

SUMMARY OF 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

Section 1 is AMENDED by deleting the word "National" before the phrase "Inland Waterways" in subsection (a) to replace it with the word "Nigerian" for the subsection to read as follows:

"(a) develop and improve the National Inland Waterways for water transportation and navigation purposes;"

the word "National" is to be replaced with the word "Nigerian" wherever it appears before the phrase "Inland Waterways" throughout the Bill.

Section 2 is RETAINED

Section 3 is RETAINED

Section 4 is AMENDED –

a. subsection 4(1)(m) is redrafted to read as follows:

"(m) grant permits for seismic survey, reclamation, shore protection work and wreck removal within the Declared Waterways and its right of way;"

b. insert subsection 4(1)(cc) to read as follows:

“(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.”

c. the phrase “upon payment of necessary charges to the Authority” is inserted after the word “Authority” at the end of subsection (3) for the subsection to read as follows:

“(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 upon payment of necessary charges to the Authority.”

“Delete the word “royalty” wherever in appears”

d. a new subsection (6) is inserted after subsection (5) to read as follows

“(6) The powers conferred on the Authority by this Bill shall be subject to regulatory powers of the Transport Sector Regulator.”

Section 5 is RETAINED

Section 6 is RETAINED

Section 7 is AMENDED –

a. delete the word “two” in subsection (2)(d) and in its place, substitute the word “three” for the subsection to read as follows:

“(d) two members representing public interest; and”

b. insert a new subsection (7) as follows:

“(7) Each of the six (6) geo-political zones of the Federation shall be represented in appointment into the Board of the Authority.”

Section 8 is AMENDED –

a. insert the expression

“in –

(i) Maritime Law;

(ii) Shipping;

(iii) Finance;

(iv) Port Management;

(v) Transportation; or

(vi) Engineering”

after the word “experience” in subsection (1)(b) for the subsection to read as follows:

“(b) persons of proven integrity with relevant cognate experience in –

(i) Maritime Law;

(ii) Shipping;

(iii) Finance;

(iv) Port Management;

(v) Transportation; and/or

(vi) Engineering.”

b. Deleting subsection (3)(b).

Section 9 is RETAINED

Section 10 is RETAINED

Section 11 is RETAINED

Section 12 is RETAINED

Section 13 is AMENDED by inserting the words “laws and” before the word “Federal” for the section to read as follows:

“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.”

Section 14 is RETAINED but a new subsection (6) is inserted to read as follows:

“(6) The powers of the Authority under this section shall be exercised in accordance with extant laws and Federal Government guidelines.”

Section 15 is RETAINED

Section 16 is AMENDED to read as follows:

“Area under control of the Authority

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.”

Section 17 is RETAINED

Section 18 is AMENDED thus –

a. substitute the words “subject to” with the word “notwithstanding” in subsection (1) and insert the word “exclusive” before the expression “right to all land” also in subsection (1) for the subsection to read as follows:

“(1) 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.”

b. "redraft subsection (3) to read as follows:

"(3) No person, including a State Government or Local Government shall –

(a) obstruct a declared waterway;

Delete (b)

(c) erect structures within the right-of-way or divert water from a declared waterway; or

(d) carry out any of the activities as specified in this Act - without the written consent, approval or permission of the Authority."

Insert new "18(4) as follows:

The Authority shall have the powers to grant consent for the use of land or immoveable property within the right of way may be put to in relation or sand, gravel or stone from any declared waterways."

Section 19 is AMENDED by substituting the word/figure "ten (10)" for the word "five" for the section to read as follows:

"The Authority shall not without the written approval of the President, concession or lease its land or property for more than ten (10) years."

Section 20 is AMENDED as follows:

"20. Fund of the Authority

(1) There is established for the Authority a fund ("the Fund") which shall consist of all monies accruing to the Authority from:

(a) Port Development levy;

(b) 1% of sums accruable to Federal Government from Oil and Gas within the Declared Waterways and its right of ways;

- (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;
- (d) 0.25% of Ecological Fund;
- (e) charges, dues, levies, royalties and fees collected by the Authority;
- (f) concession fees paid to the Authority;
- (g) annual fees for licences and permits issued by the Authority;
- (h) gifts, grants, aids and subventions;
- (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;
- (j) sums collected or received by the Authority for services rendered;
- (k) monies borrowed and capital raised by the Authority under this Act or any other enactment; and
- (l) such other sums as maybe received by the Authority from other sources."

"(2) The National Inland Waterways including those related to electric power generation and exploitation of oil and gas, refineries, petrochemicals, oil pipelines and transportation"

Section 21 is RETAINED
Section 22 is RETAINED
Section 23 is RETAINED
Section 24 is RETAINED
Section 25 is RETAINED
Section 26 is RETAINED
Section 27 is RETAINED
Section 28 is RETAINED
Section 29 is RETAINED
Section 30 is RETAINED
Section 31 is RETAINED

Section 32 is RETAINED

Section 33 is RETAINED

Section 34 is RETAINED

Section 35 is RETAINED

Section 36 is RETAINED

Section 37 is RETAINED

Section 38 is RETAINED

Section 39 is AMENDED by adding a new subsection (4) to read as follows:

“(4) Subject to the provisions of this section, the Authority shall act as the Assistant Receiver of Wrecks.”

Section 40 is RETAINED

Section 41 is RETAINED

Section 42 is RETAINED

Section 43 is RETAINED

Section 44 is RETAINED

Section 46 is AMENDED by inserting the phrase “occupant or” before the word “operator” for the section to read as follows:

“Where an occupant or 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 47 is RETAINED

Section 48 is RETAINED

Section 49 is RETAINED

Section 50 is RETAINED

Section 51 is RETAINED

Section 52 is RETAINED

Section 53 is RETAINED

Section 54 is RETAINED

Section 55 is RETAINED

Section 56 is AMENDED by substituting "Schedule III" in the subheading, side notes and body of the section with "Schedule IV".

Section 57 is RETAINED

Section 58 is RETAINED

Section 59 is RETAINED

Section 60 is RETAINED

Section 61 is RETAINED

Section 62 is RETAINED

Section 63 is RETAINED

Section 64 is AMENDED thus –

a. insert paragraph (i) after paragraph (h) in the definition of "Development" or "works" as follows:

"(i) all waters on the landward side of the baseline of the territorial sea."

b. insert the definition of "Transport Sector Regulator" after the definition of "Terminal operations" as follows:

"“Transport Sector Regulator” means any body set up by an Act to regulate the sector;"

Section 65 is RETAINED

Schedule I is AMENDED by inserting the town name "Okwagbe" before the town name "Fukana" in item 6.

Schedule II is RETAINED

Schedule III is RETAINED