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ROAD TRAFFIC LAW

A Law relating to Road Traffic.

[NN 1963, Cap. 118. NN 5 of 1967, KWS 3 of 1975, KWS 3 of 1990, KWS 10 of 1991, KWS 11 of 1991,

KWS LN 1 of 1982, No. 4 of 2006.]

[Date of commencement: 1st January, 1949]

1. Short title

This Law may be cited as the Road Traffic Law.

PART 1

Definitions

2. Interpretation

(1) Definitions—

[NN 5 of 1967, KWS LN 1 of 1982, KWS 10 of 1991, KWS 3 of 1975.]

"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;

"authorised officer" means such officer as may be authorised by the Inspector-General of Police and also includes authorised Vehicle Inspector or Road Traffic Officer as may be authorised by the Director of Road Traffic Services to issue notices under this Law;

[No. 4 of 2006.]

"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 thousand kilogrammes;

[No. 4 of 2006.]

"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 Highways" means all roads declared to be State Trunk Roads under the Trunk Roads Law of 1975;

[KWS 3 of 1975.]

"the State" means Kwara State of Nigeria;

"trailer" means a vehicle drawn by any motor vehicle but does not include a sidecar 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. Establishment of the Central Motor Registry and appointment of Principal Licensing Officer and licensing authorities

(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 owner of a vehicle shall weight such vehicle at the vehicle inspection office using Form ML2, for the actual weight for the vehicle to be determined for the purposes of

assessment for the payment of annual motor vehicle licensing fees and also the weight authorised to be carried by such vehicle before the registration and licensing of the vehicle.

[No. 4 of 2006.]

(4) 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.

[No. 4 of 2006.]

(5) 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.

[No. 4 of 2006.]

(6) 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.

[No. 4 of 2006.]

4. Use of unregistered or unlicensed or unmarked vehicle prohibited

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. Registration

(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 this 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. Registration Books

(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.

[LN No. 93 of 1963.]

(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 two 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. Licensing of motor vehicles

(1) No motor vehicle or trailer shall be driven on a highway unless it is licensed

under `this section.

[NN 5 of 1967.)

(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 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.

[No. 4 of 2006.]

(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.

[NN 5 of 1967.)

(5) A licence granted in any State other than Kwara 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. Trade licences

(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 licence 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 of 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. Appointment of Principal Inspector of Motor Vehicles

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

PART III

Licensing of Motor Vehicle Drivers

10. Driving without licence prohibited

(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) Licence must correspond to vehicle driven.— 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) Grant of licence.—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, 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;
- (d) 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) *Applicant must be over eighteen years.*— No licence shall be granted to a person who is under eighteen years of age.

(6) *Period of Licence.*— A licence or permit to drive a motor vehicle issued in any State other than Kwara 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.

[LN No. 93 of 1963.]

(7) Every licence in the State shall be valid for twelve months from the date of its issue and may be renewed from time to time on payment of the prescribed fees.

11. Suspension of licence and disqualification

(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) *Production of licence for endorsement of conviction.*— 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) *Effect of suspension.*— 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) *Appeal against disqualifying order.*— 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) Applying while disqualified an offence.— 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) *Old licence to be produced on applying for renewal.*— 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. Special powers of licensing authority at the instance of police

(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) *Procedure.*— 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) *Appeal to magistrate.*— 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) *Time to apply after revocation of licence.*— 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. Definitions

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. Power to restrict use of vehicles on specified highways and control of traffic generally

(a) A local government council may make provision by by-law for—

[KWS 10 of 1991.]

- (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 neighbourhood of any public place or places of public resort.

[No. 4 of 2006.]

15. Traffic signs

(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.

[KWS 10 of 1991.]

(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. Power to close highways

(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.

[KWS 10 of 1991.]

(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. Control of vehicular traffic on bridges

(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—

[KWS 10 of 1991.]

- (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. Liability of owner and driver for damage to bridge

(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) *Certificates prima facie evidence of cost of repair.*— 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.

