

PORTS (EMERGENCY PROVISIONS) DECREE 1975



Decree No. 40

[19th December 1975]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. As from the commencement of this Decree, the owner of every ship intending to enter any port in Nigeria for any purpose whatsoever shall, not later than two months before the departure of that ship for Nigeria, furnish to the Nigerian Ports Authority (hereinafter referred to as "the Authority") a statement in writing setting out the following matters, that is to say—

Supply of
information
before the
departure of
ship for
Nigeria.

- (a) the name and physical particulars of the ship ;
- (b) the name of port or ports of sailing and estimated time of departure for Nigeria ;
- (c) the name of port or ports of discharge in Nigeria ;
- (d) the estimated date of arrival in Nigerian ports ; and
- (e) detailed information (including tonnage) in respect of the cargo carried in the ship.

2. The Authority shall, on the receipt of the statement referred to in section 1 of this Decree, issue to the owner of the ship a notice hereinafter referred to as an "entry notice" stating—

Notice of
permission
to enter
Nigerian
ports, etc.

- (a) the port or ports in Nigeria to which the ship may proceed for any purpose ;
- (b) the date on which the ship may enter any port or approach to a port in Nigeria ;
- (c) the berth allocated to the ship in the port concerned and the period during which the ship may remain at such berth.

3. Except with the prior approval of the Authority, no ship shall enter any port or approach to any port in Nigeria except as may be permitted by and in accordance with the terms of an entry notice issued by the Authority in respect of that ship.

Prohibition
of entry
into Nigeria
of ships in
certain
cases.

Alteration
of allocation
of ports,
etc. 123

4. Notwithstanding anything contained in this Decree, the Authority may, if satisfied that circumstances of the case so require, at any time alter the date allocated for the entry of any ship into any port or approach to a port in Nigeria and shall by such means as it may deem convenient notify the owner of the ship of such alteration.

Publication
of informa-
tion on
movement
of ship, etc.

5. The Authority shall, from time to time, publish in the *Gazette* and in such other manner as it may deem necessary the estimated date of arrival of any ship in Nigeria, the port allocated for that ship and the berth at which that ship may discharge cargo.

Offences
and penalty.

6.—(1) If any ship—

(a) enters any port or any approach thereto without an entry notice having been issued by the Authority in respect of that ship ; or

(b) enters any port or approach thereto otherwise than as permitted by the entry notice ; or

(c) fails to leave any port or approach thereto or to leave any berth at the port when required to do so by the harbour master of the port,

the master of that ship shall be guilty of an offence under this section and shall on conviction be sentenced to imprisonment for two years without the option of a fine.

(2) Where an offence under subsection (1) of this section is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of the owner of that ship, the owner shall be deemed to be guilty of the offence and shall on conviction—

(a) in the case of an individual, be sentenced to imprisonment for two years and a fine of ₦10,000 and a further fine of ₦10,000 for each day or part of a day during which the offence continues ; and

(b) in the case of a body corporate be sentenced to a fine of ₦10,000 and a further fine of ₦10,000 for each day or part of a day during which the offence continues.

(3) Any offence under this Decree shall, for the avoidance of doubt, be triable by the Federal Revenue Court.

Interpreta-
tion, etc.

Cap. 155.

7.—(1) In this Decree—

“the Authority” means the Nigerian Ports Authority established under section 7 of the Ports Act ;

“entry notice” means a notice issued by the Authority pursuant to section 2 of this Decree ;

“owner” includes any agent of the owner.

(2) Without prejudice to subsection (1) of this section expressions used in this Decree have the same meanings as in the Ports Act.

(3) Nothing in this Decree shall be construed as limiting to any extent whatsoever any powers conferred on the Authority under the Ports Act or any regulations made thereunder with respect to the maintenance, control and management of any port or approach thereto and with respect to the maintenance of good order in any port or approach thereto.

8. This Decree may be cited as the Ports (Emergency Provisions) Decree 1975. Citation.

MADE at Lagos this 19th day of December 1975.

BRIGADIER M. R. MUHAMMED,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purport)*

As an important measure towards ports decongestion, the Decree makes it obligatory for the owner or agent of the owner of every ship intending to enter into any port in Nigeria to supply certain information concerning that ship and its movements to the Nigerian Ports Authority at least two months before the departure of the ship for Nigerian ports. The Authority may after receipt of the required information issue an entry notice to the ship concerned.

If the master of a ship contravenes the provisions of the Decree he shall be liable to imprisonment for two years without the option of a fine.