

**CHAPTER 124 - ROAD TRAFFIC**  
**A LAW RELATING TO ROAD TRAFFIC**

[1 *January* 1949]

1. This Law may be cited as the Road Traffic Law.

**PART I—DEFINITIONS**

2. —(1) Definitions:—

"articulated vehicle" means a motor vehicle with a trailer drawn thereby which is so constructed and by partial superimposition attached to the motor vehicle that a substantial part of the weight of the trailer is borne by the motor vehicle;

"axle weight" means in relation to an axle of a heavy motor vehicle or of a trailer the aggregate weight transmitted to the surface beneath by the several wheels attached to that axle, when the heavy motor vehicle or the trailer is loaded;

"commercial vehicle" means a hackney carriage, a stage carriage, a tractor, a break-down lorry and any motor vehicle primarily designed for the carriage of goods;

"Commissioner" means the State Commissioner to whom responsibility for financial affairs is for the time being assigned;

"dealer" means a person who stocks motor vehicles for sale or carries on business as a repairer of motor vehicles;

"gross weight" means the net weight of the vehicle with the weight of freight or load (including the driver and crew) which such vehicle is designed to carry and registered as such by the licensing authority;

"hackney carriage" means any motor vehicle designed or constructed to carry not more than seven persons, used or intended to be used for carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole or for a fixed or agreed rate or sum;

"heavy motor vehicle" means a commercial vehicle of which the gross weight exceeds one ton fifteen hundredweight;

"highway" includes any roadway to which the public have access;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"net weight" means the weight of a vehicle unladen with a full fuel tank, full radiator and inclusive of all equipment;

"owner" means the person by whom the vehicle is kept and used and, in relation to a vehicle which is subject to a hiring agreement or hire purchase agreement, means the person keeping or using the vehicle under that agreement, and the expression "ownership" shall be construed accordingly;

"stage carriage" means any motor vehicle used or intended to be used for carrying passengers for hire or reward other than such a vehicle constructed or adapted to carry less than eight persons, the passengers paying separate and distinct fares or at the rate of separate or distinct fares for their respective places, and shall be deemed to include the expression "omnibus";

"State" means the Gongola State of Nigeria;

"trailer" means a vehicle drawn by any motor vehicle but does not include a side-car attached to a motor-cycle.

(2) For the purposes of this Law and the regulations made thereunder an articulated vehicle shall be deemed to be one vehicle.

## PART II—LICENSING AUTHORITIES AND THE REGISTRATION AND LICENSING OF VEHICLES

3.—(1) There shall be established a Central Motor Registry for the State.

(2) There shall be appointed a Principal Licensing Officer, who shall be responsible for the registration and licensing of all motor vehicles and trailers required to be registered and licensed in the State by virtue of this Law, and who may exercise any of the functions under this Law which are given to a licensing authority.

(3) The Commissioner may:—

(a) by notice in the State Gazette appoint licensing authorities for the purposes of this Law to

assist the Principal Licensing Officer and shall assign to such licensing authorities distinctive letters for the purposes of the identification marks provided for by this Law.

Provided that the Commissioner may from time to time by notice in the State Gazette assign to any such authority other distinctive letters for the purposes of additional identification marks, subject to such conditions as he may prescribe; and

(b) from time to time allot distinctive devices or letters to be used as identification marks on vehicles used in the public service of the State or in any other particular case as he may think fit.

(4) Subject to the provisions of this Law and any regulations made hereunder a copy of every licence or renewal of a licence issued under this Law shall be sent to the licensing authority by which it is issued to the Central Motor Registry.

(5) The licensing authority when registering a motor vehicle or trailer or issuing a licence therefor shall supply the Central Motor Registry with such information in respect thereof or in respect of the vehicle or person in respect of which it is issued as may be prescribed by the Principal Licensing Officer.

4. No person shall drive or, being the owner, shall permit any other person to drive a motor vehicle on a highway unless such vehicle and any trailer are registered and licensed under this Law and have affixed thereto an identification mark in the manner prescribed by regulations made under this Law.

5. —(1) The owner of a motor vehicle or trailer may register it with any licensing authority in the State in accordance with regulations made under this Law.

(2) The registration of a motor vehicle or trailer in any State other than the State shall be a valid registration for the purposes of his Law.

(3) A licensing authority shall assign to each vehicle registered by it a number and each number together with the distinctive letter or letters assigned to the licensing authority in accordance with section 3 shall be the identification mark and such mark shall be exhibited on the vehicle in such manner as may be prescribed by regulations made under this Law.

