

CHAPTER 59 - GUIDES (LICENSING)

ARRANGEMENT OF SECTIONS

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CHAPTER 59 GUIDES (LICENSING)

A LAW TO PROVIDE FOR THE LICENSING OF GUIDES AND TO PROHIBIT UNLICENSED PERSONS ACTING AS GUIDES

[1 December 1941]

1. This Law may be cited as the Guides (Licensing) Law and shall apply to such places as the Governor may by order direct.

2. Definitions:-

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

"licensed guide" means a person licensed as a guide under this Law;

"superintendent of police" in respect of any place to which this Law may be applied means the officer in charge of the police in any such place.

3. —(1) Any person who, for a reward or any kind whatsoever, offers his services to any other person, for the purpose of directing or accompanying such other person to any public or private place, or for the purpose of giving information to any other person respecting any public or private place shall first obtain a licence as a guide from the superintendent of police.

(2) A licensed guide shall obtain a numbered armlet which shall be supplied to him by such superintendent of police on payment of the prescribed fee.

(3) Such superintendent of police may in his discretion refuse to grant a licence to an applicant and may likewise cancel a licence.

(4) Every licence shall, unless previously cancelled by such superintendent of police in the interim, remain in force up to the last day of December following the date of the issue of the licence:

and the applicant shall pay the prescribed fee for such licence.

(5) Each licence shall contain the thumb print impressions of the applicant together with his signature, if he is able to write, and his photograph, shall bear the stamp of the licensing authority placed in such a position that part of such stamp shall be on the photograph and part on the licence, and shall contain the scale of fees, if any, payable to the holder of such licence.

(6) Every person to whom a licence is granted shall when engaged on his occupation as a licensed guide wear his armlet, carry his licence with him, and produce his licence on being requested so to do by any police, customs, government or local government officer or any wayfarer.

(7) No person shall be in possession of or the holder of more than one licence or prescribed armlet at any time.

(8) Where a licence has been refused to any person applying for the same in any place to which this Law has been applied by Order the applicant may within twenty-one days of the date of refusal appeal to a committee of three persons appointed by the Commissioner for the purpose of hearing such appeals.

(9) The committee hearing an appeal against the refusal by a superintendent of police to grant a licence shall decide whether the applicant is or is not a suitable person to whom a licence under this Law may be granted, and the decision of any such committee shall be final.

4. Any person who:-

(a) lends or transfers to any other person a licence or prescribed armlet; or

(b) with a view to acting as a guide, borrows from, or is in possession of a licence or prescribed armlet belonging to any other person; or

(c) forges or imitates, or defaces, mutilates, alters or in any way changes or obliterates any licence or prescribed armlet or any part of any licence or prescribed armlet; or

(d) fails to produce his licence or prescribed armlet when lawful demand is made therefor or produces a licence or prescribed armlet other than the licence or prescribed armlet, if any, issued to him; or

(e) is in possession of, or is the holder of, more than one licence or prescribed armlet, shall be guilty of an offence and on summary conviction be liable to a fine of two hundred naira or imprisonment for three months.

5. —(1) Any unlicensed person who for or in the hope of obtaining a reward of any kind acts or offers to act as a guide shall be guilty of an offence.

(2) Where a prosecution is instituted against an unlicensed person for an offence against this section the court shall presume that he acted or offered to act as a guide for or in the hope of obtaining a reward and the onus of proving to the contrary shall lie on the person charged.

6. Any licensed or unlicensed person who with a view to persuading any wayfarer to accept his services for the purpose of showing or taking such wayfarer to any public or private place whatsoever:-

(a) persistently follows or accompanies, either alone or with one or more licensed or unlicensed persons, any such wayfarer; or

(b) watches, besets, wanders or loiters about any wharf, quay, jetty, landing place, railway station, taxi-stand, bus-stand or halt, licensed premises, hotel, cinema, shop, place of public entertainment, or any place where wayfarers are present or may be expected to be, or any approaches to any of the places mentioned in this paragraph; or

(c) accosts, calls out or otherwise importunes any wayfarer; or

(d) makes any noise in order to attract the attention of any wayfarer; or

(e) by troublesome or frequent demands holds himself out as a guide; or
(f) acts in any way as to make himself objectionable, or a nuisance to any wayfarer, so as to cause annoyance, or inconvenience to any wayfarer,
shall be guilty of an offence:

Provided that no licensed guide shall be liable to be prosecuted for an offence against the provisions of paragraph (b) hereof in connection with any particular place mentioned therein if the conditions of the licence issued to him authorise his attendance at any particular place set out in the said licence.

