

PRICE CONTROL (AMENDMENT) DECREE 1971



Decree No. 3

[24th February 1971]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. For paragraphs (d) and (e) of section 1 (1) of the Price Control Decree 1970 (hereinafter referred to as "the principal Decree") there shall be substituted the following paragraphs—

Amend-
ment of
section 1 of
principal
Decree.
1970 No. 33.

"(d) the Chairman of the Price Control Committee of each State, who shall be the representative of the State on the Board,

(e) two members appointed by the Commissioner to represent trade unions,".

2. In section 2 (2) (d) of the principal Decree the words "appointed" and "Industry" shall be substituted for the words "nominated" and "Industries" respectively.

Amend-
ment of
section 2 of
principal
Decree.

3. For section 4 of the principal Decree there shall be substituted the following section—

Replace-
ment
of section
4 of
principal
Decree.

"4.—(1) The Board may by order—

(a) fix a basic price for any controlled commodity in accordance with subsection (2) below, and

(b) fix the permitted variation for that commodity in respect of any State in accordance with subsection (3) below.

(2) The basic price is the price which in the opinion of the Board properly represents—

(a) in the case of goods produced in Nigeria, the cost of production of the commodity plus the manufacturers' profit, and

(b) in the case of imported goods, the duty-paid landed cost in Nigeria plus the importers' profit.

(3) The permitted variation, in relation to any particular commodity, is the amount representing transport and other costs plus the distributor's profit which in the opinion of the Board ought properly to be added to the basic price in order to represent a fair controlled price (wholesale or retail as the case may be) in any State."

Amendment of section 5 of principal Decree.

4.—(1) For subsections (2) and (3) of section 5 of the principal Decree there shall be substituted the following subsections—

“(2) Subject to subsection (3) below, public officers may be appointed by the Commissioner to be inspectors for the purposes of this Decree, and when so appointed shall be designated in such manner as may be from time to time approved by the Board.

(3) Every divisional or district officer shall be ex officio an inspector (designated in such manner as may from time to time be approved by the Board) for the area in which he exercises jurisdiction.”

(2) Immediately after subsection (5) of the said section 5 there shall be added the following subsection—

“(6) The powers conferred by subsection (4) above are additional to and not in derogation of any powers conferred on any person by any other enactment, and accordingly (without prejudice to the generality of the foregoing) nothing in that subsection or any other provision of this Decree shall prevent—

(a) the conduct on behalf of the Board of any civil or criminal proceedings by a legal practitioner, or

(b) the conduct on behalf of the Board of any criminal proceedings by a police officer.”

Amendment of sections 8 and 9 of principal Decree.

5.—(1) The words “and without warrant” shall be inserted immediately after the words “at any time” in section 8 (1) (a) of the principal Decree.

(2) For the words “a senior price inspector” in section 8 (1) of the principal Decree there shall be substituted the words “an inspector not below the rank of senior price inspector”.

(3) For the words “a senior price inspector”, “the senior price inspector” and “subsection (1) above” in section 8 (2) of the principal Decree there shall be substituted the words “an inspector to whom subsection (1) above applies”, “the inspector” and “that subsection” respectively.

(4) For the words “a senior price inspector” in section 9 (1) of the principal Decree there shall be substituted the words “an inspector not below the rank of senior price inspector”, and for the words “a senior price inspector” in section 9 (2) of the principal Decree there shall be substituted the words “an inspector”.

Amendment of section 10 of principal Decree.

6. Section 10 of the principal Decree is hereby amended by the deletion of the words “as to the Board and Committees” from the marginal note and the addition, immediately after subsection (3), of the following subsections—

“(4) The Board may make regulations to facilitate the implementation of this Decree.

(5) The Chief Justice of the High Court of a State with the concurrence of the Military Governor or Administrator of the State may by order in the State Gazette confer jurisdiction (subject to such conditions, limitations and other provisions, including provisions as to the right of appeal, as may be contained in the order) on area courts or customary courts in the State or in a part of the State to try offences under this Decree.

