

## CHAPTER 361

## PORTS ACT

27 of 1954.  
30 of 1955.  
5 of 1956.  
13 of 1957.  
39 of 1957.  
1 of 1958.  
32 of 1958,  
s.2 and Sch.  
L.N. 107 of  
1955.  
120 of 1957.  
Commence-  
ment.

**An Act to provide for the establishment of a public authority to be known as the Nigerian Ports Authority, for the transfer to the Authority of certain of the Port and Harbour Undertakings of the Government, for the functions of the Authority, and for purposes connected with the matters aforesaid.**

[Parts I–VI—23rd September, 1954;  
Parts VII–X and XII–XV—1st April, 1955;  
Part XI—1st March, 1956]

## PART I.—PRELIMINARY

Short title.

1. This Act may be cited as the Ports Act.

Interpre-  
tation.

2. In this Act, unless the context otherwise requires—

“animals” means animate things of every kind except human beings;

“approach to a port” means any navigable channel declared to be an approach to a port under section 6 of this Act;

“Authority” means the Nigerian Ports Authority established under the provisions of this Act;

“Authority pilot” means pilot appointed by the Authority;

“ballast” includes every kind of gravel, sand and soil and every commodity or thing commonly used for the ballasting of ships;

“beacon” means any light, mark or sign used as an aid to navigation, other than a lighthouse or buoy;

“buoy” includes any floating light, mark or sign used as an aid to navigation, other than a lighthouse;

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“cargo” includes all kinds of movable personal property, other than animals;

“Civil Service Commission” means the Federal Civil Service Commission established under the provisions of the Constitution of the Federal Republic of Nigeria.

Cap. 62.

“dues” includes ships’ dues and harbour dues;

“ferry” means any ship plying from one side of a waterway to the other for the purposes of the carriage of passengers or goods;

“goods” includes baggage, animals (whether alive or dead) and all other movable property of any kind whatsoever;

“licensed pilot” means a pilot licensed by the Authority;

“lighthouse” includes a lightship;

“master” means when used in relation to any ship, the person having command or charge of the ship for the time being, but does not include a pilot;

“the Minister” means a Minister for the time being charged with responsibility for maritime shipping and navigation;

L.N. 120 of 1957.

“navigable channel” means any channel where navigation is possible;

“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 waters of any navigator channel and also includes any pontoon moored in any such waters and used as a pier, wharf or jetty.

1961 No. 12.

“pilot” means a person not belonging to a ship who has conduct thereof;

“pilotage district” means a pilotage district established by the Authority under section 58 of this Act;

“rates” means rates levied by the Authority by virtue of section 83 of this Act;

“ship” includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed;

“trains” includes locomotives, engines, tenders, motors, coaches, wagons, trolleys and rolling stock of all kinds used whether separately or in conjunction on a railway;

“vehicle” means any vehicle, other than a train or ship;

“warehouse” includes any building, place, wagon, ship or vehicle when used by the Authority for the purpose of warehousing or depositing goods.

Power conferred on Authority exercisable by servants and agents.

3. When powers are conferred or duties imposed by or under this Act on the Authority, such powers may be exercised or such duties discharged by or through any servant or agent of the Authority authorised in that behalf by the Authority.

Power to amend First Schedule.

4. The President may, by order, add to or delete from or amend the provisions contained in the First Schedule.

Transitory provisions for making regulations and by-laws

5. At any time after the commencement of Parts I, II, III, IV, V and VI of this Act, regulations and by-laws may be made and approved under any other Part of this Act, but any regulation or by-law made or approved under the provisions of any Part of this Act before the commencement of that Part shall have effect only as from the commencement of the said Part.

## PART II.—DECLARATION OF PORTS

Power to appoint ports, their limits and approaches.

6. (1) The President may, by order—
- (a) declare any place in Nigeria and any navigable channel leading into such place to be a port within the meaning of this Act;
  - (b) declare the limits of any port appointed in accordance with paragraph (a) of this subsection;
  - (c) declare any navigator channel leading into any port to be an approach to such port within the meaning of this Act.

First Schedule.

(2) The places specified in the First Schedule to this Act shall be deemed to be ports, and the limits of any such port shall, until other provision is made in accordance with

paragraph (b) of subsection (1) of this section, be the limits declared under the Ports Act and in force immediately before the commencement of this Part.

Cap. 173 of  
the 1948  
edition.

### PART III.—THE NIGERIAN PORTS AUTHORITY

7. (1) So soon as may be after the commencement of this Part, there shall be established a public authority to be known as the Nigerian Ports Authority.

Estab-  
lishment of  
the Nigerian  
Ports  
Authority.

(2) The Nigerian Ports Authority shall be a body corporate with perpetual succession and a common seal, and shall have power to sue and be sued in its corporate name and to acquire and hold and dispose of lands.

8. (1) The Nigerian Ports Authority (hereafter in this Act referred to as "the Authority") shall be constituted in accordance with subsection (2) of this section.

Constitution  
of Ports  
Authority.  
LN 112 of  
1964.  
1963 No. 14.

(2) Subject to the provisions of this section, the Authority shall consist of twenty members appointed by the Minister, of whom—

- (a) one shall be designated by the Minister as Chairman of the Authority;
- (b) one shall be a person appearing to the Minister to have had experience of and shown ability in the organisation of workers;
- (c) two shall be persons appearing to the Minister to represent the interests of persons who pay, as respects one, ships' dues and, as respects the other, harbour dues;
- (d) one shall be a person appearing to the Minister to represent the interests of the Nigerian Railway Corporation; and the quorum of the Authority shall be four.

(3) Notwithstanding anything in the provisions of the Fourth Schedule to this Act relating to the tenure of office of members of the Authority, the Minister may, remove from office, any member of the Authority if the Minister considers it necessary in the public interest to do so.

32 of 1958,  
s.2 and Sch.  
LN 112 of  
1964

(4) The Authority shall pay to the members thereof such salaries, gratuities and allowances as may be determined by the Minister:

Provided that no such salaries, gratuities and allowances, other than such allowances as may be expressly authorised by the Minister, shall be paid to any person who holds an office of profit under the State otherwise than as a member of the Authority or as a member of a body corporate incorporated directly by a law enacted by any legislature in Nigeria.

Fourth  
Schedule.

(5) The provisions contained in the Fourth Schedule to this Act shall have effect with respect to the constitution and proceedings of the Authority.

Establish-  
ment of con-  
sultative  
body.  
1965 No. 14.

9. The Minister may make regulations providing—

- (a) for the establishment of a body to represent the interests of persons using facilities under the control of the Authority; and
- (b) for the holding of consultations between the body and the Authority; and
- (c) for enabling the body to make representations to the Authority, or to any particular member or officer of the Authority, with a view to safeguarding those interests,

and the regulations may contain such incidental and supplemental provisions (excluding provisions for the making of payments to members of the body) as the Minister considers expedient for the purposes of the regulations.

Power of  
Minister to  
give direc-  
tions to the  
Authority.  
1963 No. 14.

10. The Minister may, after consultation with the authority or the Chairman of the Authority, give to the Authority general or special directions with respect to matters which, in his opinion, are either matters affecting the public interest or matters of policy which have arisen or may arise in connection with the affairs of the Authority; and the Authority shall give effect to the directions.

11. (1) Without prejudice to the provisions of the last foregoing section, no regulations or by-laws made after the commencement of this Act by the Authority in exercise of the powers conferred on them by any enactment shall, come into force until the regulations or by-laws have been approved by order of the Minister.

Regulations,  
etc., made  
by the  
Authority to  
be approved  
by Minister.

(2) The Minister may approve any such regulations or by-laws either without modification or with such modifications as he thinks fit; but before approving regulations or by-laws with modifications the Minister shall, afford the authority an opportunity of making representations with respect to the proposed modifications, and shall consider any representations made in pursuance of this subsection.

1963 No. 14.

(3) Nothing in this section shall require the approval of the Minister for regulations relating solely to the levying of rates and dues for the purposes of sections 74, 80 or 83 of this Act if the rates and dues do not exceed the limits approved by the Minister, either before or after the commencement of this Act, by notice in the *Federal Gazette* of the Federation.

(4) For the removal of doubt it is hereby declared that any area in the Federation outside the port of Lagos which is for the time being declared or deemed to be a port by virtue of section 6 of this Act is a Federal port.

12. (1) The Minister may appoint a person to act in place of the Chairman of the Authority during his temporary incapacity from illness or during his absence from Nigeria.

Temporary  
Chairman.

(2) A person appointed to act as temporary Chairman shall be deemed for all the purposes of this Act to be the Chairman of the Authority.

13. (1) It shall be the duty of the Authority—

- (a) to provide and operate in the ports specified in Part I of the First Schedule, such port facilities as appear to them best calculated to serve the public interest;
- (b) to maintain, improve and regulate the use of the ports specified in Parts I and II of the First Schedule to this

Duties of the  
Authority.

First  
Schedule.

Act and the port facilities transferred to the Authority under this Act, to such extent as appear to them expedient in the public interest;

- (c) to provide for the ports specified in Parts I and II of the First Schedule to this Act, the approaches to such ports, and the territorial waters of Nigeria, such pilotage services and such lights, marks, and other navigational services and aids as appear to them best calculated to serve the public interest;
- (d) subject to the provisions of section 14 of this Act, to provide and operate such other services as the President may require.

(2) The policy of the Authority shall be directed to secure that—

- (a) the annual revenues of the Authority are, taking one financial year with another, sufficient to meet all charges properly chargeable to revenue;
- (b) no particular person is given any undue preferences or subjected to any undue disadvantages.

(3) In this section—

“charges properly chargeable to revenue” means charges chargeable to revenue in accordance with the provisions of section 30 of this Act;

“navigational services” includes the cleaning and improving of any waterway;

“port facilities” means facilities for berthing, towing, mooring, moving or drydocking of ships in entering or leaving a port or its approaches, for the loading and unloading of goods or embarking or disembarking of passengers in or from any such ship, for the lighterage or the sorting, weighing, warehousing or handling of goods, and for the carriage of passengers or goods in connection with any such facilities.

14. (1) Subject to the provisions of this Act, the Authority shall have power to carry on such activities as appear to them to be advantageous, necessary or convenient for them to carry on for or in connection with the discharge of their

duties under section 13 of this Act and, without prejudice to the generality of the foregoing power the Authority may—

- (a) acquire, construct, manufacture, maintain or repair anything required for the purposes of the Authority;
- (b) carry on the business of carrier by land or sea, stevedore, wharfinger, warehouseman or lighterman or any other business recommended as desirable for the purposes of the Authority;
- (c) load or unload any ship at any wharf for the time being vested in, or in the possession of the Authority:

Provided that the owner or charterer of any ship may employ on the ship his own agents and labour with their ordinary gear for such purposes;

- (d) clean, deepen, improve or alter any port or its approaches or, if so required by the National Council of Ministers, any other waterway; L.N. 112 of  
1964.
- (e) provide and use both within Nigeria and on the high seas, ships and appliances for the towage or protection or salvage of life and property or for the prevention of fire;
- (f) determine and impose charges for any services performed by the Authority and for the grant to any person of any licence, permit or certificate;
- (g) acquire any undertaking affording or intending to afford facilities for the loading and unloading or warehousing of goods in any port;
- (h) appoint, license and manage pilots;
- (i) supply water to shipping, and generate and supply electricity;
- (j) insure goods in the custody of the Authority;
- (k) control the erection and use of wharves in any port or its approaches;
- (l) sell, let, or otherwise dispose of, any property which appears to the Authority to be unnecessary for the purposes of the Authority;
- (m) enter into agreements with any person—



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- (i) for the supply, construction, manufacture, maintenance or repair by that person of any property, movable or immovable, necessary or desirable for the purposes of the Authority;
- (ii) for the operation or the provision of any of the port facilities which may be operated or provided by the Authority;
- (n) appoint, license and regulate weighers and meters of goods in any port;
- (o) reclaim, excavate, enclose or raise any part of the lands vested in them;
- (p) do anything for the purpose of advancing the skill of persons employed by the Authority, or of the efficiency of the equipment of the Authority, or of the manner in which that equipment is operated, including the provision by the Authority and the assistance of the provision by others, of facilities for training, education and research;
- (q) provide houses, hostels and other like accommodation for persons employed by the Authority;
- (r) make loans to persons employed by the Authority for purposes specifically approved by the Authority, as likely to increase the effectiveness of such persons in their services to the Authority, or otherwise for the purpose of the functions of the Authority;
- (s) make loans to any person employed by the Authority for the purpose of building a house, purchasing a plot of land on which to build a house or purchasing a house, for the employee's use or for the residential use of his family;
- (t) promote the welfare of persons employed by the Authority;
- (u) engage in any other activity, whether similar to those heretofore specified or not, which may be sanctioned by order of the President.
- (2) For the avoidance of doubt it is hereby declared that the preceding provisions of this section relate only to the capacity of the Authority as a statutory corporation, and

nothing in the said provisions shall be construed as authorising the disregard by the Authority of any enactment or rule of law.

(3) The provisions of this section shall not be construed as limiting any power of the Authority conferred by or under any subsequent provisions of this Act.

15. (1) The Authority shall afford to the Minister facilities for obtaining information with respect to the property and functions of the Authority, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

Powers of the Minister in relation to the Authority.

#### PART IV.—TRANSFER OF ASSETS

16. Upon a day to be appointed by the President by notice in the *Federal Gazette* (hereinafter referred to as the vesting day) the assets described in the Second Schedule to this Act shall vest in the Authority by virtue of this Act and without further assurance.

Transfer of assets.

Second Schedule.

17. The provisions of the Fifth Schedule to this Act shall have effect, in addition to the other provisions of this Act, in relation to the ports of Warri, Calabar and Burutu.

Additional provisions for Warri, Calabar and Burutu. Fifth Schedule.

18. The President may, within a period of two years from the vesting day, by order, add any assets to the assets described in the Second Schedule to this Act, and any assets so added by an order made under this section shall be deemed to vest in the Authority by virtue of this Act, and without further assurance from the date the order comes into force.

President may add assets to Second Schedule.

19. (1) So soon as may be after the vesting day, the Authority shall, in respect of any moneys advanced by the Government to the Authority to provide for working capital, create an advance account in favour of the Government equivalent to the total amount of such advances.

Advance account for working capital.

(2) The advance account created under subsection (1) of this section, shall be subject to such conditions as to interest and repayment as the President may, from time to time, determine.

Provision for free reserve.

20. (1) The Government may provide a free reserve of such an amount as may be considered appropriate as at the vesting day, having regard to the total value of the assets vesting in the Authority on the vesting day by virtue of this Act.

(2) When any assets are vested in the Authority by an order made under section 18 of this Act, the amount of the free reserve created under this section may be increased to a sum considered appropriate, having regard to the value of the assets so vested.

Compensation for assets transferred by issue of debenture stock.

21. (1) So soon as may be after any assets, other than the Apapa Wharf Extension, are transferred to the Authority by the Government under the provisions of this Act, the Authority shall create in respect of the value of the assets so transferred debenture stock, to be known as Port Debenture Stock A, of an amount to be agreed upon by and between the Government and the Authority, and such stock shall bear interest at such rate and from such date as shall be determined by the National Council of Ministers.

(2) So soon as may be after the vesting day, the Authority shall, in respect of the value of the Apapa Wharf Extension transferred to the Authority by the Government under the provisions of this Act create debenture stock, to be known as Port Debenture Stock B, of an amount to be agreed upon by and between the Government and the Authority, and such stock shall bear interest at such rate and from such date as shall be determined by the National Council of Ministers.

Transfer of rights and liabilities under contracts, Third Schedule.

22. Contracts to which the provisions of the Third Schedule to this Act apply shall have effect in favour of and against the Authority as therein mentioned, and to the extent therein mentioned, as if instead of the Government, the Authority had been named therein or had been a party thereto.

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23. A gratuity or annual allowance (other than a gratuity or pension payable under the Pensions Act, or any Act repealed thereby, or under the Nigerian Government Railway Pensionable Offices Act) to which a person is eligible by contract or custom by virtue of service with the Government of the Federation before service with the Authority shall, upon payment by such Government to the Authority of such lump sum or sums as shall be agreed upon, be a matter within the authority of the Authority, whether it is payable by virtue of any legal liability or not, and shall not be a responsibility of such Government.

Responsibility for annual allowances.  
Cap. 346.  
1957 No. 13.  
1957 No. 39.  
Cap. 158 of the 1948 edition.

24. Any proceeding or cause of action pending or existing immediately before the vesting day by or against the Government in respect of the assets transferred under the provisions of this Act, may be continued or enforced by or against the Government as if this Act had not been enacted.

Pending proceedings and causes of action.

25. (1) There shall be an officer of the Authority, to be known as the General Manager who shall be the chief executive officer and shall be responsible for the execution of the policy of the Authority and the transaction of its day-to-day business.

Appointment of General Manager and delegation of functions.

(2) The General Manager shall be appointed by the Authority with the prior approval of the Minister.

1960 No. 8.

(3) The Authority shall delegate to the General Manager the power to exercise supervision and control over the acts and proceedings of all servants of the Authority in matters of executive administration, and in matters concerning the accounts and records of the Authority, and, subject to any restrictions which may be imposed by the Authority, the power to dispose of all questions relating to the service of the said servants and their pay, privileges and allowances.

(4) The Authority shall delegate to the General Manager such of its functions as are necessary to enable him to transact efficiently the day-to-day business of the Authority and for this purpose the Authority may, from time to time, issue written instructions under its common seal.

(5) The General Manager shall not be a member of the Authority, but shall have the right to be present at all or any meetings of the Authority, except when any matter involving him personally is discussed, and shall be furnished with copies of all notices, agenda and minutes of all meetings of the Authority.

PART V.—PROVISIONS RELATING TO STAFF

Employment  
of servants  
and agents.

26. The Authority shall employ such servants and agents as it may think necessary for the due discharge of its functions under this Act, upon such terms as to remuneration or otherwise as it may determine.

Power to  
make regula-  
tions relating  
to staff.

27. (1) The Authority may make regulations generally relating to the conditions of service of servants of the Authority, and in particular, but without prejudice to the generality of the foregoing, may make regulations relating to—

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, such servants;
- (b) appeals by such servants against dismissal or other disciplinary measures;
- (c) the grant of pensions, gratuities and other retiring allowances to such servants and their dependants; and the grant of gratuities to the estates or dependants of deceased servants of the Authority;
- (d) the establishment and maintenance of medical benefit funds, superannuation funds and provident funds, and the contributions payable thereto and the benefits receivable therefrom.

(2) Any pension scheme established by regulations made under paragraph (c) of subsection (1) of this section, shall be such as to make it possible for service with the Authority to be declared public service under the provisions of the Pension Act; and no regulations establishing such pension scheme shall come into force unless the Civil Service Commission shall, by notice in the *Federal Gazette*, declare that such regulations comply with the provisions of this subsection.

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28. (1) The Authority shall, subject to the provisions of this section, employ such officers, being officers on the established staff of the Government, as may be seconded by the Civil Service Commission from the service of the Government on the vesting day.

Officers seconded from Government to be employed.

(2) The Civil Service Commission may at any time, determine the secondment of an officer who has been seconded to the service of the Authority under the provisions of this section, but no request by the Authority to the Civil Service Commission for the determination of the secondment of any such officer shall be made unless the Authority shall first have given to the officer written notice of the intention to make such request.

29. (1) Within a period of one year and three months, but not before the expiration of a period of one year next following the vesting day, the Authority shall offer, to every officer seconded to the Authority from the service of the Government on the vesting day, employment by the Authority upon such terms and such conditions as may be agreed between the Civil Service Commission and the Authority:

Offers of employment with Authority to seconded officers.

Provided that nothing in this Act shall prevent the Authority from informing such officers of proposed terms and conditions of service before the expiration of the period of one year next following the vesting day.

(2) The Authority shall not offer employment to any officer so seconded to the service of the Authority, except upon terms and conditions certified under the hand of the Chairman of the Civil Service Commission to be, in the opinion of the Civil Service Commission, not less favourable than those enjoyed by such officer at the date of such offer.

(3) The Civil Service Commission shall not decline so to certify the terms and conditions comprised in any offer merely because they are not in all respects identical with or superior to the terms enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a

whole, in the opinion of the Civil Service Commission offer substantially equivalent or greater benefits.

(4) Any officer who fails within one year to accept in writing an offer made to him by the Authority in accordance with this section shall be deemed to have refused such offer.

(5) If an officer refuses an offer of employment made to him by the Authority in pursuance of this section, the obligation imposed by subsection (1) of section 28 of this Act on the Authority to employ the officer shall thereupon determine.

(6) If no offer in pursuance of this section is made by the Authority to an officer seconded to its service, then the obligation imposed by subsection (1) of section 28 of this Act, on the Authority to employ the officer, shall determine on the expiration of the period of two years and three months next following the vesting day.

(7) When an officer accepts an offer of employment made in pursuance of this section, his service with the Authority shall be deemed to have commenced, and his service with the Government to have ceased, upon the expiration of the period of one year and three months next following the vesting day.

Sums which  
are to be  
chargeable to  
revenue  
account.  
1960 No. 8.

30. The Authority shall, charge to revenue account in every year, all charges which are proper to be made to revenue account, and also—

- (a) proper provision for the redemption of Port Stock issued under section 21 of this Act and of capital raised under section 33 of this Act and for the repayment of money comprised in the advance account created under section 19 of this Act or money borrowed under section 33 or section 34 of this Act;
- (b) allocations to the reserve funds established and maintained under section 31 of this Act.

Reserve  
funds.  
1960 No. 8.

31. (1) There shall be established and maintained a general reserve fund.

(2) The Authority may establish and maintain such other reserve funds as the Minister may approve.

