



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA VOTES AND PROCEEDINGS

Thursday, 27th April, 2017

1. The Senate met at 10:36 a.m. The Deputy Senate President read Prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Wednesday, 26th April, 2017.
Question was put and the Votes and Proceedings were approved.
3. **Announcements:**
 - (a) **Wedding Invitation:**
The Deputy Senate President read a letter from Senator Binta Masi Garba (Adamawa North) as follows:



SENATOR BINTA MASI GARBA
ADAMAWA NORTH SENATORIAL DISTRICT

26th April, 2017

*His Excellency
The Senate President,
National Assembly,
Abuja.*

Sir,

**WEDDING SOLEMNIZATION OF DISTINGUISHED SENATOR
BINTA MASI GARBA'S DAUGHTER (NJAMBA KOJI AND DAVIES
JEDY AGBA).**

I write to humbly request your Excellency, to notify my distinguished colleagues of the wedding ceremony of my dear daughter, Njamba Koji to Davies Jedy Agba which is scheduled to hold on Saturday 29th April, 2017 at the Holy Family Catholic Church, Life Camp, Abuja by 10 a.m prompt. Reception follows at Peach Vine Garden, plot 839 Cadastral Zone B, Wuye District, Abuja by 2 pm.

My family will be greatly honoured by your esteemed presence to celebrate this important occasion with us. We look forward to seeing you.

As always, please accept the assurances of my highest regards.

(Signed)

Sen. Binta Masi Garba.

(b) Appreciation:

The Deputy Senate President read a letter from Senator Tijjani Y. Kaura (Zamfara North) as follows:



Senator Tijjani Y. Kaura

ZAMFARA NORTH SENATORIAL DISTRICT

Chairman, Committee on Federal Character & Inter-Governmental Affairs

25th April, 2017

*His Excellency Dr. Abubakar Bukola Saraki, CON
President of the Senate
Federal Republic of Nigeria
National Assembly
Abuja.*

Your Excellency,

LETTER OF APPRECIATION

I write to express my appreciation to you Mr. President and my Distinguished Colleagues for sparing time to attend the wedding fatiha of my two daughters Zainab and Rabiaatu Tijjani Kaura which took place at Kaura Namoda, Zamfara State on the 22nd April, 2017.

I also wish to use this medium to once again congratulate you, on your Turbaning as Dan Iyan Kauran Namoda by His Highness Alh. Ahmad Mohammad Asha, MFR the Emir of Kauran Namoda.

Accordingly, I on behalf of my Family sincerely appreciate your presence, I also wish to thank my Colleagues who sent goodwill messages.

Please, accept Your Excellency, as always, the assurances of my esteemed regards.

Sincerely,

(Signed)

Sen. Tijjani Y. Kaura

(c) Invitation to Distribution of free fertilizer to farmers:

The Deputy Senate President read a letter from Senator Philip T. Aduda (FCT) as follows:



SENATOR PHILIP TANIMU ADUDA, MFR, JP

Federal Capital Territory

SENATE MINORITY WHIP

27th April, 2017

*The President of the Senate
Dist. Sen. Bukola Saraki,
National Assembly.*

Distinguished Colleagues,

**INVITATION TO THE DISTRIBUTION OF FREE
FERTILIZER TO FARMERS IN FCT**

In support of the Federal Government Policy on the diversification of our Economy into Agriculture, I wish to invite you all to the distribution of Free Fertilizer to farmers in the Federal Capital Territory (FCT) to kick off this year's farming season.

The program is scheduled to take place as follows:

Venue: J. T Useni Stadium, Kuje Area Council Abuja.

Date: 29th April, 2017

Time: 11a.m.

Accept as always the assurances of my high esteem and best regards.

For enquiries please call 08035882238, 0803769 0503, 08035917721, 08035986382.

(Signed)

Sen. Philip Tanimu Aduda MFR

Senate Minority Whip

FCT Senate

(d) Acknowledgment:

The Deputy Senate President acknowledged the presence of the Members of Center for Transformational Leadership, Maitama, Abuja who were in the gallery to observe Senate Proceedings.

4. Petition:

Rising on Rule 41, Senator Ovie Omo-Agege (*Delta Central*) drew the attention of the Senate to a petition from his constituent, Festus O. Mrakpor, against the Nigeria Police Service Commission, over injustice. He urged the Senate to look into the matter.

Petition laid and accordingly referred to the Committee on Ethics, Privileges and Public Petitions [Rule 41(3)] to report within four (4) weeks.

5. Personal Explanation:

Rising on Rule 43, Senator George T. Sekibo (*Rivers East*) drew the attention of the Senate to the directive from his Senatorial District and Government of Rivers State over the whistle blower monies discovered in a building situated at 16 Osborne Road Ikoyi, Lagos. He stated that the sum recovered belongs to Rivers State Government as against the purported claim of Director-General of Nigeria Intelligence Agency (NIA). He reinstated his trust for the Vice President of Nigeria investigation team and urged the Senate to look into the matter.

Matter noted, the Senate would allow the House of Representatives Ad hoc Committee to conclude its investigation on the same issue.

6. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Joshua M. Lidani (*Gombe South*) drew the attention of the Senate on the demise of Senator Adamu Ajuji Waziri. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate;

notes with great sadness the demise of Senator Adamu Ajuji Waziri who had served as a Senator in 1983 and also in the Sixth Senate;

notes that late Senator Adamu Ajuji Waziri was born in October 1941 in Billiri Local Government of Gombe State and attended the following Educational Institutions;

- | | | |
|------|---|-----------|
| i. | Bauchi Secondary School | 1954-1960 |
| ii. | Police College Ikeja, Lagos | 1961-1962 |
| iii. | Detective Training College Wakefield England | 1963-1969 |
| iv. | Ahmadu Bello University, Zaria - LL.B | 1970-1973 |
| v. | The Nigerian Law School, Lagos - Barrister-at-Law | 1973-1974 |

further notes that Senator Waziri started his working career as a Police Officer and enlisted as Cadet Inspector in the Nigerian Police Force in 1961. Thereafter he served as station officer in charge of several Police Stations. In the course of his duties he was attached to the Prime Minister and also the late Premier of the Northern Region as security cover. He also worked as Officer in charge, Legal Department Force, CID Lagos and retired voluntarily from the Nigeria Police force in 1979 with the rank of Chief Superintendent of Police (CPS);

further notes that the late Senator Waziri was appointed and served in various positions Boards and Committees as follows:

- | | | |
|----|--|-----------|
| a. | Chairman, Ashaka Cement Company | 1980-1983 |
| b. | Elected Senator Bauchi South-East | 1983 |
| c. | Member, 1979 Constitutional Review | 1987 |
| d. | Chairman, Mercury Assurance Company | 1984 |
| e. | Member, 1979 Constitutional Review | 1987 |
| f. | Member, Transition to Civil Rule Tribunal (Federal Military Government) | 1988-1991 |
| h. | Member Committee for Drafting Law on Corruption and Economic Crimes (Federal Military Government) | 1989-1990 |
| h. | Elected Member Constitutional Conference | 1994-1995 |
| i. | Commissioner representing Bauchi State and later Gombe State on Federal Character Commission | 1995 |
| j. | Chairman, Board of Governing Council Federal Polytechnic, Kaura Namoda | 2000-2004 |
| k. | Nigerian Ambassador to the Republic of Turkey | 2004-2007 |
| I. | Elected Senator of the Federal Republic of Nigeria
Representing Gombe South Senatorial District in the Sixth Senate | |

further notes that in the course of his career, the late Senator served as counsel to Nigeria Police in the following judicial Commissions of inquiry:

- | | |
|----|--|
| a. | Kano Maitatsine disturbance |
| b. | Maiduguri Maitatsine tribunal |
| c. | Police counsel- civil disturbance in Kano 1982 |
| d. | Police counsel- Maitatsine disturbance in Yola, 1984 |
| e. | Police counsel- University of Ife disturbance and inquiry, 1980 |
| f. | Police counsel- Gombe Maitatsine disturbance |
| g. | Police counsel- inquiry University of Ibadan and Ife |
| h. | Also a legal practitioner with law chambers, engaged in law practice in Lagos and Abuja; and |

observes that late Senator Waziri held the title of Waziri of Tangale Chieftdom and was a consummate politician and a chieftain of the PDP. He was a respected community leader, a forthright and courageous man, a bridge builder and a patriotic Nigerian who devoted most of his life to the service of his fatherland. He was one of those at the forefront in championing the cause for the creation of Gombe State. In recognition of his contributions, he was conferred with the national honour of CON in 2012. He was a devoted father and doting grandfather and is survived by his wife Farida Waziri the former chairperson of the EFCC, six children, grandchildren and numerous relations.

Accordingly resolves to:

- (i) observe a one minute silence in his memory;
- (ii) urge the Government of Gombe State to immortalize him by naming one of the Government Institutions after him; and
- (iii) send a delegation to condole the family, people and the Government of Gombe State.

Debate:

Proposed Resolution (i):

Question: That the Senate do observe a one minute silence in his memory — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the Government of Gombe State to immortalize him by naming one of the Government Institutions after him — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do send a delegation to condole the family, people and the Government of Gombe State — *Agreed to.*

Resolved:

That the Senate do:

- (i) observe a one minute silence in his memory;
- (ii) urge the Government of Gombe State to immortalize him by naming one of the Government Institutions after him; and
- (iii) send a delegation to condole the family, people and the Government of Gombe State (*S/Res/148/02/17*).

One minute silence accordingly observed in honour of the deceased.

7. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Suleiman M. Nazif (*Bauchi North*) drew the attention of the Senate on the Urgent Need to Improve the welfare of Nigerian Worker and also to celebrate the Workers Day. He sought and obtained the leave of the Senate to present the matter forthwith:

The Senate;

notes that workers welfare are rewards that organizations offers as incentives to enhance the satisfaction of workers;

observes that Nigerian workers have been neglected and suffered many injustices in the form of inadequate housing provisions, poor transport policy, difficulties in accessing medicals, pension and retirement benefits, etc;

further observes that good welfare packages for workers will induce the workers to work hard and improve their general attitude towards the organization and increase their level of production;

notes that workers are the engine room of any government, and major catalyst for the development of the economy;

observes that the untold hardship that Nigerian workers are experiencing as a result of poor welfare packages is quite alarming;

further observes that workers are often attracted into certain organizations not only because of the pay packages but because of the welfare packages attached to the jobs, such welfare packages includes, housing, transport, medical, pension and retirement benefits, to mention but a few;

notes that government is meant to cushion the effects of hardship on its workers by paying great attention to their welfare needs;

observes that Nigerian workers depend on ₦18,000 minimum wage to pay rent, feed family and pay school fees, and to neglect their welfare packages will induce workers to corruption;

concerned that poor welfare packages of Nigerian workers have gone from bad to worse and the negative effect on the lives of workers is quite great; and

acknowledges that the welfare of the workers constitute the ultimate catalyst for the development of the economy.

Accordingly resolves to:

- (i) constitute an Ad hoc Committee to synergize with relevant stakeholders to critically examine ways of improving the welfare of Nigerian workers in the following areas, housing, transport, medical, extra allowances, pension and retirement benefits to mention but a few, and invoke all relevant laws to protect the interest and rights of Nigerian workers;
- (ii) urge the Federal Government to introduce policies in all its Agencies that will consistently project and strengthen the delivery of welfare packages to Nigerian workers; and
- (iii) urge the Federal Government to specifically establish a surveillance unit that will ensure proper and timely delivery of all the necessary welfare packages to Nigerian workers.

Debate:

Proposed Resolution (i)

Question: That the Senate do constitute an Ad hoc Committee to synergize with relevant stakeholders to critically examine ways of improving the welfare of Nigerian workers in the following areas, housing, transport, medical, extra allowances, pension and retirement benefits to mention but a few, and invoke all relevant laws to protect the interest and rights of Nigerian workers — *Agreed to.*

Proposed Resolution (ii)

Question: That the Senate do urge the Federal Government to introduce policies in all its Agencies that will consistently project and strengthen the delivery of welfare packages to Nigerian workers — *Agreed to.*

Proposed Resolution (iii)

Question: That the Senate do urge the Federal Government to specifically establish a surveillance unit that will ensure proper and timely delivery of all the necessary welfare packages to Nigerian workers — *Agreed to.*

Resolved:

That the Senate do:

- (i) constitute an Ad hoc Committee to synergize with relevant stakeholders to critically examine ways of improving the welfare of Nigerian workers in the following areas, housing, transport, medical, extra allowances, pension and retirement benefits to mention but a few, and invoke all relevant laws to protect the interest and rights of Nigerian workers;

- (ii) urge the Federal Government to introduce policies in all its Agencies that will consistently project and strengthen the delivery of welfare packages to Nigerian workers; and
- (iii) urge the Federal Government to specifically establish a surveillance unit that will ensure proper and timely delivery of all the necessary welfare packages to Nigerian workers (S/Res/149/02/17).

8. Presentation of a Bill:

Petroleum Industry Fiscal Bill, 2017 (SB. 472) — *Read the First Time.*

9. Committee on Banking, Insurance and Other Financial Institutions:

Reports on the following:

- a. Credit Bureau Services Bill, 2017 (SB. 205); and
- b. Secured Transactions Bill, 2017 (SB. 261).

Presentation of Report deferred to another Legislative Day.

10. Joint Committee on Gas; Petroleum Upstream; Finance; and Appropriations:

Report on the Implementation of Joint Cash Calls Obligation from 2011 - 2015:

Motion made: That the Senate do receive the Report of the Joint Committee on Gas; Petroleum Upstream; Finance; and Appropriations on the Implementation of Joint Cash Calls Obligation by the Nigerian National Petroleum Corporation (NNPC) from 2011 - 2015 (*Senator Bassey A. Akpan — Akwa Ibom North-East*).

Question put and agreed to.

Report Laid.

11. Conference Committee:

Report on the Nigerian Peace Corps (NPC) Bill, 2017 (SB. 173 & SB.183):

Consideration of Report deferred to another Legislative Day.

12. Committee on Trade and Investment:

Report on the Federal Competition and Consumer Protection Bill, 2017 (SB. 257):

Consideration of Report deferred to another Legislative Day.

13. Committee on Marine Transport:

Report on the Nigerian Ports and Harbours Bill, 2017 (SB. 243):

Motion made: That the Senate do consider the Report of the Committee on Marine Transport on the Nigerian Ports and Harbours Bill, 2017 (*Senator Ahmed R. Sani — Zamfara West*).

Question put and agreed to.

Report presented.

Motion made: That the Senate do resolve into the Committee of the Whole to consider the Report (*Senate Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

CONSIDERATION OF A BILL FOR AN ACT TO REPEAL THE NIGERIAN PORTS AUTHORITY ACT, CAP 126 LFN, 2004 AND TO ESTABLISH THE NIGERIAN PORTS AND HARBOURS AUTHORITY TO PROVIDE FOR THE OWNERSHIP, MANAGEMENT AND DEVELOPMENT OF PORTS AND HARBOURS AND FOR RELATED MATTERS

Clause 1: Purpose of the Act.

- (1) The purposes of this Act are to —
 - (a) provide an appropriate institutional framework for the ownership, management and development of ports and harbours;
 - (b) ensure the integrity, efficiency and safety of the ports based on the principles of accountability, competition, fairness and transparency;
 - (c) encourage private sector participation in the provision of port services and port infrastructure; and
 - (d) promote and safeguard Nigeria's competitiveness and trade objectives.
- (2) The purposes stated in sub-section (1) of this section shall be achieved through the —
 - (a) establishment of an authority which shall be vested with the control and ownership of all ports and harbours on behalf of the Federal Government of Nigeria;
 - (b) transfer of the technical regulatory powers relating to ports to the Authority; and
 - (c) transfer of the ownership of the land and assets relating to ports currently vested in the Nigerian Ports Authority to the Authority
- (3) Subject to the purposes stated in subsection (1) of this section, the provisions of this Act shall be read and interpreted in connection with the following specific objectives —
 - (a) the separation of cargo handling functions from landlord functions and technical regulatory functions within ports and foster greater operating efficiency, accountability and transparency in the management and operation of ports;"
 - (b) provision of safe navigation, development and efficient management of harbours, channels and waterways and all other conservancy functions;
 - (c) facilitation of the transfer of technology, information systems and managerial expertise through private sector participation in port operations;
 - (d) creation of the means for planning, coordinating, developing and integrating port policies with other maritime activities, surface and air transportation systems;
 - (e) introduction and maintenance of appropriate institutional arrangements to support good governance and accountability in the ports;

- (f) protection of the rights and interests of port service providers, commercial port users within Nigeria and ensuring that efficient and effective port services are available at a reasonable cost to the users;
 - (g) evolve and sustain high level of safety and environmental protection; and
 - (h) encourage the development of further innovations in the maritime and shipping sector to promote effective research and development of the sector;
- (4) The powers conferred on the Authority by this Act shall be subject to the regulatory powers of the Transport Sector Regulator.

