

*Extraordinary*



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A BILL

FOR

An Act to Alter the Constitution of the Federal Republic of Nigeria 1999 (as altered) to facilitate the effectiveness of Nigeria's Fiscal Federalism, 2021

*Sponsors:*

Hon. Babangida Ibrahim	Hon. Musa Sarkin Adar
Hon. Abdulganlvu C. Olododo	Hon. Mansur Mani Soro
Hon. Tijjani Zanna Zakariya	Hon. Usman Danjuma Shiddi
Hon. Mohd Bello Yakubu	Hon. Muhammad Umar Jega
Hon. Bello Hassan Shinkafi	Hon. Aliyu datti Yako
Hon. Bashir Uba Mashema	Hon. Abdullahi Ibrahim Halims
Hon. Shehu Saleh Rijau	Hon. Hamisu Ibrahim
Hon. Ahmad Muhd Bakura	Hon. Abdulkarim Usman
Hon. Richard Gbande	Hon. Francis Agbo
Hon. Bala Kokani	Hon. Nasiru Sani Zangon Daura
Hon. Abubakar Y Idiris	Hon. Babangida Alasan Abdallah
Hon. Musa Muhammad Adamu	Hon. Yusuf Ahmed Tijani
Hon. Lawan A Kenken	Hon. Abdullahi Saad Abdulkadir
Hon. Zakariyau M Galadima	Hon. Nassir Ali Ahmed
Hon. Ibrahim Mohd Bukur	Hon. Usman Zannah
Hon. Zayyad Ibrahim	Hon. Mukhtar Zakari Chawai
Hon. Sulaiman Abubakar Gumi	Hon. Jafaru Suleiman Ribadu
Hon. Fatuhu mohammed	Hon. Ari Mohammed Abdulmumini
Hon. Shehu Balarabe	Hon. Zainab Gimba
Hon. Goza I Gbefiri	Hon. Jafaru Mohammed
Hon. Mohammed Bargaja	Hon. Musa Umar Garo
Hon. Ahmed Dayyabu Safana	Hon. Umar Abdullahi Kamba
Hon. Mukhtar Ahmed	Hon. Ahmad A Kalambaina
Hon. Makki A Yalleman	Hon. Beni Har
Hon. Haruna Isa Dederi	Hon. Abdussalam Gambo Mubarak
Hon. Abdullahi Balarabe Salame	Hon. Ibrahim Hamza
Hon. Lawan Shettima Ali	Hon. Blessing Onuh
Hon. Kasimu Bello Maigari	Hon. Saidu D. Umar
Hon. Garba Datti Muhammad	Hon. Abubakar Hassan Fulata
Hon. Usman Ibrahim Auyo	

[ ] Commencement

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

1	1. The Constitution of the Federal Republic of Nigeria 1999 (as	Alteration of the
2	altered) in this Bill referred to (as "the Principal Act") is further altered as set	Principal Act
3	out in this Bill.	
4	2. Section 162 of the Principal Act is altered by deleting the	Alteration of
5	proviso under the existing subsection (2).	Section 162 (2)
6	3. This Bill may be cited as Constitution (Alteration) Bill, 2021.	of the Principal
		Act
		Citation

## EXPLANATORY MEMORANDUM

This Bill seeks to alter the Constitution of the Federal Republic of Nigeria, 1999 to facilitate the effectiveness of Nigeria's Fiscal Federalism.

# A BILL

## FOR

AN ACT TO AMEND THE FEDERAL HIGHWAYS (PERMISSIBLE WEIGHTS AND  
WEIGH BRIDGES REGULATIONS) AND FOR RELATED MATTERS

*Sponsored by Hon. Francis Ejiroghene Waive*

[ ] Commencement

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

- 1           **1.** The Federal Highways Act - Subsidiary Legislation Cap. F13      Amendment of  
2      Laws of the Federation of Nigeria 2004 (Hereinafter called the “Principal      Federal Highways  
3      Act”) is hereby amended as set out below.      Act
- 4           **2.** Section 4 (2) (3) of the Principal Act is amended by deleting the      Amendment of  
5      existing sections and substituting same with a new subsections (2) and (3):      Section 4 (2) (3)  
6            “Penalty:      of the Principal  
7            Section 4(2):      Act
- 8            Any person who operates a motor vehicle in contravention of these  
9      rules shall pay at the weigh-bridge location a penalty of N10,000, per tonnes  
10     for exceeding 32 tonnes gross weight and in addition, the owner shall at his  
11     own risk and expense, remove the excess load from his vehicle.
- 12           Section 4(3):
- 13           Any person who fails to pay the penalty in Paragraph (2) of this  
14     Regulation or who fails to comply with or acts in contravention of any  
15     provision of these Regulations shall be guilty of an offence and liable on  
16     summary conviction to a fine of N30,000 or to imprisonment for a period not  
17     exceeding one year or to both such fine and imprisonment”.
- 18          **3.** This Bill may be cited as Regulations of the Federal Highways      Citation  
19     (Amendment) Bill, 2021.

## EXPLANATORY MEMORANDUM

This Bill seeks to amend the, Federal Highways (Permissible Weights and Weigh- Bridges Regulations).

# A BILL

## FOR

AN ACT TO AMEND THE NATIONAL DIRECTORATE OF EMPLOYMENT ACT OF THE LAWS OF THE FEDERATION NO. 24 OF 2004 TO PROVIDE FOR THE ACQUISITION OF SKILLS BY UNEMPLOYED GRADUATES AND FOR RELATED MATTERS, 2021

*Sponsored by Hon. Francis Ejiroghene Waive*

[ ] Commencement

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

- |    |  |                      |
|----|--|----------------------|
| 1  | 1. The National Directorate of Employment Act Cap 24, Laws of                  | Amendment of         |
| 2  | the Federation in this Bill referred to as "the Principal Act".                | National Directorate |
| 3  | 2. Section 2 of the Principal Act is amended by adding a new                   | of Employment        |
| 4  | subsections (d)(i), (ii), (iii), (iv) which shall read as: "develop programmes | Act Cap. 24          |
| 5  | of skills acquisition for unemployed graduates whose qualifications may        | Amendment of         |
| 6  | require a new skill".  | Section 2            |
| 7  | (ii) "establish skills acquisition centres in all the States of the            |                      |
| 8  | Federation for the purpose of realizing subsection (i) of this section;        |                      |
| 9  | (iii) "the Directorate shall also assist those who acquired special            |                      |
| 10 | skills to practice the new skills";  |                      |
| 11 | (iv) "collate annual statistic and data of unemployed graduates in             |                      |
| 12 | the country".  |                      |
| 13 | 3. This Bill may be cited as the National Directorate of                       | Citation             |
| 14 | Employment (Amendment) Bill, 2021.   |                      |

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Directorate of Employment Act of the Laws of The Federation No. 24 of 2004 to provide for the acquisition of skills by unemployed graduates.





# A BILL

## FOR

AN ACT TO AMEND THE CRIMINAL CODE ACT CAP C39 LAWS OF THE  
FEDERATION OF NIGERIA 2004 AND FOR RELATED MATTERS

*Sponsored by Hon. Francis Ejiroghene Waive*

[ ] Commencement

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

- |    |   |  |
|----|---|--|
| 1  | <b>1.</b> The Criminal Code Act Cap C39 Laws of the Federation of               | Amendment of<br>the Criminal Code<br>Act Cap. C39,<br>LFN 2004 |
| 2  | Nigeria 2004 (hereinafter called the "Principal. Act") is hereby amended as     |  |
| 3  | set out below.  |  |
| 4  | <b>2.</b> Section 360 of the Principal Act is amended by deleting the           | Amendment of<br>Section 360 of<br>the Principal Act            |
| 5  | existing section and substituting same with a new one as follows:               |  |
| 6  | 360. Any person who unlawfully and indecently assaults a woman                  |  |
| 7  | or a girl is guilty of a felony and is 'liable to imprisonment for three years. |  |
| 8  | The offender cannot be arrested without warrant.                                |  |
| 9  | <b>3.</b> This Bill may be cited as the Criminal Code Act (Amendment)           | Citation   |
| 10 | Bill, 2021.   |  |

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Criminal Code Act to impose a heavier  
punishment for indecent assault committed against a woman or a girl.



# A BILL

## FOR

AN ACT TO AMEND THE TERTIARY EDUCATION TRUST FUND ACT, LAWS OF THE FEDERATION OF NIGERIA, 2011 TO MAKE PROVISION AVAILABLE FOR ENTREPRENEURIAL, VOCATIONAL/TECHNICAL EDUCATION, STEM AND ADULT EDUCATION AND FOR RELATED MATTERS. 2021

*Sponsored by Hon. Francis Ejiroghene Waive*

[ ] Commencement

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

- 1           **1.** The Tertiary Education Trust Fund Act, Cap Laws of the  
2      Federation of Nigeria, 2011 (hereinafter referred to as the "Principal Act") is  
3      amended as set out in this Bill. Amendment of  
the Tertiary Education  
Trust Fund Act,  
Cap. LFN, 2011
- 4           **2.** Section 7 sub section 1 paragraph (a) of the Principal Act is  
5      amended to include conducive environment. It shall be read as follows:
- 6           (a) Essential physical infrastructure and conducive environment  
7      for teaching and learning;
- 8           **3.** Section 7 sub section 1 of the Principal Act is amended by  
9      introducing a new paragraph (e) and the Paragraph (e) of the Principal Act  
10     becomes paragraph (f) as follows:
- 11          (e) and to build, in incentives' and mechanisms to promote  
12     Entrepreneurial skills, vocational and technical education, science,  
13     technology, engineering and, mathematics (STEM) and adult education.
- 14           **4.** This Bill may be cited as the Tertiary Education Trust Fund Citation  
15     (Amendment) Bill, 2021.

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Tertiary Education Trust Fund Cap. Laws of the Federation of Nigeria 2011, to include vocational and 'technical education and entrepreneurial skills as part of the Funds disbursed.



