

**A BILL FOR
AN ACT TO REPEAL THE NIGERIAN PORTS AUTHORITY ACT, CAP126 LFN, 2004 AND TO ESTABLISH THE NIGERIAN
PORTS AND HARBOURS AUTHORITY TO PROVIDE FOR THE OWNERSHIP, MANAGEMENT AND DEVELOPMENT OF
PORTS AND HARBOURS AND FOR RELATED MATTERS**

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

	PRINCIPAL ACT	PROPOSED BILL	COMMITTEE'S RECOMMENDATIONS
Cis.		PURPOSE AND SCOPE OF APPLICATION	
1.	<p>Part I: Establishment, etc. of the Nigerian Ports Authority and its Governing Board</p> <p>I. (1) There is hereby established an authority to be known as the Nigerian Ports Authority (in this Decree referred to as "the Authority").</p> <p>(2) The Authority -</p> <p>(a) shall be a body corporate with perpetual succession and a common seal; and</p> <p>(b) may sue and be sued in its corporate name.</p>	<p>1. Purpose of the Act</p> <p>(1) The purposes of this Act are to –</p> <p>(a) provide an appropriate institutional framework for the ownership, management and development of ports and harbours;</p> <p>(b) ensure the integrity, efficiency and safety of the ports based on the principles of accountability, competition, fairness and transparency;</p> <p>(c) encourage private sector participation in the provision of port services and port infrastructure; and</p> <p>(d) promote and safeguard Nigeria's competitiveness and trade objectives.</p> <p>(2) The purposes stated in sub-section (1) of this section shall be achieved through the –</p> <p>(a) establishment of an authority which shall be vested with the control and ownership of all ports and harbours on behalf of the Federal Government of Nigeria;</p> <p>(b) transfer of the technical regulatory powers relating to ports to the Authority; and</p>	<p>RETAINED.</p> <p>RETAINED.</p>

		<p>(c) transfer of the ownership of the land and assets relating to ports currently vested in the Nigerian Ports Authority to the Authority</p> <p>(3) Subject to the purposes stated in subsection (1) of this section, the provisions of this Act shall be read and interpreted in connection with the following specific objectives –</p> <p>(a) the separation of the cargo handling from the landlord functions and the Technical regulatory functions within ports and foster greater operating efficiency, accountability and transparency in the management and operation of ports;</p> <p>(b) provision of safe navigation, development and efficient management of harbours, channels and waterways and all other conservancy functions;</p> <p>(c) facilitation of the transfer of technology, information systems and managerial expertise through private sector participation in port operations;</p> <p>(d) creation of the means for planning, coordinating, developing and integrating port policies with other maritime activities, surface and air transportation systems;</p> <p>(e) introduction and maintenance of appropriate institutional arrangements to support good governance and accountability in the ports;</p> <p>(f) protection of the rights and interests of port service providers, commercial port users within Nigeria and ensuring that efficient and effective port services are available at a reasonable cost to the users;</p>	<p>Section 1 is AMENDED with the</p> <p>-</p> <p>a. redrafting of subsection (3)(a) to read as follows:</p> <p><i>“(a) the separation of cargo handling functions from landlord functions and technical regulatory functions within ports and foster greater operating efficiency, accountability and transparency in the management and operation of ports;”</i> and</p> <p>b. addition of a new subsection (4) after subsection (3) to read as follows:</p>
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		<p>(g) evolve and sustain high level of safety and environmental protection; and</p> <p>(h) encourage the development of further innovations in the maritime and shipping sector to promote effective research and development of the sector;</p>	<p><i>"(4) The powers conferred on the Authority by this Act shall be subject to the regulatory powers of the Transport Sector Regulator."</i></p>
2.	<p>2. (1) There is hereby established for the Authority a the governing Board which shall consist of-</p> <p>(a) a Chairman;</p> <p>(b) one person to represent the Federal Ministry of Transport;</p> <p>(c) five persons with experience in shipping and commercial matters;</p> <p>(d) the Managing Director of the Authority;</p> <p>and</p> <p>(e) the Executive Directors of the Authority.</p> <p>(2) The Chairman and members of the Board, other than ex-officio members, shall -</p> <p>(a) be appointed by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the Minister and</p> <p>(b) be persons with proven integrity and with relevant cognitive experience.</p>	<p>2.Scope of Application</p> <p>This Act shall apply to –</p> <p>(a) all port related activities carried out within the Nigeria maritime domain;</p> <p>(b) all ports and harbours specified in the First Schedule to this Act, and all other ports that may be declared from time to time by the Minister;</p> <p>(c) any person or government agency with respect to any activity or operations in ports and harbours within Nigeria; and</p> <p>(d) any other location where a maritime activity is taking place within the maritime domain of Nigeria.</p>	<p>Section 2 is AMENDED by inserting the expression <i>"excluding areas of operations covered by the Nigerian Inland Waterways Authority and other agencies established by Acts of the National Assembly"</i> after the word <i>"domain"</i> in subsection (a)"</p>
		<p>PART II</p> <p>ESTABLISHMENT OF THE NIGERIAN PORTS AND HARBOURS AUTHORITY AND ITS GOVERNING BOARD, ETC</p>	

3.	(3) The Board shall have a Secretary who shall be the Head of the Legal Department of the Authority.	<p>Establishment of the Nigerian Ports and Harbours Authority</p> <p>(1) There is established a body to be known as the Nigerian Ports and Harbours Authority (in this Act referred to as "the Authority")</p> <p>(2) The Authority shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name</p> <p>(3) The ownership of all ports and harbours shall be vested in the Authority for and on behalf of the Federal Government of Nigeria.</p> <p>(4) The Authority shall be structured into such Departments as the Board may from time to time approve for the effective discharge of its functions under this Act.</p> <p>(5) The common seal of the Authority shall be kept in the custody of the Board Secretary</p> <p>(6) The Headquarters of the Authority shall be in Lagos, Nigeria</p>	Section 3 is AMENDED by deleting subsection (6) is deleted.
New section 4			<p>A new section 4 is inserted after section 3, as follows:</p> <p>"4. Relationship of the Authority with the Minister</p> <p>(1) Subject to sub section 2 of this section, the Minister shall convey to the Authority in writing, the general policy</p>

direction of the Government for the transport sector.

(2) In the execution of his functions and in relating with the Authority, the Minister shall ensure that the independence of the Authority, with regards to the discharge of the Authority's functions and operations under this Act, is protected and not compromised in any manner.

(3) Prior to the formulation or review of policies relating to the Authority, the Minister shall ensure consultation with the Authority, as may be necessary."

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(4) The supplementary provisions set out in Schedule 1 to this Decree shall have effect with respect to the proceedings of the Board and the other matters contained therein.

Establishment and membership of the Board

(1) There is established for the Authority, a governing body (in this Act referred to as 'the Board') which shall have overall control of the Authority.

(2) The Board shall consist of –

(a) a non-Executive Chairman;

(b) the Managing Director of the Authority;

(c) the three (3) Executive Directors of the Authority; and

Section 4 (now section 5) is **AMENDED** by:

- a. deleting the word "**control**" in subsection (1) and for section 1 to read as follows:
"(1) There is established for the Authority, a governing body (in this Act referred to as "the Board") which shall have."
- b. inserting the figure "(3)" after the word "**three**" in subsection 2(c) to read as follows:
"(c) the three (3) Executive Directors of the Authority; and";
- c. substituting the word "**six**" in subsection (2)(d) with the

		<p>(d) six persons appointed from each of the six geopolitical zones.</p> <p>(3) The Chairman and members of the Board referred to in paragraph (d) of subsection (2) of this section shall be appointed by the President on the recommendation of the Minister.</p> <p>(4) Members of the Board referred to in subsection (2) of this section shall be persons of integrity possessing cognate experiences in relevant fields and versed in areas of ports, harbours and environmental management.</p> <p>(5) In managing the affairs of the Authority, the Board shall, in addition to any relevant general guidance on the governance of public bodies, have regard to the generally accepted principles of good corporate governance.</p> <p>(6) The supplementary provisions set out in the third Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.</p>	<p>word/figure "four (4)" to read as follows:</p> <p>"(d) four (4) persons appointed as non-executive directors."</p> <p>d. deleting subsection (5) and replace with "persons to be appointed into the Board shall possess requisite qualifications in:</p> <ul style="list-style-type: none"> (i) Maritime Law; (ii) Shipping; (iii) Finance; (iv) Port Management; (v) Transportation or (vi) Engineering; and <p>Delete the phrase "appointed from each of the six (6) geopolitical zones.";</p>
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			e. inserting a new subsection (7) after subsection (6) as follow: " (7) appointment into the Board shall reflect representations from the six geo-political zone. ";
6.	5. A member of the Board shall be paid such emoluments, allowances and benefits as the Head of State, Commander-in-Chief of the Armed Forces may, from time to time, approve.	Tenure of office The Chairman and members of the Board, other than ex-officio members, shall be appointed on part-time basis and shall each hold office – (a) for a term of four years and may be re-appointed for a further term of four years and no more; and (b) on such terms and conditions as may be specified in the letter of appointment.	RETAINED (now section 6)
7.	6. (1) A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board or is interested in any contract made or proposed to be made by Authority shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board. (2) A disclosure under subsection (1) of this section shall be recorded in the minutes of meetings of the Board and the member shall - (a) not, after the disclosure, take part in any deliberation or decision of the Board; and (b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed	Cessation of membership (1) Notwithstanding the provision of section 5 of this Act, a member of the Board shall cease to hold office as a member of the Board if he – (a) resigns his appointment as a member of the Board by a notice in writing, under his hand, addressed to the President; (b) becomes incapable of carrying on the function of his office either arising from infirmity of mind or body; (c) becomes bankrupt or makes a compromise with his creditors; (d) is convicted of a felony or any offence that involves dishonesty or corruption; (e) is found to have been unqualified for appointment as a director; (f) has been absent from five consecutive meetings of the Board without the consent of the Chairman except where he shows good reason for such absence;	RETAINED (now section 7)

		<p>(g) is in breach of the conflict of Interest Rules set out in the fourth Schedule to this Act</p> <p>(h) is guilty of serious misconduct in relation to his duties as a director; or</p> <p>(i) is suspended or removed from office by the President on the recommendation of the Minister where it is found that it is not in the interest of the Authority or public for the person to continue in office.</p> <p>(2) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to –</p> <p>(a) hold office for the remainder of the term of office of his predecessor; and</p> <p>(b) represent the same interest as his predecessor.</p>	
8.	<p>Part II: Functions and Powers</p> <p>7. The functions of the Authority shall be to –</p> <p>(a) provide and operate, in the ports, such facilities as appear to it best calculated to serve the interest of Nigeria;</p> <p>(b) maintain, improve and regulate the use of the ports;</p> <p>(c) ensure the efficient management of port operations, optimal allocation and use of resources, diversification of sources of revenue and guaranteeing adequate returns on its investments in order to contribute effectively to the well-being of the Nigerian society;</p> <p>(d) provide, for the approaches to all ports and the territorial waters of Nigeria, such pilotage services and lights, marks and other navigational services and aids, including cleaning, deepening and improving of all waterways;</p> <p>(e) provide facilities for –</p>	<p>Remuneration of Board Members</p> <p>All payments, allowances and benefits payable to members of the Board shall be in accordance with the extant Federal Government guidelines.</p>	<p>RETAINED (now section 8)</p>

	<p>(i) berthing, towing, mooring, moving or dry-docking of ships in entering or leaving a port or its approaches,</p> <p>(ii) the loading and unloading of goods or embarking or disembarking of passengers in or from a ship,</p> <p>(iii) the lighterage or the sorting, weighing, warehousing and handling of goods, and</p> <p>(iv) for the carriage of passengers or goods;</p> <p>(f) manage, supervise and control or take part in management, supervision or control of any company undertaking in which the Authority is interested by of share holding or otherwise and for that purpose appou and remunerate directors, accountants, other experts agents;</p> <p>(g) provide and use appliances for the towage or protection or salvage of life and property or for the prevention of fli within Nigeria and on vessels on the high seas;</p> <p>(h) supply water to shipping vessels;</p> <p>(i) control pollution arising from oil or any other from ships using the port limits or their approaches;</p> <p>(j) provide and operate such other services as the may, from time to time, require; and</p> <p>(k) carry out such other activities which are connected or incidental to its other functions under this Decree.</p>		
9.	<p>8. (1) The Authority shall have power to –</p> <p>(a) construct, execute, carry out, equip, improve, work and develop ports, docks, harbours, piers, wharves, water courses, embankment and jetties;</p>	<p>Powers of the Board</p> <p>The Board shall have the power to –</p> <p>(a) provide general policy guidelines relating to the functions of the Authority;</p>	<p>Section 8 (now section 9) is AMENDED by:</p> <p>a. deleting the word "policy" from subsection (a) to read as follows:</p> <p>"(a) provide general guidelines relating to the functions of the Authority;"</p> <p>and</p>

<p>(b) invest and deal with the monies of the Authority immediately required on such securities investments and manner as may, from time to time, be expedient;</p> <p>(c) erect, construct, lay down, enlarge, maintain and alter any building, erection and work which may seem directly or indirectly necessary or convenient for any of its purposes;</p> <p>(d) act as consultants and advisers in relation to ports and port operations in Nigeria or in any part of the world;</p> <p>(e) carry on the business of carrier by land or sea, stevedore, wharfinger, warehouseman or lighterman or any other business desirable for the functions of the Authority;</p> <p>(f) acquire any undertaking of any registered business that affords facilities for the loading, unloading or warehousing of any goods in any port in Nigeria;</p> <p>(g) appoint, license and manage pilots of vessels;</p> <p>(h) insure all goods and consignments that are in the custody of the Authority;</p> <p>(i) control the erection and use of wharves in any port or approaches;</p> <p>(j) buy any property, and sell, let, lease or otherwise of any property which appears to the Authority to be unnecessary for its purposes;</p> <p>(k) enter into agreement with any person for the supply, manufacture, maintenance or repair by that person of any property, movable or immovable necessary purposes of the Authority;</p> <p>(l) enter into agreement with any person for the operation provision of any of the port</p>	<p>(b) manage and superintend the policies of the Authority;</p> <p>(c) determine the terms and conditions of service of the employees of the Authority;</p> <p>(d) fix the remuneration, determining the job description, qualifications, allowances and benefits of staff and employees of the Authority in accordance with extant Federal Government regulations; and</p> <p>(e) do such things which in its opinion are necessary to ensure the efficient performance of the functions of the Authority under this Act.</p>	<p>b. redrafting subsection 8(b) to read as follows: "(b) superintend the implementation of the policies of the Authority;"</p>
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facilities which may be or provided by the Authority;

(m) provide, appoint, license and regulate weighers and for measuring goods in any port in Nigeria;

(n) reclaim, excavate, enclose, raise or develop any of the lands acquired by or vested in the Authority;

(o) win sand from the ports and their approaches for such purposes as it may deem fit;

(p) do anything for the purpose of advancing -

(i) the skills of persons employed by the Authority or

(ii) the efficiency of the equipment of the Authority or of the manner in which that equipment operated, including the provision by others of the facilities for training, education and research;

(q) provide residential accommodation, houses, hostels other like accommodation for its deserving employee terms and conditions to be determined, from time to time, by the Authority in order to promote the welfare of employees;

(r) purchase, take on lease or in exchange or otherwise, acquire, hold, manage, work, develop the resources C turn to account, any estate, land, building, tenement, other real property of any description, including lease or other tenure and wheresoever situate and any interest therein and any right connected therewith, and in part~ to acquire or take over estates situate in Nigeria;

(s) grant loans to its deserving and needy employees purposes specifically approved by the Authority on terms and conditions to be

	<p>determined by the Authority its discretion and in such a manner as is likely to IL ~the effectiveness of such employees in their service Authority or otherwise for the purpose of the function of the Authority;</p> <p>(t) provide loans to any of its employees for the purpose of-</p> <p>(i) building a house,</p> <p>(ii) purchasing a plot of land on which to build a house, and</p> <p>(iii) purchasing a house for the employees' use or for the residential use of the employees' family, on such terms and conditions to be determined by the Authority at its discretion;</p> <p>(u) fabricate and repair vessels, engines, boilers and all items being used in vessels;</p> <p>(v) carry on the business of ship builders, engineers and manufacturers of machinery;</p> <p>(w) purchase or otherwise acquire, take on lease, construct, maintain, work and use wet and dry docks, ships, quays, wharves, piers, warehouses, buildings, yards and every kind of property, structure, appliance and anything necessary for equipping, salvaging and assisting ships;</p> <p>(x) form, establish or incorporate subsidiaries or affiliate companies, whether wholly or jointly with other persons or organisations for the purpose of carrying out any of the functions of the Authority; and</p> <p>(y) do such other things as are necessary for the successful performance of its functions under this Decree.</p>		
		<p>PART III FUNCTIONS AND POWERS OF THE AUTHORITY</p>	

10.	<p>9. The Authority may perform or exercise any of its functions or powers under this Decree, other than the power to regulations, through an officer or agent of the Authority or any other person authorised by the Authority in that behalf.</p>	<p>Functions of the Authority</p> <p>(1) The Authority shall –</p> <p>(a) develop a plan for, undertake and supervise the dredging and maintenance of channels within the Ports limit and its approaches in Nigeria;</p> <p>(b) develop a plan for and maintain national strategic port planning and implement same;</p> <p>(c) provide and maintain aids to navigation, lighting and mooring in ports and harbours;</p> <p>(d) provide pilotage services, waste reception facilities and other ports infrastructure;</p> <p>(e) provide and enforce technical regulations on operations, construction and installations within the ports and harbours;</p> <p>(f) develop channels and approaches to ports and harbours;</p> <p>(g) set overall policy for port security, health and safety, environmental protection and coastal conservancy;</p> <p>(h) encourage and facilitate private sector participation and investment in the provision of port services and facilities;</p> <p>(i) approve the establishment and planning of off-shore cargo-handling facilities and related services;</p> <p>(j) represent Nigeria in regional and international for a on matters relating to and connected with ports and harbours;</p> <p>(k) negotiate, supervise, implement and ensure compliance with international maritime obligations under applicable international conventions and protocols;</p>	<p>RETAINED.</p>
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		<p>(l) provide landlord services in ports and harbours, in an economically, socially and environmentally sustainable manner;</p> <p>(m) in co-operation with other relevant bodies, ensure that the ports are effectively integrated with other systems of infrastructure within and outside the ports;</p> <p>(n) facilitate the sustainable growth of trade through the ports;</p> <p>(o) provide or arrange for the provision of facilities, services, accommodation and land in the harbours for vessels, goods and passengers;</p> <p>(p) direct and control the movement of vessels within ports and harbours, and provide or arrange for the provision of pilotage services;</p> <p>(q) provide for and maintain all coastal and channel management services;</p> <p>(r) develop and deploy resources in ports to enhance port security;</p> <p>(s) engage in any business activity, either alone or in partnership with other persons, as may be approved by the Minister;</p> <p>(t) in co-operation with relevant Agencies provide or arrange road and rail access to ports and facilitate the integration of</p>	<p>Section 9 (now section 10) is AMENDED by:</p> <p>a. substituting the word "Minister" in subsection (1)(s) with the word "Board" to read as follows: <i>"(s) engage in any business activity, either alone or in partnership with other persons, as may be approved by the Board;"</i></p> <p>RETAINED.</p>
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		<p>infrastructure and logistics systems in the ports;</p> <p>(u) provide requisite assistance, including search, rescue and salvage operations to any vessel entering or leaving any port and within the approaches to the ports for the purpose of saving life and property;</p> <p>(v) develop implementation and operational strategies suitable to the peculiarities and economic viability of the ports with due regard to the consequences of its activities on the environment and the heritage, whether natural or man-made;</p> <p>(w) grant concessions to private entities in accordance with the laid down processes;</p> <p>(x) ensure compliance of private operators with its overall policy on health and safety, environmental protection, coastal conservancy; and</p> <p>(y) perform such other functions as may be necessary to give effect to the provisions of the Act.</p> <p>(2) The Authority shall take steps to ensure the effective planning and management of the ports and harbours.</p> <p>(3) The Authority shall perform its functions in a manner that is –</p> <ul style="list-style-type: none"> (a) safe and secure; (b) environmentally sustainable; (c) effective and efficient; and (d) commercially sound. 	
11.	<p>Part 111 Staff</p> <p>10. (l) There shall be, for the Authority, a Managing Director to be appointed by the</p>	<p>General Powers of the Authority</p> <p>(1) The Authority shall have power to –</p>	<p>b. substituting the word "sound" in subsection (3)(d) with the word "viable" to read as follows: "(d) commercially viable."</p> <p>Section 10 (now section 11) is AMENDED by:</p>

<p>Head of State, Commander-in- Chief of the Armed Forces.</p> <p>(2) The Managing Director -</p> <p>(a) shall hold office for a period of 5 years on such terms and conditions as may be specified in his letter of appointment; and</p> <p>(b) may be re-appointed for a further period of 5 years.</p> <p>(3) The Managing Director shall be the chief executive of the Authority and be responsible -</p> <p>(a) for the execution of the policy and the day-to-day; administration of the Authority;</p> <p>(b) for the direction, supervision and control of all other employees of the Authority and, subject to such restriction as the Board may impose, for disposing of all question relating to the service of the employees, their pay, allowances and privileges;</p> <p>(c) for matters concerning the accounts and records of Authority.</p> <p>(4) The Head of State, Commander-in-Chief of the Forces shall appoint for the Authority 3 Executive Directors assist the Managing Director in the performance of his fun under this Decree.</p> <p>(5) An Executive Director -</p> <p>(a) shall hold office for a period of 4 years on such and conditions as may be specified in his letter appointment;</p> <p>(b) may be re-appointed for a further period of 3; and</p>	<p>(a) develop, whether by itself or in partnership with others, own and control ports;</p> <p>(b) advise government on and implement national port policies and development strategies;</p> <p>(c) enter into contracts, agreements or leases and all other such obligations or arrangements;</p> <p>(d) grant permits, licences and approvals for services and facilities provided for the Authority on such terms and conditions as it may determine;</p> <p>(e) employ agents, consultants or contractors or act as agent of another person;</p> <p>(f) construct, execute, carry out, equip, improve, work and develop ports, docks, harbours, piers, wharves, canals, water courses, embankments and jetties;</p> <p>(g) invest and utilize the monies of the Authority not immediately required on such securities, real estate or in such investments and manner as may, from time to time, be expedient;</p> <p>(h) erect, construct, lay down, enlarge, maintain and alter any building, erection and work which may seem directly or indirectly necessary or convenient for any of its purposes;</p>	<p>a. substituting the word "for" (appearing after the word "provided") in subsection (1)(d) with the word "by" as follows:</p> <p>"(d) grant permits, licences and approvals for services and facilities provided by the Authority on such terms and conditions as it may determine;"</p>
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	<p>(c) perform such functions as may, from time to time assigned to him by the Managing Director and the Board</p>	<p>(i) act as consultants and advisers in relation to ports and port operations in Nigeria or in any part of the world;</p> <p>(j) carry on the business of carrier by land or sea, stevedore, wharfing, warehouseman or lightman or any other business necessary or expedient for the functions of the Authority;</p> <p>(k) acquire any undertaking of any registered business that affords facilities for the loading, unloading or warehousing of any goods in any port in Nigeria;</p> <p>(l) win sand from ports and their approaches for such purposes as it may deem fit;</p> <p>(m) do anything for the purpose of advancing the –</p> <ul style="list-style-type: none"> (i) skills of persons employed; or (ii) efficiency of the equipment or the manner in which such equipment is operated, including the provision by others of the facilities for training, education and research; <p>(n) provide residential accommodation, houses, hostels and other like accommodation for its employees on essential duties on terms and conditions to be determined, from time to time, by the authority;</p>	
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		<p>(o) regulate and provide bunkering and chandelling services;</p> <p>(p) provide or arrange for maintenance dredging, aids to navigation, hydrographic services and wreck removal;</p> <p>(q) in collaboration with relevant agencies, plan and provide services in all off-shore cargo handling facilities;</p> <p>(r) concession terminal operations and related services to third parties in accordance with the provisions of the ICRC Act;</p> <p>(s) provide, for the approaches to all ports and territorial waters of Nigeria, such as pilotage services and lights, marks and other navigational services and aids, including cleaning deepening and improving of channels, approaches and its waterways;</p> <p>(t) provide and use appliances for the towage or protection or salvage of life and property or for the prevention of fire within Nigeria maritime domain and on vessels on the high seas;</p> <p>(u) supply water to vessels; and</p>	<p>b. inserting the words "capital and" before the word "maintenance" in subsection (1)(p), as follows: "(p) provide or arrange for capital and maintenance dredging, aids to navigation, hydrographic services and wreck removal;" and</p> <p>c. substituting the words "the ICRC Act" in subsection (1)(r) with the words "extant regulations" as follows:</p> <p>d. "(r) concession terminal operations and related services to third parties in accordance with the provisions of extant regulations;"</p> <p>RETAINED.</p>
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		<p>(v) do such other things which are necessary to ensure the efficient performance of the functions of the Authority under this Act.</p> <p>(2). The Authority shall have power to make bye-laws for the control and management of the wharves and premises and, in particular may, without prejudice to the generality of the foregoing, make bye-laws for regulating declaring and defining the wharves, docks, piers and places vested in or in the possession of the Authority on or from which goods shall be landed and shipped.</p>	
12.	<p>11. (1)The Authority shall appoint such other persons as employees as it may deem necessary for the efficient performance of its functions under Or pursuant to this Decree and shall have power. to pay persons so employed such remuneration (including allowances) as the Authority may, from time to time, determine.</p>	<p>Special Powers of the Authority</p> <p>(1) The Authority may –</p> <p>(a) establish and maintain subsidiaries, whether wholly or jointly with other persons or organisations for the purpose of carrying out any its functions under this Act;</p> <p>(b) appoint directors and agents for the subsidiaries established pursuant to the provisions of paragraph (a) of this subsection; and</p> <p>(c) participate –</p> <p>(i) in the formation of or be a member of any company for the purpose of carrying out all or any of its functions under this Act;</p>	<p>RETAINED (now section 12)</p> <p>RETAINED.</p>

	<p>(2) The Authority may, with the approval of the Minister, make regulations generally relating to the conditions of service of employees of the Authority, and in particular, but without prejudice to the generality of the foregoing, may make regulations relating to –</p> <p>(a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, the employees;</p> <p>(b) appeals by the employees against dismissal or other disciplinary measures;</p> <p>(c) the grant of pensions, gratuities and other retiring allowances to the employees and their dependants, and the grant of gratuities to the estates or dependants of deceased employees of the Authority;</p> <p>(d) the establishment and maintenance of medical benefit funds, superannuation funds and provident funds, and the contributions payable to and the benefits receivable from those funds.</p>	<p>(ii) with the approval of the Board in the formation of any company for such other purposes as may be approved by the Minister; and</p> <p>(iii) in the formation of any joint venture or partnership and other similar arrangements.</p> <p>(2) The Authority may levy such port dues and such general charges upon goods or cargo loaded and discharged in the ports as it may deem necessary for the maintenance, improvement or development of ports.</p>	
		<p>PART IV STAFF OF THE AUTHORITY</p>	
<p>13.</p>	<p>12. (1) Service in the Authority shall be approved service for the purpose of the Pensions Act, and accordingly, an officer and other persons employed in the Authority shall in respect of their service in the Authority be entitled to pensions, gratuities and other</p>	<p>Managing Director of the Authority</p> <p>(1) There shall be for the Authority, a Managing Director who shall be –</p> <p>(a) appointed by the President on the recommendation of the Minister;</p>	<p>RETAINED.</p>