Committee's Recommendation:

That the provision in Clause 1 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 1 do stand part of the Bill, put and agreed to.

Clause 2: Scope of Application

This Act shall apply to —

- (a) all port related activities carried out within the Nigeria maritime domain; "excluding areas of operations covered by the Nigerian Inland Waterways Authority and other agencies established by Acts of the National Assembly"
- (b) all ports and harbours specified in the First Schedule to this Act, and all other ports that may be declared from time to time by the Minister;
- (c) any person or government agency with respect to any activity or operations in ports and harbours within Nigeria; and
- (d) any other location where a maritime activity is taking place within the maritime domain of Nigeria.

Committee's Recommendation:

That the provision in Clause 2 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 2 do stand part of the Bill, put and agreed to.

PART II — ESTABLISHMENT OF THE NIGERIAN PORTS AND HARBOURS AUTHORITY AND ITS GOVERNING BOARD, ETC

Clause 3: Establishment of the Nigerian Ports and Harbours Authority

The Board shall have a Secretary who shall be the Head of the Legal Department of the Authority.

- (1) There is established a body to be known as the Nigerian Ports and Harbours Authority (in this Act referred to as "the Authority")
- (2) The Authority shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name
- (3) The ownership of all ports and harbours shall be vested in the Authority for and on behalf of the Federal Government of Nigeria.

- (4) The Authority shall be structured into such Departments as the Board may from time to time approve for the effective discharge of its functions under this Act.
- (5) The common seal of the Authority shall be kept in the custody of the Board Secretary

Committee's Recommendation:

That the provision in Clause 3 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 3 do stand part of the Bill, put and agreed to.

Clause 4: Relationship of the Authority with the Minister

- (1) Subject to sub section 2 of this section, the Minister shall convey to the Authority in writing, the general policy direction of the Government for the transport sector.
- (2) In the execution of his functions and in relating with the Authority, the Minister shall ensure that the independence of the Authority, with regards to the discharge of the Authority's functions and operations under this Act, is protected and not compromised in any manner.
- (3) Prior to the formulation or review of policies relating to the Authority, the Minister shall ensure consultation with the Authority, as may be necessary."

Committee's Recommendation:

That the provision in Clause 4 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 4 do stand part of the Bill, put and agreed to.

Clause 5: Establishment and membership of the Board

- (1) There is established for the Authority, a governing body (in this Act referred to as "the Board") which shall have power to perform the functions provided for it under this Act.";
- (2) The Board shall consist of —
 - (a) a non-Executive Chairman;
 - (b) the Managing Director of the Authority;
 - (c) the three (3) Executive Directors of the Authority; and"
 - (d) four (4) persons appointed from each of the six (6) geopolitical zones.";
- (3) The Chairman and members of the Board referred to in paragraph (d) of subsection (2) of this section shall be appointed by the President on the recommendation of the Minister.
- (4) Members of the Board referred to in subsection (2) of this section shall be persons of integrity possessing cognate experiences in relevant fields and versed in areas of ports, harbours and environmental management.
- (5) The supplementary provisions set out in the third Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

- (6) appointment into the Board shall reflect representations from the six geo-political zone.

Committee's Recommendation:

That the provision in Clause 5 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 5 do stand part of the Bill, put and agreed to.

Clause 6: Tenure of office

The Chairman and members of the Board, other than ex-officio members, shall be appointed on part- time basis and shall each hold office —

- (a) for a term of four years and may be re-appointed for a further term of four years and no more; and
- (b) on such terms and conditions as may be specified in the letter of appointment.

Committee's Recommendation:

That the provision in Clause 6 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 6 do stand part of the Bill, put and agreed to.

Clause 7: Cessation of Membership

- (1) Notwithstanding the provision of section 5 of this Act, a member of the Board shall cease to hold office as a member of the Board if he —
- (a) resigns his appointment as a member of the Board by a notice in writing, under his hand, addressed to the President;
- (b) becomes incapable of carrying on the function of his office either arising from infirmity of mind or body;
- (c) becomes bankrupt or makes a compromise with his creditors;
- (d) is convicted of a felony or any offence that involves dishonesty or corruption;
- (e) is found to have been unqualified for appointment as a director;
- (f) has been absent from five consecutive meetings of the Board without the consent of the Chairman except where he shows good reason for such absence;
- (g) is in breach of the conflict of Interest Rules set out in the fourth Schedule to this Act
- (h) is guilty of serious misconduct in relation to his duties as a director; or
- (i) is suspended or removed from office by the President on the recommendation of the Minister where it is found that it is not in the interest of the Authority or public for the person to continue in office.
- (2) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to —

- (a) hold office for the remainder of the term of office of his predecessor; and
- (b) represent the same interest as his predecessor.

Committee's Recommendation:

That the provision in Clause 7 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 7 do stand part of the Bill, put and agreed to.

Clause 8: Remuneration of Board Members

All payments, allowances and benefits payable to members of the Board shall be in accordance with the extant Federal Government guidelines.

Committee's Recommendation:

That the provision in Clause 8 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 8 do stand part of the Bill, put and agreed to.

Clause 9: Powers of the Board

The Board shall have the power to —

- (a) provide general guidelines relating to the functions of the Authority;"
- (b) superintend the implementation of the policies of the Authority;
- (c) determine the terms and conditions of service of the employees of the Authority;
- (d) fix the remuneration, determining the job description, qualifications, allowances and benefits of staff and employees of the Authority in accordance with extant Federal Government regulations; and
- (e) do such things which in its opinion are necessary to ensure the efficient performance of the functions of the Authority under this Act.

Committee's Recommendation:

That the provision in Clause 9 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 9 do stand part of the Bill, put and agreed to.

PART III — FUNCTIONS AND POWERS OF THE AUTHORITY

Clause 10: Functions of the Authority

- (1) The Authority shall —
 - (a) develop a plan for, undertake and supervise the dredging and maintenance of channels within the Ports limit and its approaches in Nigeria;
 - (b) develop a plan for and maintain national strategic port planning and implement same;
 - (c) provide and maintain aids to navigation, lighting and mooring in ports and harbours;
 - (d) provide pilotage services, waste reception facilities and other ports infrastructure;

- (e) provide and enforce technical regulations on operations, construction and installations within the ports and harbours;
- (f) develop channels and approaches to ports and harbours;
- (g) set overall policy for port security, health and safety, environmental protection and coastal conservancy;
- (h) encourage and facilitate private sector participation and investment in the provision of port services and facilities;
- (i) approve the establishment and planning of off-shore cargo-handling facilities and related services;
- (j) represent Nigeria in regional and international for a on matters relating to and connected with ports and harbours;
- (k) negotiate, supervise, implement and ensure compliance with international maritime obligations under applicable international conventions and protocols;
- (l) provide landlord services in ports and harbours, in an economically, socially and environmentally sustainable manner;
- (m) in co-operation with other relevant bodies, ensure that the ports are effectively integrated with other systems of infrastructure within and outside the ports;
- (n) facilitate the sustainable growth of trade through the ports;
- (o) provide or arrange for the provision of facilities, services, accommodation and land in the harbours for vessels, goods and passengers;
- (p) direct and control the movement of vessels within ports and harbours, and provide or arrange for the provision of pilotage services;
- (q) provide for and maintain all coastal and channel management services;
- (r) develop and deploy resources in ports to enhance port security;
- (s) engage in any business activity, either alone or in partnership with other persons, as may be approved by the Board;
- (t) in co-operation with relevant Agencies provide or arrange road and rail access to ports and facilitate the integration of infrastructure and logistics systems in the ports;
- (u) provide requisite assistance, including search, rescue and salvage operations to any vessel entering or leaving any port and within the approaches to the ports for the purpose of saving life and property;

- (v) develop implementation and operational strategies suitable to the peculiarities and economic viability of the ports with due regard to the consequences of its activities on the environment and the heritage, whether natural or man-made;
 - (w) grant concessions to private entities in accordance with the laid down processes;
 - (x) ensure compliance of private operators with its overall policy on health and safety, environmental protection, coastal conservancy; and
 - (y) perform such other functions as may be necessary to give effect to the provisions of the Act.
- (2) The Authority shall take steps to ensure the effective planning and management of the ports and harbours.
- (3) The Authority shall perform its functions in a manner that is —
- (a) safe and secure;
 - (b) environmentally sustainable;
 - (c) effective and efficient; and
 - (d) commercially viable.

Committee's Recommendation:

That the provision in Clause 10 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 10 do stand part of the Bill, put and agreed to.

Clause 11: General Powers of the Authority

- (1) The Authority shall have power to —
- (a) develop, whether by itself or in partnership with others, own and control ports;
 - (b) advise government on and implement national port policies and development strategies;
 - (c) enter into contracts, agreements or leases and all other such obligations or arrangements;
 - (d) grant permits, licences and approvals for services and facilities provided by the Authority on such terms and conditions as it may determine;
 - (e) employ agents, consultants or contractors or act as agent of another person;
 - (f) construct, execute, carry out, equip, improve, work and develop ports, docks, harbours, piers, wharves, canals, water courses, embankments and jetties;

- (g) invest and utilize the monies of the Authority not immediately required on such securities, real estate or in such investments and manner as may, from time to time, be expedient;
- (h) erect, construct, lay down, enlarge, maintain and alter any building, erection and work which may seem directly or indirectly necessary or convenient for any of its purposes;
- (i) act as consultants and advisers in relation to ports and port operations in Nigeria or in any part of the world;
- (j) carry on the business of carrier by land or sea, stevedore, wharfing, warehouseman or lightman or any other business necessary or expedient for the functions of the Authority;
- (k) acquire any undertaking of any registered business that affords facilities for the loading, unloading or warehousing of any goods in any port in Nigeria;
- (l) win sand from ports and their approaches for such purposes as it may deem fit;
- (m) do anything for the purpose of advancing the —
 - (i) skills of persons employed; or
 - (ii) efficiency of the equipment or the manner in which such equipment is operated, including the provision by others of the facilities for training, education and research;
- (n) provide residential accommodation, houses, hostels and other like accommodation for its employees on essential duties on terms and conditions to be determined, from time to time, by the authority;
- (o) regulate and provide bunkering and chandelling services;
- (p) provide or arrange for capital and maintenance dredging, aids to navigation, hydrographic services and wreck removal;"
- (q) in collaboration with relevant agencies, plan and provide services in all off-shore cargo handling facilities;
- (r) concession terminal operations and related services to third parties in accordance with the provisions of extant regulations;"
- (s) provide, for the approaches to all ports and territorial waters of Nigeria, such as pilotage services and lights, marks and other navigational services and aids, including cleaning deepening and improving of channels, approaches and its waterways;
- (t) provide and use appliances for the towage or protection or salvage of life and property or for the prevention of fire within Nigeria maritime domain and on vessels on the high seas;
- (u) supply water to vessels; and

- (v) do such other things which are necessary to ensure the efficient performance of the functions of the Authority under this Act.
- (2) The Authority shall have power to make bye-laws for the control and management of the wharves and premises and, in particular may, without prejudice to the generality of the foregoing, make bye-laws for regulating declaring and defining the wharves, docks, piers and places vested in or in the possession of the Authority on or from which goods shall be landed and shipped.

Committee's Recommendation:

That the provision in Clause 11 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 11 do stand part of the Bill, put and agreed to.

Clause 12: Special Powers of the Authority

- (1) The Authority may —
 - (a) establish and maintain subsidiaries, whether wholly or jointly with other persons or organisations for the purpose of carrying out any its functions under this Act;
 - (b) appoint directors and agents for the subsidiaries established pursuant to the provisions of paragraph (a) of this sub-section; and
 - (c) participate —
 - (i) in the formation of or be a member of any company for the purpose of carrying out all or any of its functions under this Act;
 - (ii) with the approval of the Board in the formation of any company for such other purposes as may be approved by the Minister; and
 - (iii) in the formation of any joint venture or partnership and other similar arrangements.
- (2) The Authority may levy such port dues and such general charges upon goods or cargo loaded and discharged in the ports as it may deem necessary for the maintenance, improvement or development of ports.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 12 do stand part of the Bill, put and agreed to.

PART IV — STAFF OF THE AUTHORITY

Clause 13: Managing Director of the Authority

- (1) There shall be for the Authority, a Managing Director who shall be —
 - (a) appointed by the President on the recommendation of the Minister;
 - (b) the chief executive and account officer of the Authority; and

- (c) responsible for the —
 - (i) execution of the policy and the day-to-day administration of the Authority, and
 - (ii) direction, supervision and control of all other employees of the authority and subject to such restrictions as the Board may impose, for disposing all questions relating to the service of the employees, their pay, allowances and benefits.
- (2) The Managing Director shall hold office —
 - (a) for a term of four years and may be re-appointed for a further term of four (4) years and no more; and
 - (b) on such terms and conditions, as may be specified in his letter of appointment.
- (3) Despite the provisions of sub-section (2) of this section, the Managing Director may —
 - (a) resign his appointment by notice in writing under his hand, addressed to the President through the Board; or
 - (b) be removed by the President for inability to discharge the functions of his office whether arising from infirmity of mind or body or any other or for misconduct or corruption.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 13 do stand part of the Bill, put and agreed to.

Clause 14: Executive Directors of the Authority

- (1) The President shall appoint for the Authority, three Executive Directors to assist the Managing Director in the performance of his functions under this Act.
- (2) The Executive Directors shall each hold office —
 - (a) for a term of four years and may be re-appointed for a further term of four years and no more; and
 - (b) on such terms and conditions, as may be specified in his letter of appointment.
- (3) An Executive Director shall perform such functions as may be assigned to him in his letter of appointment or by the Managing Director or the Board from time to time.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill, put and agreed to.

Clause 15: Secretary to the Board of the Authority

- (1) The Board shall have a Secretary who shall be the Head of the Legal Department of the Authority.
- (2) The Secretary shall be a legal practitioner of not less than 15 years' post-call experience.
- (3) The Secretary shall report to the Managing Director and be responsible for —
 - (a) making arrangements for meetings of the Board and preparing the agenda and minutes of such meetings;
 - (b) communicating the decisions of the Board to members of the Board and keeping records of the Board's meetings and proceedings;
 - (c) keeping the corporate seal and records of the Authority
 - (d) arranging for payments of fees and allowances of meetings and all other matters affecting members of the Board; and
 - (e) such other duties affecting the Authority as the Board may direct from time to time.

Committee's Recommendation:

That the provision in Clause 15 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill, put and agreed to.

Clause 16: Other staff of the Authority.

- (1) The Authority may, subject to the approval of the Board, appoint such other staff as it may deem necessary from time to time —
 - (a) for the proper and effective discharge of the duties and functions of the Authority; and
 - (b) on such terms and conditions as may be determined by the Board from time to time.
- (2) The employees of the Authority shall be subject to the Conflict of Interest provisions contained in the Third Schedule to this Act.
- (3) Service in the Authority shall be approved service for the purposes of the Pension Reforms Act, 2004.
- (4) Nothing in subsection (3) of this section shall exclude the Authority from employing staff on non-pensionable terms and conditions.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 16 do stand part of the Bill, put and agreed to.

PART V — FINANCIAL PROVISIONS

Clause 17: Fund of the Authority

- (1) There is established for the Authority a fund ("the Fund") comprising —
 - (a) all charges, dues, levies, fees, and penalties collected by the Authority under this Act or regulations made hereunder;
 - (b) technical Assistance, gifts, aids, and testamentary disposition;
 - (c) other financial assets that may from time to time be vested in or accrue to the Authority in the course of performing its functions under this Act;
 - (d) monies collected or received by the Authority for services rendered or facilities provided;
 - (e) monies borrowed and capital raised by the Authority under this Act or any other enactments; and
 - (f) such other sums of monies as may be received by the Authority.
- (2) The Fund shall be managed in accordance with extant Financial Regulations applicable in the Public Service and rules made by the Board.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 17 do stand part of the Bill, put and agreed to.

Clause 18: Reserve Funds

- (1) Without limiting the power of the Authority to set aside from its revenue appropriate amounts for replacement, contingencies and other purposes, the Authority shall establish and maintain a general reserve fund arising out of its operating surplus.
- (2) The management of the reserve funds, the amount to be credited to and charges to be made against the reserve funds and any other application of the monies comprised in the reserve funds shall be as the Authority may, with the approval of the Minister determine.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 18 do stand part of the Bill, put and agreed to.

Clause 19: Application of Authority's monies

- (1) Subject to section 25 of this Act and subsections (2) and (3) of this section, the revenue of the Authority for any financial year shall be applied as approved by the Minister.
- (2) The Authority shall submit to the Minister a three year plan on use of monies from the Funds referred to in section 25 of this Act, including the concession fees generated.

- (3) The plan referred to in subsection (2) of this section shall be reviewed annually by the Minister.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 19 do stand part of the Bill, put and agreed to.

