

NIGERIAN PORTS AUTHORITY ACT

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NIGERIAN PORTS AUTHORITY ACT

An Act to establish the Nigerian Ports Authority with the functions of providing and operating necessary facilities in ports and maintaining, improving and regulating the use of the ports; and to provide for matters connected therewith.

[1999 No. 38.]

[10th May, 1999]

[Commencement.]

PART I

Establishment, etc., of the Nigerian Ports Authority and its Governing Board

1. Establishment of the Nigerian Ports Authority

(1) There is hereby established, an authority to be known as the Nigerian Ports Authority (in this Act referred to as "the Authority").

(2) The Authority-

- (a) shall be a body corporate, with perpetual succession and a common seal; and
- (b) may sue and be sued in its corporate name.

2. Establishment and membership of the governing Board

(1) There is hereby established for the Authority, a governing Board which shall consist of-

- (a) a chairman;
- (b) one person to represent the Federal Ministry of Transport;
- (c) five persons with experience in shipping and commercial matters;
- (d) the managing director of the Authority; and
- (e) the executive directors of the Authority.

(2) The chairman and members of the Board, other than *ex-officio* members, shall-

- (a) be appointed by the President on the recommendation of the Minister; and
- (b) be persons with proven integrity and with relevant cognitive experience.

(3) The Board shall have a secretary, who shall be the head of the legal department of the Authority.

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

[First Schedule.]

3. Tenure of office, etc.

The chairman and other members of the Board, other than *ex-officio* members--

- (a) shall hold office for a period of four years on such terms and conditions as may be specified in their letters of appointment; and
- (b) may be reappointed for one further period of four years.

4. Removal from office, etc.

(1) Notwithstanding the provisions of section 3 of this Act, a member may at any time be removed from office by the President, for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct.

(2) A member of the Board may resign his appointment by a notice in writing under his hand addressed to the President and that member shall, on the date of the receipt of the notice by the President, cease to be a member of the Board.

5. Emoluments, etc.

A member of the Board shall be paid such emoluments, allowances and benefits as the President may, from time to time, approve.

6. Disclosure of interest

(1) A member of the Board who is directly or indirectly interested in any matter being deliberated on by the Board or is interested in any contract made or proposed to be made by the Authority shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under subsection (1) of this section shall be recorded in the minutes of meetings of the Board and the member shall--

- (a) not, after the disclosure, take part in any deliberation or decision of the Board; and
- (b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision,

with regard to the subject matter in respect of which his interest is so disclosed.

PART II

Functions and powers

7. Functions of the Authority

The functions of the Authority shall be to-

- (a) provide and operate, in the ports, such facilities as appear to it best calculated to serve the interest of Nigeria;
- (b) maintain, improve and regulate the use of the ports;
- (c) ensure the efficient management of port operations, optimal allocation and use of resources, diversification of sources of revenue and guaranteeing adequate returns on its investments, in order to contribute effectively to the wellbeing of the Nigerian society;
- (d) provide, for the approaches to all ports and the territorial waters of Nigeria, such pilotage services and lights, marks and other navigational services and aids, including cleaning, deepening and improving of all waterways;
- (e) provide facilities for-
 - (i) berthing, towing, mooring, moving or dry-docking of ships, in entering or leaving a port or its approaches;
 - (ii) the loading and unloading of goods or embarking or disembarking of passengers in or from a ship;
 - (iii) the lighterage or the sorting, weighing, warehousing and handling of goods; and
 - (iv) for the carriage of passengers or goods;
- (f) manage, supervise and control or take part in the management, supervision or control of any company or undertaking in which the Authority is interested, by reason of shareholding or otherwise and for that purpose appoint and remunerate directors, accountants, other experts and agents;
- (g) provide and use appliances for the towage or protection, or salvage of life and property or for the prevention of fire within Nigeria and on vessels on the high seas;
- (h) supply water to shipping vessels;
- (i) control pollution arising from oil or any other substance from ships using the port limits or their approaches;
- (j) provide and operate such other services as the Minister may, from time to time, require; and
- (k) carry out such other activities which are connected with or incidental to its other functions under this Act.

8. Powers of the Authority

The Authority shall have power to-

- (a) construct, execute, carry out, equip, improve, work and develop ports, docks, harbours, piers, wharves, canals, water courses, embankments and jetties;
- (b) invest and deal with the monies of the Authority not immediately required on such securities or in such investments and manner as may, from time to time, be expedient;

- (c) erect, construct, lay down, enlarge, maintain and alter any building, erection and work which may seem directly or indirectly necessary or convenient for any of its purposes;
- (d) act as consultants and advisers in relation to ports and port operations in Nigeria or in any part of the world;
- (e) carry on the business of carrier by land or sea, stevedore, wharfinger, warehouseman or lighterman or any other business desirable for the functions of the Authority;
- (f) acquire any undertaking of any registered business that affords facilities for the loading, unloading or warehousing of any goods in any port in Nigeria;
- (g) appoint, license and manage pilots of vessels;
- (h) insure all goods and consignments that are in the custody of the Authority;
- (i) control the erection and use of wharves in any port or its approaches;
- (j) buy any property, and sell, let, lease or otherwise dispose of any property, which appears to the Authority to be unnecessary for its purposes;
- (k) enter into agreement with any person for the supply, construction, manufacture, maintenance or repair by that person of any property, movable or immovable, necessary for the purposes of the Authority;
- (l) enter into agreement with any person for the operation or the provision of any of the port facilities which may be operated or provided by the Authority;
- (m) provide, appoint, license and regulate weighers and meters for measuring goods in any port in Nigeria;
- (n) reclaim, excavate, enclose, raise or develop any of the lands acquired by or vested in the Authority;
- (o) win sand from the ports and their approaches for such purposes as it may deem fit;
- (p) do anything for the purpose of advancing-
 - (i) the skills of persons employed by the Authority; or
 - (ii) the efficiency of the equipment of the Authority or of the manner in which that equipment is operated,including the provision by others of the facilities for training, education and research;
- (q) provide residential accommodation, houses, hostels and other like accommodation for its deserving employees on terms and conditions to be determined, from time to time, by the Authority, in order to promote the welfare of its employees;
- (r) purchase, take on lease or in exchange or otherwise acquire, hold, manage, work, develop the resources of and turn to account any estate, land, building, tenement, and other real property of any description, including leasehold or other tenure and wheresoever situate and any interest therein and any right connected therewith, and in particular, to acquire or take over estates situated, in Nigeria;

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

9. Power to act through officer or agent, etc.

The Authority may perform or exercise any of its functions or powers under this Act, other than the power to make regulations, through an officer or agent of the Authority or through any other person authorised by the Authority in that behalf.

PART III

Staff

10. Managing director and executive directors of the Authority

(1) There shall be, for the Authority, a managing director to be appointed by the President.

(2) The managing director-

- (a) shall hold office for a period of five years, on such terms and conditions, as may be specified in his letter of appointment; and
- (b) may be reappointed for a further period of five years.

(3) The managing director shall be the chief executive of the Authority and be responsible--

- (a) for the execution of the policy and the day-to-day administration of the Authority;
- (b) for the direction, supervision and control of all other employees of the Authority and, subject to such restrictions as the Board may impose, for disposing of all questions relating to the service of the employees, their pay, allowances and privileges;
- (c) for matters concerning the accounts and records of the Authority.

(4) The President shall appoint for the Authority, three executive directors to assist the managing director in the performance of his functions under this Act.

(5) An executive director-

- (a) shall hold office for a period of four years, on such terms and conditions as

- may be specified in his letter of appointment;
- (b) may be reappointed for a further period of three years; and
- (c) perform such functions as may, from time to time, be assigned to him by the managing director and the Board.

11. Other staff of the Authority, etc.

(1) The Authority shall appoint such other persons as employees as it may deem necessary for the efficient performance of its functions under or pursuant to this Act and shall have power to pay persons so employed such remuneration (including allowances), as the Authority may, from time to time, determine.

(2) The Authority may, with the approval of the Minister, make regulations generally relating to the conditions of service of employees of the Authority, and in particular, but without prejudice to the generality of the foregoing, may make regulations relating to-

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, the employees;
- (b) appeals by the employees against dismissal or other disciplinary measures;
- (c) the grant of pensions, gratuities and other retiring allowances to the employees and their dependants, and the grant of gratuities to the estates or dependants of deceased employees of the Authority;
- (d) the establishment and maintenance of medical benefit funds, superannuation funds and provident funds, and the contributions payable to and the benefits receivable from those funds.

12. Service in the Authority to be pensionable

(1) Service in the Authority shall be approved service for the purpose of the Pensions Act, and accordingly, an officer and other persons employed in the Authority shall in respect of their service in the Authority be entitled to pensions, gratuities and other retirement benefits as are prescribed under that Act.

[Cap. P4.]

(2) Nothing in this section shall prevent the appointment of a person to any office, on terms which preclude the grant of a pension and gratuity in respect of that office.

(3) For the purposes of the application of the Pensions Act, any power exercisable under the Act by the Minister or other authority of the Federal Government (not being the power to make regulations under section 23 thereof) is hereby vested in the Board and shall be exercisable by the Authority and not by any other person or authority.

(4) Subject to subsection (2) of this section, the Pensions Act shall in its application by virtue of this section to any office, have effect as if the office were in the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

[Cap. P4. Cap. C23.]

PART IV

Financial provisions

13. Fund of the Authority

The Authority shall maintain a fund which shall consist of-

- (a) all sums collected as charges, levies and fees under this Act;
- (b) all other sums collected or received by the Authority for services rendered by the Authority;
- (c) all monies borrowed and capital raised by the Authority under this Act or any other enactment;
- (d) such other sums as may be received by the Authority from other sources;
- (e) all other assets which may, from time to time, be vested in or accrue to the Authority in the course of discharging its functions under or pursuant to this Act.

14. Reserve funds

(1) Without prejudice to the power of the Authority to set aside from its revenue appropriate amounts for replacement, contingencies and other purposes, the Authority shall establish and maintain a general reserve fund and such other reserve funds as the Minister may, from time to time, approve.

(2) The management of the reserve funds, the amount to be credited to and charges to be made against the reserve funds and any other application of the monies comprised in the reserve funds, shall be as the Authority may, with the approval of the Minister, determine.

15. Application of surplus revenue

Any excess of the Authority's revenues for any year over its outgoings and charges for that year, shall be applied for such purposes as the Authority may determine, but no part of the excess shall be applied otherwise than for the purposes of the Authority.

16. Power to borrow money and raise capital from non-Government sources

(1) The Authority may, with the approval of the Minister, borrow money or raise capital, otherwise than from the Government, by the issue, in such form as may be approved, of stock, bonds, promissory notes, loan certificates or other documents of title, for all or any of the following purposes, that is-

- (a) the performance of its functions under this Act;
- (b) the provision of its working capital;
- (c) the redemption or repayment of any capital raised or money borrowed, which the Authority is required or entitled to redeem or repay; and
- (d) the provision of money for meeting any expenditure which is properly chargeable to capital account.

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

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

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

(5) Money owed by the Authority under an arrangement by which the money is allowed to remain unpaid for a period greater than one year, shall be deemed to be money borrowed under this section.

17. Power to borrow money from Government sources, etc.

The Authority may borrow money, other than money borrowed by the Government for the exclusive purpose mentioned in section 16 (4) of this Act, or raise capital from the Government in such manner and on such terms and conditions as the Minister may approve for all or any of the purposes mentioned in section 16 (1) of this Act.

18. Power to borrow money temporarily

(1) The Authority may, with the approval of or general authority given by the Minister, borrow temporarily, by way of loan, overdraft or otherwise, such sums, repayable on demand or within one year after the date of borrowing, as the Authority may require for meeting its obligations and discharging its functions under this Act.

(2) The sums specified under subsection (1) of this section, may be borrowed from the Government or from any other person on such terms and conditions as may be approved by the Minister.

19. Investment of monies

The Authority may invest all or any part of its monies in such manner as may be approved by the Minister.

20. Annual estimates, accounts and audit

(1) The Board shall cause to be prepared, not later than 30 September in each year, an estimate of the expenditure and income of the Authority during the next succeeding year and when prepared, they shall be submitted through the Minister to the President for approval.

(2) The Board shall cause to be kept proper accounts of the Authority and proper records, in relation thereto and when certified by the Board, the accounts shall be audited by auditors appointed by the Authority from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

21. Annual report and periodical returns

(1) The Authority shall, not later than six months after the end of each year, submit to the Minister a report on the activities of the Authority during that year.

(2) The report shall be prepared in such form, contain such particulars and compiled in such manner, as the Minister may, after consultation with the Authority, from time to time, direct.

22. Exemption from tax

(1) The Authority shall be exempted from the payment of income tax on any income accruing from investments made by the Authority or otherwise howsoever.

(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Authority.

23. Power to accept gifts

(1) The Authority may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Authority shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Authority under this Act.

PART V

Provisions relating to land

24. Compulsory acquisition of land

(1) When there is any hindrance to the acquisition by the Authority of any land or building required for carrying into effect any of the provisions of this Act, the President may-

- (a) on the application of the Authority and after such inquiry as he may think fit, declare that the land or building is required for the services of the Authority; and
- (b) direct that action be taken under the provisions of the Land Use Act for acquiring the land or building for the Federal Government or, as the case may

require, for revoking any rights thereto, and for determining the compensation to be paid to the parties interested.

[Cap. L5.]

(2) On the making of a declaration under subsection (1) of this section, the land to which it relates shall be deemed to be land required for a public purpose within the meaning of the Land Use Act.

[Cap. L5.]

(3) When a land or building has been acquired or the rights to it has been revoked, as provided in this section, the President may-

- (a) vest the land or building in the Authority by means of a certificate under the hand and seal of the Chief Federal Lands Officer, to the effect that the land or building has been made over to the Authority; or
- (b) as the case may require, direct that a right of occupancy in respect of the land or building be granted to the Authority.

(4) The compensation, if any, for an acquisition or a revocation, as the case may be, under this section, shall in the first instance be paid by the Federal Government, but the Authority shall refund to the Federal Government any compensation so paid and all incidental expenses incurred by the Federal Government.

(5) All authorities within Nigeria shall give effect to any direction given by the President in accordance with the provisions of this section.

(6) The Authority may use the land or building acquired under this section for any purpose connected with its functions under this Act.

25. Restrictions on alienation of land

(1) The Authority shall not, without the approval in writing of the President, alienate, mortgage, charge or lease any immovable property which has been vested in the Authority or in respect of which a right of occupancy has been granted to the Authority.

(2) Notwithstanding the provisions of subsection (1) of this section, the Authority may alienate, charge or mortgage any immovable property for a period not exceeding five years and may terminate, revoke or release any mortgage of, charge on or lease of any immovable property vested in it.

26. Power to enter land to erect beacons and make surveys

The Authority may, by its employees or agents, together with all necessary workmen-

- (a) enter and remain on any land for the purpose of erecting or maintaining any beacon, buoy or mooring, or of examining, repairing, altering or removing any beacon, buoy or mooring;
- (b) erect and maintain any beacon, buoy or mooring on or in any land, swamp, embankment, wharf, or the shore or bed of any tidal or other waters, and alter or remove any beacon, buoy or mooring, but no beacon, buoy or mooring shall be so placed on any road as to hinder or interfere with free passage along the road; and

- (c) for the purposes of its functions, survey and take levels of any land and cut and remove all trees and underwood which may interfere with the survey.

27. Power to remove obstruction to visibility of lighthouses and beacons

An authorised employee of the Authority may, with all proper assistance where required, enter on any land and cut and remove all trees, underwood and vegetation, which may interfere with the visibility of any lighthouse or beacon from any other point or place.

28. When notice of entry on land to be given

The Authority shall, when practicable, give notice to the occupier of any land on which it intends to enter in exercise of any of the powers conferred by sections 26 and 27 of this Act and shall inform the appropriate authority in the State in which the land is situated or the Federal Capital Development Authority, if the land is situated in the Federal Capital Territory, Abuja, of its intention.

29. Compensation for damages

(1) In the exercise of any of the powers conferred on the Authority by sections 26 and 27 of this Act, the Authority shall do no more damage than is necessary, and compensation shall be paid by the Authority for any damage done to any crop or economic tree, but not otherwise.

(2) Any dispute as to the amount of compensation payable under subsection (1) of this section shall be determined by the High Court exercising jurisdiction in the place where the land is situated.

PART VI

Declaration of ports

30. Power to declare places, etc., as ports, their limits and approaches

(1) The Minister may, by order-

- (a) declare any place in Nigeria and any navigable channel leading into that place, to be a port within the meaning of this Act;
- (b) specify the limits of any place declared, as a port in accordance with paragraph (a) of this subsection;
- (c) declare any navigable channel leading into a port to be an approach to that port, within the meaning of this Act.

(2) The places specified in the Second Schedule to this Act, shall be deemed to be ports, and the limits of those ports shall, until other provision is made in accordance with paragraph (b) of subsection (1) of this section, be the limits declared and in force immediately before the commencement of this Act, including-

[Second Schedule.]

- (a) all ocean beaches within 100 metres of the high-water level;
- (b) the waterways, creeks and swamp-land below the highest astronomical tide level and all beacons, moles, piers, jetties, slipways, quays and other works, extending beyond the natural line of the high-water level.

PART VII

Regulation of ports

31. Power to appoint harbour master

The Authority may appoint a harbour master in respect of a port.

32. Power of Authority to make port regulations

(1) The Authority may, with the approval of the Minister, make regulations for the maintenance, control and management of any port and for the maintenance of good order therein, and, in particular and without prejudice to the generality of the foregoing power, may make regulations for all or any of the following purposes, that is-

- (a) regulating traffic within the limits of a port or the approach to a port;
- (b) regulating the berths and stations to be occupied by ships and the removal of ships from one berth, station or anchorage to another berth, station or anchorage, and the time within which the removal shall be effected;
- (c) regulating ships whilst taking in or discharging ballast or cargo;
- (d) keeping free passages of such width as is deemed necessary within any port and along or near to the piers, jetties, landing places, wharves, quays, docks, moorings and other similar works in or adjoining the port and for marking out the spaces to be kept free;
- (e) regulating the anchoring, fastening, mooring and unmooring and warping of all ships and the use of warps, mooring buoys, chains and other moorings;
- (f) regulating traffic, preventing obstruction and keeping order on piers, jetties and wharves and ensuring the safety of piers, jetties and wharves and any cargo on them;
- (g) regulating the use of fires and lights and the signals to be used and measures to be taken, by day and by night, in case of fire in a port;
- (h) enforcing and regulating the use of navigating lights or signals and of signal lights by ships;
- (i) regulating the flags and signals to be used by ships arriving at, lying in and departing from a port;
- (j) regulating the manner in which ships arriving a port, shall be boarded by the harbour master, and the information to be supplied to him by the master of the ship;
- (k) regulating the use by ships of steam whistles, steam sirens and other like instruments;
- (l) prohibiting chipping, scaling or noisy repairs on ships, except at such anchorages or places and at such times as may be prescribed or as the harbour master may appoint;
- (m) prohibiting or regulating the erection, maintenance and working of fishing stakes, prescribing the nature of the nets or stakes which may be used, and

providing for the licensing of persons authorised to erect and maintain fishing stakes and nets, and prescribing the fees which shall be paid for the licence;

- (n) regulating, whether by way of prohibition or otherwise, the floating of timber, casks or other objects in any port or in the approach to any port and the casting or depositing of any dead body, ballast, rubbish, or other thing into any port or in the approach to any port, in contravention of this Act and for the redemption on payment of expenses and a penalty, within a time limit to be fixed, of anything forfeited;
- (o) providing for the forfeiture of anything found in any port or in the approach to any port in contravention of this Act;
- (p) prescribing the duties of masters of ships carrying gunpowder or other explosive or dangerous cargo, and of persons engaged in or supervising the shipping, unshipping, landing and transporting of the cargo;
- (q) regulating the placing and maintaining of moorings or buoys;
- (r) regulating and licensing weighing and metering of goods; and
- (s) regulating and licensing porters and carriers and other labourers employed in the working of port facilities.

(2) For the breach of any regulation made under subsection (1) of this section, the Authority may prescribe, as a penalty, a fine not exceeding ₦5,000 and, in the case of a continuous breach, a further fine not exceeding ₦500 a day for every day after the first day during which the breach continues, or a term of imprisonment not exceeding twelve months or both such fine and imprisonment.

PART VIII

Regulation of piers in ports

33. Restriction on the erection, etc., of piers

(1) No person shall erect, re-erect, alter, extend, own or occupy a pier in a port or in the approach to a port, except under and in accordance with a licence granted by the Authority.

(2) A person who contravenes any of the provisions of subsection (1) of this section, is guilty of an offence and liable on conviction to a fine not exceeding ₦5,000 or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

34. Licences for erection, etc., of piers

(1) The Authority may-

- (a) on payment of the prescribed fee and in the prescribed form, grant a licence for the purposes of section 33 of this Act;
- (b) renew a licence granted under paragraph (a) of this subsection.

(2) The grant or renewal of a licence under subsection (1) of this section shall be at the discretion of the Authority.

(3) A licence shall be subject to such conditions as may be prescribed and to such special conditions endorsed on it as the Authority may see fit to impose.

35. Cancellation of licence for breach of condition or contravention of regulation or public interest

(1) The Authority may cancel a licence granted under section 34 of this Act-

- (a) on proof to its satisfaction of a breach of any condition of the licence or of a contravention by the holder of the licence of any regulation made under section 37 of this Act;
- (b) whenever it thinks it proper in the public interest, in which case the holder of the licence shall be entitled to reasonable compensation by the Authority unless express provision to the contrary is contained in the licence.

(2) When the amount of compensation payable under subsection (1) (b) of this section is not agreed, the amount shall be determined by the High Court within whose area of jurisdiction the pier is located, in the like manner as the amount of compensation is determined under the law for the time being regulating the acquisition of land for public purposes.

36. Removal of piers

(1) An employee of the Authority authorised by the Authority may remove or cause to be removed a pier in any port or in the approach to any port or any portion of the port or approach and may, for that purpose, enter on any land or pier if-

- (a) the holder of a licence granted in respect of the pier is required in accordance with any regulation made under section 37 of this Act to remove the pier and he refuses or neglects to do so within the time specified; or
- (b) the pier has been erected, re-erected, altered or extended without a licence or is owned or occupied without a licence; or
- (c) the licence granted in respect of the pier has been cancelled under the provisions of this Act; or
- (d) the licence granted in respect of the pier has expired.

(2) Except when the licence granted in respect of the pier has been cancelled under section 35 of this Act, the costs and expenses of and in connection with the removal--

- (a) shall be defrayed by the holder of the licence; and
- (b) may be recovered from him at the suit of the Authority in any court of competent jurisdiction.

37. Regulations relating to piers

(1) The Authority may, with the approval of the Minister, make regulations for all or any of the following purposes, that is--

- (a) controlling the erection, re-erection, alteration, extension and use of piers in any port or in the approach to any port;
- (b) requiring the owners or occupiers of piers to maintain the piers and the approaches to the piers in a proper state of repair;

prescribing the fees to be paid for any licence issued under section 34 of this

- (c) prescribing the fees to be paid for any licence issued under section 34 of this Acts
- (d) prescribing the forms for the licences and applications for those licences;
- (e) for the proper lighting of piers;
- (f) requiring such life-saving apparatus as may be specified in the regulations to be kept on piers;
- (g) the period of validity of the licences; and
- (h) generally for giving effect to the provisions and purposes of this Part of this Act.

(2) For the breach of any regulation made under this section, the Authority may prescribe, as a penalty, a fine not exceeding ₦5,000 and, in the case of continuous breach, a further fine not exceeding ₦500 a day for every day after the first day during which the breach continues or a term of imprisonment not exceeding twelve months or both such fine and imprisonment.

38. Application to the State

The provisions of this Part of this Act, excluding the provisions of sections 34 (1) and 37 (2) of this Act, shall bind the State.

PART IX

Regulation of the wharves, etc., of the Authority

39. Authority to set apart customs area

(1) Where any part of the wharves or premises vested in or in the possession of the Authority is appointed a customs area for the purposes of the Customs and Excise Management Act, the Authority shall-

[Cap. C45.]

- (a) set apart and maintain that area; and
- (b) provide office accommodation in that area in such manner as the Nigerian Customs Service may require for the use of persons entitled to collect duties of customs.

(2) The cost of setting apart and maintaining a customs area and of providing office accommodation in the customs area under subsection (1) of this section, shall be borne by the Nigerian Customs Service.

40. Power of the Authority to make bye-laws for control, etc., of wharves

(1) The Authority may make bye-laws for the control and management of the wharves and premises vested in or in the possession of the Authority and the maintenance of good order in the wharves and premises and, in particular may, without prejudice to the generality of the foregoing power, make bye-laws for all or any of the following purposes-

- (a) regulating, declaring and defining the wharves, docks, piers and places vested in or in the possession of the Authority on and from which goods shall be landed and shipped;

- (b) regulating the manner in which and the conditions under which the loading and discharging of ships shall be carried out;
- (c) regulating the use of any shed, warehouse and railway vested in or in the possession of the Authority;
- (d) the exclusion and removal from the premises of the Authority of idle and disorderly or other undesirable persons and trespassers;
- (e) regulating the conduct of persons employed on the wharves and premises vested in or in the possession of the Authority;
- (f) regulating any ferry service maintained by the Authority;
- (g) for the management of the lighthouses of the Authority; and
- (h) setting up pollution control guidelines and monitoring oil spillage, dumping of waste and garbage by ships arriving at the ports, wharves and jetties.

(2) For the breach of any regulation made under subsection (1) of this section, the Authority may prescribe, as a penalty, a fine not exceeding ₦5,000 and, where the breach is a continuous breach, a further fine not exceeding ₦500 for every day after the first day during which the breach continues or imprisonment for a term not exceeding six months or both such fine and imprisonment.

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

PART X

Pilotage

41. Minister may establish pilotage districts

(1) The Minister may, by order in the *Gazette*, establish a pilotage district-

- (a) in any port; or
- (b) in the approach to any port; or
- (c) in the territorial waters of Nigeria; or
- (d) in the exclusive economic zone of Nigeria.

(2) An order made under subsection (1) of this section may-

- (a) provide that, in any pilotage district or in any part of a pilotage district, pilotage shall be compulsory; and
- (b) define the limits of any pilotage district, distinguishing, where pilotage is compulsory in a part of the district, the part of the district in which pilotage is compulsory.

(3) Until other provision is made by an order made under this section, any pilotage district defined by regulations or order in force immediately before the commencement of this Act, shall be deemed to be a pilotage district for the purposes of this Act, and every area in which pilotage was made compulsory under the regulations or order, shall be deemed to have been defined as a compulsory pilotage area under this section.

42. Obligations where pilotage is compulsory

(1) A ship, other than an excepted ship, shall, while navigating in a pilotage district in which pilotage is compulsory, be under the pilotage of-

- (a) an Authority pilot; or
- (b) a licensed pilot of the district,

for the purpose of entering, leaving or making use of the port in the district.

(2) A ship being moved within a port which is or forms part of a pilotage district, shall be deemed to be a ship navigating in a pilotage district, except so far as may be provided by regulations made by the Authority under this Part of this Act.

(3) For the purposes of subsection (1) of this section, the following ships are excepted ships-

- (a) ships belonging to any of the armed forces of the Federation;
- (b) ships owned or operated by the Authority;
- (c) pleasure yachts;
- (d) ferry boats plying as such exclusively within the limits of a port;
- (e) ships not exceeding ten tons gross tonnage;
- (f) tugs, dredgers, barges or similar vessels, the ordinary course of navigation of which does not extend beyond the limits of a port; and
- (g) ships exempted from compulsory pilotage by regulations made by the Authority under this Part of this Act.

43. Power of Authority in relation to pilots

Subject to the provisions of this Part of this Act, the Authority may-

- (a) license pilots for a pilotage district; and
- (b) do such other things in relation to pilots in a pilotage district, as are necessary or expedient for carrying into effect the Authority's powers and duties under this Part of this Act.

44. Establishment and membership of pilotage boards

(1) The Minister, by order-

- (a) may, for a pilotage district; and
- (b) shall, for a pilotage district in which or in any part of which pilotage is compulsory,

establish a pilotage board for the pilotage district.

(2) A pilotage board shall consist of-

- (a) the harbour master of the port, as chairman; and
- (b) not less than two or more than four persons appointed by the Authority, with the approval of the Minister.

(3) An appointed member of a pilotage board may-

- (a) be appointed for a period not exceeding three years, and be reappointed; and
- (b) at any time resign from membership of a pilotage board by sending his resignation in writing to the Authority.

45. Duties of pilotage board

A pilotage board shall-

- (a) hold inquiries concerning the conduct of pilots in the discharge of their duties in the pilotage district;
- (b) license pilots for the pilotage district on behalf of the Authority; and
- (c) hold examinations in connection with the licensing of pilots for the pilotage district.

46. Meetings of pilotage board

(1) A pilotage board shall meet at such time and place as the chairman of the pilotage board may, from time to time, appoint.

(2) Two members of a pilotage board shall form a quorum.

(3) The chairman, if present, shall preside at every meeting of a pilotage board, and in his absence, the members present shall appoint one of their number to preside at the meeting.

(4) Every question which comes before a pilotage board at any meeting shall be decided by a majority of votes of the members present and voting.

(5) The member presiding at any meeting shall have a vote and, in the case of an equality of votes, shall have a second or casting vote.

(6) Minutes shall be kept of the proceedings of a pilotage board, and the minutes shall be signed by the person presiding at the meeting to which the minutes relate.

47. Inquiries into conduct of pilots

A pilotage board may, and shall, when directed by the Minister, hold an inquiry into the conduct of-

- (a) a pilot against whom an allegation of misconduct is made; or
- (b) a pilot in charge of a ship which-
 - (i) touches the ground; or
 - (ii) runs foul of any other ship; or
 - (iii) runs foul of a wharf, buoy, mole or beacon.

48. Power to take evidence on oath and summon witnesses

A pilotage board holding an inquiry under section 47 of this Act may summon and examine witnesses on oath and call for any document in any matter before it.

49. Misconduct of witnesses

(1) When a person-

- (a) on being summoned as a witness before a pilotage board, fails to attend; or
- (b) refuses to take an oath or affirm when required to do so by a pilotage board during an inquiry; or
- (c) refuses to produce a document in his power or control, legally required by the pilotage board during an inquiry; or
- (d) refuses to answer a question to which a pilotage board may legally require an answer; or
- (e) during an inquiry is, in the opinion of the pilotage board, guilty of contempt towards the pilotage board,

the chairman of the pilotage board may make a written complaint concerning the conduct of the person to any court which has power to punish persons if guilty of like conduct in that court.

(2) The court to which a complaint is made under subsection (1) of this section may inquire into the alleged conduct and, after-

- (a) examination of any witnesses that may be produced for or against the person complained against; and
- (b) hearing any statement that may be offered in defence,

may, if it seems just, punish the person complained against, as if he had been guilty of such conduct in a proceeding in that court.

50. Punishment of pilots by pilotage board

(1) Where a pilotage board after due inquiry in accordance with the provisions of this Part of this Act finds that a pilot has.-

- (a) been guilty of misconduct affecting his capability as a pilot; or
- (b) failed in or neglected his duty as a pilot; or
- (c) become incompetent to act as a pilot,

the pilotage board may, in a case under paragraph (a) or paragraph (b) of this subsection, impose a fine not exceeding ₦2,000 or reprimand the pilot and may, in any case, whether in addition to the fine or reprimand or not, suspend the pilot from duty.

(2) Where a pilot is suspended from duty by a pilotage board under subsection (1) of this section, the pilotage board shall make such recommendation to the Authority concerning the future exercise of the pilot's duties in the pilotage district as it considers appropriate in the circumstances of the particular case.

(3) Copies of the record of an inquiry held under section 47 of this Act or a recommendation made under subsection (2) of this section, shall be supplied by the pilotage board to the Authority, the Minister and the pilot concerned.

51. Appeal to Minister against decision of pilotage board

(1) If a pilot is aggrieved by a decision or recommendation of a pilotage board, he may, within thirty days from the date of the decision or recommendation, appeal to the Minister.

