

FLAGS OF NIGERIAN SHIPS ACT

ARRANGEMENT OF SECTIONS

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FLAGS OF NIGERIAN SHIPS ACT

An Act to make provision for flags to be worn by Nigerian ships other than those of the Nigerian Navy or Naval Reserve as evidence of Nigerian nationality, on all lawful occasions to be classed as ensigns and to be distinguished by their respective colours; and for other matters connected therewith.

[1968 No. 29.]

[14th May, 1968]

[Commencement.]

1. **Ensigns for use on Nigerian ships**

Flags as evidence of nationality of Nigerian ships, other than ships of the Nigerian Navy or Naval Reserve to be worn on all lawful occasion, shall be classed as ensigns distinguished by the colour of their respective grounds; and-

(a) for ships owned by any of the Governments of Nigeria, the flag shall have a blue ground with the national flag filling the top left-hand corner and quarter of the hoist, and be known as the blue ensign;

(b) for ships other than those owned by any of the Governments of Nigeria, the flag shall have a red ground with the national flag filling the top left-hand corner and quarter of the hoist, and be known as the red ensign,

and unless regulations made under this Act otherwise prescribe, a ship affected by this subsection shall display the ensign appropriate to be worn by it.

2. **Naval white ensign**

(1) It is hereby declared for the avoidance of doubt that the Minister of Defence may prescribe the flag to be worn by vessels of the Nigerian Navy or of the Naval Reserve and

until so prescribed that flag shall have a white ground, with the red cross of St. George quartered thereon and the national flag in the top left-hand quadrant; and the flag shall in either event be known as the white ensign and as such shall be worn by vessels aforesaid on such naval occasions as may, from time to time, be prescribed according to custom and usage.

(2) In this section, "**vessels**" includes craft of any description under naval control.

3. **Offence of improper flying**

The flying on land of any ensign for use under this Act, or otherwise than on board a ship for which it is prescribed, without the prior approval in the case of the blue or the red ensign, of the Minister of Transport, or in the case of the white ensign, of the Minister of Defence shall be an offence punishable on conviction by a fine of two hundred naira or by imprisonment for a term of twelve months, or both.

4. **Regulations**

The Minister of Transport may as respects the blue and the red ensigns, but not otherwise, make regulations prescribing-

(a) recommended proportions for the ensigns, appropriate to the size of the ship;

(b) special occasions on which the blue ensign may be worn by ships not owned by any of the Governments of Nigeria;

(c) the form of warrant of authority with reference to the wearing of the blue ensign;

(d) penalties for failure to comply with the requirements of any regulations made for the purposes of this Act, not exceeding a fine of one hundred Naira or imprisonment for a term of three months, or both.

5. **Interpretation**

In this Act, the expression "**ships**" means a craft of any size or shape constructed or used as the case may be, for the carriage on, through or under water, of persons or property whether designated as ships or as vessels for the purposes of the Merchant Shipping Act or of the Armed Forces Act as the case may require, or constructed or used for any other maritime purpose, and

the expression includes craft capable of being used for carriage of persons or property or both, and-

[Cap. M11 Cap. A20.]

(a) designed for use or used with hydrofoils; or

(b) so constructed that in use on water the craft is separated therefrom by a cushion of air or other gaseous substance.

6. Short title

This Act may be cited as the Flags of Nigerian Ships Act and shall apply throughout the Federation.

FLAGS OF NIGERIAN SHIPS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Flags of Nigerian Ships (Other than Naval Vessels) Regulations.

FLAGS OF NIGERIAN SHIPS (OTHER THAN NAVAL VESSELS) REGULATIONS

[L.N. 54 of 1968.]

under section 4

[14th May, 1968]

[Commencement.]

1. Short title

(1) These Regulations may be cited as the Flags of Nigerian Ships (Other than Naval Vessels) Regulations.

(2) Nothing in these Regulations shall apply to naval vessels, and with that exception they shall apply to all Nigerian ships and have effect throughout the Federation.

2. Sizes of ensigns

(1) The size of an ensign appropriate to the length of the ship on which it is to be worn shall correspond with the following ship measurements varying according to free board and design; and subject thereto and to the provisions of paragraph (3) of this regulation, the length of an ensign shall be twice its breadth.

(2) The breadth of the ensign in the case of a ship in length-

- (a) not less than 243.84 metres, shall be 2.7432 metres;
- (b) less than 243.84 metres but not less than 121.92 metres, shall be 2.286 metres;
- (c) less than 121.92 metres but greater than 60.96 metres, shall be 1.3716 metres;
- (d) up to and including 60.96 metres, shall be 0.9144 metres.

(3) In the application of this regulation to ships in the category of harbour craft, the ensign may be of a size proportionate to that of the harbour craft on which, in any particular case, it is to be worn.

3. Special provisions as to the blue ensign

(1) If the Chief of Naval Staff by warrant under his hand in the form prescribed in

paragraph (2) of this regulation authorises a Nigerian ship to wear the blue ensign that ensign may be worn instead of the red ensign on all customary occasions where the officer commanding the ship and at least one other officer of the ship's company are officers on the Nigerian Navy Retired or Emergency List, or they are officers on the Active or Retired List of the Nigerian Navy Reserve; and where a warrant is issued under this regulation the fact of such issue shall be noted in the ship's Articles of Agreement.

(2) The form of warrant of authority as evidence of entitlement to fly the blue ensign shall be in the following terms or as near thereto as the occasion may require, that is to say-

"To.....
.....

(Name of vessel)

The Chief of Naval Staff of the Nigerian Navy has been pleased to approve the flying of the blue ensign on board the above vessel on all lawful occasions and until countermanded; And this notification of approval shall serve as your warrant of authority, and be noted in the ship's Articles of Agreement accordingly.

.....
.....

4. Offence

The failure without reasonable excuse to comply with the size of an ensign appropriate to the length of the ship shall be an offence punishable on conviction by a fine of not less than twenty Naira or more than one hundred Naira; and for the purpose of this regulation an excuse shall be reasonable if the person charged with the offence satisfies the court that because of a low freeboard or the general nature of the superstructure and design of the ship the ensign would trail in water or otherwise be liable to material damage.