6.—(1) A licensing authority shall, if the owner has made a declaration to it that the vehicle or trailer will be used predominantly in the State, on registration or re-registration as provided in this Law issue to the owner of such vehicle or trailer a Registration Book.

(2) A licensing authority may require the owner (other than the holder of a visiting permit or a transit permit issued under the Immigration Regulations, 1963, who has obtained a licence in another territory) of a motor vehicle or trailer used on a highway in the State to produce to it a Registration Book valid in the State or if he is unable to do so, to declare to it within seven days the territory in which the said motor vehicle or trailer is predominantly used.

(3) When any declaration made to it under subsection (2) shows that a motor vehicle or trailer is used predominantly in the State a licensing authority shall require the person making the declaration to register the said vehicle or trailer within seven days and obtain a Registration Book and a licence valid in the State.

(4) The owner of a motor vehicle or trailer registered in accordance with section 5 may make a declaration to a licensing authority if the said motor vehicle is destroyed or becomes permanently incapable of being driven on a highway or if he ceases to use it predominantly in the State so declaring, and he shall forthwith surrender the Registration Book issued in respect of that motor vehicle or trailer to the licensing authority for cancellation.

(5) A Registration Book issued under this section shall remain in force until surrendered under the provisions of subsection (4).

(6) Any person who wilfully fails to make a declaration when required to do so under the provisions of subsection (2) or who fails to comply with the requirements of a licensing authority acting under subsection (3) or who knowingly makes a false statement in a declaration made under the provisions of this section shall be guilty of an offence and shall be liable on conviction to imprisonment for six months or to a fine of five hundred naira or to both such fine and imprisonment.

Provided that no person shall be liable to conviction for making a false statement in a declaration made under subsection (2) if he proves to the satisfaction of the court that the motor vehicle or trailer is used predominantly to travel between any place or places in the State and a place or places in another State.

7.—(1) No motor vehicle or trailer shall be driven on a highway unless it is licensed under this

section.

(2) The owner of a motor vehicle or trailer registered in accordance with section 5 may obtain a licence in the State upon payment of such fees as may be prescribed by regulations made under this Law.

(3) Licences shall be issued for periods of twelve or three months taking effect from the first day of the month of issue provided that:—

(a) when a licence is renewed before the date of expiry of the previous licence the licence shall take effect as from the first day of the month following the month in which the previous licence expires; and

(b) when a licensing authority is satisfied that a motor vehicle has been used after the date of expiry of the previous licence the renewal shall take effect from the first day of the month following the month in which the previous licence expired.

(4) For the purposes of paragraph (b) of the proviso to subsection (3) the burden of proving that a motor vehicle has not been used after the date of expiry of the previous licence shall lie on the owner or that motor vehicle.

(5) A licence granted in any State other than Gongola State shall be valid in the State during its currency provided that no Registration Books issued in the State under section 6 in respect of such motor vehicle or trailer is valid.

8.—(1) A dealer who ordinarily carries on business in the State may, in accordance with regulations made under this Law, obtain from any licensing authority in the State a special trade license which may be used throughout the State on any motor vehicle or trailer for such purposes and in such circumstances as may be prescribed by regulations under this Law and any special trade licences similarly granted in any other State shall be valid in the State.

(2) Licences shall be issued under this section, upon payment of such fees as may be prescribed by regulations made under this Law, for periods of twelve months or three months taking effect from the first day of the month of issue.

(3) When a licence issued under this section is renewed before the date of expiry of the previous licence the licence shall have effect as from the first day of the month following the month in which the previous licence expires.

(4) The licensing authority shall, as may be prescribed by regulations made under this Law, assign one or more identification marks in respect of each special trade licence, and one such identification mark shall, in such manner as may be prescribed by regulations made under this Law, be exhibited on any motor vehicle used under such special trade licence.

9. A Principal Inspector of Motor Vehicles may be appointed who exercise such powers and duties as may be specified in inspector regulations made under this Law.

### PART III—LICENSING OF MOTOR VEHICLE DRIVERS

10.—(1) No person shall drive a motor vehicle on a highway unless he is licensed for the purpose under this section, and no person shall employ a person to drive a motor vehicle who is not so licensed.

Provided that the holder of a learner's permit issued under the regulations made under this Law may, when accompanied for the purpose of instruction by a licensed driver sitting beside him, drive for such period as may be prescribed and on such highways as may be specified in such permit and the holder of such permit and such licensed driver shall be jointly and severally liable for any injury or damage caused by such driving or any offence under this Law committed in the course thereof.

