

NIGERIAN MARITIME ADMINISTRATION AND SAFETY AGENCY BILL, 2021

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# A BILL

## FOR

AN ACT TO REPEAL THE NIGERIAN MARITIME ADMINISTRATION AND SAFETY AGENCY ACT, 2007, AND TO RE-ENACT NIGERIAN MARITIME ADMINISTRATION AND SAFETY AGENCY ACT, 2021, TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN MARITIME ADMINISTRATION AND SAFETY AGENCY, FOR THE PROMOTION OF MARITIME SAFETY AND SECURITY, PROTECTION OF THE MARINE ENVIRONMENT, SHIP REGISTRATION AND COMMERCIAL SHIPPING, MARITIME LABOUR AND FOR RELATED MATTERS

*Sponsored by Hon. Chuba Ikpeazu*

[ ] Commencement

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

PART I - PRELIMINARIES

1. The objectives of this Act are to:

Objectives of the Act

- (a) promote the development of coastal shipping trade and indigenous commercial shipping on national and international waters;
- (b) regulate and promote maritime safety and security;
- (c) protect the marine environment;
- (d) regulate ship registration; and
- (e) regulate and develop maritime labour.

2.-(1) This Act shall apply to:

Application and Scope

- (a) maritime, shipping and cabotage matters, including ports, port facilities, and all other marine vessels registered in Nigeria and extends to ships, small ships, and crafts flying a foreign flag in the exclusive economic zone, territorial and inland seas, inland waterways, and in the ports of the Federal Republic of Nigeria; and
- (b) matters relating to the provision of maritime labour in Nigeria's

1 maritime zone and all matters related to the provision of maritime labour by  
2 Nigerians to the international maritime labour market.

3 (2) This Act shall not apply to warships and military ships.

4 (3) The Agency established by this Act shall be under the supervision  
5 of the Federal Ministry responsible for transportation in Nigeria.

6 PART II - ESTABLISHMENT OF THE NIGERIAN MARITIME

7 ADMINISTRATION AND SAFETY AGENCY

8 3.-(1) There is established the Nigerian Maritime Administration and  
9 Safety Agency (If the Agency").

10 (2) The Agency shall:

11 (a) be a body corporate with perpetual succession and a common seal;

12 and

13 (b) have the capacity to sue and be sued in its corporate name.

14 (3) The Agency shall have the powers to:

15 (a) enter into contracts and incur obligations;

16 (b) acquire, hold, mortgage, purchase, sell, lease, and deal howsoever  
17 with property, whether movable or immovable, real or personal for the purpose  
18 of this Act; and

19 (c) do or cause to be done, such acts and things, which are necessary or  
20 expedient for the purpose of this Act.

21 (4) The common seal of the Agency shall be kept in the custody of the  
22 Head of Legal Services, and shall not be used except, as authorised by the  
23 Agency.

24 4.-(1) The Agency shall:

25 (a) regulate matters relating to merchant shipping and seafarers;

26 (b) administer the registration and licensing of ships, small crafts,  
27 shipping companies or agents, ship building and ship repair yards, and ship  
28 scrapping or recycling facilities;

29 (c) ensure the accreditation of marine surveyors and maritime  
30 enterprises engaged in shipbuilding; ship repairs, ship breaking, domestic and

Establishment  
of the Nigerian  
Maritime  
Administration  
and Safety Agency

Functions of  
the Agency

- 1 overseas shipping, and ship management;
- 2 (d) regulate maritime training institutions and administer the  
3 certification of seafarers;
- 4 (e) establish maritime training and safety standards, undertake and  
5 coordinate research, investigation, and surveys in the maritime field;
- 6 (f) regulate the safety of shipping, in relation to construction of  
7 ships and navigation;
- 8 (g) provide national and regional maritime search and rescue  
9 services;
- 10 (h) provide directions and ensure compliance with ship, vessel,  
11 small craft, port and port facility security measures;
- 12 (i) carry out air and coastal surveillance;
- 13 (j) protect the marine environment from all forms of pollution,  
14 including shipping and other at-sea activities;
- 15 (k) provide direction on qualification, certification, employment,  
16 and welfare of maritime labour;
- 17 (l) develop and implement policies and programmes, which will  
18 facilitate the development of capacity in ownership, manning, and  
19 construction of ships and other maritime infrastructure;
- 20 (m) provide maritime security;
- 21 (n) ensure compliance with the measures for the safety of life in the  
22 port, and conduct safety and security audits of terminals, jetties and quays;
- 23 (o) collaborate with educational institutions for the promotion of  
24 technical education in the fields of marine and port services and facilities;
- 25 (p) administer and enforce the provisions of the Coastal and Inland  
26 Shipping (Cabotage) Act, the Merchant Shipping Act, Suppression of Piracy  
27 and other Maritime Offences (SPOMO), all other maritime legislations and  
28 various regulations made pursuant to these Act;
- 29 (q) perform port and flag state duties;
- 30 (r) remove and receive wrecks;

1 (s) perform hydrographic services, in collaboration with other  
2 relevant agencies;

3 (t) make declarations on the field in the marine exclusive zone to aid  
4 safety of navigation and conduct flag state port state and coastal state  
5 responsibility for:

6 (i) Floating Production Storage Offloading (FPSO),

7 (ii) Floating Storage Offloading (FSO),

8 (iii) Floating Storage Unit (FSU), and

9 (iv) Mobile Offshore Drilling Unit (MODU) Vessels;

10 (u) establish procedure and strategies for the implementation of  
11 conventions of the International Maritime Organization (IMO), the  
12 International Labour Organization (ILO) and other international conventions  
13 to which the Federal Republic of Nigeria is a party to on maritime safety and  
14 security, maritime labour, commercial shipping and for the implementation of  
15 codes, resolutions and circulars arising from it; and

16 (v) notwithstanding the provisions of any Act, be responsible for the  
17 regulation and licensing of ship chandlers.

18 (2) Without limiting the generality of the foregoing, the Agency shall:

19 (a) inspect ships for the purposes of maritime safety, maritime  
20 security, maritime labour and prevention of maritime pollution;

21 (b) make enquiries as to shipwrecks or other casualties affecting  
22 ships, or as to charges of incompetence or misconduct on the part of seafarers in  
23 relation to such casualties;

24 (c) administer policy for the development of shipping in general;

25 (d) provide on request services to the maritime industry on  
26 commercial basis;

27 (e) establish and manage maritime institutions for the training of  
28 officers of the Agency;

29 (f) provide consultancy and management services, relating to any of  
30 the matters referred to in this subsection; and



1 (g) perform such other duties as are necessary for ensuring  
2 maritime safety and security and are incidental to the prescribed functions  
3 referred to in this subsection.

4 (3) The Agency may:

5 (a) delegate any of its flag state functions to recognised  
6 organisations; and

7 (b) provide its services within and outside Nigeria.

8 (4) Subject to the provision of section 4 (l)(g) of this Act, a search  
9 and rescue service shall be conducted in a manner that is consistent with  
10 Nigeria's obligations under international conventions, and all other  
11 functions of the Agency shall be executed in a manner consistent with the  
12 obligation under any agreement between Nigeria and other countries.

13 5.-(1) The Agency shall have powers to perform such acts as are  
14 necessary for, incidental to, or in connection with the performance of its  
15 functions under this Act and as conferred on it by any other Act.

Powers of the  
Agency

16 (2) The powers under subsection (1) of this section include to:

17 (a) receive and consider any report of the commission of an  
18 offence;

19 (b) stop, enter, board, inspect, search, and detain any vessel or  
20 aircraft within the Nigerian maritime zone;

21 (c) demand the production of, inspect, and make copies of or taking  
22 extracts of any licence, permit, record, or other document in relation to  
23 matters provided for under this Act;

24 (d) where it has reason to believe an offence under this Act is being  
25 committed, about to be committed, or has been committed, causing an  
26 investigation into such offence;

27 (e) examine, seize, and dispose of any fish, article, device, goods,  
28 vessel, aircraft, or any other item relating to any offence under this Act;

29 (f) exercise the right of hot pursuit;

1 (g) arrest any person, which it has reason to believe has committed an  
2 offence;

3 (h) expel any vessel, which it has reason to believe to be detrimental to  
4 the interest of and endangers the order and safety of the Nigerian Maritime  
5 Zone; and

6 (i) enter ports, port facilities, terminals, and board vessels to monitor  
7 and investigate matters related to maritime labour, ship safety and security.

8 (3) Without limiting the generality of subsection (1) of this section,  
9 the Agency shall impose levies, fines, penalties and any other administrative  
10 sanctions necessary for the enforcement of this Act and any other law or  
11 regulation pertaining to the Nigerian Maritime Zones, which the Agency is  
12 empowered to enforce.

13 (4) Without prejudice to the generality of subsection (1) of this  
14 section, for the purpose of this Act designated officers of the Agency shall have  
15 powers, which an enforcement agency may exercise under any Federal law,  
16 which is applicable to the Nigerian Maritime Zone.

17 (5) Notwithstanding the provision of subsection (2) (b) of this section,  
18 no vessel shall be stopped, entered into, boarded, searched, inspected, or  
19 detained within the area of territorial sea, where the passage of the vessel  
20 within the territorial sea is an innocent passage.

21 (6) For the purpose of subsection (5) of this section, the passage of a  
22 vessel is an innocent passage, where the passage is not prejudicial to the safety  
23 and security of the Nigerian Maritime Zone.

24 (7) The Agency, in collaboration with other relevant agencies of the  
25 Federal Government of Nigeria, will determine location and coordinates of  
26 pipelines, submarine cables, FPSOs, FSOs, FSUs, MODUs, rigs, and other  
27 structures and installations in the Nigerian maritime domain for the purpose of  
28 maritime safety, maritime security and the protection of the marine  
29 environment.

30 (8) Notwithstanding any written law, for the purpose of subsection (2)

1 of this section, activities which shall be considered to be prejudicial to the  
2 safety and security of Nigeria's maritime domain include:

3 (a) threats or acts, which constitute a violation of the provisions of  
4 this Act and any other legislation applicable to the Agency;

5 (b) acts of pollution;

6 (c) unauthorized fishing activities;

7 (d) carrying out of unauthorized research or survey activities;

8 (e) acts aimed at interfering with any systems of communication or  
9 any other facilities of installations of the Agency;

10 (f) acts in contravention of the Cabotage Act; and

11 (g) any other activity not having a direct bearing on passage.