# A BILL

## FOR

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT 2011 LAWS OF THE FEDERATION OF NIGERIA TO PROVIDE PUNISHMENT FOR NON-COMPLIANCE WITH SECTION 29 OF THE ACT AND FOR RELATED MATTERS

*Sponsored by Hon. Francis Ejiroghene Waive*

[ ] Commencement

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

- 1           **1.** The Freedom of Information Act (in this Act referred to as "The  
2   Principal Act") is hereby amended as set out hereunder. Amendment of  
the Freedom of  
Information Act
- 3           **2.** Section 29 of the Principal Act is hereby amended by inserting a Amendment of  
Section 29  
4   new sub- section 9 as follows:  
5           (9) Where a public institution fails to comply with the provisions of  
6   sub- section 1 of this section, the defaulting officer shall be guilty of an  
7   offence and be liable to an imprisonment for a term of three months or a fine  
8   of N200,000 while the public institution shall be liable to a fine of N500,000.
- 9           **3.** Section 29 of the Principal Act is hereby amended by re- Amendment of  
Section 29  
10   numbering sub- section 9 thereof as subsection 10 as follows:  
11           (a) "government" includes any executive department, military  
12   department, government corporation, controlled corporation, or other  
13   establishment in the executive branch of the government (including the  
14   Executive Office of the President), or any other arm of government,  
15   independent or regulatory government agency or public institution; and  
16           (b) "information" means any term used in this Act in reference to  
17   information or record which includes any information that would be held by  
18   a government or public institution and information subject- to the  
19   requirements of this Act, when maintained by any public institution in any  
20   format, including electronic format

Citation

1                   **4.** This Bill may be cited as the Freedom of Information Act  
2                   (Amendment) Bill, 2021.

**EXPLANATORY MEMORANDUM**

This Bill seeks to provide punishments for failure to comply with the provisions of section 29(1) of the Freedom of Information Act which mandates every public institution to submit a report on matters concerning Freedom of Information to the Attorney-General of the Federation on or before February 1st of every year.

# A BILL

## FOR

AN ACT TO AMEND THE NIGERIAN OIL AND GAS INDUSTRY CONTENT DEVELOPMENT ACT, 2010 TO PROVIDE FOR 50% LOCAL CONTENT FROM OIL PRODUCING AREAS AND FOR RELATED MATTERS

*Sponsored by Hon. Francis Ejiroghene Waive*

[ ] Commencement

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

- |  |  |
|--|--|
| <p>1           <b>1.</b> The Nigerian Oil and Gas Industry Content Development Act</p> <p>2   2010 (in this Bill referred to as the "Principal Act") is amended as set out in</p> <p>3   this Bill.</p>  | <p>Amendment of<br/>the Nigerian Oil<br/>and Gas Industry<br/>Content<br/>Development<br/>Act 2010</p> |
| <p>4           <b>2.</b> Section 10(a) of the Principal Act is amended as follow:</p> <p>5           "First consideration shall be given to services provided from</p> <p>6   within the oil producing areas in particular and Nigeria in general and to</p> <p>7   goods manufactured and Nigeria."</p>   | <p>Amendment of<br/>Section 10 (a)</p>   |
| <p>8           <b>3.-(1)</b> Section 11 of the Principal Act is amended by introducing</p> <p>9   new sub-section 2, and the existing sub-section (2-4) re-number as sub-</p> <p>10   section (3-5) accordingly:</p> <p>11           Section 11 (1) As .from the commencement of this Act, the</p> <p>12   minimum Nigerian content in any project to be executed in Nigeria oil and</p> <p>13   gas industry shall be consistent with the level set in Schedule to this Act.</p> <p>14           (2) Notwithstanding the provisions of Section 1 and subsection 5</p> <p>15   of this Act the oil producing areas shall maintain 50% local content</p> <p>16   participation either directly or by outsourcing to local businesses.</p> <p>17           (3) Where a project is not specified in the schedule to this Act, the</p> <p>18   Board shall set a minimum content level for that project or project item</p> <p>19   pending the inclusion of minimum content level for that project or project</p> <p>20   item pending the inclusion of the minimum content level for that project or</p> | <p>Amendment of<br/>Section 11</p>   |

1 project item through an amendment of the schedule to this Act by the National  
2 Assembly.

3 (4) All operators, alliance partners and contractors shall comply with  
4 the minimum Nigerian content for particular item, service or product  
5 specification set out in the schedule of this Act.

6 (5) Notwithstanding the provisions of subsection (1) where there is  
7 inadequate capacity to any of the targets in the Schedule to this Act, the  
8 Minister may authorize the continued importation of the relevant items and  
9 such approval by the Minister shall not exceed 3 years from the  
10 commencement of this Act.

Citation

11 4. This Bill may be cited as the Nigerian Oil and Gas Industry Content  
12 Development Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to enhance and strengthen the local content conditions to provide for higher percentage of participation and benefit by oil producing areas affected by the activities carried out in their communities.



# A BILL

## FOR

AN ACT TO REPEAL THE ARCHITECTS REGISTRATION COUNCIL OF NIGERIA ACT, CAP. A19 LAWS OF THE FEDERATION OF NIGERIA 2004 AND ENACT THE ARCHITECTS REGULATION COUNCIL OF NIGERIA BILL, TO PROVIDE FOR THE REGULATION OF THE PROFESSION OF ARCHITECTURE BY THE COUNCIL; AND FOR RELATED MATERS

*Sponsored by Hon. Gideon Lucas Gwani*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria

1           1.-(1) There shall be established on the coming into force of this  
2 Act, a body to be known as the Architecture Regulation Council of Nigeria  
3 (hereafter in this Act referred to as "the Council") which shall be a body  
4 corporate by the name aforesaid and shall be charged with the general duty  
5 of:

Establishment  
of the Architecture  
Regulation Council  
of Nigeria

6           (a) Determining who is an Architect in meaning and connotation  
7 for the purposes of this Act;

8           (b) Determining what standards of knowledge and skill are to be  
9 attained by persons seeking to become registered as Architectural  
10 Practitioners in the fields and faculties of the architectural profession  
11 (henceforth in this Act referred to as "The Profession") and raising those  
12 standards from time to time as circumstances may permit;

13           (c) Regulating and controlling the training of architects and  
14 practice of The Profession in all its aspects and ramifications including but  
15 not limited to Architecture, Interior Design, Landscape Design, Urban  
16 Design, Marine Architecture, Aeronautical Architecture, Facility  
17 Management, Construction Project Management and Architectural  
18 Engineering concerning movable and immovable environment;

1 (d) Determining who to be considered eligible to engage or be  
2 engaged in the practice of The Profession as architect;

3 (e) Securing in accordance with the provisions of this Act, the  
4 establishment and maintenance of a register of persons entitled to practise the  
5 Profession and the publication from time to time of lists of those persons;

6 (f) Performing other functions conferred on the Council by this Act.

7 (2) Subject to the provisions of this Act, the Council shall consist of  
8 the following:

9 (a) Four persons, one of whom shall be a member of staff of the  
10 supervisory Ministry to represent the various interests in the fields of  
11 architecture who shall be appointed by the Minister;

12 (b) One person to represent each state of the Federation and the  
13 Federal Capital Territory, Abuja who shall be appointed by the Minister on the  
14 nomination of the Governor of the State and the Minister of the Federal Capital  
15 Territory respectively;

16 (c) Four persons, who shall represent the universities having  
17 accredited faculties of architecture on a rotational basis, so however that, no  
18 university shall have more than one representative at a time;

19 (d) Four persons, elected to represent professional associations  
20 recognised by the Council as contained in the schedule in the manner for the  
21 time being provided by the constitution of such professional associations.

22 To be considered eligible for consideration under this sub-section, a  
23 professional association, whether in existence prior to or after this Act has  
24 come into force, shall apply to the Council for recognition and if the Council is  
25 satisfied, the Council shall communicate the recognition to the professional  
26 association.

27 Provided that, a person shall not be appointed as a member of the Council  
28 unless he is and currently registered as an architect under this Act and at the  
29 date of his appointment he has been registered for a period of not less than ten  
30 years.

1 (3) The provisions of the First Schedule to this Act shall have effect  
2 with respect to the qualification and tenure of office of members of the  
3 Council, powers and procedure of the Council and the other matters there  
4 mentioned

5 2.-(1) The Council shall prepare and submit to the Minister not  
6 later than the 3pt day of December of the year in which this subsection  
7 comes into force (so however for that year the Minister may, if he considers  
8 it necessary, extend the period) and of each subsequent year, an estimate of  
9 its expenditure and income during the next succeeding financial year.

Financial  
provisions

10 (2) The Council shall be on Budget Line of the Federal  
11 Government which shall be appropriated to the Council by the National  
12 Assembly.

13 (3) The Council shall keep proper records in respect of each  
14 financial year, and proper records in relation to those accounts, and shall  
15 cause its accounts to be audited as soon as may be after the end of the  
16 financial year to which the accounts relate by a firm of auditors approved, as  
17 respects that year by the Minister for Finance.

18 3.-(1) The Minister may, give to the Council directions of a general  
19 character or relating generally to particular matters (but not to any individual  
20 person or case) with regard to the exercise by the Council of its functions and  
21 it shall be the duty of the Council to comply with the directions.

Control of Council  
by Minister

22 (2) Before giving a direction under the foregoing subsection, the  
23 Minister shall serve a copy of the proposed direction on the Council and  
24 shall afford the Council an opportunity of making representations to him  
25 with respect to the direction; and after considering any representations made  
26 to him in pursuance of this subsection, the Minister may give the direction  
27 either without modifications, or with such modifications as appear to him to  
28 be appropriate having regard to the representations.

29 4. The Council shall have:

Structure of the  
Council

30 (a) an Administration Directorate to be headed by a Director, who

- 1 shall serve as the secretary of the Council;
- 2 (b) A Finance Directorate to be headed by a Director;
- 3 (c) a Planning, Research and Statistics Directorate to be headed by a
- 4 Director;
- 5 (d) an Education Directorate to be headed by a Director;
- 6 (e) a Regulatory and Registration Directorate to be headed by a
- 7 Director;
- 8 (f) an Inspectorate and Monitoring Directorate to be headed by a
- 9 Director;
- 10 (g) such other Directorates as may be required for the proper
- 11 performance of the functions of the Council.