(3) The maximum of any fund established and maintained under this section shall be such as the Minister may, from time to time, prescribe.

(4) The Authority may, with the approval of the Minister, carry to any fund established and maintained under this section such part of the receipts on revenue account as is available for the purpose:

Provided that the amount comprised at any one time in any such fund shall not exceed the maximum prescribed for that fund under subsection (3) of this section.

(5) The application of any fund established and maintained under this section shall be as the Authority may, with the approval of the Minister, determine:

Provided that no part of the moneys comprised in any such fund shall be applied otherwise than for the purposes of the Authority.

32. Any excess of the Authority's revenues for any financial year over its outgoings and charges for that year chargeable under section 30 of this Act to revenue account shall be applied for such purposes as the Authority may determine:

Application of surplus revenue. 1960 No. 8.

Provided that no part of any such excess shall be applied otherwise than for the purposes of the Authority.

33. (1) The Authority may, with the approval of the Minister and also of the National Council of Ministers, borrow money or raise capital, otherwise than from the Government, by the issue in such form as may be approved of stock, bonds, promissory notes, loan certificates or other documents of title for all or any of the following purposes—

Power to borrow money and raise capital from Government and non-Government sources. 1960 No.8.

- (a) the fulfilling of the functions of the Authority under this Act;
- (b) the provision of working capital;
- (c) the redemption or repayment of any capital raised or money borrowed which the Authority is required or entitled to redeem or repay;



(d) the provision of money for meeting any expenditure which is properly chargeable to capital account.

(2) For the purposes of payment of interest, repayment or redemption, moneys borrowed or capital raised under this section shall rank equally with all other such moneys borrowed or capital raised under this section; and the payment of interest on and the repayment or redemption of money so borrowed or capital raised shall have priority over the payment of interest on and the repayment or redemption of money comprised in the advance account created under section 19 of this Act, Port Stock issued under section 18 of this Act and any money borrowed or capital raised from the Government under section 34 of this Act.

(3) Money borrowed by the Government for the exclusive purpose of re-lending to the Authority and, accordingly, re-lent to the Authority, shall be deemed to be money borrowed otherwise than from the Government and, accordingly, to be money borrowed or capital raised, under this section.

(4) Money owed by the Authority under any arrangement by which such money is allowed to remain unpaid for a period greater than one year shall be deemed to be money borrowed under this section.

(5) The Authority may borrow money (other than money borrowed by the Government for the exclusive purpose mentioned in subsection (3) of section 33 of this Act) or raise capital from the Government in such manner and upon such terms and conditions as the Minister may approve for all or any of the purposes mentioned in subsection (1) of section 33 of this Act.

Power to  
borrow  
money tem-  
porarily.

34. The Authority may, with the consent of or in accordance with any general authority given by the Minister, borrow temporarily by way of loan, overdraft or otherwise such sums repayable on demand or within one year after the date of borrowing as the Authority may require for meeting their obligations and discharging their functions under this Act, and the moneys aforesaid may be borrowed from the Government or from such other person and upon such terms and conditions as may be approved by the Minister.

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35. The Authority may invest all or any portion of the moneys of the Authority in such manner as may be approved by the Minister. Investment of moneys.

36. (1) The Authority shall— Accounts.

- (a) cause proper accounts and other records in relation thereto to be kept; and
- (b) shall prepare an annual statement of accounts in such form and containing such particulars, compiled in such manner as the Minister may offer consultation with the Authority from time to time direct. 1959 No. 34.

(2) The said annual statement of accounts shall present a true and fair view of the financial position of the Authority and of the results of the Authority's operations for the year to which it relates, and the Minister shall exercise his powers under this section accordingly.

(3) The accounts of the Authority shall be audited by an auditor or auditors to be appointed annually by the Authority with the approval of the Minister.

(4) As soon as the accounts of the Authority have been audited as aforesaid, the Authority shall send a copy of the statement of accounts referred to in paragraph (b) of subsection (1) of this section to the Minister together with a copy of the report made by the auditor or auditors thereon.

(5) The Minister shall lay a copy of every such statement of accounts and report on the table of the House of Representatives.

37. (1) The Authority shall, as soon as possible after the end of each financial year, make to the Minister a report dealing with the activities of the Authority during that year; and the report shall be prepared in such form and containing such particulars, compiled in such manner as the Minister may, after consultation with the Authority from time to time, direct. Annual report and periodical returns. 1963 No. 14.

(2) The Minister shall lay a copy of every such annual report on the table of the House of Representatives.

(3) The Authority shall furnish to the Minister such financial and statistical returns as he may from time to time, require.

PART VIII.—PROVISIONS RELATING TO LAND

Compulsory  
acquisition of  
land.

Cap. 202.

38. (1) When there is any hindrance to acquisition by the Authority of any land or building required for carrying into effect any of the provisions of this Act, the President, upon the application of the Authority and after such inquiry as the President may think fit, may declare that the land or building is required for the service of the Authority: and he may direct that action be taken under the provisions of the Land Use Act for acquiring the land or building for the Government or (as the case may require) for revoking any rights thereto, and for determining the compensation to be paid to the parties interested; and upon the making of such declaration, the land to which it relates shall be deemed to be land required for a public purpose within the meaning of the Land Use Act.

(2) When the land or building has been acquired or the rights thereto have been revoked as aforesaid, the President may vest such land or building in the Authority by means of a certificate under the hand and seal of the Chief Federal Lands Officer to the effect that the land or building has been made over to the Authority, or, as the case may require, may direct that a right of occupancy in respect thereof be granted to the Authority.

(3) The compensation, if any, for such acquisition or revocation, as the case may be, shall in the first instance be paid by the Government, but the Authority shall refund to the Government any compensation so paid and all incidental expenses incurred by the Government.

(4) All Authorities within Nigeria shall give effect to any directions given by the President in accordance with the provisions of this section.

Restrictions  
on alienation  
of land.

39. The Authority shall not, without the approval in writing of the National Council of Ministers, alienate, mortgage, charge or demise any immovable property which

has been vested in the Authority under any of the provisions of this Act or in respect of which a right of occupancy has been granted to the Authority.

40. The Authority may, by their servants or agents, together with all necessary workmen—

- (a) enter on any land for the purpose of erecting or maintaining any beacon, buoy or mooring, or of examining, repairing, altering or removing any beacon, buoy or mooring, and there remain for such reasonable time as may be necessary for such purpose;
- (b) erect and maintain any beacon, buoy or mooring upon or in any land, swamp, embankment, wharf, or the shore or bed of any tidal or other waters, and alter or remove any beacon, buoy or mooring:

Power to enter land to erect beacons and make surveys.  
1961 No. 12.

1961 No. 12.

Provided that no beacon, buoy or mooring shall be so placed on any road as to hinder or interfere with free passage along such road; and

- (c) for the purposes of their functions under this Act, survey and take levels of any land, and cut and remove all trees and underwood which may interfere with such surveys.

41. An authorised servant of the Authority together with all proper assistance may enter on any land and cut and remove all trees, underwood and vegetation which may interfere with the visibility of any lighthouse or beacon from any other point or place.

Power to remove obstruction to visibility of light-houses and beacons.

42. The Authority shall, when practicable, give notice to the occupier of any land upon which it is intended to enter in exercise of any of the powers conferred by section 36 or 41 of this Act and shall inform the responsible Commissioner in the State wherein the land is situate or the Minister, if the land is situated in the Federal Capital Territory, Abuja.

When notice of entry on land to be given.  
L.N. 112 of 1964  
1958 No. 1.

43. (1) In the exercise of any of the powers conferred upon the Authority by section 40 or 41 of this Act, the Authority shall do as little damage as may be, and compen-

Compensation for damage.

sation shall be paid by the Authority for any damage done to any crops or economic trees but not otherwise.

(2) Any dispute as to the amount of compensation payable under this section shall be determined by a magistrate exercising jurisdiction in the place where the land is situate.

#### PART VIII.—REGULATION OF PORTS

Power to  
appoint  
harbour  
masters.

44. The Authority may appoint a harbour master in respect of any port.

Power of  
Authority to  
make port  
regulations.

45. (1) The Authority may make regulations for the maintenance, control and management of any port and for the maintenance of good order therein, and, in particular and without prejudice to the generality of the foregoing power, may make regulations for all or any of the following purposes—

- (a) regulating traffic within the limits of a port or the approaches to a port;
- (b) regulating the berths and stations to be occupied by ships and the removal of ships from one berth, station or anchorage to another berth, station or anchorage, and the time within such removal shall be effected;
- (c) regulating ships whilst taking in or discharging ballast or cargo;
- (d) keeping free passages of such width as is deemed necessary, within any such port and along or near to the piers, jetties, landing places, wharves, quays, docks, moorings and other similar works in or adjoining the same; and for marking out the spaces so to be kept free;
- (e) regulating the anchoring, fastening, mooring, and unmooring and warping of all ships and the use of warps, mooring buoys, chains and other moorings;
- (f) regulating traffic, preventing obstruction and keeping order on piers, jetties and wharves, and for ensuring the safety of piers, jetties and wharves and any cargo thereon;

*Ports Act*

- 
- (g) regulating the use of fires and lights, and the signals to be used and measures to be taken in case of fire in a port by day and by night;
  - (h) enforcing and regulating the use of navigating lights, or signals and of signal lights by ships;
  - (i) regulating the flags and signals to be used by ships arriving at, lying in and departing from a port;
  - (j) regulating the manner in which ships arriving shall be boarded by the harbour master, and the information to be supplied to him by the master of the ship;
  - (k) regulating the use by ships of steam whistles, steam sirens and other like instruments;
  - (l) prohibiting chipping, scaling or noisy repairs on ships except at such anchorages or places and at such times as may be prescribed or as the harbour master may appoint;
  - (m) prohibiting or regulating the erection, maintenance and working of fishing stakes, prescribing the nature of the nets or stakes which may be used, and providing for the licensing of persons authorised to erect and maintain the same, and prescribing the fees which shall be paid for such licence;
  - (n) regulating, whether by way of prohibition or otherwise, the floating of timber, casks or other objects in any port or the approach to any port and the casting or depositing of any dead body, ballast, rubbish, or other thing into any port or the approach to any port in contravention of this Act and for the redemption on payment of expenses and a penalty, within a time limit to be fixed, of anything so forfeited;
  - (o) prescribing the duties of masters of ships carrying gunpowder or other explosive or dangerous cargo, and of persons engaged in or supervising the shipping, unshipping, landing and transport of any such cargo;
  - (p) regulating the placing and maintaining of moorings or buoys;
  - (q) regulating and licensing weighing and metering of goods;

- (r) regulating and licensing porters and carriers and other labourers employed in the working of port facilities.

(2) For the breach of any regulations made under this section, the Authority may prescribe as a penalty a fine not exceeding ₦100, and in the case of a continuous breach, a further fine not exceeding ₦10 a day for every day after the first during which such breach continues, and a term of imprisonment not exceeding 3 months, or both such term of imprisonment and fine.

Power of harbour master in relation to ships.

46. Subject to the provisions of any regulations made under this Part, the harbour master of a port may—

- (a) direct where any ship shall be berthed, moored or anchored and the method of anchoring within the port and the approaches thereto;
- (b) direct the removal of any ship from any berth, station or anchorage to another berth, station or anchorage and the time within which such removal is to be effected within the port and the approaches thereto;
- (c) regulate the moving of ships within the port and the approaches thereto.

1959 No. 3.

#### PART IX.—REGULATION OF PIERS IN PORTS

Piers to be licensed.

47. No person shall erect or re-erect, alter, extend, own or occupy a pier in any port or in the approaches to any port except under and in accordance with a licence granted by the Authority.

Licences.  
1961 No. 12.

48. (1) The Authority may, on payment of the prescribed fee, grant licences for the purposes of section 47 of this Act in the prescribed form and may renew such licences.

(2) The grant or renewal of any such licence shall be at the discretion of the Authority.

(3) Any such licence shall be subject to such conditions as may be prescribed and to such special conditions endorsed thereon as the Authority may see fit to impose.

49. The Authority may cancel any licence granted under section 48 of this Act on proof to its satisfaction of a breach of any condition of the licence or of a contravention by the holder of the licence of any regulation made under section 52 of this Act.

Cancellation of licence for breach of condition or contravention of regulation.

50. (1) The Authority may cancel any licence granted under section 43 of this Act whenever it may think proper in the public interest, but in such a case the holder thereof shall be entitled to be paid reasonable compensation by the Authority unless express provision to the contrary is contained in the licence.

Cancellation of licence in public interest.

(2) When the amount of compensation payable under subsection (1) of this section 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.

51. (1) Any servant of the Authority may, in any of the following cases remove or cause to be removed a pier in any port or in the approaches to any port or any portion thereof and for such purpose may enter upon any land or the pier—

Removal of pier.

- (a) if the holder of a licence granted in respect of the pier is required in accordance with regulations made under section 52 of this Act to remove the pier and he refuses or neglects to do so within the time specified;
- (b) if the pier has been erected, re-erected, altered or extended without a licence or is owned or occupied without a licence;
- (c) if the licence granted in respect of the pier has been cancelled under the provisions of this Act; and
- (d) if the licence granted in respect of the pier has expired.

(2) Except when the licence granted in respect of the pier has been cancelled under section 50 of this Act, the costs and expenses of and in connection with such removal shall be defrayed by the occupier of the pier and may be recovered from him at the suit of the Authority in any court of competent jurisdiction.



Regulations relating to piers.

**52.** (1) The Authority may make regulations for all or any of the following purposes—

- (a) controlling the erection, re-erection, alteration, extension and use of piers in any port or in the approaches to any port;
- (b) requiring the owners or occupiers of such piers to maintain the same and the approaches thereto in a proper state of repair;
- (c) prescribing the fees to be paid for any licences issued under section 48 of this Act;
- (d) prescribing forms for such licences and applications therefor;
- (e) for the proper lighting of such piers;
- (f) requiring such life-saving apparatus as may be specified in the regulations to be kept on such piers;
- (g) the period of validity of such licences; and
- (h) generally for giving effect to the provisions and purposes of this Part.

(2) For the breach of any regulation made under this section, the Authority may prescribe as a penalty, a fine not exceeding one hundred naira, and in the case of a continuous breach, a further fine not exceeding ten naira a day for every day after the first during which such breach continues, and a term of imprisonment not exceeding three months, or both such fine and imprisonment.

Validation of certain licences.  
Cap. 358.

**53.** Any licence granted under the provisions of the Piers Act in respect of any pier in a port or in the approaches to a port and in force immediately before the coming into operation of this Part shall be deemed for all purposes to have been granted under the provisions of this Part.

Penalty for contravention of section 47.

**54.** Any person who contravenes any of the provisions of section 47 of this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦100 or to imprisonment for a period not exceeding 6 months or to both such fine and imprisonment.

55. The provisions of this Part of the Act except the provisions of subsection (1) of section 48 of this Act and of subsection (2) of section 52 of this Act shall bind the State.

Application to the State.

PART X.—REGULATION OF AUTHORITY'S WHARVES AND PREMISES

56. Where any part of the wharves or premises vested in or in the possession of the Authority is appointed a customs area for the purposes of the Customs and Excise Management Act, the Authority shall set apart and maintain such area, and provide office accommodation thereof in such manner as the Department of Customs and Excise may require.

Authority to set apart customs area. Cap. 84.

57. (1) The Authority may make by-laws for the control and management of the wharves and premises vested in or in the possession of the Authority and the maintenance of good order therein and, in particular, without prejudice to the generality of the foregoing power, may make by-laws for all or any of the following purposes—

Power of Authority to make by-laws.

- (a) regulating, declaring and defining the wharves, docks, piers and places vested in or in the possession of the Authority on and from which goods shall be landed and shipped;
- (b) regulating the manner in which and the conditions under which the loading and discharging of ships shall be carried out;
- (c) regulating the use of any sheds, warehouses and railways vested in or in the possession of the Authority;
- (d) the exclusion and removal from the premises of the Authority of idle and disorderly or other undesirable persons and trespassers;
- (e) regulating the conduct of persons employed on wharves and premises vested in or in the possession of the Authority;
- (f) regulating any ferry service maintained by the Authority;
- (g) for the management of lighthouses of the Authority.

(2) For the breach of any by-laws made under this section, the Authority may prescribe as a penalty a fine not exceeding ₦100, and, where the breach is a continuous breach a further fine not exceeding ₦10 for every day after the first day during which the breach continues.

(3) A copy of the by-laws made under this section and for the time being in force, shall be kept at the office of the Authority in each port and the Authority shall allow any person to inspect it free of charge at all reasonable times.

#### PART XI.—PILOTAGE

Authority may establish pilotage districts.

**58.** (1) The Authority may, by order, establish a pilotage district in any port, the approaches to any port or in territorial waters.

(2) An order made under subsection (1) of this section may—

- (a) provide that in any pilotage district or in any part of a pilotage district pilotage shall be compulsory;
- (b) define the limits of any pilotage district, distinguishing, when pilotage is compulsory in part of such district, the part of the district in which pilotage is compulsory.

(3) An order under this section shall not take effect unless it has been submitted to the President and approved by him.

(4) Until other provision is made by an order made under this section, ports defined by regulations in force immediately before the commencement of this Part made under the Pilotage Act shall be deemed to be pilotage districts for the purposes of this Act and every area in which pilotage was made compulsory under such regulations shall be deemed to have been defined as a compulsory pilotage area under this section.

Cap. 171 of the 1948 edition.

Obligations where pilotage compulsory.

**59.** (1) Every ship, other than any excepted ship, while navigating in a pilotage district in which pilotage is compulsory for the purpose of entering, leaving or making use of the port in the district shall be under the pilotage of—

- (a) an Authority pilot; or
- (b) a licensed pilot of the district.

(2) For the purposes of this section, the following ships are excepted ships— L.N. 112 of 1964.

- (a) ships belonging to any of the armed forces of Nigeria or owned or operated by the Government of the Federation or of any State;
- (b) ships owned or operated by the Authority;
- (c) pleasure yachts;
- (d) ferry boats plying as such exclusively within the limits of a port;
- (e) ships not exceeding ten tons gross tonnage;
- (f) tugs, dredgers, barges or similar vessels whose ordinary course of navigation does not extend beyond the limits of a port;
- (g) ships exempted from compulsory pilotage by regulations as hereinafter provided in this Part.

(3) A ship while being moved within a port which is or forms part of a pilotage district, shall be deemed to be a ship navigating in a pilotage district, except so far as may be provided by regulations made as hereinafter provided by this Part.

60. Subject to the provisions of this Part, the Authority may license pilots for a pilotage district, and may do all such other things in relation to pilots as are necessary or expedient for carrying into effect the Authority's powers and duties conferred or imposed by or under this Part.

Power of Authority in relation to pilots.

61. The Authority may, by order, establish a pilotage board for a pilotage district, and in a pilotage district in which or in any part of which pilotage is compulsory, the Authority shall establish a pilotage board for that district.

Pilotage boards.

62. (1) A pilotage board shall consist of—

- (a) the harbour master of the port; and

Membership of pilotage boards.

(b) not less than two or more than four persons appointed by the Authority with the approval of the Minister.

(2) An appointed member of a pilotage board may be appointed for a period not exceeding three years, and may be re-appointed.

(3) An appointed member may, at any time resign from membership of a pilotage board by sending his resignation in writing to the Authority.

(4) The harbour master of the port shall be the Chairman of the pilotage board.

Duties of  
pilotage  
board.

**63.** It shall be the duty of a pilotage board to—

(a) hold inquiries concerning the conduct of pilots in the discharge of their duties in the pilotage district;

(b) license pilots for the pilotage district on behalf of the Authority;

(c) hold examinations in connection with the licensing of pilots for the pilotage district.

Meetings of  
pilotage  
board.  
1961 No.12.

**64.** (1) A pilotage board shall meet for the despatch of business at such time and place as the Chairman of the pilotage board may, from time to time, appoint.

(2) Two members of a pilotage board shall form a quorum.

(3) The Chairman, if present, shall preside at every meeting of a pilotage board, and in his absence the pilotage board shall appoint one of its members present to preside.

(4) Every question which comes before a pilotage board at any meeting shall be decided by a majority of votes of the members present and voting.

(5) The member presiding at any meeting shall have a vote and, in the case of an equality of votes, a second or casting vote.

(6) Minutes shall be kept of the proceedings of a pilotage board, and such minutes shall be signed by the person presiding at the meeting to which the minutes relate.

65. A pilotage board may, and when directed by the Minister shall, hold and inquiry into the conduct of a pilot against whom any allegation of misconduct is made, or a pilot in charge of a ship which—

Inquiries into conduct of a pilot.

- (a) touches the ground; or
- (b) runs foul of any other ship; or
- (c) runs foul of any wharf, buoy, mole or beacon.

66. A pilotage board holding an inquiry under section 52 of this Act may summon witnesses and examine witnesses on oath and may call for any documents in any matter before them.

Power to take evidence on oath and summon witnesses.

67. When any person—

Misconduct on a witness.

- (a) on being summoned as a witness before a pilotage board fails to attend;
- (b) refuses to take an oath or to affirm when required to do so by a pilotage board during an inquiry;
- (c) refuses to produce any document in his power or control legally required by the pilotage board during an inquiry;
- (d) refuses to answer any question to which a pilotage board may legally require an answer;
- (e) during an inquiry is, in the opinion of the pilotage board, guilty of contempt towards the board,

the Chairman of the pilotage board may make a written complaint concerning the conduct of the person to any court which has power to punish persons if guilty of like conduct in that court, and the court may thereupon inquire into such alleged conduct, and after examination of any witnesses that may be produced for or against the person complained against, and after hearing any statement that may be offered in defence, the court may if it seems just, punish the person complained against as if he had been guilty of such conduct in a proceeding in that court.

Punishment  
of pilot by  
pilotage  
board.

