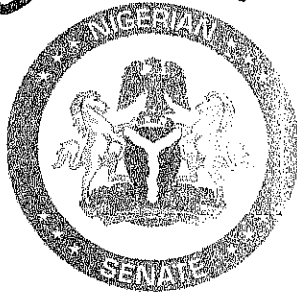


LAID: 10-01-2017



**REPORT OF THE SENATE COMMITTEE
ON MARINE TRANSPORT ON:**

**A BILL FOR AN ACT TO REPEAL THE NIGERIAN
PORTS AUTHORITY ACT, CAP 126 LFN, 2004 AND
TO ESTABLISH THE NIGERIAN PORTS AND
HARBOURS AUTHORITY TO PROVIDE FOR THE
OWNERSHIP, MANAGEMENT AND DEVELOPMENT
OF PORTS AND HARBOURS AND FOR RELATED
MATTERS (S.B. 243).**

1.0. INTRODUCTION

1.1. This is a report of the Senate Committee on Marine Transport on the referral in respect of the Bill sponsored by **Distinguished Senator Andy Uba on:**

A Bill for an Act to Repeal the Nigerian Ports Authority Act, CAP 126 LFN, 2004 and to Establish the Nigerian Ports and Harbours Authority to provide for the Ownership, Management and Development of Ports and Harbours and for Related Matters (S.B. 243)

1.2. Upon taking the Second Reading of the Bill in Plenary Sitting, the Senate referred the Bill to the Committee for further legislative action and to report back with recommendations.

2.0. MEMBERSHIP OF THE COMMITTEE

2.1. The membership of the Committee is as follows:

S/N	NAME	DESIGNATION
1.	Senator Ahmed Rufai Sani	Chairman
2.	Senator Ahmed Ogembe	Vice Chairman
3.	Senator Suleiman M. Nazif	Member
4.	Senator Kabir Gaya	Member
5.	Senator Joshua Dariye	Member
6.	Senator George Akume	Member
7.	Senator Olamilekan Adeola	Member
8.	Senator Isiaka Adetunji Adeleke	Member
9.	Senator Samuel Anyanwu	Member
10.	Senator Ahamefule Orji	Member

11.	Senator Emmanuel I. Paulker	Member
12.	Senator Clifford A. M. Ordia	Member
13.	Senator Mohammed Hassan	Member
14.	Senator Andy Uba	Member
15.	Senator Abdullahi Gumel	Member
16.	Senator Obinna Ogba	Member
17.	Senator Ovie Omo-Agege	Member
18.	Senator Binta Masi Garba	Member
19.	Senator Ben Uwajumogu	Member
20.	Senator Mao Ohabunwa	Member

3.0. BACKGROUND

3.1. Mr. President; Distinguished Colleagues, the Distinguished Senator Andy Uba sponsored **Senate Bill (S.B. 243)** to repeal the **Nigerian Ports Authority Act** ("the NPA Act"). In place of the NPA Act, Senator Uba proposes that this Senate enacts –

(1) *a new Act to **Establish the Nigerian Ports and Harbours Authority** providing for the "Ownership, Management and Development of Ports and Harbours" in Nigeria; and*

3.2. Mr. President, the ultimate objective of this Bill is to give robust legal framework to the Federal Government Policy on Port Reforms. The strategic and huge business opportunities in our Maritime Domain put this Bill in a class of its own with regards to our national and local economies. The legal frameworks proposed in the Bill are intended to sustainably drive this subsector of our transport sector to deliver greater economic efficiencies for the Nation.

4.0. **METHODOLOGY**

4.1. Mr. President, in carrying out this very important assignment, the Committee held several meetings to extensively review and enrich the referred Bill. We examined successful Port Reforms in several national jurisdictions. During these meetings, Members of the Committee made inputs that are consistent with the overall objectives of the Bill.

4.2. Arising from our aforesaid meetings, the Committee decided to adopt a holistic approach to its legislative action on the referred Bill, by –

- (a) organising a **Public Hearing** on the Bill for a broad-based public consultation by obtaining expert and non-expert views and advice from stakeholders and members of the public that will feed into the proposed enactment;
- (b) collating inputs and memoranda arising from the **Public Hearing**;
- (a) constituting a Technical Committee of expert consultants, academics, and legal draftsmen, supervised by our **Sub-Committee on Bills, Motions and Public Hearing**, to review submissions and memoranda made at the **Public Hearing** with the objective of putting together a refined Bill;
- (b) holding further meetings of the Committee to review the work and suggestions of the Technical Committee as supervised by our **Sub-Committee on Bills, Motions and Public Hearing**; and

- (c) consulting legal draftsmen on this harmonised Bill now laid before this hallowed Chamber for passage as Act of the National Assembly.

