

CHAPTER 428

TERRITORIAL WATERS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Extension of limits of territorial waters.
2. Jurisdiction in respect of offences committed in territorial waters.
3. Restriction on trial of persons other than Nigerian citizens for offences committed in territorial waters.
4. Short title.

 SCHEDULE

CHAPTER 428

TERRITORIAL WATERS ACT

An Act to determine the limits of the territorial waters of Nigeria and for other matters connected therewith.

[8th April, 1967] Commence-
ment.

1. (1) The territorial waters of Nigeria shall for all purposes include every part of the open sea within thirty nautical miles of the coast of Nigeria (measured from low water mark) or of the seaward limits of inland waters. Extension of limits of territorial waters. 1971 No. 38.

(2) Without prejudice to the generality of the foregoing subsection, that subsection shall in particular apply for the purposes of any power of the Federal Government to make, with respect to any matter, laws applying to or to any part of the territorial waters of Nigeria. 1971 No. 38.

(3) Accordingly—

- Cap. 179. (a) in the definition of territorial waters contained in section 18(1) of the Interpretation Act 1964, for the words “twelve nautical miles” there shall be substituted the words “thirty nautical miles”; and
- Cap. 383. (b) references to territorial waters or to the territorial waters of Nigeria in all other existing Federal enactments (and in particular the Sea Fisheries Act) shall be construed accordingly.

(4) In subsection (3) of this section, existing “Federal enactment” means—

- 1971 No. 38. (a) any Act of the National Assembly passed or made before the commencement of this Act or 26th August 1971 (which is the date of commencement of the amendment to this Act), including any instrument made before 1st October 1960 in so far as it has effect as an Act; or
- 1971 No. 38. (b) any order, rules, regulations, rules of court or byelaws made before the commencement of this Act or 26th August 1971 aforesaid in exercise of powers conferred by any such Act or instrument.

(5) Nothing in this section shall be construed as altering the extent of or the area covered by any lease, licence, right or permit granted under any enactment or instrument before the commencement of this Act or 26th August 1971 (which is the date of commencement of the amendment to this Act).

Jurisdiction
in respect of
offences
committed in
territorial
waters.

2. (1) Any act or omission which—

- (a) is committed within the territorial waters of Nigeria, whether by a citizen of Nigeria or a foreigner; and
- (b) would, if committed in any part of Nigeria, constitute an offence under the law in force in that part,

shall be an offence under that law and the person who committed it may, subject to section 3 of this Act, be arrested, tried and punished for it as if he had committed it in that part of Nigeria.

(2) Subsection (1) of this section—

- (a) shall apply whether or not the act or omission in question is committed on board or by means of a ship

Territorial Waters Act

or in, on or by means of a structure resting on the sea bed or subsoil; and

(b) shall, in the case of an act or omission committed by a foreigner on board or by means of a foreign ship, apply notwithstanding that the ship is a foreign one.

(3) For the purposes of the issue of a warrant for the arrest of any person who is by virtue of this section liable to be tried in some part of Nigeria for an offence, that offence may be treated as having been committed in any place in that part.

(4) Any jurisdiction conferred on any court by this section shall be without prejudice to any jurisdiction (and in particular any jurisdiction to try acts of piracy as defined by the law of nations) exercisable apart from this section by that or any other court.

(5) Nothing in this section shall be construed as derogating from the jurisdiction possessed by Nigeria under the law of nations, whether in relation to foreign ships or persons on board such ships or otherwise.

(6) In this section—

“foreigner” means a person who is not a citizen of Nigeria;

“foreign ship” means a ship of any country other than Nigeria;

“ship” includes floating craft and floating structures of every description.

3. (1) Subject to the provisions of this section, a Nigerian court shall not try a person who is not a citizen of Nigeria for any offence committed on the open sea within the territorial waters of Nigeria unless before the trial the Attorney-General of the Federation has issued a certificate signifying his consent to the trial of that person for that offence.

Restriction on trial of persons other than Nigerian citizens for offences committed in territorial waters.

(2) Nothing in subsection (1) of this section—

(a) shall affect any power of arrest, search, entry, seizure or custody exercisable with respect to an offence which has been, or is believed to have been, committed as aforesaid;

- (b) shall affect any obligation on any person in respect of a recognizance or bail bond entered into a consequence of his arrest, or the arrest of any other person, for such an offence;
 - (c) shall affect any power of any court to remand (whether on bail or in custody) a person brought before the court in connection with such an offence;
 - (d) shall affect anything done or omitted in the course of a trial unless in the course of the trial objection has already been made that, by reason of subsection (1) of this section, the court is not competent to proceed with the trial; or
 - (e) shall, after the conclusion of a trial, be treated as having affected the validity of the trial if no such objection as aforesaid was made in the proceedings at any stage before the conclusion of the trial.
- (3) Subsection (1) of this section shall not apply to the trial of any act of piracy as defined by the law of nations.
- (4) A document purporting to be a certificate issued for the purposes of subsection (1) of this section and to be signed by the Attorney-General of the Federation shall be received in evidence and shall, unless the contrary is proved, be taken to be a certificate issued by the said Attorney-General.
- (5) Nothing in this section shall be construed as derogating from the provisions of any other enactment restricting the prosecution of any proceedings or requiring the consent of any authority to the prosecution thereof.
- (6) In this section, "offence" means any act or omission which by virtue of section 2 of this Act or any other enactment is an offence under the law of Nigeria or any part thereof.

Short title.

4. (1) This Act may be cited as the Territorial Waters Act.
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Territorial Waters Act

TERRITORIAL WATERS ACT

CHAPTER 428

SUBSIDIARY LEGISLATION

No Subsidiary Legislation