

**NIGERIAN PORTS AUTHORITY (DUES AND RATES)
REGULATIONS**

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**NIGERIAN PORTS AUTHORITY (DUES AND RATES)
REGULATIONS**

[S.I. 11 of 1987.]

under section 95

[Commencement: 1st April, 1987]

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.I. 4 of 1989.]

(4) For the avoidance of doubt, nothing in subregulation (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.

[L.F.N. 2004 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 subregulation (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 subregulation (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;

“transshipment 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 gear, 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 subregulation (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, 1m^3 or 1.416m^3 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)

Serial No.	Commodity Classes	Coastwise ₦	T.W.A. ₦	Foreign ₦	Unit of Measurement
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. [L.F.N. 2004 Cap. O8.]

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	₦1.30 per tonne of G.R.T. per annum
Ships not exceeding 500	₦0.45 per tonne of G.R.T. per G.R.T voyage
Ships exceeding 500 G.R.T	₦0.60 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>
1.	T.W.A. Trade	₦ 0.60 per G.R.T.

Serial No.	Type of Ship	Rates inwards or outwards
		₦
2.	Bonny Tanker	0.75 per G.R.T.
3.	Other Tankers	0.70 per G.R.T.
4.	Bunkering or for repairs	0.50 per G.R.T.
5.	Foreign Trade (Dry Cargo)	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	₦0.50 per G.R.T. per period	₦0.30 per G.R.T. per period	₦0.60 per G.R.T. per period
Next 7 days or Part	₦0.70 per G.R.T. per period	₦0.60 per G.R.T. per period	₦1.10 per G.R.T. per period
Next 7 days or Part	₦1.10 per G.R.T. per period	₦0.90 per G.R.T. per period	₦1.40 per G.R.T. per period
Thereafter in periods of 7 days or Part	₦1.50 per G.R.T. per period	₦1.50 per G.R.T. per period	₦2.30 per G.R.T. per period

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 ₦64.77.

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 ₦50.00.
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

Draught Range	(1)	(2)	(3)	(4)	(5)
	Bar to Lagos	Bar to Bonny	Bonny to Port Harcourt	Port Harcourt to Okrika	Bonny to Okrika
	(Rate per 0.30 metre or part thereof)	(Rate per 0.30 metre or part thereof)	(Rate per 0.30 metre or part thereof)	(Rate per 0.30 metre or part thereof)	(Rate per 0.30 metre or part thereof)
	₦	₦	₦	₦	₦
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