12 (9) In exercising the powers under this Part, the Agency may  
13 collaborate with, request for, and receive assistance from other government  
14 agencies responsible for the maintenance of security in the Nigerian  
15 Maritime Zone.

16 6.-(1) There shall be for the Agency, a Director-General, who shall  
17 be:

Appointment of  
Director-General

18 (a) appointed by the President, on recommendation of the Minister;

19 and

20 (b) a person with extensive knowledge and cognate experience in  
21 maritime administration from one or more of the areas under section (1) of  
22 this Act.

23 (2) A person shall not be appointed a Director-General, where such  
24 person:

25 (a) is not a Nigerian citizen;

26 (b) has been certified to be of unsound mind;

27 (c) is an un-discharged bankrupt;

28 (d) has been convicted in Nigeria or elsewhere of a criminal  
29 offence; and

1 (c) has at any time been removed from an office of trust on account of  
2 misconduct.

3 (3) The Director-General shall be the Chief Executive and accounting  
4 officer of the Agency, and be responsible for:

5 (a) the execution of the policies and decisions of the Board;

6 (b) the organization, control, and management of the day-to-day  
7 business of the Agency;

8 (c) the implementation of the Agency's functions and attainment of its  
9 goals;

10 (d) the direction, supervision, control of other employees of the  
11 Agency, subject to any direction and restriction imposed on him by the Board;  
12 and

13 (e) ensuring the maintenance of accounting records, in accordance  
14 with applicable laws governing corporate bodies and generally accepted  
15 accounting principles in Nigeria.

16 (4) The Director-General shall hold office for a term of 4 years, in the  
17 first instance, and may, on the recommendation of the Minister, be reappointed  
18 for another term of 4 years, and no more.

19 (5) The Director-General may be suspended or removed from office  
20 by the President, where, the Director-General:

21 (a) has demonstrated the inability to effectively perform the duties of  
22 his office;

23 (b) is guilty of serious misconduct, in relation to his duties;

24 (c) belongs to a professional body or association and he is disqualified  
25 or suspended, by an order of a competent authority, from practicing his  
26 profession in any part of the world; and

27 (d) is guilty of a conflict of interest, as stipulated in the Second  
28 Schedule to this Act.

29 (6) Where there is vacancy in the seat of the Director-General arising  
30 from any of the circumstances under subsection (5) of this section, an

1 appointment to fill the vacancy shall be in accordance with this section, and  
2 the tenure of office shall run for a period of 4 years from the date of  
3 appointment.

4 {7} The Director-General may, delegate, in writing, the exercise of  
5 any powers or the performance of any duties conferred on him by this Act.

6 7.-(1) The Agency may, subject to the approval of the Board,  
7 employ directly, on transfer or secondment from the civil service of the  
8 federation such staff, as it deems necessary and expedient, for the proper and  
9 efficient performance of its responsibilities under this Act.

Staff of the  
Agency

10 (2) The Agency shall subject to the approval of the Board, have the  
11 powers to determine the job description, title, terms, qualifications and  
12 salaries of any person and such persons shall be subject to the conflict of  
13 interest provisions in the Third Schedule to this Act.

14 (3) Staff of the Agency shall be paid such salaries, emoluments,  
15 and allowances, as may be approved by the Board and subject to such terms  
16 and conditions as may be contained in the staff's employment contract and  
17 the Agency's conditions of service.

18 (4) Service in the Agency shall be subject to the provisions of the  
19 Pension Reform Act 2014, and accordingly, staff shall be entitled to  
20 pensions and other retirement benefits, as prescribed in the Pension Reform  
21 Act.

### 22 PART III - ESTABLISHMENT OF THE BOARD OF THE AGENCY

23 8.-(1) There is established a Governing Board for the Agency, in  
24 this Act referred to as ("the Board").

Board of the  
Agency

25 (2) The Board shall comprise of:

26 (a) a Chairman;

27 (b) 3 Executive Directors;

28 (c) 3 persons, who shall have, at least, 15 years cognate experience  
29 in maritime, shipping, or labour matters, one of whom shall be a legal  
30 practitioner qualified to practice law in Nigeria and knowledgeable in

1 international maritime law and practice;

2 (d) a representative not below the rank of a Director from:

3 (i) the Federal Ministry responsible for transportation, and

4 (ii) the Federal Ministry responsible for labour relations;

5 (e) a representative of the Nigerian Navy;

6 (f) the Director-General of the Agency; and

7 (g) the Head of Legal Services of the Agency, who shall be the  
8 Secretary of the Board.

9 (3) The Board of the Agency shall be responsible for the  
10 determination of the general policies of the Agency.

11 (4) In managing its affairs, the Board shall have regard to any relevant  
12 legislation, codes, and guidelines on the governance of public bodies, and in  
13 addition to such generally accepted principles of good corporate governance,  
14 as may be reasonably applicable to it.

15 (5) The supplementary provisions set out in the Second Schedule to  
16 this Act shall have effect with respect to the proceedings of the Board and other  
17 matters contained in it.

18 (6) Subject to subsection (4) of this section, the Board shall have  
19 powers to make standing orders for the regulation of its proceedings and  
20 meetings, and acts of the Board shall be deemed to be acts of the Agency.

21 (7) Payments, allowances, benefits, and expenses payable to the  
22 Board members, including the Director-General and Executive Directors of  
23 the Agency shall be determined, from time to time, in accordance with extant  
24 Federal Government Financial Guidelines.

Qualification of  
Board members

25 9.-(1) The President, on the recommendation of the Minister, shall  
26 appoint to the Board persons with relevant qualifications, expert knowledge,  
27 and experience in or applicable to maritime administration from one or more of  
28 the following fields:

29 (a) maritime safety;

30 (b) maritime security;

- 1 (c) marine environmental sciences or related discipline;  
2 (d) nautical sciences and hydrography;  
3 (e) marine engineering;  
4 (f) naval architecture and ship construction;  
5 (g) finance;  
6 (h) maritime law;  
7 (i) transport logistics;  
8 (j) administration; and  
9 (k) maritime labour.

10 (2) A person shall not be appointed to the Board or remain in office  
11 as a Board member, where such a person:

- 12 (a) is not a Nigerian citizen;  
13 (b) has been certified to be of unsound mind;  
14 (c) is an un-discharged bankrupt;  
15 (d) has been convicted in Nigeria or elsewhere of a criminal  
16 offence; or  
17 (e) has at any time been removed from an office of trust on account  
18 of misconduct.

19 (3) The conflict of interest provisions contained in the Second  
20 Schedule to this Act shall apply to all Board members.

21 10.-(1) The Chairman and members of the Board shall be  
22 appointed by the President, on the recommendation of the Minister.

Appointment  
and tenure of  
Board members

23 (2) Notwithstanding the provisions of sub-section (1) of this  
24 section, persons appointed under section 8 (2)(d) of this Act shall be ex-  
25 officio members of the Board.

26 (3) The Chairman and members of the Board, other than ex-officio  
27 members, shall hold office for a term of 4 years, in the first instance, and may  
28 be re-appointed for another term of 4 years and no more.

29 11.-(1) A non-executive Board member shall resign from office by  
30 a 1 month's written notice and the Director-General and Executive Directors

Resignation of  
a Board member

1 shall resign from office by a 3 months' written notice.

2 (2) The notice given in subsection (1) of this section shall be  
3 addressed to the President through the Minister.

Suspension and  
removal of a  
Board member

4 12.-(1) A Board member may be suspended or removed from office  
5 by the President, on the recommendation of the Minister, following a  
6 complaint that the Board member:

7 (a) is unqualified for appointment as a member under section 9(2) of  
8 this Act or is in breach of section 9(3) after his appointment;

9 (b) has demonstrated inability to effectively perform the duties of his  
10 office;

11 (c) has been absent from 5 consecutive meetings of the Board without  
12 the consent of the Chairman, except where he shows good reason for such  
13 absence;

14 (d) is guilty of a serious misconduct in relation to his duties, as a  
15 Board member;

16 (e) belongs to a professional body or association and is disqualified or  
17 suspended by an order of a competent authority, from practicing his profession  
18 in any part of the world; and

19 (f) is in breach of the conflict of interest rules set out in the Second  
20 Schedule to this Act.

21 (2) An investigation into a complaint under subsection (1) of this  
22 section shall be concluded not later than 6 months from the date of suspension.

23 (3) The Minister shall, following the complaint under subsection (1)  
24 of this section, inform the Board member, by written notice, of the intention to  
25 suspend or remove him from office and the grounds for the suspension or  
26 removal.

27 (4) The affected Board member shall, within 14 days of receiving the  
28 written notice from the Minister, make written submission in his defence to the  
29 Minister, who shall consider the submission in making his final decision on the  
30 Board member's suspension or removal from office.





1 and paid over to the Agency to meet its operational costs;

2 (b) 0.5% of stevedoring charges collected by dock labour employers,  
3 which shall be based on the stevedoring component of the cargo dues, and such  
4 charges shall be based on currency earned by terminal or jetty operators;

5 (c) fees for, ship registration, licences, surveys, inspections,  
6 examination, certification, sea protection levy, off shore waste reception  
7 facility levy and permits issued by the Agency, fines, charges and levies paid to  
8 the Agency;

9 (d) all other financial assets that may, from time to time, be vested in  
10 or accrue to the Agency in the course of performing its functions under this Act  
11 or regulations made pursuant to this Act;

12 (e) all other sums collected or received by the Agency in furtherance  
13 of services rendered or facilities provided by the Agency;

14 (f) gifts, grants and aids; and

15 (g) such other sums, as may be received by the Agency from other  
16 sources.

Annual estimates  
and accounts

17 16.-(1) The Agency shall, not later than so" September in each  
18 financial year, prepare and forward to the Minister, an estimate of its income  
19 and expenditure for the following financial year, for presentation to the  
20 National Assembly for approval.

21 (2) The Agency shall provide:

22 (a) not less than 25% of its revenue for the Maritime Fund; and

23 (b) not less than 5% of its revenue for the Maritime Academy of  
24 Nigeria in its plans as per subsection (1) and (2)

25 (3) The Agency shall maintain appropriate account for its operations,  
26 subject to government policy.

Maritime Fund

27 17.-(1) There is established the Maritime Fund (the Fund").

28 (2) Monies in the Fund shall be applied for the purpose of furthering  
29 the objectives and functions of the Agency under this Act.

30 (3) 5% of the Fund shall be applied for the purpose of the Anti-Piracy

1 Fund established under the Suppression of Piracy and other Maritime  
2 Offence Act.

3 (4) Monies in the Fund at the end of any financial year shall be  
4 carried forward as a credit to the Fund to the following financial year.

