH SHALL COLLATE, PROCESS, PRESERVE AGRICULTURAL PRODUCE INTO FINISHED OR SEMI-FINISHED GOODS; ENSURE FOOD SECURITY IN NIGERIA THEREBY CREATE EMPLOYMENT AND FOR RELATED MATTERS

*Sponsored by Hon. Abdulraheem Tunji Olawuyi*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

### 1 PART ONE – ESTABLISHMENT AND GENERAL PROVISIONS

2 **1.** There is hereby established Centre to be known as the Food  
3 Processing and Preservation Centre in Osi Ekiti Local Government Area,  
4 Kwara State (in this Bill referred to as “the Centre”).

Establishment  
of the Food  
Processing and  
Preservation  
Centre, Osi Ekiti  
Local Govt Area,  
Kwara State

5 (2) The Centre-

6 (a) shall be a body corporate with-

7 (i) perpetual succession;

8 (ii) a common seal; and

9 (b) may sue and be sued in its corporate name:

10 **2.** (a) The Centre shall apply the relevant criteria in determining  
11 whether a food is adulterated (1) within the meaning of the Act in that the  
12 food has been manufactured under such conditions that it is unfit for food; or

Manufacturing  
Practice

13 (2) within the meaning of section 1 of this Act in that the food has  
14 been prepared, packed, or held under in sanitary conditions whereby it may  
15 have become contaminated with filth, or whereby it may have been rendered  
16 injurious to health. The criteria and definitions in this part also apply in  
17 determining whether a food is in violation of the Public Health Act and the  
18 provisions of the NAFDAC law;

Personnel of  
the Centres

1 (b) Food covered by specific current good manufacturing practice  
2 regulations also is subject to the requirements of those regulations.

3 3.-(1) The Centres management shall take all reasonable measures  
4 and precautions to ensure the following:

5 (a) Disease control. Any person who, by medical examination or  
6 supervisory observation, is shown to have, or appears to have, an illness, open  
7 lesion, including boils, sores, or infected wounds, or any other abnormal source  
8 of microbial contamination by which there is a reasonable possibility of food,  
9 food-contact surfaces, or food-packaging materials becoming contaminated,  
10 shall be excluded from any operations which may be expected to result in such  
11 contamination until the condition is corrected. Personnel shall be instructed to  
12 report such health conditions to their supervisors;

13 (b) Cleanliness. All persons working in direct contact with food, food-  
14 contact surfaces, and food-packaging materials shall conform to hygienic  
15 practices while on duty to the extent necessary to protect against contamination  
16 of food. The methods for maintaining cleanliness include, but are not limited  
17 to:

18 (1) Wearing outer garments suitable to the operation in a manner that  
19 protects against the contamination of food, food-contact surfaces, or food-  
20 packaging materials.

21 (2) Maintaining adequate personal cleanliness.

22 (3) Washing hands thoroughly (and sanitizing if necessary to protect  
23 against contamination with undesirable microorganisms) in an adequate hand-  
24 washing facility before starting work, after each absence from the work station,  
25 and at any other time when the hands may have become soiled or contaminated.

26 (4) Removing all unsecured jewelry and other objects that might fall  
27 into food, equipment, or containers, and removing hand jewelry that cannot be  
28 adequately sanitized during periods in which food is manipulated by hand. If  
29 such hand jewelry cannot be removed, it may be covered by material which can  
30 be maintained in an intact, clean, and sanitary condition and which effectively

1 protects against the contamination by these objects of the food, food-contact  
2 surfaces, or food-packaging materials.

3 (5) Maintaining gloves, if they are used in food handling, in an  
4 intact, clean, and sanitary condition. The gloves should be of an  
5 impermeable material.

6 (6) Wearing, where appropriate, in an effective manner, hair nets,  
7 headbands, caps, beard covers, or other effective hair restraints.

8 (7) Storing clothing or other personal belongings in areas other  
9 than where food is exposed or where equipment or utensils are washed.

10 (8) Confining the following to areas other than where food may be  
11 exposed or where equipment or utensils are washed: eating food, chewing  
12 gum, drinking beverages, or using tobacco.

13 (9) Taking any other necessary precautions to protect against  
14 contamination of food, food-contact surfaces, or food-packaging materials  
15 with microorganisms or foreign substances including, but not limited to,  
16 perspiration, hair, cosmetics, tobacco, chemicals, and medicines applied to  
17 the skin.

18 (c) Education and training. Personnel responsible for identifying  
19 sanitation failures or food contamination should have a background of  
20 education or experience, or a combination thereof, to provide a level of  
21 competency necessary for production of clean and safe food. Food handlers  
22 and supervisors should receive appropriate training in proper food handling  
23 techniques and food-protection principles and should be informed of the  
24 danger of poor personal hygiene and in sanitary practices;

25 (d) Supervision. Responsibility for assuring compliance by all  
26 personnel with all requirements of this part shall be clearly assigned to  
27 competent supervisory personnel.

28 (2) Exclusions:

29 (a) The following operations are not subject to this part:

30 Establishments engaged solely in the harvesting, storage, or distribution of

Plant and  
Grounds

1 one or more "raw agricultural commodities," as defined under this Act, which  
2 are ordinarily cleaned, prepared, treated, or otherwise processed before being  
3 marketed to the consuming public;

4 (b) NAFDAC, however, will issue special regulations if it is  
5 necessary to cover these excluded operations.

6 PART TWO - BUILDINGS AND FACILITIES OF THE PROCESSING &  
7 PRESERVATION PLANTS

8 4. From the commencement of this Act, the buildings and facilities of  
9 the Plants or Agro-Industrial Centres of the Zones shall meet international  
10 standards as follows-

11 (a) Grounds. The grounds about a food plant under the control of the  
12 operator shall be kept in a condition that will protect against the contamination  
13 of food. The methods for adequate maintenance of grounds include, but are not  
14 limited to:

15 (1) Properly storing equipment, removing litter and waste, and  
16 cutting weeds or grass within the immediate vicinity of the plant buildings or  
17 structures that may constitute an attractant, breeding place, or harborage for  
18 pests.

