

CHAPTER 287

NAVIGABLE WATERWAYS (DECLARATION) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Declaration of navigable waterways.
2. Right of way of navigable waterways.
3. Conferment of right of way.
4. Minister and control of navigable waterways.
5. Regulations.
6. Interpretation.
7. Short title.

SCHEDULE

FEDERAL NAVIGABLE WATERWAYS

CHAPTER 287

NAVIGABLE WATERWAYS (DECLARATION) ACT

**An Act to declare certain waterways as Federal waterways and to make their construction, alteration, management and maintenance a matter of Federal legislation and other incidental matters.**

1988 No. 56.

[28th December, 1988]

Commencement.

1. The rivers, creeks, lakes, lagoons and intra-coastal waterways specified in the Schedule to this Act are hereby declared Federal navigable waterways.

Declaration of navigable waterways.

2. (1) The right of land usage for improvement of navigability and provision of infrastructure shall cover areas on both banks of the waterway which would be submerged in a flood of one hundred years return period.

Right of way of navigable waterways.

(2) In case of waterway with steep banks where such floods have no overbank flow, the right of way shall include the area of land along the waterway measured one hundred metres perpendicular distance from the edge of the channel.

Conferment  
of right of  
way.

Cap. 62.

Cap. 202.

3. (1) Notwithstanding the provisions of the Constitution of the Federal Republic of Nigeria, the Land Use Act or any other land laws, the Inland Waterways Department shall have right to all lands within the right of way of a declared waterway to use such lands in the interest of navigation.

(2) No person, firm, State or corporation may obstruct a declared waterway, take sand, gravel or stone from any declared waterway, or erect permanent structures within the right of way or divert water from a declared waterway, without the consent of the Inland Waterways Department and the approval of the Minister.

Minister and  
control of  
navigable  
waterways.

4. Subject to this Act, navigable waterways shall, on the commencement of this Act, be under the management, direction and control of the Minister.

Regulations.

5. (1) Subject to this Act, the Minister may by regulations make provisions generally for the regulation of user of navigable waterways and for the management, direction and control of navigable waterways or make any other regulations as appear to him to be expedient.

(2) The powers vested in the Minister under subsection (1) of this section shall be exercised after consultation with the Minister charged with responsibilities for matters relating to water resources and irrigation.

Interpreta-  
tion.

6. In this Act, unless the context otherwise requires—  
“Inland Waterways Department” means the Inland Waterways Department in the Federal Ministry of Transport;  
“Minister” means the Minister charged with the responsibility for navigable waterways.

7. This Act may be cited as the Navigable Waterways (Declaration) Act. Short title.

SCHEDULE

Section 1

*Federal Navigable Waterways*

1. The River Niger from the Nigerian/Niger/Benin border, through the Nun and Forcados distributaries to the Atlantic Ocean.
2. The River Benue from the Nigerian/Cameroun border to its confluence with the River Niger at Lokoja.
3. The Cross River from the Nigerian/Cameroun border to the Atlantic Ocean.
4. Rivers Sokoto, Kaduna, Gerinya, Gongola, Taraba, Donga, Katsina Ala, Anambra, Ogun, Oshun, Oluwa, Osse, Benin, Imo, Kwa Ibo.
5. The intra-coastal route from Badagry, along the Badagry Creek to Lagos; through Lagos Lagoon to Epe, Lekki Lagoon to Iwopin; along Omu Creek, Talita River to Atijere, Akata, Aboto, Oluwa River to Okitipupa and on to Gbekebo, Aregbo, Ofunama, Benin Creek to Warri. Also the canal running from Araromi through Aiyetoro, Imelumo to Benin River and from the Aiyetoro through Mahin Lagoon to Igbokoda.
6. The waterway from Warri along the Forcados River, through Frukana, Siama, Bomadi, Angolabiri, Patani, Torofari, down River Nun to Agberi, Kiama, Sabagreia, into Ekole Creek to Yenaka, Yenagoa, Sangatama, Mbiakpaba, onto Okokokiri, Otokpota, Olagaga, Nembe, Adema; Egoribiri Creek to Egbema, Degema, Sombreiro River to Hanys Town, Ogbakiri to Port Harcourt.
7. The waterway from Port Harcourt, through Amadi Creek, down Bonny River, into Opobo Channel Andoni River; through Andoni Flats. Tillifer Creek, Imo River, Shooter Creek, Kwa Ibo Creek, Kwa Ibo River, Stubbs Creeks, Widenhan Creek, Efiat Creek, Cross River estuary to Oron and Calabar.
8. The Orashi river from Oguta lake to Ebocha, Omoko, Kreigani, Mbiama, Okarki, Egbema, Sombreiro River.
9. Lake Chad, that part within Nigeria.

**NAVIGABLE WATERWAYS  
(DECLARATION) ACT**

**CHAPTER 287**

**SUBSIDIARY LEGISLATION**

---

*No Subsidiary Legislation*