

PIERS ACT

ARRANGEMENT OF SECTIONS

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An Act to regularise the legal position of existing piers and control the erection of new piers.

[3 of 1917. 24 of 1922. 521 of 1926. 27 of 1954. 122 and 6th Schedule.

L.N. 1 of 1955. 47 of 1955.]

[24th February, 1917]

[Commencement.]

1. Short title

This Act may be cited as the Piers Act.

1. Interpretation

In this Act, unless the context otherwise requires-

“Minister” means the Minister charged with responsibility for transport;

“owner”, in relation to a pier, includes the occupiers;

“pier” includes every pier or wharf of whatever description erected on or extending beyond the foreshore of the sea or of any tidal waters or extending into the water of any navigable inland waters and any pontoon moored in any such waters and used as a pier or wharf.

1. Limitation on application of Act

This Act shall not apply in respect of any pier in a port within the meaning of the Nigerian Ports Authority Act or in the approaches to any such port within the meaning of that Act.

[Cap. NI26.]

4. Piers not to be erected or altered without licence

(1) No person shall erect or re-erect, alter or extend, any pier except under a licence issued under this Act.

(2) Any person who contravenes the provisions of subsection (1) of this section shall upon conviction be liable to payment of a fine of one hundred naira.

1. Existing piers may be removed under certain conditions

The Minister may, by notice in writing, require the owner of a pier existing at the commencement of this Act to remove the same within such time as may be specified in the notice, if the owner shall, not within the time and in the manner prescribed by section 6 of this Act, either produce an authority from the Government for the erection and continuance of the pier contained in a lease or other formal instrument, or apply for a licence to authorise the continuance of the pier.

1. Existing piers

The owner of every pier existing at the commencement of this Act shall, within three months of the commencement of the Act-

(a) if he holds any authority from the Government for the erection and continuance of the pier contained in a lease or other formal instrument, produce such lease or other formal instrument or a certified copy thereof;

(b) if he does not hold any lease or other formal instrument, apply to the Minister for a licence for the continuance of the pier and furnish him with a statement, in writing, setting forth the following particulars-

- (i) his name and address;
- (ii) a description of the pier;
- (iii) the situation of the pier;
- (iv) the purposes for which the pier is used;
- (v) whether the pier is used solely for his own purposes;
- (vi) if persons other than him are permitted to use the pier, whether any charge is made by him for such use, and the amount of the charge (if any);
- (vii) the date when the pier was first erected, and, if re-erected, the date of the last re-erection;
- (viii) the nature of the authority given for the erection of the pier, the date thereof and the person by whom and the person to whom such authority was given;
- (ix) the grounds (if any) on which he claims a right to continue to use and maintain the pier, and whether such right is claimed in perpetuity or for a limited term.

7. When an owner shall be entitled to a licence for the continuance of the pier

If the owner of a pier existing at the commencement of this Act applies for a licence for the continuance of a pier and establishes a legal or equitable right to the continuance of the pier he shall be entitled to receive from the Minister a licence which shall preserve to him such legal or equitable rights with regard to the use and maintenance of the pier and the re-erection and alteration and extension thereof as he shall have acquired before the commencement of this Act.

1. Powers of Minister when owner fails to establish right to continuance of pier

If the owner of a pier existing at the commencement of this Act applies for a licence for the continuance of the pier, but fails to establish a legal or equitable right to the continuance of the pier, the Minister may-

- (a) by notice in writing require him to remove the pier within such time as may be specified in the notice; or
- (b) grant him a licence to use and maintain the pier for such period and on such terms and conditions as to the Minister may seem proper.

1. Disputes as to rights to be determined by the court

If any dispute shall arise between the Minister and an applicant for a licence for the continuance of a pier as to whether the applicant has established a right to such licence or as to the terms and conditions which should be inserted in the licence to preserve the rights acquired by the owner with regard to the pier, such dispute shall be settled by the High Court within whose area of jurisdiction the pier is situate upon a summons taken out by the Attorney-General of the Federation or by the applicant for the licence and in the like manner or as nearly as conveniently may be as disputes are determined by the court under the law for the time being regulating the acquisition of land for public purposes.

[L.N. 47 of 1955.]

10. Licences for the erection of new piers or for alteration of existing piers

The Minister may grant a licence for the erection of a new pier, or for the re-erection, extension or alteration of a pier upon such terms and conditions as he may think proper, or as may be prescribed.

11. Cancellation of a licence for breach of conditions

The Minister may cancel any licence issued under this Act if the owner of the pier fails to comply with any of the conditions of the licence.