19 (2) Maintaining roads, yards, and parking lots so that they do not  
20 constitute a source of contamination in areas where food is exposed.

21 (3) Adequately draining areas that may contribute contamination to  
22 food by seepage, foot-borne filth, or providing a breeding place for pests.

23 (4) Operating systems for waste treatment and disposal in an adequate  
24 manner so that they do not constitute a source of contamination in areas where  
25 food is exposed.

26 If the plant grounds are bordered by grounds not under the operator's control  
27 and not maintained in the manner described in paragraph (a) (1) through (3) of  
28 this section, care shall be exercised in the plant by inspection, extermination, or  
29 other means to exclude pests, dirt, and filth that may be a source of food  
30 contamination.



1 (b) Plant construction and design. Plant buildings and structures  
2 shall be suitable in size, construction, and design to facilitate maintenance  
3 and sanitary operations for food-manufacturing purposes. The plant and  
4 facilities shall:

5 (1) Provide sufficient space for such placement of equipment and  
6 storage of materials as is necessary for the maintenance of sanitary  
7 operations and the production of safe food.

8 (2) Permit the taking of proper precautions to reduce the potential  
9 for contamination of food, food-contact surfaces, or food-packaging  
10 materials with microorganisms, chemicals, filth, or other extraneous  
11 material. The potential for contamination may be reduced by adequate food  
12 safety controls and operating practices or effective design, including the  
13 separation of operations in which contamination is likely to occur, by one or  
14 more of the following means: location, time, partition, air flow, enclosed  
15 systems, or other effective means.

16 (3) Permit the taking of proper precautions to protect food in  
17 outdoor bulk fermentation vessels by any effective means, including:

- 18 (i) Using protective coverings;  
19 (ii) Controlling areas over and around the vessels to eliminate  
20 harborages for pests;  
21 (iii) Checking on a regular basis for pests and pest infestation;  
22 (iv) Skimming the fermentation vessels, as necessary.

23 (4) Be constructed in such a manner that floors, walls, and ceilings  
24 may be adequately cleaned and kept clean and kept in good repair; that drip  
25 or condensate from fixtures, ducts and pipes does not contaminate food,  
26 food-contact surfaces, or food-packaging materials; and that aisles or  
27 working spaces are provided between equipment and walls and are  
28 adequately unobstructed and of adequate width to permit employees to  
29 perform their duties and to protect against contaminating food or food-  
30 contact surfaces with clothing or personal contact.

Sanitary  
operations

1 (5) Provide adequate lighting in hand-washing areas, dressing and  
2 locker rooms, and toilet rooms and in all areas where food is examined,  
3 processed, or stored and where equipment or utensils are cleaned; and provide  
4 safety-type light bulbs, fixtures, skylights, or other glass suspended over  
5 exposed food in any step of preparation or otherwise protect against food  
6 contamination in case of glass breakage.

7 (6) Provide adequate ventilation or control equipment to minimize  
8 odors and vapors (including steam and noxious fumes) in areas where they may  
9 contaminate food; and locate and operate fans and other air-blowing  
10 equipment in a manner that minimizes the potential for contaminating food,  
11 food-packaging materials, and food-contact surfaces.

12 (7) Provide, where necessary, adequate screening or other protection  
13 against pests.

14 5. (a) General maintenance. Buildings, fixtures, and other physical  
15 facilities of the Plants or Centres shall be maintained in a sanitary condition and  
16 shall be kept in repair sufficient to prevent food from becoming adulterated  
17 within the meaning of this Act. Cleaning and sanitizing of utensils and  
18 equipment shall be conducted in a manner that protects against contamination  
19 of food, food-contact surfaces, or food-packaging materials;

20 (b) Substances used in cleaning and sanitizing; storage of toxic  
21 materials.

22 (1) Cleaning compounds and sanitizing agents used in cleaning and  
23 sanitizing procedures shall be free from undesirable microorganisms and shall  
24 be safe and adequate under the conditions of use. Compliance with this  
25 requirement may be verified by any effective means including purchase of  
26 these substances under a. supplier's guarantee or certification, or examination  
27 of these substances for contamination. The toxic materials may be used or  
28 stored in a plant where food is processed or exposed:

29 (i) Those required to maintain clean and sanitary conditions;

30 (ii) Those necessary for use in laboratory testing procedures;

1 (iii) Those necessary for plant and equipment maintenance and  
2 operation; and

3 (iv) Those necessary for use in the plant's operations.

4 (2) Toxic cleaning compounds, sanitizing agents, and pesticide  
5 chemicals shall be identified, held, and stored in a manner that protects  
6 against contamination of food, food-contact surfaces, or food-packaging  
7 materials. All relevant regulations promulgated by other Federal, State, and  
8 local government agencies for the application, use, or holding of these  
9 products should be followed.

10 (c) Pest control. No pests shall be allowed in any area of a food  
11 plant. Guard or guide dogs may be allowed in some areas of a plant if the  
12 presence of the dogs is unlikely to result in contamination of food, food-  
13 contact surfaces, or food-packaging materials. Effective measures shall be  
14 taken to exclude pests from the processing areas and to protect against the  
15 contamination of food on the premises by pests. The use of insecticides or  
16 rodenticides is permitted only under precautions and restrictions that will  
17 protect against the contamination of food, food-contact surfaces, and food-  
18 packaging materials;

19 (d) Sanitation of food-contact surfaces. All food-contact surfaces,  
20 including utensils and food-contact surfaces of equipment, shall be cleaned  
21 as frequently as necessary to protect against contamination of food.

22 (1) Food-contact surfaces used for manufacturing or holding low-  
23 moisture food shall be in a dry, sanitary condition at the time of use. When  
24 the surfaces are wet-cleaned, they shall, when necessary, be sanitized and  
25 thoroughly dried before subsequent use.(2) In wet processing, when  
26 cleaning is necessary to protect against the introduction of microorganisms  
27 into food, all food-contact surfaces shall be cleaned and sanitized before use  
28 and after any interruption during which the food-contact surfaces may have  
29 become contaminated. Where equipment and utensils are used in a  
30 continuous production operation, the utensils and food-contact surfaces of

1 the equipment shall be cleaned and sanitized as necessary.

