

MARITIME PIRACY AND OTHER RELATED OFFENCES (PROHIBITION,
PREVENTION, ETC.) BILL, 2017

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A BILL

FOR

AN ACT TO PROVIDE FOR THE PROHIBITION, PREVENTION, DETECTION, RESPONSE, INVESTIGATION AND PROSECUTION OF MARITIME PIRACY, ARMED ROBBERY AGAINST SHIPS AND OTHER UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION; AND FOR OTHER RELATED MATTERS

Sponsored by Senator Abdul-Aziz Nyako

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART I - OBJECTIVES, APPLICATION AND INTERPRETATION

- | | | |
|----|--|-------------------------|
| 1 | 1. This Bill may be cited as the Maritime Piracy and Other Related | Short Title |
| 2 | Offences Short Title (Prohibition, Prevention, Etc.) Bill, 2017. | |
| 3 | 2. The objectives of this Bill are to: | Objectives of the Bill |
| 4 | (a) Fulfill Nigeria's obligation under the relevant instruments on | |
| 5 | the law of the sea by criminalizing the offences of maritime piracy, armed | |
| 6 | robbery against ships and check other unlawful acts against the safety of | |
| 7 | maritime navigation; | |
| 8 | (b) Ensure effective prevention, detection, response, investigation | |
| 9 | and prosecution of maritime piracy, armed robbery against ships and other | |
| 10 | unlawful acts within Nigeria's maritime domain and cause ways under the | |
| 11 | jurisdiction of the Federal Republic of Nigeria; and | |
| 12 | (c) Strengthen existing legal and regulatory framework on | |
| 13 | maritime safety in Nigeria. | |
| 14 | 3.-(1) Unless otherwise provided, this Bill shall apply to: | Application of the Bill |
| 15 | (a) all Nigerian ships wherever they may be; | |
| 16 | (b) all other ships while in a port or place in, or within the territorial | |
| 17 | sea, lakes, rivers, and cause ways under the jurisdiction of the Federal | |

1 Republic of Nigeria.

2 (2) This Bill does not apply to:

3 (a) vessels of the Nigerian Police;

4 (b) vessels or aircrafts of the Nigerian Navy or any of the other
5 branches of the armed forces;

6 (c) any other ship belonging to or under the control of and in the
7 service of the Government of the Federal Republic of Nigeria; and

8 (d) activities of the Nigerian Armed Forces during an armed conflict,
9 as the terms in this Act are understood under the Constitution of the Federal
10 Republic of Nigeria, all applicable domestic laws and international
11 humanitarian law which are governed by those laws and the activities
12 undertaken by the military forces of Nigeria in the exercise of their official
13 duties, in as much as they are governed by other rules of international law.

Interpretation

14 4. In this Bill:

15 "Maritime piracy" means and includes:

16 (a) any illegal acts of violence or detention, or any act of depredation,
17 committed for private ends by the crew or the passengers of a private ship or a
18 private aircraft, and directed:

19 (i) on the high seas, against another ship or aircraft, or against persons
20 or property on board such ship or aircraft;

21 (ii) against a ship, aircraft, persons or property in a place outside the
22 jurisdiction of any State;

23 (b) any act of voluntary participation in the operation of a ship or of an
24 aircraft with knowledge of facts making it a pirate ship or aircraft; or

25 (c) any act of inciting or of intentionality facilitating an act described
26 in subparagraph (a) or (b) above.

27 "armed robbery against ships" means:

28 (a) any illegal act of violence or detention or any act of depredation, or
29 threat thereof, other than an act of piracy committed for private ends and
30 directed against a ship or against persons or property on board such a ship,

1 within Nigeria's internal waters, archipelagic waters and territorial sea; or

2 (b) any act or inciting or of intentionally facilitating an act
3 described above; and

4 (c) for the purpose of criminalization and punishment, all acts of
5 armed robbery at sea are deemed to be included within the meaning of
6 'unlawful act' in this Act;

7 "Agency" means the Nigerian Maritime Administration and Safety Agency
8 established under the Nigerian Maritime Administration and Safety Agency
9 Act, 2007;

10 "Aircraft" means an airplane, helicopter, or other machine capable of flight;

11 "Bank" has the same meaning given to it in section 66 of the Banks and
12 Other Financial Institutions Act, 2004;

13 "BRCN weapon" -means Biological Radiological Chemical Nuclear:

14 (1) biological weapons' includes:

15 Microbial or other biological agents, or toxins whatever their origin or
16 method of production, of types and in quantities that have no justification for
17 prophylactic protective or other peaceful purposes;

18 (2) Weapons, equipment or means of delivery designed to use such
19 agents or toxins for hostile purposes or in armed conflict;

20 (3) "chemical weapons", which are together or separately:

21 (a) Toxic chemicals and their precursors, except where intended
22 for:

23 (i) industrial, agricultural, research, medical, pharmaceutical or
24 other peaceful purposes;

25 (ii) protective purposes, namely those purposes directly related to
26 protection against toxic chemicals and to protection against chemical
27 weapons; or

28 (iii) military purposes not connected with the use of chemical
29 weapons and not dependent on the use of the toxic properties of chemicals as
30 a method of warfare; or law enforcement including domestic riot control

1 purposes, as long as the types and quantities are consistent with such purposes;

2 (4) Munitions and devices specifically designed to cause death or
3 other harm through the toxic properties of those toxic properties of those toxic
4 chemicals specified in subparagraph (a), which would be released as a result of
5 the employment of such munitions and devices;

6 (5) Any equipment specifically designed for use directly in
7 connection with the employment of munitions and devices specified in
8 subparagraph (ii) (2).

9 (6) "Nuclear weapons" and other nuclear explosive devices;

10 "Cargo" includes any substance or article, livestock, mineral, ware, crude oil,
11 petroleum products, property and merchandise of any description and any
12 container or other item used to contain any substance or article or property
13 carried on board a ship but excluding Crew's personal effects;

14 "Court" means the Federal High Court of Nigeria;

15 "Convention" means The United Nations Conventions on the Law of the Sea
16 1958 and 1982 relating to Piracy;

17 "Crew or Crew Members" means the Captain or Master and all other persons
18 actually employed or engaged in the working or service of any ship;

19 "Exclusive Economic Zone" means the area immediately adjacent to the
20 Territorial sea of Nigeria and extending 200mll (Two-hundred nautical miles)
21 past the territorial sea of Nigeria;

22 "Floating platform" means any type of floating oil production or oil storage
23 facility including Floating Production Storage and Offloading system or
24 platform, Floating Storage and Offloading system or platform or Floating
25 Storage Unit, Tension-leg platforms, Spar platforms, Normally Unmanned
26 Installations (or toadstools) and Satellite Platforms;

