

THE LAGOS PORT OPERATIONS (SPECIAL PROVISIONS)

DECREE 1970



ARRANGEMENT OF SECTIONS

Section

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Decree No. 31

[1st May 1970]

**Commence-
ment.**

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. There is hereby established for the purposes of this Decree, a body to be known as the Lagos Port Operations Committee (hereinafter in this Decree referred to as "the Committee") which shall be constituted in accordance with and shall have such functions as are conferred by, or by virtue of, the following provisions of this Decree.

**The Lagos
Port
Operations
Committee.**

2.—(1) The Committee shall consist of the following members—

**Composi-
tion of the
Committee.**

(a) as Chairman, the person appointed to be the Military Commandant for Lagos Port Operations (hereinafter in this Decree referred to as "the Commandant");

(b) three persons, being members of the Nigerian Army, Navy or Air Force;

(c) the Permanent Secretary, Federal Ministry of Trade or his representative;

(d) a member of the Nigeria Police Force appointed by the Inspector-General of Police;

(e) one representative of each of the following bodies or organisations—

(i) the Nigerian Ports Authority;

(ii) the Nigerian Railway Corporation;

(iii) the Board of Customs and Excise;

(iv) the Nigerian Produce Marketing Company;

(v) the Nigerian Chamber of Commerce;

(vi) Shipping Companies and Shipping Agencies in Nigeria;

(vii) Forwarding and Clearing Agencies in Nigeria.

(2) The members of the Committee mentioned in subsection (1) (a) and (b) of this section shall be appointed by the Head of the Federal Military Government.

Functions
of the
Committee.

3. Subject to this Decree, the Committee shall have the function of—

- (a) co-ordinating all operations at Lagos Port ;
- (b) securing in accordance with the provisions of this Decree the efficient discharge of functions by any body carrying on operations at Lagos Port ;
- (c) performing the other functions conferred on the Committee by this Decree.

Proceedings
of the
Committee.

4.—(1) Subject to this Decree, the Committee shall have power to regulate its own proceedings.

(2) The proceedings of the Committee shall not be affected by any vacancy in the membership of the Committee, or by any defect in the appointment of a member of the Committee, or by reason that a person not entitled to do so took part in the proceedings.

Power of the
Command-
ant.

5.—(1) The Commandant and the members of the Committee appointed under section 2 (1) (b) of this Decree shall be responsible for the discharge of the functions of the Committee and the transaction of its day to day business.

(2) In the discharge of the functions under subsection (1) of this section, the Commandant shall have power, after consultation with the Committee—

(a) to direct the Nigerian Ports Authority to provide and operate in Lagos Port such port facilities as the Commandant may consider necessary for enhancing operations at Lagos Port ;

(b) to direct any body carrying on operations at Lagos Port to acquire, construct, maintain, repair or do anything as appears to the Commandant advantageous, necessary or convenient for the efficient discharge of the functions conferred on the Committee by this Decree.

(3) For the purpose of subsection (1) of this section, the Commandant shall also have powers—

(a) to mobilise members of the Nigerian Army for any work (including construction work) at Lagos Port which, in the opinion of the Commandant, is suitable for performance by the Nigerian Army ;

Provided that any construction work to be carried out under the foregoing provisions of this paragraph shall be in accordance with such design and specification as may be approved by the Nigerian Ports Authority ;

(b) to supplement any plant, equipment, vehicle or other thing on the quays at Lagos Port with any plant, equipment, vehicle or other thing from the Nigerian Army, Navy or Air Force ;

(c) to supervise the work of any body carrying on operations at Lagos Port ;

(d) to expel from Lagos Port any person whose presence thereat is not conducive to the performance of the functions of the Committee.

(4) It shall be the duty of any body carrying on operations at Lagos Port to whom any directives are given under this section to comply with the directives within the time specified therein or, if no time is so specified, within a reasonable time after the directives are given.

(5) In this section "port facilities" has the meaning assigned to it by section 10 (3) of the Ports Act.

Cap. 155.

6.—(1) Notwithstanding the provisions of section 147 (1) of the Constitution of the Federation, and section 4 (1) of the Statutory Corporations Service Commission Decree 1968 (which provisions relate to appointment, dismissal and exercise of disciplinary control over persons to whom those provisions apply) the Commandant shall have power to suspend from duty, with or without pay, any person to whom this section applies, and if he considers that the person should be dismissed from his office, the Commandant may make recommendations in that behalf to the Head of the Federal Military Government.

Disciplinary
control.
1963 No. 20.
1968 No. 53.

(2) Any suspension from duty under subsection (1) of this section shall not extend beyond the duration of this Decree.

(3) So soon as possible after a person has been suspended from duty in exercise of the powers conferred by subsection (1) of this section, the Commandant shall report the facts thereof and the reasons for the suspension to the Public Service Commission of the Federation or, as the case may be, the Statutory Corporations Service Commission.

(4) This section applies to any person carrying on operations at Lagos Port, being—

(a) a person holding or acting in any office in the Public Service of the Federation ;

(b) a person holding or acting in any office in any statutory corporation or company to which the Statutory Corporations Service Commission Decree 1968 applies.

7. Any person who at Lagos Port obstructs or interferes with the Committee or any of its members in the exercise of its functions shall be guilty of an offence and on conviction shall be liable to a fine not exceeding £500 or to imprisonment for a period not exceeding 5 years, or to both.

Offences

8. No civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done by the Commandant or any other member of the Committee under this Decree and if any such proceedings have been or are instituted before or after the commencement of this Decree, the proceedings shall abate, be discharged and made void.

Supple-
mentary
provisions.

9.—(1) In this Decree, except where the context otherwise requires—

"the Commandant" means the Military Commandant for Lagos Port Operations ;

"the Committee" has the meaning assigned to it in section 1 of this Decree ;

"function" includes powers and duties ;

Interpreta-
tion.

L.N. 18 of
1967

"Lagos Port" means the area of the port of Lagos (including Apapa) as described in the Schedule to the Customs Ports (Amendment) Order 1967 ;

"operations at Lagos Port" means any activities which are carried on at Lagos Port by any person or body whether in pursuance of functions conferred under the Ports Act, this Decree, or otherwise.

Cap. 155.

(2) References in this Decree to a body carrying on operations at Lagos Port include references to—

(a) any person or body (whether corporate or un-incorporate) carrying on any activities at that port ;

(b) any officer, servant or agent of any such person or body as aforesaid.

Citation,
extent,
commence-
ment
and expiry.

10.—(1) This Decree may be cited as the Lagos Port Operations (Special Provisions) Decree 1970 and shall apply throughout the Federation.

(2) This Decree shall be deemed to have come into force on 1st May 1970.

(3) This Decree shall remain in force for a period of four months from the commencement of this Decree and shall then expire unless the period of operation thereof is extended by the Head of the Federal Military Government by order in the Federal Gazette.

MADE at Lagos this 20th day of May 1970.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*