68. (1) Where a pilotage board after due inquiry in accordance with the provisions of this Part finds that a pilot has—

- (a) been guilty of misconduct affecting his capability as a pilot; or
- (b) failed in or neglected his duty as a pilot; or
- (c) becomes incompetent to act as a pilot;

the pilotage board may, in a case under paragraph (a) or paragraph (b) of this subsection, impose a fine not exceeding twenty naira or severely reprimand or reprimand the pilot and may, in any case, whether in addition to any such fine or reprimand or not, suspend the pilot from duty.

(2) Where a pilot is suspended from duty by a pilotage board under subsection (1) of this section, the board shall make such recommendations to the Authority concerning the future exercise of the pilot's duties in the pilotage district, as they consider appropriate in the circumstances of the particular case.

(3) Copies of the record of an inquiry held under section 65 of this Act or a recommendation made under subsection (2) of this section, shall be supplied by the pilotage board to the Authority, the Minister and the pilot concerned.

Appeal to  
Minister  
against  
decision of  
pilotage  
board.

69. (1) If a pilot is aggrieved by a decision or recommendation of a pilotage board he may, within thirty days from the date of the decision or recommendation appeal to the Minister.

- (2) The Minister after considering the appeal may—
    - (a) confirm or reverse the finding of the board; or
    - (b) subject to the provisions of section 68 of this Act, alter the nature of the punishment; or
    - (c) in the case of a recommendation to the Authority under subsection (2) of section 68 of this Act support, comment on or oppose the recommendation,
- and the decision of the Minister shall be final.

70. (1) The Authority shall consider any recommendation made by a pilotage board concerning any pilot who has been suspended by the board under section 68 of this Act, and having considered the recommendation and the record of the inquiry may—

Revocation of pilot's licence by the Authority.

- (a) suspend or revoke the pilot's licence; or
- (b) inform the pilot and the pilotage board that the pilot may resume his duties as a pilot in the pilotage district.

(2) No pilot's licence shall be suspended or revoked under subsection (1) of this section, or action taken by the Authority in relation to any pilot as a result of a recommendation made by a pilotage board unless—

- (a) no appeal has been made by the Authority pilot or licensed pilot to the Minister within the time prescribed by section 69 of this Act; or
- (b) in the case of an Authority pilot he has informed the Authority in writing that he does not intend to exercise his right of appeal; or
- (c) an appeal has been made to and determined by the Minister in accordance with the provisions of section 69 of this Act.

71. Subject to the provisions of this Part, the Authority may make regulations for any pilotage district for all or any of the following purposes—

Authority's power to make regulations for pilotage districts.

- (a) exempting any class of ship from compulsory pilotage;
- (b) prescribing the occasions upon which a ship being moved within a port which forms part of a pilotage district in which pilotage is compulsory shall not be deemed to be navigating in the port;
- (c) providing that in respect of any class of ship prescribed in such regulations only Authority pilots shall undertake pilotage;
- (d) determining the qualifications to be required of licensed pilots, and for the grant of licences to pilots;



- (e) providing generally for the good government of Authority pilots and pilots licensed by the Authority;
- (f) providing for the punishment of any breach of any regulations made by the Authority for the good government of pilots by the infliction of fines not exceeding ₦40;
- (g) prescribing the fees which shall be payable upon the grant or renewal of a licence;
- (h) providing for bonds (the penalty of which shall not in any case exceed ₦200) being given by pilots for the purpose of the provisions of section 73 of this Act, limiting a pilot's liability; and
- (i) generally regulating pilotage in a pilotage district.

Liability of the master or owner in the case of a ship under pilotage.

72. The master or owner of a ship navigating in circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.

Limitation of pilot's liability when bond is given.

73. (1) A pilot who has given a bond under regulations made under this Part, shall not be liable for neglect or want of skill beyond the penalty of the bond and the amount payable to him on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

(2) Any bond given by a pilot in accordance with regulations made under this Act shall not be liable to stamp duty.

(3) Where any proceedings are taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are apprehended in respect of the same neglect or want of skill, the court in which the proceedings are taken may determine the amount of the pilot's liability and upon payment by the pilot of that amount into court, may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such directions as to making persons interested parties to the proceedings, and as to the exclusion of claimants who do

not come in within a certain time, and as to requiring security from the pilot, and as to payment of any cost as the court thinks fit.

## PART XII.—DUES AND RATES

### (a) Harbour Dues

74. Subject to the provisions of this Part, the Authority may levy upon every ship entering or leaving a port or the approaches thereto such harbour dues in respect of the passengers, animals or cargo carried in such ship as the Authority may by regulation made under section 95 of this Act prescribe.

Levy of harbour dues.  
1959 No.3.

75. (1) The master of any ship arriving in a port shall produce to the Authority—

Master to supply information on arrival.

- (a) the ship's register and the ship's papers;
- (b) a list of all inward passengers and animals, the name of the consignee of the cargo intended to be unshipped; and
- (c) if the whole cargo be intended to be unshipped, a copy of the bill of lading or manifest of the cargo; or
- (d) if part only of the cargo be intended to be unshipped, the best account in writing in his power of the kinds, weights and quantities of the cargo intended to be unshipped,

and shall also supply such other information in relation to the ship, passengers, animals and cargo thereof as may be prescribed.

(2) The particulars required by subsection (1) of this section shall be produced or supplied in such form and within such time as may be prescribed.

76. (1) When applying for the clearance of his ship outwards from a port, the master shall produce to the Authority—

Master to supply information on proceeding outwards.

- (a) a list of all outward passengers and animals;

(b) the best account in writing, in his power, of the kinds, quantities and weights of all cargo shipped on board in such port,

and shall also supply to the Authority such other information in relation to the ship, passengers, animals or cargo thereof as may be prescribed.

(2) The particulars required by subsection (1) of this section shall be delivered to such officer of the Authority, and in such form as may be prescribed.

When  
harbour dues  
payable.

77. (1) Harbour dues payable in respect of passengers, animals and cargo inwards shall be paid at the time of the report of the ship inwards.

(2) Harbour dues payable in respect of passengers, animals and cargo outwards shall be paid at the time of the report of the ship outwards.

Who is liable  
for payment  
of harbour  
dues.

78. The following persons shall be liable for the payment of harbour dues—

(a) the master or owner of the ship;

(b) as to harbour dues payable in respect of passengers, animals or cargo inwards, every consignor or agent of the ship who shall have paid or made himself liable to pass any charge on account of such ship in her port of arrival or discharge;

(c) as to harbour dues payable in respect of passengers, animals and cargo outwards, every consignee or agent of the ship who shall have paid or made himself liable to pay any charge on account of such ship in her port of departure.

Consignee or  
agent may  
retain har-  
bour dues  
out of  
owner's  
moneys.

79. When any harbour dues are paid by any person, not being the owner or master of the ship, who is made liable by paragraph (b) or paragraph (c) of section 78 of this Act, that person may retain out of any moneys in his hands received on account of such ship or her owner, the amount of the harbour dues paid by him together with any reasonable expenses he may have incurred by reason of such payment or liability.

*Ports Act**(b) Ships' Dues*

80. Subject to the provisions of this Part, the Authority may levy on any ship— Levy of ships' dues.

- (a) in relation to any port, such ships' dues by way of light, buoyage, anchorage, mooring buoy, berthing or other ships' dues;
- (b) in relation to any pilotage district such ships' dues by way of pilotage dues,

as the Authority may by regulation made under section 95 of this Act prescribe.

81. (1) The following persons shall be liable to pay ships' dues levied on a ship under paragraph (a) of section 80 of this Act— Who is liable to pay ships' dues.

- (a) the master or owner;
- (b) every consignee or agent who shall have paid or made himself liable to pay any dues on account of such ship in the port of her arrival or discharge.

(2) The following persons shall be liable to pay ships' dues levied on a ship under paragraph (b) of section 80 of this Act—

- (a) the master or owner;
- (b) as to pilotage inwards, every consignee or agent who shall have paid or made himself liable to pay any dues on account of such ship in the port of her arrival or discharge;
- (c) as to pilotage outwards, every consignee or agent who shall have paid or made himself liable to pay any dues on account of the ship in her port of departure.

82. When any ships' dues are paid by any person, not being the master or owner of the ship, who is made liable by paragraph (b) of subsection (1) or paragraph (b) or paragraph (c) of subsection (2) of section 81 of this Act, that person may retain, out of any moneys in his hands received on account of such ship or her owner, the amount of dues paid by him together with any reasonable expenses he may have incurred by reason of such payment or liability. Consignee or agent may retain ships' dues out of owner's moneys.

*(c) Levy of Rates*

Levy of rates.

83. Subject to the provisions of this Part, the Authority may levy such rates as the Authority may by regulation made under section 95 of this Act, prescribe for the use of any works or appliances provided, or any service to be performed in respect of any ships or goods by the Authority, in pursuance of the powers conferred by this Act and, without prejudice to the generality of the foregoing, for any of the following—

- (a) the landing, shipping, wharfage, crantage, storage, carriage or demurrage of goods;
- (b) the carriage of passengers;
- (c) the use by any ship or person of any wharf in the possession of the Authority;
- (d) the use of any gear, tackle, tools, instruments or staging supplied by the Authority for the purpose of any ship using any wharf in the possession of the Authority;
- (e) the use of any ship or lighter, or any engine or boat for the extinction of fire, belonging to or maintained by the Authority;
- (f) the towing of, and rendering assistance to, any ship, whether leaving or entering the wharves in possession of the Authority or not, being within or without any port;
- (g) for water supplied by the Authority.

Authority to have lien for certain rates.

84. (1) For the amount of all rates leviable under this Act in respect of any goods, the Authority shall have a lien on such goods, and shall be entitled to seize and detain the same until such rates are fully paid.

(2) Rates in respect of goods to be landed shall become payable immediately on the landing of such goods.

(3) 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.

*Ports Act*

(4) The lien for such rates shall have priority over all other liens and claims, except claims for money payable to governments of the Federal Republic of Nigeria. L.N. 112 of 1964.

85. (1) If the master or owner of any ship, or his agent, or the person by whom the goods are landed, at or before the time of landing from such ship, any goods at any wharf or other premises of the Authority, gives notice in writing that such goods are to remain subject to a lien for freight, primage or general average, or charges to an amount to be mentioned in such notice, such goods shall continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof. Lien for freight preserved after landing if notice given.

(2) The Authority shall retain such goods at the risk and expense of the owner of the goods until the lien is discharged as hereinafter mentioned, or until they are entitled under the provisions hereinafter contained to sell them.

86. Upon production to the Authority of a document purporting to be a receipt for the amount claimed as due, or a release for the amount of any lien to which goods are liable under section 85 of this Act from the person by or on whose behalf such notice has been given, the Authority may permit such goods to be removed without regard to the lien, provided that it has used reasonable care in respect to the authenticity of such document. Discharge of lien by payment or release.

87. (1) If the rates payable to the Authority in respect of any goods are not paid, or if the lien for freight, primage general average or charges, when such notice as aforesaid has been given, is not discharged, the Authority may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, primage, general average or charges, shall, at the expiration of ninety days from the time when the goods were placed in their custody, or if the goods are of a perishable nature at such earlier period, not being less than 24 hours after the landing of the goods, as they think fit, sell by public auction the said goods or so much as is necessary to satisfy the duty, expenses, rates and other claims hereinafter directed to be paid out of the proceeds of such sale. Power of Authority to sell if rates not paid or lien not discharged.

(2) Before making such sale ten days' notice of the same shall be given by publication thereof in the *Federal Gazette*, unless the goods are of so perishable a nature as, in the opinion of the Authority, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits.

(3) If the address of the owner of the goods or of his agent has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Authority, or is otherwise known and such address is within Nigeria, notice shall also be given to the owner of the goods by letter delivered at such sent by post; but the title of a *bona fide* purchaser shall not be invalidated by reason of the omission to send the said notice, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Application  
of proceeds  
of sale.  
L.N. 112 of  
1964.

**88.** (1) The proceeds of any sale in accordance with the last preceding section shall be applied as follows, and in the following order—

- (a) first in payment of any customs and excise duties and State warehouse rent owing in respect thereof; then
  - (b) in payment of the expenses of the sale; then
  - (c) in payment of the rates and expenses due to the Authority in respect of the goods; then
  - (d) in payment of the freight and other claims or lien of which such notice as aforesaid has been given,
- and the surplus, if any, shall be paid to the owner of the goods on demand.

(2) In case no such demand is made within one year from the sale of the goods, the surplus shall be paid to the general account of the Authority, whereupon all rights to the same of the owner shall be extinguished.

*(d) General Provisions as to Dues and Rates*

Power of  
entry to  
ascertain  
dues, etc.

**89.** The Authority may, either alone or with any other person, enter into any ship within the limits of any port, in order to ascertain the dues or rates payable in respect of the ship.

*Ports Act*

90. If any difference arises between the Authority and the master of any ship or the owner of any goods, concerning the weight or quantities of the goods in respect of which any harbour dues or rates are payable, the Authority shall cause all such goods to be weighed and measured and may, if necessary, detain the ship containing such goods until they have been weighed or measured.

Weighing and measuring of goods in event of dispute.

91. (1) If the weight or measurement of such goods be more than that shown by the particulars delivered by the master in accordance with section 75 or 76 of this Act the expenses of such weighing or measuring shall be paid to the Authority by the master of the ship, and shall be recoverable in the same manner as dues leviable under this Part.

Payment of expenses of weighing and measuring.

(2) If the weight or quantity of such goods be the same as or less than that shown by the particulars so delivered, the Authority shall pay all expenses of such weighing or measuring and of any unreasonable delay of the ship.

92. (1) If the master of any ship in respect of which any dues or rates are payable refuses or neglects to pay such dues or rates on demand, the Authority may distrain or arrest the ship and the tackle, apparel or furniture thereof and may detain it until the amount so due is paid.

Power to distrain for non-payment of dues and rates.

(2) If for a period of fourteen days following such distraint or arrest—

(a) any such dues or rates; or

(b) any of the expenses of distraint or arrest or the detention of the ship, tackle, apparel or furniture, remain unpaid, the Authority may cause the ship or other things distrained or arrested to be sold.

(3) Out of the proceeds of such sale, the Authority may retain the amount of dues, rates or costs which are owing and the Authority shall deliver the balance to the master of the ship, on demand.

93. (1) If the Authority gives to the proper officer of the Department of Customs and Excise a notice stating that an amount, therein specified, is due in respect of dues or rates leviable under this Act against any ship, or the master or

Clearance to be withheld until dues or rates are paid.



owner of such ship, the proper officer shall not give any discharge or clearance outwards until—

- (a) the amount of such dues or rates has been paid; or
- (b) security has been given to the satisfaction of the Authority for the payment of such dues or rates.

(2) In this section “proper officer” means the officer whose duty it is to grant clearance outwards from a port of the ship in respect of which notice is given.

Authority may recover dues, rates, etc., by suit.

94. Notwithstanding anything contained in sections 84 to 93 of this Act, the Authority may recover by civil suit any dues, rates, expenses, costs or, in the case of sale, the balance thereof, when the proceeds of sale are insufficient.

Power of Authority to make regulations for levy of dues and rates.

95. (1) Subject to the provisions of this Part, the Authority may make regulations—

- (a) for the levying of dues and rates for the purposes of sections 74, 80 and 83 of this Act;
- (b) prescribing the conditions upon which any work or services in respect of which a rate is levied will be performed or provided by the Authority;
- (c) prescribing the officer of the Authority to whom any return of information required by this Part shall be delivered and place of such delivery and the time within which it shall be made;
- (d) prescribing the officer of the Authority to whom such dues or rates shall be paid, the place of payment and the time within which payment shall be made;
- (e) providing for the exemption of any ship, or class of ship, passenger, animal or goods from all or any dues or rates or the remission thereof or any part thereof;
- (f) prescribing anything required to be prescribed by this Part;
- (g) generally for giving effect to the provisions of this Part.

(2) For the avoidance of doubt it is hereby declared that regulations made under this section may—

- (a) prescribe different dues or rates for different ports;

- (b) prescribe different dues or rates for different classes of ships, passengers, animals or goods;
- (c) provide that the Authority may enter into a special agreement in respect of any matter referred to in section 83 of this Act instead of charging the rate in accordance with the rate prescribed by regulation.

96. The Authority shall keep at the office of the Authority in each port a book specifying the dues and rates for the time being in force and shall allow any person to inspect it free of charge at all reasonable times.

Approval and publication of regulations as to dues and rates.  
1959 No. 34.  
1963 No. 14.

97. The provisions of this Part shall not apply to—

- (a) any ship belonging to any of the armed forces of the Federation or of the governments of the Federation or of any State;
- (b) any ship belonging to a foreign government.

Exemptions from provisions of Part XII.  
L.N. 112 of 1964.

98. The provisions of this Part shall apply to goods which are the property of the Government.

Part XI applicable to Government goods.

### PART XIII.—THE LIABILITY OF THE AUTHORITY

#### (a) *As a carrier of Passengers*

99. (1) The Authority shall not be liable for the loss of life of, or personal injury to, any passenger, except where the loss of life, or personal injury is caused by want of ordinary care, diligence or skill on the part of the Authority or any of its servants.

Liability of Authority for loss of life or injury to passengers.

(2) The Authority shall not in any circumstances be liable for the loss of life of, or personal injury to any passenger—

- (a) who is travelling by special permission, whether verbal or written, in any part of a ship, vehicle, or train other than a part normally provided for the use of passengers;
- (b) who is travelling on a free pass;

- (c) who at the time such loss of life or injury occurred is being carried by any transport service other than one provided by the Authority or under the control of the Authority,

and to avoid liability in accordance with the provisions of this subsection, it shall not be necessary for any notice to be given to such passenger of the conditions on which he travels, and it shall be immaterial whether or not the passenger is an infant.

L.N. 112 of  
1964.

(3) The Authority shall not be liable for the loss of life or personal injury to any passenger who is carried by the Authority when the loss of life or injury occurs during carriage by ship and arose from—

- (a) act of God;
- (b) act of war or the enemies of the State;
- (c) fire, or accident from machinery, boilers or steam;
- (d) any peril or accident of the seas, inland waters, or navigation, of whatsoever nature or kind and from whatsoever cause arising,

Cap. 224.

but subject thereto and to any condition expressed in the contract of carriage, the Authority shall be liable for any such loss of life or personal injury which occurs during the carriage by ship to the extent to which they would be liable under the Merchant Shipping Act, as if the ship were registered under that Act and the Authority were the owner of that ship and not to any greater extent.

(4) Where the Authority seeks to avoid liability under the provisions of subsection (3) of this section the burden of proving that any such loss of life or injury occurred during the carriage by ship shall lie upon the Authority.

(5) For the purposes of this section, the expression "passenger" includes every person, other than a servant of the Authority on duty, lawfully travelling on any ship, vehicle or train owned or operated by the Authority.

No liability  
for delay to  
passengers.

**100.** The Authority shall not be liable for any loss arising from the delay to any passenger caused—

*Ports Act*

- (a) by the failure of any ship, vehicle or train to start on any journey;
- (b) by the late starting or late arrival of any ship, vehicle, or train;

from whatsoever cause arising.

*(b) As a Carrier of Goods by Ship*

101. (1) Subject to the provisions of this Act, the Authority shall not be liable for any loss of or damage to goods carried by the Authority solely by ship, or partly by train or vehicle and partly by ship, where such loss or damage occurs during the carriage by ship and arose from—

Liability for loss or damage to goods. 1955 No. 30.

- (a) act of God;
- (b) act of war or the enemies of the state;
- (c) fire, or accident from machinery, boilers or steam;
- (d) any peril or accident of the seas, inland waters or navigation, of whatsoever nature or kind and from whatsoever cause arising,

but subject thereto and to the provisions of any Act or law relating to the carriage of goods by sea and to any conditions expressed in the contract of carriage, the Authority shall be liable for any such loss or damage which occurs during the carriage by ship to the extent to which they would be liable under the Merchant Shipping Act, as if the ship were registered under that Act and the Authority were the owner of that ship and not to any greater extent.

Cap. 224.

(2) Where the Authority seeks to avoid liability under the foregoing subsection, the burden of proving that any such loss or damage occurred during the carriage by ship shall lie upon the Authority.

102. The Authority shall not be liable for any loss arising from delay to, detention of, or deviation in the carriage of goods unless such delay, detention or deviation is caused by want of reasonable foresight and care on the part of the Authority or of any servant:

Liability for delay of goods.

Provided that the Authority shall not in any circumstances be liable for any loss arising from delay to, detention of, or deviation in the carriage of goods—

- (a) where there has been fraud on the part of the consignors; or
- (b) unless a document acknowledging the receipt of such goods for carriage by the Authority has been given; or
- (c) which at the time when such delay, detention or deviation occurred were being carried by any transport service other than one provided by the Authority or under the control of the Authority; or
- (d) where there is a loss in a particular market whether held daily or at intervals; or
- (e) where such delay, detention or deviation arises from
  - (i) insufficient or improper packing,
  - (ii) riots, civil commotions, strikes, lock-outs, stoppage or restraint of labour from whatever cause, whether partial or general.

Limitation of liability for loss of animals.

**103.** (1) The liability of the Authority in respect of any animal shall not in any case exceed—

- (a) in the case of a horse, ₦100;
- (b) in the case of any cattle, ₦10;
- (c) in the case of any other animal, ₦2,

unless at the time of acceptance of such animal by the Authority for carriage, the consignor or his agent declared that the value of the animal exceeded the appropriate amount and paid, or agreed to pay, such additional charge as may be prescribed in respect of such excess value, and the liability of the Authority shall not in any case exceed such declared value.

(2) In any proceedings against the Authority for the recovery of the sum in respect of any animal, the burden of proving the value of the animal, and where the animal has been injured the extent of the injury, shall be upon the claimant.

