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2022 No. 35

*Nigerian Safety Investigation Bureau
(Establishment) Act, 2022*

**NIGERIAN SAFETY INVESTIGATION BUREAU
(ESTABLISHMENT) ACT, 2022**



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2022 No. 35

*Nigerian Safety Investigation Bureau
(Establishment) Act, 2022*

**NIGERIAN SAFETY INVESTIGATION BUREAU
(ESTABLISHMENT) ACT, 2022**

ACT No. 35

AN ACT TO ESTABLISH THE NIGERIAN SAFETY INVESTIGATION BUREAU AND PROVIDE FOR
THE REGULATION, PREVENTION AND EFFECTIVE ADMINISTRATION FOR SAFETY
INVESTIGATION IN NIGERIA ; AND FOR RELATED MATTERS

[23rd Day of October, 2022]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I — OBJECTIVE AND APPLICATION OF THIS ACT

1.—(1) The objective of this Act is to provide an effective legal and institutional framework for the prevention, regulation and administration in safety investigation of transportation occurrences in Nigeria and anywhere Nigerian interest is involved or the transportation vehicle is a Nigerian carrier.

Objective

2.—(1) This Act shall apply to the investigation of transportation occurrences in —

Application

- (a) air ;
- (b) marine ;
- (c) rail and tracked vehicle transport system ; and
- (d) any other means of transportation in Nigeria;

(2) The provisions of this Act shall apply to all civil aircraft transportation occurrences —

- (a) in or over Nigeria ;
- (b) in or over any place that is under Nigerian airspace ;
- (c) where Nigerian citizens are involved ; and
- (d) in any place or over any air space, where —
 - (i) Nigeria is requested to assist in investigating the aviation occurrence,
 - (ii) the aircraft involved is operated by a person to whom Nigerian aviation document has been issued or registered,
 - (iii) the aircraft occurrence involves an aircraft registered in Nigeria and occurred in the territory of a non-contracting State,
 - (iv) an aircraft registered elsewhere than in Nigeria but is operated by an undertaking established in Nigeria, when the investigation is not to be carried out by another State, or
 - (v) the aircraft occurrence involves an aircraft registered in Nigeria and it cannot definitely be established as being in the territory of any State

(3) The provisions of this Act shall apply in the case of rail and tracked vehicle occurrences —

- (a) in or within railway tracks in Nigeria ;
- (b) in rail vehicles owned or operated by Nigeria ;
- (c) where Nigerian citizens are involved ; and
- (d) in or within any place outside Nigeria where —
 - (i) Nigeria is requested to assist in investigating the railway occurrence,
 - (ii) the rail vehicle involved is one operated by a person to whom Nigerian railway license has been issued or registered, or
 - (iii) a rail vehicle involved is registered or licenced in Nigeria.

(4) The provisions of this Act shall apply in the case of marine occurrences —

- (a) in or within Nigerian water ways ;
- (b) where the Nigerian ship, small ship and craft is in the exclusive economic zone, territorial and inland seas, inland waterways and in the port of Nigeria ;
- (c) where the ship, small ship and craft flying a foreign flag in the exclusive economic zone, territorial and inland seas, inland waterways and in the port of Nigeria ;
- (d) where Nigerian citizens are involved ;
- (e) the marine occurrence involves a ship, small ship and craft registered or licenced in Nigeria ; and
- (f) in or within any other place, where —
 - (i) Nigeria is requested to assist in the investigation of marine occurrence by an appropriate authority,
 - (ii) the marine occurrence involves a ship, small ship and crafts registered or licenced in Nigeria where it cannot definitely be established as being in the territory of any State, or
 - (iii) involving a rail vehicle registered or licenced in Nigeria.

(5) The provisions of this Act shall apply in the case of any other mode of transportation occurrences —

- (a) in or within Nigeria ;
- (b) in transportation vehicles owned or operated by Nigeria ;
- (c) where Nigerian citizens are involved ; and
- (d) in or within any place outside Nigeria where —
 - (i) Nigeria is requested to assist in investigating the transportation occurrence ;

- (ii) the transportation vehicle involved is one operated by a person to whom Nigerian licence has been issued or registered ; or
- (iii) involving a transportation vehicle registered or licenced in Nigeria ;
- (iv) there are safety lessons to be learnt there from.

PART II — ESTABLISHMENT OF THE NIGERIAN SAFETY INVESTIGATION BUREAU

3.—(1) There is established the Nigerian Safety Investigation Bureau, (in this Act referred to as “the Bureau”).

Establishment
of Nigerian
Safety
Investigation
Bureau.

(2) The Bureau —

- (a) shall be a body corporate with perpetual succession and a common seal ;
- (b) may sue and be sued in its corporate name except for matters associated with transportation safety investigation functions ;
- (c) may acquire, purchase, mortgage, hold and dispose of property whether movable or immovable ; and
- (d) shall be independent in carrying out its functions and duties under this Act.

4. The Bureau shall determine the cause of transport occurrences, with the aim to identify safety recommendations to prevent similar events in the future through —

Functions of
the Bureau.

- (a) investigating and establishing the facts, circumstances, and cause or probable cause of each occurrence involving civil aircrafts ;
- (b) investigating railroad accident in which there is a fatality, substantial property damage, or that involves a passenger train ;
- (c) investigating marine occurrences in Nigeria’s exclusive economic zone, territorial and inland seas, inland waterways and in the ports of Nigeria ;
- (d) investigating any other accident related to the transportation of individuals or property when the Bureau decides the accident —
 - (i) is catastrophic, or
 - (ii) involves problems of a recurring character ;
- (e) independently investigating transportation safety matters ;
- (f) identifying factors that —
 - (i) contribute or have contributed to transportation safety matters, and
 - (ii) affects or is likely to affect transportation safety ;
- (g) publishing electronically and by other means, reports on transportation occurrence investigations and safety measures ;

(h) conducting public enlightenment programmes about matters relating to transportation safety ;

(i) collaborating with Federal, State and Local Government agencies on matters relating to transportation safety ;

(j) collaborating with agencies and first responders at sites of transportation occurrences ;

(k) collaborating with any relevant person, first responders and agencies for the purposes of achieving its objectives under this Act ;

(l) establishing and maintaining standard laboratories and such other facilities as may be necessary for performing its functions under this Act ;

(m) controlling the coordination of the Family Assistance Programmes established under this Act ; and

(n) doing anything incidental to its functions for the purposes of improving transportation safety in Nigeria.

Powers of
the Bureau.

5. The Bureau shall have the power to —

(a) investigate or cause to be investigated any transportation occurrence and cause of —

(i) a civil aircraft occurrence,

(ii) a marine occurrence involving a Nigerian vessel,

(iii) a rail and tracked vehicle occurrence in which there is a fatality or substantial property is damaged, or

(iv) an occurrence in any other mode of transportation;

(b) establish or issue policies and procedure manuals, regulations, employee manuals, orders, advisories, circulars, bulletins, reporting systems and any other document as may be relevant for carrying out of its functions under this Act ;

(c) charge such fees as it deems fit for its services other than for the investigation of transportation occurrences ;

(d) certify transportation safety investigation causes ;

(e) ensure adequate trainings for its employees for the proper performance of their functions under the Act ;

(f) invest its funds in such securities as it deems fit, and shall strive to recover the whole of its costs and to achieve reasonable returns on capital and investment ;

(g) communicate safety matters to all sectors of the transportation industry, containing safety action statements, recommendations, safety advisory notices or bulletins ; and

(h) do such other things that are incidental to investigation of transportation occurrences.