2 (3) Non-food-contact surfaces of equipment used in the operation of  
3 food plants should be cleaned as frequently as necessary to protect against  
4 contamination of food.

5 (4) Single-service articles (such as utensils intended for one-time use,  
6 paper cups, and paper towels) should be stored in appropriate containers and  
7 shall be handled, dispensed, used, and disposed of in a manner that protects  
8 against contamination of food or food-contact surfaces.

9 (5) Sanitizing agents shall be adequate and safe under conditions of  
10 use. Any facility, procedure, or machine is acceptable for cleaning and  
11 sanitizing equipment and utensils if it is established that the facility, procedure,  
12 or machine will routinely render equipment and utensils clean and provide  
13 adequate cleaning and sanitizing treatment.

14 (e) Storage and handling of cleaned portable equipment and utensils.  
15 Cleaned and sanitized portable equipment with food-contact surfaces and  
16 utensils should be stored in a location and manner that protects food-contact  
17 surfaces from contamination.

Sanitary facilities  
and controls

18 **6.** The Plants and Centres shall be equipped with adequate sanitary  
19 facilities and accommodations including, but not limited to:

20 (a) Water supply. The water supply shall be sufficient for the  
21 operations intended and shall be derived from an adequate source. Any water  
22 that contacts food or food-contact surfaces shall be safe and of adequate  
23 sanitary quality. Running water at a suitable temperature, and under pressure as  
24 needed, shall be provided in all areas where required for the processing of food,  
25 for the cleaning of equipment, utensils, and food-packaging materials, or for  
26 employee sanitary facilities;

27 (b) Plumbing. Plumbing shall be of adequate size and design and  
28 adequately installed and maintained to:

29 (1) Carry sufficient quantities of water to required locations  
30 throughout the plant.

1 (2) Properly convey sewage and liquid disposable waste from the  
2 plant.

3 (3) Avoid constituting a source of contamination to food, water  
4 supplies, equipment, or utensils or creating an unsanitary condition.

5 (4) Provide adequate floor drainage in all areas where floors are  
6 subject to flooding-type cleaning or where normal operations release or  
7 discharge water or other liquid waste on the floor.

8 (5) Provide that there is not backflow from, or cross-connection  
9 between, piping systems that discharge waste water or sewage and piping  
10 systems that carry water for food or food manufacturing.

11 (c) Sewage disposal. Sewage disposal shall be made into an  
12 adequate sewerage system or disposed of through other adequate means;

13 (d) Toilet facilities. Each plant shall provide its employees with  
14 adequate, readily accessible toilet facilities. Compliance with this  
15 requirement may be accomplished by:

16 (1) Maintaining the facilities in a sanitary condition.

17 (2) Keeping the facilities in good repair at all times.

18 (3) Providing self-closing doors.

19 (4) Providing doors that do not open into areas where food is  
20 exposed to airborne contamination, except where alternate means have been  
21 taken to protect against such contamination (such as double doors or  
22 positive air-flow systems).

23 (e) Hand-washing facilities. Hand-washing facilities shall be  
24 adequate and convenient and be furnished with running water at a suitable  
25 temperature. Compliance with this requirement may be accomplished by  
26 providing:

27 (1) Hand-washing and, where appropriate, hand-sanitizing  
28 facilities at each location in the plant where good sanitary practices require  
29 employees to wash and/or sanitize their hands.

30 (2) Effective hand-cleaning and sanitizing preparations.

1 (3) Sanitary towel service or suitable drying devices.

2 (4) Devices or fixtures, such as water control valves, so designed and  
3 constructed to protect against recontamination of clean, sanitized hands.

4 (5) Readily understandable signs directing employees handling  
5 unprotected food, unprotected food-packaging materials, of food-contact  
6 surfaces to wash and, where appropriate, sanitize their hands before they start  
7 work, after each absence from post of duty, and when their hands may have  
8 become soiled or contaminated. These signs may be posted in the processing  
9 room(s) and in all other areas where employees may handle such food,  
10 materials, or surfaces.

11 (6) Refuse receptacles that are constructed and maintained in a  
12 manner that protects against contamination of food.

13 (f) Rubbish and offal disposal. Rubbish and any offal shall be so  
14 conveyed, stored, and disposed of as to minimize the development of odor,  
15 minimize the potential for the waste becoming an attractant and harborage or  
16 breeding place for pests, and protect against contamination of food, food-  
17 contact surfaces, water supplies, and ground surfaces.

18 PART THREE - PLANT EQUIPMENT

Equipment and  
utensils

19 7. (a) All plant equipment and utensils shall be so designed and of  
20 such material and workmanship as to be adequately cleanable, and shall be  
21 properly maintained. The design, construction, and use of equipment and  
22 utensils shall preclude the adulteration of food with lubricants, fuel, metal  
23 fragments, contaminated water, or any other contaminants. All equipment  
24 should be so installed and maintained as to facilitate the cleaning of the  
25 equipment and of all adjacent spaces. Food-contact surfaces shall be corrosion-  
26 resistant when in contact with food. They shall be made of nontoxic materials  
27 and designed to withstand the environment of their intended use and the action  
28 of food, and, if applicable, cleaning compounds and sanitizing agents. Food-  
29 contact surfaces shall be maintained to protect food from being contaminated  
30 by any source, including unlawful indirect food additives.

1 (b) Seams on food-contact surfaces shall be smoothly bonded or  
2 maintained so as to minimize accumulation of food particles, dirt, and  
3 organic matter and thus minimize the opportunity for growth of  
4 microorganisms;

5 (c) Equipment that is in the manufacturing or food-handling area  
6 and that does not come into contact with food shall be so constructed that it  
7 can be kept in a clean condition;

8 (d) Holding, conveying, and manufacturing systems, including  
9 gravimetric, pneumatic, closed, and automated systems, shall be of a design  
10 and construction that enables them to be maintained in an appropriate  
11 sanitary condition;

12 (e) Each freezer and cold storage compartment used to store and  
13 hold food capable of supporting growth of microorganisms shall be fitted  
14 with an indicating thermometer, temperature-measuring device, or  
15 temperature-recording device so installed as to show the temperature  
16 accurately within the compartment, and should be fitted with an automatic  
17 control for regulating temperature or with an automatic alarm system to  
18 indicate a significant temperature change in a manual operation;

19 (f) Instruments and controls used for measuring, regulating, or  
20 recording temperatures, pH, acidity, water activity, or other conditions that  
21 control or prevent the growth of undesirable microorganisms in food shall  
22 be accurate and adequately maintained, and adequate in number for their  
23 designated uses;

24 (g) Compressed air or other gases mechanically introduced into  
25 food or used to clean food-contact surfaces or equipment shall be treated in  
26 such a way that food is not contaminated with unlawful indirect food  
27 additives.