*Ports Act*

(3) The Authority may by order vary the provisions of paragraphs (a), (b) and (c) of subsection (1) of this section.

*(c) As a Warehouseman*

104. Subject to the provisions of this Act or any contract, the Authority shall not be liable for the loss, misdelivery or detention of or damage to, goods—

Liability for  
loss of  
goods.

(a) delivered to, or in the custody of, the Authority otherwise than for the purpose of carriage;

(b) accepted by the Authority for carriage, where such loss, misdelivery, detention or damage occurs otherwise than when the goods are in transit,

except when such loss, misdelivery, detention or damage is caused by want of reasonable foresight and care on the part of the Authority or any servant of the Authority:

Provided that,

(a) the Authority shall in no case be liable for such loss, misdelivery, detention or damage arising from—

(i) act of God,

(ii) act of war or the enemies of the State,

(iii) arrest or restraint by princes or rulers or seizure under any legal process,

(iv) act or order of the Government,

(v) act or omission of the consignor, consignee, or depositor, or of the servant or agent of any such person,

(vi) fire, flood, tempest, riots, civil commotions, strikes, lock-outs, stoppage or restraint of labour from whatever cause, whether partial or general,

(vii) inherent liability to wastage in bulk or weight, latent or inherent defect, vice or natural deterioration,

(viii) deficiency in the contents of unbroken packages,

(ix) insufficient or improper packing, or leakage from defective drums, containers or packages.

(d) *In connection with Pilotage*

Liability of the Authority in connection with pilotage.

105. (1) Any liability of the Authority in relation to their duties in connection with pilotage under Part XI of this Act or any regulation made thereunder shall not, where without their actual fault or privity any loss or damage is caused to any ship or to any merchandise or other things whatsoever on board any ship or to any other property or rights of any kind, whether on land or on water or whether fixed or movable, be liable to damages beyond the amount of two hundred naira multiplied by the number of Authority and licensed pilots entitled to pilot ships in the pilotage district where the loss or damage occurred on the date when the loss or damage occurred.

(2) Nothing in this section shall be construed to impose a liability on the Authority for any loss or damage as aforesaid, where no liability would have existed but for this section.

Limitation of liability where several claims on one occasion.

106. The limitation of liability under section 105 of this Act shall relate to the whole of any loss or damage which may arise upon any one distinct occasion, although such loss and damage may be sustained by more than one person, and shall apply whether the liability arises at common law or under any Act or law, and notwithstanding anything contained in any such Act or law.

Power of court to consolidate claims.  
L.N. 107 of 1955.

107. Where any liability is alleged to have been incurred by the Authority in respect of any loss or damage to which section 105 of this Act applies, and several claims are made or apprehended in respect of that liability, then the Authority may apply to the High Court concerned, and that court may determine the amount of the liability of the Authority, and may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such directions as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time and as to requiring security from the Authority and as to the payment of any costs, as the court thinks fit.

**108.** In a case where the Authority is entitled to limit its liability as the owner of a ship, the provisions of sections 105, 106 and 107 of this Act shall not apply to any loss or damage the liability for which can be so limited by the Authority.

Liability in connection with pilotage when Authority is a ship owner.

**109.** (1) The grant or renewal of a licence to a pilot by the Authority, under the powers conferred upon the Authority by this Act, shall not impose any liability on the Authority for any loss occasioned by any act or default of the pilot.

Licensing of pilots does not involve liability.

(2) The Authority shall not be liable for any loss occasioned by any act or default of an Authority pilot.

#### PART XIV.—LEGAL PROCEEDINGS

**110.** (1) When any suit is commenced against the Authority or any servant of the Authority for any act done in pursuance or execution, or intended execution of any Act or law, or of any public duties or authority, or in respect of any alleged neglect or default in the execution of such Act, law, duty or authority, such suit shall not lie or be instituted in any court unless it is commenced within 12 months next after the act, neglect, or default complained of, or, in the case of a continuance of injury or damage, within twelve months next after the ceasing thereof.

Limitation of suits against the Authority.

(2) No suit shall be commenced against the Authority until one month at least after written notice of intention to commence the same shall have been served upon the Authority by the intending plaintiff or his agent. Such notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

**111.** The notice referred to in section 110 of this Act and any summons, notice or document required or authorised to be served upon the Authority in connection with any suit by or against the Authority, shall be served by delivering the same to, or sending it by registered post addressed to the Chairman or the Secretary of the Authority.

Service of documents.  
1961 No.12.



Restriction on execution against the property of Authority.

112. In any action or suit against the Authority, no execution or attachment or process in the nature thereof shall be issued against the Authority, but any sums of money which may by the judgment of the court be awarded to the plaintiff shall be paid by the Authority from funds of the Authority.

Stay of arrest in certain cases.

113. A person connected with the direct working of the Authority shall not be removed under arrest when his immediate removal from duty might result in danger to life or goods, whether in execution of a warrant or otherwise, while actually engaged in the performance of his duties until the head of the department in which he is employed or the officer in immediate charge of the work in which such person is engaged has been given an opportunity of providing a substitute.

Representation of Authority at hearing of suit.

114. (1) In any suit pending before a court, the Authority may be represented in court at any stage of the proceedings by any servant of the Authority who shall, satisfy the court that he is duly authorised in writing by the Authority in that behalf.

(2) For the purposes of this Part—

“suit” means a civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court and includes an action but not a criminal proceeding.

#### PART XV.—OFFENCES

(a) *Offences in connection with Lighthouses, etc.*

115. Any person who shall wilfully or negligently—

- (a) injure any lighthouse or any light exhibited therein or any buoy or beacon;
- (b) remove or alter any lighthouse, buoy or beacon; or
- (c) ride by, make fast to, or run foul of any lighthouse, buoy or beacon;

Injury to lighthouses, buoys and beacons.

shall be liable to an fine not exceeding ₦200 in addition to his liability to make good damage thereby occasioned.

116. (1) Whenever any fire or light is burned or exhibited at any place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse, buoy or beacon, the Authority may serve a notice upon the owner or occupier of the place where the fire or light is burned or exhibited, or on the person having the charge of the fire or light, directing the owner, occupier, or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light and for preventing the same or any similar fire or light being burned or exhibited thereafter.

Power to prohibit false lights and penalty for failure to extinguish.

(2) The notice may be served either personally or by delivery of the same at the place of abode of the person to be served, or by affixing the same in some conspicuous spot near the fire or light to which the notice relates.

(3) Any owner or person, on whom a notice is served under this section, who fails, without reasonable cause, to comply with the directions contained in the notice, shall be liable for each offence to a fine not exceeding ₦200.

(4) If any owner or person on whom a notice under this section is served neglects, for a period of twenty-four hours to extinguish or effectually screen the fire or light mentioned in the notice, an authorised servant of the Authority, with workmen or other assistants, may enter upon the place where the fire or light is, and forthwith extinguish the same, doing no unnecessary damage, and may recover the expenses incurred by him in so doing from the owner or person on whom the notice has been served in the same manner as fines may be recovered under this Act.

117. Any person who wilfully obstructs any person in doing any of the acts authorised by sections 40, 41 and 116 of this Act shall be liable on conviction to a fine of ₦200 or to imprisonment for a term of 6 months or to both such fine and imprisonment.

Penalty for obstructing authorised entry, etc.

*(b) Offences in connection with Pilotage*

Penalty in respect of ship entering compulsory pilotage district without pilotage.

**118.** (1) If any ship shall enter, leave or change her berth in any pilotage district in which pilotage has been made compulsory under this Act, not being in charge of a pilot authorised to pilot such ship, the pilotage dues which would have been paid if an Authority pilot had been employed shall nevertheless be paid together with a penalty of ₦40.

(2) The said dues and penalty shall be payable by the persons declared by this Act to be liable to pay the pilotage dues, and shall be recoverable before a court of competent jurisdiction.

Penalty on pilot endangering a ship.

**119.** Any pilot who, when in charge of a ship—

- (a) by wilful breach of duty, or by neglect of duty, or by reason of drunkenness, does any act tending to the immediate loss, destruction or serious damage of such ship or tending immediately to endanger the life or limb of any person on board such ship; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction or serious damage, or preserving any person on board such ship from danger to life or limb,

shall be guilty of an offence and liable on conviction to imprisonment for a term of 2 years.

Penalty for illegal piloting.

**120.** Any person who holds himself out as a pilot authorised to pilot a ship in a pilotage district which he is not authorised to pilot under this Act, or pilots any ship in a pilotage district which he is not so authorised to pilot, shall be guilty of an offence and liable on conviction to a fine of ₦100.

*(c) Offences in connection with Dues, Rates, Returns, etc.*

Evasion of dues and rates.

**121.** Any master or owner of any ship, or any owner or consignor or consignee of any goods who, by any means whatsoever evades, or attempts to evade any of the dues or rates leviable under this Act, shall be guilty of an offence and shall be liable on conviction to imprisonment for a

period not exceeding 4 months or to a fine not exceeding ₦100 or to both such fine and imprisonment, and shall in addition be liable to pay to the Authority as penalty double the amount of the dues or rates he evaded or attempted to evade.

122. Any master of a ship who contravenes any of the provisions of section 75 or 76 of this Act shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding 4 months or to a fine not exceeding ₦100 or to both such fine and imprisonment.

Failure to comply with sections 62 and 63.

123. Any person who makes, either knowingly or recklessly, any statement which is false in any material particular in any return, claim or other document which is requested or authorised to be made by or under the provisions of this Act, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding 4 months or to a fine not exceeding ₦100 or to both such imprisonment and fine.

False returns.

*(d) Offences in connection with Ships*

124. Any person who for the purpose of obtaining salvage, or for any other purpose, wilfully sets adrift, cuts, breaks or unfastens the moorings of any ship shall be guilty of an offence and liable on conviction to a fine not exceeding ₦100 or to imprisonment for a term not exceeding 6 months or to both such fine and imprisonment.

Penalty for unlawfully loosing moorings.

125. Any person who wilfully sinks any ship in a port or in the approach thereto, without the permission in writing of the harbour master, shall, in addition to paying the expenses incurred by the Authority in removing such vessel, be guilty of an offence and be liable on conviction to a fine not exceeding ₦200.

Wilfully sinking vessels.

*(e) Offences by servants of the Authority*

126. Any servant of the Authority who, with intent to defraud, demands or receives from any person liable to pay any dues or rates imposed under the provisions of this Act in respect of any matter any greater or lesser amount than is

Demanding improper amounts.

authorised to be levied by the regulations for the time being in force in respect of that matter, shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding 12 months or a fine not exceeding ₦100 or to both such imprisonment and fine.

Application of sections 98, 99 and 100 of the Criminal Code. Cap. 77.

**127.** The servants of the Authority shall be deemed to be persons employed in the public service for the purpose of sections 98, 99 and 100 of the Criminal Code.

Behaviour of servants.

**128.** (1) If a servant of the Authority is in a state of intoxication while on duty, he shall be guilty of an offence.

(2) Any person convicted of an offence under subsection (1) of this section shall be liable—

- (a) if the improper performance of his duty would be likely to endanger the safety of any person, to imprisonment for a period not exceeding one year or a fine not exceeding ₦100;
- (b) in any case, to a fine not exceeding ₦10.

#### PART XV.—MISCELLANEOUS PROVISIONS

Exemption of Authority land. 1955 No. 30. Cap. 155 of the 1948 edition. Cap. 95 of the 1958 edition.

**129.** The provisions of—

- (a) the Nigeria Town and Country Planning Act;
- (b) the Lagos Town Planning Act;
- (c) any other Act, or any law, relating to town or country planning;
- (d) any Act or law regulating the construction, alteration, repair or demolition of buildings,

shall not apply to any land for the time being vested in or in the possession of the Authority.

Rating.

**130.** Notwithstanding the provisions of any Act or law, the wharves vested in or in the possession of the Authority shall not be regarded as hereditaments or tenements to be valued for rating purposes, nor shall the Authority pay any rates under any Act or law in respect of such wharves:

*Ports Act*

Provided that the exemption conferred by this section shall not extend to any hereditaments or tenements situated on any wharves vested in or in the possession of the Authority.

131. Nothing in this Act shall be deemed to derogate from the powers conferred upon any person under the customs laws as defined in the Customs and Excise Management (Consolidation) Act.

Saving of powers under customs laws.  
Cap. 84.

132. Notwithstanding the provisions of any Act or law, the Minister shall prescribe the manner in which regulations, by-laws, rules or orders made by the Authority under the provisions of this Act shall be published, and such regulations, by-laws, rules or orders shall come into force on publication in the prescribed manner unless otherwise provided therein.

Publication of regulations, etc.

133. As from the commencement of this Part, the owner of every ship intending to enter any port in Nigeria for any purpose whatsoever shall, not later than two months before the departure of that ship for Nigeria, furnish to the Authority a statement in writing setting out the following matters, that is to say—

Supply of information before the departure of ship for Nigeria.  
1975 No. 40.

- (a) the name and physical particulars of the ship;
- (b) the name of port or ports of sailing and estimated time of departure for Nigeria;
- (c) the name of port or ports of discharge in Nigeria;
- (d) the estimated date of arrival in Nigerian ports; and
- (e) detailed information (including tonnage) in respect of the cargo carried in the ship.

134. The Authority shall, on the receipt of the statement referred to in section 133 of this Act, issue to the owner or agent of the owner of the ship a notice hereinafter referred to as an "entry notice" stating—

Notice of permission to enter Nigerian ports, etc.

- (a) the port or ports in Nigeria to which the ship may proceed for any purpose;
- (b) the date on which the ship may enter any port or approach to a port in Nigeria;

- (c) the berth allocated to the ship in the port concerned and the period during which the ship may remain at such berth.

Prohibition of entry into Nigeria of ships in certain cases.

135. Except with the prior approval of the Authority, no ship shall enter any port or approach to any port in Nigeria except as may be permitted by and in accordance with the terms of an entry issued by the Authority in respect of that ship.

Alteration of allocation of ports, etc.

136. Notwithstanding anything contained in this Act, the Authority may, if satisfied that circumstances of the case so require, at any time alter the date allocated for the entry of any ship into any port or approach to a port in Nigeria and shall by such means as it may deem convenient notify the owner or agent of the owner of the ship of such alteration.

Publication of information on movement of ship, etc.

137. The Authority shall, from time to time, publish in the *Federal Gazette* and in such other manner as it may deem necessary the estimated date of arrival of any ship in Nigeria, the port allocated for that ship and the berth at which that ship may discharge cargo.

Offences and penalty.

138. (1) If any ship—

- (a) enters any port or any approach thereto without an entry notice having been issued by the Authority in respect of that ship; or
- (b) enters any port or approach thereto otherwise than as permitted by the entry notice; or
- (c) fails to leave any port or approach thereto or to leave any berth at the port when required to do so by the harbour master of the port,

the master of that ship shall be guilty of an offence under this section and shall on conviction be sentenced to imprisonment for a term of two years without the option of a fine.

(2) Where an offence under subsection (1) of this section is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the

part of the owner of that ship, the owner or agent of the owner shall be deemed to be guilty of the offence and shall on conviction—

- (a) in the case of an individual, be sentenced to imprisonment for two years and a fine of ₦10,000 and a further fine of ₦10,000 for each day or part of a day during which the offence continues; and
  - (b) in the case of a body corporate be sentenced to a fine of ₦10,000 and a further fine of ₦10,000 for each day or part of a day during which the offence continues.
- (3) Any offence under this Act shall, for the avoidance of doubt, be triable by the Federal High Court.

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### FIRST SCHEDULE

sections 6(2)  
and 13.

#### PART I

1. Lagos.
2. Port Harcourt.
3. Warri.
4. Calabar.
5. Burutu.

1969 No. 55

#### PART II

1. Akassa.
  2. Bonny.
  5. Degema.
  6. Forcados.
  7. Koko Town.
  8. Sapele.
  9. Tiko.
-



## SECOND SCHEDULE sections 16 and 18

(As amended by L.N. 73 of 1956, 32 and 40 of 1957)

## PART I

Lagos Port.

1. The interest of the State in all those parcels of land, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto, the landward boundaries of which are shown verged red on the following plans which have been signed by the President of Nigeria and deposited in the Land Registry at Lagos—

- |  |                   |
|--|-------------------|
| (a) Apapa Wharf Area .. .. .                                 | Plan No. NLDC 411 |
| (b) Port Engineer's Yard and<br>Government Oil Wharf .. .. . | Plan No. NLDC 412 |
| (c) Customs Wharf Area .. .. .                               | Plan No. NLDC 413 |
| (d) Marine Headquarters Area .. .. .                         | Plan No. NLDC 414 |
| (e) West Mole Area .. .. .                                   | Plan No. NLDC 415 |
| (f) East Mole Area .. .. .                                   | Plan No. NLDC 416 |
| (g) Staff Quarters, Adelabiagba .. .. .                      | Plan No. NLDC 417 |
| (h) Apapa Wharf Extension .. .. .                            | Plan No. NLDC 418 |
| (i) Staff Quarters, Ikoyi .. .. .                            | Plan No. NLDC 420 |

L.N. 73 of  
1956.Dwelling  
houses for  
Lagos Port.

2. The interests of the State in the following dwelling-houses, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto—

- (1) No. 4 Force Road, Lagos.
- (2) No. 9 Marina, Lagos.
- (3) No. 23/2 Marina, Lagos.
- (4) No. 23/3 Marina, Lagos.
- (5) No. 19 Turnbull Road, Ikoyi.
- (6) No. 5 Hawkesworth Road, Ikoyi.
- (7) No. 21 Lugard Avenue, Ikoyi.
- (8) No. 10 Moorhouse Road, Ikoyi.
- (9) No. 11 Temple Road, Ikoyi.
- (10) No. 5 MacGregor Road, Ikoyi.
- (11) No. 14 Alexander Avenue, Ikoyi.
- (12) No. 2 Child Avenue, Apapa.
- (13) No. 4 Child Avenue, Apapa.
- (14) No. 5 Child Avenue, Apapa.
- (15) No. 7 Child Avenue, Apapa.
- (16) No. 8 Child Avenue, Apapa.
- (17) No. 12 Child Avenue, Apapa.
- (18) No. 13 Child Avenue, Apapa.
- (19) No. 14 Child Avenue, Apapa.
- (20) No. 16 Child Avenue, Apapa.
- (21) No. 17 Child Avenue, Apapa.
- (22) No. 18 Child Avenue, Apapa.
- (23) No. 20 Child Avenue, Apapa.
- (24) No. 1A North Avenue, Apapa.
- (25) No. 2 North Avenue, Apapa.
- (26) No. 3 North Avenue, Apapa.

*Ports Act*

- (27) No. 4 North Avenue, Apapa.
- (28) No. 5 North Avenue, Apapa.
- (29) No. 6 North Avenue, Apapa.
- (30) No. 8 North Avenue, Apapa.
- (31) No. 9 North Avenue, Apapa.
- (32) No. 11 North Avenue, Apapa.
- (33) No. 17 North Avenue, Apapa.
- (34) 3 Marine Quarters, Apapa.
- (35) 4 Marine Quarters, Apapa.
- (36) Nos. 13-18 Hall Road Flats, Apapa.
- (37) No. 3 Point Road, Apapa.
- (38) No. 5 Point Road, Apapa.
- (39) No. 6 Point Road, Apapa.
- (40) No. 8 Point Road, Apapa.
- (41) No. 10 Point Road, Apapa.
- (42) No. 13 Point Road, Apapa.
- (43) No. 15 Point Road, Apapa.
- (44) No. 16 Point Road, Apapa.
- (45) No. 17 Point Road, Apapa.
- (46) No. 18 Point Road, Apapa.
- (47) No. 19 Point Road, Apapa.
- (48) No. 20 Point Road, Apapa.
- (49) No. 22 Point Road, Apapa.
- (50) No. 26 Point Road, Apapa.
- (51) No. 4 Park Lane, Apapa.
- (52) No. 8 Park Lane, Apapa.
- (53) No. 10 Park Lane, Apapa.
- (54) No. 12 Park Lane, Apapa.
- (55) No. 14 Park Lane, Apapa.
- (56) No. 16 Park Lane, Apapa.
- (57) No. 18 Park Lane, Apapa.
- (58) No. 2 Block, Railway Flats, Hall Road, Apapa.
- (59) No. 16 Alexander Avenue, Ikoyi.
- (60) No. 18 Alexander Avenue, Ikoyi.
- (61) No. 12A Glover Road, Ikoyi.
- (62) No. 12B Glover Road, Ikoyi.
- (63) No. 17 Turnbull Road, Ikoyi.
- (64) No. 15 Lugard Avenue, Ikoyi.
- (65) No. 18A Lugard Avenue, Ikoyi.
- (66) Flats Nos. 7 to 12 Hall Road, Apapa.
- (67) No. 7A Child Avenue, Apapa.
- (68) No. 7B Child Avenue, Apapa.

*(Items 59 to 68 added by L.N. 73 of 1956)*

3. The interests of the State in all those parcels of land together with the dwelling-houses and appurtenances thereon known as plots Nos. 3, 4, 6, 8, 9, 10 and 11 in Block 11 of the Government Residential Area Apapa which are more particularly delineated on plan No. NLDC 423 signed by the Chief Federal Land Officer and deposited in the Land Registry at Lagos.

L.N. 32 of  
1957.

Port  
Harcourt.

4. The interests of the State in all those parcels of land, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto, the boundaries of which are shown verged red on the following plan which has been signed by the President of Nigeria and deposited in the Land Registry at Lagos, and including the lands contained therein the boundaries of which are shown coloured blue—

Wharf and Marine Dockyard,  
Port Harcourt .. .. . Plan No. PH 233

Dwelling-  
houses.  
Port  
Harcourt.