6.—(1) The Bureau shall not be subject to the direction of or interference from any entity in the performance of its functions or exercise of its powers under this Act in relation to —

Independence
of the
Bureau and
Director-
General.

(a) how a particular transportation safety investigation will be carried out ;

(b) the content of a public report on a particular transportation safety investigation ; or

(c) the publication and circulation of the final report of a particular transport safety investigation.

(2) The Director-General shall not be subject to direction from anyone in relation to the exercise of his powers and must act consistently with the provisions of this Act.

PART III — GENERAL ORGANISATION AND ADMINISTRATION

7.—(1) There is established a Governing Board for “the Bureau” (in this Act referred to as the Board) which shall consist of —

Establishment
and
composition
of the
Governing
Board.

(a) a chairman, who shall be a person with 20 years cognate technical knowledge, qualification and practical experience in accident reconstruction, safety engineering, transportation safety, or transportation regulation ;

(b) two persons with 15 years cognate knowledge, qualification and practical experience in aeronautical engineering, aircraft maintenance or aircraft piloting, aviation safety or administration ;

(c) two persons with 15 years cognate knowledge, qualification and practical experience in maritime safety, engineering or administration ;

(d) two persons with 15 years cognate knowledge, qualification and a practical experience in railway engineering or administration ;

(e) a legal practitioner with 15 years cognate practice experience in maritime, oil and gas or aviation law ; and

(f) the Director-General.

(2) The Chairman and members of the Board shall be appointed by the President, on the recommendation of the Minister.

(3) The composition of the Board shall reflect equity and fairness as enshrined in section 14 (3) of the Constitution of the Federal Republic of Nigeria 1999.

Cap. C 23,
LFN 2004

(4) The Board shall —

(a) elect from among its members a Vice-Chairman, who shall in the absence of the Chairman have all the powers and duties of the Chairman ; and

	<p>(b) in the absence of both Chairman and the Vice-Chairman, nominate a person from their own ranks to preside at that meeting.</p>
Schedule.	<p>(5) The Supplementary Provisions set out in the Schedule to this Act, shall have effect with respect to the proceedings of the Board and other matters contained therein.</p>
Tenure of office.	<p>8.—(1) A member of the Board other than the Director-General appointed under section 7 of this Act shall hold office for a term of four years in the first instance and may be eligible for reappointment for another term of four years and no more.</p> <p>(2) Notwithstanding the provisions of subsection (1), a person shall cease to hold office as a member of the Board, where the person —</p> <ul style="list-style-type: none">(a) becomes bankrupt or compounds with his creditors ;(b) is convicted in Nigeria or elsewhere of a felony or any offence involving dishonesty or fraud ;(c) is incapable of carrying out his duties by reason of physical or mental illness ;(d) is guilty of a serious misconduct in relation to his duties as a member of the Board ;(e) is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority or court or in the case of a person dispossessed of professional qualification ;(f) is in breach of the conflict of interest provisions set out in paragraphs 19-22 of the Schedule to this Act ;(g) resigns his appointment by giving 30 days written notice addressed to the President through the Minister ; or(h) ceases to hold the office on the basis of which he became a member of the Board, in the case of an ex-officio member. <p>(3) A member of the Board other than the Director-General may be removed by the President, on the satisfaction that, it is not in the interest of the Bureau or the public for such member to continue in office.</p> <p>(4) Where a member of the Board ceases to hold office for any reason whatsoever before the expiration of the term for which such member was appointed, a successor shall be appointed to the Board by the President in accordance with section 7 of this Act to fill the vacancy occurring, for the unexpired term.</p>
Remuneration of Board members.	<p>9. The remuneration, allowances and benefits payable to the members of the Board, shall be in accordance with the directives of the Revenue Mobilisation Allocation and Fiscal Commission.</p>

10. The Board shall have power to —
- (a) formulate, monitor, and determine the general policy guidelines for the Bureau ;
 - (b) formulate and develop guidelines for investigations ;
 - (c) ensure the implementation of the policies and programmes of the Bureau ;
 - (d) fix terms and conditions of service including remuneration of the employees of the Bureau in accordance with the directives of the National Salaries Incomes and Wages Commission ;
 - (e) receive and review annual reports from the management of the Bureau of the activities of the Bureau in the preceding calendar year, which shall include a copy of the audited accounts of that calendar year ; and
 - (f) perform such other functions as are necessary or expedient to ensure the efficient performance of the functions of the Bureau under this Act.

Functions
and powers
of the
Board.

PART IV — MANAGEMENT AND STAFF OF THE BUREAU

11.—(1) There shall be for the Bureau a Director-General who shall be appointed by the President on the recommendation of the Minister.

The
appointment
of Director-
General of
the Bureau.

(2) The Director-General shall —

- (a) be a degree holder with 15 years extensive knowledge and expertise in one or more areas relevant to the functions of the Bureau ; and
- (b) hold office for a term of five years in the first instance and may be eligible for reappointment for another term of five years and no more.

(3) The Director-General shall be the chief executive and accounting officer of the Bureau and responsible for the —

- (a) execution of the policies, decisions and programmes of the Bureau ;
- (b) administration, coordination, supervision and management of the day to day activities of the Bureau ;
- (c) implementation of the Board's decisions and ensuring that the Bureau achieves its objectives under this Act ;
- (d) direction and supervision of all employees of the Bureau ;
- (e) maintenance of proper accounting and financial records in accordance with extant Federal Government financial guidelines and regulations ; and
- (f) performance of such other duties as the Board may assign.

(4) The Director-General may in the exercise of his powers under this Act give directions as to —

- (a) how investigation is to be conducted ;
- (b) the content of a public report as to a particular investigation ; and
- (c) the publication and circulation of the final report.

(5) The Director-General shall —

- (a) have regard to the desirability of minimising any resulting disruption to the transport system by means of transport vehicles ;
- (b) act in consonance with the provisions of this Act and any regulations made under it.

(6) The Director-General may be suspended or be removed from office by the President, where the Director-General —

- (a) has demonstrated inability to effectively perform the duties of his office ;
- (b) is guilty of serious misconduct in relation to his duties ;
- (c) is, in the case of a person dispossessed of his professional qualifications, shall be disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority or the court ; or
- (d) is guilty of a conflict of interest under this Act.

(7) The Director-General may resign his appointment by giving 30 days written notice addressed to the President through the Minister.

Appointment
of the
Secretary.

12.—(1) There shall be appointed by the Bureau a Secretary of the Board who shall be the Legal Adviser of the Bureau and a legal practitioner who has been so qualified for not less than 15 years.

(2) The Secretary shall keep the seal and all records of the Bureau and the Board and perform such other duties and functions as the Board or the Director-General may direct or assign.

Appointment
of directors.

13.—(1) The Minister may upon the recommendation of the Board, appoint by written instrument such number of directors having technical or specialised knowledge in one or more areas relevant to the functions of the Bureau to assist the Director-General in carrying out his duties under this Act.

Cap. C23,
LFN, 2004.

(2) The composition of the directors of the Bureau appointed under subsection (1) shall reflect equity and fairness as enshrined in section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999.