- (2) The Minister may, after considering the appeal-
- (a) confirm or reverse the finding of the pilotage board; or
 - (b) subject to the provisions of section 50 of this Act, alter the nature of the punishment; or
 - (c) in the case of a recommendation to the Authority under section 50 (2) of this Act, support, comment on or oppose the recommendation.
- (3) The decision of the Minister on an appeal under this section shall be final.

52. Revocation of pilot's licence by the Authority

(1) The Authority shall consider any recommendation made by a pilotage board concerning any pilot who has been suspended by the pilotage board under section 50 of this Act, and may, having considered the recommendation and the record of the inquiry-

- (a) suspend or revoke the pilot's licence; or
- (b) inform the pilot and the pilotage board that the pilot may resume his duties as a pilot in the pilotage district.

(2) No pilot's licence shall be suspended or revoked under subsection (1) of this section, or any action taken by the Authority in relation to any pilot as a result of a recommendation made by a pilotage board unless-

- (a) no appeal has been made by the Authority pilot or licensed pilot to the Minister within the time prescribed by section 51 of this Act; or
- (b) in the case of an Authority pilot, he has informed the Authority in writing that he does not intend to exercise his right of appeal; or
- (c) an appeal has been made to and determined by the Minister in accordance with the provisions of section 51 of this Act.

53. Power of the Authority to make regulations for pilotage districts

Subject to the provisions of this Part of this Act, the Authority may, with the approval of the Minister, make regulations for any pilotage district for all or any of the following purposes-

- (a) exempting any class of ship from compulsory pilotage;
- (b) prescribing the occasions on which a ship being moved within a port which forms part of a pilotage district in which pilotage is compulsory, shall not be deemed to be navigating in the port;
- (c) providing that, in respect of any class of ship prescribed in the regulations, only Authority pilots shall undertake pilotage;
- (d) determining the qualifications to be required of licensed pilots, and for the grant of licences to pilots;
- (e) providing generally for the good government of Authority pilots and licensed pilots;
- (f) providing for the punishment for the breach of any regulation made by the Authority for the good government of pilots by the infliction of fines not exceeding ₦5,000;

- (g) prescribing the fees which shall be payable on the grant or renewal of a licence;
- (h) providing for bonds (the penalty of which shall not in any case exceed ~~₹~~10,000) to be given by pilots for the purpose of the provisions of section 55 of this Act limiting a pilot's liability; and
- (i) generally regulating pilotage in a pilotage district.

54. Liability of the master or owner in the case of a ship under pilotage

The master or owner of a ship navigating in circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.

55. Limitation of pilot's liability when bond is given

(1) A pilot who has given a bond under regulations made under this Part of this Act, shall not be liable for neglect or want of skill beyond the penalty of the bond and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged, when he became so liable.

(2) A bond given by a pilot in accordance with regulations made under this Part of this Act shall not be liable to stamp duty.

(3) Where any proceeding is taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are apprehended in respect of the same neglect or want of skill, the court in which the proceeding is taken may determine the amount of the pilot's liability.

(4) On payment into court by the pilot of the amount determined under subsection (3) of this section, the court may-

- (a) distribute that amount rateably among the several claimants;
- (b) stay any proceeding pending in any other court in relation to the same matter;
- (c) proceed in such manner and subject to such directions as to-
 - (i) making persons interested parties to the proceeding;
 - (ii) the exclusion of claimants who do not come in within a certain time;
 - (iii) requiring security from the pilot; and
 - (iv) payment of any cost, as the court thinks fit.

PART XI

Dues and rates

(a) Harbour dues

56. Harbour dues and rates

(1) Subject to this Part of this Act, the Authority shall levy such harbour dues and rates on every ship-

- (a) entering or leaving a port or the approach to a port in respect of the passengers, animals or cargo carried on the ship;
- (b) arrested at any berth or place within the port,

as the Authority may, by regulations made under section 71 of this Act, prescribe.

(2) The Authority may charge such dues as it deems fit in respect of every movement of a ship within a pilotage district.

57. Master to supply information on arrival

(1) The master of a ship arriving in a port shall produce or supply to the Authority-

- (a) the ship's register and the ship's papers;
- (b) a list of all inward passengers and animals, the name of the consignee of the cargo intended to be unshipped; and
- (c) if-
 - (i) the whole cargo is intended to be unshipped, a copy of the bill of lading or manifest of the cargo; or
 - (ii) part only of the cargo is intended to be unshipped, the best account in writing, in his power, of the kinds, weights and quantities of the cargo intended to be unshipped; and
- (d) such other information in relation to the ship, passengers, animals and cargo thereof, as may be prescribed.

(2) The particulars required by subsection (1) of this section shall be produced or supplied in such form and within such time as may be prescribed.

58. Master to supply information on proceeding outwards

(1) The master of a ship shall, when applying for the clearance of his ship outwards from a port, produce or supply to the Authority-

- (a) a list of all outward passengers and animals;
- (b) the best account in writing, in his power, of the kinds, quantities and weights of all cargo shipped on board in the port;
- (c) such other information in relation to the ship, passengers, animals or cargo thereof as may be prescribed.

(2) The particulars required to be produced or supplied under subsection (1) of this section shall be delivered to such officer of the Authority and in such form as may be prescribed.

59. Time of payment of harbour dues

Harbour dues and rates payable in respect of-

- (a) passengers, animals and cargo inwards, shall be paid at the time of the report of the ship inwards;
- (b) passengers, animals and cargo outwards, shall be paid before loading commences; and
- (c) any ship under arrest within a port, shall be paid before the ship departs the port.

60. Liability for payment of harbour dues and rates

The following persons shall be liable for the payment of harbour dues and rates-

- (a) the master or owner of the ship;
- (b) in the case of harbour dues or rates payable in respect of passengers, animals or cargo inwards, every consignor or agent of the ship who has paid or made himself liable to pay any charge on account of the ship in its port of arrival or discharge;
- (c) in the case of harbour dues or rates payable in respect of passengers, animals and cargo outwards, every consignee or agent of the ship who has paid or made himself liable to pay any charge on account of the ship in its port of departure;
- (d) in the case of harbour dues or rates payable in respect of any ship under arrest, every consignee, agent or any other person causing the arrest of the ship.

61. Consignee or agent may retain harbour dues out of owner's monies

When harbour dues or rates are paid by a person who, not being the owner or master of the ship, is made liable by paragraph (b) or paragraph (c) of section 60 of this Act, that person may retain, out of any money in his hands received on account of the ship or its owner-

- (a) the amount of the harbour dues or rates paid by him; and
- (b) any reasonable expenses he may have incurred by reason of that payment or liability.

(b) Ships' dues

62. Pilotage dues and fees

Subject to the provisions of this Part of this Act, the Authority shall levy on any ship, including a ship under arrest-

- (a) such ship dues and rates for lighthouse, conservancy, buoyage, anchorage, mooring buoy, buoys oil pollution control, berthing and other services rendered to a ship; and

(b) such pilotage dues,

as the Authority may, by regulations made under section 71 of this Act, prescribe.

63. Liability for payment of dues

(1) The following persons shall be liable to pay dues and rates charged in respect of light, conveyancy, buoyage, anchorage, mooring buoy, berthing and other services rendered to a ship under section 62 of this Act-

- (a) the master or owner of the ship;
- (b) every consignee or agent who has paid or made himself liable to pay any dues on account of the ship in its port of arrival or discharge.

(2) The following persons shall be liable to pay pilotage dues and rates charged on a ship under section 62 of this Act-

- (a) the master or owner of the ship;
- (b) in the case of pilotage inwards, every consignee or agent who has paid or made himself liable to pay any dues on account of the ship in its port of arrival or discharge;
- (c) in the case of pilotage outwards, every consignee or agent who has paid or made himself liable to pay any dues on account of the ship in its port of departure.

64. Consignee or agent may retain ships' dues out of owner's monies

When any ships' dues are paid by a person who is made liable under paragraph (b) of subsection (1) or paragraph (b) or (c) of subsection (2) of section 63 of this Act, not being the master or owner of the ship, that person may retain, out of any money in his hands received on account of the ship or its owner-

- (a) the amount of dues paid by him; and
- (b) any reasonable expenses he may have incurred by reason of that payment or liability.

65. Levy of rates

Subject to the provisions of this Part of this Act, the Authority shall levy such rates as the Authority may, by regulations made under section 71 of this Act, prescribe, for the use of any facility, work or appliance provided, or any service to be performed by the Authority in respect of any ship or goods in pursuance of the powers conferred by this Act or otherwise and, without prejudice to the generality of the foregoing, for any of the following-

- (a) the landing, shipping, wharfage, crantage, storage, carriage or demurrage of goods;
- (b) the carriage of passengers;
- (c) the use by any ship or person of any wharf in the possession of the Authority;

(d)

the use of any gear, tackle, tool, instrument or staging supplied by the	Author-ity for the purpose of any ship using any wharf in the possession of the Authority
	the use of any ship or lighter, or any engine or boat for the extinction of fire, belonging to or maintained by the Authority;
	the towing of, and rendering assistance to, any ship, whether leaving or entering a wharf, in possession of the Authority or not, being within or without any port;
	for water supplied by the Authority;
	for the removal of waste or refuse from any ship; and
	for monitoring port environmental pollution control.

66. Authority to have lien on goods

(1) The Authority shall have a lien on any goods for the amount of all rates leviable under this Act in respect of those goods, and shall be entitled to seize and detain them until the rates are fully paid.

(2) Rates shall become payable, in the case of goods-

- (a) to be landed, immediately on the landing of the goods;
- (b) to be removed from the premises of the Authority or to be shipped, before the goods are removed or shipped.

(3) The lien for rates shall have priority over all other liens and claims, except claims for money payable to the Government of the Federation or of a State.

67. Lien for freight preserved after landing if notice given

(1) If the master or owner of a ship, or his agent, or the person by whom the goods are landed, at or before the time of landing from the ship of any goods at any wharf or other premises of the Authority, gives notice in writing that those goods are to remain subject to a lien for freight, primage or general average or charges to an amount to be mentioned in the notice, the goods shall continue to be liable to the same lien, if any, for the charges as they were subject to before the landing of the goods.

(2) The Authority shall retain the goods at the risk and expense of the owner of the goods until the lien is discharged as mentioned in section 68 of this Act, or until the Authority is entitled under the provisions of this Part of this Act to sell the goods.

68. Discharge of lien by payment or release

The Authority may permit goods liable to a lien to be removed without regard to the lien, on production to the Authority of a document purporting to be-

- (a) a receipt for the amount claimed as due; or
- (b) a release for the amount of any lien to which goods are liable under section 67 of this Act, from the person by or on whose behalf a notice has been given under that section,

if it is satisfied as to the authenticity of the document.

69. Power of Authority to sell if rates not paid or lien not discharged

(1) If the rates payable to the Authority in respect of any goods are not paid, or if the lien for freight, primage, general average or charges when a notice under section 67 of this Act has been given is not discharged, the Authority may, and in the latter event, if required by or on behalf of the person claiming the lien for freight, primage, general average or charges, shall-

- (a) at the expiration of ninety days from the time when the goods were placed in its custody; or
- (b) if the goods are of a perishable nature, at such earlier period, not less than 24 hours after the landing of the goods as the Authority may think fit,

sell, by public auction, the goods or so much as is necessary to satisfy the duty, expenses, rates and other claims directed under this Part of this Act to be paid out of the proceeds of the sale.

(2) The Authority shall, before putting up goods for sale under subsection (1) of this section, give thirty days' notice of the sale by publication in the *Gazette* and at least two widely read national newspapers, unless the goods are of so perishable a nature as, in the opinion of the Authority, to render their immediate sale necessary or advisable, in which case the notice shall be given as the urgency of the case admits.

(3) If the address of the owner of the goods or of his agent has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Authority or is otherwise known and the address is within Nigeria, notice shall also be given to the owner of the goods by letter delivered at that address or sent by post.

(4) The title of a *bona fide* purchaser of goods sold under this section shall not be invalidated by reason of the omission to send a notice under this section, and the purchaser is not bound to inquire whether the notice has been sent.

70. Application of proceeds of sale

(1) The proceeds of any sale made in accordance with section 69 of this Act shall be applied as follows, and in the following order-

- (a) first, in payment of any customs and excise duties and State warehouse rent owed in respect of the goods;
- (b) second, in payment of the expenses of the sale;
- (c) third, in payment of the rates and expenses due to the Authority in respect of the goods; and
- (d) fourth, in payment of the freight and other claims or lien of which notice has been given under section 67 of this Act,

and the surplus, if any, shall be paid to the owner of the goods on demand.

(2) Where demand is not made within one year from the sale of the goods, the surplus of the proceeds of sale shall be paid to the general account of the Authority, and all rights of the owner to the payment shall be extinguished.

(c) *General provisions as to dues and rates*

71. Power of Authority to make regulations for levy of dues and rates

- (1) Subject to the provisions of this Part of this Act, the Authority may make regulations
- (a) for the levying of dues and rates for the purposes of sections 56, 62 and 65 of this Act;
 - (b) prescribing the conditions on which any work or service in respect of which any rate is levied will be performed or provided by the Authority;
 - (c) prescribing the officer of the Authority to whom any return of information required by this Part of this Act shall be delivered and the place of the delivery and the time within which it shall be made;
 - (d) prescribing the officer of the Authority to whom dues or rates shall be paid, the place of payment and the time within which payment shall be made;
 - (e) providing for the exemption of any ship or class of ships, passenger, animal or goods from all or any dues or rates or the remission of any dues or rates or any part thereof;
 - (f) prescribing anything required to be prescribed by this Part of this Act;
 - (g) generally for giving effect to the provisions of this Part of this Act.

(2) For the avoidance of doubt, it is hereby declared that regulations made under this section may-

- (a) prescribe different dues or rates for different ports;
- (b) prescribe different dues or rates for different classes of ships, passengers, animals or goods; and
- (c) provide that the Authority may enter into a special agreement in respect of any matter referred to in section 65 of this Act, instead of charging the rate in accordance with the rate prescribed by regulations.

72. Power of entry to ascertain dues, etc.

The Authority may, either alone or with any other person, enter into any ship within the limits of any port, in order to ascertain the dues or rates payable in respect of the ship.

73. Weighing and measuring of goods in case of dispute

If any difference arises between the Authority and the master of any ship or the owner of any goods, concerning the weight or quantity of the goods or ship's draught in respect of which any harbour dues or rates are payable, the Authority-

- (a) shall cause all those goods or ship's draught to be weighed and measured; and
- (b) may, if necessary, detain the ship containing those goods or ship's draught, until they have been weighed or measured.

74. Payment of expenses of weighing and measuring

(1) If the weight or measurement of the goods or ship's draught referred to in section 73 of this Act are more than that shown by the particulars delivered by the master in accordance with section 57 or 58 of this Act, the expenses of the weighing or measuring shall be paid to the Authority by the master of the ship, and shall be recoverable in the same manner as dues leviable under this Part of this Act.

(2) If the weight or quantity of the goods or ship's draught is the same as or less than that shown by the particulars delivered by the master in accordance with section 57 or 58 of this Act, the Authority shall pay all the expenses of the weighing or measuring and of any unreasonable delay of the ship.

75. Power to distrain or arrest ship, etc., for non-payment of dues and rates

(1) If the master of a ship in respect of which any dues or rates are payable refuses or neglects to pay the dues or rates on demand, the Authority may distrain or arrest the ship and the tackle, apparel and furniture of the ship and may detain them until the amount of the dues or rates is paid.

(2) If, for a period of fourteen days following a distraint or an arrest-

- (a) any dues or rates; or
- (b) any of the expenses of distraint or arrest or of the detention of the ship and its tackle, apparel and furniture,

remain unpaid, the Authority may cause the ship or tackle, approach and furniture distrained or arrested to be sold.

(3) The Authority may, out of the proceeds of the sale, retain the amount of dues, rates or expenses which are owed and shall deliver the balance to the master of the ship, on demand.

76. Clearance to be withheld until dues or rates are paid

(1) If the Authority gives to the proper officer of the Nigerian Customs Service a notice stating that an amount, specified in the notice, is due in respect of dues or rates leviable under this Act against any ship or against the master or owner of the ship, the proper officer shall not give any discharge or clearance outwards until-

- (a) the amount of the dues or rates has been paid; or
- (b) security has been given to the satisfaction of the Authority for the payment of the dues or rates.

(2) In this section, "**proper officer**" means the officer who is responsible for granting clearance outwards from a port of the ship in respect of which notice is given.

77. Authority may recover dues, rates, etc., by suit

Notwithstanding anything contained in sections 66 to 76 of this Act, the Authority may recover by civil suit any dues, rates, expenses, costs or, in the case of sale, the balance thereof, when the proceeds of sale are insufficient.

78. Book specifying dues and rates to be kept at port

The Authority shall keep at its office in each port, a book specifying the dues and rates for the time being in force and shall allow any person to inspect the book at all reasonable times, without the payment of a fee.

79. Exemptions from provisions of this Part

The provisions of this Part of this Act, shall not apply to-

- (a) any ship belonging to any of the armed forces of the Federation; or
- (b) any ship belonging to the armed forces of a foreign country extending reciprocal treatment to ships belonging to the armed forces of the Federation.

80. Application of this Part to Government goods

The provisions of this Part of this Act shall apply to goods which are the property of the Government.

PART XII

Liability of the authority

(a) As a carrier of passengers

81. Liability of Authority for loss of life or injury to passengers

(1) The Authority shall not be liable for the loss of life of or personal injury to any passenger, except where the loss of life or personal injury is caused by want of ordinary care, diligence or skill on the part of the Authority or any of its employees.

(2) The Authority shall not in any circumstances be liable for the loss of life of or personal injury to any passenger who-

- (a) is travelling by special permission, whether verbal or written, in any part of a ship, vehicle or train, other than a part normally provided for the use of passengers;
- (b) is travelling on a free pass;
- (c) at the time the loss of life or injury occurred, is being carried by a transport service other than one provided by the Authority or under the control of the Authority.

(3) To avoid liability under the provisions of subsection (2) of this section, it shall-

- (a) not be necessary for any notice to be given to the passenger of the conditions on which he travels; and
- (b) be immaterial whether or not the passenger is an infant.

(4) The Authority shall not be liable for the loss of life of, or personal injury to any passenger who is carried by the Authority when the loss of life or injury occurs during carriage by ship and arose from-

- (a) an act of God;
- (b) an act of war or of the enemies of the State;

- (c) a fire, or an accident from machinery, boilers or steam; or
- (d) a peril or an accident of the seas, inland waters, or navigation, of whatsoever nature or kind and arising from any cause whatsoever.

(5) Subject to subsection (4) of this section and to any condition expressed in the contract of carriage, the Authority shall be liable for any loss of life or personal injury which occurs during the carriage by ship to the extent to which it would be liable under the Merchant Shipping Act, as if the ship were registered under that Act and the Authority were the owner of the ship and not to any greater extent.

(6) Where the Authority seeks to avoid liability under the provisions of subsection (4) or (5) of this section, the burden of proving that any loss of life or injury occurred during the carriage by ship, shall lie on the Authority.

(7) For the purposes of this section "**passenger**" includes every person, other than an employee of the Authority on duty, lawfully travelling on any ship, vehicle or train owned or operated by the Authority.

82. No liability for delay to passengers

The Authority shall not be liable for a loss arising from the delay to a passenger caused-

- (a) by the failure of a ship, vehicle or train to start on a journey; or
- (b) by the late starting or late arrival of a ship, vehicle, or train,

arising from any cause whatsoever.

(b) As a carrier of goods by ship

83. Liability for loss or damage to goods

(1) Subject to the provisions of this Act, the Authority shall not be liable for any loss of or damage to goods carried by the Authority solely by ship, or partly by train or vehicle and partly by ship, where the loss or damage occurs during the carriage by ship and arose from-

- (a) an act of God;
- (b) an act of war or of the enemies of the State;
- (c) a fire, or an accident from machinery, boilers or steam;
- (d) a peril or an accident of the seas, inland waters, or navigation of whatsoever nature or kind and arising from any cause whatsoever.

(2) Subject to subsection (1) of this section and to-

- (a) the provisions of any enactment or law relating to the carriage of goods by sea; and
- (b) any condition expressed in the contract of carriage,

the Authority shall be liable for any loss or damage which occurs during the carriage by ship to the extent to which it would be liable under the Merchant Shipping Act, as if the ship were registered under that Act and the Authority were the owner of the ship and not to any greater extent.

[Cap. M11.]

(3) Where the Authority seeks to avoid liability under the provisions of subsection (1) or (2) of this section, the burden of proving that any loss or damage occurred during the carriage by ship shall lie on the Authority.

84. Liability for delay of goods

The Authority shall not be liable for any loss arising from delay to, detention of, or deviation in the carriage of goods unless the delay, detention or deviation is caused by want of reasonable foresight and care on the part of the Authority or of its employees, but the Authority shall not, in any circumstance, be liable for any loss arising from delay to, detention of, or deviation in the carriage of goods-

- (a) where there has been fraud on the part of the consignors; or
- (b) unless a document acknowledging the receipt of the goods for carriage by the Authority has been given; or
- (c) which at the time when the delay, detention or deviation occurred, were being carried by any transport service other than one provided by the Authority or under the control of the Authority; or
- (d) where there is a loss in a particular market, whether held daily or at intervals; or
- (e) where the delay, detention or deviation arises from-
 - (i) insufficient or improper packing; or
 - (ii) a riot, civil commotion, strike, lock-out, stoppage or restraint of labour from whatever cause, whether partial or general.

85. Limitation of liability for loss of animals

- (1) The liability of the Authority in respect of any animal, shall not in any case exceed-
- (a) in the case of a horse, ₦5,000;
 - (b) in the case of any cattle, ₦1,000;
 - (c) in the case of any other animal, ₦500,

unless at the time of acceptance of the animal by the Authority for carriage, the consignor or his agent declared that the value of the animal exceeded the appropriate amount paid, or agreed to pay, such additional charge as may be prescribed in respect of the excess value, and the liability of the Authority shall not in any case exceed the declared value.

(2) In any proceeding against the Authority for the recovery of the sum in respect of an animal, the burden of proving the value of the animal, and where the animal has been injured, the extent of the injury, shall be on the claimant.

(3) The Authority may by order vary the provisions of paragraphs (a), (b) and (c) of subsection (1) of this section.

(c) As a warehouseman

86. Liability for loss of goods

(1) Subject to the provisions of this Act or any contract, the Authority shall not be liable for the loss, misdelivery or detention of or damage to goods--

- (a) delivered to, or in the custody of the Authority, otherwise than for the purpose of carriage;
- (b) accepted by the Authority for carriage, where the loss, misdelivery, detention or damage occurs otherwise than when the goods are in transit,

except when the loss, misdelivery, detention or damage is caused by want of reasonable foresight or care on the part of the Authority or any employee of the Authority.

(2) The Authority shall in no case be liable under subsection (1) of this section for a loss, misdelivery, detention or damage arising from-

- (a) an act of God;
- (b) an act of war or of the enemies of the State;
- (c) an arrest or a restraint or seizure under any legal process;
- (d) an act or order of the Government;
- (e) a declaration of goods as overtime or abandoned goods or the sale, auction, destruction or any other kind of disposal made pursuant to the declaration;
- (f) an act or omission of the consignor, consignee or depositor or of the servant or agent of any such person;
- (g) a fire, flood, tempest, riot, civil commotion, strike, lock-out, stoppage or restraint of labour from whatever cause, whether partial or general;
- (h) an inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration;
- (i) a deficiency in the contents of an unbroken package; or
- (j) an insufficient or improper packing, or a leakage from a defective drum, container or package.

(d) In connection with pilotage

87. Limitation of liability of the Authority in connection with pilotage

(1) The Authority, in relation to its duties in connection with pilotage under Part X of this Act or any regulations made thereunder, shall not, where without its actual fault or privity, it causes any loss or damage to.-

- (a) a ship or merchandise or any other thing whatsoever on board a ship; or
- (b) any other property or right of any kind, whether on land or on water or whether fixed or movable,

be liable to damages beyond the amount of N10,000 multiplied by the number of Authority and licensed pilots entitled to pilot ships in the pilotage district, where the loss or damage occurred on the date when the loss or damage occurred.

(2) Nothing in this section shall be construed to impose a liability on the Authority for any loss or damage as specified in subsection (1) of this section, where no liability would have existed but for this section.

88. Limitation of liability where several claims on one occasion

The limitation of liability under section 87 of this Act-

- (a) relates to the whole of any loss or damage which may arise on anyone distinct occasion, although the loss and damage may be sustained by more than one person; and
- (b) applies whether the liability arises at common law or under any enactment or law, and notwithstanding anything contained in that enactment or law.

89. Power of court to consolidate claims

(1) Where any liability is alleged to have been incurred by the Authority in respect of any loss or damage to which section 87 of this Act applies, and several claims are made or apprehended in respect of that liability, the Authority may apply to the High Court concerned for the consolidation of claims under subsection (2) of this section.

(2) The High Court to which an application is made may-

- (a) determine the amount of the liability of the Authority and distribute that amount rateably among the several claimants;
- (b) stay any proceeding pending in any other court in relation to the same matter; and
- (c) proceed in such manner and subject to such directions as to-
 - (i) making persons interested parties to the proceeding;
 - (ii) the exclusion of any claimants who do not come in within a certain time;
 - (iii) requiring security from the Authority; and
 - (iv) the payment of any costs, as the Court thinks fit.

90. Liability in connection with pilotage when Authority is a ship owner

In a case where the Authority is entitled to limit its liability as the owner of a ship, the provisions of sections 87, 88 and 89 of this Act shall not apply to any loss or damage, the liability for which can be so limited by the Authority.

91. Licensing of pilots does not involve liability

(1) The grant or renewal of a licence to a pilot by the Authority under the powers conferred on the Authority by this Act shall not impose any liability on the Authority for any loss caused by any act or default of the pilot.

(2) The Authority shall not be liable for any loss caused by any act or default of an Authority pilot.

PART XIII

Legal proceedings

92. Legal proceedings

(1) No suit shall be commenced against the Authority before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Authority by the intending plaintiff or his agent and the notice shall clearly and explicitly state-

- (a) the cause of action;
- (b) the particulars of the claim;
- (c) the name and place of abode of the intending plaintiff; and
- (d) the relief which it claims.

(2) In an action or suit against the Authority, no execution or attachment or process in the nature thereof shall be issued against the Authority, but any sums of money which may, by the judgment of the court, be awarded against the Authority shall, subject to any directives given by the Authority, be paid from the general reserve of the Authority.

(3) For the purposes of this section and this Part of this Act-

"**suit**" means a civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court and includes an action, but not a criminal proceeding.

93. Service of documents

The notice referred to in section 92 of this Act and any summons, notice or other document required or authorised to be served on the Authority in connection with a suit by or against the Authority, may be served by-

- (a) delivering it to the managing director; or
- (b) sending it by registered post, addressed to the managing director, at the head office of the Authority.

94. Restriction on execution against the property of the Authority

In any action or suit against the Authority, no execution or attachment or process in the nature thereof, shall be issued against the Authority, but any sum of money which may by the judgment of the court be awarded to the plaintiff, shall be paid by the Authority from the funds of the Authority.

95. Stay of arrest in certain cases

A person connected with the direct working of the Authority shall not be removed under arrest when his immediate removal from duty might result in danger to life or goods, whether in execution of a warrant or otherwise, while actually engaged in the performance of his duties until-

- (a) the head of the department in which he is employed; or

(b) the officer in immediate charge of the work in which the person is engaged, has been given an opportunity of providing a substitute.

96. Representation of Authority at hearing of suit

In any suit pending before a court, the Authority may be represented in court at any stage of the proceeding by any employee of the Authority, who shall satisfy the court that he is duly authorised in writing by the Authority in that behalf.

PART XIV

Offences

(a) *Offences in connection with lighthouses, etc.*

97. Damage to lighthouses, buoys and beacons

A person who wilfully or negligently-

- (a) damages any lighthouse or any light exhibited therein or any buoy or beacon; or
- (b) removes or alters any lighthouse, buoy or beacon; or
- (c) rides by, makes fast to or runs foul of any lighthouse, buoy or beacon,

is guilty of an offence and liable on conviction to a fine not exceeding N5,000 in addition to his liability to make good any damage caused by the offence.

98. Power to prohibit false lights, etc.

(1) Whenever any fire or light is burned or exhibited at any place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, buoy or beacon, the Authority may serve a notice on-

- (a) the owner or occupier of the place where the fire or light is burned or exhibited; or
- (b) the person having charge of the fire or light,

directing the owner, occupier or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light and for preventing the fire or light or any similar fire or light being burned or exhibited thereafter.

(2) The notice may be served either personally or by delivering it at the place of abode of the person to be served, or by affixing it in some conspicuous spot near the fire or light to which the notice relates.

(3) Any owner or person on whom a notice under this section is served, who fails, without reasonable cause, to comply with the directions contained in the notice, is guilty of an offence and liable on conviction, for each offence, to a fine not exceeding N5,000.

(4) If any owner or person on whom a notice under this section is served neglects for a period of 24 hours to extinguish or effectually screen the fire or light mentioned in the notice, an authorised employee of the Authority, with workmen or other assistants, may-

- (a) enter on the place where the fire or light is, and forthwith extinguish the fire or light, doing no damage than is necessary; and
- (b) recover the expenses incurred by him in so doing from the owner or person on whom the notice has been served in the same manner as fines may be recovered under this Act.

99. Penalty for obstructing authorised entry, etc.

A person who wilfully obstructs any person doing any of the acts authorised by sections 26, 27, and 98 of this Act, is guilty of an offence and liable on conviction to a fine of ₦5,000 or to imprisonment for a term of twelve months or to both such fine and imprisonment.

(b) Offences in connection with pilotage

100. Penalty in respect of ship entering compulsory pilotage district without pilotage

(1) If a ship enters, leaves or changes its berth in a pilotage district in which pilotage has been made compulsory under this Act, without being in charge of a pilot authorised to pilot the ship, the pilotage dues which would have been paid if an Authority pilot had been employed, shall nevertheless be paid together with a penalty of N10,000.

(2) The dues and penalty shall be payable by the person declared by this Act to be liable to pay the pilotage dues, and shall be recoverable before a court of competent jurisdiction.

101. Penalty on pilot endangering a ship

A pilot who, when in charge of a ship-

- (a) by wilful breach of duty, neglect of duty or reason of drunkenness, does an act tending-
 - (i) to the immediate loss, destruction or serious damage of the ship; or
 - (ii) immediately to endanger the life or limb of a person on board the ship; or
- (b) refuses or fails to do a lawful act proper and requisite to be done by him for preserving-
 - (i) the ship from loss, destruction or serious damage; or
 - (ii) a person on board the ship, from danger to life or limb,

is guilty of an offence and liable on conviction, to imprisonment for a term of three years.

102. Penalty for illegal piloting

A person who-

- (a) holds himself out as a pilot authorised to pilot a ship in a pilotage district which he is not authorised to pilot under this Act; or
- (b) pilots a ship in a pilotage district which he is not authorised to pilot,

is guilty of an offence and liable on conviction, to a fine of N10,000.

(c) Offences in connection with dues, rates, returns, etc.

103. Evasion of dues and rates

A master or an owner of a ship, or an owner or a consignor or consignee of any goods who, by any means whatsoever, evades or attempts to evade any of the dues or rates leviable under this Act-

- (a) is guilty of an offence and liable on conviction to a fine of N10,000 or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment; and
- (b) is, in addition, liable to pay to the Authority, as penalty, double the amount of the dues or rates he evaded or attempted to evade.

104. Failure to comply with sections 57 and 58

A master of a ship who contravenes any of the provisions of section 57 or 58 of this Act, is guilty of an offence and liable on conviction to a fine of N10,000 or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

105. False returns

A person who makes, either knowingly or recklessly, a statement which is false in any material particular in any return, claim or other document which is requested or authorised to be made by or under the provisions of this Act, is guilty of an offence and liable on conviction to a fine of N10,000 or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(d) Offences in connection with ships

106. Penalty for unlawfully loosing moorings

A person who, for the purpose of obtaining salvage, or for any other purpose, wilfully sets adrift, cuts, breaks or unfastens the moorings of a ship, is guilty of an offence and liable on conviction, to a fine of N10,000 or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

107. Wilfully sinking vessels

A person who wilfully sinks any ship in a port or in the approach to the port, without the permission in writing of the harbour master, is, in addition to paying the expenses incurred by the Authority in removing the ship, guilty of an offence and liable on conviction to a fine of ₦100,000.

