



BANKS (MOTOR VEHICLE LOANS) (MISCELLANEOUS PROVISIONS) ACT

ARRANGEMENT OF SECTIONS

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CITATION

An Act to prohibit the sale, disposal or parting with possession of a motor vehicle on which a bank loan is still outstanding and to require the licensing authority to enter all particulars on the loan in the register.

COMMENCEMENT: *4th April, 1979*

Offences and penalty for unauthorized sale of a motor vehicle on which a loan is outstanding

1. (1) As from the commencement of this Act, it shall be an offence for any person to sell, dispose or otherwise part with the possession of a motor vehicle on which a loan obtained from a bank is still outstanding

without first obtaining the consent in writing of the bank prior to the sale or disposal.

- (2) Any person who fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of ₦200 or six months' imprisonment or to both such fine and imprisonment.

Disclosure of certain particulars to the licensing authority

2. (1) As from the commencement of this Act, any person who purchases a motor vehicle with a loan granted by a bank shall disclose to the licensing authority the particulars of the loan, the name and address of the bank making the loan and such other particulars as may be prescribed:

Provided that where such a person fails or refuses to disclose such particulars within thirty days from the purchase of the motor vehicle the bank *mat* itself supply the particulars concerned to the licensing authority which shall register the latter particulars in substitution for any other entry made in the relevant register.

- (2) It shall be the duty of the licensing authority to which the particulars stipulated in subsection (1) of this section are given to cause the particulars or, as the case may require, the substituted particulars to be entered in the appropriate register relating to the motor vehicle and to endorse on the motor vehicle license the name of the bank making the loan or such endorsement on the motor vehicle license that clearly shows that a loan is still outstanding on the motor vehicle.
- (3) No change of ownership of the motor vehicle shall, prior to the full repayment or settlement of the loan, be registered by the licensing authority without a certificate of discharge or consent in writing issued by the bank offering the loan to purchase the motor vehicle.
- (4) Any registration made contrary to the provisions of this section shall be void and shall have no effect whatsoever on the right of ownership or the right to recover possession of the motor vehicle by the bank which had granted the loan for the purchase of such motor vehicle.

Issue and effect of discharge certificate

3. (1) Immediately after full settlement or repayment of a loan (including any interest thereon) is made by the borrower to the bank, the bank shall issue a discharge certificate to the person who obtained the loan and shall send a copy of the discharge certificate to the licensing authority.
- (2) On the receipt of the discharge certificate, the licensing authority shall make an entry in that behalf in the register relating to the motor vehicle and thereafter the owner of the motor vehicle shall be free to dispose of the motor vehicle without having to comply with the requirements laid down in the foregoing provisions of this Act.

Interpretation

4. In this Act, unless the context otherwise requires-

"Bank" has the meaning assigned thereto by section 66 of the Banks and Other Financial Institutions Act;

"Motor vehicle" means a mechanically propelled vehicle intended or adopted for use on roads;

"Prescribed" means prescribed by the Minister charged with responsibility for finance.

Short title

5. This Act may be cited as the Banks (Motor Vehicle Loans) (Miscellaneous Provisions) Act.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation