

FOR

*Sponsored by Senator Ovie-Omo Agege*

**[ ] Commencement**

16                   (2) The Director General who shall be the Commandant and Chief  
17       Executive officer of the Coast Guard Corps shall also be appointed by the  
18       President subject to the conformation by senate;

1                   (3) One "person hereinafter referred to as "delegate") nominated by  
2   *and represent each of the following establishments-*

- 3                   (a) Federal Ministry of Transport;
- 4                   (b) Federal Ministry of Environment;
- 5                   (c) Federal Ministry of Finance;
- 6                   (d) Federal Ministry of Health;
- 7                   (e) Federal Ministry of Defence;
- 8                   (f) Nautical College of Nigeria;
- 9                   (g) Nigeria Port Authority;
- 10                  (h) Nigeria Inland water ways Authority; and
- 11                  (i) Oil and Gas Producing companies in Nigeria.

12                  (4) The Schedule to this Act shall apply with respect to the  
13   proceedings of the Board and the other matters provided therein-

14                  (1) Subject to sub-section (2) of this section, a member of the Board  
15   other than ex-officio member shall hold office for a period of four years;

16                  (2) Notwithstanding anything to the contrary, a member of the Board  
17   other than an ex-officio member, may resign his appointment by letter under  
18   his hand addressed to the President whereupon his membership shall  
19   terminated on the date of receipt of the letter; (3) The President may at any time  
20   remove any member from office if in his opinion it is in the interest of the NMN  
21   Coast Guard Corps or of the Nation;

22                  (4) A person shall cease to hold office as a member of the Board if-

- 23                  (a) he becomes bankrupt or compounds with his creditors;
- 24                  (b) he is convicted of a felony or any offence of dishonesty;
- 25                  (c) he becomes of unsound mind, or is incapable of carrying out his  
26   duties from any other course;
- 27                  (d) he is found guilty of serious misconduct by a court of competent  
28   jurisdiction in relation to his duties; or
- 29                  (e) in the case of a person possessing professional qualifications, he is  
30   disqualified or suspended, other than at his own request; from practicing his

1      profession in any part of the world by an order of a competent authority.

2                    3. Where a vacancy occurs in the membership of the Board it shall  
3      be filled by appointment or nomination of a successor as the case may be to  
4      hold office for the remainder of the term of his predecessor, so however that  
5      he represents the same interest as his predecessor.

6                    4. There shall be paid to members of the Board such remuneration,      Remuneration and  
7      allowance and expenses as the Federal Government may from time to time      allowances of  
8      direct.      Board

9                    5. The Board shall be charge with the responsibility for-

10                    (a) policy formulations for the Corps;

11                    (b) the management and supervision of the affairs of the Corps;

12                    (c) the appointment and promotion of suitable persons into the  
13      various ranks of the Corps;

14                    (d) the discipline of personnel of the Corps;

15                    (e) the determination of the remuneration and allowance of the  
16      various ranks of the Corps which shall be in line with extent Federal  
17      Government policies;

18                    (g) the exercise of other function incidental to the powers conferred  
19      on the Corps in this Act;

20                    PART 11 - FUNCTIONS AND POWERS OF THE NMN COAST

21                    GUARD CORPS

22                    6.-(1) The NMN Coast Guard Corps shall-

23                    (a) Monitor and protect the Nigerian territorial waters from  
24      Pollution during ship building in Docks and in slip-ways and during  
25      construction of any marine facilities;

26                    (b) Protect Nigerian territorial waters from dumping, pollution by  
27      toxics west poisons, chemicals or any other element that constitute risk to  
28      humans and marine lives;

29                    (c) Monitor, protect and maintain the clearing in marines water  
30      hyacinths, grasses weeds and water debris, wrecks from Nigerian coastline,

Functions and  
powers of the  
NMN Coast  
Guard Corps

1     creeks and Inland waters ways expansion for free passage of transporting  
2     goods and services;

3             (d) Provide and responds to any emergency quick Rescue facilities,  
4     first Aid medical services for marines and Merchant Ships, seamen operating  
5     in Nigerian waters Personnel's and in the riverine Inland coastline and creeks  
6     water ways and in maritime environment;

7             (e) Monitor and control all government and commercial transport  
8     boats or any marines facilities operating in the maritime offshore and onshore  
9     environment and check the safety of lives, and fire prevention, accident  
10    installation equipments used onboard such boats for safety protection;