Clause 20: Financial Year

The financial year of the Authority shall commence on 1st January of each year and end on 31st December of the same year.

Committee's Recommendation:

That the provision in Clause 20 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 20 do stand part of the Bill, put and agreed to.

Clause 21: Power to borrow and invest money

- (1) The Authority may, with the approval of the Minister and in accordance with the applicable laws governing borrowings by public bodies, borrow such sums of money or raise capital, otherwise, than from the Government as the Authority may require in the exercise of its function; and
- (2) The Authority may invest all or any part of its monies in such manner as may be approved by the Minister.

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill, put and agreed to.

Clause 22: Inspection of accounts and records

- (1) The accounts and records of the Authority shall during official working hours be opened for inspection to —
- (a) any member of the Board; or
- (b) any other person specially authorized do so by the Minister
- (2) The books of accounts shall be kept at the Head Office of the Authority.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill, put and agreed to.

Clause 23: Statement of accounts.

- (1) The Authority shall keep proper and regular accounts and other records of monies received and paid by it and of the several purposes for which such monies have been received or paid, and of its assets and liabilities.

- (2) The Authority shall take all necessary steps to ensure that all payments out of its Funds and bank accounts are correctly made and properly authorised and that adequate control is maintained over the assets in its custody and over the expenditure incurred.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 23 do stand part of the Bill, put and agreed to.

Clause 24: Audit

- (1) The accounts of the Authority shall be audited annually by auditors appointed by the Authority based on the guidelines issued from time to time by the Auditor-General of the Federation.
- (2) The Authority shall not later than 3 months after the close of each financial year, prepare and submit its financial statements in respect of that year to the auditors who shall audit and report on the financial statements.
- (3) The auditor shall, not later than 2 months after the accounts have been submitted for audit, forward the audit report to the Authority and submit such periodical and special reports as the Minister or the Authority may require.
- (4) The Authority shall, not later than two months after its financial statement of accounts has been audited in accordance with the requirements of this Act, forward a copy of its audited financial statement to the Minister together with any report or observations made by the auditors on the financial statement of accounts.
- (5) The audit report shall in addition to the standard auditing requirements state —
 - (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Authority;
 - (b) whether proper accounting and other records have been kept, including records of all assets of the Authority whether purchased, donated or otherwise acquired;
 - (c) whether the receipts, expenditure and investment of monies, the acquisition and disposal of assets by the Authority during the year have been in compliance with the provisions of this Act; and
 - (d) such other matters arising from the audit.
- (6) A firm shall not be qualified for appointment as auditors under subsection (3) this section unless it is registered under the Companies and Allied Matters Act and any other applicable law.
- (7) The remuneration of the auditors shall be paid out of the Funds of the Authority.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill, put and agreed to.

Clause 25: Annual and other Reports

- (1) The Board shall, not later than 2 months after the end of each financial year, make a report to the Minister on its activities and performance during that year.
- (2) The annual report for each year shall include —
 - (a) a general survey of developments in respect of matters relating to its functions;
 - (b) an assessment of the extent to which its main objectives and priorities for the year as set out in the annual plan have been achieved;
 - (c) a summary of the significant activities carried out by it during the year;
 - (d) a summary of the allocation of its financial resources to its various activities during the year, including, without limitation, the emoluments of its directors;
 - (e) an assessment of its performance and practices in relation to its functions in accordance with applicable performance indicators; and
 - (f) its budget for the next financial year.
- (3) The Board may —
 - (a) prepare other reports in respect of matters relating to any of its functions; and
 - (b) arrange for any such report to be published.
- (4) The Board shall cause the annual report of the Authority to be published at the end of each financial year.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill, put and agreed to.

Clause 26: Estimates of revenue and expenditure

- (1) The Authority shall, within 2 months after the end of each financial year, make a report to the Minister on its activities during that year and its proposed undertakings for the ensuing year and the report shall contain such information with respect to the proceedings and policy of the Authority as the Minister may require.

- (2) The Authority shall submit to the Minister such financial and statistical returns or such other reports on the financial position of the Authority as the Minister may require.
- (3) The Authority shall not later than four (4) months to the end of the financial year, prepare and forward to the Minister for consideration and presentation to the National Assembly for approval, a statement of estimated income and expenditure for the following financial year.
- (4) The Authority may during the year for which estimates have been approved under this section, cause supplementary estimates to be prepared.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill, put and agreed to.

Clause 27: Conduct of affairs

It shall be the general duty of the Authority to —

- (a) conduct its affairs in a manner to ensure that its revenue is sufficient to —
 - (i) meet all charges which are chargeable to its revenue account, and
 - (ii) generate a proportion of the capital it requires; and
- (b) conduct its business in a cost effective and efficient manner.

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill, put and agreed to.

PART VI — DECLARATION OF PORTS

Clause 28: Declaration of Ports

- (1) The Minister may by order —
 - (a) declare any place in Nigeria and any navigable channel leading into that place to be a port within the meaning of this Act;
 - (b) specify the limits of any place declared as a port in accordance with paragraph (a) of subsection (1) of this section;
 - (c) declare any navigable channel leading into a port to be an approach to that port.
 - (d) declare any place in Nigeria to be an inland port or container depot; and
 - (e) make any variations in the limits of any port or the approaches to the Port.

- (2) The places specified in the First Schedule to this Act, shall be deemed to be ports, and the limits of and approaches to any port shall until other provision is made in accordance with paragraph (b) of subsection (1) of this section, be the limits declared and in force immediately before the commencement of this Act and shall include —
- (a) ocean beaches within 100 metres of high-water mark; and
 - (b) the waterways leading to the ports, creeks and swamp-land below the highest astronomical tide level and all beacons, moles, piers, slipways, quays and other works extending beyond the natural line of the high-water level.
- (3) The Minister may exercise his powers to declare a port within the meaning of this Act or to specify the limits of any port, if he is satisfied that such a place, if declared to be a port, is —
- (a) likely to remain financially self-sufficient;
 - (b) of strategic significance to Nigeria's trade; or
 - (c) linked to a major rail line or highway.
- (4) Any Order made by the Minister under subsection (1) of this section shall contain the following information —
- (a) the name of the port;
 - (b) the navigable waters and the limits; and
 - (c) any other provision that the Minister considers appropriate to include in the Order.
- (5) Any place in the Federation which is for the time being declared or deemed to be a port within the meaning of this Act is a Federal port.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 28 do stand part of the Bill, put and agreed to.

PART VII — THE AUTHORITY'S LANDLORD POWERS

Clause 29: Technical Powers

The Authority's Landlord technical powers shall include —

- (a) giving directions consistent with the provisions of this Act to any person granted a concession under this Act;
- (b) to impose corresponding obligations regarding standards and codes on all providers and users of marine and port services and facilities;
- (c) implementing regulations, standards and codes regarding port security and safety and ensuring compliance with such regulations, standards and codes;
- (d) prescribing the limits within, and the levels to which dredging may be carried out;

- (e) monitoring and ensuring compliance by all service providers with applicable laws and regulations;
- (f) providing vessel traffic control and aids to navigation;
- (g) ensuring that orderly, efficient and reliable transfer of cargo and passengers between sea and land is provided by operators;
- (h) ensuring that safe, adequate and secure warehousing and storage is provided by operators within the ports;
- (i) monitoring the performance of terminal operators;
- (j) ensuring that operators use port facilities to their fullest capacity in the most efficient manner;
- (k) collecting from concessionaires, licensees and other port service providers data and information needed for accurate planning, reporting and monitoring; and
- (l) carrying out such other activities as are necessary or convenient in connection with its landlord functions.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 29 do stand part of the Bill, put and agreed to.

Clause 30: Reserved operational powers

Subject to section 31 of this Act, the Authority may provide or cause to provide any port services or facilities, notwithstanding that a concession has been granted to any person if —

- (a) the person has failed or is not discharging his obligation satisfactorily under the concession Agreement;
- (b) the person has abandoned; or
- (c) upon termination of the concession for any reason whatsoever.

Committee's Recommendation:

That the provision in Clause 30 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 30 do stand part of the Bill, put and agreed to.

Clause 31: Power to acquire land and deal with assets.

- (1) The Authority may acquire land or immovable or movable property for its use.
- (2) The Authority may reclaim, excavate, enclose, raise or develop any of the lands acquired by or vested in it, constantly keeping in view the impact of its activities on the environment.

- (3) The Authority may acquire by purchase, gift or otherwise, moveable or immovable property and any interest in such property and with the approval of the Minister, may dispose of or deal with any movable property or any interest acquired in the movable property upon such terms and conditions as the Authority may deem fit.
- (4) The Authority may dispose of or transfer any of its immovable property vested in it as public property by the Federal Government only with the express written consent of the President.

Committee's Recommendation:

That the provision in Clause 31 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 31 do stand part of the Bill, put and agreed to.

Clause 32: Power to enter into leases, concession agreement, etc.

- (1) Subject to the provisions of section 34 of this Act, the Authority may enter into leases, concession agreements, operating agreements, or other arrangements with private parties for the occupation of its land for the purpose of enabling such parties to operate or perform port related activities or services.
- (2) Subject to the provisions of this Act, the Authority may lease or concede its premises to terminal operators, shipping companies, shipbuilding companies or any other licensed operator.
- (3) The exercise of the Authority's power under this section shall at all times be conducted in a transparent manner."

Committee's Recommendation:

That the provision in Clause 32 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 32 do stand part of the Bill, put and agreed to.

Clause 33: Power to enter land to erect beacons, conduct surveys and remove obstruction to make lighthouses and beacons visible.

- (1) An authorised employee or agent of the Authority may enter and remain on any land for the purposes of erecting of beacons, buoys and moorings, to survey or perform any of their duties under this Act.
- (2) An authorised employee of the Authority may, with all proper assistance where required, enter on any land and cut and remove all trees, Underwood and vegetation, which may interfere with the visibility of any lighthouse or beacon from any point or place.

Provided that the authorised employee or agents shall enter any land, building or an enclosed court or garden attached to a dwelling house with the consent of the owner or occupier thereof which consent shall not be unreasonably withheld and unless at least fourteen (14) days' notice of the intended entry have been given to the owner or occupier.

Committee's Recommendation:

That the provision in Clause 33 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 33 do stand part of the Bill, put and agreed to.

PART VIII: CONCESSION

Clause 34: Prohibition on operating in ports without concession, licence or permit.

A person shall not provide in a port, any marine or port service or facility unless he is authorized to do so by the Authority.

Committee's Recommendation:

That the provision in Clause 34 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 34 do stand part of the Bill, put and agreed to.

Clause 35: Power to grant concessions.

- (1) The Authority may grant a concession subject to laws relating to or governing concessions on such conditions as the Authority may impose and as may be specified in the concession agreement, authorising any person to provide any marine service or facility or any port service or facility.
- (2) A concession granted under this Act shall be for a term agreed upon by the parties provided that no concession can be granted which duration is above ten (10) years without the approval of the President.

Committee's Recommendation:

That the provision in Clause 35 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 35 do stand part of the Bill, put and agreed to.

PART IX: TARIFF REGIME OF THE AUTHORITY

Clause 36: Tariff.

In this Part -

"Prescribed goods and services" means any goods or services made, produced, supplied or provided by or within the port industry which include -

- (a) providing access to channels, harbours and terminals for use by shipping on a non-discriminatory basis;
- (b) providing berths for vessels at any Nigerian port;
- (c) providing port facilities for loading and of unloading vessels at a declared port;
- (d) providing for storage of goods at a declared port
- (e) providing access to land in connection with the provision of services of any of the kinds mentioned above on a non discriminatory basis; and
- (f) any other port services as may be prescribed from time to time by the Authority.

"Prescribed tariff" means the tariff or tariff-range howsoever designated for the provision, supply or sale of any equipment, goods or services in the port industry or particular factors used in tariff-fixing or terms and conditions relating to the tariff at which particular goods or services are provided, supplied or sold.

"Tariff" includes fees, prices, dues, charges and rates.

Committee's Recommendation:

That the provision in Clause 36 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 36 do stand part of the Bill, put and agreed to.

Clause 37: Presumption of Dues payable for Service.

- (1) Subject to the provisions of this Act, the Authority shall have power to -
 - (a) approve Prescribed Tariffs for services to be provided and provided by concessionaires; and
 - (b) charge tariffs for services provided by the itself (the Authority)."
- (2) Tariff in relation to the provision of port and other services shall include -
 - (a) ship and cargo dues for the provision of pilotage;
 - (b) light dues for the provision of aids to navigation along the coast or channels of the ports and within ports;
 - (c) towage dues for the provision of tug services;
 - (d) berth rent for the use of berthing facilities and services;
 - (e) charges for mooring of vessels and boats;
 - (f) charges for embarkation and disembarkation of persons;
 - (g) charges for use of ferry services;
 - (h) pollution dues and fines for the provision of waste disposal and waste management services in the ports; and
 - (i) charges for offshore stevedoring services.
- (3) Tariff in relation to the provision and maintenance of port infrastructure, port terminals and port facilities shall include -
 - (a) rentals, water, electricity and telecommunication charges as may apply;
 - (b) port dues for the provision and maintenance of entrance channels, breakwaters, basins, aids to navigation and maintenance dredging within the port limits;
 - (c) harbour access charges;
 - (d) cargo dues of cargo within the ports;" and
 - (e) tariffs for granting concessions and permits;
 - (f) charges for shipping and transshipping of goods and persons; and
 - (g) any other services provided by the Authority in the execution of its duties.

- (4) The Authority may require any person to provide such security as it deems fit for the payment of any fee payable to the Authority.
- (5) Where any request for the rendering of services or the provision of facilities is withdrawn or cancelled, without prior notice, the fees contemplated in subsection (1), (2) and (3) of this section, shall remain due and payable as if the services or facilities had been rendered or provided.
- (6) Charges prescribed under this section shall be published.
- (7) The Authority shall not directly levy any charges or dues for services which are provided by a concessionaire for which the concessionaire has been authorised to collect charges and levies directly from port users under section 51 of this Act.
- (8) The Authority may with the approval of the Minister vary or alter the charges prescribed under this section from time to time
- (9) With respect to charges not listed in this section or otherwise provided in the regulations made under this Act, the Authority may in compliance with the appropriate guidelines impose such charges as it deems necessary and consistent with its functions under the Act.
- (10) "Prescribed goods and services" means any goods or services made, produced, supplied or provided by or within the port industry which include -
 - (a) providing access to channels, harbours and terminals for use by shipping on a non-discriminatory basis;
 - (b) providing berths for vessels at any Nigerian port;
 - (c) providing port facilities for loading and of unloading vessels at a declared port;
 - (d) providing for storage of goods at a declared port
 - (e) providing access to land in connection with the provision of services of any of the kinds mentioned above on a non discriminatory basis; and
 - (f) any other port services as may be prescribed from time to time by the Authority."

Committee's Recommendation:

That the provision in Clause 37 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 37 do stand part of the Bill, put and agreed to.

Clause 38: Harbour dues, fees, rates and persons liable to pay.

- (1) Subject to the provisions of this Part and the approval of the Minister, the Authority may levy such harbour dues, fees and rates on every vessel -
 - (a) entering or leaving a port or the approach to a port or Nigeria Maritime domain in respect of the passengers, animals or cargo carried on the vessel; or

- (b) arrested at any berth or place within the port.
- (2) The Authority may charge such dues as it deems fit in respect of every movement of a vessel within a pilotage district.
- (3) The following persons shall be liable for the payment of harbour dues and rates -
 - (a) the vessel agent;
 - (b) in the case of harbour dues or rates payable in respect of inbound cargo, passengers or animals, every consignor or agent of the vessel who has paid or made himself liable to pay any charge on account of the vessel in its port of arrival or discharge; and
 - (c) in the case of harbour dues or rates payable in respect of outbound cargo, passengers or animals, every consignee or agent of the vessel who has paid or made himself liable to pay any charge on account of the vessel in its port of departure.

Committee's Recommendation:

That the provision in Clause 38 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 38 do stand part of the Bill, put and agreed to.

Clause 39: Master to supply information on arrival.

- (1) The Master of a vessel arriving in a port shall produce to the Authority-
 - (a) the vessel's full documentation;
 - (b) a list of all inbound cargo, passengers and animals, the name of the consignee of the cargo intended to be discharged;
 - (c) Where -
 - (i) the whole cargo is intended to be discharged, a copy of the manifest of the cargo, or
 - (ii) only a part of the cargo is intended to be discharged, the written details of the types, weights and quantities of such cargo.
 - (d) a declaration of any hazardous cargo including its detailed description and peculiarities; and
 - (e) such other information in relation to the vessel, passengers, animals and its cargo as may be prescribed by the Authority.
- (2) The particulars required by subsection (1) of this section shall be produced in such form and within such time as may be prescribed by the Authority.

Committee's Recommendation:

That the provision in Clause 39 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 39 do stand part of the Bill, put and agreed to.

