

A BILL

FOR

AN ACT TO AMEND THE WEST AFRICAN EXAMINATIONS COUNCIL ACT 1973
AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by HON. DR E. C. EMEKEKWUE,
Onitsha South Federal Constituency,
Anambra State*

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Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal

2 Republic of Nigeria as follows—

3 1. The West African Examinations Council Act 1973 is hereby
4 amended in section 20 by *repealing* subsection (4) thereof.

Amendment
1973, No. 27.

5 2. This Act may be cited as the West African Examinations Council
6 (Amendment) Act 1982.

Short title.

EXPLANATORY MEMORANDUM

Section 20 (4) of the West African Examinations Council Act 1973 constrains the prosecution of offences relating to examination leakages and this Bill seeks to remove that constraint as a deterrent to offenders.

A BILL

FOR

AN ACT TO ESTABLISH THE FEDERAL HIGHWAYS AUTHORITY AND FOR MATTERS
CONNECTED THEREWITH.

*Sponsored by HON. F. CHARLES ADIGWE,
Awka Federal Constituency,
Anambra State*

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Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows -

3 PART I ESTABLISHMENT AND COMPOSITION

4 1. (1) There is hereby established an authority to be known as
5 the Federal Highways Authority.

Establish-
ment of
Authority.

6 (2) The Authority shall be a body corporate with perpetual suc-
7 cession and a common seal, and with power to sue and be sued in its
8 corporate name and to own, hold and dispose of property whether
9 movable or immovable.

10 2.—(1) The Authority shall consist of a Chairman and nine other
11 members all of whom shall be appointed by the President. Membership.

1 (2) A member shall hold office for three years from the date of his
2 appointment but shall be eligible for re-appointment.

3 (3) Notwithstanding the provisions of subsection (2) of this section,
4 the President may at any time revoke the appointment of any member
5 and a member may by writing under his hand addressed to the President
6 at any time resign his appointment.

7 (4) If the President revokes the appointment of any member, or
8 a member resigns his appointment, the President shall, not later than
9 30 days after the date of the revocation of or resignation from
10 such appointment, as the case may be, appoint another person to replace
11 that member.

Provisions
applicable to
Authority.

12 3. The provisions contained in the Schedule to this Act shall
13 apply to the Authority.

Director-
General.

14 4.—(1) The President shall appoint a fit and proper civil engineer
15 to be the Director-General of the Authority.

16 (2) The Director-General shall be the chief executive of the
17 Authority and shall subject to the policy of the Authority—

18 (a) control and co-ordinate the day to day operations of the Authority ;
19 and

20 (b) perform such other duties as the Authority may from time
21 to time direct.

Secretary.

22 5. The Authority shall appoint the Secretary to the Authority
23 and the Secretary shall subject to the policy of the Authority—

24 (a) keep custody of the records of the proceedings of the Authority ;
25 and

26 (b) perform such other duties as the Authority may direct.

PART II—FUNCTIONS

6. The functions of the Authority shall be—

Functions.

(a) subject to the directions of the Minister, to maintain and repair, on a continuing basis, all the federal highways in the Federation and ensure a free flow of traffic on all federal highways ;

(b) to construct and maintain toll gates on such federal highways in each State as the Authority may from time to time designate ; and collect such tolls as the Authority may fix for any of those toll gates :

Provided that 20% of the revenue derived from the tolls collected at the toll gates in any State shall be paid by the Authority into the Consolidated Revenue Fund of that State.

(c) on behalf of Government, to supervise all federal road projects and ensure that federal highways conform to standards and specifications prescribed by the Authority ;

(d) to ensure that necessary road signs are provided along all federal highways ; and

(e) to provide for the users of federal highways such repair shops, petrol filling stations, postal and telecommunication services, pedestrian footpaths, subways and overhead bridges, catering services and other facilities as the Authority may decide.

7.—(1) The Authority shall have power—

Powers of Authority.

(a) subject to such terms and conditions as the Authority may approve, to employ staff other than the Director-General, agents, contractors and other workers to carry out any of its functions under this Act ;

(b) to establish such offices, workshops and branches of the Authority in every State as the Authority may require for the performance of any of its functions under this Act ;

1 (c) to appoint directors who shall subject to the over-all control
2 of the Director-General, be the chief executives of the zonal offices
3 established under subsection (2) of this section ;

4 (d) to charge fees for its services ; and

5 (e) to do such other things as the Authority may from time to time
6 decide, for carrying out its functions under this Act.

7 (2) Without prejudice to subsection (1) of this section, the
8 Authority shall establish five zonal offices as specified in the Second
9 Schedule to this Act.