<p>14. The Bureau shall subject to the approval of the Board —</p> <p>(a) employ either directly or on transfer or secondment from any civil or public service in the Federation such number of employees as may be required to assist the Director-General in the performance of his functions ;</p> <p>(b) the composition of the senior management staff of the Bureau appointed under subsection (1) shall reflect equity and fairness as enshrined in section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999 ; and</p> <p>(c) pay to persons so employed such remuneration and allowances as determined by National Salaries Incomes and Wages Commission (NSIWC).</p>	<p>Staff of the Bureau.</p> <p>Cap C23, LFN, 2004.</p>
<p>15.—(1) Subject to the provisions of this Act, the Board shall make staff regulations relating to their Conditions of Service.</p> <p>(2) The staff regulations made under subsection (1) of this Act shall not have effect until approved by the Board, and when so approved, the Bureau shall cause a notice of the staff regulations to be issued to all staff.</p>	<p>Staff regulations.</p>
<p>16.—(1) Service in the Bureau shall be approved service for purposes of the Pension Reform Act.</p> <p>(2) Employees of the Bureau shall be entitled to pension and other retirement benefits.</p>	<p>Pension Act No. 4, of 2014.</p>
<p style="text-align: center;">PART V — FINANCIAL PROVISIONS</p>	
<p>17.—(1) The Bureau shall establish and maintain a fund (in this Act referred to as “the Fund”) from which shall be defrayed all expenditure incurred by the Bureau for the purpose of this Act.</p> <p>(2) There shall be credited to the Fund —</p> <p>(a) an initial-take-off subvention as may be appropriated to the Bureau by the National Assembly ;</p> <p>(b) such sums as may be appropriated to the Bureau by the Federal Government ;</p> <p>(c) such money as may be provided to the Bureau by the Federal Government, a State or Local Government ;</p> <p>(d) all sums accruing to the Bureau by way of gifts, endowments, bequests, donations, grants or voluntary contributions by persons and organisations ;</p> <p>(e) foreign aid and assistance from multi-lateral and bilateral organisations ;</p> <p>(f) subventions and extra budgetary allocations accruable from the Federal Government or any other institution ;</p>	<p>Funds of the Bureau.</p>

- (g) fees and charges for services rendered by the Bureau ;
- (h) fees from publications made by the Bureau ;
- (i) any other fund that may be approved for the development of transportation safety in Nigeria ;
- (j) all other sums or assets that may be vested in or accrue to the Bureau in the course of performing its functions under this Act ;
- Act No. 16,
2006. (k) 6% of the 5% airfare, contract, charter and cargo charges as imposed under section 12 (2) and (3) of the Civil Aviation Act ;
- Cap. F5,
LFN, 2004. (l) 5% of the passenger service charge (PSC) as charged under section 12 (1) (b) (iii) of Federal Airports Authority of Nigeria Act, 2004 or Act of any other agency carrying out its functions in future and sums accruable there-from or as may be amended ;
- (m) 5% of any other air passenger service charges collected by any airport terminal operator in Nigeria ;
- (n) 3% of the 3% of gross freight of all international inbound and outbound cargo from ships or shipping companies operating in Nigeria collected and paid over to the Nigeria Maritime Administration and Safety Agency ;
- (o) 5% of ticket sales of rail passengers and cargo charges ; and
- (p) other charges levied on other modes of transportation as may be approved by the Federal Executive Council for the development of transportation safety in Nigeria.
- (2) The Fund shall be managed in accordance with extant financial regulations applicable in the public service of the Federation and regulations made under this Act.
- Emergency Fund. **18.**—(1) The Bureau shall have and maintain at any given time, an emergency fund not below the sum of ₦500,000,000 only in a special account with the Central Bank of Nigeria to cater for investigation of any major transportation occurrence.
- (2) In conformity with the requirements of the applicable international convention, instrument or protocol, proceeds arising from the emergency fund established and maintained for the Bureau under subsection (1) shall remain so, until expended and shall be replenished by the Bureau thereafter.
- Expenditure of the Bureau. **19.** The Bureau shall apply the proceeds of the Fund at its disposal to —
- (a) the cost of the administration of the Bureau ;
- (b) perform the functions of the Bureau under the Act ;
- (c) pay members of the Board or any committee set up by the Board for such expenses as may be expressly authorised by the Board ;

(d) the payment of salaries, fees or other remuneration, allowances, pension and benefits payable to employees and experts appointed by the Bureau ;

(e) build, acquire and maintain any property vested in the Bureau ; and

(f) undertake any other activity, programme or matter connected with all or any of the functions of the Bureau under this Act.

20.—(1) The Bureau shall keep proper accounts and records of its funds and prepare in respect of each financial year, a statement of accounts in such form as may be required and in conformity with best practice and financial regulations.

Accounts
and audit

(2) The Bureau shall within six months after the end of each year to which the accounts relate, cause its accounts to be audited by auditors appointed from the list of auditors and in accordance with guidelines supplied by the Auditor-General of the Federation.

(3) The auditors shall, on completion of the audit of the accounts of the Bureau for each year, prepare and submit to the Board reports setting out —

(a) general observations and recommendations of the auditors on the financial affairs of the Bureau for the year and on any important matter which the auditors desire to bring to the notice of the Board ; and

(b) detailed observations and recommendations of the auditors on all aspects of the operations of the Bureau for that year.

21.—(1) The Bureau shall not later than 30 September each year or other date stipulated by law or policy, submit to the National Assembly through the Minister an estimate of expenditure or income of the Bureau as approved by the Board for the next fiscal year for incorporation into the national budget.

Annual
estimates
and
expenditure.

(2) The Bureau shall keep proper accounts in respect of each year and proper records in relation to its accounts and shall cause it to be audited within six months after the end of each year by auditors appointed from the list of auditors and in accordance with the guidelines supplied by the Auditor-General for the Federation.

22.—(1) The Bureau shall, not later than 30 September in each year, prepare and submit to the Minister and the Auditor-General for the Federation, a report on the activities and administration of the Fund during the preceding year and shall include in the report a copy of the audited financial statement of the Bureau for the immediate preceding calendar year and the auditor's report thereon.

Annual
reports.

(2) The Minister shall, upon receipt of the report referred to in subsection (1), cause a copy of the report and the audited accounts of the Fund and the auditor's report thereon to be submitted to each House of the National Assembly.

Power to
accept gifts

23.—(1) The Bureau may accept gifts of land, money or other property upon such terms and conditions it considers lawful.

(2) The Bureau shall not accept any gift if the conditions attached by the person or organisation offering the gift are inconsistent with the functions of the Bureau under this Act and the provisions of any other relevant law.

Power to
borrow

24.—(1) The Bureau may, with the approval of the Board, borrow money on such terms and conditions as it may require in the performance of its functions under this Act.

(2) Notwithstanding the provisions of subsection (1), the Bureau shall not borrow money which exceeds the limit set by the Federal Government, and where the sum to be borrowed is in foreign currency, the Bureau shall not borrow the sum without the prior approval of the President and in consultation with Central Bank of Nigeria.

Exemption
from tax

25. The Bureau shall be exempted from the payment of tax and levies, save from investments made under this Act.

PART VI — INVESTIGATORS

Appointment
of
Investigators

26.—(1) The Director-General shall for the purpose of carrying out investigation into transportation occurrences appoint an Investigator-in-Charge or such other person or persons as investigators for such transportation occurrence.

(2) The persons appointed as Investigators under subsection (1) shall have cognate technical knowledge, qualification and practical experience in accident reconstruction, safety engineering, transportation safety, or transportation regulation, and other relevant disciplines required for the performance of their functions under this Act.