28 **PART FOUR - FUNCTIONS OF THE CENTRE**

29 **8. Processes and controls by the Centre.**

30 The Centre shall ensure that-

Production and  
Process Controls

1           (1) All operations in the receiving, inspecting, transporting,  
2 segregating, preparing, manufacturing, packaging, and storing of food shall be  
3 conducted in accordance with adequate sanitation principles. Appropriate  
4 quality control operations shall be employed to ensure that food is suitable for  
5 human consumption and that food-packaging materials are safe and suitable.  
6 Overall sanitation of the plant shall be under the supervision of one or more  
7 competent individuals assigned responsibility for this function. All reasonable  
8 precautions shall be taken to ensure that production procedures do not  
9 contribute contamination from any source. Chemical, microbial, or  
10 extraneous-material testing procedures shall be used where necessary to  
11 identify sanitation failures or possible food contamination. All food that has  
12 become contaminated to the extent that it is adulterated within the meaning of  
13 the act shall be rejected, or if permissible, treated or processed to eliminate the  
14 contamination:

15           (a) Raw materials and other ingredients:

16           (1) Raw materials and other ingredients shall be inspected and  
17 segregated or otherwise handled as necessary to ascertain that they are clean  
18 and suitable for processing into food and shall be stored under conditions that  
19 will protect against contamination and minimize deterioration. Raw materials  
20 shall be washed or cleaned as necessary to remove soil or other contamination.  
21 Water used for washing, rinsing, or conveying food shall be safe and of  
22 adequate sanitary quality. Water may be reused for washing, rinsing, or  
23 conveying food if it does not increase the level of contamination of the food.  
24 Containers and carriers of raw materials should be inspected on receipt to  
25 ensure that their condition has not contributed to the contamination or  
26 deterioration of food.

27           (2) All raw materials and other ingredients shall either not contain  
28 levels of microorganisms that may produce food poisoning or other disease in  
29 humans, or they shall be pasteurized or otherwise treated during manufacturing  
30 operations so that they no longer contain levels that would cause the product to



1 be adulterated within the meaning of the act. Compliance with this  
2 requirement may be verified by any effective means, including purchasing  
3 raw materials and other ingredients under a supplier's guarantee or  
4 certification.

5 (3) All raw materials and other ingredients susceptible to  
6 contamination with aflatoxins or other natural toxins shall comply with  
7 current Food and Drug Administration regulations, guidelines, and action  
8 levels for poisonous or deleterious substances before these materials or  
9 ingredients are incorporated into finished food. Compliance with this  
10 requirement may be accomplished by purchasing raw materials and other  
11 ingredients under a supplier's guarantee or certification, or may be verified  
12 by analyzing these materials and ingredients for aflatoxins and other natural  
13 toxins.

14 (4) All raw materials, other ingredients, and rework susceptible to  
15 contamination with pests, undesirable microorganisms, or extraneous  
16 material shall comply with applicable Food and Drug Administration  
17 regulations, guidelines, and defect action levels for natural or unavoidable  
18 defects if a manufacturer wishes to use the materials in manufacturing food.  
19 Compliance with this requirement may be verified by any effective means,  
20 including purchasing the materials under a supplier's guarantee or  
21 certification, or examination of these materials for contamination.

22 (5) All raw materials, other ingredients, and rework shall be held in  
23 bulk, or in containers designed and constructed so as to protect against  
24 contamination and shall be held at such temperature and relative humidity  
25 and in such a manner as to prevent the food from becoming adulterated  
26 within the meaning of the act. Material scheduled for rework shall be  
27 identified as such.

28 (6) Frozen raw materials and other ingredients shall be kept frozen.  
29 If thawing is required prior to use, it shall be done in a manner that prevents  
30 the raw materials and other ingredients from becoming adulterated within

1 the meaning of the act.

2 (7) Liquid or dry raw materials and other ingredients received and  
3 stored in bulk form shall be held in a manner that protects against  
4 contamination.

5 (b) Manufacturing operations:

6 (1) Equipment and utensils and finished food containers shall be  
7 maintained in an acceptable condition through appropriate cleaning and  
8 sanitizing, as necessary. Insofar as necessary, equipment shall be taken apart  
9 for thorough cleaning.

10 (2) All food manufacturing, including packaging and storage, shall be  
11 conducted under such conditions and controls as are necessary to minimize the  
12 potential for the growth of microorganisms, or for the contamination of food.  
13 One way to comply with this requirement is careful monitoring of physical  
14 factors such as time, temperature, humidity, aw, pH, pressure, flow rate, and  
15 manufacturing operations such as freezing, dehydration, heat processing,  
16 acidification, and refrigeration to ensure that mechanical breakdowns, time  
17 delays, temperature fluctuations, and other factors do not contribute to the  
18 decomposition or contamination of food.

19 (3) Food that can support the rapid growth of undesirable  
20 microorganisms, particularly those of public health significance, shall be held  
21 in a manner that prevents the food from becoming adulterated within the  
22 meaning of the act. Compliance with this requirement may be accomplished by  
23 any effective means, including:

24 (i) Maintaining refrigerated foods at 45°F (7.2°C) or below as  
25 appropriate for the particular food involved;

26 (ii) Maintaining frozen foods in a frozen state;

27 (iii) Maintaining hot foods at 140°F (60°C) or above;

28 (iv) Heat treating acid or acidified foods to destroy mesophilic  
29 microorganisms when those foods are to be held in hermetically sealed  
30 containers at ambient temperatures.

