



FEDERAL MINISTRY OF DEFENCE  
FEDERAL REPUBLIC OF NIGERIA



FEDERAL MINISTRY OF JUSTICE  
FEDERAL REPUBLIC OF NIGERIA



# HARMONIZED STANDARD OPERATING PROCEDURES ON ARREST, DETENTION AND PROSECUTION OF VESSELS AND PERSONS IN NIGERIA'S MARITIME ENVIRONMENT

2016

HSOP-AD&P



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MARITIME ENVIRONMENT

2016

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## **FOREWORD**

Maritime Law Enforcement (MLE) remains an indispensable tool and process for emplacing effective governance in the national maritime space. In the face of emergent challenges occasioned by diverse threats and criminalities, it has become necessary to address attendant inadequacies hindering the effort of Maritime Law Enforcement Agencies (MLEAs) in checkmating illegalities in Nigeria's maritime environment.

As the Chief Prosecutor of the nation, I have interacted with most of the MLEAs and come to appreciate the enormity of their challenges in taking custody of arrested vessels, persons and evidences as well as ensuring that maritime offenders are prosecuted in a Court of competent jurisdiction. In this regard, I wholeheartedly identify with the noble initiative that produced this Harmonised Standard Operating Procedures (HSOP) designed to guide the operation of MLEA. I am satisfied that the document adequately addresses the issues of overlap of responsibilities of agencies as it also spells out processes to be followed to protect the rights of both the MLEA and suspects during arrest, detention and prosecution. In addressing the dynamic nature of threat within the maritime environment, the HSOP will be reviewed every 3 years.

Effective implementation of the HSOP demands conscious domestication of its guidelines into the doctrinal process of all MLEAs. I, therefore, urge all concerned to ensure adequate knowledge penetration of the HSOP into the day-to-day MLE activities across the nation's maritime space.



**ABUBAKAR MALAMI, SAN**  
Attorney-General of the Federation  
and Minister for Justice

## **PREFACE**

In recent years, some of the challenges hindering effective maritime governance in Nigeria include lack of common understanding and limited synergy among Maritime Law Enforcement Agencies (MLEAs). In particular, handling of issues related to arrest, detention and prosecution of vessels have been attended with unsavoury consequences detrimental to the corporate image of MLEAs, and loss of revenue to the nation. These realities, among others, necessitated the articulation of the Harmonised Standard Operation Procedures (HSOP).

The HSOP aims to attain the requisite common consciousness on operating standards towards fostering better liaison among stakeholders. It therefore provides a consolidated guideline for harmonious management of arrests, detention and prosecution of vessels and suspects, as well as seizure and forfeiture. It is also a guide to those responsible for, or undertaking any enforcement related activities or corporate entities venturing into Nigeria's sea space for business. Further, the document outlines proper procedures to check undue litigations against MLEA arising from the discharge of their legitimate duties in spite of extant judicial gaps.

The HSOP is divided into three Chapters, Schedules and the Appendixes. The chapters are; General Regulations, Human Rights Policy and Membership, while the twelve schedules deal with the responsibilities of each MLEA as it relates to maritime issues. The First Appendix provides a template for the list of arrested vessels while the Second Appendix spells out the functions of the agencies on regulations, arrest, detention, prosecution, monitoring as well as testing of samples from arrested vessels.

I commend this effort for proper application, utilization and understanding by all stakeholders involved in Maritime Law Enforcement to the benefit of effective maritime governance around the Nigeria's maritime domain and interests in Gulf of Guinea region/Africa.