Clause 40: Master to supply information before departure.

- (1) The master of a vessel shall when applying for the outward clearance of his vessel, produce to the Authority -
 - (a) a list of all outbound cargo, passengers and animals;
 - (b) written details of the types, quantities and weights of all cargo shipped on board in the port; and
 - (c) such other information in relation to the vessel, cargo, passengers or animals as may be prescribed by the Authority."
- (2) The particulars required to be produced under subsection (1) of this section shall be delivered in such form and within such time as may be prescribed by the Authority.

Committee's Recommendation:

That the provision in Clause 40 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 40 do stand part of the Bill, put and agreed to.

Clause 41: Time for payment of harbour dues.

Harbour dues and rates payable in respect of -

- (a) inbound cargo, passengers or animals shall be paid before arrival of the vessel; or
- (b) outbound cargo, passengers or animals, shall be paid before loading commences.

Committee's Recommendation:

That the provision in Clause 41 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 41 do stand part of the Bill, put and agreed to.

Clause 42: Ship and pilotage dues.

- (1) Subject to the provisions of this Part, the Authority shall levy on any vessel or structure-
 - (a) ship dues and rates for lighthouse and conservancy;
 - (b) ship dues and rates for buoyage, anchorage, mooring buoy, buoys for pollution control, berthing and other services rendered to a vessel; and
 - (c) pilotage dues
- (2) The dues and rates mentioned under this Part shall be prescribed by regulations issued in accordance with the provisions of this Act.
- (3) The following persons are liable to pay ship dues and rates charged in respect of light, conservancy, buoyage, anchorage, mooring buoy, berthing and other services rendered to a vessel -
 - (i) the master or owner;

- (ii) every consignee or agent who has paid or made himself liable to pay any dues on account of the vessel in her port of arrival or departure.
- (4) The following persons shall be liable to pay pilotage fees and rates charged on a ship under this Act -
 - (a) the master or owner; and
 - (b) in the case of -
 - (i) pilotage inwards, every consignee or agent who has paid or made himself liable to pay any fees on account of the vessel in her port of arrival or departure, and
 - (ii) pilotage outwards, every consignee or agent who has paid or made himself liable to pay any fees on account of the vessel in her port of departure.

Committee's Recommendation:

That the provision in Clause 42 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 42 do stand part of the Bill, put and agreed to.

Clause 43: Consignee or agent may retain ship's dues out of owner's money.

When any vessels' dues are paid by a person who is made liable under the provisions of this Act not being the master or owner of the vessel, that person may retain, out of any money in his hands received on account of the vessel or its owner-

- (a) the amount of dues paid by him; and
- (b) any reasonable expenses he may have incurred by reason of that payment or liability.

Committee's Recommendation:

That the provision in Clause 43 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 43 do stand part of the Bill, put and agreed to.

Clause 44: Levy of rates.

Subject to the provisions of this Part, the Authority shall levy such rates made by regulations pursuant to this Act, prescribe for the use of any facility, work or appliance provided or any service to be performed in respect of any vessel or goods and for any of the following -

- (a) the landing, loading, shipping, wharfage, crannage, storage, carriage or demurrage of goods;
- (b) the carriage of passengers or animals;
- (c) the use by any vessel or person of any wharf;
- (d) the use of any gear, tackle, tool, instrument or staging supplied for the purpose of any vessel using any wharf;
- (e) the use of any vessel or lighter, or any engine or boat for the extinction of fire, belonging to or maintained by the Authority;

- (f) the towing of, and rendering assistance to, any vessel, whether leaving or entering a wharf within or outside of the port;
- (g) for water supplied by the Authority;
- (h) for the removal of waste or refuse from any vessel;
- (i) for monitoring port environmental pollution control;
- (j) for performing any transshipment operation; or
- (k) for any offshore Stevedoring Services.

Committee's Recommendation:

That the provision in Clause 44 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 44 do stand part of the Bill, put and agreed to.

Clause 45: Rates Payable.

In the case of goods to be discharged, the rate(s) payable for discharge of goods shall be paid immediately on the discharge of the goods; and in the case of goods to be removed from the premises of the Authority or to be shipped, the rate(s) payable shall be paid before the goods are removed or loaded on board a vessel."

Committee's Recommendation:

That the provision in Clause 45 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 45 do stand part of the Bill, put and agreed to.

Clause 46: Lien for freight preserved after landing if notice is given.

- (1) Where the master or owner of a vessel, or his agent or the person by whom the goods are discharged, at or before the time of discharge from the vessel of any goods at any wharf or other premises of the Authority, gives notice in writing that those goods are to remain subject to a lien for freight, primage or general average or charges to an amount to be mentioned in the notice, the goods shall continue to be liable to the same lien, if any, for the charges as they were subject before the landing of the goods.
- (2) The Authority or concessionaire shall retain the goods at the risk and expenses of the owner of the goods until the lien is discharged in accordance with the provision of this Act, or until the goods are sold by the Authority or concessionaire in accordance with the provisions of section 47 of this Act."

Committee's Recommendation:

That the provision in Clause 46 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 46 do stand part of the Bill, put and agreed to.

Clause 47: Discharge of lien by payment or release.

The Authority or concessionaire may permit goods liable to a lien to be removed on production of -

- (a) a receipt for the amount claimed; or
- (b) a release notice for the amount of any lien to which goods are liable from the person by or on whose behalf a notice has been given."

Committee's Recommendation:

That the provision in Clause 47 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 47 do stand part of the Bill, put and agreed to.

Clause 48: Power of the Authority to sell if rates are not paid or lien not discharged.

- (1) Where the rates payable in respect of any goods are not paid or the lien for freight, primage, general average or charges after the issuance of notice under the provisions of this Act is not discharged, the Authority shall sell by public auction -
 - (a) at the expiration of 60 days from the time when the goods were placed in its custody; or
 - (b) if the goods are of perishable nature, at such earlier period, not less than 24 hours after the discharge of the goods.
- (2) The Authority may sell the goods in accordance with the provision of sub-section (1) of this section, if request is made in writing by or on behalf of the person claiming the lien for freight, primage, general average or charges under the provisions of this Act.
- (3) The Authority shall, before putting up goods for sale under subsection (1) of this section, give 21 days' notice of the sale in at least two widely read national daily newspapers unless the goods are of a perishable nature and in the opinion of the Authority, the immediate sale is necessary and advisable, in which case the notice is to be given as the urgency of the case admits.
- (4) Where the address of the owner of the goods or of his agent is on the manifest of the cargo, or in any of the documents which have come into the custody of the Authority is known and is within Nigeria, notice shall also be given to the owner of the goods by letter delivered at that address by hand or by post.
- (5) The title of a bonafide purchaser of goods sold under this section shall not be invalidated by reason of the omission to send a notice under this section, and the purchaser is not bound to inquire whether the notice has been sent.
- (6) Lien on goods for rates shall have priority over all other liens and claims against the goods.

Committee's Recommendation:

That the provision in Clause 48 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 48 do stand part of the Bill, put and agreed to.

Clause 49: Application of proceeds of sale.

- (1) The proceeds of any sale made in accordance with the provisions of this Act shall be applied in the following order -
 - (a) customs and excise duties and warehouse rent owed in respect of the goods;
 - (b) the expenses of the sale;
 - (c) rates and expenses due to the Authority in respect of the goods;
 - (d) freight and other claims or lien of which notice has been given under the provisions of this Act; and
 - (e) surplus, if any, shall be paid to the owner of the goods on demand.
- (2) Where demand is not made within one year from the sale of the goods, the surplus of the proceeds of sale shall be paid to the general account of the Authority and all rights of the owner to the payment shall be extinguished.

Committee's Recommendation:

That the provision in Clause 49 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 49 do stand part of the Bill, put and agreed to.

Clause 50: Power of the Authority to prescribe dues, fees and rates.

- (1) The Authority may make regulations -
 - (a) for the levying of dues, fees and rates for the purposes of this Act;
 - (b) prescribing the conditions on which any work or service will be levied;
 - (c) prescribing the officer and department to whom any information required under this Part, shall be delivered and the place of the delivery and the time within which it shall be made;
 - (d) prescribing the officer and department to whom dues, fees or rates shall be paid, the place of payment and the time within which payment shall be made;
 - (e) providing for the exemption of any vessel, cargo, passenger or animal from all or any dues, fees or rates or part thereof; and
 - (f) for any other matter which is necessary to give effect to the provisions of this Part.
- (2) The regulations made under this section may prescribe different dues, fees or rates for different ports, vessels, cargo, passengers or animals.

Committee's Recommendation:

That the provision in Clause 50 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 50 do stand part of the Bill, put and agreed to.

Clause 51: Restriction on new categories of levies or charges.

The Authority or any other person authorised to own and operate a port, or a concessionaire shall not create any new category or description of fees, levies, rates, charges or surcharge on port users without the approval of the Minister.

Committee's Recommendation:

That the provision in Clause 51 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 51 do stand part of the Bill, put and agreed to.

Clause 52: Assignment of power to collect dues.

A Concessionaire shall with the approval of the Authority in writing, collect dues and fees directly from the port users for services rendered.

Committee's Recommendation:

That the provision in Clause 52 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 52 do stand part of the Bill, put and agreed to.

Clause 53: Power of entry to ascertain dues.

The Authority may, either alone or with any other person, enter into any vessel within the limits of any port, in order to ascertain the dues, fees or rates payable.

Committee's Recommendation:

That the provision in Clause 53 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 53 do stand part of the Bill, put and agreed to.

Clause 54: Weighing and measuring of goods in case of disputes.

Where any difference arises between the Authority and the master of any vessel or the owner of any goods, concerning the weight or quantity of the goods or vessel's draught in respect of which any dues, fees or rates are payable, the Authority -

- (a) shall cause all the goods or vessel's draught to be weighed and measured; and
- (b) may, if necessary, detain the vessel and the goods until they have been weighed or measured.

Committee's Recommendation:

That the provision in Clause 54 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 54 do stand part of the Bill, put and agreed to.

Clause 55: Payment of cost of weighing and measurement.

- (1) Where the weight or measurement of the goods or vessel's draught referred to in this Act are more than that shown by the particulars delivered by the master, the expenses of the weighing or measuring in addition to a 100 percent penalty for the under-declared weight or measurement shall be paid to the Authority by the master, and shall be recoverable in the same manner as dues leviable under this Part.

- (2) Where the weight or quantity of the goods or vessel's draught is the same as that shown by the particulars delivered by the master the Authority shall pay all the expenses of the weighing or measuring and of any unreasonable delay of the vessel.

Committee's Recommendation:

That the provision in Clause 55 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 55 do stand part of the Bill, put and agreed to.

Clause 56: Power of distraint for non-payment of dues, fees and rates.

- (1) Where the agent of a vessel in respect of which any dues, fees or rates are payable fail refuses or neglects to pay the dues, fees or rates on demand, the Authority may distraint the vessel and the tackle, apparel and furniture thereof until the amount of the dues, fees or rates is paid.
- (2) After 14 days commencing from the date of a distraint, any dues, fees, rates or the expenses of such distraint of the vessel and its tackle, apparel and furniture, remain unpaid, and the Authority may cause the vessel or tackle, apparel and furniture distrained to be sold.
- (3) The Authority shall retain the amount of dues, fees and rates or expenses which are owed by the vessel out of the proceeds of the sale and shall deliver the balance to the master of the vessel, on demand.

Committee's Recommendation:

That the provision in Clause 56 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 56 do stand part of the Bill, put and agreed to.

Clause 57: Clearance to be withheld until dues, fees or rates are paid.

- (1) Where the Authority gives to the proper officer or office of the Nigerian Customs Service a notice stating that an amount, specified in the notice, is due in respect of dues or fees or rates leviable under this Act against any vessel or against the master or owner of the vessel, the officer shall not give any discharge or clearance to the vessel until the relevant office of the Nigerian Customs Service has been notified in writing by the Authority that -
 - (a) security has been given by the vessel to the satisfaction of the Authority for the payment of the dues, fees and rates; and
 - (b) the amount of the dues, fees and rates has been paid.
- (2) In this section, "Proper Officer" of the office of the Nigeria Customs Service means the officer or office which is responsible for granting clearance for outbound vessels in the port in respect of which notice is given.

Committee's Recommendation:

That the provision in Clause 57 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 57 do stand part of the Bill, put and agreed to.

Clause 58: Recovery of dues, fees and rates.

Notwithstanding anything contained under the provisions of sections 53 to 56 of this Bill, the Authority may recover by civil suit any dues, fees and rates, expenses, costs or in the case of sale, the balance of any amount due when the proceeds of sale are insufficient.

Committee's Recommendation:

That the provision in Clause 58 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 58 do stand part of the Bill, put and agreed to.

Clause 59: Book specifying dues, fees and rates to be kept at port.

- (1) The Authority shall keep and maintain at its office in each port a book specifying the current dues, fees and rates and shall allow any person to inspect the book at all reasonable times without the payment of a fee.
- (2) Any person providing port services, including a concessionaire, shall keep and maintain at its office in the port a book specifying the current dues, fees and rates and shall allow any person to inspect the book at all reasonable times without the payment of a fee.

Committee's Recommendation:

That the provision in Clause 59 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 59 do stand part of the Bill, put and agreed to.

Clause 60: Exemptions.

The provisions of this Part shall not apply to any -

- (a) Government owned vessel not engaged in commercial activities;
- (b) vessel belonging to the armed forces of the Federation;
- (c) vessel belonging to the armed forces of a foreign country extending reciprocal treatment to vessels belonging to the armed forces of the Federation; or
- (d) vessels bringing in aid or engaged in humanitarian and charitable causes.

Committee's Recommendation:

That the provision in Clause 60 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 60 do stand part of the Bill, put and agreed to.

Clause 61: Application of this Part.

The provisions of this Part of this Act shall apply to all types of vessels, cargo or shipments including cargo owned by the Federal, State and Local Governments of Nigeria except as provided under Section 59 of this Act."

Committee's Recommendation:

That the provision in Clause 61 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 61 do stand part of the Bill, put and agreed to.

PART X: PILOTAGE AND HARBOUR MASTER

Clause 62: Requirement for pilotage.

- (1) Subject to the provision of subsection (2) of this section and other provisions of this Act, only a licensed pilot, certified by the Authority shall navigate any vessel entering, leaving or moving in a pilotage district within a port.
- (2) Pilotage is not compulsory in respect of any vessel or class of vessels that have been exempted from pilotage under the provisions of this Act.

Committee's Recommendation:

That the provision in Clause 62 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 62 do stand part of the Bill, put and agreed to.

Clause 63: Functions of a pilot.

- (1) The pilot's function shall be to advise the master of a vessel to safely navigate in the port, direct its movements and to determine and control the movements of the tugs assisting the vessel under pilotage.
- (2) The pilot shall determine and advise the master on the number of tugs required for pilotage.

Committee's Recommendation:

That the provision in Clause 63 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 63 do stand part of the Bill, put and agreed to.

Clause 64: Duties of the master in relation to pilotage.

- (1) The master of the vessel shall at all times remain in command of the vessel and neither the master nor any person under the master's command may, while the vessel is under pilotage, in any way interfere with the navigation or movement of the vessel or prevent the pilot from carrying out his duties, except in an emergency, where the master may intervene to preserve the safety of the vessel, cargo or crew and take whatever action he considers reasonably necessary to avert the danger.
- (2) Where the master of the vessel intervenes as contemplated in subsection (1) of this section, he shall immediately inform the pilot and, after having restored the situation, shall permit the pilot to proceed with the execution of his duties.
- (3) The master of the vessel shall ensure that the officers and crew are at their posts, that a proper lookout is kept and that the pilot is given all necessary assistance in the execution of his duties.

Committee's Recommendation:

That the provision in Clause 64 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 64 do stand part of the Bill, put and agreed to.

Clause 65: Authority's powers in relation to pilot.

Subject to the provisions of this Part, the Authority -

- (a) shall authorize qualified pilots for a pilotage district; and
- (b) may do such other things in relation to pilots in a pilotage district as are necessary or expedient for carrying into effect the Authority's powers and duties under this Part.

Committee's Recommendation:

That the provision in Clause 65 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 65 do stand part of the Bill, put and agreed to.

Clause 66: Certification and licensing of pilots.

- (1) A person shall not perform the duties of a pilot in a port without appropriate training and qualification and without a licence by the Authority to do so.
- (2) The Government Agency responsible for maritime safety administration-
 - (a) may recommend to the Authority the minimum qualifications for any person to be qualified as a pilot, including the content and nature of examinations, if any, to be undertaken; and
 - (b) shall consult with the Authority regarding the content of the minimum qualifications referred to in this subsection before any recommendation is made.
- (3) The licence issued to a pilot shall indicate the limits within which he is qualified to act.

Committee's Recommendation:

That the provision in Clause 66 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 66 do stand part of the Bill, put and agreed to.

Clause 67: Establishment of pilotage districts.

