

A BILL

FOR

AN ACT TO AMEND THE COUNCIL FOR REGULATION OF FREIGHT FORWARDING IN NIGERIA ACT, CAP. C54, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND FOR RELATED MATTERS

Sponsored by Hon. Garba Datti Muhammad

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 1. The Council for Regulation of Freight Forwarding in Nigeria Amendment of
- 2 Act, Cap. C54, Laws of the Federation of Nigeria, 2004 (in this Bill referred Cap. C54, LFN,
- 3 to as the "Principal Act") is amended as set out in the Bill. 2004
- 4 2.-(1) The Council shall consist of the following: Amendment of
- 5 (c) Five (5) persons elected from the registered associations by the Section 2
- 6 freight forwarders to reflect the practitioners at the three (3) major maritime
- 7 zones as well as cargo airport and land borders in accordance with the
- 8 provision of the third schedule to this Bill;
- 9 (d) Six (6) persons appointed by Mr. President to represent the six
- 10 geopolitical zones of the federation for four (4) years tenure;
- 11 (f) A representative each of the following establishment:
- 12 (i) Federal Ministry of Transport,
- 13 (ii) Federal Ministry of Finance,
- 14 (iii) Federal Ministry of Education,
- 15 (iv) Nigerian Custom Service.
- 16 (v) Nigerian Shippers Council,
- 17 (vi) Nigerian Port Authority,
- 18 (vii) Nigerian Civil Aviation Authority,
- 19 (viii) Nigerian Railway Corporation,
- 20 (ix) Nigerian Association of Chambers of Commerce, Industry

1 Mining and Agriculture,

2 (x) NIMASA.

3 (3) There shall be a Chairman and Vice-Chairman of the Council who
4 shall be nominated and elected by the members of the Council and shall each
5 hold office for a term of four years from the date of election, and the chairman
6 shall preside at meetings of the council, so however that in the event of the
7 death, incapacity or inability for any reason of the chairman, the vice-chairman
8 shall act as chairman for the un-expired portion of the term of office

Qualification
and tenure of
Office
First Schedule

9 3.-(1) The provisions of the First Schedule to this Bill shall have effect
10 with respect to the qualifications and tenure of Office of members of the
11 Council, powers and procedure of the Council and other matters therein
12 mentioned.

13 (2) Regulations may provide for increasing or reducing the
14 membership of the Council.

Functions of
the Council

15 4. The Council is charged with the general duty of-

16 (a) determining the persons or classes of persons who constitute
17 freight forwarders for the purposes of this Bill;

18 (b) determining the standards of knowledge and skill to be attained by
19 persons seeking to be registered as freight forwarders and raising those
20 standards from time to time in accordance with international industry practice;

21 (c) regulating and controlling the practice of freight forwarding;

22 (d) regulating and controlling all the associations of freight forwarding
23 agents;

24 (e) regulating and controlling persons who are engaged in freight
25 forwarding;

26 (f) Ensuring uniform standard of professional conduct and education
27 relevant to freight forwarding practice;

28 (g) promoting the highest standard of competence, practice and
29 conduct among members of the profession;

30 (h) securing, in accordance with the provisions of this Bill the

1 establishment and maintenance of registers of persons entitled to practice as
2 freight forwarder and the publication from time to time of the list of such
3 persons;

4 (i) encouraging the participation of members in international
5 exchange programs;

6 (j) and performing any other function conferred on the council by
7 this Bill.

8 5. "The tenure of the Governing Council shall be Four (4) years at
9 a time, commencing from the date of the inauguration of the Council.

Insertion of new
section 3(3)

10 6. Insertion of New Section 4.