5. The interests of the State in the following dwelling-houses, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto—

- (1) No. 3 Customs Road, Port Harcourt.
- (2) No. 4 Customs Road, Port Harcourt.
- (3) No. 38 Inner Circle, Port Harcourt.
- (4) No. 40 Inner Circle, Port Harcourt.
- (5) No. 41 Inner Circle, Port Harcourt.
- (6) No. 62 Inner Circle, Port Harcourt.
- (7) No. 66 Inner Circle, Port Harcourt.
- (8) No. 44 Outer Circle, Port Harcourt.
- (9) No. 45 Outer Circle, Port Harcourt.
- (10) Nos 1 to 6 (inclusive) Block A Flats, Harbour Road, Port Harcourt.
- (11) 1A to 3A (inclusive) Marine Dockyard, Port Harcourt.
- (12) 1B to 8B (inclusive) Marine Dockyard, Port Harcourt.
- (13) 1C to 10C (inclusive) Marine Dockyard, Port Harcourt.
- (14) 1D to 4D (inclusive) Marine Dockyard, Port Harcourt.
- (15) 1E to 90E (inclusive) Marine Dockyard, Port Harcourt.
- (16) 1H to 35H (inclusive) Marine Dockyard, Port Harcourt.
- (17) 1A Marine Siding, Port Harcourt.
- (18) 4A Marine Siding, Port Harcourt.
- (19) 5A Marine Siding, Port Harcourt.
- (20) 20A Marine Siding, Port Harcourt.
- (21) 6B Marine Siding, Port Harcourt.
- (22) 12B Marine Siding, Port Harcourt.
- (23) 4C Marine Siding, Port Harcourt.
- (24) 17C Marine Siding, Port Harcourt.
- (25) 6D Marine Siding, Port Harcourt.
- (26) 12D Marine Siding, Port Harcourt.
- (27) 11E Marine Siding, Port Harcourt.
- (28) Nos. 1, B2, B4 Reclamation Road Area, Port Harcourt.
- (29) A8 Market Road (Harbour Road Layout), Port Harcourt.
- (30) No. 89 Graham Avenue, Port Harcourt.

Calabar.

6. The interests of the State in all those parcels of land, together with all improvements and hereditaments corporeal and incorporeal attached or pertaining thereto, the boundaries of which are shown verged red on the following plans which have been signed by the President of Nigeria and deposited in the Land Registry at Lagos—

*Ports Act*

Marine Dockyard Area, Calabar ..	..	Plan No. C 246
Fort Stuart, Calabar ..	..	Plan No. C 115

7. For the avoidance of doubt it is hereby declared that, from the date Part I of this Act comes into force until the vesting day, the assets described in paragraphs 3, 4 and 5 of this Schedule are held for the purposes of the Government and not for the purposes of the Government of Rivers State. Transitory provisions.

## PART II

*Ships*

1. The interests of the State in all those accra canoes, gigs, dinghies, lighters, lifeboats, reclamation barges, hopper barges, surf boats, diving boats, water boats, pontoons, poling barges, mooring boats and other dumb craft which appear on a list prepared and agreed between the Government and the Authority prior to the vesting day. Dumb craft.

2. The interests of the State in all those tugs, towing launches, motor barges, motor pinnaces, sea-going launches, motor water boats, survey launches and other power driven craft which appear on a list prepared and agreed between the Government and the Authority prior to the vesting day. Power driven craft.

3. The lists of dumb and power driven craft prepared in accordance with paragraph 1 and paragraph 2 shall be signed by the Minister and deposited in the office of the Authority at Lagos. Deposit of lists of dumb and power driven craft.

4. The interests of the State in the four dredgers known as the "Lady Bourdillon," "Ibadan," "Mole" and "Pumpwell". Dredgers.

5. The interests of the State in the reclamation vessel known as the "Lady Thomson". Reclamation vessels.

6. The interests of the State in the following vesels—

- 1 Tug — "Bertha";
- 3 Motor pinnaces — "Jill," "Janet," "Julliet";
- 1 Water boat — "Audrey";
- 1 Seagoing launch — "Patience";
- 2 Lighters — L.63, L.64.

Tugs, etc.  
L.N. 40 of  
1957.

## PART III

*Miscellaneous*

1. The interests of the State in all floating docks and floating cranes of the Marine Department of Government. Floating docks and cranes.

Lighthouses, buoys, etc. 2. The interests of the State in all lighthouses, buoys, beacons and other navigational aids in Nigeria which prior to the vesting day were provided or maintained by the Marine Department of Government.

THIRD SCHEDULE section 22  
TRANSFER OF CONTRACTS

Contracts vesting in Authority to be listed. 1. The provisions of this Schedule shall apply to the contracts to which the Government is a party which appear on a list prepared and agreed between the Government and the Authority prior to the vesting day.

2. (1) The list of contracts so agreed between the Government and the Authority shall be signed by the Minister and published in the *Federal Gazette*.

(2) The Authority shall, as soon as may be after the list of contracts is signed by the Minister under sub-paragraph (1) of this paragraph, inform in writing the parties, other than the Government, to any contract which appears on the list of contracts so signed that, under the provisions of this Act, the contract shall have effect in favour of and against the Authority so far as the performance thereof is due under the contract on or after the vesting day as if the Authority had been a party to the contract instead of the Government.

Application of vested contracts to Authority. 3. The provisions of a contract being provisions to which this Schedule applies, shall have effect in favour of and against the Authority so far as the performance thereof is due under the contract on or after the vesting day as if the Authority had been a party to the contract instead of the Government.

FOURTH SCHEDULE section 8(5)

CONSTITUTION AND PROCEEDINGS OF THE AUTHORITY

Tenure of office of Chairman. 1. The Chairman, subject to the provisions of this Schedule, shall hold and vacate his office in accordance with the terms of the instrument appointing him to be Chairman.

Tenure of office of appointed and elected members. 2. The members of the Authority, other than the Chairman, shall hold office for a period of three years from the date of their respective appointments.

*Ports Act*

3. A member of the Authority may, at any time resign from membership of the Authority by sending his resignation in writing to the Minister. Resignations.
4. A member of the Authority who has ceased to be a member shall be eligible for re-appointment. Eligibility for re-appointment.
5. If the Minister is satisfied that a member of the Authority— Vacation of office.
- (a) has been absent from two consecutive meetings of the Authority without the permission of the Authority; or
- (b) is incapacitated by physical or mental illness; or
- (c) is otherwise unable or unfit to discharge the functions of a member,
- the Minister may declare the office of such member to be vacant and the declaration shall be notified in such manner as the Minister thinks fit; and upon such notification being made the office shall become vacant.
6. No act or proceedings of the Authority shall be questioned on account of any vacancy among its members, or on account of the appointment or election of any member having been defective. Vacancies.
7. Where it appears to the Minister that a member, other than the Chairman, is temporarily incapacitated by illness or is temporarily absent from Nigeria, the Minister may appoint a suitable person to be temporarily a member of the Authority in his stead during the period of such incapacity or absence. Temporary incapacity or absence from Nigeria.
8. (1) The Authority shall ordinarily meet for the despatch of business at such times and places as the Chairman may from time to time appoint, but not less than three times in any one year. Meetings of the Authority.
- (2) Where not less than four members of the Authority request the Chairman by notice in writing signed by them to convene an extraordinary meeting of the Authority for the purposes specified in such notice, the Chairman shall, upon receipt of such notice, convene an extraordinary meeting for such purposes at the earliest convenient date. Extraordinary meeting.
- (3) At every meeting of the Authority, the Chairman, if present, shall preside, but in his absence the Authority shall appoint one of the members present to preside. Chairman to preside.
- (4) Every question which comes before the Authority at any meeting shall be decided by a majority of the votes of the members present and voting. Decision of majority at meeting.
- (5) The member presiding at any meeting shall have a vote and, in the case of an equality of votes, a second or casting vote. Casting vote.

Disclosure of  
interest by  
members.

9. If a member of the Authority is directly or indirectly interested in any contract, proposed contract or other matter and is present at a meeting of the Authority at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on, any question with respect to that contract or other matter.

Committees.  
1959 No. 3.

10. (1) The Authority shall from time to time, appoint a General Purposes and Finance Committee from among its members and may appoint in like manner such committees either of a general or special nature and consisting of such numbers of persons as the Authority thinks fit for any purposes which in the opinion of the Authority would be better regulated and controlled by means of the Committees and may delegate, with such restrictions or conditions as it may think fit, any of its powers or duties to any such committee.

(2) Every committee shall report all its actions and proceedings to the Authority.

Minutes.

11. Minutes shall be kept of the proceedings of the Authority, and any such minutes shall, if signed by a person purporting to have acted as Chairman of the meeting to which the minutes relate, or of a meeting at which they were read, be evidence of the proceedings of the first mentioned meeting.

Standing  
Orders.  
1959 No. 3.

12. Subject to the provision of this Act, the Authority shall, with the approval of the Minister, from time to time make, vary and revoke standing orders for the purpose of regulating the meetings and proceedings of the Authority, or of any committee thereof, and such standing orders shall include, *inter alia*, provisions with respect to the notices to be given of such meetings, the proceedings thereat and the custody of the production for inspection of the minutes of such proceedings.

Procedure.

13. Subject to the provisions of this Act and of any standing orders made under paragraph 12 of this Schedule, the procedure of the Authority shall be such as the Authority may determine.

The Seal.

14. The affixing of the seal of the Authority shall be authenticated by the signature of the Chairman, or some other member of the Authority authorised, either generally or specially by the Authority to act in his stead for the purpose, and of some other person authorised, either generally or specially, by the Authority to act for the purpose.

Facsimile  
of the Seal.  
1960 No. 8.

15. The Authority may have for use in any territory, district or place not situate in Nigeria, an official seal which shall be a facsimile of the seal of the Authority, and such seal may be affixed manually or may be engraved, lithographed, printed or mechanically reproduced upon any contract, document or other instrument requiring the same; and the

provisions of this Schedule shall apply in respect of such official seal as they apply in respect of the seal of the Authority.

16. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Authority by any person generally or specially authorised by them for that purpose.

Contracts and instruments.

17. Every document purporting to be a document duly executed or issued under the seal of the Authority or on behalf of the Authority shall be received in evidence and be deemed to be so executed or issued without further proof, until the contrary is shown.

Proof of documents.

#### FIFTH SCHEDULE

section 17

##### SPECIAL PROVISIONS FOR WARRI, CALABAR AND BURUTU

1. Subject to this Schedule, the rights, interests, obligations and liabilities of the relevant companies in the relevant assets shall vest in the Authority on the appointed day by virtue of this Act and without further assurance.

1969 No. 55.

2. As from the appointed day, the rights, interests, obligations and liabilities of the relevant companies existing in respect of the relevant assets immediately before the appointed day under any contract shall by virtue of this Schedule be assigned to the Authority.

3. Any proceeding or cause of action (not being a proceeding or cause of action in tort) pending or existing immediately before the appointed day in relation to the relevant assets by or against any of the relevant companies in respect of any right, interest, obligation or liability of any of the relevant companies may be commenced, continued or enforced by or against the Authority as it might have been against that one of the relevant companies if this Schedule had not been enacted.

4. (1) For the purposes of this Schedule there shall be an arbitration board (referred to in this Schedule as "the arbitration board") consisting of—

- (a) one arbitrator appointed by the Minister in consultation with the Minister of Justice.
- (b) one arbitrator appointed by the companies who are port operators, and
- (c) a chairman who shall be a Justice of the Supreme Court appointed by the Chief Justice of Nigeria.



(2) A decision of the arbitration board under this Schedule shall be final.

(3) The arbitration board may regulate its own procedure and (without prejudice to the generality of the foregoing) may give directions as to the manner in which matters are to be referred to it under this Schedule.

5. It shall be the function of the arbitration board to determine the total value of the relevant assets in respect of each of the relevant ports and apportion that total among the relevant companies.

6. As soon as may be after the total value of the relevant assets has been determined and apportioned under paragraph 5 of this Schedule, the Authority shall issue debentures for an amount equal to that total on such terms as to redemption payment of interest and otherwise as may be directed by the Minister after consultation with the Minister of Finance and Economic Development and the relevant companies; and each of the relevant companies shall be entitled to so much of the debentures as is equal in value to any amounts so apportioned to it.

7. If, as a result of the operation of this Schedule, any person employed by any of the relevant companies at any of the relevant ports immediately before the appointed day loses his employment —

(a) it shall be the duty of the Authority to offer him employment at that one of the relevant ports on its standard terms and to keep the offer open for the three months following the appointed day, and

(b) if that person rejects the offer, he shall be entitled to have his employment with the relevant company determined on the company's appropriate standard terms.

8. The Minister may, at any time within six months after the appointed day, issue directions not inconsistent with this Schedule for the purpose of facilitating the operation of this Schedule in respect of any particular one of the relevant ports; and the Authority and the relevant companies shall be legally bound to comply with any such directions.

9. In this Schedule—

“the appointed day” means, in respect of Warri and Calabar, 1st December 1969 and in respect of Burutu, a day to be appointed by the Minister;

“the relevant assets” means the port facilities, as defined in section 13 (3) of this Act, and the shore installations ancillary thereto (including forwarding and clearing services, shipping agency services, stevedoring and ship handling services, and storage and lighterage services) existing immediately before the appointed day in each of the relevant ports;

*Ports Act*

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"the relevant companies" means all those bodies corporate other than the Authority which immediately before the appointed day owned, occupied or had a right of user or other interest in any of the relevant assets;

"the relevant Ports" means Warri, Calabar and Burutu.

**PORTS ACT**  
**CHAPTER 361**

**SUBSIDIARY LEGISLATION**

*List of Subsidiary Legislation*

	PAGE
1. Nigerian Ports Authority (Port) Regulations .. ..	13309
2. Nigerian Ports Authority Docks and Premises By-Laws ..	13329
3. Nigerian Ports Authority (Pilotage Districts) Order ..	13338
4. Nigerian Ports Authority Petroleum Wharf (Apapa) By-Laws .. .. .	13341
5. Nigerian Ports Authority (Pilotage Boards) Order ..	13347
6. Nigerian Ports Authority (Pilotage) Regulations .. ..	13348
7. Rio-Del-Rey Port Declaration Order .. ..	13358
8. Ports (Carbide of Calcium) Regulations .. ..	13359
9. Ports (Piers) Regulations .. ..	13362
10. Ports (Declaration of Port Limits) Order .. ..	13377
11. Nigerian Ports Authority (Dues and Rates) Regulations .. .. .	13380

**Note**

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

**NIGERIAN PORTS AUTHORITY (PORT)  
REGULATIONS**

*under section 45*

*Commencement: 22nd December, 1955*

L.N. 134 of  
1955  
154 of 1956

1. These regulations may be cited as the Nigerian Ports Authority (Port) Regulations and shall, with the exception of regulations 58 to 73, apply to all ports. Short title.

2. (1) In these Regulations, unless the context otherwise requires— Interpre-  
tation.

“the Act” means the Ports Act;

“Authority” means the Nigerian Ports Authority established under the provisions of the Act;

“by day” means between sunrise and sunset;

“by night” means between sunset and sunrise;

“cargo” includes all kinds of movable personal property other than animals;

“collision regulations” means the International Regulations for Preventing Collisions at Sea, 1948;

“dangerous goods” includes explosives, compressed, liquified and dissolved gases, corrosives, poisons, substances giving off inflammable vapours, substances which become dangerous by interaction with water or air, strong oxidising agents, and substances which are liable to spontaneous combustion;

“master” when used in relation to any ship means the master or other person for the time being in charge of such ship but does not include a pilot;

“oil” means oil of any description and includes spirit produced from oil of any description and also includes coal tar;

“owner” when used in relation to a ship includes any part owner, charterer, consignee, or mortgagee in possession thereof;

“pilot” means a person not belonging to a ship who has the conduct thereof;

“port” means each of the places specified in the First Schedule to the Act and a place declared to be a port in pursuance of section 6 of the Act within the limits declared for the port in pursuance of paragraph (b) of subsection (1) of the said section 6;

“power-driven vessel” means any ship propelled by machinery;

“prolonged blast” means a blast of from 4 to 6 seconds duration.

“ship” includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed, not being a ship propelled by oars, paddles or poles;

“short blast” means a blast of about one second’s duration;

“small craft” includes barges, lighters, boats or canoes;

“steam whistle” includes any whistle or siren sounded by steam or other means;

“under way” when used in relation to a ship means when the ship is not at anchor, or moored, or made fast to the shore or aground and includes a ship dropping up or down a port with her anchor on the ground;

“quay” includes any quay, wharf, pier, breakwater or other landing place belonging to or operated by the Authority.

(2) In relation to any port—

“approach to a port” means any navigable channel declared to be an approach to that port under section 6 of the Act;

“dock superintendent” means a dock superintendent duly appointed by the Authority for that port and shall include his duly authorised deputies and assistants;

“harbour master” means a harbour master duly appointed by the Authority for that port under section 44 of the Act and shall include his duly authorised deputies and assistants.

### *Entrance of Ships and their Management while in a Port*

3. The master of a ship navigating in a port or in an approach to a port shall observe and obey these Regulations and the collision regulations so far as consistent therewith.

4. The owner or agent of a ship shall give as long notice as possible in writing to the harbour master of the expected date and time of arrival of a ship at a port. Harbour master to be notified of expected time of arrival of a ship.
5. The master of a ship shall not cause or permit the ship to manoeuvre, come to anchor or be moored or placed so as to obstruct in any manner whatsoever the free passage of any part of a port. Ships not to obstruct free passage.
6. The master of a ship shall navigate the ship in a port at a moderate speed. Speed of ships.
7. The master of a ship within a port shall comply with any instructions of the harbour master regulating the draught of the ship. Draught of ships.
8. The master of a ship shall not cause or permit a steam whistle or other sound signal on the ship to be operated within a port, except as may be otherwise provided in these regulations or the collision regulations. Use of steam whistles prohibited.
9. No person shall navigate in a port any ship fitted with an internal combustion engine unless the ship is fitted with an efficient silencer to the satisfaction of the harbour master. Silencers to be fitted to mechanically propelled ships.
10. The master of a ship shall not cause or permit smoke in volume to be emitted from the ship within a port. Emission of smoke.
11. The master of a ship shall cause the national colours of the country to which the ship belongs to be carried at the stern or at the gaff of the ship whenever the ship is under way in a port during the hours of daylight. Ship's national colours in a port.
12. The master of a power-driven vessel navigating against the tide in a narrow channel in a port shall ease her speed, and if necessary, stop and allow another ship navigating with the tide to pass clear of her. Ships in narrow channels.

Ship not  
under  
command.

13. Where a ship under way in a port or in the approach to a port becomes not under command the master of the ship shall, until such time as the lights or signals prescribed by the collision regulations have been exhibited, warn any approaching ship by sounding at intervals of not more than one minute three blasts of the whistle in succession, namely one prolonged blast followed by two short blasts.

Turning  
short round.

14. The master of a power-driven vessel which is under way in a port and about to turn through 180 degrees shall warn an approaching ship by sounding four short blasts of the whistle in rapid succession followed after a short interval by one short blast if turning to starboard and two short blasts if turning to port.

Ships to keep  
clear when  
Flag "N" is  
exhibited.

15. The master of a ship shall cause the ship to keep clear of any buoy, beacon, ship or place on which day the letter "N" over "first substitute" of the International Code of Signals is hoisted and by night there is exhibited three lights in a vertical line one over the other, not less than six feet apart, the highest and lowest of the lights being red and the middle light white.

Signals for  
dredgers.

16. Where a passage between a dredger when moored or in a dredging position or when engaged in mobile dredging in a channel or fairway and the side of the channel or fairway is obstructed by the moorings or operations of the dredger the master of the dredger shall cause to be carried where it can best be seen a black ball or shape on the side of the dredger on which the channel or fairway is obstructed to indicate that the channel or fairway is obstructed on that side or a black ball or shape on both sides of the dredger to indicate that the channel or fairway is obstructed on both sides.

Ships to pass  
other ships  
engaged on  
survey or  
underwater  
operations  
slowly.

17. The master of a ship approaching another ship engaged in survey, underwater operations or dredging shall sound three prolonged blasts of the whistle and shall not attempt to pass the other ship except at dead slow speed and on the side indicated as being safe to pass.

18. (1) The master of a small craft shall not anchor in any channel or fairway within a port in such a way as to obstruct or interfere with ships navigating such channel or fairway.

(2) All small craft when passing or being passed in any channel or fairway within a port whether by day or night shall keep out of the way of ships navigating such channel or fairway; and before attempting to cross or enter waters usually navigated by ships the master of a small craft shall stop and observe that no ships are approaching.

Navigation of small craft.

19. (1) The master of a ship, other than one of the ships of the Government of the Federation, loaded with explosives, petroleum or other inflammable liquids, or dangerous goods, shall on arriving at a port give notice thereof to the harbour master.

Master to give notice of explosives etc., to harbour master.

(2) The master of such a ship shall whilst the ship is within a port cause to be carried by day a red flag at the foremast and by night a red light visible all round for a distance of not less than two miles and at a height of not less than twenty feet above the deck.

20. The master of a ship other than one of the ships of the Government of the Federation shall on the ship entering a port cause any loaded guns on board to be unloaded and to remain unloaded during the time the ship is in a port and except when a ship is in distress or in want of assistance the master shall not cause or permit a gun or rocket to be fired or blue light to be burned on board the ship while in a port without the permission of the harbour master.

Ship's guns to be unloaded on entering a port.

21. No person shall keep or discharge a firearm loaded with ball or shot within a port.

Discharging firearms.

22. The master of a ship arriving at a port shall (if requested by the harbour master) make, subscribe and deliver to the harbour master as soon as is practicable a declaration in the form to be obtained from him giving a true statement of—

Master to make declaration (if requested) on arriving at a port.