**IE IBAS**  
Vice Admiral  
Chief of the Naval Staff

SOP Number:

SOP Title: **HARMONIZED STANDARD OPERATING PROCEDURES  
ON ARREST, DETENTION AND PROSECUTION OF  
VESSELS AND PERSONS IN NIGERIA'S MARITIME  
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## **LIST OF ACRONYMS AND ABBREVIATIONS**

<b>AA</b>	Administrative Authority.
<b>AOO</b>	Area of Operation.
<b>AOR</b>	Area of Responsibility.
<b>ASA</b>	Appropriate Superior Authority.
<b>CAC</b>	Corporate Affairs Commission.
<b>CEMA</b>	Customs and Excise Management Act.
<b>CO</b>	Commanding Officer.
<b>COMD</b>	Commander.
<b>CTC</b>	Certified True Copy.
<b>DO</b>	Detaining Officer.
<b>DPR</b>	Department of Petroleum Resources.
<b>ECS</b>	Electronic Chart System.
<b>EEZ</b>	Exclusive Economic Zone.
<b>EFCC</b>	Economic and Financial Crimes Commission.
<b>FOC</b>	Flag Officer Commanding.
<b>FDF</b>	Federal Department of Fisheries.
<b>FMOJ</b>	Federal Ministry of Justice.
<b>FMOT</b>	Federal Ministry of Transportation.
<b>HAGF</b>	Honourable Attorney General of the Federation.
<b>IMO</b>	International Maritime Organization.
<b>IPO</b>	Investigating Police Officer.
<b>ISPS</b>	International Ship and Port Facility Security (ISPS) Code.
<b>IUU</b>	Illegal Unreported and Unregulated Fishing.
<b>MOD</b>	Ministry of Defence.



<b>MDA</b>	Ministries, Departments and Agencies.
<b>NAPTIP</b>	National Agency for the Prohibition of Trafficking in Persons.
<b>NCS</b>	Nigeria Customs Service.
<b>NDLEA</b>	National Drug Law Enforcement Agency.
<b>NESREA</b>	National Environmental Standards and Regulations Enforcement Agency.
<b>NHQ</b>	Naval Headquarters.
<b>NIMASA</b>	Nigerian Maritime Administration and Safety Agency.
<b>NIS</b>	Nigeria Immigration Service.
<b>NOSDRA</b>	National Oil Spill Detection and Response Agency.
<b>NPA</b>	Nigerian Ports Authority.
<b>NPF</b>	Nigeria Police Force.
<b>NSCDC</b>	Nigeria Security and Civil Defence Corps.
<b>NIWA</b>	National Inland Waterways Authority.
<b>OIC</b>	Officer in Charge.
<b>PAAR</b>	Pre-Arrival Assessment Report.
<b>ROE</b>	Rules of Engagement.
<b>ROR</b>	Rules of the Road.
<b>SGD</b>	Single Goods Declaration.
<b>SOP</b>	Standard Operating Procedure.
<b>TEDs</b>	Turtle Excluder Devices.
<b>TIP</b>	Temporary Importation Permit.
<b>VOI</b>	Vessel of Interest.

## DEFINITION OF TERMS

<b>Appropriate Superior Authority</b>	Appropriate Superior Authority shall include persons on whom the authority to perform such functions are vested or delegated upon.
<b>Arrest</b>	Arrest is the temporary administrative restriction on the removal of any vessel or person(s) used or suspected to have been used in facilitating illegalities and security breaches in Nigeria's maritime domain.
<b>Commercial Carrier</b>	Commercial Carrier is any person, public, or other entities engaged in transportation of persons, goods or mails for remuneration, hire and other benefits.
<b>Crew</b>	All persons actually employed in the working or service of the vessel, including the master of the ship. All persons onboard the vessel who do not come within the terms of this definition.
<b>Court</b>	Court means the Federal High Court of Nigeria as defined in the Constitution of the Federal Republic of Nigeria (supra) and the Federal High Court Act, LFN (supra).
<b>Drug</b>	Drug is any chemical substance, which when taken into the body by any means whatsoever, changes the function of the body or behaviour of a person. It may be natural or synthetic. For our purpose we

refer to illegal substance which have psychoactive properties such as cannabis, heroin, cocaine, amphetamines, etc.

**Detaining Officer**

Detaining officer is an officer assigned to take charge of detained vessel/person(s).

