

# **FEDERAL ROADS AUTHORITY BILL, 2015**

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### **3. Governing Board of the Authority**

- (1) There is established for the Authority a Governing Board (in this Act referred to as 'the Board') which shall be responsible for policy formulation for the Authority and superintending over the affairs of the Authority.
- (2) The Board shall consist of the following members-
  - (a) a non - Executive Chairman;
  - (b) four persons from the private sector with cognate experience in the road sector;
  - (c) one representative each of the following Ministries and Agencies not below the rank of a Deputy Director -
    - (i) Federal Ministry responsible for Roads;
    - (ii) Federal Ministry of Transport;
    - (iii) Federal Ministry in-charge of Lands;
    - (iv) Federal Ministry of Environment;
    - (v) Federal Ministry of Finance;
    - (vi) Federal Road Safety Corps;
    - (vii) Nigerian Society of Engineers; and
    - (viii) National Planning Commission; and
  - (d) the Managing Director of the Authority
- (3) The Authority's Board shall be responsible to the Minister.
- (4) The Supplementary Provisions set out in the Schedule I to this Act shall have effect with respect to the proceedings of the Board and other matters contained therein.

### **4. Appointment and qualification of a Board Member**

- (1) The Chairman and other members of the Board, other than the Managing Director, shall be appointed on part time basis by the President on the recommendation of the Minister.
- (2) The Chairman and members of the Board, other than the Managing Director, shall be persons of proven integrity, recognized expert knowledge, qualification and with not less than fifteen years cognate experience in one or more of the following fields -
  - (a) civil engineering or other relevant engineering disciplines;
  - (b) construction management;
  - (c) law;
  - (d) finance;
  - (e) accounts; and
  - (f) economics

### **5. Tenure and removal from office of a Board Member**

- (1) A member of the Board, other than the Managing Director, shall hold office -

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

## **6. Functions of the Board**

For the purpose of achieving the objectives of the Authority, the Board shall provide policy guidelines for the effective discharge of the duties of the Management of the Authority in the provision of an efficient and safe network of Federal Roads and ensure harmonious professional and working relationships between the management of the Authority and the Ministry.

## **7. Cessation of office**

Where a member of the Board ceases to hold office for any reason whatsoever before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.

## **8. Emoluments**

The Chairman and members of the Board shall be paid such allowances or incidental expenses as the Government, may from time to time approve, in accordance with existing laws and regulations.

**PART III  
STAFF OF THE AUTHORITY**

**9. Appointment and removal of the Managing Director**

- (1) The Managing Director shall be appointed by the President, on the recommendation of the Minister.
- (2) The Managing Director shall be -
  - (a) the chief executive and accounting officer of the Authority;
  - (b) responsible for the day-to-day administration of the Authority;
  - (c) appointed for a term of four years in the first instance and may be re-appointed for a further term of four years and no more; and
  - (d) a person who possesses a degree in Civil Engineering or other relevant engineering discipline, land survey and construction management with not less than 20 years professional experience.
- (3) The Managing Director may be suspended or removed from office by the President if he -
  - (a) has demonstrated inability to effectively perform the duties of his office;
  - (b) has been absent from five consecutive meetings of the Board without the consent of the Chairman, unless he shows good reason for such absence;
  - (c) is guilty of serious misconduct in relation to his duties as Managing Director;
  - (d) possesses professional qualifications, he is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority; or
  - (e) Is incapable of carrying out the functions of his office either arising from infirmity of mind or body.
- (4) The Managing Director shall not be removed from office except in accordance with the provisions of this Act

**10. Secretary and other staff of the Authority**

- (1) The Board shall appoint a Secretary to keep the corporate records of the Authority and undertake such other functions as the Board may from time to time direct.
- (2) The Secretary shall possess adequate professional qualifications, skills and experience as a legal practitioner with not less than 10 years cognate experience.

- (3) The Authority shall employ such other number of persons as it considers necessary for the exercise of its powers and performance of its functions under this Act.
- (4) The Board shall determine the terms and conditions of service of the members of staff of the Authority and shall in consultation with the National Salaries, Incomes and Wages Commission, review the remuneration and allowances payable to the employees of the Authority, from time to time.