(3) The Director-General shall cause an Investigator appointed under subsection (1) to carry out an investigation into a transportation occurrence in any of the instances provided under this Act.

Power of
Investigators
to conduct
investigation

27. The Investigator shall —

(a) on display of appropriate credentials and authority, enter into any premises where there is a reasonable ground that a transportation occurrence has occurred, or there may be at the place, anything relevant to the investigation or where wreckage from the occurrence is located ;

(b) in the course of the investigation, have unhindered access to all relevant materials or pieces of evidence, including on-board recorders, either in air, marine, rail or such relevant traffic records related to a transport safety investigation under this Act ; and

(c) have unhindered access to the site of any transportation occurrence, premises, location, facility, the transport vehicle, its contents or wreckage, constituting the subject of a safety investigation contemplated by this Act.

28. The Investigator shall —

(a) ensure an immediate listing of evidence and controlled removal of debris, or components for examination or analysis ;

(b) be granted access to and the use of any content of the relevant on-board recorders and any other recordings ;

(c) have unhindered access to any relevant information or records held by the owner, operator or manufacturer of the transport vehicle or from the authority responsible for the regulation of the vehicle operators and of the operators of the transportation facility ;

(d) recover for accident victims, personal effects taken from the site of the occurrence ;

(e) take photographs, video recordings, sound recordings, or other records of the premises or evidential material ;

(f) be at liberty to hand over a witness to the relevant authority where sabotage is considered ; and

(g) do all such other things as it may by regulations made under this Act be required to do in the exercise of its powers to investigate transportation occurrences.

General powers of Investigators.

29. A person who knowingly obstructs, impedes, or fails to make statement to an Investigator or person acting under the authority of the Bureau in the exercise of its powers under this Act without reasonable cause commits an offence and is liable on conviction to a fine not more than ₦500,000 or imprisonment for a term not more than three months or both.

Offence in respect of obstructing an investigation.

30.—(1) Where an Investigator believes on reasonable grounds that there is, or there may be, anything relevant to the conduct of an investigation, in any place or transport vehicle, the Investigator shall obtain a warrant or may without warrant enter and conduct search in the place or transport vehicle, for any item and seize such item, as may be found in the course of the search.

Powers of the Investigator to search without warrant.

(2) An Investigator shall not exercise the powers under subsection (1) in relation to a particular place without the consent of the person apparently in charge of that place unless by reason of extreme urgency.

Powers of a court of competent jurisdiction to grant search warrant.

31.—(1) Where a court of competent jurisdiction is satisfied by information on oath that an Investigator believes on reasonable grounds that there is, or may be, in any place, anything relevant to an investigation being carried out in respect to a transportation occurrence, it may, upon an ex-parte application, issue a warrant authorising the Investigator to enter and search the place for any of such thing and to take possession of any of such thing as may be found in the course of that search.

(2) In executing a warrant under this Act, an Investigator shall not use force.

Power to test items seized.

32. Where an item is seized by an Investigator under this Act, the Investigator —

(a) may, subject to paragraph (b), cause tests to be conducted on the items as are necessary for the purposes of the investigation in respect of which it was seized ;

(b) shall, where practical and safe, not unreasonably impede the progress of the investigation and take all reasonable measures to invite the owner of the seized item to be present at any test referred to in paragraph (a) ; and

(c) shall, subject to the purpose of the search, cause the item to be preserved pending its return in accordance with the provisions of this Act.

Power to prohibit or limit access to particular areas or materials

33. An Investigator may, for the purpose of preserving and protecting evidential material in a transportation occurrence, prohibit or limit access to such evidential material and area immediately surrounding the place at which they are located for such period as may be necessary for the purpose of the investigation.

Disruption to be minimised.

34. In exercising the power conferred by section 30 of this Act, an Investigator shall have regard to the desirability of minimizing any resulting disruption to transportation services.

Offence in respect of exclusion order

35. A person who enters a restricted area as provided under section 33 of this Act, commits an offence and is liable on conviction to a fine not more than ₦100,000 or imprisonment for a term not more than three months or both.

Return of seized items

36.—(1) Any item seized under the provisions of this Act, shall be returned to the person from whom it was seized, as soon as it has served the purpose for which it was seized.

(2) A person whose item was seized under this Act and is aggrieved that the item has not been returned timeously, may make an application for its return to a court of competent jurisdiction.

37.—(1) Where an Investigator is of the opinion that the medical examination of a person who is directly or indirectly involved in the operation of an aircraft, ship, rail vehicle or other motor vehicle is relevant to the investigation, such a person may be required to submit to a medical examination.

Power to order medical examination.

(2) Where an Investigator is of the opinion that a medical practitioner or institution has information concerning a patient that is relevant to an investigation, the medical practitioner or institution shall be required to provide that information to the Investigator.

(3) Where a person fails or refuses to submit to a medical examination or make available information to an Investigator as required under subsections (1) and (2), he shall be required by an order of the court to provide same to the Investigator.

(4) Where an Investigator is of the opinion that the performance of an autopsy on a deceased person is relevant to the conduct of an investigation, the Investigator shall, by court order, request the person having custody of the deceased person to permit the performance of an autopsy for the purpose of the investigation.

(5) Subject to the power of the Bureau to request for medical examination under this section, the report from such examination shall not be —

- (a) communicated to any third party ; or
- (b) be required as evidence in any legal, disciplinary or other proceedings.

38.—(1) An Investigator may by notice in writing invite a person or body corporate for questioning or to provide evidentiary material in relation to an investigation.

Attendance before an Investigator to give information.

(2) A person who fails or refuses the invitation under subsection (1), commits an offence, and is liable on conviction to —

- (a) in the case of an individual, a fine not more than ₦500,000 or imprisonment for term not more than six months or both ; and
- (b) in the case of a body corporate, a fine not more than ₦5,000,000.

(3) A person who knowingly provides false evidentiary material, commits an offence and is liable on conviction to —

- (a) in the case of an individual, a fine not more than ₦500,000 or imprisonment for a term not more than six months or both ; and
- (b) in the case of a body corporate, a fine not more than ₦5,000,000.

PART VII — INVESTIGATIONS AND REPORTS ON TRANSPORTATION OCCURRENCES

Notification
of
transportation
occurrences.

39.—(1) The Bureau shall make regulations for the establishment and administration of the conduct of transportation occurrences.

(2) Regulations made under subsection (1), shall include rules for prohibition pending investigation, mandatory and voluntary notification, removal, examination, take measures for preservation, access to or interference with transportation occurrence site vehicle, protection of the identity of persons who report transportation occurrences or persons who give evidence in the course of an investigation by the Bureau and any other acts incidental to the investigation of transport occurrences matters.

Investigations

40.—(1) The Bureau —

(a) may investigate any transportation occurrence or transport safety matter for the purpose of performing its functions under this Act ;

(b) shall investigate any transportation occurrence or transport safety matter, if requested in writing by the Minister to do so.

(2) The Bureau may investigate a transportation occurrence which it may not ordinarily investigate where a formal request is made in writing for the investigation of a matter relating to transport safety.

(3) In deciding whether to investigate a transportation occurrence pursuant to a request under subsection (2) or not, the Bureau shall take into account the reasons set out in the request.