Appointment of  
the Registrar and  
Other staff of the  
Council

- 12 **5.-(1)** It shall be the duty of the Council to appoint as the Registrar for
- 13 the purposes of this Act, a fit and proper person having not less than ten years
- 14 experience as a currently registered architect.
- 15 (2) The Registrar shall be:
- 16 (a) the chief executive of the Council;
- 17 (b) responsible for the day-to-day administration of the Council and
- 18 keep the books and records of the Council;
- 19 (c) subject to the supervision and control of the President and the
- 20 Council;
- 21 (d) The Registrar shall hold office for a period of four years on such
- 22 terms and conditions as may be specified in his letter of appointment and be
- 23 eligible for re- appointment for another period of five years;
- 24 (e) The Council may, from time to time, appoint such other persons as
- 25 members of staff of the Council as it may deem necessary, to assist the Council
- 26 in the performance of its functions under this Act;
- 27 (f) The members of staff of the Council appointed under subsection
- 28 (e) of this section shall be appointed on such terms and conditions of service as
- 29 the Council may, after consultation with the Federal Civil Service
- 30 Commissions determine;

1 (g) The members of staff of the Council shall be public officers as  
2 defined in the Constitution of the Federal Republic of Nigeria, 1999.

3 6.-(1) Service in the Council shall be approved service for the Pension  
4 purpose of the Pensions Act and, accordingly, officers and other persons  
5 employed in the Council shall be entitled to pensions, gratuity and other  
6 benefits as are prescribed thereunder.

7 (2) Notwithstanding the provisions of subsection (1) of this  
8 section, the Agency may appoint a person to any office on terms which  
9 preclude the grant of a pension, gratuity or other retirement benefits in  
10 respect of that office.

11 *Financial provisions*

12 7.-(1) The Council shall establish a fund from which shall be Fund of the  
13 defrayed all expenditure incurred by the Council for the purposes of this Act. Council

14 (2) There shall be paid and credited to the fund of the Council:

15 (a) fees charged for services rendered by the Council;

16 (b) all sums accruing to the Council by way of gifts, endowments,  
17 bequests or other voluntary contributions by persons and organisations;

18 (c) subventions and budgetary allocations from the Federal  
19 Government.

20 8. The Council shall, from time to time, apply the funds at its Expenditure of  
21 disposal to: the Council

22 (a) the cost of establishing and maintaining the head office of the  
23 Council at the Federal Capital Territory, Abuja and its other offices located  
24 in other places in Nigeria;

25 (b) pay allowances and other benefits of members of the Council  
26 and of its committees;

27 (c) pay the emoluments and entitlement of the Registrar and other  
28 members of staff of the Council;

29 (d) pay the personnel, overhead, allowances, benefits and other  
30 administrative costs of the Council;

- 1 (e) the training of members of staff of the Council;
- 2 (f) provide scholarship and awards for specialised training of
- 3 personnel;
- 4 (g) publicise and promote the activities of the Council;
- 5 (h) undertake any other activity in connection with all or any of the
- 6 functions of the Council.

7 THE REGISTERS

Preparation and  
maintenance of  
the registers

8 9.-(1) It shall be the duty of the Registrar to prepare and maintain in

9 accordance with rules made by the Council under this section:

10 (a) registers of the names, addresses and approved qualifications and

11 such other particulars as may be specified, of all persons who are entitled in

12 accordance with the provisions of this Act to be registered as architects and

13 practitioners in architecture; and who apply in specified manner to be so

14 registered;

15 (b) a register with particulars of architectural firms eligible to practice

16 under the provisions of this Act.

17 [1990 No. 43.]

18 (2) The register of architects (in this Act referred to as "the register")

19 shall consist of Four (4) parts of which one shall be in respect of fully registered

20 persons (Fully Registered Architect -F) entitled to practise as principals and the

21 other in respect of provisionally registered persons:

22 (ii) Provisionally Registered Architect 2-(P2), Provisionally

23 Registered Architect -I(P1),

24 (iii) Provisionally Registered Architectural Technologist-(P

25 TECHNOLOGIST),

26 (iv) Provisionally Registered Architectural Technician-(P

27 TECHNICIAN),

28 (3) Subject to the following provisions of this section, the Council

29 shall make rules with respect to form and keeping of the registers and the

30 making of entries therein, and in particular:

1 (a) regulating the making of applications for registration and  
2 providing for the evidence to be produced in support of applications;

3 (b) providing for the notification to the Registrar, by the person to  
4 whom any registered particulars relate, of any change in those particulars;

5 (c) authorising a registered person to have any qualification which  
6 is registered in relation to his name in addition to or, as he may elect, in  
7 substitution for any other qualifications so registered;

8 (d) specifying the fees to be paid to the Council in respect of the  
9 entry of names on the registers and authorising the Registrar to refuse to  
10 enter a name on a register until any fee specified for the entry has been paid;

11 (e) relating to the issuance of practicing licence and the annual  
12 renewal of validity, the conditions to be fulfilled before such renewal and the  
13 fees to be paid;

14 (g) Specifying anything failing to be specified under the foregoing  
15 provisions of this section but rules made for the purposes of paragraph (d) of  
16 this subsection shall not come in force until approved by the Council and are  
17 confirmed by order of the Minister.

18 (4) It shall be the duty of the Registrar:

19 (a) To correct, in accordance with the Councils directions, any  
20 entry in a register which the Council directs him to correct as being in the  
21 Councils opinion an entry which was incorrectly made;

22 (b) To make from time to time any necessary alterations to the  
23 registered particulars of registered persons;

24 (c) To suspend from the relevant part of the register any registered  
25 person whose annual renewal of validity has lapsed and for such period of  
26 suspension he shall be deemed not to be registered to practice The  
27 Profession. Such period of suspension shall not count in the cumulative  
28 years of practice in the Profession;

29 (d) To remove, from the relevant register of Architectural  
30 practitioners, all particulars relating to persons registered improperly out of

1 misinformation, expiration of resident permits or any other grounds;

2 (e) To remove from the relevant part of the register the name of any  
3 registered person who has died, or as the case may be, has ceased to be entitled  
4 to be provisionally registered;

5 (f) To remove, from the appropriate register, any person who, after  
6 due inquiry, is adjudged by the Council to have been guilty in his professional  
7 capacity of infamous conduct, unprofessional acts of commission or omission,  
8 gross negligence or incompetence; or

9 (g) To remove from the appropriate register, any person who is  
10 convicted of any criminal offence which, in the opinion of the Council, renders  
11 him unfit to practice.

12 (5) If the Registrar:

13 (a) Sends by post or courier to any registered person, a registered  
14 letter addressed to him at his address on the register, enquiring whether the  
15 registered particulars relating to him are correct and receives no reply to the  
16 letter within the period of three months from the date of posting it;

17 (b) Upon the expiration of that period, sends in like manner to the  
18 person in question a second similar letter and receives no reply to that letter  
19 within three months from the date of posting it;

20 (c) The Registrar may, remove the particulars relating to the person in  
21 question from the relevant part of the register, and the Council may direct the  
22 Registrar to restore to the appropriate part of the register any particulars  
23 removed therefrom under this subsection.

Publication of  
registers and lists  
of corrections

24 **10.-(1)** It shall be the duty of the Registrar:

25 (a) to cause a list of persons whose names and qualifications are  
26 indicated in the register to be printed, published, and put on sale to members of  
27 the public not later than two years from the beginning of the year in which this  
28 subsection comes into force;

29 (b) in each year after that in which a register is first published under  
30 paragraph (a) of this subsection, to cause to be printed, published and put on



1 sale as aforesaid either a corrected edition of the register or a list of  
2 alterations made to the register since it was last printed; and

3 (c) to cause a print of each edition of the register and of each list of  
4 corrections to be deposited at the principal offices of the Council, and it shall  
5 be the duty of the Council to keep the register and lists so deposited open at  
6 all reasonable times for inspection by members of the public.

7 (2) In addition, the Registrar shall cause to be published a list of  
8 persons qualified as architects but not entitled to practise as principals.

9 (3) A document purporting to be a print of an edition of a register  
10 published under this section by the authority of the Registrar in the current  
11 year, or documents purporting to be print of an edition of a register so  
12 published in a previous year and of a list of corrections to that edition so  
13 published in the current year, shall (without prejudice to any other mode of  
14 proof) be admissible in any proceedings as evidence that any person  
15 specified in the document, or the documents read together, is exempted or as  
16 the case may be, as being fully or provisionally registered, and that any  
17 person not so specified is not so exempted or registered. Similarly, shall be  
18 admissible in any proceedings as evidence that any firm specified in the  
19 document, or the documents read together, is exempted or as the case may  
20 be, as being registered, and that any firm not so specified is not so exempted  
21 or registered.

22 (4) Wherever the term published or publication is used in this  
23 Section, a publication in the official website of the Council shall be deemed  
24 to have satisfied the provisions of this Section.

#### 25 REGISTRATION

26 **11.-(1)** Subject to the provisions of this Act and to rules made under  
27 section 5 of this Act a person shall not be entitled to be fully or provisionally  
28 registered under this Act as an architect and Architectural Practitioners and,  
29 when so registered, to practice as such unless:

30 (a) he has attended a professional course of training of an

Registration of  
Architects and  
Architectural  
Practitioners

1 accredited Faculty programme in an institution approved by the Council under  
2 section 5 of this Act;

3 (b) the course was conducted at an institution so approved, or partly at  
4 one such institution and partly at another or others; and

5 (c) he holds a professional qualification so approved.

6 (2) Registration in the first instance shall be provisional, unless the  
7 Council in its discretion authorize authorises full registration of an applicant.

8 (3) Subject as aforesaid, if in the case of an applicant under section  
9 8(2) or (3) of this Act, he satisfies the Council on all matters on which the  
10 Council requires to be satisfied that he is a fit and proper person, the applicant  
11 may likewise be provisionally or fully registered in pursuance of subsection (2)  
12 above.

13 (4) Subject as aforesaid, a person shall be entitled to be fully  
14 registered, if being a citizen of Nigeria or a person within section 8 (2) or (3) of  
15 this Act, he satisfies the Council:

16 (a) as to his experience for the purposes of section 11 (1) of this Act;

17 (b) that he is of good character;

18 (c) that he has passed the professional practice competence  
19 examination conducted by the Institute; Council;

20 (d) that his qualifications as an architect are for the time being  
21 accepted by Council for the purposes of this subsection as respects the  
22 profession of an architect; and save where section 8 (3) of this Act applies;

23 (e) that where a qualification was acquired outside Nigeria, the  
24 applicant for registration under this Act was under no legal disability in the  
25 practice of architecture, and if the Council so requires, that he has sufficient  
26 practical experience in the profession of an architect, and the Council shall  
27 from time to time publish in the Federal Gazette, particulars of qualifications  
28 for the time being accepted as aforesaid.