(2) No person shall drive a motor vehicle of any class or type other than that which he is licensed to drive or in respect of which he holds a learner's permit.

(3) The licensing authority shall on receipt of an application in the prescribed form together with the prescribed fee grant a licence to drive a motor vehicle to any person applying for it:—

(a) who is not disqualified for obtaining such a licence; and

(b) who if so required by the licensing authority passes such test as to the driving of motor vehicles as may be prescribed; and

(c) who has undergone an eye test conducted by an eye specialist or other medical doctor qualified to test the eye and produce an eye test certificate duly signed by that eye specialist or other medical doctor qualified to test the eye.

(d) who, if the licensing authority so requires, supplies to the licensing authority satisfactory

evidence that he is not suffering from any disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such description as he would be authorised by the licence to drive, to be a source of danger to the public;

(e) has complied with the provisions of any written law relating to insurance in respect of motor vehicles.

(4) Any person to whom a licence or renewal of a licence has been refused by reason only of non-compliance with paragraph (c) of subsection (3) may appeal against such refusal to a magistrate, who may make such order as he may deem just, having due regard to public safety.

(5) No licence shall be granted to a person who is under eighteen years of age.

(6) A licence or permit to drive a motor vehicle issued in any State other than Gongola State shall be valid in the State if the licensee:—

(a) ordinarily resides in such other State; or

(b) normally drives in such other State; or

(c) is a holder of a visiting permit or a transit permit issued under the Immigration Regulations, 1963, and who has obtained such licence in such other State, shall be guilty of an offence;

11.—(1) Any court before which a person is convicted of any offence in connection with the driving of a motor vehicle:—

(a) may, in addition to any other penalty imposed, if the person convicted holds a driver's licence, suspend his licence for a specified period, and, if the court thinks fit, also declare the person convicted to be disqualified for holding or obtaining a licence for a further specified period after the expiration of the licence; and

(b) may, in addition to any other penalty imposed, if the person convicted does not hold a driver's licence, declare him disqualified for holding or obtaining a driver's licence for a specified period; and

(c) shall, if the person convicted holds a driver's licence, direct that particulars of the conviction and of any order of the court made under this section be endorsed upon his licence.

(2) Any person so convicted, if he holds a driver's licence, shall produce the licence within such

time as the court may direct for the purpose of endorsement, and if he fails to do so he shall be guilty of an offence under this Law.

(3) A licence suspended by the court shall during the term of suspension be of no effect and shall for that term be retained in the custody of the court and a person whose licence is suspended or who is declared by the court to be disqualified for obtaining a licence shall during the period of suspension or disqualification be disqualified for holding or obtaining a licence.

(4) Any person who is by virtue of an order of the court under this section disqualified for holding or obtaining a licence may appeal against the order in the manner provided by the law for the time being in force relating to appeals in criminal cases from that court to a higher court, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.

(5) The court shall cause particulars of all convictions and

orders of the court in relation to offences connected with the driving of a motor vehicle to be sent without delay to the Central Registrar who shall keep records thereof in such manner as may be prescribed.

(6) Any person who applies for or obtains a licence or a renewal of a licence and who:—

(a) is disqualified for holding or obtaining a licence; or

(b) holds an endorsed licence and does not give particulars of the endorsement; or

(c) fails to disclose that he holds or previously held a licence in Nigeria; or

(d) fails to disclose that he is suffering from any mental or physical disease or disability which might affect his driving or control of a motor vehicle,

shall be guilty of an offence, and any licence so obtained shall be of no effect.

(7) Every person who at any time has held a driving licence issued in Nigeria shall produce such licence or if he has held more than one licence the most recent of such licences to the licensing authority when he applies for a renewal thereof or for a new driving licence:

Provided that the licensing authority may dispense with this requirement where the previous licence expired at least two years before the application or where in his opinion it is



impracticable for the applicant to produce such licence.

**12.—(1)** Notwithstanding anything in this Law or in the regulations made under this Law a superintendent of police may request a licensing authority to revoke a licence to drive a motor vehicle during its currency, or to refuse the issue or renewal of such a licence to any person whose conduct or character is, in the opinion of the superintendent of police, such as to render him unfit, whether from the point of view of safety of the public or otherwise, to hold such licence.

Provided that no action under this subsection shall be taken without the authority of the Commissioner, Deputy Commissioner, or an Assistant Commissioner of Police.