1                   (4) Measures such as sterilizing, irradiating, pasteurizing, freezing,  
2           refrigerating, controlling pH or controlling aw that are taken to destroy or  
3           prevent the growth of undesirable microorganisms, particularly those of  
4           public health significance, shall be adequate under the conditions of  
5           manufacture, handling, and distribution to prevent food from being  
6           adulterated within the meaning of the act.

7                   (5) Work-in-process shall be handled in a manner that protects  
8           against contamination.

9                   (6) Effective measures shall be taken to protect finished food from  
10          contamination by raw materials, other ingredients, or refuse. When raw  
11          materials, other ingredients, or refuse are unprotected, they shall not be  
12          handled simultaneously in a receiving, loading, or shipping area if that  
13          handling could result in contaminated food. Food transported by conveyor  
14          shall be protected against contamination as necessary.

15                  (7) Equipment, containers, and utensils used to convey, hold, or  
16          store raw materials, work-in-process, rework, or food shall be constructed,  
17          handled, and maintained during manufacturing or storage in a manner that  
18          protects against contamination.

19                  (8) Effective measures shall be taken to protect against the  
20          inclusion of metal or other extraneous material in food. Compliance with  
21          this requirement may be accomplished by using sieves, traps, magnets,  
22          electronic metal detectors, or other suitable effective means.

23                  (9) Food, raw materials, and other ingredients that are adulterated  
24          within the meaning of the act shall be disposed of in a manner that protects  
25          against the contamination of other food. If the adulterated food is capable of  
26          being reconditioned, it shall be reconditioned using a method that has been  
27          proven to be effective or it shall be reexamined and found not to be  
28          adulterated within the meaning of the act before being incorporated into  
29          other food.

30                  (10) Mechanical manufacturing steps such as washing, peeling,

1 trimming, cutting, sorting and inspecting, mashing, dewatering, cooling,  
2 shredding, extruding, drying, whipping, defatting, and forming shall be  
3 performed so as to protect food against contamination. Compliance with this  
4 requirement may be accomplished by providing adequate physical protection  
5 of food from contaminants that may drip, drain, or be drawn into the food.  
6 Protection may be provided by adequate cleaning and sanitizing of all food-  
7 contact surfaces, and by using time and temperature controls at and between  
8 each manufacturing step.

9 (11) Heat blanching, when required in the preparation of food, should  
10 be effected by heating the food to the required temperature, holding it at this  
11 temperature for the required time, and then either rapidly cooling the food or  
12 passing it to subsequent manufacturing without delay. Thermophilic growth  
13 and contamination in blanchers should be minimized by the use of adequate  
14 operating temperatures and by periodic cleaning. Where the blanched food is  
15 washed prior to filling, water used shall be safe and of adequate sanitary  
16 quality.

17 (12) Batters, breading, sauces, gravies, dressings, and other similar  
18 preparations shall be treated or maintained in such a manner that they are  
19 protected against contamination. Compliance with this requirement may be  
20 accomplished by any effective means, including one or more of the following:

- 21 (i) Using ingredients free of contamination;
- 22 (ii) Employing adequate heat processes where applicable;
- 23 (iii) Using adequate time and temperature controls;
- 24 (iv) Providing adequate physical protection of components from  
25 contaminants that may drip, drain, or be drawn into them;
- 26 (v) Cooling to an adequate temperature during manufacturing;
- 27 (vi) Disposing of batters at appropriate intervals to protect against the  
28 growth of microorganisms.

29 (13) Filling, assembling, packaging, and other operations shall be  
30 performed in such a way that the food is protected against contamination.

1 Compliance with this requirement may be accomplished by any effective  
2 means, including:

3 (i) Use of a quality control operation in which the critical control  
4 points are identified and controlled during manufacturing;

5 (ii) Adequate cleaning and sanitizing of all food-contact surfaces  
6 and food containers;

7 (iii) Using materials for food containers and food-packaging  
8 materials that are safe and suitable, as defined in Sec. 130.3 (d) of this  
9 chapter;

10 (iv) Providing physical protection from contamination,  
11 particularly airborne contamination;

12 (v) Using sanitary handling procedures.

13 (14) Food such as, but not limited to, dry mixes, nuts, intermediate  
14 moisture food, and dehydrated food, that relies on the control of aw for  
15 preventing the growth of undesirable microorganisms shall be processed to  
16 and maintained at a safe moisture level. Compliance with this requirement  
17 may be accomplished by any effective means, including employment of one  
18 or more of the following practices:

19 (i) Monitoring the aw of food;

20 (ii) Controlling the soluble solids-water ratio in finished food;

21 (iii) Protecting finished food from moisture pickup, by use of a  
22 moisture barrier or by other means, so that the aw of the food does not  
23 increase to an unsafe level.

24 (15) Food such as, but not limited to, acid and acidified food, that  
25 relies principally on the control of pH for preventing the growth of  
26 undesirable microorganisms shall be monitored and maintained at a pH of  
27 4.6 or below. Compliance with this requirement may be accomplished by  
28 any effective means, including employment of one or more of the following  
29 practices:

1 (i) Monitoring the pH of raw materials, food in process, and finished  
2 food;

3 (ii) Controlling the amount of acid or acidified food added to low-acid  
4 food.

5 (16) When ice is used in contact with food, it shall be made from water  
6 that is safe and of adequate sanitary quality, and shall be used only if it has been  
7 manufactured in accordance with current good manufacturing practice as  
8 outlined in this part.

9 (17) Food-manufacturing areas and equipment used for  
10 manufacturing human food should not be used to manufacture nonhuman  
11 food-grade animal feed or inedible products, unless there is no reasonable  
12 possibility for the contamination of the human food.

13 **9.** Storage and transportation of finished food shall be under  
14 conditions that will protect food against physical, chemical, and microbial  
15 contamination as well as against deterioration of the food and the container.