27 "Firearm" means a barrelled weapon from which any shot, bullet or other
28 projectile can be discharged and that is capable of causing serious bodily injury
29 or death to a person, and includes any frame or receiver of such a barrelled
30 weapon and anything that can be adapted for use as a firearm;

1 "Fixed platform" means any artificial island, installation or structure
2 permanently attached to the seabed for the purpose of exploration or
3 exploitation of resources or for other economic purposes;

4 "Government vessel" means a ship owned or operated by a State and used
5 only on government non-commercial service;

6 "Grievous Harm" means any harm which amounts to a maim or dangerous
7 harm as defined in this section, or which seriously or permanently injures
8 health, or which is likely so to injure health, or Which extends to permanent
9 disfigurement or to any permanent or serious injury to any external internal
10 organ, member, or sense;

11 "IMO" means the International Maritime Organization;

12 "International waters" means those waters that are not part of any state's
13 internal waters or territorial sea;

14 "Law Enforcement or authorized officials" means uniformed or otherwise
15 clearly identifiable members of the Nigerian Armed Forces or other law
16 enforcement agencies or other government authorities including officials of
17 the Nigerian Maritime Administration and Safety Agency duly authorized
18 and trained by the Nigerian Government or under Nigerian laws to enforce
19 marine-related laws and offences under this Act; and for the specific purpose
20 of law enforcement under this Act, law enforcement or other authorized
21 officials shall provide appropriate government-issued identification
22 documents for examination by the Master or Captain of any relevant ship or
23 aircraft upon boarding;

24 "Maritime law enforcement agency" means any Nigerian agency statutorily
25 authorized with maritime law enforcement;

26 "Master or Captain" means a person, other than a pilot, having full lawful
27 command or charge of a ship;

28 "Minister" means the Federal Minister of Transportation;

29 "Ministry" means the Federal Ministry of Transportation;

30 "Nigerian Citizen" means a national of Nigeria according to the provisions

1 of the 1999 Constitution of the Federal Republic of Nigeria or any modification
2 or replacement thereof;

3 "Nigerian Internal Waters" means the internal or inland waters, creeks, rivers
4 and coastal waters of Nigeria;

5 "Nigerian Territorial Waters" means the maritime areas measuring 12 nautical
6 miles from the coastal baselines of Nigeria as provided in the Territorial Waters
7 Act, Laws of the Federation of Nigeria 2004 or any modification or
8 replacement thereof;

9 "Obstruction" includes, but is not limited to, the following:

10 (1) Willfully or knowingly participating in, or having knowledge of
11 and failing to report, the destruction, mutilation, concealment, substitution,
12 falsification, alteration, false representation (written orally); of any statement,
13 document, electronic device, telecommunication device or message, or
14 physical object with the intent to impede, divert, stall, destroy, or influence the
15 activities of prosecutors, law enforcement or authorized agents in the exercise
16 of any of the powers or duties conferred upon them under this Act;

17 (2) Acts in a manner which represents an intention, suspicion, or
18 attempt to carry out any of the instances in Sub-Section (1);

19 (3) The use of corruption, written or oral threat of force or assault, acts
20 of coercion, to affect the proper process of investigation and the due
21 administration of justice by any suspect against prosecutors, law enforcement
22 or authorized agents in the exercise of any of the powers or duties conferred
23 upon them under this Act;

24 (4) The refusal by act or speak to provide aid, assistance, or evidence
25 to prosecutors, law enforcement or authorized agents in the exercise of any of
26 the powers or duties conferred upon them under this Act; and

27 (5) The intention or physical attempt, orally or in writing, of any law
28 enforcement or authorized agents, prosecutors, judges, elected officers,
29 government official, civil or public servant, member of the armed forces or any
30 joint task force operating under this Act; to tamper with or suppress evidence or

1 act in any manner mentioned in Sub-Section (1), (2), (3), and (4) of this
 2 Section in order to affect an investigation, process of justice, record keeping
 3 process, or the activities of prosecutors, law enforcement or authorized
 4 agents in the exercise of any of the powers or duties conferred upon them
 5 under this Act;

6 "Owner" includes a part-owner or beneficial owner or a demise or bareboat
 7 charterer, consignee or mortgagee in possession and a managing owner or
 8 managing or shipping company, of a ship; and Cargo or goods, includes any
 9 consignor, consignee, shipper or agent either for the sale, custody, shipping
 10 or landing of such goods or cargo;

11 "Offshore Installation" means a structure which is, or is to be, or has been,
 12 used while standing or stationed in water or on the foreshore or other land
 13 intermittently covered with water;

14 "Passenger" means any person carried on a ship, other than: A person
 15 employed or engaged in any capacity on board the ship on the business of the
 16 ship. A person on board the ship in pursuance of an obligation laid upon the
 17 master to carry shipwrecked, distressed or other persons, or by reason of any
 18 circumstance that the master or owner or the charterer, if any, could not have
 19 prevented or forestalled;

20 "Person" means an individual natural person and includes an entity having
 21 juridical or juristic personality or anybody of persons corporate or
 22 incorporate where applicable;

23 "Pirate" means any person who commits an act of piracy as defined in
 24 Article I of this Act;

25 "Pirate ship or Pirate aircraft" - includes a ship or aircraft intended by the
 26 persons in dominant control to be used for the purpose of committing one of
 27 the acts referred to in the meaning of piracy or if the ship or aircraft has been
 28 used to commit any such act, so long as it remains under the control of the
 29 persons who have committed that act and the acts of piracy committed by a
 30 warship, Government ship or government aircraft whose crew has mutinied

1 and have taken control of the ship or aircraft, are assimilated to acts committed
2 by a private ship or aircraft;

3 "Port" means any place or navigable river or channel leading into such a place
4 within Nigerian Maritime Zone having facilities for ships to moor, anchor, load
5 or discharge cargo including off-shore cargo handling facilities, inland dry
6 ports, harbor, berths, jetties, pontoons or buoys and wharves within the limits
7 of the ports or places and includes any place declared to be a port by the
8 Minister for arriving, departure, loading and unloading of ships, a harbour,
9 pier, jetty, lighter and other terminals;

10 "Precursor" means any chemical reactant which takes part at any stage in the
11 production by whatever method of a toxic chemical and includes any key
12 component of a binary or multi component chemical system;

13 "Prosecutor" means any law officer directed by the Honourable Attorney
14 General of the Federation to undertake criminal proceedings in accordance
15 with his constitutional powers; as regards the prosecution of Piracy and all acts
16 deemed to be included within the meaning of "unlawful act" this Act;