**Electronic Chart System**

Electronic Chart System is a computer-based navigation information system that complies with International Maritime Organization (IMO) regulations and can be used as an alternative to paper nautical charts.

**Freeze or Seizure**

Freeze or Seizure is the temporary prohibition placed on the transfer, conversion, disposal or movement by an authorised agency of Government by Order of Court of competent jurisdiction.

**International Maritime Organisation**

International Maritime Organisation (IMO) is the specialised agency of the United Nations responsible for evolving of measures to improve the safety and security of international shipping and to prevent marine pollution from ships, and monitoring the implementation of convention on the use of the sea.

**ISPS Code**

International Ship and Port Facility Security Code is an amendment to the Safety of Life at Sea (SOLAS) Convention (1974/1988) on minimum security arrangements for ships, ports and government agencies.

<b>Mother Base</b>	Mother Base is the parent base from where the patrol or operation of the arresting ship or aircraft was launched.
<b>Narcotic Drug</b>	Narcotic Drug is any of the substances natural or synthetic in the First Schedule of the Single Convention on Narcotic, 1961 (as amended) by the 1972 Protocol amending the single Convention on Narcotic Drugs as contained in the Second Schedule to the NDLEA Act CAPN30 LFN, 2010.
<b>Psychotropic Substance</b>	Psychotropic Substance(s) means any substance, natural or synthetic or any natural material(s) specified in Schedules I, II, III and IV of the Convention on Psychotropic Substance(s), 1971.
<b>Rules of the Road (ROR)</b>	Rules of the Road are navigational rules to be complied with, by vessels for the prevention of collision at sea in line with the International Regulations for Prevention of Collision at Sea, 1972 as published by the IMO.
<b>Stowaway</b>	Stowaway is any person(s) who boards a ship and secrets himself onboard with the intention of evading payment of his passage.
<b>Vessel</b>	Vessel includes every description of water craft including non-displacement craft and sea plane used or capable of being used as a means of transportation on water. (International Regulations for Preventing pollution at sea, 1972).

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# CHAPTER 1

## GENERAL REGULATIONS

### PART 1

#### THE COMMITMENT AND GOAL

1. (1) This document serves as a guide and prescribes standard operating procedures for the Agencies operating within Nigeria's maritime area in relation to arrest, detention and prosecution of vessels and persons.

The Standard  
Operating  
Procedures

(2) Recognizing that in carrying out assigned statutory responsibilities, maritime law enforcement agencies are empowered to effect arrest of vessels and persons deemed to be contravening or have contravened the Laws of Nigeria or International Conventions ratified or acceded to by Nigeria;

(3) Desiring to promote synergy through constructive dialogue and wishing to further foster closer cooperation on matters of common interest in maritime law enforcement;

(4) Mindful of existing mandates of individual participating agencies and relationship among parties and understanding that the Harmonized Standard Operating Procedures (HSOP) shall not prejudice the rights and obligations of all parties under the Constitution of the Federal Republic of Nigeria 1999 (as amended) and the various Enactments or Acts establishing the agencies;

(5) Re-Affirming their common concern to adopt a common document known as HSOP and;



(6) Guided by the provisions of the HSOP, hereby express commitment to the faithful emplacement of effective maritime law enforcement including expeditious management of actions and issues relating to arrest, detention and prosecution of vessels, owners and crew who infringe on Nigerian Laws or International Conventions ratified or acceded to by Nigeria.

2. This HSOP is therefore prepared to outline the appropriate procedure for arrest, detention and handing over of vessels consistent with global best practices. It is based on the statutory powers conferred on the Ministries, Departments and Agencies (MDAs) charged with maritime law enforcement activities. It is designed for use by all agencies connected with arrest, detention and prosecution of maritime related crimes, and illegalities committed, or suspected to have been committed within Nigeria's maritime area.

Purpose  
of this  
document

3. The primary objective of this HSOP is to provide consolidated guidelines on arrest, detention and prosecution of vessels, persons as well as seizures/forfeiture of goods (where applicable). It outlines proper procedures to safeguard enforcement agencies from litigations arising from the discharge of their legitimate duties. The HSOP is also relevant to those responsible for, or undertaking, any enforcement related activities, in line with global best practices which also aligns itself with relevant legal provisions of Nigeria.