- (1) The Minister may, by regulation published in the Gazette, establish a pilotage district -
 - (a) in any port;
 - (b) in the approach to any port;
 - (c) in the waterways and territorial waters of Nigeria; or
 - (d) in the Exclusive Economic Zone of Nigeria.
- (2) Regulations made under subsection (1) of this section may -
 - (a) provide that in any pilotage district or in any part thereof pilotage shall be compulsory; and
 - (b) define the limits of any pilotage district; distinguishing where pilotage is compulsory.

- (3) Until other provisions are made by regulations pursuant to this section, any pilotage district defined by regulations or Order in force immediately before the commencement of this Act, shall be deemed to be a pilotage district for the purposes of this Act and every area in which pilotage was made compulsory under the existing regulations or Order shall be deemed to have been defined as a compulsory pilotage district under this section.

Committee's Recommendation:

That the provision in Clause 67 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 67 do stand part of the Bill, put and agreed to.

Clause 68: Establishment and Membership of Pilotage Boards.

- (1) The Minister shall by order, establish, a Pilotage Board for every compulsory Pilotage district and shall for a Pilotage district in which or in any part of which Pilotage is compulsory, establish a Pilotage Board.
- (2) A Pilotage Board shall consist of -
- (a) the Harbour Master of the Pilotage District, as Chairman; and
- (b) not less than two or more than four persons appointed by the Authority, with the approval of the Minister.
- (3) A member of the Pilotage Board may be appointed for a period not exceeding three years, and may be re-appointed for another term of three years and no more.
- (4) A member of the Pilotage Board may at any time resign his membership by sending his resignation in writing to the Authority.
- (5) A Pilotage Board shall -
- (a) hold inquiries concerning conduct of pilots in the discharge of their duties in the Pilotage district;
- (b) license pilots for the Pilotage district on behalf of the Authority; and
- (c) old examinations in connection with licensing of pilots for the Pilotage district.
- (6) A Pilotage Board shall meet at such time and place as the Chairman of the Board may, from time to time, appoint.
- (7) Two members of a Pilotage Board shall form a quorum.
- (8) The Chairman shall preside at every meeting of a Pilotage Board and in his absence, the members present shall appoint one of them to preside.
- (9) Every question which comes before a Pilotage Board at any meeting shall be decided by a majority of votes.
- (10) The Chairman or any member presiding at any meeting shall have a vote and, in the case of a tie, shall have a casting vote.

- (11) Minutes shall be kept of the proceedings of a Pilotage Board and the minute shall be signed by the person who presided at the meeting.
- (12) A Pilotage board may and shall, when directed by the Minister, hold an inquiry into the conduct of-
 - (a) a Pilot against whom an allegation of misconduct is made; or
 - (b) a Pilot in charge of a vessel which-
 - (i) touches the ground; or
 - (ii) runs foul of any other vessel; or
 - (iii) runs foul of a wharf, buoy, mole or beacon.
- (13) A Pilotage Board holding an inquiry under this Act may summon and examine witnesses on oath and call for any document in any matter before it.
- (14) Where a pilot is aggrieved by a decision or recommendation of a Pilotage Board, he may, within thirty days from the date of the decision or recommendation, appeal to the Minister.
- (15) The Minister may, after considering the appeal-
 - (a) affirm or reverse the finding; or
 - (b) subject to the provisions of this Act, alter the nature of the punishment; or
 - (c) in the case of a recommendation to the Authority under section 48(2) of this Act, support, comment on, or oppose the recommendation.
- (16) The decision of the Minister on an appeal shall be final.

Committee's Recommendation:

That the provision in Clause 68 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 68 do stand part of the Bill, put and agreed to.

Clause 69: Navigation in a pilotage district.

- (1) A vessel, other than an exempted vessel, shall, while navigating in a pilotage district in which pilotage is compulsory, be under the pilotage of-
 - (a) the Authority's pilot; or
 - (b) a pilot certified and authorised by the Authority.
- (2) A vessel being moved within a port or entering or leaving a port, which is or forms part of a pilotage district, shall be deemed to be a vessel navigating in a pilotage district.
- (3) For the purposes of subsection (1) of this section, the following vessels are exempted from application under this section -
 - (a) vessel belonging to the armed forces of Federation;

- (b) vessels owned or operated by the Authority;
- (c) pleasure yachts;
- (d) ferry boats sailing as such exclusively within a port;
- (e) vessels not exceeding ten tons gross tonnage; and
- (f) vessels exempted from compulsory pilotage by regulations made under this Act.

Committee's Recommendation:

That the provision in Clause 69 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 69 do stand part of the Bill, put and agreed to.

Clause 70: Declaration as to draught of vessels.

A pilot may require the master of any vessels which he is piloting to declare her draught of water, length and beam, and such other information as may be required for its safe piloting and the master shall comply.

Committee's Recommendation:

That the provision in Clause 70 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 70 do stand part of the Bill, put and agreed to.

Clause 71: Pilot to produce license.

Every pilot shall be provided with his licence and shall on request, produce it to the master of the vessel.

Committee's Recommendation:

That the provision in Clause 71 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 71 do stand part of the Bill, put and agreed to.

Clause 72: Liability of the master or owner under pilotage.

The master or owner of a vessel for which pilotage is compulsory shall be liable for any loss or damage caused by the vessel or by any navigation in the same manner as he would if pilotage were not compulsory.

Committee's Recommendation:

That the provision in Clause 72 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 72 do stand part of the Bill, put and agreed to.

Clause 73: Liability of pilot.

The Authority or the pilot shall not be liable for any loss or damage caused by anything done or omitted to be done by the pilot in good faith whilst performing his functions under this Act.

Committee's Recommendation:

That the provision in Clause 73 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 73 do stand part of the Bill, put and agreed to.

Clause 74: Limitation of pilot's liability when bond is given.

- (1) Every pilot shall give a bond in favour of the Authority in such sum as the Authority considers reasonable for the proper performance of his duties under this Part or regulations made under this Act.
- (2) A pilot who has given a bond in accordance with the regulations made under this Act, shall not be liable for loss or damage caused by anything done or omitted to be done by the pilot beyond the penalty of the bond and the amount payable by or to him for pilotage services in respect of the voyage in which he was engaged when the loss or damage occurred.
- (3) Where any proceeding is taken against a pilot for any neglect or want of skill in respect of which his liability is limited as provided by this section, and other claims are made in respect of the same neglect or want of skill, the court in which the proceeding is taken may determine the amount of the pilot's liability.
- (4) On payment into court by the pilot of the amount determined under subsection (3) and (4) of this section, the court may -
 - (a) distribute that amount rateably among the several claimants;
 - (b) stay any proceeding pending in any other court in relation to the same matter;
 - (c) proceed in such manner and subject to such directions as to -
 - (i) making persons interested parties to the proceeding;
 - (ii) the exclusion of claimants who do not come in within a certain time;
 - (iii) requiring security from such pilot, and payment of any costs; as the court may deem fit.

Committee's Recommendation:

That the provision in Clause 74 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 74 do stand part of the Bill, put and agreed to.

Clause 75: Appointment of a Harbour Master.

- (1) The Authority shall appoint a harbour master for every pilotage district.
- (2) The Authority shall ensure that a qualified Harbour Master is at all times engaged for every pilotage district.

Committee's Recommendation:

That the provision in Clause 75 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 75 do stand part of the Bill, put and agreed to.

Clause 76: Delegation of functions by Harbour Master.

- (1) Subject to the provisions of this Part and the approval and directives of the Authority, a Harbour Master may authorize a person approved by the Authority to exercise his function.
- (2) An authorisation under this section may be general or may apply only to the exercise of such functions as are specified in the instrument of authorisation.

Committee's Recommendation:

That the provision in Clause 76 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 76 do stand part of the Bill, put and agreed to.

Clause 77: Functions and general powers of Harbour Master.

- (1) A Harbour Master shall perform such functions as are conferred on him by this Act and any regulation made hereunder.
- (2) A Harbour Master shall -
 - (a) ensure compliance with laws and regulations on nautical safety and international conventions aboard a vessel, including fishing vessels and other categories of vessels regardless of flag and affiliation;
 - (b) provide for verification of vessel documents and of necessary qualifications of the crew;
 - (c) regulate, restrict or prohibit the movements of vessels in the port and in the approaches to the port;
 - (d) register a vessel's arrival in and departure from the port;
 - (e) direct a pilot service and when necessary assign a pilot to a vessel in regions not requiring compulsory Pilotage;
 - (f) direct where any vessel may be berthed, moored or anchored and the method of anchoring, when dealing with public quays;
 - (g) give directions to a vessel and/or a terminal to ensure safe transport, loading and discharging of dangerous goods in the port;
 - (h) ensure the preservation of law and order in the harbour and berths;
 - (i) coordinate the prevention of marine or other incidents, in the event of any risk of loss of human life or damage to any property;
 - (j) direct the removal of any vessel from any place in the port area to any other place and the time within which such removal is to be effected; and
 - (k) declare berth, locations, anchorages and fairways which may be used by vessels and the areas which are prohibited or restricted.

Committee's Recommendation:

That the provision in Clause 77 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 77 do stand part of the Bill, put and agreed to.

Clause 78: Failure to comply with the directives of the Harbour Master.

- (1) The master of a vessel shall comply with any directive given under this part by the Harbour Master.
- (2) A person who contravenes the provision of subsection (1) of this section shall pay a penalty not exceeding N500,000.00 and in the case of a continuing breach, a further amount not exceeding N50,000.00 for everyday or a part thereof during which the breach continues.
- (3) A person who wilfully obstructs the Harbour Master or a person acting under his directive shall pay a penalty of an amount not exceeding N500,000.00.

Committee's Recommendation:

That the provision in Clause 78 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 78 do stand part of the Bill, put and agreed to.

Clause 79: Liability of Harbour Master.

The Authority or the Harbour Master shall not be liable for loss or damage caused by anything done or omitted to be done by the Harbour Master in good faith while performing his functions under this Act.

Committee's Recommendation:

That the provision in Clause 79 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 79 do stand part of the Bill, put and agreed to.

**PART XI: PROVISIONS ON PIERS, WHARVES
AND SAFETY MATTERS**

Clause 80: Restriction on piers, jetties and wharves.

- (1) A person shall not erect, re-erect, alter, extend, own or occupy a pier or a jetty, or a wharf in a port or in the approach to a port or any place within any port except in accordance with a concession or permit granted by the Authority.
- (2) A person who contravenes the provisions of subsection (1) of this section shall be liable to pay a contravention fee not exceeding N800,000.00 for each day of default."
- (3) The Authority shall make regulations for the management and control of wharves and premises and the maintenance of good order therein.

Committee's Recommendation:

That the provision in Clause 80 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 80 do stand part of the Bill, put and agreed to.

Clause 81: Licences for erection of piers, jetties and wharves.

- (1) The Authority may -
 - (a) on payment of the prescribed fee and in the prescribed form, grant licenses for the erection of piers, jetties and wharves; and
 - (b) renew license granted under paragraph (a) of subsection (1) of this section.
- (2) The grant or renewal of a license under subsection (1) of this section may be made only in accordance with the provisions of this Act and regulations issued from time to time by the Authority.
- (3) Subject to the provisions subsection (2) of this section, a license granted under this section shall be subject to the conditions as may be prescribed by the Authority and may subject to the approval of the Minister, contain special conditions not inconsistent with the provisions of this Act.

Committee's Recommendation:

That the provision in Clause 81 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 81 do stand part of the Bill, put and agreed to.

Clause 82: Removal of piers, jetties and wharves.

- (1) An authorised employee of the Authority may remove or cause to be removed, a pier or jetty or wharf in any port or in the approach to any port or any portion of the port within its zone where the pier, jetty or wharf is erected or operated in contravention of the provisions of this Act or regulations hereunder.
- (2) The provisions of this Part are applicable to any person including Federal, State and Local Government Agencies.

Committee's Recommendation:

That the provision in Clause 82 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 82 do stand part of the Bill, put and agreed to.

Clause 83: Power to make Regulations.

- (1) The Authority may, with the approval of the Minister, make regulations for the management of any port and for the maintenance of good order therein, and in particular and without prejudice to the generality of the foregoing power, may make regulations for all or any of the following purposes -
 - (a) regulating traffic within the limits of the port or the approach to a port;

- (b) regulating the berths and stations to be occupied by ships and the removal of ships from one berth, station or anchorage to another berth, station or anchorage, and the time within which the removal shall be effected;
- (c) regulating vessels while taking in or discharging ballast or cargo;
- (d) keeping free passages of such width as is deemed necessary within any port and along or near to the piers, jetties, landing places, wharves, quays, docks, moorings and other similar works in or adjoining the port and for marking out the spaces to be kept free;
- (e) regulating the anchoring, fastening, mooring and unmooring and warping of all vessels and the use of warps, mooring buoys, chains and other moorings;
- (f) regulating traffic, preventing obstruction and keeping order on piers, jetties and wharves and ensuring the safety of piers, jetties and wharves and any cargo on them;
- (g) regulating the use of fires and lights and the signals to be used and measures to be taken, by day and by night, in case of fire in a port;
- (h) enforcing and regulating the use of navigating lights or signals and of signal lights by vessels;
- (i) regulating the flags and signals to be used by vessels arriving at, lying in and departing from a port;
- (j) regulating the manner in which vessels arriving a port, shall be boarded by the Harbour Master, and the information to be supplied to him by the master;
- (k) regulating the use by vessels of whistles, sirens and other like instruments;
- (l) prohibiting chipping, scaling or noisy repairs on vessel, except at such anchorages or places and at such times as may be prescribed or as the Harbour Master may appoint;
- (m) prohibiting or regulating the erection, maintenance and working of fishing stakes, prescribing the nature of the nets or stakes which may be used, and providing for the licensing of persons authorised to erect and maintain fishing stakes and nets, and prescribing the fees which shall be paid for the licence;
- (n) regulating, whether by way of prohibition or otherwise, the floating of timber, casks or other objects in any port or in the approach to any port and the casting or depositing of any dead body, ballast, rubbish, or other thing into any port or in the approach to any port, in contravention of this Act and for the redemption on payment of expenses and a penalty, within a time limit to be fixed, of anything forfeited;

- (o) providing for the forfeiture of anything found in any port or in the approach to any port in contravention of this Act;
 - (p) prescribing the duties of masters of vessels carrying gunpowder or other explosive or dangerous cargo, and of persons engaged in or supervising the shipping, unshipping, landing and transporting of the cargo;
 - (q) regulating the placement and maintenance of moorings or buoys;
 - (r) regulating and licensing weighing and metering of goods; and
 - (s) regulating and licensing porters and carriers and other labourers employed in the working of port facilities.
- (2) For the breach of any regulation made under subsection (1) of this section, the Authority may prescribe a penalty not exceeding N1,000,000 and in the case of a continuous breach, a further fine not exceeding N50,000 a day for every day during which the breach continues.

Committee's Recommendation:

That the provision in Clause 83 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 83 do stand part of the Bill, put and agreed to.

Clause 84: Wrecks and derelicts, vessels under arrest or detention and abandoned vessels.

- (1) The Authority may -
 - (a) with the consent of the Admiralty Marshall, order that a vessel which has been arrested or attached by an Order of Court be moved to another safe place within the port and if necessary, move such vessel to that place;
 - (b) search for, raise, remove or destroy any sunken, stranded or abandoned vessel or wreck and any other obstruction within the port limits, and recover the costs incurred in connection with such searching, raising, removal or destruction from the owner of the vessel or any other person who had the beneficial use of the vessel at the time it sank, became stranded or was abandoned;"
 - (c) search for and remove any wreck or obstruction which may endanger the safety of any vessel entering or leaving the port, and recover the costs of such search and removal from the owner of the wreck or obstruction, or from any person responsible for the presence of such wreck or obstruction;
- (2) The Authority may give notice to the owner or other person legally responsible for the upkeep of any vessel within the port limits, directing such owner or person to remove or dispose of such vessel, or part thereof, which is not seaworthy or is likely to become an obstruction, wreck or derelict or a threat to the environment or public safety and to recover from that owner or person all costs incurred for the removal or disposal if the owner or person fails to comply with the notice within the time specified in it.

- (3) The Authority may after written demand for any costs contemplated in subsection (2) of this section, and on non-payment of the costs, sell the relevant vessel or wreck and out of the proceeds of the sale defray such unpaid costs, rendering the surplus, if any, to the person entitled to it, or recovering any unpaid balance from the owner or other person referred to in subsection (2) of this section or institute an admiralty action under the Admiralty Jurisdiction Act, CAP A5, Laws of the Federation of Nigeria 2004 to recover the costs.
- (4) Subject to the provisions of this section, the Authority shall act as the Assistant Receiver of Wrecks.

Committee's Recommendation:

That the provision in Clause 84 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 84 do stand part of the Bill, put and agreed to.