11            (f) monitor the all petroleum products loading and offloading  
12    activities marketers and distributors for proper efficient distribution to depots  
13    and deposits to various stations and locations;

14            (g) Board any ship conveying petroleum products for loading and  
15    offloading in Nigeria take the sounding of litters and tonnage of products on  
16    board;

17            (h) Protect and prevent ships, boats and crafts operating on Nigeria  
18    waters from disasters, collision and accidents in inland water coastline and  
19    creeks or on the marine environment activities in Nigeria;

20            (i) Protect human lives, maintain inland waters coastline and creeks  
21    water ways for free flow of water against floods and deserters on the marine  
22    environment;

23            (j) Enforce and maintain Law and order in the inland coastline and  
24    Creeks to avoid dumping of waste products on maritime activities and marine  
25    environment in Nigerian;

26            (k) Provide security for merchant vessels alongside seaport, ships on  
27    midstream anchorage, tug boats, fishing trawlers, crafts, passengers boats,  
28    tramps, Oil rigs, Oil platforms, Oil depots, Oil loading and offloading jetties,  
29    container and cargo terminals, seaports, and any maritime and transportation  
30    facilities;

1 (l) Liaise with oil minerals, gas prospecting producing and  
2 Shipping companies on prevention control and safety of workers  
3 environment in the Nigerian territorial waters;

4 (m) Combat crimes and deserters, prevent accidents on board  
5 ships, Seaports, terminals, jetties, coastline and creeks, dumping of toxic  
6 waste and other dangerous chemicals on Nigerian territorial water ways;

7 (n) exercise through its staffs, officers and Ratings the right to carry  
8 light arms in the execution of its duty and functions;

9 (o) Upon request, provide transportation and manned Nigeria  
10 Merchant flag ships for Auxiliary and logistics supply to convey Nigerian  
11 Military and equipments on operations in local and International assignment  
12 missions;

13 (p) Provide for the security of life, property and other interest of  
14 seamen working in ships plying Nigerian territorial waters, and

15 (q) monitor all illegal fishing activities and control of fishing  
16 trawlers operating in Nigeria territorial waters to ensure the use of proper  
17 approved recommended fishing nets;

18 (r) Prevent crimes or criminals activities, guide and protect  
19 Nigerian territorial coastline water ways bandries borders and creeks  
20 entrance to checkmate against any illegal activities;

21 (s) Provide guide line for shipping companies agent to put on  
22 notice to the Nigerian Merchant Navy Coast Guard Corps seven days before  
23 the arrival of any vessels into Nigerian territorial waters;

24 7. The NMN Coast Guard Corps shall have the power to-

25 (a) Arrest persons and ships suspected of committing an offence in  
26 Nigerian territorial waters and hand over to the appropriate authority;

27 (b) Assist the Nigeria Customs in rummaging vessels against  
28 illegal contraband goods, Port Health Service on contaminated foods,  
29 beverages and beverages against epidemics, and immigrants against illegal  
30 migrants entry Nigeria through high sea and Inland water way;

Power of NMN  
Coast Guard  
Corps

1 (c) Intervene in industrial disputes between employers and Seamen  
2 employed in any Merchant Navy ship for officers and Ratings to ensure welfare  
3 and prompt payment of salaries and allowances;

4 (d) Register, keep and maintain proper record and provide guidelines  
5 for the employment of Nigerian Merchant Navy Seafarers officers and Ratings  
6 onboard vessels, deep sea, offshore and onshore rig in Nigeria;

7 (e) Absorb and co-ordinate the affairs of all Nigerian Merchant Navy  
8 Seafarers officers, Ratings and Cadets officers from various Maritime  
9 academy in Nigeria to ensure engagement on available vessels, and for their  
10 seaterm Practical training onboard;

11 (f) in time to time training and re-training on Seamanship mandatory,  
12 boat drill on survival at sea, safety and security combating of crimes for all  
13 Nigerian Seafarers officers and Ratings on proper International Standard on  
14 (STCWC)/(SOLAS)/(ISPS) Code Standard;

15 (g) Liaise with local and foreign shipping companies to engaging  
16 Nigerian Merchant Navy Seamen on board vessels, oil rigs, crafts or any  
17 moving marines infrastructure and any Installations operation on water;

18 (h) Establish and maintain Stella-maries, mission to seafarers in all  
19 Nigeria seaport environ for all Nigerian and foreign Merchant Navy Seamen;