(6) A police officer or an inspector may arrest without warrant any person whom he reasonably believes to have committed or to be committing an offence under this Decree; and, if the arrest is made by an inspector,

the inspector shall cause the arrested person to be delivered as soon as possible into the custody of a police officer, who shall thereupon proceed as if he himself had made the arrest under this subsection."

7.—(1) For the definition of "inspector" in section 12 of the principal Decree there shall be substituted the following definition—

Amendment of section 12 of principal Decree.

"'inspector' means any inspector, however designated, who is an inspector by virtue of section 5 (2) or (3) of this Decree ;".

(2) Immediately after the said definition of "inspector" there shall be inserted the following definition—

"'senior price inspector' means either—

(a) an inspector so designated by the Board, or

(b) an inspector not so designated who is declared in writing by the State Price Controller of a State to be equivalent to a senior price controller in that State for the purposes of sections 8 and 9 of this Decree ;".

8. Immediately after the words "District Court" in paragraph 10 of Schedule 2 to the principal Decree there shall be inserted the words "(or, to the extent that jurisdiction may have been conferred upon it under section 10 (5) of this Decree, an area court or a customary court)".

Amendment of Schedule 2 to principal Decree.

9.—(1) This Decree may be cited as the Price Control (Amendment) Decree 1971 and shall apply throughout the Federation.

Citation, extent and saving.

(2) Nothing in this Decree shall invalidate or otherwise prejudicially affect any appointment made or price fixed under the principal Decree ; and any such appointment or price, if it was effective immediately before the commencement of this Decree, shall thereafter have effect as if it had been validly made or fixed under the principal Decree as amended by this Decree.

MADE at Lagos this 24th day of February 1971.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The amendments provided for under this Decree remove certain difficulties that have been encountered in the operation of the principal Decree, and these, among other things, relate to—

- (a) the composition of the Price Control Board,
- (b) the method of fixing the basic price of any controlled commodity,
- (c) the appointment and designation of certain officials.

FEDERAL HIGHWAYS DECREE 1971



ARRANGEMENT OF SECTIONS

Section

Control of Federal Highways

1. Commissioner to control etc. federal highways.
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9. Drivers of motor vehicles to have driving licences.
10. Offences relating to licences and identification marks.
11. Driving without authority of owner of motor vehicle.
12. Failure to report accidents etc. on federal highway.
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14. Overloading or driving a vehicle in an unsafe condition.
15. Use of motor vehicle for purposes other than licensed.
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20. Powers incidental to intention to acquire land for federal highway.
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22. Power to enter on adjacent land.
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24. Power to declare road to be federal highway.
25. Application of Motor Vehicles (Third Party Insurance) Act to road users generally.
26. Regulations.
27. Interpretation.
28. Citation, extent and commencement.

Decree No. 4

[See section 28]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

Control of Federal Highways

1.—(1) Subject to the provisions of this Decree federal highways shall on the commencement of this Decree be under the management, direction and control of the Federal Commissioner charged with responsibility for roads (hereafter in this Decree referred to as “the Commissioner”).

Commis-
sioner to
control
etc. federal
highways.

(2) Accordingly, the Commissioner shall have responsibility—

- (a) for planning (including research and designing) of federal highways ;
- (b) for their construction and maintenance ;
- (c) for the supervision of user thereof ; and
- (d) for the regulation of traffic thereon.

(3) The Federal Military Government may subject to the provisions of this Decree delegate to the Government of a State in respect of traffic on federal highways all or any of the powers in subsection (5) of this section as may be expedient in the circumstances ; and such powers may be further delegated by the Government of a State to any local authority within that State.

(4) Where any power is delegated pursuant to subsection (3) above, it shall be additional to and not in derogation of any other power of the police in respect of road traffic, and the power may accordingly be sub-delegated to and be exercised by any police officer.

(5) The powers referred to in subsection (3) above are—

- (a) restriction on type or class of vehicle and vehicle inspection ;
- (b) road diversion or closure where necessary as a temporary measure ;
- (c) prohibition of parking or waiting as the case may be on federal highways or on specified parking or waiting places and on space reasonably required for vehicles approaching or leaving premises on or immediately adjoining a federal highway ;
- (d) prohibition of erection of hoardings and other forms of advertising within a distance of three hundred feet from the middle line of any road formation in the vicinity of a federal highway or within the distance aforesaid from the middle line of the federal highway ;
- (e) generally ensuring the uninterrupted flow of vehicular and pedestrian traffic.