(e) Offences by employees of the Authority

108. Demanding improper amounts

An employee of the Authority who, with intent to defraud, demands or receives from any person liable to pay any dues or rates imposed under the provisions of this Act, in respect of any matter, any greater or lesser amount than is authorised to be levied by the regulations for the time being in force in respect of that matter, is guilty of an offence and liable on conviction to a fine of ₦10,000 or imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

109. Application of sections 98, 99 and 100 of the Criminal Code

Employees of the Authority shall be deemed to be persons employed in the public service of the Federation for the purpose of sections 98, 99 and 100 of the Criminal Code.

[Cap. C38.]

110. Behaviour of employees of the Authority

An employee of the Authority who is in a state of intoxication while on duty, is guilty of an offence and liable on conviction-

- (a) if the improper performance of his duty due to the intoxication is likely to endanger the safety of any person, to a fine of ₦20,000 or imprisonment for a term not exceeding two years; and
- (b) in any other case, to a fine not exceeding ₦10,000.

PART XV

Miscellaneous provisions

111. Exemption of Authority land

The provisions of-

- (a) the Nigerian Urban and Regional Planning Act;
[Cap. N138.]
- (b) any other enactment or any law relating to town or country planning; and
- (c) any enactment or law regulating the construction, alteration, repair or demolition of buildings, shall not apply to any land for the time being vested in, leased out by or in the possession of the Authority.

112. Rating

Notwithstanding the provisions of any enactment or law, a wharf vested in or in the possession of the Authority shall not be regarded as hereditament or tenement to be valued for rating purposes, and the Authority shall not pay any rates under any enactment or law in respect of the wharf or any property situated thereon.

113. Saving of powers under customs laws

Nothing in this Act deemed to derogate from the powers conferred on any person under the customs laws as defined in the Customs and Excise Management Act.

[Cap. C45.]

114. Supply of information before the departure of ship for Nigeria

The owner of every ship intending to enter any port in Nigeria for any purpose whatsoever shall, not later than thirty days before the departure of the ship for Nigeria, furnish to the Authority a statement in writing setting out the following matters, that is-

- (a) the name and physical particulars of the ship;
- (b) the name of port or ports of sailing and estimated time of departure for Nigeria;
- (c) the name of port or ports of discharge in Nigeria;
- (d) the estimated date of arrival in Nigerian ports; and
- (e) detailed information (including tonnage) in respect of the cargo carried in the ship.

115. Notice of permission to enter Nigerian ports, etc.

The Authority shall, on receipt of the statement referred to in section 114 of this Act, issue to the owner or agent of the owner of the ship, a notice (in this Act referred to as an "entry notice") stating-

- (a) the port or ports in Nigeria to which the ship may proceed for any purpose;
- (b) the date on which the ship may enter a port or any approach to a port in Nigeria.

116. Prohibition of entry into Nigeria of ships in certain cases

Except with the prior approval of the Authority, no ship shall enter a port or an approach to a port in Nigeria, except as may be permitted by and in accordance with the terms of an entry issued by the Authority in respect of that ship.

117. Alteration of allocation of ports, etc.

Notwithstanding anything contained in this Act, the Authority may, if satisfied that the circumstances of the case so require, at any time alter the date allocated for the entry of any ship into any port or any approach to a port in Nigeria and shall by such means as it may deem convenient, notify the owner or agent of the owner of the ship of the alteration.

118. Publication of information on movement of ship, etc.

The Authority shall, from time to time, publish in the *Gazette* and in such other manner as it may deem necessary, the estimated date of arrival of any ship in Nigeria, the port allocated for that ship and the berth at which the ship may discharge cargo.

119. Offences by master, etc., of ship

- (1) If a ship-

- (a) enters any port or any approach to the port without an entry notice having been issued by the Authority in respect of the ship; or
- (b) enters any port or any approach to the port otherwise than as permitted by the entry notice; or
- (c) fails to leave any port or any approach to the port or to leave any berth at the port when required to do so by the harbour master of the port,

the master of the ship is guilty of an offence under this section and liable on conviction to imprisonment for a term of two years, without the option of a fine.

(2) Where an offence under subsection (1) of this section is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of the owner of a ship, the owner or agent of the owner shall be deemed to be guilty of the offence and liable on conviction-

- (a) in the case of an individual, to a fine of ₦10,000 for each day or part of a day during which the offence continues or to imprisonment for a term of two years; and
- (b) in the case of a body corporate, to a fine of ₦50,000 and a further fine of ₦20,000 for each day or part of a day during which the offence continues.

120. Trial of offences

An offence under this Act shall, for the avoidance of doubt, be triable by the Federal High Court.

121. Bye-laws made by the Authority to be approved by Minister

(1) Without prejudice to the provisions of this Act, no bye-law made after the commencement of this Act by the Authority in exercise of the powers conferred on it by this Act or any other enactment shall come into force until the bye-laws have been approved by order of the Minister.

(2) The Minister may approve regulations or bye-laws either without modification or with such modifications as he thinks fit, but before approving regulations or bye-laws with modifications, the Minister shall-

- (a) afford the Authority an opportunity of making representations with respect to the proposed modifications; and
- (b) consider any representations made in pursuance of this subsection.

122. Publication of bye-laws, etc.

Notwithstanding the provisions of any enactment or law, the Minister shall prescribe the manner in which bye-laws, rules or orders made by the Authority under the provisions of this Act shall be published, and the bye-laws, rules or orders shall come into force on publication in the prescribed manner unless otherwise provided therein.

123. Existing ports deemed to be Federal ports

For the avoidance of doubt, it is hereby declared that any area in the Federation outside the port of Lagos which is for the time being declared or deemed to be a port by virtue of section 30 of this Act is a Federal port.

124. Directives by the Minister

The Minister may give to the Authority directives of a general nature or relating generally to matters of policy with regard to the exercise by the Authority of its functions and it shall be the duty of the Authority to comply with the directives.

125. Repeal of 1993 No. 74 and savings, etc.

(1) The Nigerian Ports Act 1993 (in this section referred to as "the repealed Act"), is hereby repealed and the Company known as the Nigerian Ports PLC, registered under the Companies and Allied Matters Act and its Board of Directors is hereby dissolved.

[Cap.C20.]

(2) Accordingly, there shall be vested in the Authority immediately at the commencement of this Act, without further assurance, all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Company.

(3) As from the commencement of this Act-

- (a) all rights, interests, obligations and liabilities of the Company existing immediately before the commencement of this Act, under any contract or instrument, or at law or in equity apart from any contract or instrument, shall by virtue of this Act be assigned to and vested in the Authority;
- (b) in addition to the rights and interests vested in the Authority under paragraph (a) of this subsection, the assets described in the Third Schedule to this Act shall vest in the Authority by virtue of this Act and without further assurance;
[Third Schedule.]
- (c) any contract or instrument as mentioned in paragraph (a) of this section, shall be of the same force and effect against or in favour of the Authority and shall be enforceable as fully and effectively as if, instead of the Company, the Authority had been named therein or had been a party thereto; and
- (d) the Authority shall be subject to all obligations and liabilities to which the Company was subject immediately before the commencement of this Act, and all other persons shall, as from the commencement of this Act, have the same rights, powers and remedies against the Authority as they had against the Company immediately before the commencement of this Act.

(4) A proceeding or cause of action pending or existing, immediately before the commencement of this Act by or against the Company in respect of any right, interest, obligation or liability of the Company, may be commenced, continued or enforced by or against the Authority, as if this Act had not been made.

(5) Notwithstanding the provisions of this Act, but subject to such directions as may be issued by the Authority, a person who immediately before the commencement of this Act held office in the Company shall be deemed to have been transferred to the Authority

on terms and conditions not less favourable than those obtaining immediately before the commencement of this Act, and service in the Company shall be deemed to be service in the Authority for purposes of pension.

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

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

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

126. Regulations

The Authority may, with the approval of the Minister, make regulations, in addition to those specified in this Act, generally for the purposes of giving full effect to this Act.

127. Interpretation

In this Act, unless the context otherwise requires-

"**animals**" means animate things of every kind, except human beings;

"**approach to a port**" means any navigable channel declared to be an approach to a port under section 30 of this Act;

"**Authority**" means the Nigerian Ports Authority, established under section 1 of this Act;

"**Authority pilot**" means a pilot appointed by the Authority;

"**ballast**" includes every kind of gravel, sand and soil and every commodity or thing commonly used for the ballasting of ships;

"**beacon**" means any light, mark or sign, used as an aid to navigation, other than a lighthouse or buoy;

"**buoy**" includes any floating light, mark or sign, used as an aid to navigation, other than a lighthouse;

"**cargo**" includes all kinds of movable personal property, other than animals;

"**Company**" means the Nigerian Ports PLC;

"**dues**" includes ships' dues and harbour dues;

"ferry" means any ship plying from one side of a waterway to the other for the purposes of the carriage of passengers or goods;

"goods" includes baggage, animals (whether alive or dead) and all other movable property of any kind whatsoever;

"high-water level" means the level of water during the high tidal cycle, which occurs two times in 24 hours in Nigerian waters;

"licensed pilot" means a pilot licensed by the Authority;

"lighthouse" includes a lightship;

"managing director" means the managing director of the Authority;

"master" when used in relation to any ship, means the person having command or charge of the ship for the time being, but does not include a pilot;

"Minister" means the Minister for the time being charged with responsibility for matters relating to maritime shipping and navigation;

"navigable channel" means any channel where navigation is possible;

"pier" means a pier, wharf or jetty of whatever description and includes any pier, wharf or jetty erected on or extending beyond high-water mark or ordinary spring tide or extending into the waters of any navigable channel and also includes any pontoon moored in any such waters and used as a pier, wharf or jetty;

"pilot" means a person not belonging to a ship, who has conduct thereof;

"pilotage district" means a pilotage district established by the Authority under section 41 of this Act;

"rates" means rates levied by the Authority under Part XI of this Act;

"ship" includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever, whether propelled by steam or otherwise or towed;

"train" includes locomotive, engine, tender, motor, coach, wagon, trolley and rolling stock of any kind, used whether separately or in conjunction with a railway;

"vehicle" means a vehicle, other than a train or ship;

"vesting day" means the day this Act comes into force;

"warehouse" includes any building and place, when used by the Authority for the purpose of warehousing or depositing goods.

128. Short title

This Act may be cited as the Nigerian Ports Authority Act.

SCHEDULES

FIRST SCHEDULE

[Section 2 (4).]

Supplementary provisions relating to the Board, etc.

Proceedings of the Board

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 orders regulating its proceedings or that of any of its committees.

[Cap. 123.]

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

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 four other members.

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

Committees

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 is concerned.

(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.

(3) The quorum of any committee set up by the Board shall be as may be determined by the Board.

Miscellaneous

6. The fixing of the seal of the Authority shall be authenticated by the signature of the chairman or any other person generally or specifically authorised by the Board to act for that purpose and that of the managing director.

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

8. 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.

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

- (a) any vacancy in the membership of the Board or committee; or
- (b) any defect in the appointment of a member of the Board or committee; or
- (c) reason that any person not entitled to do so, took part in the proceedings of the Board or committee.

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

11. No member of the Board shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Authority.

SECOND SCHEDULE

[Section 30 (2).]

Ports

PART I

1. Lagos Ports-

- (a) Lagos Port Complex, Apapa;
- (b) Tin Can Island Port;
- (c) Roro Port;
- (d) Container Terminal Port;
- (e) Kirikiri Lighter Terminal (1 and II);
- (f) Ikorodu Lighter Terminal.

2. Port Harcourt

3. Onne Ports-

- (a) Federal Ocean Terminal; and
- (b) Federal Lighter Terminal.

4. Warri

5. Calabar

6. Burutu

PART II

1. Akassa

2. Bonny

3. Degema
4. Forcados
5. Koko Town
6. Sapele
7. Tiko

THIRD SCHEDULE

[Section 125 (3) (b).]

Assets vested in the Authority

PART I

Lands and dwelling houses

1. Interest in land in Lagos

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

(a)	Apapa Wharf Area	Plan No. NLDC 411
(b)	Port Engineer's Yard and Government Oil Wharf	Plan No. NLDC 412
(c)	Customs Wharf Area	Plan No. NLDC 413
(d)	Marine Headquarters Area	Plan No. NLDC 414
(e)	West Mole Area	Plan No. NLDC 415
(f)	East Mole Area	Plan No. NLDC 416
(g)	Staff Quarters, Adelabiagba	Plan No. NLDC 417
(h)	Apapa Wharf Extension	Plan No. NLDC 418
(i)	Staff Quarters, Ikoyi	Plan No. NLDC 420

2. Dwelling-houses for Lagos Port

The interests of the Company in the following dwelling-houses, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto-
[Note: No. 419 missing in the original, both in Decrees 1999 No. 38 and 1993 No. 74.]

1. No.4 Force Road, Lagos.
2. No.9 Marina, Lagos.
3. No. 23/2 Marina, Lagos.
4. No. 23/3 Marina, Lagos.
5. No. 19 Turnbull Road, Ikoyi.
6. No. 5 Hawkesworth Road, Ikoyi.

7. No. 21 Lugard Avenue, Ikoyi.
8. No. 10 Moorhouse Road, Ikoyi.
9. No. 11 Temple Road, Ikoyi.
10. No. 5 MacGregor Road, Ikoyi.
11. No. 14 Alexander Avenue, Ikoyi.
12. No.2 Child Avenue, Apapa.
13. No.4 Child Avenue, Apapa.
14. No.5 Child Avenue, Apapa.
15. No.7 Child Avenue, Apapa.
16. No.8 Child Avenue, Apapa.
17. No. 12 Child Avenue, Apapa.
18. No. 13 Child Avenue, Apapa.
19. No. 14 Child Avenue, Apapa.
20. No. 16 Child Avenue, Apapa.
21. No. 17 Child Avenue, Apapa.
22. No. 18 Child Avenue, Apapa.
23. No. 20 Child Avenue, Apapa.
24. No. 1A North Avenue, Apapa.
25. No. 2 North Avenue, Apapa.
26. No. 3 North Avenue, Apapa.
27. No. 4 North Avenue, Apapa.
28. No. 5 North A venue, Apapa.
29. No. 6 North Avenue, Apapa.
30. No. 8 North Avenue, Apapa.
31. No. 9 North A venue, Apapa.
32. No. 11 North Avenue, Apapa.
33. No. 17 North Avenue, Apapa.
34. No. 3 Marine Quarters, Apapa.
35. No. 4 Marine Quarters, Apapa.
36. Nos. 13-18 Hall Road Flats, Apapa.
37. No. 3 Point Road, Apapa.
38. No. 5 Point Road, Apapa.
39. No. 6 Point Road, Apapa.
40. No. 8 Point Road, Apapa.
41. No. 10 Point Road, Apapa.
42. No. 13 Point Road, Apapa.
43. No. 15 Point Road, Apapa.
44. No. 16 Point Road, Apapa.
45. No. 17 Point Road, Apapa.

46. No. 18 Point Road, Apapa.
47. No. 19 Point Road, Apapa.
48. No. 20 Point Road, Apapa.
49. No. 22 Point Road, Apapa.
50. No. 26 Point Road, Apapa.
51. No. 4 Park Lane, Apapa.
52. No. 8 Park Lane, Apapa.
53. No. 10 Park Lane, Apapa.
54. No. 12 Park Lane, Apapa.
55. No. 14 Park Lane, Apapa.
56. No. 16 Park Lane, Apapa.
57. No. 18 Park Lane, Apapa.
58. No. 2 Block, Railway Flats, Hall Road, Apapa.
59. No. 16 Alexander Avenue, Ikoyi.
60. No. 18 Alexander Avenue, Ikoyi.
61. No. 12A Glover Road, Ikoyi.
62. No. 12B Glover Road, Ikoyi.
63. No. 17 Turnbull Road, Ikoyi.
64. No. 15 Lugard Avenue, Ikoyi.
65. No. 18A Lugard Avenue, Ikoyi.
66. Flats Nos. 7 to 12 Hall Lane, Apapa.
67. No. 7A Child Avenue, Apapa.
68. No. 7B Child Avenue, Apapa.

3. Acquired properties in Lagos

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

<i>S/No</i>	<i>Description of property</i>	<i>Area</i>
(1)	Barges Terminal Phase I Kirikiri - Lagos	41.6079 hectares
(2)	Barges Terminal Phase II Kirikiri - Lagos	38.258 hectares
(3)	Tin Can Island Port, Mosquito Island	77.95 hectares
(4)	Land at Lilypond, Badiya/Ijora for Container Terminal Phases I and II	(7.06) hectares (4.022) 11.082 hectares
(5)	Land along Ikorodu Road Owode-Onirin for development of Trunk Terminal	120 hectares
(6)	Old Cement Works site 27, Creek Road, Apapa	2.46 hectares
(7)	9/11 Oke-Olowogbowo Street, Lagos (part of 216 Broad Street, Lagos)	0.0324 hectares

<i>S/No</i>	<i>Description of property</i>	<i>Area</i>
(8)	Tarkwa Bay/Lighthouse/Ogogoro Area for future	A- 220.72 hectares

port development.

Parcels A, B, C, D and E

B - 116.35 hectares

C - 51.32 hectares

D - 118.7 hectares

E - 53.18 hectares

4. Other interests in Lagos

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

5. Interests in Port Harcourt

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

Wharf and Marine Dockyard, Port Harcourt Plan No. PH 233

6. Dwelling-houses in Port Harcourt

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

1. No. 3 Customs Road, Port Harcourt.
2. No. 4 Customs Road, Port Harcourt.
3. No. 38 Inner Circle, Port Harcourt.
4. No. 40 Inner Circle, Port Harcourt.
5. No. 41 Inner Circle, Port Harcourt.
6. No. 62 Inner Circle, Port Harcourt.
7. No. 66 Inner Circle, Port Harcourt.
8. No. 44 Outer Circle, Port Harcourt.
9. No. 45 Outer Circle, Port Harcourt.
10. Nos. 1 to 6 (inclusive) Block A Flats, Harbour Road, Port Harcourt.
11. 1A to 3A (inclusive) Marine Dockyard, Port Harcourt.
12. 1B to 8B (inclusive) Marine Dockyard, Port Harcourt.
13. 1C to 10C (inclusive) Marine Dockyard, Port Harcourt.
14. 1D to 4D (inclusive) Marine Dockyard, Port Harcourt.
15. 1E to 90E (inclusive) Marine Dockyard, Port Harcourt.
16. 1H to 35H (inclusive) Marine Dockyard, Port Harcourt.
17. 1A Marine Siding, Port Harcourt.

18. 4A Marine Siding, Port Harcourt.
19. 5A Marine Siding, Port Harcourt.
20. 20A Marine Siding, Port Harcourt.
21. 6B Marine Siding, Port Harcourt.
22. 12B Marine Siding, Port Harcourt.
23. 4C Marine Siding, Port Harcourt.
24. 17C Marine Siding, Port Harcourt.
25. 6D Marine Siding, Port Harcourt.
26. 12D Marine Siding, Port Harcourt.
27. 11E Marine Siding, Port Harcourt.
28. Nos. 1, B2, B4 Reclamation Road Area, Port Harcourt.
29. A8 Market Road (Harbour Road Layout), Port Harcourt.
30. No. 89 Graham Avenue, Port Harcourt.

7. Acquired properties in Port Harcourt.

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

<i>S/No</i>	<i>Address of property</i>	<i>Area</i>
(1)	Land at Downstream, Port Harcourt	35.972 Hectares
(2)	Nigerian Ports Authority new acquisition between Marine and Cable Roads, Bonny	
(3)	Nigerian Ports Authority Land at GRA Phase 4, Port Harcourt	Fenced
(4)	Land at Reclamation Road, Port Harcourt. (Formerly occupied by Nemco & Ugochukwu)	3.880 Hectares
(5)	New Port Site, Onne	2048.626 Hectares
(6)	Additional Land for Lighter Terminal, Onne	489.549 Hectares
		<i>Purchase instrument</i>
(7)	No. 17 I.B. Johnson Street, Port Harcourt	Purchased through the abandoned property implementation committee. 1978
(8)	No.6 Captain Amangala Street, Port Harcourt	Purchased through the abandoned property implementation committee. 1978
(9)	No. 19 Captain Amangala Street, Port Harcourt	Purchased through the abandoned property implementation committee. 1978
(10)	No. 14 Afam Street, Mile 1 Diobu, Port Harcourt	Purchased through the abandoned property implementation committee. 1978

S/No *Address of property*
 (11) No. 14 Etche Street, Borokini, Port Harcourt

(12) No.4 Orominike

Street, D/Line, Port Harcourt

Area
Purchased through private
treaty from Mr. E.T. Bull Cofu
No. 25 of 6 July, 1982.

Purchased through private
treaty from Chief Gilbert Eke
in 1995.

8. Interests in Calabar

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

Marine Dockyard Area, Calabar	Plan No. C 246
Fort Stuart, Calabar	Plan No. C 115

9. Acquired properties in Calabar

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

<i>S/No</i>	<i>Location of property</i>	<i>Area of land and survey particulars</i>
(1)	New Port Complex, Esuk Utan	83.64 hectares on Plan No. LSH 974
(2)	Port Manager's Quarters, Ikot Ansa	1.398 hectares on Plan CR/C/250
(3)	Habour Village, Ekorinim	I 1.048 hectares on CRG 859
(4)	Junior Staff Quarters, Ikot Uduak, Calabar	10.917 acres (4.42 hectares) on Plan No. SE/C/122 (Tracing No. SEC 211)
(5)	Land Down Stream (New Port Extension), Esuk Utan	42.564 hectares on CRS Survey Plan No. CR/C 356 (Tracing No. 1139)

10. Acquired properties in Warri

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

<i>S/No</i>	<i>Description and identification of property</i>	<i>Area</i>	<i>Location</i>
(1)	Old and New Port, Warri	352.674 hectares	Warri
(2)	Port Manager's residence No. 10 Esi Road, Warri	8694.49 hectares	Warri
(3)	Nigerian Ports Authority Housing Estate (Camp 36) Airport Road, Warri	35.35 hectares	Warri
(4)	Land fronting Warri River & Adjoining Okere Creek	1.339 hectares	
	Parcel A (Formerly occupied by UAC)		
	Parcel B (Part of ATC - Main Beach)	1,337 hectares	
	Parcel C (Part of A and ETC premises)	1.627 hectares	Warri

<i>S/No</i>	<i>Description and identification of property</i>	(6)	23,	Road, GRA,
(5)	Ogunu Port Complex	Warri Sapele		Warri

PART II	Area	Location
<i>Ships</i>	14.08 hectares	Ogunu, Warri
	Residential property	Warri

1. Dumb craft

The interests of the Company in all those accra canoes, gigs, dinghies, lighters, lifeboats, reclamation barges, hopper barges, surf boats, diving boats, water boats, pontoons, poling barges, mooring boats and other dumb craft which appear on a list prepared and agreed between the Government and the Company, prior to the vesting day.

2. Interests in power driven craft

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

3. Deposit of lists of dumb and power driven craft

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

4. Dredgers

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

5. Interests in reclamation vessels

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

6. Interests in tugs, etc.

The interests of the Company in the following vessels-

- 1 Tug - "Bertha";
- 3 Motor pinnaces - "Jill," "Janet," "Julliet";
- 1 Water boat - "Audrey";
- 1 Seagoing launch - "Patience";
- 2 Lighters - L. 63, L. 64.

PART III

Miscellaneous

1. Floating docks and cranes

The interests of the Company in all floating docks and floating cran

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Nigerian Ports Authority (Port) Regulation.
2. Nigerian Ports Authority Docks and Premises By-Laws.
3. Nigerian Ports Authority (Pilotage Districts) Order.
4. Nigerian Ports Authority Petroleum Wharf (Apapa) By-Laws.
5. Nigerian Ports Authority (Pilotage Boards) Order.
6. Nigerian Ports Authority (Pilotage) Regulations.
7. Rio-Del-Rey Port Declaration Order.
8. Ports (Carbide of Calcium) Regulations.
9. Ports (Piers) Regulations.
10. Ports (Declaration of Port Limits) Order.
11. Nigerian Ports Authority (Dues and Rates) Regulations.
12. Compulsory Pilotage Districts (Establishment) Order.

[Note:- The measurements used in these Regulations and Orders are English measurements and they can be converted into metric measurements as and when they are required.]

NIGERIAN PORTS AUTHORITY (PORT) REGULATIONS

[L.N. 134 of 1955. 154 of 1956.]

under section 45

[22nd December, 1955]

[Commencement.]

1. Short title

These regulations may be cited as the Nigerian Ports Authority (Port) Regulations and shall, with the exception of regulations 58 to 73, apply to all ports.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires-

"**the Act**" means the Ports Act;

"**Authority**" means the Nigerian Ports Authority established under the provisions of the Act;

"by day" means between sunrise and sunset;

"by night" means between sunset and sunrise;

"cargo" includes all kinds of movable personal property other than animals;

"Collision Regulations" means the International Regulations for Preventing Collisions at Sea, 1948;

"dangerous goods" includes explosives, compressed, liquified and dissolved gases, corrosives, poisons, substances giving off inflammable vapours, substances which become dangerous by interaction with water or air, strong oxidising agents, and substances which are liable to spontaneous combustion;

"master" when used in relation to any ship means the master or other person for the time being in charge of such ship but does not include a pilot;

"oil" means oil of any description and includes spirit produced from oil of any description and also includes coal tar;

"owner", when used in relation to a ship, includes any part-owner, charterer, consignee, or mortgagee in possession thereof;

"pilot" means a person not belonging to a ship who has the conduct thereof;

"port" means each of the places specified in the First Schedule to the Act and a place declared to be a port in pursuance of section 6 of the Act within the limits declared for the port in pursuance of paragraph (b) of subsection (1) of the said section 6;

"power-driven vessel" means any ship propelled by machinery;

"prolonged blast" means a blast of from 4 to 6 seconds' duration;

"ship" includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed, not being a ship propelled by oars, paddles or poles;

"short blast" means a blast of about one second's duration;

"small craft" includes barges, lighters, boats or canoes;

"steam whistle" includes any whistle or siren sounded by steam or other means;

"under way" when used in relation to a ship means when the ship is not at anchor, or moored, or made fast to the shore or aground and includes a ship dropping up or down a port with her anchor on the ground;

"quay" includes any quay, wharf, pier, breakwater or other landing place belonging to or operated by the Authority.

(2) In relation to any port-

"approach to a port" means any navigable channel declared to be an approach to that port under section 6 of the Act;

"dock superintendent" means a dock superintendent duly appointed by the Authority for that port and shall include his duly authorised deputies and assistants;

"harbour master" means a harbour master duly appointed by the Authority for that port under section 44 of the Act and shall include his duly authorised deputies and assistants.

Entrance of ships and their management while in a port

3. Application of Regulations and Collision Regulations

The master of a ship navigating in a port or in an approach to a port shall observe and obey these Regulations and the Collision Regulations so far as consistent therewith.

4. Harbour master to be notified of expected time of arrival of a ship

The owner or agent of a ship shall give as long notice as possible in writing to the harbour master of the expected date and time of arrival of a ship at a port.

5. Ships not to obstruct free passage

The master of a ship shall not cause or permit the ship to manoeuvre, come to anchor or be moored or placed so as to obstruct in any manner whatsoever the free passage of any part of a port.

6. Speed of ships

The master of a ship shall navigate the ship in a port at a moderate speed.

7. Draught of ships

The master of a ship within a port shall comply with any instructions of the harbour master regulating the draught of the ship.

8. Use of steam whistles prohibited

The master of a ship shall not cause or permit a steam whistle or other sound signal on the ship to be operated within a port, except as may be otherwise provided in these Regulations or the Collision Regulations.

9. Silencers to be fitted to mechanically propelled ships

No person shall navigate in a port any ship fitted with an internal combustion engine unless the ship is fitted with an efficient silencer to the satisfaction of the harbour master.

10. Emission of smoke

The master of a ship shall not cause or permit smoke in volume to be emitted from the ship within a port.

11. Ship's national colours in a port

The master of a ship shall cause the national colours of the country to which the ship belongs to be carried at the stern or at the gaff of the ship whenever the ship is under way in a port during the hours of daylight.

12. Ships in narrow channels

The master of a power-driven vessel navigating against the tide in a narrow channel in a port shall ease her speed, and if necessary, stop and allow another ship navigating with the tide to pass clear of her.

13. Ship not under command

Where a ship under way in a port or in the approach to a port becomes not under command the master of the ship shall, until such time as the lights or signals prescribed by the Collision Regulations have been exhibited, warn any approaching ship by sounding at intervals of not more than one minute three blasts of the whistle in succession, namely one prolonged blast followed by two short blasts.

14. Turning short round

The master of a power-driven vessel which is under way in a port and about to turn through 180 degrees shall warn an approaching ship by sounding four short blasts of the whistle in rapid succession followed after a short interval by one short blast if turning to starboard and two short blasts if turning to port.

15. Ships to keep clear when Flag "N" is exhibited

The master of a ship shall cause the ship to keep clear of any buoy, beacon, ship or place on which by day the letter "N" over "first substitute" of the International Code of Signals is hoisted and by night there is exhibited three lights in a vertical line one over the other, not less than six feet apart, the highest and lowest of the lights being red and the middle light white.

16. Signals for dredgers

Where a passage between a dredger when moored or in a dredging position or when engaged in mobile dredging in a channel or fairway and the side of the channel or fairway is obstructed by the moorings or operations of the dredger, the master of the dredger shall cause to be carried where it can best be seen a black ball or shape on the side of the dredger on which the channel or fairway is obstructed to indicate that the channel or fairway is obstructed on that side, or a black ball or shape on both sides of the dredger to indicate that the channel or fairway is obstructed on both sides.

17. Ships to pass other ships engaged on survey or underwater operations slowly

The master of a ship approaching another ship engaged in survey, underwater operations or dredging, shall sound three prolonged blasts of the whistle and shall not attempt to pass the other ship except at dead slow speed and on the side indicated as being safe to pass.

18. Navigation of small craft

(1) The master of a small craft shall not anchor in any channel or fairway within a port in such a way as to obstruct or interfere with ships navigating such channel or fairway.

(2) All small craft when passing or being passed in any channel or fairway within a port, whether by day or night, shall keep out of the way of ships navigating such channel or fairway; and before attempting to cross or enter waters usually navigated by ships the master of a small craft shall stop and observe that no ships are approaching.

19. Master to give notice of explosives etc., to harbour master

(1) The master of a ship, other than one of the ships of the Government of the Federation, loaded with explosives, petroleum or other inflammable liquids, or dangerous goods, shall on arriving at a port give notice thereof to the harbour master.

(2) The master of such a ship shall whilst the ship is within a port cause to be carried by day a red flag at the foremast and by night a red light visible all round for a distance of not less than two miles and at a height of not less than twenty feet above the deck.

20. Ship's guns to be unloaded on entering a port

The master of a ship other than one of the ships of the Government of the Federation, shall on the ship entering a port cause any loaded guns on board to be unloaded and to remain unloaded during the time the ship is in a port and except when a ship is in distress or in want of assistance the master shall not cause or permit a gun or rocket to be fired or blue light to be burned on board the ship while in a port without the permission of the harbour master.

21. Discharging firearms

No person shall keep or discharge a firearm loaded with ball or shot within a port.

22. Master to make declaration (if requested) on arriving at a port

The master of a ship arriving at a port shall (if requested by the harbour master) make, subscribe and deliver to the harbour master as soon as is practicable a declaration in the form to be obtained from him giving a true statement of-

- (a) the name and description of the ship;
- (b) the tonnage of the ship;
- (c) the name of the master;
- (d) the place from which the ship has arrived;
- (e) the port or place to which the ship belongs;
- (f) the draught of water of the ship;
- (g) particulars of the cargo;
- (h) the name and address of the owner and agent.