- (a) the name and description of the ship;
- (b) the tonnage of the ship;
- (c) the name of the master;



- (d) the place from which the ship has arrived;
- (e) the port or place to which the ship belongs;
- (f) the draught of water of the ship;
- (g) particulars of the cargo;
- (h) the name and address of the owner and agent.

Master to deliver account of ballast. Ballast not to be discharged without permission.

23. The master of a ship entering a port in ballast (other than water) shall, within twelve hours after the arrival of the ship, deliver to the harbour master a true account in writing of the quantity of such ballast and shall not discharge or cause or allow to be discharged any such ballast from the ship without the permission of the harbour master, or at any place within a port other than a place specially appointed for that purpose.

No ship to enter or leave port without permission of the harbour master and then only in proper order.

24. No person shall take or attempt to take any ship other than one owned by any of the armed forces of the Federation, Federal or State Government, into or out of a port without the permission of, or in disobedience to the directions of the harbour master and then only in the proper order and succession appointed by the harbour master, having regard to other ships about to enter or leave the port.

Ships not to berth alongside another ship.

25. The master of a ship shall not cause or permit the ship to be berthed alongside another ship at a mooring maintained by the Authority or at a quay except with the consent of the harbour master.

Harbour master may board ships.

26. The harbour master and any person duly authorised by the Authority may at any time board any ship entering or being within a port.

Master to provide ropes and men for mooring ship and to have projecting gear turned in, etc.

27. (1) The master of a ship entering, leaving or mooring in a port shall have men in attendance to run check ropes to the pierheads, quays, buoys or dolphins, and shall also have sufficient men in attendance for mooring purposes. All boats shall be lowered or turned in board, all projecting gear shall be got in and both anchors shall be ready for letting go. At least one anchor shall be lowered clear of the hawse pipe.

(2) In the case of ships not being suitably found with the necessary gear, check ropes or moorings may be supplied by the harbour master at the expense of the ship.

28. (1) The master and crew of a ship in a port shall moor, anchor, place, load, unload or move, and shall cease to moor, anchor, place, load, unload or move, such ship in accordance with the directions of the harbour master; and when any such ship has been moored, anchored or placed in any berth or place, no person shall move or attempt to move or cause the ship to be moved therefrom, except in case of emergency, without the permission of or contrary to the directions of the harbour master.

Ships to be moored, etc., as directed and not to be moved without permission.

(2) No person shall cast off a warp or other mooring except with the permission of the harbour master.

29. No master or member of the crew of a ship, or other person, shall, without the permission of the harbour master, make fast any rope, chain or tackle from the ship to any property of the Authority, or to anything on land within a port other than the mooring buoys, dolphins, bollards or rings provided by the Authority for that purpose.

Ropes, etc., to be fastened to mooring buoys, etc.

30. (1) The owner or master of a ship in a port shall not absent himself from such ship unless he shall leave in charge thereof some person who shall continue in attendance of the ship while the ship shall be afloat, and shall be qualified and competent to shift or move the ship and attend to the moorings of the ship as the harbour master shall direct, or as may be necessary.

Competent person to be left in charge of ship and moorings to be carefully attended to.

(2) Such person shall carefully attend to the moorings of the ship, and to the sufficiency thereof, and shall cause them to be slackened or hove in from time to time as may be necessary on the rise and fall of the water to prevent damage being done to that or to any other ships or to the port.

31. (1) The master of a power-driven vessel, other than one of the ships of the Government of the Federation having explosives or petroleum or other inflammable liquids or dangerous goods on board and the master of a power-driven vessel in attendance on small craft having similar substances on board shall when such vessel or small craft is in a port at all times have a sufficient crew on board and a proper watch kept so that the vessel may be adequately manned to ensure immediate action to move the power-driven vessel or small craft if so required in an emergency

Adequate fire watch to be kept on dangerous goods.

and to provide for the operation of the fire appliances of the power-driven vessel including portable emergency fire pumps.

(2) For the purpose of this regulation "explosives" and "petroleum" have the same meaning as is given to those terms in the Explosives Act and Petroleum Act respectively.

Cap. 117.  
Cap. 350.

Outbreak of  
fire.

**32.** In case of an outbreak of fire on board a ship within a port the master of the ship shall take immediate action with the ship's fire fighting equipment and ensure that the harbour master, dock superintendent and the fire brigade are notified at the earliest possible moment and shall also give warning by the continuous sounding of the ship's whistle and by day hoisting the letters "NQ" of the International Code of Signals.

Watchmen to  
be provided  
for lights or  
fires on  
ships.

**33.** Whilst any open light or fire shall be used on board a ship at or alongside a wharf the master of such ship shall provide and keep at least one person continually on board who shall be specially charged with the care of such light or fire.

Gangways to  
be provided,  
securely  
placed and  
fastened.

**34.** (1) The master of a ship shall cause all gangways or accommodation ladders used for the purposes of access to or egress from the ship to be provided and placed in a safe position, duly protected and securely fastened and to be so maintained at all times when in use.

(2) All such gangways or passage ways shall be so constructed as to give a passage width of not less than 22 inches and shall be provided with a lifebuoy having attached to it a lifeline of not less than 15 fathoms in length and a Holmes or equivalent light.

(3) The master of a ship in a port shall cause a member of the crew of the ship to be in attendance at each gangway during such time as the ship is embarking or landing passengers.

**35.** The master of a ship in a port shall, between sunset and sunrise—

Lights to be  
provided  
over head-  
way and  
gangway.

(a) provide a sufficient light over any headway at which work of loading or discharging is proceeding;

- (b) provide two sufficient lights at any gangway, one light to be fixed at the ship end of the gangway and the other light to be fixed at the quay end of the gangway; and
- (c) cause each gangway to be attended by a watchman.

36. The master of a ship shall not cause or permit any cargo to be landed from the ship in a port except at a quay or elsewhere with the permission of the dock superintendent.

Restrictions on landing cargo.

37. The master of a ship in a port shall during all the time she is engaged in loading or discharging remain or leave some other person on board competent to superintend the loading or discharging.

Superintendence during loading and discharging.

38. The master of a ship shall keep such closets and urinals on board as may be directed by the harbour master closed and locked during the time the ship is in a port.

Sanitary arrangements whilst ship in port.

39. The master of a ship shall cause all the side discharges of the ship to be covered to the satisfaction of the harbour master before the ship is made fast to a quay and during the period the ship is berthed at a quay.

Ship's side discharges to be covered when alongside a quay.

40. The master of a ship lying alongside a quay or another ship which is alongside a quay shall maintain his ship in readiness to move at two hours' notice if so required, unless he shall have received permission in writing from the harbour master to remain longer.

Ships at quay not to draw fires or dismantle engines.

41. No person shall work the engines of a power-driven vessel for trial or cause the same to be so worked without the permission of the harbour master. For the purpose of this regulation the expression "trial" does not include the normal warming through of engines prior to moving.

Engines not to be worked alongside a quay.

42. The master of a ship shall not cause or permit any works for the noisy repair or scraping of the ship to be carried out during the time the ship is alongside a quay, except with the written permission of the harbour master and shall take such precautions as the harbour master may direct to prevent dirt and other heavy materials from falling into the water.

Repairs to ships.

No refuse, etc., to be deposited in the water.

43. No person shall deposit or discharge or allow to be deposited, discharged or escape into the waters of a port from a ship or place on land any ballast, dirt, ashes, bottles, baskets, rubbish, oil, animal or vegetable matter or any dangerous or offensive liquid.

Cargo and ship's gear falling into the water to be reported.

44. The master of a ship from which any cargo or ship's gear falls into the water shall report the occurrence immediately to the harbour master and shall recover the same as soon as is practicable.

Damage by ships to property of the Authority.

45. The master of a ship which causes damage to a quay or other harbour works, plant, machinery or property of the Authority shall forthwith report the occurrence to the harbour master.

Fouling of moorings or cables.

46. If at any time the anchor of a ship hooks any moorings or any electric cables within a port the master of the ship shall not proceed to unhook the same but shall forthwith give notice thereof to the harbour master in order that aid may be given for clearing such moorings or cables without doing damage to the same.

Lost anchors and cables to be reported.

47. (1) The master of a ship shall report the loss, by parting or slipping, of any anchor chain or cables within a port to the harbour master and shall inform him of the correct bearings of the point where such anchor chain or cable was buoyed and if the harbour master so directs the master of the ship shall cause such anchor chain or cable to be recovered immediately.

(2) The master of a ship shall report to the harbour master any collision in which the ship is involved occurring in a port and the position of any ship sunk as a result of a collision.

#### *Removal of Obstructions*

Removal of obstructions.

48. Any person being the owner or in charge of or responsible for causing any obstruction, whether floating or submerged, within a port, shall if so directed by the harbour master, remove such obstruction within such time as the harbour master may specify.

(2) If such person fails to remove the obstruction within the specified time the harbour master may cause it to be removed and may recover the expense of removal from such person or if no such person can be found the obstruction when removed by the harbour master may be sold to defray the expense of such removal.

49. No person being the owner of any wrecked or stranded ship or his duly authorised agent or servant, shall attempt to salve or break up such wrecked or submerged ship without the written permission of the harbour master first being obtained and if so required by the harbour master providing such security as the harbour master may consider reasonable and sufficient to ensure the effective removal of such ship, or any portion thereof from the waters of the port.

Breaking up and removing wrecks in a port.

#### *Miscellaneous*

50. No person shall lay private buoys or moorings for ships in a port without the permission in writing of the harbour master and all such moorings shall be to such specifications and in such position as the harbour master shall direct, and shall forthwith be removed on the requisition of the harbour master to that effect.

Private buoys or moorings.

51. No person shall moor a hulk in a port except with the consent and in accordance with the instructions of the harbour master.

Mooring of hulks.

52. No person shall operate or cause to be operated a searchlight in a port without permission being first obtained from the harbour master; and this regulation shall not apply to the operation of any searchlight on board any ship owned by any of the armed forces of Nigeria or ships belonging to the Authority.

Searchlights not to be used in a port.

53. No person shall make fast or anchor a small craft, or cause the same to be made fast or anchored at any steps or landing place within a port without the permission of the harbour master unless the steps or landing place are declared by the Authority for public use.

No small craft to be moored to steps or landing places.

Divers.

54. No person, other than a person employed by the Authority, shall operate as a diver within a port without permission in writing first being obtained from the harbour master.

Floating and mooring of logs and casks.  
L.N. 9 of 1969.

55. (1) Except as otherwise provided in these Regulations, if any float or raft of timber, or casks, is intended to be under towage in a port, it shall not either singly or together exceed 80 feet in length (save where the actual length of any timber in one piece exceeds that figure) nor shall it either singly or together exceed 40 feet in width unless the towing vessel has sufficient mechanical energy to control the movement of the float or raft.

(2) No person shall moor or cause to be moored in a port a float or raft of timber or casks except at such place as may be authorised by the harbour master in writing and in accordance with any instructions the harbour master may issue.

(3) Any float or raft not under control as required by these Regulations or moored in any place other than one authorised by the harbour master or any log or cask, found adrift may be seized by the harbour master or other duly authorised representative of the Authority and unless claimed within a period of one month after seizure shall be forfeited to the Authority; and any expenses incurred by the Authority above the value of the float or raft so seized may be recovered from the owner of the float or raft.

Removing sand, etc.

56. No person shall remove or attempt to remove or cause to be removed any sand, shingle, stone, gravel, earth or other material from the foreshore or sea bed in a port without the permission of the Authority.

General towing night and movement signals.

57. The general towing night and movement signals set out in the Schedule to these Regulations shall be observed by the master of a ship using a port.

*Further Regulations applicable only to the Port of Lagos*

Towage when compulsory.

58. (1) The master of a ship when being moved from the pool to a berth or *vice versa* or from one berth or mooring to another inside the port shall cause the ship to be attended by a tug.

*Ports Act*

(2) The master of a ship over 1,100 net registered tons carrying dangerous petroleum in bulk shall cause the ship to be attended by a tug forward whilst moving in any of the channels of the port; and for the purposes of this paragraph "dangerous petroleum" means petroleum which has a flashing point below 73 degrees Fahrenheit when tested by the Abel Close test.

(3) If the harbour master so directs the master of a ship other than one owned by any of the armed forces of Nigeria proceeding from the roads to the pool or *vice versa* inwards or outwards over the Lagos entrance shall cause the ship to be attended by a tug.

(4) For the purposes of this regulation—

(a) a tug is deemed to be in attendance when she has the ship in tow or is actually standing by and not merely on call;

(b) the term "berth" does not include an anchorage in the pool;

(c) this regulation shall not apply to ships of war and auxiliary ships belonging to any foreign Government, ships belonging to the Government of Nigeria or to ships recognized by the Authority as local branch steamships or such small vessels which in the opinion of the harbour master do not require the use of a tug.

L.N. 154 of  
1956.

59. (1) Every ship towed into or out of the port shall have two hawsers fast to the tug unless the tug is fitted with a patent towing machine.

Regulations  
as to towage.

(2) The pilot in charge of the ship shall satisfy himself that the hawsers are sufficient and in good condition and properly made fast before he takes the ship into or out of the port and no pilot shall take a ship into or out of the port without first seeing that the anchors and cables are ready for use and in the case of a sailing ship that all sails are bent.

60. The master of a ship shall not anchor the ship—

(a) to the eastward of a line passing through the Mole Signal Station mast and bearing north (magnetic);

Anchoring of  
ships.



- (b) to the north of a line drawn 236 degrees (true) for a distance of eight cables from the fixed green light on the centre pier of Carter Bridge.

Navigation  
under  
bridges over  
the lagoon.

61. (1) Navigation under any bridge to which this regulation applies is prohibited in any of the following cases, that is to say—

- (a) a ship or vessel having a super-structure exceeding 20 feet in height above the water-line;
- (b) a ship or vessel having a beam exceeding 45 feet;
- (c) a float or raft of timber or casks of any length or breadth if the float or raft is not being towed or otherwise propelled by any ship or vessel;
- (d) a ship or vessel having a beam exceeding 45 feet if it is under towage;
- (e) a float or raft of timber or casks which either singly or together exceeds 80 feet in length (save where any log thereof in one piece exceeds that length) or 40 feet in width;
- (f) things under towage which are too large for the towing vessel's motive power, or cannot be moved through the water under any such bridge at a speed in excess of five knots.

(2) The navigable span of a bridge to which this regulation applies shall be indicated—

- (a) by day, by means of a green light; and
- (b) by night, by means of two green lights placed one above the other and 3 feet apart,

and when navigating the approaches thereto any ship or vessel towing anything whatsoever and not otherwise debarred, shall pass under the navigable span of the bridge appearing on the starboard side of the ship or vessel.

(3) This regulation applies to Carter Bridge, and to any other bridge now or hereafter constructed across the lagoon and linking the Island of Lagos with any other part of Nigeria.

*Ports Act*

62. (1) Subject to the provisions of this regulation and notwithstanding those of any other of these Regulations, any person may, float or raft with the assistance of a power-driven vessel, logs, casks and other goods, in any case where—

Power to operate floats etc. in Lagos in special cases.  
L.N. 9 of 1969.

- (a) the float or raft, as the case may be, consists of not more than 20 logs or 50 casks; and
- (b) there is carried on each float or raft a crew of one man for every 20 logs or fraction of 20 logs, or as the case may be for every 50 casks or fraction of 50 casks, so however that where the tally is of 20 logs or less or as the case may be is of 50 casks or less, a float or raft shall carry not less than 2 men as the crew.

(2) A float or raft operating under this regulation shall—

- (a) by day and from both of its ends at a point equidistant from each side and at a height of not less than six feet above the top of the float or raft as the case may be, fly a red flag not less than two feet in length and eighteen inches in width; and
- (b) by night and at both of its ends at a point equidistant from each side exhibit a red light in a lantern so constructed as to show a clear, uniform and unbroken light visible all round the horizon at a distance of at least one mile.

*Entrance and Harbour Signals*

63. Where two or more ships are making for the entrance to the port of Lagos the following rules shall be observed—

Rules to be observed by ships making for the entrance.

- (a) the master of a ship proceeding outwards and beyond the entrance shall cause to be hoisted before leaving his berth the letter "P" over code pennant of the International Code of Signals; and if such signal is repeated by the Town and Mole Signal Stations the outward bound ship may proceed, otherwise it shall wait until such signal is repeated;
- (b) the master of a ship bound for the entrance to the port shall cause to be hoisted in the vicinity of the Fairway Buoy the letter "R" over first substitute of the International Code of Signals; and if such signal is

repeated by the Mole Signal Station the ship may proceed inwards, otherwise it shall wait until the signal is repeated;

- (c) when two or more ships are proceeding inwards the Mole Signal Station when repeating the signal "R" over first substitute will hoist the signal letters of the ship which has the right of way.

#### *Gunpowder and other Explosives*

Ships  
containing  
explosives.

64. (1) The master of a ship containing gunpowder or other explosives or dangerous goods shall anchor the ship in the pool unless the permission of the harbour master is obtained to go alongside a quay.

(2) When the permission of the harbour master has been received to discharge the ship at anchorage the master of the ship may tranship the cargo into lighters.

(3) The master of the ship shall cause all lighters loaded with gunpowder or other explosives to proceed from the ship direct to the magazine where provision will be made for them to be moored or go alongside the Magazine Wharf one at a time.

(4) The master of the ship shall cause any lighter with hatches not discharged by sunset to proceed to the anchorage set aside for that purpose and to remain there until sunrise.

(5) An open lighter or other small craft shall be discharged before sunset of the day it is loaded.

(6) A lighter containing gunpowder or other explosives for Porto Novo shall anchor or moor near the Porto Novo Creek clear of the channel or fairway until such time as towage is available.

(7) The master of a ship carrying gunpowder, other explosives or petroleum consigned to a port other than the port of Lagos may go alongside the Customs or other Authority quay provided that—

- (a) permission in writing of the harbour master is first obtained;
- (b) the ship is kept under steam while alongside the quay;

- (c) the gunpowder, other explosives or petroleum are stored in a properly constructed magazine;
- (d) during the time the ship is alongside the quay and discharging cargo out of the hold in which the magazine containing any gunpowder, other explosives or petroleum is situated, a police guard is maintained over such magazine; and
- (e) the hold containing the magazine is closed by night and a police guard is maintained over the hatch covering the hold.

### *Fishing Stakes*

65. No person shall erect any fishing stakes within the port of Lagos without the permission of the harbour master. Permit for stakes required.

66. Every applicant for permission to erect, maintain and work fishing stakes in the port of Lagos shall furnish the harbour master with particulars of the proposed situation and number of the stakes. Position to be given.

67. No stakes shall be erected, maintained or worked in the port of Lagos either in— Prohibited areas.

(a) any place where the water is of greater depth than nine feet; or

(b) any place where in the opinion of the harbour master stakes are likely to impede the navigation of power-driven vessels, canoes or other ships.

68. Rows of stakes in the port of Lagos shall not be of greater length than 120 yards and the distance between rows of stakes shall be not less than 120 yards, except in a paralled direction across the tide when the distance shall not be less than 40 yards. Length of stakes.

69. If owing to the shifting of a channel or deepening of water or for any other reasonable cause the harbour master is of the opinion at any time that the removal of any stakes is expedient, he may, by notice in writing, require the owner to remove the same within one month from the date of such notice. Removal of stakes.

Repair, etc.,  
of stakes.

70. The owner of stakes shall repair or clean such stakes within one month after receiving notice in writing from the harbour master to do so.

Notice to  
owner.

71. When the owner of any fishing stakes is unknown or cannot be found, any notice under these Regulations may be served by affixing the same to the stakes.

Fishing not  
to interfere  
with navi-  
gation.

72. No fishing or seine nets shall be used in any of the navigable channels of the port of Lagos in such a manner as to interfere with navigation thereof.

Removal of  
stakes or  
seizure of  
nets.

73. The harbour master may remove or cause to be removed any fishing stakes erected or maintained or used in contravention of any of these Regulations or which the owner thereof has failed to remove as directed under these Regulations, and may seize or cause to be seized and may detain any fishing or seine nets which are being used in contravention of any of these regulations.

#### *Penalty for Breach of Regulations*

Penalty.

74. Any person doing anything prohibited by any of these Regulations or omitting to do anything required by them to be done or otherwise offending against or committing a breach against any of these Regulations shall be liable for every such offence to a fine not exceeding ₦100 and in the case of a continuing offence to a further fine not exceeding ₦10 for each day during which such offence continues, or to a term of imprisonment not exceeding 3 months, or to both such term of imprisonment and fine.

**NIGERIAN PORTS AUTHORITY DOCKS AND  
PREMISES BY-LAWS**

L.N. 135 of  
1955.

*under section 51*

*Commencement: 22nd December, 1955*

*General*

1. These by-laws may be cited as the Nigerian Ports Authority Docks and Premises By-laws. Short title.

2. (1) In these by-laws unless the context otherwise requires— Interpretation.

“the Act” means the Ports Act;

“Authority” means the Nigerian Ports Authority established under the provisions of the Act;

“constable” includes any officer of the Nigeria Police on duty within a port;

“master” means when used in relation to any ship the person having command or charge of the ship for the time being but does not include a pilot;

“goods” includes baggage, animals (whether alive or dead) and all other movable property of any kind whatsoever;

“port” means each of the places specified in the First Schedule to the Act and a place declared to be a port in pursuance of section 6 of the Act within the limits declared for the port in pursuance of paragraph (b) of subsection (1) of the said section 6;

“vehicle” means any vehicle other than a train or ship;

“premises” includes any office, shed, warehouse, building or other work belonging to or in the possession of the Authority other than a quay and shall include a shipyard belonging to or in the possession of the Authority; L.N. 82 of  
1961.