(6) Penalties prescribed for infringement of any regulations made by the Commissioner under the power conferred by this Decree shall apply and have effect in respect of powers delegated under and for the purposes of this section to the like extent as if the regulations had been made contemporaneously with the operation of any such delegation as aforesaid under this section and had so provided.

(7) Where under this section any power is delegated and in relation thereto an act or omission is an offence under this Decree and also an offence under any road traffic enactment in force in a State, the provisions of this Decree as to offences shall prevail so however that where before the coming into force of this Decree proceedings commenced in respect of an act or omission which is an offence under a road traffic enactment in a State and the penalty prescribed differs from any prescribed for the like offence hereunder, any prosecution may, if the case has not been disposed of on the commencement of this Decree, be continued as if this Decree had not been made.

Power to
acquire
land for
federal
highway.

2.—(1) The Federal Military Government may in consultation with the Government of the state concerned, from time to time in such manner as it may prescribe acquire land for the purposes of this Decree and when so acquired such land shall be deemed to be a federal highway within the meaning of this Decree; and such land may, if no longer required for the purposes aforesaid, be disposed of in accordance with the law of the area concerned. In this subsection, the reference to land includes reference to a road, other than a federal highway, formed on land.

Cap. 167.
Cap. 45.
1968
No. 38.

(2) Except in respect of roads which are deemed to be federal highways, compensation shall be paid pursuant to the Public Lands Acquisition Act or, where applicable, pursuant to section 24 of the State Lands Act as amended by the State Land (Compensation) Decree 1968, for land acquired under subsection (1) above after the commencement of this Decree.

(3) Where land at the commencement of this Decree or at any time thereafter is part of a federal highway, the ownership shall include not only the surface but also the subsoil to an indeterminate depth; and user adverse to that as a federal highway shall operate in favour of level crossings constructed by the Nigerian Railway Corporation and then only where a train or engine is approaching and within half a mile of a level crossing.

Cap. 96.

(4) It is declared for the avoidance of doubt that in the application of this section, an acquisition of land for the purposes of this Decree shall be for a public purpose of the Federation within the meaning of the Public Lands Acquisition Act and the Land and Native Rights Act.

(5) The acquisition of land for the purposes of this Decree includes the right to obtain control over the land and to use the land for the erection of buildings and for the supervision of the user by the public.

Drainage
and other
works.

3.—(1) The Commissioner may in the performance of his duties under this Decree make and thereafter maintain in respect of any federal highway convenient decking and drainage work for the purpose of making good any interruptions caused to the use of the lands of adjoining owners or occupiers through which such federal highway passes or is made, or of diverting storm or other water from a federal highway.

(2) For all or any of the purposes in subsection (1) above the Commissioner may enter upon land adjoining the federal highway subject to the giving of reasonable notice to owners or occupiers and doing as little damage as possible through such entry or exit after entry; and in the course thereof the Commissioner may block up, divert or alter the level or course of water flowing in defined channels, natural or artificial, or otherwise contained by any means.

(3) Nothing in this section shall require the Commissioner to provide convenient decking or drainage work—

(a) where the owners or occupiers have failed to make representations during the time that the section of the federal highway affected, adjoining or passing through their land was in course of construction ; or

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

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

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

(5) The failure to comply with the requirement of the Commissioner directed or given to any person under this section shall be an offence punishable on conviction by a fine of not less than fifty pounds or more than one hundred pounds or by imprisonment for a term of three months, or by both such fine and imprisonment.

(6) In this section "convenient" in relation to decking and drainage work means of use or benefit to road users or as the case may be adjoining owners or occupiers.

Offences

4. Any person who causes the death of another person by the driving of a motor vehicle on a federal highway recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the federal highway, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the federal highway, shall be guilty of an offence and liable on conviction to imprisonment for a term of seven years.

Causing death by reckless or dangerous driving.