16 PART SIX - DEFECT ACTION LEVELS

17 **10.** Natural or unavoidable defects in food for human use that present  
18 no health hazard:

19 (a) Some foods, even when produced under current good  
20 manufacturing practice, contain natural or unavoidable defects that at low  
21 levels are not hazardous to health. The Food and Drug Administration  
22 establishes maximum levels for these defects in foods produced under current  
23 good manufacturing practice and uses these levels in deciding whether to  
24 recommend regulatory action;

25 (b) Defect action levels are established for foods whenever it is  
26 necessary and feasible to do so. These levels are subject to change upon the  
27 development of new technology or the availability of new information;

28 (c) Compliance with defect action levels does not excuse violation of  
29 the requirement of the act that food not be prepared, packed, or held under  
30 unsanitary conditions or the requirements in this part that food manufacturers,

1 distributors, and holders shall observe current good manufacturing practice.  
2 Evidence indicating that such a violation exists causes the food to be  
3 adulterated within the meaning of the act, even though the amounts of  
4 natural or unavoidable defects are lower than the currently established  
5 defect action levels. The manufacturer, distributor, and holder of food shall  
6 at all times utilize quality control operations that reduce natural or  
7 unavoidable defects to the lowest level currently feasible;

8 (d) The mixing of a food containing defects above the current  
9 defect action level with another lot of food is not permitted and renders the  
10 final food adulterated within the meaning of the act, regardless of the defect  
11 level of the final food.

12 PART SEVEN - ESTABLISHMENT OF THE FOOD PROCESSING AND  
13 PRESERVATION CENTRES

14 11.-(1) There is hereby established, a body to be known as the Food Establishment  
15 Processing and Preservation Centre (in this Act referred to as "the Centres"). of the Centres

16 (2) The Centres-

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

19 (c) may acquire, hold or dispose of any property, movable and  
20 immovable for the purposes of carrying out its functions under this Act.

21 (3) The Authority shall have its corporate headquarters in Abuja.

22 12.-(1) There is hereby established a Management Board (in this Establishment  
23 Act referred to as "the Board") for the management of the Centres and it shall of the Management  
24 consist of the following- Board

25 (a) a Chairman;

26 (b) one representative each of the following, who shall not be  
27 below the rank of a Director or its equivalent-

28 (i) Federal Ministry of Finance;

29 (ii) Federal Ministry of Agriculture;

30 (iii) Federal Ministry of Industry;

	1	(iv) Federal Ministry of Commerce;
	2	(v) Industrial Training Fund;
	3	(vi) a representative of the Central Bank of Nigeria;
	4	(vi) 6 Zonal Representatives of the Commercial Agriculture Sectors;
	5	(c) Director-General of the Centre who shall be appointed by the
	6	President on the recommendation of the Minister.
	7	(2) The Chairman and members of the Management Board of the
	8	Centre shall be-
	9	(a) appointed by the President on the recommendation of the Minister
	10	subject to the confirmation of the Senate;
	11	(b) be persons of proven integrity, honour and ability; and
	12	(c) part-time members except the Director-General who shall be a full
	13	time member.
	14	(3) The supplementary provisions set out in the Schedule to this Bill
	15	shall have effect with respect to the proceedings of the Board and other matters
	16	contained therein.
Tenure of office	17	<b>13.</b> The Chairman and members of the Board, other than the ex-
	18	officio members, shall each hold office-
	19	(a) for a term of 4 years and may be reappointed for a further term of 4
	20	years and no more; and
	21	(b) on such terms and conditions as may be specified in their letters of
	22	appointment.
Cessation of membership	23	<b>14.-(1)</b> A person shall cease to hold office as a member of the Board on
	24	the occurrence of any of the following-
	25	(a) he becomes bankrupt, suspends payment or compounds with his
	26	creditors;
	27	(b) he is convicted of a felony or any offence involving dishonesty or
	28	fraud;
	29	(c) he becomes of unsound mind or is capable of carrying out his
	30	duties;



1 (d) he is guilty of a serious misconduct in relation to his duties;  
2 (e) he resigns his appointment by a letter under his hand to the  
3 President.

4 (2) Where a member of the Board ceases to hold office for any  
5 reason whatsoever, before the expiration of the term for which he is  
6 appointed another person representing the same interest as that member  
7 shall be appointed to the Board for the un-expired term.

8 (3) A member of the Board may be removed by the President on the  
9 recommendation of the Minister if he is satisfied that it is not in the interest  
10 of the commission or the public that the member continues in office.

11 **15.** Members of the Board shall be paid such salaries and Allowances of  
12 allowances in accordance with such rates as the Revenue Mobilization, members  
13 Allocation and Fiscal Commission may from time to time approved.

14 **16.** The Board shall have power to- Power of the  
15 Board

16 (a) manage and superintend over the affairs of the Centre;  
17 (b) make rules and regulations for the effective running of the  
18 Centre;

19 (c) employ and pay the staff of the Centre such remuneration and  
20 allowances as the Revenue Mobilization, Allocation and Fiscal  
21 Commission may from time to time approved;

22 (d) enter into such contract as may be necessary or expedient for  
23 the discharge of its functions and ensure the efficient performance of the  
24 functions of the Centre; and

25 (e) receive, disburse and account for funds of the Centre.

26 **PART EIGHT - THE DIRECTOR AND OTHER STAFF OF THE CENTRE**

27 **17.-(1)** The Centre shall with the approval of the Minister, appoint Appointment  
28 from among the staff of the Centre, a Director who shall, in the exercise of of the Director  
29 his functions under this Act, be responsible to the Centre.

30 (2) Subject to the provisions of this Act, the Director shall be  
charged with the following responsibilities, that is to say -

- 1 (a) the execution of the policies of the Centre;  
 2 (b) the day to day running of the Centre;  
 3 (c) such other things as the Minister or the Centre, as the case may be,  
 4 may require him to do.

5 (3) The Director may, subject to the provisions of this Act and to any  
 6 special or general directions of the Centre, delegate any of his functions to any  
 7 employee of the Centre.

Tenure of office  
of the Director

8 **18.**-(1) The Director shall be appointed for a term of 4 years in the first  
 9 instance and may be reappointed for a further term of 4 years and no more.