5.0. THE PUBLIC HEARING

5.1. Mr. President; Distinguished Colleagues, consistent with the methodology adopted by the Committee, we organised a **Public Hearing** on the Bill on **Monday, November 21, 2016**. Committed to the Senate's Legislative Agenda on the Nation's economy and conscious of the urgent need to pass this Bill in that regard, the **President of the Senate, His Excellency Senator (Dr.) Bukola Saraki**, acting through the **Senate Minority Leader, Distinguished Senator Philip Aduda**, officially opened the **Public Hearing**. The Senate President message at the Public Hearing set the right tone for the broad enrichment of our Committee's perspectives on the Bill.

5.2. As it should be, the **Public Hearing** was an important platform for public and private sectors operators and players, stakeholders, practitioners, professionals, and the public to present memoranda and oral submissions on the Bill. The Honourable **Minister of Transport, Rt. Hon. Rotimi Amaechi**, personally led concerned agencies under his Ministry to attend the **Public Hearing**.

5.3. The Committee received written and oral presentations and memoranda from these organisations and individuals:

S/N	ORGANISATION/INDIVIDUAL
1.	The Honourable Attorney-General of the Federation, represented by Mr. Patrick Ita Oyong (Assistant Director, Legal Drafting Department, Ministry of Justice)
2.	Dr. Hadiza Bala-Usman, Managing Director, Nigerian Ports Authority (NPA)
3.	Mr. Boss Mustapha, Managing Director, Nigerian Inland Waterways Authority (NIWA)
4.	Nigerian Shippers Council (NSC), represented by Mr. Samuel Vongtau (Director, Legal Services)
5.	Bureau of Public Enterprises (BPE), represented by Dr. Terhemem Azinge (Deputy Director, BPE)
6.	Infrastructure Concessioning Regulatory Commission (ICRC), represented by Mr. Michael Ohiani
7.	NPA Terminal Operators & Shipping Association of Nigeria (SAN), represented by Mr. Chidi Ilougo (Senior Advocate of Nigeria)
8.	Kogi State Government, represented by Hon. Barr. Haruna Yusuf
9.	Nigeria Economic Summit Group (NESG), represented by Dr. Ikenna Nwosu
10.	Maritime Advocacy Group (MAG), represented by Dr. West Idahosa
11.	Senator Khairat Gwadabe
12.	Nigerian Customs Service, represented by Mr. Abba Kasim
13.	National Council of Managing Directors of Licensed Customs Agents, represented by Mr. Lucky Amiwo
14.	Nigerian Association of Licensed Customs Agents
15.	Shippers Association of Lagos State, represented by Mr. Jonathan Nicole
16.	Rivers-Bayelsa Shippers Association, represented by Mr. Utom Udofia
17.	Mr. Ibrahim Mohammed Kasim
18.	And other stakeholders including State Governments.

6.0. OBSERVATIONS AND FINDINGS

6.1. Mr. President; Distinguished Colleagues, the **Public Hearing** was incisive in engagement and enriching in outcome. Nigerians overwhelmingly called on the National Assembly to urgently pass this Bill into law. They want the Act that will be enacted vide this Bill to define very clear, efficient, smart and up-to-date legal frameworks and roadmaps for our Maritime Industry.

6.2. Mr. President, as articulated in its Parts I and II, the kernel of **S.B. 243** is the provision of an appropriate institutional framework for the ownership, management and development of ports and harbours in Nigeria. It proposes to ensure the integrity, efficiency and safety of our ports based on accountability, competition, fairness and transparency. The Bill seeks to encourage private sector participation in the provision of port services and port infrastructure as well as promote and safeguard our Nation's global competitiveness and trade objectives. For these purposes, the Bill proposes to scrap the Nigerian Ports Authority (NPA) as presently constituted and organised. In its place, the establishment of a new body – the Nigerian Ports and Harbour Authority ("the NPHA") is proposed. The NPHA is to be vested, amongst others, with the control and ownership of all ports and harbours on behalf of the Federal Government of Nigeria based on the Landlord Model. Suffice to say that **S.B. 243** is a good piece of draft legislation as it is an appropriate response to unsettled issues

in our Nation's policy on Port Reforms. As the Senate President rightly noted at the **Public Hearing**, this Bill "***holds the ace in various aspects of our National economy***".