**(2)** Upon receiving such request the licensing authority shall:—

*(a)* if the request concerns revocation of the licence, by notice in writing addressed to the registered address of the licensee and to the superintendent of police, appoint a time and place when the superintendent of police and such person may attend before the licensing authority and be heard and upon such hearing may require the production of the licence to drive and may revoke and take possession of such licence, and forthwith notify the central registrar of his decision;

*(b)* if the request concerns refusal to issue or renew a licence on an application being made for such issue or renewal by the person to whom the request refers, by notice in writing call upon the superintendent of police to show cause why a licence should not be issued or renewed and shall call upon the applicant to reply thereto, either orally or in writing as the applicant may desire, and then if in his opinion sufficient cause is shown, may refuse to issue or renew the licence and shall notify the central registrar accordingly;

*(c)* keep a record in writing of any proceedings under either paragraph *(a)* or *(b)* of this subsection and, on written request, issue a certified copy thereof to either party to any such proceedings.

**(3)** A person whose licence has been revoked or to whom a licence or renewal has been refused by the licensing authority in accordance with the provisions of this section may appeal to a magistrate who may cancel the revocation or order the issue or renewal of a licence which has been refused solely by reason of the cause shown by the superintendent of police, and any such decision or order of a magistrate shall be subject to appeal in the same manner as the order of

such magistrate in a criminal case.

(4) No person whose licence has been revoked or to whom the issue or renewal of a licence has been refused under this section shall, subject to any appeal, again apply within twelve months of the date of such revocation or refusal for the issue of a licence or a renewal thereof.

#### PART IV—CONTROL OF TRAFFIC

**13.** In this Part:—

"parking place" means a place where vehicles or vehicles of any particular class or description may wait;

"traffic sign" includes all signals, warning sign posts, direction posts, signs or other devices for the guidance or direction of persons using highways;

"vehicle" includes carriages, wagons, carts, motor vehicles, bicycles, tricycles, vans, lorries, trailers, hand carts, sledges, trucks, barrows and all other machines for the carriage of goods or persons.

**14.—(1)** A local government council may make provision by bye-law for:—

(a) the local authority may by order which may be either general or in respect of specified occasions provide for:—

(i) the specification of the routes to be followed by vehicles, animals and pedestrians;

(ii) the line to be kept by persons driving or in charge of or riding any vehicle or animal on any highway;

(iii) the prohibition or restriction of the use of any specified highways by vehicles of any specified class or description;

(iv) the prohibition of the driving or propelling of vehicles on any specified highway otherwise than in a specified direction;

(v) the specification of parking places, and the days and hours during which and the maximum period for which they may be used and fees, if any, to be imposed;

(vi) waiting vehicles to use different sides of the highway on different days or at different

hours;

(vii) the prohibition of waiting vehicles on any specified highway;

(viii) the specification of routes to be followed and the stopping places to be used by stage carriages;

(ix) the appointment of stands for hackney and stage carriages and the days and hours during which they may be used;

(x) the prohibition of the sounding of horns or other similar appliances either in general or during specified hours or in respect of specified areas;

(xi) regulating the conduct of persons driving, or propelling or in charge of or riding any vehicle or animal on a highway;

(xii) the prohibition of the operation of stage carriages and hackney carriages within the township save under and in accordance with the conditions of a permit issued by the local authority and the restriction of the number of stage carriages and hackney carriages which may so operate either generally or in respect of any specified route or area;

(xiii) generally in relation to the regulation of traffic;

(b) the Commissioner of Police may by order or by general directions or by the use of traffic signs either generally or in respect of specified occasions, regulate traffic in the neighborhood of any public place or places of public resort.

(2) No order shall be made under this section with respect to any highway which would have the effect of preventing such access as may be reasonably required for vehicles of any class or description to any premises situated on or adjacent to the road.

**15.—**(1) A local government council or the Chief Civil Engineer, Ministry of Works, may cause or permit traffic signs to be placed on or near any highway.

(2) Traffic signs shall when necessary conform to any international requirement relating thereto and in default of such requirement shall be of such size, colour and type as may be prescribed.

(3) After the commencement of this Law, no traffic signs shall be placed on or near any

highway except under and in accordance with the provisions of this Part of this Law:

Provided that nothing in this Part shall apply to any traffic sign placed by the owners or workers of any railway, light railway, dock undertaking or harbour undertaking in pursuance of powers conferred by any Act or Law in force in Nigeria

(4) A local government council may by notice in writing require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such notice the council may effect the removal, doing as little damage as may be, and may recover summarily as a civil debt from the person so in default the expenses incurred in so doing.