23. Master to deliver account of ballast. Ballast not to be discharged without permission

The master of a ship entering a port in ballast (other than water) shall, within twelve hours after the arrival of the ship, deliver to the harbour master a true account in writing of the quantity of such ballast and shall not discharge or cause or allow to be discharged any such ballast from the ship without the permission of the harbour master, or at any place within a port other than a place specially appointed for that purpose.

24. No ship to enter or leave port without permission of the harbour master and then only in proper order

No person shall take or attempt to take any ship other than one owned by any of the armed forces of the Federation, Federal or State Government, into or out of a port without the permission of, or in disobedience to the directions of the harbour master and then only in the proper order and succession appointed by the harbour master, having regard to other ships about to enter or leave the port.

25. Ships not to berth alongside another ship

The master of a ship shall not cause or permit the ship to be berthed alongside another ship at a mooring maintained by the Authority or at a quay except with the consent of the harbour master.

26. Harbour master may board ships

The harbour master and any person duly authorised by the Authority may at any time board any ship entering or being within a port.

27. Master to provide ropes and men for mooring ship and to have projecting gear turned in, etc.

(1) The master of a ship entering, leaving or mooring in a port shall have men in attendance to run check ropes to the pierheads, quays, buoys or dolphins, and shall also have sufficient men in attendance for mooring purposes. All boats shall be lowered or turned in board, all projecting gear shall be got in and both anchors shall be ready for letting go. At least one anchor shall be lowered clear of the hawse pipe.

(2) In the case of ships not being suitably found with the necessary gear, check ropes or moorings may be supplied by the harbour master at the expense of the ship.

28. Ships to be moored, etc., as directed and not to be moved without permission

(1) The master and crew of a ship in a port shall moor, anchor, place, load, unload or move, and shall cease to moor, anchor, place, load, unload or move, such ship in accordance with the directions of the harbour master; and when any such ship has been moored, anchored or placed in any berth or place, no person shall move or attempt to move or cause the ship to be moved therefrom, except in case of emergency, without the permission of or contrary to the directions of the harbour master.

(2) No person shall cast off a warp or other mooring except with the permission of the harbour master.

29. Ropes, etc., to be fastened to mooring buoys, etc.

No master or member of the crew of a ship, or other person, shall, without the permission of the harbour master, make fast any rope, chain or tackle from the ship to any property of the Authority, or to anything on land within a port other than the mooring buoys, dolphins, bollards or rings provided by the Authority for that purpose.

30. Competent person to be left in charge of ship and moorings to be carefully attended to

(1) The owner or master of a ship in a port shall not absent himself from such ship unless he shall leave in charge thereof some person who shall continue in attendance of the ship while the ship shall be afloat, and shall be qualified and competent to shift or move the ship and attend to the moorings of the ship as the harbour master shall direct, or as may be necessary.

(2) Such person shall carefully attend to the moorings of the ship, and to the sufficiency thereof, and shall cause them to be slackened or hove in from time to time as may be necessary on the rise and fall of the water to prevent damage being done to that or to any other ships or to the port.

31. Adequate fire watch to be kept on dangerous goods

(1) The master of a power-driven vessel, other than one of the ships of the Government of the Federation having explosives or petroleum or other inflammable liquids or dangerous goods on board and the master of a power-driven vessel in attendance on small craft having similar substances on board shall, when such vessel or small craft is in a port, at all times have a sufficient crew on board and a proper watch kept so that the vessel may be adequately manned to ensure immediate action to move the power-driven vessel or small craft if so required in an emergency and to provide for the operation of the fire appliances of the power-driven vessel, including portable emergency fire pumps.

(2) For the purpose of this regulation "**explosives**" and "**petroleum**" have the same meaning as is given to those terms in the Explosives Act and Petroleum Act respectively.

[Cap. E18. Cap. P10.]

32. Outbreak of fire

In case of an outbreak of fire on board a ship within a port the master of the ship shall take immediate action with the ship's fire fighting equipment and ensure that the harbour master, dock superintendent and the fire brigade are notified at the earliest possible moment and shall also give warning by the continuous sounding of the ship's whistle and by day hoisting the letters "NQ" of the International Code of Signals.

33. Watchmen to be provided for lights or fires on ships

Whilst any open light or fire shall be used on board a ship at or alongside a wharf, the master of such ship shall provide and keep at least one person continually on board who shall be specially charged with the care of such light or fire.

34. Gangways to be provided, securely placed and fastened

(1) The master of a ship shall cause all gangways or accommodation ladders used for the purposes of access to or egress from the ship to be provided and placed in a safe position, duly protected and securely fastened and to be so maintained at all times when in use.

(2) All such gangways or passage ways shall be so constructed as to give a passage width of not less than 22 inches and shall be provided with a lifebuoy having attached to it a lifeline of not less than fifteen fathoms in length and a Holmes or equivalent light.

(3) The master of a ship in a port shall cause a member of the crew of the ship to be in attendance at each gangway during such time as the ship is embarking or landing passengers.

35. The master of a ship in a port shall, between sunset and sunrise-

- (a) provide a sufficient light over any headway at which work of loading or discharging is proceeding;
- (b) provide two sufficient lights at any gangway, one light to be fixed at the ship end of the gangway and the other light to be fixed at the quay end of the gangway; and
- (c) cause each gangway to be attended by a watchman.

36. Restrictions on landing cargo

The master of a ship shall not cause or permit any cargo to be landed from the ship in a port except at a quay or elsewhere with the permission of the dock superintendent.

37. Superintendence during loading and discharging

The master of a ship in a port shall during all the time she is engaged in loading or discharging, remain or leave some other person on board competent to superintend the loading or discharging.

38. Sanitary arrangements whilst ship in port

The master of a ship shall keep such closets and urinals on board as may be directed by the harbour master closed and locked during the time the ship is in a port.

39. Ship's side discharges to be covered when alongside a quay

The master of a ship shall cause all the side discharges of the ship to be covered to the satisfaction of the harbour master before the ship is made fast to a quay and during the period the ship is berthed at a quay.

40. Ships at quay not to draw fires or dismantle engines

The master of a ship lying alongside a quay or another ship which is alongside a quay shall maintain his ship in readiness to move at two hours' notice if so required, unless he shall have received permission in writing from the harbour master to remain longer.

41. Engines not to be worked alongside a quay

No person shall work the engines of a power-driven vessel for trial or cause the same to be so worked without the permission of the harbour master. For the purpose of this regulation the expression "trial" does not include the normal warming through of engines prior to moving.

42. Repairs to ships

The master of a ship shall not cause or permit any works for the noisy repair or scraping of the ship to be carried out during the time the ship is alongside a quay, except with the written permission of the harbour master and shall take such precautions as the harbour master may direct to prevent dirt and other heavy materials from falling into the water.

43. No refuse, etc., to be deposited in the water

No person shall deposit or discharge or allow to be deposited, discharged or escape into the waters of a port from a ship or place on land any ballast, dirt, ashes, bottles, baskets, rubbish, oil, animal or vegetable matter or any dangerous or offensive liquid.

44. Cargo and ship's gear falling into the water to be reported

The master of a ship from which any cargo or ship's gear falls into the water shall report the occurrence immediately to the harbour master and shall recover the same as soon as is practicable.

45. Damage by ships to property of the Authority

The master of a ship which causes damage to a quay or other harbour works, plant, machinery or property of the Authority shall forthwith report the occurrence to the harbour master.

46. Fouling of moorings or cables

If at any time the anchor of a ship hooks any moorings or any electric cables within a port the master of the ship shall not proceed to unhook the same but shall forthwith give notice thereof to the harbour master in order that aid may be given for clearing such moorings or cables without doing damage to the same.

47. Lost anchors and cables to be reported

(1) The master of a ship shall report the loss, by parting or slipping, of any anchor chain or cables within a port to the harbour master and shall inform him of the correct bearings of the point where such anchor chain or cable was buoyed and if the harbour master so directs, the master of the ship shall cause such anchor chain or cable to be recovered immediately.

(2) The master of a ship shall report to the harbour master any collision in which the ship is involved occurring in a port and the position of any ship sunk as a result of a collision.

Removal of obstructions

48. Removal of obstructions

(1) Any person being the owner or in charge of or responsible for causing any obstruction, whether floating or submerged, within a port, shall if so directed by the harbour master, remove such obstruction within such time as the harbour master may specify.

(2) If such person fails to remove the obstruction within the specified time the harbour master may cause it to be removed and may recover the expense of removal from such person or if no such person can be found, the obstruction when removed by the harbour master may be sold to defray the expense of such removal.

49. Breaking up and removing wrecks in a port

No person being the owner of any wrecked or stranded ship or his duly authorised agent or servant, shall attempt to salve or break up such wrecked or submerged ship without the written permission of the harbour master first being obtained and if so required by the harbour master providing such security as the harbour master may consider reasonable and sufficient to ensure the effective removal of such ship, or any portion thereof from the waters of the port.

Miscellaneous

50. Private buoys or moorings

No person shall lay private buoys or moorings for ships in a port without the permission in writing of the harbour master and all such moorings shall be to such specifications and in such position as the harbour master shall direct, and shall forthwith be removed on the requisition of the harbour master to that effect.

51. Mooring of hulks

No person shall moor a hulk in a port except with the consent and in accordance with the instructions of the harbour master.

52. Searchlights not to be used in a port

No person shall operate or cause to be operated a searchlight in a port without permission being first obtained from the harbour master; and this regulation shall not apply to the operation of any searchlight on board any ship owned by any of the armed forces of Nigeria or ships belonging to the Authority.

53. No small craft to be moored to steps or landing places

No person shall make fast or anchor a small craft, or cause the same to be made fast or anchored at any steps or landing place within a port without the permission of the harbour master, unless the steps or landing place are declared by the Authority for public use.

54. Divers

No person, other than a person employed by the Authority, shall operate as a diver within a port without permission in writing first being obtained from the harbour master.

55. Floating and mooring of logs and casks

(1) Except as otherwise provided in these Regulations, if any float or raft of timber, or casks, is intended to be under towage in a port, it shall not either singly or together exceed eighty feet in length (save where the actual length of any timber in one piece exceeds that figure) nor shall it either singly or together exceed forty feet in width unless the towing vessel has sufficient mechanical energy to control the movement of the float or raft.

[L.N. 9 of 1969.]

(2) No person shall moor or cause to be moored in a port a float or raft of timber or casks except at such place as may be authorised by the harbour master in writing and in accordance with any instructions the harbour master may issue.

(3) Any float or raft not under control as required by these Regulations or moored in any place other than one authorised by the harbour master or any log or cask found adrift may be seized by the harbour master or other duly authorised representative of the Authority and unless claimed within a period of one month after seizure shall be forfeited to the Authority; and any expenses incurred by the Authority above the value of the float or raft so seized may be recovered from the owner of the float or raft.

56. Removing sand, etc.

No person shall remove or attempt to remove or cause to be removed any sand, shingle, stone, gravel, earth or other material from the foreshore or sea bed in a port without the permission of the Authority.

57. General towing night and movement signals

The general towing night and movement signals set out in the Schedule to these Regulations shall be observed by the master of a ship using a port.

Further Regulations applicable only to the Port of Lagos

58. Towage when compulsory

(1) The master of a ship when being moved from the pool to a berth or *vice versa* or from one berth or mooring to another inside the port shall cause the ship to be attended by a tug.

(2) The master of a ship over 1,100 net registered tons carrying dangerous petroleum in bulk shall cause the ship to be attended by a tug forward whilst moving in any of the channels of the port; and for the purposes of this paragraph "**dangerous petroleum**" means petroleum which has a flashing point below 73 degrees Fahrenheit when tested by the Abel Close test.

(3) If the harbour master so directs the master of a ship other than one owned by any of the armed forces of Nigeria proceeding from the roads to the pool or *vice versa* inwards or outwards over the Lagos entrance, shall cause the ship to be attended by a tug.

(4) For the purposes of this regulation-

(a) a tug is deemed to be in attendance when she has the ship in tow or is actually standing by and not merely on call;

- (b) the term "**berth**" does not include an anchorage in the pool;
- (c) this regulation shall not apply to ships of war and auxiliary ships belonging to any foreign government, ships belonging to the Government of Nigeria or to ships recognised by the Authority as local branch steamships or such small vessels which in the opinion of the harbour master do not require the use of a tug.

59. Regulations as to towage

(1) Every ship towed into or out of the port shall have two hawsers fast to the tug unless the tug is fitted with a patent towing machine.

(2) The pilot in charge of the ship shall satisfy himself that the hawsers are sufficient and in good condition and properly made fast before he takes the ship into or out of the port and no pilot shall take a ship into or out of the port without first seeing that the anchors and cables are ready for use and in the case of a sailing ship that all sails are bent.

60. Anchoring of ships

The master of a ship shall not anchor the ship-

- (a) to the eastward of a line passing through the Mole Signal Station mast and bearing north (magnetic);
- (b) to the north of a line drawn 236 degrees (true) for a distance of eight cables from the fixed green light on the centre pier of Carter Bridge.

61. Navigation under bridges over the lagoon

(1) Navigation under any bridge to which this regulation applies is prohibited in any of the following cases, that is to say-

- (a) a ship or vessel having a super-structure exceeding twenty feet in height above the waterline;
- (b) a ship or vessel having a beam exceeding 45 feet;
- (c) a float or raft of timber or casks of any length or breadth if the float or raft is not being towed or otherwise propelled by any ship or vessel;
- (d) a ship or vessel having a beam exceeding 45 feet if it is under towage;
- (e) a float or raft of timber or casks which either singly or together exceeds eighty feet in length (save where any log thereof in one piece exceeds that length) or forty feet in width;
- (f) things under towage which are too large for the towing vessel's motive power, or cannot be moved through the water under any such bridge at a speed in excess of five knots.

(2) The navigable span of a bridge to which this regulation applies shall be indicated-

- (a) by day, by means of a green light; and
- (b) by night, by means of two green lights placed one above the other and three feet apart,

and when navigating the approaches thereto any ship or vessel towing anything whatsoever and not otherwise debarred, shall pass under the navigable span of the bridge appearing on the starboard side of the ship or vessel.

(3) This regulation applies to Carter Bridge, and to any other bridge now or hereafter constructed across the lagoon and linking the Island of Lagos with any other part of Nigeria.

62. Power to operate floats, etc., in Lagos in special cases

(1) Subject to the provisions of this regulation and notwithstanding those of any other of these Regulations, any person may float or raft with the assistance of a power-driven vessel, logs, casks and other goods, in any case where-

[L.N. 9 of 1969.]

- (a) the float or raft, as the case may be, consists of not more than twenty logs or fifty casks; and
- (b) there is carried on each float or raft a crew of one man for every twenty logs or fraction of twenty logs, or as the case may be for every twenty casks or fraction of fifty casks, so however that where the tally is of twenty logs or less or as the case may be is of fifty casks or less, a float or raft shall carry not less than two men as the crew.

(2) A float or raft operating under this regulation shall-

- (a) by day and from both of its ends at a point equidistant from each side and at a height of not less than six feet above the top of the float or raft as the case may be, fly a red flag not less than two feet in length and eighteen inches in width; and
- (b) by night and at both of its ends at a point equidistant from each side exhibit a red light in a lantern so constructed as to show a clear, uniform and unbroken light visible all round the horizon at a distance of at least one mile.

Entrance and harbour signals

63. Rules to be observed by ships making for the entrance

Where two or more ships are making for the entrance to the Port of Lagos the following rules shall be observed-

- (a) the master of a ship proceeding outwards and beyond the entrance shall cause to be hoisted before leaving his berth the letter "P" over code pennant of the International Code of Signals; and if such signal is repeated by the Town and Mole Signal Stations the outward bound ship may proceed, otherwise it shall wait until such signal is repeated;
- (b) the master of a ship bound for the entrance to the port shall cause to be hoisted in the vicinity of the Fairway Buoy the letter "R" over first substitute of the International Code of Signals; and if such signal is repeated by the Mole Signal Station the ship may proceed inwards, otherwise it shall wait until the signal is repeated;

- (c) when two or more ships are proceeding inwards the Mole Signal Station when repeating the signal "R" over first substitute will hoist the signal letters of the ship which has the right of way.

Gunpowder and other explosives

64. Ships containing explosives

(1) The master of a ship containing gunpowder or other explosives or dangerous goods shall anchor the ship in the pool unless the permission of the harbour master is obtained to go alongside a quay.

(2) When the permission of the harbour master has been received to discharge the ship at anchorage the master of the ship may tranship the cargo into lighters.

(3) The master of the ship shall cause all lighters loaded with gunpowder or other explosives to proceed from the ship direct to the magazine where provision will be made for them to be moored or go alongside the Magazine Wharf one at a time.

(4) The master of the ship shall cause any lighter with hatches not discharged by sunset to proceed to the anchorage set aside for that purpose and to remain there until sunrise.

(5) An open lighter or other small craft shall be discharged before sunset of the day it is loaded.

(6) A lighter containing gunpowder or other explosives for Porto Novo shall anchor or moor near the Porto Novo Creek clear of the channel or fairway until such time as towage is available.

(7) The master of a ship carrying gunpowder, other explosives or petroleum consigned to a port other than the port of Lagos may go alongside the Customs or other Authority quay provided that-

- (a) permission in writing of the harbour master is first obtained;
- (b) the ship is kept under steam while alongside the quay;
- (c) the gunpowder, other explosives or petroleum are stored in a properly constructed magazine;
- (d) during the time the ship is alongside the quay and discharging cargo out of the hold in which the magazine containing any gunpowder, other explosives or petroleum is situated, a police guard is maintained over such magazine; and
- (e) the hold containing the magazine is closed by night and a police guard is maintained over the hatch covering the hold.

Fishing stakes

65. Permit for stakes required

No person shall erect any fishing stakes within the Port of Lagos without the permission of the harbour master.

66. Position to be given

Every applicant for permission to erect, maintain and work fishing stakes in the port of Lagos shall furnish the harbour master with particulars of the proposed situation and number of the stakes.

67. Prohibited areas

No stakes shall be erected, maintained or worked in the Port of Lagos either in-

- (a) any place where the water is of greater depth than nine feet; or
- (b) any place where in the opinion of the harbour master stakes are likely to impede the navigation of power-driven vessels, canoes or other ships.

68. Length of stakes

Rows of stakes in the Port of Lagos shall not be of greater length than 120 yards and the distance between rows of stakes shall be not less than 120 yards, except in a paralleled direction across the tide when the distance shall not be less than forty yards.

69. Removal of stakes

If owing to the shifting of a channel or deepening of water or for any other reasonable cause the harbour master is of the opinion at any time that the removal of any stakes is expedient, he may, by notice in writing, require the owner to remove the same within one month from the date of such notice.

70. Repair, etc., of stakes

The owner of stakes shall repair or clean such stakes within one month after receiving notice in writing from the harbour master to do so.

71. Notice to owner

When the owner of any fishing stakes is unknown or cannot be found, any notice under these Regulations may be served by affixing the same to the stakes.

72. Fishing not to interfere with navigation

No fishing or seine nets shall be used in any of the navigable channels of the Port of Lagos in such a manner as to interfere with navigation thereof.

73. Removal of stakes or seizure of nets

The harbour master may remove or cause to be removed any fishing stakes erected or maintained or used in contravention of any of these Regulations or which the owner thereof has failed to remove as directed under these Regulations, and may seize or cause to be seized and may detain any fishing or seine nets which are being used in contravention of any of these Regulations.

Penalty for breach of Regulations

74. Penalty

Any person doing anything prohibited by any of these Regulations or omitting to do anything required by them to be done or otherwise offending against or committing a breach against any of these Regulations shall be liable for every such offence to a fine not exceeding ₱100 and in the case of a continuing offence to a further fine not exceeding ₱10 for each day during which such offence continues, or to a term of imprisonment not exceeding three months, or to both such term of imprisonment and fine.

SCHEDULE
[Regulation 57.]

General signals applicable to all ports

(All flags specified are those of the International Code of Signals)

Medical assistance required urgently	One short blast followed by two long blasts, also by day flag W
Police assistance required urgently	Three short blasts followed by one long blast also by day flags S.T
Pilot required	Flag G
Pilot vessel required	Flags S.P
Stop. I have something important to communicate	Flag L, also by flashing
I have deckers on board	Flag D over 1st substitute
Request for Immigration Officer	Flag Y over 2nd substitute
My vessel is healthy I request free pratique	Flag Q

Towing - (Sound)

<i>By Tug</i>	<i>By ship towed</i>
"A" Is the towing hawser fast?	Towing hawser is fast
"E" I am altering my course to starboard	Steer to starboard
"G" Cast off the towing hawser	Cast off the towing hawser
"T" I am altering my course to port	Steer to port
"S" My engines are going astern	Go astern

Night Signals

White light over two green lights	Channel open
Red light over two green lights	Channel closed

Movement Signals

Port of Lagos

Two black balls in vertical line (by Signal Station)	Ship sighted
Permission to proceed inwards	Flags "R" over 1st substitute
Permission to proceed outwards	Flags "P" over Code Pennant
Pool Berths	Numeral Pennant No. 1
Apapa Quay	Numeral Pennant No. 2
Apapa Dockyard	Numeral Pennant No.3
United Africa Co. Bulk Oil Plant	Numeral Pennant No.4
Bulk Oil Jetty	Numeral Pennant No.5
Ijora Wharf	Numeral Pennant No.6
Iddo Pool	Numeral Pennant No.7
Customs Quay	Numeral Pennant No.8
Marina Buoys	Numeral Pennant No.9

Port of Port Harcourt

Two black balls in vertical line (by Signal Station)	Vessel reported to be proceeding up river
Tanker Berth	Numeral Pennant No.0
No.1 Main Quay	Numeral Pennant No.1
No.2 Main Quay	Numeral Pennant No.2
No.3 Main Quay	Numeral Pennant No.3
No.4 Main Quay	Numeral Pennant No.4
Coal Berth	Numeral Pennant No.5
Coaster Berth	Numeral Pennant No.6
Pool No. 1	Numeral Pennant No.7
Pool No. 2	Numeral Pennant No.8
Pool No. 3	Numeral Pennant No.9
Pool No. 4	Numeral Pennant No. 10
Pool No. 5	Numeral Pennant No. 11

**NIGERIAN PORTS AUTHORITY DOCKS AND
PREMISES BYE-LAWS**

[L.N.135 of 1955.]

under section 51

[22nd December, 1955]

[Commencement.]

General

1. Short title

These bye-laws may be cited as the Nigerian Ports Authority Docks and Premises Bye-laws.

2. Interpretation

(1) In these bye-laws unless the context otherwise requires-

"**the Act**" means the Ports Act;

"**Authority**" means the Nigerian Ports Authority established under the provisions of the Act;

"**constable**" includes any officer of the Nigeria Police on duty within a port;

"**master**" means, when used in relation to any ship, the person having command or charge of the ship for the time being but does not include a pilot;

"**goods**" includes baggage, animals (whether alive or dead) and all other movable property of any kind whatsoever;

"**port**" means each of the places specified in the First Schedule to the Act and a place declared to be a port in pursuance of section 6 of the Act within the limits declared for the port in pursuance of paragraph (b) of subsection (1) of the said section 6;

"**vehicle**" means any vehicle other than a train or ship;

"**premises**" includes any office, shed, warehouse, building or other work belonging to or in the possession of the Authority other than a quay and shall include a shipyard belonging to or in the possession of the Authority;

[L.N. 82 of 1961.]

"**quay**" includes any quay, wharf, pier, jetty, breakwater, landing place, storage ground, road or open space belonging to or in the possession of the Authority;

"**ship**" includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever, whether propelled by steam or otherwise or towed;

"craft" includes barges, lighters, boats and canoes.

(2) In relation to any port-

"dock superintendent" means a dock superintendent duly appointed by the Authority for that port and shall include any person authorised by the Authority to assist him;

"harbour master" means a harbour master duly appointed by the Authority for that port under section 44 of the Act and shall include any person authorised by the Authority to assist him.

Mooring of ships

3. Precautions against rats

(1) The master of every ship shall cause all ropes and mooring tackle used for securing such ship either to the shore or mooring buoys to be fitted with guards approved by the Authority to prevent rats passing from ship to the shore and he shall cause all empty cases, packages and barrels to be examined before landing to ensure that no rats are contained therein.

(2) No person shall, without the previous consent in writing of the harbour master, remove or cause or allow to be removed any rats (alive or dead) from any ship within a port.

Loading and discharging cargo

4. Tip, crane, etc., not to be used without permission

No person shall use or attempt to use any tip, crane, weighing machine, measure or other facility erected or provided by or belonging to the Authority in a port except by permission of the dock superintendent and in accordance with the terms and conditions and during the time allowed in that behalf to such person.

5. Goods not to be deposited without permission on or near edge of quay or beyond specified height

No person shall-

- (a) place or leave or cause to be placed or left upon or in a quay or premises any wagon, truck, carriage, vehicle or goods without the permission of the dock superintendent; or
- (b) place or leave any goods or cause the same to be placed or left upon a quay within a space of three feet from the edge or coping of the quay without such permission; or
- (c) deposit any goods upon or in a quay or premises to a greater height than that specified by the dock superintendent.

6. Dangerous, hazardous or poisonous goods

(1) The Authority may under the hand of its secretary, issue directions from time to time to control and regulate the loading, landing, storage and handling of Dangerous,

hazardous or poisonous goods or substances from to or on the Authority's quays, docks or premises.

[L.N. 197 of 1960.]

Dangerous goods

(2) No person shall bring or cause or suffer to be brought or have in or upon the Authority's quays or premises any goods or substances listed as Dangerous in the Directions issued from time to time under these Bye-laws.

(3) Every person who shall bring or cause or suffer to be brought, whether by land or water, or have in or upon the Authority's quays or premises any goods or substances listed as Hazardous in the Directions issued from time to time under these Bye-laws, shall at all times keep and deal with the same and each portion, parcel, case or package thereof and cause the same respectively to be kept and dealt with in accordance with the conditions and instructions relating thereto as may be respectively contained in the said Directions.

Hazardous goods

(4) Shippers and importers of goods or substances listed as Poisonous in the Directions issued from time to time under these Bye-Laws shall give early notice to the appropriate Dock Superintendent of the intended shipment or importation of such goods.

7. Hydrants, etc., not to be obstructed

No person shall place or store goods upon any part of a quay or in any premises in such manner as to obstruct or delay the free access to or use of any hydrant or other appliance for the prevention of fire or any life-saving or first-aid equipment.

8. Deposit of refuse and old boats, etc., not to be left except in an approved place

No person shall deposit or cause to be deposited any trade or other refuse, rubbish or sweepings upon a quay or in premises other than upon or in such place as the dock superintendent may approve, neither shall any person leave upon any quay or in any premises any old boat or any disused gear or materials without permission being first obtained from the dock superintendent.

9. Provision of exits and ventilation whilst coaling

The master of a ship loading coal or other bulk cargo in bunkers, holds or other enclosed space in the ship shall ensure proper ventilation and adequate means of escape for the men engaged in trimming.

Prevention of fire

10. Fire, naked lights, heating pitch, etc.

No person shall without the permission of or contrary to the direction of the dock superintendent, heat any pitch, tar, tallow or other inflammable matter upon a quay or in premises, or have or allow any fire, or naked light on any place other than for the immediate ignition of any authorised light or fire or, subject to bye-law 11, for the purpose of smoking.

11. Smoking

No person shall smoke upon or in a quay or premises except in such places as may be approved by the Authority.

Admission of persons to quays, wharves and premises and their conduct whilst therein

12. Trespassers on Authority property

No person shall enter or remain in a lighthouse lookout or signal station in a port without the consent of the harbour master or loiter or remain upon or in a quay or premises without the consent of a duly authorised officer of the Authority.

13. Interrogation of persons upon or in a quay or premises

Any person upon or in or seeking access to a quay or a premises or any ship in a port shall, if so requested by the dock superintendent or constable on duty, state truly his name and address and the nature and place of his business therein or thereon or his purpose therein or thereon or in seeking access thereto and any such person who fails to satisfy the dock superintendent or the constable that he is a member of a ship's crew or employed on dock labour shall, if so requested, produce for inspection by the dock superintendent or the constable any pass or other authority which may have been issued to him by or on behalf of the Authority.

14. Gate passes

No person carrying or having upon or with him or upon or in any conveyance any goods shall leave or attempt to leave a quay or premises unless and until he has obtained the requisite pass to take such goods and has lodged such pass with the dock superintendent or constable on duty at the gate through which he is to pass out of the limits of the port.

15. Persons suffering from infectious or contagious disease, etc., not to enter a quay or premises without permission

A person suffering from any infectious or contagious disease or disorder shall not, except by special permission of the dock superintendent, enter or remain or be upon or in or about a quay or premises.

16. Intoxicated or disorderly persons

No person shall enter or be upon or in a quay or premises in a state of intoxication or use any threatening, abusive, indecent, obscene, profane or offensive language or conduct himself in a riotous, disorderly, indecent or offensive manner or use language or behave in such manner as is calculated to cause a disturbance or breach of the peace or molest or wilfully interfere with the comfort or convenience of other persons being upon or in such quay or premises.

17. Gambling or loitering in a quay or premises

No person shall enter or be or remain in or about a quay or premises for the purpose of bookmaking, gaming, betting or wagering or agreeing to bet or wager with any other

person, or play or gamble with cards or by other means, or without lawful excuse, the proof whereof shall lie on the person charged, loiter upon a quay or in premises.

18. Restriction on photograph

No person shall take any photograph on or within a quay or premises of the Authority except by the special permission of the secretary of the Authority or other authorised officer of the Authority who shall for the purpose issue a special permit on application.

[L.N. 62 of 1964.]

19. Removal of offenders from the quay or premises

Any person infringing or not observing bye-law 15, 16, 17 or 18 may, without prejudice to the penalty prescribed, be removed from the quay or premises.

[L.N. 62 of 1964.]

20. Obstructing the Authority's servants and others

No person shall obstruct, impede, molest or interrupt the harbour master or the dock superintendent or other officer, workman, agent or person whomsoever employed by the Authority in the performance of his duty or in the execution of any of the work, matters or things to be done by him.

21. Nuisances

No person shall commit a nuisance of any kind upon or in a quay or premises.

22. Breaking fences

No person shall break or get over, through or under any railway or divisional or boundary fences within or bounding a port.

23. Interfering with fire, lighting or other appliances

No person shall, without being duly authorised by the dock superintendent, open or shut any fire hydrants or taps, or move or interfere with any fire, lighting, lifesaving, first aid or other appliances used or being in or about a quay or premises, or wilfully or negligently damage or interfere with any lights or signals exhibited within a port.

24. Interfering with bridges, cranes, machinery, etc.

No person shall, without being duly authorised by the dock superintendent, open, draw or shut or cause to be opened, drawn or shut any sluice, tunnel or bridge within a port or shall, without being so authorised as aforesaid, set in motion, move or interfere with or obstruct or impede the use of any crane, movable property, gear or machinery used upon or in a quay or premises.

25. Throwing missiles, discharging firearms or using fireworks or explosives

No person shall upon or in a quay or premises throw missiles or discharge any catapult or have or discharge any loaded gun or other firearm except for the firing of salutes nor, without the permission in writing of the Authority, use or ignite any firework or other explosive substance.

26. Holding meetings, etc.

No person shall hold any general or open meeting upon or in a quay or premises or collect or deliver any address to any audience or gather or collect together any persons whereby work or business on or the control, management or ordinary use of the quay or premises is likely to be obstructed, impeded or hindered or a breach of the peace created.

27. Posting bills, etc.

No person shall post up or exhibit or cause to be posted up or exhibited upon or in a quay or premises any bill, placard or notice unless so authorised by the dock superintendent.

28. Giving intoxicating liquor to Authority's servants

No master, officer, lighterman or member of the crew of a ship alongside a quay or any other person upon or in a quay or premises shall give or sell intoxicating liquor to any of the servants of the Authority.

29. Sale of intoxicating liquor

No person shall sell or cause to be sold any intoxicating liquor upon or in a quay or premises except with the permission of the Authority and in such place as the Authority may authorise.

30. Moving railway trucks, etc.

No person other than a person having charge thereof shall, without the permission of the dock superintendent, move a railway engine, wagon, truck, carriage or vehicle on any lines of a railway belonging to or operated by the Authority.

