

PORTS (PIERS) REGULATIONS 1968

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L.N. 117 of 1968

PORTS ACT

(CAP. 155)

Ports (Piers) Regulations 1968

Commencement : 18th December 1968

In exercise of the powers conferred on it by section 42F of the Ports Act (as amended) and of all other powers enabling it in that behalf, the Nigerian Ports Authority hereby makes the following regulations :—

PRELIMINARY

1.—(1) These regulations may be cited as the Ports (Piers) Regulations 1968 and shall apply throughout the Federation.

(2) These regulations shall come into force on 18th December 1968.

2.—(1) In these regulations except where the context otherwise requires—
“owner” in relation to a pier includes the occupier ;

“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 water of any navigable channel and also includes any pontoon moored in any such waters and used as a pier or jetty ;

“secretary” means the secretary to the Nigerian Ports Authority.

(2) Except where the context otherwise requires expressions not herein defined have the same meaning as in the Ports Act.

(3) In these regulations any reference to any regulation or Schedule not otherwise identified is a reference to that regulation or Schedule of these regulations.

3. These regulations apply to piers in ports or approaches to ports only.

4.—(1) Every application for a licence to erect own or occupy a pier to which these regulations apply whether permanently or for any temporary purpose shall be in Form 1 in Schedule 1 and shall be addressed to the secretary.

(2) Every application made pursuant to paragraph (1) of this regulation shall be accompanied by,—

(a) six copies of a plan showing,—

(i) the design calculations and constructional drawings with all relevant details including the depth of penetration of the piles and the sizes of all structural parts ;

(ii) the location of the pier in relation to the immediate surrounding land and building (if any) ; and

(b) two copies of the Admiralty or Nigerian Ports Authority Chart of the port or approaches thereto in which the pier is situated showing the location of the pier (coloured red) in relation to the surrounding waters and in relation to any adjacent piers and navigational aids. If no such charts exist the location of the pier shall be shown on any plan approved by the Authority on which the depth of water at and in the vicinity of the pier is indicated.

Citation,
application
and com-
mencement.

Interpreta-
tion.

Cap. 155.

Piers to
which these
regulations
apply.

Application
for licence
and
accompany-
ing plans.

(3) If the plans referred to in paragraph (2) of this regulation are for a new pier they shall incorporate details of full calculations of how the design was arrived at and a full specification of the materials to be used. Where sub-soil investigations have been carried out, particulars of these shall also be included.

(4) Where an application made in accordance with the provisions of this regulation is to erect a pier for a temporary purpose the applicant shall in the application state the period for which the pier is required.

Application for licence to alter structure of pier and accompanying plans.

5.—(1) Any person holding a licence issued pursuant to these regulations and desiring to re-erect, extend, erect any structure upon or otherwise alter the original specification of a pier shall apply for a licence to do so in Form 2 in Schedule 1 and the application shall be addressed to the secretary.

(2) Every application made pursuant to paragraph (1) of this regulation shall be accompanied by six copies of a detailed plan showing—

(a) the existing structure, the proposed extension, erection or alteration ;

(b) details of the loading for which the extension, erection or alteration is designed supported by calculations showing how the design was arrived at, and full specifications.

Survey to be carried out in certain cases.

6.—(1) Where in the opinion of the Authority it is advisable in connection with any application that a survey be made at or in the vicinity of the proposed or existing pier, the Authority may order such a survey to be carried out at the expense of the applicant.

(2) If the applicant fails to carry out a survey ordered in accordance with the provisions of this regulation the Authority may refuse to proceed further with the application.

GRANT OF LICENCE, ETC.

Issue of licence.

7. Where an application for a licence in relation to a pier is approved by the Authority, the secretary shall issue to the applicant upon the payment of the appropriate fee prescribed in Schedule 2 a licence in Form 3 or 4 in Schedule 1.

Licence to be for one year: renewals.