12. Cancellation of licence in public interest

(1) The Minister may cancel a licence issued under this Act whenever he may think proper in the public interest, but in such a case the owner of the pier shall be entitled to compensation unless express provision to the contrary is contained in the licence.

(2) When the amount of the compensation is not agreed, the amount shall be determined by the High Court within whose area of jurisdiction the pier is situate in the like manner as the amount of compensation is determined under the law for the time being regulating the acquisition of land for public purposes.

13. When Minister may cause pier to be removed

(1) Any person acting on the authority of the Minister may remove a pier or any portion thereof, and for such purpose may enter upon any land in any of the cases following-

(a) if the owner is required by or under this Act to remove a pier and refuses or neglects to do so within the time specified; or

(b) if after the commencement of this Act the pier has been erected, re-erected, altered or extended without a licence; or

(c) if the licence for the pier has been cancelled under the provisions of this Act; or

(d) if the licence or other authority for the pier has expired.

(2) Except in the case where the licence for the pier has been cancelled under section 12 of this Act, the costs and expenses of and in connection with such removal shall be defrayed by the owner of the pier and may be recovered from him at the suit of the Permanent Secretary of the Federal Ministry of Works and Housing in any court of competent jurisdiction.

14. Access to piers by government officers and the use of piers by the Government

All customs and police officers and the Government Inspector of Shipping or any government officer authorised by him shall in the exercise of their duties have right of access at all times to any piers, and in case of any public emergency (certified under the hand of the Minister) any officer of the Government shall be entitled to take temporary possession of any pier required for the public service.

[27 of 1954. 122 and 6th Schedule. L.N. 112 of 1964.]

15. Power to make regulations

The Minister may make regulations for all or any of the following-

(a) requiring the owners of piers to maintain the same and the approaches thereto

in a proper state of repair;

(b) prescribing the fees to be paid for any licences issued under this Act;

(c) for the proper lighting of piers;

(d) prescribing the life-saving apparatus to be supplied by the owners of piers and to be kept thereon; and

(e) generally for giving effect to the provisions and purposes of this Act.

16. Piers in State waterways

In the application of this Act to a pier in an inland waterway, other than an inland waterway declared by the National Assembly to be an international waterway or an inter-State waterway, the functions under this Act of the Minister shall be vested in the Gover-

nor of the State concerned, and a reference to the Attorney-General of the Federation shall be construed as a reference to the Attorney-General of the State.

[L.N. 1 of 1955. L.N. 112 of 1964.]

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

I. Piers Regulations.

PIERS REGULATIONS'

[Regulations 7 of 1917 (22nd Mar). 15 of 1917. 18 of 1919. 20 of 1924. 31 of 1926. 1 of 1931. 22 of 1941. L.N. 67 of 1955. 150 of 1917. 20 of 1924. 1 of 1931. L.N. 47 of 1955.]

under section 15

[22nd March, 1917]

[Commencement.]

1. (1) All applications for a licence to erect, re-erect, alter or extend a pier shall be made to the Government Inspector of Shipping and all such applications shall be accompanied by plans and statements showing the nature and dimensions of the proposed structure, the materials to be used, and the depth to which the piles will be driven or screwed below the bed of the harbour, lagoon or river, as the case may be.

(2) **In** the case of an application for a licence to erect a new pier, the position of the proposed pier shall be shown on the Admiralty chart of the port, harbour or river and where no such chart exists the position shall be shown on any approved plan on which the depth of water at and in the vicinity of the proposed pier is indicated.

(3) If in the opinion of the Government Inspector of Shipping it would be advisable in connection with any application that a survey should be made at or in the vicinity of

* The measurements used in these Regulations are English measurements and they can be converted into metric measurements as and when they are required.

the site of a proposed or existing pier, the survey will be made by the Ministry of Transport at the expense of the applicant, and the applicant shall on demand pay to the Government Inspector of Shipping such expense as assessed by the Government Inspector of Shipping.

[L.N. 67 of 1955.]

2. Whenever a licence is granted, the work shall be constructed in accordance with the plans and specifications approved by the Minister, and to the satisfaction of such officer as the Minister may appoint to pass the work.

3. (1) The following lights shall be erected, maintained and kept lighted between sunset and sunrise by the owner of every pier-

(a) two lights three feet apart in a vertical line so constructed as to be visible at a distance of at least one mile, erected within six feet of the outer and seaward end of every pier the T-piece of which is less than three hundred feet in length;

(b) similar lights erected within six feet of the outer ends of every pier the T-piece of which is three hundred feet or more in length.