31. Walking, etc., on railways

No person other than a servant of the Nigerian Railway Corporation acting in accordance with his duties shall, without being duly authorised by the dock superintendent, walk, stand or be upon the lines of a railway belonging to or operated by the Authority or the space required for the working thereof or cross such lines of railway at places other than those appointed to be used as crossings.

32. Cycling

No person shall cycle on a quay except with the permission of the dock superintendent and at his or her own risk entirely.

33. Selling of articles of merchandise, etc., and touting

No person except a tenant of the Authority or a person duly authorised by the dock superintendent in that behalf shall, upon, in or about a quay or premises, retail or offer for sale any article of merchandise whatsoever or tout or ply for or solicit custom or employment of any description, nor shall any person upon, in or about a quay or premises retail or offer for sale any food or refreshments except a person licensed so to do by the Authority and then only in accordance with the terms of such licence.

Animals, vehicles and drivers

34. Owner's name on vehicles

No person shall bring a vehicle to a quay or drive a vehicle thereon unless the name and address of the owner is clearly exhibited on the side of the vehicle or declared to the dock superintendent.

35. Drivers to obey orders when in charge of engines, vehicles, etc.

The driver or person in charge of any railway engine, wagon, truck, carriage or vehicle (whether drawn or propelled by mechanical means or otherwise) or of any horse, beast of burden or any animal shall at all times while upon or entering or leaving a quay obey the directions or requirements of the dock superintendent in that behalf with respect to the loading, unloading, placing, moving, management and removal of such railway engine, wagon, truck, carriage, vehicle, horse, beast of burden or animal.

36. Engines, horses, etc., or vehicles not permitted to be or remain on quay unattended or longer than necessary

No person shall, without the permission of the dock superintendent, have or permit any railway engine, wagon, truck, carriage or vehicle (whether drawn or propelled by mechanical means or otherwise), horse, beast of burden, or animal to be or remain upon or in a quay or premises unattended or for a longer time than is necessary for the loading or unloading of goods and necessary documentation in connection therewith or for the taking up or setting down of passengers.

37. Speed of vehicles in a port

A person driving a vehicle in a port shall drive the same at all times with due care and caution and shall not drive the vehicle at a speed exceeding five miles per hour along a quay or exceeding twenty miles per hour along a road belonging to or under the control of the Authority.

Penalty for breach of Bye-laws

38. Penalty

Any person doing anything prohibited by any of these Bye-laws or omitting to do anything required by them to be done or otherwise offending against or committing a breach against any of these Bye-laws shall be liable for every such offence to a penalty not exceeding ₦100 and in the case of a continuing offence to a further penalty not exceeding ₦10 for each day during which the offence continues.

NIGERIAN PORTS AUTHORITY (PILOTAGE DISTRICTS) ORDER

[L.N. 252 of 1959.]

under section 58

[3rd December, 1959]

[Commencement.]

1. Short title

This Order may be cited as the Nigerian Ports Authority (Pilotage Districts) Order.

2. Lagos

There shall be a pilotage district in the Port of Lagos within the limits set out in the First Schedule to this Order.

3. Port Harcourt

There shall be three pilotage districts in the Port of Port Harcourt within the respective limits set out in the Second Schedule to this Order:

Provided that the provisions of this section shall not apply to the navigation within Boler Creek of a vessel which does not navigate seaward of the Bonny River.

4. Calabar

There shall be a pilotage district in the Port of Calabar within the limits set out in the Third Schedule to this Order.

5. Compulsory pilotage

Pilotage shall be compulsory in the whole of the pilotage district established by section 2 of this Order and in pilotage districts A and B established by section 3 of this Order.

SCHEDULES

FIRST SCHEDULE

[Section 2.]

Pilotage District

Port of Lagos

Within an area enclosed by the following, a line drawn from the South end of the West Mole in a north-westerly direction along the north-east side of the Mole to the point where it joins the foreshore, thence in a general northerly direction along the foreshore to the north-east corner of Meridian point, thence in a 287^0 direction to the beacon on Badagri point,

thence in a general south-westerly direction along the foreshore on the south side of Badagri creek to a point where the foreshore crosses the meridian of 3° 22' east, thence in a 360° direction to the foreshore on the north side of Badagri creek, thence in a general north-easterly direction along the foreshore to the point where it meets the Apapa Wharf Extension, thence along the south, east and north sides of Apapa Wharf Extension, thence in a general northerly direction along the foreshore to the beacon on Bluff point, thence in a 035° direction to the beacon on the southern end of Iddo Island, thence in a general north-easterly direction along the foreshore of Iddo Island to the north-west corner of Carter Bridge, thence along the south-west side of Carter Bridge to the point where it meets the foreshore of Lagos Island, thence in a generally westerly and then south-easterly direction, along the foreshore, to Magazine Point thence in a north east direction to the north west end of the Bridge across the entrance to Five Cowrie Creek, thence along the south west side of the bridge to the point where it joins the foreshore, thence in a general southerly direction along the foreshore and the west side of the east mole, to the south-west end of the mole, thence in a 090° direction for 4,500 feet, thence in a 180° direction for 7,500 feet, thence in a 270° direction for 6,000 feet thence in a 360° direction to the starting point.

SECOND SCHEDULE

[Section 3.]

Pilotage District

Port of Port Harcourt

District A

That part of the main stream of the Bonny River, bounded to the Southward by a line drawn in a 090° direction from the southernmost bank of Primrose Creek East, to the northern bank of the Bonny River, and to the northward by a line drawn from the south-east corner of the entrance to Omo EMA creek, in a 155° direction, to the south bank of the Bonny River.

District B

The main stream of the Boler Creek from its junction at its eastern end with Hughes Channel (defined by a line drawn 180° from Nosworthy Point Beacon to the southern bank of the creek) in a general westerly direction along the north-east, north and west shores of Fairweather Island to its junction with Cawthorne creek (defined by a line drawn in a 173° direction from the beacon on Bell Point to the beacon on the southern shore of the creek).

District C

That part of the main stream of the Bonny River bounded to the northward by a line drawn 090° from Peter Portis Point with Commander Pullens Observation Stone at Bonny bearing 166 1/2 degrees, and to the south and west by a straight line joining the charted position of the Bonny Fairway Buoy and Fouche Point Beacon and to the south and east by a line joining Bonny Fairway Buoy and Field Point.

THIRD SCHEDULE

[Section 4]

Pilotage District

Calabar River

That part of the main stream of the Calabar river bounded to the southward by a line drawn through Montanaro Point (The north-west extremity of Parrot Island) in an 065⁰ direction to the east bank of the river, and to the northward by a line drawn 180⁰ from a point on a bearing of 259⁰ 1,980 feet from Calabar Township Boundary Post No. 177.

**NIGERIAN PORTS AUTHORITY PETROLEUM WHARF
(APAPA) BYE-LAWS**

[L.N. 266 of 1959.]

under section 57

[24th December, 1959]

[Commencement.]

General

1. Short title

These Bye-laws may be cited as the Nigerian Ports Authority Petroleum Wharf (Apapa) Bye-Laws.

2. Application

These Bye-laws shall apply to that portion of the port of Lagos known and designated "the Petroleum Wharf".

3. Interpretation

In these Bye-laws, unless the context otherwise requires-

"**Authority**" means the Nigerian Ports Authority established under the provisions of the Ports Act;

"**cargo**" includes all kinds of movable personal property other than animals;

"**chief fire officer**" means the chief fire officer of the Authority and shall include his duly authorised deputies and assistants;

"**explosives**" shall have the same meaning as contained in the Explosives Act;

[Cap. E18.]

"harbour master" means a harbour MASTER duly appointed by the Authority for the Wharf and shall include his duly authorised deputies and assistants;

[L.N.142 of 1964.]

"liquefied petroleum gas" means light hydrocarbon material, gaseous at atmospheric temperature and pressure, held in the liquid state by pressure to facilitate storage, transport and handling;

"oil" shall include petroleum and petroleum products;

"vehicle" means any vehicle other than a train or vessel;

"vessel" includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever, whether propelled by steam or otherwise or towed;

"the Wharf" means the Petroleum Wharf, Apapa.

Loading and discharging cargo

4. Cargo not to be loaded or discharged

(1) No cargo, other than petroleum, petroleum products, petroleum containers or non-inflammable ships' stores, shall be loaded from the shore into or discharged to the shore from any vessel lying at the Wharf.

[L.N. 198 of 1960.]

(2) Notwithstanding any of the bye-laws herein made, cargo, other than dangerous and inflammable, may be loaded from or discharged to a lighter:

Provided-

- (a) there are no tankers loading or discharging at the Wharf;
- (b) there are no vessels at the Wharf that are not gas-free;
- (c) there is no damage to pipelines, manifolds, and other oil installations on the Wharf; and
- (d) that the berth, by the act of loading or unloading general cargo, is not denied to a vessel carrying oil.

5. Explosives to be stowed away

Any vessel containing explosives shall, before berthing at the Wharf, properly stow away such explosives in approved magazines.

6. Deck scuppers to be securely plugged, etc.

All main deck scuppers when fitted shall be securely plugged and rendered water-tight during the loading or discharging of petroleum products, and dip trays shall be placed beneath the deck manifold and hose connections.

Vehicles

7. Vehicles not to enter

No vehicles whatsoever shall enter into the wharf area other than those vehicles and items of mechanical equipment passed safe and in connection with which an appropriate permit has been issued by the Authority and also other than read tankers licensed for the transport of petroleum by the appropriate authority.

Fire and fire precautions

8. No smoking on the Wharf

No person shall at any time smoke on the Wharf.

9. No smoking on the docks

No person shall smoke on the docks of any vessel moored at the Wharf.

10. Matches, cigarette lighters, torches, etc.

No person shall enter the Wharf area carrying matches, cigarette lighters, oil lamps, torches (other than approved gas-tight types) or other inflammable material.

11. Lamps

No lamps other than approved gas-tight hand or portable lamps shall be used within the Wharf area; and the Chief Fire Officer shall have the right to inspect such lamps before or whilst in use.

12. Fires, naked lights, etc.

No naked lights or fires shall be used upon any vessel approaching or lying within 200 feet of the Wharf; provided that this shall not preclude the use of the fire only in the vessel's main boilers.

13. Vessels not to approach tankers

No vessel shall approach or lie within 100 feet of vessels loading or discharging.

14. All cargo tanks must be securely closed at all points except those ports or ullage plugs which currently are necessary for observation. Such ports or ullage plugs, when open, shall be guarded with wire gauze screens or other flame proof attachment.

15. Outbreak of fire to be reported

Any outbreak of fire shall be reported immediately to the Police, Fire Brigade, the harbour master, the dock superintendent, and the Authority's chief fire officer.

16. No person shall place or store goods on any part of the Wharf without the prior permission of the dock superintendent or shall do the same in such a manner as to obstruct or delay the free access to or the use of any hydrant or other appliance for the prevention of fire or life-serving on the Wharf.

Oil leakage and spillage

17. Oil leakage

During loading or discharging, any leakage of oil developing in the shore piping system shall be reported immediately to the chief fire officer; and should the leakage be of such a character that in the opinion of the chief fire officer it constitutes a hazard, loading or discharging shall be suspended until repairs have been effected.

18. Oil spillage

In the event of any spillage of oil on the Wharf, immediate action shall be taken by the person on shore who is loading or discharging oil to recover the oil and to prevent its escape onto the harbour waters; and the harbour master and the chief fire officer shall be notified immediately any spillage takes place.

Repair, maintenance and installation

19. Repairs, alterations and addition not to be carried out

No person shall-

- (a) carry out any repair work including the chipping and scraping of paint-work either on board a vessel moored at the Wharf or to the installations on the wharf without the written permission of the Harbour Master unless such repairs are immediately necessary in order to prevent danger to person or property;
- (b) alter or add to the existing installations on the Wharf unless plans and description of materials to be used shall have been approved in writing by the Authority;
- (c) under any circumstances, carry out work involving the use of naked flames of welding apparatus on the Wharf unless with the written permission of the chief fire officer and strictly in accordance with the directions of the chief fire officer.

20. Companies to be responsible for maintenance of installation

Companies shall at all times be responsible for the inspection, maintenance and sound condition of their installations and other appliances on the Wharf.

[L.N. 142 of 1964.]

Liquefied petroleum gas

21. Boiler and galley fires to be extinguished

Before commencing to load or discharge a liquid petroleum gas cargo, the boiler and galley fires shall be extinguished and remain so until loading or discharging operations have been completed.

22. Shore hoses to be tested before certain operations

The shore hoses shall be tested before each operation to a pressure of three kilograms per square centimetre in excess of the maximum anticipated pressure during the handling operations.

23. Shore hose to be fitted with shut-off valves

Each shore hose shall be fitted with shut-off valves to ensure that the possibility of an escape of liquefied petroleum gas is kept to the minimum when the hoses are disconnected.

24. Wearing of metal studded footwear prohibited

No person shall wear metal studded footwear on the vessel or on the jetty-head.

25. Fire hoses to be rigged for immediate use

Fire hoses shall be rigged before and after ready for immediate use to warn craft not to approach during loading or discharging operations.

26. Master to ensure presence of an officer on deck during loading, etc.

The master shall ensure that an officer is present on deck at all times during loading or discharging operations. It shall be the master's duty to ensure that the measures provided in bye-laws 21 to 33 are carried out.

27. Leakages to be stopped

Appropriate steps shall be taken to stop any leakages and should be reported to the chief fire officer.

28. Doors leading from deck to accommodation or engine room to be kept closed

During the handling operations, all doors leading from the deck to the accommodation or engine room shall be kept closed to prevent the accumulation of vapour in these spaces.

29. Master to ensure hose connections are checked

The master shall ensure that all hose connections are checked and that the couplings are connected by bolts sufficiently long to ensure that the nuts are well held and the bolts tightened evenly.

30. Access to ship barred during handling operations

During the handling operations, no person shall have access to the ship who is not directly connected with the operations.

31. Continuous gas testing to be carried out during handling operations

During the handling operations, continuous gas testing shall be carried out in the pump house. In the event of a concentration exceeding 40% of the lower explosive limit being detected, pumping operations must cease and all valves on the gas bottles and cross-overs must be closed at once until the leak has been traced and stopped.

32. Loading or discharging prohibited unless excess flow valves fitted

No loading or discharging shall take place unless excess flow valves are fitted in suitable positions at the outlet manifold to ensure the automatic shut-off of liquefied petroleum gas in the event of a hose fracture; and in the event of the closure of these valves the liquefied petroleum gas system must be isolated until the cause of the closure has been investigated.

33. Pipes, etc., to be adequately earthed

All pipes, joints, flexible hoses and other appliances must be adequately and continuously earthed and the vessel itself must be electrically bounded and earthed.

Penalty for breach of Bye-laws

34. Penalty

Any person doing anything prohibited by any of these Bye-laws or omitting to do anything required by them to be done or otherwise offending against or committing a breach against any of these Bye-laws shall be liable for every such offences to a penalty not exceeding N100 and in the case of a continuing offence a further penalty not exceeding N10 for each day during which the offence continues.

NIGERIAN PORTS AUTHORITY (PILOTAGE BOARDS) ORDER

[L.N. 3 of 1960.]

under section 61

[14th January, 1960]

[Commencement.]

1. Short title

This Order may be cited as the Nigerian Ports Authority (Pilotage Boards) Order.

2. Pilotage boards

There shall be a pilotage board for-

[L.N. 252 of 1959.]

- (a) each of the pilotage districts established by sections 2 and 4 of the Nigerian Ports Authority (Pilotage Districts) Order;
- (b) the three pilotage districts established by section 3 of the Nigerian Ports Authority (Pilotage Districts) Order; and
- (c) the two pilotage districts established by section 5 of the Nigerian Ports Authority (Pilotage Districts) Order.

3. Each pilotage board shall consist of the harbour master of the port mentioned in sections 2, 3, 4 and 5 respectively of the Nigerian Ports Authority (Pilotage Districts) Order, and such members as may be appointed by the Authority by notice in the Federal *Gazette* with the approval of the Minister.

RIO-DEL-REY PORT DECLARATION ORDER

[L.N. 154 of 1960.]

under section 6

[29th September, 1960]

[Commencement.]

1. Short title

This Order may be cited as the Rio-del-Rey Port Declaration Order.

2. Declaration of port and port limits

It is hereby declared that the place specified in the first column of the Schedule hereto shall be a port for the purposes of the Ports Act and that its limits shall be as specified in the second column of the said Schedule.

SCHEDULE

Port Limits

Rio-del-Rey

That part of the main stream of the Rio-del-Rey otherwise known as Fiari River bounded in the north by a line drawn in an 090°-270° direction in latitude 4° 45' North and in the south by a line drawn from Erong Point Beacon latitude 4° 31' 40" North 8° 45' 48" East in a 180° direction for 27.036 kilometres thence in an 090° direction for 6.276 kilometres thence in an 004° direction for 25.266 kilometres to Cape Bakasi Beacon latitude 4° 30' 30" North 8° 43' 6" East.

Reference: Nigerian Marine Charts No. 33/10 and No. 84/10.

NIGERIAN PORTS AUTHORITY (PILOTAGE) REGULATIONS

[L.N. 2 of 1961.]

under section 71

[5th January, 1961]

[Commencement.]

General

1. Short title

These Regulations may be cited as the Nigerian Ports Authority (Pilotage) Regulations.

2. Interpretation

(1) In these Regulations unless the context otherwise requires-

"**Act**" means the Ports Act;

"**Authority**" means the Nigerian Ports Authority established under the provisions of the Act;

"**pilot**" means a person not belonging to a ship who has the conduct thereof;

"**port**" means a port as defined in the Port Act.

(2) In relation to any port-

"**Authority pilot**" means a pilot appointed by the Authority for that port;

"**harbour master**" means the harbour master duly appointed by the Authority for that port under section 44 of the Act;

"**licensed pilot**" means a pilot licensed by the Authority for that port;

"**pilotage board**" means the board established for the pilotage district of that port by the Authority under section 61 of the Act;

"**pilotage district**" means a pilotage district established in that port by the Authority under section 58 of the Act;

"**port regulations**" means the regulations for the time being made by the Authority under section 45 of the Act in respect of that port;

"**power-driven vessel**" means any ship propelled by machinery;

"ship" includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed, not being a ship propelled by oars, paddles or poles.

Authority pilots

3. Examination of Authority pilots

- (1) Every Authority pilot-
- (a) on appointment to a port, shall; and
 - (b) on resuming his duties after an absence from that port for a period exceeding one month, may,

be required to present himself for examination by the pilotage board on all or any of the matters mentioned in regulation 9 of these Regulations as the pilotage board may require and shall obtain from the harbour master a written authority to act as a pilot within the pilotage district.

(2) The harbour master may at any time suspend the written authority referred to in paragraph (1) of this regulation and may require the pilot to re-present himself for examination by the pilotage board in any matter.

4. Applications for services of Authority pilot

Application for the services of an Authority pilot shall be made to the harbour master in such form as he may prescribe.

5. Trim of ship not to be altered

The trim of a ship under the charge of an Authority pilot shall not be altered by pumping out tanks or otherwise, except on the instructions of the pilot.

6. Obligation of Authority pilot to produce his licence

(1) Every Authority pilot when acting as such shall, if required, produce his written authority to act to any person by whom he is employed or to whom he offers his services as a pilot.

(2) If an Authority pilot refuses to produce his written authority in accordance with this regulation he shall be guilty of an offence and liable on conviction to a fine not exceeding N20.

Licensed pilots

7. Harbour masters may issue licences

The harbour master may issue licences in the Form A in the First Schedule to these Regulations authorising the person named therein to be a licensed pilot for the pilotage district of that port:

Provided that the harbour master shall not issue a licence to any person unless that person-

- (a) holds a master certificate granted by a competent authority recognised by the harbour master, or in the case of persons operating vessels in and out of a port but not proceeding to or from any other port, such qualifications as the harbour master may consider necessary;
- (b) is not less than 24 years of age and not more than 65 years of age;
- (c) produces to the pilotage board a certificate of good conduct and sobriety and a medical certificate of fitness for the performance of his duties as a pilot;
- (d) passes a satisfactory examination before the pilotage board and obtains a certificate in the Form B in the First Schedule to these Regulations;
- (e) gives a bond with one surety approved by the harbour master in a sum of N200 in favour of the Authority in the Form C in the First Schedule to these Regulations.

8. Applications for examinations

(1) Application for examination by a pilotage board shall be made in writing in the Form D in the First Schedule and shall be addressed to the harbour master.

(2) The particulars required by the said form shall be filled in and signed by the applicant.

(3) If any such particulars shall be false in any respect the applicant shall be guilty of an offence and liable on conviction to a fine not exceeding N40 and any licence which may have been granted to him under these Regulations may be revoked by the pilotage board.

9. Matters in which applicant shall be examined

An applicant for a licence shall be examined by the pilotage board in the following matters-

- (a) as to his knowledge of the port regulations, the regulations for preventing collisions at sea, the international code of signals, the quarantine regulations, light, fog and distress signals and the working of power-driven vessels in narrow waters or amongst shipping;
- (b) as to his first duty when going on board and before taking charge in light and strong winds, or in a tide-way;
- (c) as to his knowledge of the port, its approaches, depths of water, rise and fall of the tide and set of the currents at various times or states of the tide; the lines of soundings, banks and other dangers with directions for clearing the same; the description and position of lights, buoys and beacons; the proper time of tide to get under way; and any other nautical matter the pilotage board may think fit and proper.

10. Duration and renewal of licence

(1) Every licence shall, subject to the provisions of these Regulations, remain in force for a period of twelve months from the date thereof and may on application by the pilot be renewed by the harbour master from year to year by endorsement on the licence.

(2) The harbour master may, before renewing a licence, require the pilot to produce a medical certificate that he is physically fit to perform his duties as a pilot and is of sound vision.

(3) In any case in which the harbour master refuses to renew a licence the applicant may appeal to the pilotage board and the pilotage board may refuse or authorise the renewal of the licence as it may deem proper.

11. Suspension of licence

If a licensed pilot shall have been absent from a port for more than one month, his licence shall be automatically suspended and he shall not be entitled to act as a pilot in that port until he shall have satisfied the harbour master that he is again fully conversant with the navigation of that port and the approaches thereto and shall have obtained the written authority of the harbour master to act as a pilot.

12. Fees payable

The fees set out in the Second Schedule to these Regulations shall be paid in respect of the matters therein specified.

13. Register of pilots

The harbour master shall keep a register of licensed pilots.

Compulsory pilotage

14. Who may pilot a ship

A ship shall only be piloted within a pilotage district within which pilotage is compulsory by an Authority pilot unless the master of the ship is also a licensed pilot, and-

- (a) if the ship is not registered in Nigeria it does not exceed 1,000 tons net registered tonnage; or
- (b) if the ship is registered in Nigeria it does not exceed 1,100 tons net registered tonnage.

15. Compulsory pilotage

Pilotage shall be compulsory for every ship exceeding ten tons gross tonnage entering, leaving or changing its berth within the following districts-

[L.N. 34 of 1963.]

- (a) the whole of the pilotage district of the port of Lagos established under the Nigerian Ports Authority Pilotage District Order; and
- (b) the pilotage district A, B, C and D of the port of Port Harcourt established under the Nigerian Ports Authority (Pilotage Districts) Order.

16. Pilotage not seawards of the port of Lagos

Within the pilotage district of the port of Lagos but not on entering that port from or leaving that port for the open sea the holder of a certificate as a river master granted under the Merchant Shipping Act may pilot any ship which is either used exclusively in inland waters navigation or has arrived in that port from or is leaving that port for a voyage on inland waters and the holder of a certificate as a quartermaster granted under the said Act may pilot any such ship which does not exceed 150 tons displacement when loaded.

[Cap. M11.]

Pilotage flags and offences

17. Pilot flag

When a ship is navigating in a pilotage district-

- (a) if it has on board an Authority pilot, the master of the ship shall cause a flag (upper half white, lower half red, to be flown from the triatic stay or foremast head of the ship; or
- (b) if it is in charge of a licensed pilot, the licensed pilot shall cause a flag (upper half white, lower half red) to be flown at the stern flag staff of the ship and underneath the ensign, when the ensign is flown; or
- (c) if it is in charge of the holder of one of the certificates referred to in regulation 16 of these Regulations, the holder of the certificate shall cause a flag (upper half white, lower half blue) to be flown at the stern flag staff of the ship and underneath the ensign, when the ensign is flown.

18. Unauthorised use of pilots flag

Any person who shall on any ship fly and any master who shall permit to be flown any of the flags mentioned in the last preceding regulation except in the circumstances in which any such flag is required by the Regulations to be flown shall be guilty of an offence and liable on conviction to a fine not exceeding N40.

19. Penalty for illegal piloting

Any person who shall hold himself out as a pilot authorised to pilot any ship and is not so authorised or shall pilot any ship which he is not authorised to pilot under these Regulations shall be guilty of an offence and liable on conviction to a fine not exceeding N40.

SCHEDULES

FIRST SCHEDULE
[Regulations 7 and 8.]

FORM A

Pilot's Licence

A.B. is hereby authorised, subject to the provisions of the Ports Act (Cap. 361) and of the regulations for the time being in force made under section 71 thereof, to pilot any ship of which he is then the Master on entering, leaving or changing its berth in the Port of

This licence will expire on the day of 20

DATED this day of 20

.....
Harbour Master

FORM B

Pilotage Board Certificate

This is to certify that has been examined by the Board and has satisfied the Board that he is a fit and proper person to hold a licence as a pilot for the Port of

DATED this day of 20

.....
Harbour Master

FORM C

Pilot's Bond

KNOW ALL MEN by these presents that we

*

on behalf of are held and firmly bound unto the Nigerian Ports Authority in the sum of ₦200 of good and lawful money to be paid into the said Authority, to which payment well and truly to be made we bind ourselves and each and every of us jointly and severally for and in the whole, our heirs, executors and administrators and every of them firmly by these presents.

The conditions of this obligation in such, that if the above-named

..... do in all things conform to all the provisions of Part XI of the Ports Act and of the regulations for the time being in force under section 71 of that Act applying to the Port of

..... then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

FORM C—continued

Signed sealed and delivered in the presence of
*Bondee Master of Vessel.

FORM D

Date

Application for a pilot's licence

To The Harbour Master,

I hereby apply to be examined by the Pilotage Board as to my fitness to be granted a pilot's licence and I certify that the following particulars have been fully and truly set out—

1. Full name of applicant
2. Date and place of birth
3. Nationality
4. Master's certificate date number and port of issue
5. Name of ship (if any) on which applicant is serving
6. Details of previous experience of pilotage in the area for which a licence is sought, giving dates
.....
.....
.....

.....
Signature of Applicant

SECOND SCHEDULE
[Regulation 12.]

Fees

	₦ k
On application for examination as to fitness to be granted a pilot's licence	2 00
For a pilot's licence	4 00
For renewal of a pilot's licence	2 00

Notes

1. These Regulations supersede the Lagos Pilotage Regulations, the Port Harcourt Pilotage Regulations, the Calabar Pilotage Regulations and the Victoria Pilotage Regulations made under section 3 of the Pilotage Act.

2. Attention is drawn to the following provisions of the Ports Act-

SECTION 59

Obligations where pilotage compulsory

(1) Every ship, other than any excepted ship, while navigating in a pilotage district in which pilotage is compulsory for the purpose of entering, leaving or making use of the port in the district shall be under the pilotage of-

- (a) an Authority pilot; or
- (b) a licensed pilot of the district.

(2) For the purposes of this section the following ships are excepted ships-

[L.N.112 of 1964.]

- (a) ships belonging to any of the armed forces of Nigeria or owned not operated by the Government of the Federation or of any State;
- (b) ships owned or operated by the Authority;
- (c) pleasure yachts;
- (d) ferry boats plying as such exclusively within the limits of a port;
- (e) ships not exceeding ten tons gross tonnage;
- (f) tugs, dredgers, barges, or similar vessels whose ordinary course of navigation does not extend beyond the limits of a port;
- (g) ships exempted from compulsory pilotage by regulations as hereinafter provided in this Part.

(3) A ship while being moved within a port which is or forms part of a pilotage district shall be deemed to be a ship navigating in a pilotage district, except so far as may be provided by regulations made as hereinafter provided by this Part.

SECTION 68

Punishment of pilot by pilotage board

(1) Where a pilotage board after due inquiry in accordance with the provisions of this Part finds that a pilot has-

- (a) been guilty of misconduct affecting his capability as a pilot;
- (b) failed in or neglected his duty as a pilot; or
- (c) become incompetent to act as a pilot;
- (d) the pilotage board may, in a case under paragraph (a) or paragraph (b) of this subsection, impose a fine not exceeding twenty naira or severely reprimand or reprimand the pilot and may, in any case, whether in addition to any such fine or reprimand or not, suspend the pilot from duty.

(2) Where a pilot is suspended from duty by a pilotage board under subsection (1) the board shall make such recommendations to the Authority concerning the future exercise of the pilot's duties in the pilotage district, as they consider appropriate in the circumstances of the particular case.

(3) Copies of the record of an inquiry held under section 65 or a recommendation made under subsection (2) of this section shall be supplied by the pilotage board to the Authority, the Minister and the pilot concerned.

SECTION 69

Appeal to minister against decision of pilotage board

(1) If a pilot is aggrieved by a decision or recommendation of a pilotage board he may within thirty days from the date of the decision or recommendation appeal to the Minister.

(2) The Minister, after considering the appeal, may-

- (a) confirm or reverse the finding of the board; or
- (b) subject to the provisions of section 68, alter the nature of the punishment; or
- (c) in the case of a recommendation to the Authority under subsection (2) of section 68, support, comment on or oppose the recommendation,

and the decision of the Minister shall be final.

SECTION 70

Revocation of pilot's licence by Authority

(1) The Authority shall consider any recommendation made by a pilotage board concerning any pilot who has been suspended by the Board under section 68, and having considered the recommendation and the record of the inquiry may-

[L.N. 112 of 1964.]

- (a) suspend or revoke the pilot's licence; or
- (b) inform the pilot and the pilotage board that the pilot may resume his duties as a pilot in the pilotage district.

(2) No pilot's licence shall be suspended or revoked under subsection (1), or action taken by the Authority in relation to any pilot as a result of a recommendation made by a pilotage board unless-

- (a) no appeal has been made by the Authority pilot or licensed pilot to the Minister within the time prescribed by section 69; or
- (b) in the case of an Authority pilot he has informed the Authority in writing that he does not intend to exercise his right or appeal; or
- (c) an appeal has been made to and determined by the Minister in accordance with the provisions of section 69.

SECTION 72

Liability of the master or owner in the case of a ship under pilotage

The master or owner of a ship navigating in circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.

PORTS (CARBIDE OF CALCIUM) REGULATIONS

[L.N. 15 of 1963.]

under section 45

[Commencement.]

[14th February, 1963]

1. Short title and application

These Regulations may be cited as the Ports (Carbide of Calcium) Regulations, and shall apply to all ports.

2. Interpretation

In these Regulations unless the context otherwise requires-

"**Authority**" means the Nigerian Ports Authority established under the provisions of the Ports Act (hereinafter in these Regulations referred to as the "Act");

"**carbide of calcium**" means a substance formed by the fusion of coke or anthracite with lime;

"**dock superintendent**" means a dock superintendent duly appointed by the Authority for the port and shall include any person authorised by the Authority to assist him;

"**handling**" includes loading, discharging and transporting;

"**harbour master**" means in relation to any port a harbour master duly appointed for that port under section 44 of the Act and shall include his duly authorised deputies, assistants and such persons authorised by him;

"**master**" in relation to a ship means the master or other persons for the time being in charge of such ship but does not include a pilot;

"**port**" means a port declared under section 6 of the Act to be a port and shall include the approach thereto;

"**ship**" includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed.

3. Notice of nature of cargo

The master of every ship carrying a cargo, any part of which consists of carbide of calcium shall, on entering a port, immediately give notice of the nature of such cargo to the harbour master, and shall place or moor his ship in such place as the harbour master may direct; and while any carbide of calcium remains on board, shall not remove his ship without the written permission of the harbour master.

4. Ventilation

Every ship's hold in which carbide of calcium is present, and from which carbide of calcium is to be discharged in the port, shall be efficiently ventilated from the time of entering the port until all such carbide of calcium has been discharged or until the ship has left the port; and every ship's hold into which carbide of calcium is to be loaded shall be similarly efficiently ventilated from the time loading commences until the ship leaves the port.