29 (5) A fully registered architect shall be entitled to an ARCON Security  
30 seal from the Council, but any stamp ARCON Security seal presented in

1       pursuance of this subsection may be withdrawn by the Council from any  
2       member on:

3 (a) being suspended in accordance with Section 5 (c) above for the  
4 period of suspension;

5 (b) his ceasing to become a registered member;

6 (c) being convicted of an offence under this Act;

7 (d) disciplinary grounds.

8 [1990 No. 43.]

(6) A fully registered Architect shall comply with ARCON Professional Verification Requirements (APVR) for project implementation of building and facility designs/projects including ARCON Security stamps, ARCON Security Seal and ARCON Project Registration Number (APRN), as may be stipulated by the Council from time to time.

(7) The Council may, with the approval of the Minister, impose further conditions for purposes of any registration under this Act, but such conditions shall not come into force until published in the Gazette.

17                   **12.-(1)** The Council shall exercise its power to regulate and control  
18           the professional practices of persons, firms and corporate bodies registered  
19           to practice under this Act.

## Power to control Architects and Architectural Practices

(2) The Council shall have control over the professional conduct of all architects and architectural practitioners in the performance of their professional obligations both in public and private practice.

(3) All architects practicing in Nigeria, whether local or foreign, shall be subject to the Code of Professional Conduct enacted by the Council from time to time, pursuant to this Act.

26                   **13.-(1)** Subject to subsection (2) of this section, the Council may  
27                   approve for the purposes of section 7 of this Act:

### Approval of courses, qualifications and institutions

(a) any professional course of training which is intended for persons who are seeking to become, or are already qualified as, architects, Architectural Technologists and Architectural Technicians;

1 (b) any institution, either in Nigeria or elsewhere, which the Council  
2 considers properly organized organised and equipped for conducting the whole  
3 or any part of the professional course of training approved by the Council under  
4 this section;

5 (c) any qualification which, as a result of examination taken in  
6 conjunction with a professional course of training approved by the Council  
7 under this section, is granted to candidates reaching a standard at the  
8 examination indicating, in the opinion of the Council, that they have sufficient  
9 knowledge and skill to practice architecture as a profession, otherwise than as a  
10 principal.

11 (2) Approved Qualifications for provisionally registered  
12 Architectural Technologists (P-Technologist) and provisionally registered  
13 Architectural Technicians (P-technician):

14 (a) Provisionally Registered Architectural Technologist:  
15 Higher National Diploma (HND) or it equivalents in architecture or  
16 architectural technology awarded after a minimum total of five (5) years full-  
17 time course, inclusive of the periods of Students Industrial Work Experience  
18 and Post-National Diploma Industrial Training (SIWES/IT) from any of the  
19 Nigeria's Polytechnics or Colleges recognized and approved by the Council;

20 (b) Provisionally Registered Architectural Technician National  
21 Diploma (NO) or it equivalents in architecture or architectural technology  
22 awarded after a minimum total of two (2) years full-time course, inclusive of  
23 the periods of Students Industrial Work Experience (SIWES) from any of the  
24 Nigeria's Polytechnics or Colleges recognized and approved by the Council.

25 (3) Qualification Requirements For Registration as Provisionally  
26 Registered Architectural Technologists (P-Technologist) and Provisionally  
27 Registered Architectural Technicians (P-technician) who shall essentially  
28 function under the supervision and direction of Fully Registered Architect  
29 under this Act:

30 (a) General Requirements to all classes/categories;

1 (b) WASC/G.C.E./SSCE (Ordinary level) certificate or its  
2 equivalent to include Mathematics, Physics, English Language and any  
3 other two subjects but preferably chosen from Fine Arts, Chemistry,  
4 Economics and Geography.

5 (ii) Evidence of good conduct and or character certification.

6 (b) Provisionally Registered Architectural Technologists (P-  
7 Technologist);

8 (c) Higher National Diploma (HND) or it equivalents in  
9 Architecture or Architectural Technology with a minimum of two (2) years  
10 post-academic qualification cognate practical working experience; or

11 (ii) National Youth Service Corps Discharge or Exemption  
12 Certificate or verifiable evidence of Exclusion from National Youth Service  
13 Corps;

14 (iii) Evidence of having passed the prescribed Council's  
15 Competence Examinations or Evaluations (if and where applicable  
16 according to guideline approved by the Council).

17 (c) Provisionally Registered Architectural Technicians (P-  
18 Technician);

19 (d) National Diploma (NO) or it equivalents in Architecture or  
20 Architectural Technology with a minimum of two (2) years post-academic  
21 qualification cognate practical working experience.

22 (ii) Evidence of having passed the prescribed Council's  
23 Competence Examinations or Evaluations (if and where applicable  
24 according to guideline approved by the Council).

25 (4) Publication Of Approved Courses

26 The Council shall from time to time publish in the Federal Gazette, a list of  
27 qualifications in The Profession approved by it, and subject thereto, the  
28 Council shall not approve for the purposes of subsection (1) of this section, a  
29 qualification granted by an Institution in Nigeria unless the qualification has  
30 been so published by the Council.

1 (5) Withdrawal Of Approval By Council

2 The Council may, upon the recommendation of the Institute, withdraw any  
3 approval given under this section in respect of any course, qualification or  
4 institution; but before withdrawing such an approval the Council shall:

5 (a) give notice that it proposes to do so to each person in Nigeria  
6 appearing to the Council to be a person by whom the course is conducted or the  
7 qualification is granted or the institution is controlled, as the case may be;

8 (b) afford each such person an opportunity of making to the Council  
9 representations with regard to the proposal; and

10 (c) take into consideration any representations made as respects the  
11 proposal in pursuance of the last foregoing paragraph.

12 (6) As respects any period during which the approval of the Council  
13 under this section for a course, qualification or institution is withdrawn, the  
14 course, qualification or institution shall not be treated as approved under this  
15 section; but the withdrawal of such an approval shall not prejudice the  
16 registration or eligibility for registration of any person who by virtue of the  
17 approval was registered or eligible for registration (either unconditionally or  
18 subject to his obtaining a certificate of professional competence) immediately  
19 before the approval was withdrawn

20 (7) The giving or withdrawal of an approval under this section shall  
21 have effect from such date, either before or after the execution of the  
22 instrument signifying the giving or withdrawal of the approval, as the Council  
23 may specify in that instrument; and the Council shall:

24 (a) as soon as may be possible, publish a copy of every such  
25 instrument in the Federal Gazette; and

26 (b) not later than seven days before its publication as aforesaid, send a  
27 copy of the instrument to the Minister.

Supervision of  
instruction and  
examinations  
leading to approved  
qualifications

28 **14.-(1)** It shall be the duty of the Council to keep itself informed of the  
29 nature of:

30 (a) the instruction given to persons attending accredited course and

- 1 programmes of training;
- 2 (b) the examinations as a result of which approved qualifications
- 3 are granted, and for the purposes of performing that duty; and
- 4 (c) the Council shall appoint, either from among its own members
- 5 or otherwise, other fully registered architects to visit approved institutions
- 6 and to attend such examinations on accredited programmes.
- 7 (2) It shall be the duty of the Institute Council under this subsection
- 8 to keep itself informed on:
- 9 (a) the adequacy of the instruction given to persons attending
- 10 accredited courses and programmes of training at institutions visited;
- 11 (b) the adequacy of the examination undertaken;
- 12 (c) the adequacy of the process of determining successful
- 13 graduates from the institution including but not limited to juries; and
- 14 (d) any other matters relating to the institution or examination on
- 15 which the Council may, either generally or in a particular case, request the
- 16 Institution to report, but the Council shall not interfere with the giving of
- 17 any instruction or the holding of any examination.
- 18 (3) On receiving a report made in pursuance of this section, the
- 19 Council shall as soon as may be possible, send a copy of the report to the
- 20 person appearing to the Council to be in charge of the institution or
- 21 responsible for the examinations to which the report relates, requesting that
- 22 person to make observations on the report to the Council within such period
- 23 as may be specified in the request, not being less than one month beginning
- 24 with the date of the request.
- 25 (4) The Council shall reserve the right to refuse to accept any
- 26 graduates from an institution that fails to comply with sections (1) and (2) of
- 27 this Article either by acts of commission or omission.
- 28 **15.-(1)** Any person who, having qualified by examinations from an
- 29 accredited school is entitled to be recognised under the provisional stage two
- 30 category and any person so recognised shall not be promoted beyond the

1 rank of a Chief architect until full registration.

2 (2) Any person who, having qualified by examination from an  
3 accredited school having been registered provisionally, will file with his  
4 application for full registration a certificate of Architects Professional  
5 Competency Evaluation issued by the Council after passing the prescribed  
6 competency evaluation.

7 (3) The prescribed conditions aforesaid in (2) above are:

8 (a) he shall, during his employment after qualification as aforesaid,  
9 have acquired practical experience under the personal supervision and  
10 guidance of one or more fully registered architect for the period of two years;  
11 and

12 (b) the manner in which he carried out the duties of his employment  
13 and his conduct during the period of his employment shall have been  
14 satisfactory.

15 (4) It shall be the duty of the employer being a fully registered  
16 architect supervising the work of persons employed by him to:

17 (a) ensure that the person is afforded proper opportunities of  
18 acquiring the practical experience required for the purposes of paragraph (a) of  
19 subsection (2) of this section;

20 (b) provide such person employed by him with the prescribed  
21 documents for presentation to the Council; and

22 (c) It shall be an offence to deny persons employed the requirement  
23 specified in (a) and (b) above.

24 (5) In the conduct of the prescribed Architects Professional  
25 Competency Evaluation for full registration, the Council shall:

26 (a) Assess the applicants' logbooks/portfolios for eligibility for the  
27 competency evaluation;

28 (b) Approve the trainers and examiners;

29 (c) Approve the list of successful candidates as recommended by the  
30 Education Committee.



(6) Where after having completed the period mentioned in paragraph (a) of subsection (3) of this section, any person affected applies for and is refused a certificate of professional competence, he shall be entitled to appeal directly to the Council, for a review.