5 (5) The Agency may apply monies in the Fund to promote the  
6 development of indigenous shipping and shipping infrastructure in Nigeria.

7 (6) The beneficiaries of the Fund under subsection (5) of this  
8 section shall be Nigerian citizens and companies.

9 (7) Notwithstanding the provisions of any other law as to the  
10 application of the Fund under this Act, no government ministries,  
11 departments, agencies and any other person is empowered to draw from the  
12 Fund under this Act, except the Agency as specified in

13 18.-(1) The Agency shall keep proper and regular accounts and  
14 other records of monies received and paid by the Agency and of several  
15 purposes for which monies have been received or paid, and of the assets,  
16 credits and liabilities.

Statement of  
accounts and audit

17 (2) The Agency shall ensure that payments out of its monies are  
18 properly authorized and applied towards the required purpose and that  
19 adequate control is maintained over the assets of, or in custody of, the  
20 Agency and over the expenditure incurred by the Agency.

21 (3) The accounts of the Agency shall be audited annually by  
22 auditors appointed from the list of auditors approved by the Office of the  
23 Auditor-General for the Federation.

24 (4) The Agency shall, within 30 days of an audit under subsection  
25 (3) of this section, forward a copy of the audited accounts and financial  
26 statements to the Minister, together with any report or observations made by  
27 the auditor on the said statement of accounts.

28 (5) The remuneration of the auditor shall be paid out of the funds of  
29 the Agency.

30 (6) The Agency shall, not later than 3 months after the close of the

1 financial year, prepare and submit the financial statements in respect of that  
2 year to the auditor, for audit and report.

Annual reports

3 19. The Agency shall, with the approval of the Board:

4 (a) and not later than 6 months after the end of each financial year,  
5 make a report to the Minister on its activities and performance during that year;  
6 and

7 (b) cause its annual report to be published and made available to the  
8 public at the end of each financial year.

Accounts and  
records to be  
open for  
inspection

9 20.-(1) The accounts and records shall, at all reasonable time, be open  
10 for the inspection of:

11 (a) any Board member of the Agency; and

12 (b) any other person specifically authorised by the Minister to inspect  
13 the accounts.

14 (2) The books of accounts shall be kept at the head office of the  
15 Agency.

Power to accept  
gifts

16 21.-(1) The Agency may accept gifts of land, money, or other property  
17 on such terms and conditions, if any, as may be specified by the person or  
18 organisation making the gift.

19 (2) The Agency shall not accept any gift, where the conditions  
20 attached by the person or organisation making the gift are inconsistent with the  
21 functions of the Agency under this Act or where it is in conflict with national  
22 interest.

Consultation

23 22. In the performance of its functions and the exercise of its powers,  
24 the Agency shall, where appropriate, consult with government, commercial,  
25 industrial, consumer, and other relevant bodies and organisations and in  
26 particular, the Nigerian Navy.

#### 27 PART V - CHARGES AND LEVIES

Charges and  
levies

28 23.-(1) The Agency may impose necessary charges and levies as may  
29 be required for the implementation of the provisions of this Act and specify  
30 when such charges and levies shall be paid.

- 1 (2) Charges and levies may include:
- 2 (a) a charge for a service or facility provided by the Agency;
- 3 (b) fees or charges in respect of a matter related to expenses
- 4 incurred by the Agency or regulations made pursuant to this Act including
- 5 fees or charges in respect of an application for the grant of:
- 6 (i) certificate, renewal or variation of a certificate, licence,
- 7 approval, permission, permit, registration or exemption under this Act or
- 8 regulation made pursuant to this Act, or
- 9 (ii) variation of an authorisation or cancellation, suspension,
- 10 variation or imposition of a condition relating to subparagraph (b)(i) of this
- 11 subsection; and
- 12 (c) fees in respect of a matter referred to in regulations or directives
- 13 made under:
- 14 (i) the Merchant Shipping Act;
- 15 (ii) Cabotage Act;
- 16 (iii) SPOMO Act; and
- 17 (iv) any other legislations related to protection of marine
- 18 environment, maritime labour and maritime safety and security.

19 PART VI - REGISTRATION AND LICENSES

20 24.-(1) The Agency shall have the powers to:

- 21 (a) register and maintain a register of every dock worker, seafarer,
- 22 stevedoring company and seafarer employer, manning agents, jetty,
- 23 terminal operators, offshore platforms or terminals and ship chandlers;
- 24 (b) regulate and provide training, conduct examinations and
- 25 regulate the certification of seafarers and the conditions of service of dock
- 26 workers and seafarers;
- 27 (c) to the exclusion of any other authority, be the competent
- 28 authority to carry out medical certification of seafarers and related
- 29 activities;
- 30 (d) ensure that manning agents, dock workers and seafarer

Registration and  
regulation of  
maritime labour

1 employers comply with existing regulations and standards in relation to  
2 crewing, wages, safety, repatriation, manning levels, welfare, discipline and  
3 training of dock workers and seafarers at ports and onboard vessels;

4 (e) carry out with or without notification, investigation into disputes  
5 relating to the employment of dock workers and seafarers; and

6 (f) undertake regular inspection of employers of dock labour, work  
7 locations, stevedoring companies and stevedoring services at any location in  
8 Nigeria.

9 (2) The Agency shall have the power to suspend, cancel or revoke a  
10 permit, approval, licence or certificates of dockworkers, seafarers and  
11 employers of maritime labour who contravene any provisions of this Act.

12 (3) A person who is not a registered dockworker or seafarer and  
13 engages in the performance of dock work in any port, terminal or offshore  
14 platforms in Nigeria or onboard any vessel in contravention of this section  
15 commits an offence and is liable to a fine of not less than N200,000.00.

16 (4) An employer of dockworkers or seafarers including shipping  
17 companies, stevedoring companies, jetty or terminal operators, who engages a  
18 dockworker or seafarer who is not registered and certified by the Agency,  
19 commits an offence and shall, in addition to any penalty provided in any other  
20 law, be liable to a default charge of not less than N2,000,000.00 for each person  
21 so employed.

22 (5) Any seafarer employer, recruitment and placement company or  
23 agency, who engages in the crewing of seafarers without a valid certificate  
24 issued by the Agency or any terminal, jetty and offshore platforms operators,  
25 who engages any unregistered maritime labour employer is liable to a default  
26 charge of not less than N2,000,000.00.

27 (6) Any ship owner or operator, who engages the services of any  
28 unregistered manning agents or any terminal jetty and offshore platforms  
29 operators, who is not registered or certified by the Agency, shall in addition to

1 any penalty provided in any other law be liable to a default charge of not less  
2 than N5,000,000.00.

3 25.-(1) Unless as otherwise provided in this Act, the Agency shall Ship registration  
4 be responsible for the registration of ships and licensing of small crafts of 15  
5 tons and above.

6 (2) The Nigerian Ship Registration Office is established in the  
7 Agency to register ships in accordance with the applicable provisions of this  
8 Act and the Merchant Shipping Act.

9 (3) The Agency may establish branch office of the Ship  
10 Registration Office at respective places in and outside Nigeria as the Agency  
11 may determine.

12 26.-(1) There shall be appointed a Registrar (Registrar") and Appointment of  
Registrar and  
Deputy Registrars  
13 Deputy Registrars (Deputy Registrar") of ships by the Director-General of  
14 the Agency from amongst the staff of the Agency.

15 (2) Notwithstanding the provisions of sub-section (1) of this  
16 section, Deputy Registrars shall be appointed subject to when their services  
17 are required.

18 (3) The Registrar shall be responsible for the maintenance of the  
19 register of ships and any other direction given by the Agency.

20 (4) Deputy Registrar appointed pursuant to subsection (2) of this  
21 section shall assist the Registrar in the performance of the duties conferred  
22 on the Registrar by this Act, except in exercising the power of delegation.

23 27.-(1) The Registrar may do all things necessary in connection Powers and duties  
of the Registrar  
24 with or incidental to the exercise of the powers imposed by this Act or any  
25 other legislation, including powers requiring the supply of information and  
26 documents as well as the delivery of certificates and other documents  
27 granted or issued under this Act.

28 In addition to any other duty as may be conferred by this Act or any other  
29 law, the Registrar shall maintain the register and shall for that purpose:

30 (a) receive and record all information and documents required to be

1 entered into the register or permitted to be kept in the custody of the Registrar  
2 under this Act;

3 (b) grant, issue, vary or revoke a certificate or any document required  
4 under this Act; and

5 (c) issue copies of the following:

6 (i) any certificate or other document completed in paragraph (b) of  
7 this subsection, and

8 (ii) any entry in the register.

Registration  
office, seal and  
signature of  
Registrar

9 **28.**-(1) The registration office shall have a seal, in a form as approved  
10 by the Agency and the seal shall be under the control of the Registrar.

11 (2) In all judicial proceedings of the Agency, judicial notice shall be  
12 taken of the impression of the seal of the registration office on a document and  
13 it shall be presumed, in the absence of evidence to the contrary, that the seal was  
14 duly impressed.

15 (3) Where a signature on a document purports to be the signature of  
16 the Registrar or of a person authorised to sign the document by virtue of  
17 delegation in terms of section 71 of this Act, it shall be presumed, in the absence  
18 of evidence to the contrary that the signature is that of a person who at that time  
19 was holding the Office of Registrar or was performing the duties of the Office  
20 of the Registrar or was empowered to sign that document, as the case may be.

Limitation of  
liability

21 **29.** The Minister, Agency or a person in the service or acting on the  
22 authority of the Agency or any person appointed to exercise any power or to  
23 perform any duty under this Part, shall not be liable in respect of any loss or  
24 damage resulting from anything done in good faith in accordance with the  
25 provisions of this Act.

Ships eligible  
for registration

26 **30.**-(1) In addition to any other provisions of this Act, the Merchant  
27 Shipping Act, the Cabotage Act, SPOMO Act or any other law as it relates to  
28 ship registration, the following ships shall be eligible for registration:

29 (a) Nigerian owned ships; and

30 (b) small crafts, including fishing vessels, except canoes and



1 primitive boats engaged solely in artisan fishing that are:

2 (i) wholly owned by Nigerian citizen, Nigerian residents or  
3 Nigerian Citizens and Nigerian residents,

4 (ii) operated solely by Nigerian residents or Nigerian citizens or  
5 both such residents and citizens,

6 (iii) ships on bareboat charter to Nigerian citizens, and

7 (iv) ships owned by foreign citizens, whose ship's management  
8 companies are established under and subject to Nigerian laws, having their  
9 operational place of business in Nigeria.