	<p>retirement benefits as are prescribed under that Act.</p> <p>(2) Nothing in this section shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.</p> <p>(3) For the purposes of the application of the Pensions Act, any power exercisable under the Act by the Minister or other authority of the Federal government (not being the power to make regulations under section 23 thereof) is hereby vested in the Board and</p>	<p>(b) the chief executive and account officer of the Authority; and</p> <p>(c) responsible for the –</p> <p>(i) execution of the policy and the day-to-day administration of the Authority, and</p> <p>(ii) direction, supervision and control of all other employees of the authority and subject to such restrictions as the Board may impose, for disposing all questions relating to the service of the employees, their pay, allowances and benefits.</p> <p>(2) The Managing Director shall hold office –</p> <p>(a) for a term of four years and may be re-appointed for a further term of four years and no more; and</p> <p>(b) on such terms and conditions, as may be specified in his letter of appointment.</p> <p>(3) Despite the provisions of sub-section (2) of this section, the Managing Director may –</p> <p>(a) resign his appointment by notice in writing under his hand, addressed to the President through the Board; or</p> <p>(b) be removed by the President for inability to discharge the functions of his office whether arising from infirmity of mind or body or any other or for misconduct or corruption.</p>	<p>Section 12 (now section 13) is AMENDED by inserting the figure “(4)” after the word “four” in subsection (2)(a) as follows:</p>
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	<p>shall be exercisable by the Authority and not by any other person or authority.</p> <p>(4) Subject to subsection (2) of this section, the Pensions Act shall in its application by virtue of this section to any have effect as if the office were in the civil service of Federation within the meaning of the Constitution of the Federal Republic of Nigeria.</p>		
14.	<p>Part IV: Financial Provisions</p> <p>13. The Authority shall maintain a fund which shall consist of –</p> <p>(a) all sums collected as charges, levies and fees under this Decree;</p> <p>(b) all other sums collected or received by the for services rendered by the Authority;</p> <p>(c) all moneys borrowed and capital raised by the Audio under this Decree or any other enactment;</p> <p>(d) such other sums as may be received by the Authority from other sources;</p> <p>(e) all other assets which may, from time to time, be vested in or accrue to the Authority in the course of discharging its functions under or pursuant to this Decree.</p>	<p>Executive Directors of the Authority –</p> <p>(1) The President shall appoint for the Authority, three Executive Directors to assist the Managing Director in the performance of his functions under this Act.</p> <p>(2) The Executive Directors shall each hold office –</p> <p>(a) for a term of four years and may be re-appointed for a further term of four years and no more; and</p> <p>(b) on such terms and conditions, as may be specified in his letter of appointment.</p> <p>(3) An Executive Director shall perform such functions as may be assigned to him in his letter of appointment or by the Managing Director or the Board from time to time.</p>	<p>RETAINED (now section 14)</p>
15.	<p>14. (1) Without prejudice to the power of the Authority to set aside from its revenue appropriate amounts for contingencies and</p>	<p>Secretary to the Board of the Authority</p>	<p>RETAINED (now section 15)</p>

	<p>other purposes, the Authority shall establish and maintain a general reserve fund and such other reserve funds as the Minister may, from time to time, approve.</p> <p>(2) The management of the reserve funds, the amount to be credited to and charges to be made against the reserve funds and any other application of the moneys comprised in the reserve shall be as the Authority may, with the approval of the Minister determine.</p>	<p>(1) The Board shall have a Secretary who shall be the Head of the Legal Department of the Authority.</p> <p>(2) The Secretary shall be a legal practitioner of not less than 15 years' post-call experience.</p> <p>(3) The Secretary shall report to the Managing Director and be responsible for –</p> <p>(a) making arrangements for meetings of the Board and preparing the agenda and minutes of such meetings;</p> <p>(b) communicating the decisions of the Board to members of the Board and keeping records of the Board's meetings and proceedings;</p> <p>(c) keeping the corporate seal and records of the Authority</p> <p>(d) arranging for payments of fees and allowances of meetings and all other matters affecting members of the Board; and</p> <p>(e) such other duties affecting the Authority as the Board may direct from time to time.</p>	
16.	15. Any excess of the Authority's revenues for any year over its outgoings and charges for that year shall be applied for such purposes as the Authority may determine but no part of the	<p>Other staff of the Authority.</p> <p>(1) The Authority may, subject to the approval of the Board, appoint such other staff as it may deem necessary from time to time –</p>	RETAINED (now section 16)

	<p>excess shall be applied otherwise than for the purposes of the Authority.</p>	<p>(a) for the proper and effective discharge of the duties and functions of the Authority; and</p> <p>(b) on such terms and conditions as may be determined by the Board from time to time.</p> <p>(2) The employees of the Authority shall be subject to the Conflict of Interest provisions contained in the Third Schedule to this Act.</p> <p>(3) Service in the Authority shall be approved service for the purposes of the Pension Reforms Act, 2004.</p> <p>(4) Nothing in subsection (3) of this section shall exclude the Authority from employing staff on non-pensionable terms and conditions.</p>	
		<p>PART V FINANCIAL PROVISIONS</p>	
17.	<p>16. (1) The Authority may, with the approval of the Minister, borrow money or raise capital, otherwise than from the Government, by the issue, in such form as may be approved, of stock, bonds, promissory notes, loan certificates or other documents of title for all or any of the following purposes, that is-</p> <p>(a) the performance of its functions under this Decree;</p> <p>(b) the provision of its working capital;</p>	<p>Fund of the Authority</p> <p>(1) There is established for the Authority a fund ("the Fund") comprising –</p> <p>(a) all charges, dues, levies, fees, and penalties collected by the Authority under this Act or regulations made hereunder;</p> <p>(b) technical Assistance, gifts, aids, and testamentary disposition;</p> <p>(c) other financial assets that may from time to time be vested in or accrue to the Authority in the course of performing its functions under this Act;</p>	<p>RETAINED (now section 17)</p>

(c) the redemption or repayment of any capital raised or money borrowed, which the Authority is required or entitled to redeem or repay; and

(d) the provision of money for meeting any expenditure which is properly chargeable to capital account.

(2) For the purposes of payment of interest, repayment or redemption, moneys borrowed or capital raised under this section shall rank equally with all other moneys borrowed or capital raised under this section.

(3) The payment of interest on and the repayment or redemption of any money borrowed or capital raised under this Decree shall have priority over the payment of interest on any money borrowed or capital raised from the Government under section 17 of this Decree.

(4) Money borrowed by the Government for the exclusive purpose of re-lending to the Authority and, accordingly, re-lent to the Authority, shall be deemed to be money borrowed otherwise than from the Government and, shall, accordingly, be deemed to money borrowed or capital raised, under this section.

(d) monies collected or received by the Authority for services rendered or facilities provided;

(e) monies borrowed and capital raised by the Authority under this Act or any other enactments; and

(f) such other sums of monies as may be received by the Authority.

(2) The Fund shall be managed in accordance with extant Financial Regulations applicable in the Public Service and rules made by the Board.

	(5) Money owed by the Authority under which the money is allowed to remain unpaid for a period than one year shall be deemed to be money borrowed under this section.		
18.	17. The Authority may borrow money, other than borrowed by the Government for the exclusive purpose mentioned in section 16(4) of this Decree, or raise capital from Government in such manner and on such terms and conditions as the Minister may approve for all or any of the purposes me in section 16(1) of this Decree.	<p>Reserve Funds</p> <p>(1) Without limiting the power of the Authority to set aside from its revenue appropriate amounts for replacement, contingencies and other purposes, the Authority shall establish and maintain a general reserve fund arising out of its operating surplus.</p> <p>(2) The management of the reserve funds, the amount to be credited to and charges to be made against the reserve funds and any other application of the monies comprised in the reserve funds shall be as the Authority may, with the approval of the Minister determine.</p>	RETAINED (now section 18)
19.	<p>18. (1) The Authority may, with the approval of or general authority given by the Minister, borrow temporarily, by loan, overdraft or otherwise, such sums, repayable on demand or within one year after the date of borrowing, as the Authority require for meeting its obligations and discharging its functions under this Decree.</p> <p>(2) The sums specified under subsection (1) of this section may be borrowed from the Government or from any other person on such</p>	<p>Application of Authority's monies</p> <p>(1) Subject to section 25 of this Act and subsections (2) and (3) of this section, the revenue of the Authority for any financial year shall be applied as approved by the Minister.</p> <p>(2) The Authority shall submit to the Minister a three year plan on use of monies from the Funds referred to in section 25 of this Act, including the concession fees generated.</p>	RETAINED (now section 19)

	terms and conditions as may be approved by the Minister	(3) The plan referred to in subsection (2) of this section shall be reviewed annually by the Minister.	
20.	19. The Authority may invest all or any part of its moneys in such manner as may be approved by the Minister.	Financial Year The financial year of the Authority shall commence on 1 st January of each year and end on 31 st December of the same year.	RETAINED (now section 20)
21.	20. (1) The Board shall cause to be prepared, not later than 30th September in each year, an estimate of the expenditure and income of the Authority during the next succeeding year and prepared, they shall be submitted through the Minister, Federal Executive Council for approval. (2) The Board shall cause to be kept proper accounts of the Authority and proper records in relation thereto and when certified by the Board, the accounts shall be audited by auditors appointed by the Authority from the list and in accordance with guidelines supplied by the Auditor-General of the Federation.	Power to borrow and invest money (1) The Authority may, with the approval of the Minister and in accordance with the applicable laws governing borrowings by public bodies, borrow such sums of money or raise capital, otherwise, than from the Government as the Authority may require in the exercise of its function; and (2) The Authority may invest all or any part of its monies in such manner as may be approved by the Minister.	RETAINED (now section 21)
22.	21. (1) The Authority shall, not later than 6 months after the end of each year, submit to the Minister report activities of the Authority during that year.	Inspection of accounts and records (1) The accounts and records of the Authority shall during official working hours be opened for inspection to -- (a) any member of the Board; or (b) any other person specially authorized do so by the Minister	RETAINED (now section 22)

	(2) The report shall be prepared in such form, contain such particulars and compiled in such manner as the Minister may, after consultation with the Authority, from time to time, direct.	(2) The books of accounts shall be kept at the Head Office of the Authority.	
23.	<p>22. (1) The Authority shall be exempted from the payment of income tax on any income accruing from investments made by the Authority or otherwise howsoever.</p> <p>(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Authority.</p>	<p>Statement of accounts.</p> <p>(1) The Authority shall keep proper and regular accounts and other records of monies received and paid by it and of the several purposes for which such monies have been received or paid, and of its assets, credits and liabilities.</p> <p>(2) The Authority shall take all necessary steps to ensure that all payments out of its Funds and bank accounts are correctly made and properly authorised and that adequate control is maintained over the assets in its custody and over the expenditure incurred.</p>	<p>Section 22 (now section 23) is AMENDED by deleting the word "credits" from subsection (1) as follows:</p> <p><i>"(1) The Authority shall keep proper and regular accounts and other records of monies received and paid by it and of the several purposes for which such monies have been received or paid, and of its assets and liabilities."</i></p> <p>RETAINED.</p>
24.	23. (1) The Authority may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.	<p>Audit</p> <p>(1) The accounts of the Authority shall be audited annually by auditors appointed by the Authority based on the guidelines issued from time to time by the Auditor-General of the Federation.</p>	Section 23(now section 24) is AMENDED by redrafting of subsection (4) as follows:

	<p>2) The Authority shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Authority under this Decree.</p>	<p>(2) The Authority shall not later than 3 months after the close of each financial year, prepare and submit its financial statements in respect of that year to the auditors who shall audit and report on the financial statements.</p> <p>(3) The auditor shall, not later than 2 months after the accounts have been submitted for audit, forward the audit report to the Authority and submit such periodical and special reports as the Minister or the Authority may require.</p> <p>(4) The Authority shall not later than 2 months after the financial statements of the Authority have been audited in accordance with the requirement of this Act, the Authority shall forward a copy of the audited financial statements to the Minister, together with any report or observations made by the auditor or auditors on the statement of accounts.</p> <p>(5) The audit report shall in addition to the standard auditing requirements state –</p> <p>(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Authority;</p> <p>(b) whether proper accounting and other records have been kept, including records of all assets of the Authority whether purchased, donated or otherwise acquired;</p> <p>(c) whether the receipts, expenditure and investment of monies, the acquisition and disposal of assets by the Authority during</p>	<p><i>“(4) The Authority shall, not later than two months after its financial statement of accounts has been audited in accordance with the requirements of this Act, forward a copy of its audited financial statement to the Minister together with any report or observations made by the auditors on the financial statement of accounts.”</i></p>
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		<p>the year have been in compliance with the provisions of this Act; and</p> <p>(d) such other matters arising from the audit.</p> <p>(6) A firm shall not be qualified for appointment as auditors under subsection (3) this section unless it is registered under the Companies and Allied Matters Act and any other applicable law.</p> <p>(7) The remuneration of the auditors shall be paid out of the Funds of the Authority.</p>	
25.	<p>Part V: Provisions Relating to Land</p> <p>24. (1) When there is any hindrance to the acquisition by the Authority of any land or building required for carrying into effect any of the provisions of this Decree, the Head of state, Commander-in-Chief of the Armed Forces may –</p> <p>(a) on the application of the Authority and after such inquiry as he may think fit, declare that the land or building is required for the services of the Authority; and</p> <p>(b) direct that action be taken under the provisions of the Land Use Act for acquiring the land or building for the Federal Government or, as the case may require, for revoking any rights thereto, and for determining the compensation to be paid to the parties interested.</p> <p>(2) On the making of a declaration under subsection (1) of Section, the land to which it</p>	<p>Annual and other Reports</p> <p>(1) The Board shall, not later than 2 months after the end of each financial year, make a report to the Minister on its activities and performance during that year.</p> <p>(2) The annual report for each year shall include –</p> <p>(a) a general survey of developments in respect of matters relating to its functions;</p> <p>(b) an assessment of the extent to which its main objectives and priorities for the year as set out in the annual plan have been achieved;</p>	<p>RETAINED (now section 25)</p>

<p>relates shall be deemed to be land required for a public purpose within the meaning of the Land Use Act.</p> <p>(3) When a land or building has been acquired or the rights to it has been revoked as provided in this section, the Head of State, Commander-in-Chief of the Armed Forces may –</p> <p>(a) vest the land or building in the Authority by means of a certificate under the hand and seal of the Chief Lands Officer to the effect that the land or building been made over to the Authority; or</p> <p>(b) as the case may require, direct that a right of occupancy in respect of the land or building be granted to Authority</p> <p>(4) The compensation, if any, for an acquisition or revocation, as the case may be, under this section shall in the instance be paid by the Federal Government, but the Authority shall refund to the Federal Government any compensation so paid and all incidental expenses incurred by the Federal Government</p> <p>(5) All authorities within Nigeria shall give effect to direction given by the Head of State, Commander-in-Chief Armed Forces in accordance with the provisions of this Act.</p>	<p>(c) a summary of the significant activities carried out by it during the year;</p> <p>(d) a summary of the allocation of its financial resources to its various activities during the year, including, without limitation, the emoluments of its directors;</p> <p>(e) an assessment of its performance and practices in relation to its functions in accordance with applicable performance indicators; and</p> <p>(f) its budget for the next financial year.</p> <p>(3) The Board may –</p> <p>(a) prepare other reports in respect of matters relating to any of its functions; and</p> <p>(b) arrange for any such report to be published.</p> <p>(4) The Board shall cause the annual report of the Authority to be published at the end of each financial year.</p>	
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	(6) The Authority may use the land or building under this section for any purpose connected with its function under this Decree.		
26.	<p>(1) The Authority shall not, without the approval in writing of the Head of State, Commander-in-Chief of the Forces, alienate, mortgage, charge or lease any property which has been vested in the Authority or in respect which a right of occupancy has been granted to the Authority.</p> <p>(2) Notwithstanding the provisions of subsection (1) of this section, the Authority may alienate, charge or mortgage any immovable property for a period not exceeding five years, terminate, revoke or release any mortgage of, charge on or lease of any immovable property vested in it.</p>	<p>Estimates of revenue and expenditure</p> <p>(1) The Authority shall, within 2 months after the end of each financial year, make a report to the Minister on its activities during that year and its proposed undertakings for the ensuing year and the report shall contain such information with respect to the proceedings and policy of the Authority as the Minister may require.</p> <p>(2) The Authority shall submit to the Minister such financial and statistical returns or such other reports on the financial position of the Authority as the Minister may require.</p> <p>(3) The Authority shall not later than four (4) months to the end of the financial year, prepare and forward to the Minister for consideration and presentation to the National Assembly for approval, a statement of estimated income and expenditure for the following financial year.</p> <p>(4) The Authority may during the year for which estimates have been approved under this section, cause supplementary estimates to be prepared.</p>	RETAINED (now section 26)
27.	26. The Authority may, by its employees or agents, together with all necessary workmen –	<p>Conduct of affairs</p> <p>(1) It shall be the general duty of the Authority to –</p>	RETAINED (now section 27)

	<p>(a) enter and remain on any land for the purpose of erecting or maintaining any beacon, buoy or mooring, or of examining, repairing, altering or removing any beacon, buoy or mooring;</p> <p>(b) erect and maintain any beacon, buoy or mooring on or in any land, swamp, embankment, wharf, or the shore or bed of any tidal or other waters, and alter or remove any beacon, buoy or mooring, but no beacon, buoy or mooring shall be so placed on any road as to hinder or interfere with free passage along the road; and</p> <p>(c) for the purposes of its functions, survey and take levels of any land, and cut and remove all trees and underwood which may interfere with the survey.</p>	<p>(a) conduct its affairs in a manner to ensure that its revenue is sufficient to –</p> <p>(i) meet all charges which are chargeable to its revenue account, and</p> <p>(ii) generate a proportion of the capital it requires; and</p> <p>(b) conduct its business in a cost effective and efficient manner.</p>	
		PART VI: DECLARATION OF PORTS	
28.	27. An authorised employee of the Authority may, with all assistance where required, enter on any land and cut and remove all trees, underwood and vegetation which may interfere with the visibility of any lighthouse or beacon from any other point or place.	<p>Declaration of Ports</p> <p>(1) The Minister may by order –</p> <p>(a) declare any place in Nigeria and any navigable channel leading into that place to be a port within the meaning of this Act;</p>	RETAINED.

(b) specify the limits of any place declared as a port in accordance with paragraph (a) of subsection (1) of this section;

(c) declare any navigable channel leading into a port to be an approach to that port.

(d) declare any place in Nigeria to be an inland port or container depot; and

(e) make any variations in the limits of any port or the approaches to the Port.

(2) The places specified in the First Schedule to this Act, shall be deemed to be ports, and the limits of and approaches to any port shall until other provision is made in accordance with paragraph (b) of subsection (1) of this section, be the limits declared and in force immediately before the commencement of this Act and shall include –

(a) ocean beaches within 100 metres of high-water mark; and

(b) the waterways leading to the ports, creeks and swamp-land below the highest astronomical tide level and all beacons, moles, piers, slipways, quays and other works extending beyond the natural line of the high-water level.

(3) The Minister may exercise his powers to declare a port within the meaning of this Act or to specify the limits of any port, if he is

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		<p>satisfied that such a place, if declared to be a port, is –</p> <p>(a) likely to remain financially self-sufficient;</p> <p>(b) of strategic significance to Nigeria's trade; or</p> <p>(c) linked to a major rail line or highway.</p> <p>(4) Declaration of a port made pursuant to the provision of subsection (3) of this section shall be based upon a feasibility study and satisfactory Environmental Impact Assessment (EIA).</p> <p>(5) Any Order made by the Minister under subsection (1) of this section shall contain the following information –</p> <p>(a) the name of the port;</p> <p>(b) the navigable waters and the limits; and</p> <p>(c) any other provision that the Minister considers appropriate to include in the Order.</p> <p>(6) Any place in the Federation which is for the time being declared or deemed to be a port within the meaning of this Act is a Federal port.</p>	<p>Section 27 (now section 28) is AMENDED by deleting subsection (4).</p> <p>RETAINED.</p> <p>RETAINED.</p>
		<p>PART VII: THE AUTHORITY'S LANDLORD POWERS</p>	

29.	<p>28. The Authority shall, when practicable, give notice to occupier of any land on which it intends to enter in exercise of any of the powers conferred by sections 26 and 27 of this Decree and shall inform the appropriate authority in the State in which the land is situate or the Federal Capital Development Authority, if the land is situate in the Federal Capital Territory, Abuja, of its intention.</p>	<p>Technical Powers The Authority's Landlord technical powers shall include –</p> <p>(a) giving directions consistent with the provisions of this Act to any person granted a concession under this Act;</p> <p>(b) to impose corresponding obligations regarding standards and codes on all providers and users of marine and port services and facilities;</p> <p>(c) implementing regulations, standards and codes regarding port security and safety and ensuring compliance with such regulations, standards and codes;</p> <p>(d) prescribing the limits within, and the levels to which dredging may be carried out;</p> <p>(e) monitoring and ensuring compliance by all service providers with applicable laws and regulations;</p> <p>(f) providing vessel traffic control and aids to navigation;</p> <p>(g) ensuring that orderly, efficient and reliable transfer of cargo and passengers between sea and land is provided by operators;</p> <p>(h) ensuring that safe, adequate and secure warehousing and storage is provided by operators within the ports;</p>	<p>RETAINED (now section 29)</p>
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		<p>(i) monitoring the performance of terminal operators;</p> <p>(j) ensuring that operators use port facilities to their fullest capacity in the most efficient manner;</p> <p>(k) collecting from concessionaires, licensees and other port service providers data and information needed for accurate planning, reporting and monitoring; and</p> <p>(l) carrying out such other activities as are necessary or convenient in connection with its landlord functions.</p>	
30.	<p>29. (1) In the exercise of any of the powers conferred on Authority by sections 26 and 27 of this Decree, the Authority do no more damage than is necessary, and compensation shall be paid by the Authority for any damage done to any crop or economic tree but not otherwise.</p> <p>(2) Any dispute as to the amount of compensation payable subsection (1) of this section shall be determined by the High Court exercising jurisdiction in the place where the land is situate.</p>	<p>Reserved operational powers Subject to section 31 of this Act, the Authority may provide or cause to provide any port services or facilities, notwithstanding that a concession has been granted to any person if –</p> <p>(a) the person has failed or is not discharging his obligation satisfactorily under the concession Agreement;</p> <p>(b) the person has abandoned; or</p> <p>(c) upon termination of the concession for any reason whatsoever.</p>	RETAINED (now section 30)
31.	<p>Part VI: Declarations of Ports</p> <p>30. (1) The Minister may, by order –</p>	<p>Power to acquire land and deal with assets (1) The Authority may acquire land or immoveable or movable property for its use.</p>	RETAINED (now section 31)

<p>(a) declare any place in Nigeria and any navigable channel leading into that place to be a port within the meaning this Decree;</p> <p>(b) specify the limits of any place declared as a port accordance with paragraph (a) of this subsection;</p> <p>(c) declare any navigable channel leading into a port to an approach to that port within the meaning of this Decree.</p> <p>(2) The places specified in Schedule 2 to this Decree -be deemed to be ports, and the limits of those ports shall, until other provision is made in accordance with paragraph (b) of subsection (1) of this section, be the limits declared and in force immediately before the commencement of this Decree, including</p> <p>(a) all ocean beaches within 100 metres of the level;</p> <p>(b) the water ways, creeks and swamp-land below the highest astronomical tide level and all beacons, piers, jetties, slipways, quays and other works extending beyond the natural line of the line of the high water level.</p>	<p>(2) The Authority may reclaim, excavate, enclose, raise or develop any of the lands acquired by or vested in it, constantly keeping in view the impact of its activities on the environment.</p> <p>(3) The Authority may acquire by purchase, gift or otherwise, moveable or immovable property and any interest in such property and with the approval of the Minister, may dispose of or deal with any movable property or any interest acquired in the movable property upon such terms and conditions as the Authority may deem fit.</p> <p>(4) The Authority may dispose of or transfer any of its immovable property vested in it as public property by the Federal Government only with the express written consent of the President.</p>	
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32.	<p>Part VII: Regulation of Ports</p> <p>31. The Authority may appoint a harbour master in respect of a port.</p>	<p>Power to enter into leases, concession agreement, etc</p> <p>(1) Subject to the provisions of section 34 of this Act, the Authority may enter into leases, concession agreements, operating agreements, or other arrangements with private parties for the occupation of its land for the purpose of enabling such parties to operate or perform port related activities or services.</p> <p>(2) Subject to the provisions of this Act, the Authority may lease or concede its premises to terminal operators, shipping companies, shipbuilding companies or any other licensed operator.</p> <p>(3) The exercise of the Authority's power under this section shall at all times be conducted in a competitive and transparent manner.</p>	<p>RETAINED.</p> <p>RETAINED.</p> <p>Section 31 (now section 32) is AMENDED by deleting the phrase "competitive and" from subsection (3) as follows: <i>"(3) The exercise of the Authority's power under this section shall at all times be conducted in a transparent manner."</i></p>
33.	<p>32. The Authority may, with the approval of the Minister make regulations for the maintenance, control and management of any port and for the maintenance of good order therein and in particular and without prejudice to the generality of the foregoing power, may make regulations for all or any of the following purposes that is</p>	<p>Power to enter land to erect beacons, conduct surveys and remove obstruction to makelighthouses and beacons visible</p> <p>(1) An authorised employee or agent of the Authority may enter and remain on any land for the purposes of erecting of beacons, buoys and moorings, to survey or perform any of their duties under this Act.</p>	<p>RETAINED (now section 33)</p>

<p>(a) regulating traffic within the limits of a port or the approach to a port;</p> <p>(b) regulating the berths and stations to be occupied by ships and the removal of ships from one berth, station or anchorage to another berth, station or anchorage, and the time within which the removal shall be effected;</p> <p>(c) regulating ships whilst taking in or discharging ballast or cargo;</p> <p>(d) keeping free passages of such width, as is deemed necessary, within any port and along or near to the piers, jetties, landing places, wharves, quays, docks, moorings and other similar works in or adjoining the port and for marking out the spaces to be kept free;</p> <p>(e) regulating the anchoring, fastening, mooring and unmooring and warping of all ships and the use of warps, mooring buoys, chains and other moorings;</p> <p>(f) regulating traffic, preventing obstruction and keeping order on piers, jetties and wharves, and ensuring the safety of piers, jetties and wharves and any cargo on them;</p>	<p>(2) An authorised employee of the Authority may, with all proper assistance where required, enter on any land and cut and remove all trees, Underwood and vegetation, which may interfere with the visibility of any lighthouse or beacon from any point or place.</p> <p>Provided that the authorised employee or agents shall enter any land, building or an enclosed court or garden attached to a dwelling house with the consent of the owner or occupier thereof which consent shall not be unreasonably withheld and unless at least fourteen (14) days' notice of the intended entry have been given to the owner or occupier.</p>	
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(g) regulating the use of fires and lights and the signals to be used, and measures to be taken, by day and by night, in case of fire in a port;

(h) enforcing and regulating the use of navigating lights or signals and of signal lights by ships;

(i) regulating the flags and signals to be used by ships arriving at, lying in and departing from a port;

(j) regulating the manner in which ships arriving a port shall be boarded by the harbour master, and the information to be supplied to him by the master of the ship;

(k) regulating the use by ships of steam whistles, steam sirens and other like instruments;

(1) prohibiting chipping, scaling or noisy repairs on ships, except at such anchorage, or places and at such times as may be prescribed or as the harbour master may appoint;

(m) prohibiting or regulating the erection, maintenance and working of fishing stakes, prescribing the nature of the nets or stakes which may be used, and providing for the licensing of persons authorised to erect and maintain fishing stakes and nets, and prescribing the fees which shall be paid for the licence;

(n) regulating, whether by way of prohibition or otherwise, the floating of timber, casks or other objects in any port or in the approach to any port and the casting or depositing of any dead body, ballast, rubbish, or other thing into any port or in the approach to any port in contravention of this Decree and for the redemption on payment of expenses and a penalty, within a time limit to be fixed, of anything forfeited;

(o) providing for the forfeiture of anything found in port or in the approach to any port in contravention of Decree;

(p) prescribing the duties of masters of ships carrying gunpowder or other explosive or dangerous cargo, and of persons engaged in or