The Primary  
objective

4. (1) The membership of the Stakeholders shall include those listed in Part 1 of Chapter 3 of this regulation.

Membership

(2) The Observer agencies are as listed in Part 2 of Chapter 3 of this regulation.

5. The core and subsidiary functions of law enforcement agencies for arrest, detention and prosecution of vessels/persons suspected to be involved in the commission of a maritime related crime as shown in the Table at Appendix 2.

Core functions  
of the law  
enforcement  
agencies

## PART 2

### OCCASIONS TO ARREST

6. Any vessel(s) involved or being used in all or any of the following activities within Nigeria's waters shall be liable to arrest :

When a vessel  
shall be liable  
for an arrest

- (a) Operating without authorisation by relevant government agencies;
- (b) Piracy and/or armed robbery at sea (or acting as a pirate vessel);
- (c) Stealing economic resources of Nigeria;
- (d) Illegal bunkering;
- (e) Unauthorized movement of petroleum products;
- (f) Unauthorized research and survey activities;
- (g) Drug and human trafficking;
- (h) Transportation of slaves;
- (i) Navigating in unauthorised areas;
- (j) Navigating without due regards to the ROR;

- (k) Making unauthorised and malicious broadcasting against the nation;
- (l) Transportation of illegal weapons into the country (Gun Running);
- (m) The use of outboard engine(s) mounted on boat beyond the approved capacity by relevant authorities.
- (n) Acts of terrorism;
- (o) Poaching;
- (p) IUU Fishing/Trawling against Nigeria's Fishing Laws and Regulations;
- (q) Smuggling;
- (r) Acts that could lead to loss and/or damage of lives and properties within Nigeria's waters.
- (s) Any activity or activities that could lead to safety and security breaches in Nigeria's waters.
- (t) Operating without due regards to the provision of the International Ship and Port Facility Security (ISPS) Code;
- (u) Willfully or negligently breaks submarine pipelines, communication cables or high-voltage power cables with the intention to interrupt or obstruct telephone transmission/flow of gas or other hydrocarbon products;
- (v) Non-compliance with Coastal and Inland Shipping Act No 5 of 2003 (Cabotage Act);
- (w) Pollution /Dumping of toxic waste;

- (x) Failure to install and/or operate AIS;
- (y) Importation of arms, ammunition and other controlled items without End User Certificate;
- (z) Suspected or designated as a VOI by any MLEA;
- (aa) Any other illegal maritime activities not specified in this HSOP.

7. (1) The agencies retain the right to arrest any vessel/person(s) involved in any type of criminality and any other sundry offence from the internal waters to the limit of Nigeria's EEZ; Provided that all vessels, bases, units and commands tasked with the responsibilities of conducting policing roles of the agencies within Nigeria's maritime domain are vested with the power of arrest in their respective AOR and AOO.

Capacity of Agencies to arrest

(2) All arrests shall be made in accordance with this HSOP and communicated to the ASA.

8. The Power to arrest shall be vested on all law enforcement agencies as specified in their various establishing Acts. Such powers shall include an Order of Court of competent jurisdiction.

Power to Arrest

9. Considering the nature of the offence and the expediency to apprehend the vessel or persons, orders to arrest any vessel or persons given by agencies shall be transmitted through any appropriate method of communication.

Means of communication to effect arrest

**10.** The following vessels shall not be arrested except reasonably suspected to be involved in acts that will cause grave damage to Nigeria's National Security:

Vessels  
that shall  
not be  
arrested

- (a) Warships on the high sea;
- (b) Warships of other countries making an innocent passage through Nigeria's territorial waters;
- (c) Vessels owned and operated by a state and used only on government commercial services.