10 (2) The Registrar may not register a ship under this Act, where the  
11 ship is registered under the law of another State, except:

12 (a) in the case of a Nigerian owned ship, it was acquired pursuant to  
13 an order of court under the Admiralty Jurisdiction Act and its subsidiary  
14 legislation and the evidence as prescribed by the Agency has been lodged  
15 with the Registrar; or

16 (b) in the case of a ship on bareboat charter to a Nigerian citizen, all  
17 the relevant documents prescribed by the Agency have been lodged with the  
18 Registrar and the provisions under the Bareboat Regulations have been  
19 complied with.

20 (3) The Agency shall perform all the customary duties of a flag  
21 State and all the functions and powers previously vested in the Office of the  
22 Government Inspector of Ships under the Merchant Shipping Act and  
23 notices issued under the Merchant Shipping Act.

24 (4) A ship registered under this section shall comply with the  
25 requirements of the Cabotage Act, where such ship is to operate in Nigerian  
26 coastal and inland waterways.

27 31. The Minister, on the recommendation of the Agency, may grant  
28 national carrier status to a shipping company, where:

National carrier  
status to shipping  
companies

29 (a) Nigerian individuals or enterprises fully owned by Nigerian  
30 individuals own at least 60% of its equity shares or 60% in the shares of any

1 vessel is owned by the company and the shipping company is registered in  
2 Nigeria;

3 (b) the vessel owned by the company operates on international routes,  
4 the deep sea and in Nigerian coastal or inland waterways;

5 (c) the head office of the company is located in Nigeria and its  
6 management and control is directed from the head office;

7 (d) the company owns at least 1 sea-going vessel of not less than 5,000  
8 net registered tonnage;

9 (e) the terms and conditions of the employment of seafarers engaged  
10 by the company are in conformity with Nigerian laws and accepted  
11 international rules and standards;

12 (f) the company's vessels are registered in the Nigerian Ship  
13 Registration Office and the vessels satisfy all conditions stipulated in the  
14 Merchant Shipping Act; and

15 (g) 100% of the crew and not less than 75% of the ship-board officers,  
16 including the captain and the chief officer and where possible chief engineers,  
17 are Nigerians.

Government  
exports and  
imports for  
national carrier

18 **32.**-(1) National carriers shall have exclusive right to carriage of  
19 export and import cargo belonging to the Federal, State and Local  
20 Governments including Federal and State-owned companies and agencies.

21 (2) The Agency and the Federal Government shall from time to time  
22 issue guidelines on incentives to be granted to Nigerian shippers other than the  
23 parties under subsection (1) of this section, who engage national carriers for the  
24 carriage of cargo.

25 (3) The Agency may, from time to time, develop and attach additional  
26 eligibility criteria for granting the status of national carrier to a shipping  
27 company.

Carriage of cargo

28 **33.**-(1) Subject to subsection (2) of this section, national carriers shall  
29 have the right to participate in the carriage of bulk wet, dry or specialised  
30 cargoes.

1           (2) The participation of national carriers in the carriage of bulk wet  
2 or dry cargoes to and from Nigeria shall be subject to a carriage right of not  
3 less than 60% of such cargo and on Cost Insurance and Freight (CIF) trade  
4 term basis.

5           (3) All public sector contracts for the exportation of goods shall  
6 respectively be on CIF basis.

7           (4) All other cargo to and from Nigeria, outside the jurisdiction of  
8 liner conferences shall be subject to the same principles of cargo sharing as  
9 specified in subsection (2) of this section and subject to such exceptions as  
10 the Federal Government may, from time to time determine.

11           (5) A cargo support shall cover the totality of available trade,  
12 including bulk wet and dry cargo.

13           (6) Ships owned or hired by Nigerian national carrier shall carry at  
14 least 50% of the cargoes generated through technical assistance or  
15 international aid.

16           (7) The Agency shall determine an efficient strategy for the  
17 participation of national carriers in the carriage of crude and petroleum  
18 product to and from Nigeria.

19           34. The Minister, on the recommendation of the Agency, may  
20 suspend or revoke the national carrier status of a company, where the  
21 company fails to meet any of the prescribed conditions, including the  
22 training of Nigerian seafarers.

Revocation of  
national carrier  
status

23           35.-(1) The Agency shall undertake measures to eliminate unfair  
24 and uncompetitive practices by shipping companies.

Indigenous fleet  
expansion

25           (2) The Agency shall develop and implement policies and  
26 measures to promote indigenous ownership of ships and shipping  
27 infrastructure.

28           (3) The Agency, where necessary, may procure training vessels  
29 from the Maritime Fund for the purpose of carrying out its mandate under  
30 this Act.

Licensing of ship and shipping services

1 36.-(1) Without prejudice to the powers granted to the Minister under  
2 the Merchant Shipping Act, the Cabotage Act and under this Act, a person shall  
3 not own, operate, service, repair, husband or otherwise provide agency  
4 services for a ship operating in Nigerian waters or engaged in any operations or  
5 services over which the Agency has a regulatory mandate under this Act,  
6 without a licence issued by the Agency pursuant to this Act.

7 (2) Any person, who acts in breach of sub-section (1) of this section  
8 shall be subject to penalties provided under this Act and any other legislations  
9 or regulations made pursuant to this Act.

10 (3) Without prejudice to the powers granted to the Minister under the  
11 Merchant Shipping Act, the Cabotage Act, SPOMO Act and this Act:

12 (a) the Agency shall issue maritime licence for the operation of ships  
13 and provision of services to ships on such terms and conditions as the Agency  
14 may from time to time determine taking into consideration the objectives of  
15 this Act and the functions of the Agency;

16 (b) the Agency shall from time to time determine and cause to be  
17 published a regulation on its licensing processes specifying, amongst others,  
18 the persons or classes of persons who are eligible generally to apply for licence;

19 (c) the Agency may, by declaration suspend or revoke a licence  
20 granted under this Act, the Merchant Shipping Act or the Cabotage Act in any  
21 of the following circumstances:

22 (i) the licensee has failed to pay the amount or fine required by or  
23 imposed pursuant to this Act or any other legislation,

24 (ii) the licensee has failed to comply with the provisions of this Act or  
25 its subsidiary legislation or the terms and conditions of the individual licence,

26 (iii) the licensee has contravened the provisions of any other written  
27 law relevant to the maritime industry,

28 (iv) the licensee has failed to comply with any instrument issued,  
29 made or given by the Agency,

30 (v) where the licensee:

(a) is unable to pay its debts within the meaning of that expression as defined in the Companies and Allied Matters Act, or (b) enters into receivership or liquidation, or (c) takes any action for its voluntary winding-up or dissolution or enters into any scheme of arrangement, other than in any such case for the purpose of reconstruction or amalgamation upon terms and within such period as may previously have been approved in writing by the Agency or where any order is made by a competent court or tribunal for its compulsory winding-up or dissolution; or

(vi) the suspension or revocation is in the public interest.

37. Without prejudice to the provisions of this Act and regulations made pursuant to this Act, the Agency may, in addition to the circumstances for suspension or revocation of licence under this Act, revoke a licence under the following circumstances and procedures, where:

Suspension and revocation of licences

(a) any amount payable under any condition of a licence remains unpaid after it has become due and remains unpaid for a period of 14 days

after the Agency notifies the licensee in writing that the payment is due; and

(b) the licensee makes any statement in the course of applying for a licence and the statement is subsequently discovered to be false or misleading.

38.-(1) Without prejudice to the provisions of this Act, the Agency may, as an alternative to revocation of a licence pursuant to this Act and any regulations made pursuant to this Act, where necessary, impose administrative fines as may be stipulated in this Act or regulations made pursuant to this Act in respect of the contravention for which a revocation may have been considered.

Fines in lieu of revocation

(2) Notwithstanding subsection (1) of this section, the Agency shall revoke a licence where it is deemed necessary in the circumstance.

39. Any fee paid in respect of a license revoked pursuant to this Act shall not be refunded whether in part or whole.

Non-refundable licence fee

## 1 PART VII - MARITIME SAFETY AND SECURITY

Detention of  
unsafe ship

2 40.-(1) Notwithstanding the provisions of any other law, where the  
3 Agency has reason to believe that any ship, being in any port facility or place in  
4 Nigeria, is an unsafe ship and a security risk and is by reason of any of the  
5 matters mentioned in subsection (2) of this section, unfit to proceed to sea  
6 without serious danger to human life, marine environment and property,  
7 having regard to the nature of the service for which it is intended, such ship  
8 shall be detained and pay a default charge of not less than N1,000,000.00.

9 The matters referred to in subsection (1) of this section are:

10 (a) the condition for the purpose of:

11 (i) safe navigation,

12 (ii) damage to any part of the ship including the hull, the  
13 superstructure or the hull and the superstructure, or

14 (iii) defective machinery or equipment and ancillaries;

15 (b) under-manning or unqualified crew;

16 (c) overloading, unsafe or improper loading;

17 (d) other matters relevant to the safety and security of the ship that  
18 may affect the ship, the marine environment and related interface including the  
19 ports; and

20 (e) contravention of a provision of any law or regulation dealing with  
21 maritime safety or navigation.

22 (3) The Agency shall in performing its functions under this section,  
23 have regard to the International Safety Management (ISM) Code, the  
24 International Ship and Port Facility Security (ISPS) Code, other international  
25 Conventions and national legislation on ship safety and security.

Use of unsafe  
lighters, etc.

26 41.-(1) Where a person uses, causes or permits to be used in  
27 navigation any lighter, barge or like-vessel and because of:

28 (a) damage to the hull and superstructure or either the hull or  
29 superstructure;

30 (b) defective machinery or equipment;

1 (c) under-manning or unqualified crew;  
2 (d) overloading, unsafe or improper loading; and  
3 (e) other matters relevant to the safety and security of the ship, that  
4 makes the ship to be adjudged as unsafe or endangers human life following  
5 an inspection, that such a vessel is not seaworthy, the person shall be liable to  
6 a fine of not less than N1,000,000.

7 (2) This section shall not affect the liability of the owners of any  
8 lighter, barge or like-vessel in respect of loss of life or personal injury caused  
9 to any person carried in the vessel.

10 42.-(1) The owner of a ship to which this section applies shall take  
11 all reasonable steps to ensure that the ship is operated in a safe manner.