17 "Ransom" includes money or money's worth or thing demanded and/or
18 received by a pirate or a person or a group of persons who commits piracy or an
19 unlawful act or armed robbery at sea as a condition for the release of any ship or
20 its Captain or Crew member or and aircraft, or a fixed or floating platform or
21 any person or other property whether or not on a ship or on a fixed or floating
22 platform;

23 "Ship" includes a vessel or hovercraft or water craft or canoe or a speed boat or
24 non-conventional ship of any type whatsoever not permanently attached to the
25 sea-bed, including dynamically supported craft, submersibles, or any other
26 floating craft or floating platform; or drilling rig or oil rig or barge without
27 regard to method of or a lack of propulsion, but does not include a warship or a
28 ship owned or operated by the Federal Republic of Nigeria or any of its
29 Agencies when being used as a naval auxiliary or Customs or immigration or
30 Marine Police purposes or other Government ships operated for non-

1 commercial purposes or a ship which has been withdrawn from navigation
2 or laid up;

3 "Serious injury or damage" includes:

4 (i) serious bodily injury;

5 (ii) extensive destruction of a place of public use, any Nigerian
6 Government's facility, infrastructure facility, or public transportation
7 system, resulting in major economic loss; or

8 (iii) substantial damage to the environment, including air, soil,
9 water, fauna, or flora.

10 "State" means a Nation or territory considered as an organized political
11 community under one government;

12 "Stateless Person" means a person who is not considered as a national by any
13 State under the operation of its law;

14 "SUA Convention" means the Convention for the Suppression of Unlawful
15 Acts against the Safety of Maritime Navigation 1988 or its protocol as may
16 be applicable;

17 "UNCLOS" means the United Nations Convention on the Law of the Seas of
18 1982 or its protocol as may be applicable;

19 "Unlawful act" includes an act (other than an act of maritime piracy under
20 this Act) committed by any person or group of persons if that person or
21 group of persons or their sponsors unlawfully and intentionally (Within
22 Nigerian Maritime Zone:

23 (a) Seizes or exercises control over any ship or an aircraft, or a
24 fixed platform or cargo by force or threat thereof or any other form of
25 intimidation;

26 (b) performs an act of violence against a person on board a ship or
27 an aircraft or a fixed platform if that act is likely to endanger the safe
28 navigation of that ship or the safety of the fixed platform;

29 (c) destroys a ship or an aircraft or causes damage to a ship or an
30 aircraft or to its cargo which is likely to endanger the safe navigation of that

1 ship or an aircraft or destroys a fixed platform or causes damage to it which is
2 likely to endanger its safety; or international organization to do or abstain from
3 doing any act; or any BRCN weapon, knowing it to be a BRCN weapon as
4 defined in this Act; or any source material, special fissionable material, or
5 equipment or material especially designed or prepared for the processing, use
6 or production of special fissionable material, knowing that it is intended to be
7 used in a nuclear explosive activity or any other nuclear activity not under
8 safeguards to an International Atomic Energy Agency comprehensive
9 safeguards agreement; or any equipment, materials or software or related
10 technology that significantly contributes to the design, manufacture or delivery
11 of a BRCN weapon, with the intention that it will be used for such purpose;
12 Provided that it shall not be an offence under this Act if any item in k (ii) or (iii)
13 is transported to and from the territory of or under the control of a State Party to
14 the Treaty on the Non-Proliferation of Nuclear Weapons where the resulting
15 transfer or receipt or the holding of such items is not contrary to the State
16 Party's obligations under that Treaty;

17 (d) transports another person on board a ship or aircraft knowing that
18 the person committed an act that constitutes an offence defined as piracy -or
19 unlawful act under this Act or intending to assist that person to evade criminal
20 prosecution;

21 (e) injures or kills any person in connection with the commission of
22 any of the offences set forth above or seizes or detains and threatens to kill, to
23 injure or to continue to detain another person taken hostage in order to compel a
24 third party namely a State or an international organization or a natural or
25 juridical person or a group of persons, to abstain from doing any acts as an
26 explicit or implicit condition for the release of the hostage;

27 (f) attempts to commit, or participates as an accomplice in, or
28 organizes or directs others to commit, an act set forth herein or contributes to
29 the commission of one or more of the offences set forth herein by a group of
30 persons acting with a common purpose intentionally and either (i) with the aim

1 of furthering the criminal activity or criminal purpose of the group where
 2 such activity or purpose involves the commission of an offence set forth
 3 herein or in the knowledge of the intention of the group to commit an offence
 4 set forth herein; or

5 (g) receives, collects by any means directly or indirectly, or either
 6 safely keeps or transfers or sells or aids in concealing or in disposing of,
 7 (when he knows or has reason to know that), any money or cargo or property
 8 or ransom or proceeds of piracy or unlawful act (whether or not used to carry
 9 out any of the offences in this Act) and does not immediately after the receipt
 10 or collection thereof, report same to the law enforcement or authorized
 11 officers or law enforcement agencies and or the Central Bank of Nigeria.

12 "Territorial Sea (also known as Territorial waters)" means the area of the sea
 13 immediately adjacent to the coast of Nigeria and extending 12nm (twelve
 14 nautical miles) from Nigeria's recognized baselines;

15 "Toxic chemical" means any chemical which through its chemical action on
 16 life processes can cause death, temporary incapacitation or permanent harm
 17 to humans or animals. This includes all such chemicals, regardless of their
 18 origin or of their method of production and regardless of whether they are
 19 produced in facilities, in munitions or elsewhere;

20 "Transport" means to initiate, arrange or exercise effective control including
 21 decision-making authority, over the movement of a person or an item:

22 (a) places or causes to be placed on a ship or an aircraft by any
 23 means whatsoever, a device or substance which is likely to destroy that ship
 24 or an aircraft or cause damage to the ship or an aircraft or its cargo or which
 25 endangers or is likely to endanger the safe navigation of that ship or aircraft

26 (b) places or causes to be placed on a fixed platform, by any means
 27 whatsoever, a device or substance which is likely to destroy that fixed
 28 platform or is likely to endanger its safety;

29 (c) destroys or damages maritime navigational facilities or
 30 seriously interferes with their operation, if any such act is likely to endanger

1 the safe navigation of a ship or an aircraft or the safety of a fixed or floating
2 platform;

3 (d) Communicates information which he knows to be false, thereby
4 endangering the safe navigation of a ship or the safety of a fixed platform;

5 (e) receives (whether or not as a bank or other financial institution) or
6 demands ransom or other monetary payment in respect of or in connection with
7 piracy or any of the unlawful acts stated in paragraphs (a), (b), (c), (d), (e) or (f)
8 above;

9 (f) falsely pretends to have suffered or become a victim of any of the
10 acts stated in paragraphs (a), (b), (c), (d), (e) or (f) above whether or not the false
11 pretense is for the purpose of demanding or receiving ransom or other
12 monetary payment; or when the purpose of the act, by its nature or context, is to
13 intimidate a population, or to compel whether a Local or a State or the Federal
14 Government in Nigeria or an international organization, to do or abstain from
15 doing any act;