Insertion of new
section 4

11 PART 1 - FUNCTIONS AND POWERS OF THE GOVERNING COUNCIL

12 7.-(1) The Governing Council is the highest policy organ of the
13 council whose powers and functions as specified in the act include:

Functions and
powers of the
Governing Council

14 (a) Appointment of the Registrar on merit who shall serve as
15 secretary to the council;

16 (b) The governing council shall determine the remuneration and
17 allowances of the registrar and other employees of the council in accordance
18 with the public service salary scale;

19 (c) regulating and controlling the practice of freight forwarding
20 including making rules, regulations and guidelines for the training,
21 supervision and licensing of suitable persons engaging in freight forwarding
22 activities;

23 (d) compiling rules and procedures for itself which shall be so
24 approved by the Governing Council;

25 (e) considering and approving audited accounts ; the report of the
26 auditor thereof, and shall approve the estimates/budgets of the following
27 year;

28 (f) appointing/Electing, suspending or removing members of the
29 committees;

30 (g) confirming the admission, considering the suspension and

- 1 expulsion of members in accordance with the Act;
- 2 (b) delegating by instrument in writing to one or more committees as
- 3 the Governing Board thinks fit the exercise of such functions of the Governing
- 4 Board as are specified in the instrument, other than this power of delegation;
- 5 (i) notwithstanding any delegation under these Regulations, the
- 6 Governing Board may continue to exercise any function delegated;
- 7 (j) approving the appointment, promotion and discipline of the staffs
- 8 of the Council in accordance with the public service rules.

Amendment of
Section 6

9 8. Section 6 of the Principal Act of this Bill is amended

10 PART II - FINANCIAL PROVISIONS

Establishment
of fund

11 9.-(1) The Council shall establish and maintain a fund for the purpose

12 of this Bill, the management and control of which shall be in the hands of the

13 Council considering the fact that the council is a revenue generating agency.

14 (2) There shall be paid out of the Fund of the Council established

15 pursuant to subsection (1) of this Section-

16 (a) the remuneration and allowances of the Registrar and employees

17 of the Council;

18 (b) such reasonable travelling and subsistence allowance of members

19 of the Council in respect of the time on the business of the Council as the

20 Council may approve;

21 (c) any other expenses approved and incurred by the Council in the

22 discharge of its functions under this Bill;

23 (d) "there shall be a fund to the Council known as practitioners

24 operating fees (POF) which shall be service charge on all import and export

25 goods including wet cargo;

26 (e) the POF collection shall be domiciled with the revenue invoicing

27 management system (RIMS) under the Tariff and Billing Department of the

28 NPA.

Amendment of
Section 11

29 10. Section 11 of the Principal Act of this Bill is amended

PART III - THE REGISTRAR AND THE REGISTER OF FREIGHT

FORWARDERS

11-(1) There shall be for the Council a Registrar who shall be employed by the Governing Council.

Appointment
and functions of
the Registrar

(2) The Registrar shall hold office for a period of four (4) years on such terms and conditions as may be specified in his letter of employment and may be eligible for renewal for another term of four (4) years and no more.

(3) The Council shall appoint a fit and proper person to be the Registrar for the purpose of this Bill, and such other persons as the Council may, from time to time, think necessary to assist the Registrar in the performance of his functions under this Bill.

(4) The Registrar shall prepare and maintain, in accordance with rules made by the Council, a register of the names, addresses, approved qualifications, register and of such other qualifications and particulars as may be specified in the rules, of all persons who are entitled in accordance with the provisions of this Bill, to be registered as registered freight forwarders and who apply in the specified manner to be so registered.

(5) There shall be a register to be known as the Register of Freight Forwarders (in this Bill referred to as "the Register").

