

A  
BILL  
FOR

AN ACT TO REPEAL THE NATIONAL INLAND WATERWAYS AUTHORITY ACT CAP. N47, LFN 2004 AND TO ENACT THE NATIONAL INLAND WATERWAYS AUTHORITY ACT TO PROVIDE FOR THE MANAGEMENT, REGULATION AND DEVELOPMENT OF THE NATIONAL INLAND WATERWAYS AND TO PROMOTE PRIVATE SECTOR PARTICIPATION IN THE DEVELOPMENT OF THE NATIONAL INLAND WATERWAYS IN NIGERIA AND FOR OTHER RELATED MATTERS

RECOMMENDATION ON LONG TITLE:

Delete the comma and the word "**REGULATION**" after the word "**MANAGEMENT**" from the Long Title of the Bill for it to read as follows:

**"A BILL FOR AN ACT TO REPEAL THE NATIONAL INLAND WATERWAYS AUTHORITY ACT CAP. N47, LFN 2004 AND TO ENACT THE NATIONAL INLAND WATERWAYS AUTHORITY ACT TO PROVIDE FOR THE MANAGEMENT AND DEVELOPMENT OF THE NATIONAL INLAND WATERWAYS AND TO PROMOTE PRIVATE SECTOR PARTICIPATION IN THE DEVELOPMENT OF THE NATIONAL INLAND WATERWAYS IN NIGERIA AND FOR OTHER RELATED MATTERS"**

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

|      | PRINCIPAL ACT                                                                                                                                                                                                                                                                                        | PROPOSED BILL                                                                                                                                                                                                                                                                                  | RECOMMENDATIONS FOR COMMITTEE'S CONSIDERATION                                                                                                                                                                                                                                                                                                                                                                                            |
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| Cls. | <i>Part I: Establishment of the National Inland Waterways Authority</i>                                                                                                                                                                                                                              | <b>PART 1: OBJECTIVES AND APPLICATION</b>                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 1.   | <p>1. (1) There is hereby established a body to be known as the National Inland Waterways 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><b>Objectives of the Act</b><br/>The objectives of this Act are to:</p> <p><i>(a) develop and improve the National Inland Waterways for water transportation and navigation purposes;</i></p> <p>(b) increase and promote private sector investment and participation in the management</p> | <p>Section 1 is <b>AMENDED</b> by deleting the word "<b>National</b>" before the phrase "<b>Inland Waterways</b>" in subsection (a) to replace it with the word "<b>Nigerian</b>" for the subsection to read as follows:</p> <p><i>"(a) develop and improve the National Inland Waterways for water transportation and navigation purposes;"</i></p> <p>the word "<b>National</b>" is to be replaced with the word "<b>Nigerian</b>"</p> |

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|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | and operation of the assets of the National Inland Waterways Authority;<br>(c) provide for the technical and safety regulations of the National Inland Waterways;<br>(d) promote intermodalism in the transport sector;<br>(e) provide an alternative mode of transportation for the evacuation of goods and persons; and implement the National Transport Policy as it concerns National Inland Waterways in Nigeria.                                                                                                                                                                                                                                    | wherever it appears before the phrase " <i>Inland Waterways</i> " throughout the Bill. |
| 2. | 2. The objectives of the Authority shall be to—<br>(a) improve and develop inland waterways for navigation;<br>(b) provide an alternative mode of transportation for the evacuation of economic goods and persons; and<br>(c) execute the objectives of the national transport policy as they concern inland waterways.                                                                                                                                                                                                                                        | <b>Application of the Act</b><br>This Act applies to all National Inland waterways listed in Schedule I and to any other National Inland Waterways as may be declared by the National Assembly and to any person or Government Agency with activities or operations connected with National Inland Waterways in Nigeria.                                                                                                                                                                                                                                                                                                                                  | Section 2 is <b>RETAINED</b>                                                           |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>PART II - ESTABLISHMENT OF THE NATIONAL INLAND WATERWAYS AUTHORITY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                        |
| 3. | 3. (1) There is hereby established for the Authority, a Governing Board (in this Act referred to as "the Board") which shall conduct the affairs of the Authority.<br>(2) The Board shall consist of—<br>(a) a chairman who shall be appointed by the President on the recommendation of the Minister;<br>(b) the Managing Director of the Authority;<br>(c) one representative of the Federal Ministry of Transport;<br>(d) one representative of the National Planning Commission;<br>(e) one representative of the Federal Ministry of Water Resources; and | <b>Establishment of the National Inland Waterways Authority</b><br>-(1) There is established a body to be known as the National Inland Waterways Authority (hereinafter referred to as "the Authority").<br>(2) The Authority shall be a body corporate with perpetual succession and a common seal, capable of suing and being sued in its corporate name.<br>(3) The Authority shall have all the powers of a body corporate, including the power to enter into contracts and incur obligations, to acquire, hold, mortgage, purchase, sell, lease and deal howsoever with property, whether movable or immovable, real or personal and do all acts and | Section 3 is <b>RETAINED</b>                                                           |

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|    | <p>(f) one representative of each of the following bodies to be appointed by the Minister</p> <p>(i) the Council for the Regulation of Engineering Profession in Nigeria;</p> <p>(ii) the Surveyors Council of Nigeria;</p> <p>(iii) the Master Mariners;</p> <p>(iv) the Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture;</p> <p>(g) one representative of the Nigerian Ports Authority; and</p> <p>(h) one person to represent public interest to be appointed by the Minister.</p> <p>(3) The supplementary provisions contained in the First Schedule to this Act shall have effect with respect to the proceedings of the Board and the other mailers mentioned therein.</p> | <p>things which a natural person may by law do which are necessary or convenient for the discharge of its functions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                        |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>PART III - FUNCTIONS AND POWERS OF THE AUTHORITY</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                        |
| 4. | <p>4. (1) Subject to the provisions of this Act, a person appointed to be a member of the Board, not being a public officer, shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for one further period of three years.</p> <p>(2) Any member, not being a public officer, may resign his appointment by a resignation letter addressed to the Minister.</p>                                                                                                                                                                                                                                                                                | <p><b>Functions of the Authority</b></p> <p>-(1) The Authority shall:</p> <p>(a) ensure the development and operations of National Inland Waterways in Nigeria in collaboration with the relevant stakeholders by granting concessions, leases, management contracts, entering into joint venture contracts or granting permits to render services connected with National Inland Waterways development and operations;</p> <p>(b) ensure the efficient management and administration of the National Inland Waterways;</p> <p>(c) manage and administer the Authority's assets safely and efficiently with a view to maximizing their economic potential;</p> | <p>Section 4 is <b>AMENDED</b> –</p> <p>Agreed to.</p> |

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|  | <p>(d) organise and integrate the nation's National Inland Waterways operations for efficient utilization for transportation;</p> <p>(e) ensure the development of infrastructural facilities for a National Inland Waterways network connecting the creeks and the rivers with the economic centres using the river-ports as nodal points for intermodal exchange;</p> <p>(f) undertake capital and maintenance dredging within the National Inland Waterways;</p> <p>(g) design and maintain ferry routes within the National Inland Waterways;</p> <p>(h) survey, remove and retrieve derelicts, wrecks and other obstructions from the National Inland Waterways;</p> <p>(i) install and maintain lights, buoys and all aids to navigation along water channels and banks on the National Inland Waterways;</p> <p>(j) issue and regulate the use of permits for inland navigation, piers, jetties, dockyards and wharves;</p> <p>(k) examine and certify all non - convention vessels, including rig platforms that operate on the National Inland Waterways</p> <p>(l) register all vessels including non-convention vessels, dredgers and boats of all types that operate on the National Inland Waterways.</p> <p>(m) grant permits for seismic survey, reclamation, shore protection work and removal within the declared right of way of National Inland Waterways with the approval of the Minister;</p> <p>(n) grant permits to private National Inland Waterways operators;</p> <p>(o) approve the design and construction of inland river crafts and also inspect, regulate, approve</p> | <p>a. subsection 4(1)(m) is redrafted to read as follows:<br/> <i><b>"(m) grant permits for seismic survey, reclamation, shore protection work and wreck removal within the Declared Waterways and its right of way;"</b></i></p> |
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|  |  | <p>and issue licences and permits for vessels designed for National Inland Waterways operations;</p> <p>(p) approve and regulate:</p> <p>(i) the use of all Jetties, dockyards, piers, river ports and other associated structures and platforms within the National Inland Waterways;</p> <p>(ii) advertising within the right-of-way of the National Inland Waterways;</p> <p>(iii) land reclamation within the right-of-way.</p> <p>(q) construct, administer and maintain inland river-ports and jetties;</p> <p>(r) provide hydraulic structures for rivers and dams, bed and bank stabilisation, barrages and buoys in order to regulate and stabilize river water upstream for the purpose of navigation;</p> <p>(s) produce, publish and broadcast navigational leaflets, aids to navigation, bulletin and notices, hydrological year books, river charts and river maps;</p> <p>(t) carry out consultancy and contractual services in relation to its activities under this Act;</p> <p>(u) subject to the provisions of the Environmental Impact Assessment Act, carry out environmental impact assessment of navigation and other dredging activities within the National Inland Waterways and its right-of-way;</p> <p>(v) erect and maintain gauges, kilometre boards, horizontal and vertical control marks;</p> <p>(w) advise government on all border matters that relate to the National Inland Waterways;</p> <p>(x) acquire, lease and hire properties in connection with its activities under this Act;</p> |  |
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|  | <p>(y)control and clear water hyacinth and other aquatic weeds along the National Inland Waterways;</p> <p>(z)implement the transport policy of the Federal Government of Nigeria pertaining to the National Inland Waterways;</p> <p>(aa) monitor and enforce compliance with the provisions of this Act and regulations made by the Authority; and</p> <p>(bb)perform such other functions as are considered reasonably necessary to give full force and effect to the provisions of this Act.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|  | <p>(2) Without prejudice to the provisions of subsection (1) of this section, the Authority shall perform its functions and exercise its powers in such a manner as the Authority considers best to achieve the objectives of this Act.</p> <p>(3) Notwithstanding the provision of any enactment, for the purpose of safety, regulation, maintenance and safe navigation of the Nigerian National Inland waterways, any holder of a quarry lease or license for sand dredging for whatever</p>      | <p>b. insert subsection 4(1)(cc) to read as follows:<br/> <i>"(cc) grant permit and license for pipeline construction and laying, dredging of slots and laying of telecommunication cables within the Authority's right of way, which shall include 100 meters distance before and after a bridge constructed on the Authority's right of way."</i></p> <p>Agreed to.</p> <p>c. the phrase <i>"upon payment of necessary charges to the Authority"</i> is inserted after the word <i>"Authority"</i> at the end of subsection (3) for the subsection to read as follows:</p> |

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|    |                                                                                                                                                                     | <p>purpose within the Nigerian National Inland Waterways and its Declared Right of Way shall obtain the consent of the Authority.</p> <p>(4) The Authority may perform any of its functions or exercise its powers under this Act other than the power to make regulations through an officer, agent or any person authorised by the Authority in that behalf.</p> <p>(5) The Authority shall be entitled to payment of dues, charges, levies, royalties and fees arising from the discharge of its functions or the exercise of its powers under this Act.</p> | <p><i>"(3) Notwithstanding the provision of any enactment, for the purpose of safety, regulation, maintenance and safe navigation of Nigerian Inland waterways, any holder of a quarry lease or license for sand dredging for whatever purpose within Nigerian Inland Waterways and its Declared Right of Way shall obtain the consent of the Authority <u>upon payment of necessary charges to the Authority.</u>"</i></p> <p>Agreed to.</p> <p>d. a new subsection (6) is inserted after subsection (5) to read as follows<br/> <i>"(6) The powers conferred on the Authority by this Bill shall be subject to regulatory powers of the Transport Sector Regulator."</i></p> |
| 5. | 5. Members of the Board shall be paid such remuneration and allowances, with the approval of the Minister, as are in line with similar Government statutory bodies. | <p><b>Demolishing of piers, jetties and wharves</b><br/> An authorised employee of the Authority may demolish or cause to be demolished a pier, jetty or</p>                                                                                                                                                                                                                                                                                                                                                                                                    | Section 5 is RETAINED                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | wharf in any National Inland Waterways or in the approach to any National Inland Waterways where the pier, jetty or wharf is erected or operated in contravention of the provisions of this Act or regulations made there-under.                                                                                                            |                                                        |
| 6. | <p>6. Where</p> <p>(a) it appears to the Minister that a member of the Board should be removed from office on grounds of misconduct or inability to perform the functions of his office;</p> <p>(b) the Minister is satisfied that the continued presence on the Board of any member is not in the national interest or interest of the Authority,</p> <p>the Minister shall make a recommendation to that effect to the President which if approved shall empower the Minister to declare, in writing, the office of that member vacant.</p> <p>7. (1) There shall be four ordinary Board meetings in one calendar year.</p> | <p><b>Application of Part III</b></p> <p>The provisions of this Part shall apply to all persons including Federal, State and Local Government Agencies.</p>                                                                                                                                                                                 | Section 6 is <b>RETAINED</b>                           |
|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>PART IV - GOVERNING BOARD, MANAGEMENT AND STAFF OF THE AUTHORITY</b>                                                                                                                                                                                                                                                                     |                                                        |
| 7. | <p>7. (1) There shall be four ordinary Board meetings in one calendar year.</p> <p>(2) Without prejudice to section 6 of this Act any member who is absent from two consecutive ordinary meetings of the Board shall file his explanation in writing with the secretary for</p>                                                                                                                                                                                                                                                                                                                                               | <p><b>Establishment of the Governing Board of the Authority</b></p> <p>(1) There is established a Governing Board of the Authority (hereinafter referred to as 'the Board') responsible for supervising the affairs of the Authority.</p> <p>(2) The Board shall consist of the following members:</p> <p>(a) a non-executive Chairman;</p> | <p>Section 7 is <b>AMENDED</b> -</p> <p>Agreed to.</p> |