16 (g) uses against or on a ship or an aircraft on a fixed platform or
17 discharges from a ship or a fixed platform any explosive, radioactive material
18 or BRCN weapon in a manner that causes or is likely to cause death or serious
19 injury or damage;

20 (h) discharges or allows to escape, from a ship, an aircraft or a fixed
21 platform, oil, petroleum product, liquefied natural gas, or other hazardous or
22 noxious substance, which is not covered by subparagraph (h) (i) herein, in such
23 quantity or concentration that causes or is likely to cause death or serious injury
24 or damage; or (m) uses a ship or an aircraft in a manner that causes death or
25 serious injury or damage;

26 (i) threatens, with or without a condition (whether as to ransom or
27 otherwise), aimed at compelling a physical or juridical person to do or refrain
28 from doing any act, to commit any of the unlawful acts set forth herein if that
29 threat is likely to endanger the safe navigation of the ship or an aircraft in
30 question or the safety of a ship or a fixed platform; or

1 (j) transports on board a ship or an aircraft: any explosive or
 2 radioactive material, knowing that it is intended to be used to cause, or in a
 3 threat to cause, with or without a condition (whether as to ransom or
 4 otherwise) death or serious injury or damage for the purpose of intimidating
 5 a population, or compelling a Local or a State or the Federal Government.
 6 "Warship" means a ship belonging to the armed forces of a State bearing the
 7 external marks distinguishing such ships of its nationality, under the
 8 command of an officer duly commissioned by the government of the State
 9 and whose name appears in the appropriate service list or its equivalent, and
 10 manned by a crew which is under regular armed forces discipline.

11 PART II - OFFENCES AND PENALTIES

12 5.-(1) Any person who:

13 (a) attempts to commit the offence of maritime piracy under this
 14 Bill;

15 (b) attempts to commit unlawful act as defined under this Bill; or

16 (c) who aides, abets, facilitates, conspires, counsels, or procures
 17 another person (s) to commit any offence under this Bill:

18 Commits an offence and shall be liable on conviction to the penalty provided
 19 for the principal offence under this Bill.

20 6. It shall not be an offence under this Bill to:

21 (a) transport an item or material which is of any source material,
 22 special fissionable material, or equipment or material especially designed
 23 or prepared for the processing, use or production of special fissionable
 24 material, knowing that it is intended to be used in a nuclear explosive
 25 activity or any other nuclear activity not under safeguards pursuant to an
 26 International Atomic Energy Agency comprehensive safeguards
 27 agreement; or insofar as it relates to a nuclear weapon or other nuclear
 28 explosive device, any equipment, materials or software or related
 29 technology that significantly contributes to the design, manufacture or
 30 delivery of a BRCN weapon, with the intention that it will be used for such

Attempts,
conspiracy, aiding
and abetting

Exclusion of
certain Acts

1 purpose, if such material is transported to or from the territory of, or is
2 otherwise transported under the control of a State Party to the Treaty on the
3 Non- Proliferation of Nuclear Weapons where:

4 (i) the resulting transfer or receipt, including internal to Nigeria, of the
5 item or material is not contrary to Nigeria's or a State Party's obligations under
6 the Treaty on the Non-Proliferation of Nuclear Weapons; and

7 (ii) If the item or material is intended for the delivery system of a
8 nuclear weapon or other nuclear explosive device of Nigeria or a State Party to
9 the Treaty on the Non- Proliferation of Nuclear Weapons, the holding of such
10 weapon or device is not contrary to Nigeria's or that State Party's obligations
11 under the said Treaty.

Exemption of
reasonable and
genuine Acts by
law enforcement
agents, etc.

12 7. Notwithstanding the definitions of offences under this Bill:

13 (a) reasonable and genuine acts by any person or group of persons
14 authorized by the Agency or by the law enforcement or authorized officials to
15 rescue a person or passenger, Master, Crew member, seafarer or to recover
16 stolen property or to regain control of a ship or offshore installation or fixed
17 platform or cargo, shall not constitute piracy or maritime violence or armed
18 robbery at sea under this Act; and

19 (b) Reasonable and genuine and proportionate acts by any person or
20 group of persons so authorised by the Agency or by the law enforcement or
21 authorised officials to protect a person, passenger, Master, Crew member,
22 seafarer, ship or offshore installation or fixed platform or related property,
23 against piracy or unlawful act, shall not constitute piracy or unlawful act under
24 this Act.

Maritime Piracy,
unlawful acts
against the safety
of Maritime
Navigation

25 8.-(1) Any person who commits an act of maritime piracy or other
26 unlawful act against the safety of maritime navigation under this Bill is guilty
27 of an offence and shall be liable on conviction by a competent court, be
28 sentenced to:

29 (a) life imprisonment and a fine of not less than N250m (Two
30 Hundred and Fifty Million Naira) where the offence committed under this

1 section results to death of person (s);

2 (b) imprisonment for a term not exceeding 10 years or a fine of not
3 less than N150,000,000 (One Hundred and Fifty Million Naira) or to both
4 such fine and imprisonment where the convict was in possession of or had
5 under his control any fire arm, explosive or BRCN weapon; or

6 (c) imprisonment for a period not exceeding 15 years or a fine of
7 not less than N150,000,000 (One hundred and fifty million Naira) or to both
8 such fine and imprisonment where the offence committed under this section
9 results to grievous bodily harm to a person.

10 9. Anybody corporate or entity with juridical personality found Offences by
corporate bodies
11 guilty of the crime of:

12 (1) maritime piracy under this Bill shall be subject to a minimum
13 fine of not less than N500m (Five Hundred Million Naira) and each of its
14 directors or principal officers or any person responsible for its management
15 and control shall be liable to a maximum fine of not less than N250m (Two
16 Hundred and Fifty Million Naira) and imprisonment for a term of less than
17 15 years (Fifteen years) each in addition to the restitution to the owner or
18 forfeiture to the Federal Government of Nigeria of whatever property or
19 gains it has, or such officers have obtained from the piracy;

20 (2) any other unlawful act as defined in the Act, shall be subject to a
21 minimum fine of not less than N350m (Three Hundred and Fifty Million
22 Naira) and each of its directors or principal officers or any person
23 responsible for its management and control shall be liable to a maximum
24 fine of not less than N175m (One Hundred and Seventy Five Million Naira)
25 and imprisonment for a term of not less than 12 years (Twelve years) each, in
26 addition to the restitution to the owner or forfeiture to the Federal
27 Government of Nigeria of whatever property or gains it has or such officers
28 have obtained from the unlawful act.