20 (i) In Honor, to mark the Nigerian Merchant Navy Establishment,  
21 Day, on every 16th of February of the year, of the Establishment day in 1914,  
22 for the heroism that lost their lives in war tone zones, peace Keeping missions  
23 in development on the course of serving the Nation;

24 (j) Assist to enforce the Act aimed at interfering with any systems of  
25 communication or any other facilities or installation of the NMN Coast Guard  
26 Corps, any act which is in contravention of the Coastal and Inland Shipping  
27 Cabotage Act, 2003 or any similar law and any other activities not having a  
28 direct bearing on passage;

29 (k) arrest any persons whom, Shipping, Oil and Gas or any maritime  
30 transportations operators, who supply or sales adulterated or chemicalized

1 crude as heavy black oil or any other petroleum product to vessels, for any  
2 marine infrastructures operating on the Nigerian territorial waters;

3 (l) monitor, registered and certified, all marines equipments  
4 supply, and coordinate ships supply chandlers operating in Nigerian marine  
5 environment against fraudulent act, contaminated foods water, drinks,  
6 spirits cigarettes beverages or any other items;

7 (m) Notwithstanding the provisions of subsection of this section,  
8 no ship shall be stopped, entered, boarded searched or inspected within the  
9 territorial waters in Nigeria if passage of the ship within the territorial waters  
10 of Nigeria is an innocent passage;

11 8. The following activities are acts prejudicial to the safety and  
12 security of the maritime territorial zones in Nigeria-

13 (a) Any threat or act which in any manner is a violation of the  
14 Provision of this act or other legislation applicable to the NMN Coast Guard  
15 Corps;

16 (b) Act of pollution;

17 (c) Unauthorized illegal fishing activities;

18 (d) Unauthorized entry of commercial vessels trading activities;

19 (e) Unauthorized illegal mining of minerals resources activities;

20 (f) Unauthorized illegal structures on water ways;

21 (g) Unauthorized illegal mining and Dredging;

22 (h) The carrying out of unauthorized research or survey activities  
23 on the Nigerian waters.

24 **PART III - STRUCTURE OF THE NMN COAST GUARD CORPS**

25 9.-(1) There shall be established for the NMN Coast Guard Corps  
26 the following Directorate Commands-

27 (a) Administration, Human Resources and Legal;

28 (b) Finance and Supply;

29 (c) Training and Education;

30 (d) Planning, Research, statistics and information management;

1 (e) Utilities and infrastructure Development;

2 (f) Intelligent and Internal Affairs;

3 (g) Chaplaincy and Religious Affairs; and

4 (h) Medical services;

5 (2) The Board may, with the approval of the President and consent of  
6 the senate increase or reduce the number of commands;

7 (3) (a) The internal Affairs Department of the Coast Guard Corps  
8 shall serve as surveillance department of the Corps monitoring the activities of  
9 officers and ratings of the Corps on duty beats;

10 (b) An officer of the internal Affairs department shall have the power  
11 to arrest another officer of a lower rank or rating of the Corps suspected of  
12 committing an offence;

13 (c) the internal department shall have the power of trial within the  
14 Corps, of any officer or rating suspected of committing an offence and if  
15 necessary secures a warrants of his arrest from the appropriate judicial officer;

16 **PART IV - STAFF OF THE NMN COAST GUARD CORPS**

Power of the  
Board

17 **10.-(1) The Board shall have power to-**

18 (a) employ such person (s) as it may deem necessary to give effect to  
19 this Act;

20 (b) determine the description, title, qualification and salaries of such  
21 Person shall be in line with extant federal Government Directives; and

22 (c) employ either directly or on secondment from any civil or other  
23 services in the federation or state such employees as may, in the opinion of the  
24 Board be required.

25 (2) the employment of the NMN Coast Guard Corps staff shall  
26 subject to such terms and conditions as may from time be stipulated by the  
27 Board.

28 **11. Member of the corps shall perform such functions as may, from**  
29 **time to time be assigned to them by the corps.**

30 **12-(1) A person shall before he is appointed member of the Corps**

1        declare his interest, if any maritime transport or other business organization  
2        undertaking transportation of passengers, or goods or engaged in the  
3        manufacture or sales of any equipment used by the Corps.