**PART XII: LIABILITY AND LEGAL PROCEEDINGS IN
RELATION TO THE AUTHORITY**

Clause 85: Liability for acts of others.

The Authority shall not be liable for any injury, loss, damage or cost sustained by any person as a result of any default, negligence, breach or other wrongful act or omission of a licensee or concessionaire under this Act or an agent or employee of the licensee or concessionaire.

Committee's Recommendation:

That the provision in Clause 85 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 85 do stand part of the Bill, put and agreed to.

Clause 86: Limitation of Authority's liability.

- (1) Where the Authority is not at actual fault or privity, it shall not be liable for any loss, damage or destruction caused to any vessel or goods or other things on board any vessel in aggregate amount exceeding N1,000.00 for each ton of the vessel's tonnage."
- (2) For the purposes of this Act, the tonnage of a vessel shall be ascertained as provided by the Merchant Shipping Act, 2007.

Committee's Recommendation:

That the provision in Clause 86 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 86 do stand part of the Bill, put and agreed to.

Clause 87: Liability for loss or damage to cargo.

Nothing in this Part shall impose on the Authority or any person duly authorized by it any liability for the loss or destruction of or damage to any goods arising from

- (a) fire or flood, unless caused by the actual fault or privity of the Authority;
- (b) an act of God;

- (c) an act of war or of public enemies;
- (d) arrest or seizure under any legal process;
- (e) quarantine restrictions;
- (f) any act, omission or default of the owner or carrier of such goods;
- (g) strikes, lockouts or stoppages or restraints of labour from whatever cause, whether partial or general;
- (h) riots and civil commotion;
- (i) saving or attempting to save life or property;
- (j) a declaration of goods as overtime or abandoned goods or the sale, auction, destruction or any kind of disposal made pursuant to the declaration;
- (k) an act or omission of the consignor, consignee or depositor or of the servant or agent of any such person;
- (l) insufficient or improper packing, defective or insufficient marks or leakage from defective drums, containers or packages;
- (m) any inherent wastage in bulk or weight, latent or inherent defect or natural deterioration;
- (n) any deficiency in the contents of unbroken packages; or
- (o) the dangerous nature of such goods.

Committee's Recommendation:

That the provision in Clause 87 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 87 do stand part of the Bill, put and agreed to.

Clause 88: **Restriction on execution against the property of the Authority.**

In an action or suit against the Authority, no execution or attachment or process in the nature thereof shall be issued against it, but any sums of money which may, by the judgment of the court, be awarded against the Authority shall, subject to any directives given, be paid from the funds of the Authority.

Committee's Recommendation:

That the provision in Clause 88 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 88 do stand part of the Bill, put and agreed to.

Clause 89: **Legal Proceedings.**

- (1) No suit shall be commenced against the Authority before the expiration of a period of one month after written notice of intention to commence the suit have been served on the Authority by the intending plaintiff or his agent and the notice shall clearly and explicitly state the -

- (a) cause of action;
 - (b) particulars of the claim;
 - (c) name and place of abode of the intending plaintiff; and
 - (d) relief which it claims.
- (2) No suit against the Authority or any employee of the Authority for any act done in pursuance or intended execution of any Act or Law, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of such Act or Law, duty or authority shall lie or be instituted in any court, unless it is commenced within twelve months after the act, neglect or default complained of or in the case of a continuing damage or injury, within twelve months next after the ceasing thereof.
- (3) For the purposes of this section -
"Suit" means a civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court and includes an action but not a criminal proceeding.
- (4) The notice referred to in section 88(1) of this Act and any summons or other documents required or authorised to be served on the Authority in connection with a suit by or against it, may be served by -
- (a) delivering it to the Managing Director;
 - (b) sending it by registered post addressed to the Managing Director at the head office of the Authority; or
 - (c) electronic means through the e-mail or website of the Authority.

Committee's Recommendation:

That the provision in Clause 89 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 89 do stand part of the Bill, put and agreed to.

Clause 90: Restriction on execution against property of the Authority.

In any action or suit against the Authority, no execution shall be levied or attachment process issued against the Authority unless not less than thirty days' notice of the intention to execute or attach has been given to the Authority.

Committee's Recommendation:

That the provision in Clause 90 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 90 do stand part of the Bill, put and agreed to.

PART XIII: OFFENCES AND PENALTIES

Clause 91: Removal or damage to property of the Authority.

A person who removes, destroys or damages any infrastructure, equipment and marine environment property belonging to or in the custody or possession of the Authority or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated, commits an offence and is

liable on conviction to a fine of not less than N800,000.00 and shall make good any loss, destruction or damage suffered by the Authority, including the expenses of any inspection or survey carried out by the Authority to ascertain the loss, destruction or damage.

Committee's Recommendation:

That the provision in Clause 91 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 91 do stand part of the Bill, put and agreed to.

Clause 92: Unlawful operation of port services or facilities.

A person who establishes, installs, maintains, provides or operates any marine service or facility or any port service or facility without an approval from the Authority commits an offence and is liable on conviction to a fine of not less than N1,000,000.00 or to imprisonment for a term of not less than three years or to both and in the case of a continuing offence, to a further fine of not less than N120,000.00 for every day or part thereof during which the offence continues.

Committee's Recommendation:

That the provision in Clause 92 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 92 do stand part of the Bill, put and agreed to.

Clause 93: Evasion of dues.

An owner, agent or a master of any vessel or consignor or consignee of any goods who evades or attempts to evade, neglects or omits to pay any dues, rates, charges or fees payable under this Act commits an offence and is liable on conviction to a fine of not less than N800,000.00 or to imprisonment for a term of not less than 6 months or to both and shall in addition be liable to pay to the Authority a penalty double the amount of the dues, rates, charges or fees evaded or attempted to evade, neglected or omitted to pay.

Committee's Recommendation:

That the provision in Clause 93 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 93 do stand part of the Bill, put and agreed to.

Clause 94: Giving false statement in returns.

A person who makes any statement whether knowingly or recklessly which is false in any return, claim or other document which is requested or authorised to be made by or under this Act or any regulations pursuant to this Act commits an offence and is liable on conviction to a fine of not less than N800,000.00 or to imprisonment for a term of not less than twelve months or to both.

Committee's Recommendation:

That the provision in Clause 94 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 94 do stand part of the Bill, put and agreed to.

Clause 95: Offences in connection with safety of vessels, etc.

- (1) A person who wilfully and without lawful authority loosens or removes from its moorings or from its fastenings alongside any wharf or dock, any vessel in the port without permission or lawful authority from the master or owner of such vessel or person in charge of such wharf or dock commits an offence.
- (2) A person who wilfully and without lawful authority lifts, injures, makes a vessel fast to, loosens or sets adrift any moorings, buoys, beacons or sea or land marks commits an offence.
- (3) A person who without any lawful excuse discharges any gun in the port except for the purpose of making a signal of distress or for such other purpose as is allowed under any written law commits an offence.
- (4) A person who graves, breams or smokes any vessel in the port, or boils or heats any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within the port, at any time or within any limits at or within which such act is prohibited by any order of the Minister, or contrary to the orders or directives of the Harbour Master or the master of such vessel commits an offence.
- (5) A person who does or omits to do any act on board any vessel in the port which has caused or may cause fire on board such vessel commits an offence.
- (6) A person who uses a vessel or permits a vessel to be used in the port when the vessel is -
 - (a) in such a state that by reason of the defective condition of its hull, equipment or machinery, or by reason of under-manning or otherwise, the life of a person is likely to be endangered; or
 - (b) loaded with goods or passengers or with both goods and passengers as to -
 - (i) exceed the number of passengers allowed by the vessel's safety certificate to be carried or received on the vessel, and
 - (ii) submerge the appropriate subdivision load line on each side of the vessel when the vessel has no list and the subdivision load line appropriate to the space for the time being allotted to passengers on the vessel is lower than the load line indicating the maximum depth to which the vessel is for the time being entitled under any law to be loaded, commits an offence.
- (7) A person who contravenes the provisions of subsections (1) -(6) this section is liable on conviction to a fine of not less than N1,000,000.00 or to imprisonment for a term of not less than six months or to both.

Committee's Recommendation:

That the provision in Clause 95 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 95 do stand part of the Bill, put and agreed to.

Clause 96: Offences by master of vessel.

- (1) Where a vessel -
 - (a) enters any port or any approach to the port without permission from the Authority; or
 - (b) fails to leave any port or any approach to the port or to leave any berth at the port when required to do so by the Harbour Master, the master commits an offence and is liable on conviction to a fine of not less than N500,000.00 or to imprisonment for a term not less than twelve months or to both.
- (2) Where the master fails to comply with the provisions of subsection (1) of this section, the master shall in addition to the fine, be liable to pay damages assessed in relation to the registered tonnage of the vessel for every hour that the vessel remains at the port or approach to port after the time for departure required by such notice has expired.
- (3) Where a vessel -
 - (a) enters any port or any approach to the port without permission from the Authority; or
 - (b) fails to leave any port or any approach to the port or to leave any berth at the port when required to do so by the Harbour Master, the owner or his agent commits an offence and is liable on conviction; in the case of -
 - (i) an individual, to a fine of N300,000.00 for each day or a part thereof during which the offence continues or to imprisonment for a term of twelve months; and
 - (ii) a body corporate, to a fine of N1,000,000.00 and a further fine of N500,000.00 for each day or a part during which the offence continues.

Committee's Recommendation:

That the provision in Clause 96 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 96 do stand part of the Bill, put and agreed to.

Clause 97: Failure for not keeping a vessel so loaded with ballast or otherwise as to be safely removed.

- (1) Every vessel lying alongside a wharf or within any dock shall be kept equipped, provided and loaded or ballasted to enable it be removed safely whenever it is necessary in the judgment of the Harbour Master.
- (2) Any master or owner of a vessel who contravenes the provision of subsection (1) of this section commits an offence and is liable to a penalty of not less than the sum of N70, 000.00.

Committee's Recommendation:

That the provision in Clause 97 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 97 do stand part of the Bill, put and agreed to.

Clause 98: Throwing ballast and waste into port waters.

A person who throws or empties into any port waters any ballast or waste however described commits an offence and is, in addition to other penalty provided in any applicable laws, liable on conviction, in the case of -

- (a) oil or chemical waste to a fine of not less than N10,000,000.00 or such higher fine as the court may determine; and
- (b) non-oil or bio-degradable waste, a fine of not less than the sum of N5,000,000.00.

Committee's Recommendation:

That the provision in Clause 98 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 98 do stand part of the Bill, put and agreed to.

Clause 99: Giving false information as to draught of vessel and cargo.

- (1) An owner, agent or a master of a vessel entering or leaving or within the port or the approaches to a port who makes any negligent misstatement or gives false information of the type of vessel, its draught, length, beam or height to the Authority - commits an offence and is liable on conviction to a fine of not less than N 5,000,000.00 or to imprisonment for a term of not less than 6 months or to both
- (2) For the purposes of this section, "height of vessel" shall be the height of the vessel measured vertically from the waterline of the vessel to the highest point of the vessel including its cargo, structure or equipment on board.

Committee's Recommendation:

That the provision in Clause 99 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 99 do stand part of the Bill, put and agreed to.

Clause 100: Removal or damage to lighthouses, buoys and beacons.

A person who wilfully or negligently -

- (a) removes, alters or damages any lighthouse or light exhibited therein or any buoy or beacon or other light placed by the Authority; or
- (b) rides by, makes fast to or runs foul of any lighthouse, buoy or beacon or other lights placed by the Authority, commits an offence and is liable on conviction to a fine of not less than N1,000,000.00 and shall in addition make good any loss, destruction or damage caused by the contravention.

Committee's Recommendation:

That the provision in Clause 100 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 100 do stand part of the Bill, put and agreed to.

Clause 101: Prohibition of false lights at the lighthouses

- (1) When any fire or light is burned or exhibited at any place or in a manner as to be likely mistaken for a light proceeding from a lighthouse, buoy, beacon or other light placed by the Authority, the Authority may serve a notice on the —
 - (a) owner or occupier of the place where the fire or light is burned or exhibited; or
 - (b) person having charge of the fire or light, directing the owner, occupier or person, within a reasonable time to be specified in the notice, to extinguish or screening the fire or light and to prevent the fire or light or any similar fire or light from being burned or exhibited thereafter.
- (2) The notice may be served either personally or by delivering it at the place of abode of the person to be served, or by affixing it in some conspicuous spot near the fire or light to which the notice relates.
- (3) Any owner or person, on whom a notice under this section is served, who fails, without reasonable cause, to comply with the directions contained in the notice, commits an offence and is liable on conviction for each offence to a fine of not exceeding N50,000.00 and a further fine of not less than N50,000.00 for every day during which the offence continues.
- (4) If any owner or person on whom a notice under this section is served neglects, for a period of twenty-four hours to extinguish or effectually screen the fire or light mentioned in the notice, an authorised employee of the Authority with other assistants, may—
 - (a) enter on the place where the fire or light is, and extinguish the fire or light from doing no further damage than is necessary; and
 - (b) recover the expenses incurred by him from the owner or person on whom the notice has been served.

Committee's Recommendation:

That the provision in Clause 101 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 101 do stand part of the Bill, put and agreed to.

Clause 102: Obstructing authorised entry

A person who wilfully obstructs any person doing any of the acts authorised by the provisions of this Act commits an offence and is liable on conviction to a fine of N800,000.00 or to imprisonment for a term of not less than 12 months or to both.

Committee's Recommendation:

That the provision in Clause 102 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 102 do stand part of the Bill, put and agreed to.

Clause 103: Navigation without pilot

Where —

- (a) a vessel navigates without a pilot in circumstances in which a pilot is to be engaged under any of the provisions of this Act, or

- (b) the master refuses to comply with any request made under this section, or makes or is privy to the making of any false statement in answer to such request, the master commits an offence and is liable, on conviction, to a fine of not less than N800,000.00, and shall in addition pay the pilotage fees which would have been paid if the Authority's pilot had been employed.

Committee's Recommendation:

That the provision in Clause 103 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 103 do stand part of the Bill, put and agreed to.

Clause 104: Illegal piloting

- (1) A person who offers his services as a pilot —
 - (a) without the permission of the Authority and without being duly licensed; or
 - (b) while his license as a pilot is cancelled, suspended or revoked, commits an offence
- (2) Any pilot who —
 - (a) lends his licence to, or allows his licence to be used by, any other person; or
 - (b) pilots outside the limits specified in his licence; or
 - (c) acts as a pilot while under the influence of alcohol or drugs; commits an offence.
- (3) A person who contravenes the provisions of this section is liable on conviction, to a fine of not less than N800,000.00 or to imprisonment for a term of not less than twelve months or to both.

Committee's Recommendation:

That the provision in Clause 104 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 104 do stand part of the Bill, put and agreed to.

Clause 105: Failure of compliance by master

Any master who contravenes any of the provisions of this Act commits an offence and is liable on conviction, to a fine of not less than N500, 000.00 or to imprisonment for a term of not less than twelve months or to both.

Committee's Recommendation:

That the provision in Clause 105 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 105 do stand part of the Bill, put and agreed to.

Clause 106: Persons endangering life or property

Where a person taking part in the loading, unloading or warehousing of goods in any port endangers the safety, life, limb, body or property of a person —

- (a) by contravening any of the provisions of this Act or of any regulation made pursuant to this Act; or

- (b) by any rash or negligent act, commits an offence and is liable on conviction, to a fine of not less than N500,000.00 or to Imprisonment for a term not less than six months or to both.

Committee's Recommendation:

That the provision in Clause 106 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 106 do stand part of the Bill, put and agreed to.

Clause 107: Non - compliance with directives of the Authority or with any provision of this Act

- (1) A person who —
- (a) without lawful excuse, refuses, neglects or fails to comply with any directive lawfully given by the Authority in exercise of its powers under this Act; or
- (b) fails to comply with any provision of this Act or regulations made pursuant to this Act, commits an offence and, unless another penalty is established for such offence in this Act, shall, in addition to the forfeiture of any article seized, is liable on conviction, to a fine of not less than N1,000,000.00 or to imprisonment for a term of not less than twelve months or to both and in the case of a continuing offence to a further fine of not less than N200,000.00 for every day during which the offence continues.
- (2) Where any person without lawful excuse refuses or neglects to obey any directive lawfully given under this Act or regulations made pursuant to this Act commits an offence, and the Authority may, irrespective of whether any proceedings have been instituted against or punishment imposed on such person for the refusal or neglect, do or cause to be done all such acts as in its opinion are reasonable or necessary for the purpose of carrying out such directive.
- (3) The powers conferred by subsection (2) of this section include the power to hire and employ such persons as are necessary and proper for making good whatever loss or damage that has been caused by any refusal or neglect of the person to whom the directive has been given.
- (4) Any expenses incurred by the Authority in the exercise of its powers under this section shall be recoverable from the person to whom the directive has been given.

Committee's Recommendation:

That the provision in Clause 107 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 107 do stand part of the Bill, put and agreed to.