“quay” includes any quay, wharf, pier, jetty, break-water, landing place, storage ground, road or open space belonging to or in the possession of the Authority;

“ship” includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed;

“craft” includes barges, lighters, boats and canoes.

(2) In relation to any port—

“dock superintendent” means a dock superintendent duly appointed by the Authority for that port and shall include any person authorised by the Authority to assist him;

“harbour master” means a harbour master duly appointed by the Authority for that port under section 44 of the Act and shall include any person authorised by the Authority to assist him.

### *Mooring of Ships*

3. (1) The master of every ship shall cause all ropes and mooring tackle used for securing such ship either to the shore or mooring buoys to be fitted with guards approved by the Authority to prevent rats passing from ship to the shore and he shall cause all empty cases, packages and barrels to be examined before landing to ensure that no rats are contained therein.

Precautions  
against rats.

(2) No person shall, without the previous consent in writing of the harbour master, remove or cause or allow to be removed any rats (alive or dead) from any ship within a port.

### *Loading and Discharging Cargo*

4. No person shall use or attempt to use any tip, crane, weighing machine, measure or other facility erected or provided by or belonging to the Authority in a port except by permission of the dock superintendent and in accordance with the terms and conditions and during the time allowed in that behalf to such person.

Tip, crane,  
etc., not to  
be used  
without  
permission.

5. No person shall—

(a) place or leave or cause to be placed or left upon or in a quay or premises any wagon, truck, carriage, vehicle or goods without the permission of the dock superintendent; or

Goods not to  
be deposited  
without per-  
mission on or  
near edge of  
quay or  
beyond  
specified  
height.

- (b) place or leave any goods or cause the same to be placed or left upon a quay within a space of three feet from the edge or coping of the quay without such permission; or
- (c) deposit any goods upon or in a quay or premises to a greater height than that specified by the dock superintendent.

6. (1) The Authority may under the hand of its Secretary, issue Directions from time to time to control and regulate the loading, landing, storage and handling of Dangerous, Hazardous or Poisonous Goods or substances from to or on the Authority's quays, docks or premises.

Dangerous  
Hazardous or  
Poisonous  
Goods.  
L.N. 197 of  
1960.

(2) No person shall bring or cause or suffer to be brought or have in or upon the Authority's quays or premises any goods or substances listed as Dangerous in the Directions issued from time to time under these Bye-laws.

Dangerous  
Goods.

(3) Every person who shall bring or cause or suffer to be brought whether by land or water, or have in or upon the Authority's quays or premises any goods or substances listed as Hazardous in the Directions issued from time to time under these Bye-laws shall at all times keep and deal with the same and each portion, parcel, case or package thereof and cause the same respectively to be kept and dealt with in accordance with the conditions and instructions relating thereto as may be respectively contained in the said Directions.

Hazardous  
Goods.

(4) Shippers and importers of goods or substances listed as poisonous in the directions issued from time to time under these Bye-Laws shall give early notice to the appropriate Dock Superintendent of the intended shipment or importation of such goods.

Poisonous  
goods.

7. No person shall place or store goods upon any part of a quay or in any premises in such manner as to obstruct or delay the free access to or use of any hydrant or other appliance for the prevention of fire or any life-saving or first-aid equipment.

Hydrants,  
etc., not to  
be  
obstructed.



Deposit of refuse and old boats, etc., not to be left except in an approved place.

8. No person shall deposit or cause to be deposited any trade or other refuse, rubbish or sweepings upon a quay or in premises other than upon or in such place as the dock superintendent may approve, neither shall any person leave upon any quay or in any premises any old boat or any disused gear or materials without permission being first obtained from the dock superintendent.

Provision of exits and ventilation whilst coaling.

9. The master of a ship loading coal or other bulk cargo in bunkers, holds or other enclosed space in the ship shall ensure proper ventilation and adequate means of escape for the men engaged in trimming.

#### *Prevention of Fire*

Fire, naked lights, heating pitch, etc.

10. No person shall without the permission of or contrary to the direction of the dock superintendent, heat any pitch, tar, tallow or other inflammable matter upon a quay or in premises, or have or allow any fire, or naked light on any place other than for the immediate ignition of any authorised light or fire or subject to by-law 11 for the purpose of smoking.

Smoking.

11. No person shall smoke upon or in a quay or premises except in such places as may be approved by the Authority.

#### *Admission of Persons to Quays, Wharves and Premises and their Conduct whilst therein*

Trespassers on Authority property.

12. No person shall enter or remain in a lighthouse lookout or signal station in a port without the consent of the harbour master or loiter or remain upon or in a quay or premises without the consent of a duly authorised officer of the Authority.

Interrogation of persons upon or in a quay or premises.

13. Any person upon or in or seeking access to a quay or premises or any ship in a port shall, if so requested by the dock superintendent or constable on duty, state truly his name and address and the nature and place of his business therein or thereon or his purpose therein or thereon or in seeking access thereto and any such person who fails to satisfy the dock superintendent or the constable that he is a

member of a ship's crew or employed on dock labour shall, if so requested, produce for inspection by the dock superintendent or the constable any pass or other authority which may have been issued to him by or on behalf of the Authority.

14. No person carrying or having upon or with him or upon or in any conveyance any goods shall leave or attempt to leave a quay or premises unless and until he has obtained the requisite pass to take such goods and has lodged such pass with the dock superintendent or constable on duty at the gate through which he is to pass out of the limits of the port.

Gate passes.

15. A person suffering from any infectious or contagious disease or disorder shall not, except by special permission of the dock superintendent, enter or remain or be upon or in or about a quay or premises.

Persons suffering from infectious or contagious disease, etc., not to enter a quay or premises without permission.

16. No person shall enter or be upon or in a quay or premises in a state of intoxication or use any threatening, abusive, indecent, obscene, profane or offensive language or conduct himself in a riotous, disorderly, indecent or offensive manner or use language or behave in such manner as is calculated to cause a disturbance or breach of the peace or molest or wilfully interfere with the comfort or convenience of other persons being upon or in such quay or premises.

Intoxicated or disorderly persons.

17. No person shall enter or be or remain in or about a quay or premises for the purpose of bookmaking, gaming, betting or wagering or agreeing to bet or wager with any other person, or play or gamble with cards or by other means, or without lawful excuse, the proof whereof shall lie on the person charged, loiter upon a quay or in premises.

Gambling or loitering in a quay or premises.

18. No person shall take any photograph on or within a quay or premises of the Authority except by the special permission of the Secretary of the Authority or other

Restriction on photograph. L.N. 62 of 1964.

authorised officer of the Authority who shall for the purpose issue a special permit on application.

Removal of offenders from the quay or premises. L.N. 62 of 1964.

19. Any person infringing or not observing by-law 15, 16, 17 or 18 may, without prejudice to the penalty prescribed, be removed from the quay or premises.

Obstructing the Authority's servants and others.

20. No person shall obstruct, impede, molest or interrupt the harbour master or the dock superintendent or other officer, workman, agent or person whomsoever employed by the Authority in the performance of his duty or in the execution of any of the work, matters or things to be done by him.

Nuisances.

21. No person shall commit a nuisance of any kind upon or in a quay or premises.

Breaking fences.

22. No person shall break or get over, through or under any railway or divisional or boundary fences within or bounding a port.

Interfering with fire, lighting or other appliances.

23. No person shall, without being duly authorised by the dock superintendent, open or shut any fire hydrants or taps, or move or interfere with any fire, lighting, lifesaving, first aid or other appliances used or being in or about a quay or premises, or wilfully or negligently damage or interfere with any lights or signals exhibited within a port.

Interfering with bridges, cranes, machinery, etc.

24. No person shall, without being duly authorised by the dock superintendent, open, draw or shut or cause to be opened, drawn or shut any sluice, tunnel or bridge within a port or shall, without being so authorised as aforesaid, set in motion, move or interfere with or obstruct or impede the use of any crane, movable property, gear or machinery used upon or in a quay or premises.

Throwing missiles, discharging firearms or using fireworks or explosives.

25. No person shall upon or in a quay or premises throw missiles or discharge any catapult or have or discharge any loaded gun or other firearm except for the firing of salutes nor, without the permission in writing of the Authority, use or ignite any firework or other explosive substance.

26. No person shall hold any general or open meeting upon or in a quay or premises or collect or deliver any address to any audience or gather or collect together any persons whereby work or business on or the control, management or ordinary use of the quay or premises is likely to be obstructed, impeded or hindered or a breach of the peace created. Holding meetings, etc.
27. No person shall post up or exhibit or cause to be posted up or exhibited upon or in a quay or premises any bill, placard or notice unless so authorised by the dock superintendent. Posting bills, etc.
28. No master, officer, lighterman or member of the crew of a ship alongside a quay or any other person upon or in a quay or premises shall give or sell intoxicating liquor to any of the servants of the Authority. Giving intoxicating liquor to Authority's servants.
29. No person shall sell or cause to be sold any intoxicating liquor upon or in a quay or premises except with the permission of the Authority and in such place as the Authority may authorise. Sale of intoxicating liquor.
30. No person other than a person having charge thereof shall, without the permission of the dock superintendent, move a railway engine, wagon, truck, carriage or vehicle on any lines of a railway belonging to or operated by the Authority. Moving railway trucks, etc.
31. No person other than a servant of the Nigerian Railway Corporation acting in accordance with his duties shall, without being duly authorised by the dock superintendent, walk, stand or be upon the lines of a railway belonging to or operated by the Authority or the space required for the working thereof or cross such lines of railway at places other than those appointed to be used as crossings. Walking, etc., on railways.
32. No person shall cycle on a quay except with the permission of the dock superintendent and at his or her own risk entirely. Cycling.

Selling of articles of merchandise, etc. and touting.

33. No person except a tenant of the Authority or a person duly authorised by the dock superintendent in that behalf shall, upon, in or about a quay or premises, retail or offer for sale any article of merchandise whatsoever or tout or ply for or solicit custom or employment of any description, nor shall any person upon, in or about a quay or premises retail or offer for sale any food or refreshments except a person licensed so to do by the Authority and then only in accordance with the terms of such licence.

#### *Animals, Vehicles and Drivers*

Owner's name on vehicles.

34. No person shall bring a vehicle to a quay or drive a vehicle thereon unless the name and address of the owner is clearly exhibited on the side of the vehicle or declared to the dock superintendent.

Drivers to obey orders when in charge of engines, vehicles, etc.

35. The driver or person in charge of any railway engine, wagon, truck, carriage or vehicle (whether drawn or propelled by mechanical means or otherwise) or of any horse, beast of burden or any animal shall at all times while upon or entering or leaving a quay obey the directions or requirements of the dock superintendent in that behalf with respect to the loading, unloading, placing, moving, management and removal of such railway engine, wagon, truck, carriage, vehicle, horse, beast of burden or animal.

Engines, horses, etc., or vehicles not permitted to be or remain on quay unattended or longer than necessary.

36. No person shall, without the permission of the dock superintendent, have or permit any railway engine, wagon, truck, carriage or vehicle (whether drawn or propelled by mechanical means or otherwise), horse, beast of burden, or animal to be or remain upon or in a quay or premises unattended or for a longer time than is necessary for the loading or unloading of goods and necessary documentation in connection therewith or for the taking up or setting down of passengers.

Speed of vehicles in a port.

37. A person driving a vehicle in a port shall drive the same at all times with due care and caution and shall not drive the vehicle at a speed exceeding 5 miles per hour along a quay or exceeding 20 miles per hour along a road belonging to or under the control of the Authority.

*Penalty for Breach of By-laws*

38. Any person doing anything prohibited by any of these By-laws or omitting to do anything required by them to be done or otherwise offending against or committing a breach against any of these by-laws shall be liable for every such offence to a penalty not exceeding ₦100 and in the case of a continuing offence to a further penalty not exceeding ₦10 for each day during which the offence continues. Penalty.

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L.N. 252 of  
1959.**NIGERIAN PORTS AUTHORITY (PILOTAGE  
DISTRICTS) ORDER***under section 58*Commencement: *3rd December, 1959*

- Short title.      1. This Order may be cited as the Nigerian Ports Authority (Pilotage Districts) Order.
- Lagos.            2. There shall be a pilotage district in the port of Lagos within the limits set out in the First Schedule to this Order.
- Port Harcourt.    3. There shall be three pilotage districts in the port of Port Harcourt within the respective limits set out in the Second Schedule to this Order:
- Provided that the provisions of this section shall not apply to the navigation within Boler Creek of a vessel which does not navigate seaward of the Bonny River.
- Calabar.          4. There shall be a pilotage district in the port of Calabar within the limits set out in the Third Schedule to this Order.
- Compulsory pilotage.    5. Pilotage shall be compulsory in the whole of the pilotage district established by section 2 of this Order and in pilotage districts A and B established by section 3 of this Order.
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**NIGERIAN PORTS AUTHORITY PETROLEUM WHARF  
(APAPA) BYE-LAWS** L.N. 266 of  
1959.

*under section 57*

*Commencement: 24th December, 1959*

**GENERAL**

1. These Bye-laws may be cited as the Nigerian Ports Authority Petroleum Wharf (Apapa) bye-laws. Short title.
2. These Bye-laws shall apply to that portion of the port of Lagos known and designated as "the Petroleum Wharf". Application.
3. In these Bye-laws, unless the context otherwise requires— Interpretation.
  - "Authority" means the Nigerian Ports Authority established under the provisions of the Ports Act;
  - "cargo" includes all kinds of movable personal property other than animals;
  - "Chief Fire Officer" means the Chief Fire Officer of the Authority and shall include his duly authorised deputies and assistants;
  - "explosives" shall have the same meaning as contained in the Explosives Act; Cap. 117.
  - "Harbour Master" means a Harbour Master duly appointed by the Authority for the Wharf and shall include his duly authorised deputies and assistants;
  - "Liquefied Petroleum Gas" means light hydrocarbon material, gaseous at atmospheric temperature and pressure, held in the liquid state by pressure to facilitate storage, transport and handling; L.N. 142 of  
1964.
  - "oil" shall include petroleum and petroleum products;
  - "vehicle" means any vehicle other than a train or vessel;
  - "vessel" includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed;



"the Wharf" means the Petroleum Wharf, Apapa.

#### LOADING AND DISCHARGING CARGO

Cargo not to be loaded or discharged. L.N. 198 of 1960.

4. (1) No cargo, other than petroleum, petroleum products, petroleum containers or non-inflammable ships' stores, shall be loaded from the shore into or discharged to the shore from any vessel lying at the Wharf.

(2) Notwithstanding any of the bye-laws herein made cargo, other than dangerous and inflammable, may be loaded from or discharged to lighter,

PROVIDED—

- (a) there are no tankers loading or discharging at the Wharf;
- (b) there are no vessels at the Wharf that are not gas free;
- (c) there is no damage to pipe lines, manifolds, and other oil installations on the Wharf; and
- (d) that the berth, by the act of loading or unloading general cargo, is not denied to a vessel carrying oil.

Explosives to be stowed away.

5. Any vessel containing explosives shall, before berthing at the Wharf, properly stow away such explosives in approved magazines.

Deck scuppers to be securely plugged, etc.

6. All main deck scuppers when fitted shall be securely plugged and rendered water-tight during the loading or discharging of petroleum products, and dip trays shall be placed beneath the deck manifold and hose connections.

#### VEHICLES

Vehicles not to enter.

7. No vehicles whatsoever shall enter into the wharf area other than those vehicles and items of mechanical equipment passed safe and in connection with which an appropriate permit has been issued by the Authority and also other than road tankers licensed for the transport of petroleum by the appropriate authority.

## FIRE AND FIRE PRECAUTIONS

8. No person shall at any time smoke on the Wharf. No smoking on the Wharf.
9. No person shall smoke on the docks of any vessel moored at the Wharf. No smoking on the docks.
10. No person shall enter the Wharf area carrying matches, cigarette lighters, oil lamps, torches (other than approved gastight types) or other inflammable material. Matches, cigarette lighters, torches, etc.
11. No lamps other than approved gastight hand or portable lamps shall be used within the Wharf area; and the Chief Fire Officer shall have the right to inspect such lamps before or whilst in use. Lamps.
12. No naked lights or fires shall be used upon any vessel approaching or lying within 200 feet of the Wharf; provided that this shall not preclude the use of the fire only in the vessel's main boilers. Fires, naked lights, etc.
13. No vessel shall approach or lie within 100 feet of vessels loading or discharging. Vessels not to approach tankers.
14. All cargo tanks must be securely closed at all points except those ports or ullage plugs which currently are necessary for observation. Such ports or ullage plugs, when open, shall be guarded with wire gauze screens or other flame proof attachment.
15. Any outbreak of fire shall be reported immediately to the Police, Fire Brigade, the Harbour Master, the Dock Superintendent, and the Authority's Chief Fire Officer. Outbreak of fire to be reported.
16. No person shall place or store goods on any part of the Wharf without the prior permission of the Dock Superintendent or shall do the same in such a manner as to obstruct or delay the free access to or the use of any hydrant or other appliance for the prevention of fire or life-serving on the Wharf.

## OIL LEAKAGE AND SPILLAGE

Oil leakage. 17. During loading or discharging, any leakage of oil developing in the shore piping system shall be reported immediately to the Chief Fire Officer; and should the leakage be of such a character that in the opinion of the Chief Fire Officer it constitutes a hazard, loading or discharging shall be suspended until repairs have been effected.

Oil spillage. 18. In the event of any spillage of oil on the Wharf, immediate action shall be taken by the person on shore who is loading or discharging oil to recover the oil and to prevent its escape onto the Harbour waters; and the Harbour Master and the Chief Fire Officer shall be notified immediately any spillage takes place.

## REPAIR, MAINTENANCE AND INSTALLATION

Repairs, alterations and addition not to be carried out.

19. No person shall—

- (a) carry out any repair work including the chipping and scraping of paintwork either on board a vessel moored at the wharf or to the installations on the wharf without the written permission of the Harbour Master unless such repairs are immediately necessary in order to prevent danger to person or property;
- (b) alter or add to the existing installations on the wharf unless plans and description of materials to be used shall have been approved in writing by the Authority;
- (c) under any circumstances, carry out work involving the use of naked flames of welding apparatus on the wharf unless with the written permission of the Chief Fire Officer and strictly in accordance with the directions of the Chief Fire Officer.

Companies to be responsible for maintenance of installation.

20. Companies shall at all times be responsible for the inspection, maintenance and sound condition of their installations and other appliances on the wharf.

## LIQUEFIED PETROLEUM GAS

21. Before commencing to load or discharge a liquid petroleum gas cargo, the boiler and galley fires shall be extinguished and remain so until loading or discharging operations have been completed. L.N. 142 of 1964. Boiler and galley fires to be extinguished.
22. The shore hoses shall be tested before each operation to a pressure of 3 kilograms per square centimetre in excess of the maximum anticipated pressure during the handling operations. Shore hoses to be tested before certain operations.
23. Each shore hose shall be fitted with shut-off valves to ensure that the possibility of an escape of liquefied petroleum gas is kept to the minimum when the hoses are disconnected. Shore hose to be fitted with shut-off valves.
24. No person shall wear metal studded footwear on the vessel or on the jetty-head. Wearing of metal studded footwear prohibited.
25. Fire hoses shall be rigged fore and aft ready for immediate use to warn craft not to approach during loading or discharging operations. Fire hoses to be rigged for immediate use.
26. The master shall ensure that an officer is present on deck at all times during loading or discharging operations. It shall be the master's duty to ensure that the measures provided in By-laws 21 to 33 are carried out. Master to ensure presence of an officer on deck during loading, etc.
27. Appropriate steps shall be taken to stop any leakages and should be reported to the Chief Fire Officer. Leakages to be stopped.
28. During the handling operations, all doors leading from the deck to the accommodation or engine room shall be kept closed to prevent the accumulation of vapour in these spaces. Doors leading from deck to accommodation or engine room to be kept closed.
29. The master shall ensure that all hose connections are checked and that the couplings are connected by bolts sufficiently long to ensure that the nuts are well held and the bolts tightened evenly. Master to ensure hose connections are checked.

Access to ship barred during handling operations.

30. During the handling operations, no person shall have access to the ship who is not directly connected with the operations.

Continuous gas testing to be carried out during handling operations.

31. During the handling operations, continuous gas testing shall be carried out in the pump house. In the event of a concentration exceeding 40 per cent of the lower explosive limit being detected, pumping operations must cease and all valves on the gas bottles and cross-overs must be closed at once until the leak has been traced and stopped.

Loading or discharging prohibited unless excess flow valves fitted.

32. No loading or discharging shall take place unless excess flow valves are fitted in suitable positions at the outlet manifold to ensure the automatic shut-off of liquefied petroleum gas in the event of a hose fracture; and in the event of the closure of these valves the liquefied petroleum gas system must be isolated until the cause of the closure has been investigated.

Pipes, etc. to be adequately earthed.

33. All pipes, joints, flexible hoses and other appliances must be adequately and continuously earthed and the vessel itself must be electrically bounded and earthed.

#### PENALTY FOR BREACH OF BYE-LAWS

Penalty.

34. Any person doing anything prohibited by any of these bye-laws or omitting to do anything required by them to be done or otherwise offending against or committing a breach against any of these bye-laws shall be liable for every such offences to a penalty not exceeding ₦100 and in the case of a continuing offence a further penalty not exceeding ₦10 for each day during which the offence continues.

**NIGERIAN PORTS AUTHORITY (PILOTAGE BOARDS) ORDER** L.N. 3 of 1960.

under section 61

Commencement: 14th January, 1960

1. This Order may be cited as the Nigerian Ports Authority (Pilotage Boards) Order. Short title.

2. There shall be a pilotage board for—

- (a) each of the pilotage districts established by sections 2 and 4 of the Nigerian Ports Authority (Pilotage Districts) Order; Pilotage boards.  
L.N. 252 of 1959.
- (b) the three pilotage districts established by section 3 of the Nigerian Ports Authority (Pilotage Districts) Order; and
- (c) the two pilotage districts established by section 5 of the Nigerian Ports Authority (Pilotage Districts) Order.