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|  | <p>consideration by the Board and where the explanation is unacceptable to the Board the Board may recommend to the Minister that the member be removed, and the Minister may declare, in writing, such a removal.</p> | <p>(b) the Managing Director of the Authority;<br/> (c) the two Executive Directors of the Authority;<br/> (d) two members representing public interest; and</p> <p>(e) a representative of each of the following:<br/> (i) Federal Ministry of Transport;<br/> (ii) Federal Ministry of Water Resources;<br/> (iii) Federal Ministry of Agriculture and Rural Development (Federal Department of Fisheries);<br/> (iv) Nigerian Ports Authority (NPA); and<br/> (v) Nigerian Maritime Administration and Safety Agency.</p> <p>(3) The Board shall:<br/> (a) be responsible for the determination of the policy of the Authority and superintend over the implementation of the policy; and<br/> (b) review and approve the strategic plans of the Authority.</p> <p>(4) The Board shall adhere to the provisions of this Act and to any relevant general guidelines on the governance of public bodies and to such other generally accepted principles of good corporate governance as may be applicable to the Authority.</p> <p>(5) The supplementary provisions set out in Schedule III to this Act shall have effect with respect to the proceedings of the Board and other matters contained therein.</p> | <p>a. delete the word "<b>two</b>" in subsection (2)(d) and in its place, substitute the word "<b>three</b>" for the subsection to read as follows:<br/> "<b>(d) two members representing public interest; and</b>"</p> <p>Agreed to.</p> |
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|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | (6) The remunerations and allowances payable to members of the Board shall be as determined by the relevant extant laws of the Federation.                                                                                                                                                                                | b. insert a new subsection (7) as follows:<br><i>"(7) Each of the six (6) geo-political zones of the Federation shall be represented in appointment into the Board of the Authority."</i>                                                                                                                                                                                                                                                                                                                                                       |
| 8. | <p>Part II: Functions and powers</p> <p>8. It shall be the functions of the Authority to</p> <p>(a) provide regulations for inland navigation;</p> <p>(b) ensure the development of infrastructural facilities for a national inland waterways network connecting the creeks and the rivers with the economic centres using the river-ports as nodal points for inter-model exchange; and</p> <p>(c) ensure the development of indigenous technical and managerial skill to meet the challenges of modern inland waterways transportation.</p> | <p><b>Appointment and qualification of members of the Board</b></p> <p>-(1) The chairman and members of the Board, other than ex-officio members, shall be:</p> <p>(a) appointed by the President on the recommendation of the Minister; and</p> <p>(b) persons of proven integrity with relevant cognate experience.</p> | <p>Section 8 is <b>AMENDED</b> –</p> <p>a. insert the expression<br/><i>"in –</i><br/><i>(i) Maritime Law;</i><br/><i>(ii) Shipping;</i><br/><i>(iii) Finance;</i><br/><i>(iv) Port Management;</i><br/><i>(v) Transportation; or</i><br/><i>(vi) Engineering"</i><br/>after the word <i>"experience"</i> in subsection (1)(b) for the subsection to read as follows:</p> <p><i>"(b) persons of proven integrity with relevant cognate experience in –</i><br/><i>(i) Maritime Law;</i><br/><i>(ii) Shipping;</i><br/><i>(iii) Finance;</i></p> |

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|    |                                                             | <p>(2) The Minister shall take into consideration the functions of the Authority under this Act when recommending persons for appointment to the Board.</p> <p>(3) A person shall not be appointed or remain in office as a member of the Board if that person:</p> <p>(a) is not a citizen of Nigeria;</p> <p>(b) is a serving member of the National Assembly, State House of Assembly or any Local Government Council;</p> <p>(c) is incapacitated by any physical illness;</p> <p>(d) has been certified to be of unsound mind;</p> <p>(e) is an undischarged bankrupt;</p> <p>(f) has been convicted in Nigeria or elsewhere of a felony;</p> <p>(g) has at any time been removed from office on account of misconduct; or</p> <p>(h) at the relevant time, is a director of or acts in any executive capacity in one or more companies or bodies, however constituted, with responsibility for managing or regulating or providing any services to or within any National Inland waterways or creeks in Nigeria.</p> <p>(4) The conflict of interest provisions contained in the Schedule IV to this Act shall be applicable to all Directors of the Authority.</p> | <p><u>(iv) Port Management;</u><br/> <u>(v) Transportation; and/or</u><br/> <u>(vi) Engineering."</u></p> <p>Agreed to.</p> <p>b. Deleting subsection (3)(b).</p> <p>Agreed to.</p> |
| 9. | 9. Other functions and powers of the Authority shall be to: | <b>Vacancy on the Board</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Section 9 is <b>RETAINED</b>                                                                                                                                                        |

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| <p>(a) undertake capital and maintenance dredging;</p> <p>(b) undertake hydrological and hydrographical surveys;</p> <p>(c) design ferry routes;</p> <p>(d) survey, remove, and receive derelicts, wrecks and other obstructions from inland waterways;</p> <p>(e) operate ferry services within the inland waterways system;</p> <p>(f) undertake installation and maintenance of lights, buoys and all navigational aids along water channels and banks;</p> <p>(g) issue and control licences for inland navigation, piers, jetties, dockyards;</p> <p>(h) examine and survey inland water crafts and shipyard operators;</p> <p>(i) grant permit and licences for sand dredging, pipeline construction, dredging of slots and crossing of waterways by utility lines, water intake, rock blasting and removal;</p> <p>(j) grant licences to private inland waterway operators;</p> <p>(k) approve designs and construction of inland river crafts;</p> <p>(l) approve and control all</p> <p>(i) jetties, dockyards, piers within the inland waterways;</p> | <p>-(1) Notwithstanding the provisions of section 7 of this Act, the office of the Chairman or a member of the Board shall become vacant where:</p> <p>(a) he resigns his office by notice in writing under his hand addressed to the President through the Minister;</p> <p>(b) he completes his tenure;</p> <p>(c) he dies;</p> <p>(d) he becomes of unsound mind or incapable of carrying out his duties;</p> <p>(e) he becomes bankrupt;</p> <p>(f) he is found guilty of gross misconduct relating to his duties;</p> <p>(g) in the case of an ex – officio member, he ceases to hold the office on the basis of which he became a member of the Board; or</p> <p>(h) the President is satisfied that it is not in the interest of the Authority or of the public for the person appointed to continue in office.</p> <p>(2) Subject to the provisions of subsection (1) of this section, a vacancy in the Board shall be filled by the appointment of another person to the vacant office by the President on the recommendation of the Minister as soon as it is reasonably practicable after the occurrence of such vacancy.</p> <p>(2) Where a vacancy exists upon the death, removal or resignation of a member, any person appointed as his replacement shall hold office for the unexpired term of office of his predecessor.</p> |  |
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| <p>(ii) advertising within the right-of-way of the waterways;</p> <p>(m) reclaim land within the right-of-way;</p> <p>(n) undertake the construction, administration and maintenance of inland river-ports and jetties;</p> <p>(o) provide hydraulic structures for river and dams, bed and bank stabilisation, barrages,</p> <p>(p) collect river lolls;</p> <p>(q) undertake the production, publication and broadcasting of navigational publications, bulletins and notices, hydrological year books, river charts and river maps;</p> <p>(r) carry out consultancy and contractual services;</p> <p>(s) represent the Government of Nigeria at national and international commissions that deal with navigation and inland water transportation;</p> <p>(t) subject to the provisions of the Environmental Impact Assessment Act, carry out environmental impact assessment of navigation and other dredging activities within the inland water and its right-of-ways;</p> <p>(u) undertake erection and maintenance of gauges, kilometre boards, horizontal and vertical control marks;</p> <p>(v) advise government on all border mailers that relate to the inland waters;</p> <p>(w) undertake acquisition, leasing and hiring of properties;</p> |  |  |
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|     | <p>(x) run cruise boats;</p> <p>(y) carry out boat repairs, boat construction and dockyard services; and</p> <p>(z) clear water hyacinth and other aquatic weeds.</p>                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |
| 10. | <p>Part III: Declaration of Navigable Waterways</p> <p>10. The rivers and their tributaries, distributaries, creeks, lakes, lagoons and intra-coastal waterways specified in the Second Schedule to this Act are hereby declared Federal navigable waterways.</p> | <p><b>Appointment and Tenure of Managing Director and Executive Directors</b></p> <p>-(1) There shall be, for the Authority, a Managing Director to be appointed by the President on the recommendation of the Minister;</p> <p>(2) The Managing Director:</p> <p>(a) shall hold office for a period of four years, on such terms and conditions, as maybe specified in his letter of appointment; and</p> <p>(b) may be reappointed for a further period of four years and no more.</p> <p>(3) The Managing Director shall be the Chief Executive Officer of the Authority and shall be responsible for:</p> <p>(a) the execution of the policy and the day-to-day administration of the Authority;</p> <p>(b) the supervision 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 privileges; and</p> <p>(c) matters concerning the accounts and records of the Authority.</p> <p>(4) The President shall appoint for the Authority, two Executive Directors to assist the Managing Director in the performance of his functions under this Act.</p> <p>(5) An Executive Director:</p> | Section 10 is <b>RETAINED</b> |

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|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>{a) shall hold office for a period of four years, on such terms and conditions as may be specified in his letter of appointment;</p> <p>(b) may be reappointed for a further period of four years and no more; and</p> <p>(c) Shall perform such functions as may, from time to time, be assigned to him by the Managing Director and the Board.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                      |
| 11. | <p>11. All navigable waterways, inland waterways, river-ports and internal waters of Nigeria, excluding all direct approaches to the ports listed in the Third Schedule to this Act and all other waters declared to be approaches to ports under or pursuant to the Nigerian Ports Authority Act, up to 250 metres beyond the upstream edge of the quay of such ports, shall be under the exclusive management, direction and control of the Authority.</p> | <p><b>Removal of Managing Director or Executive Director</b></p> <p>-(1) The Managing Director or an Executive Director shall only be suspended or removed from office by the President if he:</p> <p>(a) is found to be unqualified for appointment as Managing Director or an Executive Director contrary to the provisions of this Act;</p> <p>(b) has demonstrated the inability to effectively perform the duties of his office;</p> <p>(c) 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;</p> <p>(d) is guilty of serious misconduct in relation to his duties as Managing Director or an Executive Director;</p> <p>(e) is disqualified or suspended from practicing his profession in any part of the world by a competent authority; or</p> <p>(f) is in breach of the conflict of interest Rules set out in the Schedule IV to this Act.</p> <p>(2) The Managing Director or Executive Director shall not be removed from office under the provision of subsection (1) of this section, unless the Minister has duly served on the Managing</p> | <p>Section 11 is <b>RETAINED</b></p> |

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|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Director or an Executive Director a prior written notification of the intention to suspend or remove him from office and the reasons for such suspension or removal.</p> <p>(3) The Managing Director or Executive Director shall, upon receipt of the notice referred to in subsection (2) of this section, be given an opportunity to make written submissions to the Minister within fourteen days from the date of the receipt of the notice.</p> <p>(4) The Managing Director or Executive Director may, within the days specified in the notice, deliver a written submission to the Minister.</p> <p>(5) The Minister shall, upon the receipt of the submission referred to in subsection (4) of this section, provide the Managing Director or Executive Director the opportunity to make oral representations on the submissions made before taking decision on whether or not to recommend suspension or removal from office.</p> |                               |
| 12. | <p>12. (1) Subject to the provisions of the Lands (Title Vesting, etc.) Act, the right of land usage for improvement of navigability and provision of infrastructure shall cover areas on both banks of the waterways which would be submerged in a flood of 100 years return period.</p> <p>(2) In case of waterways with steep banks where such flood have no overbank flow, the right of way shall include the areas of land along the waterway measured 100 metres perpendicular from the edge of the channel.</p> | <p><b>Appointment of Board's Secretary</b></p> <p>-(1) The Board shall have a Secretary who shall be the Head of the Legal Department.</p> <p>(2) The Secretary shall be a legal practitioner with not less than ten 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>                                                                                                                                                                                                                                                                                                                                           | Section 12 is <b>RETAINED</b> |



