

# What you need to know about The New Lagos State Traffic Law

## Introduction

“New Traffic Law Bars Motorists from Drinking and Eating”, “Eat gala while driving and go to jail”, were some of the headlines that heralded the signing into Law of the Lagos State Traffic Law by the Lagos State Governor, Mr. Babatunde Raji Fashola on the 2nd of August, 2012.

Described as “a law to provide for road traffic administration and make provisions for road traffic and vehicle inspection in Lagos State and other connected purposes”, the Law has been received with a mixed bag of sentiments – draconian, commendable, unrealistic, etc. This Newsletter highlights the salient provisions of the Law.



## Pertinent provisions of the Law

According to the Governor, the traffic law is meant to assist residents and business owners in Lagos State spend less time travelling on roads and reduce the wastage of man hours in traffic gridlock and thereby ensure that businesses and the economy of the

State enjoy rapid growth through the easy movement of people and goods at all times<sup>1</sup>.

## Restriction on Highway Usage:

- The Law prohibits the use of specified roads by vehicles of a specified class, regulates the conduct of drivers while driving, propelling, riding any vehicle or animal on a highway and restricts the use of sirens and blaring of horns.<sup>2</sup>
- The Law also gives the Lagos State Traffic Management Authority (LASTMA) officials the power to arrest and prosecute persons reasonably suspected of having committed any offence under the provisions of the Law or any other Law<sup>3</sup>. However, the power of LASTMA to prosecute any offender is subject to the provisions of Section 211 of the 1999 Constitution<sup>4</sup>.
- The Law bars persons from riding, driving or manually propelling a cart, wheelbarrow,

1. Thisday 17th August 2012

2. Section 1(1)

3. Section 1(4)

4. Section 211 of the 1999 Constitution provides that the Attorney General of a State shall have the power to institute criminal proceeding, takeover and continue any criminal proceeding or discontinue any criminal proceeding against any person before any court of Law in Nigeria order that a court martial.

5. Section 3(4)

motorcycle and tricycle on 11 highways, 41 bridges and 496 routes within the State. Commercial motorcyclists are banned from Ikoyi, Victoria Island and Lekki. It further forbids commercial motorcyclists from carrying more than one person, pregnant women, and children below 12 years of age; as well as an adult with a baby or with a heavy load on the head.<sup>5</sup>

- The law also bars trailers other than petrol tankers and long vehicles used in conveying passengers, from entering into or travelling within the metropolis of Lagos between the hours of 6.00am - 9.00pm.

### Establishment of the Vehicle Inspection Service:

The Law provides for the establishment of the Vehicle Inspection Service (“the Service”), which shall be a directorate in the Ministry of Transport, and whose functions shall be to inspect, control, regulate and enforce the road worthiness of motor vehicles in the State. The Service is also charged with the responsibility of inspecting and issuing Road Worthiness Certificates (RWC) in respect of all vehicles.<sup>6</sup>

### Arrest without warrant:

The New traffic Law gives the Nigeria Police the power to arrest without a warrant the driver of a motor vehicle on a highway, who in his view drives a motor vehicle recklessly on a highway without due care and attention, or without reasonable consideration for other persons using the highway, or who causes the death of another person by driving a motor vehicle recklessly, or at a speed above the stipulated limit which is dangerous to the public, or any person who drives under the influence of alcohol or drugs.<sup>7</sup>

### Traffic offences and Penalties

Some of the traffic offences contained in the New Lagos State Traffic Laws are highlighted hereunder;