(4) Where the Bureau decides not to undertake a transport safety investigation, the reason for such decision shall be disclosed and transmitted in writing to the Minister or the person who made the request under subsections (1) and (2).

Coordination
of
investigations
and remedial
actions

41.—(1) The Bureau shall have investigative priority over transportation occurrences involving civil aircrafts, rail vehicles, and marine occurrences.

(2) Where —

(a) an investigation into an occurrence provided for in subsection (1) has been commenced by the relevant agency, the agency shall discontinue its investigation, to the extent that it is an investigation to determine the cause of the transport occurrence ; and

(b) it is required,

the Bureau shall authorise the participation of the relevant agencies in the investigation.

(3) The Bureau may collaborate with the Marine Casualty Investigation Committee and the Nigerian Civil Aviation Authority to establish the cause of occurrences for the purpose of performing its functions under this Act.

(4) Where in the course of an investigation, the Bureau determines that circumstances reasonably indicate that the occurrence may have been caused by an intentional criminal act, the Bureau shall relinquish investigative priority to the Nigeria Police.

(5) The relinquishment of investigative priority by the Bureau under subsection (4) shall not affect the authority of the Bureau to continue its safety investigation under this Act.

(6) Where an investigation into a transportation occurrence under this Act is required, and an agency undertakes remedial measures with respect to that transportation occurrence, the Bureau and that agency shall take all reasonable measures to ensure that activities with respect to the transportation occurrence are coordinated to achieve the aims of the safety investigation.

(7) Where conflicting interests arise between the Bureau and an agency of government as to coordination of activities under subsection (1), the requirements and interests of the Bureau and any agreement entered into pursuant to regulations made under this Act, shall take precedence to the extent of the conflict.

(8) The Bureau shall take all reasonable measures to ensure that it follows the common investigation methodology, procedures and best practices in relation to the specific transportation occurrence as may be stipulated in this Act or regulations made under this Act and it is in line with any relevant international agreements or conventions to which Nigeria is a party.

42. The Bureau shall not investigate any transportation occurrences relating to any military carrier without a written request from a relevant authority of the Nigerian Armed Forces.

Restriction
on military
carrier

43.—(1) Transportation occurrences involving a transport vehicle is a transport safety matter, where —

Transport
safety
matters.

(a) the transport vehicle is destroyed ;

(b) the transport vehicle is damaged ;

(c) the transport vehicle is abandoned, disabled, stranded or missing in operation ;

(d) a person dies as a result of an occurrence associated with the operation of the transport vehicle ;

(e) a person is injured or incapacitated as a result of an occurrence associated with the operation of the transport vehicle ;

(f) property is damaged as a result of an occurrence associated with the operation of the transport vehicle ;

(g) the transport vehicle is involved in a near accident ; or

(h) the transport vehicle is involved in an occurrence that affected, or could have affected, the safety of the operation of the transport vehicle.

(2) For the purposes of this Act, a transport safety matter also includes something that occurred, affected, is affecting or might affect, transport safety.

Report on
investigations
and findings

44.—(1) The Bureau may, at any time before an investigation is completed, publish a preliminary report in relation to the safety investigation to the appropriate authority, including relevant stakeholders, where it considers that the publication of such report is necessary for prompt action.

(2) The Bureau shall immediately after the completion of an investigation, through electronic and other channels, publish the final report of the investigation and transmit same to the President and the report shall be made available to the National Assembly upon request.

Draft
reports

45.—(1) The Bureau may provide a draft report on a confidential basis, to any person whom it considers necessary, for the purpose of —

(a) allowing the person to make an input to the draft report ; or

(b) giving the person an advance notice of the report to be published.

(2) A person who receives a draft report under subsection (1), shall treat it with confidentiality and shall not —

(a) copy or recopy the draft report ;

(b) put the draft report in the public domain in any form whatsoever ; or

(c) disclose to any person or the public the contents of the report.

(3) A person who contravenes the provisions of subsection (2) commits an offence and is liable on conviction to a fine not more than ₦200,000 or imprisonment for a term not more than six months or both.

(4) The provisions of subsection (2) shall not apply to any copying done or disclosure made that is necessary for the purpose of preparing a review or providing input or submission to the draft report.

(5) A person who receives a draft report under subsection (1) shall not be required to disclose it in any proceedings in a court of law.

Admissibility
of reports

46.—(1) Notwithstanding the provisions of the Evidence Act, the content of a safety investigation report made under the provisions of this Act and regulations made thereunder, shall not be admissible in evidence as to form the basis of liability in any criminal or civil proceedings apart from coronial inquiry.

Act No. 18,
2011.

(2) The opinion of an investigation team or an Investigator under subsection (1) shall not be admissible in evidence in any legal, disciplinary or other proceedings, on the safety investigation report of a transportation occurrence.

PART VIII — PROTECTION OF ON-BOARD RECORDING
AND RESTRICTED INFORMATION

47.—(1) Every on-board recording and restricted information are privileged.

On-board
recording
and
restricted
information.

(2) Except as provided under this section, a person shall not —

(a) communicate an on-board recording, restricted information or permit it to be communicated to any person ; or

(b) be required to produce an on-board recording, restricted information or give evidence relating to it in any legal, disciplinary or other proceedings.

(3) Any on-board recording or restricted information that relates to an investigation under this Act, shall be released to an Investigator on request.

(4) An investigator shall not communicate or permit to be communicated to any person any portion of an on-board recording or restricted information that is unrelated to the causes or contributory factors of the transportation occurrence under investigation or to the identification of safety deficiencies.

(5) An Investigator may make available any on-board recording or restricted information obtained under this Act to —

(a) a coroner who requests access thereto for the purpose of an investigation ; or

(b) any person carrying out a coordinated investigation under section 27 of this Act.

(6) Notwithstanding the provisions of this section, where, in any proceedings before a competent authority, a request for the production and discovery of an on-board recording or restricted information is made, the competent authority shall —

(a) cause notice of the request to be given to the Bureau, if the Bureau is not a party to the proceedings ;

(b) examine the on-board recording or restricted information in camera and give the Bureau a reasonable opportunity to make representations with respect thereto ; and

(c) order the production and discovery of the on-board recording or restricted information, subject to such restrictions or conditions as the competent authority may deem appropriate.

(7) The Bureau may refuse to make the on-board recording information, restricted information or any part of it available to the coroner, if in his opinion such disclosure would likely interfere with any investigation into the transport safety matter to which the on-board recording or restricted information relates.

(8) In this section, “on-board recording” means the whole or any part of —

(a) a recording of voice communications, sound or images originating from, or received on, or in the control area of any transport vehicle ; or

(b) a video recording or any recording of the activities of the operating personnel of an aircraft, ship, rail road or tracked vehicle or locomotive made, using recording equipment that is not intended to be controlled by the operating personnel in the control area of transport vehicle, which includes a transcript or substantial summary of such a recording.

(9) In this section, “restricted information” means the whole of —

(a) statements taken from a person by the Bureau in the course of safety investigation ;

(b) communications between persons having been involved in transport vehicle ;

(c) medical or private information regarding a person involved in the transportation safety occurrence ;

(d) recordings and transcripts of recordings from sea, rail or traffic control unit ; and

(e) analysis and opinions about information, including on board recorder information, made by the Bureau or other members of the safety investigation team.

Prohibition
of the use of
on-board
recording or
restricted
information.

48.—(1) Any person or organisation is entitled to take any disciplinary action against its employee on the basis of an unauthorised use of on-board recording or restricted information.