(2) In the cases mentioned in sub-paragraphs (a) and (b) of paragraph (1) of this regulation, the lower of the lights shall not be less than ten or more than fifteen feet above the level of the upper surface of the pier; and all the lights shall be green in colour except in the case of piers on Apapa or Iddo Island where the lights shall be red.

(3) This regulation shall not apply to piers which do not project beyond the line of the shore.

[31 of 1926.]

(4) Any person who fails to comply with this regulation shall be liable to a fine not exceeding ten naira.

[22 of 1941.]

4. No warehouse, shed or building of any kind shall be erected on any pier unless authorised by the licence or otherwise by the Minister.

5. No pier shall be used for a regular ferry service unless authorised for such purpose by the Minister.

6. (1) The foundation, superstructure, landing steps, roadway and every other portion of a pier shall at all times be maintained in a state of safety and repair by the owner, or any other person who has the exclusive right of occupation, or the general management and control, of such pier.

[22 of 1941.]

(2) The following parts of a pier shall, as far as is practicable having regard to the traffic proceeding along, or to any work being done on, a pier, be securely fenced or

railed so that the height of the fence or railing, which shall at all material times be maintained in good condition, shall be in no place less than three feet-

(a) all breaks, dangerous corners, and other dangerous parts or edges;

(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.

(3) No persons shall remove any such fence or railing or any part thereof except to such extent or for such period as is reasonably necessary for carrying on the work of a pier or ship or for effecting any repairs to such fence or railing.

(4) If any fence or railing is removed for any of the purposes hereinabove set out, such fence or railing shall be restored or replaced, immediately after the period during which the removal was necessary, by the employers of, or by, the persons engaged in the work or repairs that necessitated such removal.

(5) Any person who fails to comply with or contravenes this regulation shall be liable to a fine not exceeding ten naira.

7. No ocean-going or coastal vessel shall lie alongside any private pier without the sanction of the customs and port authorities.

8. The owner of a wharf or pier shall erect such bollards, mooring posts and other similar appliances on the pier or foreshore as in the opinion of the harbour master are requisite and of sufficient strength.

9. (1) No dirt, ashes, bottles, baskets, rubbish, stores, ballast, cargo or anything of a like nature shall be thrown into the water from any pier.

(2) A person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and, upon conviction, liable to payment of a fine of ten naira.

10. (1) The owner or any other person having the exclusive right of occupation or the general management and control of a pier shall make provision for life-saving from drowning and in particular shall provide and maintain-

[22 of 1941.]

(a) two lifebuoys with lifeline attached, ready for use, and to one of these lifebuoys shall be attached a Holmes light or some other self-lighting arrangement of approved type; and

(b) means, at reasonable intervals, at or near the surface of the water, for enabling a person immersed therein to support himself or escape there from; and such means shall be reasonably adequate having regard to all the circumstances.

(2) Any person who fails to comply with or contravenes this regulation shall be liable to a fine of ten naira.

11. Every pier shall be provided with suitable landing steps for boats clear of the harbour frontage and no boat, canoe, floating stage or raft shall lie up to any pier unless a crew is, and remains, on board.

12. In the case of any pier erected after the commencement of the Act, the harbour master, with the concurrence of the collector of customs and excise, shall have the right to send a vessel alongside the pier for the purpose of discharging passengers or baggage, provided that this does not interfere with the proper working of any craft belonging to the owner of the pier or using the pier by arrangement with such owner.

13. (1) Any person desiring to erect a pier for a temporary purpose shall make application to the Government Inspector of Shipping stating the purpose and period for which the same is required.

[20 of 1924. I of 1931. L.N. 67 of 1955.]

(2) Every licence for the erection of a temporary pier shall state the period for which it may be erected, and it shall be a condition of every such licence that the owner of the pier shall remove the same on the expiration of the licence.

14. The annual fees specified in the Schedule to these Regulations shall be payable in respect of licences issued under the Act.

15. Regulations 3, 10 and 11 shall apply to the following ports only-

[31 of 1926.]

Bonny Forcados Port Harcourt

Burutu KokoTown Sapele

Calabar Lagos Warri

[Schedule.]

16. Documents and applications required by section 6 of the Act shall be sent to the Minister.

[18 of 1919.31 of 1926.]

SCHEDULE

[Regulation 14.]

[Added by 31 of 1926.]

Annual Fee

N k

For a licence for a pier with less than six feet of water off the face at low water ordinary spring tides 400

For a licence for a pier with six feet or more but less than twelve feet of water off the face at low water ordinary spring tides 1000

For a licence for a pier with twelve feet or more of water off the face at low water ordinary spring tides..... 2000