**11. Service in the Authority to be Pensionable**

- (1) Service in the Authority is pensionable under the Pension Reform Act and accordingly, officers and other persons employed in the authority shall be entitled to pension and other retirement benefits in respect of their service in the Authority as prescribed in that Act.
- (2) Notwithstanding the provisions of sub-section (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude a grant of a pension or other retirement benefits in respect of that office.
- (3) For the purposes of the application of the provisions of the Pensions Reform Act, any power exercisable by the Minister or other authority of the Government of the Federation, other than the power to make regulations under the Pensions Reform Act, is hereby vested in and shall be exercisable by the Authority and not by any other person or authority.

**PART IV  
FUNCTIONS AND POWERS OF THE AUTHORITY**

**12. Functions of the Authority**

The Authority shall -

- (a) manage federal road assets in accordance with the provisions of this Act;
- (b) ensure the efficient and effective construction, rehabilitation, reconstruction and maintenance of all Federal roads;
- (c) enter into road concession contracts and other forms of contracts with anybody corporate incorporated under the laws of Nigeria for the purpose of executing relevant projects provided that the grant of a concession or a Public Private Partnership (PPP) contract shall be subject to competitive public tender rules approved and published by the Federal Government from time to time and in accordance with the relevant laws for the time being in force, for the procurement of concessions or PPP contracts;
- (d) carry out routine and emergency repair of roads as the Authority may by its discretion determine;

- (e) plan and manage the development of road safety technical designs, standards and audit in collaboration with the Federal Road Safety Commission;
- (f) work in partnership with similar agencies at the State and Local Government levels by providing policy advice, guidance and technical support for the efficient and effective rehabilitation, reconstruction and maintenance of road networks;
- (g) prescribe measures for preventing damage however caused by any person to any road or any part thereof and for recovering, in full or in part, the cost of repairing the damage from such person or his insurers;
- (h) advise the Government in consultation with the Federal Road Safety Corps and other relevant Ministries, Departments and Agencies, on appropriate and effective methods of enforcing road traffic legislation for the purposes of preventing damage to roads and promoting road safety;
- (i) ensure effective monitoring of the conditions of all roads for the purposes of timely implementation of road maintenance, rehabilitation and development programmes;
- (j) publish periodic reports of the activities and achievements of the Authority and make the reports available to the general public;
- (k) advise the Minister on the specifications, design, standards and classification of roads and the prohibition of any act that may lead to damage to roads;
- (l) advise the Minister on the types, sizes, and usage of vehicles on national roads and the laden and axle weight of vehicles for the purpose of protecting national roads from damage;
- (m) advise the Minister on the development and training of human resources, research and studies necessary or required for maintenance, rehabilitation and development of roads;
- (n) advise the Minister on appropriate road signs, and other road agencies on the location of road signs on public roads;
- (o) recommend to the Minister, from time to time, appropriate levels of charges, fines, penalties, levies or any sum required to be collected under this Act and paid into the Road Fund;
- (p) provide technical regulations on road development and usage;
- (q) recommend to the National Roads Fund Board from time to time, such reviews in road user charges as are necessary for the purpose of the Road Fund;
- (r) liaising with the Federal Road Safety Commission or any other body charged with matters relating to safety of persons on the road;



- (s) plan and develop strategies towards ensuring efficient and effective movement of traffic on the federal road network and ensure their implementation;
- (t) identify and recommend to the Minister, donor funding for the construction, maintenance, rehabilitation and reconstruction of federal roads.
- (u) develop an appropriate Road Management System;
- (v) prepare and publish reports on the Authority's projects funded by the National Roads Fund;
- (w) make policy recommendations to the Federal Government on matters relating to the construction, rehabilitation, reconstruction and maintenance of Federal roads; and
- (x) carry out other functions which in the opinion of the Board are necessary to ensure the efficient performance of the functions of the Authority.

### **13. Powers of the Authority**

The Authority shall, in order to fulfill its functions under this Act, have the power in respect of federal trunk roads -