5.—(1) Any person who drives a motor vehicle on a federal highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the state, condition, and use of that highway, and to the amount of traffic which at the time is or might reasonably be expected to be on that highway shall be guilty of an offence and liable on conviction to a fine of two hundred pounds or to imprisonment for two years or to both such fine and imprisonment.

Reckless etc. driving on federal highway.

(2) If upon the trial of a person for an offence against section 4 of this Decree the court is not satisfied that the person's driving was the cause of the death but is satisfied that he is guilty of driving as mentioned in sub-section (1) of this section the court may convict that person of an offence under this section.

Careless
and
inconsi-
derate
driving.

6.—(1) Any person who drives a motor vehicle on a federal highway without due care and attention, or without reasonable consideration for other persons using the federal highway shall be guilty of an offence and be liable on conviction to a fine of fifty pounds, or in the case of a second or subsequent conviction to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

(2) Where a person is charged with an offence under section 5 of this Decree and the court is of the opinion that the offence is not proved, then at any time during the hearing or immediately thereafter the court may, without prejudice to any other power exercisable by the court, direct or allow a charge for an offence under this section to be preferred forthwith against that person and may thereupon proceed with that charge, so however that the person charged or his counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against him or otherwise, of answering the new charge, and the court shall, if it considers that he is prejudiced in his defence by reason of the new charge being so preferred, adjourn the hearing.

Driving
under
influence
of drink ;
power to
disqualify
from driving
in certain
cases.

7.—(1) Any person, who when driving or attempting to drive, or when in charge of, a motor vehicle on a federal highway is under the influence of drink or drugs to such an extent as to be incapable of having proper control of such vehicle, shall be guilty of an offence and liable on conviction to a fine of two hundred pounds or to imprisonment for two years, or to both such fine and imprisonment.

(2) If a person is convicted under this section or under section 4, 5 or 6 of this Decree he shall, unless the court for any special reason otherwise orders, be disqualified for a period of twelve months or if the court thinks fit for any greater period (from the date of the conviction) from holding or obtaining a driving licence.

Power of
arrest in
certain
cases.

8. A police officer may arrest without warrant the driver of a motor vehicle on a federal highway who within his view commits an offence against section 4, 5, 6 or 7 of this Decree unless the driver either produces his licence to drive or produces other evidence of his identity acceptable to the police officer.

Drivers of
motor
vehicles
to have
driving
licences.

9.—(1) A person shall not drive on a federal highway a motor vehicle of any class or description unless he is the holder of a valid licence authorising him to drive a motor vehicle of that class or description.

(2) A person shall not employ another person to drive on a federal highway a motor vehicle of any class or description unless the person employed is the holder of a valid licence authorising the person employed to drive a motor vehicle of that class or description.

(3) A person who acts in contravention of subsection (1) or (2) of this section shall be guilty of an offence and liable on conviction to a fine of fifty pounds or in the case of a second or subsequent offence to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment.

Offences
relating to
licences and
identifica-
tion marks.

10.—(1) Any person who for purposes incidental to user on a federal highway (and whether or not so used)—

(a) forges, or fraudulently defaces, alters, adds to or mutilates, any driving or vehicle licence or identification mark ; or

(b) exhibits or uses any driving or vehicle licence, or identification mark which has been forged or defaced ; or

(c) lends or allows to be used by any other person any such licence as aforesaid or identification mark pertaining to another vehicle ; or

(d) uses a driving licence belonging to another person or exhibits or uses on a vehicle any licence upon which figures or particulars have become illegible, or exhibits or uses on a vehicle any colourable imitation of a licence to which he is not entitled,

shall be guilty of an offence.

(2) Any person who drives on a federal highway a motor vehicle required to bear a prescribed identification mark without that identification mark or with a false identification mark shall be guilty of an offence.

(3) In this section the burden of proof of any absence of intent to commit an offence shall lie upon the person charged therewith.

11. Any person who on a federal highway drives a motor vehicle on any occasion without the authority express or implied of the owner shall be guilty of an offence and liable on conviction to a fine of fifty pounds or to imprisonment for six months, or to both such fine and imprisonment.

Driving without authority of owner of motor vehicle.