Liability for the  
operation of an  
unsafe ship

12 (2) This section applies to:

13 (a) a Nigerian ship; and

14 (b) any ship, which:

15 (i) is registered under the law of or flies the flag of any country  
16 other than Nigeria, and

17 (ii) is within Nigerian waters while proceeding to or from a port in  
18 Nigeria.

19 (3) Where the owner of a ship to which this section applies fails to  
20 discharge the duty imposed under subsection (1) of this section, the owner  
21 shall be liable to a fine of N2,000,000.00 or as may be determined by the  
22 Agency.

23 (4) Where any of such ship is chartered by demise or is managed,  
24 either wholly or in part, by a person other than the owner under the terms of a  
25 management agreement, any reference to the owner of the ship in  
26 subsections (1) or (3) of this section, shall be construed as including a  
27 reference to:

28 (a) the charterer under the charter by demise;

29 (b) any such manager; or

30 (c) both the charterer and manager, and the reference in subsection

1 (1) of this section as to the taking of all reasonable steps shall, in relation to the  
 2 owner, the charterer or any such manager, be construed as a reference to the  
 3 taking of all steps as is reasonable in the circumstance of the case.

Liability in respect  
 of unsafe ships,  
 lighters and  
 operation of ships

4 43.-(1) The Agency shall, immediately after the commencement of  
 5 this Act, issue regulations on the liability of owner, master and charterer in  
 6 respect of unsafe ships.

7 (2) The regulation under this section, shall take into account the  
 8 penalty and compensation regime of relevant international conventions and  
 9 codes of which Nigeria is a party.

Security in the  
 maritime domain

10 44. The Agency shall ensure:

11 (a) that security measures are put in place by owners or operators of  
 12 ports, port facilities, ships and vessels;

13 (b) collaboration with other relevant agencies and determine security  
 14 levels in ports and Nigerian flagged ships in response to security threats in the  
 15 Nigerian maritime domain; and

16 (c) collaboration with other relevant agencies and determine security  
 17 boundaries for port facilities, offshore platforms and Mobile Offshore Drilling  
 18 Units in Nigeria maritime domain taking into consideration their operations  
 19 and vulnerabilities.

#### 20 PART VIII - MARINE ENVIRONMENT PROTECTION

Regulation on  
 maritime  
 environment  
 protection

21 45.-(1) The Minister shall on the recommendation of the Agency issue  
 22 such regulations as it considers necessary in relation to Nigeria's obligation  
 23 under any international conventions, protocols and codes, relating to marine  
 24 environment protection including-

25 (a) dumping of any type of waste in Nigerian waters;

26 (b) removal of wrecks and derelicts, which constitute navigational  
 27 risks and which is a threat to the marine environment;

28 (c) the management of oil and chemical pollution incidents in the  
 29 marine environment; and

30 (d) prevention and control of invasive aquatic species and pathogens



1 are in marine environment.

2 (2) In making such regulations, the Agency shall take into account  
3 the need to give effect to provisions contained in any international  
4 conventions, protocols and codes to which Nigeria is a party.

5 (3) The regulations may provide for fines, penalty and punishment  
6 as may be prescribed by this Act and other international convention or  
7 agreement to which Nigeria is a party.

8 46.-(1) All ships to which this Act applies are prohibited from:

9 (a) carrying harmful substances in packaged form except in  
10 accordance with this part; or

11 (b) jettisoning harmful substance in packaged form.

12 (2) A person shall not ship or offer for shipment into or from any  
13 Nigerian port, harmful substances in packaged form except in accordance  
14 with this Part.

15 (3) In all documents relating to the carriage of harmful substances  
16 by sea where such substances are named, the proper shipping name of each  
17 of such substance shall be used.

18 (4) The shipping documents supplied by the shipper shall include  
19 or be accompanied by, a signed certificate or declaration that the shipment  
20 offered for carriage is properly packaged and marked, labelled or placarded  
21 as appropriate and in proper condition for carriage to minimise the hazard to  
22 the marine environment.

23 (5) Every ship carrying harmful substances shall have:

24 (a) a special list or manifest specifying the harmful substances on  
25 board and their location;

26 (b) a detailed stowage plan specifying the location of all harmful  
27 substances on board in lieu of the special list or manifest referred to in  
28 paragraph (a) of this subsection; and

29 (c) copies of the documents referred to in this subsection which  
30 shall also be retained on shore by the owner of the ship or his representative

Prohibition on carriage, shipment and jettisoning of harmful substances

To be included in the Bill

1 until the harmful substances are unloaded and a copy of one of these documents  
2 shall be made available before departure to the office of the Director-General.

3 (6) Notwithstanding the provisions of any other law, the Agency shall  
4 ensure the implementation of:

5 (a) detailed requirements on packing, marking, labelling,  
6 documentation, stowage, quantity limitations and exceptions for preventing or  
7 minimising pollution of the marine environment, in conformity with the  
8 International Maritime Dangerous Goods Code;

9 (b) terms and conditions under which ships to which this Act applies  
10 may carry, or persons may ship or offer for shipment harmful substances in  
11 packaged form;

12 (c) measures to be taken to regulate the washing of leakages  
13 overboard based on the physical, chemical and biological properties of harmful  
14 substances; and

15 (d) inspections to be made by the Agency of all ships to which this Act  
16 applies so as to ensure compliance with the provisions of this Act.

Prohibition of  
carriage of  
dangerous goods

17 47.-(1) Dangerous goods or marine pollutants shall not be handled or  
18 carried in a ship, where the owner or master has any cause to believe that the  
19 goods may not be handled or carried safely in that ship.

20 (2) Without prejudice to subsection (1) of this section, where the  
21 dangerous goods or marine pollutants are goods prohibited by:

22 (a) Chapter VI of the International Code for the Construction and  
23 Equipment of Ship carrying Dangerous Chemical in Bulk (BCH) Code;

24 (b) Chapter 17 of the International Bulk Chemical (IBe) Code;

25 (c) Chapter XIX of the Gas Carrier Code for Existing Ships;

26 (d) Chapter 19 of the International Code of the Construction and  
27 Equipment of Ships Carrying Liquefied Gases in Bulk (IGe) Code;

28 (e) Appendix B of the Solid Bulk Cargoes Code; the goods shall be  
29 handled and carried in accordance with relevant applicable codes.

30 (3) Where dangerous goods or marine pollutants consist of a liquid

1 chemical or a liquefied gas which is not listed in the codes under subsection  
2 (1) of this section, the goods shall be handled and carried in accordance with  
3 the approval of the Minister or appropriate authority.

4 (4) An approval under this section shall be in writing and specify  
5 the date on which it shall take effect and the conditions (if any) on which it is  
6 given.

7 (5) Any owner or master in breach of this section shall be liable to a  
8 fine of not less than N10,000,000.

9 PART IX - GENERAL PROVISIONS

10 48.-(1) The Minister may give to the Agency written directives  
11 regarding the performance of its functions under this Act.

Directives by  
Minister

12 (2) Notwithstanding the provisions of subsection (1) of this  
13 section, the Minister shall not give any directives that is ultra vires the aims  
14 and objectives of this Act.

15 49. The Agency may establish marine offices in any part of  
16 Nigeria and in other countries as the Agency may deem necessary for the  
17 purpose of effectively performing its functions under this Act and other  
18 applicable law.

Establishment  
of maritime offices

19 50. The Agency shall keep accurate records of:

Record of shipping  
infrastructure

20 (a) the number, location and capability of shipyards in Nigeria;

21 (b) the types of ships suitable for Nigeria's seaborne trade; and

22 (c) any other data or record as may be necessary for the efficient  
23 performance of its functions under this Act.

24 51.-(1) Notwithstanding the provisions of any other law, where the  
25 relevant officer of the Agency has reason to believe that the master or owner  
26 of a ship has committed an offence under this Act, the Merchant Shipping  
27 Act, the Cabotage Act, SPOMO Act or regulations made under these Acts,  
28 such officer may detain the ship by the service of a detention order issued by  
29 the Agency.

Power to detain  
ships

30 (2) The Agency's power to detain a ship under this Act shall be

1 exercised in the manner prescribed under the Ship Detention Order  
2 Regulations and in accordance with other laws of the Federation.

Insurance

3 52.-(1) The Agency shall impose compulsory insurance coverage for  
4 any ship operating to and from or within the Nigerian maritime domain.

5 (2) Failure to show proof of the relevant insurance coverage when  
6 demanded by the Agency shall be punishable with a fine of not less than  
7 N5,000,000.00 or suspension of the licence to operate such a ship or to both.

8 PART X - MARINE CASUALTY

Marine Accident  
Investigation Unit

9 53.-(1) There is established a Marine Accident Investigation Unit (the  
10 Unit), which shall be independent in the conduct of its operations and report  
11 directly to the Minister.

12 (2) The Unit in the execution of its functions under this Act shall  
13 adhere to the regulations for accident investigation as may be made from time  
14 to time by the Minister.

15 (3) The Unit shall be for investigating marine incidents that may  
16 culminate to apportioning blames or determining liability.

Commissioner  
and other staff  
of the Unit

17 54.-(1) The Unit shall be headed by a Commissioner of Marine  
18 Accident Investigation, who shall be appointed by the Minister on the  
19 recommendation of the Agency.

20 (2) The Commissioner of the Unit shall hold office for a period of 4  
21 years and may be appointed for another 4 years and no more.

22 (3) The Commissioner of the Unit shall possess cognate experience  
23 and qualification in marine accident investigation of not less than 10 years.

24 (4) The Commissioner may be removed from office before the  
25 expiration of his tenure by the Minister where the Commissioner:

26 (a) has demonstrated inability to effectively perform the duties of his  
27 office;

28 (b) is guilty of serious misconduct;

29 (c) in the case of a person possessed of professional qualification, is  
30 disqualified or suspended from practicing his profession in any part of the

1 world by an order of a competent authority; or

2 (d) is guilty of conflict of interest specified in the Second Schedule  
3 to this Act.

4 (5) Staff of the Agency may be deployed to serve in the Unit by the  
5 Director- General.

6 55.-(1) The purpose of the marine accident investigation shall be:

Functions of the  
Unit

7 (a) to conduct safety investigation into marine incidents and  
8 casualty with the aim of preventing future occurrence through the  
9 ascertainment of its causes and circumstances;

10 (b) to publish the safety investigations carried out pursuant to  
11 subsection (1)(a) of this section for the purpose of lessons learnt; and

12 (c) the development of measures for the prevention of marine  
13 accidents or incidents on the basis of experience gained in the course of the  
14 investigation.