8.—(1) Subject to the provisions of paragraph (2) of this regulation and of regulations 9 and 10, a licence issued under these regulations shall be for a period of one year ending on 31st December of the year of issue :

Provided that where a licence is issued on any date later than 31st January the licence may be issued for a period of less than one year.

(2) Every licence issued under these regulations other than a licence issued under regulation 9 or 10 shall be renewable annually on the payment of the full fee.

Temporary licences.

9. A temporary licence shall have endorsed thereon the period during which the licence is valid and at the end of the period so endorsed the licence shall be deemed to be cancelled.

Licence authorising work to be carried out in relation to a pier.

10.—(1) Where a licence is issued under these regulations authorising any work to be done in relation to a pier the work shall be done strictly in accordance with the plans approved by the Authority.

(2) If at the end of twelve months from the date of a licence authorising any work to be done such work is not completed the Authority may at its discretion cancel the licence and may order all further work to cease immediately.

SUPPLEMENTAL

11. The owner of a pier shall maintain the pier in a state of safety and repair at all times and the fact that the pier may be leased out or let by the owner to some other person with the permission of the Authority shall not exempt the owner from liability under the provisions of this regulation.

Pier to be kept in state of safety and repair.

12.—(1) As far as practicable having regard to the traffic proceeding along a pier or any work being done thereon, there shall be securely fenced or railed to a height in no case less than three feet, to be thereafter maintained at all times in good condition—

Fencing and railing.

(a) all breaks, dangerous corners and other dangerous parts or edges ; and

(b) both sides of any footways as are in general use over bridges, caissons or pier gates, and each side of the entrance at each end of any such footways for a sufficient distance not exceeding five yards.

(2) No person shall remove any fence or railing or any part thereof erected pursuant to this regulation except to such extent or for such period as may be reasonably necessary for carrying on the work of a pier or vessel or for effecting any repairs to such fence, railing or any part thereof.

(3) Where any fence or railing is removed for any of the purposes mentioned in paragraph (2) of this regulation the owner of the pier shall ensure that such fence or railing is restored or replaced immediately after the period during which the removal was necessary.

13. The owner of a pier shall erect and maintain in good condition such bollards, mooring posts or other similar appliances on the pier, and if necessary, on the foreshore, as are in the opinion of the Authority, requisite and of sufficient strength.

Mooring facilities.

14. Where the height of the deck above water so necessitates, there shall be provided for every pier suitable landing steps for boats or other small craft clear of the frontage.

Landing steps for boats.

15.—(1) Subject to the provisions of paragraph (2) of this regulation, the owner of a pier shall make provision for life-saving appliances, and in particular, shall provide on the pier, and maintain in good order and condition—

Life-saving appliances.

(a) at least two life-buoys of a pattern approved by the Authority with life lines attached and ready for use and having affixed thereto a Holmes Light or some other self-igniting device of a pattern approved by the Authority ;

(b) adequate means at reasonable intervals, at or near the surface of the water, for enabling a person immersed in water to support himself or escape.

(2) The Authority may at its discretion exempt either temporarily or otherwise any pier from the provisions of paragraph (1) of this regulation.

Lights on
piers.

16.—(1) Subject to the provisions of paragraph (2) of this regulation, the owner of every pier shall erect, maintain and keep lighted between the hours of sunset and sunrise on every pier the following, that is to say—

(a) two sets of green lights three feet apart in a vertical line one above the other so constructed as to be visible at a distance of at least one mile, erected within three feet of the outer and seaward end of every pier the T Piece of which is less than three hundred feet in length ;

(b) similar sets or lights erected within three feet of each end of the face of the pier and within three feet of the face of the pier, where the face of the pier is three hundred feet or more.

(2) The Authority may at its discretion in writing either temporarily or otherwise exempt any pier from the provisions of paragraph (1) of this regulation.

Inspection.

17.—(1) Any duly authorised officer of the Authority may inspect any pier at any time for the purpose of ensuring proper compliance with the requirements of these regulations.

