

The following Bill, which will in due course be presented to Parliament for enactment, is published for general information.

## THE REMOVAL OF VEHICLES, ETC. (LAGOS) BILL

### EXPLANATORY MEMORANDUM

This Bill makes fresh provision for the removal of motor vehicles left on highways in Lagos in breach of the parking regulations. It requires the Lagos City Council to provide the means of removing these vehicles and the places in which they are to be kept until they are claimed or, where they remain unclaimed for a substantial period, until they are disposed of in accordance with the directions of the High Court.

The Bill also provides for the arrest without a warrant of persons in charge of taxis and other vehicles used for transporting members of the public where the use is not authorised by the appropriate permit.

MUSA YAR'ADUA,  
*Minister of Lagos Affairs*

## THE REMOVAL OF VEHICLES, ETC. (LAGOS) BILL

### ARRANGEMENT OF CLAUSES

#### Clause

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|---|---|
| 1. Removal of vehicles from highways.                       | 5. Arrest without warrant of persons in charge of vehicles unlawfully used as taxis, etc. |
| 2. Provision of removed vehicle parks, etc. by the Council. | 6. Interpretation, etc.   |
| 3. Reclaiming of removed vehicles.                          | 7. Short title, extent and commencement.  |
| 4. Disposal by court of unreclaimed vehicles, etc.          |   |

# A BILL

FOR

AN ACT TO PROVIDE FOR THE REMOVAL AND DISPOSAL OF VEHICLES LEFT ON HIGHWAYS; FOR THE ARREST WITHOUT WARRANT OF PERSONS IN CHARGE OF VEHICLES APPEARING TO BE USED UNLAWFULLY AS HACKNEY OR STAGE CARRIAGES; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[See section 7 (2)]

Commence-  
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:

1.—(1) Where a motor vehicle is stationary on a highway, any police officer of or above the rank of inspector may, subject to subsection (3) of this section, cause the vehicle to be removed to a removed vehicle park if—

Removal of  
vehicles from  
highways.

(a) he has reasonable grounds for believing that the presence of the vehicle on the highway is in contravention of provisions of an enactment relating to the parking of vehicles; and

(b) he is of the opinion that the contravention should be investigated; and

(c) he has reasonable grounds for believing either—

(i) that the vehicle is not in a condition in which it can be moved under its own power; or

(ii) that no person authorised to drive the vehicle is in or in the immediate vicinity of the vehicle.

(2) A person acting in pursuance of the foregoing subsection as respects any vehicle may use such force as may be reasonably necessary for the purpose of removing the vehicle or of gaining access to any part of it in order to facilitate the removal of the vehicle.

(3) Where a police officer has given instructions for the removal of a vehicle in pursuance of subsection (1) of this section but—

(a) the vehicle has not been moved from its position in pursuance of the instructions; and

(b) a person claiming to be entitled to the custody of the vehicle gives to any person proposing to carry out the instructions an undertaking to remove it forthwith,

the instructions shall cease to have effect if the undertaking is fulfilled; but except as provided by the foregoing provisions of this subsection a person claiming to be entitled to the custody of a vehicle in respect of which such instructions have been given shall not be entitled to recover the vehicle otherwise than in pursuance of the following provisions of this Act.

Provision of  
removed  
vehicle  
parks, etc.  
by the  
Council.

2.—(1) It shall be the duty of the Council—

(a) to provide and maintain places in Lagos to which vehicles may be removed in pursuance of the foregoing section (in this Act referred to as "removed vehicle parks"), and to secure that an officer in charge of each park is at all times present in the park when removed vehicles are in it; 5

(b) to provide suitable facilities (including equipment and persons to operate it) for the removal of vehicles in pursuance of the foregoing section;

(c) to make reasonable arrangements for the safe-custody of removed vehicles while they are in removed vehicle parks; 10

(d) to provide and maintain at the principal offices of the Council a record containing particulars of each removed vehicle and its contents and specifying the date of its removal, the park in which it is situated and whether an application in respect of the vehicle has been made to the court in pursuance of subsection (3) of section four of this Act; and 15

(e) to keep the record open during normal office hours for inspection free of charge by members of the public.

(2) The Council shall not be under any duty to protect removed vehicles otherwise than as mentioned in paragraph (c) of the foregoing subsection, and in particular shall not be under a duty to protect removed vehicles from damage attributable to sun, rain, wind or other physical conditions. 20

Reclaiming  
of removed  
vehicles.