- (a) to consider applications for concessions and other forms of PPPs and to issue and if necessary extend and renew any concessions or contracts;
- (b) to, subject to extant regulations and laws carry out inquiries, tests, audits or investigations and take such other steps as may be necessary to monitor the activities of concessionaires and other PPPs and to secure and enforce compliance with the provisions of this Act or any subsidiary legislation, concession, terms, contracts or conditions made pursuant to this Act;
- (c) where it considers it to be in the public interest, to compel a concessionaire or other PPPs to provide any information or any document concerning activities notwithstanding that such information or document may contain business secrets; provided that any such information or documents shall be restricted to those that a person can be legally compelled to produce as evidence by a court of law in Nigeria;
- (d) to publish information received in the course of exercising its powers and functions under this Act or to require concessionaires and other PPPs to publish certain information if it is satisfied that the publication is consistent with the objects of this Act provided that the Authority shall consider the commercial interests of the parties to whom the information relates before publishing the information;
- (e) to undertake consultations with members of the public, road operators and industry participants affected by or with an interest in its directions and to consider any responses to the consultations;

- (f) to enter into contracts and incur obligations;
- (g) to acquire, hold, mortgage, purchase and deal howsoever with property whether moveable or immoveable, real or personal;
- (h) subject to section 16 of this Act borrow such sums as it may require for the performance of

- (g) proceeds from the sale of assets that may accrue to the Authority; and
- (h) rents, toll fees and other internally generated revenues from services provided by the Authority.

**15. Application of Fund of the Authority**

The Authority may from time to time apply its funds:

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

**16. Borrowing powers, gifts, etc**

- (1) The Authority may, with the consent of the Minister responsible for Finance, borrow such money as the Board may require in the exercise of its functions under this Act.
- (2) The Authority may accept gifts, grants of money, aid or other property from national, bilateral or multilateral organizations and upon such terms and conditions as may be agreed upon between the donor and the Authority provided that any conditions attached to such gifts are not inconsistent with the objectives and functions of the Authority under this Act.

**17. Reports, budgets and audited accounts**

The Board shall -

- (a) receive and review annual reports from the management of the Authority and submit same to the President and the National Assembly, through the Minister in the first quarter of every year and the report shall be on the activities of the Authority during the immediately preceding calendar year, and shall include a copy of the audited accounts of the Authority for that calendar year.
- (b) submit not later than four months to the end of each year to the Minister an estimate of the expenditure and income of the Authority for the next succeeding year; and
- (c) keep proper accounts of the Authority in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 3 months after the end of each year by professionally qualified and licensed auditors appointed by the Board with the approval of the Auditor-General of the Federation.

## **PART VI REGULATION OF ROAD SECTOR**

### **18. Role of the Minister**

- (1) The Minister shall -
  - (a) formulate, determine and monitor the general policy for the road sector in Nigeria to ensure, amongst others, the utilization of the sector as a platform for the economic and social development of Nigeria;
  - (b) provide general policy guidelines, specifications and standards for the construction, reconstruction, rehabilitation and maintenance of Federal Roads in Nigeria; and
- (2) The Minister may give directives to the Authority relating to the performance by the Authority of any of its functions under this Act provided that such directives are not inconsistent with the objectives and functions of the Authority under this Act.
- (3) The Minister shall prior to the formulation or review of policies for the roads sector, consult with and have due regard to the representations of relevant stakeholders in the sector, including, but not limited to, the Authority, industry participants and the general public.

## **PART VII ROADS PLAN**

### **19. Preparation of Roads Plan**

- (1) The Authority shall, within the first year of its establishment, prepare a five year Rolling Roads Plan (hereinafter referred to as the "Plan") for the fulfillment of its responsibilities under this Act.

- (2) The Plan made pursuant to the provisions of subsection (1) of this section shall be broken into yearly Action Programmes and shall contain such information, amongst others, that would allow determination of the Authority's proposed activities over the Plan period in respect of each element of the Federal Roads network.
- (3) The Authority shall submit the Plan to the National Roads Fund Board within six months of its establishment in the case of the first Plan and within four months before the start of the Authority's financial year for the year of submission in the case of subsequent Plans, together with its five-year funding programmes and the database for the service level for the Plan period relative to the road network for which the Authority has responsibility.
- (m) The National Roads Fund Board shall review the Plan and the funding submissions of the Authority against set financial, economic and social criteria for the achievement of the objects of the National Roads Fund Board; and shall upon satisfying itself of the integrity of the Plan and the submissions of the Authority, approve the programme contained in the Plan for funding from the Roads Fund.
- (n) The Authority shall keep the Plan under review and update it annually, with appropriate input and approval of the National Roads Fund Board, within the five year rolling plan cycle.

#### **PART VIII MISCELLANEOUS**

#### **20. Application of the Public Officers Protection Act**

Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against an officer or employee of the Authority.