10 (a) to monitor and supervise the operations of the Authority in the
11 States under the respective zones ; and

12 (b) to carry out such other duties as may be delegated to them by
13 the Authority.

14 PART III—MISCELLANEOUS

15 8. The funds of the Authority shall comprise—

16 (a) grants provided by the Federal Government ;

17 (b) revenue from the tolls collected at the toll gates ;

18 (c) revenue from its services ; and

19 (d) such other revenue as may accrue to the Authority from any
20 other source.

21 9. The Authority shall not later than 30th September of each year,
22 submit to the Minister estimates of its income and expenditure for the
23 next succeeding financial year.

24 10. As soon as may be after the end of each financial year the
25 Authority shall submit to the Minister and each House of the National
26 Assembly, a report on its activities for the preceding year and that
27 report shall include its audited account for that year together with the
28 Auditor-General's report thereon.

Funds.

Annual
Estimates.

Annual
Report.

1 11. The Authority may make standing orders to regulate its own Standing
2 proceedings. orders.

3 12.—(1) The Authority shall make regulations for carrying into Regulations.
4 effect any of the provisions of this Act and without prejudice to the genera-
5 lity of the foregoing provisions, the Authority may make regulations -

6 (a) for the removal of obstructions and wreckages of vehicles on
7 federal highways ;

8 (b) for the uninterrupted flow of traffic on federal highways ; and

9 (c) to prescribe fees to be charged for any of its services.

10 (2) The regulations made by the Authority shall have effect from
11 the date on which they are published in the Gazette or such later date
12 as the regulations may prescribe.

13 (3) The Authority shall as soon as may be after making any regula-
14 tions, lay before each House of the National Assembly copies of those
15 regulations.

16 13. In this Act—

17 “Authority” means Authority established under section 1 ;

18 “Gazette” means *Official Gazette* of the Federation ;

19 “Minister” means Minister responsible for works ;

20 “President” means President of the Federal Republic of Nigeria.

21 14. This Act may be cited as the Federal Highways Authority Act Short title.

22 1982.

Interpreta-
tion.

SCHEDULES

FIRST SCHEDULE

Presiding at
meetings.

1. The Chairman of the Authority shall preside at any meeting of the Authority and in his absence the members present shall appoint one of their number to preside at that meeting.

Quorum.

2. The quorum at any meeting of the Authority shall be four.

Validity of
proceedings.

3. The proceedings of the Authority shall not be affected by any vacancy in its membership or defect in the appointment of a member or by reason that a person who is not a member has taken part in such proceedings.

Co-option of.

4.—(1) Where the Authority is desirous to obtain the advice of any person on any particular matter, the Authority may co-opt that person as a member of the Authority for such meeting or meetings as the Authority may decide.

(2) The person so co-opted shall have all the privileges of a member except that he shall not be entitled to vote at any meeting of the Authority or count towards a quorum.

Authentica-
tion of
instruments.

5.—(1) The fixing of the seal of the Authority shall be authenticated by the signature of the Chairman or the Director-General or any member authorized in that behalf by the Authority.

(2) Any instrument or contract which if made or executed by an individual need not be under seal, may be made or executed on behalf of the Authority by any person generally or specifically authorized in that behalf by the Authority.

(3) Any document purported to be a document executed under the seal of the Authority shall be received in evidence and shall unless the contrary is proved be presumed to be so executed.

SECOND SCHEDULE

<i>Name of Zone</i>	<i>State/Territory covered</i>	<i>Site of Headquarters Office</i>
1. Federal Capital Territory Zone	Federal Capital Territory Abuja
2. North-Eastern Zone	Borno, Gongola, Plateau and Bauchi States Gombe
3. North-Western Zone	Sokoto, Kano, Kaduna, Niger and Kwara States Gusau
4. South-Eastern Zone	Anambra, Imo, Cross River, Rivers and Benue States Awka
5. South-Western Zone	Lagos, Ogun, Oyo, Ondo and Bendel States Shagamu

EXPLANATORY MEMORANDUM

This Bill seeks to establish an independent authority for the regular upkeep and maintenance of the federal highways in the Federation and to provide for the funding of the Authority.

A BILL

FOR

AN ACT TO AMEND THE COPYRIGHT ACT 1970 AND FOR MATTERS CONNECTED THEREWITH.

Sponsored by—

HON. M. O. OLUBODE ONI,
Obafemi-Owode Federal Constituency, Ogun State

HON. CHIEF S. U. WANGANGA,
Aba Federal Constituency, Imo State

HON. AKINTUNDE ROTIMI,
Ekiti North Federal Constituency, Ondo State

HON. MOHAMMED LAWAL NA-ROGO,
Karaye Federal Constituency, Kano State

[] Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows—

3 1. For sections 6, 7 and 8, of the Copyright Act 1970 there shall
4 be substituted the following new sections—

Amendment
to Copyright
Act 1970.