	<p>supervising the shipping, unshipping, landing and transporting of the cargo;</p> <p>(q) regulating the placing and maintaining of moor buoys;</p> <p>(r) regulating and licensing weighing and metering of goods; and</p> <p>(s) regulating and licensing porters and carriers labourers employed in the working of port facilities.</p> <p>(2) For the breach of any regulation made under subsection (1) of this section, the Authority may prescribe, as a penalty fine not exceeding N 5900 and, in the case of a continuous breach a further fine not exceeding N 500 a day for every day, after the first day, during which the breach continues, or a term of imprisonment not exceeding 12 months or both such fine and imprisonment.</p>		
		PART VIII: CONCESSION	
34.	<p>Part VIII: Regulation of Piers in Ports</p> <p>33. (1) No person shall erect, re-erect, alter, extend, own or occupy a pier in a port or in the</p>	<p>Prohibition on operating in ports without concession, licence or permit</p> <p>A person shall not provide in a port, any marine or port service or facility unless he is authorized to do so by the Authority.</p>	RETAINED (now section 34)

	<p>approach to a port except under and in accordance with a licence granted by the Authority.</p> <p>(2) A person who contravenes any of the provisions of subsection (1) of this section is guilty of an offence and liable on conviction to a fine not exceeding N5000 or imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.</p>		
35.	<p>34. (1) The Authority may -</p> <p>(a) on payment of the prescribed fee and in the prescribed form, grant a licence for the purposes of section 33 of this Decree;</p> <p>(b) renew a licence granted under paragraph (a) of this subsection.</p> <p>(2) The grant or renewal of a licence under subsection (1) Section shall be at the discretion of the Authority.</p> <p>(3) A licence shall be subject to such conditions as may be prescribed, and to such special conditions endorsed on it as the Authority may see fit to impose.</p>	<p>Power to grant concessions</p> <p>(1) The Authority may grant a concession subject to laws relating to or governing concessions on such conditions as the Authority may impose and as may be specified in the concession agreement, authorising any person to provide any marine service or facility or any port service or facility.</p> <p>(2) A concession granted under this Act shall be for a term agreed upon by the parties provided that no concession can be granted which duration is above five years without the approval of the President.</p>	<p>RETAINED.</p> <p>Section 34 (now section 35) is AMENDED by substituting the word "five" in subsection (2) with the word/figure "ten (10)" as follows:</p> <p>"(2) A concession granted under this Act shall be for a term agreed upon by the parties provided that no concession can be granted which duration is above ten (10) years without the approval of the President."</p>

		PART IX: TARIFF REGIME OF THE AUTHORITY	
36.	<p>35. (1) The Authority may cancel a licence granted under section 34 of this Decree -</p> <p>(a) on proof to its satisfaction of a breach of any condition of the licence or of a contravention by the holder of the licence of any regulation made under section 37 of this Decree;</p> <p>(b) whenever it thinks it proper in the public interest; in which case, the holder of the licence shall be entitled to able compensation by the Authority unless express provision to the contrary is contained in the licence.</p> <p>(2) When the amount of compensation payable under subsection (1)(b) of this section is not agreed, the amount shall be determined by the High Court within whose area of jurisdiction pier is located in the like manner as the amount of compensation is determined under the law for the time being regulating acquisition of land for public purposes.</p>	<p>Tariff In this Part —</p> <p>“Port industry” means the provision of or use of port services and facilities in ports and harbours within Nigerian waters.</p> <p>“Prescribed goods and services” means any goods or services made, produced, supplied or provided by or within the port industry which include —</p> <p>(a) providing access to channels, harbours and terminals for use by shipping on a non-discriminatory basis;</p> <p>(b) providing berths for vessels at any Nigerian port;</p> <p>(c) providing port facilities for loading and of unloading vessels at a declared port;</p> <p>(d) providing for storage of goods at a declared port</p> <p>(e) providing access to land in connection with the provision of services of any of the kinds mentioned above on a non-discriminatory basis; and</p> <p>(f) any other port services as may be prescribed from time to time by the Authority.</p>	<p>RETAINED.</p> <p>Section 35 (now section 36) is AMENDED by:</p> <p>a. deleting the definition of “Port industry”</p> <p>b. relocating the definition of “Pprescribed goods and services” to section 36 (now section 37).</p>

		<p>"Prescribed tariff" means the tariff or tariff-range howsoever designated for the provision, supply or sale of any equipment, goods or services in the port industry or particular factors used in tariff-fixing or terms and conditions relating to the tariff at which particular goods or services are provided, supplied or sold.</p> <p>"Tariff" includes fees, prices, dues, charges and rates.</p>	
37.	<p>36.(1) An employee of the Authority authorised by Authority may, remove or cause to be removed, a pier in any port or in the approach to any port or any portion of the port or approach and may, for that purpose, enter on any land or pier if -</p> <p>(a) the holder of a licence granted in respect of the required in accordance with any regulation made under section 37 of this Decree to remove the pier and he refuses or neglects to do so within the time specified; or</p> <p>(b) the pier has been erected, re-erected, altered or extended without a licence or is owned or occupied without a licence; or</p> <p>(c) the licence granted in respect of the pier has been cancelled under the provisions of this Decree; or</p>	<p>Dues payable to the Authority</p> <p>(1) Subject to the provisions of this Act, the Authority may levy port charges, dues, fees, rates and general tariff on, and prescribe charges or scale of charges and impose penalties or interest on outstanding charges in respect of all or any of the services mentioned in this section.</p> <p>(2) Tariff in relation to the provision of port and other services shall include -</p>	<p>Section 36 (now section 37) is AMENDED by:</p> <p>a. substituting the heading "Dues payable to the Authority" with a new heading "Presumption of Dues payable for Service"; except by</p> <p>b. redrafting subsection (1) as follows: "(1) Subject to the provisions of this Act, the Authority shall have power to - (a) approve Prescribed Tariffs for services to be provided and provided by concessionaires; and (b) charge tariffs for services provided by the itself (the Authority)."</p> <p>RETAINED.</p>

	<p>(d) the licence granted in respect of the pier has expired.</p> <p>(2) Except when the licence granted in respect of the pier has been cancelled under section 35 of this Decree, the cost and expenses of and in connection with the removal-</p> <p>(a) shall be defrayed by the holder of the licence; and</p> <p>(b) may be recovered from him at the suit of the Authority in any court of competent jurisdiction.</p>	<p>(a) ship and cargo dues for the provision of pilotage;</p> <p>(b) light dues for the provision of aids to navigation along the coast or channels of the ports and within ports;</p> <p>(c) towage dues for the provision of tug services;</p> <p>(d) berth rent for the use of berthing facilities and services;</p> <p>(e) charges for mooring of vessels and boats;</p> <p>(f) charges for embarkation and disembarkation of persons;</p> <p>(g) charges for use of ferry services;</p> <p>(h) pollution dues and fines for the provision of waste disposal and waste management services in the ports; and</p> <p>(i) charges for offshore stevedoring services.</p> <p>(3) Tariff in relation to the provision and maintenance of port infrastructure, port terminals and port facilities shall include –</p> <p>(a) land rentals;</p> <p>(b) port dues for the provision and maintenance of entrance channels, breakwaters, basins, aids to navigation and maintenance dredging within the port limits;</p>	<p>c. inserting after the word “rentals” in subsection (3)(a), the expression “, water, electricity and telecommunication charges as may apply” as follows: “(a) rentals, water, electricity and telecommunication charges as may apply;”</p>
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		<p>(c) harbour access charges;</p> <p>(d) cargo dues for the movement of cargo within the ports;</p> <p>(e) tariffs for granting concessions and permits;</p> <p>(f) charges for shipping and transshipping of goods and persons; and</p> <p>(g) any other services provided by the Authority in the execution of its duties.</p> <p>(4) The Authority may require any person to provide such security as it deems fit for the payment of any fee payable to the Authority.</p> <p>(5) Where any request for the rendering of services or the provision of facilities is withdrawn or cancelled, without prior notice, the fees contemplated in subsection (1), (2) and (3) of this section, shall remain due and payable as if the services or facilities had been rendered or provided.</p> <p>(6) Charges prescribed under this section shall be published.</p> <p>(7) The Authority shall not directly levy any charges or dues for services which are provided by a concessionaire for which the concessionaire has been authorised to collect charges and levies directly from port users under section 51 of this Act.</p> <p>(8) The Authority may with the approval of the Minister vary or alter the charges</p>	<p>d. deleting the phrase "<i>for the movement of cargo</i>" in subsection (3)(d) as follows: "<i>(d) cargo dues of cargo within the ports;</i>" and</p> <p>RETAINED.</p>
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		<p>prescribed under this section from time to time</p> <p>(9) With respect to charges not listed in this section or otherwise provided in the regulations made under this Act, the Authority may in compliance with the appropriate guidelines impose such charges as it deems necessary and consistent with its functions under the Act.</p>	<p>e. adding a new subsection (10) as follows: <i>"In this Part —</i></p> <p><i>"Prescribed goods and services" means any goods or services made, produced, supplied or provided by or within the port industry which include —</i></p> <p><i>(a) providing access to channels, harbours and terminals for use by shipping on a non-discriminatory basis;</i></p> <p><i>(b) providing berths for vessels at any Nigerian port;</i></p> <p><i>(c) providing port facilities for loading and of unloading vessels at a declared port;</i></p> <p><i>(d) providing for storage of goods at a declared port</i></p> <p><i>(e) providing access to land in connection with the provision of services of any of the kinds mentioned</i></p>
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			above on a non discriminatory basis; and (f) any other port services as may be prescribed from time to time by the Authority.”
38.	<p>37. (1) The Authority may, with the approval of the Minister, make regulations for all or any of the following purposes, that is -</p> <p>(a) controlling the erection, re-erection, alteration extension and use of piers in any port or in the approach to any port;</p> <p>(b) requiring the owners or occupiers of piers to maintain the piers and the approaches to the piers in a proper state of repair;</p> <p>(c) prescribing the fees to be paid for any licence issued under section 34 of this Decree;</p> <p>(d) prescribing the forms for the licences and applications for those licences;</p> <p>(e) for the proper lighting of piers;</p> <p>(f) requiring such life-saving apparatus as may be specified in the regulations to be kept on piers;</p> <p>(g) the period of validity of the licences; and</p> <p>(h) generally for giving effect to the provisions and purposes of this Part of this Decree.</p> <p>(2) For the breach of any regulation made under this section, the Authority may prescribe, as a penalty, a fine not exceeding N5000 and, in the case of continuous breach, a further fine</p>	<p>Harbour dues, fees, rates and persons liable to pay</p> <p>(1) Subject to the provisions of this Part and the approval of the Minister, the Authority may levy such harbour dues, fees and rates on every vessel –</p> <p>(a) entering or leaving a port or the approach to a port or Nigeria Maritime domain in respect of the passengers, animals or cargo carried on the vessel; or</p> <p>(b) arrested at any berth or place within the port.</p> <p>(2) The Authority may charge such dues as it deems fit in respect of every movement of a vessel within a pilotage district.</p> <p>(3) The following persons shall be liable for the payment of harbour dues and rates –</p> <p>(a) the vessel agent;</p> <p>(b) in the case of harbour dues or rates payable in respect of inbound cargo, passengers or animals, every consignor or agent of the vessel who has paid or made himself liable to pay any charge on account of the vessel in its port of arrival or discharge;and</p> <p>(c) in the case of harbour dues or rates payable in respect of outbound cargo,</p>	<p>RETAINED (now section 38)</p>

	not exceeding N 500 a day for every day after the first day which the breach continues or a term of imprisonment not exceeding 12 months or both such fine and imprisonment.	passengers or animals, every consignee or agent of the vessel who has paid or made himself liable to pay any charge on account of the vessel in its port of departure.	
39.	38. The provisions of this Part of this Decree, excluding the provision of sections 34(1) and 37(2) of this Decree, shall bind the State	<p>Master to supply information on arrival</p> <p>(1) The Master of a vessel arriving in a port shall produce to the Authority –</p> <p>(a) the vessel's full documentation;</p> <p>(b) a list of all inbound cargo, passengers and animals, the name of the consignee of the cargo intended to be discharged;</p> <p>(c) Where –</p> <p>(i) the whole cargo is intended to be discharged, a copy of the manifest of the cargo, or</p> <p>(ii) only a part of the cargo is intended to be discharged, the written details of the types, weights and quantities of such cargo.</p> <p>(d) a declaration of any hazardous cargo including its detailed description and peculiarities; and</p> <p>(e) such other information in relation to the vessel, passengers, animals and its cargo as may be prescribed by the Authority.</p> <p>(2) The particulars required by subsection (1) of this section shall be produced in such form and within such time as may be prescribed by the Authority.</p>	RETAINED (now section 39)
40.	Part IX: Regulation of the Wharves, etc. of the Authority	Master to supply information before departure	Section 39 (now section 40) is AMENDED by inserting the word " outward " before the word

	<p>39. (1) Where any part of the wharves or premises vested in or in the possession of the Authority is appointed a customs area for the purposes of the Customs and Excise Management Act, the Authority shall –</p> <p>(a) set apart and maintain that area; and</p> <p>(b) provide office accommodation in that area in such manner as the Nigeria Customs Service may require for the use of persons entitled to collect duties of customs.</p> <p>(2) The cost of setting apart and maintaining a customs area and of providing office accommodation in the customs area under subsection (1) of this section shall be borne by the Nigeria Customs Services.</p>	<p>(1) The master of a vessel shall when applying for the clearance of his vessel, produce to the Authority –</p> <p>(a) a list of all outbound cargo, passengers and animals;</p> <p>(b) written details of the types, quantities and weights of all cargo shipped on board in the port; and</p> <p>(c) such other information in relation to the vessel, cargo, passengers or animals as may be prescribed by the Authority.</p> <p>(2) The particulars required to be produced under subsection (1) of this section shall be delivered in such form and within such time as may be prescribed by the Authority.</p>	<p>“clearance” in subsection (1) as follows:</p> <p>“(1) The master of a vessel shall when applying for the outward clearance of his vessel, produce to the Authority –</p> <p>(a) a list of all outbound cargo, passengers and animals;</p> <p>(b) written details of the types, quantities and weights of all cargo shipped on board in the port; and</p> <p>(c) such other information in relation to the vessel, cargo, passengers or animals as may be prescribed by the Authority.”</p> <p>RETAINED.</p>
41.	<p>40. (1) The Authority may make bye-laws for the control and management of the wharves and premises vested in or in the possession of the Authority and the maintenance of good order in the wharves and premises and, in particular, may, without, prejudice to the generality of the foregoing power, make bye-laws for all, or any of the following purposes –</p> <p>(a) regulating, declaring and defining the wharves, piers and places vested in or in the possession of the Authority on and from which goods shall be landed shipped;</p>	<p>Time for payment of harbour dues</p> <p>Harbour dues and rates payable in respect of –</p> <p>(a) inbound cargo, passengers or animals shall be paid before arrival of the vessel; or</p> <p>(b) outbound cargo, passengers or animals, shall be paid before loading commences.</p>	<p>RETAINED (now section 41)</p>

(b) regulating the manner in which and the conditions which the loading and discharging of ships shall be carried out;

(c) regulating the use of any shed, warehouse and railway vested in or in the possession of the Authority;

(d) the exclusion and removal from the premises of the Authority of idle and disorderly or other persons and trespassers;

(e) regulating the conduct of persons employed wharves and premises vested in or in the possession of the Authority;

(f) regulating any ferry service maintained by the Authority;

(g) for the management of the lighthouses of the Authority and

(h) setting up pollution control guidelines and monitoring oil spillage, dumping of waste and garbage by ships arriving at the ports, wharves and jetties.

(2) For the breach of any regulation made under subsection (1) of this section, the Authority may prescribe, as a penalty, a fine not exceeding N5000 and, where the breach is a continuous breach, a further fine not exceeding N500 for every day after the first day during which the breach continues or imprisonment for a term not exceeding 6 months or both such fine and imprisonment.

(3) The Authority shall keep at its office in each port a copy of the bye-laws made under this section which are for the time being in force and shall allow any person to inspect it, without the payment of a fee, at all reasonable times.

42.	<p>Part X: Pilotage</p> <p>41. (1) The Minister may, by order in the Gazette, establish a pilotage district -</p> <p>(a) in any port; or</p> <p>(b) in the approach to any port; or</p> <p>(c) in the territorial waters of Nigeria; or</p> <p>(d) in the exclusive economic zone of Nigeria.</p> <p>(2) An order made under sub-section (1) of this section may-</p> <p>(a) provide that, in any pilotage district or in any part of a pilotage district, pilotage shall be compulsory; and</p> <p>(b) define the limits of any pilotage district, distinguishing, where pilotage is compulsory in a part of the district, the part of the district in which pilotage is compulsory.</p> <p>(3) Until other provision is made by an order made under this section, any pilotage district defined by regulations or order in force immediately before the commencement of this Decree shall be deemed to be a pilotage district for the purposes of this Decree and every area in which pilotage was made compulsory under the regulations or order shall be deemed to have been defined as a compulsory pilotage area under this section.</p>	<p>Ship and pilotage dues</p> <p>(1) Subject to the provisions of this Part, the Authority shall levy on any vessel or structure--</p> <p>(a) ship dues and rates for lighthouse and conservancy;</p> <p>(b) ship dues and rates for buoyage, anchorage, mooring buoy, buoys for pollution control, berthing and other services rendered to a vessel; and</p> <p>(c) pilotage dues</p> <p>(2) The dues and rates mentioned under this Part shall be prescribed by regulations issued in accordance with the provisions of this Act.</p> <p>(3) The following persons are liable to pay ship dues and rates charged in respect of light, conservancy, buoyage, anchorage, mooring buoy, berthing and other services rendered to a vessel -</p> <p>(i) the master or owner;</p> <p>(ii) every consignee or agent who has paid or made himself liable to pay any dues on account of the vessel in her port of arrival or departure.</p> <p>(4) The following persons shall be liable to pay pilotage fees and rates charged on a ship under this Act -</p> <p>(a) the master or owner; and</p>	<p>RETAINED (now section 42)</p>
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		<p>(b) in the case of –</p> <p>(i) pilotage inwards, every consignee or agent who has paid or made himself liable to pay any fees on account of the vessel in her port of arrival or departure, and</p> <p>(ii) pilotage outwards, every consignee or agent who has paid or made himself liable to pay any fees on account of the vessel in her port of departure.</p>	
43.	<p>42. (1) A ship, other than an excepted ship, shall, while navigating in a pilotage district in which pilotage is compulsory, be under the pilotage of -</p> <p>(a) an Authority pilot; or</p> <p>(b) a licensed pilot of the district,</p> <p>for the purpose of entering, leaving or making use of the port in the district.</p> <p>(2) A ship being moved within a port, which is or forms part of a pilotage district, shall be deemed to be a ship navigating in a pilotage district, except so far as may be provided by regulations made by the Authority under this Part of this Decree</p> <p>(3) For the purposes of subsection (1) of this section, following ships are excepted ships -</p> <p>(a) ships belonging to any of the armed forces of Federation;</p> <p>(b) ships owned or operated by the Authority; (c) pleasure yachts;</p> <p>(d) ferry boats plying as such exclusively within of a port;</p>	<p>Consignee or agent may retain ship's dues out of owner's money</p> <p>When any vessels' dues are paid by a person who is made liable under the provisions of this Act not being the master or owner of the vessel, that person may retain, out of any money in his hands received on account of the vessel or its owner –</p> <p>(a) the amount of dues paid by him; and</p> <p>(b) any reasonable expenses he may have incurred by reason of that payment or liability.</p>	<p>RETAINED (now section 43)</p>

	<p>(e) ships not exceeding ten tons gross tonnage;</p> <p>(f) tugs, dredgers, barges or similar vessels course of navigation does not extend beyond a port; and</p> <p>(g) ships exempted from compulsory pilotage by regulations made by the Authority under this part this Decree.</p>		
44.	<p>43. Subject to the provisions of this Part of this Decree, the Authority may -</p> <p>(a) licence pilots for a pilotage district; and</p> <p>(b) do such other things in relation to pilots in a pilotage district as are necessary or expedient for carrying into effect the Authority's powers and duties under this Part of this Decree.</p> <p>44. (1) The Minister, by order -</p> <p>(a) may, for a pilotage district; and</p> <p>(b) shall, for a pilotage district in which or in any part of which pilotage is compulsory, establish a pilotage board for the pilotage district.</p> <p>(2) A pilotage board shall consist of -</p> <p>(a) the harbour master of the port as chairman; and</p> <p>(b) not less than two or more than four persons appointed by the Authority with the approval of the Minister.</p> <p>(3) An appointed member of a pilotage board may -</p>	<p>Levy of rates</p> <p>Subject to the provisions of this Part, the Authority shall levy such rates made by regulations pursuant to this Act, prescribe for the use of any facility, work or appliance provided or any service to be performed in respect of any vessel or goods and for any of the following -</p> <p>(a) the landing, loading, shipping, wharfage, crantage, storage, carriage or demurrage of goods;</p> <p>(b) the carriage of passengers or animals;</p> <p>(c) the use by any vessel or person of any wharf;</p> <p>(d) the use of any gear, tackle, tool, instrument or staging supplied for the purpose of any vessel using any wharf;</p> <p>(e) the use of any vessel or lighter, or any engine or boat for the extinction of fire, belonging to or maintained by the Authority;</p>	<p>RETAINED (now section 44)</p>

	<p>(a) be appointed for a period not exceeding three years, bid be re-appointed; and</p> <p>(b) at any time, resign from membership of a pilotage Board by sending his resignation in writing to the Authority.</p>	<p>(f) the towing of, and rendering assistance to, any vessel, whether leaving or entering a wharf within or outside of the port;</p> <p>(g) for water supplied by the Authority;</p> <p>(h) for the removal of waste or refuse from any vessel;</p> <p>(i) for monitoring port environmental pollution control;</p> <p>(j) for performing any transshipment operation; or</p> <p>(k) for any offshore Stevedoring Services.</p>	
45.	<p>45. A pilotage board shall -</p> <p>(a) hold inquiries concerning the conduct of pilots in the discharge of their duties in the pilotage district;</p> <p>(b) licence pilots for the pilotage district on behalf of the Authority; and</p> <p>(c) hold examinations in connection with the licensing of pilots for the pilotage district.</p>	<p>Rates Payable</p> <p>(1) The following rates shall be paid, in the case of goods -</p> <p>(a) to be discharged, immediately on the discharge of the goods; and</p> <p>(b) to be removed from the premises of the Authority or to be shipped, before the goods are removed or loaded on board a vessel.</p> <p>(2) Lien on goods for rates shall have priority over all other liens and claims against the goods.</p>	<p>The heading of section 44 (now section 45) is deleted; subsection (2) is relocated or moved to section 47 (now section 48); and subsection (1) is redrafted as the new section 45 as follows:</p> <p><i>"44. In the case of goods to be discharged, the rate(s) payable for discharge of goods shall be paid immediately on the discharge of the goods; and in the case of goods to be removed from the premises of the Authority or to be shipped, the rate(s) payable shall be paid before the goods are removed or loaded on board a vessel."</i></p>

<p>46.</p>	<p>46. (1) A pilotage board shall meet at such time and place as the chairman of the pilotage board may, from time to time, appoint.</p> <p>(2) Two members of a pilotage board shall form a quorum.</p> <p>(3) The chairman if present shall preside at every meeting of a pilotage board, and in his absence the members present appoint one of their member to preside at the meeting.</p> <p>(4) Every question which comes before a pilotage board at any meeting shall be decided by a majority of votes of members present and voting.</p> <p>(5) The member presiding at any meeting shall have a vote and, in the case of an equality of votes, shall have a second or casting vote.</p> <p>(6) Minutes shall be kept of the proceedings of a pilotage board, and the minutes shall be signed by the person presiding at the meeting to which the minutes relate.</p>	<p>Lien for freight preserved after landing if notice is given</p> <p>(1) Where the master or owner of a vessel, or his agent or the person by whom the goods are discharged, at or before the time of discharge from the vessel of any goods at any wharf or other premises of the Authority, gives notice in writing that those goods are to remain subject to a lien for freight, primage or general average or charges to an amount to be mentioned in the notice, the goods shall continue to be liable to the same lien, if any, for the charges as they were subject before the landing of the goods.</p> <p>(2) The Authority shall retain the goods at the risk and expenses of the owner of the goods until the lien is discharged in accordance with the provision of this Act, or until the goods are sold by the Authority in accordance with the provisions of section 47 of this Act.</p>	<p>RETAINED.</p> <p>Section 45 (now section 46) is AMENDED by inserting the phrase "<i>or concessionaire</i>" after the word "<i>Authority</i>" in subsection (2) as follows:</p> <p><i>"(2) The Authority <u>or concessionaire</u> shall retain the goods at the risk and expenses of the owner of the goods until the lien is discharged in accordance with the provision of this Act, or until the goods are sold by the Authority <u>or concessionaire</u> in accordance with the provisions of section 47 of this Act."</i></p>
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47.	<p>47. A pilotage board may, and shall, when directed by the Minister, hold an inquiry into the conduct of -</p> <p>(a) a pilot against whom an allegation of misconduct is made; or</p> <p>(b) a pilot in charge of a ship which -</p> <p>(i) touches the ground, or</p> <p>(ii) runs foul of any other ship, or</p> <p>(iii) runs foul of a wharf, buoy, mole or beacon.</p>	<p>Discharge of lien by payment or release</p> <p>The Authority may permit goods liable to a lien to be removed on production of -</p> <p>(a) a receipt for the amount claimed; or</p> <p>(b) a release notice for the amount of any lien to which goods are liable from the person by or on whose behalf a notice has been given.</p>	<p>Section 46 (now section 47) is AMENDED by inserting the phrase "or concessionaire" after the word "Authority" in subsection (2) as follows:</p> <p><i>"The Authority or concessionaire may permit goods liable to a lien to be removed on production of -</i></p> <p><i>(a) a receipt for the amount claimed; or</i></p> <p><i>(b) a release notice for the amount of any lien to which goods are liable from the person by or on whose behalf a notice has been given."</i></p>
48.	<p>48. A pilotage board holding an inquiry under section 47 of this Decree may summon and examine witnesses on oath and call for any document in any matter before it.</p>	<p>Power of the Authority to sell if rates are not paid or lien not discharged</p> <p>(1) Where the rates payable in respect of any goods are not paid or the lien for freight, primage, general average or charges after the issuance of notice under the provisions of this Act is not discharged, the Authority shall sell by public auction -</p> <p>(a) at the expiration of 60 days from the time when the goods were placed in its custody; or</p> <p>(b) if the goods are of perishable nature, at such earlier period, not less than 24 hours after the discharge of the goods.</p> <p>(2) The Authority may sell the goods in accordance with the provision of subsection (1) of this section, if request is made in writing by or on behalf of the person</p>	<p>RETAINED.</p> <p>RETAINED.</p>