29 (3) A pirate ship or aircraft or property which is seized or forfeited

1 due to an act of piracy shall be subject to the rights of third parties acting in
2 good faith:

3 PROVIDED that where the seizure of a ship or an aircraft on
4 suspicion of piracy has been affected without adequate grounds, the Federal
5 Ministry deploying the law enforcement or authorised official making the
6 seizure shall be liable to the damaged parties, for any loss or damage caused by
7 the seizure or forfeiture.

8 (4) Any Commander, or crew member of a government ship or
9 aircraft, or member of the military, police, or other government organization,
10 who:

11 (a) aids, abets, or counsels the commission of any offence under this
12 Act;

13 (b) threatens to commit an offence under this Act; or

14 (c) who becomes an accessory after the fact to an offence under this
15 Act, shall be guilty of an offence under this Act and upon conviction, shall be
16 liable to a sentence of imprisonment for life or to a minimum punishment of not
17 less than 15 years imprisonment and to a minimum fine of not less than N250m
18 (Two Hundred and Fifty Million Naira), in addition to the restitution to the
19 owner or forfeiture to the Federal Government of Nigeria of whatever the
20 person has obtained or gained from the commission of the crime.

21 (5) Any owner, Master, crew member, seafarer, passenger or person
22 who knowingly allows or permits any ship, aircraft, fixed platform cargo or
23 other property or place occupied by him or on which he has control or
24 possession of, to be used for the purpose of keeping an owner, master, crew
25 member, seafarer or person on board a ship kidnapped, abducted or taken
26 hostage or to be kidnapped, abducted or taken hostage, shall be guilty of an
27 offence and shall upon conviction, be liable to:

28 (a) a maximum sentence of not less than 20 years imprisonment and a
29 fine not exceeding N350m (Three Hundred and Fifty Million Naira);

30 (b) a maximum fine of N350m (Three Hundred and Fifty Million

Naira) in addition to the imprisonment term of not less than 20 years in the case of an artificial person, its directors or principal officers or any person responsible for its management and control.

This is without prejudice to the restitution to the owner and/or forfeiture to the Federal Government of Nigeria, through the Agency of whatever gains or benefit, the body corporate and its directors have obtained or derived from or through the commission of the crime.

10. Any person who willfully sell, destroy, materially alter or otherwise dispose of any substance, equipment or property seized, pursuant to investigative activity and intended for criminal prosecution under this Bill save an order of Court with jurisdiction to adjudicate offenses under this Bill, is guilty of an offence and is liable on conviction to imprisonment term of not less than 12 (Twelve) years or to a fine of not less than N7,000,000 or to both such fine and imprisonment.

Willful
destruction of
evidence

11. Any person who:

(i) Obstructs any law enforcement or authorized officer in the exercise of any of the powers or duties conferred or imposed on it or them under this Act; or

Obstruction and
refusal to release
information

(ii) Fails to comply with any lawful enquiry or requirement made by any law enforcement or authorized officer in accordance with the provisions of this Act, is guilty of an offence under this Bill and is liable on conviction to imprisonment term of not more than 10 years or to a fine of not less than N5,000,000.

12.-(1) The Court may in imposing sentence on any person, including corporate bodies, convicted of an offence under this Bill, order that the convicted person forfeits to the Federal Government of Nigeria:

Order of forfeiture
of assets, etc.

(a) any ship, aircraft, fire arm or weapon of whatever description used to facilitate the commission of the offence; and

(b) any assets, money or property, whether tangible or intangible traceable to proceeds of such offence.

1 (2) It shall be the responsibility of the Office of the Attorney General
2 of the Federation to establish that a convicted person has assets or properties in
3 a foreign country, acquired with proceeds from any of the criminal acts
4 prohibited under this Bill, such assets or properties, shall subject to any Treaty
5 or arrangement with such foreign country be forfeited to the Federal
6 Government of Nigeria.

7 (3) The office of the Attorney General of the Federation shall ensure
8 that the forfeited assets or properties are effectively transferred and vested with
9 the Federal Government of Nigeria.

10 (4) Any person convicted of an offence under this Bill shall have his
11 intentional passport cancelled until he has served the sentence or paid the fine
12 imposed on him the Court. In the case of a foreigner, his passport shall be
13 withheld and only returned to him after he has served the sentence or paid the
14 fine imposed on him by the Court.

Order of payment
of compensation
and restitution

15 **13.** In addition to any other penalty prescribed under this Bill, the
16 court may shall order a person convicted of an offence under this Bill, to make
17 restitution to the victim of maritime piracy, armed robbery against ships, or
18 unlawful acts against the safety of maritime navigation by directing that:

19 (a) where the property involved is money, to pay to the victim the
20 amount equivalent to the lost sustained by the victim; in any other case to:

21 (i) return the property to the victim or to the person designated by him
22 or a beneficiary in his will; or

23 (ii) pay an amount equal to the value of the property where the return
24 of the property is impossible or impracticable.

25 (b) an order of restitution may be enforced by the victim or by the
26 prosecutor on behalf of the victim in the same manner as a judgment in a civil
27 action.

28 **PART III - ARREST, SEARCH, SEIZURE AND PROSECUTION**

Power, of arrest,
search and seizure

29 **14.** Subject to the provision of this Bill, the Nigerian Police or other
30 relevant law enforcement agency as recognized by this Bill or an Act of the

1 National Assembly has the power to:

2 (a) investigate whether any person or entity has directly or
3 indirectly committed an offence, is about to commit an offence, or has been
4 involved in an offence under this Act or any other law;

5 (b) execute search warrants as granted by the courts authorizing its
6 officers or any other law enforcement officer to enter into any vessel, craft,
7 tanker, premises or conveyance for the purpose of conducting searches in
8 furtherance of its functions under this Act or under any other law;

9 (c) investigate, arrest and provide evidence for the prosecution of
10 maritime offenders or any other maritime law in Nigeria;

11 (d) seize, freeze or maintain custody of maritime offender's
12 property or fund for the purpose of investigation, prosecution or recovery of
13 any property or fund which the law enforcement and security agencies
14 reasonably believed to have been involved in the preparation of maritime
15 crime activities in Nigeria or outside Nigeria;

16 (e) seal up premises upon reasonable suspicion of such premises
17 being involved with or being used in connection with maritime crime;

18 (f) adopt measures to identify, trace, freeze, seize maritime crime
19 properties as required by the law and seek for the confiscation of proceeds
20 derived from maritime crime activities whether situate within or outside
21 Nigeria;

22 (g) under the authority of the Attorney - General of the Federation,
23 enter into cooperation, agreement or arrangements with any national or
24 international body, other intelligence, enforcement or security agencies or
25 organizations which, in its opinion, will facilitate the discharge of its
26 functions under this Act;

27 (h) request or demand for, and obtain from any person, agency or
28 organization, information, including any report or data that maybe relevant
29 to its functions;

30 (i) appoint expert or professionals, where necessary to execute the

1 powers required in furtherance to its functions under this Act; and

2 (j) the law enforcement agencies may initiate, develop or improve on
3 specific training programmes for its officers charged with the responsibility for
4 the prevention, detection investigation, elimination and prosecution of
5 maritime crime activities in Nigeria.