4                (2) A member of the Corps who acquires any financial interest in  
5        any organization undertaking maritime transportation of passenger or in the  
6        production or sale of any equipment or goods used by the Corps shall within  
7        one month of such acquisition, give notice thereof in writing to the Corps,  
8        specifying the circumstances decide whether to-

9                (a) Retain him as a member of the Coast Guard Corps;

10              (b) remove him from membership;

11              (c) Attach any condition to is membership; or

12              (d) the internal department shall have the power of trial within the  
13        Corps, of any officer or rating suspected of committing an offence and if  
14        necessary secures a warrants of his arrest from the appropriate judicial  
15        officer;

16              (3) Nothing in sub-section (1) and (2) of this section shall prevent  
17        the appointment of a person to any officer on non-pensionable terms.

18              (4) For the purposes of the application of the provisions of the  
19        person Act, any power exercisable there-under by the Minister or other  
20        official of the Government of the Federation, other than the power to make  
21        regulations, is hereby vested in and shall be exercisable by the Board and  
22        regulations, in person(s) or authority.

23              **13. The Director-General (Commandant-General) shall be the**  
24        secretary of the Board and subject to the General Direction of the Board be  
25        responsible for-

26              (a) the day to day administration of the Corps;

27              (b) the keeping of the Books and proper records of the proceedings  
28        of the Board;

29              (c) the administration of the secretariat of the Board; and

30              (d) the general direction and control of employment of the Corps.

1                   **14.-(1) Zonal Ship Base commandants shall be appointed by the**  
2    **Director-General (Commandant).**

3                   **(2) The Zonal Ship Base Commandants shall have such qualifications**  
4    **and experience as are appropriate for the performance of the duties of their**  
5    **office.**

6                   **(3) The Zonal Ship Base Commandant shall be the Commanding**  
7    **officer of the zone responsible for the execution of all the operations, and**  
8    **policy implementation in the Zone and shall report directly to the Director-**  
9    **General (Commandant)-**

10                  **(a) the internal department shall have the power of trial within the**  
11    **NMN Coast Guard Corps, of any officer or rating suspected of committing an**  
12    **offence and if necessary secures a warrants of his arrest from the appropriate**  
13    **judicial officer;**

14                  **(b) two percent of the net profit of Maritime Parastatals and oil**  
15    **producing companies operating on-shore and off-shore in Nigeria including**  
16    **gas processing companies; and**

17                  **(c) money raised for the purpose of the NMN Coast Guard Corps**  
18    **through gift, loan grants-in-aid, or testamentary disposition.**

19                  **(3) The fund shall be managed in accordance with rules made by the**  
20    **Board and without prejudice to the generality of the power to make rules under**  
21    **this sub-section-**

22                  **(a) specify the manner in which the assets or the fund of the Corps are**  
23    **to be kept ,and regulate the making of payments into and out of the fund; and**

24                  **(b) require the keeping of proper books of account and records for the**  
25    **fund in such from as may be specified in the rules.**

26                                   **PART V - FINANCIAL PROVISION**

27                  **15.-(1) The NMN Coast Guard Corps shall apply the proceeds of the**  
28    **fund established pursuant to section 14 of this Act to-**

29                  **(a) the cost administration of the NMN Coast Guard Corps;**

30                  **(b) the payment of salaries, fees, remuneration, allowances, pensions**

1            Gratuities to members of the Board or any committee of the Board and the  
2            employees of the NMN Coast Guard Corps;

3                    (c) payment for all contracts, including mobilization, variations,  
4            legal fees and cost of contract administration;

5                    (d) payment for purchases; and

6                    (e) payment for such other activities as are connected with all or  
7            any of the functions of the NMN Coast Guard Corps under this Act.

8                    (2) (a) The Board shall set up a monitoring committee to monitor  
9            management of the funds of the Board;

10                    (b) the monitoring committee shall at all times have access to the  
11            books of account and other financial records of the NMN Corps and submit  
12            periodic records. Reports on the accounts to the Board;

13                    **16..** The Board may accept any gift of land money or other property      Power to accept  
14            provided that the terms or condition of such gift are not likely to influence      gift  
15            the decision of the Board or its officers and are not inconsistent with the  
16            provisions of any other law.

17                    **17.** The Board may, with the consent of president, borrow money      Power to borrow  
18            on such terms and conditions as the Board may determine.

19                    **18.-(1)** The Board shall not later than 30th September in each year      Accounts,  
20            submit to the National Assembly through the president, estimate of the      estimates, etc.  
21            income and expenditure of the NMN Coast Guard Corps for the next year for  
22            approval.

