

NIGERIAN PORTS AUTHORITY (PILOTAGE) REGULATIONS

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NIGERIAN PORTS AUTHORITY (PILOTAGE) REGULATIONS

[L.N. 2 of 1961.]

under section 71

[Commencement: 5th January, 1961]

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 subregulation (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 ₦20.

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 ₦200 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 ₦40 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.

[L.F.N. 2004 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 ₦40.

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 ₦40.

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 (L.F.N. 2004 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.

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 of 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.