5. Removal after discharging

All carbide of calcium discharged at a port from any ship shall be removed without delay to some place of storage outside the port. Carbide of calcium may be stored temporarily in an approved carbide store at a port subject to permission having been obtained from the dock superintendent and space being available in the approved store.

6. Carbide of calcium not to be brought to place of loading until ship is ready

No carbide of calcium shall be brought to the place of loading until the ship into which it is to be loaded is in readiness to receive the same.

7. Carbide of calcium to be in closed metal containers

Carbide of calcium shall be brought into a port only in hermetically closed metal containers of such strength and construction or so protected as not to be liable to be broken or to become defective or insecure in conveyance.

8. Packages not to be opened

No containers of carbide of calcium shall be opened within the limits of a port except with the written consent of the Harbour Master in such place as he may direct; and only non-ferrous tools may be used in opening containers.

9. Protection against water

Every reasonable precaution shall be taken to prevent the contact of water or moisture with carbide of calcium, and where such contact may have occurred, to prevent the gas evolved from being ignited. Handling of carbide of calcium shall cease during rain and exposed containers shall be placed under cover.

10. No smoking or naked lights shall be permitted within 100 feet of where carbide of calcium containers are being handled.

11. Every ship having carbide of calcium on board shall at all times whilst in a port have on board a competent watchman and a responsible person to carry out and give effect to the provisions of these Regulations.

12. Inspection

The master of a ship having carbide of calcium on board shall, when so required by the harbour master, or other official authorised by the Authority, afford every reasonable facility to enable such official to ascertain whether these Regulations are duly observed.

13. Penalty

Any person doing anything prohibited by any of these Regulations or omitting to do anything required by them to be done or otherwise offending against or omitting a breach against any of these Regulations shall be liable for every such offence to a penalty not exceeding ~~₹~~ 100 and in the case of a continuing offence to a further penalty not exceeding ~~₹~~10 for each day during which such offence continues.

PORTS (PIERS) REGULATIONS

[L.N.117 of 1968.]

ARRANGEMENT OF REGULATIONS

Preliminary

REGULATION

1. Short title.
2. Interpretation.
3. Piers to which these Regulations apply.

Applications for licence, etc.

4. Application for licence and accompanying plans.
5. Application for licence to alter structure of pier and accompanying plans.
6. Survey to be carried out in certain cases.

Grant of licence, etc.

7. Issue of licence.
8. Licence to be for one year: renewals.
9. Temporary licences.
10. Licence authorising work to be carried out in relation to a pier.

Supplemental

11. Pier to be kept in state of safety and repair.
12. Fencing and railing.
13. Mooring facilities.
14. Landing steps for boats.
15. Life-saving appliances.
16. Lights on piers.
17. Inspection.

Fees and other dues

18. Fees and dues.

Miscellaneous

19. Licence no transferable except with the consent of the Authority.
20. Licence not to give right over land, etc.
21. Blocking approaches to other piers.
22. Dumping of rubbish, etc., prohibited, etc.
23. Vessels not to lie up to pier in certain cases.
24. Licence to be exhibited.
25. Offences.

SCHEDULES

FIRST SCHEDULE

Forms

SECOND SCHEDULE

Fees

PORTS (PIERS) REGULATIONS

[L.N.117 of 1968.]

made under section 52

[18th December, 1968]

[Commencement.]

Preliminary

1. Short title

These Regulations may be cited as the Ports (Piers) Regulations.

2. Interpretation

(1) In these Regulations, except where the context otherwise requires-

"**owner**" in relation to a pier includes the occupier;

"**pier**" means a pier, wharf or jetty of whatever description and includes any such pier, wharf or jetty erected on or extending beyond High Water Mark of Ordinary Spring Tide or extending into the water of any navigable channel and also includes any pontoon moored in any such waters and used as a pier or jetty;

"**secretary**" means the secretary to the Nigerian Ports Authority.

(2) Except where the context otherwise requires expressions not herein defined have the same meaning as in the Ports Act.

(3) In these Regulations any reference to any regulation or Schedule not otherwise identified is a reference to that regulation or Schedule of these Regulations.

3. Piers to which these Regulations apply

These Regulations apply to piers in ports or approaches to ports only.

Applications for licence, etc.

4. Application for licence and accompanying plans

(1) Every application for a licence to erect, own or occupy a pier to which these Regulations apply, whether permanently or for any temporary purpose, shall be in Form 1 of the First Schedule and shall be addressed to the secretary.

(2) Every application made pursuant to paragraph (1) of this regulation shall be accompanied by-

- (a) six copies of a plan showing-
 - (i) the design calculations and constructional drawings with all relevant details including the depth of penetration of the piles and the sizes of all structural parts;
 - (ii) the location of the pier in relation to the immediate surrounding land and building (if any); and
- (b) two copies of the Admiralty or Nigerian Ports Authority Chart of the port or approaches thereto in which the pier is situated, showing the location of the pier (coloured red) in relation to surrounding waters and in relation to any adjacent piers and navigational aids; and if no such charts exist the location of the pier shall be shown on any plan approved by the Authority on which the depth of water at and in the vicinity of the pier is indicated.

(3) If the plans referred to in paragraph (2) of this regulation are for a new pier they shall incorporate details of full calculations of how the design was arrived at and a full specification of the materials to be used; and where sub-soil investigations have been carried out, particulars of these shall also be included.

(4) Where an application made in accordance with the provisions of this regulation is to erect a pier for a temporary purpose the applicant shall in the application state the period for which the pier is required.

5. Application for licence to alter structure of pier and accompanying plans

(1) Any person holding a licence issued pursuant to these Regulations and desiring to re-erect, extend, erect any structure upon or otherwise alter the original specification of a pier shall apply for a licence to do so in Form 2 of the First Schedule and the application shall be addressed to the secretary.

(2) Every application made pursuant to paragraph (1) of this regulation shall be accompanied by six copies of a detailed plan showing-

- (a) the existing structure, the proposed extension, erection or alteration;
- (b) details of the loading for which the extension, erection or alteration is designed supported by calculations showing how the design was arrived at, and full specifications.

6. Survey to be carried out in certain cases

(1) Where, in the opinion of the Authority, it is advisable in connection with any application that a survey be made at or in the vicinity of the proposed or existing pier, the Authority may order such a survey to be carried out at the expense of the applicant.

(2) If the applicant fails to carry out a survey ordered in accordance with the provisions of this regulation the Authority may refuse to proceed further with the application.

Grant of licence, etc.

7. Issue of licence

Where an application for a licence in relation to a pier is approved by the Authority, the secretary shall issue to the applicant upon the payment of the appropriate fee prescribed in the Second Schedule a licence in Form 3 or 4 of the First Schedule.

8. Licence to be for one year: renewals

(1) Subject to the provisions of paragraph (2) of this regulation and of regulations 9 and 10, a licence issued under these Regulations shall be for a period of one year ending on 31 December of the year of issue:

Provided that where a licence is issued on any date later than 31 January the licence may be issued for a period of less than one year.

(2) Every licence issued under these Regulations other than a licence issued under regulation 9 or 10 shall be renewable annually on the payment of the full fee.

9. Temporary licences

A temporary licence shall have endorsed thereon the period during which the licence is valid and at the end of the period so endorsed the licence shall be deemed to be cancelled.

10. Licence authorising work to be carried out in relation to a pier

(1) Where a licence is issued under these Regulations authorising any work to be done in relation to a pier, the work shall be done strictly in accordance with the plans approved by the Authority.

(2) If at the end of twelve months from the date of a licence authorising any work to be done, such work is not completed, the Authority may at its discretion cancel the licence and may order all further work to cease immediately.

Supplemental

11. Pier to be kept in state of safety and repair

The owner of a pier shall maintain the pier in a state of safety and repair at all times and the fact that the pier may be leased out or let by the owner to some other person with the permission of the Authority shall not exempt the owner from liability under the provisions of this regulation.

12. Fencing and railing

(1) As far as practicable having regard to the traffic proceeding along a pier or any work being done thereon, there shall be securely fenced or railed to a height in no case less than three feet, to be thereafter maintained at all times in good condition-

- (a) all breaks, dangerous corners and other dangerous parts or edges; and
- (b) both sides of any footways as are in general use over bridges, caissons or pier gates, and each side of the entrance at each end of any such foot ways for a sufficient distance not exceeding five yards.

(2) No person shall remove any fence or railing or any part thereof erected pursuant to this regulation except to such extent or for such period as may be reasonably necessary for carrying on the work of a pier or vessel or for effecting any repairs to such fence, railing or any part thereof.

(3) Where any fence or railing is removed for any of the purposes mentioned in paragraph (2) of this regulation, the owner of the pier shall ensure that such fence or railing is restored or replaced immediately after the period during which the removal was necessary.

13. Mooring facilities

The owner of a pier shall erect and maintain in good condition such bollards, mooring posts or other similar appliances on the pier, and if necessary, on the foreshore, as are in the opinion of the Authority, requisite and of sufficient strength.

14. Landing steps for boats

Where the height of the deck above water so necessitates, there shall be provided for every pier suitable landing steps for boats or other small craft clear of the frontage.

15. Life-saving appliances

(1) Subject to the provisions of paragraph (2) of this regulation, the owner of a pier shall make provision for life-saving appliances, and in particular, shall provide on the pier, and maintain in good order and condition-

- (a) at least two lifebuoys of a pattern approved by the Authority with lifelines attached and ready for use and having affixed thereto a Holmes Light or some other self-igniting device of a pattern approved by the Authority;
- (b) adequate means at reasonable intervals, at or near the surface of the water, for enabling a person immersed in water to support himself or escape.

(2) The Authority may at its discretion exempt either temporarily or otherwise any pier from the provisions of paragraph (1) of this regulation.

16. Lights on piers

(1) Subject to the provisions of paragraph (2) of this regulation, the owner of every pier shall erect, maintain and keep lighted between the hours of sunset and sunrise on every pier the following, that is to say-

- (a) two sets of green lights three feet apart in a vertical line one above the other so constructed as to be visible at a distance of at least one mile, erected within three feet of the outer and seaward end of every pier the T-piece of which is less than 300 feet in length;
- (b) similar sets of lights erected within three feet of each end of the face of the pier and within three feet of the face of the pier, where the face of the pier is 300 feet or more.

(2) The Authority may at its discretion in writing either temporarily or otherwise exempt any pier from the provisions of paragraph (1) of this regulation.

17. Inspection

(1) Any duly authorised officer of the Authority may inspect any pier at any time for the purpose of ensuring proper compliance with the requirements of these Regulations.

(2) The Authority shall notify the owner or occupier of any pier of the details of any structures which are found on inspection not to be in a state of safety or otherwise not to be in compliance with the provisions of these Regulations and it shall be the duty of the owner of the pier concerned to take necessary steps to remedy the shortcoming.

(3) The owner of any pier who fails to repair any fault or remedy any shortcoming brought to his notice pursuant to this regulation may have his licence suspended or revoked by the Authority and the Authority may in any such case order the closure of the pier until it is put into a reasonable state of repair and safety or order that the pier be removed entirely.

Fees and other dues

18. Fees and dues

(1) The fees set out in the Second Schedule shall be paid in cases to which they relate.

(2) In addition to the appropriate fees referred to in paragraph (1) of this regulation the owner or occupier of any pier which handles import or export cargo over the pier shall pay to the authority N1 per ton (weight or measurement) of all import cargo handled on, over or through the pier and 80 kobo per ton (weight or measurement in the case of commodities enumerated from time to time by the Authority) of all export cargo so handled and the fee shall become due on the first day of the month next following that in which the cargo was handled:

Provided that no such fees shall be payable by the owner or occupier of a pier where the pier has been constructed and is being maintained by the said owner or occupier in an area where the Nigerian Ports Authority does not have its own wharf which could have been used by the said owner or occupier.

[L.N.10 of 1977.]

(3) For the purposes of paragraph (2) of this regulation the owner or occupier of a pier shall keep records of all goods handled on or passing over the pier and shall render to the Authority an accurate monthly account of any such goods and the harbour master of a port or any servant of the Authority may inspect or require the production of all records relating to traffic handled in relation to the pier.

(4) Nothing in these Regulations shall be construed as exempting the owner of a pier from paying to the Authority the appropriate ships' dues in respect of ships using the pier and harbour dues in respect of all cargo loaded or discharged at the pier in circumstances laid down in the Authority's Dues and Rates Regulations.

Miscellaneous

19. Licence not transferable except with the consent of the Authority

(1) No licence issued under these regulations shall be transferable except with the written consent of the Authority which may impose any conditions it deems necessary.

(2) Where the Authority consents to the sale or other disposition of a pier to any person the original holder of the licence shall forthwith return the licence to the secretary for conciliation and the Authority shall issue a fresh licence to the new owner of the pier.

20. Licence not to give right over land, etc.

Notwithstanding anything contained in these Regulations, the grant of any licence in relation to any pier shall not be construed so as to give to the holder of the licence any rights overland at or adjacent to the root of the pier or to confer any right of access over any land.

21. Blocking approaches to other piers

No licence shall be issued or granted where in the opinion of the Authority any new pier, alteration or extension will tend to obstruct the seaward or river approaches to another pier in close proximity thereto having regard to size and type of craft normally using the pier.

22. Dumping of rubbish, etc., prohibited, etc.

(1) No dirt, ashes, bottles, stores, ballast, cargo or anything of a like nature shall be thrown or caused to be thrown or allowed to fall into the water from any pier.

(2) No person shall be allowed to remove sand in the vicinity of any pier except with the permission of the secretary.

(3) No oil of any description shall be allowed to leak into the water from any pier.

23. Vessels not to lie up to pier in certain cases

No vessel of any kind or small craft shall lie up to any pier unless a crew is and remains on board or unless a watchman charged with the care of such vessel is in the vicinity.

24. Licence to be exhibited

Any licence or renewal issued under these Regulations shall be exhibited in a conspicuous place on the pier to the satisfaction of the harbour master or any duly authorised servant of the Authority.

25. Offences

Any person who-

- (a) does anything prohibited by any of these Regulations; or
- (b) omits to do anything required to be done under these Regulations; or
- (c) otherwise offends against or commits a breach of any of these Regulations,

shall be liable on conviction for every such offence to a fine not exceeding N100 or to imprisonment not exceeding three months or to both such fine and such imprisonment; and in the case of a continuing offence shall be liable to a fine of ₦10 for each day during which the offence continues.

SCHEDULES

Forms

FIRST SCHEDULE

[Regulation 4.]

FORM 1

Application for temporary/ordinary licence to erect*/own/occupy a pier*

I/*We of -----

.....hereby
 apply for a licence to own*/erect/occupy a pier at the place mentioned in the specifications and plans attached herewith.

2. Full name and nationality of applicant; if applicant is a partnership, the name of every partner; or if applicant is a company or other body corporate, of every director-

3. Particulars of intended use of the pier-

*4. Particulars of applicant's current licence-

(Renewals only) Number

Date of issue

*5. Period for which licence is required

(Temporary Licences only)

6. I*/We attach herewith the plans, drawings and specifications required under regulation 4.

Signature

* Strike out words not applicable.

Date



FORM 2
[Regulation 5.]

Application for licence to carry out alterations, extension or re-erection of a pier

*I/We
of
being the holder of Pier's Licence No hereby apply for permission to
*alter/extend/re-erection the pier situate at
..... in accordance with specifications submitted herewith.

Signature

Date -----

* Strike out words not applicable.

FORM 3
[Regulation 7.]

Licence for the erection and operation of a pier

In consideration of the payment of licence is hereby granted to

Mr*/Messrs*/Mrs/Miss
(hereinafter called the "Licensee") to own, erect, and maintain a pier hereinafter described and shown on the approved plan deposited with the secretary to the Authority subject to the terms and conditions hereinafter set out or which may from time to time be stipulated by the secretary to the Authority.

Situation site plan attached.

Dimensions-

gangways breadth length

“ T ” Piece breadth..... length

Depth of water off face at L. W. O. S.T. or Mean River Level ft

Conditions

1. This Licence takes effect from the date of issue and shall expire on the 31 st day of December, 20 ----
2. The Licensee shall pay to the Authority the sum of ~~₹~~.....and thereafter the sum of ~~₹~~annually on renewal unless any alteration is made to the pier which alters the renewal free payable.
- 3.The Licensee shall use the pier only for the purpose of
- 4.Neither this Licence nor any rights conferred by it shall be transferred to any other person without the written consent of the secretary to the Authority; and the Authority reserves the right not to give any reason for refusing to consent to any sale, transfer or sub-letting.

FORM 3-continued

- 5. The licence shall not confer any title to the land on which the pier is erected.
- 6. No alterations, additions, or re-erection shall be made to any pier without the written consent of the secretary to the Authority.
- 7. The Licensee shall permit any officer duly authorised by the Authority in that regard to enter upon the pier at any time whatsoever.
- 8. The pier and any structures erected shall be maintained in good repair and condition at all times.
- 9. The Authority shall not be liable for any claim whatsoever for compensation of any kind arising from the revocation of this licence.
- 10. Any sale or transfer, or sub-letting of the pier or any structures thereon without the prior written consent of the Authority or the use of the pier in competition with the commercial operations of the Authority may result in the immediate revocation of this licence and/or the removal of the pier.
- 11. This licence is issued subject to the provisions of the Ports Act and the regulations made thereunder and to any special conditions which may be endorsed hereon or at the back hereof or which may be issued from time to time by the secretary to the Authority.
- 12. The cost of the preparation of this licence and the cost of stamp duty for both parts of this licence shall be borne by the licensee.

ISSUED thisday of20.....



.....
Secretary to the Authority

* Strike out words not applicable.

FORM 4
[Regulation 7.]

Licence to alter, extend or re-erect pier

Licence is hereby granted to
of holder(s) of Piers Licence

No of20to carry out the alterations,
extensions or erections as hereinafter described and in accordance with the approved plan depos-
ited with the secretary to the Authority.

Description of work

Conditions

1. This licence applies only to the pier mentioned in Piers Licence No

FORM 4-continued

- 2. This licence is issued subject to the provisions of the Ports Act and the regulations made thereunder and to any special conditions which may be endorsed hereon or at the back hereof or which may be issued from time to time by the secretary to the Authority.
- 3. The licence shall not confer any title to the land on which the works are to be done.
- 4. The holder(s) of this licence shall allow any officer duly authorised by the Authority in that regard to enter upon the pier at any time to view such works as are being executed.
- 5. The pier and the additional structures (if any) shall be kept in good repair and condition.
- 6. The Authority shall not be liable for any claim whatsoever for compensation of any kind arising from the revocation of this licence.
- 7. Any sale, transfer or sub-letting of the pier or of any structures thereon without the prior consent of the Authority or the use of the pier in competition with the commercial operations of the Authority may result in immediate revocation of this licence and/or the removal of the pier.
- 8. Other Special Conditions.

ISSUED this day of 20

Secretary to the Authority

SECOND SCHEDULE

[Regulation 18.]

Fees

PART A

1. (1) For a licence to own, erect, alter or re-erect a pier not being a pier for domestic or pleasure boat purposes the annual fee shall be the product of the greater in half-crowns of either-

- (a) the depth of water in feet at low water off the face of the pier multiplied by the breadth of the face of the pier; or
- (b) the depth of water in feet approximated to the nearest feet at low water off the face of the pier multiplied by the length of the pier; or
- (c) half the length of the pier in feet (approximate) multiplied by the breadth in feet (approximate) of the face of the pier or at low water, that is-

Length50 ft.
 Breadth 30 ft.
 Depth at low water 10ft.

	<i>Amount</i>
Fee under (a) shall be	₦ k
Fee under (b) shall be	75 00
Fee under (c) shall be	125 00
The fee payable in this case shall be ₦ 187 .50.	187 00
(2) The minimum fee shall be ₦ 50.	

2. (1) For a licence to own, erect, re-erect or alter a pier for domestic or for pleasure boat purposes, the annual fee shall be the greater of the product in kobo of-
either-

- (a) the depth of the water in feet approximated to the nearest feet at low water off the face of the pier multiplied by the breadth of the pier; or
- (b) the depth of the water in feet approximated to the nearest feet at low water off the face of the pier multiplied by the length of the pier; or
- (c) half the length of the pier in feet (approximate) multiplied by the breadth in feet (approximate) of the face of the pier at low water, that is-

Length	50 ft.
Breadth	30 ft.
Depth at low water	10 ft.

	<i>Amount</i>
	₦ k
(a) Fee under (a) shall be	30 00
(b) Fee under (b) shall be	50 00
(c) Fee under (c) shall be	75 00
The fee payable shall be ₦75.	
(2) The minimum fee shall be ₦30.	

3. For licences in relation to piers by a motor boat club ₦100.

Note

- (a) Where a temporary licence is for the use of a pier for less than twelve months the fee payable shall be the fee for an ordinary licence for one year. Where the period exceeds one year, the fee shall be pro rata the fee prescribed in respect of ordinary licences.
- (b) In the case of applications to re-erect, extend or alter a pier, where as a result of the re-erection, extension or alteration the depth of water off the face of the pier is increased or decreased beyond the limit of the fee payable in respect of the original licence, then the owner shall pay and thenceforth pay the appropriate fee calculated in the manner specified in paragraph 1 or 2 of Part A of this Schedule, whichever is appropriate.

PART B

	₦ k
Inspection fee	4 20
For approval of constructional drawing in all cases	6 60

PORTS (DECLARATION OF PORT LIMITS) ORDER

[L.N. 121 of 1975.]

under section 6

[8th December, 1975]

[Commencement.]

1. Declaration of ports limits

The limits specified in the Schedule hereto are hereby declared to be the limits of the ports of Lagos, Port Harcourt, Calabar, Koko, Sapele, Forcados, Burutu, Warri, Degema and Bonny, respectively, for the purposes of the Act.

2. Definition of ports limits

The ports limits shall include all waterways, creeks and swamp-land below the highest astronomical tide level and all beaches, moles, piers, jetties, slipways, quays and other works extending beyond the natural line of the line of the high-water level. All ocean beaches within 100 metres of this high-water level shall be deemed to be within the limits of the ports.

3. Short title

This Order may be cited as the Ports (Declaration of Port Limits) Order.

SCHEDULE

[Section 1.]

Limits of the port of Lagos

The limits of the port of Lagos shall be confined by parallels of Latitude 6 degrees 20 minutes North and 6 degrees 35 minutes North and by Meridians of Longitude 3 degrees 10 minutes East and 3 degrees 32 minutes East.

(Charts of reference: Federal Surveys sheet 279 Lagos S.W. and Lagos S.E. and sheet 280 Ijebu-Ode S.W.).

Limits of port of Port Harcourt

The limits of the port of Port Harcourt shall be confined by parallels of Latitude 4 degrees 40 minutes North and 4 degrees 50 minutes North and by Meridians of Longitude 6 degrees 59 minutes East and 7 degrees 09 minutes East.

(Charts of reference: Federal Surveys Sheet 328 Degema and sheet 334 Port Harcourt).

Limits of the port of Calabar

The limits of the port of Calabar shall be confined by parallels of Latitude 4 degrees 55 minutes North and 5 degrees 02 minutes North and by Meridians of Longitude 8 degrees 15 minutes East, and 8 degrees 20 minutes East.

(Charts of reference: Federal Surveys sheet 331 N.E. Calabar N.E. and sheet 323 UWET S.E.).

Limits of the port of Koko

The limits of the port of Koko shall be confined by parallels of Latitude 5 degrees 58 minutes North and 6 degrees 01 minute North and by Meridians of Longitude 5 degrees 25 minutes East and 5 degrees 29 minutes East.

(Charts of reference: Federal Surveys sheet 308 N.E. Benin River N.E. and sheet 297 S.E. Okomu S.E.).

Limits of the port of Sapele

The limits of the port of Sapele shall be confined by parallels of Latitude 5 degrees 52 minutes North and 5 degrees 57 minutes North and by Meridians of Longitude 5 degrees 38 minutes East and 5 degrees 44 minutes East.

(Chart of reference: Federal Surveys sheet 309 N.W. Warri N.W.).

Limits of the port of Forcados

The limits of the port of Forcados shall be confined by parallels of Latitude 5 degrees 20 minutes North and 5 degrees 25 minutes North and by Meridians of Longitude 5 degrees 16 minutes East and 5 degrees 27 minutes 20 seconds East.

(Chart of reference: Federal Surveys sheet 317 N.E., Forcados N.E.).

Limits of the port of Burutu

The limits of the port of Burutu shall be confined by parallels of Latitude 5 degrees 20 minutes North and 5 degrees 25 minutes North and by Meridians of Longitude 5 degrees 27 minutes 20 seconds East and 5 degrees 34 minutes East.

(Charts of reference: Federal Surveys, 317 N.E., Forcados N.E. and sheet 318 N.W. Burutu N.W.).

Limits of the port of Warri

The limits of the port of Warri shall be confined by parallels of Latitude 5 degrees 28 minutes North and 5 degrees 33 minutes North and by Meridians of Longitude 5 degrees 40 minutes East and 5 degrees 49 minutes East.

(Charts of reference: Federal Surveys sheet 318 N.E., Burutu sheet 318 N.E., Burutu sheet 309 S.W., Warri sheet 309 S.E. Warri.).

Limits of the port of Degema

The limits of the port of Degema shall be confined by parallels of Latitude 4 degrees 43 minutes North and 4 degrees 46 minutes North and by Meridians of Longitude 6 degrees 45 minutes East and 6 degrees 47 minutes East.

(Chart of reference: Federal Surveys sheet 328 Degema).

Limits of the port of Bonny

The limits of the port of Bonny shall be confined by parallels of Latitude 4 degrees 23 minutes North and 4 degrees 30 minutes North and by Meridians of Longitude 7 degrees East and 7 degrees 15 minutes East.

(Chart reference: Federal Surveys sheet 334 Port Harcourt).

**NIGERIAN PORTS AUTHORITY (DUES AND RATES)
REGULATIONS**

ARRANGEMENT OF REGULATIONS

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Liability to pay dues, etc.

REGULATION

1. Liability to pay dues, etc.
2. Right of lien against ship.

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4. Persons liable to pay harbour dues.
5. Time of payment of harbour dues.
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Dues and rates on cargo

18. Dues and rates on cargo.

REGULATION

19. Documents to be furnished.
20. Persons liable to pay dues or rates on cargo.
21. Lien on goods.
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Harbour dues and port rates

SECOND SCHEDULE

Ship Dues

A. Light Dues

B. Conservancy Dues

C. Berthage and Mooring Dues

D. Berthing Dues

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THIRD SCHEDULE

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PART I

Wharfinger Rates

PART II

Wharfage Rates

PART III

Stevedoring Rates

PART IV

Transit Area and Warehouse Rates

PART V

Plant Hire Rates

PART VI

Rates for special hire of harbour craft for use other than for operations specified in these Regulations

PART VII

Towage Rates

PART VIII

Rates for use of floating dock and slipways

PART IX

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PART X

Rates for other services - Miscellaneous

NIGERIAN PORTS AUTHORITY (DUES AND RATES)

REGULATIONS

[S.1. 11 of 1987.]

under section 95

[1st April, 1987]

[Commencement.]

PART I

Liability to pay dues, etc.

1. Liability to pay dues, etc.

(1) The liability of any person to pay dues, rates or charges in respect of services or work provided or undertaken by the Nigerian Ports Authority (hereinafter in these Regulations referred to as "the Authority") shall not be diminished in consequence of any loss, delay or damage suffered by any such person, arising out of strikes, or a combination or employees of the Authority or of persons in the services of others.

(2) The Authority shall not be liable for any detention or delay in the discharge of ships or for stoppage in the delivery of goods, or for any delay or detention of ships, crafts or goods (except where specifically excepted in these Regulations), caused by bad weather or other natural or accidental circumstances or for any charges incurred in those circumstances.

(3) Notwithstanding any other provisions to the contrary in these Regulations, the rates quoted in respect of all ship dues and charges, harbour dues, stevedoring charges, crantage rates, container facility charges and wharfages, in circumstances where stevedoring is not applicable, shall be deemed to have been quoted in US dollars.

[S.1. 4 of 1989.]

(4) For the avoidance of doubt, nothing in paragraph (3) of this regulation shall be construed as compelling national carriers (as defined under the National Shipping Policy Act) to pay the rates quoted in these Regulations in US dollars or any other foreign exchange for services rendered to national carrier vessels by the Authority.

[Cap. N76.]

2. Right of lien against ship

(1) The Authority shall exercise its right of maritime or common law lien on any ship for repairs carried out on such ship, for services performed, including salvage operations, and for any other assistance rendered to any ship, until all charges payable for such repairs, services, salvage operations, or other assistance, have been accurately and duly paid by or on behalf of the ship.

(2) Subject to paragraph (3) of this regulation, a ship to which a lien attaches, shall be detained until it has made good its indebtedness.

(3) Where a maritime lien attaches as a result of the non-fulfilment of a salvage obligation or damage to the Authority's property by the ship, the ship may, nevertheless be allowed to leave a port if there is sufficient guarantee that the obligation shall be met subsequently.

PART II

Harbour dues

3. Harbour dues

(1) The harbour dues which the Authority is authorised to levy by section 61 of the Ports Act include port rates and apply to all goods discharged or loaded and to all passengers embarked or disembarked, within the harbour or port as herein defined.

(2) The harbour dues referred to in paragraph (1) of this regulation are prescribed in the First Schedule to these Regulations together with the exemptions and conditions applying to the dues.

4. Persons liable to pay harbour dues

The following persons shall be liable for the payment of harbour dues, that is-

- (a) the agent of the owner, including the master of the carrying ship, exporter or importer;
- (b) the owner of the goods;
- (c) the exporter of exports; and
- (d) the consignee of imports.

5. Time of payment of harbour dues

Liability to pay harbour dues arises on importation or at the time of shipment of the goods, embarkation or disembarkation of passengers, irrespective of whether the carrying ship entered or departed by sea or inland waterway: provided that the goods and passengers are landed, disembarked at or shipped or embarked from a port or harbour.

6. Lien on goods

For the amount of all harbour dues on any goods, the Authority shall have a lien on such goods and shall be entitled to seize and detain the same until such dues are fully paid.

7. Payment of harbour dues or port rates

The harbour dues or port rates prescribed in the First Schedule to these Regulations shall be payable to the Port Administrator or to such other officer or agent of the Authority for the time being appointed by the Authority to receive such payments.

8. Claims for refund of harbour dues or port rates

Claims for the refund of overpaid or wrongly assessed charges on goods occasioned by wrong declaration of weight or similar errors, must be made and substantiated within twelve months from the date the relative ship reports inwards or outwards but in exceptional circumstances time-barred claims may be entertained with the approval of the Commercial and Development Department of the Authority.

9. Definitions

In this Part-

"coastwise traffic", for the purposes of harbour dues or port rates, means goods "exported" to or "imported" from a place in Nigeria, and accordingly goods originating from a factory or firm in Nigeria, or goods previously landed at any seaport in Nigeria and subsequently re-exported to another Nigerian port will rank as coastwise traffic;

"foreign traffic" relates to imports and exports other than coastwise and Tropical West Africa traffic;

"landed" includes unloaded or discharged, whether on to wharves, from one ship to another, direct overside into water, or in any other manner whatsoever;

"ship's stores" includes materials and equipment required to be used in a Nigerian port in repairs to a ship or its machinery or equipment, consumable stores for the ship's own use, and fittings, ballast or dunnage, required by a ship to enable her to ply her trade and on which she earns no freight or reward;

"Tropical West Africa traffic" relates to goods originating from or destined to Tropical West Africa.

PART III

Dues on ships using port

10. Ship dues

The ship dues which the Authority is authorised to levy by section 67 of the Ports Act are prescribed in the Second Schedule to these Regulations together with the conditions and exemptions applying to such dues.

11. Deck cargo or cargo carried in unregistered space

If any ship other than a coasting ship which trades between Nigeria and a port or ports outside Nigeria carries, on deck or in any uncovered space or in any covered space not forming part of the ship's registered tonnage, any timber, stores, containers or other goods except fresh fruit, all the ship dues chargeable under the Second Schedule to these Regulations shall be payable as if there were added to the ship's G.R.T. the tonnage space occupied by the goods at the time at which the dues become payable.