(6) Subject to the foregoing provision of this section, the Council shall make rules with respect to the form and keeping of the register and the making of entries therein, and in particular-

(a) regulating the making of application for enrolment or registration, as the case may be, and providing for the evidence to be produce in support of such applications;

(b) providing for the notification to the Registrar, by the person to whom any registered particulars relates, of any change in those particulars;

(c) authorizing a registered person to have any qualification which is in relation to the profession, either an approved qualification or an

1 accepted qualification for the purposes of this Bill, registered in relation to his
2 name in addition to or, as he may elect, in substitution for any other
3 qualification so registered;

4 (d) specifying the fees, including any annual subscription, to be paid
5 to the Council in respect of the entry of names on the register, and authorizing
6 the Registrar to refuse to enter a name on the register until any fee specified for
7 the entry has been paid;

8 (e) specifying anything falling to be specified under the foregoing
9 provisions of this section, but rules made for the purposes of paragraph (d) of
10 this subsection shall not come into force until they are confirmed by order of
11 the Minister.

12 (7) The Registrar shall under the direction and subject to the
13 requirement of the Council-

14 (a) correct in accordance with the Council's directions, any entry in
15 the Register which the Council directs him to correct as being in the Council's
16 opinion an entry which was incorrectly made;

17 (b) make, from time to time, any necessary alteration to the registered
18 particulars of registered persons;

19 (c) remove from the Register, the name of any registered person who
20 has died; and

21 (d) record the names of members of the Council who are in default for
22 more than six months in the payments of annual subscriptions, and to take such
23 action in relation thereto (including removal of the names of defaulters from
24 the Register) as the Council may direct or require.

25 (8) If the Registrar-

26 (a) sends by post to any registered person a registered letter addressed
27 to him at his address on the Register enquiring whether the registered
28 particulars relating to him are correct and receives no reply to letter within the
29 period of six months from the date of posting it; and

30 (b) upon the expiration of that period sends in the like manner to the

1 person in question a second similar letter and receives no reply to that letter
2 within three months from the date of posting it, the Registrar may remove
3 the particulars relating to the person in question from the Register; and that
4 the council may direct the Registrar to restore to the appropriate part of the
5 Register any particulars removed therefrom under this subsection.

6 12. In this Bill-

Interpretation

7 "Chairman" and "vice-chairman" means persons elected as such to chair the
8 Council established under this Bill;

9 "Disciplinary Tribunal" means the Registered Freight Forwarders
10 Disciplinary Tribunal established under section 21 of this Bill;

11 "fees" include annual subscriptions;

12 "freight forwarder" means any person or company who arranges the carriage
13 or movement of goods and associated formalities on behalf of an importer or
14 exporter along the international boundaries of sea ports, cargo airports or
15 land border stations;

16 "Investigating Panel" means the Registered Freight Forwarders
17 Investigating Panel established under section 21 of this Bill;

18 "Minister" means the Minister of the Government of the Federation charged
19 with the responsibility for matters relating to Transport generally;

20 "fees" include registration, annual subscriptions, POF, Levies and service
21 charge;

22 "freight forwarder" means any person or company engaging in freight
23 forwarding services;

24 "freight forwarding" means as may relate to import or export services of any
25 kind relating to the carriage, consolidation, storage, handling, packaging or
26 distribution of goods as well as ancillary and advisory services in connection
27 therewith, including but not limited to customs and fiscal matters, declaring
28 the goods for official purposes, procuring insurance for goods and collecting
29 or procuring the payment or documents relating to goods. Freight
30 Forwarding services also include logistics services with modern

1 information and communication technology in connection with the carriage,
2 handling or storage of goods de facto total supply chain management.

Citation - 3 **13.** This Bill may be cited as the Council for Regulation of Freight
4 Forwarding in Nigeria Act (Amendment) Bill, 2019.

5 **SCHEDULE**

6 **FIRST SCHEDULE.**

7 *[Section 3.]*

8 **SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL**

9 1. Subject to the provisions of this paragraph, a member of the
10 Governing Council shall hold office for a period Four (4) years beginning with
11 the date of his inauguration.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Council for Regulation of Freight Forwarding in Nigeria Act, Cap. C54, Laws of the Federation of Nigeria, 2004, to enlarge the representation in the Council, the functions of both the Council and the Governing Council as a revenue generating agency.