15 (2) The function of the Unit shall include the investigation of all  
16 marine incident or accident, the consequences of which include:

17 (a) the loss of the seaworthiness of a ship, small ship or a  
18 shipwreck;

19 (b) the cause of damage to one's own ship or another towed floating  
20 vessel;

21 (c) environmental pollution by a ship, small ship or floating  
22 platforms; and

23 (d) any other marine accidents or incidents.

24 56. The Unit shall forward its report and findings to the Minister,  
25 who shall within reasonable time, forward same to the relevant Agency for  
26 implementation.

Findings and  
report of the Unit

27 57.-(1) The Minister may make regulations providing for the  
28 investigation of any accident or incident arising out of or in the course of  
29 marine navigation and occurring in Nigerian waters.

Regulations for  
Marine Accident  
Investigation

30 (2) Without prejudice to the generality of subsection (1) of this

1 section, the regulations made may in particular contain provisions that:

2 (a) require notice to be given of such accident or incident in such  
3 manner and by such persons as may be prescribed;

4 (b) apply the provisions of any law in force in Nigeria relating to the  
5 investigation of deaths or accidents, for the purpose of investigations held with  
6 respect to any of such accident or incident;

7 (c) prohibit pending investigation, access to or interference with ships  
8 to which an accident or incident has occurred and authorise any person, so far  
9 as may be necessary for the purposes of an investigation, to have access to,  
10 examine, remove, take measures for the preservation of, or otherwise deal with  
11 such ship; or

12 (d) recommend to the Agency the cancellation, suspension,  
13 endorsement or surrender of any licence or certificate granted in Nigeria in  
14 pursuance of this Act or any regulation made under it, or the withdrawal or  
15 suspension of any validation conferred in Nigeria of a licence granted by a  
16 competent authority elsewhere, where it appears on investigation that the  
17 licence, certificate or validation ought to be so dealt with, and require the  
18 production accordingly of such licence or certificate.

19 (3) The Unit in the execution of its functions under this Act may apply  
20 the Merchant Shipping (Incident Reporting and Investigation) Regulations and  
21 any other regulations as may be relevant for incident investigation made by the  
22 Minister.

#### 23 PART XI - LIABILITY AND LEGAL PROCEEDINGS

24 58.-(1) Notwithstanding anything contained in any other law, a suit  
25 shall not lie against the Agency, a member of its Board, its Director-General or  
26 any other employee of the Agency for any act done in pursuance or execution of  
27 any public duty under this Act or any law, or in respect of any alleged neglect or  
28 default in the execution of any duty under this Act or such law unless it is  
29 commenced within 3 months after the act, neglect or default complained of, or

Limitation of  
suits against  
the Agency

1 in the case of a continuance of damage or injury, within 6 months after the  
2 ceasing of it.

3 (2) A suit shall not be commenced against the Agency, a member of  
4 its Board, its Director-General or any employee of the Agency, before the  
5 expiration of a period of 1 month after written notice of intention to  
6 commence the suit have been served upon the Agency by the intending  
7 plaintiff, or his agent and the notice shall clearly state the:

- 8 (a) cause of action;  
9 (b) particulars of claim;  
10 (c) name and place of abode of the plaintiff; and  
11 (d) relief sought.

12 59.-(1) The officers of the legal department of the Agency shall  
13 with the approval of the Attorney General of the Federation have the powers  
14 to prosecute offenders in any court in Nigeria.

Representation  
of the Agency in  
legal proceedings

15 (2) For the due enforcement of all laws relating to or enforceable by  
16 the Agency, the officers of the legal department of the Agency shall have  
17 power to:

- 18 (a) support and provide legal advice and assistance where  
19 necessary;  
20 (b) conduct such proceedings as may be necessary towards the  
21 recovery of any assets or property forfeited under this Act; and  
22 (c) perform such other legal duties as the Agency may refer to it  
23 from time to time.

#### 24 PART XII - OFFENCES

25 60. A person who wilfully removes, destroys or damages any  
26 property belonging to, or in the custody or possession of the Agency or  
27 hinders or prevents such property from being used or operated in the manner  
28 in which it is intended to be used or operated, commits an offence and is  
29 liable on conviction to a fine of not less than N1,000,000.00 or 6 months  
30 imprisonment or both and shall make good any loss, destruction or damage

Damage to  
property of the  
Agency

1 suffered by the Agency, including the expenses of any inspection or survey  
2 carried out by the Agency to ascertain such loss, destruction or damage.

Evasion of fees,  
levies, etc.

3 61.-(1) A person who, by any means, evades or attempts to evade, or  
4 neglects or omits to pay any levy, charge or fee payable under this Act commits  
5 an offence and shall be liable to a fine of not less than N500,000.00 for  
6 individuals and N15,000,000.00 in the case of a body corporate.

7 (2) The person shall in addition, be liable to pay to the Agency a  
8 penalty equal to double the amount of the levies, charges or fees the person  
9 evaded or attempted to evade, or neglected or omitted to pay.

Penalty for giving  
false statement

10 62. A person who makes any false statement in any claim or other  
11 document which is requested or authorised to be made by or under this Act or  
12 any regulation under this Act, commits an offence and is liable on conviction to  
13 a fine not less than N500,000.00 for an individual and N15,000,000.00 for a  
14 body corporate or to imprisonment for a term not exceeding 12 months or to  
15 both.

Non-compliance  
with direction  
of Agency or  
with any provision  
of this Act

16 63.-(1) A person who, without lawful excuse, refuses, neglects or fails  
17 to comply with any directive lawfully given by the Agency in exercise of its  
18 powers under this Act, or who fails to comply with any provision of this Act or  
19 of any regulation made under this Act, commits an offence and, unless another  
20 sanction is provided for such specific act, omission or conduct in this Act, shall,  
21 in addition to the forfeiture of any article seized, be liable to a fine of not less  
22 than N1,000,000.00 for individuals, and N15,000,000.00 for corporate bodies,  
23 or any other sanction as may be prescribed by the Agency.

24 (2) Where a person, without lawful excuse, refuses or neglects to obey  
25 any direction lawfully given under this Act or the regulations made under this  
26 Act, such a person commits an offence under this Act or the regulations made  
27 under this Act, the Agency may, irrespective of whether any proceeding has  
28 been instituted against, or any punishment imposed on such person for the  
29 refusal or neglect, do or cause to be done such acts as are in its opinion  
30 reasonable or necessary for the purpose of carrying out such direction.



1 (3) Any expenses incurred by the Agency in the exercise of its  
2 powers under this section shall be recoverable from the person to whom the  
3 direction has been given.

4 64. A person who, at any time, hinders, obstructs or molests any of  
5 the Agency's employees, agents or contractors in the performance and  
6 execution of their duty or of anything which they are respectively  
7 empowered or required to do by virtue of or in consequence of this Act,  
8 commits an offence and is liable on conviction to a fine of not less than  
9 N1,000,000.00 or to imprisonment for a term not exceeding 6 months or to  
10 both.

Obstructing the  
Agency in  
performance of  
its duties

11 65.-(1) Except for the purpose of the performance of his duties or  
12 the exercise of his functions or where lawfully required to do so by any court  
13 or under the provisions of any written law, a person, who is or has been a  
14 member, an officer, employee, adviser or agent of the Agency or a member  
15 of a committee of the Agency, shall not disclose any information relating to  
16 the affairs of the Agency or of any other person which has been obtained by  
17 him in the performance of his duties or functions under this Act.

Preservation of  
secrecy

18 (2) A person who contravenes subsection (1) of this section  
19 commits an offence and is liable on conviction to a fine not exceeding  
20 N1,000,000.00 or to imprisonment for a term not exceeding 6 months or  
21 both.

22 66.-(1) Where an offence has been committed under this Act or the  
23 regulations made under it by a company or other body of persons, such  
24 person who at the time of the commission of the offence was a director,  
25 manager or a partner in the corporate body and other body of persons who  
26 acted in such capacity may be charged with the same offence.

Offences by  
companies

27 (2) Where a company or other body of person is convicted of an  
28 offence under this Act any person charged with the same offence shall be  
29 guilty of that offence and be liable to the penalty of that offence unless the  
30 person proves that the offence was committed without his knowledge or

1 consent and that he exercised due diligence to prevent the commission of the  
2 offence as he ought to have exercised, having regard to the nature of his  
3 functions in that capacity and to all the circumstances.

Fines to be paid  
to the Agency

4 67. All fines imposed for any offence under this Act or the regulations  
5 made under it and all sums collected under this Act shall be paid to the Agency.

6 PART XIII - ADMINISTRATIVE FINES AND ENFORCEMENT

General  
administrative  
fines

7 68.-(1) Without prejudice to the specific enforcement provisions  
8 contained in this Act, any regulations made under it, relevant licence or any  
9 other law enforceable by the Agency, the Agency may, impose administrative  
10 fines for enforcement purposes, pursuant to the Act or any other law, including  
11 instances where specific enforcement sanctions have not been provided for in  
12 this Act, any regulations made under it in any licence or in any other law.

13 (2) The Agency shall, before imposing an administrative fine under  
14 this section, issue a notice in writing to the person affected by the fine  
15 specifying the nature of infraction necessitating the fine and the person shall be  
16 granted an opportunity to be heard or may submit a written explanation giving  
17 the reasons for his conduct or activity within the time specified in the notice.

18 (3) The Agency shall, after the expiration of the notice specified in  
19 subsection (2) of this section, take into consideration any reasons provided by  
20 the person before making a decision in relation to the relevant conduct or  
21 activity of the person.

22 (4) The Agency shall give written notice of the imposition of a fine to  
23 the person affected by same not later than 30 days from the date the decision  
24 was made regarding the sanction and the person affected shall comply with the  
25 sanction issued by the Agency.

26 (5) Without prejudice to the generality of the provisions of this Act the  
27 Agency may impose administrative fines in the amounts as may be specified  
28 from time to time by regulations made pursuant to this Act for contraventions  
29 or non-compliance by maritime licensees or other persons whose activities are  
30 covered by the mandate of the Agency under this Act.

1 (6) Any administrative fine imposed by the Agency pursuant to the  
2 Act any regulations made under it or any licence shall become due and  
3 payable by the person affected by the fine within 14 days from the date of the  
4 receipt of the notice from the Agency.

5 (7) The payment of an administrative fine by a person who  
6 committed the contravention shall not be construed as a limitation or  
7 foreclosure of the power of the Agency to impose any other enforcement  
8 sanctions under the Act, any regulations made under it or in any licence.