Seizure of vessels,
Aircraft used in
furtherance of
crime under this
Bill

6 **15.**-(1) A member of the Nigerian Armed Forces, the Nigerian Police
7 or any statutorily authorized law enforcement agency of the Nigerian Federal
8 Government may seize:

9 (a) a ship or aircraft that is reasonably believed to be a pirate-
10 controlled ship or aircraft, or other vessel associated with an offence under this
11 Bill; or

12 (b) anything that appears to be connected with the commission of an
13 offence against this Bill.

14 (2) A seizure may be effected in, on or above:

15 (a) Nigeria or Nigerian Territorial Waters;

16 (b) International waters;

17 (c) A place beyond the jurisdiction of any country;

18 (d) In international waters, or in any other place outside the
19 jurisdiction or territorial waters of Nigeria.

20 (3) Any pirate ship or aircraft or a ship or aircraft taken by piracy and
21 under the control of pirates, the property on board shall be seized and the
22 persons or pirates and cargo or property onboard arrested and prosecuted
23 subject to the rights of third parties acting in good faith.

24 (4) The acts stated in this section shall only be undertaken and
25 affected by the warships of the Nigerian Navy or military aircraft of the
26 Nigerian Air Force or other ships or aircraft of other Nigerian Government
27 Agencies clearly marked and identifiable as being on Government service and
28 authorised to that effect.

Arrest, custody
and preliminary
inquiry

29 **16.**-(1) Where a person is arrested under reasonable suspicion of
30 having committed any offence under this Bill, the relevant Law enforcement or

1 Security officer may direct that the person arrested be detained in custody
2 for a reasonable period of time from his arrest, as determined by the Federal
3 High Court, without unreasonable denial of access to:

4 (a) a medical officer of the relevant Law enforcement or Security
5 agency, his legal counsel; or

6 (b) supervised use of office phone or communication gadget
7 maintained by the relevant arresting authority to communicate with his
8 spouse or other bona fide members of his family.

9 (2) Upon being satisfied that the circumstances so warrant in
10 accordance with Nigerian laws, any offender or alleged offender in respect
11 of maritime piracy or unlawful act present in Nigerian territory, shall either
12 be taken into custody or other measures shall be taken in order to ensure that
13 his presence for such time as is necessary to enable any criminal or
14 extradition proceedings to be instituted against him; but a preliminary
15 inquiry shall immediately be made into the facts of the offence; provided
16 that the offender or alleged offender shall be entitled to:

17 (a) communicate without delay with the nearest appropriate
18 representatives of his country or a country which is otherwise entitled to
19 establish such communication, or if he is a Stateless person, the country in
20 which he has his habitual residence; and

21 (b) be visited by a representative of his country or the country in
22 which he habitually resides if he is Stateless; and

23 (c) the rights conferred in subsection 2 (a) and (b) of this section
24 shall be exercised in conformity with Nigerian laws which laws must enable
25 full effect to be given to the purpose for which the rights were intended.

26 17.-(1) Without prejudice to the provisions of the Administration
27 of the Criminal Justice Act, 2015, the Court may, pursuant to an ex-parte
28 application, grant an order for the detention of a suspect under this Act for a
29 period not exceeding 90 days where it would be prejudicial to the
30 investigation of the offence, if the offender is immediately released on

Court to sanction
detention of
offenders

1 administrative bail.

2 (2) Any officer of the Law enforcement or security agency may use
3 such force as may be reasonably necessary for the exercise of the powers
4 conferred by subsection (1) of this section.

5 (3) A person found on any premises or place or in any conveyance
6 may be detained by the relevant law enforcement agent or official of the
7 Agency until the completion of the search or investigation under the provisions
8 of this Bill.

9 When an offender or alleged offender present within Nigerian jurisdiction has
10 been taken into custody, any State Party to the SUA Convention that has or has
11 established jurisdiction over him in accordance with the basis of assuming
12 jurisdiction as provided under this Bill or that may be interested in him, shall
13 immediately be notified of the fact of custody, circumstances warranting his
14 detention, promptly given a report of the findings of any preliminary inquiry
15 that has made and informed whether or not jurisdiction is intended to be
16 exercised.

Prosecution of
offences

17 18. Subject to the provisions of the Constitution and the
18 Administration of Criminal Justice Act, the Attorney General of the Federation
19 shall have the powers to prosecute the offences under this Bill.

Right to institute
civil proceeding

20 19. Nothing in this Bill precludes the right of an aggrieved person to
21 institute a civil action against any person that is convicted and sentenced or
22 tried and discharged under this Bill in the case of loss or damage to property or
23 loss of life or injury that the convicted or discharged person caused in
24 connection with an incident of maritime piracy or unlawful act.

25 **PART IV - JURISDICTION AND INTERNATIONAL COOPERATION**

Jurisdiction to
hear matters and
try offences

26 20.-(1) The Federal High Court located in any part of Nigeria
27 regardless of the location where the offence is committed, shall have
28 jurisdiction to hear and determine all matters under this Bill as stipulated
29 below.

30 (2) The Court seized with jurisdiction over offences under this Bill

1 shall ensure that all matters brought before it by the Attorney General of the
2 Federation are conducted with dispatch and given accelerated hearing.

3 (3) Subject to the provisions of the Constitution of the Federal
4 Republic of Nigeria, an application for stay of proceedings in respect of any
5 criminal matter instituted pursuant to the provisions of this Bill shall not be
6 entertained under judgment is delivered.

7 (4) Offences under this Bill shall be extraditable under the
8 Extradition Act, CAPE25, Laws of the Federation of Nigeria, 2004.

9 **21.** The Court may try any of the offences under this Bill if
10 committed:

Basis of assuming
jurisdiction to try
offences

11 (a) against or on board a ship registered in Nigeria or flying the
12 Nigerian Flag at the time the offence was committed;

13 (b) against or on board a fixed platform while it is located on the
14 continental shelf of Nigeria;

15 (c) against a citizen of Nigeria;

16 (d) in Nigerian territory including its territorial waters;

17 (e) by a Nigerian citizen, or

18 (f) in the case of piracy, against any ship or aircraft outside the
19 jurisdiction of territorial waters of Nigeria or in international waters.