### **PART 3**

#### **PROCEDURES FOR THE ARREST OF VESSELS**

**11.** All enforcement agencies shall ensure the following when arresting a vessel:

Steps to  
take while  
arresting  
a vessel

- (a) Maintain safe distance and good positioning from the vessel to be arrested.
- (b) Communicate their intentions clearly to the captain of the vessel to be arrested on the nature/type of offence committed and inform him that the vessel is under arrest.
- (c) Give simple and direct orders or command on what they want the vessel to do next.
- (d) Assess the movement to determine if she is willing to comply.
- (e) Use reasonable force within the limits of Rules of Engagement (ROE) in force.

- (f) Move in with extreme caution to ensure safety and security of own and arrested vessels.
- (g) If there is need to board to take control of vessel, follow appropriate boarding procedure.
- (h) Establish the position of arrest and ensure that the Captain of the arrested vessel or suspected ship's crew enters the details into the Ship's Log Book and also marks the position on the Navigation Chart/ ECS.
- (i) Ascertain the Flag State of the vessel.
- (j) Ensure that there is evidence of the offence.
- (k) Ensure witnesses statements are obtained within a reasonable time.
- (l) Record the names and nationalities of the crew of the arrested vessel.
- (m) Take inventory and images of what is suspected to have caused the arrest, for example product, quantity, type and other useful data.
- (n) In case the arrested ship is unable to proceed to the base on her own steam, request the mother base/law enforcement agency to provide tug assistance using appropriate means of communication.
- (o) Notify ASA as soon as practicable after the arrest.
- (p) Make a preliminary written report to the mother base.

(q) Handover the arrested vessel to the base/law enforcement agency as soon as practicable.

Escape from  
detention/  
resisting arrest

HSOP

Economic  
Offences

arrested for breach of extant maritime laws of Nigeria shall be handed over to the appropriate agency for prosecution.

**14.** Any arrested and detained vessel shall be handed over to the appropriate agency adopting the following guidelines:

- a. Re-confirm if inventory onboard vessel is correct.
- b. Inform the agency officially by letter which shall contain details of the vessel, offence committed and the date for the handing over.
- c. Ensure that the letter is received and acknowledged by the agency.
- d. Invite the media and relevant organisations to cover the handing over ceremony and ensure proper documentation.
- e. Collect letter/document to confirm the handing and taking over of vessel(s) from the receiving agency.
- f. Send signal/notification of handover to the appropriate HQ of the agency.
- g. Write a detailed report on completion of handing over.
- h. Request feedback from appropriate agency on action taken against an arrested vessel.

Environmental  
Offences

**15.** (1) The office of the HAGF is to facilitate

Security  
Breach



expeditious prosecution and discharge of cases involving arrested vessels.

(2) Any court of competent jurisdiction may prescribe appropriate bond terms for the release of arrested vessel(s).

(3) In the case of the inability of an agency to take custody of a vessel, the agency is to hand over to Nigeria Police Force or the Admiralty Marshall of the Federal High Court pending prosecution.

(4) In exceptional circumstances, the NN may be in custodial detention of the VOI or arrested vessel on behalf of relevant agencies pending prosecution.

Procedures  
of handing  
over to the  
appropriate  
agency

## **PART 5**

### **FORFEITURE AND DISPOSAL OF ARRESTED VESSEL/PRODUCT**

**16.** (1) Where the need for forfeiture arises, in respect of arrested vessel or any property, the following steps shall be adopted:

- a. The representatives of the arresting and prosecuting agency shall jointly study the situation and decide the course of action to be followed in accordance with subsisting laws. The recommended options are:
  - i. Approach the Court to seek for an Interim Order of forfeiture of the vessel/property and its content.
  - ii. Apply that the interim order become

ABSOLUTE upon the conviction of the Defendant(s) or LAPSE upon their acquittal at the conclusion of the trial.

Inability of agency to take Custody of Vessel(s)

(2) Where vessel(s) is/are arrested with product(s), the prosecuting Agency shall approach the court for an interim order to dispose off the products and keep proceeds in court's custody in an interest yielding account pending the determination of the case.