9 69.-(1) The Agency may, from time to time, issue directives in  
10 writing to any person regarding the compliance or non-compliance with:

Issuance of  
directives by the  
Agency

11 (a) any provisions of this Act, the Merchant Shipping Act, the  
12 Cabotage Act, SPOMO Act or any subsidiary legislation made pursuant to  
13 it; or

14 (b) the conditions of any license, permit, approval or other  
15 authorisation.

16 (2) The Agency shall, before issuing an administrative sanction  
17 under this section, issue a notice in writing to the person affected by the  
18 sanction specifying the nature of required compliance, or non-compliance  
19 and the person shall be granted an opportunity to be heard or may submit a  
20 written explanation giving the reasons for his conduct or activity within the  
21 time specified in the notice.

22 (3) The Agency shall, after the expiration of the notice specified in  
23 subsection (2) of this section, take into consideration any reasons provided  
24 by the person before making a decision in relation to the relevant conduct or  
25 activity of the person.

26 (4) After due consideration of the reason provided by the person,  
27 the Agency may issue a direction, caution, penalty or other sanctions it may  
28 deem necessary.

29 (5) The Agency shall give the person affected by any sanction,  
30 written notice of it not later than 30 days from the date the decision was made

1 on the sanction and the person shall comply with the sanction issued by the  
2 Agency.

3 (6) The Agency may in addition to imposing a general or specific  
4 administrative fine or other administrative sanction withhold regulatory  
5 approval to any licensee for any contravention or non-compliance with the Act,  
6 any regulations or licence conditions.

7 (7) Where there is failure to pay such fine, the Agency may institute an  
8 action at the Federal High Court to recover the sum fined.

9 (8) The Agency may, in the exercise of its enforcement powers,  
10 institute civil proceedings in court against any person for any remedy including  
11 injunctive relief, recovery of administrative fines, specific performance or  
12 pecuniary awards or damages.

13 PART XIV - MISCELLANEOUS

General powers  
of the Minister  
to make Regulations

14 70.-(1) The Agency may subject to the approval of the Minister make  
15 regulations to:

16 (a) prescribe all matters required or permitted by this Act to be  
17 prescribed;

18 (b) prescribe the manner in which and the persons or bodies by whom  
19 charges, levies and related penalties are to be collected and the manner in  
20 which security may be provided for the payment of such charges, levies and  
21 related penalties;

22 (c) prescribe the conditions of service of dock workers and seafarers;

23 (d) regulate marine casualty;

24 (e) regulate the application of monies in the Maritime Fund;

25 (f) regulate the detention of ships; and

26 (g) prescribe all matters necessary or expedient to be prescribed for  
27 the achievement of the objects of this Act.

28 (2) Regulations made under subsection (1) of this section may include  
29 such incidental or supplementary provisions as may be reasonably necessary or  
30 expedient.

1 (3) In making the regulations, the Agency shall take into account  
2 the need to give effect to provisions which are contained in any international  
3 conventions, protocols and codes, which have been ratified by Nigeria.

4 (4) Regulations made under this Act shall be published in the  
5 Federal Government official gazette.

6 71. The Minister may delegate any of his powers under this Act to  
7 the Agency except the power to make regulations. Delegation

8 72.-(1) The Nigerian Maritime Administration and Safety Act,  
9 2007 is repealed. Repeals and savings

10 (2) Without limiting the provisions of the Interpretation Act, the  
11 repeal of the Act shall not affect any document made or anything done or  
12 purported to have been done under the repealed Act.

13 (3) Every order, requirement, certificate, notice, direction,  
14 decision, authorisation, consent, application, request or anything made,  
15 issued, given or done under the repealed Act by this Act shall, if in force at  
16 the commencement of this Act, continue in force and have effect as if made,  
17 issued, given or done under the corresponding provisions of this Act.

18 (4) Every reference to the Agency established under the repealed  
19 Act, Board, Minister, Director-General, Chairman or any person under their  
20 control or a document issued in the name of the Agency established under  
21 the repealed Act, Board, Director-General, Chairman of the former Board or  
22 employee of the former Agency shall be read as a reference to the Agency,  
23 Board, Director-General, Chairman, or an employee of the Agency.

24 73.-(1) Subject to the provisions of this Act, the Director-General  
25 of the Agency appointed under the repealed Act is deemed to have been  
26 transferred to the Agency under the same conditions as Director-General. Transitional Provisions

27 (2) Any person who immediately before the commencement of this  
28 Act was a staff of the Agency established under the repealed Act shall  
29 continue in office and be deemed to have been appointed under this Act for  
30 purposes of implementing the provisions of this Act.

1 (3) Any property held immediately before the commencement date of  
2 this Act on behalf of the Agency established under the repealed Act by any  
3 person shall, by virtue of this Act, be vested in the Agency established under  
4 this Act.

5 (4) The Agency shall be subject to all the obligations and liabilities to  
6 which the Agency established under the repealed Act was subject immediately  
7 before the commencement of this Act and all other persons shall have the same  
8 rights, powers and remedies against the Agency as they had against the Agency  
9 established under the repealed Act immediately before the commencement of  
10 this Act.

11 (5) Any proceeding or cause of action pending or existing  
12 immediately before the commencement of this Act by or against the Agency  
13 established under the repealed Act in respect of any right, interest, obligation or  
14 liability of the Agency established under the repealed Act, may be continued or  
15 commenced, as the case may be, and any determination of a court of law,  
16 tribunal or other commission or person may be enforced by or against the  
17 Agency established by this Act to the same extent that such proceeding,  
18 cause of action or determination might have been continued, commenced or  
19 enforced by or against the Agency established under the repealed Act, as if this  
20 Act had not been made.

21 (6) As from the commencement of this Act, any disciplinary  
22 proceeding pending or existing against any employee of the Agency  
23 established under the repealed Act, shall be continued and completed by the  
24 Agency under this Act.

Interpretation

25 74. In this Act:

26 "Agency, means the Nigerian Maritime Administration and Safety Agency  
27 established under section 3 of this Act;

28 "Agency undertakings" means any undertaking that relates to the provision by  
29 the Agency or any facility or service of any description in connection with the  
exercise and performance of its powers and duties under any written law and

- 1 includes any moveable and immovable property and the rights of the  
2 Agency that relate to such facility or service;
- 3 "Board" means the Governing Board of the Agency constituted under  
4 section 4 of the Act;
- 5 "Cabotage Act" means the Coastal and Inland Shipping (Cabotage) Act  
6 2003;
- 7 "cargo" or "goods" includes any substance or article, livestock, mineral,  
8 ware, crude, petroleum product and merchandise of every description and  
9 any container or other item used to contain any substance or article;
- 10 "Chairman" means the Chairman of the Governing Board of the Agency  
11 appointed under section 6 (2) of this Act;
- 12 "court" means the Federal High Court;
- 13 "dumping" means any deliberate disposal of waste or other waste from  
14 vessels, aircrafts, platforms or other man-made structures at sea;
- 15 "employers of dock labour" includes terminal operators, jetty operators,  
16 stevedoring and cargo handling companies;
- 17 "employers of maritime labour" includes manning agents, terminal  
18 operators, stevedoring and cargo handling companies, dock labour and  
19 seafarers employers;
- 20 "licence" means an authorisation to own, provide or operate any service  
21 issued under this Act and "licensed" or "licensee" shall be interpreted  
22 accordingly;
- 23 "ILO" means International Labour Organization;
- 24 "IMDG Code" means International Maritime Dangerous Goods Code  
25 issued by the IMO;
- 26 "IMO" means International Maritime Organisation;
- 27 "ISM Code" means International Ship Management Code issued by the  
28 IMO;
- 29 "ISPS Code" means International Ship and Port Facility Security Code  
30 issued by the IMO;

- 1 "management staff" means any person on grade level 15 and above in the  
2 public service;
- 3 "marine exclusion zone" means an area exclusively reserved in Nigerian  
4 waters for the operation of FPSO, FSO, FSU and other related marine  
5 operations such as drillings, uptake of crude and vessels providing services in  
6 the zone;
- 7 "maritime fund" is a fund dedicated to the development of indigenous shipping  
8 and shipping infrastructure in Nigeria;
- 9 "maritime labour" includes dock workers and seafarers;
- 10 "Minister" means the Minister responsible for marine transportation;
- 11 "NIMASA" means the Nigerian Maritime Administration and Safety Agency;
- 12 "Nigerian company" is a company incorporated in Nigeria in which Nigerian  
13 citizens hold at least 60% of the shares as beneficial owners;
- 14 "Nigerian waters" and "Nigerian maritime zone" include inland waters,  
15 territorial waters or waters of the exclusive economic zone (respectively,  
16 together or any combination of it);
- 17 "off-shore cargo handling facility" means an off-shore facility within or  
18 beyond the port limits used for the transfer of cargo from a vessel to land or  
19 platform and vice versa;
- 20 "owner" in relation to:
- 21 (i) goods, includes any consignor, consignee, shipper or agent for the  
22 sale, custody, shipping or landing of such goods, and
- 23 (ii) any vessel, includes any part-owner, charterer by demise,  
24 consignee or mortgagee in possession of the vessel;
- 25 "person" includes a natural person, a body corporate or partnership and where  
26 an individual is required to represent a corporate body or partnership in any  
27 circumstance pursuant to this Act or its subsidiary legislation it shall be  
28 sufficient where in the case of a:
- 29 (i) corporate body, it is represented by a duly authorized person, and  
30 (ii) partnership, it is represented by a partner in the partnership or a



- 1       duly authorized employee of the partnership;
- 2       "pollution" means the introduction by man directly or indirectly of  
3       substances, or energy into the marine environment, including estuaries  
4       which result or is likely to result in such deleterious effects as harm to living  
5       resources and marine lives, hazard to human health, hindrance to marine  
6       activities including fishing and other legitimate uses of the sea, impairment  
7       of quality for use of sea water and reduction of amenities;
- 8       "port" means any place in Nigeria, navigable river or channel leading into  
9       such place having facilities for ships to moor and load or discharge including  
10      off-shore cargo handling facilities, inland dry ports, harbour, berths, jetties,  
11      pontoons or buoys and wharves within the limits of the ports and includes  
12      any place declared to be a port under the relevant Act;
- 13      "premises" includes houses, buildings, structures, lands, tenements,  
14      casements and hereditaments of any tenure, whether open or enclosed,  
15      whether built on or not, whether public or private and whether maintained or  
16      not under the jurisdiction of the Agency;
- 17      "President" means the President of the Federal Republic of Nigeria;
- 18      "recognised organisations" means all organisations that have been  
19      recognised by the Agency to perform on its behalf statutory certification and  
20      services under mandatory international maritime organisation instruments  
21      and national legislation;
- 22      "regulations" means regulations made under this Act;
- 23      "Registrar" means Registrar of ships;
- 24      "revenue" means any money received by the Agency by way of charges,  
25      scales of charges or other duties imposed under this Act and includes any  
26      money accruing to the Agency under this Act;
- 27      "seafarers" includes every person employed or engaged to work in any  
28      capacity onboard a ship;
- 29      "ship" means a vessel of any type not permanently attached to the seabed,  
30      including dynamically supported craft, submersibles of any other floating

1 craft which shall include Floating Production Storage and Offloading (FPSO)  
2 platform, Floating Storage and Offloading (FSO) platform and Floating  
3 Storage Unit (FSU) platform;

4 "ship chandlers" means a person or business dealing in supply for ships;

5 "small craft" means a small boat or vessel of any kind not less than 15 gross  
6 tonnage;

7 "this Act" means the Nigerian Maritime Administration and Safety Agency  
8 Act;

9 "UNCLOS" means the United Nations Convention on the Law of the Sea; and

10 "vessel" means anything constructed or used for the carriage on, through or  
11 under water of persons or goods and includes a hovercraft and an aircraft when  
12 waterborne.

