

PORTS (PIERS) REGULATIONS
[L.N. 117 of 1968.]

ARRANGEMENT OF REGULATIONS

REGULATION	PAGE
1. Short title	NPS – 56
2. Interpretation	NPS – 56
3. Piers to which these Regulations apply	NPS – 56
<i>Applications for licence, etc.</i>	
4. Application for licence and accompanying plans	NPS – 56
5. Application for licence to alter structure of pier and accompanying plans	NPS – 57
6. Survey to be carried out in certain cases	NPS – 57
<i>Grant of licence, etc.</i>	
7. Issue of licence	NPS – 57
8. Licence to be for one year: renewals	NPS – 58
9. Temporary licences	NPS – 58
10. Licence authorising work to be carried out in relation to a pier	NPS – 58
<i>Supplemental</i>	
11. Pier to be kept in state of safety and repair	NPS – 58
12. Fencing and railing	NPS – 58
13. Mooring facilities	NPS – 59
14. Landing steps for boats	NPS – 59
15. Life-saving appliances	NPS – 59
16. Lights on piers	NPS – 59
17. Inspection	NPS – 59
<i>Fees and other dues</i>	
18. Fees and dues	NPS – 60
<i>Miscellaneous</i>	
19. Licence no transferable except with the consent of the Authority	NPS – 60
20. Licence not to give right over land, etc.	NPS – 61
21. Blocking approaches to other piers	NPS – 61
22. Dumping of rubbish, etc., prohibited, etc.	NPS – 61
23. Vessels not to lie up to pier in certain cases	NPS – 61
24. Licence to be exhibited	NPS – 61
25. Offences	NPS – 61
SCHEDULES	
First Schedule: Forms	NPS – 62
Second Schedule: Fees	NPS – 65

PORTS (PIERS) REGULATIONS

[L.N. 117 of 1968.]

made under section 52

[Commencement: 18th December, 1968]

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 subregulation (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 subregulation (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 subregulation (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 subregulation (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 footways 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.

(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 subregulation (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 ₦1 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 subregulation (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 ₦100 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 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 hereby apply for permission to
of
being the holder of Pier's Licence No.
*alter/extend/re-erect the pier situate at
..... in accordance with specifications submitted herewith.

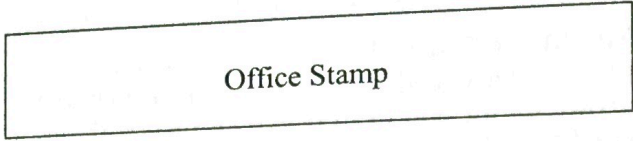
Signature

* Strike out words not applicable. Date

FORM 3—continued

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 this day of 20



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. of 20 to 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.
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—

Length	50 ft.
Breadth	30 ft.
Depth at low water	10 ft.
	<i>Amount</i>
	₦ k
Fee under (a) shall be	75 00
Fee under (b) shall be	125 00
Fee under (c) shall be	187 00

The fee payable in this case shall be ₦187.50.

(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 subregulation 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