		<p>claiming the lien for freight, primage, general average or charges under the provisions of this Act.</p> <p>(3) The Authority shall, before putting up goods for sale under subsection (1) of this section, give 21 days' notice of the sale in at least two widely read national daily newspapers unless the goods are of a perishable nature and in the opinion of the Authority, the immediate sale is necessary and advisable, in which case the notice is to be given as the urgency of the case admits.</p> <p>(4) Where the address of the owner of the goods or of his agent is on the manifest of the cargo, or in any of the documents which have come into the custody of the Authority is known and is within Nigeria, notice shall also be given to the owner of the goods by letter delivered at that address by hand or by post.</p> <p>(5) The title of a bonafide purchaser of goods sold under this section shall not be invalidated by reason of the omission to send a notice under this section, and the purchaser is not bound to inquire whether the notice has been sent.</p>	<p>RETAINED.</p> <p>RETAINED.</p> <p>RETAINED.</p> <p>Section 47 (now section 48) is AMENDED to insert a new subsection (6) after subsection (5) as follows:</p>
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			"(6) Lien on goods for rates shall have priority over all other liens and claims against the goods."
49.	<p>49. (1) When a person-</p> <p>(a) on being summoned as a witness before a pilotage board, fails to attend; or</p> <p>(b) refuses to take an oath or affirm when required to do so by a pilotage board during an inquiry; or</p> <p>(c) refuses to produce a document in his power or control legally required by the pilotage board during an inquiry; or</p> <p>(d) refuses to answer a question to which a pilotage board may legally require an answer; or</p> <p>(e) during an inquiry is, in the opinion of the pilotage board guilty of contempt towards the pilotage board,</p> <p>the chairman of the pilotage board may make a written complaint concerning the conduct of the person to any court which has power to punish persons if guilty of like conduct in that court.</p> <p>(2) The court to which a complaint is made under subsection (1) of this section may inquire into the alleged conduct and, after -</p> <p>(a) examination of any witnesses that may be produced for or against the person complained against; and</p> <p>(b) hearing any statement that may be offered in defence,</p> <p>may, if it seems just, punish the person complained against as if he had been guilty of such conduct in a proceeding in that court</p>	<p>Application of proceeds of sale</p> <p>(1) The proceeds of any sale made in accordance with the provisions of this Act shall be applied in the following order -</p> <p>(a) customs and excise duties and warehouse rent owed in respect of the goods;</p> <p>(b) the expenses of the sale;</p> <p>(c) rates and expenses due to the Authority in respect of the goods;</p> <p>(d) freight and other claims or lien of which notice has been given under the provisions of this Act; and</p> <p>(e) surplus, if any, shall be paid to the owner of the goods on demand.</p> <p>2. Where demand is not made within one year from the sale of the goods, the surplus of the proceeds of sale shall be paid to the general account of the Authority and all rights of the owner to the payment shall be extinguished.</p>	RETAINED (now section 49)
50.	50. (1) Where a pilotage board after due inquiry in accordance with the provisions of this Part of this Decree finds that a pilot has -	<p>Power of the Authority to prescribe dues, fees and rates</p> <p>(1) The Authority may make regulations --</p>	RETAINED (now section 50)

	<p>(a) been guilty of misconduct affecting his capability as a pilot; or</p> <p>(b) failed in or neglected his duty as a pilot; or</p> <p>(c) become incompetent to act as a pilot, the pilotage board may, in a case under paragraph (a) or paragraph (b) of this subsection, impose a fine not exceeding N2000 or reprimand the pilot and may, in any case, whether in addition to the fine or reprimand or not, suspend the pilot from duty.</p> <p>(2) Where a pilot is suspended from duty by a pilotage board under subsection (1) of this section, the pilotage board shall make such recommendation to the Authority concerning the future exercise of the pilot's duties in the pilotage district, as it considers appropriate in the circumstances of the particular case.</p> <p>(3) Copies of the record of an inquiry held under of this Decree or a recommendation made under subsection (? this section, shall be supplied by the pilotage board to Authority, the Minister and the pilot concerned.</p>	<p>(a) for the levying of dues, fees and rates for the purposes of this Act;</p> <p>(b) prescribing the conditions on which any work or service will be levied;</p> <p>(c) prescribing the officer and department to whom any information required under this Part, shall be delivered and the place of the delivery and the time within which it shall be made;</p> <p>(d) prescribing the officer and department to whom dues, fees or rates shall be paid, the place of payment and the time within which payment shall be made;</p> <p>(e) providing for the exemption of any vessel, cargo, passenger or animal from all or any dues, fees or rates or part thereof; and</p> <p>(f) for any other matter which is necessary to give effect to the provisions of this Part.</p> <p>(2) The regulations made under this section may prescribe different dues, fees or rates for different ports, vessels, cargo, passengers or animals.</p>	
51.	<p>51. (1) If a pilot is aggrieved by a decision or recommendation of a pilotage board, he may, within thirty days from the date of the decision or recommendation, appeal Minister.</p> <p>(2) The Minister may, after considering the appeal-</p>	<p>Restriction on new categories of levies or charges</p> <p>The Authority or any other person authorised to own and operate a port, or a concessionaire shall not create any new category or description of fees, levies, rates,</p>	<p>RETAINED (now section 51)</p>

	<p>(a) confirm or reverse the finding of the pilotage board; or</p> <p>(b) subject to the provisions of section 50 of this Decree, alter the nature of the punishment; or</p> <p>(c) in the case of a recommendation to the Authority under section 50(2) of this Decree, support, comment on or oppose the recommendation.</p> <p>(3) The decision of the Minister on an appeal under this section shall be final.</p>	<p>charges or surcharge on port users without the approval of the Minister.</p>	
52.	<p>52. (1) The Authority shall consider any recommendation made by a pilotage board concerning any pilot who has been suspended by the pilotage board under section 50 of this Decree, and may, having considered the recommendation and the record of the inquiry -</p> <p>(a) suspend or revoke the pilot's licence; or</p> <p>(b) inform the pilot and the pilotage board that the pilot may resume his duties as a pilot in the pilotage district.</p> <p>(2) No pilot's licence shall be suspended or revoked under subsection (1) of this section, or any action taken by the Authority in relation to any pilot as a result of a recommendation made by a pilotage board unless -</p> <p>(a) no appeal has been made by the Authority pilot or licensed pilot to the Minister within the time prescribed by section 51 of this Decree; or</p> <p>(b) in the case of an Authority pilot, he has informed the Authority in writing that he does not intend to exercise his right of appeal; or</p> <p>(c) an appeal has been made to and determined by the Minister in accordance with the provisions of section 51 of this Decree.</p>	<p>Assignment of power to collect dues</p> <p>A Concessionaire shall with the approval of the Authority in writing, collect dues and fees directly from the port users for services rendered.</p>	<p>RETAINED (now section 52)</p>
53.	<p>53. Subject to the provisions of this Part of this Decree, the Authority may, with the approval of the Minister, make regulations for any pilotage district for all or any of the following purposes -</p>	<p>Power of entry to ascertain dues</p> <p>The Authority may, either alone or with any other person, enter into any vessel within the limits of any port, in order to ascertain the dues, fees or rates payable.</p>	<p>RETAINED (now section 53)</p>

	<p>(a) exempting any class of ship from compulsory pilotage;</p> <p>(b) prescribing the occasions on which a ship being moved within a port which forms part of a pilotage district in which pilotage is compulsory shall not be deemed to be navigating in the port;</p> <p>(c) providing that, in respect of any class of ship prescribed in the regulations, only Authority pilots shall under pilotage;</p> <p>(d) determining the qualifications to be required of licensed pilots, and for the grant of licences to pilots;</p> <p>(e) providing generally for the good government of Authority pilots and licensed pilots;</p> <p>(f) providing for the punishment for the breach of any regulation made by the Authority for the good government of pilots by the infliction of fines not exceeding N5000.</p> <p>(g) prescribing the fees which shall be payable on the grant or renewal of a licence;</p> <p>(h) providing for bonds (the penalty of which shall not in any case exceed N 10,000) to be given by pilots for the purpose of the provisions of section 55 of this Decree limiting a pilot's liability; and</p> <p>(i) generally regulating pilotage in a pilotage district.</p>		
54.	<p>54. The master or owner of a ship navigating in circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any navigation of the ship in the same manner as he would were not compulsory.</p>	<p>Weighing and measuring of goods in case of disputes</p> <p>Where any difference arises between the Authority and the master of any vessel or the owner of any goods, concerning the weight or quantity of the goods or vessel's draught in respect of which any dues, fees or rates are payable, the Authority –</p> <p>(a) shall cause all the goods or vessel's draught to be weighed and measured; and</p>	<p>RETAINED (now section 54)</p>

		(b) may, if necessary, detain the vessel and the goods until they have been weighed or measured.	
55.	<p>55. (1) A pilot who has given a bond, under regulations made under this Part of this Decree, shall not be liable for neglect or want of skill beyond the penalty of the bond and amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.</p> <p>(2) A bond given by a pilot in accordance with regulations made under this Part of this Decree shall not be liable to stamp duty.</p> <p>(3) Where any proceeding is taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are apprehended in respect of the same neglect or want of skill, the court in which the proceeding is taken may determine the amount of the pilot's liability.</p> <p>(4) On payment into court by the pilot of the amount determined under subsection (3) of this section, the court may-</p> <p>(a) distribute that amount rateably among the several claimants</p> <p>(b) stay any proceeding pending in any other court in relation to the same matter;</p> <p>(c) proceed in such manner and subject to such directions as to -</p> <p>(i) making persons interested parties to the proceeding,</p>	<p>Payment of cost of weighing and measurement</p> <p>(1) Where the weight or measurement of the goods or vessel's draught referred to in this Act are more than that shown by the particulars delivered by the master, the expenses of the weighing or measuring in addition to a 100 percent penalty for the under-declared weight or measurement shall be paid to the Authority by the master, and shall be recoverable in the same manner as dues leviable under this Part.</p> <p>(2) Where the weight or quantity of the goods or vessel's draught is the same as that shown by the particulars delivered by the master the Authority shall pay all the expenses of the weighing or measuring and of any unreasonable delay of the vessel.</p>	RETAINED (now section 55)

	(ii) the exclusion of claimants who do not come in within a certain time, (iii) requiring security from the pilot, and (iv) payment of any cost, as the court thinks fit.		
56.	<p>Part XI: Dues and Rates (a) Harbour Dues</p> <p>56. (1) Subject to this Part of this Decree, the Authority shall levy such harbour dues and rates on every ship - (a) entering or leaving a port or the approach to a port in respect of the passengers, animals or cargo carried on the ship; (b) arrested at any berth or place within the port, as the Authority may, by regulations made under section 71 of this Decree, prescribe.</p> <p>(2) The Authority may charge such dues as it deems fit in respect of every movement of a ship within a pilotage district.</p>	<p>Power of distraint for non-payment of dues, fees and rates</p> <p>(1) Where the agent of a vessel in respect of which any dues, fees or rates are payable fail refuses or neglects to pay the dues, fees or rates on demand, the Authority may distraint the vessel and the tackle, apparel and furniture thereof until the amount of the dues, fees or rates is paid.</p> <p>(2) After 14 days commencing from the date of a distraint, any dues, fees, rates or the expenses of such distraint of the vessel and its tackle, apparel and furniture, remain unpaid, and the Authority may cause the vessel or tackle, apparel and furniture distrainted to be sold.</p> <p>(3) The Authority shall retain the amount of dues, fees and rates or expenses which are owed by the vessel out of the proceeds of the sale and shall deliver the balance to the master of the vessel, on demand.</p>	RETAINED (now section 56)
57.	<p>57. (1) The master of a ship arriving in a port shall produce or supply to the Authority - (a) the ship's register and the ship's papers; (b) a list of all inward passengers and animals, the name of the consignee of the cargo intended to be unshipped; and (c) if-</p>	<p>Clearance to be withheld until dues, fees or rates are paid</p> <p>(1) Where the Authority gives to the proper officer or office of the Nigerian Customs Service a notice stating that an amount, specified in the notice, is due in respect of dues or fees or rates leviable under this Act against any vessel or against the master or</p>	RETAINED (now section 57)

	<p>(i) the whole cargo is intended to be unshipped, a copy of the bill of lading or manifest of the or</p> <p>(ii) part only of the cargo is intended to be unshipped, the best account in writing, in his power, of the kinds, weights and quantities of the cargo intended to be unshipped; and</p> <p>(d) such other information in relation to the ship, passengers, animals and cargo thereof as may be prescribed.</p> <p>(2) The particulars required by subsection (1) of this section shall be produced or supplied in such form and within such time as may be prescribed.</p>	<p>owner of the vessel, the officer shall not give any discharge or clearance to the vessel until the relevant office of the Nigerian Customs Service has been notified in writing by the Authority that –</p> <p>(a) security has been given by the vessel to the satisfaction of the Authority for the payment of the dues, fees and rates; and</p> <p>(b) the amount of the dues, fees and rates has been paid.</p> <p>(2) In this section, “Proper Officer” of the office of the Nigeria Customs Service means the officer or office which is responsible for granting clearance for outbound vessels in the port in respect of which notice is given.</p>	
58.	<p>58. (1) The master of a ship shall, when applying for the clearance of his ship outwards from a port, produce or supply to the Authority –</p> <p>(a) a list of all outward passengers and animals;</p> <p>(b) the best account in writing, in his power, of the kinds, quantities and weights of all cargo shipped on board in the port;</p> <p>(c) such other information in relation to the ship, passengers, animals or cargo thereof as may be prescribed.</p> <p>(2) The particulars required to be produced or supplied under subsection (1) of this</p> <p>(a) passengers, animals and cargo inwards shall be paid at the time of the report of the ship inwards;</p> <p>(b) passengers, animals and cargo outwards, shall be paid before loading commences; and</p> <p>(c) any ship under arrest within a port, shall be paid before the ship departs the port.</p>	<p>Recovery of dues, fees and rates</p> <p>Notwithstanding anything contained under the provisions of sections 60 to 67 of this Bill, the Authority may recover by civil suit any dues, fees and rates, expenses, costs or in the case of sale, the balance of any amount due when the proceeds of sale are insufficient.</p>	<p>Section 57 (now section 58) is AMENDED by correcting the cross reference “sections 60 to 67” is corrected to read “sections 53 to 56” i.e. (54 to 57).</p>
59.		<p>Book specifying dues, fees and rates to be kept at port</p>	<p>RETAINED (now section 59)</p>

		<p>(1) The Authority shall keep and maintain at its office in each port a book specifying the current dues, fees and rates and shall allow any person to inspect the book at all reasonable times without the payment of a fee.</p> <p>(2) Any person providing port services, including a concessionaire, shall keep and maintain at its office in the port a book specifying the current dues, fees and rates and shall allow any person to inspect the book at all reasonable times without the payment of a fee.</p>	
60.	<p>60. The following persons shall be liable for the payment of harbour dues and rates -</p> <p>(a) the master or owner of the ship;</p> <p>(b) in the case of harbour dues or rates payable in respect of passengers, animals or cargo inwards, every consignor or agent of the ship who has paid or made himself liable to pay any charge on account of the ship in its port of arrival or discharge;</p> <p>(c) in the case of harbour dues or rates payable in respect of passengers, animals and cargo outwards, every consignee or agent of the ship who has paid or made himself liable to pay any charge on account of the ship in its port of arrival departure;</p> <p>(d) in the case of harbour dues or rates payable in respect of any ship under arrest, every consignee, agent or any other person causing the arrest of the ship</p>	<p>Exemptions</p> <p>The provisions of this Part shall not apply to any -</p> <p>(a) Government owned vessel not engaged in commercial activities;</p> <p>(b) vessel belonging to the armed forces of the Federation;</p> <p>(c) vessel belonging to the armed forces of a foreign country extending reciprocal treatment to vessels belonging to the armed forces of the Federation; or</p> <p>(d) vessels bringing in aid or engaged in humanitarian and charitable causes.</p>	RETAINED (now section 60)
61.	<p>61. When harbour dues or rates are paid by a person who, not being the owner or master of the ship, is made liable by paragraph (b) or paragraph (c) of section 60 of this Decree, that</p>	<p>Application of this Part</p> <p>The provisions of this Part shall apply to all types of vessels, cargo or shipments including cargo owned by the Federal, State</p>	<p>Section 60 (now section 61) is redrafted to read as follows: <i>"The provisions of this Part of this Act shall apply to all types</i></p>

	<p>person may retain, out of any money in his hands received on account of the ship or its owner -</p> <p>(a) the amount of the harbour dues or rates paid by him; and</p> <p>(b) any reasonable expenses he may have incurred by reason of that payment or liability</p> <p>(b) Ships' Dues</p>	<p>and Local Governments of Nigeria except otherwise provided for in this Act.</p>	<p><i>of vessels, cargo or shipments including cargo owned by the Federal, State and Local Governments of Nigeria except as provided under Section 59 of this Act."</i></p>
		<p>PART X PILOTAGE AND HARBOUR MASTER</p>	
62.	<p>62. Subject to the provisions of this Part of this Decree, the Authority shall levy on any ship, including a ship under arrest-</p> <p>(a) such ship dues and rates for lighthouse, conservancy buoyage, anchorage, mooring buoy, buoys oil control, berthing and</p> <p>(b) such pilotage dues,</p> <p>as the Authority may, by regulations made under section 71 of this Decree, prescribe.</p>	<p>Requirement for pilotage</p> <p>(1) Subject to the provision of subsection (2) of this section and other provisions of this Act, only a licensed pilot, certified by the Authority shall navigate any vessel entering, leaving or moving in a pilotage district within a port.</p> <p>(2) Pilotage is not compulsory in respect of any vessel or class of vessels that have been exempted from pilotage under the provisions of this Act.</p>	<p>RETAINED (now section 62)</p>
63.	<p>63. (1) The following persons shall be liable to pay dues and rates charged in respect of light, conveyance, buoyage, anchorage, mooring buoy, berthing and other services rendered to a ship under section 62 of this Decree -</p> <p>(a) the master or owner of the Ship;</p> <p>(b) every consignee or agent who has paid or made himself liable to pay any dues on account of the ship in its port of arrival or discharge.</p>	<p>Functions of a pilot</p> <p>(1) The pilot's function shall be to advise the master of a vessel to safely navigate in the port, direct its movements and to determine and control the movements of the tugs assisting the vessel under pilotage.</p>	<p>RETAINED (now section 63)</p>

	<p>(2) The following persons shall be liable to pay pilotage dues and rates charged on a ship under section 62 of this Decree-</p> <p>(a) the master or owner of the ship;</p> <p>(b) in the case of pilotage inwards, every consignee or agent who has paid or made himself liable to pay any dues on account of the ship in its port of arrival or discharge;</p> <p>(c) in the case of pilotage outwards, every consignee or agent who has paid or made himself liable to pay any dues on account of the ship in its port of departure.</p>	<p>(2) The pilot shall determine and advise the master on the number of tugs required for pilotage.</p>	
64.	<p>64. When any ships' dues are paid by a person who is made liable under paragraph (b) of subsection (1) or paragraph (b) or (c) of subsection (2) of section 63 of this Decree, not being the master or owner of the ship, that person may retain, out of any money in his hands received on account of the ship or its owner -</p> <p>(a) the amount of dues paid by him; and</p> <p>(b) any reasonable expenses he may have incurred by reason of that payment or liability.</p> <p>(c) Levy of Rates</p>	<p>Duties of the master in relation to pilotage</p> <p>(1) The master of the vessel shall at all times remain in command of the vessel and neither the master nor any person under the master's command may, while the vessel is under pilotage, in any way interfere with the navigation or movement of the vessel or prevent the pilot from carrying out his duties, except in an emergency, where the master may intervene to preserve the safety of the vessel, cargo or crew and take whatever action he considers reasonably necessary to avert the danger.</p> <p>(2) Where the master of the vessel intervenes as contemplated in subsection (1) of this section, he shall immediately inform the pilot and, after having restored the situation, shall permit the pilot to proceed with the execution of his duties.</p> <p>(3) The master of the vessel shall ensure that the officers and crew are at their posts,</p>	<p>RETAINED (now section 64)</p>

		that a proper lookout is kept and that the pilot is given all necessary assistance in the execution of his duties.	
65.	<p>65. Subject to the provisions of this Part of this Decree, the Authority shall levy such rates as the Authority may, by regulations made under section 71 of this Decree, prescribe, for the use of any facility, work or appliance provided, or any service to be performed by the Authority in respect of any ship or goods in pursuance of the powers conferred by this Decree or otherwise without prejudice to the generality of the foregoing, for any e following -</p> <p>(a) the landing, shipping, wharfage, cramage, storage, carriage or demurrage of goods;</p> <p>(b) the carriage of passengers;</p> <p>(c) the use by any ship or person of any wharf in the possession of the Authority;</p> <p>(d) the use of any gear, tackle, tool, instrument or staging supplied by the Authority for the purpose of any ship using any wharf in the possession of the Authority;</p> <p>(e) the use of any ship or lighter, or any engine or boat for the extinction of fire, belonging to or maintained by the Authority;</p> <p>(f) the towing of, and rendering assistance to, any ship, whether leaving or entering a wharf in possession of the Authority or not, being within or without any port;</p> <p>(g) for water supplied by the Authority;</p> <p>(h) for the removal of waste or refuse from any ship; and</p>	<p>Authority's powers in relation to pilot</p> <p>Subject to the provisions of this Part, the Authority -</p> <p>(a) shall authorize qualified pilots for a pilotage district; and</p> <p>(b) may do such other things in relation to pilots in a pilotage district as are necessary or expedient for carrying into effect the Authority's powers and duties under this Part.</p>	RETAINED (now section 65)

	(i) for monitoring port environmental pollution control.		
66.	<p>66. (1) The Authority shall have a lien on any goods for the amount of all rates leviable under this Decree in respect of those goods, and shall be entitled to seize and detain them until the rates are fully paid!</p> <p>(2) Rates shall become payable, in the case of goods -</p> <p>(a) to be landed , immediately on the landing of the goods-</p> <p>(b) to be removed from the premises of the Authority or to be shipped, before the goods are removed or shipped.</p> <p>(3) The lien for rates shall have priority over all other and claims, except claims for money payable to the Government of the Federation or of a State.</p>	<p>Certification and licensing of pilots</p> <p>(1) A person shall not perform the duties of a pilot in a port without appropriate training and qualification and without a licence by the Authority to do so.</p> <p>(2) The Government Agency responsible for maritime safety administration-</p> <p>(a) may recommend to the Authority the minimum qualifications for any person to be qualified as a pilot, including the content and nature of examinations, if any, to be undertaken; and</p> <p>(b) shall consult with the Authority regarding the content of the minimum qualifications referred to in this subsection before any recommendation is made.</p> <p>(3) The licence issued to a pilot shall indicate the limits within which he is qualified to act.</p>	RETAINED (now section 66)
67.	<p>(1) If the master or owner of a ship, or his agent or the person by whom the goods are landed, at or before the time landing from the ship, of any goods at any wharf or other premises of the Authority, gives notice in writing that those goods are to remain subject to a lien for freight, prim age or general average charges to an amount to be mentioned in the notice, the goods shall continue to be liable to the same lien, if any, for the charge as they were subject to before the landing of the goods.</p>	<p>Establishment of pilotage districts</p> <p>(1) The Minister may, by regulation published in the Gazette, establish a pilotage district –</p> <p>(a) in any port;</p> <p>(b) in the approach to any port;</p> <p>(c) in the waterways and territorial waters of Nigeria; or</p> <p>(d) in the Exclusive Economic Zone of Nigeria.</p> <p>(2) Regulations made under subsection (1) of this section may –</p>	RETAINED (now section 67)

	<p>(2) The Authority shall retain the goods at the risk and expenses of the owner of the goods until the lien is discharged as mentioned in section 68 of this Decree, or until the Authority is entitled under the provisions of this Part of this Decree to sell the goods.</p>	<p>(a) provide that in any pilotage district or in any part thereof pilotage shall be compulsory; and (b) define the limits of any pilotage district, distinguishing where pilotage is compulsory. (3) Until other provisions are made by regulations pursuant to this section, any pilotage district defined by regulations or Order in force immediately before the commencement of this Act, shall be deemed to be a pilotage district for the purposes of this Act and every area in which pilotage was made compulsory under the existing regulations or Order shall be deemed to have been defined as a compulsory pilotage district under this section.</p>	
68.	<p>68. The Authority may permit goods liable to a lien to be removed without regard to the lien, on production to the Authority of a document purporting to be-</p> <p>(a) a receipt for the amount claimed as due; or</p> <p>(b) a release for the amount of any lien to which goods are liable under section 67 of this Decree from the person by or on whose behalf a notice has been given under that section, if it is satisfied as to the authenticity of the document.</p>	<p>Establishment and Membership of Pilotage Boards.</p> <p>(1) The Minister shall by order, establish, a Pilotage Board for every compulsory Pilotage district and shall for a Pilotage district in which or in any part of which Pilotage is compulsory, establish a Pilotage Board.</p> <p>(2) A Pilotage Board shall consist of -</p> <p>(a) the Harbour Master of the Pilotage District, as Chairman; and</p> <p>b) not less than two or more than four persons appointed by the Authority, with the approval of the Minister.</p>	<p>RETAINED.</p> <p>RETAINED.</p> <p>RETAINED.</p>

		<p>(3) A member of the Pilotage Board may be appointed for a period not exceeding three years, and may be re-appointed for another term of three years and no more.</p> <p>(4) A member of the Pilotage Board may at any time resign his membership by sending his resignation in writing to the Authority.</p> <p>(5) A Pilotage Board shall –</p> <p>(a) hold inquiries concerning conduct of pilots in the discharge of their duties in the Pilotage district;</p> <p>(b) license pilots for the Pilotage district on behalf of the Authority; and</p> <p>(c) hold examinations in connection with licensing of pilots for the Pilotage district.</p> <p>(6) A Pilotage Board shall meet at such time and place as the Chairman of the Board may, from time to time, appoint.</p> <p>(7) Two members of a Pilotage Board shall form a quorum.</p> <p>(8) The Chairman shall preside at every meeting of a Pilotage Board and in his absence, the members present shall appoint one of them to preside.</p> <p>(9) Every question which comes before a Pilotage Board at any meeting shall be decided by a majority of votes.</p>	<p>RETAINED.</p> <p>RETAINED.</p> <p>RETAINED.</p> <p>RETAINED.</p> <p>RETAINED.</p> <p>RETAINED.</p> <p>RETAINED.</p>
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		<p>(10) The Chairman or any member presiding at any meeting shall have a vote and, in the case of a tie, shall have a casting vote.</p> <p>(11) Minutes shall be kept of the proceedings of a Pilotage Board and the minute shall be signed by the person who presiding at the meeting.</p> <p>(12) A Pilotage board may and shall, when directed by the Minister, hold an inquiry into the conduct of-</p> <p>(a) a Pilot against whom an allegation of misconduct is made; or</p> <p>(b) a Pilot in charge of a vessel which-</p> <p>(i) touches the ground; or</p> <p>(ii) runs foul of any other vessel; or</p> <p>(iii) runs foul of a wharf, buoy, mole or beacon.</p> <p>(13) A Pilotage Board holding an inquiry under this Act may summon and examine witnesses on oath and call for any document in any matter before it.</p> <p>(14) Where a pilot is aggrieved by a decision or recommendation of a Pilotage Board, he may, within thirty days from the</p>	<p>RETAINED.</p> <p>Section 67 (now section 68) is AMENDED by substituting the word "presiding" in subsection 11 with the word "presided".</p> <p>RETAINED.</p> <p>RETAINED.</p> <p>RETAINED.</p>
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		<p>date of the decision or recommendation, appeal to the Minister.</p> <p>(15) The Minister may, after considering the appeal-</p> <p>(a) affirm or reverse the finding; or</p> <p>(b) subject to the provisions of this Act, alter the nature of the punishment; or</p> <p>(c) in the case of a recommendation to the Authority under section 48(2) of this Act, support, comment on, or oppose the recommendation.</p> <p>(16) The decision of the Minister on an appeal shall be final.</p>	<p>RETAINED.</p> <p>RETAINED.</p>
69.	<p>69. (1) If the rates payable to the Authority in respect of any goods are not paid, or if the lien for freight, primage, general average or charges when a notice under section 67 of this Decree has been given is not discharged, the Authority may, and in the latter event, if required by or on behalf of the person claiming the lien for freight, primage, general average or charges, shall-</p> <p>(a) at the expiration of 90 days from the time when the goods were placed in its custody; or</p> <p>(b) if the goods are of a perishable nature, at such earlier period, not less than 24 hours after the landing of the goods as the Authority may think fit,</p> <p>sell, by public auction, the goods or so much as is necessary to satisfy the duty, expenses, rates and other claims directed under this Part of this Decree to be paid out of the proceeds of the sale.</p>	<p>Navigation in a pilotage district</p> <p>(1) A vessel, other than an exempted vessel, shall, while navigating in a pilotage district in which pilotage is compulsory, be under the pilotage of –</p> <p>(a) the Authority's pilot; or</p> <p>(b) a pilot certified and authorised by the Authority.</p>	<p>RETAINED (now section 69)</p>