(7) Where an appeal is allowed under subsection (4) of this section, the Council shall forthwith issue the certificate of professional competence.

#### PROFESSIONAL DISCIPLINE

**16.**-(1) There shall be a tribunal, to be known as the Architects Disciplinary Tribunal (in this Act referred to as "the Tribunal"), which shall be charged with the duty of considering and determining any case referred to it by the panel established by the following provisions of this section and any other case of which the Tribunal has cognizance under the following provisions of this Act.

Establishment  
of Disciplinary  
Tribunal and  
Investigating Panel

(2) The Tribunal shall consist of the President of the Council and eleven other members of the Council appointed by the Council. and shall include not less than four members of the Council holding office by virtue of paragraph (d) of subsection (2) of section 2 of this Act, or, where the number of those members is for the time being less than four, all those members.

(3) There shall be a body to be known as the Architects Investigating Panel (in this Act referred to as "the Panel"), which shall be charged with the duty of:

(a) conducting a preliminary investigation into any case where it is alleged that a person fully or provisionally registered has misbehaved in his capacity as an architect, or should for any other reason be the subject of proceedings before the Tribunal; and

(b) deciding whether the case should be referred to the Tribunal.

(4) The Panel shall be appointed by the Council and shall consist of seven members of the Council and two fully registered architects who are not members of the Council.

(5) The provision of the Second Schedule to this Act shall, so far as

Penalties for  
Unprofessional  
Conduct, etc.

1 applicable to the Tribunal and the Panel respectively, have effect with respect  
2 to those bodies.

3 *(Second Schedule.)*

4 **17.-(1) Where:**

5 (a) a person registered under this Act is convicted of any offence by  
6 any court or tribunal in Nigeria or elsewhere being a court having power to  
7 sentence a person to a term of imprisonment for an offence (whether or not  
8 punishable with imprisonment) and the Tribunal is of the opinion that the  
9 commission of the offence is incompatible with the status of an Architect; or

10 (b) a registered person is adjudged by the Tribunal to be guilty of  
11 infamous conduct in a professional respect; or

12 (c) the Tribunal is satisfied that the name of any person has been  
13 fraudulently registered the Tribunal may:

14 (i) if it thinks fit, give a direction ordering the registrar to strike the  
15 person's name off the relevant part of the register; or

16 (ii) suspend that person from practice by ordering him not to engage  
17 in practice as an Architect for such period not exceeding 24 months as may be  
18 specified in the direction; or

19 (iii) reprimand him, and any such direction may where appropriate  
20 include provision requiring the refund of moneys paid or the surrender of  
21 documents or any other thing as the circumstances of the case may require.

22 (2) Where a registered person is judged by the Tribunal to be guilty of  
23 misconduct not amounting to infamous conduct, which in the opinion of the  
24 Council is incompatible with the status of an Architect, the Tribunal may, if it  
25 thinks fit, give such direction as is authorised by sub-paragraph (ii) or (iii) of  
26 subsection (1) of this section and such direction may where appropriate, include  
27 provision requiring the refund of moneys paid or surrender of documents or  
28 any other thing as the circumstances of the case may require.

29 (3) The Tribunal may, if it thinks fit, defer or further defer its decision  
30 as to the giving of a direction under subsection (1) of this section, until a

1 subsequent meeting of the tribunal; but:

2 (a) no decision shall be deferred under this subsection for periods  
3 exceeding two years in the aggregate; and

4 (b) no person shall be a member of the Tribunal for the purposes of  
5 reaching a decision which has been deferred or further deferred, unless, he  
6 was present as a member of the Tribunal when the decision was deferred.

7 (4) For the purposes of subsection (1) of this section, a person shall  
8 not be treated as convicted as mentioned in paragraph (a) of that subsection,  
9 unless the conviction stands at a time when no appeal or further appeal is  
10 pending or may (without extension of time) be brought in connection with  
11 the conviction.

12 (5) When the Tribunal gives a direction under subsection (1) of this  
13 section, the Tribunal shall cause notice of the direction to be served on the  
14 person to whom it relates.

15 (6) The person to whom such a direction relates may, at any time  
16 within twenty-eight days from the date of service on him of the notice of the  
17 direction, appeal against the direction to the Court of Appeal; and the  
18 Tribunal may appear as respondent to the appeal and, for the purpose of  
19 enabling directions to be given as to the costs of the appeal and of  
20 proceedings before the Tribunal, shall be deemed to be a party thereto  
21 whether or not it appears on the hearing of the appeal.

22 (7) A direction of the Tribunal under subsection (1) of this section  
23 shall take effect:

24 (a) where no appeal under this section is brought against the  
25 directions within the time limit for the appeal, on the expiration of that time;

26 (b) A foreign architectural firm shall not be permitted to  
27 collaborate or provide services in Nigeria without the material participation  
28 of a registered Nigerian architectural firm whose partner(s) are fully  
29 registered Nigerian citizens and hold a current registration in good standing  
30 under this Act. This provision shall apply to the submission of entries in

1 international competitions by eligible foreign architectural firms. Should that  
2 foreign architectural firm's competition submittal be selected, it shall be  
3 required to collaborate with a registered Nigerian architectural firm whose  
4 partner(s) are fully registered/licensed/certified Nigerian citizens and hold a  
5 current registration in good standing under this Act;

6 (c) All Professional services rendered shall jointly and severally be  
7 rendered by both the registered Nigerian architectural firm whose partner(s)  
8 are fully registered Nigerian citizens and hold a current registration in good  
9 standing and involved in the project;

10 (d) The foreign architectural firm shall collaborate with a registered  
11 Nigerian architectural firm whose partner(s) are fully registered Nigerian  
12 citizens and hold a current registration in good standing under this Act and shall  
13 take full responsibility from inception to completion of the project. The  
14 Nigerian architectural firm whose partners are fully registered shall provide  
15 written statement to council identifying the foreign architectural firms role in  
16 clear stated M.O.U approved, deposited for which a written approval shall be  
17 issued by the council. Such approval shall be renewable annually.

18 (e) The [foreign] architectural firm must use the title: "[X], a foreign  
19 architectural firm, in collaboration with (V), a registered Nigerian architectural  
20 firm whose partner(s) are fully registered holds a current registration in good  
21 standing under this Act;

22 (f) In any case, no foreign firm shall be allowed to engage in the  
23 practice of architectural profession in Nigeria without work permit, without  
24 registration and practice licence by the Council. The Council shall in this  
25 regard, ensure compliance with the provisions of the Act and any other policy  
26 guidelines that may be issued as may be required from time to time, for the  
27 effective and efficient control of the practice of the architectural profession;

28 (g) In line with the above objectives, the Council shall take  
29 appropriate action on any breach of the provisions of this clause;

30 (h) Remuneration must be in accordance with the Conditions of

1 Engagement, Charges and Agreement for the Professional Architect and the  
2 sharing shall be in the ratio of 70/30 in favour of the Nigerian Architect or  
3 architectural firm.

4 **19.-(1)** Unless otherwise authorised or exempted under this Act, a  
5 person shall not hold an appointment in the public service of the Federation  
6 or a State or in the armed forces of the Federation requiring status as an  
7 architect or Architectural Practitioner unless he has been registered in  
8 accordance with this Act.

Miscellaneous  
Supplementary  
Provisions

9 (2) An architect or Architectural Practitioner under this Act shall,  
10 but to the extent only of his particular qualifications, be entitled to practise as  
11 an architect or Architectural Practitioner throughout the Federation.

12 (3) It shall be the duty of the person in charge of each University  
13 having attached thereto a Faculty / Department of Architecture in the  
14 Federation at which there is held a course of training or programmes  
15 intended for persons who are seeking to become architects or Architectural  
16 Practitioner under this Act, to furnish to the Registrar, not later than the  
17 thirty-first day of March in every year, a list of:

18 (a) the names of all the students with full particulars,  
19 (b) the names of all the staff/lecturers with full particulars,  
20 (c) all facilities associated therewith, and of such other particulars  
21 as the Council may by order specify, of all persons who attended any such  
22 course at the institution in question at any time during the preceding year.

23 (4) A provisionally registered architect shall:

24 (a) not hold a professional responsibility for any domestic building  
25 project;

26 (b) not undertake any building/facility, except under the  
27 supervision of a fully registered architect.

28 (5) The requirement that only registered Nigerian architectural  
29 firm whose partner(s) are fully registered under this Act are engaged for the  
30 design, construction/contract administration services of a building/facility.

1 (a) Anybody who proceeds to have designed, constructed any  
2 building/facility shall be deemed to have engaged himself/herself in the  
3 practice of architecture unless he/she has employed a registered Nigerian  
4 architectural firm whose partner(s) are fully registered under this Act to  
5 perform the design, construction/contract administration services, including:

6 (i) designing the building/facility,

7 (ii) periodic site visits,

8 (iii) shop drawing review, and

9 (iv) reporting to the owner and development control officials any  
10 violations of codes or substantial deviations from the contract documents  
11 which the architect observed.

12 (b) It shall be the obligation of the registered Nigerian architectural  
13 firm, whose partner(s) are fully registered under this Act to report to the  
14 Council and to the Development Control official in their locality if it is not  
15 engaged to provide construction/ contract administration services described in  
16 Paragraph (5a).

17 (6) In this section "public service" includes service as a registered  
18 engineering practitioner in or with any institution or corporation (Federal or  
19 State) or State-owned company while private sector includes all non-  
20 governmental organisations.

Offences

21 **20.-(1)** It shall be an offence to be involved in any act contrary to the  
22 provisions of Articles 16 and 17 of this Act.

23 (2) Anybody, firm or body corporate not registered under this Act to  
24 practice Architecture and embarks on building and / or facility development(s)-  
25 shall be guilty of an offence.

26 (3) Subject as aforesaid, anybody on the provisional register shall  
27 function only under the supervision of a fully registered architect otherwise he-  
28 shall be guilty of an offence under this Act.

29 (4) If any person, for the purpose of procuring the registration of any  
30 name, qualification or pursuant to any other matter:

1 (a) makes a statement which he believes to be false in a material  
2 particular; or

3 (b) \recklessly makes a statement which is false in a material  
4 particular, he shall be guilty of an offence

5 (5) If the Registrar or any other person employed by the Council  
6 wilfully makes any falsification in any matter relating to the register, he shall  
7 be guilty of an offence.