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|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>(c) keeping the seal and corporate 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 from time to time direct.</p>                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 13. | <p>13. (1) Notwithstanding the provisions of the Land Use Act or any other enactment, but subject to the provisions of the Lands (Title Vesting, etc.) Act, the Authority shall have right to all land within the right-of-way of declared waterways and shall use such land in the interest of navigation.</p> <p>(2) No person including a State shall-</p> <p>(a) obstruct a declared waterway, take sand, gravel or stone from any declared waterway; or</p> <p>(b) erect permanent structures within the right-of-way or divert water from a declared waterway;</p> <p>(c) carry out any of the activities as specified in section 9 of this Act without the written consent, approval or permission of the Authority.</p> | <p><b>Remuneration of management and other staff</b></p> <p>The fees and allowances payable to the Managing Director, Executive Directors and other staff of the Authority shall be determined by the Board in consultation with the relevant government agencies and in accordance with extant Federal Government guidelines.</p>                                                                                                                                                                  | <p>Section 13 is <b>AMENDED</b> by inserting the words "<b>laws and</b>" before the word "<b>Federal</b>" for the section to read as follows:</p> <p><b><i>"The fees and allowances payable to the Managing Director, Executive Directors and other staff of the Authority shall be determined by the Board in consultation with the relevant government agencies and in accordance with extant laws and Federal Government guidelines."</i></b></p> |
| 14. | <p>Part IV: Staff of the Authority</p> <p>14. (1) There shall be for the Authority a Managing Director who shall be</p> <p>(a) appointed by the President;</p> <p>(b) the Chief Executive of the Authority.</p> <p>(2) The Managing Director shall be responsible for</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>Employment and Conditions of Service</b></p> <p>(1) The Authority shall have powers to employ such number of persons as it may deem necessary for the effective discharge of its duties, functions, and regulations made under this Act.</p> <p>(2) The Authority shall be responsible for determining the job description, title, terms, qualifications and salaries including allowances of the employees subject to the approval of the National Income, Salaries and Wages Commission</p> | <p>Agreed to.</p> <p>Agreed to.</p>                                                                                                                                                                                                                                                                                                                                                                                                                  |



|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 16. | <p>16. (1) The Authority may with the approval of the Minister, make rules relating generally to the conditions of service of the officers and other employees of the Authority, and without prejudice to the generality of the foregoing, the rules may provide for</p> <p>(a) the appointment and disciplinary control of all employers of the Authority, and</p> <p>(b) appeals by such employees against dismissal or other disciplinary measures.</p> <p>(2) Rules made under subsection (1) of this section need not be published in the Gazette but the Authority shall bring them to the notice of all affected persons in such manner as it may, from time to time, determine.</p>                                                                                                                                   | <p><b>Area under control of the Authority</b></p> <p>All navigable waterways, inland waterways, river-ports and internal waters of Nigeria, excluding all direct approaches to the ports listed in the Schedule II to this Act and all other waters declared to be approaches to ports under or pursuant to the Nigerian Ports Authority Act, up to 250 metres beyond the upstream edge of the quay of such ports, shall be under the exclusive management, direction and control of the Authority.</p>                     | <p>Section 16 is AMENDED to read as follows:</p> <p><b>"Area under control of the Authority</b></p> <p><i>All navigable waterways, inland waterways and internal waters of Nigeria, excluding all approaches to the ports as may be determined by the Transport Sector Regulator from time to time under the Ports and Harbours Law listed in Schedule II to this Act shall be under the exclusive management, direction and control of the Authority."</i></p> |
| 17. | <p>17. (1) It is hereby declared that service in the employment of the Authority shall be an approved service under the Pensions Act. and accordingly, employees of the Authority shall, in respect of their services, be entitled to pensions, gratuities and other retirement benefits as are prescribed there-under.</p> <p>(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act 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 there-under by the Minister or authority other than the Federal Government (not being the power to make regulations under section 23 thereof) is hereby</p> | <p><b>Conditions pertaining to right of land usage for improvement</b></p> <p>-(1) The right of land usage for improvement of navigability and provision of infrastructure shall cover areas on both banks of the waterways which would be submerged in a flood of 100 years return period.</p> <p>(2) In case of waterways with steep banks where such flood has no overbank flow, the right of way shall include the areas of land along the waterway measured 100 metres perpendicular from the edge of the channel.</p> | <p>Section 17 is RETAINED</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|     | <p>vested in and 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 subsection (3) of this section to any office, have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.</p>                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 18. | <p>Part v: Financial provisions</p> <p>18. The Authority shall establish a fund which shall consist of</p> <p>(a) take-off grants provided to it by the Government for the running expenses' of the Authority;</p> <p>(b) such sums as may be collected or received by the Authority by way of dues, rates and taxes; and</p> <p>(c) such sums as may be collected or received by the Authority from other sources either in respect of any property vested in the Authority or otherwise howsoever.</p> | <p><b>Use of land or moveable property.</b></p> <p>(1) The Authority shall, subject to the provisions of the Lands (Title Vesting etc.) Act, Cap L7, Laws of the Federation of Nigeria, 2004, have the right to all land within the right-of-way of declared waterways and shall use such land for navigational purposes and for any of its functions under this Act.</p> <p>(2) The Authority shall have the powers to determine and approve the use to which any land or immovable property within the right of way may be put to.</p> | <p>Section 18 is AMENDED thus –</p> <p>a. substitute the words “<i>subject to</i>” with the word “<i>notwithstanding</i>” in subsection (1) and insert the word “<i>exclusive</i>” before the expression “<i>right to all land</i>” also in subsection (1) for the subsection to read as follows:<br/> “(1) <i>The Authority shall, notwithstanding the provisions of the Lands (Title Vesting etc.) Act, Cap L7, Laws of the Federation of Nigeria, 2004, have the exclusive right to all land within the right-of-way of declared waterways and shall use such land for navigational purposes and for any of its functions under this Act.</i>”</p> <p>Agreed to.</p> <p>b. redraft subsection (3) to read as follows:</p> |

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|     |                                                                                                                                                                                                                                                                                | <p>(3) A person, any state of the Federation or any Local Government Area shall not:</p> <p>(a) obstruct a declared waterway;</p> <p>(b) take sand, gravel or stone from any declared waterways;</p> <p>(c) erect structures within the right of-way or divert water from a declared waterway; or</p> <p>(d) carry out any of the activities as specified in this Act, without the written consent, approval or permission of the Authority.</p> | <p><i>"(3) No person, including a State Government or Local Government shall -</i></p> <p><i>(a) obstruct a declared waterway;</i></p> <p><i>(b) take sand, gravel, stone or other natural resources from any declared waterways;</i></p> <p><i>(c) erect structures within the right-of-way or divert water from a declared waterway; or</i></p> <p><i>(d) carry out any of the activities as specified in this Act -</i></p> <p><i>without the written consent, approval or permission of the Authority.</i></p> |
| 19. | 19. The Authority shall have the power to invest its funds, and maintain a general reserve.                                                                                                                                                                                    | <p><b>Prohibition and sale of land</b></p> <p>The Authority shall not without the written approval of the President concession or lease its land or property for more than five years.</p>                                                                                                                                                                                                                                                       | <p>Section 19 is AMENDED by substituting the word/figure "ten (10)" for the word "five" for the section to read as follows:</p> <p><i>"The Authority shall not without the written approval of the President, concession or lease its land or property for more than ten (10) years."</i></p>                                                                                                                                                                                                                      |
|     |                                                                                                                                                                                                                                                                                | <b>PART VI- FINANCIAL PROVISIONS</b>                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 20. | <p>20. (1) The Authority may, with the approval of the Minister, from time to time, borrow such sums as it may require in the exercise of its functions under this Act.</p> <p>(2) The Authority shall not, without the approval of the Minister, borrow any sum of money.</p> | <p><b>Fund of the Authority</b></p> <p>-(1) There is established for the Authority a fund ("the Fund") which shall consist of all:</p> <p>(a) monies accruing to the Authority through appropriation made to it by the National Assembly;</p> <p>(b) charges, dues, levies, royalties and fees collected by the Authority;</p> <p>(c) concession fees paid to the Authority;</p>                                                                 | <p>Section 20 is AMENDED as follows:</p> <p><i>"20. Fund of the Authority</i></p> <p><i>(1) There is established for the Authority a fund ("the Fund") which shall consist of all monies accruing to the Authority from:</i></p> <p><i>(a) Port Development levy;</i></p>                                                                                                                                                                                                                                          |

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|  | <p>(d) annual fees for licences and permits issued by the Authority;</p> <p>(e) gifts, grants, aids and subventions;</p> <p>(f) 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>(g) sums collected or received by the Authority for services rendered;</p> <p>(h) monies borrowed and capital raised by the Authority under this Act or any other enactment; and</p> <p>(i) such other sums as maybe received by the Authority from other sources.</p> <p>(2) For the purpose of regulation, development and maintenance of the inland waterways, all companies or government agencies and departments whose operations and services are within the National Inland Waterways including those related to electric power generation and distribution, refineries, oil and gas pipelines, exploration, exploitation and transportation, telecommunication facilities shall pay annual dues to the authority in accordance with the approved Tariff.</p> | <p><i>(b) 1% of sums accruable to Federal Government from Oil and Gas within the Declared Waterways and its right of ways;</i></p> <p><i>(c) 2.5% of Concession Fees annually paid to Federal Government by hydro-electricity generating companies operating within the Declared Waterways and its right of ways;</i></p> <p><i>(d) 0.25% of Ecological Fund;</i></p> <p><i>(e) charges, dues, levies, royalties and fees collected by the Authority;</i></p> <p><i>(f) concession fees paid to the Authority;</i></p> <p><i>(g) annual fees for licences and permits issued by the Authority;</i></p> <p><i>(h) gifts, grants, aids and subventions;</i></p> <p><i>(i) 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;</i></p> <p><i>(j) sums collected or received by the Authority for services rendered;</i></p> <p><i>(k) monies borrowed and capital raised by the Authority under this Act or any other enactment; and</i></p> <p><i>(l) such other sums as maybe received by the Authority from other sources."</i></p> |
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| 21. | <p>21. (1) The Authority shall submit to the Minister, not later than 30 September in each year, an estimate of its expenditure and income during the next succeeding year.</p> <p>(2) The Authority shall keep proper accounts and shall prepare in respect of each year a statement of audited accounts in such form as the Minister may direct.</p> <p>(3) The Authority shall as soon as is possible after the end of the year to which the accounts relate cause its accounts to be audited by qualified auditors appointed by the Authority from the list and in accordance with the guidelines supplied by the Auditor General for the Federation.</p> <p>(4) The auditors shall on completion of the audit of the accounts of the Authority for each year prepare and submit to the Authority the following two reports that is to say</p> <p>(a) a general report setting out the observations and recommendations of the auditors on the financial affairs of the Authority generally for that year and on any important matters which the auditors may consider necessary to bring to the notice of the Authority: and</p> <p>(b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Authority for the year.</p> | <p><b>Application of the Authority's monies</b></p> <p>-(1) The Authority shall have the power to expend the funds which accrue to it under this Act in the cause of performing its functions.</p> <p>(2) Any excess of the Authority's revenue for any year over the approved expenditure for that year shall, subject to its approved annual budget, be remitted to the Consolidated Revenue Fund.</p> | Section 21 is <b>RETAINED</b> |
| 22. | <p>22. The Authority shall prepare and submit to the President, through the Minister, not later than 30 June in each year a report in such form as may be directed on the activities of the Authority during the immediately preceding year, and shall include in such report a copy of the audited account of the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p><b>Power to borrow and accept gifts</b></p> <p>-(1)The Authority may, with the prior consent of its Board and in accordance with the applicable laws, rules and regulations governing borrowings by public bodies, borrow such sum of money or raise capital, otherwise than from the Government as</p>                                                                                               | Section 22 is <b>RETAINED</b> |