S/N	Traffic Offence	Penalties/Fines
1.	Driving against traffic (one way drive)	One year imprisonment and forfeiture of vehicle to the State (1st offender), 3 years imprisonment and forfeiture of vehicle to the State (repeated offender).
2.	Smoking while driving	1st offender-N20, 000.00, subsequent offender N30, 000.00
3.	Driving an unlicensed or unregistered vehicle	N20, 000 fine for first offender, N30, 000 or 3 year jail or both for repeated offenders.
4.	Riding motorcycle without crash helmet (applicable to both rider and his passenger).	N20,000 fine for first offender, N30,000 fine for subsequent offenders, or imprisonment for a term of 6 months, or both fine and imprisonment.
5.	Riding motorcycle without rider's permit	Motor cycle to be impounded
6.	Exceeding prescribed speed limit	N100, 000 fine or imprisonment for a term of 1 year or both.
7.	Tail gating an emergency vehicle	N20, 000 fine for first offender and N30, 000 for subsequent offenders.
8.	Physical assault of a traffic officer	N100, 000 fine or 3 years imprisonment or both.
9.	Illegal U-turn	N20, 000 fine for first offender and N30, 000 for subsequent offenders.
10.	Wrongful overtaking of other vehicles	N100, 000 fine
11.	Bullion van driving in a direction prohibited by the road traffic law	Forfeiture of the vehicle, and an additional penalty of 3 years imprisonment if deemed necessary.
12.	Abandoned vehicle on the highway	N50, 000 cost of towing or imprisonment for a term of 3 years or both
13.	Counting money or otherwise engaging in other activities while driving	N20, 000 fine for first offender and N30, 000 for subsequent offenders
14.	Driving without a strapped seat belt	N20, 000 fine for first offender and N30, 000 for subsequent offenders.
15.	Ban on Trailers	Trailers banned from entering or travelling within Lagos metropolis from 6 a.m. till 9 p.m. A fine of N50, 000 or a jail term of 6 months, and such vehicle to be impounded.
16.	Neglect of traffic signs and/or traffic light	1 year imprisonment and forfeiture of vehicle for first offender and 3 years imprisonment and forfeiture of vehicle for repeated offenders
17.	Making or receiving phone calls when driving	N20, 000 for first offender and N30, 000 for subsequent offenders.
18.	Riding commercial motorcycle (Okada) on any of the specified 496 major roads	N20, 000 fine for first offender, N30, 000 or 3 years jail or both for repeated offender
19.	Use of BRT Lite corridor	N20,000 fine for first offender and N30,000 for subsequent offender, or imprisonment for a term of three (3) years, or both fine and imprisonment
20.	Motorist resisting arrest	N20,000 fine for first offender and N30,000 for subsequent offender
21.	Failure to display reflective warning sign at point of break down	N20,000 fine for first offender and N30,000 for subsequent offender
22.	Driving on the walkway or kerbs	N50,000 fine
23.	Parking on the walkway or kerbs	N20,000 fine
24.	Overloading of Commercial Vehicle	A fine of N50,000 and dislodge excess
25.	Other highlights include ban on sale of alcohol 100 metres to a motor park. Sale of goods and begging for alms on the roads are prohibited	Where (as in this case) the law does not provide for a specific penalty, a fine of N20, 000 will be imposed on first offenders and N30, 000 or 3 years imprisonment or both for subsequent offenders

### A critique of the Offences and Penalties Schedule

By and large, the severity of the new penalties introduced by the new law has generally been considered to be sufficient to achieve the desired

8. There have however been some complaints regarding lapses in enforcing the ban on trailers travelling within Lagos Metropolis between the hours of 6am and 9pm. In view of the consequent traffic gridlock being caused by these vehicles, this would count as a significant shortcoming in the area of implementation of the traffic law.

6. Section 12  
7. Section 22

purpose of penance and deterrence to Lagosians, given the present economic realities. There is further indication that since the new law came into force, there has been a significant reduction in instances of traffic-related offences by the citizenry.<sup>8</sup>

Concerns have however been raised in some quarters as to transparency on the part of the relevant regulatory agencies in evenly implementing the law to all offenders in Lagos State.

Some citizens have also raised questions concerning the fate of the vehicles impounded by the State Government, contending that there is urgent need for Government to reflect transparency in dealing with these assets and to publish periodic reports on how they were so handled.

Other criticisms of the list of offences include the relative ambiguity of some of them and the subjectiveness of establishing violation under the Law. An example is the prohibition of counting money or engaging in other activities while driving. The vague conception of what qualifies as "other activities" might be subjected to arbitrariness upon interpretation, thus inadvertently creating an avenue for possible abuse by the enforcement authorities. There are yet those who have contested the logic behind the ban on the sale of alcohol within 100 metres to a motor park on the grounds that whilst a 100 metre distance to the point of purchase might somewhat discourage patronage; the local authorities do not have the requisite tools for effectively enforcing this regulation.

### **Conclusion**

As much as the New Lagos State Traffic Law is necessary at this time considering the urgent need for sanity on Lagos roads and further considering the Government's plan to transform Lagos State into a Mega City, this Law is a precursor to an entirely new traffic administration regime in the State for which members of the public should be better enlightened. The demands of the law would

definitely catch up with many people, more so when there has been insufficient public enlightenment. The recently established state-owned Traffic Radio Station (96.1 FM) is an ingenious medium which should be effectively utilized towards sensitizing Lagosians about the provisions of the New Lagos State Traffic Law.

Transiting from a state of disorder and lawlessness to that of sanity, as required by the law, will surely present some challenges until motorists become conversant with the law. On its part, the Lagos State government should enhance road infrastructure to accommodate expectations under the law by ensuring that ALL roads are motorable and have standard traffic signs to direct users.

We are of the view that the new traffic law is a welcome development that has been long overdue which if properly implemented and the well-articulated areas of its shortcoming addressed, is capable of achieving the set objective of reducing road traffic congestion and establishing an improved system of traffic management in Lagos State.

### **Who We Are**

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