20 **22.-(1)** In addition to the jurisdiction conferred by the provisions of
21 this Bill, proceedings may be commenced against a person for an offence
22 under this Bill if the alleged offence was committed:

Additional basis
of assuming
jurisdiction

23 (a) The persons concerned was onboard a ship:

24 (i) on, or scheduled to engage in an international voyage; or

25 (ii) in the international sea or internal waters of a foreign country.

26 (b) The alleged offence had a Nigerian element or an SUA
27 Convention element.

28 (2) the provisions of subsection (1) (a) of this section does not
29 apply if the person is in Nigeria only because he or she was extradited to
30 Nigeria in relation to the acts that constituted the offence.

1 (3) For the purpose of this section, an offence under this Bill has a
2 Nigeria element if:

3 (a) The ship concerned was a Nigerian ship;

4 (b) The offence was committed against a citizen of Nigeria, or

5 (c) The alleged offender is a citizen of Nigeria.

6 (4) For the purposes of this section, an offence under this Bill has an
7 SUA Convention element if one of the following circumstances applied-

8 (a) The ship concerned was a ship flying the flag of a State Party to the
9 SUA Convention;

10 (b) The ship concerned was in the territorial sea or internal waters of a
11 Party to the SUA Convention:

12 (a) The alleged offender was a national of a State Party to the SUA
13 Convention;

14 (b) The alleged offender was stateless and was habitually resident in
15 an SUA Convention State that has extended its jurisdiction under Article 6 (2)
16 (a) of the SUA Convention;

17 (c) During the commission of the alleged offence, a national of a Party
18 to the SUA Convention was seized, threatened, injured or killed and the Party
19 to the SUA Convention had extended its jurisdiction under article 6 (2) (b) of
20 the SUA Convention; and

21 (d) The alleged offence was committed in an attempt to compel a
22 Party to the SUA Convention to do or abstain from doing any act and the SUA
23 Convention State had extended its jurisdiction under Article 6 (2) of the SUA
24 Convention.

Request for
Mutual Assistance

25 **23.-(1)** The Attorney General of the Federation may request or receive
26 assistance from any agency or authority of a foreign country in the
27 investigation or prosecution of offences under this Bill and may authorize or
28 participate in any joint investigation or cooperation carried out for the purposes
29 of detecting preventing, responding and prosecuting any offence under this
30 Bill.

1 (2) The joint investigation or cooperation referred to in subsection
2 (1) of this section may be carried out whether or not any bilateral or
3 multilateral agreements exist between Nigeria and the requested country.

4 (3) The Attorney General of the Federation may, without prior
5 request forward to a competent authority of a foreign country, information
6 obtained the course of investigation if such information will assist in the
7 investigation an offence or in the apprehension of an offender under this
8 Bill.

9 **24.-(1)** Any evidence gathered pursuant to a request under this Bill,
10 in any investigation or proceeding in the court of a foreign country, if
11 authenticated, shall be prima facie admissible in any proceedings to which
12 this Bill applies.

Evidence pursuant
of request

13 (2) For the purpose of subsection (1) of this section, evidence is
14 authenticated if it is:

15 (a) certified by a judge or magistrate or Notary public of the foreign
16 country; or

17 (b) sworn to under oath or affirmation of a witness or sealed with an
18 official or public seal:

19 (i) of a Ministry or Department of Government of the foreign
20 country; or

21 (ii) in the case of a territory, protectorate or colony of a person
22 administering the Government of the foreign territory, protectorate or
23 colony, a department of that territory, protectorate or colony.

24 **25.-(1)** A request for the assistance of a foreign country under this
25 Bill shall be in writing, dated and signed by the Attorney General of the
26 Federation or officers in the Attorney General's office.

Form of request
from a foreign
state

27 (2) a request may be transmitted by email, post, fax or any other
28 recognized electronic means; and shall indicate the following:

29 (a) the name of the authority or authorized official conducting the
30 investigation, prosecution or proceedings to which the request relates;

1 (b) a description of the subject matter and nature of the investigation,
2 prosecution, or proceedings including the specific crime which relates to the
3 matter, the stage reached in the investigation or proceedings and any dates for
4 further proceedings;

5 (c) a description of the evidence, information or other assistance
6 sought; and

7 (d) a statement of the purpose for which the evidence, information or
8 other assistance is sought;

9 (3) A request made under subsection (1) of this section shall also
10 include the following information:

11 (a) information on the identity and location of the ship or aircraft
12 subject of investigation and criminal proceeding;

13 (b) information on the identity and location of a person to be served
14 and that person's relationship to the investigation, prosecution or proceedings
15 and the manner in which service is to be effected;

16 (c) information on the identity and whereabouts of the person, ship
17 and aircraft to be located;

18 (d) a precise description of the place or person , ship and aircraft to be
19 searched and articles to be seized;

20 (e) description of the manner in which any testimony or statement is
21 to be taken and recorded including any special requirements of the law of the
22 requesting State as to the manner of taking evidence relevant to its
23 admissibility in that State;

24 (f) list of questions to be asked of witness;

25 (g) description of any particular procedure to be followed in
26 executing the request;

27 (h) court order, if any, or a certified copy thereof, which is to be
28 enforced and a statement that such order is final; and

29 (i) any other information which may be brought to the attention of the
30 requested State to facilitate its execution of the request.

(4) A request shall not be invalidated for the purpose of this Bill or any legal proceedings by failure to comply with the provisions of subsection 2 of this section where the Attorney-General of the Federation is satisfied that there is sufficient compliance to enable him honour the request.

(5) Where the Attorney -General of the Federation considers it appropriate because an international arrangement so requires or it is in the public interest, he shall order that the whole or any part of any property forfeited pursuant to the provisions of this Bill or the value thereof, be returned or remitted to the requesting State.

PART V - MISCELLANEOUS PROVISIONS

26.-(1) Any incident which may constitute an offence under this Bill shall be reported by the following persons or entities, provided the person or entity has knowledge of the incident:

Report of incidents
of Piracy and
unlawful acts

- (a) the Master;
- (b) the ship-owner or manager;
- (c) the crew representative;
- (d) the cargo representative;
- (e) the insurers;
- (f) the law enforcement or authorized officials or authorities; and
- (g) other persons having knowledge of the incident.

(2) The report shall be made without delay and as soon as possible following the receipt of the knowledge of the incident. Any of the reporters listed above may file a joint report, or forward and comment upon a report on the occurrence made by another listed person or entity.

(3) The report shall be sent to the Agency and shall be in the form provided for by the Agency.

(4) The Agency shall be under a continuing duty to make the reports and it shall send the reports of the circumstances concerning each incident or offence, the action taken and measures taken in relation to the offender or alleged offender and the result of extradition proceedings or

1 other legal proceedings or prosecution of the offender or alleged offender
2 without delay and in the required formats, to the Secretary-General of IMO and
3 the International Criminal Police Organization (INTERPOL).

