

PENSIONS (SPECIAL PROVISIONS)

MEMORANDUM

The object of this Bill is to make statutory provision for the payment of increases in certain pensions which came into payment on or before the 31st day of August, 1959.

SHEHU SHAGARI,
Minister of Establishments

PENSIONS (SPECIAL PROVISIONS) BILL

ARRANGEMENT OF CLAUSES

Clause

1. Short title, etc.
2. Interpretation.
3. Certain pensions increased.
4. Special provisions as to pensions in Western Nigeria.

A BILL FOR

AN ACT TO PROVIDE FOR AN INCREASE IN THE RATE OF CERTAIN PENSIONS
AND FOR OTHER PURPOSES CONNECTED THEREWITH

[See section 3]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

1. (1) This Act may be cited as the Pensions (Special Provisions) Act, 1961, and shall be read together with and form part of the Pensions Ordinance and the Pensions (Increase) Ordinance.

Short title,
etc.

Cap. 147 (A).
Cap. 147 (B).

- (2) This Act shall have Federal application.

Interpreta-
tion.

Cap. 147 (B).

2. (1) In this Act, unless the context otherwise requires,—
“expatriate officer” has the meaning assigned by the Pensions (Increase) Ordinance;

“pension” means the yearly amount of the pension granted to an officer or other person at the date of his retirement or the yearly amount of the pension as reduced by commutation under the Pensions Regulations as the case may be, inclusive in either case of increases payable before the coming into force of this Act, and includes any annual allowance in the nature of pension;

“the effective date” means the 31st day of August, 1959.

(2) For the purposes of this Act,—

(a) where a pension in payment at the effective date indicated a fraction of a pound, the increase shall be calculated as if the fraction were a whole pound; and

(b) if a pension is reduced by commutation, the increase shall not be calculated on the hypothetical unreduced pension.

Certain
pensions
increased.

Cap. 119.

3. (1) Subject to the provisions of this Act, there shall be payable to every person in receipt of a pension granted under any of the Ordinances mentioned in the First Schedule to the Pensions (Increase) Ordinance an increase in his pension, calculated—

(a) at the rate of $12\frac{1}{2}$ per cent of the pension in payment at the effective date of a pensioner who, but for his retirement as an expatriate officer before the 1st day of October, 1954 would have been in receipt of a salary corresponding to Group 7 or above at the passing of this Act;

(b) at the rate of $12\frac{1}{2}$ per cent of the pension in payment at the effective date in the case of any pensioner who, but for his retirement at any time after the 30th day of September, 1954 and before the 1st day of September, 1959, would have been in receipt of a salary corresponding to Group 7 or above at the passing of this Act; and

(c) at the rate of 15 per cent of his pension before the coming into operation of this Act in any other case.

(2) There shall, for the purposes only of this Act, be deemed to be added to the First Schedule to the Pensions (Increase) Ordinance a reference to the Military Pensions Ordinance, and the provisions of this section shall as the case may require, apply to any pension payable under the Military Pensions Ordinance on completion of the prescribed period of service.

(3) For the purposes of this section where an increase at a percentage rate would operate so as to exceed the sum of £150, the maximum annual amount of the increase shall be limited to £150.

Special
provisions as
to pensions
in Western
Nigeria.

4. Nothing in this Act shall be construed so as to authorise an increase in the Federal portion of a pension payable in respect to service partly in the Federal Territory and partly in Western Nigeria where the officer or other person otherwise entitled retired from service in Western Nigeria after the 31st day of March, 1959 and before the 1st day of September, 1959.

PORTS (AMENDMENT) BILL

MEMORANDUM

The purpose of this Bill is to amend the Ports Ordinance (Cap. 155) to provide for the separation of the functions of Chairman and General Manager in the Nigerian Ports Authority so as to enable the appointment of a Nigerian as Chairman of the Authority, and to enable the Authority to become the Piers Licensing Authority within Port Limits. The Bill also seeks to make certain minor amendments to the Ports Ordinance to correct errors which have come to light in the text of the Ordinance.

R. AMANZE NJOKU,
Minister of Transport

PORTS (AMENDMENT) BILL

ARRANGEMENT OF CLAUSES

Clause

1. Short title, application and commencement.
2. Section 2 of Ordinance amended.
3. New sections added to Ordinance.
4. Other amendments to Ordinance.