12.—(1) Where an accident occurs on a federal highway by reason of the use of a motor vehicle or trailer and injury is caused to any person, property, or livestock in the charge of any person, the driver of the motor vehicle shall—

Failure to report accidents etc. on federal highway.

(a) immediately stop the vehicle ;

(b) when requested so to do furnish his name and address, the name and address of the owner of the vehicle, the identification mark of the vehicle, and other particulars relating thereto to any person to whom, or to the owner or person in charge of the property or of the livestock to which, the injury or other damage has been caused, or to any police officer ;

(c) if the person injured so requests, (and in any case if that person is unconscious or the injury caused to that person appears to endanger life) do all things reasonably practicable to attend to the injured person so as to procure for him medical attention and, where necessary, his removal to a hospital, and the driver aforesaid shall report the accident as early as possible to the nearest police station ; and

(d) where a case is not within paragraph (c) above, report the accident as soon as possible (not later in any event than 24 hours from the time when the accident occurred) to the nearest police station.

(2) Any person who fails to comply with any of the requirements of subsection (1) of this section shall be guilty of an offence under this Decree.

13.—(1) Any person suspected of having committed an offence under this Decree, and who refuses without lawful excuse to give to a police officer his name and address or such other information that may reasonably be demanded of him by the police officer, or who gives a false name or address or false information, shall be guilty of an offence.

Failure to supply etc. information lawfully demanded.

(2) The owner and any other person in control or apparent control of a vehicle or of any animals on a federal highway shall on lawful demand by a police officer give to that officer information which the owner or other person aforesaid may have concerning any offence involving the use of the vehicle or the driving of animals on the federal highway at the time of the offence, and the failure to comply with any such lawful demand shall itself be an offence under this Decree.

Overloading or driving a vehicle in an unsafe condition.

14. Where on a federal highway an offence relating to the overloading of a commercial vehicle or of driving a commercial vehicle in an unsafe condition or at a speed exceeding that prescribed by law is committed, the persons liable to conviction in respect of the offence shall be—

- (a) the driver;
- (b) the owner if not also the driver; and
- (c) a bailee if not also the driver,

so however that proceedings against any person as owner or bailee under paragraph (b) or (c) above shall not be instituted without the approval of the Attorney-General of the Federation, and it shall be a good defence to a prosecution if the owner or bailee as aforesaid proves to the satisfaction of the court that no act or omission on his part was conducive to the commission of the offence.

Use of motor vehicle for purposes other than licensed.

15. Any person who uses a motor vehicle for a purpose other than that for which it is licensed shall be guilty of an offence; and save in the case of driving without a licence (in respect of which a different penalty may be imposed) nothing in this Decree shall affect or diminish liability of the driver or, as the case may be, the owner or bailee of the vehicle or as a driver under any other enactment or rule of law.

Offences in respect of which penalties are not elsewhere prescribed.

16. Where in respect of an offence under this Decree no penalty is prescribed, the court convicting may in the case of a first offence impose a penalty by way of fine of one hundred pounds or of imprisonment for a term of twelve months or both, and in respect of a second or any subsequent offence (whether of the same kind or not) the penalty shall be imprisonment for a term of eighteen months without the option of a fine unless the court otherwise considers that a fine will be appropriate in the circumstances.

Power of police officer to retain driving licence etc.

17.—(1) Notwithstanding any other provision of this Decree, if a police officer is of the opinion on reasonable grounds that there may be difficulty in effecting service of a summons, he may demand and retain the driving licence of any person who commits or is suspected by him of having committed an offence under this Decree.

(2) Where a driving licence is retained, whether or not pursuant to this section, the police officer retaining the licence shall give a written receipt for it and inform the person surrendering the licence of the name of the police station at which it may be reclaimed.

(3) If a summons in respect of an offence under this Decree is served on the person whose driving licence is retained by the police or that person appears personally at the nominated police station not later than three days after retention of the driving licence he may have it returned to him upon giving to the police a receipt therefor duly signed and dated by him.

18. Notwithstanding the provisions of any other enactment or rule of law, where in respect of vehicles used in any of the public services of the Federation or of a State an offence under this Decree is committed on a federal highway, the Ministry or other department of State in whose service (Federal or otherwise) the vehicle is used, may nominate an official as the person responsible for the offence, and that person shall be deemed to be the person actually liable therefor unless the court hearing the charge is satisfied that the driver of the vehicle was in fact the person guilty of the offence.