(2) Any information or item obtained as a direct or indirect result of the use of restricted information, is not admissible in evidence in criminal proceedings against a crew member, other than proceedings for an offence under this Act.

(3) Any person who makes a copy or a disclosure of an on-board recording or restricted information without authorisation commits an offence and is liable on conviction to a fine not more than ₦1,000,000 or imprisonment for a term not more than one year or both.

PART IX — INFORMATION RELATING TO SAFETY INVESTIGATION

49.—(1) For the purpose of obtaining required information for the performance of its functions under this Act, any authorised officer of the Bureau may by notice in writing, request any person connected with a transportation occurrence to provide information relating to —

Power to obtain information.

(a) voyages, flights or class of flights, journeys, as may be specified in the notice ; and

(b) flight plans, journey logs, travel history, navigation instruments carried aboard an aircraft, ship, rail or vehicle, and any other information required for their safe navigation on air, rail, road, or water.

(2) The notice under subsection (1) may require any person to specify the times at which, or the form and manner in which any information required shall be made.

(3) The Bureau may under the provisions of subsection (1) request for any data base or information from any relevant authority or agency in furtherance of its obligations under this Act.

(4) A person who deceives or makes false statement to an authorised officer during an interview, commits an offence and is liable on conviction to a fine not more than ₦500,000 or imprisonment for a term not more than six months or both.

(5) In this section, “authorised officer” means the Director-General, or any other officer of the Bureau specifically or generally designated by the Director-General to perform any of the functions of the Bureau under this Act.

50.—(1) A member of the Board, Management, Director-General, officer, employee or other staff of the Bureau shall not divulge or use any information acquired in the exercise of their powers or functions under this Act.

Confidentiality

(2) A person who contravenes the provisions of subsection (1) commits an offence and is liable on conviction to a fine not more than ₦2,000,000 or imprisonment for a term not more than one year or both.

PART X — FAMILY ASSISTANCE PROGRAMME

51.—(1) Where the Bureau is notified of a transportation occurrence within Nigeria involving an air, marine or rail occurrence, the magnitude of which results in major fatalities, the Bureau shall immediately designate officers to —

Coordination of family assistance providers.

(a) be charged with coordinating the Family Assistance Program, in line with the provisions of the regulations made under this Act ; and

(b) collaborate with counterparts from other government and non-governmental agencies performing similar functions.

(2) Where the Bureau relinquishes its investigative powers under this Act in respect of any transportation occurrence, it shall assist the body to which it has relinquished investigative power in assisting the coordination of Family Assistance Program with respect to the occurrence to the maximum extent possible.

PART XI — OFFENCES AND PENALTIES

Obstructing
or hindering
the
investigation
of a
transportation
occurrence

52.—(1) A person shall not obstruct the investigation of any transportation occurrence by the Bureau.

(2) Any person who contravenes the provision of subsection (1) commits an offence and is liable on conviction —

(a) in the case of an individual, to a fine not more than ₦500,000 or imprisonment for a term not more than six months or both ; and

(b) in the case of a body corporate, a fine not more than ₦1,000,000 and shall during the subsistence of the offence, be liable to an additional fine for each day the offence continues —

(i) in the case of a corporation, ₦100,000, and

(ii) in the case of a person acting in the capacity of an officer or representative of the organisation, where the offence was committed, ₦50,000 only.

Offences by
body
corporate:

53. Where an offence under this Act has been committed by a body corporate, and is proven to have been committed with the consent or connivance of, or attributable to any neglect on the part of any Director, Manager, Secretary or other similar officer of the body corporate or any person purporting to act in any of those capacities, the —

(a) person is liable on conviction to a fine not more than ₦500,000 or imprisonment for a term not more than six months ; and

(b) body corporate is liable on conviction to a fine not more than ₦5,000,000.

Legal
representation

54. In any proceeding before a court of law or tribunal, the Attorney-General of the Federation or law officers in the Bureau shall represent the Bureau.

Jurisdiction.

55.—(1) The Federal High Court shall have jurisdiction to try matters under this Act.

(2) The Federal High Court shall have jurisdiction to impose any penalty provided for an offence under this Act or any other related law.

(3) The penalty imposed on a person convicted of an offence referred to in sections 52 and 53 of this Act may be reduced in such manner as the court may deem fit, where the person has, before any proceeding, made possible or facilitated the identification of other accused persons and their sponsors or who, after the commencement of the proceedings, has made possible or facilitated the arrest of such persons.

(4) In any trial for an offence under this Act, the Court shall have power to adopt all legitimate measures that it may deem necessary to avoid unnecessary delays and abuse in the conduct of proceedings.

PART XII — LEGAL PROCEEDINGS

56.—(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Bureau.

Limitation of suits against the Bureau

(2) Notwithstanding any provision in any other law, no suit shall be brought against any member of the Board, the Director-General or any other officer or employee of the Bureau for any act done in pursuance or execution of this Act or any other law, or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or such law, duty or authority, shall lie or be instituted in any court unless —

Cap P41, LFN, 2004

(a) it is commenced within three months next after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within six months next after the ceasing thereof.

(3) No suit shall be commenced against a member of the Board, the Director-General, officer or employee of the Bureau before the expiration of a period of one month, after written notice of intention to commence the suit has been served on the Bureau by the intending plaintiff or their agent.

(4) The notice referred to in subsection (3) shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

57.—(1) In any action or suit against the Bureau, no execution of judgment or attachment of process in the nature thereof shall be issued against the Bureau.

Restriction on execution of judgment against the Bureau

(2) Any sum of money which may, by the judgment of any court, be awarded against the Bureau shall, subject to any direction given by the court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Bureau.

Indemnity
of officers

58. A member of the Board, the Director-General, any officer or employee of the Bureau shall be indemnified out of the assets or funds of the Bureau against any proceeding, whether civil or criminal, in which judgment is given in favour of the person, or where the person is acquitted, if any such proceeding is brought against the person in their capacity as a member of the Board, the Director-General, officer or employee of the Bureau.

Service of
document

59. A notice, summons or other document required or authorised to be served upon the Bureau under the provisions of this Act or any other law may be served by delivering it to the Director-General or by sending it by registered post and addressed to the Director-General at the principal office of the Bureau.

PART XIII — MISCELLANEOUS PROVISIONS

Power to
make
regulations

60. The Bureau may with the approval of the Board, make such regulations as are necessary or expedient for giving full effect to the provisions of this Act and for the due administration of its provisions.

Power to
establish
staff housing
scheme

61. The Bureau may with the approval of the Minister establish a staff housing scheme and issue guidelines for its management.

Compulsory
acquisition
of land
Cap. L5,
LFN, 2004

62. For the purposes of the Land Use Act which provides for the compulsory acquisition of land for overriding interest, any requirement of land by the Bureau shall be deemed to be for public purposes of the Federation.

International
Treaties,
Conventions
or
Agreements

63. The Bureau shall take necessary measures to give effect to any applicable international treaty, convention or agreement concerning any aspect of transport safety investigation to which Nigeria is a party.

Savings and
transitional
provisions

64.—(1) Notwithstanding anything to the contrary in this Act, the employees and appointees of the Accident Investigation Bureau (in this section referred to as “AIB”) existing immediately before the commencement of this Act is deemed to have been transferred to the Bureau established under this Act on terms and conditions not less favourable than those obtainable immediately before the commencement of this Act and service in the AIB is deemed to be service in the Bureau, for the purposes of pension.