18A. Liability of owner and driver for damages on highway

(1) When any electrical installation shrub or structure provided on or near a highway by the Government or a Local Government is damaged by reason of any vehicle being driven or propelled coming into contact with any part of the installation, shrub or structure, the owner of the vehicle and the person driving or propelling the vehicle shall be jointly and severally liable to the Government or the Local Government, as the case may be, for such damage.

[KWS 3 of 1990.]

(2) Where damage is caused to an electrical installation shrub or structure in the manner mentioned in subsection (1) the Commissioner or any person acting under his authority or on the authority of a Local Government shall, with the assistance of a police officer, seize or cause to be seized the vehicle involved in the damage and remove it to any

premises under the control of the Police, Government or Local Government, and may for that purpose, use such force as may be reasonably necessary for the seizure or removal, or for gaining access to it or any part thereof in order to facilitate its seizure or removal.

(3) The cost of making good the damage shall be assessed and certified in writing by the appropriate officer of the Ministry or any person authorised by him or in the case of any electrical installation provided by a Local Government, by the appropriate officer of the Local Government or any officer authorised by him and the certificate of such assessment shall immediately thereafter be served on the persons to whom subsection (1) relates.

(4) A certificate of assessment under subsection (3) shall contain a demand notice for the payment of the cost so certified into accounts of the State or Local Government, as may be appropriate.

(5) A certificate under the hand of the appropriate officer in the Ministry or Local Government of the amount of the cost of making good such damage shall be prima facie evidence of such cost, and any amount thus certified shall be a debt owed the Government or the Local Government, as the case may be, and shall, subject to the provisions of this section, be recoverable as such.

(6) Any vehicle seized pursuant to subsection (2) shall be detained in any of premises specified in that subsection until the amount of the cost of making good the damage as certified under subsection (3) has been paid in the manner specified in subsection (4).

(7) Any person to whom subsection (3) relates shall within three months of the service on him of the certificate of assessment pay the assessed cost and in the event of his failure to pay such cost within the stipulated period it shall be recovered from him in a court of law.

(8) The provisions of this section are in addition to and not in derogation from any penalty that may be imposed on the conviction of any person for any offence under this Law or any other Law, and the provisions of this Law shall apply—

- (a) notwithstanding that any civil action or suit relating to the damage has been commenced or instituted or is contemplated by or against any person; and
- (b) whether or not the person on whom the certificate of assessment of damage is served in accordance with subsection (3) is the person charged with causing the damage or proved to have caused that damage or to have been guilty of any offence under this Law or any other Law.

(9) Nothing in this section shall operate so as to extinguish the right of action for indemnity or reimbursement through the due process of the Law by any person who paid

any amount for the damage against any other persons whom he considers liable for such damage.

(10) This section shall not apply to any vehicle owned by or in the service of any person covered by the provisions of section (1) of the Diplomatic Immunities and Privilege Act, 1962 and other persons as may be exempted under the provisions of any other written Law.

(11) Notwithstanding the provisions of subsection (2), when any damage is caused to an electrical installation shrub or structure in the manner provided in subsection (1) the person responsible for causing the damage shall within twenty-four hours of the occurrence of the damage, report the matter to the nearest police station or the Ministry or the Local Government.

(12) Any person who causes damage to an electrical installation, shrub or structure in the manner specified in subsection (1) of this section but fails or neglects to report the damage to the nearest police station, the Ministry or the Local Government as provided in subsection (11) of the section shall be guilty of an offence and liable on conviction to a fine of four thousand naira or imprisonment which may extend to six months.

(13) In this section—

"Commissioner" means the State Commissioner assigned responsibility for matters relating to street lighting;

"electrical installation" means a pole whether made of wood, concrete or metal with lamps or light fittings affixed thereto and includes electric lines and the concrete base on which the pole is mounted on the highway;

"Government" means the Kwara State Government;

"Ministry" means the State Ministry for the time being carrying out functions relating to street lighting.