Clause 108: Unlawfully loosening moorings.

A person who wilfully sets adrift, cuts, breaks or unfastens the moorings of a vessel commits an offence and is liable on conviction to a fine of not less than N10,000,000.00 or to imprisonment for a term of not less than 5 years or to both.

Committee's Recommendation:

That the provision in Clause 108 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 108 do stand part of the Bill, put and agreed to.

Clause 109: Wilfully sinking vessels

A person who willfully sinks any vessel in a port or in the approach to the port, without the permission in writing of the Harbour Master, commits an offence and is liable on conviction to a fine of not less than N50,000,000.00 or imprisonment for a term of not less than 15 years or to both and shall in addition, pay to the Authority, the expenses incurred by the Authority in salvaging the vessel."

Committee's Recommendation:

That the provision in Clause 109 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 109 do stand part of the Bill, put and agreed to.

Clause 110: Demanding of improper amounts by an employee

An employee of the Authority, who, with intent to defraud, demands or receives from any person liable to pay any dues, fees or rates imposed under this Act, in respect of any matter, any other amount than is authorised to be levied by the regulations for the time being in force in respect of that matter, commits an offence and is liable on conviction to a fine of not less than N500,000.00 or imprisonment for a term of not less than 12 months or to both and shall in addition, pay to the Authority 10 times the amount that would have been paid.

Committee's Recommendation:

That the provision in Clause 110 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 110 do stand part of the Bill, put and agreed to.

Clause 111: Application of sections 98, 99 and 100 of the Criminal Code

An employee of the Authority shall be deemed to be a person employed in the public service of the Federation for the purpose of Sections 98, 99 and 100 of the Criminal Code.

Committee's Recommendation:

That the provision in Clause 111 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 111 do stand part of the Bill, put and agreed to.

Clause 112: Obstructing the Authority in the performance of its duties

A person who —

- (a) hinders or obstructs the Authority or assaults any of its employees, agents or contractors in the performance and execution of their duties or of anything which they are empowered or required to do pursuant to the provisions of this Act; or
- (b) removes any mark set up for the purpose of indicating any level or direction necessary for the execution of works authorised by this Act, commits an offence and is liable on conviction to a fine of not less than N800,000.00 or to imprisonment for a term of not less than twelve months or to both.

Committee's Recommendation:

That the provision in Clause 112 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 112 do stand part of the Bill, put and agreed to.

Clause 113: Preservation of secrecy

- (1) A person who is or has been a member, an officer, employee, adviser or agent of the Authority or a member of a committee of the Authority shall not disclose any information relating to the affairs of the Authority or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law.
- (2) A person who contravenes the provision of subsection (1) of this section commits an offence and is liable on conviction to a fine of not less than N300,000.00 or to imprisonment for a term of not less than 6 months or to both.

Committee's Recommendation:

That the provision in Clause 113 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 113 do stand part of the Bill, put and agreed to.

Clause 114: Offences by companies

- (1) Where an offence under this Act or regulations made pursuant to it has been committed by a company or other body of persons, any person who at the time of the commission of the offence was a director, manager or partner in the corporate body or other body of persons who acted in such capacity may be charged with the same offence.
- (2) Where a company or other body of persons is convicted of an offence under this Act, any person charged with the same offence shall on conviction be liable to the penalty for that offence unless he proves that the offence was committed without his knowledge or consent and that he exercised all due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

Committee's Recommendation:

That the provision in Clause 114 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 114 do stand part of the Bill, put and agreed to.

Clause 115: Penalties to be paid to the Authority

All penalties imposed for any breach under this Act or regulations made pursuant to it and all sums collected under this Act shall be paid into the Fund established under section 16 of this Act.

Committee's Recommendation:

That the provision in Clause 115 be retained (*Senator Ahmed R. Sani — Zamfara West*) — Agreed to.

Question that Clause 115 do stand part of the Bill, put and agreed to.

PART XIV — MISCELLANEOUS

Clause 116: Exemption of Authority's land

Notwithstanding the provisions of any other laws, wharves shall not be regarded as a hereditament or tenement to be valued for rating purposes and the Authority shall not be required to pay any rates in respect of wharves or any property situated in the wharves.

Committee's Recommendation:

That the provision in Clause 116 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 116 do stand part of the Bill, put and agreed to.

Clause 117: Power to issue guidelines

- (1) The Authority shall have the power to issue guidelines and standards with respect to the operation of port facilities and services in the port by concessionaires including the determination of performance standards and quality standards of the facilities and services provided by them.
- (2) The Authority may issue guidelines and directives for the management and maintenance of all ports and for the maintenance of good order in the ports including but not limited to —
 - (a) controlling traffic within the limits of the ports;
 - (b) using berths and stations;
 - (c) anchoring, mooring, etc.;
 - (d) preventing obstructions and keeping order on piers;
 - (e) using fires and related signals in case of fire;
 - (f) using of whistles and sirens;
 - (g) chipping, scaling or noisy repairs;
 - (h) floating timber and other objects;
 - (i) explosives;
 - (j) placing and maintaining moorings;
 - (k) weighing and metering;
 - (l) pilotage;
 - (m) harbour; and
 - (n) any construction whatsoever.
- (3) The power to issue Guidelines under section 116 (2) (i) and (k) shall be subject to the existing law on the subject.
- (4) Subject to the provisions of this Act, the Authority shall control —

- (a) navigation within port limits and the approaches to ports;
 - (b) the entry of vessels into ports, their stay, movements or operations in and departures from ports;
 - (c) the loading, unloading and storage of cargo and the embarkation and disembarkation of passengers;
 - (d) off-shore cargo-handling facilities, including navigation in the vicinity of such facilities;
 - (e) pollution and the protection of the environment within the port limits;
 - (f) enhancement of safety and security within the port limits; and
 - (g) merchant shipping and particularly in respect of safety at sea and the prevention of pollution within the ports limits of the ports;"
- (5) Guidelines issued by the Authority shall be duly notified and published and the Authority may recommend to the Minister to issue the guidelines as regulations.

Committee's Recommendation:

That the provision in Clause 117 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 117 do stand part of the Bill, put and agreed to.

Clause 118: Power to collect taxes:

The Authority shall register as an agent of the Federal Inland Revenue Service or any Tax Authority for the purpose of collection of With Holding Tax and Value Added Tax.

Committee's Recommendation:

That the provision in Clause 118 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 118 do stand part of the Bill, put and agreed to.

Clause 119: Advance vessel and cargo information

The owner of any vessel intending to enter any port or harbour in Nigeria for any purpose shall, before the departure of the vessel for Nigeria, submit to the Authority a statement in writing setting out the following information —

- (a) the name and full documentation of the vessel including International Maritime Organization (IMO) numbers where applicable;
- (b) name of the port or ports of sailing;
- (c) estimated time of departure for Nigeria;
- (d) name of the port or ports of discharge in Nigeria;
- (e) estimated date of arrival;

- (f) detailed information including tonnage of the cargo carried in the vessel;
and
- (g) type of cargo on board the vessel.

Committee's Recommendation:

That the provision in Clause 119 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 119 do stand part of the Bill, put and agreed to.

Clause 120: Prohibition of entry into Nigerian Ports and Harbours without permit

A vessel shall not enter a port or harbour or an approach to a port or harbour in Nigeria without prior permission or approval of the Authority.

Committee's Recommendation:

That the provision in Clause 120 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 120 do stand part of the Bill, put and agreed to.

Clause 121: Damage to property of the Authority

- (1) Where any damage is done to any property of the Authority by any vessel, equipment or float of timber, the cost of making good the damage, including the expenses of any inspection or survey carried out by the Authority to ascertain the damage, may be recovered by the Authority as a debt from the master, owner or person in charge of the vessel, equipment or float of timber.
- (2) The Authority may detain any vessel, equipment or float of timber responsible for causing the damage to its property until the costs of making good such damage and the expenses described in subsection (1) of this section have been paid to the Authority.
- (3) The Authority may require from the master, owner or person in charge of the vessel, equipment or float of timber to deposit such sum of money or furnish such security in order to meet the costs and expenses for repairing the damage.

Committee's Recommendation:

That the provision in Clause 121 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 121 do stand part of the Bill, put and agreed to.

Clause 122: Repeals

- (1) Save as is provided in this Act, the Nigerian Ports Authority Act, CAP N126, Laws of the Federation of Nigeria, 2004 is repealed.
- (2) The Lagos Port Operations (Special Provisions) Act, Cap L3, LFN, 2004 is repealed.

Committee's Recommendation:

That the provision in Clause 122 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 122 do stand part of the Bill, put and agreed to.

Clause 123: Savings.

- (1) From the commencement of this Act, all assets, liabilities, rights and obligations of the Nigerian Ports Authority established under the repealed Act in subsection (1) of section 121 of this Act shall vest in the Authority established under Part I of this Act and in the manner provided under the Second Schedule to this Act.
- (2) Save as is provided under this Act, all regulations, orders and other subsidiary legislations made under the repealed Act, and in force immediately before the commencement of this Act, shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if they had been made under this Act and shall be treated accordingly.
- (3) Any Fund established by or under any of the provisions of the laws repealed by this Act shall, notwithstanding such repeal and as from the date thereof, continues to be operated as if they had been established under the relevant provisions of this Act and shall be treated accordingly.

Committee's Recommendation:

That the provision in Clause 123 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 123 do stand part of the Bill, put and agreed to.

Clause 124: Consequential amendments.

- (1) The Ports (Related Offences, etc.) Act, Cap P23, LFN, 2004 is amended in the following manner -
 - (a) by the addition of a new subsection (g) under section 1(1) to read: "Port Health";
 - (b) subsection 1(3) is amended by the deletion of the words "or any other person as may be authorised under any law or instrument to that effect" immediately following "...inspection agents";
 - (c) subsection 1(4) is amended by the deletion of the words "or a traveller or a bona fide owner of goods" immediately following "...passenger" and replacing them with "or any person Licensed by the Authority";
 - (d) subsection 1(4)(a) is amended by the insertion of "or any other ports in Nigeria" immediately after the words "this Act";
 - (e) subsection 1(4) is amended by the insertion of a new subsection 1(4)(e) to read: "examine any goods, vessels etc for any purpose whatsoever";
 - (f) subsection 4(a) is amended by the deletion of N10,000 and replacement with "N300,000.00";
 - (g) subsection 4(b) is amended by the insertion of "and" the words "twelve months"; and
 - (h) subsection 4(c) is amended by the deletion of N1,000.00 and replacement with "N20,000.00"

- (2) The Schedule is amended by the addition of: Kirikiri Lighter Terminals (I & II), Ikorodu Lighter Terminal, Federal Ocean Terminal Onne, Federal Lighter Terminal Onne, Warri, Calabar, Burutu, Akassa, Bonny, Degema, Forcados, Escravos, Koko Town, Sapele, Brass and Lekki Deepsea Port;
- (3) The Federal Environmental Protection Agency Act, Cap F10, LFN 2004 is amended in the following manner by the addition of a new subsection 27(3) to read-
- (3) The powers granted under this section shall be exercised in a port, vessel, floating craft or any inland water only upon invitation by the Authority or Nigeria Customs Service and the authorised officer shall only exercise such powers through the Nigeria Customs Service".
- (4) The National Agency for Food and Drug Administration and Control Act, Cap N1, LFN 2004 is amended in the following manner by the addition of a new subsection 5(2) to read.
- (2) The powers and functions granted under this Section shall be exercised in a port, vessel, floating craft or any inland water only upon invitation by the Authority or Nigerian Customs Service and the authorised officer shall only exercise such powers through the Nigerian Customs Service".
- (5) The Utilities Charges Commission Act CAP. U17, LFN, 2004 is amended the First Schedule by deleting the following items -
 - (a) Ferry Services Organisation; and
 - (b) Nigerian Ports Authority"
- (6) The National Drug Law Enforcement Agency Act, CAP N30, LFN 2004 is amended in the following manner:
 - (a) by the addition of a new Subsection 3(3) to read -
- (3) The powers and functions granted under this Section shall be exercised in a port, vessel, floating craft or any inland water only upon invitation by the Authority or Nigerian Customs Service and the authorised officer shall only exercise such powers through the Nigerian Customs Service".
 - (b) Subsection 8(1)(c) is amended by insertion of the words -
"working in collaboration with the Nigerian Customs Service" at the beginning of the sentence immediately before the words "detecting";
 - (c) subsection 8(1)(d) is amended by insertion of the words -
"working in collaboration with the Nigerian Customs Service" at the beginning of the sentence immediately before the words "maintaining";
- (5) Guidelines issued by the Authority shall be duly notified and published and the Authority may recommend to the Minister to issue the guidelines as regulations.

Committee's Recommendation:

Leave out the provision in Clause 124(Senator Ahmed R. Sani — Zamfara West) — Agreed to.

Clause 125: Interpretation.

In this Act -

"Authority" means the Nigerian Ports and Harbours Authority established under section 3 of this Act;

"Aid to navigation" means a device used for the safety of navigation including lighthouses, radio navigational aids, buoys, beacons and any other device or system used to assist the safe and efficient navigation of vessels;

"Beacon" means a prominent specially constructed object forming a conspicuous mark as a fixed aid to navigation;

"Board" means the Board of the Authority established under section 4 of this Act;

"Buoy" includes a floating object of any size, shape and colour which is moored to the seabed and serves as an aid to navigation or for other specific purposes;

"Cargo" or "Goods" includes any substance or article, livestock, minerals, wares and merchandise of every description and any container or other item used to contain any substance or article;

"Chairman" means the Chairman of the Board of the Authority appointed under section 4 (3) of this Act;

"Channel" includes a terminal, the seabed, course, swinging basin, turning circle, an area alongside a berth or dock, fairway, anchorage and berth;

"Channel operator" means in the case of any port waters, a person who manages channels in those waters.

"concession" means an arrangement between the Authority and a third party pursuant to which such third party shall be authorized to provide a port service or operate a port facility in accordance with this Act and the term includes the meaning assigned to it in the ICRC Act.

"Concessioned" shall be interpreted accordingly;

"Concessionaire" means a person granted concession under this Act;

"Consumer" or "Port user" means any person who uses port services or facilities;

"Council" means the Federal Executive Council of the Federal Republic of Nigeria;

"Court" means a court of law of competent jurisdiction;

"Development" or "Works" includes -

- (a) the construction, extension, demolition or removal of a building or substantial alteration of any structure in or on land;
- (b) any change to the natural or existing condition or topography of land;
- (c) the decoration or alteration of the inside or outside of a building or the alteration of works;

- (d) the subdivision or consolidation of land, airspace or buildings;
- (e) the installation, provision or operation of facilities or services;
- (f) the removal of vegetation or topsoil;
- (g) land reclamation and land decontamination; and
- (h) dredging;

"Dock" includes basins, lock cuts, entrances, graving, docks, keel blocks, included planes, slipway grid irons, quays, warehouses and other works and things appertaining to any dock;

"Employers of maritime labour" includes terminal operators, stevedoring and cargo handling companies, dock labour and seafarers employers;

"Equipment" or "Facility" includes any apparatus, machinery or system used or intended to be used for provision of port services;

"Estimates" means in respect of recurrent revenue the best possible commercial forecast of revenue taking into account the general conditions of world trade and all other relevant factors and in respect of recurrent expenditure the best possible commercial forecast of expenditure likely to be incurred having regard to the estimates of revenue;

"Federal Government" or "Government" means Government of the Federal Republic of Nigeria;

"Harbour" includes estuaries, navigable rivers, piers, jetties and other works in or at which vessels can obtain shelter or load and discharge goods or passengers;

"ICRC" means Infrastructure Concession Regulatory Commission;

"Land" includes the bed of the sea below high water mark;

"Licence" means an authorisation to own a port, provide a port service or operate a port facility, and "Licensed" or "Licensee" shall be interpreted accordingly.

"Maritime labour" means dockworkers;

"Maritime domain" Is defined as all area and things of, on, under, relating to, adjacent to, or boarding on a sea, ocean, or other navigable waterways, including all maritime-related activities, infrastructure, people, cargo and vessels and other conveyances carried out on the Exclusive Economic Zone and Continental shelf.

"Master" includes every person, except a pilot, having for the time being the command or charge of any vessel or ship;

"Minister" means the Minister for the time being charged with the responsibility for marine transport;

"Minister of Finance" means the Minister for the time being charged with the responsibility for Finance;

"Ministry" means the Federal Ministry for the time being charged with the responsibility for transport;

"Nigerian waters" includes inland waters, territorial waters or waters of the Exclusive Economic zone (respectively, together or any combination thereof);

"Off-shore cargo handling facility" means an off-shore facility within or beyond the port limits used for the transfer of cargo from a vessel to the land and vice versa;

"Owner" in relation -

- (i) to goods includes any consignor, consignee, shipper or agent for the sale, custody, shipping or landing of such goods; and
- (ii) to any vessel includes any part owner, charterer, consignee or mortgagee in possession of the vessel; and
- (iii) the legal or beneficial owner in relation to (i) and (ii);

"Person" includes a corporate body or partnership and where an individual is required to represent a corporate body or partnership in any circumstance pursuant to this Act or regulations made under this Act, it shall be sufficient if in the case of a -

- (a) Corporate body, it is represented by a duly authorized person; and
- (b) Partnership, it is represented by a partner in the partnership or a duly authorized employee of the partnership.