7.0. **RECOMMENDATION**

7.1. Mr. President; Distinguished Colleagues, with humility the Committee recommends the draft Bill (**S.B. 243**) accompanying this Report for passage by the Senate. We do so without hesitation because it is in our self-enlightened national interest to do so.

7.2. As I end this Report, may I highlight some specific aspects of the Bills (as recommended by the Committee):

Section 1 - 4	Amended
Section 4	New Section
Section 5 - 7	Retained
Section 8 - 10	Amended
Section 11	Retained
Section 12	Amended
Section 13 - 21	Amended
Section 22- 23	Amended
Section 24 - 26	Amended
Section 27	Amended
Section 28 - 30	Retained
Section 31	Amended
Section 32 - 33	Retained
Section 34 - 36	Amended
Section 37 - 38	Retained
Section 39	Amended
Section 40 - 43	Retained

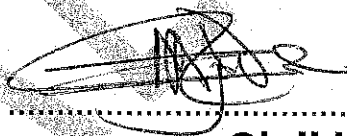
Section 44 - 47	Amended
Section 48 - 56	Retained
Section 57	Amended
Section 58 - 59	Retained
Section 60	Amended
Section 61 - 66	Retained
Section 67	Amended
Section 68 - 73	Retained
Section 74	Amended
Section 75 - 78	Retained
Section 79	Amended
Section 80 - 82	Retained
Section 83	Amended
Section 84	Retained
Section 85	Amended
Section 86 - 107	Retained
Section 108	Amended
Section 109	Retained
Section 116	Amended
Section 117 - 122	Retained
Section 123	Deleted
Section 124	Amended
Section 125	Retained
First Schedule	Amended
Second Schedule	Amended
Third Schedule	Amended
Fourth Schedule	Amended
Explanatory Memorandum	Retained

8.0. CONCLUSION

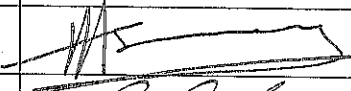
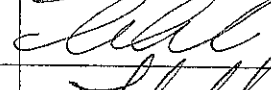
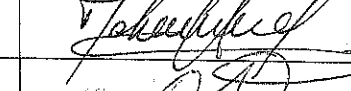
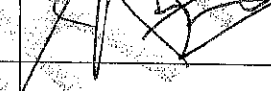
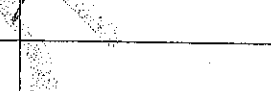
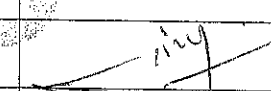
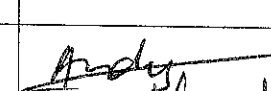
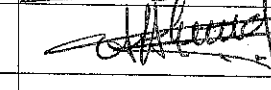
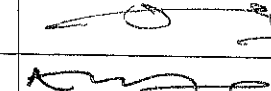
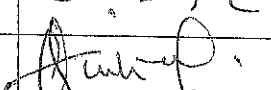
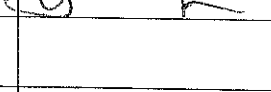
8.1. Finally, we wish to use this opportunity to thank the President of the Senate and our Distinguished Colleagues for the opportunity to serve in this capacity. We humbly recommend the passage of the Bill to the Senate. It will strengthen our national and local economies.

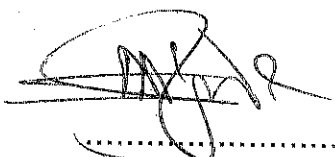


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H.E. Senator Ahmed Sani Rufai, CON
Committee Chairman



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Olajide, A. A.
Committee Clerk

S/N	NAME	DESIGNATION	SIGNATURE
1.	Senator Ahmed Rufai Sani	Chairman	
2.	Senator Ahmed Ogembe	Vice Chairman	
3.	Senator Suleiman M. Nazif	Member	
4.	Senator Kabir Gaya	Member	
5.	Senator Joshua Dariye	Member	
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20.	Senator Mao Ohabunwa	Member	


A. A. Olajide
Committee Clerk