12. Person liable to pay ship dues

The owner as herein defined or master of a ship shall be liable for all ship dues incurred thereon.

13. Payment of ship dues

The ship dues prescribed in the Second Schedule to these Regulations shall be payable to the Port Administrator or such other officer of the Authority, person or agent as the Authority may from time to time authorise at such place to collect such dues.

14. Time of payment of ship dues

All dues specified in the Second Schedule to these Regulations must be paid, in respect of a ship's entry into a port (including oil terminals), at the time of the report of the ship inwards, and in respect of the ship's departure, at the time of the report of the ship outwards.

15. Claims

All claims arising from ship dues must be made and substantiated with payments receipts and other documents within twelve months of the arrival of the ship.

16. Government ships on commercial voyages

Ships belonging to or chartered by the Government of Nigeria or a foreign government, if they are commercial, trading or ships engaged in commerce or trade, shall not be exempted from the ship dues prescribed in the Second Schedule to these Regulations.

17. Definitions

In this Part-

"coasting ship" means a ship owned or registered in the Commonwealth or registered by a recognised registering body whose trade is exclusively confined to ports within Nigeria;

"day", in relation to a ship that berths within the commercial area of a port or in the harbour, means a period of 24 hours or any part thereof, commencing one hour after a ship shall have berthed and includes Saturdays, Sundays and public holidays;

"owner" when used in relation to a ship, includes the holder of any share or interest in a ship whether beneficially or otherwise; bare-boat or demise and time charterers, consignee or mortgagee or agent in possession thereof;

"port" or **"harbour"** includes the approaches thereto;

"voyage" means-

- (a) for ships trading to or from ports outside the limits of Tropical West Africa, from the time the ship enters or leaves Tropical West Africa until the time it departs or enters Tropical West Africa;
- (b) for ships trading between ports within the limits of Tropical West Africa, from the time the ship leaves until such time as it returns thereto: provided that at no time during such period shall the ship proceed outside the limits of Tropical West Africa;
- (c) for ships having their headquarters in Nigeria and trading solely within the limits of Tropical West Africa, from the time it leaves the port within which it is based until it returns thereto: provided that no voyage shall be deemed to last longer than sixty calendar days.

PART IV

Dues and rates on cargo

18. Dues and rates on cargo

The dues and rates on cargo which the Authority is authorised to levy by section 70 of the Ports Act are prescribed in the Third Schedule to these Regulations, together with the conditions applying to such dues and rates.

19. Documents to be furnished

(1) In the case of imports, the master or agent of every ship arriving at a port shall, not less than seven days before the ship's arrival, deliver to the Port Administrator not less than eight true, legible and complete copies in the English language of the ship's manifest, certified by the master himself as being true and complete, stating the quantities, weights and descriptions of goods imported by the ship, and the names of the consignees according to the bills of lading or the names of the persons actually paying the freight or such other assignees of the bill of lading.

(2) The master's declaration must be handed to the harbour master or his representative at the time of berthing in the case of an inward ship.

(3) In the case of exports, the master or agent of every ship shall deliver to the port administrator, within 72 hours of the departure of the ship, not less than three certified copies in the English language of the ship's manifest, showing a full and accurate list of goods exported by the ship according to the bills of lading and freight list, the names of the shippers and such other information and particulars as may be required by the Authority.

(4) The master's declaration must be handed to the harbour master or his representative at the time of commencement of loading in the case of an outward ship.

20. Persons liable to pay dues or rates on cargo

The following persons are liable to pay dues or rates on cargo, that is-

- (a) the owner of goods;
- (b) the hirer of tugs, cranes or other equipment;
- (c) the master or owner of any ship taking fresh water, using the floating docks and slipways; and
- (d) the master, owner or agent of any ship discharging or loading goods.

21. Lien on goods

For the amount of all rates leviable in respect of any goods, the Authority shall have a lien on such goods and shall be entitled to seize and detain the goods until such rates are fully paid.

22. Time of payment of dues or rates

(1) Dues or rates in respect of goods to be landed shall become payable immediately on the landing of such goods.

(2) Dues or rates in respect of goods to be removed from the premises of the Authority or to be shipped shall be payable before such goods are removed or shipped.

23. Power to levy reasonable charges

Where under the powers contained in section 70 of the Ports Act the Authority provides services not specifically enumerated in the Third Schedule to these Regulations, it may levy reasonable rates in respect of those services.

24. Definitions

In this Part-

"**bulk cargo**" means clinker, gypsum, cement, grains, nuts, coal and bauxite and similar goods, but excludes liquids, containers, bagged cement carried in bulk and discharged or loaded continuously by elevators, grabs or conveyor systems or pneumatic pressures;

"**direct**" when used in connection with loading or discharging operations, means a continuous operation between the ship and conveyance (rail, road or water) when no trucking on quay area is involved;

"indirect" applies to cargo passing through shed or stacking area and which must have enjoyed transit storage in part or in whole;

"passenger's baggage" includes bags, trunks, suitcases, luggages of all kinds, and all packages, when carried on passenger ticket and not manifested as freight, provided, however, that vehicles, either crated or uncrated, shall not be construed as baggage even when carried on a passenger ticket and not manifested. This meaning is to be assumed whenever this term is used in these Regulations;

"preferred cargo" means salt, flour, milk and sugar or such other cargo as may from time to time be so defined;

"transhipment cargo" means cargo appearing as such upon a ship's manifest of which notice of intention to tranship has been given in writing and is in fact transferred within the port or harbour from an in-carrying ship to an on-carrier in which the Authority's shore labour is not used at any stage;

"wharfage" means the toll or charge assessed against goods-

- (a) for the use of any berth or wharf of the Authority while awaiting removal therefrom; or
- (b) for passing over or through any berth or wharf of the Authority; or
- (c) for passing to or from a ship while such ship is-
 - (i) made fast to a wharf or berth belonging to the Authority; or
 - (ii) moored in any moorings, channel, basin or canal belonging to the Authority; or
 - (iii) made fast to another ship, made fast to a wharf or berth, or moored in any mooring, channel or similar facilities.

PART V

Miscellaneous

25. Repeal

The Nigerian Ports Authority (Dues and Rates) Regulations 1956 made under the Ports Act, as amended by the various Nigerian Ports Authority (Dues and Rates Regulations from 1957 to 1982, are hereby repealed.

26. Interpretation

In these Regulations, unless the context otherwise requires-

"animals" means animate things of every kind except human beings;

"Authority" means the Nigerian Ports Authority established under the provisions of the Ports Act;

"Authority pilot" means a pilot appointed by the Authority for a port;

"berth" or "wharf" means the place where a ship lies, be it mooring or hardquay other than an anchorage;

"cargo" includes all kinds of moveable personal property other than animals;

"charges" includes fares, rates, tolls and dues of every description;

"conservancy dues" means the charge made to a ship for proceeding between the seaward port limits and the dock system, river, wharf or other destinations within the conservancy area;

"dues", when used in relation to a particular charge, means the price payable for the use (actual or constructive) of static facilities;

"Executive Chairman" means the executive chairman of the Authority or any person acting in that behalf, or a person appointed with executive powers in that behalf;

"goods" includes baggage, animals (whether alive or dead), and all other moveable property of any kind whatsoever;

"G.R.T." means Gross Registered Tonnage defined as the entire internal cubic capacity of the holds and erections on or above the upper deck to the hull of the ship expressed in tonne of 1 M3 but excludes peak and other tank for water ballast, open forecastle, bridge and poop, excess of hatchways, certain light and airspaces, domes and skylights, condenser, anchor gear, steering ear, wheelhouse, galley and cabin for passengers (when on deck not to the hull);

"harbour" includes estuarial rivers, lagoons and other havens and the port approaches and terminal therein;

"harbour master" means the harbour master duly appointed by the Authority for port under section 40 of the Ports Act, and shall include his authorised deputies and assistants;

"N.R.T." means Net Registered Tonnage;

"owner", when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of the goods, as well as clearing and forwarding agents;

"pilotage district" means any of the existing sixteen pilotage areas or such additional areas as may from time to time be established by the appropriate Pilotage Authority for which pilotage charges will be levied;

"port" means the commercial area of the harbour, that is to say, that part of the harbour used for loading and unloading of goods; and it includes each of the places specified in the First Schedule to the Ports Act (other than the ports of Tiko, Victoria and Rio-del-Rey) and a place declared to be a port in pursuance of section 6 of the Ports Act within

the limits declared for the port in pursuance of the provisions of paragraph (b) of subsection (1) of the said section 6;

"port administrator" means the officer appointed by the Authority from time to time to execute the office of port administrator and includes his assistants and subordinates, in so far as such assistants and subordinates are or may be duly authorised to act on his behalf;

"ship" includes any ship, vessel, tug, lighter, barge, canoe or boat of any kind whatsoever whether self-propelled or otherwise towed, other than a ship belonging to the Nigerian Navy or a ship belonging to a foreign government not engaged in commerce or trade;

"tonne" means-

- (a) where charges are assessed on the gross weight of the commodity and all packaging, 1000 kilos; but any consignment weighing less than fifty kilos shall be charged as if such consignment were weighing fifty kilos;
- (b) where charges are assessed by measurement, 1 m³ or 1.416m³ in the case of logs, unless otherwise specified by a special agreement;

"Tropical West Africa (T.W.A.)" means the area in the West Coast of Africa lying between latitudes 15°N and 15°S.

27. Short title

These Regulations may be cited as the Nigerian Ports Authority (Dues and Rates) Regulations.

SCHEDULES

FIRST SCHEDULE

[Regulation 3.]

Harbour dues and port rates

Exemptions

1. The following are exempted from the payment of harbour dues or port rates-
 - (a) passengers' baggage which has been passed as such by the Department of Customs and Excise;
 - (b) goods imported foreign which, before the expiration of the free storage period after having been discharged, are definitely arranged to be reshipped from the Authority's wharves before the expiration of three calendar days or before six calendar days in the case of laden containers, for a foreign place, and are in fact subsequently reshipped to that place, are exempted from payment of outward charges. Tranships shall not be liable to the dues;
 - (c) all goods imported coastwise and afterwards exported foreign are exempted from the payment of inward coastwise charges;

- (d) coal or fuel oil shipped as bunker coal or fuel oil for ship's own use for the particular voyage only but does not include coal or fuel oil carried in excess of the ship's immediate requirements;
- (e) ship's stores shipped for ship's own use, mails and empty containers or pallets;
- (f) all goods imported foreign but afterwards exported coastwise to another Nigerian port, provided that the goods have not undergone any processing, packaging or in any way been manipulated and provided further that the goods are subsequently exported coastwise within fourteen days, are exempted from the payment of outward charges at the port of reshipment. Charges at the port of destination will be at the coastwise rate;
- (g) persons visiting the port from ships or *vice versa* and returning within 24 hours.

2. Persons claiming exemption under any of the headings above must furnish such declaration or evidence to the Port Commercial Office of the port together with receipts for payments made within the period allowed for such claims.

SCHEDULE OF CHARGES

Harbour dues (including port rates and terminal dues)

<i>Serial No.</i>	<i>Commodity Classes</i>	<i>Coastwise N</i>	<i>T.W.A. N</i>	<i>Foreign N</i>	<i>Unit of Measureme</i>
1.	Crude Oil	0.1166	0.1166	0.1166	Per Tonne
2.	Petroleum Products	2.00	2.00	2.30	Per Tonne
3.	Exports	1.50	1.50	2.00	Per Tonne
4.	Imports	2.00	2.00	2.60	Per Tonne
5A.	Passengers - Deck	0.31	0.31	0.31	Per Head
5B.	Passengers - Cabin	1.54	1.54	2.31	Per Head
6.	Animals (Alive)	0.53	0.54	0.83	Per Head
7.	Dangerous, Hazardous Cargo, Explosives	2.60	2.60	3.00	Per Tonne
8.	Others	1.50	1.60	2.50	Per Tonne

Terminal dues on crude oil shall be paid at the rate of 2 cents per barrel in accordance with the Oil Terminal Dues Act. [Cap. 08.]

SECOND SCHEDULE

[Regulation 10.]

Ship dues

A. Light dues

Every ship, on her first entry into a port in Nigeria including any entry or re-entry into other Nigerian ports, provided the ship is deemed to be on the same voyage, shall pay the following charges-

<i>Segment</i>	<i>Rate per GRT</i>
T.W.A. Ships and Coastwise	N1.30 per tonne of G.R.T. per annum
Ships not exceeding 500	N0.45 per tonne of G.R.T. per G.R.T voyage
Ships exceeding 500 G.R.T	N0.60 per tonne of G.R.T. per voyage

Conditions

1. No ship shall pay light dues for more than twelve times in any one year.
2. A ship that has paid light dues on her first entry into any Nigerian port is exempted from further payments in any other Nigerian port which she may enter or re-enter in the course of her voyage, except in so far as any reassessment of the originally declared G.R.T. is necessitated by reason of a subsequent carriage of goods in unregistered space or of a subsequent carriage of fuel oil in double bottom tanks.

Exemptions

1. All ships plying only on the inland waters of Nigeria or on inland waters connecting Nigeria with adjacent territories shall be exempted from payment of lighter dues.
2. War ships, gun-boats, whether belonging to Nigeria or to a foreign government on courtesy call, survey boats, salvage boats, minesweepers or coastguard ships shall be exempted from the payment of light dues.
3. Ships putting in for bunker coal, bunker fuel oil, stores, provisions, water for their own use on board, or from stress of weather, or for the purpose of repairing, or because of damage, provided that they do not discharge or load cargo other than cargo discharged with a view to such repairs and afterwards re-shipped, and provided further that they do not land or embark passengers, shall be exempted from light dues; but no ship shall be allowed to take, under this exemption, more coal or fuel oil than the capacity for which her bunkers provide.
4. Oil rigs, tugs, mud boats, dredgers, buoyage vessels that have paid the dues on first entry into Nigeria, provided they remain within Nigerian waters, shall be exempted from subsequent charges.

B. Conservancy dues

A ship coming into or leaving a Nigerian port or harbour shall be liable to conservancy charges as follows-

<i>Serial No.</i>	<i>Type of Ship</i>	<i>Rates inwards or outwards</i>
		N
1.	T.W.A. Trade	0.60 per G.R.T.

Rates inwards or outwards

<i>Serial No.</i>	<i>Type of Ship</i>	
2.	Bonny Tanker	0.75 per G.R.T.
	Other Tankers	
3.		0.70 per G.R.T.
4.	Bunkering or for repairs	0.50 per G.R.T.
	Foreign Trade (Dry Cargo)	
5.		1.10 per G.R.T.
6.	Lash Roro Ships	0.95 per G.R.T.

Conditions

1. Conservancy dues are levied on ships as defined in these Regulations using port and harbour facilities and are payable both on entering and on going out of a port, but not for movements within a port.
2. Coasting ships shall pay one half only of the rates applicable to ships engaged in T.W.A. trade.
3. Conservancy charges shall include free berthage in a port or harbour-
 - (a) in the case of coasting ships and ships in T.W.A. trade, three days;
 - (b) in the case of tankers and lash ships, three days;
 - (c) in the case of all other ships, seven days.
4. A ship lying idle in a port or harbour shall not be entitled to free berthage, but shall, in addition to the appropriate conservancy and berthage charges pay anchorage dues at the rate of ₦1.10 per metric ton of her G.R.T. per day from the time she commences to lie idle; and it shall be the duty of the port administrator to determine whether or not a ship is lying idle.
5. A ship entering a Nigerian port for the sole purposes of embarking or disembarking labour shall pay the charge as if she were a T.W.A. or coasting ship: provided that she does not embark or disembark passengers, or ship or unship cargo.
6. A ship loading or unloading part cargo only, that is to say, cargo not exceeding 200,000 kilograms, shall pay the appropriate conservancy charge on the basis of the part cargo loaded or discharged: provided however, that condition 4 above shall be invoked on such ship if she does not work with due despatch.
7. A foreign-going ship, not being a coasting or T. W.A. ship, may for the purposes of conservancy dues change her status to a T.W.A. ship if she has previously paid the appropriate rate on first entry into a port, and subsequently re-enters that same port to complete loading or discharge after having called at another port in T.W.A.
8. Harbour tugs, lighters, barges and other crafts of 50 G.R.T. and under shall pay annual conservancy charges of ₦86.73.
9. Harbour tugs, lighters, barges and other crafts of over 50 G.R.T. shall pay annual conservancy charges of ₦433.66

Exemptions

1. All pleasure yachts entering or leaving a port, patrol and security launches, rafts and life boats based in a port and used therein only for purposes of accelerating ship working, shall be exempted from conservancy charges.

2. Tugs, salvage boats, and any other ship engaged exclusively in salvage or dredging operations within a harbour or port shall be exempted from conservancy charges.

C. Berthage and mooring dues

A ship, other than a ship lying idle, that remains in a port or harbour in excess of the free berthing appropriate to her class, shall in addition to the conservancy dues pay the following berthage or mooring dues-

<i>Period</i>	<i>Rates</i>		
	<i>T. W.A. and Coastwise Vessels</i>	<i>Tankers</i>	<i>Others</i>
	(1)	(2)	(3)
1st 10 days or Part	N0.50 per G.R.T. per period	N0.30 per G.R.T. per period	N0.60 per G.R.T. per
Next 7 days or Part	N0.70 per G.R.T. per period	N0.60 per G.R.T. per period	N1.10 per G.R.T. per
Next 7 days or Part	N1.10 per G.R.T. per period	N0.90 per G.R.T. per period	N1.40 per G.R.T. per
Thereafter in periods of 7 days or Part	N1.50 per G.R.T. per period	N1.50 per G.R.T. per period	N2.30 per G.R.T. per

Conditions

1. Berthage and mooring dues apply to every ship occupying a berth or mooring belonging to the Authority but not to a ship occupying a private wharf or an anchorage.

2. When a ship makes fast alongside another ship berthed at a berth or mooring owned or operated by the Authority both ships shall be liable individually for the berthage and mooring dues appropriate to their class as if the ships were occupying separate berths.

3. When a ship changes her position from one berth or mooring to another without leaving the port or harbour, her total time alongside shall be counted as though she remained alongside one berth or mooring.

4. In computing berthage and mooring dues, a ship that spends less than two days of any period alongside a berth or mooring shall be liable only to one half of the appropriate period charge.

5. A ship whose overall length is less than eighty metres shall pay berthage and mooring dues at one half the charges applicable to ships of that class: provided that no tugs, hulks, barges, lighters, launches not exceeding 50 G.R.T. and paying the annual conservancy charges shall at the same time be liable to berthage and mooring dues.

6. Unless specifically exempted, any ship that makes use of an appropriated berth shall, in addition to conservancy and berthage or mooring dues, pay berth appropriation charge of 40k per tonne of her G.R.T.

Exemptions

1. Harbour ships used exclusively for supplying fresh water to main ships, or used for bunkering or engaged exclusively in the exhibition of goods for the sole purpose of the promotion of international trade, shall be exempted from berthage and mooring dues: provided that such ships do not constitute a nuisance in the port or harbour.

2. Free berthage will be accorded a ship while actively engaged as a tug boat when made fast to another ship which is being charged berthage or mooring dues.

D. Berthing dues

For every ship that makes fast alongside or casts off from a wharf in a port or harbour where boats or boats' crews are provided by the Authority to run and secure lines, or for every ship that makes fast to a mooring which, in so doing or in casting off therefrom, utilises the Authority's boats or boats' crews, the berthing dues per ship attendance shall be N64.77.

E. Pilotage dues

Conditions

1. Pilotage is the charge, calculated in accordance with pilotage rates specified herein, assessed against a ship for the services rendered or proffered of piloting the ship on entering, leaving or shifting in a port.
2. Pilotage shall be compulsory upon every ship not specifically exempted therefrom by the Pilotage Regulations made from time to time by the Authority under Part X of the Ports Act, within the compulsory pilotage districts as defined by the Pilotage Regulations.
3. If any ship which has not employed an Authority pilot enters, leaves, or changes her berth in any pilotage district in which pilotage has been made compulsory, the pilotage dues which would have been paid if an Authority pilot had been employed shall nevertheless be paid together with a penalty of N50.00.
4. Requests for pilotage services, whether in a compulsory pilotage district as defined by the owners, master, operators, charterers or agents of the ship requiring such services, shall be made to the harbour master of a port.
5. Upon boarding a ship in response to the request of a ship, by her owners, master, operators, charterers or agents for pilotage service in a port, it shall be the duty of an Authority pilot to place his local knowledge of the pilotage district at the disposal of the master of the ship.
6. The safe navigation of the ship, including piloting in a compulsory pilotage district, is at all times the paramount duty of her master and the presence of an Authority pilot on the bridge shall in no way relieve the master of his duties and responsibilities.
7. The master shall remain at all times in full command of the ship and shall continue to navigate, take bearings and soundings, check compass courses, check radar, and take all action necessary to safeguard the ship under his command.
8. (1) It shall be the duty of the ship and her master-
 - (a) to arrange for and provide adequate tug assistance;
 - (b) to arrange for and have available adequate ship's lines to assist in tying the tug or tugs;
 - (c) to provide and supervise competent ship's personnel; and
 - (d) to understand and agree that, in as much as all orders of the pilot shall be given in the presence of the master, every such order shall, for all purposes, be deemed to be the order of the master and fully concurred in by him: it being further agreed that the pilot is acting in an advisory and not in a command capacity and has no authority independent of the master.
9. (1) It is of the essence of the contract under which the pilotage services are proffered and rendered, or are requested and accepted by the ship, her owners, master, operators, charterers or agents that the services of an Authority pilot are requested and accepted on the express

understanding that such pilotage services are given, done or performed solely in the pilot's capacity as the servant of the ship and her owners, master, operators, charterers or agents, and not otherwise.

(2) All damage to property belonging to third parties, whether such third parties be the Authority or not, caused directly or indirectly by the ship shall be made good promptly by the ship.

10. (1) The pilotage dues herein prescribed do not include footage or any element of marine insurance, insuring the ship, her owners, master, operators, charterers or agents from the consequences of negligence of an Authority's pilot.

(2) Half the rates prescribed herein shall apply for ships' changing berths and a ship's draft up to and above 15.12 centimetre shall be equated with and charged for as if it were 0.30 metre.

Exemptions

The following ships are exempted from pilotage dues—

- (a) ferry boats plying exclusively within a port or harbour when not actually employing an Authority pilot;
- (b) all coasting ships when not actually employing an Authority pilot whose master is a licensed pilot of the district;
- (c) private yachts when used for pleasure purposes only and combat and training ships of the Nigerian Navy or of any other nation, when, at the discretion of the executive chairman or his representative, the services of an Authority pilot are requested and rendered;
- (d) trawlers engaged in fishing within Nigerian waters whose masters are licensed pilots of the district;
- (e) ships not exceeding ten tonne gross tonnage;
- (f) tugs, dredgers, barges, or similar vessels whose ordinary course of navigation does not extend beyond a port or harbour;
- (g) ships belonging to any of the armed forces of Nigeria;
- (h) ships owned or operated by the Authority;
- (i) ships exempted from compulsory pilotage by regulations made under Part X of the Ports Act.

Schedule of Pilotage Dues

<i>Draught Range</i>	(1) <i>Bar to Lagos</i>	(2) <i>Bar to Bonny</i>	(3) <i>Bonny to Port Harcourt</i>	(4) <i>Port Harcourt to Okrika</i>	(5) <i>Bonny to Okrika</i>
	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>
	₦	₦	₦	Pd	₦
15.2cm – 4.88m	8.40	13.20	11.30	8.40	7.30
5.18m	10.40	15.80	13.60	10.70	8.90
5.48m	12.20	18.70	19.10	12.20	10.60

Schedule of Pilotage Dues—(continued)

	(1)	(2)	(3)	(4)	(5)	
<i>Draught Range</i>	<i>Bar to Lagos</i>	<i>Bar to Bonny</i>	<i>Bonny to Port Harcourt</i>	<i>Port Harcourt to Okrika</i>	<i>Bonny to Okrika</i>	
	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	
	₦	₦	₦	Pd	₦	
5.78m	14.10	21.50	23.20	14.10	12.20	
6.08m	20.50	32.40	37.40	21.20	18.50	
6.38m	24.20	36.00	42.80	24.20	20.70	
6.68m	26.20	39.70	49.30	26.20	22.90	
Over 6.68m	4.00	5.80	7.00	4.00	2.90	
	(6)	(7)	(8)	(9)	(10)	
<i>Draught Range</i>	<i>Fairway Buoy to Lighthouse</i>	<i>Lighthouse to Warri</i>	<i>Lighthouse to Saele</i>	<i>Lighthouse to Koko</i>	<i>Lighthouse to Burutu</i>	
	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	
	₦	₦	₦	₦	₦	
15.2cm – 4.88m	13.20	19.80	23.10	18.50	18.50	
5.18m	15.90	23.10	27.70	23.10	23.10	
5.48m	18.70	27.70	32.30	27.70	27.70	
5.78m	21.50	32.30	37.00	32.30	32.30	
6.08m	32.40	49.30	54.40	49.30	49.30	
6.38m	36.00	55.40	61.60	55.40	55.40	
Over 6.38m	5.80	9.20	12.30	9.20	9.20	
	(11)	(12)	(13)	(14)	(15)	(16)
<i>Draught Range</i>	<i>Fairway Buoy to Calabar</i>	<i>Bonny to Dawes Island</i>	<i>Dawes Island to Okrika</i>	<i>Dawes Island to Port Harcourt</i>	<i>Bonny to Abonnema</i>	<i>Lagos Bar to Beyond Tin Can Island</i>
	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>
	₦	₦	₦	₦	₦	₦
15.2cm – 4.88m	23.10	7.30	7.30	8.40	23.10	12.50
5.18m	27.70	8.90	8.90	10.70	27.70	15.50
5.48m	32.30	10.60	10.60	12.20	32.30	18.30
5.78m	37.00	12.20	12.20	14.10	37.00	21.10

Schedule of Pilotage Dues—(continued)

<i>Draught Range</i>	(11) <i>Fairway Buoy to Calabar</i>	(12) <i>Bonny to Dawes Island</i>	(13) <i>Dawes Island to Okrika</i>	(14) <i>Dawes Island to Port Harcourt</i>	(15) <i>Bonny to Abonnema</i>	(16) <i>Lagos Bar to Beyond Tin Can Island</i>
	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>	<i>(Rate per 0.30 metre or part thereof)</i>
	₦	₦	₦	₦	₦	₦
6.08m	54.40	18.50	18.50	21.20	54.40	31.90
6.38m	61.60	20.70	20.70	24.20	61.60	36.30
6.68m	67.80	22.90	22.90	26.20	67.80	39.20
Over 6.68m	12.30	2.90	2.90	4.00	12.30	5.40

THIRD SCHEDULE
[Regulation 18.]

Dues and rates on cargo, freshwater rates and hire of crafts, plant and equipment and miscellaneous charges

PART I

Wharfinger rates

Notwithstanding the provisions of this Part of this Schedule, the Authority may, by special agreement with any person, instead of charging the rate prescribed herein, charge such other rates as may be agreed.

Schedule of Wharfinger Rates

<i>Serial No.</i>	<i>Type of Operation</i>	<i>Unit</i>	<i>Rate</i> ₦
1.	Offloading export produce or goods from road conveyance into shed or stacking area or warehouse	Tonne	2.60
2.	Offloading export produce or goods from rail conveyance into shed or stacking area or warehouse including terminal services	Tonne	2.80
3.	Handling export produce or goods in transit shed or stacking area or warehouse, palletising, sorting to prime marks and numbers, stacking, piling, laying out for inspection as required, breaking down pile, pre-slinging where necessary, delivery to conveyance of rejected bags where necessary, loading to conveyance for shipment	Tonne	4.30
4. (a)	Conveying heavy lifts (5 tonne and up to 10 tonne including intermediate and transshipment) from quay apron to shed or stacking area, sorting and stacking	Tonne	4.60

Schedule of Wharfinger Rates—(continued)

<i>Serial No.</i>	<i>Type of Operation</i>	<i>Unit</i>	<i>Rate</i> ₹
	(b) Conveying heavy lifts (over 10 tonne including intermediate and transshipment) from quay apron to shed or stacking, sorting and stacking	Tonne	5.60
	(c) Presentation for Customs examination, breaking down stack, delivery into conveyance, stowage therein including use of plant ..	Tonne	4.80
5.	(a) Handling import cargo (including transshipment and intermediate cargo) from quay apron to shed or stacking area, sorting and piling	Tonne	4.80
	(b) Breaking down pile, presentation for Customs examination, delivery to conveyance including stowage therein	Tonne	3.80
6.	(a) Direct delivery from ship of heavy lifts (5 tonne and up to 10 tonne) to conveyance	Tonne	3.80
	(b) Direct delivery from ship of heavy lifts over 10 tonne	Tonne	4.60
	(c) Direct delivery from ship of general cargo	Tonne	3.30
	(d) Direct delivery from ship of special enumerated cargo, sugar, milk, salt, flour	Tonne	3.00
	(e) Direct delivery from ship of bulk cargo	Tonne	1.80
	(f) Direct delivery from ship of vehicles on wheels	Tonne	3.30
	(g) Direct delivery of animals (live)	Per head	3.07
7.	Direct loading from conveyance to ship	Tonne	3.00
8.	Towing or pushing vehicles to security park	Tonne	2.50
9.	Extra service request for sorting cargo to marks and numbers in the shed or stacking area, opening for Customs examination (for each operation)	Package	1.60
10.	Conveying container (including transshipment and intermediate container) from quay apron to shed, stacking area or <i>vice versa</i> , stacking and delivery to conveyance including the use of handling plant and equipment—		
	(a) 244cm x 244cm x 244cm (8' x 8' x 8') (Loaded)	Container	35.00
	244cm x 244cm x 244cm (8' x 8' x 8') (Empty)	Container	30.00
	(b) 305cm x 244cm x 244cm (10' x 8' x 8') (Loaded)	Container	45.00
	305cm x 244cm x 244cm (10' x 8' x 8') (Empty)	Container	40.00
	(c) 610cm x 244cm x 244cm (20' x 8' x 8') (Loaded)	Container	85.00
	610cm x 244cm x 244cm (20' x 8' x 8') (Empty)	Container	80.00
	(d) 1290cm x 244cm x 244cm (40' x 8' x 8') (Loaded)	Container	105.00
	1290cm x 244cm x 244cm (40' x 8' x 8') (Empty)	Container	100.00

Schedule of Wharfinger Rates—(continued)

<i>Serial No.</i>	<i>Type of Operation</i>	<i>Unit</i>	<i>Rate</i> ₦
11.	Direct Delivery of Ro-Ro Cargo	Tonne	3.00
12	Overtime—		
	(a) Monday – Friday	Gang hour	24.60
	(b) Saturday	Gang hour	33.00
	(c) Sunday/public holiday	Gang hour	42.50

Conditions Applying to Wharfinger Rates

1. Wharfinger rates apply only when shore labour is provided. The rates do not, therefore, apply to transshipment cargo as herein defined where stevedores only are engaged and utilised.
2. Goods landed on the apron of a quay for immediate re-shipment in the course of adjusting a ship's cargo, or goods landed in error or over-carried from another port and subsequently re-shipped, provided that such goods have not been subjected to double handling by trucking on the quay or into a shed or stacking area and stowing therein or by any other similar activity, shall pay both on discharging and on re-loading, the rates applicable to cargo in bulk. Where such goods have been double handled or otherwise manipulated, appropriate direct or indirect rates are payable.
3. The rates are payable per gross weight or measurement (metric) whichever is the higher.
4. A fraction of a tonne weight or measurement shall be charged on a pro rata basis, except that the minimum charge payable in respect of any consignment shall be ₦2.33.
5. The minimum charge payable in respect of an uncrated motor vehicle shall be, in the case of 4-wheeled vehicles, ₦30.98, in the case of a vehicle with more than four wheels but less than eight wheels, ₦69.71 and in the case of vehicles having eight wheels and above, ₦139.39.
6. Where services of an abnormal or special nature are required to be performed, additional rates shall be levied to cover the reasonable cost of the services provided.
7. Goods originating in Nigeria and shipped or unshipped in a port whether by or from a coasting ship, Tropical West African ship or a foreign going ship shall be charged the export wharfinger rate.
8. Where cargo is moved from one transit shed or stacking area to another, or where export goods are conveyed from warehouses to the bay apron for loading, normal transfer charges of ₦1.10 per tonne all apply.
9. All goods originating outside Nigeria to which condition 2 of these Conditions does not apply, and unshipped or shipped in a port, shall be charged the import wharfinger rate.
10. The wharfinger rates prescribed in this Part of this Schedule apply to handling during normal working hours and where overtime is worked additional charges shall be levied.
11. For the bulk-cargo rates to apply, the following conditions shall be fulfilled—
 - (a) for part-bulk ships, a minimum discharging or loading rate of 500 tonne per hatch per shift of eight hours must be achieved;
 - (b) for full-bulk ships, a minimum discharging or loading rate of at least 1,200 tonne per shift of eight hours must be achieved.