8 (7) Anybody, firm or body corporate registered under this Act to  
9 practice Architecture in Nigeria who fails to disclose the documentation for  
10 working in collaboration with a foreign national, person, firm or body  
11 corporate, to the Council shall be guilty of an offence. The foreign national,  
12 person, firm or body corporate shall also be guilty of an offence.

13 (8) A person guilty of an offence under this section shall be liable:

14 (a) on conviction in the Federal High Court to a fine not exceeding  
15 N1,000,000 or not less than N500,000 or to imprisonment for a term not  
16 exceeding two years or to both such fine and imprisonment.

17 (9) Where an offence under this section which has been committed  
18 by a body corporate is proved to have been committed with the consent or  
19 connivance of, or to be attributable to any neglect on the part of, any director,  
20 manager, secretary or other similar officers of the body corporate, or any  
21 person purporting to act in any such capacity, he, as well as the body  
22 corporate, shall be deemed to be guilty of that offence and shall be liable to  
23 be proceeded against and punished accordingly.

24 (a) A firm or body corporate guilty of an offence under this section  
25 shall be liable:

26 (i) on conviction in the Federal High Court to a fine of  
27 N10,000,000.00 or deregistered and barred or both for not less than 2 years  
28 or not more than 5 years and that the partner(s) or director(s) shall not be  
29 eligible to incorporate or register another firm or body corporate during this  
30 period.

1 (10) Prosecution for an offence committed under this Act shall be  
2 conducted in the name of the Council by any of its authorised officers.

3 (11) Without prejudice to the other provisions of this Act, offences  
4 under this Act shall be triable in the Federal High Court.

5 (12) The Council has the right and is obligated to verify, investigate  
6 and enter any site where a fully registered Architect/Firm is engaged or should  
7 be engaged under this Act to carry out construction of buildings and facilities.  
8 Absence of a fully registered architect or firm on the project shall constitute an  
9 offence under this Act.

10 (13) Prosecuting any person(s) or firm(s) in contravention of any of  
11 the provisions of this Act in a Court of competent jurisdiction.

12 **21.-(1)** Any power to make regulations, rules or orders conferred by  
13 this Act shall include power to make:

14 (a) provisions for such incidental and supplementary matters as the  
15 authority making the instrument considers expedient for the purposes of the  
16 instrument; and

17 (b) different provisions for different circumstances;

18 (c) provisions for the control of the practise of profession of  
19 Architecture in the building and construction industry, including rules at to the  
20 registration with the Council.

21 (2) The Council shall establish a department to be known as the  
22 Architecture Regulations Monitoring, Compliance and Enforcement  
23 Department (ARMCED) which shall be charged with the duties of monitoring  
24 firms and Architectural practitioners at ensuring that Architecture profession is  
25 practiced in Nigeria in accordance with relevant ethics and codes of  
26 professional practice, in the protection of her development, economic  
27 investment and public good:

28 (a) The ARMCED shall be constituted by the Council and shall  
29 consist of team of registered Architectural practitioners from the architectural  
30 professional fields and cadres;



1 (b) The ARMCED team shall have access to an building project  
2 site, manufacturing, architectural training institutions and faculties or any  
3 site where architecture is being practiced.

4 (3) In the performance of the function as stated in this section, any  
5 training Institution, manufacturing or architectural firm, building and  
6 construction company or person or group of persons who obstructs or  
7 threatens violence to any or on any member, commits an offence and is liable  
8 on conviction to:

9 (a) in the case of company, firms or institutions a fine of  
10 N2,000,000.00; and

11 (b) in the case of an individual, a fine of N500,000.00 or  
12 imprisonment for a term of six months.

13 (4) Power to compile list of establishments, etc.

14 (1) The Council shall have power to compile the list of  
15 establishments which maintain adequate facilities for the training and  
16 practice of architectural personnel:

17 (a) In pursuance of the provisions of subsection (1) of this section,  
18 the Council shall have the power to inspect approved establishments to  
19 confirm, from time to time, the adequacy of facilities within the approved  
20 establishments;

21 (b) The Council shall provide facilities for the monitoring of the  
22 post- qualification training including the payment of honoraria and  
23 expenses to inspectors and other resource-persons;

24 (c) The Council shall promote and update practitioners of the  
25 Architectural profession through continuing Professional Development  
26 Programmes.

27 (2) In pursuance of the provisions of subsection (1) of this section,  
28 the Council shall have the power to inspect approved establishments to  
29 confirm, from time to time, the adequacy of facilities within the approved  
30 establishments.

	1	(3) The Council shall provide facilities for the monitoring of the post-
	2	qualification training including the payment of honoraria and expenses to
	3	inspectors.
	4	(4) The Council shall promote and update practitioners of the
	5	engineering profession through continuing education
Use of appellation of "architect"	6	<b>22.</b> Subject to the provisions of this Act, a person shall not prepare or
	7	take full responsibility for the design, erection, alteration, repair, maintenance,
	8	supervision or commissioning of buildings, facility and landscape, movable
	9	and immovable environment or practice or carry on business under any name,
	10	style or title containing the word "architect" unless he is a Nigerian citizen and
	11	fully registered under this Act.
Repeal of Architects Registration Council of Nigeria Act, Cap. A19 LFN 2004	12	<b>23.</b> The Architects Registration Council of Nigeria Act, Cap. A19
	13	Laws of the Federation of Nigeria 2004 is repealed.
Transitional and savings provisions	14	<b>24.-(1)</b> anything made or done or having effect before the
	15	commencement of this Act by the Architects Registration Council of Nigeria
	16	Act, Cap. A19 Laws of the Federation of Nigeria 2004, which have any
	17	resulting or continuing effect, shall be treated as from the commencement of
	18	this Act, as if it were made or done by the Architects (Regulation, etc.)
	19	Council of Nigeria.
	20	(2) From the commencement of this Act, any staff or officer who
	21	immediately before the commencement of this Act, holds office in the
	22	Architects Registration Council of Nigeria Act, Cap. A19 Laws of the
	23	Federation of Nigeria 2004 existing before the commencement of this Act, is
	24	deemed to have been transferred to the Architects (Regulation, etc.) Council,
	25	established under this Act on such terms and conditions no less favourable than
	26	those obtaining immediately before the commencement of this Act.
	27	(3) Service or employment in any Department of the Council is
	28	deemed to be service or employment in the College established under this Bill.

1	<b>25.</b> In this Act, unless the context otherwise requires:	Interpretation
2	"approved" means for the time being approved by the Council under section	
3	9 of this Act;	
4	"approved architectural qualification" means a qualification which is	
5	approved by the Council under this Act;	
6	"architect" means any person professionally registered under this Act.	
7	"architecture" means the art and science in theory and practice of design,	
8	erection, commissioning, maintenance and management and co-ordination	
9	of allied professional inputs thereto of buildings, or part thereof and the	
10	landscaping, layout and master plan of such building or groups of buildings	
11	forming a comprehensive institution, establishment or neighbourhood as	
12	well as any other organised space, enclosed or opened, required for human	
13	and other activities;	
14	"architecture" means the art and science in theory and practice of design,	
15	erection, commissioning, maintenance, management, alteration, repair,	
16	supervision, construction, facility management, movable and immovable	
17	environment, and co-ordination of allied professional inputs thereto of	
18	buildings, or part thereof and the landscaping, layout and master plan of	
19	such building or groups of buildings forming a comprehensive institution,	
20	establishment or neighbourhood as well as any other organised space,	
21	enclosed or opened, required for human and other activities;	
22	"Certificate of experience" means a certificate granted in pursuance of	
23	section 11 of this Act;	
24	"Council" means the Council of Nigeria established by section 2(1) of the	
25	Act;	
26	"Minister" means the Minister charged with responsibility for architecture;	
27	"Panel" has the meaning assigned to it by section 12(3) of this Act;	
28	"Prescribed" means prescribed by regulations made under this Act;	
29	"register" means the register maintained under this Act;	

1 "Registrar" means the Registrar appointed in pursuance of section 5 of this Act;

2 "regulations" means regulations made by the Minister;

3 "Tribunal" has the meaning assigned to it by section 12(1) of this Act;

4 (2) References in this Act to employment by a Government, include  
5 references to employment by any statutory corporation or State owned  
6 company.

7 (3) For the purposes of this Act:

8 (a) a person is fully registered, holds a current registration in good  
9 standing if his name is for the time being entered in the part of the register  
10 maintained in respect of architects, entitled to practise as principals; and

11 (b) a person is provisionally registered, if his name is for the time  
12 being entered in the other part of that register. and "fully registered" and  
13 "provisionally registered" shall be construed in accordance with paragraphs (a)  
14 and (b) of this subsection.

15 Any approval, consent, direction, notice, observation, report, representation or  
16 request authorised or required to be given or made by or under this Act shall be  
17 in writing and may, without prejudice to any other method of service but  
18 subject to the provisions of rules made under the Second Schedule of this Act,  
19 be served by post.

Short title

20 **26.** This Bill may be cited as the Architects (Regulation, etc.) Council  
21 of Nigeria Bill, 2021.

## 1 SCHEDULES

## 2 FIRST SCHEDULE

3 *Section 2(3)*

## 4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

5 *Qualifications and Tenure of Office of Members*

6 1.-(1) Subject to the following provisions of this paragraph, a  
7 member of the Council shall hold office for a period not exceeding three  
8 years beginning with the date of his appointment, so however that, the term  
9 of his office shall not be less than two years, and any period in excess shall be  
10 fixed by the Council after consultation, where necessary, with the Minister.

11 (2) Any member of the Council may, by notice in writing to the  
12 Council, resign his office.

13 (3) A person who ceases to be a member of the Council shall be  
14 eligible again to become a member of the Council.

15 (4) Where a member of the Council ceases to hold office before the  
16 date when his tenure of office would have expired by effluxion of time, the  
17 body or person by whom he was appointed shall, as soon as may be, appoint  
18 a person to fill the vacancy for the residue of the term aforesaid, so however  
19 provisions of this sub-paragraph shall not apply where a member of the  
20 Council ceases to hold office at a time when the residue of his term does not  
21 exceed one year.

22 (5) Notwithstanding that the term of office of a member of the  
23 Council has expired by the effluxion of time, a person appointed as the  
24 President, Vice-President or Treasurer of the Council shall continue in that  
25 office until a fresh appointment is made to the office.