Power to nominate driver of vehicle in public service etc.

19.—(1) Where in the course of any prosecution for an offence under this Decree it is proved that structural damage to the formation of or to decking or drainage work as part of a federal highway has been caused by any person (whether or not that person has been charged with causing damage or with any other offence under this Decree) the court shall after the conviction of the offender assess the amount of damage done and apportion the degree of fault where practicable, or in default of making the assessment may remit the case to any superior court for that purpose.

Assessment of compensation in certain cases of damage relative to federal highway.

(2) The court so assessing damage done and affixing liability pursuant to this section shall, by court order, require the person at fault to make good the damage for which the court finds him liable, and that amount shall be a debt due to the Government of the Federation and shall be recoverable accordingly.

(3) The foregoing provisions of this section are in addition to and not in derogation of any penalty for offences imposed on the conviction of any person for an offence under this Decree or under other enactments or law.

Miscellaneous and Supplemental

20.—(1) Subject to the provisions of this section, where it appears to the Commissioner that land in any locality is likely to be needed for the purposes of a federal highway, the Commissioner may in writing authorise any person to enter upon any land in the locality for the purpose of surveying and taking necessary levels, and for that purpose the person so authorised may—

Powers incidental to intention to acquire land for federal highway.

(a) dig into or bore under the subsoil and do all other acts necessary to ascertain whether the land is suitable for use as a federal highway; and

(b) clear and demarcate the boundaries of any such land.

(2) Notwithstanding the foregoing provisions of this section, the Commissioner may for purposes of and incidental to this Decree survey or otherwise demarcate in any State and thereafter lay off on a plan the middle line of a federal highway, and notice of such survey or demarcation and laying off shall be published in the Federal Gazette, and in the Gazette of any State affected or likely to be affected. If the middle line is so laid off, the Commissioner may not later than twelve months thereafter exercise his powers under this section within a distance of sixty-six yards on either side of such middle line.

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

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

(a) in the case of native land in the manner provided by the Land and Native Rights Act where a right of occupancy is revoked ; and

(b) in any other case by a magistrate having jurisdiction in respect of the place where the land is situated.

Power relative to obstruction of view on federal highways.

21.—(1) If trees are standing in a position likely in the opinion of the Commissioner to obstruct traffic in the event of falling on a federal highway or likely to obstruct the view of traffic using the federal highway, any person duly authorised in writing in that behalf by the Commissioner may make entry on adjoining land to any necessary extent in order to fell or otherwise remove or lop the trees as circumstances may require.

(2) If the power conferred by subsection (1) above is exercised in respect of a tree on land other than a federal highway, compensation shall be payable to the owner only where the federal highway was in use before the tree became a potential source of obstruction, and the tree had at the time of its felling a marketable value ; and in default of agreement under this subsection the amount shall be fixed by a competent person appointed for this purpose by the Commissioner.

(3) An award of compensation fixed by agreement under subsection (2) above shall be final, and a court shall only entertain a suit to recover compensation for any trees felled or otherwise dealt with under this section where the amount is fixed in default of agreement.

Power to enter on adjacent land.

22. The Commissioner or any person authorised by him in writing may in case of any slip or other accident happening or being apprehended in any cutting, embankment or other work under the Commissioner's control, enter upon any land adjoining a federal highway and do all work necessary to repair damage thereby occasioned and for the purpose of prevention or control of slips likely to occur from adjoining land on to a federal highway.

Power to acquire land under special enactments.

23. Where land is acquired for the purposes of this Decree pursuant to section 2 above—

(a) under the Public Lands Acquisition Act ;

(b) if the land is native land within the meaning of the Land and Native Rights Act and a requisition in respect of such land declares it to be required by the Government of the Federation for the public purposes of the Federation,

the provisions of those enactments pertaining to such acquisition shall have effect accordingly, and the land shall vest in the Commissioner without any further assurance.

Cap. 167.
Cap. 96.

Power to declare road to be federal highway.