Short title

13 75. This Bill may be cited as the Nigerian Maritime Administration  
14 and Safety Agency Bill, 2021.

15 FIRST SCHEDULE

16 [Section 4 (3)]

17 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD OF THE AGENCY

18 *Proceedings of the Board*

19 1.-(1) Subject to the provisions of this Act and section 27 of the  
20 Interpretation Act, the Board may make standing orders regulating its  
21 proceedings or that of any of its committees.

22 (2) The Chairman shall preside at every meeting of the Board and in  
23 his absence, the members present at that meeting shall appoint one of them to  
24 preside at the meeting and the minutes shall be taken for each meeting of the  
25 Board and any committee by the Secretary.

26 (3) The quorum for any meeting of the Board shall be at least 5  
27 members.

28 (4) The Board shall meet to transact its business pursuant to this Act  
29 where it is summoned by the Chairman on at least 7 days' written notice and the  
30 Chairman shall, where required by notice given to him by not less than 4 other

1 members of the Board specifying amongst others, an agenda for the  
2 meeting, summon a meeting of the Board which shall be held not later than  
3 14 days from the date on which the notice is served on him to discuss the  
4 items specified in the notice and the Board shall for the purposes of this Act  
5 meet not less than 4 times in each calendar year.

6 (5) A member of the Board who directly or indirectly has an interest  
7 of a personal nature including financial interests in any contract made or  
8 proposed to be made by the Agency shall, immediately after the facts of the  
9 matter of his interests have come to his knowledge, disclose his interest and  
10 the nature of it at a meeting of the Board.

11 (6) A disclosure under sub-paragraph (5) of this Schedule shall be  
12 recorded in the minutes of the Board meeting and the member concerned  
13 shall:

14 (a) after the disclosure, not take part in any deliberation or decision  
15 of the Board or vote on the matter; and

16 (b) be excluded for the purpose of constituting a quorum of any  
17 meeting of the Board for any deliberation or decision with regard to the  
18 subject-matter in respect of which his interest is so disclosed.

19 (7) The decisions at a meeting of the Board shall be taken by a  
20 majority except decisions on matters relating to the establishment of any  
21 subsidiary or participation in a joint venture or partnership of any  
22 description which shall require a majority of at least 75%.

23 (8) In the case of an equality of votes the Chairman of the meeting  
24 shall have a second or casting vote.

#### 25 *Committees*

26 2.-(1) Subject to its standing orders, the Board may appoint such  
27 number of standing or ad hoc committees as it thinks fit to consider and  
28 report on any matter with which the Agency is concerned.

29 (2) A committee appointed under sub-paragraph (1) of this  
30 Schedule shall:

(3) consist of such number of persons who may not necessarily be  
 1 members of the Board as may be determined by the Board;  
 2 provided that the Board as may be determined by the Board a committee member  
 3 shall be eligible for the appointment of a non-Board member as a committee member  
 4 shall be subject to such terms as would be indicated in his letter of appointment;  
 5 and (b) be presided over by a member of the Board.

(b) The Board shall be as may  
 6 be determined by the Board;  
 7 (c) The committee set up by the Board shall be as may  
 8 be determined by the Board;  
 9 (d) A decision of a committee of the Board shall be of no effect until it  
 10 is confirmed by the Board.

Miscellaneous

11 3.-(1) The fixing of the seal of the Agency shall be authenticated by  
 12 the signature of the Secretary and Director General, where necessary being a  
 13 body corporate; and  
 14 (2) A document or instrument which is made by a person not being a  
 15 body corporate and is not authenticated in accordance with the provisions of  
 16 subsection (1) shall be presumed to be a contract, instrument or other  
 17 document duly signed on behalf of the Agency by a person generally or specially  
 18 authorized by the Board to act for that purpose.

19 (3) A document purporting to be a contract, instrument or other  
 20 document duly signed on behalf of the Agency shall, where it is proved in  
 21 evidence and shall, unless the contrary is proved, be presumed without further  
 22 proof to have been so signed.  
 23 (4) Subject to the provisions of this Act, the validity of any  
 24 proceedings or decision of the Board or of any of its committees shall not be  
 25 affected by any vacancy in the membership of the Board or committee;

26 (5) Any vacancy in the membership of the Board or committee of the  
 27 Board or committee or irregularity in the appointment of a member of the  
 28 Board or committee, or any person not entitled to do so took part in the  
 29 proceedings of the Board or committee, shall not be personally  
 30 (6) A member of the Board or a committee shall not be personally

(5) A member of the Board or a committee shall not be personally

1 liable for any act or omission done or made in good faith while engaged in  
2 the business of the Agency.  
3 the business of the Agency will not by reason only of his membership of the  
4 Board be treated as being an office of emolument under the Government  
5 of the Federation or the State.

SECOND SCHEDULE

SECOND SCHEDULE

[Section 8 (1) (f)]

Conflict of interest

[Section 8 (1) (f)]

6  
7  
8 1.-(1) Subject to the provisions of this Schedule, a Director or  
9 member of staff of the Agency shall not have a direct or indirect  
10 interest in any business, trade, profession, industry, financial  
11 investment or any other activity, or in any share, stock, debenture, or any  
12 other security or in any office of emolument under the Government  
13 of the Federation or the State, or receive from any person any remuneration  
14 or other benefit, or have any personal interest in any contract or agreement  
15 to be made by the Agency, throughout the tenure of his office or employment  
16 with the Agency.

17 (2) Subject to sub-paragraph (3) of this Schedule, a Director or  
18 member of staff of the Agency shall, on an annual basis, present a written  
19 declaration of such interest in the third month of each year, if there is the  
20 existence of such interest specified in sub-paragraph (1) of this Schedule  
21 arising or likely to arise during his tenure of employment with the Agency,  
22 commencing from the date of his appointment to the office.

23 (3) The Director and members of staff of the Agency, as from the  
24 commencement of this Act shall declare in writing their direct or indirect financial  
25 interest in any business, trade, profession, industry, financial  
26 investment or any other activity, or in any share, stock, debenture or financial  
27 instrument or any office of emolument under the Government of the Federation  
28 or the State, or any remuneration or other benefit, or any personal interest  
29 in any contract or agreement to be made by the Agency, shall declare, on appointment  
30 or at the time of his appointment to the office.

(4) A Director or staff of the Agency shall declare, on appointment  
or at the time of his appointment to the office, any interest in any contract or  
agreement to be made by the Agency, and annually for as long as he  
serves the Agency, any interest or investment that he:

- (a) knowingly has or
- (b) knows any member of his immediate family to have in any

1 aspect of the shipping industry.

2 (5) Where a Director or member of staff of the Agency contravenes  
3 the provisions of sub-paragraphs (1) and (2) of this Schedule, or gives false  
4 information under sub-paragraph (4) of this Schedule, he shall be liable, on  
5 conviction, to the payment of a fine not exceeding N1,000,000.00 or  
6 imprisonment of a term not exceeding 1 year or both.

7 (6) Subject to sub-paragraph (7) of this Schedule, the Board may,  
8 from time to time, waive the application of the prohibitions specified in sub-  
9 paragraphs (1) and (2) of this Schedule to any Director or member of staff of the  
10 Agency where the Board determines that the financial interest of the relevant  
11 person is not of a material nature or is minimal.

12 (7) The Board in determining whether or not the interest of a Director  
13 or member of staff of an Agency is minimal or not of a material nature shall  
14 consider factors including:

15 (a) the revenues, investments, profits and managerial efforts of the  
16 relevant company, other entity in regard to its port activities compared with  
17 other aspects of the Agency's or such entity's businesses;

18 (b) the extent to which the Agency regulates and oversees the activity  
19 of such company or entity;

20 (c) the degree to which the economic interests of such company or  
21 other entity may be affected by an action of the Agency; and

22 (d) the perceptions held or likely to be held by the public regarding the  
23 relevant person's financial interest or investment in that company or other  
24 entity.

25 (8) The Board may, at any time, review and reverse its determination  
26 under paragraph (6) of this Schedule and direct the application of the  
27 prohibitions contained in this Schedule to the affected Director or member of  
28 staff of the Agency and the Board shall not be under an obligation to disclose  
29 the reason or basis for its review to the affected Director or staff member.

30 (9) In any case in which the Board exercises the waiver or the review

1 as specified in sub-paragraphs (6) and (8) of this Schedule, the Board shall  
2 publish the details of it and such publication shall, include information  
3 regarding the identity of the person who has been granted the waiver or  
4 whose waiver grant has been reviewed, the position held by such person and  
5 the nature of the financial interests which are the subject of the waiver or the  
6 review.

7 (10) For the purpose of this Schedule:

8 (a) "company" shall include partnerships and undertakings; and

9 (b) "immediate family" shall mean a person's spouse, a partner  
10 living with the person as if they were married to each other and children  
11 under the age of 18 years.

#### EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Nigerian Maritime Administration and Safety Agency Act, 2007, and to Re-Enact Nigerian Maritime Administration and Safety Agency Act, 2021, to provide for the establishment of the Nigerian Maritime Administration And Safety Agency, for the promotion of maritime safety and security, protection of the marine environment, ship registration and commercial shipping, maritime labour.