	<p>(2) The Authority shall, before putting up goods for sale under subsection (1) of this section, give 30 days notice of the sale by publication in the Gazette and at least 2 widely read national newspapers, unless the goods are of so perishable a nature as, in Opinion of the Authority, to render their immediate sale or advisable, in which case, the notice shall be given as the urgency of the case admits.</p> <p>(3) If the address of the owner of the goods or of his agent has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Authority or is otherwise known and the address is within Nigeria, notice shall also be given to the owner of the goods by letter delivered at that address or sent by post.</p> <p>(4) The title of a bona fide purchaser of goods sold under this section shall not be invalidated by reason of the omission to send a notice under this section, and the purchaser is not bound to inquire whether the notice has been sent.</p>	<p>(2) A vessel being moved within a port or entering or leaving a port, which is or forms part of a pilotage district, shall be deemed to be a vessel navigating in a pilotage district.</p> <p>(3) For the purposes of subsection (1) of this section, the following vessels are exempted from application under this section –</p> <p>(a) vessel belonging to the armed forces of Federation;</p> <p>(b) vessels owned or operated by the Authority;</p> <p>(c) pleasure yachts;</p> <p>(d) ferry boats sailing as such exclusively within a port;</p> <p>(e) vessels not exceeding ten tons gross tonnage; and</p> <p>(f) vessels exempted from compulsory pilotage by regulations made under this Act.</p>	
70.	<p>1) The proceeds of any sale made in accordance with section 69 of this Decree shall be applied as follows, and in the following order</p> <p>first, in payment of any customs and excise duties and State warehouse rent owed in respect of the goods;</p> <p>second, in payment of the expenses of the sale;</p> <p>third, in payment of the rates and expenses due to the Authority in respect of the goods; and</p>	<p>Declaration as to draught of vessels</p> <p>A pilot may require the master of any vessels which he is piloting to declare her draught of water, length and beam, and such other information as may be required for its safe piloting and the master shall comply.</p>	<p>RETAINED (now section 70)</p>

	<p>fourth, in payment of the freight and other claims or lien of which notice has been given under section 67 of this Decree,</p> <p>the surplus, if any, shall be paid to the owner of the goods on demand</p> <p>Where demand is not made within one year from the sale of the goods, the surplus of the proceeds of sale shall be paid to the general account of the Authority, and all rights of the owner to the payment shall be extinguished.</p> <p>(d) General Provisions as to Dues and Rates</p>		
71.	<p>71. (1) Subject to the provisions of this Part of this Decree, the Authority may make regulations -</p> <p>(a) for the levying of dues and rates for the purposes sections 56, 62 and 65 of this Decree;</p> <p>(b) prescribing the conditions on which any work or service in respect of which any rate is levied will be performed or provided by the Authority;</p> <p>(c) prescribing the officer of the Authority to whom any return of information required by this Part of this Decree shall be delivered and the place of the delivery and the time within which it shall be made;</p> <p>(d) prescribing the officer of the Authority to whom dues or rates shall be paid, the place of payment and the time within which payment shall be made;</p> <p>(e) providing for the exemption of any ship or class of ships, passenger, animal or goods from all or any dues or rates or the remission of any dues or rates or any part thereof;</p>	<p>Pilot to produce license</p> <p>Every pilot shall be provided with his licence and shall on request, produce it to the master of the vessel.</p>	<p>RETAINED (now section 71)</p>

	<p>(f) prescribing anything required to be prescribed by this Part of this Decree;</p> <p>(g) generally for giving effect to the provisions of this Part of this Decree.</p> <p>(2) For the avoidance of doubt it is hereby declared that regulations made under this section may-</p> <p>(a) prescribe different dues or rates for different ports;</p> <p>(b) prescribe different dues or rates for different classes of ships, passengers, animals or goods; and</p> <p>(c) provide that the Authority may enter into a special agreement in respect of any matter referred to in section 65 of this Decree instead of charging the rate in accordance with the rate prescribed by regulations.</p>		
72.	<p>72. The Authority may, either alone or with any other person, enter into any ship within the limits of any port, in order to ascertain the dues or rates payable in respect of the ship.</p>	<p>Liability of the master or owner under pilotage</p> <p>The master or owner of a vessel for which pilotage is compulsory shall be liable for any loss or damage caused by the vessel or by any navigation in the same manner as he would if pilotage were not compulsory.</p>	<p>RETAINED (now section 72)</p>
73.	<p>73. If any difference arises between the Authority and the master of any ship or the owner of any goods, concerning the weight or quantity of the goods or ship's draught in respect of which any harbour dues or rates are payable, the Authority-</p> <p>(a) shall cause all those goods or ship's draught to be weighed and measured; and</p>	<p>Liability of pilot</p> <p>The Authority or the pilot shall not be liable for any loss or damage caused by anything done or omitted to be done by the pilot in good faith whilst performing his functions under this Act.</p>	<p>RETAINED (now section 73)</p>

	<p>(b) may, if necessary, detain the ship containing those goods or ship's draught until they have been weighed or measured.</p>		
<p>74.</p>	<p>(1) If the weight or measurement of the goods or ship's draught referred to in section 73 of this Decree are more than that shown by the particulars delivered by the master in accordance with section 57 or 58 of this Decree, the expenses of the weighing or measuring shall be paid to the Authority by the master of the ship, and shall be recoverable in the same manner as dues leviable under this Part of this Decree.</p> <p>(2) If the weight or quantity of the goods or ship's draught is the same as or less than that shown by the particulars delivered by the master in accordance with section 57 or 58 of this Decree, the Authority shall pay all the expenses of the weighing or measuring and of any unreasonable delay of the ship.</p>	<p>Limitation of pilot's liability when bond is given</p> <p>(1) Every pilot shall give a bond in favour of the Authority in such sum as the Authority considers reasonable for the proper performance of his duties under this Part or regulations made under this Act.</p> <p>(2) A pilot who has given a bond in accordance with the regulations made under this Act, shall not be liable for loss or damage caused by anything done or omitted to be done by the pilot beyond the penalty of the bond and the amount payable by or to him for pilotage services in respect of the voyage in which he was engaged when the loss or damage occurred.</p> <p>(3) Where any proceeding is taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are made in respect of the same neglect or want of skill, the court in which the proceeding is taken may determine the amount of the pilot's liability.</p> <p>(4) On payment into court by the pilot of the amount determined under subsection (3) and (4) of this section, the court may –</p> <p>(a) distribute that amount rateably among the several claimants;</p>	<p>RETAINED (now section 74)</p>

		<p>(b) stay any proceeding pending in any other court in relation to the same matter;</p> <p>(c) proceed in such manner and subject to such directions as to –</p> <p>(i) making persons interested parties to the proceeding;</p> <p>(ii) the exclusion of claimants who do not come in within a certain time;</p> <p>(iii) requiring security from such pilot, and payment of any costs; as the court may deem fit.</p>	
75.	<p>(1) If the master of a ship in respect of which any dues or rates are payable refuses or neglects to pay the dues or rates on demand, the Authority may distrain or arrest the ship and the tackle, apparel and furniture of the ship and may detain them until the amount of the dues or rates is paid.</p> <p>(2) If 14 days following a distraint or an arrest – any dues or rates; or any of the expenses of distaint or arrest or of the detention of the ship and its tackle, apparel and furniture, remain unpaid, the Authority may cause the ship or tackle, approach and furniture distrained or arrested to be sold.</p> <p>(3) The Authority may, out of the proceeds of the sale, retain the amount of dues, rates or expenses which are owed and shall deliver the balance to the master of the ship, on demand.</p>	<p>Appointment of a Harbour Master</p> <p>(1) The Authority shall appoint a harbour master for every pilotage district.</p> <p>(2) The Authority shall ensure that a qualified Harbour Master is at all times engaged for every pilotage district.</p> <p>(3) A Harbour Master's qualification may be subject to the exercise of his functions to any directives given from time to time by the Authority.</p>	<p>RETAINED.</p> <p>RETAINED.</p> <p>Section 74 (now section 75) is AMENDED by deleting subsection (3). It is irrelevant.</p>

76.	<p>76. (1) If the Authority gives to the proper officer of the Nigeria Customs Service a notice stating that an amount, specified in the notice, is due in respect of dues or rates leviable under this Decree against any ship or against the master or owner of the ship, the proper officer shall not give any discharge or clearance outwards until-</p> <p>(a) the amount of the dues or rates has been paid; or</p> <p>(b) security has been given to the satisfaction of the Authority for the payment of the dues or rates.</p> <p>(2) In this section, "proper officer" means the officer who is responsible for granting clearance outwards from a port of the ship in respect of which notice is given.</p>	<p>Delegation of functions by Harbour Master</p> <p>(1) Subject to the provisions of this Part and the approval and directives of the Authority, a Harbour Master may authorize a person approved by the Authority to exercise his function.</p> <p>(2) An authorisation under this section may be general or may apply only to the exercise of such functions as are specified in the instrument of authorisation.</p>	RETAINED (now section 76)
77.	<p>77. Notwithstanding anything contained in sections 66 to 76 of this Decree, the Authority may recover by civil suit any dues, rates, expenses, costs or, in the case of sale, the balance thereof, when the proceeds of sale are insufficient.</p>	<p>Functions and general powers of Harbour Master</p> <p>(1) A Harbour Master shall perform such functions as are conferred on him by this Act and any regulation made hereunder.</p> <p>(2) A Harbour Master shall –</p> <p>(a) ensure compliance with laws and regulations on nautical safety and international conventions aboard a vessel, including fishing vessels and other categories of vessels regardless of flag and affiliation;</p> <p>(b) provide for verification of vessel documents and of necessary qualifications of the crew;</p>	RETAINED (now section 77)

(c) regulate, restrict or prohibit the movements of vessels in the port and in the approaches to the port;

(d) register a vessel's arrival in and departure from the port;

(e) direct a pilot service and when necessary assign a pilot to a vessel in regions not requiring compulsory Pilotage;

(f) direct where any vessel may be berthed, moored or anchored and the method of anchoring, when dealing with public quays;

(g) give directions to a vessel and/or a terminal to ensure safe transport, loading and discharging of dangerous goods in the port;

(h) ensure the preservation of law and order in the harbour and berths;

(i) coordinate the prevention of marine or other incidents, in the event of any risk of loss of human life or damage to any property;

(j) direct the removal of any vessel from any place in the port area to any other place and the time within which such removal is to be effected; and

(k) declare berth, locations, anchorages and fairways which may be used by vessels and the areas which are prohibited or restricted.

78.	78. The Authority shall keep at its office in each port a book specifying the dues and rates for the time being in force and shall allow any person to inspect the book at all reasonable times, without the payment of a fee.	<p>Failure to comply with the directives of the Harbour Master</p> <p>(1) The master of a vessel shall comply with any directive given under this part by the Harbour Master.</p> <p>(2) A person who contravenes the provision of subsection (1) of this section shall pay a penalty not exceeding ₦500,000.00 and in the case of a continuing breach, a further amount not exceeding ₦50,000.00 for everyday or a part thereof during which the breach continues.</p> <p>(3) A person who wilfully obstructs the Harbour Master or a person acting under his directive shall pay a penalty of an amount not exceeding N500,000.00.</p>	RETAINED (now section 78)
79.	79. The provisions of this Part of this Decree shall not apply to- (a) any ship belonging to any of the armed forces of the Federation; or (b) any ship belonging to the armed forces of a foreign country extending reciprocal treatment to ships belonging to the armed forces of the Federation.	<p>Liability of Harbour Master</p> <p>The Authority or the Harbour Master shall not be liable for loss or damage caused by anything done or omitted to be done by the Harbour Master in good faith while performing his functions under this Act.</p>	RETAINED (now section 79)
		<p>PART XI</p> <p>PROVISIONS ON PIERS, WHARVES AND SAFETY MATTERS</p>	
80.	80. The provisions of this Part of this Decree shall apply goods which are the property of the Government.	<p>Restriction on piers, jetties and wharves</p> <p>(1) A person shall not erect, re-erect, alter, extend, own or occupy a pier or a jetty, or a wharf in a port or in the approach to a port or any place within any port except in accordance with a concession or permit granted by the Authority.</p>	RETAINED.

		<p>(2) A person who contravenes the provisions of subsection (1) of this section commits an offence and is liable on conviction to a fine of not exceeding ₦800,000.00</p> <p>(3) The Authority shall make regulations for the management and control of wharves and premises and the maintenance of good order therein.</p>	<p>Section 79 (now section 80) is AMENDED by re-drafting subsection (2) to read as follows: "(2) A person who contravenes the provisions of subsection (1) of this section shall be liable to pay a contravention fee not exceeding ₦800,000.00 for each day of default."</p> <p>RETAINED.</p>
81.	<p>Part XII: Liability of the Authority (a) As a Carrier of Passengers</p> <p>81. (1) The Authority shall not be liable for the loss of life loss of or personal injury to any passenger, except where the loss of life, or personal injury is caused by want of ordinary care, diligence or skill on the part of the Authority or any of its employees.</p> <p>(2) The Authority shall not in any circumstances be liable for the loss of life or personal injury to any passenger who-</p> <p>(a) is travelling by special permission, whether verbal or written, in any part of a ship, vehicle or train, other than a part normally provided for the use of passengers;</p> <p>(b) is travelling on a free pass;</p> <p>(c) at the time the loss of life or injury occurred, is being carried by a transport service.</p>	<p>Licences for erection of piers, jetties and wharves</p> <p>(1) The Authority may –</p> <p>(a) on payment of the prescribed fee and in the prescribed form, grant licenses for the erection of piers, jetties and wharves; and</p> <p>(b) renew license granted under paragraph (a) of subsection (1) of this section.</p> <p>(2) The grant or renewal of a license under subsection (1) of this section may be made only in accordance with the provisions of this Act and regulations issued from time to time by the Authority.</p> <p>(3) Subject to the provisions subsection (2) of this section, a license granted under this section shall be subject to the conditions as</p>	<p>RETAINED (now section 81)</p>

<p>other than one provided by the Authority or under the control of the Authority.</p> <p>(3) To avoid liability under the provisions of subsection (2) of this section, it shall</p> <p>(a) not be necessary for any notice to be given to the passenger of the condition which he travels; and</p> <p>(b) be immaterial whether or not the passenger is an infant.</p> <p>(4) The Authority shall not be liable for the loss of life of or personal injury to any passenger who is carried by the Authority when the loss of life or injury occurs during carriage by ship and arose from -</p> <p>(a) an act of God;</p> <p>(b) an act of war or of the enemies of the State;</p> <p>(c) a fire, or an accident from machinery, boilers or steam; or</p> <p>(d) a peril or an accident of the seas, inland waters, or navigation, of whatsoever nature or kind and arising from any cause whatsoever,</p> <p>(5) Subject to subsection (4) of this section and to any condition expressed in the contract of carriage, the Authority shall be liable for any loss of life or personal injury which occurs during the carriage by ship to the extent to which it would be liable under the Merchant Shipping Act, as if the ship were registered under that Act and the Authority were the owner of the ship and not to any greater extent.</p>	<p>may be prescribed by the Authority and may subject to the approval of the Minister, contain special conditions not inconsistent with the provisions of this Act.</p>	
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	<p>(6) Where the Authority seeks to avoid liability under the provisions of subsection (4) or (5) of this section, the burden of proving that any loss of life or injury occurred during the carriage by ship shall lie on the Authority.</p> <p>(7) For the purposes of this section -</p> <p>"passenger" includes every person, other than an employee of the Authority on duty, lawfully travelling on any ship, vehicle or train owned or operated by the Authority.</p>		
82.	<p>82. The Authority shall not be liable for a loss arising from delay to a passenger caused -</p> <p>(a) by the failure of a ship, vehicle or train to start on a journey; or</p> <p>(b) by the late starting or late arrival of a ship, vehicle, or train,</p> <p>arising from any cause whatsoever.</p> <p>(b) As a Carrier of Goods by Ship</p>	<p>Removal of piers, jetties and wharves</p> <p>(1) An authorised employee of the Authority may remove or cause to be removed, a pier or jetty or wharf in any port or in the approach to any port or any portion of the port within its zone where the pier, jetty or wharf is erected or operated in contravention of the provisions of this Act or regulations hereunder.</p> <p>(2) The provisions of this Part are applicable to any person including Federal, State and Local Government Agencies.</p>	RETAINED (now section 82)
83.	<p>83. (1) Subject to the provisions of this Decree, the Authority shall not be liable for any loss of damage to goods carried by the Authority solely by ship, or partly by train or vehicle and partly by ship, where the loss or damage occurs during the carriage by ship and arose from -</p> <p>(a) an act of God;</p> <p>(b) an act of war or of the enemies of the State;</p> <p>(c) a fire, or an accident from machinery, boilers or steam;</p>	<p>Power to make Regulations</p> <p>(1) The Authority may, with the approval of the Minister, make regulations for the management of any port and for the maintenance of good order therein, and in particular and without prejudice to the generality of the foregoing power, may make regulations for all or any of the following purposes -</p> <p>(a) regulating traffic within the limits of the port or the approach to a port;</p>	RETAINED (now section 83)

(d) a peril or an accident of the seas, inland waters, or navigation, of whatsoever nature or kind and arising from any cause whatsoever,

(b) regulating the berths and stations to be occupied by ships and the removal of ships from one berth, station or anchorage to another berth, station or anchorage, and the time within which the removal shall be effected;

(c) regulating vessels while taking in or discharging ballast or cargo;

(d) keeping free passages of such width as is deemed necessary within any port and along or near to the piers, jetties, landing places, wharves, quays, docks, moorings and other similar works in or adjoining the port and for marking out the spaces to be kept free;

(e) regulating the anchoring, fastening, mooring and unmooring and warping of all vessels and the use of warps, mooring buoys, chains and other moorings;

(f) regulating traffic, preventing obstruction and keeping order on piers, jetties and wharves and ensuring the safety of piers, jetties and wharves and any cargo on them;

(g) regulating the use of fires and lights and the signals to be used and measures to be taken, by day and by night, in case of fire in a port;

(h) enforcing and regulating the use of navigating lights or signals and of signal lights by vessels;

(i) regulating the flags and signals to be used by vessels arriving at, lying in and departing from a port;

(j) regulating the manner in which vessels arriving a port, shall be boarded by the Harbour Master, and the information to be supplied to him by the master;

(k) regulating the use by vessels of whistles, sirens and other like instruments;

(l) prohibiting chipping, scaling or noisy repairs on vessel, except at such anchorages or places and at such times as may be prescribed or as the Harbour Master may appoint;

(m) prohibiting or regulating the erection, maintenance and working of fishing stakes, prescribing the nature of the nets or stakes which may be used, and providing for the licensing of persons authorised to erect and maintain fishing stakes and nets, and prescribing the fees which shall be paid for the licence;

(n) regulating, whether by way of prohibition or otherwise, the floating of timber, casks or other objects in any port or in the approach to any port and the casting or depositing of any dead body, ballast, rubbish, or other thing into any port or in the approach to any port, in contravention of this Act and for the redemption on payment of expenses and a penalty, within a time limit to be fixed, of anything forfeited;

	<p>(2) Subject to subsection (1) of this section and to -</p> <p>(a) the provisions of any enactment or law relating to the carriage of goods by sea; and</p> <p>(b) any condition expressed in the contract of carriage,</p> <p>the Authority shall be liable for any loss or damage which occurs during the carriage by ship to the extent to which it would be liable under the Merchant Shipping Act, as if the ship were registered under that Act and the Authority were the owner of the ship and not to any greater extent.</p>	<p>(o) providing for the forfeiture of anything found in any port or in the approach to any port in contravention of this Act;</p> <p>(p) prescribing the duties of masters of vessels carrying gunpowder or other explosive or dangerous cargo, and of persons engaged in or supervising the shipping, unshipping, landing and transporting of the cargo;</p> <p>(q) regulating the placement and maintenance of moorings or buoys;</p> <p>(r) regulating and licensing weighing and metering of goods; and</p> <p>(s) regulating and licensing porters and carriers and other labourers employed in the working of port facilities.</p> <p>(2) For the breach of any regulation made under subsection (1) of this section, the Authority may prescribe a penalty not exceeding N1,000,000 and in the case of a continuous breach, a further fine not exceeding N50,000 a day for every day during which the breach continues.</p>	
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	<p>(3) Where the Authority seeks to avoid liability under the provisions of subsection (1) or (2) of this section, the burden of proving that any loss or damage occurred during the carriage shall lie on the Authority.</p>		
84.	<p>84. The Authority shall not be liable for any loss arising from delay to, detention of, or deviation in the carriage of goods unless the delay, detention or deviation is caused by want of reasonable foresight and care on the part of the Authority or of employee, but the Authority shall not, in any circumstance, be liable for any loss arising from delay to, detention of, or deviation in the carriage of goods-</p> <p>(a) where there has been fraud on the part of the consignors; or</p> <p>(b) unless a document acknowledging the receipt of the goods for carriage by the Authority has been given; or</p> <p>(c) which at the time when the delay, detention or deviation occurred were being carried by any transport service, other than one provided by the Authority or under the control of the Authority; or</p> <p>(d) where there is a loss in a particular market whether held daily or at intervals; or</p> <p>(e) where the delay, detention or deviation arises from</p> <p>(i) insufficient or improper packing, or</p> <p>(ii) a riot, civil commotion, strike lock-out, stoppage or restraint of labour from whatever cause, whether partial or general.</p>	<p>Wrecks and derelicts, vessels under arrest or detention and abandoned vessels</p> <p>(1) The Authority may –</p> <p>(a) with the consent of the Admiralty Marshall, order that a vessel which has been arrested or attached by an Order of Court be moved to another safe place within the port and if necessary, move such vessel to that place;</p> <p>(b) search for, raise, remove or destroy any sunken, stranded or abandoned vessel or wreck within the port limits, and recover the costs incurred in connection with such searching, raising, removal or destruction from the owner of the vessel or any other person who had the beneficial use of the vessel at the time it sank, became stranded or was abandoned;</p> <p>(c) search for and remove any wreck or obstruction which may endanger the safety of any vessel entering or leaving the port, and recover the costs of such search and removal from the owner of the wreck or obstruction, or from any person responsible</p>	<p>Section 83 (now section 84) is AMENDED by inserting the expression "and any other obstruction" is inserted after the word "wreck" in subsection (1)(b) as follows:</p> <p><i>"(b) search for, raise, remove or destroy any sunken, stranded or abandoned vessel or wreck and any other obstruction within the port limits, and recover the costs incurred in connection with such searching, raising, removal or destruction from the owner of the vessel or any other person who had the beneficial use of the vessel at the time it sank, became stranded or was abandoned,"</i></p> <p>RETAINED.</p>

		<p>for the presence of such wreck or obstruction;</p> <p>(2) The Authority may give notice to the owner or other person legally responsible for the upkeep of any vessel within the port limits, directing such owner or person to remove or dispose of such vessel, or part thereof, which is not seaworthy or is likely to become an obstruction, wreck or derelict or a threat to the environment or public safety and to recover from that owner or person all costs incurred for the removal or disposal if the owner or person fails to comply with the notice within the time specified in it.</p> <p>(3) The Authority may after written demand for any costs contemplated in subsection (2) of this section, and on non-payment of the costs, sell the relevant vessel or wreck and out of the proceeds of the sale defray such unpaid costs, rendering the surplus, if any, to the person entitled to it, or recovering any unpaid balance from the owner or other person referred to in subsection (2) of this section or institute an admiralty action under the Admiralty Jurisdiction Act, CAP A5, Laws of the Federation of Nigeria 2004 to recover the costs.</p> <p>(4) Subject to the provisions of this section, the Authority shall act as the Assistant Receiver of Wrecks.</p>	<p>RETAINED.</p>
		<p>PART XII LIABILITY AND LEGAL PROCEEDINGS IN RELATION TO THE AUTHORITY</p>	

<p>85.</p>	<p>85. (1) The liability of the Authority in respect of any animal shall not in any case exceed -</p> <p>(a) in the case of a horse, N5,000;</p> <p>(b) in the case of any cattle, N 1,000;</p> <p>(c) in the case of any other animal, N500,</p> <p>unless at the time of acceptance of the animal by the Authority for carriage, the consignor or his agent declared that the value of the appropriate amount paid, or RETAINED. pay, such additional charge as may be prescribed in respect of the excess value, and the liability of the Authority shall not in any case the declared value.</p> <p>(2) In any proceeding against the Authority for the recovery of the sum in respect of an animal, the burden of proving the value of animma1, and where the animal has been injured, the extent iry, shall be on the claimant.</p> <p>(3) The Authority may by order vary the provisions of (a), (b) and (c) of subsection (1) of this section.</p> <p>(c) As a Warehouseman</p>	<p>Liability for acts of others</p> <p>The Authority shall not be liable for any injury, loss, damage or cost sustained by any person as a result of any default, negligence, breach or other wrongful act or omission of a licensee or concessionaire under this Act or an agent or employee of the licensee or concessionaire.</p>	<p>RETAINED (now section 85)</p>
<p>86.</p>	<p>86. (1) Subject to the provisions of this Decree or any contract, the Authority shall not be liable for the loss, misdelivery or detention of or damage to, goods -</p> <p>(a) delivered to, or in the custody of, the Authority otherwise than for the purpose of carriage;</p> <p>(b) accepted by the Authority for carriage, where the loss, misdelivery, detention or damage occurs otherwise than when the goods are in transit,</p>	<p>Limitation of Authority's liability</p> <p>(1) Where the Authority is not at actual fault or privity, it shall not be liable for any loss, damage or destruction caused to any vessel or goods or other things on board any vessel in aggregate amount not exceeding ₦1,000.00 for each ton of the vessel's tonnage.</p>	<p>Section 85 (now section 86) is AMENDED by deleting the word "not" appearing after the word "amount" in subsection (1) to read as follows:</p> <p><i>"(1) Where the Authority is not at actual fault or privity, it shall not be liable for any loss, damage or destruction caused to any vessel or goods or other things on board any vessel in aggregate amount exceeding</i></p>

	<p>except when the loss, misdelivery, detention or damage is caused by want of reasonable foresight or care on the part of the Authority or any employee of the Authority.</p> <p>(2) The Authority shall in no case be liable under subsection (1) of this section for a loss, misdelivery, detention or damage arising from –</p> <p>(a) an act of God;</p> <p>(b) an act of war or of the enemies of the State;</p> <p>(c) an arrest or a restraint or seizure under any legal process;</p> <p>(d) an act or order of the Government;</p> <p>(e) a declaration of goods as overtime or abandoned goods or the sale, auction, destruction or any other kind disposal made pursuant to the declaration;</p> <p>(f) an act or omission of the consignor, consignee or depositor or of the servant or agent of any such</p> <p>(g) a fire, flood, tempest, riot, civil commotion, strike, lock-out, stoppage or restraint of labour from cause, whether partial or general;</p> <p>(h) an inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration;</p> <p>(i) a deficiency in the contents of an unbroken package; or</p>	<p>(2) For the purposes of this Act, the tonnage of a vessel shall be ascertained as provided by the Merchant Shipping Act, 2007.</p>	<p><i>N1,000.00 for each ton of the vessel's tonnage.</i></p>
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	<p>(j) an insufficient or improper packing, or a leakage from a defective drum, container or package.</p> <p>(d) In connection with Pilotage</p>		
87.	<p>87. (1) The Authority, in relation to its duties in connection with pilotage under Part X of this Decree or any regulations made thereunder, shall not, where without its actual fault or privity, it causes any loss or damage to -</p> <p>(a) a ship or merchandise or any other thing whatsoever on board a ship; or</p> <p>(b) any other property or right of any kind, whether on land or on water or whether fixed or movable,</p> <p>be liable to damages beyond the amount of N10,000 multiplied by the number of Authority and licensed pilots entitled to pilot ships in the pilotage district where the loss or damage occurred on the date when the loss or damage occurred.</p> <p>(2) Nothing in this section shall be construed to impose a liability on the Authority for any loss or damage as specified in subsection (1) of this section, where no liability would have existed but for this section.</p>	<p>Liability for loss or damage to cargo</p> <p>Nothing in this Part shall impose on the Authority or any person duly authorized by it any liability for the loss or destruction of or damage to any goods arising from -</p> <p>(a) fire or flood, unless caused by the actual fault or privity of the Authority;</p> <p>(b) an act of God;</p> <p>(c) an act of war or of public enemies;</p> <p>(d) arrest or seizure under any legal process;</p> <p>(e) quarantine restrictions;</p> <p>(f) any act, omission or default of the owner or carrier of such goods;</p> <p>(g) strikes, lockouts or stoppages or restraints of labour from whatever cause, whether partial or general;</p> <p>(h) riots and civil commotion;</p> <p>(i) saving or attempting to save life or property;</p> <p>(j) a declaration of goods as overtime or abandoned goods or the sale, auction, destruction or any kind of disposal made pursuant to the declaration;</p> <p>(k) an act or omission of the consignor, consignee or depositor or of the servant or agent of any such person;</p> <p>(l) insufficient or improper packing, defective or insufficient marks or leakage from defective drums, containers or packages;</p> <p>(m) any inherent wastage in bulk or weight, latent or inherent defect or natural deterioration;</p>	<p>RETAINED (now section 87)</p>