3. Each pilotage board shall consist of the Harbour Master of the port mentioned in sections 2, 3, 4 and 5 respectively of the Nigerian Ports Authority (Pilotage Districts) Order, and such members as may be appointed by the Authority by notice in the Federal *Gazette* with the approval of the Minister.

L.N. 2 of  
1961.**NIGERIAN PORTS AUTHORITY (PILOTAGE)  
REGULATIONS***under section 71**Commencement: 5th January, 1961***GENERAL**

Short title.

1. (1) These Regulations, may be cited as the Nigerian Ports Authority (Pilotage) Regulations.

Interpreta-  
tion.

2. In these Regulations unless the context otherwise requires:—

“Act” means the Ports Act;

“Authority” means the Nigerian Ports Authority established under the provisions of the Act;

“pilot” means a person not belonging to a ship who has the conduct thereof;

“port” means a port as defined in the Port Act.

(2) In relation to any port—

“Authority pilot” means a pilot appointed by the Authority for that port;

“harbour master” means the harbour master duly appointed by the Authority for that port under section 44 of the Act;

“licensed pilot” means a pilot licensed by the Authority for that port;

“pilotage board” means the board established for the pilotage district of that port by the Authority under section 61 of the Act;

“pilotage district” means a pilotage district established in that port by the Authority under section 58 of the Act;

“port regulations” means the regulations for the time being made by the Authority under section 45 of the Act in respect of that port;

“power-driven vessel” means any ship propelled by machinery;

“ship” includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed, not being a ship propelled by oars paddles or poles.

### AUTHORITY PILOTS

3. (1) Every Authority pilot—

(a) on appointment to a port, shall; and

(b) on resuming his duties after an absence from that port for a period exceeding 1 month, may,

be required to present himself for examination by the pilotage board on all or any of the matters mentioned in regulation 9 of these Regulations as the pilotage board may require and shall obtain from the harbour master a written authority to act as a pilot within the pilotage district.

(2) The harbour master may at any time suspend the written authority referred to in paragraph (1) of this regulation and may require the pilot to re-present himself for examination by the pilotage board in any matter.

4. Application for the services of an Authority pilot shall be made to the harbour master in such form as he may prescribe.

5. The trim of a ship under the charge of an Authority pilot shall not be altered by pumping out tanks or otherwise except on the instructions of the pilot.

6. (1) Every Authority pilot when acting as such shall, if required, produce his written authority to act to any person by whom he is employed or to whom he offers his services as a pilot.

(2) If an Authority pilot refuses to produce his written authority in accordance with this regulation he shall be guilty of an offence and liable on conviction to a fine not exceeding ₦20.

Examination  
of Authority  
pilots.

Applications  
for services  
of Authority  
pilot.

Trim of ship  
not to be  
altered.

Obligation of  
Authority  
pilot to pro-  
duce his  
licence.



## LICENSED PILOTS

Harbour  
masters may  
issue  
licences.

7. The harbour master may issue licences in the Form A in the First Schedule to these Regulations authorising the person named therein to be a licensed pilot for the pilotage district of that port:

Provided that the harbour master shall not issue a licence to any person unless that person—

- (a) holds a Master certificate granted by a competent authority recognised by the harbour master, or in the case of persons operating vessels in and out of a port but not proceeding to or from any other port, such qualifications as the harbour master may consider necessary;
- (b) is not less than 24 years of age and not more than 65 years of age;
- (c) produces to the pilotage board a certificate of good conduct and sobriety and a medical certificate of fitness for the performance of his duties as a pilot;
- (d) passes a satisfactory examination before the pilotage board and obtains a certificate in the Form B in the First Schedule to these Regulations;
- (e) gives a bond with one surety approved by the harbour master in a sum of ₦200 in favour of the Authority in the Form C in the First Schedule to these Regulations;

Applications  
for examin-  
ations.

8. (1) Application for examination by a pilotage board shall be made in writing in the Form D in the First Schedule and shall be addressed to the harbour master.

(2) The particulars required by the said form shall be filled in and signed by the applicant.

(3) If any such particulars shall be false in any respect the applicant shall be guilty of an offence and liable on conviction to a fine not exceeding ₦40 and any licence which may have been granted to him under these Regulations may be revoked by the pilotage board.

9. An applicant for a licence shall be examined by the pilotage board in the following matters—

Matters in which applicant shall be examined.

- (a) as to his knowledge of the port regulations, the regulations for preventing collisions at sea, the international code of signals, the quarantine regulations, light, fog and distress signals and the working of power driven vessels in narrow waters or amongst shipping;
- (b) as to his first duty when going on board and before taking charge in light and strong winds, or in a tide-way;
- (c) as to his knowledge of the port, its approaches, depths of water rise and fall of the tide and set of the currents at various times or states of the tide; the lines of soundings, banks and other dangers with directions for clearing the same; the description and position of lights, buoys and beacons; the proper time of tide to get under way; and any other nautical matter the pilotage board may think fit and proper.

10. (1) Every licence shall, subject to the provisions of these Regulations, remain in force for a period of 12 months from the date thereof and may on application by the pilot be renewed by the harbour master from year to year by endorsement on the licence.

Duration and renewal of licence.

(2) The harbour master may, before renewing a licence, require the pilot to produce a medical certificate that he is physically fit to perform his duties as a pilot and is of sound vision.

(3) In any case in which the harbour master refuses to renew a licence the applicant may appeal to the pilotage board and the pilotage board may refuse or authorise the renewal of the licence as it may seem proper.

11. If a licensed pilot shall have been absent from a port for more than one month his licence shall be automatically suspended and he shall not be entitled to act as a pilot in

Suspension of licence.

that port until he shall have satisfied the harbour master that he is again fully conversant with the navigation of that port and the approaches thereto and shall have obtained the written authority of the harbour master to act as a pilot.

Fees payable.

12. The fees set out in the Second Schedule to these Regulations shall be paid in respect of the matters therein specified.

Register of pilots.

13. The harbour master shall keep a register of licensed pilots.

#### COMPULSORY PILOTAGE

Who may pilot a ship.

14. A ship shall only be piloted within a pilotage district within which pilotage is compulsory by an Authority pilot unless the master of the ship is also a licensed pilot, and,

- (a) if the ship is not registered in Nigeria it does not exceed 1,000 tons net registered tonnage; or
- (b) if the ship is registered in Nigeria it does not exceed 1,100 tons net registered tonnage.

Compulsory pilotage.  
L.N. 34 of 1963.

15. Pilotage shall be compulsory for every ship exceeding 10 tons gross tonnage entering, leaving or changing its berth within the following districts:—

- (a) the whole of the pilotage district of the port of Lagos established under the Nigerian Ports Authority Pilotage District Order; and
- (b) the Pilotage District A, B, C and D of the Port of Port Harcourt established under the Nigerian Ports Authority (Pilotage Districts) Order.

Pilotage not seawards of the port of Lagos.  
Cap. 224.

16. Within the pilotage district of the port of Lagos but not on entering that port from or leaving that port for the open sea the holder of a Certificate as a River Master granted under the Merchant Shipping Act may pilot any ship which is either used exclusively in inland waters

navigation or has arrived in that port from or is leaving that port for a voyage on inland waters and the holder of a Certificate as a Quartermaster granted under the said Act may pilot any such ship which does not exceed 150 tons displacement when loaded.

#### PILOTAGE FLAGS AND OFFENCES

17. When a ship is navigating in a pilotage district;

Pilot flag.

- (a) if it has on board an Authority pilot the master of the ship shall cause a flag (upper half white lower half red) to be flown from the triatic stay or foremast head of the ship; or
- (b) if it is in charge of a licensed pilot the licensed pilot shall cause a flag (upper half white lower half red) to be flown at the stern flag staff of the ship and underneath the ensign, when the ensign is flown; or
- (c) if it is in charge of the holder of one of the certificates referred to in regulation 16 of these Regulations, the holder of the Certificate shall cause a flag (upper half white lower half blue) to be flown at the stern flag staff of the ship and underneath the ensign, when the ensign is flown.

18. Any person who shall on any ship fly and any Master who shall permit to be flown any of the flags mentioned in the last preceding regulation except in the circumstances in which any such flag is required by the regulations to be flown shall be guilty of an offence and liable on conviction to a fine not exceeding ₦40.

Unauthorised  
use of pilots  
flag.

19. Any person who shall hold himself out as a pilot authorised to pilot any ship and is not so authorised or shall pilot any ship which he is not authorised to pilot under these Regulations shall be guilty of an offence and liable on conviction to a fine not exceeding ₦40.

Penalty for  
illegal  
piloting.

**PORTS (CARBIDE OF CALCIUM)  
REGULATIONS**

L.N. 15 of  
1963.

*under section 45*

*Commencement: 14th February, 1963*

1. These Regulations may be cited as the Ports (Carbide of Calcium) Regulations, and shall apply to all ports. Short title and application.

2. In these regulations unless the context otherwise requires: Interpretation.

“Authority” means the Nigerian Ports Authority established under the provisions of the Ports Act (hereinafter in these Regulations referred to as the “Act”);

“carbide of calcium” means a substance formed by the fusion of coke or anthracite with lime.

“Dock Superintendent” means a dock superintendent duly appointed by the Authority for the port and shall include any person authorised by the Authority to assist him;

“handling” includes loading, discharging and transporting;

“Harbour Master” means in relation to any port a harbour master duly appointed for that port under section 44 of the Act and shall include his duly authorised deputies, assistants and such persons authorised by him;

“Master” in relation to a ship means the master or other persons for the time being in charge of such ship but does not include a pilot;

“port” means a port declared under section 6 of the Act to be a port and shall include the approach thereto.

“ship” includes any ship, vessel, tug, lighter, canoe or boat of any kind whatsoever whether propelled by steam or otherwise or towed.

3. The Master of every ship carrying a cargo, any part of which consists of carbide of calcium shall, on entering a port, immediately give notice of the nature of such cargo to Notice of nature of cargo.

the Harbour Master, and shall place or moor his ship in such place as the Harbour Master may direct; and while any carbide of calcium remains on board, shall not remove his ship without the written permission of the Harbour Master.

Ventilation.

4. Every ship's hold in which carbide of calcium is present, and from which carbide of calcium is to be discharged in the port, shall be efficiently ventilated from the time of entering the port until all such carbide of calcium has been discharged or until the ship has left the port; and every ship's hold into which carbide of calcium is to be loaded shall be similarly efficiently ventilated from the time loading commences until the ship leaves the port.

Removal  
after dis-  
charging.

5. All carbide of calcium discharged at a port from any ship shall be removed without delay to some place of storage outside the port. carbide of calcium may be stored temporarily in an approved carbide store at a port subject to permission having been obtained from the Dock Superintendent and space being available in the approved store.

Carbide of  
calcium not  
to be  
brought to  
place of  
loading until  
ship is ready.

6. No carbide of calcium shall be brought to the place of loading until the ship into which it is to be loaded is in readiness to receive the same.

7. Carbide of calcium shall be brought into a port only in hermetically closed metal containers of such strength and construction or so protected as not to be liable to be broken or to become defective or insecure in conveyance.

Packages not  
to be  
opened.

8. No containers of carbide of calcium shall be opened within the limits of a port except with the written consent of the Harbour Master in such place as he may direct; and only non-ferrous tools may be used in opening containers.

Protection  
against  
water.

9. Every reasonable precaution shall be taken to prevent the contact of water or moisture with carbide of calcium, and where such contact may have occurred, to prevent the

gas evolved from being ignited. Handling of carbide of calcium shall cease during rain and exposed containers shall be placed under cover.

10. No smoking or naked lights shall be permitted within one hundred feet of where carbide of calcium containers are being handled.

11. Every ship having carbide of calcium on board shall at all times whilst in a port have on board a competent watchman and a responsible person to carry out and give effect to the provisions of these Regulations.

12. The Master of a ship having carbide of calcium on board shall when so required by the Harbour Master, or other official authorised by the Authority, afford every reasonable facility to enable such official to ascertain whether these Regulations are duly observed. Inspection.

13. Any person doing anything prohibited by any of these Regulations or omitting to do anything required by them to be done or otherwise offending against or omitting a breach against any of these Regulations shall be liable for every such offence to a penalty not exceeding ₦100 and in the case of a continuing offence to a further penalty not exceeding ₦10 for each day during which such offence continues. Penalty.

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FIRST SCHEDULE

FORMS

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SECOND SCHEDULE

FEEES

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**PORTS (PIERS) REGULATIONS**

L.N. 117 of  
1968.

*made under section 52*

*Commencement: 18th December, 1968*

PRELIMINARY

1. (1) These Regulations may be cited as the Ports (Piers) Regulations. Short title.

2. (1) In these Regulations, except where the context otherwise requires—

“owner” in relation to a pier includes the occupier;

Interpreta-  
tion.

“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.



Piers to which these Regulations apply.

3. These Regulations apply to piers in ports or approaches to ports only.

Application for licence and accompanying plans.

4. (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 paragraph (1) of this Regulation shall be accompanied by—

(a) 6 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 paragraph (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. (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.

Application for licence to alter structure of pier and accompanying plans.

(2) Every application made pursuant to paragraph (1) of this regulation shall be accompanied by 6 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. (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.

Survey to be carried out in certain cases.

(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. 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.

Issue of licence.

8. (1) Subject to the provisions of paragraph (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 31st December of the year of issue:

Licence to be for one year: renewals.

Provided that where a licence is issued on any date later than 31st 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.

Temporary licences.

9. 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.

Licence authorising work to be carried out in relation to a pier.

10. (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

Pier to be kept in state of safety and repair.

11. 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.

Fencing and railing.

12. (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 3 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 5 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.

(3) Where any fence or railing is removed for any of the purposes mentioned in paragraph (2) of this regulation the owner of the pier shall ensure that such fence or railing is restored or replaced immediately after the period during which the removal was necessary.

13. The owner of a pier shall erect and maintain in good condition such bollards, mooring posts or other similar appliances on the pier, and if necessary, on the foreshore, as are in the opinion of the Authority, requisite and of sufficient strength. Mooring facilities.

14. Where the height of the deck above water so necessitates, there shall be provided for every pier suitable landing steps for boats or other small craft clear of the frontage. Landing steps for boats.

15. (1) Subject to the provisions of paragraph (2) of this regulation, the owner of a pier shall make provision for life-saving appliances, and in particular, shall provide on the pier, and maintain in good order and condition— Life-saving appliances.

(a) at least two life-buoys of a pattern approved by the Authority with life lines attached and ready for use and having affixed thereto a Holmes Light or some other self-igniting device of a pattern approved by the Authority;

(b) adequate means at reasonable intervals, at or near the surface of the water, for enabling a person immersed in water to support himself or escape.

(2) The Authority may at its discretion exempt either temporarily or otherwise any pier from the provisions of paragraph (1) of this regulation.

Lights on piers.

16. (1) Subject to the provisions of paragraph (2) of this regulation, the owner of every pier shall erect, maintain and keep lighted between the hours of sunset and sunrise on every pier the following, that is to say—

- (a) two sets of green lights three feet apart in a vertical line one above the other so constructed as to be visible at a distance of at least one mile, erected within 3 feet of the outer and seaward end of every pier the T Piece of which is less than 300 feet in length;
- (b) similar sets or lights erected within three feet of each end of the face of the pier and within 3 feet of the face of the pier, where the face of the pier is 300 feet or more.

(2) The Authority may at its discretion in writing either temporarily or otherwise exempt any pier from the provisions of paragraph (1) of this regulation.

Inspection.

17. (1) Any duly authorised officer of the Authority may inspect any pier at any time for the purpose of ensuring proper compliance with the requirements of these Regulations.

(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. (1) The fees set out in the Second Schedule shall be paid in cases to which they relate. Fees and dues.

(2) In addition to the appropriate fees referred to in paragraph (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 1st 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 paragraph (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.

19. (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. Licence not transferable except with the consent of the Authority.

(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 cancellation and the Authority shall issue a fresh licence to the new owner of the pier.

Licence not to give right over land, etc.

20. 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 or the licence any rights over land at or adjacent to the root of the pier or to confer any right of access over any land.

Blocking approaches to other piers.

21. 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.

Dumping of rubbish etc., prohibited, etc.

22. (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.

Vessel not to lie up to pier in certain cases.

23. 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.

Licence to be exhibited.

24. 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.

Offences.

25. 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 3 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.

FIRST SCHEDULE

FORM 1

Regulation 4

APPLICATION FOR TEMPORARY\*/ORDINARY LICENCE TO  
 ERECT\*/OWN/OCCUPY A PIER

I\*/We .....  
 of ..... 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. (Renewals only) Particulars of applicant's current licence:—  
 Number .....  
 Date of Issue .....

\*5. (Temporary Licences only) Period for which licence is required  
 .....

6. I\*/We attach herewith the plans, drawings and specifications required under regulation 4.

.....  
 Signature  
 Date .....

\* Strike out words not applicable.



# PORTS (DECLARATION OF PORT LIMITS) ORDER

L.N. 121 of  
1975.

*under section 6*

*Commencement: 8th December, 1975*

1. The limits specified in the Schedule hereto are hereby declared to be the limits of the ports of Lagos, Port Harcourt, Calabar, Koko, Sapele, Forcados, Burutu, Warri, Degema and Bonny, respectively, for the purposes of the Act.

Declaration  
of ports  
limits.

2. The ports limits shall include all water-ways, creeks and swamp-land below the highest astronomical tide level and all beaches, moles, piers, jetties, slipways, quays and other works extending beyond the natural line of the line of the high water level. All ocean beaches within 100 metres of this high water level shall be deemed to be within the limits of the ports.

Definition of  
ports limits.

3. This Order may be cited as the Ports (Declaration of Port Limits) Order.

Short title.

## SCHEDULE

*Section 1*

### LIMITS OF THE PORT OF LAGOS

The limits of the port of Lagos shall be confined by parallels of Latitude 6 degrees 20 minutes North and 6 degrees 35 minutes North and by Meridians of Longitude 3 degrees 10 minutes East and 3 degrees 32 minutes East.

(Charts of reference: Federal Surveys sheet 279 Lagos S.W. and Lagos S.E. and sheet 280 Ijebu-Ode S.W.).

### LIMITS OF PORT OF PORT HARCOURT

The limits of the port of Port Harcourt shall be confined by parallels of Latitude 4 degrees 40 minutes North and 4 degrees 50 minutes North and by Meridians of Longitude 6 degrees 59 minutes East and 7 degrees 09 minutes East.

(Charts of reference: Federal Surveys Sheet 328 Degema and sheet 334 Port Harcourt).

S.I. 11 of  
1987.**NIGERIAN PORTS AUTHORITY (DUES AND RATES)  
REGULATIONS 1987***under section 95**Commencement: 1st April, 1987***PART I.—LIABILITY TO PAY DUES, ETC.**Liability to  
pay dues,  
etc.

1. (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.

S.I. 4 of  
1989.

(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.

Cap. 279

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

Right of lien  
against ship.

2. (1) The Authority shall exercise its right of maritime or common law lien on any ship for repairs carried out on

S.I. 11 of  
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Right of lien  
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2. (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 paragraph (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. (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.

Harbour dues.

(2) The harbour dues referred to in paragraph (1) of this regulation are prescribed in the First Schedule to these Regulations together with the exemptions and conditions applying to the dues.

4. The following persons shall be liable for the payment of harbour dues, that is—

Persons liable to pay harbour dues.

- (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. 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

Time of payment of harbour dues.

carrying ship entered or departed by sea or inland water way: provided that the goods and passengers are landed, disembarked at or shipped or embarked from a port or harbour.

Lien on goods.

6. 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.

Payment of harbour dues or port rates.

7. 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.

Claims for refund of harbour dues or port rates.

8. Claims for the refund of overpaid or wrongly assessed charges on goods occasioned by over entry, wrong declaration of weight or similar errors must be made and substantiated within 12 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.

Definitions.

9. 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 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. 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.

Ship dues.

11. 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.

Deck cargo or cargo carried in unregistered space.

12. The owner as herein defined or master of a ship shall be liable for all ship dues incurred thereon.

Person liable to pay ship dues.

13. 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.

Payment of ship dues.

14. 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.

Time of payment of ship dues.

15. All claims arising from ship dues must be made and substantiated with payments receipts and other documents within 12 months of the arrival of the ship.

Claims.

Government  
ships on  
commercial  
voyages.

16. 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.

Definitions.

17. 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 the country within Tropical West Africa in which it is deemed to have its headquarters, 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 60 calendar days.

## PART IV.—DUES AND RATES ON CARGO

18. 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.

Dues and rates on cargo.

19. (1) In the case of imports, the master or agent of every ship arriving at a port shall, not less than 7 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.

Documents to be furnished.

(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. The following persons are liable to pay dues or rates on cargo, that is—

Persons liable to pay dues or rates on cargo.

- (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.



Lien on goods.

21. 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.

Time of payment of dues or rates.

22. (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.

Power to levy reasonable charges.

23. 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.

Definitions.

24. 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, luggage 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;

“transhipment cargo” means cargo appearing as such upon a ship’s manifest of which notice of intention to tranship within the port or harbour and is in fact transferred 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. 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. Repeal.

26. In these Regulations, unless the context otherwise requires— Interpre-  
tation.

“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 M<sup>3</sup> 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 paragraph (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 50 kilos shall be charged as if such consignment were weighing 50 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  $15^\circ N$  and  $15^\circ S$ .

27. These Regulations may be cited as the Nigerian Ports Authority (Dues and Rates) Regulations. Short title.