12. (1) Lost time or standby shall be charged to a ship's account-

- (a) where produce in an export warehouse is called forward by a ship in anticipation of requirements, and lorries for transportation of the produce are ordered by the Authority, if the lorries are delayed for any reason whatsoever in excess of one hour and such delay is not attributable to the Authority; or
- (b) where lorries for the transportation of produce having been ordered by the Authority to meet a ship's pre-arranged schedules of loading, are subsequently not used or dismissed for any reason not attributable to the Authority, for every hour during which the lorries are ordered but not used.

(2) Lorries may be delayed or not be used under this paragraph by non-arrival of ship, ship not working all hatches for which cargo has been requested or ship not working for any reason whatsoever.

(3) Lost time or standby charges referred to in paragraph (1) above are-

- (a) in the case of paragraph (1) (a) N11.62 per hour per lorry;
- (b) in the case of paragraph (1) (b) N11.62 per hour per lorry.

13. (1) The indirect wharfinger rates cover the following services-

- (a) in the case of imports, receiving cargo from a ship berthed alongside the Authority quay into transit areas, stacking to prime marks and delivery alongside transit loading bay. For the purposes of raising charges, the receiving and stacking in the transit area, and the delivery thereafter are two distinct operations;
- (b) in the case of exports, receiving cargo into a transit area, tendering to ship berthed alongside the Authority's quay immediately adjacent the transit area into which the cargo was initially received. The receiving and piling of cargo and the delivery thereafter are two distinct operations for charging purposes.

(2) The direct and indirect wharfinger rates shall not include wharfage, weighing, haulage and transferring, and the use of equipment for shorehandling of packages weighing beyond one tonne.

14. The Authority shall not be liable for the loss, misdelivery or detention of or damage to any goods whatsoever and howsoever caused in transit areas, except when such loss, misdelivery, detention or damage is caused by want of reasonable foresight and care on the part of the Authority or any servant of the Authority. For this purpose independent contractors shall not be deemed to be servants of the Authority.

15. The container rates specified herein shall be in addition to the rates applicable at the main container terminals except where specifically exempted.

PART II

Wharfage rates

Wharfage rates shall be charged against goods of all descriptions whether they are general cargo, bagged cargo, liquids in bulk or in containers, dry bulk cargo, unitised, ship's stores and bunker, animals and persons unless specifically exempted, and shall be in addition to other charges specified in these Regulations.

<i>Schedule of Wharfage rate</i>			
<i>Serial No</i>	<i>Class</i>	<i>Rates per Unit, Gross Tonne or Measurement</i>	
		<i>Direct</i>	<i>Indirect</i>
1.	Dry and Liquid Bulk Cargo	₦1.20	₦1.60
2.	All other Goods	₦1.20	₦1.60
3.	Animals (per head)	₦1.20	—
4.	Mails (per bag)	₦0.30	₦0.90
5.	Passengers—		
	(a) Deck (per head)	₦2.05	—
	(b) Cabin (per head)	₦3.07	—

Conditions

1. A fraction of a tonne weight or measurement shall be charged on a pro rata basis except that in respect of any goods the minimum charge shall be ₦0.23 per consignment.
2. Cargo landed on a quay or jetty from a ship in distress or for the convenience of a ship, and subsequently re-shipped, shall pay wharfage at half the appropriate rate.
3. Passengers' baggage, when manifested, shall pay wharfage at the rate applicable to all other goods.
4. Transhipment cargo as defined in these Regulations shall be assessed wharfage at one half the direct wharfage rates.
5. Unless specifically exempted, a facility charge of ₦3.00 per tonne shall in addition to wharfage be imposed on cargo passing through all appropriated berths. However, bulk cargo or any other cargo handled through appropriated berth or area at the rate of 2,000 tonne per day or 30,000 tonne per month or 250,000 tonne per annum, shall be liable to a quarter of the facility charge.

Exemptions

The following shall be exempted from wharfage—

- (a) tools, handling gear and appliances taken on wharf by dock workers including stevedores for shore handling and stevedoring purposes;
- (b) passengers' baggage as defined in these Regulations, that is to say, passengers' accompanied baggage;
- (c) petroleum in bulk pumped back from the ship to tank, at the same facility where originally loaded, after having paid one wharfage charge when loaded from tank to ship; provided that the cargo involved is one and the same produce as was first loaded;
- (d) ballast in bulk which is not manifested as cargo, has no commercial value and is handled between ship and barge or shore tank; and
- (e) dunnage, pallets, ship lining, containers discharged from a ship re-loaded or loaded thereunto empty.

Stevedoring rates—(continued)

Schedule of rates—(continued)

<i>Serial No</i>	<i>Class of Goods</i>	<i>Unit</i>	<i>Rates</i>
9.	General Cargo (Export)	Tonne	₦3.40
10.	Handling Passengers' Baggage		Cost + 20%
11.	Shifting Cargo in same hold		Cost + 20%
12.	Shifting Cargo from one hold to another		Cost + 60%
13.	Extra Service – Discharging/Loading Specie and Bullion .		Cost + 20%
14.	Extra Service – Cleaning holds and other labour services specially requisitioned for		Cost + 20%
15.	Gang at cost/Gang Standing-by and Overtime-		
(a)	Gang at Cost/Gang Standing-by Monday – Friday (“A” Gang) Normal Working Hours	Hour	₦32.70
(b)	Overtime—		
(i)	Monday – Friday	Gang Hour	₦24.60
(ii)	Saturday	Gang Hour	₦33.00
(iii)	Sunday/public holiday	Gang Hour	₦42.50
16.	Tally Clerks/Security Staff		Cost + 20%
17.	Tying/Untying Ro-Ro Trailers On-board		Cost + 20%

Conditions Applying to Stevedoring Rates

1. Stevedoring labour is provided by independent contractors employed by the Authority.
2. Each stevedore is recognised as a specialist in his own right and is answerable for any damage done to cargo or ship or any property belonging to the Authority in the course of his duties. Each stevedore shall take out insurance cover against such risks arising from operations to safeguard the interest of the ship owner and to indemnify the Authority from any liability.
3. The charges prescribed in this Part of this Schedule relate to operations on board a ship and include all handling from the ship's hold until the cargo is moved to or from the end of the ship's tackle at a Nigerian port. The term “**end of ship's tackle**” means a position alongside the ship where the cargo has been deposited by the ship's or other unloading gear or where the cargo is to be picked up and lifted aboard by the ship's or other loading gear.
4. The rates are assessed on the gross freight tonne, fraction of a tonne being charged pro rata subject to a minimum charge of ₦2.33 per consignment.
5. Where gangs stand-by during overtime period, appropriate overtime rates shall be paid in addition to gang standing-by rates.
6. The above quoted rates do not include the use of plants or equipment. Additional charges at the appropriate rates will be imposed for the hire of any of the Authority's plant and equipment.

PART IV

Transit area and warehouse rates

Schedule of rates

Transit Area Rates

<i>Imports</i>				<i>Exports</i>			
<i>Shed</i>	<i>Stacking area</i>			<i>Shed</i>	<i>Stacking area</i>		
<i>Period</i>	<i>Per day</i>	<i>Rates per Tonne</i>		<i>Period</i>	<i>Per day</i>	<i>Rates per Tonne</i>	
		₦	₦			₦	₦
1st period of 6 working days	per day	2.00	1.00	1st period or 7 working days	per day	2.00	1.00
2nd period next following 6 working days	per day	4.00	2.00	2nd period next following 7 working days .	per day	4.00	2.00
Thereafter until removed for each working day	per day	6.00	3.00	Thereafter until removed for each working day	per day	6.00	3.00

Conditions

1. The transit area rates specified in this Part of this Schedule are applicable to storage in transit areas as against storage in port warehouses.
2. Transit areas, unless otherwise specified by agreement or other arrangement made by the Authority, shall be deemed to be the areas immediately adjacent to the berths used as temporary storage for goods still in transit, that is to say, goods not yet delivered to bill of lading holders or to holders of similar documents of title or to their endorsees for value.
3. Transit areas shall be construed as an extension of ship's holds where a ship that has paid appropriate ship's dues can deposit its goods or where goods off-loaded from conveyance and awaiting shipment are deposited: provided the goods are removed from the transit areas within the free periods.
4. (1) The free storage periods in the transit area shall be—
 - (a) in the case of imports, 72 hours (excluding Good Friday, May Day, Id-El-Kabir, Id-El-Fitri, Nigerian National Day and Christmas Day or any other public holiday at which the ports are completely closed) after a ship's completion of discharge;
 - (b) in the case of exports, 7 calendar days (excluding Good Friday, May Day, Id-El-Kabir, Id-El-Fitri, Nigerian National Day and Christmas Day or any other public holiday on which the ports are completely closed) from 0700 hours on the day following receipt of the goods;
 - (c) in the case of over-landed goods or goods consigned to or from Niger, Chad and other land-locked countries north of Nigeria, 7 calendar days (excluding Good Friday, May Day, Id-El-Kabir, Id-El-Fitri, Nigerian National Day and Christmas Day or any other public holidays on which the ports are completely closed) commencing from the time of landing.

(2) The free time also applies to goods designated as transshipment but whose on-carrying ship is not an arrived ship, and to passenger baggage.

5. The transit area rates or demurrage specified herein are assessed against goods which remain in all transit areas (including petroleum wharves) of the Authority after the expiration of the free periods allowed.

6. Only when necessary shall the free time provided for be fully utilised or taken advantage of and the executive chairman, if he decides that the interest of commerce and navigation requires it, may at any time shorten the free periods and cause the removal of any cargo, irrespective of the free period allowed.

7. When a ship whose departure or arrival date has been announced fails to arrive within the free period allowed to exports because of stress of weather, accident, breakdown or other emergency, the free time allowed to exports awaiting the ship may be extended by not more than ten days: provided that transit area rates or demurrage have not accrued prior to the notification of the arrival or departure date of the ship. Thereafter, appropriate transit area rates shall be assessed against such exports.

8. Where goods are bulk-stacked, transit area rates may at the discretion of the executive chairman be levied on the basis that the goods which arrived first are shipped first.

9. The transit area rate for passengers' baggage shall be N1.56 per package per calendar day, after the free period.

10. Under no circumstances will goods be allowed to remain in a transit area for any period in excess of 35 days after the appropriate free storage period. Goods still lying in a transit area after this maximum period allowed shall be removed to the Government warehouse or similar warehouse in the case of goods not yet cleared through Customs; and to the back sheds or sold by the Authority in the case of goods already cleared through Customs.

11. Any expenses incurred by the Authority or its agents in respect of any removal or selling under condition 10 above shall be a charge against the owner of the goods.

12. The Authority accepts no liability whatsoever, and howsoever caused for loss, damage to, or deterioration of goods transferred to the Government warehouse or similar warehouse or to the back shed.

13. The Authority shall in no way be responsible for goods detained by the Department of Customs and Excise or other recognised authorities, to undergo special examination, testing, treatment, fumigation, destruction or otherwise. Any expenses incurred by the Authority or its agents in that regard shall be a charge against the owner of the goods.

14. Warehouse rates shall be quoted by the Commercial and Development Department to a shipper or consignee who has given notice of his intention to warehouse his goods, where such goods have been accepted for storage by the Authority.

15. Warehouse rates are designed for storage of goods in port warehouses which are intended for long-term, medium-term, or short-term storage and shall not contain a penal element.

16. Port warehouses are usually away and apart from port transit areas, and no constructive warehousing in transit areas shall be permitted without specific authorisation by the executive chairman.

Haulage, Siding, Stabling and Terminal Charges

A. Haulage Charges

	<i>Rate per tonne</i>
	₦
1. For haulage on rails of the Authority within a port between any two points-	
(a) For goods other than coal	1.20
(b) Minimum charges-	
(i) 4-Wheeled Wagon	8.80
(ii) 8-Wheeled Wagon	14.70
(c) For Coal-	
(i) 4-Wheeled Wagon	2.90
(ii) 8-Wheeled Wagon	4.40
2. Traffic consigned to or from the quay by rail	0.90
3. For haulage of goods by conveyance other than rail within a port between any two points	1.30
4. For haulage of goods by conveyance other than rail outside port premises, per tonne-kilometre	1.20

B. Siding Charges

	<i>Rate</i>
	₦
The shunting of empty or loaded wagon, within group sidings, per wagon-kilometre or part	5.90
or	
Per tonne, irrespective of the contents of a wagon, whichever is the greater	2.90
For empty tank wagons, per wagon-kilometre	0.50

C. Stabling Charges

For private owned tank wagons stabled in the Authority's premises a free period of six hours, commencing from the time the wagon is placed in the Authority's yard, is allowed and thereafter:

<i>period</i>	<i>Carrying capacity of 10 tonne or less</i>	<i>Carrying capacity of over 10 tonne</i>
	₦	₦
1st 24 hours or part after expiry of free period	16.50	28.40
2nd and subsequent periods or 24 hours or part.....	28.40	35..20

D. Terminal Charges

Oil Terminal charges per tonne dead-weight of crude oil shipped or unshipped 0.1166

Terminal dues on crude oil shall be paid at the rate of 2 cents per barrel in accordance with the Oil Terminal Dues Act. [Cap. O8.]

PART V

Plant hire rates

Rates for discharging or loading

Hire rates for the Authority's cranes for discharging or for loading a ship are as follows-

A. Portal or similar crane

Normal Hours

<i>Crane Capacity</i>	<i>Rate per hour or part</i>
	₦
(a) Up to 5 tonne	15.80
(b) Above 5 tonne up to 10 tonne	35.70
(c) Above 10 tonne up to 15 tonne	47.50
(d) Above 15 tonne up to 20 tonne	74.00
(e) Above 20 tonne up to 26 tonne	109.00

B. Floating crane

(a) For the use of a 100 tonne floating crane-

Each lift up to 10 tonne, per tonne	12.60
Each lift over 10 tonne and up to 30 tonne, per tonne	14.50
Each lift over 30 tonne and up to 50 tonne, per tonne	16.30
Each lift over 50 tonne and up to 70 tonne, per tonne	19.60
Each lift over 70 tonne and up to 90 tonne, per tonne	20.00
Each lift over 90 tonne and up to 100 tonne, per tonne	23.50

(with a minimum charge of N200.00)

(b) For the use of a 50 tonne floating crane-

Each lift up to 10 tonne, per tonne	I 1.20
Each lift over 10 tonne and up to 30 tonne, per tonne	13.00
Each lift over 30 tonne and up to 50 tonne, per tonne	15.00

(with a minimum charge of N100.00)

C. Mobile crane

Hire within the port area-

(a) Less than 5 tonne capacity, per hour or part	12.00
(b) Less than 10 tonne capacity, per hour or part	20.00
(c) Less than 15 tonne capacity, per hour or part	36.00
(d) Less than 20 tonne capacity, per hour or part	47.50
(e) Less than 40 tonne capacity, per hour or part	79.20

D. Other cargo working plant

(a) Scammel Vehicles with driver and a trailer, per hour or part
(b) Trailers only, per hour or part	24.00
(c) Forklift with driver, per hour or part	6.50
(d) Trailer with capacity of 25 tonne but below 30 tonne per hour or part	19.00
.	47.50

Conditions applying to Crane Rates

1. For the hire of cranes of types not specifically enumerated in this Part of this Schedule, rates will be levied at the rates appropriate for the cranes.

2. In addition to wharfinger charges, appropriate crane rates are chargeable in respect of any crane allocated by the Authority for delivering or receiving cargo within the area of a wharf, provided that no such rates shall be charged in respect of lifts below one tonne.

3. The crane rates prescribed in this Part of this Schedule apply to handling during normal working hours. Where overtime is worked, the charge shall be increased by an amount equal to the additional overtime wages paid to the Authority's employees concerned in the operation for which the rate is levied.

4. (1) The rates prescribed for the hire of a floating crane include towage within the port limits. In special cases, where a series of small lifts is required, a boating crane may, at the discretion of the Authority, be hired on a time basis at the rate of N117.71 per hour or part of an hour. In such cases the time will be calculated from the moment the crane leaves its moorings until it returns to them.

(2) The special rate referred to above does not include towage which will be performed by the Authority for a charge of N95.41 each way unless the tug is required to remain in attendance during operations in which case an additional charge will be made of N47.69 per hour or part thereof exceeding fifteen minutes.

5. Where the floating cranes are required or hired for jobs of a non-commercial nature (that is, not for cargo handling at the ports) special rates will be quoted.

6. (1) Lifting rates for heavy lifts are as follows-

- (a) for discharging a heavy package from a ship berthed at a quay, and landing on the quay immediately ahead or astern of the ship (or *vice versa*), one lift at rates as specified herein;
- (b) for discharging a heavy package from a ship berthed at a quay, transporting to and landing at a point on the same quay not immediately ahead or astern of the ship (or *vice versa*), one lift plus 50% at rates specified herein;

- (c) for discharging a heavy package from a ship in the pool or mooring buoys or berthed at a quay, transporting and landing at a quay other than that at which the ship is berthed (or *vice versa*), one lift at point of discharge from the ship and one lift at point of landing on quay at rates specified herein;
- (d) for discharging a heavy package from a ship in the pool or at mooring buoys or berthed at a quay, transporting and loading to another ship, either in the pool or at some other quay, one lift at point of discharge and one lift at point of loading at rates specified herein.

(2) In the case of lifting and towage rates for small lifts, the special rates relating to small lifts referred to in condition 4 above will be regarded as applying to lifts of under five tonne each and the hourly rates applied but for lifts of five tonne and above, the lifting rate per tonne will apply.

(3) For towage and tug hire the rates for the hire of the floating cranes include non-lifting towage only, that is to say, towage of the crane to and from the job, but do not include transportation of lifts (cargo), that is to say, towage of the cranes with lifts on deck or in slings; the rate for such transportation shall be N65.05 per hour or part and shall be applicable also to a tug standing-by or in attendance on a floating crane.

(4) Where a tug or floating crane is ordered on account of a ship which is delayed or does not arrive, the hourly rate of ₦117.71 per hour or part shall apply from the time the crane is ordered until work commences or cancellation is received with a minimum charge of one hour. In addition, for a tug in similar circumstances, the hourly rate and the minimum charge shall apply.

7. Any person wishing to have the use of a crane which has not been specially allocated must make an application therefor on the form provided for that purpose to the Director (Commercial and Development) at the Authority's headquarters.

8. The Authority shall not be responsible for but shall be indemnified by an applicant against any claim and expenses incurred by the Authority in connection with any claim for loss, injury or damage alleged to be attributable to any act, neglect or default of the driver of any crane or to any delay however caused, including delay arising from any failure or breakdown of the crane or in supplying the crane at the time requisitioned; and any damage done to the crane or other property of the Authority by reason of the use of the crane shall be made good at the expense of the applicant.

PART VI

Rates for special hire of harbour craft for use other than for operations specified in these Regulations

<i>Make and Class of Craft</i>	<i>Hourly Rate or Part</i>		<i>Day Hire Rate</i>
	<i>Rate</i>	<i>Minimum Period Hours</i>	<i>(Period of 24 Hours)</i>
	₦		₦
B.V. "Bode Thomas"			3,881.00
B.Y. "Jakpa Creek"			1,782.00
G.D. "Aro"			1,584.00
S.D. "Sandgrouse"			1,980.00
G.D. "Mole".....			1,584.00

<i>Make and Class of Craft</i>	<i>Hourly Rate or Part</i>		<i>Day Hire Rate</i>
	<i>Rate</i>	<i>Minimum Pe- riod Hours</i>	<i>(Period of 24 Hours)</i>
	₦		₦
T. "Abdul Maliki"			1,782.00
M.T. "George Ohikere"			1,782.00
M.T. "Burutu"			2,376.00
M.T. "Ikwerre"			2,376.00
M.T. "Oke-Iho"			2,376.00
Floating Crane "Walton"			1,782.00
Floating Crane "Kainji"			1,782.00
M.L. "Sanda"	40.00	4	266.00
M.L. "Epe"	40.00	4	266.00
M.L. "Ore"	40.00	4	266.00
M.L. "Yola"	40.00	4	266.00
M.L. "Agenegbode"	40.00	4	266.00
M.L. "Buda"	40.00	4	266.00
M.L. "Kontagora"	40.00	4	266.00
M.L. "Ijebu-Ode"	40.00	4	266.00
M.L. "Tarpon"	40.00	4	266.00
M.L. "Tuney"	40.00	4	266.00
M.L. "Victoria"	32.00	4	246.00
M.L. "Allision"	32.00	4	246.00
M.L. "Penslope"	32.00	4	246.00
M.L. "Gloria"	32.00	4	246.00
M.L. "Patani"	32.00	4	246.00
M.L. "Yelwa"	32.00	4	246.00
M.L. "Fika"	32.00	4	246.00
M.L. "Takwa Bay"	20.00	4	178.00
M.L. "Barracuda"	20.00	4	178.00
M.L. "Dolphin"	20.00	4	178.00
M.L. "Agege"	20.00	4	178.00
M.L. "Bonny"	16.00	4	149.00
M.L. "Ilo"	16.00	4	149.00
M.L. "Violet"	16.00	4	149.00

<i>Make and Class of Craft</i>	<i>Hourly Rate or Part</i>		<i>Day Hire Rate</i>
	<i>Rate</i>	<i>Minimum Pe- riod Hours</i>	<i>(Period of 24 Hours)</i>
	₦		₦
M.L. "Alice"	16.00	4	149.00
M.L. "Abak"	16.00	4	149.00
M.L. "Eleke"	16.00	4	149.00
M.L. "Gwandu"	16.00	4	149.00
M.L. "Eha-Amufu"	16.00	4	149.00
M.L. "Oratta"	16.00	4	149.00
M.L. "Bauchi"	16.00	4	149.00
M.L. "Beagle"	16.00	4	149.00
M.L. "Blood Hound"	16.00	4	149.00
M.L. "Bittern"	16.00	4	149.00
M.L. "Buzzard"	16.00	4	149.00
M.L. "Koko"	16.00	4	149.00
M.L. "Essie"	12.00	4	119.00
M.L. "Kachia"	12.00	4	119.00
M.L. "Ketu"	12.00	4	119.00
M.L. "Idah"	12.00	4	119.00
M.L. "Ikpoba"	12.00	4	119.00
M.L. "Wamba"	12.00	4	119.00
M.L. "River Owan"	12.00	4	119.00
M.L. "Warri"	12.00	4	119.00
M.L. "Misau"	12.00	4	119.00
P.C. "Kukuruku"			950.00
P.C. "Chalawa"			950.00
P.C. "Rima"			950.00
P.C. "Patience"			950.00
P.C. "Rubert Hughes"			950.00
Touring Launch-"Dirge"			396.00
Touring Launch-"Diana"			396.00
Touring Launch-"Aba"			396.00
F.B. "Offa"	99.00	4	
D.B.7	60.00	4	
D.B.8	60.00	4	

Conditions applying to special hire of harbour craft

1. Where any of the harbour craft is hired, the Authority shall provide all crew who shall, for the purposes of any hire, be deemed to be servants of the hirer or user.
2. The vessels or craft and all their appurtenances shall be presumed to be in good operating condition and seaworthy when turned over to the user, but the Authority does not warrant the mechanical conditions thereof, and shall therefore not accept responsibility for delays to users from any causes whatsoever.
3. The Authority reserves the right to stop the use of any craft or vessel at any time to require repairs that appear, in the opinion of the harbour master, to be necessary ..
4. The hirer or user of any vessel or craft assumes sole responsibility and liability for injury to or death of any person whosoever, or damage to or destruction of property, including employees and property of the Authority, incidental to, arising out of, or caused by the hirer's or user's possession, use or, or operation of the vessel or craft.
5. The hirer or user of any vessel or craft shall protect and indemnify the Authority, its officers and employees from and against any suits, claims, damages, loss, expenses or liability of any kind or nature whatsoever for any injury to or death of persons or damage to or destruction of property, which may be, in whole or in part, incidental to, arise out of, or caused, directly or indirectly, through negligence or otherwise by the hirer's or user's possession, use or operation of the vessel or craft, whether by the hirer, user, his officers, agents or employees, or by any person or persons acting with the knowledge and consent of the hirer or user.

PART VII

Towage rates

Towage rates for the services of a tug of the Authority are as follows-

₹

- (a) Towing a ship (maximum 10 nautical miles) across the bar inwards to any berth, mooring or anchorage, or outwards *vice versa*, per tow..... 356.00
- (b) For a tow of over 10 nautical miles special rates will be quoted.
2. Accelerating the progress of a ship inwards to any berth, mooring or anchorage, or outwards *vice versa*, but not across the bar, per move 297.00
3. Attending at any other moves within the port, per move 178.00
4. (a) Assisting a ship anchored in the port limits to turn round in order to proceed direct to sea, but not across the bar, per attendance 178.00
- (b) All above rates are for one tug. If additional tugs are used, per tug 178.00
5. For every half-hour or part thereof during which a tug ordered for a certain time is delayed owing to the ship not being ready..... 53.00

Conditions Applying to Towage Rates

1. The towage rates prescribed in this Part of this Schedule relate to towage during normal working hours; on a Saturday, Sunday or public holiday or before or after normal working hours, an additional rate is payable as follows-

₹

For the first half-hour or part thereof 30.00
For every subsequent half-hour or part thereof 13.00

2. When a tug is ordered to move a ship which is unable to move under her own power owing to dismantling of engines or other cause, such special rate of towage may be charged as the Authority may think fit having regard to the special circumstances of the case.

PART VIII

Rates for use of floating dock and slip ways

A. Floating dock, Apapa

	<i>For the first 48 hours or part thereof</i>	<i>For the following 24 hours or part thereof</i>	<i>For every 24 hours or part thereof and thereafter</i>
	₦	₦	₦
Ships not exceeding 1,000 gross registered tonne (G.R.T.)	790.00	396.00	198.00
Ships exceeding 1,000 but not exceeding 1,500 (G.R.T.)	950.00	475.00	238.00
Ships exceeding 1,500 but not exceeding 2,000 (G.R.T.)	1,109.00	554.00	277.00
Ships exceeding 2,000 but not exceeding 3,000 (G.R.T.)	1,267.00	634.00	317.00
Ships exceeding 3,000 but not exceeding 3,600 (G.R.T.)	1,584.00	792.00	396.00

B. Slipways

Ships not exceeding 100 gross registered tonne (G.R.T.)	95.00	48.00	24.00
Ships exceeding 100 but not exceeding 200 (G.R.T.)	143.00	71.00	36.00
Ships exceeding 200 but not exceeding 300 (G.R.T.)	238.00	119.00	59.00
Ships exceeding 300 but not exceeding 350 (G.R.T.)	285.00	143.00	71.00
Ships exceeding 350 but not exceeding 400 (G.R.T.)	337.00	166.00	83.00
Ships exceeding 400 (G.R.T.) for every additional 100 (G.R.T.) or part thereof	100.00	60.00	40.00

Conditions Applying to use of Floating Dock and Slip ways

1. Where application has been made to the Authority for use of a floating dock or slipway at a specified time and the owner of the ship concerned fails to make use of the dock or slipway at that time he shall be charged the rates specified in this Part of this Schedule as if the ship had been docked or slipped at the original specified time, unless he has given not less than 24 hours' notice to the Authority that the ship cannot make use of the floating dock or slipway at the specified time.

2. If after docking or slipping, it is found that the nature of the work required will entail the use of the dock or slipway for a period of fourteen days or more, the Authority may levy such special charges as may be reasonable to compensate it for any delay that may be caused in its

own docking or slopping programme. In such cases special reduced charges may be levied by the Authority where no undue delay has been occasioned.

3. No charges shall be made for Sundays and public holidays unless work is actually done to a ship on those days.

4. The charges specified in this Part of this Schedule shall be calculated from the actual time the ship takes the blocks to the actual time it is re-floated, any part of 24 hours being charged for as 24 hours, except that a period of 24 hours shall not be charged where the charges have been incurred solely because of the state of the tide or because the weather has prevented the ship being re-floated or through no fault of the owner.

5. A charge of N13.62 per day or part thereof may be made for dinghies, sailing yachts and launches of not more than two tonne displacement in lieu of the charges specified in this Part of this Schedule.

6. In addition to the charges specified in this Part of this Schedule, reasonable charges shall be made by the Authority for the use of marine labour and material utilised on ships in the dock or on the slipways.

PART IX

Freshwater Rates

For fresh water supplied by the Authority to ships (other than by water-boats) owned by the Government of Nigeria, per 4546 litre 0.80

Other ships, per 4546 litre 2.00

For fresh water supplied by the Authority by water-boat to ships other than ships owned by the Government of Nigeria, per ton of 1008 litre 3.00

PART X

Miscellaneous Rates

1. Weighing/Checkweighing of Exports (Authority Scales), per tonne of cargo 1.00
Without Authority Scales, per tonne of cargo 70

Royalty charge on plant or vehicle not owned by the Authority and used by owner within the Authority's premises for cargo working or for any other purposes-

(a) Compressors, per operating day of 24 hours or part 2.50

(b) Shore-based Grain Elevator (Grain Tower), per operating day of 24 hours of part 38.00

(c) Lorries, per shift of eight hours 2.00

(d) Forklifts and similar plant, per day of 24 hours or part 2.00

2. Space charge for shed or quay space occupied by plant, equipment or gear not owned by the Authority, per 0.0929 square metre per annum 2.00

COMPULSORY PILOTAGE DISTRICTS (ESTABLISHMENT) ORDER

[S.1. 6 of 1993.]

under section 41

[22nd June, 1993]

[Commencement.]

1. Establishment of pilotage districts

(1) There is hereby established three pilotage districts within the Delta Ports and approaches thereto as described in the Schedule to this Order.

[Schedule.]

(2) The pilotage districts referred to in section 1 (1) of this Order shall be classified into the following categories, that is-

- (a) District A comprising the Fairway Buoy/Light House along Escravos River to Escardos Point;
- (b) District B comprising Escardos Point through Chanomi Creek to Bennet Island and the Escardos Point through Nana Creek/Benin River/Koko Port to Yoruba Island; and
- (c) District C comprising Bennet Island along Warri River to Warri Port and beyond and the Yoruba Island to Sapele Port and beyond.

2. Declaration of compulsory pilotage districts

For the purposes of section 58 of the Ports Act, the pilotage districts established pursuant to this Order are hereby declared compulsory pilotage districts.

3. Delineation etc of compulsory pilotage districts

The pilotage districts established pursuant to section 1 of this Order are delineated and described in the Schedule to this Order.

4. Citation and Commencement

(1) This Order shall be cited as the Compulsory Pilotage Districts (Establishment) Order.

(2) This Order shall be deemed to have come into force on 2 June 1992.

SCHEDULE

[Section 3.)

1. The three compulsory pilotage districts are comprised and bounded by the Parallels of Latitude:

Latitude:

06° 00' .05 North; 05° 17' .5 North

and the Parallels of Longitude:

005° 00' .0 East; 005° 52' .5 East;

- (a) District A: All part of the navigable Channels within the described in paragraph 1 of his Schedule and bounded by Longitude 005° 00' 0 East and Longitude 005° 15' .5 East;
 - (b) District B: All part of the Navigable Channels with the described in paragraph 1 of this Schedule and bounded by longitude 005° 15' .5 East and Longitude 005° 35' 6 East;
 - (c) District C: All part of the Navigable Channels within the described in paragraph 1 of this Schedule and bounded by Longitude 005° 35' 6 East and Longitude 005° 35' 6 East and Longitude 005° 52' 0 East.
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