**16. —**(1) When it appears to a local government council or the Chief Civil Engineer, Ministry of Works, that any highway should be closed temporarily to vehicular traffic or to any particular kind of vehicular traffic such council or the Chief Civil Engineer, Ministry of Works, may fix or cause to be fixed at each end of such highway a notice to the effect that such highway is closed to such traffic and the said highway shall thereupon be deemed to be closed to such traffic until the notices are removed by, or by the order of, the council or the Chief Civil Engineer, Ministry of Works.

Provided that in cases of emergency the closing authority may grant or cause to be granted a permit in writing to the person named therein to use a specified vehicle on the said highway on the occasion and for the purpose therein stated.

(2) The Governor may by notice published in the State Gazette, and the President in relation to any highway declared by him by order to be a Federal Trunk Road may by notice in the Gazette of the Federation, close any highway, either permanently or for such time as may be specified in the notice, to any or every kind of vehicular traffic subject to such exceptions as he may think proper.

**17. —**(1) The Chief Civil Engineer, Ministry of Works, or head of other public department or any local government council responsible for the maintenance of any bridge may cause to be placed in a conspicuous place on or near any bridge a notice to the effect that:—

(a) the bridge is insufficient to carry more than a certain weight;

(b) a vehicle exceeding a certain breadth or height cannot with safety be driven on or over

such bridge;

(c) vehicles may not exceed a specified speed when crossing the bridge, and thereafter any person who contravenes or fails to comply with the terms of such notice shall be guilty of an offence.

(2) For the purposes of this section and section 18 the weight of a vehicle which is drawing any other vehicle shall be deemed to be the gross weight of that vehicle and of the vehicle or vehicles drawn by it.

18. —(1) When any bridge is damaged:—

(a) by reason of any vehicle passing over it in contravention of the provisions of section 17; or

(b) by reason of any vehicle when passing over the bridge coming into contact with any portion thereof other than the surface of the roadway, the owner of the vehicle and the person driving or propelling the same shall be jointly and severally liable to the Government or the local government authority, as the case may be, for any damage done thereto.

(2) A certificate under the hand of the Director of Federal Public Works or the Chief Civil Engineer, Ministry of Works, or of an engineer employed by the local government council of the amount of the cost of making good such damage shall without proof of signature, be *prima facie* evidence of such cost.

19. Neither the Government nor any local government council shall incur any liability in respect of any injury, damage or loss which may accrue to any person or property through the failure of any highway to sustain any vehicle.

20. Where a police officer is for the time being engaged in the regulation of traffic on a highway, or where any traffic sign being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed on or near a highway in accordance with the provisions of this Part any person driving or propelling any vehicle who:—

(a) neglects or refuses to stop the vehicle or to make it proceed or to keep to a particular line of traffic when directed so to do by the police officer in the execution of his duty; or

(b) fails to conform to the indication given by the sign, shall be guilty of an offence.

## PART V—OFFENCES

**21.** Any person who drives a motor vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway shall be guilty of an offence and liable on conviction to imprisonment for six months or to a fine of five hundred naira or to both such imprisonment and fine.

**22.** Any person who drives a motor vehicle on a highway at a speed or in a manner which is dangerous having regard to all the circumstances of the case including the nature, condition and use of the highway and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the highway, shall be liable on conviction to imprisonment for two years or to a fine of one thousand naira or to both such imprisonment and fine.

**23.** A person who causes the death of another person by the driving of a motor vehicle on a highway at a speed or in a manner which is dangerous having regard to all the circumstances of the case, including the nature, condition and use of the highway, and the amount of traffic which is actually at the time or which might reasonably be expected to be on the highway shall be guilty of an offence and liable on conviction to imprisonment for eight years or to a fine of five thousand naira or to both such imprisonment and fine.

**24. —(1)** Any person who when driving or attempting to drive, or when in charge of, a motor vehicle on a highway is under the influence of drink or a drug to such an extent as to be incapable of having proper control of such vehicle, shall be liable on conviction to a fine of one thousand naira or to imprisonment for two years or to both such fine and imprisonment.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise, and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence.