A BILL

FOR

AN ACT TO AMEND THE PORTS ORDINANCE (CHAPTER 155)

[By notice, see section (1)]

Commence-
ment.

BE IT ENACTED by the legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

1. (1) This Act may be cited as the Ports (Amendment) Act, 1961, and shall be of Federal application.

Short title,
application
and com-
mencement.

(2) This Act shall come into operation on a day to be appointed by the Minister by notice in the *Gazette*.

2. Section 2 of the Ports Ordinance (hereinafter referred to as the Ordinance) is amended by the insertion immediately before the definition of "pier" of the following new definition—

Section 2 of
Ordinance
amended.
Cap. 155.

"pier" means a pier, wharf or jetty of whatever description and includes any such pier, wharf or jetty erected on or extending beyond High Water Mark of Ordinary Spring Tide or extending into the waters of any navigable channel and also includes any pontoon moored in any such waters and used as a pier, wharf or jetty.

New sections
added to the
Ordinance.

3. The Ordinance is further amended—

(a) by the addition at the commencement of Part V of a new section 21A as follows—

- “Appointment of General Manager and delegation of functions. 21A. (1) There shall be an officer of the Authority, to be known as the General Manager who shall be the Chief Executive Officer and shall be responsible for the execution of the policy of the Authority and the transaction of its day to day business. 5
- (2) The General Manager shall be appointed by the Authority with the prior approval of the Minister. 10
- (3) The Authority shall delegate to the General Manager the power to exercise supervision and control over the acts and proceedings of all servants of the Authority in matters of executive administration, and in matters concerning the accounts and records of the Authority, and, subject to any restrictions which may be imposed by the Authority, the power to dispose of all questions relating to the service of the said servants and their pay, privileges and allowances. 15
- (4) The Authority shall delegate to the General Manager such of its functions as are necessary to enable him to transact efficiently the day to day business of the Authority and for this purpose the Authority may from time to time issue written instructions under its common seal. 20
- (5) The General Manager shall not be a member of the Authority, but shall have the right to be present at all or any meetings of the Authority, except when any matter involving him personally is being discussed, and shall be furnished with copies of all notices, agenda and minutes of all meetings of the Authority.” ; 25

(b) by the addition after Part VIII of a new Part VIIIA as follows— 30

“PART VIIIA—REGULATION OF PIERS IN PORTS

- Piers to be licensed. 42A. No person shall erect or re-erect, alter, extend, own or occupy a pier in any port or in the approaches to any port except under and in accordance with a licence granted by the Authority. 35
- Licences. 42B. (1) The Authority may on payment of the prescribed fee grant licences for the purposes of section 42A in the prescribed form and may renew such licences.
- (2) The grant or renewal of any such licence shall be in the discretion of the Authority. 40
- (3) Any such licence shall be subject to such conditions as may be prescribed and to such special conditions endorsed thereon as the Authority may see fit to impose.
- Cancellation of licence for breach of condition or contravention of regulation. 42C. The Authority may cancel any licence granted under section 42B on proof to its satisfaction of a breach of any condition of the licence or of a contravention by the holder of the licence of any regulation made under section 42F. 45

Cancellation
of licence
in public
interest.

5

42D. (1) The Authority may cancel any licence granted under section 42B whenever it may think proper in the public interest, but in such a case the holder thereof shall be entitled to be paid reasonable compensation by the Authority unless express provision to the contrary is contained in the licence.

10

(2) When the amount of compensation payable under subsection (1) of this section is not agreed the amount shall be determined by the High Court within whose area of jurisdiction the pier is situate in the like manner as the amount of compensation is determined under the law for the time being regulating the acquisition of land for public purposes.

15

Removal of
pier.

42E (1) Any servant of the Authority may in any of the following cases remove or cause to be removed a pier in any port or in the approaches to any port or any portion thereof and for such purpose may enter upon any land or the pier—

20

(a) if the holder of a licence granted in respect of the pier is required in accordance with regulations made under section 42F to remove the pier and he refuses or neglects to do so within the time specified ;

25

(b) if the pier has been erected, re-erected, altered or extended without a licence or is owned or occupied without a licence ;

(c) if the licence granted in respect of the pier has been cancelled under the provisions of this Ordinance ; and

30

(d) if the licence granted in respect of the pier has expired.