3.—(1) A person who tenders to the official in charge of a removed vehicle park— 25

(a) such evidence as may be prescribed of his entitlement to the custody of a removed vehicle which is in the park; and

(b) the appropriate charges in respect of the vehicle and a receipt for the vehicle in the prescribed form, 30

shall, subject to the provisions of subsection (3) of this section and of any order under this Act previously made by the court, be entitled, on demand at the park at any time between the hours of eight o'clock in the morning and six o'clock in the following evening on any weekday (other than a public holiday) and with consent given on behalf of the Council at any other time, to have the vehicle delivered up to him at the park. 35

(2) In the foregoing subsection—

"appropriate charges", in relation to a removed vehicle of any class, means such sum as the Minister may by order specify as respects vehicles of that class; and 40

"prescribed" means prescribed by regulations made by the Minister; and the Minister shall so exercise his powers to make orders under this subsection as to secure that the sums specified by the orders will, in his opinion, not in the aggregate exceed the sums required, taking one year with another, to reimburse to the Council the cost of performing the functions imposed on the Council by this Act. 45

(3) Except so far as the court otherwise orders, subsection (1) of this section shall not apply in relation to a removed vehicle as respects which an application to the court has been made in pursuance of this Act:

4.—(1) If a removed vehicle is not disposed of in accordance with this Act within the period of one month beginning with the date on which it is removed in pursuance of this Act, the Council shall, as soon as reasonably practicable after the expiration of that period, cause to be published in two separate issues of the Gazette of the Federation, and of each of two daily newspapers circulating in Lagos, a notice containing particulars of the vehicle and stating that, unless the vehicle is otherwise disposed of in accordance with this Act before the expiration of the period of two months beginning with the date of the Gazette in which the notice is first published, the Council proposes to apply to the court for an order for the forfeiture of the vehicle to the Council.

Disposal by  
court of  
unreclaimed  
vehicles, etc.

(2) A person claiming to be entitled—

(a) to the benefit of a charge or lien on a removed vehicle apart from its contents; or

(b) to, or to the benefit of a charge or lien on, any contents of a removed vehicle,

may at any time before the making of an application in respect of the vehicle in pursuance of the next following subsection, apply to the court for an order protecting his interest in the vehicle or the contents, as the case may be; and on any such application the court may make such order as it considers just, including an order vesting the vehicle or its contents in any person on such terms as the court thinks fit.

(3) If, on an application in respect of a removed vehicle made by the Council after the expiration of the period of two months mentioned in subsection (1) of this section, the court is satisfied—

(a) that notices in accordance with that subsection have been published in respect of the vehicle; and

(b) that immediately before the removal of the vehicle in pursuance of this Act its presence on the highway from which it was removed was in contravention of provisions of an enactment relating to the parking of vehicles; and

(c) that no person claiming to be entitled to the custody of the vehicle or to any of its contents has taken the steps required by rules of court for the purpose of enabling him to oppose the application, or that every such person who has taken those steps has failed to establish his claim,

the court may order the forfeiture of the vehicle to the Council; and where such an order is made in respect of a removed vehicle, the vehicle (including its contents) shall, subject to the provisions of any relevant order made in pursuance of the last foregoing subsection, vest in the Council free from encumbrances, and the Council may retain it or dispose of it as the Council thinks fit.

(4) Where, on an application made to the court in pursuance of the last foregoing subsection in respect of a removed vehicle, any such person as is mentioned in paragraph (c) of that subsection establishes his claim to be entitled to the custody of the vehicle or to any of its contents, the court may make such order as it considers just, including an order vesting the vehicle or its contents in any person on such terms as the court thinks fit.

(5) Any application to the court under this section shall be made in accordance with rules of court.

Arrest without warrant of persons in charge of vehicles unlawfully used as taxis etc.  
Cap. 184.

5. Without prejudice to any other power of arrest exercisable by a police officer, any police officer may arrest without a warrant a person who, within the view of the officer, acts as the driver of a motor vehicle or as the driver's assistant in such circumstances that the officer reasonably believes that the vehicle is being used in contravention of any enactment relating to permits or licences for the use of vehicles as hackney or stage carriages within the meaning of the Road Traffic Act.

Interpretation, etc.

6.—(1) In this Act the following expressions have the meanings hereby assigned to them respectively unless the context otherwise requires, that is to say—

“the Council” means the Lagos City Council;

“the court” means the High Court of Lagos;

“enactment” has the same meaning as in section twenty-seven of the Interpretation Act, 1964;

“the Minister” means the Minister of the government of the Federation responsible for relations with the Council;

“motor vehicle” has the same meaning as in the Road Traffic Act;

“removed vehicle” means a vehicle removed in pursuance of section one of this Act; and

“removed vehicle park” has the meaning assigned to it by paragraph (a) of subsection (1) of section two of this Act.

(2) In this Act, references to a vehicle include references to any trailer or other thing attached to the vehicle and, except where the contrary intention appears and except in paragraph (a) of subsection (1) of section three, references to the contents of the vehicle.

(3) Nothing in this Act shall be construed as affecting the liability of any person to be convicted of or punished for an offence.

Short title, extent and commencement.

7.—(1) This Act may be cited as the Removal of Vehicles, etc. (Lagos) Act, 1964, and shall apply to the Federal territory only.

(2) This Act shall come into force on such day as the Minister may by order appoint.

(901)