7*. Evidence that the wayfarer made a complaint about the conduct of the defendant may be given by the person to whom the complaint was made on the hearing of any charge laid under section 6 or subsection (1) of section 9 if the wayfarer is unable to give evidence and notwithstanding that the complaint was made in the absence of the defendant:

Provided that the court is satisfied that owing to the conduct of the defendant in leaving the vicinity where the complaint was made, the complaint could not have been made in the presence and hearing of the defendant:

Provided that the fact of the making of the complaint and the substance thereof shall be established to the satisfaction of the court by the testimony of two or more witnesses one of whom may be the person to whom the complaint was made.

8*.—(1) In any charge laid under section 6, where the court is satisfied that the defendant did any of the acts set out in any of the paragraphs therein contained, the presumption shall be drawn that the defendant acted with the view to persuading the wayfarer to accept his services for one or more of the purposes therein set out, and the onus shall thereupon lie on the defendant to rebut that presumption.

(2) Where any charge relates to the provisions of paragraph (f) of section 6 and where it is established to the satisfaction of the court from the evidence of two or more witnesses that the defendant contravened any of the said provisions, the presumption shall be drawn that the defendant acted with the view to persuading the wayfarer to accept his services for one or more of the purposes aforesaid although the wayfarer did not give evidence at the hearing, and the onus shall thereupon lie on the defendant to rebut that presumption.

(3) Where any charge is laid under paragraph (b) of subsection (1) of section 9, and where it is established to the satisfaction of the court from the evidence of two or more witnesses that the defendant acted in contravention or any of the provisions of that paragraph, the charge shall be presumed to be proved although the wayfarer did not give evidence at the hearing, and the onus shall thereupon lie on the defendant to rebut that presumption.

9. —(1) No owner or driver of a hackney carriage vehicle plying for hire or any person acting on his behalf shall:-

(a) speak, or call out to, any wayfarer, make any noise or sound any instrument in order to attract the attention of any tourist; or

(b) by troublesome and frequent demands or by persistently following hold out any such vehicle for hire to any wayfarer in such a manner as to constitute a nuisance, or act in any way so as to cause annoyance or inconvenience or make himself objectionable to any such wayfarer.

(2) At no time when the vehicle is standing or plying for hire shall any person other than the driver or passengers be carried on the vehicle.

(3) Any person contravening the provisions of this section shall be guilty of an offence.

10. Except where otherwise provided, any person convicted of an offence against this Law shall on summary conviction be liable:-

(a) for a first offence to a fine not exceeding one hundred naira or to imprisonment for a term not exceeding one month;

(b) for a second offence to a fine not exceeding two hundred naira or to imprisonment for a term not exceeding three months, and in addition thereto may be ordered, if a male, to be caned;

(c) for a third or any subsequent offence to imprisonment for a term not exceeding six months, and in addition thereto may be ordered, if male, to be caned.

11. Subject to the provisions of section 191 of the Constitution, a prosecution for an offence under this Law shall not be instituted without the consent of a superintendant of police:

Provided that this section shall not prevent the arrest, or the issue or the execution of a warrant for the arrest, of any person in respect of any offence, or the remanding, in custody or on bail, of any person charged with an offence under this Law, notwithstanding that the consent of a superintendant of police to the institution of a prosecution for the offence has not been obtained.

12. The Governor may make regulations in respect of the regulations, following matters:-

(a) the registration, number, and classes of licences to be issued;

(b) the fees, if any, to be paid in respect of the different classes of licence;

(c) the class or classes of persons to whom licences may be issued;

(d) the form of such licences;

(e) the conditions attaching to such licences; (/) the replacement of lost licences or armlets;

(g) the fees payable by tourists to licence holders or different classes of licence holders;

(h) the design of the armlets to be worn;

(i) generally for any matter not herein provided for in connection with the issues of licences and armlets and for the better carrying out of the provisions of this Law.