24. The Commissioner after consultation with the Government of the State concerned and with the approval of the Federal Executive Council may, by order published in the Federal Gazette, declare any road in Nigeria (not being a Federal trunk road) to be a federal highway, and may by the same or any other order and with the like approval, cancel, amend or vary any notice relating to federal highways to which, on its commencement, this Decree applies, or thereafter may apply.

25.—(1) The operation of the Motor Vehicles (Third Party Insurance) Act hereafter in this section referred to as "the Act" is hereby extended and that Act shall apply throughout the Federation, notwithstanding the provisions of any enactment (including the Act aforesaid) or any Edict or rule of law to the contrary; and the requirements of the Act aforesaid as to insurance against third party risks as set out therein and the issue and production of certificates of insurance in respect thereof shall continue to have effect in all States of the Federation, and in particular the provisions of the Act aforesaid shall, in relation to any federal highway within the meaning of this Decree have effect as modified by this Decree, and shall stand amended to any extent necessary.

Application
of Motor
Vehicles
(Third
Party
Insurance)
Act to road
users
generally.
Cap. 126.

(2) Accordingly—

(a) the reference in the Act aforesaid to "Lagos" shall be deleted and section 1 shall stand amended as from 31st August 1960 (being the date of commencement of the Laws of the Federation of Nigeria, etc., 1958); and

(b) the reference in the Lagos State (Applicable Laws) Edict 1968 shall cease to have effect.

Edict 1968
No. 2.

(3) The provisions of any other enactment relating to road traffic having application within a State of the Federation shall, on the commencement of this Decree, be read and have effect in respect of traffic on federal highways subject to this Decree.

(4) In this section the reference to an "enactment" includes a reference to a Decree, a Law of a State and an Edict.

26.—(1) The Commissioner may by regulations make provisions generally for the regulation of user of federal highways and for the management, direction and control of federal highways and without prejudice to the generality of the foregoing provisions may make such regulations as appear to him to be necessary—

Regulations.

(a) with respect to the speed at which motor vehicles or any class or description of motor vehicles may be driven either generally on any specified federal highway or within any defined area or place;

(b) with respect to the construction of motor vehicles and trailers and may in particular make provisions with respect to the following matters:—

(i) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres of motor vehicles and trailers;

(ii) the consumption of smoke and the emission of visible vapour, sparks, ashes and grits;

(iii) excessive noise owing to the design or condition of a vehicle or the loading thereof;

(iv) the maximum laden weight of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;

- (v) the particulars to be marked on motor vehicles and trailers ;
- (vi) the towing of or drawing of vehicles by motor vehicles ;
- (vii) the number and nature of brakes, and any device for ensuring that brakes, silencers and steering gear are efficient and kept in proper working order ;
- (viii) the appliances to be fitted for signalling the approach of a motor vehicle or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of motor vehicle, and the use of such appliance, and for ensuring that they are efficient and kept in proper working order ;
- (ix) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, being appliances for signalling by sound, at any time, or on or in any specified part of a federal highway ;
- (c) for the placing on or near a federal highway of traffic signs conformable with international standards and local requirements ;
- (d) for the prohibition or control of advertising on federal highways or within one hundred feet of the formation ;
- (e) for the exclusion of any class or classes of vehicles using or likely to use a federal highway and for vehicle inspection ;
- (f) for restricting the use of federal highways by any breed of animal ;
- (g) for the line to be kept on a federal highway and the direction to be followed by vehicles ;
- (h) for road diversion or temporary closure of any part of a federal highway ;
- (i) for the prohibition of parking or waiting on, or, as the case may be, for prescribing specified parking or waiting places, and the provision of space reasonably required for vehicles approaching or leaving premises adjoining a federal highway ; and
- (j) generally for the uninterrupted flow of vehicular and pedestrian traffic.

(2) Regulations may prescribe penalties for offences by way of fine not exceeding one hundred pounds or by imprisonment for a term not exceeding eighteen months or by both such fine and imprisonment.

Interpretation.