(2) There shall be vested in the Bureau all assets, funds, resources, movable and immovable property which immediately before the commencement of this Act were vested in the AIB.

(3) All rights, interests, obligations and liabilities of the AIB under any contract, instrument, in law or in equity, shall by virtue of this Act be assigned and vested in the Bureau established under this Act.

(4) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the AIB existing immediately before the commencement of this Act in respect of any right, interest, obligation or liability of the AIB may be continued, or as the case may require, be commenced and the determination of a court of law, tribunal or other authority or person may be enforced by or against the Bureau to the same extent that such cause of action or determination might have been continued, or enforced by or against the AIB as if this Act had not been made.

(5) Any regulation, order, by-law or notice made or issued or deemed to be made or issued by, or for the purpose of, the AIB existing immediately before the commencement of this Act shall be deemed to have been made or issued by or for the purpose of the Bureau and shall continue in force until revoked or amended, subject to such modifications as may be applicable to the Bureau established in this Act.

65.—(1) Sections 49 and 50 of the Nigerian Maritime Administration and Safety Agency Act, No. 17, 2007 are deleted.

Consequential
amendments
and savings.

(2) Sections 51(*c*), 52(*b*), 53 and 88 of the Nigeria Railway Corporation Act, Cap. N129, Laws of the Federation of Nigeria, 2004 are deleted.

(3) Sections 190, 370, and 373 (1) of the Merchant Shipping Act, No. 27, 2007 are deleted.

(4) Section 6 (2) of the National Emergency Management Agency (Establishment Act), Cap. N34, Laws of the Federation of Nigeria, 2004, as it relates to safety and accident involving modes of transportation is deleted.

(5) Without prejudice to section 6 of the Interpretation Act, Cap. 123, Laws of the Federation of Nigeria, 2004, the deletion of the sections of the Acts specified in subsections (1)–(4), shall not affect anything done under any of the sections.

(6) Every regulation, order, requirement, certificate, notice, direction, decision, authorisation, consent, application, request or thing made, issued, given or done under the deleted sections shall, if in effect at the commencement of this Act, continue to be in operation and have effect as if made, issued, given or done under the corresponding provisions of this Act.

(7) Any investigation commenced under any of the deleted sections which in the case of an ongoing investigation, has not been completed, or in the case of a formal investigation has not been the subject of a draft report, shall continue as if it had been commenced under this Act.

(8) In the event of conflict between any regulation, order, requirement, certificate, notice, direction, decision, authorisation, consent, application, request or thing made, issued, given or done under the repealed sections with any of the provisions of this Act, this Act shall prevail and that other regulation, order, requirement, certificate, notice, direction, decision, authorization, consent, application, request or thing shall remain void to the extent of its inconsistency.

Interpretation

66. In this Act —

“accident” means an investigable matter involving a transport vehicle where —

(a) a person dies or suffers serious injury as a result of an occurrence associated with the operation of the transport vehicle ;

(b) the vehicle is destroyed or seriously damaged as a result of an occurrence associated with the operation of the transport vehicle ; or

(c) any property is destroyed or seriously damaged as a result of an occurrence associated with the operation of the transport vehicle ;

“AIB” means Accident Investigation Bureau established under section 29 of the Civil Aviation Act, Cap. C13, Laws of the Federation of Nigeria, 2004 ;

“aircraft occurrence” means any civil aircraft accident or serious incident as may be defined in the ICAO Annex 13 or any amendment thereto ;

“Authority” Means the Nigerian Civil Aviation Authority ;

“Board” means the Governing Board established under section 7 of this Act ;

“Bureau” means the Nigerian Safety Investigation Bureau established under section 3 of this Act ;

“causes” means actions, omissions, events, conditions, or a combination thereof, which led to the transportation occurrence and the identification of causes does not imply the assignment of fault or the determination of administrative, civil or criminal liability ;

“chairman” means Chairman of the Board of the Bureau ;

“civil proceedings” means any proceedings before a court of competent jurisdiction in Nigeria other than criminal proceedings ;

“coroner” means any person empowered to hold inquests under the Coroners Law or any other related law ;

“coronial inquiry” means a coronial inquiry, coronial investigation or coronial inquest under the Nigerian law ;

“control area” means —

(a) the flight deck and recording systems of an aircraft,

(b) the bridge or a control room of a ship, and

(c) the cab of a locomotive ;

“*Director-General*” means the Director-General, chief executive and accounting officer of the Bureau appointed under section 11 of this Act ;

“*employee*” means any person employed by the Bureau ;

“*Federation*” means the Federal Republic of Nigeria ;

“*Fund*” means the source of money that will be allocated to Bureau for its operations and maintenance ;

“*Government*” includes the Government of the Federation, State, Local Government or any person who exercises power or authority on its behalf ;

“*Governor*” means a Governor of any of the States of the Federal Republic of Nigeria ;

“*him*” includes both male and female ;

“*incident*” means an operational interruption, defect, fault or other irregular circumstance in a transportation vehicle that has or may have influenced or threatened transportation safety and that has not resulted in an accident ;

“*information*” includes a record regardless of form and a copy of a record ;

“*International Agreement, Convention or Treaty*” means a treaty or agreement whose parties are —

(a) Nigeria and a foreign country ; or

(b) Nigeria and two or more foreign countries ;

“*Inspector of Railways*” means the Inspector of Railways appointed under section 50 of the Nigerian Railway Corporation Act, Cap. N129, Laws of the Federation of Nigeria, 2004 ;

“*Investigation*” means a process conducted for the purpose of preventing transportation occurrence which includes the gathering and analysis of information, the drawing of conclusions, including the determination of the cause or causes and, when appropriate, the making of safety recommendations ;

“*Investigator*” means a person appointed as an Investigator of transportation occurrences by the Director-General of Bureau ;

“*Marine Casualty Investigation Committee*” means the Committee established under section 49 of the Nigerian Maritime Administration and Safety Agency Act, 2007 to carry out —

(a) any marine accident, serious marine casualty and incident associated with the operation of a ship, excluding ships of war, or other ships not propelled by mechanical means, wooden ships of primitive build

and pleasure yachts unless they are or will be crewed and carry more than 12 passengers for commercial purposes, and fixed offshore drilling units, which takes place between the time any person boards the ship, with the intention to sail until all such persons have disembarked, where a person is fatally or seriously injured, the ship sustains damage or structural failure or the ship is missing or is completely inaccessible, and

(b) any situation or condition that the Board of the Bureau has reasonable grounds to believe could, if left unattended, induce an accident or incident described in paragraph (a) ;

“*Minister*” means the Federal Minister responsible for aviation and to the extent of the authority given, any person authorised in that behalf by such Minister ;

“*NCAA*” means the Nigerian Civil Aviation Authority ;

“*NIMASA*” mean Nigerian Maritime Administration and Safety Agency ;

“*on-board recording*” (OBR) includes —

(a) the recording of sounds or images of persons in the control area of a transport vehicle,

(b) the recording made in order to comply with a law in force in any country,

(c) any part of the recording made at the time of the transportation occurrence of an immediately reportable matter that involved the transport vehicle, and

(d) at least one of the following —

(i) any part of the recording was made while the transport vehicle was on a constitutional journey, or was made incidentally to such a journey,

(ii) the recording was made in order to comply with Nigerian law,

(iii) at the time when the recording was made, the transport vehicle was owned or operated by a government agency in Nigeria,