18B. Defacing of public structures

Any person who defaces any public structure by spoiling or damaging the surface or appearance by writing, making marks or pasting materials which include placards and handbills on such a structure shall be guilty of an offence and shall be liable on conviction to imprisonment for a term which may extend to one month or to a fine of two thousand naira or to both such term of imprisonment and fine.

[KWS 11 of 1991, No. 4 of 2006.]

19. Government and local government not liable for failure of highway to sustain vehicle

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.

[KWS 3 of 1990.]

19A. No person who—

(a) seizes, causes to be seized or assists in seizing a vehicle pursuant to this Law;
or

(b) detains a vehicle pursuant to this Law,
shall be liable for any damage to, or loss or deterioration of the vehicle during the period of its detention.

20. Penalties for neglect of traffic directions

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. Driving without due care and attention

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 one year or to a fine of two thousand naira or to both such imprisonment and fine.

[No. 4 of 2006.]

22. Driving at a speed or in a manner which is dangerous

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 eight thousand naira or to both such imprisonment and fine.

[No. 4 of 2006.]

23. Causing death by dangerous driving

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 ten years or to a fine of twenty thousand naira or to both such imprisonment and fine.

[No. 4 of 2006.]

24. Punishment of persons driving motor vehicles when under the influence of drink or a drug

(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 five thousand naira or to imprisonment for four years or to both such fine and imprisonment.

[No. 4 of 2006.]

(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. Jurisdiction to try and to pass sentences

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 this 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. Arrest without warrant

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

27. Misuse of identification mark or licence

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. Driving without authorisation of owner

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 two thousand naira or to imprisonment for six months or to both such fine and imprisonment.

[No. 4 of 2006.]

29. Duty in case of accident

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;
- (e) after inspection of an accident vehicle for certificate of accident report, the Road Traffic Officer/Vehicle Inspection Officer shall retain the particulars of the vehicle pending when the owner/driver would have repaired the said vehicle and report with the vehicle for re-inspection with the general motor receipt from the motor licensing authority depending on the category of the

vehicle; and

- (f) notwithstanding the provisions of paragraph (e) of this section the driver's licence shall be retained by the Prosecutor until final judgement is given. [No. 4 of 2006.]

30. Refusal to give name an offence

(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 a false name or address or false information, shall be guilty of an offence.

(2) *Information to be supplied by owner*—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. Apprehension of offender refusing name

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. Power to retain driving licence in certain circumstances

(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. Furnishing false information to licensing authority an offence

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. Owner of commercial vehicle liable in certain cases of overloading and exceeding speed limit

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 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.

[No. 4 of 2006.]

35. Owner of commercial vehicle liable in certain cases if vehicle is not safe

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.

[No. 4 of 2006.]

36. Contravention of terms of licence

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. Outside liability

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. Liability of third party in certain cases

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.

[No. 4 of 2006.]

39. Owner responsible for condition of vehicle

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 road worthiness and fitness for the purpose for which it is being used.

40. General penalty

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 two thousand naira, or for a second or subsequent offence to a fine of two thousand naira or to imprisonment for six months or to both such fine and imprisonment.

[No. 4 of 2006.]

41. Provision for payment of fixed penalty for commission of certain traffic offences

(1) This section shall apply to any offence created by or under any law in force in such area of State Highways as the Commissioner may by regulations under subsection 12 of this section specify being an offence committed in respect of a motor vehicle and one relating to—

[KWS 3 of 1975.]

- (a) being on a road without the lights, signs or reflectors required by law;
- (b) obstructing a road, or waiting, or being left parked, or being loaded or unloaded otherwise than as authorised by law; or
- (c) contravention of the provisions of any order, by-law, regulation or rule relating to—
 - (i) the route to be followed by vehicles generally or by vehicles of the class to which the vehicle belongs; or
 - (ii) as to roads which are to be used for traffic by such vehicles.