**25.** Notwithstanding the provision of any other enactment, jurisdiction to try and to pass sentences in respect of the offences under sections 21, 22, 23 and 24 of the Principal Law, shall be as follows:

(1) Chief Magistrates of the first and second grades shall have jurisdiction to try and to pass sentences in respect of the offences under sections 21, 22, 23 and 24.

(2) Senior Magistrates of the first and second grades and a Magistrate of the first grade shall

have jurisdiction to try and to pass sentences in respect of the offences under sections 21, 22 and 24.

(3) Magistrates of the second grade shall have the power to try and to pass sentences in respect of the offences under section 21.

**26.** A police officer may arrest without warrant any person committing an offence under section 21, 22, 23 or 24.

**27.** Any person who:—

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

(b) exhibits or uses any licence which has been forged, defaced, altered, mutilated, or added to as aforesaid; or

(c) lends or allows to be used by any other person any licence or identification mark; or

(d) uses on one vehicle a licence or identification mark pertaining to another vehicle; or

(e) uses a driving licence belonging to another person or exhibits or uses any licence upon which figures or particulars have become illegible or exhibits or uses any colourable imitation of any licence,

shall be guilty of an offence.

**28.** Any person who drives a motor vehicle on any occasion when he is not expressly or impliedly authorised by the owner of such motor vehicle shall be liable on conviction to a fine of five hundred naira or to imprisonment for six months or to both such fine and imprisonment.

**29.** Where in any accident due to the use of any motor vehicle or trailer on a highway any injury is caused to any person, property, or livestock in the charge of any person, the driver of the motor vehicle shall:—

(a) immediately stop the vehicle;

(b) 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 if requested so to do by any person to whom, or by the owner or person in charge of the property or of the livestock to which, the injury has been caused, or by any police officer;

(c) in any case where the person to whom injury has been caused so requests, or if he is unconscious or if the injury caused to that person appears to endanger life, take all reasonably practicable steps to attend to the injured person, to procure him medical attention and to procure, where necessary, his removal to a hospital and thereafter report the accident forthwith to the nearest police station or to the nearest local government authority;

(d) in every case not referred to in paragraph (c), report the accident as soon as possible and in any case within twenty four hours of the occurrence of the accident to the nearest police station, or to the nearest local government.

**30.—**(1) Any person who commits or who is alleged to have committed an offence under this Law or the regulations made thereunder who refuses to give his name and address or such other information as may be demanded or who gives a false name or address or false information, shall be guilty of an offence.

(2) The owner of any motor vehicle or trailer shall, on demand by any police officer, give all information which it is within his power to give as to the name, address, description, antecedents and whereabouts of any person who commits or is alleged to have committed any offence in respect of or with any such motor vehicle or trailer and shall also give similar information regarding any occupants of the motor vehicle or trailer at the time of the offence or alleged offence and if such owner fails so to do shall be guilty of an offence.

**31.** Any police officer may apprehend without warrant any person, who commits within his view, or whom he reasonably suspects of having committed, an offence under this Law or under any regulation made hereunder:—

(a) if such person refuses or fails to produce his driving licence on demand; or

(b) if such person refuses to give his name and address or gives a name and address which may reasonably be believed to be false; or



(c) if any vehicle driven by such person does not bear the prescribed identification mark.

**32.** —(1) Subject to the provisions of this section, any police officer may retain the driving licence of any person who commits within his view, or whom he reasonably suspects of having committed, an offence under this Law or under any regulation made thereunder, if he reasonably considers that any difficulty is likely to arise in the service of a summons on such person.

(2) A police officer who retains the driving licence of any person under this section shall thereupon give to him a written statement signed and dated by the officer to the effect that the licence has been so retained and indicating the police station at which the licence may be claimed.

(3) A driving licence retained under this section shall be returned to the holder upon his giving a written acknowledgement signed and dated by him to the effect that it has been so returned.:-

(a) if he reports in person not less than three days after the date of its retention, at the police station mentioned in the written statement given in accordance with subsection (2); or

(b) if a summons relating to the offence committed or suspected to have been committed by him is served on him.

**33.** Where, under this Law or any regulations made hereunder, a person is required to supply to a licensing authority any information with regard to a motor vehicle or trailer or any particulars in relation to any licence or permit issued or applied for and such person supplies information or particulars which he knows or has reason to believe are false, he shall be guilty of an offence.

**34.** Where a person is convicted of an offence in respect of the overloading of a commercial vehicle or trailer or of driving a commercial vehicle at a speed exceeding that provided by law, then in addition to the person driving the vehicle at the time of the commission of the offence, if such person be not the owner of the vehicle, the owner of such vehicle shall also be liable, and may be charged accordingly.