		(n) any deficiency in the contents of unbroken packages; or (o) the dangerous nature of such goods.	
88.	88. The limitation of liability under section 87 of this Decree- (a) relates to the whole of any loss or damage which may arise on any one distinct occasion, although the loss and damage may be sustained by more than one person; and (b) applies whether the liability arises at common law or under any enactment or law, and notwithstanding anything contained in that enactment or law.	Restriction on execution against the property of the Authority In an action or suit against the Authority, no execution or attachment or process in the nature thereof shall be issued against it, but any sums of money which may, by the judgment of the court, be awarded against the Authority shall, subject to any directives given, be paid from the funds of the Authority.	RETAINED (now section 88)
89.	89. (1) Where any liability is alleged to have been incurred by the Authority in respect of any loss or damage to which section 87 of this Decree applies, and several claims are made and apprehended in respect of that liability, the Authority may apply to the High Court concerned for the consolidation of claims under subsection (2) of this section. (2) The High Court to which an application is made may- (a) determine the amount of the liability of the Authority and distribute that amount rateably among the several claimants;	Legal Proceedings (1) No suit shall be commenced against the Authority before the expiration of a period of one month after written notice of intention to commence the suit have been served on the Authority by the intending plaintiff or his agent and the notice shall clearly and explicitly state the - (a) cause of action; (b) particulars of the claim; (c) name and place of abode of the intending plaintiff; and (d) relief which it claims. (2) No suit against the Authority or any employee of the Authority for any act done in pursuance or intended execution of any Act or Law, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of such Act or Law, duty or authority shall lie or be instituted in	RETAINED (now section 89)

	<p>(b) stay any proceeding pending in any other court in relation to the same matter; and</p> <p>(c) proceed in such manner and subject to such direction as to-</p> <p>(i) making persons interested parties to proceeding,</p> <p>(ii) the exclusion of any claimant who do not come in within a certain time,</p> <p>(iii) requiring security from the Authority, and</p> <p>(iv) the payment of any costs, as the Court thinks fit.</p>	<p>any court, unless it is commenced within twelve months after the act, neglect or default complained of or in the case of a continuing damage or injury, within twelve months next after the ceasing thereof.</p> <p>(3) For the purposes of this section - "Suit" means a civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court and includes an action but not a criminal proceeding.</p> <p>(4) The notice referred to in section 88(1) of this Act and any summons or other documents required or authorised to be served on the Authority in connection with a suit by or against it, may be served by -</p> <p>(a) delivering it to the Managing Director;</p> <p>(b) sending it by registered post addressed to the Managing Director at the head office of the Authority; or</p> <p>(c) electronic means through the e-mail or website of the Authority.</p>	
90.	90. In a case where the Authority is entitled to its liability as the owner of a ship, the provisions of sections 87, 88 and 89 of this Decree shall not apply to any loss or damage liability for which can be so limited by the Authority.	<p>Restriction on execution against property of the Authority</p> <p>In any action or suit against the Authority, no execution shall be levied or attachment process issued against the Authority unless not less than thirty days' notice of the intention to execute or attach has been given to the Authority.</p>	RETAINED (now section 90)
		<p>PART XIII OFFENCES AND PENALTIES</p>	

91.	<p>91. (1) The grant or renewal of a licence to a pilot by the Authority under the powers conferred on the Authority by this Decree shall not impose any liability on the Authority for caused by any act or default of the pilot.</p> <p>(2) The Authority shall not be liable for any loss caused by e or any act or default of an Authority pilot.</p>	<p>Removal or damage to property of the Authority</p> <p>A person who removes, destroys or damages any infrastructure, equipment and marine environment property belonging to or in the custody or possession of the Authority or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated, commits an offence and is liable on conviction to a fine of not less than N800,000.00 and shall make good any loss, destruction or damage suffered by the Authority, including the expenses of any inspection or survey carried out by the Authority to ascertain the loss, destruction or damage.</p>	RETAINED (now section 91)
92.	<p>Part XIII: Legal Proceedings</p> <p>92. (1) No suit shall be commenced against the Authority before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Authority by the intending plaintiff or his agent and the notice shall clearly and explicitly state -</p> <p>(a) the cause of action;</p> <p>(b) the particulars of the claim;</p> <p>(c) the name and place of abode of the intending plaintiff; and</p> <p>(d) the relief which it claims.</p> <p>(2) In an action or suit against the Authority, no execution or attachment or process in the nature thereof shall be issued against the Authority, but any sums of money which may,</p>	<p>Unlawful operation of port services or facilities</p> <p>A person who establishes, installs, maintains, provides or operates any marine service or facility or any port service or facility without an approval from the Authority commits an offence and is liable on conviction to a fine of not less than N1,000,000.00 or to imprisonment for a term of not less than three years or to both and in the case of a continuing offence, to a further fine of not less than N120,000.00 for every day or part thereof during which the offence continues.</p>	RETAINED (now section 92)

	<p>by the judgment of the court, be awarded against the Authority shall, subject to any directives given by the Authority, be paid from the general reserve of the Authority.</p> <p>(3) For the purposes of this section and this Part of this Decree -</p> <p>"suit" means a civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court and includes an action but not a criminal proceeding.</p>		
93.	<p>93. The notice referred to in section 92 of this Decree and summons, notice or other document required or authorised to be served on the Authority in connection with a suit by or against the Authority, may be served by -</p> <p>(a) delivering it to the Managing Director; or</p> <p>(b) sending it by registered post addressed to the Managing Director at the head office of the Authority.</p>	<p>Evasion of dues</p> <p>An owner, agent or a master of any vessel or consignor or consignee of any goods who evades or attempts to evade, neglects or omits to pay any dues, rates, charges or fees payable under this Act commits an offence and is liable on conviction to a fine of not less than N800,000.00 or to imprisonment for a term of not less than 6 months or to both and shall in addition be liable to pay to the Authority a penalty double the amount of the dues, rates, charges or fees evaded or attempted to evade, neglected or omitted to pay.</p>	RETAINED (now section 93)
94.	<p>94. In any action or suit against the Authority; no execution or attachment or process in the nature thereof shall be issued against the Authority, but any sum of money which may by the judgment of the court be awarded to the plaintiff shall be paid by the Authority from the funds of the Authority.</p>	<p>Giving false statement in returns</p>	RETAINED (now section 94)

		<p>A person who makes any statement whether knowingly or recklessly which is false in any return, claim or other document which is requested or authorised to be made by or under this Act or any regulations pursuant to this Act commits an offence and is liable on conviction to a fine of not less than N800,000.00 or to imprisonment for a term of not less than twelve months or to both.</p>	
95.	<p>95. A person connected with the direct working of the Authority shall not be removed under arrest when his immediate removal from duty might result in danger to life or goods, whether in execution of a warrant or otherwise, while actually engaged in the performance of his duties until -</p> <p>(a) the head of the department in which he is employed; or</p> <p>(b) the officer in immediate charge of the work in which the person is engaged,</p> <p>has been given an opportunity of providing a substitute.</p>	<p>Offences in connection with safety of vessels, etc</p> <p>(1) A person who wilfully and without lawful authority loosens or removes from its moorings or from its fastenings alongside any wharf or dock, any vessel in the port without permission or lawful authority from the master or owner of such vessel or person in charge of such wharf or dock commits an offence.</p> <p>(2) A person who wilfully and without lawful authority lifts, injures, makes a vessel fast to, loosens or sets adrift any moorings, buoys, beacons or sea or land marks commits an offence.</p> <p>(3) A person who without any lawful excuse discharges any gun in the port except for the purpose of making a signal of distress or for such other purpose as is allowed under any written law commits an offence.</p>	<p>RETAINED (now section 95)</p>

		<p>(4) A person who graves, breams or smokes any vessel in the port, or boils or heats any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within the port, at any time or within any limits at or within which such act is prohibited by any order of the Minister, or contrary to the orders or directives of the Harbour Master or the master of such vessel commits an offence.</p> <p>(5) A person who does or omits to do any act on board any vessel in the port which has caused or may cause fire on board such vessel commits an offence.</p> <p>(6) A person who uses a vessel or permits a vessel to be used in the port when the vessel is –</p> <p>(a) in such a state that by reason of the defective condition of its hull, equipment or machinery, or by reason of under-manning or otherwise, the life of a person is likely to be endangered; or</p> <p>(b) loaded with goods or passengers or with both goods and passengers as to –</p> <p>(i) exceed the number of passengers allowed by the vessel's safety certificate to be carried or received on the vessel, and</p>	
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		<p>(ii) submerge the appropriate subdivision load line on each side of the vessel when the vessel has no list and the subdivision load line appropriate to the space for the time being allotted to passengers on the vessel is lower than the load line indicating the maximum depth to which the vessel is for the time being entitled under any law to be loaded, commits an offence.</p> <p>(7) A person who contravenes the provisions of subsections (1) –(6) this section is liable on conviction to a fine of not less than N1,000,000.00 or to imprisonment for a term of not less than six months or to both.</p>	
96.	<p>96. In any suit pending before a court, the Authority may be represented in court at any stage of the proceeding by any employee of the Authority who shall, satisfy the court that he is duly authorised in writing by the Authority in that behalf.</p>	<p>Offences by master of vessel</p> <p>(1) Where a vessel –</p> <p>(a) enters any port or any approach to the port without permission from the Authority; or</p> <p>(b) fails to leave any port or any approach to the port or to leave any berth at the port when required to do so by the Harbour Master, the master commits an offence and is liable on conviction to a fine of not less than N500,000.00 or to imprisonment for a term not less than twelve months or to both.</p>	<p>RETAINED (now section 96)</p>

		<p>(2) Where the master fails to comply with the provisions of subsection (1) of this section, the master shall in addition to the fine, be liable to pay damages assessed in relation to the registered tonnage of the vessel for every hour that the vessel remains at the port or approach to port after the time for departure required by such notice has expired.</p> <p>(3) Where a vessel –</p> <p>(a) enters any port or any approach to the port without permission from the Authority; or</p> <p>(b) fails to leave any port or any approach to the port or to leave any berth at the port when required to do so by the Harbour Master, the owner or his agent commits an offence and is liable on conviction; in the case of –</p> <p>(i) an individual, to a fine of ₦300,000.00 for each day or a part thereof during which the offence continues or to imprisonment for a term of twelve months; and</p> <p>(ii) a body corporate, to a fine of ₦1,000,000.00 and a further fine of ₦500,000.00 for each day or a part during which the offence continues.</p>	
97.	<p>Part XIV: Offences</p> <p>(a) Offences in connection with lighthouses, etc.</p>	<p>Failure for not keeping a vessel so loaded with ballast or otherwise as to be safely removed</p>	<p>RETAINED (now section 97)</p>

	<p>97. A person who wilfully or negligently -</p> <p>(a) damages any lighthouse or any light exhibited therein or any buoy or beacon; or</p> <p>(b) removes or alters, any lighthouse, buoy or beacon; or</p> <p>(c) rides by, makes fast to or runs foul of any lighthouse, buoy or beacon,</p> <p>is guilty of an offence and liable on conviction to a fine not exceeding N5000 in addition to his liability to make good any damage caused by the offence.</p>	<p>(1) Every vessel lying alongside a wharf or within any dock shall be kept equipped, provided and loaded or ballasted to enable it be removed safely whenever it is necessary in the judgment of the Harbour Master.</p> <p>(2) Any master or owner of a vessel who contravenes the provision of subsection (1) of this section commits an offence and is liable to a penalty of not less than the sum of N70, 000.00.</p>	
98.	<p>98. (1) Whenever any fire or light is burned or exhibited at any place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, buoy or beacon, the Authority may serve a notice on -</p> <p>(a) the owner or occupier of the place where the fire or light is burned or exhibited; or</p> <p>(b) the person having charge of the fire or light,</p> <p>directing the owner, occupier or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light and for preventing the fire or light or any similar fire or light being burned or exhibited thereafter.</p> <p>(2) The notice may be served either personally or by delivering it at the place of abode of the person to be served, or by affixing it in some conspicuous spot near the fire or light to which the notice relates.</p>	<p>Throwing ballast and waste into port waters</p> <p>A person who throws or empties into any port waters any ballast or waste however described commits an offence and is, in addition to other penalty provided in any applicable laws, liable on conviction, in the case of -</p> <p>(a) oil or chemical waste to a fine of not less than ₦10,000,000.00 or such higher fine as the court may determine; and</p> <p>(b) non-oil or bio-degradable waste, a fine of not less than the sum of ₦5,000,000.00.</p>	RETAINED (now section 98)

	<p>(3) Any owner or person, on whom a notice under this section is served, who fails, without reasonable cause, to comply with the directions contained in the notice, is guilty of an offence and liable on conviction for each offence to a fine not exceeding N5000.</p> <p>(4) If any owner or person on whom a notice under this section is served neglects, for a period of twenty-four hours to extinguish or effectually screen the fire or light mentioned in the notice, an authorised employee of the Authority, with workmen or other assistants, may-</p> <p>(a) enter on the place where the fire or light is, and forthwith extinguish the fire or light, doing no damage than is necessary; and</p> <p>(b) recover the expenses incurred by him in so doing from the owner or person on whom the notice has been served in the same manner as fines may be recovered under this Decree.</p>		
99.	<p>99. A person who wilfully obstructs any person doing any of the acts authorised by sections 26, 27, and 98 of this Decree is guilty of an offence and liable on conviction to a fine of N5000 or to imprisonment for a term of 12 months or to both such fine and imprisonment.</p> <p>(b) Offences in Connection with Pilotage</p>	<p>Giving false information as to draught of vessel and cargo</p> <p>(1) An owner, agent or a master of a vessel entering or leaving or within the port or the approaches to a port who makes any negligent misstatement or gives false information of the type of vessel, its draught, length, beam or height to the Authority - commits an offence and is liable on conviction to a fine of not less than N 5,000,000.00 or to imprisonment for a term of not less than 6 months or to both</p>	<p>RETAINED (now section 99)</p>

		(2) For the purposes of this section, "height of vessel" shall be the height of the vessel measured vertically from the waterline of the vessel to the highest point of the vessel including its cargo, structure or equipment on board.	
100.	<p>(1) If a ship enters, leaves or changes its berth in a Pilotage district in which Pilotage has been made compulsory under this Decree, without being in charge of a pilot authorised to pilot the ship, the Pilotage dues which would have been paid if an Authority pilot had been employed shall nevertheless be paid together with a penalty of N10,000.</p> <p>(2) The dues and penalty shall be payable by the person declared by this Decree to be liable to pay the Pilotage dues, and shall be recoverable before a court of competent jurisdiction.</p>	<p>Removal or damage to lighthouses, buoys and beacons</p> <p>A person who wilfully or negligently –</p> <p>(a) removes, alters or damages any lighthouse or light exhibited therein or any buoy or beacon or other light placed by the Authority; or</p> <p>(b) rides by, makes fast to or runs foul of any lighthouse, buoy or beacon or other lights placed by the Authority, commits an offence and is liable on conviction to a fine of not less than N1,000,000.00 and shall in addition make good any loss, destruction or damage caused by the contravention.</p>	RETAINED (now section 100)
101.	<p>101. A pilot who, when in charge of a ship - endangering a Ship.</p> <p>(a) by wilful breach of duty, neglect of duty or reason of drunkenness, does an act tending -</p> <p>(i) to the immediate loss, destruction or serious damage of the ship, or</p> <p>(ii) immediately to endanger the life or limb of a Person on board the ship; or</p>	<p>Prohibition of false lights at the lighthouses</p> <p>(1) When any fire or light is burned or exhibited at any place or in a manner as to be likely mistaken for a light proceeding from a lighthouse, buoy, beacon or other light placed by the Authority, the Authority may serve a notice on the –</p> <p>(a) owner or occupier of the place where the fire or light is burned or exhibited; or</p> <p>(b) person having charge of the fire or light, directing the owner, occupier or person, within a reasonable time to be specified in</p>	RETAINED (now section 101)

<p>(b) refuses or fails to do a lawful act proper and requisite to be done by him for Preserving</p> <p>(i) the Ship from loss, destruction or serious damage, or</p> <p>(ii) a person on board the ship from danger to life or limb,</p> <p>is guilty of an offence and liable on Conviction to imprisonment for a term of 3 years.</p>	<p>the notice, to extinguish or screening the fire or light and to prevent the fire or light or any similar fire or light from being burned or exhibited thereafter.</p> <p>(2) The notice may be served either personally or by delivering it at the place of abode of the person to be served, or by affixing it in some conspicuous spot near the fire or light to which the notice relates.</p> <p>(3) Any owner or person, on whom a notice under this section is served, who fails, without reasonable cause, to comply with the directions contained in the notice, commits an offence and is liable on conviction for each offence to a fine of not exceeding ₦50,000.00 and a further fine of not less than ₦50,000.00 for every day during which the offence continues.</p> <p>(4) If any owner or person on whom a notice under this section is served neglects, for a period of twenty-four hours to extinguish or effectually screen the fire or light mentioned in the notice, an authorised employee of the Authority with other assistants, may-</p> <p>(a) enter on the place where the fire or light is, and extinguish the fire or light from doing no further damage than is necessary; and</p> <p>(b) recover the expenses incurred by him from the owner or person on whom the notice has been served.</p>	
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102.	<p>102. A person who -</p> <p>(a) holds himself out as a pilot authorised to pilot a ship in a pilotage district which he is not authorised to pilot under this Decree; or</p> <p>(b) pilots a ship in a pilotage district which he is not authorised to pilot,</p> <p>is guilty of an offence and liable on conviction to a fine of N 10,000.</p> <p>(c) Offences in connection with Dues, Rates, Returns, etc.</p>	<p>Obstructing authorised entry</p> <p>A person who wilfully obstructs any person doing any of the acts authorised by the provisions of this Act commits an offence and is liable on conviction to a fine of N800,000.00 or to imprisonment for a term of not less than 12 months or to both.</p>	RETAINED (now section 102)
103.	<p>103. A master or an owner of a ship, or an owner or a consignor or consignee of any goods who, by any means whatsoever, evades or attempts to evade any of the dues or rates leviable under this Decree -</p> <p>(a) is guilty of an offence and liable on conviction to a fine of N10,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment; and</p> <p>(b) is, in addition, liable to pay to the Authority, as penalty, double the amount of the dues or rates he evaded or attempted to evade.</p>	<p>Navigation without pilot</p> <p>Where -</p> <p>(a) a vessel navigates without a pilot in circumstances in which a pilot is to be engaged under any of the provisions of this Act, or</p> <p>(b) the master refuses to comply with any request made under this section, or makes or is privy to the making of any false statement in answer to such request, the master commits an offence and is liable, on conviction, to a fine of not less than N800,000.00, and shall in addition pay the pilotage fees which would have been paid if the Authority's pilot had been employed.</p>	RETAINED (now section 103)
104.	<p>104. A master of a ship who contravenes any of the provision of section 57 or 58 of this Decree is guilty of an offence and liable on conviction to a fine of N10,000 or to for a term not exceeding 12 months or to both such fine and imprisonment.</p>	<p>Illegal piloting</p> <p>(1) A person who offers his services as a pilot -</p> <p>(a) without the permission of the Authority and without being duly licensed; or</p> <p>(b) while his license as a pilot is cancelled, suspended or revoked, commits an offence</p> <p>(2) Any pilot who -</p>	RETAINED (now section 104)

		<p>(a) lends his licence to, or allows his licence to be used by, any other person; or</p> <p>(b) pilots outside the limits specified in his licence; or</p> <p>(c) acts as a pilot while under the influence of alcohol or drugs; commits an offence.</p> <p>(3) A person who contravenes the provisions of this section is liable on conviction, to a fine of not less than ₦800,000.00 or to imprisonment for a term of not less than twelve months or to both.</p>	
105.	<p>105. A person who makes, either knowingly or recklessly, a statement which is false in any material particular in any return, claim or other document which is requested or authorised to be made by or under the provisions of this Decree is guilty of an offence and liable on conviction to a fine of N10,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.</p> <p>(d) Offences in connection with Ships</p>	<p>Failure of compliance by master</p> <p>Any master who contravenes any of the provisions of this Act commits an offence and is liable on conviction, to a fine of not less than N500, 000.00 or to imprisonment for a term of not less than twelve months or to both.</p>	RETAINED (now section 105)
106.	<p>106. A person who, for the purpose of obtaining salvage, or for any other purpose, wilfully sets adrift, cuts, breaks or unfastens the moorings of a ship is guilty of an offence and liable on conviction to a fine of N 10,000 or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.</p>	<p>Persons endangering life or property</p> <p>Where a person taking part in the loading, unloading or warehousing of goods in any port endangers the safety, life, limb, body or property of a person –</p> <p>(a) by contravening any of the provisions of this Act or of any regulation made pursuant to this Act; or</p> <p>(b) by any rash or negligent act, commits an offence and is liable on conviction, to a fine of not less than N500,000.00 or to Imprisonment for a term not less than six months or to both.</p>	RETAINED (now section 106)

107.	<p>107. A person who wilfully sinks any ship in a port or in the approach to the port, without the permission in writing of the harbour master, is, in addition to paying the expenses incurred by the Authority in removing the ship, guilty of an offence and liable on conviction to a fine of N100,000.</p> <p>(e) Offences by employees of the Authority</p>	<p>Non - compliance with directives of the Authority or with any provision of this Act</p> <p>(1) A person who –</p> <p>(a) without lawful excuse, refuses, neglects or fails to comply with any directive lawfully given by the Authority in exercise of its powers under this Act; or</p> <p>(b) fails to comply with any provision of this Act or regulations made pursuant to this Act, commits an offence and, unless another penalty is established for such offence in this Act, shall, in addition to the forfeiture of any article seized, is liable on conviction, to a fine of not less than ₦1,000,000.00 or to imprisonment for a term of not less than twelve months or to both and in the case of a continuing offence to a further fine of not less than ₦200,000.00 for every day during which the offence continues.</p> <p>(2) Where any person without lawful excuse refuses or neglects to obey any directive lawfully given under this Act or regulations made pursuant to this Act commits an offence, and the Authority may, irrespective of whether any proceedings have been instituted against or punishment imposed on such person for the refusal or neglect, do or cause to be done all such acts as in its opinion are reasonable or necessary for the purpose of carrying out such directive.</p>	<p>RETAINED (now section 107)</p>
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		<p>(3) The powers conferred by subsection (2) of this section include the power to hire and employ such persons as are necessary and proper for making good whatever loss or damage that has been caused by any refusal or neglect of the person to whom the directive has been given.</p> <p>(4) Any expenses incurred by the Authority in the exercise of its powers under this section shall be recoverable from the person to whom the directive has been given.</p>	
108.	<p>108 An employee of the Authority who, with intent to defraud, demands or receives from any person liable to pay any dues or rates imposed under the provisions of this Decree, in respect of any matter, any greater or lesser amount than is authorised to be levied by the regulations for the time being in force in respect of that matter, is guilty of an offence and liable on conviction to a fine of N10,000 or imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.</p>	<p>Unlawfully loosening moorings A person who wilfully sets adrift, cuts, breaks or unfastens the moorings of a vessel commits an offence and is liable on conviction to a fine of not less than N10,000,000.00 or to imprisonment for a term of not less than 5 years or to both.</p>	<p>RETAINED (now section 108)</p>
109.	<p>109. Employees of the Authority shall be deemed to be persons employed in the public service of the Federation for the purpose of sections 98, 99 and 100 of the Criminal Code.</p>	<p>Wilfully sinking vessels A person who wilfully sinks any vessel in a port or in the approach to the port, without the permission in writing of the Harbour Master, commits an offence and is liable on conviction to a fine of not less than N50,000,000.00 or imprisonment for term as the court may determine or to both and shall in addition, pay to the Authority, the expenses incurred by the Authority in salvaging the vessel.</p>	<p>Section 108 (now section 109) is AMENDED as follows: <i>"A person who wilfully sinks any vessel in a port or in the approach to the port, without the permission in writing of the Harbour Master, commits an offence and is liable on conviction to a fine of not less than N50,000,000.00 or imprisonment for a term of not less than 15 years or to both and shall in addition, pay to the</i></p>

			<p>Authority, the expenses incurred by the Authority in salvaging the vessel.”</p> <p>Justification: This offence often involves loss of lives and the law should not give courts wide discretion for an offence where lives are lost. Also, insurance costs for vessels coming into Nigerian waters may go up if there is no clarity on sanctions/penalty for this offence.</p>
110.	<p>110. An employee of the Authority who is in a state of intoxication while on duty is guilty of an offence and liable on conviction -</p> <p>(a) if the improper performance of his duty due to the intoxication is likely to endanger the safety of any person, to a fine of N20,000 or imprisonment for a term not exceeding 2 years; and</p> <p>(b) in any other case, to a fine not exceeding N10,000</p>	<p>Demanding of improper amounts by an employee</p> <p>An employee of the Authority, who, with intent to defraud, demands or receives from any person liable to pay any dues, fees or rates imposed under this Act, in respect of any matter, any other amount than is authorised to be levied by the regulations for the time being in force in respect of that matter, commits an offence and is liable on conviction to a fine of not less than N500,000.00 or imprisonment for a term of not less than 12 months or to both and shall in addition, pay to the Authority 10 times the amount that would have been paid.</p>	RETAINED (now section 110)
111.	<p>Part XV: Miscellaneous Provisions</p> <p>111. The provisions of -</p>	<p>Application of sections 98, 99 and 100 of the Criminal Code</p> <p>An employee of the Authority shall be deemed to be a person employed in the public service of the Federation for the</p>	RETAINED (now section 111)

	<p>(a) the Nigerian Urban and Regional Planning Decree 1992;</p> <p>(b) any other enactment or any law relating to town or country planning; and</p> <p>(c) any enactment or law regulating the construction, alteration, repair or demolition of buildings,</p> <p>shall not apply to any land for the time being vested in, leased out by or in the possession of the Authority.</p>	<p>purpose of Sections 98, 99 and 100 of the Criminal Code.</p>	
112.	<p>112. Notwithstanding the provisions of any enactment or law, a wharf vested in or in the possession of the Authority shall not be regarded as hereditament or tenement to be valued for rating purposes, and the Authority shall not pay any rates under any enactment or law in respect of the wharf or any property situated thereon.</p>	<p>Obstructing the Authority in the performance of its duties</p> <p>A person who –</p> <p>(a) hinders or obstructs the Authority or assaults any of its employees, agents or contractors in the performance and execution of their duties or of anything which they are empowered or required to do pursuant to the provisions of this Act; or</p> <p>(b) removes any mark set up for the purpose of indicating any level or direction necessary for the execution of works authorised by this Act,</p> <p>commits an offence and is liable on conviction to a fine of not less than ₦800,000.00 or to imprisonment for a term of not less than twelve months or to both.</p>	<p>RETAINED (now section 112)</p>
113.	<p>113 Nothing in this Decree shall be deemed to derogate from the powers conferred on any person under the customs laws as defined in the Customs and Excise Management Act.</p>	<p>Preservation of secrecy</p>	<p>RETAINED (now section 113)</p>