35

(2) Except when the licence granted in respect of the pier has been cancelled under section 42D, the costs and expenses of and in connection with such removal shall be defrayed by the occupier of the pier and may be recovered from him at the suit of the Authority in any court of competent jurisdiction.

Regulations
relating to
piers.

40

42F. (1) The Authority may make regulations for all or any of the following purposes—

(a) controlling the erection, re-erection, alteration, extension and use of piers in any port or in the approaches to any port ;

45

(b) requiring the owners or occupiers of such piers to maintain the same and the approaches thereto in a proper state of repair ;

(c) prescribing the fees to be paid for any licences issued under section 42B ;

(d) prescribing forms for such licences and applications therefor ;

50

(e) for the proper lighting of such piers ;

(f) requiring such life-saving apparatus as may be specified in the regulations to be kept on such piers ;

(g) the period of validity of such licences ; and

(h) generally for giving effect to the provisions and purposes of this Part.

(2) For the breach of any regulation made under this section the Authority may prescribe as a penalty a fine not exceeding fifty pounds, and in the case of a continuous breach a further fine not exceeding five pounds a day for every day after the first during which such breach continues, and a term of imprisonment not exceeding three months, or both such term of imprisonment and fine.

Validation
of certain
licences.
Cap. 153.

42G. Any licence granted under the provisions of the Piers Ordinance in respect of any pier in a port or in the approaches to a port and in force immediately before the coming into operation of this Part shall be deemed for all purposes to have been granted under the provisions of this Part.

Penalty for
contraven-
tion of
Section 42A.

42H. Any person who contravenes any of the provisions of section 42A shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

Application
to the
Crown.

42I. The provisions of this Part of the Ordinance except the provisions of subsection (1) of section 42B and of subsection (2) of section 42F shall bind the Crown".

4. The Ordinance is further amended to the extent set out in the Schedule to this Act.

Other
amendments
to
Ordinance.

SCHEDULE

(Section 4)

Chapter or
Number

Short Title

Extent of Amendment

- | | | |
|-----------------------------|---|----|
| Cap. 155 Ports Ordinance .. | (a) In paragraph (a) of section 36 by inserting after the word "beacon" where it twice occurs, the words " , buoy, or mooring" ; | 30 |
| | (b) In paragraph (b) of section 36 by substituting for the word "beacons" the words "any beacon, buoy or mooring", and by inserting after the word "beacon" where it twice occurs thereafter, the words " , buoy, or mooring" ; | 35 |
| | (c) In section 51 by the addition after the word "Chairman" where it twice occurs, of the words "of the pilotage board" ; | 40 |
| | (d) In section 98 by substituting the word "shall" for the word "may" ; | 45 |
| | (e) In paragraph 2 of the Fourth Schedule by repealing the words "Subject to the provisions of section 9" ; | 50 |
| | (f) By repealing sections 12 and 117. | |

SEA FISHING (LAGOS) BILL

MEMORANDUM

It is considered that Nigeria should introduce legislation to protect the fishing industry thus encouraging expansion of this important facet of Nigeria development.

2. The purpose of this Bill is not only to afford protective legislation but also to ensure that fishing vessels conform to a satisfactory standard of safety.

Minister of Economic Development

ARRANGEMENT OF CLAUSES

Clause

1. Short title, commencement and application.
2. Interpretation.
3. Provision for licence.
4. Application for licence.
5. Grounds for issue, etc. of licence.
6. Renewal.
7. Cancellation, etc.
8. Appeal.
9. Returns necessary.
10. Enforcement.
11. Prohibited methods.
12. Offences.
13. Forfeiture, etc.
14. Regulations.

A BILL FOR

AN ACT TO REGULATE THE SEA FISHING INDUSTRY WITHIN THE TERRITORIAL
WATERS OF THE FEDERAL TERRITORY OF LAGOS.

[By notice, see section 1 (1)]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

PART I—PRELIMINARY

5 1. (1) This Act may be cited as the Sea Fisheries (Lagos) Act, 1961, and shall come into operation on a day to be appointed by the Minister by notice in the Gazette.

Short title,
commence-
ment and
application.

(2) This Act shall apply in respect of the Federal territory of Lagos.

10 2. In this Act, unless the context otherwise requires :—
“fish” means any aquatic creature whether fish or not, and includes shell-fish, crustaceans, turtles and aquatic mammals ;

Interpreta-
tion.