#### **21. Notices**

A notice, summons or other documents required or authorized to be served upon the Authority under the provisions of this Act or any other enacted law may be served by delivering it to the Managing Director or by sending it by registered post addressed to the Managing Director at any of the principal offices of the Authority or by electronic means through e-mail or website of the Authority.

#### **22. Legal Proceedings.**

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

- (a) cause of action;
- (b) particulars of the claim;
- (c) name and place of abode of the intending plaintiff; and
- (d) relief sought.

### **23. Indemnity of officers of the Authority**

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

### **24. Confidentiality**

- (1) A member of the Board, or the Board or the Managing Director or any other officer or employee of the Authority shall –
  - (a) not, for his personal gain, make use of any information which has come to his knowledge in the exercise of his power or is obtained by him in the ordinary course of his duty as a member of the Board or as a Managing Director, officer or employee of the Authority;
  - (b) treat as confidential any information which has come to his knowledge in the exercise of his power or is obtained by him in the performance of his duties under this Act;
  - (c) not disclose any information referred to under paragraph (b) of this sub-section, except where required to do so by a Court or in such other circumstances as may be prescribed by the Board from time to time.
- (2) Any person who contravenes any of the provisions of sub-section (1) of this section commits an offence and shall be liable on conviction to a fine of not less than N200,000.00 or imprisonment for a term not exceeding two years or both such fine and imprisonment.

### **25. Regulations**

The Board may, with the approval of the Minister make such regulations as in its opinion, are necessary or expedient for giving full effect to the provisions of the Act and for the due administration of its provisions.

### **26. Repeal, savings and transitional Provisions**

- (1) The Federal Roads Maintenance Agency (Establishment etc.) Act, 2002 and the Federal Roads Maintenance Agency (Amendment, etc) Act, 2007 are hereby repealed.
- (2) Any provision of the Federal Highways Act Cap F13 Laws of the Federation of Nigeria, 2004 which is inconsistent with the provisions of this Act shall to the extent of the inconsistency, be void and the provisions of this Act shall prevail.

- (3) Without prejudice to section 6 of the Interpretation Act, the repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the Act.
- (4) Every regulation, order, requirement, certificate, appointment with tenure, notice, direction, decision, authorization, consent, application, request or thing made, issued, given or done under the repealed Acts shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Act.
- (5) All assets, funds, resources and other movable and immovable property which, immediately before the commencement of this Act, vested in Agencies established under the repealed Acts shall by virtue of this Act and without further assurance be vested in the Authority established under this Act.
- (6) The Statutory functions, rights, interest, obligations and liabilities of the Federal Roads Maintenance Agency and the Department of the Ministry responsible for construction, rehabilitation and maintenance of Federal Roads before the commencement of this Act under any contract, rights of way, concessions or instrument shall by virtue of this Act be deemed to have been assigned to, transferred or vested in the Authority.
- (7) Nothing in subsection (1) of this section shall be construed to preclude the power of the Ministry to engage in the construction of roads.

**27. The Role of the National Council on Privatization**

The National Council on Privatization shall, in consultation with the Minister in charge of roads, not later than three months after the coming into force of this Act, take such steps as are necessary to bring into being the institutional structures of the Authority.

**28. Interpretation**

In this Act except the context otherwise requires –

- “Authority” means the Federal Roads Authority established under section 2 of this Act;
- “base camps” means the outfit or unit office established by the Authority along Federal Roads;
- “Board” means the Governing Board of the Authority established under section 3 of this Act;
- “COREN” means Council for the Registration of Engineers
- “Federal Roads” means roads and bridges owned by the Federal Government and as gazette;
- “function” includes power and duty;
- “geo-political zones” means the six geo-political units of the Federation;

"member" means a member of the Board and includes the Chairman;

"Minister" means Minister in charge of Federal Road Infrastructure;

"Ministry" shall be construed accordingly;

"PPP" means Public Private Partnership;

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

"Power" includes functions and duty.

**28. Short title**

This Act may be cited as the Federal Roads Authority Act, 2015.

**SCHEDULE I**

**SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD  
PROCEEDINGS OF THE BOARD**

**[Section 3(4)]**

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its Committees.
2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their members to preside.
3. The quorum at a meeting of the Board shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule, and five other members.
4. The Board shall for the purpose of this Act, meet not less than three times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to the Chairman by not less than eight members, the Chairman shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.
5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.