Provided that.:-

(a) such owner shall not be convicted of the offence if he can prove to the satisfaction of the court that no act or omission on his part was conducive of the offence; and

(b) no proceedings under this section shall be commenced against such an owner except with the approval of a member of the police force of or above the rank of assistant superintendent.

**35.** —(1) Where a person is convicted of an offence relating to the condition of a commercial motor vehicle then in addition to the person convicted the owner, if such person is not the owner, shall also be guilty of the offence unless he can prove to the satisfaction of the court that he was not aware and could not by reasonable inquiry have been aware that the vehicle did not comply with the requirements of the law relating to the condition of the vehicle.

(2) No proceedings under this section shall be commenced except with the approval of a member of the police force of or above the rank of assistant superintendent.

**36.** A person who uses a motor vehicle or trailer for a purpose other than that for which it is licensed shall be guilty of an offence.

**37.** Save as is provided in subsection (1) of section 10 nothing in this Law shall affect any liability of the driver or owner of a motor vehicle or trailer by virtue of any Law or at common law.

**38.** —(1) Where a commercial vehicle or trailer is in the custody or under the control of any person other than the owner or some person employed by the owner then:—

(a) that other person and not the owner shall be liable under section 33; and

(b) that person in addition to the owner shall be liable under section 34 unless such person can prove to the satisfaction of the court that he was not aware and could not by reasonable inquiry have been aware that the vehicle did not comply with the requirements of the law relating to the condition of the vehicle.

(2) No proceedings under this section shall be commenced except with the approval of a member of the police force of or above the rank of assistant superintendent.

**39.** The owner or driver of a motor vehicle or of an articulated vehicle shall not by reason of the vehicle having been registered or licensed by a licensing authority be relieved thereof of any responsibility for its roadworthiness and fitness for the purpose for which it is being used.

**40.** A person guilty of a breach of or failing to comply with any of the provisions of the Law or who commits an offence against this Law for which no special penalty is provided shall be

liable for a first offence to a fine of five hundred naira, or for a second or subsequent offence to a fine of five hundred naira or to imprisonment for six months or to both such fine and imprisonment.

**41.—(1)** The Governor may make regulations:—

(a) determining and regulating the size, shape and character of the identification marks and the mode in which they shall be fixed to motor vehicles and trailers and rendered easily distinguishable;

(b) as to the registration of motor vehicles and trailers and the particulars to be entered in the register, and prescribing the fees to be paid;

(c) as to the notification of a change in the ownership of a motor vehicle or trailer and as to registration thereafter;

(d) prescribing the different types of licences in respect of which motor vehicles and trailers may be licensed and the purpose for which vehicles so licensed may be used;

(e) regulating the issue and use of special trade licences;

(f) prescribing the fees to be paid for licences for motor vehicles and trailers or for any class or description of motor vehicles or trailers;

(g) (i) prescribing conditions relating to the purposes for which stage carriages may be used and the hours during which they may ply for hire and other matters which shall be deemed to be attached to licences issued in respect of such vehicles, and empowering licensing authorities to issue any such licence subject to such further conditions as they may think fit to impose and endorse on the licence;

(ii) with respect to the number of persons and the goods which may be carried in hackney and stage carriages;

(iii) requiring stage carriers designed for the sole purpose of carrying persons and their hand luggage to carry a conductor;

(iv) prohibiting persons from driving hackney and stage carriages, or from acting as conductors on stage carriers required to carry conductors, unless they wear badges issued by licensing authorities and, in the case of conductors, are registered by a licensing authority, and

requiring the surrender of such badges in cases where the licensing authority considers the holder to be unsuitable to drive a hackney or stage carriage or to be a conductor on a stage carriage, as the case may be, and prescribing the fees for such badges and for the registration of conductors;

(v) prescribing areas within which hackney and stage carriages are not to operate unless they conform to the special requirements applicable to such areas;

(vi) prescribing the constructional and mechanical requirements for hackney carriages, stage carriages and commercial vehicles;

(vii) empowering licensing authorities, singly or in combination, to fix the maximum and minimum fares which may be charged in the case of hackney and stage carriages;

(viii) empowering any licensing authority to:—

(a) fix time tables for stage carriages on any route;

(b) determine stopping times at stands and stopping places;

(c) determine the days and hours during which stage carriages may ply for hire on any specified route;

(d) require the fitting to hackney carriages of meters or other similar devices to indicate authorised fares;