10 (2) The Director shall-

11 (a) be paid such remuneration as may be prescribed in his letter of  
 12 appointment; and

13 (b) ensure compliance with the provisions of this Act. 15. Staff of the  
 14 Centre.

15 (1) The Centre shall second or deployed such other staff as it consider  
 16 necessary from other for the efficient performance of its duties under this Act.

17 (2) The terms and conditions of service (including terms and  
 18 conditions as to remuneration, allowances, retiring benefits and discipline) of  
 19 the Secretary and other staff of the Centre shall be such as may be determine  
 20 from time to time, by the Centre.

21 (3) The Centre shall determine the remuneration and tenure of office  
 22 of its employees as provided for in the Public Service Rules.

23 (4) The Centre may accept any member of staff by way of transfer,  
 24 secondment or deployment from any public service of the Federal State or  
 25 Local Government approved establishments.

Appointment  
and secondment  
from public  
service

26 **19.** The Board shall request for deployment of relevant staff for the  
 27 Centre from the Federal Civil Service Commission of the Federation, such  
 28 number of employees (as may, in the opinion of the Board) be required to assist  
 29 the Centre in the discharge of any of its functions under this Act.

1	<b>20.</b> Service in the Centre shall be approved service for the purpose	Pensions Reforms Act, 2004
2	or the Pension Reform Act, 2004 and accordingly, officers employed in the	
3	Centre shall in respect of their service in the Centre be entitled to pension,	
4	gratuity and other retirement benefits enjoyed by persons holding	
5	equivalent grades in the public service of the Federation.	
6	<b>21.</b> -(1) There shall be in each Zonal Centre the following	Structure of the Centre
7	departments-	
8	(a) Administration and Finance;	
9	(b) Planning, Research and Statistics;	
10	(c) Production and Quality Control;	
11	(d) Farmers Registry;	
12	(e) Works, Rehabilitation and Maintenance; and (f) Warehousing,	
13	Transport and Distribution.	
14	(2) Nothing in this subsection shall prevent the Centre, with the	
15	consent of the Minister from establishing any department or division as the	
16	Centre may deem necessary for the proper and effective administration of	
17	the provision of this Act.	
18	PART NINE - FINANCIAL PROVISIONS	
19	<b>22.</b> -(1) 'The Centre shall establish and maintain a Special Fund into	Funds of the Centre
20	which all moneys accruable to the Centre shall be paid and from which all	
21	the activities of the Centre shall be funded.	
22	(2) There shall be credited to the Fund -	
23	(a) 5% of the Excess Crude Fund for the construction of the	
24	Processing Plants and Agro-Industrial Centres;	
25	(b) all such sums as may from time to time be granted to the centre	
26	by the Federal Government;	
27	(c) all monies raised for the purposes of the Centre by way of	
28	grants, loans, subsidies and donations, provided that the Centre shall not be	
29	obliged to accept a donation for a particular purpose unless, it approves of	
30	the terms and conditions attached to such donations, if any; and	

	1	(d) all other assets as may, from time to time, accrue to the Centre.
Power to borrow	2	<b>23.</b> The Centre may, from time to time, borrow such sums of money
	3	as it may require to execute the functions of this Act.
Annual estimates and expenditure	4	<b>24.-(1)</b> The Board shall, not later than 30th September of each year,
	5	submit to the National Assembly through the Minister an estimate of the
	6	expenditure of the Centre during the next succeeding year.
	7	(2) The Board shall approve all expenditure of the Centre.
Proper accounts	8	<b>25.</b> The Centre shall-
	9	(a) cause to be kept proper accounts and records of the transactions
	10	and affairs of the centre and ensure all payments out of its moneys are correctly
	11	made and properly authorized;
	12	(b) ensure that adequate control is maintained over the assets of, or in
	13	the custody of the centre and over its incurring of liabilities; and
	14	(c) prepare in respect of each financial year a statement of account in
	15	such form as the Auditor-General of the Federation may direct.
Audit	16	<b>26.</b> The Auditor-General of the Federation shall -
	17	(a) inspect and audit the accounts and records of the financial
	18	transaction of the Authority;
	19	(b) inspect records relating to assets of the Centre; and
	20	(c) draw the attention of the Minister to any irregularity disclosed by
	21	the inspection and audit.
Annual report	22	<b>27.</b> The Centre shall submit to the President through the Minister not
	23	later than 30th June, of each financial year, a report of its activities during the
	24	preceding financial year, and it shall include a copy of the audited accounts of
	25	the Centre for that year and a copy of the auditor's report on it.
Power to acquire land. Cap. 202 LFN, 1990	26	<b>28.</b> The Centre may, subject to the Land Use Act, acquire any land for
	27	the purpose of discharging its functions.
Land Use Act, 1978	28	<b>29.</b> Before any land is constituted for use as Food Processing and
	29	Agro-Industrial Centres, under this Act, due notice shall be given to the State
	30	Governor, where such land is situate, by the Centre on behalf of the President of

1 the Federal Republic of Nigeria, of the intention of the Centre to constitute  
 2 such land as Food Processing and Agro-Industrial Centre and after the  
 3 acquisition, same shall be published in the official Gazette of the Federal  
 4 Government and -

5 (a) specifying the location, size or limits of the land;

6 (b) declaring that it is intended to constitute such lands as Food  
 7 Processing and Agro-Industrial Centre either for the general purposes of  
 8 Government or for the particular use and benefits, wholly or in part, of any  
 9 class of persons or for the benefit of any community, State or Local  
 10 Government.

11 **30.** The Centre shall refer any dispute over claim for compensation  
 12 on any land acquired by the Centre pursuant to this Act, to the appropriate  
 13 Land Use and Allocation Committee of the State in respect of which the  
 14 Land is acquired.

Land Use and  
Allocation  
Committee

15 **31.** Subject to the provisions of this Act, the Centre shall have  
 16 power to enter into any negotiation, with any holder of either Statutory or  
 17 Customary Rights of Occupancy for the purpose of assignment or alienation  
 18 to the Centre of the residue of the unexpired term granted to such person.