		<p>(1) A person who is or has been a member, an officer, employee, adviser or agent of the Authority or a member of a committee of the Authority shall not disclose any information relating to the affairs of the Authority or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law.</p> <p>(2) A person who contravenes the provision of subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than ₦300,000.00 or to imprisonment for a term of not less than 6 months or to both.</p>	
114.	<p>The owner of every ship intending to enter any port in Nigeria for any purpose whatsoever shall, not later than 30 days before the departure of the ship for Nigeria, furnish to the Authority a statement in writing setting out the following matters, that is-</p> <p>the name and physical particulars of the ship;</p> <p>the name of port or ports of sailing and estimated time of departure for Nigeria;</p> <p>the name of port or ports of discharge in Nigeria;</p> <p>the estimated date of arrival in Nigerian ports; and</p> <p>(e) detailed information (including tonnage) in respect of the cargo carried in the ship.</p>	<p>Offences by companies</p> <p>(1) Where an offence under this Act or regulations made pursuant to it has been committed by a company or other body of persons, any person who at the time of the commission of the offence was a director, manager or partner in the corporate body or other body of persons who acted in such capacity may be charged with the same offence.</p>	<p>RETAINED (now section 114)</p>

		(2) Where a company or other body of persons is convicted of an offence under this Act, any person charged with the same offence shall on conviction be liable to the penalty for that offence unless he proves that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.	
115.	<p>115. The Authority shall on receipt of the statement referred to in section 114 of this Decree, issue to the owner or agent of the owner of the ship a notice (in this Decree referred to as an "entry notice") stating-</p> <p>(a) the port or ports in Nigeria to which the ship may proceed for any purpose;</p> <p>(b) the date on which the ship may enter a port or any approach to a port in Nigeria.</p>	<p>Penalties to be paid to the Authority</p> <p>All penalties imposed for any breach under this Act or regulations made pursuant to it and all sums collected under this Act shall be paid into the Fund established under section 16 of this Act.</p>	RETAINED (now section 115)
		PART XIV MISCELLANEOUS	
116.	<p>116. Except with the prior approval of the Authority, no ship shall enter a port or an approach to a port in Nigeria except as may be permitted by and in accordance with the terms of an entry issued by the Authority in respect of that ship.</p>	<p>Exemption of Authority's land</p> <p>Notwithstanding the provisions of any other laws, wharves shall not be regarded as a hereditament or tenement to be valued for rating purposes and the Authority shall not be required to pay any rates in respect of wharves or any property situated in the wharves.</p>	RETAINED (now section 116)

<p>117.</p>	<p>117 Notwithstanding anything contained in this Decree, the Authority may, if satisfied that the circumstances of the case so require, at any time alter the date allocated for the entry of any ship into any port or any approach to a port in Nigeria and shall by such means as it may deem convenient notify the owner or agent of the owner of the ship of the alteration.</p>	<p>Power to issue guidelines</p> <p>(1) The Authority shall have the power to issue guidelines and standards with respect to the operation of port facilities and services in the port by concessionaires including the determination of performance standards and quality standards of the facilities and services provided by them.</p> <p>(2) The Authority may issue guidelines and directives for the management and maintenance of all ports and for the maintenance of good order in the ports including –</p> <p>(a) controlling traffic within the limits of the ports;</p> <p>(b) using berths and stations;</p> <p>(c) anchoring, mooring, etc.;</p> <p>(d) preventing obstructions and keeping order on piers;</p> <p>(e) using fires and related signals in case of fire;</p> <p>(f) using of whistles and sirens;</p> <p>(g) chipping, scaling or noisy repairs;</p> <p>(h) floating timber and other objects;</p> <p>(i) explosives;</p> <p>(j) placing and maintaining moorings;</p> <p>(k) weighing and metering;</p> <p>(l) pilotage;</p> <p>(m) harbour; and</p> <p>(n) any construction whatsoever.</p> <p>(3) The power to issue Guidelines under section 116 (2) (i) and (k) shall be subject to the existing law on the subject.</p>	<p>RETAINED.</p> <p>Section 116 (now section 117) is AMENDED thus –</p> <p>a. the expression “<i>but not limited to</i>” is inserted after the expression “<i>maintenance of good order in the ports including</i>” in subsection (2) to read as follows:</p> <p><i>“(2) The Authority may issue guidelines and directives for the management and maintenance of all ports and for the maintenance of good order in the ports including <u>but not limited to</u> –”</i></p> <p>RETAINED.</p>
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		<p>(4) Subject to the provisions of this Act, the Authority shall control –</p> <p>(a) navigation within port limits and the approaches to ports;</p> <p>(b) the entry of vessels into ports, their stay, movements or operations in and departures from ports;</p> <p>(c) the loading, unloading and storage of cargo and the embarkation and disembarkation of passengers;</p> <p>(d) off-shore cargo-handling facilities, including navigation in the vicinity of such facilities;</p> <p>(e) pollution and the protection of the environment within the port limits;</p> <p>(f) enhancement of safety and security within the port limits; and</p> <p>(g) merchant shipping and particularly in respect of safety at sea and the prevention of pollution at sea within the vicinity of the ports;</p> <p>(5) Guidelines issued by the Authority shall be duly notified and published and the Authority may recommend to the Minister to issue the guidelines as regulations.</p>	<p>b. the expression “at sea within the vicinity” in subsection (4)(g) is deleted and replaced with the expression “within the ports limits” to read as follows:</p> <p>“(g) merchant shipping and particularly in respect of safety at sea and the prevention of pollution within the ports limits of the ports;”</p> <p>RETAINED.</p>
118.	118. The Authority shall, from time to time, publish in the Gazette and in such other manner	Power to collect taxes:	RETAINED (now section 118)

	as it may deem necessary the estimated date of arrival of any ship in Nigeria, the port allocated for that ship and the berth at which the ship may discharge cargo.	The Authority shall register as an agent of the Federal Inland Revenue Service or any Tax Authority for the purpose of collection of With Holding Tax and Value Added Tax.	
119.	<p>119. (1) If a ship -</p> <p>(a) enters any port or any approach to the port without an entry notice having been issued by the Authority in respect of the ship; or</p> <p>(b) enters any port or any approach to the port otherwise than as permitted by the entry notice; or</p> <p>(c) fails to leave any port or any approach to the port or to leave any berth at the port when required to do so by the harbour master of the port,</p> <p>the master of the ship is guilty of an offence under this section and liable on conviction to imprisonment for a term of two years without the option of a fine.</p> <p>(2) Where an offence under subsection (1) of this section is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of the owner of a ship, the owner or agent of the owner shall be deemed to be guilty of the offence and liable on conviction -</p> <p>(a) in the case of an individual, to a fine of N10,000 for each day or part of a day during which the offence continues or to imprisonment for a term of 2 years; and</p> <p>(b) in the case of a body corporate, to a fine of N50,000 and a further fine of N20,000 for each day or part of a day during which the offence continues.</p>	<p>Advance vessel and cargo information</p> <p>The owner of any vessel intending to enter any port or harbour in Nigeria for any purpose shall, before the departure of the vessel for Nigeria, submit to the Authority a statement in writing setting out the following information -</p> <p>(a) the name and full documentation of the vessel including International Maritime Organization (IMO) numbers where applicable;</p> <p>(b) name of the port or ports of sailing;</p> <p>(c) estimated time of departure for Nigeria;</p> <p>(d) name of the port or ports of discharge in Nigeria;</p> <p>(e) estimated date of arrival;</p> <p>(f) detailed information including tonnage of the cargo carried in the vessel; and</p> <p>(g) type of cargo on board the vessel.</p>	RETAINED (now section 119)
120.	120. An offence under this Decree shall, for the avoidance of doubt, be triable by the Federal High Court.	<p>Prohibition of entry into Nigerian Ports and Harbours without permit</p> <p>A vessel shall not enter a port or harbour or an approach to a port or harbour in Nigeria without prior permission or approval of the Authority.</p>	RETAINED (now section 120)

121.	<p>121. (1) Without prejudice to the provisions of this Decree, bye-law made after the commencement of this Decree by the Authority in exercise of the powers conferred on it by this Decree any other enactment shall come into force until the bye-laws have been approved by order of the Minister.</p> <p>(2) The Minister may approve regulations or bye-laws either without modification or with such modifications as he thinks fit, but before approving regulations or bye-laws with modifications the Minister shall-</p> <p>(a) afford the Authority an opportunity of making representations with respect to the proposed modifications; and</p> <p>(b) consider any representations made in pursuant of this subsection.</p>	<p>Damage to property of the Authority</p> <p>(1) Where any damage is done to any property of the Authority by any vessel, equipment or float of timber, the cost of making good the damage, including the expenses of any inspection or survey carried out by the Authority to ascertain the damage, may be recovered by the Authority as a debt from the master, owner or person in charge of the vessel, equipment or float of timber.</p> <p>(2) The Authority may detain any vessel, equipment or float of timber responsible for causing the damage to its property until the costs of making good such damage and the expenses described in subsection (1) of this section have been paid to the Authority.</p> <p>(3) The Authority may require from the master, owner or person in charge of the vessel, equipment or float of timber to deposit such sum of money or furnish such security in order to meet the costs and expenses for repairing the damage.</p>	RETAINED (now section 121)
122.	<p>122. Notwithstanding the provisions of any enactment or law, the Minister shall prescribe the manner in which bye-laws, rules or orders made by the Authority under the provisions of this Decree shall be published, and the, bye-laws, rules or orders shall come into force on publication in the prescribed manner unless otherwise provided therein.</p>	<p>Repeals</p> <p>(1) Save as is provided in this Act, the Nigerian Ports Authority Act, CAP N126, Laws of the Federation of Nigeria, 2004 is repealed.</p> <p>(2) The Lagos Port Operations (Special Provisions) Act, Cap L3, LFN, 2004 is repealed.</p>	RETAINED (now section 122)

123.	123. For the avoidance of doubt it is hereby declared that any area in the Federation outside the port of Lagos which is for the time being declared or deemed to be a port by virtue of section 30 of this Decree is a Federal port.	<p>Savings</p> <p>(1) From the commencement of this Act, all assets, liabilities, rights and obligations of the Nigerian Ports Authority established under the repealed Act in subsection (1) of section 121 of this Act shall vest in the Authority established under Part I of this Act and in the manner provided under the Second Schedule to this Act.</p> <p>(2) Save as is provided under this Act, all regulations, orders and other subsidiary legislations made under the repealed Act, and in force immediately before the commencement of this Act, shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if they had been made under this Act and shall be treated accordingly.</p> <p>(3) Any Fund established by or under any of the provisions of the laws repealed by this Act shall, notwithstanding such repeal and as from the date thereof, continue to be operated as if they had been established under the relevant provisions of this Act and shall be treated accordingly.</p>	RETAINED (now section 123)
124.	124. The Minister may give to the Authority directives of a general nature or relating generally to matters of policy with regard to the exercise by the Authority of its functions and it shall be the duty of the Authority to comply with the directives.	<p>Consequential amendments</p> <p>(1) The Ports (Related Offences, etc.) Act, Cap P23, LFN, 2004 is amended in the following manner –</p> <p>(a) by the addition of a new subsection (g) under section 1(1) to read: “Port Health”;</p> <p>(b) subsection 1(3) is amended by the deletion of the words “or any other person as may be authorised under any law or instrument to that effect” immediately</p>	<p>DELETE entire section</p> <p>Justification: It is impracticable to amend other laws by this Bill.</p>

following "...inspection agents";

(c) subsection 1(4) is amended by the deletion of the words "or a traveller or a bona fide owner of goods" immediately following "...passenger" and replacing them with "or any person Licensed by the Authority;

(d) subsection 1(4)(a) is amended by the insertion of "or any other ports in Nigeria" immediately after the words "this Act";

(e) subsection 1(4) is amended by the insertion of a new subsection 1(4)(e) to read: "examine any goods, vessels etc for any purpose whatsoever";

(f) subsection 4(a) is amended by the deletion of N10,000 and replacement with "N300,000.00";

(g) subsection 4(b) is amended by the insertion of "and" the words "twelve months"; and

(h) subsection 4(c) is amended by the deletion of N1,000.00 and replacement with "N20,000.00"

(2) The Schedule is amended by the addition of: Kirikiri Lighter Terminals (I & II), Ikorodu Lighter Terminal, Federal Ocean Terminal Onne, Federal Lighter Terminal Onne, Warri, Calabar, Burutu, Akassa, Bonny, Degema, Forcados, Escravos, Koko Town, Sapele, Brass and Lekki Deepsea Port;

(3) The Federal Environmental Protection Agency Act, Cap F10, LFN 2004 is amended in the following manner by the addition of a new subsection 27(3) to read—

		<p>“(3) The powers granted under this section shall be exercised in a port, vessel, floating craft or any inland water only upon invitation by the Authority or Nigeria Customs Service and the authorised officer shall only exercise such powers through the Nigeria Customs Service”.</p> <p>(4) The National Agency for Food and Drug Administration and Control Act, Cap N1, LFN 2004 is amended in the following manner by the addition of a new subsection 5(2) to read.</p> <p>“(2) The powers and functions granted under this Section shall be exercised in a port, vessel, floating craft or any inland water only upon invitation by the Authority or Nigerian Customs Service and the authorised officer shall only exercise such powers through the Nigerian Customs Service”.</p> <p>(5) The Utilities Charges Commission Act CAP. U17, LFN, 2004 is amended the First Schedule by deleting the following items -</p> <p>“(a) Ferry Services Organisation; and (b) Nigerian Ports Authority”</p> <p>(6) The National Drug Law Enforcement Agency Act, CAP N30, LFN 2004 is amended in the following manner:</p> <p>(a) by the addition of a new Subsection 3(3) to read –</p>	
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		<p>“(3) The powers and functions granted under this Section shall be exercised in a port, vessel, floating craft or any inland water only upon invitation by the Authority or Nigerian Customs Service and the authorised officer shall only exercise such powers through the Nigerian Customs Service”.</p> <p>(b) Subsection 8(1)(c) is amended by insertion of the words — “working in collaboration with the Nigerian Customs Service” at the beginning of the sentence immediately before the words “detecting”;</p> <p>(c) subsection 8(1)(d) is amended by insertion of the words — “working in collaboration with the Nigerian Customs Service” at the beginning of the sentence immediately before the words “maintaining”;</p>	
125.	<p>(1) The Nigerian Ports Decree 1993 (in this section referred to as "the repealed Decree") is hereby repealed and the Company known as the Nigerian Ports PLC, registered under the Companies and Allied Matters Decree 1990, and its board of directors are hereby dissolved. Accordingly, there shall be vested in the Authority immediately at the commencement of this Decree, without further assurance, all assets, funds, resources and other movable of immovable property which immediately before the commencement of this Decree were vested in the Company. As from the commencement of this Decree -</p>	<p>Interpretation In this Act —</p> <p>“Authority” means the Nigerian Ports and Harbours Authority established under section 3 of this Act;</p> <p>“Aid to navigation” means a device used for the safety of navigation including lighthouses, radio navigational aids, buoys, beacons and any other device or system used to assist the safe and efficient navigation of vessels;</p>	RETAINED.

<p>all rights, interests, obligations and liabilities of Company existing immediately before the commencement of this Decree under any contract or instrument, or at law or in equity apart from any contract or instrument, shall virtue of this Decree be assigned to and vested in Authority;</p> <p>in addition to the rights and interests vested in the Authority under paragraph (a) of this subsection, the assets described in Schedule 3 to this Decree shall vest in the Authority by virtue of this Decree and without further assurance;</p> <p>any contract or instrument as mentioned in paragraph (a) of this section shall be of the same force and effect against or in favour of the Authority and shall be enforceable as fully and effectively as if, instead of the Company, the Authority had been named therein or had been a party thereto; and</p> <p>the Authority shall be subject to all obligations and liabilities to which the Company was subject immediately before the commencement of this Decree, and all other persons shall as if the same rights, powers and remedies against the Authority as they had against the Company immediately before the commencement of this Decree.</p> <p>A proceeding or cause of action pending or existing immediately before the commencement of this Decree by or against the Company in respect of any right, interest, obligation or liability of the Company may be commenced, continued or enforced by or against the Authority as if this Decree had not been made.</p>	<p>“Beacon” means a prominent specially constructed object forming a conspicuous mark as a fixed aid to navigation;</p> <p>“Board” means the Board of the Authority established under section 4 of this Act;</p> <p>“Buoy” includes a floating object of any size, shape and colour which is moored to the seabed and serves as an aid to navigation or for other specific purposes;</p> <p>“Cargo” or “Goods” includes any substance or article, livestock, minerals, wares and merchandise of every description and any container or other item used to contain any substance or article;</p> <p>“Chairman” means the Chairman of the Board of the Authority appointed under section 4 (3) of this Act;</p> <p>“Channel” includes a terminal, the seabed, course, swinging basin, turning circle, an area alongside a berth or dock, fairway, anchorage and berth;</p> <p>“Channel operator” means in the case of any port waters, a person who manages channels in those waters.</p> <p>“concession” means an arrangement between the Authority and a third party pursuant to which such third party shall be authorized to provide a port service or operate a port facility in accordance with this Act and the term includes the meaning assigned to it in the ICRC Act.</p> <p>“Concessioned” shall be interpreted accordingly;</p>	
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Notwithstanding the provisions of this Decree but subject to such directions as may be issued by the Authority, a person who immediately before the commencement of this Decree held office in the Company shall be deemed to have been transferred to the Authority on terms and conditions not less favourable than those obtaining immediately before the commencement of this Decree, and service in the Company shall be deemed to be service in the Authority for purposes of pension.

Any licence, permit or other approval issued or granted or deemed to be issued or granted under the repealed Decree or by the Company shall, during its duration, be deemed for all purposes to be granted by the Authority under this Decree.

Any regulations, orders, bye-laws or notices made or issued or deemed to be made or issued by or for the purposes of the Company shall be deemed to be made or issued by or for the purposes of the Authority and shall continue in force until revoked or as amended, from time to time.

(8) The Minister, if he thinks fit, may, within the twelve months after the commencement of this Decree, by order published in the Gazette, make additional transitional or saving provisions for the better carrying out of the objectives of this section.

"Concessionaire" means a person granted concession under this Act;

"Consumer" or "Port user" means any person who uses port services or facilities;

"Council" means the Federal Executive Council of the Federal Republic of Nigeria;

"Court" means a court of law of competent jurisdiction;

"Development" or "Works" includes –

(a) the construction, extension, demolition or removal of a building or substantial alteration of any structure in or on land;

(b) any change to the natural or existing condition or topography of land;

(c) the decoration or alteration of the inside or outside of a building or the alteration of works;

(d) the subdivision or consolidation of land, airspace or buildings;

(e) the installation, provision or operation of facilities or services;

(f) the removal of vegetation or topsoil;

(g) land reclamation and land decontamination; and

(h) dredging;

"Dock" includes basins, lock cuts, entrances, graving, docks, keel blocks, included planes, slipway grid irons, quays, warehouses and other works and things appertaining to any dock;

"Employers of maritime labour" includes terminal operators, stevedoring and cargo handling companies, dock labour and seafarers employers;

“Equipment” or “Facility” includes any apparatus, machinery or system used or intended to be used for provision of port services;

“Estimates” means in respect of recurrent revenue the best possible commercial forecast of revenue taking into account the general conditions of world trade and all other relevant factors and in respect of recurrent expenditure the best possible commercial forecast of expenditure likely to be incurred having regard to the estimates of revenue;

“Federal Government” or “Government” means Government of the Federal Republic of Nigeria;

“Harbour” includes estuaries, navigable rivers, piers, jetties and other works in or at which vessels can obtain shelter or load and discharge goods or passengers;

“ICRC” means Infrastructure Concession Regulatory Commission;

“Land” includes the bed of the sea below high water mark;

“Licence” means an authorisation to own a port, provide a port service or operate a port facility, and “Licensed” or “Licensee” shall be interpreted accordingly.

“Maritime labour” means dockworkers;

“Maritime domain” is defined as all area and things of, on, under, relating to, adjacent to, or boarding on a sea, ocean, or other navigable waterways, including all

maritime-related activities, infrastructure, people, cargo and vessels and other conveyances carried out on the Exclusive Economic Zone and Continental shelf.

“Master” includes every person, except a pilot, having for the time being the command or charge of any vessel or ship;

“Minister” means the Minister for the time being charged with the responsibility for marine transport;

“Minister of Finance” means the Minister for the time being charged with the responsibility for Finance;

“Ministry” means the Federal Ministry for the time being charged with the responsibility for transport;

“Nigerian waters” includes inland waters, territorial waters or waters of the Exclusive Economic zone (respectively, together or any combination thereof);

“Off-shore cargo handling facility” means an off-shore facility within or beyond the port limits used for the transfer of cargo from a vessel to the land and vice versa;

“Owner” in relation –

(i) to goods includes any consignor, consignee, shipper or agent for the sale, custody, shipping or landing of such goods; and

(ii) to any vessel includes any part owner, charterer, consignee or mortgagee in possession of the vessel; and

(iii) the legal or beneficial owner in relation to (i) and (ii);

“Person” includes a corporate body or partnership and where an individual is required to represent a corporate body or partnership in any circumstance pursuant to this Act or regulations made under this Act, it shall be sufficient if in the case of a –

(a) Corporate body, it is represented by a duly authorized person; and

(b) Partnership, it is represented by a partner in the partnership or a duly authorized employee of the partnership.

“Pier” includes any stage, stairs, landing places, landing stage, jetty, floating barge or pontoon and any bridge or other works connected therewith;

“Pilotage Board” means a Board constituted under this Act made up of nautical professionals to carry out –

(a) Examination in connection with the licensing of pilots for a Pilotage District;

(b) Licensing of pilots for the Pilotage District on behalf of the Authority; and

(c) Inquiries concerning the conduct of pilots in the discharge of their duties in a Pilotage District;

“Pilotage District” means any of the Pilotage Districts as defined by the Nigerian Ports Authority (Pilotage Districts) Order and any subsequent amendment thereto;

“Port” means any place in Nigeria, navigable river or channel leading into such place having facilities for vessels to moor and load or discharge including offshore cargo handling facilities (artificial islands), inland (dry) ports, harbour, berths, jetties, pontoons or buoys and wharves within the limits of the ports and includes any place declared to be a port under this Act and;

“Port dues” means dues levied in respect of a vessel for entering, using, leaving or moving or sailing in the port;

“Port infrastructure” means the basic structure of a port, including breakwaters, seawalls, channels, basins, quay walls, jetties, roads, railways, and infrastructure used for the provision of water, lights, power, sewerage and telecommunications and similar services.

“Port operator” means a person who owns the business of, or is responsible for the management and operations of ports, terminals, or berths located in a port;

“Port repair facilities” includes dry docks, vessels repair facilities, warehouses and railways within a port and any other facilities which are designated as such by the Authority;

“Port services” and “Facilities” includes stevedoring, cargo handling, terminal operations, storage of cargo within a port, tug services, floating crane services, berthing services, fire fighting, security, radio and radar services, waste disposal, vessel repairs and any other services terminal and facilities for the handling, storage and transportation of goods on land

adjoining the fore shore of Nigeria or a floating platform and for the handling of passengers carried by vessels within a port;

“Port service provider” includes any person providing services within a port;

“Port terminal” means an area, infrastructure, cargo-handling equipment, sheds and other land-based structures used for the loading, storage and discharging of cargo or the embarkation and disembarkation of passengers and include any corresponding wharves, docks, piers, bridges and other infrastructure works, with all necessary and convenient arches, drains, culverts, fences, roads, railways and sea, land and air approaches.

“Port undertakings” means the undertakings of the Authority that relate to the provision by the Authority of any facility or service of any description in connection with the exercise and performance of its powers and duties under any written law and includes any movable and immovable property and the rights of the Authority that relate to such facility or service

“Premises” includes houses, buildings, structures, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under the control of an authority;

“Prescribe” means a rule, direction, or order laid down, approved or given by this Act or by its subsidiary legislation or regulations or any relevant legislation;

		<p>“President” means the President of the Federal Republic of Nigeria;</p> <p>“Regulations” means regulations made under this Act;</p> <p>“Revenue” means any monies received by the Authority by way of charges, scales of charges or other duties imposed by or under this Act and includes any monies accruing to the Authority under this Act;</p> <p>“Seafarers” includes every person except masters and pilots employed or engaged in any capacity on board any vessel;</p> <p>“Tariff” or “Charges” or “Rates” includes port dues, goods dues and pilotage dues and other charges levied by port service providers including those charged by the Authority;</p> <p>“Terminal infrastructure” includes terminal buildings, cargo handling equipment, workshops, substations, surfacing, rail sidings and terminal operations and water, lights, power, sewerage, telecommunications and similar services within terminal boundaries;</p> <p>“Terminal operations” means services provided at a port terminal, consisting of cargo handling storage and delivery to vessels and services related thereto;</p> <p>“This Act” includes the regulations made pursuant to this Act;</p>	<p>Section 124 is AMENDED by inserting the definition of the word “<i>Ship</i>” before the definition of the word “<i>Vessel</i>” as follows: <i>“Ship” means a vessel of any type whatsoever not</i></p>
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permanently attached to the sea bed including dynamically supported craft, submersible or any other floating craft which shall include but not limited to Floating Production Storage and Offloading (FPSO) platform as well as Floating, storage and Offloading Platform (FSO) platform;

“Vessel” means any kind of vessel that is used, or capable of being used, in navigation by water, howsoever propelled or moved, and includes-

- (a) A ship, a barge, lighter, floating platforms, restaurant or other floating vessel; and an air-cushion vehicle, or
- (b) Other similar craft, that is used in navigation by water;

“Wharf” includes any wall and building adjoining the foreshore, sea-bed or river-bed, a quay, pier, jetty, ramp or other landing place;

“Wreck” means any derelict, floatsam, jetsam, or legan including any sunken or stranded ship or part thereof or anything that is on board such a ship that is stranded, sunken or in danger within the limits and approaches of any port;

“Wreck” also refers to a ship that is about or that may reasonably be expected to become a wreck by reason of collision, stranding or any other incident of navigation or any other occurrence on board the ship or external to it, resulting in material

		damage or imminent threat of material damage to the ship.	
126.	The Authority may, with the approval of the Minister, make regulations, in addition to those specified in this Decree, generally for the purposes of giving full effect to this Decree		
127	<p>In this Decree, unless the context otherwise requires -</p> <p>imals" means animate things of every kind except human beings;</p> <p>proach to a port" means any navigable channel declared to be an approach to a port under section 30 of this Decree;</p> <p>thority" means the Nigerian Ports Authority established under section 1 of this Decree;</p> <p>thority pilot" means a pilot appointed by the Authority;</p> <p>llast" includes every kind of gravel, sand and soil and every commodity or thing commonly used for the ballasting of ships;</p> <p>acon" means any light, mark or sign used as an aid to navigation, other than a lighthouse or buoy;</p> <p>oy" includes any floating light, mark or sign used as an aid to navigation, other than a lighthouse;</p> <p>rgo" includes all kinds of movable personal property, other than animals;</p> <p>mpany" means the Nigerian Ports PLC,</p> <p>es" includes ships' dues and harbour dues;</p>		

<p>try" means any ship plying from one side of a waterway to the other for the purposes of the carriage of passengers goods;</p> <p>ods" includes baggage, animals (whether alive or dead) and all other movable property of any kind whatsoever;</p> <p>gh water level' means the level of water during the high tidal cycle which occurs two times in twenty-four hours in ban waters;</p> <p>ensed pilot" means a pilot licensed by the Authority;</p> <p>hthouse" includes a lightship;</p> <p>Managing Director" means the Managing Director of the Authority;</p> <p>ster" when used in relation to any ship, means the having command or charge of the ship for the time being but does not include a pilot;</p> <p>nister" means the Minister for the time being charged responsibility for matters relating to maritime shipping and navigation;</p> <p>avigable channel" means any channel where navigation is possible;</p> <p>er" means a pier, wharf or jetty of whatever description and includes any pier, wharf or jetty erected on or beyond High Water Mark or Ordinary Spring Tide extending into the waters of any navigable channel includes any pontoon moored in any such waters and as a pier, wharf or jetty;</p> <p>ot" means a person not belonging to a ship who has conduct thereof;</p>		
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	<p>"pilotage district" means a pilotage district established by the Authority under section 41 of this Decree;</p> <p>"rates" means rates levied by the Authority under Part XI of this Decree;</p> <p>"ship" includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed;</p> <p>"train" includes locomotive, engine, tender, motor, coach, wagon, trolley and rolling stock of any kind used whether separately or in conjunction with a railway;</p> <p>"vehicle" means a vehicle, other than a train or ship;</p> <p>"commencing day" means the day this Decree comes into force;</p> <p>"warehouse" includes any building and place, when used by the Authority for the purpose of warehousing goods.</p>		
128.	128. This Decree may be cited as the Nigerian Ports Authority Decree 1999.	<p>Short title</p> <p>This Act may be cited as the Nigerian Ports and Harbours Authority Act, 2015.</p>	RETAINED
	<p>Schedules 1 Section 2(24)</p> <p>Supplementary Provisions Relating to the Board, etc.</p> <p>Meetings of the Board</p> <p>Subject to this Decree and section 27 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered, to have a second or casting vote), the</p>	<p>FIRST SCHEDULE [Sections 2 (b), 27 (2)]</p> <p>PORTS AND HARBOURS</p> <p>(i) Lagos Port Complex, Apapa; (ii) Tin Can Island Port Complex; (iii) Kirikiri Lighter Terminal (I & II); (iv) Ikorodu Lighter Terminal. (v) Port Harcourt; (vi) Federal Ocean Terminal, Onne; (vii) Federal Lighter Terminal, Onne;</p>	<p>FIRST SCHEDULE is AMENDED by changing cross reference for section 27(2) to now read section 28(2).</p>

Board may make standing orders regulating its proceedings or that of any of its committees.