“fishing boat” means any ship, boat, canoe or other craft used for the taking of fish for sale or barter ;

15 “licence” means a licence issued under the provision of section 5 ;

“licensing officer” means any person appointed to carry out the provisions of this Act ;

“Minister” means Minister responsible for fisheries in Federal Territory ;

20 “motor fishing boat” means any fishing boat propelled by means of steam, internal combustion or other machinery except one or more portable outboard engines ;

“taking fish” includes any method of catching fish ;

25 “territorial waters of the Federal territory of Lagos” means that part of the territorial waters of Nigeria as defined in the Interpretation Ordinance over which the Federal Legislature is competent to exercise jurisdiction in respect of fisheries.

PART II—MOTOR FISHING BOAT LICENCES

Provision for
licence.

3. (1) No person shall operate or navigate any motor fishing boat within the territorial waters of the Federal Territory of Lagos unless a licence in respect of such vessel has been issued to the owner thereof: Provided that a licence issued under legislation of the same nature as this Act enacted by the Legislature of the Western or Eastern Nigeria shall be deemed to be a licence issued under section 5 of this Act.

(2) Any person operating or navigating, or causing to be operated or navigated, a motor fishing boat in contravention of subsection (1) shall be liable to a fine of one hundred pounds or to imprisonment for six months or to both such fine and imprisonment: Provided that this section shall not apply to motor fishing boats entering the territorial waters of the Federal territory of Lagos solely for re-fuelling or for shelter or in case of emergency and not for fishing or for the disposal of fish.

4. (1) Any person being the owner of a motor fishing boat may apply to a licensing officer for a licence for such motor fishing boat.

(2) Every such application shall be in writing and shall state in detail the methods of taking fish that are to be employed, the area within which it is proposed that the said motor fishing boat shall be operated, and the arrangements that are to be made for the preservation and marketing of the catch.

Grounds for
issue, etc.
of licence.

5. (1) Upon—

(a) due application being made for a licence;

(b) payment of the prescribed fee;

(c) proof being adduced to the satisfaction of the licensing officer that the applicant is the lawful owner of the motor fishing boat in respect of which he has applied for a licence, and that he is a fit and proper person to be granted such licence;

(d) the licensing officer being satisfied that the operation of the vessels is not likely to be prejudicial to the interests of the sea fishing industry of the Federal territory of Lagos, the licensing officer shall issue a licence in respect of the motor fishing boat described in the application.

(2) A licence shall be in the prescribed form and may be issued subject to such conditions as the licensing officer may think fit to impose by endorsement thereon.

(3) A licence shall be yearly or quarterly. A yearly licence shall expire on 31st day of December in the year in which it is issued; a quarterly licence shall expire on the 31st day of March, the 30th day of June, the 30th day of September or the 31st day of December, whichever day follows next after the date of issue.

(4) When the ownership of a licensed motor fishing boat is transferred from one person to another, the licence shall not be valid in respect of the new owner until a licensing officer has approved the transfer of ownership and has endorsed the licence to that effect.

Renewal.

6. The provisions of this Act that relate to the issue of a licence shall apply to any application for the renewal of a licence and to such renewal.

7. A licensing officer may, without assigning any reason, cancel, or suspend for such period as he thinks fit, a licence. Cancellation, etc.

8. Any person aggrieved by any refusal by a licensing officer to issue or renew a licence or by any cancellation or suspension of a licence by a licensing officer or by any condition endorsed on a licence may, within fourteen days of such refusal, cancellation, suspension or endorsement but not otherwise appeal to the Minister, whose decision shall be final. Appeal.

9. Every owner of a licensed motor fishing boat shall :—

10 (a) render to a licensing officer such written returns concerning the operation of such motor fishing boat as the licensing officer may require ; Returns necessary.

15 (b) permit a licensing officer or any person authorised in writing by a licensing officer to inspect the catch of such motor fishing boat either before or after the said catch has been landed, and shall give such licensing officer or duly authorized person all reasonable facilities for the inspection of the said catch.

PART III—MISCELLANEOUS

20 10. (1) Any of the following persons, namely a licensing officer, a commissioned officer of the Royal Nigerian Navy, a police officer not below the rank of Assistant Superintendent, a Customs officer not below the rank of Assistant Collector, a surveyor or examiner appointed under the provisions of the Shipping and Navigation Ordinance, or a person authorized in writing by a licensing officer in that behalf, may within the territorial waters of the Federal territory of Lagos, for the purpose of enforcing the provisions of this Act,— Enforcement.