(2) The Authority shall notify the owner or occupier of any pier of the details of any structures which are found on inspection not to be in a state or safety or otherwise not to be in compliance with the provisions of these regulations and it shall be the duty of the owner of the pier concerned to take necessary steps to remedy the shortcoming.

(3) The owner of any pier who fails to repair any fault or remedy any shortcoming brought to his notice pursuant to this regulation may have his licence suspended or revoked by the Authority and the Authority may in any such case order the closure of the pier until it is put into a reasonable state of repair and safety or order that the pier be removed entirely.

FEES AND OTHER DUES

Fees and
dues.

18.—(1) The fees set out in Schedule 2 shall be paid in cases to which they relate.

(2) In addition to the appropriate fees referred to in paragraph (1) of this regulation the owner or occupier of any pier which handles import or export cargo over the pier shall pay to the authority 10s per ton (weight or measurement) of all import cargo handled on, over or through the pier and 8s per ton (weight or measurement) in the case of commodities enumerated from time to time by the Authority) of all export cargo so handled and the fee shall become due on the 1st day of the month next following that in which the cargo was handled.

(3) For the purposes of paragraph (2) of this regulation the owner or occupier of a pier shall keep records of all goods handled on or passing over the pier and shall render to the Authority an accurate monthly account of any such goods and the Harbour Master of a port or any servant of the Authority may inspect or require the production of all records relating to traffic handled in relation to the pier.

(4) Nothing in these regulations shall be construed as exempting the owner of a pier from paying to the Authority the appropriate ships dues in respect of ships using the pier and harbour dues in respect of all cargo loaded or discharged at the pier in circumstances laid down in the Authority's Dues and Rates Regulations.

19.—(1) No licence issued under these regulations shall be transferable except with the written consent of the Authority which may impose any conditions it deems necessary.

Licence not transferable except with the consent of the Authority.

(2) Where the Authority consents to the sale or other disposition of a pier to any person the original holder of the licence shall forthwith return the licence to the secretary for cancellation and the Authority shall issue a fresh licence to the new owner of the pier.

20. Notwithstanding anything contained in these regulations, the grant of any licence in relation to any pier shall not be construed so as to give to the holder of the licence any rights over land at or adjacent to the root of the pier or to confer any right of access over any land.

Licence not to give right over land, etc.

21. No licence shall be issued or granted where in the opinion of the Authority, any new pier, alteration or extension will tend to obstruct the seaward or river approaches to another pier in close proximity thereto having regard to the size and type of craft normally using the pier.

Blocking approaches to other piers.

22.—(1) No dirt, ashes, bottles, stores, ballast, cargo or anything of a like nature shall be thrown or caused to be thrown or allowed to fall into the water from any pier.

Dumping of rubbish etc., prohibited, etc.

(2) No person shall be allowed to remove sand in the vicinity of any pier except with the permission of the secretary.

(3) No oil of any description shall be allowed to leak into the water from any pier.

23. No vessel of any kind or small craft shall lie up to any pier unless a crew is and remains on board or unless a watchman charged with the care of such vessel is in the vicinity.

Vessel not to lie up to pier in certain cases.

24. Any licence or renewal issued under these regulations shall be exhibited in a conspicuous place on the pier to the satisfaction of the Harbour Master or any duly authorised servant of the Authority.

Licence to be exhibited.

25. Any person who—

Offences.

(a) does anything prohibited by any of these regulations ; or

(b) omits to do anything required to be done under these regulations ; or

(c) otherwise offends against or commits a breach of any of these regulations,

shall be liable on conviction for every such offence to a fine not exceeding fifty pounds or to imprisonment not exceeding three months or to both such fine and such imprisonment ; and in the case of a continuing offence shall be liable to a fine of five pounds for each day during which the offence continues.

SCHEDULES

SCHEDULE 1

FORM 1

Regulation 4

APPLICATION FOR TEMPORARY*/ORDINARY LICENCE TO
ERECT*/OWN/OCCUPY A PIER

I/*We.....

of.....hereby
apply for a licence to own*/erect/occupy a pier at the place mentioned in
the specifications and plans attached herewith.

2. Full name and nationality of applicant; if applicant is a partnership,
the name of every partner; or if applicant is a company or other body
corporate, of every director :—

3. Particulars of intended use of the pier :—

*4. (Renewals only) Particulars of applicant's current licence :—

Number.....

Date of Issue.....

*5. (Temporary Licences only) Period for which licence is required.....

6. I*/We attach herewith the plans, drawings and specifications required
under regulation 4.

Signature

Date

FORM 2

Regulation 5

APPLICATION FOR LICENCE TO CARRY OUT ALTERATIONS,
EXTENSION OR RE-ERECTION OF A PIER

*I/We.....

of.....

being the holder of Pier's Licence No.

hereby apply for permission to *alter/extend/re-erect the pier situate at

in accordance with specifications submitted herewith.

Signature

Date.....

* Strike out word(s) not applicable.

FORM 3

Regulation 7

LICENCE FOR THE ERECTION AND OPERATION OF A PIER

In consideration of the payment of.....

Licence is hereby granted to Mr*/Messrs/Mrs/Miss.....

(hereinafter called the "Licensee") to own, erect, and maintain a pier herein-
after described and shown on the approved plan deposited with the Secretary
to the Authority subject to the terms and conditions hereinafter set out or
which may from time to time be stipulated by the Secretary to the Authority.

SITUATION.....site plan attached.

DIMENSIONS : GANGWAYS
"T" PIECELENGTH
LENGTHBREADTH
BREADTH

Depth of water off face at L. W. O. S. T. or Mean River Level.....ft

CONDITIONS

1. This Licence takes effect from the date of issue and shall expire on the 31st day of December, 19.....
2. The Licensee shall pay to the Authority the sum of £..... and thereafter the sum of £..... annually on renewal unless any alteration is made to the pier which alters the renewal fee payable.
3. The Licensee shall use the pier only for the purpose of.....
4. Neither this Licence nor any rights conferred by it shall be transferred to any other person without the written consent of the Secretary to the Authority. The Authority reserves the right not to give any reason for refusing to consent to any sale, transfer or sub-letting.
5. The licence shall not confer any title to the land on which the pier is erected.
6. No alterations, additions, or re-erection shall be made to any pier without the written consent of the Secretary to the Authority.
7. The Licensee shall permit any officer duly authorised by the Authority in that regard to enter upon the pier at any time whatsoever.
8. The pier and any structures erected shall be maintained in good repair and condition at all times.
9. The Authority shall not be liable for any claim whatsoever for compensation of any kind arising from the revocation of this licence.
10. Any sale or transfer, or sub-letting of the pier or any structures thereon without the prior written consent of the Authority or the use of the pier in competition with the commercial operations of the Authority may result in the immediate revocation of this licence and/or the removal of the pier.
11. This licence is issued subject to the provisions of the Ports Act (Cap. 155) and the regulations made thereunder and to any special conditions which may be endorsed hereon or at the back hereof or which may be issued from time to time by the Secretary to the Authority.
12. The cost of the preparation of this licence and the cost of stamp duty for both parts of this licence shall be borne by the Licensee.

ISSUED this

day of

19

Office Stamp

* *Strike out which does not apply.*.....
Secretary to the Authority

Regulation 7

FORM 4

LICENCE TO ALTER, EXTEND OR RE-ERECT PIER

Licence is hereby granted to
 of holder(s) of Piers Licence
 No. of 19....

to carry out the alterations, extensions or erections as hereinafter described
 and in accordance with the approved plan deposited with the Secretary to the
 Authority.