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|     | Authority for that year and the auditor's report thereon.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | the Authority may require in the exercise of its functions under this Act.<br>(2)The Authority may accept gifts, grants of money, aid or other property from national, bilateral and multi-lateral organisations or agencies upon such terms and conditions, if any, as may be agreed upon, provided that such gifts are not inconsistent with the objectives and functions of the Authority.                                                                                                                                                                     |                               |
| 23. | <p>Part VI: Miscellaneous</p> <p>23. (1), Subject to the provisions of the Lands (Title Vesting, etc.) Act and the Nigerian Ports Authority Act any person who wilfully or negligently and without the consent of the Authority—</p> <p>(a) uses the area of land along the waterfront measured 100 metres perpendicular from the edge of both banks;</p> <p>(b) obstructs the waterways with rafts, nets logs, cask of oil, dredgers, barges, pipelines, pylons, bridges:</p> <p>(c) takes sand, gravel or stone from the waterways either In manual, hydraulic or mechanical means;</p> <p>(d) erects or operates permanent structures of any kind such as gauges, jetties, piers, wharves, slipway, floating or mobile dry-docks within the waterways:</p> <p>(e) diverts water from the waterways either through suction or canalisation methods;</p> | <p><b>Annual Budget</b></p> <p>-(1) The Authority shall not later than four months to the end of the financial year, prepare and present 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>(2) Notwithstanding the provisions of subsection (1) of this section, the Authority may also in any financial year, submit supplementary or adjusted statements of estimated income and expenditure to the Minister for approval.</p> | Section 23 is <b>RETAINED</b> |



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|     | <p>(f) performs hydrographical surveys, seismic surveys, drilling, blasting, underwater engineering works within the waterways;</p> <p>(g) erects pylon, electricity and telephone or telegraphic cables within or across the right-of-way of the waterways;</p> <p>(h) operates river crafts within inland waterways; and</p> <p>(i) damages or tampers with the structures of the Authority, including gauges, buoys, kilometre boards, navigation aids, horizontal and vertical control marks, is guilty of an offence under this Act.</p> <p>(2) A person who is guilty of an offence under subsection (1) of this section is liable on conviction to a fine not exceeding N50,000 or to imprisonment for a period of six months or to both such fine and imprisonment and, in the case of a continuing offence, to an additional fine of N100 for every day or part of a day that the offence continues.</p> <p>(3) With respect to subsection (1) paragraph (c) of this section, the offender shall pay 100 per cent of the prevailing market price of the sand dredged, or forfeit the sand dredged on failure to pay fine.</p> <p>(4) Where an offence under this Act has been committed by a body corporate or firm or association of individuals, it shall be liable upon conviction to a fine of N200,000 and in the case of a continuing offence, to an additional fine of N 1,000 for every day or part of a day that the offence continues.</p> |                |                        |
| 24. | 24. The Authority shall have the power to acquire, develop and use landed property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Financial Year | Section 24 is RETAINED |

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|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | The financial year of the Authority shall commence on 1st January of each year and end on 31 <sup>st</sup> December of that year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                               |
| 25. | <p>25. (1) The Authority may accept gifts of land, money or other property, upon such terms and conditions, if any as may be specified by the person or organization making the gift.</p> <p>(2) The Authority shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the objectives and functions of the Authority.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>Accounts and records to be open for inspection</b></p> <p>-(1)The accounts and records of the Authority shall, during office hours be open for inspection by:</p> <p>(a)a member of the Board;</p> <p>(b)a person authorized to inspect the accounts by the Minister;</p> <p>(c)a authorised person from the Commission; and</p> <p>(d)the National Assembly.</p> <p>(2)The account books of the Authority shall be kept at the Head Office of the Authority,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Section 25 is <b>RETAINED</b> |
| 26. | <p>26. (1) Notwithstanding anything in any other enactment, no suit against the Authority, a member or any staff of the Authority for any act done in pursuance or execution of any enactment or law or any public duty or authority, or in respect of any alleged neglect or default in the execution of such enactment or law, duty or authority, shall lie or be instituted in any court unless it is commenced within three months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within three months next after the ceasing thereof.</p> <p>(2) Every member, agent, auditor or staff for the time being of the Authority shall be indemnified out of the assets of the Authority against any liability incurred by him in de-fending any proceeding whether civil or criminal, in which judgment is given in his favour or in which he is acquitted, if any such proceeding is brought against him in his capacity as such member, agent, auditor or staff as aforesaid.</p> | <p><b>Statements of accounts and audit</b></p> <p>-(1) The Authority shall keep proper and regular accounts and other records of monies received and paid by the Authority and of the several purposes for which such monies have been received or paid and of the assets, credits and liabilities.</p> <p>(2) The Authority shall do all things necessary to ensure that all payments out of its money are correctly made and properly authorized and that adequate control is maintained over the assets of or in the custody of the Authority and over the expenditure incurred by the Authority.</p> <p>(3) The Board shall have the power to appoint external auditors, provided that, such auditors are on the list of auditors approved from time to time by the Auditor-General of the Federation.</p> <p>(4) A firm shall not be qualified for appointment as auditors under subsection (3) of this section unless it is an approved company or auditor under</p> | Section 26 is <b>RETAINED</b> |

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|     | <p>(3) 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 sums of money which may by the judgment of the court be awarded against the Authority shall, subject to any directions given by the court where notice of appeal has been given by the Authority in respect of the said judgment be paid by the Authority from the funds of the Authority.</p>                                                                                                                                                                                                                                                                  | <p>the Companies and Allied Matters Act and any other applicable laws.</p> <p>(5) The remuneration of the auditor shall be paid out of the funds of the Authority.</p> <p>(6) The Authority shall, not later than six weeks after the close of its financial year, prepare and submit the financial statements in respect of that year to the auditor who shall audit and report on them.</p> <p>(7) The Board shall, not later than three months after the end of each financial year, cause its audited financial statements to be made available to the Minister together with any report or observations made by the auditors on the said financial statements.</p> <p>(8) The financial statements of the Authority shall be published annually in at least three national daily newspapers within one-month of such statements becoming available to the Minister.</p> |                               |
| 27. | <p>27. (1) The Inland Waterways Department of the Federal Ministry of Transport (in this section referred to as "the Department") is hereby dissolved.</p> <p>(2) By virtue of this Act, there shall be vested in the Authority immediately at the commencement of this Act, without further assurance, all assets, funds, resources and other moveable or immovable property which immediately before the commencement of this Act were vested in the Department.</p> <p>(3) As from the commencement of this Act</p> <p>(a) all rights, interests, obligations and liabilities of the Department existing immediately before the commencement of this Act under any contract or instrument or at law or in equity shall</p> | <p><b>Report of Auditors</b></p> <p>-(1) The report of the auditor shall, in addition to complying with auditing requirements under prevailing professional practice and applicable law 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 procedures have been followed and records kept including records of all assets of the Authority whether purchased, donated or otherwise;</p> <p>(c) whether the receipts, expenditure and investment of monies, the acquisition and disposal of assets by the Authority during the year have</p>                                                                                                                                                                                                 | Section 27 is <b>RETAINED</b> |

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| <p>by virtue of this Act he assigned to and he vested in the Authority;</p> <p>(b) in addition to the assets, rights and interests vested in the Authority under this paragraph, the assets described in the Fourth Schedule to this Act shall be vested in the Authority by virtue of this Act and without further assurance;</p> <p>(c) any contract or instrument as mentioned in sub-paragraph (a) of this paragraph 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 Department, the Authority had been named therein or had been a party thereto.</p> <p>(4) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Department in respect of any rights, interest, obligation or liability of the Department may be commenced, continued or enforced by or against the Authority as if this Act had not been made.</p> <p>(5) Notwithstanding the provisions of this Act but subject to such directives as may be issued by the Authority, any person who immediately before the commencement of this Act held office in the Department 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 Act; and service under the Department shall be deemed to be service under the Authority for purposes of pension.</p> <p>(6) Any licence, permit or other approved issued or granted or deemed to be issued or granted by the Department shall during its</p> | <p>been in compliance with the provisions of this Act; and</p> <p>(d) such other matters arising from the audit as the auditor considers appropriate.</p> <p>(2) The auditor shall, not later than three months after the accounts have been submitted to it for audit, send a report of its audit to the Authority, and submit such periodical and special report to the Authority as may appear to it necessary or as the Minister or the Authority may require.</p> <p>(3) The Authority shall, not later than one month after its financial statements have been audited in accordance with this Act or three months after the end of the previous financial year, whichever occurs first, send a copy of the audited financial statements to the Minister and the Commission together with any report or observations made by the auditor or auditors on the statement of accounts.</p> |  |
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|     | <p>duration he deemed for all purposes to be granted by the Authority under this Act.</p> <p>(7) The Minister may within twelve months after the commencement of this Act. by order published in the Gazette make additional transitional or saving provisions for the better carrying out of the objectives of this section.</p>                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                               |
| 28. | <p>28. (1) The Authority may with the approval of the Minister, make regulations for dues, rates and charges for the following purposes</p> <ul style="list-style-type: none"> <li>(a) use of warehouses;</li> <li>(b) sale of sand;</li> <li>(c) ground rents;</li> <li>(d) sale of hydrological year book;</li> <li>(e) sale of hydrological data;</li> <li>(f) sale of hydrological charts and river maps;</li> <li>(g) sand search;</li> <li>(h) dredging permit;</li> <li>(i) piers licences;</li> <li>(j) examination fees;</li> <li>(k) re-certification fees;</li> <li>(l) operators licences;</li> <li>(m) survey fees for river crafts;</li> <li>(n) slipway and dockyard services;</li> </ul> | <p><b>Annual Report</b></p> <p>-(1) The Board shall, not later than 4 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> <ul style="list-style-type: none"> <li>(a) a general survey of developments in respect of matters relating to its functions;</li> <li>(b) an assessment of the extent to which its objectives and priorities for the year asset out in the annual estimate and twenty-five years action plans indicated in subsection (3) of section 23 of this Act have been achieved;</li> <li>(c)a summary of the significant activities carried out by it during the year;</li> <li>(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; and</li> <li>(e) an assessment of its performance and practices in relation to its functions in accordance with applicable internationally recognized performance indicators.</li> </ul> | Section 28 is <b>RETAINED</b> |

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|     | <p>(o) utilities rates within dockyard and river ports;</p> <p>(p) river guide dues and rates;</p> <p>(q) harbour dues and rates;-</p> <p>(r) property rents;</p> <p>(s) boat licences;</p> <p>(t) berthing fees;</p> <p>(u) ferry fares and tariffs.</p> <p>(2) Subject to this Act, the Authority may, with the approval of the Minister also make regulations generally for the regulation of users of navigable waterways and such other regulations as appear to him to be expedient for giving full effect to the provisions of this Act.</p>                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                               |
| 29. | <p>29. In this Act, unless the context otherwise requires</p> <p>"Authority" means the National Inland Waterways Authority established under section 1 of this Act;</p> <p>"Baseline" means the low water mark along the coast of Nigeria;</p> <p>"Department" means the Inland Waterways Department of the Federal Ministry of Transport;</p> <p>"Dues" include river craft dues and harbour dues;</p> <p>"Internal water" means all waters on the landward side of the baseline of the territorial sea;</p> <p>"Inland waterways" includes all waterways, river, creeks, lakes, tidelands, lagoons below the low water baseline;</p> | <p><b>Financial and Statistical Returns</b></p> <p>-(1) The Authority shall submit to the Minister such financial and statistical returns or such other report on the financial position of the Authority as the Minister may from time to time require.</p> <p>(2) The Minister may at any time within one month of receipt of such report, allow or amend any item of capital expenditure appearing in such estimates, or any portion thereof, or return the same to the Authority for amendment.</p> | Section 29 is <b>RETAINED</b> |

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| <p>"Jetty" means a jetty, pier, wharf of whatever description, including a jetty used as a floating dock, stationary or mobile dock, wharf or pier erected or extending beyond high water mark or ordinary spring tide, and pontoon moored within the inland water system used as a jetty, wharf or pier as well as those extended into water of any navigable channel:</p> <p>"Minister" means the Minister charged with responsibility for matters relating to transport;</p> <p>"Misconduct" means an act which is against set rules and regulations:</p> <p>"Navigation Channel" means any channel where navigation is possible:</p> <p>"Navigational Aids" means a floating light, mark or sign used as an aid to navigation and includes a lighthouse:</p> <p>"Rates" means rates or charges levied by the Authority by virtue of this Act;</p> <p>"Return period" means the highest level of flood expected to occur once in a hundred years:</p> <p>"River craft" includes any vessel, barge or lighter, canoe, boat or tug of any kind whatsoever towed or self-propelled by any type of motor or otherwise.</p> <p>"River guide" means a person providing pilotage to navigation in river craft who has conduct thereof;</p> <p>"Warehouse" includes any building, place, container, river craft when used by the Authority</p> |  |  |
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|     | for the purpose of warehousing or depositing or safe keeping of goods.    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                               |
| 30. | 30. This Act may be cited as the National Inland Waterways Authority Act. | <b>Other Reports</b><br>The Authority's Board may:<br>(a) prepare other reports in respect of matters relating to any of its functions; and<br>(b) arrange for any such report to be published.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Section 30 is <b>RETAINED</b> |
|     |                                                                           | <b>PART VII - CONCESSIONS, LEASES, ETC.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |
| 31. |                                                                           | <b>Power to grant concessions and leases</b><br>-(1) The Authority may grant a concession, lease, contract or permit subject to such terms and conditions as the Authority may specify, authorising any person to provide any service or facility or any National Inland Waterways service or facility.<br>(2) The terms and conditions of a concession, lease, contract or permit granted under this Act shall be agreed to in writing between the parties thereto.<br>(3) Every exercise of the power to grant concessions under this section shall be subject to rules providing for competitive and transparent public tender for concessions as may be approved by any relevant government agency. | Section 31 is <b>RETAINED</b> |
| 32. |                                                                           | <b>Special powers in emergency</b><br>-(1) On the occurrence of any industrial unrest, strike, lock-out or other events which give rise to an emergency and create a real and imminent threat to the national interest or public safety, the Authority may, with the approval of the Minister:<br>(a) suspend any concession, take temporary possession (either by itself or through an authorised agent) of any undertaking of such                                                                                                                                                                                                                                                                    | Section 32 is <b>RETAINED</b> |