- (d) exceeding the prescribed speed limit;
- (e) being on a road without a valid vehicle licence or identification mark being displayed;
- (f) being on a road without the driver thereof being in possession of a valid driving licence or any other licence or permit required by law;
- (g) wrongful overtaking of other vehicles;
- (h) failure to obey traffic lights or signs;
- (i) disregard of road signs, road markings and pavement markings.

(2) Where an authorised police officer finds a person on any occasion and has reason to believe that on that occasion he is committing or has committed an offence to which this section applies, he may give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a fixed penalty under this section; and no person shall then be liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before the expiration of seven days following the date of the notice or such longer period (if any) as may be specified therein or before the date on which proceedings are begun, whichever event last occurs.

(3) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against any person for that offence until the end of the seven days following the date of the notice or such longer period (if any) as may have been specified therein.

(4) In the foregoing subsections "**proceedings**" means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2) and "**convicted**" shall be construed in like manner.

(5) Payment of a fixed penalty under this section shall be made to such magistrate court having jurisdiction in the area where the offence was committed as may be specified in the notice and sums paid by way of fixed penalty for any offence shall be treated as if they are fines imposed on summary conviction for that offence; and in any proceedings a certificate that payment of a fixed penalty was or was not made to the prescribed court by a date specified in the certificate shall if the certificate purports to be signed by the registrar or other authorised officer of that court, be sufficient evidence of the facts stated unless the contrary is proved.

(6) A notice under subsection (2) of this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information thereof, and shall state also the period during which, by virtue of subsection (3) of this section, proceedings will not be taken for the offence, the amount of the fixed penalty, and the court to which and the address at which the fixed penalty may be paid.

(7) Where an authorised police officer finds a vehicle on an occasion and has reason

to believe that on that occasion there is being or has been committed in respect of it an offence to which this section applies, he may proceed under this section as if he had found a person reasonably believed by him to be committing the offence, and for that purpose a notice affixed to the vehicle shall be deemed to be given to the registered owner of the vehicle.

(8) A notice affixed to a vehicle under subsection (7) of this section shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question; and any person contravening this subsection shall be liable on summary conviction to a fine of N500.00.

[No. 4 of 2006.]

(9) The fixed penalty for an offence for the purpose of this section shall be N500.00.

(10) Where a vehicle on which a notice has been affixed under subsection (7) of this section is one owned by the Government of the Federation or of a State, the Ministry or other department in whose service the vehicle is used may either pay the fixed penalty or nominate an official as the person responsible for the offence and that person shall be deemed to be the actual person liable therefor and to whom the opportunity of the discharge of liability of conviction is given under this section.

(11) In any proceedings for an offence to which subsection (1) of this section applies no reference shall be made after the conviction of the accused to the giving or affixing of any notice under this section or to the payment or non-payment of a fixed penalty thereunder unless in the course of the proceedings or in some document which is before the court in connection with the proceedings reference has been made by or on behalf of the accused to the giving or affixing of such a notice or, as the case may be, to such a payment or non-payment.

(12) The Commissioner may by regulations make provision as to any matter incidental to the operation of this section, and in particular, but without prejudice to the foregoing—

- (a) prescribe the form of notice under this section; and
- (b) specify the areas of State Highways to which this section is to apply.

42. Regulations

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
 - (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 of the finger-print impressions of paid drivers;
 - (i) 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;
- (j) 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;
 - (ii) motor vehicles or trailers belonging to any particular class of persons; or
 - (iii) any specified areas; or

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 or 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)

[No. 4 of 2006].

(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.

43. Copy of central registrar's records prima facie evidence

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.

44. Existing records

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 43 shall apply to such registers, records and documents as aforesaid as if they had been kept under this Law.

[Cap. 137 (1948).]

45. Application to the state

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.

Road Traffic Law – Subsidiary Legislation

CHAPTER R5

ROAD TRAFFIC LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation