

S.I. 44 of 1984

PETROLEUM DECREE 1969

(1969 No. 51)

Crude Oil (Transportation and Shipment) Regulations 1984

Commencement: 3rd December 1984

In exercise of the powers conferred by section 8 of the Petroleum Decree 1969, and of all other powers enabling me in that behalf, I, the Minister of Petroleum and Energy, hereby make the following regulations :—

1. As from the commencement of these regulations, no ship, tanker or vehicle in which crude oil is carried shall take part cargo or carry dead freight except—
 - (a) within the limits of operational practice ; or
 - (b) when loading the full complement from two or more terminals within Nigeria ; or
 - (c) with the prior written approval of the Minister or any person so designated by the Minister in writing to grant such approval.
2. No topping shall be made, demanded or received for or by any ship, tanker, or vehicle in which crude oil is carried within or outside any loading port or terminal in Nigeria.
3. All declarations regarding the capacity of any ship, tanker or vehicle in which crude oil is carried shall be verified and certified by the appropriate Government authority or agency at the port of loading and no crude oil shall be loaded into any ship, tanker or vehicle other than that designated solely for that purpose.
4. No loading shall be made into a ballast tank or any other tank, container or receptacle of a ship or tanker other than those designated, dedicated and designed for the storage and transportation of crude oil.
5. Any false declaration regarding the capacity of any ship, tanker or vehicle in which crude oil is carried or in respect of the quality or quantity of oil loaded or the alteration of any document relating to quality, quantity or capacity of any ship, tanker, vehicle or cargo of crude oil shall be regarded as non compliance with the provisions of these regulations.
6. No ship, tanker or vehicle in which crude oil is carried shall depart from Nigeria for any reason whatsoever without full documentation in the prescribed manner having been concluded by the appropriate authorities and without specific authorisation by designated officers of the Board of Customs and Excise and any other Government agency having authority in that regard.
7. No loading, unloading or trans-shipment of crude oil shall be carried out within Nigeria at any location other than those approved by the Minister for that purpose.
8. In any case where a breach of these regulations is committed by any person or body (corporate or unincorporate) the Minister or any person authorised by him or under any law, shall, pending the trial of such person or body, do any one or more of the following things, that is to say—

Ship, etc.
not to carry
part
cargo or
dead freight .

No
topping
to be made.

Verification
and certifi-
cation of
crude oil,
etc.

Prohibition
of loading
crude oil into
ballast tank,
etc.

False
declaration.

Ship not
to depart
without
full
documenta-
tion.

No loading,
etc. of
crude oil in
unauthori-
sed location.

Measures to
be taken
pending
trial.

(a) cause the arrest or seizure of any cargo, ship or vehicle in which crude oil is carried ;

(b) arrest or cause to be arrested all persons involved and hand them over to a law enforcement agent to be dealt with in accordance with the law ;

(c) withdraw or cancel any licence granted by him to any such person or body or direct such action to be taken by an appropriate Government agency ;

(d) enter or direct the entry into any premises where any breach of the regulations has occurred and take possession of any document, instrument or material used in connection therewith ;

(e) cause an inquiry to be conducted into the affairs of any person or body (corporate or unincorporate) connected with the breach of any of these regulations ;

(f) order the closure of any premises where such breach occurs ;

(g) generally take such other action as the Minister may consider necessary for the purpose of preventing any further breach of these regulations.

Penalty for non-compliance.

9.—(1) Any person or body (corporate or unincorporate) who fails to comply with any of the provisions of these regulations shall be guilty of an offence and on conviction shall be liable to a fine of ₦100 or a term of imprisonment of six months.

Interpretation.

10. In these Regulations, unless the context otherwise requires—

“topping” means any further loading of crude oil in any available space on the ship, tanker or vessel after loading the nominated quantity of crude oil at any designated terminal ;

“appropriate authority” means the Nigerian National Petroleum Corporation, the Nigerian Ports Authority, the Immigration Service, the Board of Customs and Excise, or any other governmental agency having authority for clearance of ships before departure from the Nigerian waters.

Citation.

11. These Regulations may be cited as the Crude Oil (Transportation and Shipment) Regulations 1984.

MADE at Lagos this 3rd day of December 1984.

PROFESSOR TAM DAVID-WEST,
Minister of Petroleum and Energy

EXPLANATORY NOTE

(This note does not form part of these regulations but is intended to explain its effect)

The above Regulations, amongst other things, restrict ships, tankers or vehicles used in the transportation of crude oil to carry part cargo or dead freight cargo except within limits of operational practice. Ships, tankers and vehicles shall not depart Nigeria for any reason whatsoever without full documentation in the prescribed manner and without the authorisation of the Board of Customs and Excise.

2. The Regulations specify measures to be taken pending trial of offenders who contravene the provisions of the petroleum laws and regulations.