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|     |  | <p>concessionaire and operate it in such a manner as it deems fit; or</p> <p>(b) withdraw either partially or totally the use of any National Inland Waterways service or facility from any person or class of persons or from the public in general.</p> <p>(2) Where the Authority takes possession of any National Inland Waterways' operations under subsection (1) of this section, adequate compensation shall be paid, in the amount agreed between the Authority and the affected concessionaire.</p>                                                                                                                                                           |                               |
| 33. |  | <p><b>Prohibition of operation in National Inland Waterways without concession, licence or permit</b></p> <p>-(1) A person shall not provide any National Inland Waterways service or facility unless he is authorised to do so under a concession, lease, contract or permit granted by the Authority.</p> <p>(2) Subject to the express provisions to the contrary in this Act, a concession, lease, contract or permit granted under this section may be granted to a person or class of persons and every concession, lease, contract or permit shall be in such form and for such period and may contain such conditions as may be agreed upon by the parties.</p> | Section 33 is <b>RETAINED</b> |
|     |  | <b>PART VIII: POLICY AND REGULATION OF NATIONAL INLAND WATERWAYS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                               |
| 34. |  | <p><b>The role of the Minister</b></p> <p>The general responsibilities and functions of the Minister under this Act shall include to:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Section 34 is <b>RETAINED</b> |

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|     |  | <p>(a) formulate, modify and issue policies for the management and operation of National Inland Waterways to ensure the attainment of the objectives referred to in section 1 of this Act;</p> <p>(b) facilitate the establishment of international protocols on National Inland Waterways;</p> <p>(c) facilitate the conclusion of agreements with foreign governments and international organisations for the improvement and development of National Inland Waterways;</p> <p>(d) encourage co-operation within the ECOWAS region for the adoption of common standards, safety practices and interconnection of National Inland Waterways;</p> <p>(e) receive and review records and reports submitted by the Authority;</p> <p>(f) upon consultation with the Authority, declare new National Inland Waterways as may be provided for from time to time in accordance with the Master Plan developed by the Authority.</p> |                               |
| 35. |  | <p><b>Formulation of Policy</b></p> <p>Prior to the formulation or review of policies for the National Inland Waterways sector, the Minister shall consult with and have due regard to the representations of relevant stakeholders in the sector, including, but not limited to, the Authority, the Commission, industry participants and the general public.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Section 35 is <b>RETAINED</b> |
|     |  | <b>PART VIII: PROVISIONS RELATING TO LAND AND ASSETS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                               |
| 36. |  | <p><b>Power to acquire land</b></p> <p>The Authority shall have the power to acquire land by purchase for the purposes of the Authority and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Section 36 is <b>RETAINED</b> |

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|     |  | all such purchases shall be made subject to applicable law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                               |
| 37. |  | <p><b>Power to enter land to erect beacons, conduct surveys and remove obstruction to visibility of lighthouses and beacons</b></p> <p>-(1) The Authority's employees or agents may enter and remain on any land to erect beacons, buoys and moorings, to conduct surveys or to perform any of their duties under this Act.</p> <p>(2) Any 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>(3) Notwithstanding the provisions of subsection (1) and (2) of this section, employees or agents shall not enter any land, building or any enclosed court or garden attached to a dwelling house except with the consent of the occupier thereof which consent shall not be unreasonably withheld and unless at least fourteen (14) days' notice of the intended entry shall have been given such owner or occupier.</p> | Section 37 is <b>RETAINED</b> |
|     |  | <b>PART X - TECHNICAL AND SAFETY MATTERS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                               |
| 38. |  | <p><b>Safety on land within National Inland Waterways</b></p> <p>Subject to the provisions of this Act, the Authority shall, for the purpose of ensuring safety of navigation and shipping in National Inland Waterways within its jurisdiction:</p> <p>(a) control the entry, stay, movement and operations of vessels within the National Inland</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Section 38 is <b>RETAINED</b> |

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|     |  | <p>Waterways and their departure and all other traffic matters;</p> <p>(b) regulate the loading, discharge and storage of cargo and the embarkation and disembarkation of passengers;</p> <p>(c) provide or procure River guide services, certify pilots, and regulate the safe provision of River guide services by certified pilots;</p> <p>(d) provide or procure tug services, certify tug service providers and regulate the safe provision of tug services by licensed tug service providers;</p> <p>(e) provide, operate and maintain adequate and efficient aids to navigation and at such other places as the Authority may determine;</p> <p>(f) undertake dredging and maintenance of channels;</p> <p>(g) remove or cause to be removed any obstruction or object that may pose a danger to shipping or navigation; and</p> <p>(h) ensure the isolation of dangerous and harmful cargo to secure safety of life and protection against injury.</p> |                                                                                                                                                                                                                           |
| 39. |  | <p><b>Removal of wrecks and vessels</b></p> <p>-(1) The Authority may:</p> <p>(a) with the consent of the Admiralty Marshal order that a vessel which has been arrested or attached by an Order of Court or another competent "authority be moved to another place within the National Inland Waterways 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 National Inland Waterways limits and recover the costs incurred in connection with such</p>                                                                                                                                                                                                                                                                                                                                                                                            | <p>Section 39 is <b>AMENDED</b> by adding a new subsection (4) to read as follows:</p> <p><b><i>"(4) Subject to the provisions of this section, the Authority shall act as the Assistant Receiver of Wrecks."</i></b></p> |

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|  |  | <p>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; and</p> <p>(c) Search for and remove any wreck or obstruction which may endanger the safety of any vessel entering or leaving the National Inland Waterways, and recover the costs of such search and removal from the owner of the wreck or obstruction, or from any person responsible for the presence of such wreck or obstruction.</p> <p>(2) The Authority may give notice to the owner or the person legally responsible for any vessel within National Inland Waterways limits which is not seaworthy, directing such owner or person to remove or otherwise dispose of such vessel or part thereof, which 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 should the owner or person fail to comply with such notice within the time specified therein.</p> <p>(3) The Authority may, after a written demand for any costs contemplated in subsection (2) of this section, and on non-payment thereof, 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 to recover such costs.</p> |  |
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|     |  | <b>PART XI - LIABILITY, LEGAL PROCEEDINGS AND ENFORCEMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                               |
| 40. |  | <p><b>Restriction on execution against the property of the Authority</b></p> <p>In an action or suit against the Authority, any sums of money which may, by the judgment of the court, be awarded against the Authority shall be paid from the Fund of the Authority and where the Authority fails to make payment within 30 days of demand, execution or attachment or process in the nature thereof may be issued against the Authority, subject to any right of stay or to restrict execution under the general law.</p>                                                                                                                                                                                                                                                                                                                                                                                  | Section 40 is <b>RETAINED</b> |
| 41. |  | <p><b>Legal Proceedings</b></p> <p>-(1) No suit against the Authority or any servant 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 any court, unless it is commenced within twelve months next 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>(2) 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 has been served on the Authority by the intending plaintiff or his agent and the notice shall clearly and explicitly state the:</p> <p>(a) cause of action;</p> | Section 41 is <b>RETAINED</b> |

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|     |  | <p>(b) name and place of abode of the intending Plaintiff; and (c) relief which he claims.</p> <p>(3) For the purpose of this Act, "suit" means a civil proceeding commenced by writ of summons or such other manner as may be prescribed by rules of court and includes an action but not criminal proceeding.</p> <p>(4) The notice 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> <p>(5) A person connected with the direct working of the Authority shall not be removed under arrest whether in execution of a warrant or otherwise when his immediate removal from duty might result in danger to life or goods, unless the immediate officer in-charge of the work in which the person is engaged has been given an opportunity of providing a substitute.</p> <p>(6) In a suit pending before a court, the Authority may be represented by an appropriate employee.</p> |                               |
| 42. |  | <p><b>Master, owner or person in charge of vessel answerable for damage</b></p> <p>Where damage is done to any property of the Authority by any vessel 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 such damage, may</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Section 42 is <b>RETAINED</b> |

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|     |  | be recovered by the Authority as a debt from the master, owner or person in charge of the vessel or float of timber, as the case may be.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                               |
| 43. |  | <p><b>Detention of vessels causing damage</b></p> <p>The Authority may:</p> <p>(a) detain any vessel or equipment causing damage until the costs of making good such damage and the expenses described in section 49 of this Act have been paid to the Authority or into court pending the outcome of litigation in respect of it;</p> <p>(b) require the master, owner or person in charge of the vessel or equipment to deposit such sum of money or furnish such security as may be required by the Authority in order to meet such costs and expenses.</p>                                                                                                                                                                                                        | Section 43 is <b>RETAINED</b> |
| 44. |  | <p><b>Power of distraint for non-payment of dues and rates</b></p> <p>-(1) Where the agent of a vessel in respect of which any dues or rates are payable refuses or neglects to pay the dues or rates on demand, the Authority may distraint the vessel and the tackle, apparel and furniture therein until the amount of the dues or rates is paid.</p> <p>(2) Where after 14 days commencing from the date of distraint any dues or rates; or any of the expenses of distraint of the vessel and its tackle, apparel and furniture, remain unpaid, the Authority may cause the vessel or tackle, apparel and furniture distrained to be sold. The Authority shall retain the amount of dues, rates or expenses which are owed by the vessel out of the proceeds</p> | Section 44 is <b>RETAINED</b> |



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|     |  | of the sale and shall deliver the balance to the master of the vessel, on demand.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| 45. |  | <p><b>Monitoring and Enforcement</b></p> <p>-(1) The Authority may in writing authorise any of its officials or appoint external inspectors on its behalf to exercise the functions of monitoring and enforcement vested under this Act.</p> <p>(2) The Authority may direct its authorised officials or appointed inspectors to investigate the activities of a concessionaire, licensee, permit holder or any other person pursuant to its powers under this Act.</p> <p>(3) In exercising any of the powers specified in subsection (2) of this section and notwithstanding any other provision of this Act, an authorized official of the Authority or its appointed inspector:</p> <p>(a) shall on demand produce to any person against whom he is acting, the instrument issued to him by the Authority to act in that capacity; and</p> <p>(b) may during office hours and with prior notice, enter any affected persons' or licensee's premises to:</p> <p>(i) inspect and make copies of or extracts from books, records, documents or other information storage systems;</p> <p>(ii) demand the production of and inspect the relevant licence, permit, certificate or authority; and</p> <p>(iii) inspect any facility on the premises,</p> <p>Provided that the official or appointed inspector shall have in his possession for the purposes of entering any affected person's premises a warrant for that purpose obtained from a magistrate or judge prior to the entry.</p> |  |