6. (a) Subject to its standing orders, the Board may appoint such number of standing and ad hoc Committees as it thinks fit to consider and report on any matter with which the Authority is concerned.
- (b) A committee appointed under this paragraph shall -
  - (i) consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person other than a member of the Board shall hold office on the Committee in accordance with the terms of his appointment; and
  - (ii) be presided over by a member of the Board
- (b) The quorum of any Committee set up by the Board shall be as determined by the Board.
- (c) A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

#### **Miscellaneous**

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

**SCHEDULE II**  
**EXECUTION OF ROAD MANAGEMENT TASK**

***Form of Execution of Road Management Function***

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

***Preparation and Adoption of Annual Work Plans***

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

**SCHEDULE III**

**Transfer of Assets**

1. All Assets and funds which immediately before the commencement of this Act were vested in the Federal Roads Maintenance Agency "the Agency" and the department of the Ministry responsible for construction, rehabilitation and maintenance of Federal Roads shall by virtue of this Act be vested in the Federal Roads Authority. Provided that nothing in this Act shall be construed to preclude the power of the Ministry responsible for roads from engaging in the construction of roads.
2. All references in this schedule to the Agency shall mean and include the department of the Ministry of Works responsible for construction, rehabilitation and maintenance of Federal Roads.

3. All bonds, hypothecations, securities, deeds, contracts, instruments, documents, and working arrangements with respect to the assets transferred, that subsisted immediately before the commencement of this Act and to which the Agency was a party shall be as fully effective and enforceable against or in favour of the Authority as if, instead of the Agency, the Authority had been named therein.
4. Any cause of action or proceeding which existed or was pending with respect to the assets transferred by or against the Agency immediately before commencement of this Act, shall be enforced or continued, as the case may be, by or against or in favour of the Authority in the same way that it might have been enforced or continued by or against the Agency had this Act not been passed.
5. No action or other proceeding shall be commenced against the Authority in respect of an employee or asset that has been transferred to the Authority, where, if there had been no transfer, the time for commencing the action or other proceeding would have expired.
6. Nothing in this Act and nothing done as a result of a transfer under sub-paragraph (1) of this paragraph shall create any new cause of action in favour of:
  - a) a holder of a debt instrument that was issued by the Agency before the commencement of this Act; and
  - b) a party to a contract with the Agency that was entered into before the commencement of this Act.
7. Any guarantee or surety-ship given or made by the Federal Government or any other person in respect of any debt or obligation of the Agency, and which was effective immediately before the transfer of the principal debt or obligation, shall remain fully effective against the guarantor or surety on and after the transfer date in relation to the payment of the debt or the performance of the obligation, as the case may be, by the Authority to which the principal debt or obligation was transferred.

### **Transfer of Employees**

8. (1) Upon the Commencement of this Act, such number of persons employed by the Agency as may be required by the Authority shall be deemed to be staff of the Authority and shall be transferred to the service of the Authority on terms not less favourable than those enjoyed immediately prior to the transfer.

(2) The service rendered by an employee transferred pursuant to sub-paragraph (1) of this paragraph to the Agency shall be deemed to be service with the Authority for the purpose of determining employment related entitlements as specified in the relevant laws of employment in Nigeria.

(3) Until such time as conditions of service are drawn up by the Authority:

  - (a) the terms and conditions of service applicable to employees of the Agency shall continue to apply to every person transferred to the Authority as if every such person were still in the service of the Agency; and

- (b) the Authority shall continue to contribute towards any pension scheme to which the Agency was contributing in respect of persons in the employ of the Agency prior to the transfer date.
- (4) Nothing in this paragraph shall operate so as to prevent any employee of the Agency from resigning or being dismissed from service.
- (5) Nothing in this paragraph shall operate so as to create an entitlement for any employee of the Agency to become an employee of the Authority.

#### **Directions to the Agency**

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

#### **EXPLANATORY MEMORANDUM**

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

This Bill seeks to repeal the Federal Roads Maintenance Agency (Establishment etc.) Act 2002 (as amended) and establish the Federal Roads Authority for the safe and efficient management of the Federal Roads Network to meet the socio-economic demands of the country; promote the sustainable development and operation of the road sector; and facilitate the development of competitive markets and the promotion of enabling environment for private sector participation in the financing, maintenance and improvement of roads in Nigeria.