(ix) to provide for the additional examination of hackney and stage carriage drivers before the issue of a badge;

(h) as to the examination of applicants for drivers' licences and as to the licences and permits which may be granted and the fees to be paid and providing for the taking and recording to the finger print impressions of paid drivers;

(j) prohibiting or restricting the driving of motor vehicles or any class or description of motor vehicle on any specified highway or part of a highway or empowering any specified officer or other authority to impose such prohibitions or restrictions;

(k) with respect to the construction of motor vehicles and trailers and the conditions under which they may be used;

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

(*l*) prescribing precautions to be taken in the interests of the safety and convenience of the public travelling in motor vehicles or otherwise using highways, and providing for the periodical inspection of motor vehicles;

(*m*) providing in respect of drivers of commercial vehicles:-

(i) the hours that they may be employed without a rest; and

(ii) the periods of rest from driving or other employment which must be allowed, differentiating, if necessary, between day and night and between drivers who are required only to drive the vehicle and those who have other duties to perform in addition to driving;

(*n*) exempting or authorising any specified officer or other authority to exempt from all or any of the provisions of this Law or of any regulations made hereunder:-

(i) any specified class or description of motor vehicle or trailer; or

(ii) motor vehicles or trailers belonging to any particular class of persons; or

(iii) any specified areas; or

(iv) any specified class or description of person in the service of the state,

and prescribing any conditions of such exemptions;

(*o*) for the compulsory examination at any time of motor vehicles or trailers or any class or description thereof and the places and manner of such examinations;

(*p*) with respect to:-

(i) the appointment of examiners of motor vehicles and trailers or any class or description thereof;

(ii) the payment of fees for such examination by the owners of such vehicles;

(iii) the duties and powers of such examiners in regard to such examination;

(*q*) for the cancellation or suspension of any licence issued in respect of any motor vehicle or trailer which since the issue of the licence is in such a condition as to be a source of danger to persons travelling in the vehicle or trailer or to other users of the roads or to be injurious to the roads themselves;

(*r*) prescribing penalties for the breach of contravention of any regulation made under this Law;

(*s*) prescribing fees and charges;

(*t*) prescribing anything which is to be prescribed and generally for the better carrying out of the purposes and provisions of this Law.

(2) The President may make regulations:—

(*a*) to give effect to the fulfilment of international requirements;

(*b*) relating to the issue of international certificates for motor vehicles and international driving permits;

(*c*) fixing the fees to be paid for certificates, permits and other documents issued in connection with international requirements;

(*d*) generally in connection with obligations towards or arrangements relating to countries or international or similar organizations outside the Federation;

(*e*) prohibiting or restricting the driving of motor vehicles or any class or description of motor vehicles on any specified highway being a road declared by the President by order to be a Federal trunk road or part of such a highway or empowering any specified officer or other authority to impose such prohibitions or restrictions;

(*f*) prescribing penalties for the breach or contravention of any regulations made under this section; and

(*g*) prescribing anything which is to be prescribed and generally for the better carrying out of

the purposes and provisions of this Law as they affect the functions of the Government of the Federation in relation to the Federal trunk roads as aforesaid.

(3) Regulations made under this section may be either general or be restricted in their application to any particular class or description of motor vehicle, trailer, or person or to any specified area.

(4) In addition to any penalty which may be imposed for the breach of any such regulation the regulations may provide that the licence of the person driving the motor vehicle or any particular class of motor vehicle at the time when the offence was committed shall be cancelled or shall be suspended for any specified length of time either in respect of a first or any subsequent conviction.

**42.** In any cause or matter relating to a motor vehicle or to any licence, permit, certificate or other document issued under this Law, or any regulation made hereunder, the production of a document purporting to be a copy of an entry in a register or a copy of a licence, permit, certificate or other document as aforesaid, by, or from the records of the central registrar or any officer deputed by him for that purpose, shall be *prima facie* evidence of any matter, fact or thing stated or appearing therefrom.

**43.** All registers, records and other documents kept in accordance with the provisions of the Motor Traffic Ordinance shall be deemed to be registers, records and documents kept in accordance with the provisions of this Law and the provisions of section 42 shall apply to such registers, records and documents as aforesaid as if they had been kept under this Law.

**44.** The provisions of this Law shall apply to vehicles and persons in the public service of the state, and for the purpose of proceedings for an offence in connection with any such vehicle against any person other than the driver of the vehicle, the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver only was responsible.