5 "Broad- 6.--(1) Where the owner of the copyright in any literary,
6 casting of works musical or artistic work authorizes a person to incorporate the
7 of works incorporat- work in a cinematograph film and a broadcasting authority
8 ed in a cine- matograph film. broadcasts the film the owner of the copyright shall in the
9 absence of any express agreement to the contrary between the
10 owner and that person or authority be deemed to have agreed
11 to the broadcast, subject to a fair royalty to be paid to

1 (2) Notwithstanding subsection (1), any such broad-
 2 cast by the broadcasting authority shall be made only on
 3 the written instruction of the owner of the copyright based
 4 on an express agreement between the owner and that
 5 person or authority."

6 "Nature of 7. Copyright in a sound recording shall be the exclusive
 copyright in sound right to control in Nigeria the direct or indirect reproduction
 recording. 8 of the whole or any part of the recording either in its original
 9 form or in any form recognizably derived from the original."

10 "Nature of 8.—(1) Subject to this section, copyright in a broadcast
 copyright in broad- shall be the exclusive right to control the doing in Nigeria
 casts. 12 of any of the following acts namely—

13 (a) the recording and the rebroadcasting of the whole
 14 or any part of the broadcast ; and

15 (b) the communication to the public, in places where
 16 an admission fee is charged, of the whole or any part
 17 of a television broadcast ;
 18 either in its original form or in any form recognizably
 19 derived from the original.

20 (2) The copyright in a television broadcast shall include
 21 the right to control the taking of still photographs from the
 22 broadcast."

Short title.

23 2. This Act may be cited as the Copyright (Amendment) Act 1982.

EXPLANATORY MEMORANDUM

This Bill seeks to give meaningful protection to the original owner of any copyright against infringement by any broadcasting authority.

A BILL FOR

AN ACT TO AMEND THE CRIMINAL CODE AND FOR MATTERS CONNECTED THEREWITH.

Sponsored by —

HON. EDET BASSEY ETIENAM,
Oron II Federal Constituency, Cross River State

HON. MOHAMMED LAWAL NA-ROGO,
Karave Federal Constituency, Kano State

HON. M. OLUBODE ONI,
Obafemi Owoode Federal Constituency, Ogun State

HON. AKINTUNDE ROTIMI,
Ekiti North Federal Constituency, Ondo State

HON. S. U. WANGANGA,
Aba Federal Constituency, Imo State

[]

Commence-
ment.

1 BE IT ENACTED by the National Assembly of the Federal
2 Republic of Nigeria as follows—

3 1. For sections 491 and 492 of the Criminal Code (contained in
4 the Schedule to the Criminal Code Act) there shall be substituted the
5 following new sections—

6 "Making or 491: Any person who knowingly—
7 dealing in
8 infringing
9 copies
of
copyright
work.

(a) makes for sale or hire, or in any way reproduces
any infringing copy of a work in which copyright
subsists : or

10 (b) sells or lets for hire, or by way of trade exposes,
11 reproduces or offers for sale or hire any infringing copy

Amendment to Criminal Code.

1 (c) distributes infringing copies of any such work
 2 either for the purposes of trade or to such an extent as
 3 to affect prejudicially the owner of the copyright in any
 4 way and manner whatsoever ; or

5 (d) by way of trade exhibits in public any infringing
 6 copy or reproduction of any such work ;
 7 is guilty of an offence and liable to a fine not exceeding
 8 two thousand naira for every copy dealt with in contraven-
 9 tion of this section, but not exceeding five hundred
 10 thousand naira in respect of the same transaction, or in the
 11 case of a second or subsequent offence to a fine of five
 12 hundred thousand naira or imprisonment for seven years."

13 "Being in possession 492. Any person who knowingly makes or has in his
 14 of plate for making possession any plate, cassette, cartridge, or any other device
 15 infringing copies ; for the purpose of making copies of any work in which
 16 giving un- copyright subsists, or knowingly and for his private profit
 17 authorised per- causes any such work to be performed in public without
 18 formances of the consent of the owner of the copyright is guilty of an
 19 copyright work. offence and is liable to a fine of five hundred thousand
 20 naira ; or in the case of a subsequent offence either to a fine
 21 of five hundred thousand naira or to imprisonment for
 22 seven years."

Short title.

23 2. This Act may be cited as the Criminal Code (Amendment)
 24 Act 1982.

EXPLANATORY MEMORANDUM

This Bill seeks to impose severe penalties for any infringement of copyright.