26 *Powers of the Council*

27 2. (1) Subject to the following sub-paragraph and to any direction  
28 of the Minister under this Act, the Council shall have power to do anything  
29 which in its opinion is calculated to facilitate the carrying on of its activities.

30 (2) The Council shall not have power to borrow money or to

1 dispose of any property except with the prior consent of the Minister and shall  
2 not have power to pay remuneration (including pensions), allowances or  
3 expenses to any member, officer or servant of the Council or to any other  
4 person, except in accordance with scales approved by the Minister.

5 *Proceedings of the Council*

6 3. Subject to the provisions of this Act and of section 27 of the  
7 Interpretation Act (which provides for decisions of a body to be taken by a  
8 majority of the members of the body and for the Chairman to have a second or  
9 casting vote), the Council may, make standing orders regulating the  
10 proceedings of the Council or any committee thereof.

11 *[Cap. 123.]*

12 4. The quorum of the Council shall be ten, so however that, at least one  
13 of the persons appointed by the Institute and five six of the representatives of  
14 the States of the Federation are present at the particular meeting and the  
15 quorum of any committee of the Council shall be determined by the Council.

16 5.-(1) The Council shall appoint from its members, a President, Vice-  
17 President and Treasurer but a member appointed to hold any of these offices  
18 who ceases to be a member of the Council shall relinquish his office.

19 (2) At any time while the office of the President is vacant or the  
20 President is in the opinion of the Council permanently or temporarily unable to  
21 perform the function of his office or the Vice-President shall perform those  
22 functions, and references in this Schedule to the President shall be construed  
23 accordingly.

24 6.-(1) Subject to the provisions of any standing orders of the Council,  
25 the Council shall meet whenever it is summoned by the President and not less  
26 than four times in any financial year; and if the President is required so to do by  
27 notice given to him by not less than six other members, he shall summon a  
28 meeting of the Council to be held within seven days from the date on which the  
29 notice is given.

30 (2) At any meeting of the Council, the President shall preside, and in

1 his absence or in the absence of the Vice-President, the President shall  
2 designate a member to preside at that meeting.

3 (3) Where the Council desires to obtain the advice of any person on  
4 a particular matter, the Council may co-opt him as a member for such period  
5 as it thinks fit, but a person who is a member by virtue of this sub-paragraph  
6 shall not be entitled to vote at any meeting of the Council and shall not count  
7 towards a quorum.

8 *Committees*

9 7.-(1) The Council may appoint one or more committees to carry  
10 out, on behalf of the council, such of its functions as the Council may  
11 determine.

12 (2) A committee appointed under this paragraph shall consist of the  
13 number of persons determined by the Council, and not more than one third  
14 three quarters of those persons may be persons who are not members of the  
15 Council; and a person other than a member of the Council shall hold office  
16 on the committee in accordance with the terms of the instrument by which he  
17 is appointed

18 (3) A decision of a committee of the Council shall be of no effect  
19 until it is confirmed by the Council.

20 *Miscellaneous*

21 8.-(1) The fixing of the seal of the Council shall be authenticated by  
22 the signature of the President or of some other members authorised  
23 generally or specially by the Council to act for that purpose.

24 (2) Any contract or instrument which, if made or executed by a  
25 person not being a body corporate, would not be required to be under seal  
26 may be made or executed on behalf of the Council by any person generally  
27 or specially authorised to act for that purpose by the Council.

28 (3) Any document purporting to be a document duly executed  
29 under the seal of the Council shall be received in evidence and shall unless  
30 the contrary is proved, be deemed to be so executed.

1                   9. The validity of any proceedings of the Councilor a committee  
2   thereof shall not be affected by any vacancy in the membership of the  
3   Councilor committee, or by any defect in that appointment of a member of the  
4   Councilor of a person to serve on the committee, or by reason that a person not  
5   entitled to do so took part in the proceedings.

10. Any member of the Council, and any person holding office on a committee of the Council, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to the contract or arrangement.

11 11. A person shall not, by reason only of his membership of the  
12 Council, be treated as holding an office of emolument under the Federal  
13 Republic of Nigeria or any State thereof.

## SECOND SCHEDULE

Section 12(5)

## SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

## TRIBUNAL AND INVESTIGATING PANEL

## The Tribunal

19           1. The quorum of the Tribunal shall be four.

20 2.-(1) The Chief Justice of Nigeria shall make rules as to the selection  
21 of members of the Tribunal for the purposes of any proceedings and as to the  
22 procedure to be followed and the rules of evidence to be observed in  
23 proceedings before the Tribunal

24 (2) The rules shall in particular provide:

(a) for securing that notice of the proceedings shall be given, at such time and in such manner as may be specified by the rules, to the person who is the subject of the proceedings;

28 (b) for determining who, in addition to the person aforesaid, shall be a  
29 party to this proceedings;

30 (c) for securing that any party to the proceedings shall, if he so



1 requires, be entitled to be heard by the Tribunal;

2 (d) for enabling any party to the proceedings to be represented by a  
3 legal practitioner;

4 (e) subject to the provisions of section 13(5) of this Act, as to the  
5 costs of proceedings before the Tribunal;

6 (f) for requiring, in a case where it is alleged that the person who is  
7 the subject of the proceedings is guilty of infamous conduct in any  
8 professional respect, that where the Tribunal adjudges that the allegation has  
9 not been proved, it shall record a finding that the person is not guilty of such  
10 conduct in respect of the matters to which the allegation relates;

11 (g) for publishing in the Federal Gazette notice of any direction of  
12 the Tribunal which has taken effect providing that a person's name shall be  
13 struck off a register.

14 3. For the purposes of any proceedings before the Tribunal, any  
15 member of the Tribunal may administer oaths and any party to the  
16 proceedings may issue out of the registry of the High Court as the case may  
17 require, writs of subpoena ad testificandum and duces tecum; but no person  
18 appearing before the Tribunal shall be compelled:

19 (a) to make any statement before the Tribunal tending to  
20 incriminate himself; or

21 (b) to produce any document under such a writ which he could not  
22 be compelled to produce at the trial of an action.

23 4.-(1) For the purpose of advising the Tribunal on questions of law  
24 arising in proceedings before it, there shall in all such proceedings, be an  
25 assessor to the Tribunal who shall be appointed by the Council on the  
26 nomination of the Chief Justice of Nigeria and shall be a legal practitioner of  
27 not less than seven years standing.

28 (2) The Chief Justice of Nigeria shall make rules as to the functions  
29 of assessors appointed under this paragraph and in particular such rules shall  
30 contain provisions for securing:

1 (a) that where an assessor advises the Tribunal on any question of law  
2 as to evidence, procedure or any other matter specified by the rules, he shall do  
3 so in the presence of every party or person representing a party to the  
4 proceedings who appears thereat or, if the advice is tendered while the Tribunal  
5 is deliberating in private, that every such party or person as aforesaid shall be  
6 informed as to what advice the assessor has tendered;

7 (b) that every such party or person as aforesaid shall be informed if in  
8 any case the Tribunal does not accept the advice of the assessor on such a  
9 question as aforesaid.

10 (3) An assessor may be appointed under this paragraph either  
11 generally or for any particular proceedings or class of proceedings, and shall  
12 hold and vacate office in accordance with the terms of the instrument by which  
13 he is appointed

14 *The Panel*

15 5. The quorum of the Panel shall be three.

16 6.-(1) The Panel may, at any meeting of the Panel attended by not less  
17 than six members of the Panel, make standing orders with respect to the Panel.

18 (2) Subject to the provisions of any such standing order, the Panel may  
19 regulate its own procedure.

20 *Miscellaneous*

21 7.-(1) A person ceasing to be a member of the Tribunal or the Panel  
22 shall be eligible for appointment as a member of that body.

23 (2) A person may, if otherwise eligible, be a member of both the  
24 Tribunal and the Panel. But no person who acted as member of the Panel with  
25 respect to any case shall act as a member of the Tribunal with respect to that  
26 case.

27 8. The Tribunal or the Panel may act notwithstanding any vacancy in  
28 its membership and the proceedings of either body shall not be invalidated by  
29 any irregularity in the appointment of a member of that body, or (subject to sub-  
30 paragraph (2) of paragraph 7 above) by reason of the fact that any person who

1 was not entitled to do so took part in the proceedings of that body.

2 9. The Tribunal and the Panel may each sit in two or more  
3 divisions.

4 10. Any document authorized authorised or required by virtue of  
5 this Act to be served on the Tribunal or the Panel shall be served on the  
6 Registrar.

7 11. Any expenses of the Tribunal or Panel shall be defrayed by the  
8 Council.

9 12. A person shall not, by reason only of his appointment as a legal  
10 assessor to the Tribunal or as a member of the Panel, be treated as holding an  
11 office of emolument under the Federal Republic of Nigeria or any State  
12 thereof.

#### EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Architects Registration Council of Nigeria Act, Cap. A19 Laws of The Federation of Nigeria 2004 and enact the Architects Regulation Council of Nigeria Bill, to provide for the regulation of the profession of Architecture by the Council.



A BILL

FOR

AN ACT TO AMEND SECTION 6(3) OF THE NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY ACT CAP N53 LFN 2004 BY INCREASING THE FINE OF ONE MILLION NAIRA TO ONE HUNDRED MILLION NAIRA BEING PENALTY FOR FAILURE TO CLEAN OIL SPILLAGE AND FOR RELATED MATTERS

*Sponsored by Hon. Uju Chima Kingsley*

[ ] Commencement

ENACTED by the National assembly of the Federal Republic of Nigeria as follows:

- 1

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10
1. The National Oil Spill Detection and Response Agency act cap

N63 LFN 2004 is hereby amended as contained herein

2. Section 6 (3) of the principal act is amended by deleting the fine

of one million naira and replaces it with one hundred million naira and

arranged as follows:

"(3) (3) The failure to clean up the impacted site, to all practical

extent including remediation, shall attract a further fine of one hundred

million naira.

3. This Bill may be cited as National Oil Spill Detection and

Response Agency (Amendment) Bill, 2021.