(iv) the immediately reportable matter occurred when the transport vehicle was on a route ordinarily used by transport vehicles on constitutional journeys, or

(v) the immediately reportable matter also involved another transport vehicle that was on a constitutional journey, or was owned or operated by a government agency in Nigeria ;

“*operator*” means any person, body or undertaking operating or proposing to operate any of the transport vehicles ;

“*premises*” means an accident site or premises that is necessary to enter in order to get to an accident site ;

“*President*” means the President of the Federal Republic of Nigeria ;

“*public service*” means the public service of the Federation ;

“*report*” means any report, safety action statement, safety recommendation, safety bulletin issued by the Bureau ;

“*rail vehicle*” means a vehicle that operates on a railway, including a vehicle that does not have wheels ;

“*railway*” includes all branches, extensions, sidings, yards, stations, depots, wharfs, equipment, stores, signals, control systems, railway bridges, tunnels and other property, railway-related structures and facilities, and works connected therewith ;

“*railway occurrence*” means —

(a) any accident or incident associated with the operation of rolling stock on a railway; and

(b) any situation or condition that the Board has reasonable grounds to believe could, if left unattended, induce an accident or incident described in paragraph (a) above ;

“*safety action statement*” means a statement —

(a) setting out any safety issues identified during the course of an investigation that should be addressed ; or

(b) setting out any steps taken by persons to remedy safety issues identified during the course of an investigation ;

“*safety advisory notices or safety bulletins*” means safety guidelines recommended by the Bureau ;

“*safety recommendation*” means any proposal by the Bureau conducting the technical investigation, based on information derived from that investigation, made with the intention of preventing transportation occurrences ;

“*serious incident*” means an incident involving circumstances indicating that an accident nearly occurred ;

“*site*” in relation to transportation occurrence means any site associated with an accident —

(a) containing the transport vehicle or any of its wreckage,

(b) where there is an impact point associated with the accident, and

(c) containing that property or any of its wreckage, together with such area around the site as the Director-General determines to be reasonably necessary to facilitate the investigation of the accident and securing the site if the accident involved destruction or serious damage to property, other than the transport vehicle ;

“*State*” means any of the States of the Federal Republic of Nigeria or a nation or territory considered as an organised political community under one government ;

“*statement*” means an official account, record and statement of evidence and fact given by a person to an Investigator of the Bureau ;

“*tracked vehicle*” means a self-propelled vehicle that moves on tracks ;

“*transport or transportation*” means the movement of humans, animals, or goods from one location to another by use of transportation vehicle ;

“*transportation occurrence*” means an aviation, railway, marine or road occurrence ;

“*transport safety matters*” means the occurrences as listed in section 43 of this Act ; and

“*vehicle*” means any form of transportation that transports people, something or cargo, which includes aircraft, railed and tracked vehicles, motor vehicles, ships, buses, vans, lorries, trucks, trailers, etc.

Citation.

67. This Act may be cited as the Nigerian Safety Investigation Bureau (Establishment) Act, 2022.

SCHEDULE

Sections 7 (5) and 8 (2) (f)

SUPPLEMENTARY PROVISIONS RELATING TO THE
GOVERNING BOARD

Proceedings of the Governing Board

1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders, rules and terms with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may determine.

2. Every meeting of the Board shall be presided over by the Chairman or his designate; and if the Chairman or his designate is unable to attend a particular meeting, the members present at the meeting shall elect one of them to preside at the meeting.

3. The minutes of the meeting shall be recorded by the Secretary and signed by the Chairman or the person who presided at the meeting, after confirmation by the Board.

4. A quorum at a meeting of the Board shall be one-third of the total number of members.

Convening of Meetings of the Board

5. The Board shall meet to transact its business under this Act whenever it is summoned by the Chairman shall, and if so required by notice given to him by not less than four other members of the Board, specifying amongst others, an agenda for the meeting, the Chairman shall summon a meeting of the Board that shall be held within 14 days from the date on which the notice is given to him to discuss the items specified in the notice; provided that the Board shall for the purposes of this Act meet not less than four times in each calendar year.

6. If the office of Chairman is at any time vacant, or the Chairman is absent from Nigeria or is in the opinion of the Board permanently or temporarily unable to perform the functions of his office, the officer appointed to act in his stead shall convene such meetings of the Board as may be required during the period of vacancy, absence or otherwise.

7. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.

8. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.

9. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to his deliberative vote.

10. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend for such period as it deems fit, but a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

11. The Board may appoint one or more committees to carry out on its behalf such of its functions as the Board may determine and report on any matter with which the Board is concerned.

12. A committee appointed under paragraph 11 shall be presided over by a member of the Board and shall consist of such number of persons (not necessarily all members of the Board) as, may be determined by the Board.

13. A person who is not a member of the Board shall hold office on the committee in accordance with his letter of appointment.

14. A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Seal of the Bureau

15. The fixing of the common seal of the NSIB shall be authenticated by the signature of the Chairman and the Secretary or any member of the Board generally or specifically authorised by the Board to act for that purpose.

16. A contract or an instrument which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Board by the Chairman or by any person generally or specifically authorised to act for that purpose.

17. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Board shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.

18. No member of the Board or a committee of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Board.

Conflict of Interest

19. Subject to the provisions of this schedule, the Members of the Governing Board, Director-General, Directors, Members of the Management Staff, and other employees of the Bureau shall not while in office manage or operate any transportation enterprise involving transport vehicles applicable under this Act.

20. Any of the persons specified in paragraph 19 above having a financial interest in any transportation enterprise shall make full disclosure of such interest to the appropriate authorities.

21. Any of the persons mentioned in paragraph 19 is prohibited from participating in any action or decision that may, whether directly or indirectly, affect their financial interests in any transportation enterprise contemplated under this Act.

22. The members of the Governing Board, Director General and member of the management staff of the Bureau and all other employees shall —

(a) not for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of the duty as Director General, Director, Investigator, officer or employee of the Bureau ;

(b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Act ; and

(c) not disclose any information referred to under subparagraphs (a) and (b), except when required to do so by a court of competent jurisdiction or in such other circumstances as may be prescribed by the Management.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

Ojo O. A., fnia, fcia
Clerk to the National Assembly
23rd Day of September, 2022.

A 1142

2022 No. 35

*Nigerian Safety Investigation Bureau
(Establishment) Act, 2022*

EXPLANATORY MEMORANDUM

This Act seeks to provide for the establishment of the Nigerian Safety Investigation Bureau, for the regulation, management and administration of transportation occurrences and incidents investigation in Nigeria.

SCHEDULE TO THE NIGERIAN SAFETY INVESTIGATION BUREAU (ESTABLISHMENT) BILL, 2022

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Nigerian Safety Investigation Bureau (Establishment) Bill, 2022.	An Act to establish the Nigerian Safety Investigation Bureau and provide for the regulation, prevention and effective administration for Safety Investigation in Nigeria ; and for related matters.	This Bill establishes the Nigerian Safety Investigation Bureau and provide for the regulation, prevention and effective administration for safety investigation in Nigeria.	21st September, 2022.	21st September, 2022.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



OJO O. A., *fnia, fcia*
Clerk to the National Assembly
 23rd Day of September, 2022.

MUHAMMADU BUTHARI, GCFR
President of the Federal Republic of Nigeria
 23rd Day of October, 2022.