25 (a) require the owner or the person in charge of a fishing boat or any person engaged in taking fishing to exhibit his fishing apparatus and catch ; Cap. 196.

30 (b) require the owner or the person in charge of a motor fishing boat to exhibit his licence, fishing apparatus and catch ;

(c) go on board any fishing boat and search and examine such fishing boat and any fishing apparatus that may be therein ; or

35 (d) where there is reasonable suspicion that an offence under this Act has been committed, take the alleged offender and the fishing boat, fishing apparatus and catch to the most convenient port or police station without warrant, summons or other process.

40 (2) Any fishing boat or apparatus taken under the provision of paragraph (d) of subsection (1) may be detained pending trial of the alleged offender, and the catch may be sold and the proceeds of the sale detained pending such trial, and thereafter any vessel, apparatus or money so detained shall, unless forfeited under the provisions of paragraph (a) of section 13, be returned to the person from whom the same was taken.

45 11. No person may take or destroy or attempt to take or destroy any fish within the territorial waters of the Federal territory of Lagos by the use of any explosive substance or of any noxious or poisonous matter. Prohibited methods.

Offences.

12. Any person who—

(a) contravenes or fails to comply with any requirement made under this Act; or

(b) contravenes or fails to comply with any of the provisions of this Act; or

(c) contravenes or fails to comply with any condition endorsed on a licence, shall, where no special penalty is provided, be liable to a fine of fifty pounds or to imprisonment for three months or to both such fine and imprisonment.

Forfeiture,
etc.

13. The court before which any person is convicted of an offence under this Act may—

(a) order the forfeiture to the Government of the Federation of Nigeria of any fishing boat, apparatus or catch employed in the commission of or derived from any act in respect of which such person is so convicted;

(b) where the fishing boat so employed is a motor fishing boat, cancel or suspend for such time as the court may think fit the licence.

Regulations.

14. (1) The Governor-General may make regulations for furthering the interests of the sea fishing industry of the Federal territory of Lagos and for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power such regulations may—

(a) regulate, prohibit, or restrict the taking of fish in any specified area within the territorial waters of the Federal territory of Lagos;

(b) prohibit or restrict the use of any fishing boat, apparatus or method of taking fish that is considered to be harmful to the sea fishing industry of the Federal territory of Lagos;

(c) prescribe limits to the size of nets or the mesh of nets that may be employed in the taking of fish within the territorial waters of the Federal territory of Lagos or in any specified area therein;

(d) prescribe the form of a licence and the amount of fee to be paid in respect of such licence;

(e) provide for the inspection of buildings and premises used for the curing, preservation, storage or sale of fresh, cured or preserved fish and for the seizure and destruction of any fresh, cured or preserved fish that is unfit for human or animal consumption;

(f) provide for the exemption of specified persons from any provision of this Ordinance where such exemption is considered necessary for scientific or experimental purposes in connection with the development of the sea fishing industry or otherwise for the furtherance of the national interest;

(g) regulate any other matter relating to the conservation and protection of the stocks of sea fish.

PIERS (AMENDMENT) BILL

MEMORANDUM

This Bill seeks to amend the Piers Ordinance so that the Ordinance shall not apply to any pier in a port or port approach within the meaning of the Ports Ordinance.

R. AMANZE NJOKU,
Minister of Transport

PIERS (AMENDMENT) BILL

ARRANGEMENT OF CLAUSES

Clause

1. Short title, application and commencement.
2. New section 2A added.

A BILL FOR

AN ACT TO AMEND THE PIERS ORDINANCE (CHAPTER 153)

[By notice, see section 1]

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows—

5 1. (1) This Act may be cited as the Piers (Amendment) Act, 1961, and shall be of Federal application.

(2) This Act shall come into operation on a day to be appointed by the Minister by notice in the Gazette.

2. The Piers Ordinance is amended by the addition after section 2 of the following new section—

10 "Limitation on application of Ordinance Cap. 155. 2A. This Ordinance shall not apply in respect of any pier in a port within the meaning of the Ports Ordinance or in the approaches to any such port within the meaning of that Ordinance."

Title.

Commence-
ment.

Enactment.

Short title,
application
and
commence-
ment.

Addition of
new section
2A Cap. 153.