"Pier" includes any stage, stairs, landing places, landing stage, jetty, floating barge or pontoon and any bridge or other works connected therewith;

"Pilotage Board" means a Board constituted under this Act made up of nautical professionals to carry out -

- (a) Examination in connection with the licensing of pilots for a Pilotage District;
- (b) Licensing of pilots for the Pilotage District on behalf of the Authority; and
- (c) Inquiries concerning the conduct of pilots in the discharge of their duties in a Pilotage District;

"Pilotage District" means any of the Pilotage Districts as defined by the Nigerian Ports Authority (Pilotage Districts) Order and any subsequent amendment thereto;

"Port" means any place in Nigeria, navigable river or channel leading into such place having facilities for vessels to moor and load or discharge including offshore cargo handling facilities (artificial islands), inland (dry) ports, harbour, berths, jetties, pontoons or buoys and wharves within the limits of the ports and includes any place declared to be a port under this Act and;

"Port dues" means dues levied in respect of a vessel for entering, using, leaving or moving or sailing in the port;

"Port infrastructure" means the basic structure of a port, including breakwaters, seawalls, channels, basins, quay walls, jetties, roads, railways, and infrastructure used for the provision of water, lights, power, sewerage and telecommunications and similar services.

"Port operator" means a person who owns the business of, or is responsible for the management and operations of ports, terminals, or berths located in a port;

"Port repair facilities" includes dry docks, vessels repair facilities, warehouses and railways within a port and any other facilities which are designated as such by the Authority;

"Port services" and "Facilities" includes stevedoring, cargo handling, terminal operations, storage of cargo within a port, tug services, floating crane services, berthing services, fire fighting, security, radio and radar services, waste disposal, vessel repairs and any other services terminal and facilities for the handling, storage and transportation of goods on land adjoining the fore shore of Nigeria or a floating platform and for the handling of passengers carried by vessels within a port;

"Port service provider" includes any person providing services within a port;

"Port terminal" means an area, infrastructure, cargo-handling equipment, sheds and other land-based structures used for the loading, storage and discharging of cargo or the embarkation and disembarkation of passengers and include any corresponding wharves, docks, piers, bridges and other infrastructure works, with all necessary and convenient arches, drains, culverts, fences, roads, railways and sea, land and air approaches.

"Port undertakings" means the undertakings of the Authority that relate to the provision by the Authority of any facility or service of any description in connection with the exercise and performance of its powers and duties under any written law and includes any movable and immovable property and the rights of the Authority that relate to such facility or service

"Premises" includes houses, buildings, structures, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under the control of an authority;

"Prescribe" means a rule, direction, or order laid down, approved or given by this Act or by its subsidiary legislation or regulations or any relevant legislation;

"President" means the President of the Federal Republic of Nigeria;

"Regulations" means regulations made under this Act;

"Revenue" means any monies received by the Authority by way of charges, scales of charges or other duties imposed by or under this Act and includes any monies accruing to the Authority under this Act;

"Seafarers" includes every person except masters and pilots employed or engaged in any capacity on board any vessel;

"Tariff" or "Charges" or "Rates" includes port dues, goods dues and pilotage dues and other charges levied by port service providers including those charged by the Authority;

"Terminal infrastructure" includes terminal buildings, cargo handling equipment, workshops, substations, surfacing, rail sidings and terminal operations and water, lights, power, sewerage, telecommunications and similar services within terminal boundaries;

"Terminal operations" means services provided at a port terminal, consisting of cargo handling storage and delivery to vessels and services related thereto;

"This Act" includes the regulations made pursuant to this Act;

"Ship" means a vessel of any type whatsoever not permanently attached to the sea bed including dynamically supported craft, submersible or any other floating craft which shall include but not limited to Floating Production Storage and Offloading (FPSO) platform as well as Floating, storage and Offloading Platform (FSO) platform;"

"Vessel" means any kind of vessel that is used, or capable of being used, in navigation by water, howsoever propelled or moved, and includes

- (a) A ship, a barge, lighter, floating platforms, restaurant or other floating vessel; and an air cushion vehicle, or
- (b) Other similar craft, that is used in navigation by water;

"Wharf" includes any wall and building adjoining the foreshore, sea-bed or river-bed, a quay, pier, jetty, ramp or other landing place;

"Wreck" means any derelict, floatsam, jetsam, or legan including any sunken or stranded ship or part thereof or anything that is on board such a ship that is stranded, sunken or in danger within the limits and approaches of any port;

"Wreck" also refers to a ship that is about or that may reasonably be expected to become a wreck by reason of collision, stranding or any other incident of navigation or any other occurrence on board the ship or external to it, resulting in material damage or imminent threat of material damage to the ship.

Committee's Recommendation:

That the provision in Clause 127 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 127 do stand part of the Bill, put and agreed to.

Clause 128: Short title.

This Act may be cited as the Nigerian Ports and Harbours Authority Act, 2017.

Committee's Recommendation:

That the provision in Clause 128 be retained (*Senator Ahmed R. Sani — Zamfara West*) — *Agreed to.*

Question that Clause 128 do stand part of the Bill, put and agreed to.

FIRST SCHEDULE

[Sections 2 (b), 28 (2)]

Ports and Harbours

- (i) Lagos Port Complex, Apapa;
- (ii) Tin Can Island Port Complex;
- (iii) Kirikiri Lighter Terminal (I & II);
- (iv) Ikorodu Lighter Terminal.
- (v) Port Harcourt;
- (vi) Federal Ocean Terminal, Onne;
- (vii) Federal Lighter Terminal, Onne;
- (viii) Warri;
- (ix) Calabar;
- (x) Burutu;
- (xi) Akassa;
- (xii) Bonny;
- (xiii) Degema;
- (xiv) Forcados;
- (xv) Escravos;
- (xvi) Koko Port;
- (xvii) Sapele;
- (xviii) Brass; and
- (xix) Lekki Deep Sea.

Question that the provision of the First Schedule stand part of the Bill, put and agreed to.

SECOND SCHEDULE

[Section 123 (1)]

Transfer Provisions for the Nigerian Ports and Harbours Authority

1. Transfer of Assets
 - (1) All Assets and funds which immediately before the commencement of this Act were vested in the Authority shall by virtue of this Act be vested in the Authority.
 - (2) All bonds, hypothecations, securities, deeds, contracts, instruments, documents, and working arrangements with respect to the assets transferred, that subsisted immediately before the commencement of this Act and to which the Authority was a party, shall be as fully effective and enforceable against or in favour of the Authority as if, instead of the Authority the Authority had been named therein.

- (3) Any cause of action or proceeding which existed or was pending with respect to the assets transferred by or against the Authority immediately before commencement of this Act, shall be enforced or continued, as the case may be, by or against or in favour of the Authority in the same way that it might have been enforced or continued by or against the Authority had this Act not been passed.
 - (4) No action or other proceeding shall be commenced against the Authority in respect of an employee or asset that has been transferred to the Authority, had there been no transfer, the time for commencing the action or other proceeding would have expired.
 - (5) Nothing in this Act and nothing done as a result of a transfer under sub-paragraph (1) of this paragraph shall create any new cause of action in favour of:
 - (a) a holder of a debt instrument that was issued by the Authority before the commencement of this Act;
 - (b) a party to a contract with the Authority that was entered into before the commencement of this Act.
 - (6) Any guarantee or surety given or made by the Federal Government or any other person in respect of any debt or obligation of the Authority, and which was effective immediately before the transfer of the principal debt or obligation, shall remain fully effective against the guarantor or surety on and after the transfer date in relation to the payment of the debt or the performance of the obligation, as the case may be, by the Authority to which the principal debt or obligation was transferred.
2. Transfer of Employees
- (1) Upon the Commencement of this Act, such number of persons employed by the Authority as may be required by the Authority shall be transferred to the service of the Authority on terms not less favourable than those enjoyed immediately prior to the transfer.
 - (2) The service rendered by an employee transferred pursuant to sub-paragraph (1) of this paragraph to the Authority shall be deemed to be service with the Authority for the purpose of determining employment related entitlements as specified in the relevant laws of employment in Nigeria.
 - (3) Until such time as conditions of service are drawn up by the Authority -
 - (a) the terms and conditions of service applicable to employees of the Authority shall continue to apply to every person transferred to the Authority as if every such person were still in the service of the Authority; and
 - (b) the Authority shall continue to contribute towards any pension scheme to which the Authority was contributing in respect of persons in the employ of the Authority prior to the transfer date.
 - (4) Nothing in this paragraph shall operate so as to prevent any employee of the Authority from resigning or being dismissed from service.

Question that the provision of the Second Schedule stand part of the Bill, put and agreed to.

THIRD SCHEDULE

[Sections 5 (6), 16 (2)]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD
OF THE NIGERIAN PORTS AND HARBOUR AUTHORITY

Proceedings of the Board

1. Subject to the provisions of this Act and Section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or that of any of its committees.
2. The Chairman shall preside at every meeting of the Board and in his absence; the members present at that meeting shall appoint one of their numbers to preside at the meeting. Minutes shall be taken of each meeting of the Board and any committee by the secretary.
3. The quorum for any meeting of the Board shall be at least 5 members of the Board.
4. The Board shall meet to transact its business pursuant to this Act whenever it is summoned by the Chairman on at least 7 days written notice. The Chairman shall, if so required by notice given to him by not less than 4 members of the Board specifying, amongst others, an agenda for the meeting, summon a meeting of the Board which shall be held no later than 14 days from the date on which the notice is served on him to discuss the items specified in the notice. The Board shall for the purposes of this Act meet not less than 4 times in each calendar year.
5. A member of the Board who directly or indirectly has an interest of a personal nature (including but not limited to financial interests) in any matter being deliberated upon by the Board, or is personally interested in any contract made or proposed to be made by the Authority shall, so soon after the facts of the matter of his interests have come to his knowledge, disclose his interest and the nature thereof at a meeting of the Board.
6. A disclosure under paragraph 5 of this Schedule shall be recorded in the minutes of the Board meeting and the member concerned shall -
 - (a) not, after the disclosure, take part in any deliberation or decision of the Board or vote howsoever on the matter; and
 - (b) be excluded for the purpose of constituting a quorum of any meeting of the Board for any deliberation or decision, with regard to the subject matter in respect of which his interest is so disclosed.
7. Decisions at a meeting of the Board shall be taken by a majority save that decisions on any of the following matters shall require a majority of at least 75% -
the establishment of any subsidiary or participation in a joint venture or partnership of any description or the granting of a concession.
8. In the case of an equality of votes the Chairman of the meeting shall have a second or casting vote.

Committees

1. Subject to its standing orders, the Board may appoint such number of standing or ad hoc committees as required by the Code of Corporate Governance and report on any matter with which the Authority is concerned

2. A committee appointed under paragraph (1) shall -
 - (a) consist of such number of persons who may not necessarily be members of the Board as may be determined by the Board, provided that the appointment of a non-Board member as a Committee member shall be subject to such terms as would be indicated in his letter of appointment; and
 - (b) be presided over by a member of the Board.
3. The quorum of any Committee set up by the Board shall be as may be determined from time to time by the Board.
4. A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.

Miscellaneous

1. The fixing of the seal of the Authority shall be authenticated by the signature of the Chairman and that of the Secretary or any other Board Member generally or specifically authorised by the Board to act for that purpose.
2. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Authority by any person generally or specially authorised by the Board to act for that purpose.
3. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
4. Subject to the other provisions of this Act, the validity of any proceedings, act or decision of the Board or of any of its Committees shall not be affected by -
 - (a) any vacancy in the membership of the Board or Committee; or
 - (b) any defect or irregularity in the appointment of a member of the Board or Committee; or
 - (c) By reason that any person not entitled to do so took part in the proceedings of the Board or Committee.
5. No member of the Board or a Committee shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Authority.
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 Government of any State of the Federation.

Question that the provision of the Third Schedule stand part of the Bill, put and agreed to.

FOURTH SCHEDULE

[Section 7(1) (g)]

Conflict of Interest

1. Subject to the further provisions of this Schedule, no member of the Board or staff of the Authority shall have a direct or indirect financial interest or investment in any shipping, stevedoring, pilotage, terminal operations or any other services or receive therefrom any loan, remuneration or other rights, or have any personal interest in any contract made or proposed to be made by the Authority, throughout the tenure of his office or employment with the Authority.

2. Subject to paragraphs 3 and 4 of this Schedule, each member of Board or staff of the Authority shall on an annual basis present a written declaration not later than the third month of each year affirming the non-existence of any such interest as is specified in paragraph 1 and shall pledge to disclose and inform the Authority of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Authority.
3. Members of the Board and staff of the Authority as at the commencement date of this Act shall be entitled to a maximum of 6 months from the said commencement date within which to divest themselves of their direct or indirect financial interests or investment in any shipping, stevedoring, pilotage or terminal operations, or any similar engagements, if any.
4. All newly appointed members of the Board and staff of the Authority after the commencement of this Act shall be entitled to a maximum of 3 months from their respective dates of appointments within which to divest themselves of their direct or indirect financial interests or investments in any shipping, stevedoring, pilotage or terminal operations, or any similar engagements, if any.
5. Each member of the Board or staff of the Authority shall declare on appointment or at the commencement of employment and annually thereafter, for as long as he serves the Authority, any interest or investment that he -
 - (a) knowingly has; or
 - (b) knows any member of his immediate family to have in any aspect of the Nigerian ports industry.
6. If a member of the Board or staff of the Authority contravenes the provisions of paragraphs 1 and 2 of this Schedule, or gives false information under paragraph 5 of this Schedule, commits an offence and liable on conviction, to the payment of a fine not exceeding N1,000,000.00 or imprisonment for a term not exceeding 1 year or to both.
7. Subject to paragraph 1 of this Schedule, the Board may from time to time waive the application of the prohibitions specified in paragraphs 1 and 2 of this Schedule to any member of the Board or staff of the Authority if the Board determines that the financial interest of the person concerned is not of a material nature or is minimal.
8. The Board in determining whether or not the interest of a member of the Board or staff of the Authority is minimal or not of a material nature shall consider factors including but not limited to the following -
 - (a) the revenues, investments, profits and managerial efforts of the relevant company or other entity with regard to its port activities compared with other aspects of the Authority's or such entity's businesses;
 - (b) the extent to which the Authority regulates and oversees the activity of such company or entity;
 - (c) the degree to which the economic interests of such company or other entity may be affected by an action of the Authority; and
 - (d) the perceptions held or likely to be held by the public regarding the concerned person's financial interest or investment in that company or other entity.
9. The Board may at any time review and reverse its determination under paragraph 7 of this Schedule and direct the application of the prohibitions contained in this Schedule to the member of the Board or staff of the Authority concerned. The Board shall not be under an obligation to disclose the reason or basis for its review to the member of the Board or staff of the Authority concerned.

10. In any case in which the Board exercises the waiver or the review thereof as specified in paragraphs 7 and 9 of this Schedule, the Board shall so soon thereafter publish the details thereof. Such publication shall include information regarding the identity of the person who has been granted the waiver or whose waiver has been reviewed, the position held by such person and the nature of the financial interests which are the subject of the waiver or the review thereof.
11. For the purposes of this Schedule -
 - (a) "Company" shall include partnerships and undertakings howsoever defined;
 - (b) "Immediate family" shall mean a person's spouse, a partner living with that person as if they were married to each other and children who are under the age of 18 years.

Question that the provision of the Fourth Schedule stand part of the Bill, put and agreed to.

Chairman to report Bill.

(SENATE IN PLENARY)

The Deputy Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Marine Transport on the Nigerian Ports and Harbours Bill, 2017 and approved as follows:

Clauses 1- 128 — As Recommended

Schedule 1- 4 — As Recommended

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.*

Motion made: That the Bill be now Read the Third Time (*Deputy Senate Leader*).

Question put and agreed to.

Bill accordingly Read the Third Time and Passed.

14. **Committee on Marine Transport:**
Report on the National Inland Waterways Act CAP N47 LFN (Repeal and Re-enactment) Bill, 2017 (SB. 240):

Consideration of Report deferred to another Legislative Day.

15. **Adjournment:**

Motion made: That the Senate do now adjourn till Tuesday, 2nd May, 2017 at 10:00 a.m. (*Deputy Senate Leader*).

Adjourned accordingly at 12:59 p.m.

Ike Ekweremadu, CFR
*Deputy Senate President,
Senate of the Federal Republic of Nigeria.*