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|     |  | (4) Persons employed by the Authority, with the assistance of the relevant law enforcement agencies shall have the power to enforce the provision of this act and any regulations made hereunder including the power to arrest, seize and prosecute.                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 46. |  | <b>Power to Seal Premises and stop activities</b><br>Where an operator within the declared right of way of the Nigerian National Inland Waterways fails to comply with the prescribed regulation or approved tariff under this Act, the Authority with the assistance of the relevant law enforcement agencies shall have power to seal such premises or site pending the determination of a law suit in effect.                        | Section 46 is <b>AMENDED</b> by inserting the phrase " <b>occupant or</b> " before the word " <b>operator</b> " for the section to read as follows:<br><i>"Where an <b>occupant or operator</b> within the declared right of way of the Nigerian National Inland Waterways fails to comply with the prescribed regulation or approved tariff under this Act, the Authority with the assistance of the relevant law enforcement agencies shall have power to seal such premises or site pending the determination of a law suit in effect."</i> |
|     |  | <b>Part XII: OFFENCES AND PENALTIES</b>                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 47. |  | <b>Damage to property of the Authority</b><br>Any person who wilfully removes, destroys or damages any 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, is guilty of an offence and shall be liable on conviction to a fine of not less than N1,000,000.00 and shall make good any | Section 47 is <b>RETAINED</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|     |  | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                               |
| 48. |  | <p><b>Unlawful operation of National Inland Waterways services or facilities</b></p> <p>-(1) A person shall not erect, re-erect, alter, extend, own or occupy a pier, jetty or wharf in any place within the National Inland Waterways except in accordance with a permit granted by the Authority.</p> <p>(2) A person shall not establish, install, maintain, provide or operate any marine service or facility or any National Inland Waterways service or facility without a permit from the Authority.</p> <p>(3) Any violation of the provisions of subsections (1) and (2) of this section shall be an offence liable on conviction to a fine of not less than N1,000,000.00 or to imprisonment for a term 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 each day or any part thereof during which the offence continues.</p> | Section 48 is <b>RETAINED</b> |
| 49. |  | <p><b>Evasion of dues, fees, fines and charges</b></p> <p>The operator of river ports, dockyards, jetties, piers, or owner, agent, or master of any vessel or consignor or consignee of any goods, who by any means whatsoever, evades or attempts to evade, or neglects or omits to pay any dues, rates, charges or fees payable under this Act shall</p> <p>(a) be liable to pay to the Authority a penalty ten times the amount of the dues, rates, charges or</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Section 49 is <b>RETAINED</b> |

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|     |  | <p>fees he evaded or attempted to evade, or neglected or omitted to pay; and</p> <p>(b) have his licence, permit or authorization to operate withdrawn by the Authority for a period not exceeding twelve months.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                               |
| 50. |  | <p><b>Offences by master of vessel</b></p> <p>-(1) A vessel shall not enter or approach the National Inland Waterways in Nigeria except with the prior approval of the Authority.</p> <p>(2) Where a vessel:</p> <p>(a) enters any National Inland Waterways or any approach to the National Inland waterways without having first being issued with the requisite permit by the Authority; or</p> <p>(b) fails to leave any National Inland Waterways or any approach to the National Inland waterways or to leave any berth at the National Inland waterways when required to do so by the Authority,</p> <p>the master is guilty of an offence and shall be liable on conviction to a fine of not less than N200,000.00 or to imprisonment for a term not exceeding three months or to both.</p> <p>(3) Where the master fails to comply with the provision of subsection (1)(b) of this section, the master shall in addition to the fine be liable to pay by way of damages assessed at the rate of N35.00 per registered tone for every hour that such vessel remains at the National Inland Waterways or its approach after the time for departure required by such notice has expired.</p> <p>(4) 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</p> | Section 50 is <b>RETAINED</b> |

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|     |  | <p>any neglect on the part of the owner of a vessel, the owner or his agent shall be guilty and liable on conviction in the case of:</p> <p>(a) an individual, to a fine of N300,000.00 for each day or a part thereof during which the offence continues or to imprisonment for a term of twelve months; and</p> <p>(b) a body corporate, to a fine of N500,000.00 and a further fine of N200,000.00 for each day or part thereof of during which the offence continues.</p>                                                                                                                                                                                                                                                                 |                               |
| 51. |  | <p><b>Penalty for throwing ballast and other waste into National Inland Waterways</b></p> <p>Any person who throws or empties into any National Inland Waterways any ballast or other waste however described commits an offence and shall be liable on conviction to a fine of not less than N100, 000.00.</p>                                                                                                                                                                                                                                                                                                                                                                                                                               | Section 51 is <b>RETAINED</b> |
| 52. |  | <p><b>Penalty for giving false information as to draught of vessel and cargo</b></p> <p>-(1) The owner, agent or master of a vessel entering or leaving or within the National Inland Waterways or approach to any National Inland Waterways who negligently makes any representation or gives false information of the type of vessel, its draught, length, beam or height to the Authority shall be guilty of an offence and shall be liable on conviction to a fine of not less than ₦1,000,000.00 or to imprisonment for a term not less than twelve months or to both.</p> <p>(2) For the purposes of this section, "height of vessel" shall be the height of the vessel measured vertically from its waterline to the highest point</p> | Section 52 is <b>RETAINED</b> |

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|     |  | including its cargo, structure or equipment on board.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                               |
| 53. |  | <p><b>Penalty for wilfully sinking vessels</b></p> <p>Any person who wilfully sinks any vessel in the National Inland Waterways or its approach without the permission of the Authority, shall be guilty of an offence and liable on conviction to a fine of not less than ₦1,000,000.00 and shall in addition pay to the Authority, expenses it incurred in removing the vessel.</p>                                                                                                                                                                                                                                                                                                            | Section 53 is <b>RETAINED</b> |
| 54. |  | <p><b>Obstructing the Authority in the performance of its duties</b></p> <p>Any person who at any time hinders, obstructs the Authority or hinders or obstructs officials, agents or contractors of the Authority in the performance and execution of their duty or of anything which they are empowered or required to do by virtue of or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act, shall be guilty of an offence and shall be liable on conviction to a fine of not less than ₦500,000.00 or to imprisonment for a term not less than six months or to both.</p> | Section 54 is <b>RETAINED</b> |
| 55. |  | <p><b>Preservation of secrecy.</b></p> <p>-(1) A person who is or has been a member, an officer, an employee, an adviser or an agent of the Authority or a member of the Board 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</p>                                                                                                                                                                                                                                            | Section 55 is <b>RETAINED</b> |

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|           |  | <p>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 is guilty of an offence and liable on conviction to a fine of not less than ₦300,000.00 or to imprisonment for a term of not less than 4 months or to both.</p>                  |                                                                                                                                                         |
| 56.       |  | <p><b>Offences against the Schedule III to this Act</b></p> <p>Where a Director or member of staff of the Authority contravenes the provisions of the Schedule III to this Act, or gives false information under the Schedule, he shall be liable, on conviction, to the payment of a fine not exceeding ₦5,000,000.00 or imprisonment for a term not exceeding twelve months or to both.</p> | Section 56 is <b>AMENDED</b> by substituting " <b>Schedule III</b> " in the subheading, side notes and body of the section with " <b>Schedule IV</b> ". |
| 57.       |  | <p><b>General penalties</b></p> <p>Where no specific penalty is prescribed in this Act or regulations made pursuant to this Act for any offence, a person found guilty of any such offence shall be liable to a fine of not less than ₦250,000.00 or to imprisonment for a term of not less than six months or to both.</p>                                                                   | Section 57 is <b>RETAINED</b>                                                                                                                           |
| 58.       |  | <p><b>Jurisdiction</b></p> <p>The Federal High Court shall have exclusive jurisdiction over all matters arising out of or pursuant to this Act or regulations made pursuant to this Act and all references to "Court" or "Judge" in this Act shall be understood and deemed to refer to the Federal High Court or a Judge of the Federal High Court.</p>                                      | Section 58 is <b>RETAINED</b>                                                                                                                           |
| PART XIII |  | <b>PART XIII: MISCELLANEOUS</b>                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                         |

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| 59. |  | <p><b>Mandatory compliance requirements by Government Agencies, Bodies, etc.</b></p> <p>-(1) Notwithstanding the provisions of any other law, any person or bodies or Government Agency permitted or authorised under any applicable law to operate or perform any duty within the declared right of way of the National Inland Waterways shall prior to commencing work comply with the provisions of this Act and notify the Authority.</p> <p>(2) The notice shall contain the:</p> <p>(a) name of the agency;</p> <p>(b) purpose of its intended presence in the National Inland Waterways;</p> <p>(c) estimated duration of its presence in the National Inland Waterways; and</p> <p>(d) particulars of its officers including, the number of its officers, the names and designation of such officers and the names of their immediate supervising officers involved in the task.</p> | Section 59 is RETAINED |
| 60. |  | <p><b>Service of Notices, Summons, etc</b></p> <p>A notice, summons or other document required or authorized to be served on the Authority under the provisions of this Act or any other law or enactment may be served by delivering it to the registered address of the Authority or by sending it by registered post addressed to the Managing Director of the Authority at its Headquarters.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Section 60 is RETAINED |
| 61. |  | <p><b>Regulations</b></p> <p>-(1) The Authority may with the approval of the Minister make regulations generally for the purpose of giving effect to the provisions of this Act.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Section 61 is RETAINED |



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|     |  | (2) All regulations made by the Authority shall be published in the Official Gazette.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                               |
| 62. |  | <p><b>Repeal</b></p> <p>The National Inland Waterways Authority Act, CAP N47, Laws of the Federation of Nigeria, 2004 is repealed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Section 62 is <b>RETAINED</b> |
| 63. |  | <p><b>Savings</b></p> <p>-(1) Save as otherwise provided under this Act, all regulations, orders and other subsidiary legislations made under the repealed Act and in force immediately before the coming into force of this Act, shall, so far as they are not inconsistent with the provisions of this Act, continue to be in force and have effect as if made under this Act.</p> <p>(2) Subject to the provision of subsection (1) of this section:</p> <p>(a) the rights, interests, obligations and liabilities of the Authority under the repealed Act existing before the commencement of this Act under any contract or instrument or at law or in equity shall by virtue of this Act be deemed to have been assigned to and vested in the Authority established under this Act;</p> <p>(b) any contract or instrument as is mentioned in paragraph (a) of this subsection shall be of the same force and effect against or in favour of the Authority established under this Act and shall be enforceable as fully and effectively as if instead of the Authority established under the repealed Act, the Authority had been named therein or had been a party thereto; and</p> <p>(c) All persons shall, as from the commencement of this Act, have the same rights, powers and</p> | Section 63 is <b>RETAINED</b> |

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|     |  | <p>remedies against the Authority established under this Act as they had against the Authority established under the repealed Act before the commencement of this Act.</p> <p>(3) Any proceeding or cause of action pending or existing before the commencement of this Act by or against the Authority established under the repealed Act in respect of any rights, interests, obligation or liability of the Authority under the repealed Act may be continued, or if the case so requires be commenced and the determination of a court of law, tribunal or other authority or person may be enforced by or against the Authority established under this Act to the same extent that such cause of action or determination might have been continued or commenced or enforced by or against the Authority established under the repealed Act.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 64. |  | <p><b>Interpretation</b></p> <p>In this Act:</p> <p>"Authority" means the Authority established under section 3 of this Act;</p> <p>"Baseline" means the low water mark along the coast of Nigeria;</p> <p>"Beacon" means a prominent specially constructed object forming a conspicuous mark as a fixed aid to navigation;</p> <p>"Board" in relation to the Authority means its board of directors;</p> <p>"Buoy" means an anchored float serving as a navigation mark to show hazards or for mooring and shall include a floating object of any size, shape and colour which is moored to the bed of</p>                                                                                                                                                                                                                                          | <p>Section 64 is <b>AMENDED</b> thus –</p> <p>a. insert paragraph (i) after paragraph (h) in the definition of <b>"Development" or "works"</b> as follows:</p> <p><b><i>"(i) all waters on the landward side of the baseline of the territorial sea."</i></b></p> <p>b. insert the definition of <b>"Transport Sector Regulator"</b> after the definition of <b>"Terminal operations"</b> as follows:</p> <p><b><i>"Transport Sector Regulator" means any body set up by an Act to regulate the sector,"</i></b></p> |