Amendment of  
the National Oil  
Spill Detection  
and Response  
Agency Act

Amendment of  
Section 6(3) of  
the Principal Act

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to amend section 6(3) of the National Oil spill Detection and Response Agency act cap N63 LFN 2004 by increasing the fine of one million naira to one hundred million naira being penalty for failure to clean oil spillage.



NIGERIAN MARITIME ADMINISTRATION AND SAFETY AGENCY BILL, 2021

ARRANGEMENT OF SECTIONS

*Section:*

PART I - PRELIMINARY

1. Objectives of the Act
2. Application and scope

PART II - ESTABLISHMENT OF THE NIGERIAN MARITIME

ADMINISTRATION AND SAFETY AGENCY

3. Establishment of the Nigerian Maritime Administration and Safety Agency
4. Functions of the Agency
5. Powers of the Agency
6. Appointment of Director-General
7. Staff of the Agency

PART III - ESTABLISHMENT OF THE BOARD OF THE AGENCY

8. Board of the Agency
9. Qualification of Board members
10. Appointment and tenure of Board members.
11. Resignation of a Board member
12. Suspension and removal of a Board member
13. Vacancy on the Board
14. Board Secretary

PART IV - FINANCE

15. Funding of the Agency
16. Annual estimates and accounts
17. Maritime Fund
18. Statement of accounts and audit
19. Annual reports
20. Accounts and records to be open for inspection
21. Power to accept gifts
22. Consultation

PART V - CHARGES AND LEVIES

23. Charges and levies

## PART VI- REGISTRATION AND LICENSES

24. Registration and regulation of maritime labour
25. Ship registration
26. Appointment of Registrar and Deputy Registrars
27. Powers and duties of the Registrar
28. Registration office, seal and signature of Registrar
29. Limitation of liability
30. Ships eligible for registration
31. National carrier status to shipping companies
32. Government exports and imports for national carrier
33. Carriage of cargo
34. Revocation of national carrier status
35. Indigenous fleet expansion
36. Licensing of ship and shipping services
37. Suspension and revocation of licences
38. Fines in lieu of revocation
39. Non-refundable licence fee

## PART VII - MARITIME SAFETY AND SECURITY

40. Detention of unsafe ship
41. Use of unsafe lighters, etc.
42. Liability for the operation of an unsafe ship
43. Liability in respect of unsafe ships, lighters and operation of ships
44. Security in the maritime domain

## PART VIII - MARINE ENVIRONMENT PROTECTION

45. Regulation on marine environment protection
46. Prohibitions on carriage, shipment and jettisoning of harmful substances
47. Prohibition of carriage of dangerous goods

## PART IX - GENERAL PROVISIONS

48. Directives by Minister
49. Establishment of marine offices
50. Record of shipping infrastructure
51. Power to detain ships
52. Insurance



**PART X - MARINE CASUALTY**

- 53. Marine Accident Investigation Unit
- 54. Commissioner and other staff of the Unit
- 55. Functions of the Unit
- 56. Findings and report of the Unit
- 57. Regulations for Marine Accident Investigation

**PART XI - LIABILITY AND LEGAL PROCEEDINGS**

- 58. Limitation of suits against the Agency
- 59. Representation of the Agency in legal proceedings

**PART XII - OFFENCES**

- 60. Damage to property of the Agency
- 61. Evasion of fees, levies, etc.
- 62. Penalty for giving false statement
- 63. Non-compliance with direction of Agency or with any provision of this Act
- 64. Obstructing the Agency in performance of its duties
- 65. Preservation of secrecy
- 66. Offences by companies
- 67. Fines to be paid to the Agency

**PART XIII - ADMINISTRATIVE FINES AND ENFORCEMENT**

- 68. General administrative fines
- 69. Issuance of directives by the Agency

**PART XIV - MISCELLANEOUS**

- 70. General powers of the Minister to make Regulations
- 71. Delegation
- 72. Repeals and savings
- 73. Transitional provisions
- 74. Interpretation
- 75. Short title
- Schedules



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 Ikeazu*

[ ] Commencement

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

- 1
- PART I - PRELIMINARIES
- 2
1. The objectives of this Act are to:
- Objectives of the Act
- 3
- (a) promote the development of coastal shipping trade and
- 4
- indigenous commercial shipping on national and international waters;
- 5
- (b) regulate and promote maritime safety and security;
- 6
- (c) protect the marine environment;
- 7
- (d) regulate ship registration; and
- 8
- (e) regulate and develop maritime labour.
- 9
- 2.-(1) This Act shall apply to:
- Application and Scope
- 10
- (a) maritime, shipping and cabotage matters, including ports, port
- 11
- facilities, and all other marine vessels registered in Nigeria and extends to
- 12
- ships, small ships, and crafts flying a foreign flag in the exclusive economic
- 13
- zone, territorial and inland seas, inland waterways, and in the ports of the
- 14
- Federal Republic of Nigeria; and
- 15
- (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

Establishment  
of the Nigerian  
Maritime  
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.

Functions of  
the 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

- 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 (1)(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 (e) 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 {S} 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, Staff of the  
Agency  
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.

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 Board of the  
Agency  
24 this Act referred to as ("the Board").

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

Suspension and  
removal 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.

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.

(a) 3% of gross freight on all international inbound and outbound cargo from ships or shipping companies operating in Nigeria, to be collected

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 (lithe 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.

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	<b>19.</b> 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	<b>20.</b> -(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	<b>21.</b> -(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	<b>22.</b> 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	<b>23.</b> -(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	<b>28.</b> -(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	<b>29.</b> 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	<b>30.</b> -(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:

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

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

Suspension and  
revocation of  
licences

15 (a) any amount payable under any condition of a licence remains  
16 unpaid after it has become due and remains unpaid for a period of 14 days  
17 after the Agency notifies the licensee in writing that the payment is due; and  
18 (b) the licensee makes any statement in the course of applying for a  
19 licence and the statement is subsequently discovered to be false or  
20 misleading.

21 **38.-(1)** Without prejudice to the provisions of this Act, the Agency  
22 may, as an alternative to revocation of a licence pursuant to this Act and any  
23 regulations made pursuant to this Act, where necessary, impose  
24 administrative fines as may be stipulated in this Act or regulations made  
25 pursuant to this Act in respect of the contravention for which a revocation  
26 may have been considered.

Fines in lieu of  
revocation

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

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

Non-refundable  
licence fee

## PART VII - MARITIME SAFETY AND SECURITY

Detention of  
unsafe ship

1  
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	<b>43.</b> -(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	<b>44.</b> 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	<b>45.</b> -(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 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

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 Directives by  
 11 regarding the performance of its functions under this Act. 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 Establishment  
 16 Nigeria and in other countries as the Agency may deem necessary for the of maritime offices  
 17 purpose of effectively performing its functions under this Act and other  
 18 applicable law.

19 **50.** The Agency shall keep accurate records of: Record of shipping  
 20 (a) the number, location and capability of shipyards in Nigeria; infrastructure  
 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 Power to detain  
 25 relevant officer of the Agency has reason to believe that the master or owner ships  
 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.

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	<b>52.</b> -(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	demanding 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	<b>53.</b> -(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	<b>54.</b> -(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, Findings and  
report of the Unit  
25 who shall within reasonable time, forward same to the relevant Agency for  
26 implementation.

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

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

Limitation of  
suits against  
the Agency

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

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	<b>61.</b> -(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	<b>62.</b> 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	<b>63.</b> -(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	<b>67.</b> 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	<b>68.</b> -(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 Delegation  
7 the Agency except the power to make regulations.

8 **72.**-(1) The Nigerian Maritime Administration and Safety Act, Repeals and  
9 2007 is repealed. 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 Transitional  
25 of the Agency appointed under the repealed Act is deemed to have been Provisions  
26 transferred to the Agency under the same conditions as Director-General.

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  
30 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:

1 (a) consist of such number of persons who may not necessarily be  
2 members of the Board as may be determined by the Board;  
3 provided that 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

6 (b) be presided over by a member of the Board.

7 (3) The quorum of any committee set up by the Board shall be as may  
8 be determined from time to time by the Board.

9 (4) A decision of a committee of the Board shall be of no effect until it  
10 is confirmed by the Board.

11 *Miscellaneous*

12 3.-(1) The fixing of the seal of the Agency shall be authenticated by  
13 the signature of the Secretary and the Director General where necessary.

14 (2) A contract or instrument which, if made by a person not being a  
15 body corporate, would not be required to be under seal may be made or  
16 executed on behalf of the Agency by any person generally or specially  
17 authorized by the Board to act for that purpose.

18 (3) A document purporting to be a contract, instrument or other  
19 document duly signed or sealed on behalf of the Agency shall be received in  
20 evidence and shall, unless the contrary is proved, be presumed without further  
21 proof to have been so signed or sealed.

22 (4) Subject to the provisions of this Act, the validity of any  
23 proceedings or decision of the Board or of any of its committees shall not be  
24 affected by:

25 (a) any vacancy in the membership of the Board or committee;

26 (b) any defect or irregularity in the appointment of a member of the  
27 Board or committee; or

28 (c) reason that any person not entitled to do so took part in the  
29 proceeding of the Board or committee.

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

liable for any act or omission done or made in good faith while engaged in the business of the Agency.

(6) A person shall not by reason only of his membership of the Board be treated as holding an office of emolument under the Government of the Federation or the State.

#### SECOND SCHEDULE

[Section 8 (1) (f)]

#### *Conflict of interest*

1.-(1) Subject to the provisions of this Schedule, a Director or member of staff of the Agency shall not have a direct or indirect financial investment in any shipping, stevedoring, pilotage, terminal operation or any other service by or for the Agency, or receive from it any loan, remuneration or other right or have any personal interest in any contract made or proposed to be made by the Agency, throughout the tenure of his office or employment with the Agency.

(2) Subject to sub-paragraph (3) of this Schedule, a Director or member of staff of the Agency shall, on an annual basis, present a written declaration, no later than the third month of each year, affirming the non-existence of such interest specified in sub-paragraph (1) of this Schedule arising or likely to arise during his tenure of employment with the Agency.

(3) The Directors and members of staff of the Agency, as from the commencement of this Act, shall be entitled to a maximum of 6 months within which to divest themselves of their direct or indirect financial interests or investment in any shipping, stevedoring, pilotage or terminal operation or any similar engagement, if any.

(4) A Director or staff of the Agency shall declare, on appointment or at the commencement of employment 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.