Negotiation to  
purchase

#### 19 PART TEN - MISCELLANEOUS PROVISIONS

20 **32.-(1)** The provisions of the Public Protection Act shall apply in  
 21 relation to any suit instituted against any officer or employee of the Centre.

Limitation of  
suit against the  
Centre

22 (2) No suit shall be commenced against a member of the Council,  
 23 the Director officer or employee of the Centre before the written notice of  
 24 intention to commence the suit shall be served upon the Centre by the  
 25 intending plaintiff or his agent.

26 (3) The notice referred to in subsection (2) of this section shall state  
 27 the cause of action, the particulars of the claims, the name and place of abode  
 28 of the intending plaintiff and the relief which he claims.

29 **33.** A notice of summons or any other documents required or  
 30 authorized to be served upon the Centre under the provisions of this Act or

Service of  
documents

	1	any other law or enactment may be served by delivering it to the Director of the
	2	Centre.
Restriction on execution against property of the Centre	3	<b>34.</b> -(1) No execution or attachment of process shall be issued against
	4	the Centre in any action or suit without the consent of the Attorney-General of
	5	the Federation.
	6	(2) Any sum of money which may be the judgment of any court be
	7	awarded against the Centre shall, subject to any direction given, be paid from
	8	the general reserve fund of the Centre.
Indemnity of officers	9	<b>35.</b> A member of the Board, the Director, any officer or employee of
	10	the Centre shall be indemnified out of the assets of the Centre against any
	11	proceeding, whether civil or criminal in which judgment is given in his favour,
	12	or in which he is acquitted, if any such proceedings is brought against him in his
	13	capacity as member of the Board, the Director, officer, employee of the Centre.
Engagement of professionals other than staff	14	<b>36.</b> The Director may with the approval of the Board engage persons
	15	with knowledge or experience in Food Processing and Preservation and
	16	matters relevant to the functions of the Centre to assist otherwise than on basis
	17	of full time employment.
Power of the Minister to give direction to the Centre	18	<b>37.</b> The Minister may give to the Centre directives of a general nature
	19	with respect to any of its functions.
Interpretation	20	<b>38.</b> In this Act, unless the context otherwise requires-
	21	(a) Acid foods or an acidified food means foods that have an
	22	equilibrium pH of 4.6 or below;
	23	(b) Adequate means that which is needed to accomplish the intended
	24	purpose in keeping with good public health practice;
	25	(c) Batter means a semi-fluid substance, usually composed of flour
	26	and other ingredients, into which principal components of food are dipped or
	27	with which they are coated, or which may be used directly to form bakery
	28	foods;
	29	(d) Blanching, except for tree nuts and peanuts, means a prepackaging
	30	heat treatment of foodstuffs for a sufficient time and at a sufficient temperature

1 to partially or completely inactivate the naturally occurring enzymes and to  
2 effect other physical or biochemical changes in the food;

3 (f) Food means food includes raw materials and ingredients;

4 (g) Food-contact surfaces are those surfaces that contact human  
5 food and those surfaces from which drainage onto the food or onto surfaces  
6 that contact the food ordinarily occurs during the normal course of  
7 operations. "Food-contact surfaces" includes utensils and food-contact  
8 surfaces of equipment;

9 (h) Lot means the food produced during a period of time indicated  
10 by a specific code.

11 (i) Microorganisms means yeasts, molds, bacteria, and viruses and  
12 includes, but is not limited to, species having public health significance. The  
13 term "undesirable microorganisms" includes those microorganisms that are  
14 of public health significance, that subject food to decomposition, that  
15 indicate that food is contaminated with filth, or that otherwise may cause  
16 food to be adulterated within the meaning of the act. Occasionally in these  
17 regulations, NAFDAC used the adjective "microbial" instead of using an  
18 adjectival phrase containing the word microorganism;

19 (j) Pest refers to any objectionable animals or insects including, but  
20 not limited to, birds, rodents, flies, and larvae;

21 (k) Plant means the building or facility or parts thereof, used for or  
22 in connection with the manufacturing, packaging, labeling, or holding of  
23 human food;

24 (l) Quality control operation means a planned and systematic  
25 procedure for taking all actions necessary to prevent food from being  
26 adulterated within the meaning of the act;

27 (m) Rework means clean, unadulterated food that has been  
28 removed from processing for reasons other than in sanitary conditions or  
29 that has been successfully reconditioned by reprocessing and that is suitable  
30 for use as food;

1 (n) Safe-moisture level is a level of moisture low enough to prevent  
2 the growth of undesirable microorganisms in the finished product under the  
3 intended conditions of manufacturing, storage, and distribution. The  
4 maximum safe moisture level for a food is based on its water activity ( $a_w$ ). An  
5  $a_w$  will be considered safe for a food if adequate data are available that  
6 demonstrate that the food at or below the given  $a_w$  will not support the growth  
7 of undesirable microorganisms;

8 (o) Sanitize means to adequately treat food-contact surfaces by a  
9 process that is effective in destroying vegetative cells of microorganisms of  
10 public health significance, and in substantially reducing numbers of other  
11 undesirable microorganisms, but without adversely affecting the product or its  
12 safety for the consumer;

13 (p) Shall is used to state mandatory requirements;

14 (q) Should is used to state recommended or advisory procedures or  
15 identify recommended equipment;

16 (r) Water activity ( $a_w$ ) is a measure of the free moisture in a food and is  
17 the quotient of the water vapor pressure of the substance divided by the vapor  
18 pressure of pure water at the same temperature.

Short title

19 **39.** This Bill may be cited as the Food Processing and Preservation  
20 Centres Bill, 2021.



## EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of Food Processing and Preservation Centre in Osi Ekiti Local Government Area of Kwara State, which shall collate, process, preserve agricultural produce into finished or semi-finished goods; ensure food security in Nigeria thereby create employment.

Among other things, the Centre shall apply the relevant criteria in determining whether a food is adulterated-

(1) within the meaning of food under this Act in that the food has been manufactured under such conditions that it is unfit for food; or

(2) within the meaning of section 1 of this Act in that the food has been prepared, packed, or held under in sanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health. The criteria and definitions in this Act also apply in determining whether a food is in violation of the Public Health Act and the provisions of the NAFDAC law.