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|  |  | <p>the body of water in which it stands 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 transport any substance or article;</p> <p>"Chairman" means the Chairman of the Board of Directors appointed under this Act;</p> <p>"Channel" means a passage for water which includes a terminal, the bed, course, swinging basin, turning circle, an area alongside a berth or dock, fairway, anchorage and berth;</p> <p>"Channel operator" means a person who manages channels in National Inland Waterways;</p> <p>"Commission" means the National Transport Commission as established by the National Transport Commission Act;</p> <p>"Concession" means an arrangement between the Authority and another party to provide National Inland Waterways service or operate National Inland Waterways facility in accordance with this Act and the word "concessioned" is to be interpreted accordingly;</p> <p>"Concessionaire" means a person granted a concession under this Act;</p> <p>"Consumer" or "National Inland Waterways user" means any person who uses National Inland Waterways services or facilities;</p> <p>"Court" means the Federal High Court;</p> <p>"Development" or "works" means the conversion of land to a new purpose and include:</p> |  |
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|  | <p>(a) The construction, extension, demolition or removal of a building or substantial alteration of any structure in or on land;</p> <p>(b) Any change to the natural or existing condition or topography of land;</p> <p>(c) The decoration or alteration of the inside or outside of a building or the alteration of works;</p> <p>(d) The subdivision or consolidation of land, airspace or buildings;</p> <p>(e) The installation, provision or operation of facilities or services;</p> <p>(f) The removal of vegetation or topsoil;</p> <p>(g) Land reclamation and land decontamination; and</p> <p>(h) Dredging;</p> <p>"Dock" means an enclosed area of water for the loading, unloading and repairs of vessel which includes basins, locks, cuts, entrances, graving, keel blocks including planes, slipways grid irons, quays, warehouses and other works and things appertaining to any dock;</p> <p>"Equipment" includes any apparatus, machinery or system used or intended to be used for the provision of National Inland Waterways services;</p> <p>"Estimates" means an appropriate judgement of the amount, value, etc. of something which include 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;</p> |  |
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|  |  | <p>"Federal Government" or "Government" means the government of the Federal Republic of Nigeria;</p> <p>"Gazette" means the Federal Gazette;</p> <p>"Government Agency" means an agency of the Federal Government of Nigeria or of any State in Nigeria;</p> <p>"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;</p> <p>"Holder of a quarrying lease" means a holder of a quarry lease as defined in the Nigerian Minerals and Mining Act 2007</p> <p>"National Inland Waterways" means any navigable river, creeks, lakes, tide, lands, lagoon, below the low water baseline, or channel leading into such place having facilities for vessels to moor and load or discharge including, cargo handling facilities harbour, berths, jetties, pontoons or buoys and wharves within the limits of the National Inland Waterways in any place in Nigeria and includes any place declared to be National Inland Waterways under this Act;</p> <p>"National Inland Waterways dues" means dues levied in respect of a vessel for entering, using, leaving or moving or sailing in the National Inland Waterways;</p> <p>"National Inland Waterways infrastructure" means the basic infrastructure of the National Inland Waterways, including channels, basins, quay walls, jetties, roads, railways, and infrastructure used for the provision of water, lights, power, sewerage, telecommunications and similar services;</p> |  |
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|  |  | <p>"National Inland Waterways Operator" means a person who owns the business of, or is responsible for the management and operation of National Inland Waterways, terminals, or berths located in the National Inland Waterways but does not include the Authority established under this Act;</p> <p>"National Inland Waterways repair facilities" includes dry docks, vessels repair facilities, warehouses, railways within the National Inland Waterways and any other facilities which are designated as such by the Authority; "</p> <p>"National Inland Waterways services" and "facilities" includes stevedoring, cargo handling, terminal operations, storage of cargo within National Inland Waterways, tug services, floating crane services, berthing services, fire - fighting, security, radio and radar services, waste disposal, vessel repairs, tank farms and any other terminal services and facilities for the handling, storage and transportation of goods on land adjoining the foreshore of Nigeria or a floating platform for the handling of passengers carried by vessels within the declared right-of-way of the Authority;</p> <p>"National Inland Waterways service provider" means a person providing services within the declared right-of-way of the Authority;</p> <p>"National Inland Waterways terminal" means an area, infrastructure, cargo-handling equipment, sheds and other land-based structures used for the loading, storage and discharge of cargo or the embarkation and disembarkation of passengers and includes any corresponding wharves, docks, piers, bridges and other infrastructure works, with all necessary and convenient arches, drains,</p> |  |
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|  |  | <p>culverts, fences, roads, railways, land and air approaches;</p> <p>"National Inland Waterways undertakings" means the undertakings of the Authority that relate to the provision 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 services;</p> <p>"Land" means the part of the earth surface not covered by water which includes the river bed below the high water mark;</p> <p>"Licence" means an authorisation to operate on the National Inland Waterways, provide National Inland Waterways service or operate the National Inland Waterways facility, issued by the Authority under this Act.;</p> <p>"Licensee for sand dredging" means holder of a license granted by the Minister under the Nigerian Minerals and Mining Act 2007;</p> <p>"Master" means every person, except a pilot having for the time being the command or charge of any vessel or ship;</p> <p>"Minister" means the Federal Minister charged with the responsibility for National Inland Waterways transportation;</p> <p>"Ministry" means the Federal Ministry charged with the responsibility for National Inland Waterways transportation;</p> <p>"Person" means a corporate body or partnership and where an individual is required to represent a corporate body or partnership in any circumstance</p> |  |
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|  |  | <p>pursuant to this Act or its subsidiary legislation it shall be sufficient if in the case of:</p> <p>(a) a body corporate, it is represented by a duly authorized person or employee; and</p> <p>(b) a partnership, it is represented by a partner or a duly authorized employee of the partnership.</p> <p>"Pier" means a structure built out into the National Inland Waterways used as a landing stage, or promenade which includes any stage, stairs, landing places, landing stage, jetty, floating barge or pontoon and any bridge or other works connected therewith;</p> <p>"Premises" means a piece of land, and the building on it, or part of a building used for commercial purposes which includes houses, structures, tenements, easements and hereditaments of any tenure, whether open or enclosed, built on or not, public or private, and maintained or not under the jurisdiction of the Authority;</p> <p>"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> <p>"President" means the President of the Federal Republic of Nigeria;</p> <p>"Repealed Act" means the National Waterways Authority Act, CAP N47, Laws of the Federation of Nigeria, 2004;</p> <p>"Regulations" means an order issued by the Authority under this Act;</p> <p>"relevant stakeholders" include private sector, states and local governments;</p> <p>"Revenue" means any monies received by the Authority by way of charges, scales of charges or</p> |  |
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|  | <p>other duties imposed by or under this Act and includes any monies accruing to the Authority under this Act;</p> <p>"River guide" means a person providing pilotage to navigation in river craft who has conduct thereof;</p> <p>"Sand" means a substance consisting of fine loose grain of rock or minerals found on river bed being an essential element to National Inland Waterways navigation;</p> <p>"Sand Dredging" means the scooping up of fine loose grains of rock or minerals and objects from the bed of a river or within the water channel;</p> <p>"Service provider" means any provider of services in or in respect of the National Inland Waterways;</p> <p>"Seafarers" include every person except masters and pilots employed or engaged in any capacity on board any ship;</p> <p>"Ship" includes every description of vessel used in navigation;</p> <p>"Tariff" or "charges" or "rates" means list of fees, fares, or other prices charged by the government which include National Inland Waterways dues, dues on goods, river guide dues and other charges levied by National Inland Waterways service providers;</p> <p>"Terminal infrastructure" means a building or complex containing facilities needed by transportation operators and passengers at either end of a travel or shipping route by National Inland Waterways which includes terminal buildings, cargo handling equipment, workshops, substations, surfacing, rail sidings and terminal operations and water, lights, power, sewerage,</p> |  |
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|     |                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>telecommunications and similar services within the terminal boundaries;</p> <p>"Terminal operations" means services provided at the National Inland Waterways terminal, consisting of cargo handling storage and delivery to vessels and services related thereto;</p> <p>"Vessel" means any kind of vessel that is used, or capable of being used, in navigation by water, however propelled or moved, and includes:</p> <p>(a) a ship, a barge, lighter, floating platforms, restaurant or other floating vessel, and an air-cushion vehicle, or</p> <p>(b) other similar craft that is used in navigation on water.</p> <p>"Wharf" means a structure built alongside or out into the water at a landing place for vessels with a protective covering or enclosure which includes any wall and building adjoining the foreshore, creek-bed, lagoon-bed, lake-bed or river-bed, quay, pier, jetty, ramp or other landing place.</p> |                                                                                                                                 |
| 65. |                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>65. Short title</b></p> <p>This Act may be cited as the National Inland Waterways Authority Act, 2016.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Section 65 is <b>RETAINED</b>                                                                                                   |
|     | <p>First Schedules<br/>Section 3 (3)</p> <p>Supplementary provisions relating to the Authority</p> <p>Proceedings of the Board</p> <p>1. Subject to this Act and section 27 of the Interpretation Act (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 Board may make standing</p> | <p><b>SCHEDULE I</b></p> <p><b>DECLARED FEDERAL NATIONAL INLAND WATERWAYS</b> [Sections 2, 15]</p> <p><b>1.</b> The River Niger from the Nigeria/Niger/Benin border, through the rivers Nun and Forcados distribution to the Atlantic Ocean.</p> <p><b>2.</b> The River Benue from the Nigeria/Cameroun border to the confluence with River Niger at Lokoja.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Schedule I is <b>AMENDED</b> by inserting the town name "<b>Okwagbe</b>" before the town name "<b>Fukana</b>" in item 6.</p> |

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| <p>orders regulating its proceedings or that of any of its committee thereof. First</p> <p>2. Every meeting of the Board shall be presided over by the chairman or, if the chairman is unable to attend a particular meeting, the members present at the meeting shall elect one person amongst them to preside at the meeting.</p> <p>3. 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 five other members.</p> <p>4. Where in 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.</p> <p>Committees</p> <p>5. (1) Subject to its standing orders, the Board may appoint such number of standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Authority or Board is concerned.</p> <p>(2) A committee appointed under this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons (not necessarily members of the Board) as may be determined by the Board.</p> <p>(3) The quorum of any committee set up by the Board shall be as may be determined by the Board.</p> | <p>3. The Cross River from the Nigeria/Cameroun border to the Atlantic Ocean, and all its distributaries.</p> <p>4. Rivers Sokoto, Kaduna, Gerinya, Gongola, Taraba, Donga, Katsina-Ala, Anambra, Ogun, Oluwa, Osse, Benin, Imo and Qua-Iboe.</p> <p>5. The intra-coastal route from Badagry, along the Badagry Creek to Lagos, through Lagos Lagoon to Epe, Lekki Lagoon on Iwopin, along Omu Creek, Talifa River to Atijere, Akata, Aboto, Oluwa River to Okitipupa and onto Gbekebo, Arogbo, Ofunama, Benin Creek to Warri. Also the canal running from Araromi through Aiyetoro, Imelumoto Benin River and from Aiyetoro through Mahin Lagoon to Igbokoda.</p> <p>6. The waterway from Warri along the Forcados River, through Fukana, Siana, Bomadi, Angalabiri, Patani, Torofani, down River Nun to Agberi, Kaima, Sabagreia, Gbaran Creek, Agudama, Ekpationa into Ekole Creek to Tanaka, Yenegoa, Sangata to Mbiakpaba, onto Okokokiri, Ofokpota, Olagaga, Nembe, Adema, Agoribiri Creek to Egbema, Degema, Somobreiro River to Hanya Town, Ogbakiri to Port Harcourt.</p> <p>7. The waterway from Port Harcourt, through Amadi Creek down Bonny River, into Opobo Channel Adoni River, through Andoni Flats, Tellifer Creek, Imo River, Shooter Creek, Qua Iboe Creek, Qua Iboe River, Stubbs Creeks, Widenham Creek, Effiat-Mbo Creek, Cross River estuary to Oran and Calabar.</p> <p>8. Rivers Benin, Ethiope, Ossiomo, Onne, Abba, Asumini, Olomum, Siluko, Talifa, Forcados, Penington, Escravos, Warri, Ramos, Dodo, Bonny, Middleton, Fishtown, Sengana, Brass of</p> |
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| <p>6. (1) Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Board to consist of persons who are not members of the Board, the committee may advise the Board on any matter referred to it by the Board.</p> <p>(2) The decision of a committee shall be of no effect until it is confirmed by the Board.</p> <p>Miscellaneous</p> <p>7. The fixing of the seal of the Authority shall be authenticated by the signature of the chairman of the Board or that of the Managing Director.</p> <p>8. 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 to act for that purpose by the Board.</p> <p>9. 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>10. The validity of any proceedings of the Board or of a committee of the Board shall not be affected—</p> <p>(a) by any vacancy in the membership of the Board, or of the committee; or</p> <p>(b) by any defect in the appointment of a member of the Board or any committee thereof.</p> | <p>Nicholas, Santa Barbara, San Batholomew, Sambriero, New Calabar, Mob, Rio del Rey, Uruan, Akwayafe.</p> <p>9. Creeks Odiana, AgamamaTora, Nembe, Krakama, Buguma, Bille, Finima, New Calabar, Ekole, Cawthorne Channel, Ikape-Bakassi, Omu, Kwato (Gwato), Adagbrassa, Chananomi, Okpoko, Jones Kulama, Ikebiri, Nikorogba, Sagbama, Egbedi, Kolo, Laylor and Hughes Channel.</p> <p>10. Lakes Mahin, Oguta and OsiamEhoma.</p> <p>11. The Orashi River from Oguta Lake to Ebocha, Omoku, Kreigani, Moiana, Okariki, Egbema and Sombreiro River.</p> <p>12. The part of Lake Chad that is within the boundaries of Nigeria.</p> |  |
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| <p>11. Any member of the Board or a committee of the Board 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 the committee and shall not vote on any question relating to the contract or arrangement.</p> <p>12. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged in the business of the Board.</p>                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                |                                       |
| <p>Second Schedule<br/>Section 10</p> <p>Federal navigable waterways</p> <p>1. The River Niger from the Nigerian/Niger/Benin border, through the Nun and Forcados distributaries to the Atlantic Ocean.</p> <p>2. The River Benue from the Nigerian/Cameroun border to its confluence with River Niger at Lokoja.</p> <p>3. The Cross River from the Nigerian/Cameroun border to the Atlantic Ocean, and all its distributaries.</p> <p>4. Rivers Sokoto. Kaduna. Geriny. Gongola. Taraba. Donga. Katsina-Ala. Anambra. Ogun. Oluwa. Osse, Benin, Imo. Kwa Ibo.</p> <p>5. The Intra-coastal route from Badagry. along the Badagry Creek to Lagos through Lagos Lagoon to Epe, Lekki Lagoon to Iwopin. along Omu Creek, Talifa Kivei to Atijere, Akata. Aboto. Oluwa River to Okitipupa and onto Gbekebo. Arogbo. Ofunama. Benin Creek to Warri. Also the canal running from Araromi through Aiyetoro.</p> | <p>SCHEDULE II</p> <p>RIVER PORTS WHOSE APPROACHES ARE EXEMPTED FROM THE CONTROL OF THE AUTHORITY [Section 16]</p> <ol style="list-style-type: none"> <li>1. Lagos</li> <li>2. Port Harcourt</li> <li>3. Warri</li> <li>4. Calabar</li> <li>5. Burutu</li> <li>6. Akassa</li> <li>7. Bonny</li> <li>8. Degema</li> <li>9. Forcados</li> <li>10. KokoTown</li> <li>11. Federal Lighter Terminal Onne</li> </ol> | <p>Schedule II is <b>RETAINED</b></p> |