DESCRIPTION OF WORK

CONDITIONS

1. This licence applies only to the pier mentioned in Piers Licence
 No.
2. This licence is issued subject to the provisions of the Ports Act (Cap. 155)
 and the regulations made thereunder and to any special conditions which may
 be endorsed hereon or at the back hereof or which may be issued from time
 to time by the Secretary to the Authority.
3. The licence shall not confer any title to the land on which the works are
 to be done.
4. The holder(s) of this licence shall allow any officer duly authorised
 by the Authority in that regard to enter upon the pier at any time to view
 such works as are being executed.
5. The pier and the additional structures (if any) shall be kept in good
 repair and condition.
6. The Authority shall not be liable for any claim whatsoever for compensa-
 tion of any kind arising from the revocation of this licence.
7. Any sale, transfer or sub-letting of the pier or of any structures thereon
 without the prior consent of the Authority or the use of the pier in com-
 petition with the commercial operations of the Authority may result in
 immediate revocation of this licence and/or the removal of the pier.
8. Other Special Conditions :

ISSUED this

day of

19

Office Stamp

.....
Secretary to the Authority

SCHEDULE 2

FEES

Regulation 18

PART A.

1.—(i) For a licence to own, erect, alter or re-erect a pier not being a pier for domestic or pleasure boat purposes the annual fee shall be the product of the greater in half-crowns of—

either (a) the depth of water in feet at low water off the face of the pier multiplied by the breadth of the face of the pier ;

or (b) the depth of water in feet approximated to the nearest feet at low water off the face of the pier multiplied by the length of the pier ;

or (c) half the length of the pier in feet (approximate) of the face of the pier at low water ;

<i>i.e.</i> Length..	..	..	..	..	50 ft
Breadth ..	..	..	..	..	30 ft
Depth at low water	..	..	..	..	10 ft

					<i>Amount</i>
					£ s d
Fee under (a) shall be	..	..	..	..	37 10 0
Fee under (b) shall be	..	..	..	..	62 10 0
Fee under (c) shall be	..	..	..	..	93 15 0

The fee payable in this case shall be £93-15s-0d

(ii) The minimum fee shall be £25-0s-0d.

2.—(i) For a licence to own, erect, re-erect or alter a pier for domestic or for pleasure boat purposes, the annual fee shall be the greater of the product in shillings of—

either (a) the depth of water in feet approximated to the nearest feet at low water off the face of the pier multiplied by the breadth of the face of the pier ;

or (b) the depth of water in feet approximated to the nearest feet at low water off the face of the pier multiplied by the length of the pier ;

or (c) half the length of the pier in feet (approximate) multiplied by the breadth in feet (approximate) of the face of the pier at low water—

<i>i.e.</i> Length ..	..	..	..	..	50 ft
Breadth ..	..	..	..	..	30 ft
Depth at low water	..	..	..	..	10 ft.

					<i>Amount</i>
					£ s d
(a) Fee under (a) shall be	..	..	..	..	15 0 0
(b) Fee under (b) shall be	..	..	..	..	25 0 0
(c) Fee for (c) shall be	..	..	..	..	37 10 0

The Fee payable shall be £37-10s-0d.

(ii) The minimum fee shall be £15.

3. For licences in relation to piers by a motor boat club 50 0 0

Note

(i) Where a temporary licence is for the use of a pier for less than 12 months the fee payable shall be the fee for an ordinary licence for one year. Where the period exceeds one year the fee shall be pro-rata the fee prescribed in respect of ordinary licences.

(ii) In the case of applications to re-erect, extend or alter a pier, where as a result of the re-erection, extension or alteration the depth of water off the face of the pier is increased or decreased beyond the limit of the fee payable in respect of the original licence then the owner shall pay and thenceforth pay the appropriate fee calculated in the manner specified in Paragraph 1 or 2 of Part A of this Schedule, whichever is appropriate.

PART B.

	£	s	d
Inspection fee	2	2	0
For approval of constructional drawing in all cases ..	3	3	0

The Common Seal of the Nigerian Ports Authority
was hereunto affixed by the order of the said Authority
this 12th day of December 1968 in the presence of :



A. I. WILSON,
Chairman

BAYO KEHINDE,
Secretary

Approved at Lagos this 18th day of December 1968.

J. S. TARKA,
Federal Commissioner for Transport