At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their number to preside at the meeting.

The quorum at a meeting of the Board shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule, and four other members.

Where, on any special occasion, the Board desires to obtain the advice of any person on any particular matter, it may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote or count towards a quorum..

Committees

) Subject to its standing orders, the Board may appoint number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Authority is

A committee appointed under this paragraph shall be over by a member of the Board and shall be made up of such number of persons, (not necessarily members of the Board), may be determined by the Board.

The quorum of any committee set up by the Board shall may be determined by the Board.

Miscellaneous

- (viii) Warri;
- (ix) Calabar;
- (x) Burutu;
- (xi) Akassa;
- (xii) Bonny;
- (xiii) Degema;
- (xiv) Forcados;
- (xv) Escravos;
- (xvi) Koko Port;
- (xvii) Sapele;
- (xviii) Brass; and
- (xix) Lekki Deep Sea.

The fixing of the seal of the Authority shall be authentically by the signature of the Chairman or any other person generally or specifically authorised by the Board to act for that purpose and that of the Managing Director.

Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Authority by the Managing Director or by any other person generally or specially authorised by the Board to act for that purpose.

Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

The validity of any proceedings of the Board or of any of its committees shall not be affected by -

any vacancy in the membership of the Board, or committee, or

any defect in the appointment of a member of the Board or committee; or

reason that any person not entitled to do so took part in the proceedings of the Board or committee.

A member of the Board or any of its committees who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee shall forthwith disclose his interest to the Board or committee and shall not vote on any question relating to the contract or arrangement.

	<p>11. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Authority.</p>		
	<p>Schedule 2 Section 30</p> <p>Ports</p> <p>Part I</p> <p>1. Lagos Ports -</p> <p>(a) Lagos Port Complex, Apapa;</p> <p>(b) Tin Can Island Port;</p> <p>(c) Roro Port;</p> <p>(d) Container Terminal Port;</p> <p>(e) Kirikiri Lighter Terminal (I & II);</p> <p>(f) Ikorodu Lighter Terminal.</p> <p>2. Port Harcourt.</p> <p>3. Onne Ports</p> <p>(a) Federal Ocean Terminal; and</p> <p>(b) Federal Lighter Terminal.</p> <p>4. Warri.</p> <p>5. Calabar.</p>	<p>SECOND SCHEDULE [Section 122 (1)]</p> <p>TRANSFER PROVISIONS FOR THE NIGERIAN PORTS AND HARBOURS AUTHORITY</p> <p>(1) Transfer of Assets</p> <p>(1) All Assets and funds which immediately before the commencement of this Act were vested in the Authority shall by virtue of this Act be vested in the Authority.</p> <p>(2) All bonds, hypothecations, securities, deeds, contracts, instruments, documents, and working arrangements with respect to the assets transferred, that subsisted immediately before the commencement of this Act and to which the Authority was a party, shall be as fully effective and enforceable against or in favour of the Authority as if, instead of the Authority the Authority had been named therein.</p> <p>(3) Any cause of action or proceeding which existed or was pending with respect to the assets transferred by or against the Authority immediately before commencement of this Act, shall be enforced or continued, as the case may be, by or against or in favour of the Authority in the same way that it might have been</p>	<p>SECOND SCHEDULE is AMENDED by changing cross reference for section 122(1) to now read section 123(1).</p>

<p>6. Burutu.</p>	<p>enforced or continued by or against the Authority had this Act not been passed.</p>	
<p>Part II</p>		
<p>1. Akassa.</p>		
<p>2. Bonny.</p>		
<p>3. Degema.</p>		
<p>4. Forcados.</p>		
<p>5. Koko Town.</p>		
<p>6. Sapele.</p>		
<p>7. Tiko.</p>		
	<p>(4) No action or other proceeding shall be commenced against the Authority in respect of an employee or asset that has been transferred to the Authority, had there been no transfer, the time for commencing the action or other proceeding would have expired.</p> <p>(5) Nothing in this Act and nothing done as a result of a transfer under subparagraph (1) of this paragraph shall create any new cause of action in favour of:</p> <p>(a) a holder of a debt instrument that was issued by the Authority before the commencement of this Act;</p> <p>(b) a party to a contract with the Authority that was entered into before the commencement of this Act.</p> <p>(6) Any guarantee or surety given or made by the Federal Government or any other person in respect of any debt or obligation of the Authority, and which was effective immediately before the transfer of the principal debt or obligation, shall remain fully effective against the guarantor or surety on and after the transfer date in relation to the payment of the debt or the performance of the obligation, as the case may be, by the Authority to which the principal debt or obligation was transferred.</p>	

(2) Transfer of Employees

(1) Upon the Commencement of this Act, such number of persons employed by the Authority as may be required by the Authority shall be transferred to the service of the Authority on terms not less favourable than those enjoyed immediately prior to the transfer.

(2) The service rendered by an employee transferred pursuant to sub-paragraph (1) of this paragraph to the Authority shall be deemed to be service with the Authority for the purpose of determining employment related entitlements as specified in the relevant laws of employment in Nigeria.

(3) Until such time as conditions of service are drawn up by the Authority –

(a) the terms and conditions of service applicable to employees of the Authority shall continue to apply to every person transferred to the Authority as if every such person were still in the service of the Authority; and

(b) the Authority shall continue to contribute towards any pension scheme to which the Authority was contributing in respect of persons in the employ of the Authority prior to the transfer date.

(4) Nothing in this paragraph shall operate so as to prevent any employee of the Authority from resigning or being dismissed from service.

<p>Schedule 3 Section 125(3)(b) Assets Vested in the Authority Part I: Lands and dwelling houses</p> <p>1. The interests of the Company in all those parcels of land, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto, the landward boundaries of which are shown verged red on the following plans deposited in the Land Registry at Lagos -</p> <p>(a) Apapa Wharf Area Plan No. NLDC411</p> <p>(b) Port Engineer's Yard and Government Oil Wharf Plan No. NLDC412</p> <p>(c) Customs Wharf Area Plan No. NLDC 413</p> <p>(d) Marine Headquarters Area Plan No. NLDC414</p> <p>(e) West Mole Area Plan No. NLDC 415</p> <p>(f) East Mole Area Plan No. NLDC416</p> <p>(g) Staff Quarters, Adelabiagba Plan No. NLDC417</p> <p>(h) Apapa Wharf Extension Plan No. NLDC418</p> <p>(i) Staff Quarters, Ikoyi Plan No. NLDC 420</p> <p>2. The interests of the Company in the following dwelling-houses, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto</p> <p>(1) No.4 Force Road, Lagos.</p> <p>(2) No.9 Marina, Lagos.</p> <p>(3) No.23/2 Marina, Lagos.</p> <p>(4) No.23/3 Marina, Lagos.</p> <p>(5) No.19 Tumbuli Road, Ikoyi.</p>	<p>THIRD SCHEDULE [Sections 4 (6), 15 (2)]</p> <p>SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF THE NIGERIAN PORTS AND HARBOUR AUTHORITY</p> <p><i>Proceedings of the Board</i></p> <p>1. Subject to the provisions of this Act and Section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or that of any of its committees.</p> <p>2. The Chairman shall preside at every meeting of the Board and in his absence; the members present at that meeting shall appoint one of their numbers to preside at the meeting. Minutes shall be taken of each meeting of the Board and any committee by the secretary.</p> <p>3. The quorum for any meeting of the Board shall be at least 5 members of the Board.</p> <p>4. The Board shall meet to transact its business pursuant to this Act whenever it is summoned by the Chairman on at least 7 days written notice. The Chairman shall, if so required by notice given to him by not less than 4 members of the Board specifying, amongst others, an agenda for the meeting, summon a meeting of the Board which shall be held no later than 14 days from the date on which the notice is served on him to discuss the items specified in the notice. The Board shall for the purposes of this Act meet not less than 4 times in each calendar year.</p>	<p>THIRD SCHEDULE is AMENDED by changing cross references for section 4(6) and 15(2) to now read sections 5(6) and 16(2) respectively.</p> <p>RETAINED.</p> <p>RETAINED.</p> <p>RETAINED.</p> <p>RETAINED.</p>

(6)	No.5 Hawkesworth Road, Ikoyi.	<p>5. A member of the Board who directly or indirectly has an interest of a personal nature (including but not limited to financial interests) in any matter being deliberated upon by the Board, or is personally interested in any contract made or proposed to be made by the Authority shall, so soon after the facts of the matter of his interests have come to his knowledge, disclose his interest and the nature thereof at a meeting of the Board.</p>	RETAINED.	
(7)	No.21 Lugard Avenue, Ikoyi.		<p>6. A disclosure under paragraph 5 of this Schedule shall be recorded in the minutes of the Board meeting and the member concerned shall –</p> <p>(a) not, after the disclosure, take part in any deliberation or decision of the Board or vote howsoever on the matter; and</p> <p>(b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.</p> <p>7. Decisions at a meeting of the Board shall be taken by a majority save that decisions on any of the following matters shall require a majority of at least 75% -</p> <p>(a) the establishment of any subsidiary or participation in a joint venture or partnership of any description or the granting of a concession;</p> <p>(b) major agreements involving procurement, sales, loan, service or otherwise in excess of N10,000,000.00 per transaction or N120,000,000.00 per annum.</p>	RETAINED.
(8)	No.10 Moorhouse Road, Ikoyi.			RETAINED.
(9)	No.11 Temple Road, Ikoyi.			RETAINED.
(10)	No.5 MacGregor Road, Ikoyi.			RETAINED.
(11)	No.14 Alexander Avenue, Ikoyi.			RETAINED.
(12)	No.2 Child Avenue, Apapa.			RETAINED.
(13)	No.4 Child Avenue, Apapa.			RETAINED.
(14)	No.5 Child Avenue, Apapa.			RETAINED.
(15)	No.7 Child Avenue, Apapa.			RETAINED.
(16)	No.8 Child Avenue, Apapa.			RETAINED.
(17)	No.12 Child Avenue, Apapa.	RETAINED.		
(18)	No.13 Child Avenue, Apapa.	RETAINED.		
(19)	No.14 Child Avenue, Apapa.	RETAINED.		
(20)	No.16 Child Avenue, Apapa.	RETAINED.		
(21)	No.17 Child Avenue, Apapa.	RETAINED.		
(22)	No.18 Child Avenue, Apapa.	RETAINED.		
(23)	No.20 Child Avenue, Apapa.	RETAINED.		
(24)	No. 1A North Avenue, Apapa.	RETAINED.		
(25)	No.2 North Avenue, Apapa.	RETAINED.		
(26)	No.3 North Avenue, Apapa.	RETAINED.		

Also, **Item 7(b)** is deleted with respect to Public Procurement Act.

- (27) No.4 North Avenue, Apapa.
- (28) No, 5 North Avenue, Apapa.
- (29) No.6 North Avenue, Apapa.
- (30) No.8 North Avenue, Apapa.
- (31) No.9 North Avenue, Apapa.
- (32) No.11 North Avenue, Apapa.
- (33) No.17 North Avenue, Apapa.
- (34) No.3 Marine Quarters, Apapa.
- (35) No.4 Marine Quarters, Apapa.
- (36) Nos. 13-18 Hall Road Flats, Apapa.
- (37) No.3 Point Road, Apapa.
- (38) No.5 Point Road, Apapa.
- (39) No.6 Point Road, Apapa.
- (40) No.8 Point Road, Apapa.
- (41) No.10 Point Road, Apapa.
- (42) No.13 Point Road, Apapa.
- (43) No. 15 Point Road, Apapa.
- (44) No.16 Point Road, Apapa.
- (45) No. 17 Point Road, Apapa.
- (46) No.18 Point Road, Apapa.
- (47) No.19 Point Road, Apapa.

8. In the case of an equality of votes the Chairman of the meeting shall have a second or casting vote.

Committees

1. Subject to its standing orders, the Board may appoint such number of standing or *ad hoc* committees as required by the Code of Corporate Governance and report on any matter with which the Authority is concerned

2. A committee appointed under paragraph (1) shall –

- (a) consist of such number of persons who may not necessarily be members of the Board as may be determined by the Board, provided that the appointment of a non-Board member as a Committee member shall be subject to such terms as would be indicated in his letter of appointment; and
- (b) be presided over by a member of the Board.

3. The quorum of any Committee set up by the Board shall be as may be determined from time to time by the Board.

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

Miscellaneous

1. The fixing of the seal of the Authority shall be authenticated by the signature of the Chairman and that of the Secretary or any other Board Member generally or specifically authorised by the Board to act for that purpose.

2. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may

RETAINED.

<p>(48) No.20 Point Road, Apapa.</p> <p>(49) No.22 Point Road, Apapa.</p> <p>(50) No.26 Point Road, Apapa.</p> <p>(51) No.4 Park Lane, Apapa.</p> <p>(52) No.8 Park Lane, Apapa.</p> <p>(53) No.10 Park Lane, Apapa.</p> <p>(54) No.12 Park Lane, Apapa.</p> <p>(55) No.14 Park Lane, Apapa.</p> <p>(56) No.16 Park Lane, Apapa.</p> <p>(57) No.18 Park Lane, Apapa.</p> <p>(58) No.2 Block, Railway Flats, Hall Road, Apapa.</p> <p>(59) No. 16 Alexander Avenue, Ikoyi.</p> <p>(60) No.18 Alexander Avenue, Ikoyi.</p> <p>(61) No. 12A Glover Road, Ikoyi.</p> <p>(62) No. 12B Glover Road, Ikoyi.</p> <p>(63) No.17 Turnbull Road, Ikoyi.</p> <p>(64) No.15 Lugard Avenue, Ikoyi.</p> <p>(65) No. 18A Lugard Avenue, Ikoyi.</p> <p>(66) Flats Nos. 7 to 12 Hall Lane, Apapa.</p> <p>(67) No. 7A Child Avenue, Apapa.</p>	<p>be made or executed on behalf of the Authority by any person generally or specially authorised by the Board to act for that purpose.</p> <p>3. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.</p> <p>4. Subject to the other provisions of this Act, the validity of any proceedings, act or decision of the Board or of any of its Committees shall not be affected by –</p> <p>(a) any vacancy in the membership of the Board or Committee; or</p> <p>(b) any defect or irregularity in the appointment of a member of the Board or Committee; or</p> <p>(c) By reason that any person not entitled to do so took part in the proceedings of the Board or Committee.</p> <p>5. No member of the Board or a Committee shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Authority.</p> <p>6. A person shall not by reason only of his membership of the Board be treated as holding an office of emolument under the Government of the Federation or the Government of any State of the Federation.</p>	
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(68 No. 7B Child Avenue, Apapa.-Barthurst Road.

3. The interests of the Company in the following properties acquired in Lagos -

S/NO	Description of Property	Area
(1)	Barges Terminal Phase I Kirikiri - Lagos	41.6079 hectares
(2)	Barges Terminal Phase II Kirikiri - Lagos	38.258 hectares
(3)	Tin Can Island Port, Mosquito Island	77.95
(4)	Land at Lilypond, Badiyya/Ijora for Container Terminal Phases I & II	(7.06) 11.082 hectares
(5)	Land along Ikorodu Road Owode-Onirin for Development of Trunk Termi	(4.022) 120 hectares
(6)	Old Cement Works site 27, Greek Road, Apapa	2.46 hectares
(7)	9/11 Oke-Olowoghowo Street, Lagos (part of 216 Broad Street, Lagos)	0.0324 hectares
(8)	Tarkwa Bay/Lighthouse/Ogogoro Area for future port development. Parcels A, B, C, D & E	A -220.72 hectares B -116.35 hectares C - 51.32 hectares D - 118.7 hectares E - 53.18 hectares

4. The interests of the Company in all those parcels of land together with the dwelling-

houses and appurtenances thereon known as plots Nos. 3, 4, 6, 8, 9, 10 and 11 in Block 11 of the Government Residential Area Apapa which are more particularly delineated on plan No. NLDC 423 signed by the Chief Federal Land Officer and deposited in the Land Registry at Lagos.

5. The interests of the Company in all those parcels of land, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto, the boundaries of which are shown verged red on the following plan deposited in the Land Registry at Lagos, and including the lands contained therein the boundaries of which are shown coloured blue -

Wharf and Marine Dockyard Port Harcourt
Plan No. PH 233

6. The interests of the Company in the following dwelling- houses, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto

- (1) No.3 Customs Road, Port Harcourt.
- (2) No.4 Customs Road, Port Harcourt.
- (3) No.38 Inner Circle, Port Harcourt.
- (4) No.40 Inner Circle, Port Harcourt.
- (5) No.41 Inner Circle, Port Harcourt.
- (6) No.62 Inner Circle, Port Harcourt.
- (7) No.66 Inner Circle, Port Harcourt.

	<p>(8) No.44 Outer Circle, Port Harcourt.</p> <p>(9) No.45 Outer Circle, Port Harcourt.</p> <p>(10) Nos 1 to 6 (inclusive) Block A Flats, Harbour Road, Port Harcourt.</p> <p>(11) 1A to 3A (inclusive) Marine Dockyard, Port Harcourt.</p> <p>(12) 1B to 8B (inclusive) Marine Dockyard, Port Harcourt.</p> <p>(13) 1C to 10C (inclusive) Marine Dockyard, Port Harcourt.</p> <p>(14) 1D to 4D (inclusive) Marine Dockyard, Port Harcourt.</p> <p>(15) 1E to 90E (inclusive) Marine Dockyard, Port Harcourt.</p> <p>(16) 1H to 35H (inclusive) Marine Dockyard, Port Harcour~</p> <p>(17) 1A Marine Siding, Port Harcourt.</p> <p>(18) 4A Marine Siding, Port Harcourt.</p> <p>(19) 5A Marine Siding, Port Harcourt.</p> <p>(20) 20A Marine Siding, Port Harcourt.</p> <p>(21) 6B Marine Siding, Port Harcourt:</p> <p>(22) 12B Marine Siding, Port Harcourt.</p> <p>(23) 4C Marine Siding, Port Harcourt.</p> <p>(24) 17C Marine Siding, Port Harcourt.</p> <p>(25) 6D Marine Siding, Port Harcourt.</p>		
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- (26) 12D Marine Siding, Port Harcourt.
- (27) 11E Marine Siding, Port Harcourt.
- (28) Nos. 1, B2, B4 Reclamation R6ad Area, Port Harcourt.
- (29) A8 Market Road (Harbour Road Layout), Port Harcourt.
- (30) No.89 Graham Avenue, Port Harcourt.

7. The interests of the Company in the following properties acquired in Port-Harcourt -

Address of Property Area

- (1) Land at Downstream, Port Harcourt 35.972 Hectares
- (2) Nigerian Ports Authority New acquisition between Marine and Cable Roads. Bonny
- (3) Nigerian Ports Authority Land Fenced at GRA Phase 4, Port Harcourt Fenced
- (4) Land at Reclamation Road, Port Harcourt. (Formerly occupied by -Nemco & Ugochukwu) 3.880 Hectares
- (5) New Port Site, Onne 2048.626 Hectares
- (6) Additional Land for Lighter Terminal, Onne 489.549 Hectares

Address of Property Purchase Instrument

- (7) No.17 I.B. Johnson Street, Port Harcourt. Purchased through the abandoned property implementation committee. 1978
- (8) No. 6 Captain Amangala Street, Purchased through the abandoned property implementation committee. 1978.

(9) No.19 Captain Amangala Street, Port Harcourt Purchased through the abandoned property implementation committee. 1978

(10) No.14 Afam Street, Mile 1 Diobu, Port Harcourt Purchased through the abandoned property implementation committee. 1978

(11) No.14 Etche Street, Borikiri, Port Harcourt Purchased through private treaty from Mr. E.T. Bull Cofo No. 25 of 6th July, 1982.

(12) No.4 Orominike Street, D/Line, Port Harcourt Purchased through private treaty from Chief Gilbert Eke in 1995.

8. The interests of the Company in all those parcels of land, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto, the boundaries of which are shown verged red on the following plans deposited in the Land Registry at Lagos –

Marine Dockyard Area, Calabar Plan No. C 246

Fort Stuart, Calabar Plan No. C 115

9. The interests of the Company in the following properties acquired in Calabar -

S/No Location of Property Area of Land and survey Particulars

(1) New Port Complex, Esuk Utan
83.64 hectares on Plan No. LSH 974

(2) Port Manager's Quarters Ikot Ansa.
1.398 hectares on Plan CR/C/250

(3) Harbour Village, Ekorinim 11.048
hectares on CR6 859

- (4) Junior Staff Quarters, Ikot Uduak, Calabar 10.917 Acres (4.42 hectares) on Plan No. SE/C/122 (Tracing No. SEC 211)
- (5) Land Down Stream (New Port Extension) Esuk Utan. 42.564 hectares on CRS Survey Plan No. CR/C 356 (Tracing No. 1139)

10. The interests of the Company in the following properties acquired in Delta Ports, Warri -

S/No Description and Identification of Property Area Location

(1) Old and New Port, Warri 352.674 hectares Warri

(2) Port Manager's residence No.10 Esisi Road, Warri 8694.49 hectares Warri

(3) Nigerian Ports Authority Housing Estate (Camp 36) Airport Road, Warri. 35.35 hectares Warri

(4) Land fronting Warri River & Adjoining Okere Creek

Parcel A (Formerly occupied by UAC)

Parcel B (Part of ATC -Main Beach)

Parcel C (Part of A and -ETC premises) 1 .339 hectares

1,337 hectares

1.627 hectares

Warri

(5) Ogunu Port Complex 14.08 hectares Ogunu, Warri

(6) 23, Warri Sapele Road, GRA, Warri Residential Property Warri

Part II

1. The interests of the Company in all those accra canoes, gigs, dinghies, lighters,

lifeboats, reclamation barges, hopper barges, surf boats, diving boats, water boats, pontoons, poling barges, mooring boats and other dumb craft which appear on a list prepared and agreed between the Government and the Company prior to the vesting day.

2. The interests of the Company in all those tugs, towing launches, motor barges, motor pinnaces, sea-going launches, motor water boats, survey launches and other power driven craft which appear on a list prepared and agreed between the Government and the Company prior to the vesting day.

3. The lists of dumb and power driven craft prepared in accordance with paragraph 1. and paragraph 2 shall be signed by the Minister and deposited in the office of the Authority.

4. The interests of the Company in the four dredgers known as the "Lady Bourdillon," "Ibadan," "Mole" and Pumpwell

5. The interests of the Company in the reclamation vessel known as the "Lady Thomson".

6. The interests of the Company in the following vessels -

1 Tug- "Bertha";
3 Motor pinnaces- "Jill," "Janet," "Julliet";
1 Water boat- "Audrey";

1 Seagoing launch- "Patience";
2 Lighters - L. 63, L. 64.

	<p>Part III</p> <p>Miscellaneous</p> <p>1. The interests of the Company in all floating docks and floating cranes.</p>		
		<p>FOURTH SCHEDULE [Section 6(1) (g)]</p> <p>CONFLICT OF INTEREST</p> <p>1. Subject to the further provisions of this Schedule, no member of the Board or staff of the Authority shall have a direct or indirect financial interest or investment in any shipping, stevedoring, pilotage, terminal operations or any other services or receive therefrom any loan, remuneration or other rights, or have any personal interest in any contract made or proposed to be made by the Authority, throughout the tenure of his office or employment with the Authority.</p> <p>2. Subject to paragraphs 3 and 4 of this Schedule, each member of Board or staff of the Authority shall on an annual basis present a written declaration not later than the third month of each year affirming the non-existence of any such interest as is specified in paragraph 1 and shall pledge to disclose and inform the Authority of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Authority.</p> <p>3. Members of the Board and staff of the Authority as at the commencement date of this Act shall be entitled to a maximum of 6 months from the said commencement date</p>	<p>FOURTH SCHEDULE is AMENDED by changing cross reference for section 6(1)(g) to now read section 7(1)(g).</p>

within which to divest themselves of their direct or indirect financial interests or investment in any shipping, stevedoring, pilotage or terminal operations, or any similar engagements, if any.

4. All newly appointed members of the Board and staff of the Authority after the commencement of this Act shall be entitled to a maximum of 3 months from their respective dates of appointments within which to divest themselves of their direct or indirect financial interests or investments in any shipping, stevedoring, pilotage or terminal operations, or any similar engagements, if any.

5. Each member of the Board or staff of the Authority shall declare on appointment or at the commencement of employment and annually thereafter, for as long as he serves the Authority, any interest or investment that he –

- (a) knowingly has; or
- (b) knows any member of his immediate family to have in any aspect of the Nigerian ports industry.

6. If a member of the Board or staff of the Authority contravenes the provisions of paragraphs 1 and 2 of this Schedule, or gives false information under paragraph 5 of this Schedule, commits an offence and liable on conviction, to the payment of a fine not exceeding ₦1,000,000.00 or imprisonment for a term not exceeding 1 year or to both.

7. Subject to paragraph 1 of this Schedule, the Board may from time to time waive the application of the prohibitions specified in

paragraphs 1 and 2 of this Schedule to any member of the Board or staff of the Authority if the Board determines that the financial interest of the person concerned is not of a material nature or is minimal.

8. The Board in determining whether or not the interest of a member of the Board or staff of the Authority is minimal or not of a material nature shall consider factors including but not limited to the following –

(a) the revenues, investments, profits and managerial efforts of the relevant company or other entity with regard to its port activities compared with other aspects of the Authority's or such entity's businesses;

(b) the extent to which the Authority regulates and oversees the activity of such company or entity;

(c) the degree to which the economic interests of such company or other entity may be affected by an action of the Authority; and

(d) the perceptions held or likely to be held by the public regarding the concerned person's financial interest or investment in that company or other entity.

9. The Board may at any time review and reverse its determination under paragraph 7 of this Schedule and direct the application of the prohibitions contained in this Schedule to the member of the Board or staff of the Authority concerned. The Board shall not be under an obligation to disclose the reason or basis for its review to the member of the Board or staff of the Authority concerned.

10. In any case in which the Board exercises the waiver or the review thereof

		<p>as specified in paragraphs 7 and 9 of this Schedule, the Board shall so soon thereafter publish the details thereof. Such publication shall include information regarding the identity of the person who has been granted the waiver or whose waiver has been reviewed, the position held by such person and the nature of the financial interests which are the subject of the waiver or the review thereof.</p> <p>11. For the purposes of this Schedule –</p> <p>(a) “Company” shall include partnerships and undertakings howsoever defined;</p> <p>(b) “Immediate family” shall mean a person’s spouse, a partner living with that person as if they were married to each other and children who are under the age of 18 years.</p>	
		<p>EXPLANATORY MEMORANDUM</p> <p>This Act seeks to provide, among other things, for the establishment of the Nigerian Ports and Harbours Authority and to provide for the management and development of ports and harbours in Nigeria.</p>	<p>RETAINED</p>