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| <p>Imelumo to Benin River and from Aiyetoro through Mahin Lagoon to Igbokoda.</p> <p>6. The waterway from Warri along the Forcados River, through Frukana, Siam, Bomadi, Angalabiri, Patani, Torofani, down River Nun to Agberi, Kiama, Sabagreia, Gbaran Creek, Agudama, Ekpetional into Ekole Creek to Yanaka, Yenegoa, Sangala to Mbiakpaba, onto Okokokiri, Ofokpota, Olagaga, Nembe, Adema, Agoribiri Creek to Egbema, Degema, Sombreiro River to Hanya Town, Ogbakiri to Port Harcourt.</p> <p>7. The waterway from Port Harcourt, through Amadi Creek down Bonny River, into Opobo Channel Adoni River, through Andoni Flats, Teller Creek, Imo River, Shooter Creek, Kwa Ibo Creek, Kwa Ibo River, Stubbs Creeks, Widenham Creek, Effiat-Mbo Creek, Cross River estuary to Oron and Calabar.</p> <p>8. Rivers Benue, Ethiope, Ossiomo, Onne, Aba, Azumini, Olomum, Siluko, Talifa, Forcados, Pennington, Escravos, Warri, Ramos, Dodo, Bonny, Middleton, Fishtown, Sengana, Brass of Nicholas, Santa Barbara, San Bartholomew, Sambriero, New Calabar, Mbo, Rio del Rey, Uruan, Akwayafe.</p> <p>9. Creeks Odiana, Agamama Tora, Nembe, Krakama, Buguma, Bille, Finima, New Calabar, Ekole, Cawthorne Channel, Ikane-Bakassi, Omu, Kwato (Gwato), Adagbrassa, Chananomi, Okpoko, Jones Kulama, Ikebiri, Nikorogba, Sagbama, Egbedi, Kolo, Laylor, Hughes Channel.</p> <p>10. Lakes Mahin, Oguta, Osiam Ehomu.</p> <p>11. The Orashi River from Oguta Lake to Ebocha, Omoku, Kreigani, Moiana, Okariki, Egbema, Sombreiro River.</p> |  |  |
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|  | 12. Lake Chad, that part within Nigeria.                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                        |
|  | <p>Third Schedule<br/>Section 11</p> <p>River ports whose approaches are exempted from the control of the Authority</p> <ol style="list-style-type: none"> <li>1. Lagos.</li> <li>2. Port Harcourt.</li> <li>3. Warri.</li> <li>4. Calabar</li> <li>5. Burutu.</li> <li>6. Akassa.</li> <li>7. Bonny.</li> <li>8. Degema.</li> <li>9. Forcados.</li> <li>10. KokoTown.</li> </ol> | <p>SCHEDULE III</p> <p><b>SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF THE AUTHORITY</b><br/>[Sections 7(5), 56]<br/><i>Proceedings of the Board</i></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The Chairman shall preside at every meeting of the Board and in the absence of the Chairman, the members present at that meeting shall appoint one of their members to preside at the meeting and minutes shall be taken of each meeting of the Board and any Committee by the Secretary.</li> <li>3. The quorum for any meeting of the Board shall be at least 5 Directors.</li> <li>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 and the Chairman shall, if so required by notice given to him by not less than 4 other members of the Board specifying, amongst others, an agenda for the meeting, summon a meeting of the Board which shall be held not later than 14 days from the date on which the notice is served on him to discuss the items specified in the notice and the Board shall for the purposes of this Act meet not less than 4 times in each calendar year.</li> <li>5. A member of the Board who directly or indirectly has a personal interest (including but not limited to financial interests) in any matter being deliberated</li> </ol> | <p>Schedule III is <b>RETAINED</b></p> |

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|  |  | <p>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> <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 meetings of the Board shall be taken by a simple majority.</p> <p>8. In the case of an equality of votes the Chairman of the meeting shall have a second or casting vote.</p> <p><i>Committees</i></p> <p>9. Subject to its standing orders, the Board may appoint such number of standing or ad hoc Committees as it thinks fit to consider and report on any matter with which the Authority is concerned.</p> <p>10. A Committee appointed under paragraph 9 shall:</p> <p>(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</p> |  |
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|  |  | <p>as would be indicated in his letter of appointment; and</p> <p>(b) be presided over by a member of the Board.</p> <p>11. The quorum of any Committee set up by the Board shall be determined from time to time by the Board.</p> <p>12. A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.</p> <p><i>Miscellaneous</i></p> <p>13. The fixing of the seal of the Authority shall be authenticated by the signature of the Secretary and that of the Chairman or any other member of the Board generally or specifically authorised by the Board to act for that purpose.</p> <p>14. 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 any person generally or specially authorised by the Board to act for that purpose.</p> <p>15. 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>16. Subject to the 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;</p> <p>(b) any defect or irregularity in the appointment of a member of the Board or Committee;</p> <p>(c) the fact that any person not entitled to do so took part in the proceedings of the Board</p> |  |
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|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><i>Committee</i></p> <p>17. A member of the Board or a Committee shall not be personally liable for any act or omission done or made in good faith while engaged in the business of the Authority.</p> <p>18. 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
|  | <p>Fourth Schedule<br/>Section 21</p> <p>Assets of the Department vested in the Authority</p> <ol style="list-style-type: none"> <li>1. Property.</li> <li>2. Buildings.</li> <li>3. Dockyards</li> <li>4. Lands.</li> <li>5. Office equipment.</li> <li>6. Machinery and plants.</li> <li>7. Boats and ferries, including: <ol style="list-style-type: none"> <li>(1) B/V Anam.</li> <li>(2) B/V Bajibo.</li> <li>(3) B/V Nembe.</li> <li>(4) B/V Lekki.</li> </ol> </li> </ol> | <p>SCHEDULE IV</p> <p>CONFLICTS OF INTEREST<br/>[Sections 8(4), 10(1) (f), 14(3)]</p> <p>1. Subject to the further provisions of this Schedule, no Director or member of staff of the Authority shall have a direct or indirect financial interest or investment in any shipping, stevedoring, pilotage or terminal operations throughout the tenure of his office or employment with the Authority.</p> <p>2. Subject to paragraphs 3 and 4 of this Schedule, each Director or member of staff of the Authority shall on an annual basis present a written declaration no 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. Directors and members of staff of the Authority as at the commencement date of this Act shall be entitled to a maximum of 6 months from the said</p> |  |

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|  | <p>(2) B/V Bajibo.</p> <p>(3) B/V Nembe.</p> <p>(4) B/V Lekki.</p> <p>(5) B/V Numan.</p> <p>(6) M/F Apapa.</p> <p>(7) M/F Calahar.</p> <p>(8) M/F Baro.</p> <p>(9) M/F Yelwa.</p> <p>(10) W/B Jebba.</p> <p>(11) M/T Tiga Dam.</p> <p>(12) M/D Yenaka.</p> <p>(13) M/D Itobe.</p> <p>(14) M/DSiama.</p> <p>(15) M/D Obosi.</p> <p>(16) M/D Shetland.</p> <p>(17) M/F Oron.</p> <p>(18) M/F Lokoja.</p> <p>(19) W/B Maroko.</p> <p>(20) W/B Jamata.</p> <p>(21) M/F Effiat-Mbo.</p> | <p>of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Authority.</p> <p>3. Directors and members of 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 within which to divest themselves of their direct or indirect financial interests or investment in any shipping, stevedoring, pilotage or terminal operations, if any.</p> <p>4. All newly-appointed Directors and members of 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, if any.</p> <p>5. Each Director 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:</p> <p>(a) knowingly has; or</p> <p>(b) knows any member of his immediate family to have in any aspect of the National Inland Waterways industry.</p> <p>6. Subject to Paragraph 7 of this Schedule, the Board shall from time to time waive the application of the prohibitions specified in Paragraphs 1 and 2 of this Schedule to any Director or member of staff of the Authority if the Board reasonably determines that the financial interest of the relevant person is immaterial</p> |  |
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| (22) | M/F Idah.       | nature or is minimal.                                                                                                                                                                                                                                                                                                                                                                  |
| (23) | M/F Asaha.      | 7. The Board in determining whether or not the interest of a Director or member of staff of the Authority is minimal or immaterial shall consider factors including but not limited to the:                                                                                                                                                                                            |
| (24) | M/F Ibi.        | (a) revenues, investments, profits and managerial efforts of the relevant company or other entity in regard to its National Inland Waterways activities compared with other aspects of the Authority's or such entity's businesses;                                                                                                                                                    |
| (25) | M/F Yola.       | (b) extent to which the Authority regulates and oversees the activity of such company or entity;                                                                                                                                                                                                                                                                                       |
| (26) | M/F New Bussa.  | (c) degree to which the economic interests of such company or other entity may be affected by an action of the Authority; and                                                                                                                                                                                                                                                          |
| (27) | M/F Onitsha.    | (d) perceptions held or likely to be held by the public regarding the relevant person's financial interest or investment in that company or other entity.                                                                                                                                                                                                                              |
| (28) | M/F Donga.      | 8. The Board may at any time review and reverse its determination under paragraph 6 of this Schedule and direct the application of the prohibitions contained in this Schedule to the affected Director or member of staff of the Authority and the Board shall not be under an obligation to disclose the reason or basis for its review to the affected Director or member of staff. |
| (29) | M/F Warri.      | 9. In any case in which the Board exercises the waiver or the review thereof as specified in paragraphs 6 and 8 of this Schedule, the Board shall so soon thereafter publish the details thereof and such publication shall include information regarding the identity of the person                                                                                                   |
| (30) | M/T Kainji Dam. |                                                                                                                                                                                                                                                                                                                                                                                        |
| (31) | B/V Varvil.     |                                                                                                                                                                                                                                                                                                                                                                                        |
| (32) | B/V Cosmos.     |                                                                                                                                                                                                                                                                                                                                                                                        |
| (33) | W/B Yauri.      |                                                                                                                                                                                                                                                                                                                                                                                        |
| (34) | S/V Woodcock.   |                                                                                                                                                                                                                                                                                                                                                                                        |
| (35) | S/V Woodpecker. |                                                                                                                                                                                                                                                                                                                                                                                        |
| (36) | S/L Woodpegeon. |                                                                                                                                                                                                                                                                                                                                                                                        |
| (37) | M/L Wagtail.    |                                                                                                                                                                                                                                                                                                                                                                                        |
| (38) | M/L Woodlack.   |                                                                                                                                                                                                                                                                                                                                                                                        |

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|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
|  |  | <p>who has been granted the waiver or whose grant of 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><b>10.</b> For the purpose of this Schedule:</p> <p>(a) "company" includes partnerships and undertakings; and</p> <p>(b) "immediate family" means 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.</p>                                                                                             |                        |
|  |  | <p><b>EXPLANATORY MEMORANDUM</b></p> <p><i>(This Memorandum does not form part of this Act but is intended to explain its purport)</i></p> <p>This Bill repeals the National Inland Waterways Act, CAP N47, Laws of the Federation of Nigeria, 2004 and enacts the National Inland Waterways Act to provides for the management, regulation and development of National Inland Waterways in Nigeria and establish the National Inland Waterways Authority to manage and regulate National Inland Waterways and to involve private sector participation in the National Inland Waterways operations in Nigeria.</p> | <p><b>RETAINED</b></p> |