4 (5) Where a person has information which he knows or believes to be
5 of material assistance in:

6 (a) preventing the commission by any person or an organization of an
7 act of piracy or unlawful act under this Bill, or Report of Incidents of Piracy and
8 Unlawful Acts;

9 (b) securing the apprehension, prosecution or conviction of another
10 person for an offence under this Bill and fails to disclose such information to
11 any law enforcement or security officer as soon as reasonably practicable,
12 commits an offence under this Act and is liable on conviction to imprisonment
13 for a term of not less than SEVEN years;

14 (c) It is a defence for a person charged with an offence under
15 subsection (4) of this section to prove that he:

16 (i) did not know and had no reasonable cause to suspect that the
17 disclosure was likely to affect a piracy or unlawful act at sea investigation; or

18 (ii) has a reasonable excuse for the non-disclosure or interference.

19 (6) Subsection (4) of this section does not require disclosure by a legal
20 practitioner of any information, belief or suspicion based on any information,
21 which he obtained in privileged circumstances.

22 (7) For the purpose of subsection (3) of this section, information is
23 obtained by a legal practitioner in privileged circumstances where it is
24 disclosed to him by:

25 (a) his client in connection with the provisions of legal advice, not
26 being a disclosure with a view to furthering a criminal purpose; or

27 (b) any person for the purpose of actual or contemplated legal
28 proceeding and no, with a view to furthering a criminal purpose.

29 (8) All incident and offence reports made under this section shall be
30 open to the public but any addenda marked "CONFIDENTIAL" and

1 containing sensitive operational information shall not be open to the public.

2 27.-(1) The Minister may make or cause to be made by the Agency, Regulations and
3 Regulations or Guidelines for the implementation of any of the provisions of Guidelines
4 this Act.

5 (2) The Regulations or Guidelines made under this section shall not
6 have effect and come into force until published in the Federal Gazette.

7 (3) The office of the Minister of Transport (in this Section referred
8 to as the Minister) shall be the coordinating body for all maritime activities
9 under this Act and shall:

10 (a) Provide support to all relevant security, intelligence, law
11 enforcement agencies and navy services to prevent and combat maritime
12 crime;

13 (b) Ensure the effective formulation, implementation of a
14 comprehensive maritime strategy;

15 (c) Build capacity for the effective discharge of all relevant
16 security, intelligence, law enforcement and naval services under this Act or
17 any other law on maritime in Nigeria; and

18 (d) Do such other acts that are necessary for the effective
19 performance of the functions of the relevant security and enforcement
20 agencies under this Act.

21 (4) The Attorney General of the Federation shall be the authority
22 for the effective implementation and administration of the Act and shall
23 strengthen and enhance the existing legal frame work to ensure:

24 (a) conformity of Nigeria's maritime laws and policies with
25 International standards and the UNCLOS;

26 (b) maintain International cooperation required for preventing and
27 combating International acts of piracy; and

28 (c) Ensure the effective prosecution of maritime crimes.

29 (5) The law enforcement and security agencies shall be responsible
30 for the gathering of intelligence, patrolling the waters and investigating the

1 offences provided under this Act.

2 (6) Further to sub section (3), the law enforcement agencies shall have
3 powers to:

4 (a) enforce all laws and regulations on maritime crimes in Nigeria;

5 (b) adopt measures to prevent and combat maritime crime within
6 Nigeria's territory;

7 (c) facilitate the detection and investigation of maritime crime;

8 (d) establish, maintain and secure communication both domestic,
9 regional as well as on the International sphere, to facilitate the rapid exchange
10 of information concerning maritime crime;

11 (e) Conduct research with the aim of improving preventive measures
12 to efficiently and effectively combat maritime crime;

13 (f) partner with other maritime stakeholders, the west African
14 neighbors, and the Nigerian maritime stakeholders to provide necessary
15 education, support, information, awareness and sensitization towards the
16 prevention and elimination of maritime crime;

Piracy and
Unlawful Fund

17 **28.-(1)** The Minister of Transportation shall establish and maintain a
18 Fund to be known as Piracy and Unlawful Acts Fund for co-financing the
19 duties of the maritime law enforcement agencies in combating piracy and
20 unlawful acts, from which shall be defrayed the expenditures reasonably
21 incurred by the maritime law enforcement agencies for the performance of
22 their functions and duties under this Act.

23 (2) There shall be paid and credited to the Fund, such monies as may
24 in each year be approved by the Federal Government for the purpose of the
25 performance of the duties of the maritime law enforcement agencies under this
26 Act. These monies shall include other sources such as gifts, financial
27 contributions by beneficiaries of the services of the maritime law enforcement
28 agencies' duties under this Act. These monies shall also include the proceeds of
29 the sales of any property seized and anything forfeited under this Act including:

1 (1) Instrumentalities used in the, commission of crimes under this
2 Act; and

3 (2) proceeds of criminal activity under this Act.

4 (3) The Minister of Transportation shall keep proper accounts in
5 the for which conforms to accepted standards of its receipts, payments,
6 assets and liabilities concerning the performance of its duties under this Act
7 and shall submit the accounts annually for auditing by a qualified auditor in
8 accordance with the guidelines of the Auditor General for the Federation.

9 PART IV - REPEALS, SAVINGS AND MODIFICATIONS

10 29. Any offence committed before the commencement of this Bill General savings
11 under the provisions of:

12 (a) Criminal Code Act;

13 (b) Penal Code Act;

14 (c) Nigerian Maritime Administration and Safety Agency Act; or

15 (d) Any other enactment or regulation relating to maritime piracy
16 and other unlawful acts against the safety of maritime navigation, shall, as
17 the case may require, be enforced or continue to be enforced by the Agency
18 or the law enforcement agencies as recognized under this Bill.

19 30.-(1) The provisions of the Criminal Code Act and the Penal Adaptation and
modification
20 Code as they relate to the offences prohibited under this Bill, shall be read
21 with such modifications as to bring them into conformity with the
22 provisions of this Bill.

23 (2) If the provisions of any other enactment, including but not
24 limited to the enactments specified in subsection (1) above, are inconsistent
25 with the provisions of this Bill, the provisions of this Bill shall prevail and
26 the provisions of that other enactment or law shall, to the extent of that
27 inconsistency, be void in relation to the offences provided under this Bill.

EXPLANATORY MEMORANDUM

This Bill seeks to give effect to the provisions of the United Nations Conventions on the Law of the Sea 1958 and 1982, relating to maritime piracy, the International Maritime Organization's Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation 1988, and to prohibit other related matters.