23                    (2) The Board shall cause to be kept, proper accounts of moneys  
24            received by the NMN Coast Guard Corps in each year and shall cause the  
25            received by the NMN Coast Guard Corps in each year and shall cause the  
26            accounts to be audited not later than 6 months at the end of each year on 31st  
27            December by auditors appointed from the 1st and in accordance with the  
28            guideline supplied by the auditor-General of the Federation.

29                    **19.** The Board shall at the end of every quarter in March, June,      Annual Report  
30            September and December of each year submit to the president report on the

	1	execution or attachment of property of the Corps in the nature thereof shall be
	2	issued against the Corps unless not less than three months' notice of the
	3	intention to execute or attach such property has been given to the NMN Coast
	4	Guard Corps.
Indemnity of officer	5	27. A member of the Board, the Director-General or any officer or
	6	employee of the Coast Guard Corps shall be indemnified out of the assets of the
	7	Coast Guard Corps against any liability incurred by him in defending any
	8	proceeding, whether civil or criminal, if the proceeding is brought against him
	9	in his capacity as a member, Director-General officer or other employee of the
	10	Coast Guard Corps.
Regulations	11	28. The Board may with the approval of the President make
	12	regulations for giving effect to this Act.
Interpretation	13	29. In this Act, unless the context otherwise requires-
	14	"Coast Guard" means guarding or protecting water ways; "Corps" means the
	15	Nigerian Merchant Navy Security and Safety Corps; "Merchant Navy" means
	16	the ships of a Nation used in commercial; "President" means the President and
	17	Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria;
	18	"Ship-Base" means any operational command of the NMN Coast Guard Corps;
Citation	19	30. This Bill may be cited as the Nigerian Merchant Navy Coast
	20	Guard Security and Safety Corps Bill, 2016.
	21	SCHEDULE REFERRED TO UNDER SECTION 2 (4) OF THIS ACT.
	22	1. Subject to this Act and to section 27 of the Interpretation Act, the
	23	Board Shall have power to regulate its proceedings and may make standing
	24	orders with respect to the holding of its meetings, and those of its committee,
	25	notices to be given and, keeping of minutes of its proceedings, the custody and
	26	production for inspection of such minutes and such others as the Board may
	27	from time to time determine.
	28	2.-(I) there shall be at least four ordinary meetings of the Board in
	29	every calendar year and subject thereto, the Board shall meet whenever it is
	30	convened by the Chairman, and if the Chairman is requested to do so by notice

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1 unless confirmed by the Board.

2 *Miscellaneous*

3 11. The fixing of seal of the Coast Guard Corps shall be authenticated  
4 by the signature of the Director-General and a non ex-officio member of the  
5 Board or Director-General and such other person as is authorized by the Board  
6 to act for that purpose.

7 *Miscellaneous*

8 12. The fixing of seal of the Coast Guard Corps shall be authenticated  
9 by the signature of the Director-General and a non ex-officio member of the  
10 Board or Director -General and such other person as is authorized by the Board  
11 to act for that purpose.

12 13. A contract or an instrument which if made or execution by any  
13 person not being a body corporate ,would not be required to be under seal, may  
14 be made or executed on behalf of the Coast Guard Corps by the Director-  
15 General or by any person(s) generally or specifically authorize to act for that  
16 purpose by the Board.

17 14. A document purporting to be a contract, an instrument or other  
18 document signed or sealed on behalf of the Coast Guard Corps shall be  
19 received in evidence and, unless the contrary is proved be presumed without  
20 further proof to have been properly signed or sealed.

21 15. The validity of any proceeding of the Board or its committees  
22 shall not be affected by-

23 (a) Any vacancy in the member of the Board or its committees;

24 (b) The fact that a person entitled to do so took part in the proceedings;

25 (c) Any defect in the appointment of a member.

26 16. Any member of the board or committees thereof who has a  
27 person(s) interest in any contract or arrangement entered into or proposed to be  
28 considered by the Board or any committee thereof-

29 (a) Shall forth with disclose his interest to the Board or committee;

30 and

- 1                    (b) Shall not vote on any question relating to the contract or  
2                    arrangement.

**EXPLANATORY MEMORANDUM**

This Bill seeks to provide for the establishment of the Nigerian Merchant Navy Coast Guard Security and Safety Corps with responsibility for the security and safety of coast line waters and Nigerian Merchant Navy and for related matters.