27.—(1) In this Decree unless the context otherwise requires—

“Commissioner” means the Federal Commissioner charged with responsibility for federal highways ;

“court” includes an area court ;

“decking and drainage work” includes the provision of approaches, culverts and other erections on a federal highway over or through water, and the making of drain and other water courses on or onto adjoining or adjacent land ;

“federal highway” means trunk roads including any approaches thereto whether formed or not in relation to which the Commissioner may exercise the powers conferred upon him by or under this Decree, that is to say—

(a) land acquired for the purposes of this Decree and deemed to be federal highway under section 2 above ;

(b) roads declared pursuant to section 24 above to be federal highways ;

(c) Federal trunk roads within the context of Item 40 of Part I of the Schedule to the Constitution of the Federation ; and

1963
No. 20.

(d) decking and drainage works on such land and roads ;

"local authority" means with reference to an area whether settled or not a body with powers statutory or customary of local administration ;

"vehicle" includes any means of conveyance whatsoever which is provided with means of locomotion on a federal highway and used or intended to be used or capable of being used thereon for the carriage of persons or goods or both, or is capable of being adapted to any purpose and used on a federal highway.

(2) For the purposes of section 1 (3) above the references to the Federal Military Government and the Government of a State are references to the Head of the Federal Military Government and the Military Governor (or Administrator) of a State respectively.

(3) For the purposes of the Constitution of the Federation 1963 land acquired under section 2 above and roads declared pursuant to section 24 above shall be deemed to have been duly declared as Federal trunk roads.

28.—(1) This Decree may be cited as the Federal Highways Decree 1971 and shall come into operation on a date to be appointed by the Commissioner by notice published in the Federal Gazette.

Citation,
extent and
commence-
ment.

(2) This Decree shall apply throughout the Federation so however that notice by the Commissioner appointing a date for its commencement may appoint different dates for different States of the Federation.

MADE at Lagos this 24th day of February 1971.

MAJOR-GENERAL Y. GOWON
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purpose)

The Decree vests the power of management, direction and control of federal highways throughout Nigeria in the Federal Commissioner for Works and Housing who now has responsibility—

(a) for planning (including research and designing) of federal highways ;

(b) for their construction and maintenance ;

(c) for the supervision of user thereof ;

(d) for the regulation to traffic thereon.

2. The Commissioner is also empowered—

(a) with the approval of the Federal Executive Council, to declare any road in Nigeria to be a federal highway ;

(b) to control all existing federal highways and all other land acquired by the Federal Military Government for the purpose of constructing federal highways ;

3. Under the Decree the Federal Military Government may delegate to the government of a State certain of the powers of the Commissioner under the Decree relative to the direction and control of traffic.

4. Certain provisions of existing enactments on regulation of traffic on highways have been incorporated into the Decree and stiffer penalties have been provided for in relation to offences of reckless driving and driving under the influence of drink or drugs. New offences of causing death by reckless or dangerous driving and of careless and inconsiderate driving have been introduced.

5. The operation of the Motor Vehicle (Third Party Insurance) Act is extended to the whole Federation.

**SUPPLEMENTARY APPROPRIATION (1970-71)
DECREE 1971**



Decree No. 5

[4th March 1971]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The total of the amounts mentioned in section 1 of the Appropriation Decree 1970 shall be increased by one million, three hundred and six thousand, two hundred and forty pounds and this additional amount shall be appropriated to the head of expenditure specified in the Schedule to this Decree ; and section 1 (3) of the Appropriation Decree 1970 (which provides for the lapse of balances outstanding at the end of the financial year ending 31st March 1971) shall have effect accordingly.

Issue and
Appropriation of
£1,306,240
from the
Consolidated
Revenue
Fund for
services of
1970-71.
1970 No. 35.

2. This Decree may be cited as the Supplementary Appropriation (1970-71) Decree 1971 and shall apply throughout the Federation.

Citation.

SCHEDULE

(Section 1)

<i>Head</i>	<i>Amount</i>
	£
101. Reimbursement to the Contingencies Fund ..	1,306,240

MADE at Lagos this 4th day of March 1971.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*This note does not form part of the above Decree but is
intended to explain its effect*

The Decree increases the amount mentioned in section 1 of the Appropriation Decree 1970 by £1,306,240, and provides that the additional amount shall be appropriated as specified in the Schedule to the Decree.