Prescription of bond term

(3) In case where judgement has been given and products forfeited to the Federal Government of Nigeria and vessel(s) released to the owner, such forfeited products shall be evacuated by NNPC and/any other Agency charged with such responsibility within a short period of time but not exceeding 90 days from the date of the judgment.

Inability of agency to take Custody of Vessel(s)

(4) In case where judgement has been given and products and vessels forfeited to the Federal Government of Nigeria such products shall be evacuated by NNPC, and/any other Agency charged with such responsibility within such period of time but not later than 90 days from the date of judgment and the vessel forfeited therefore shall be disposed off in accordance with the extant law.

(5) In any judicial or administrative proceedings to forfeit vessel/property under any law enforced or administered by the arresting, detaining and prosecuting agency, the arrest, detention and other expenses relating to the forfeiture that are incurred by the relevant agencies after arrest, but before institution of, or during the proceedings, shall be a priority claim in the same manner as the costs awarded and the expenses.

Steps to be adopted for forfeiture

(6) Any Agency claiming any interest in a

forfeited vessel/property, may at any time within 3 months after the date of sale apply to the Minister of Finance for reimbursement of the expenses incurred in the process of arrest, detention or prosecution leading to the forfeiture.

## PART 6

Disposal of  
product from  
arrested vessel

### VESSELS ABANDONED BEFORE AND AFTER ARREST

17. (1) In the event of failure to reclaim seized and detained vessels by its owners for a period of 12 months the Agency in custody of the seized item as the case may be, shall reserve the power to obtain an order of forfeiture and disposal from a court of competent jurisdiction.

Evacuation of  
forfeited product  
from a discharge  
and acquitted  
vessel

(2) The period of 12 months shall be calculated starting from the date of publication of the seizure of the item.

Disposal of  
forfeited vessel  
and product

Claim of cost

Agency  
claiming  
interest

Failure to  
reclaim  
seized vessel

## CHAPTER 2

### PART 1

#### HUMAN RIGHTS POLICY OF THE HARMONIZED STANDARD OPERATING PROCEDURES

1. The Agencies recognise the need to ensure that issue of seizure of vessels and goods is managed in a more coordinated and humane manner for National benefit, in line with the Constitution of the Federal Republic of Nigeria (supra). They are also to be guided by Human Rights Policy in the implementation of duties and activities.

Management  
of seized  
vessels

2. It is expected that the huge judgment-debts incurred against the Federal Government, as a result of infractions of human rights of offenders and victims during the discharge of statutory duties of MLEA will be reduced if the Constitution of the Federal Republic of Nigeria (supra) guides each Agency.

Reduction  
of debt

3. The stipulated guidelines must be strictly adhered to with regards to arrested persons. These guidelines include:

Guidelines  
for arrested  
persons

- (a) (i) Procedural guarantees for investigation and prosecution include the right to be heard, the right to be informed of available remedies, the right of review by a competent authority, the right to representation by legal practitioner of their choice, right to bail, and the right to appeal to a higher authority.

(ii) Offenders shall be informed of their role in formal proceedings, the scope, timing and progress of proceedings, and the disposition of their cases. Unnecessary delay in the handling of offender's cases shall be avoided.

(b) Inconvenience to victims shall be minimized in the handling of their cases. The privacy and safety of victims shall be protected. All victims of abuse of power or human rights violations shall be treated with dignity. Victims shall have access to mechanisms of justice.

4. The responsibilities of the various agencies are as contained in the different Schedules to this HSOP.

Responsibilities of the agencies (see first schedule through the tenth schedule)

## **PART 2**

### **MISCELLANEOUS**

5. This HSOP shall be subject to review and amendment every three (3) years, on a simple majority resolution of all the members.

Citation

6. These guidelines may be cited as Harmonized Standard Operating Procedures on Arrest, Detention and Prosecution of Vessels/Persons in Nigeria's Maritime Environment, 2016.

## **CHAPTER 3**

### **MEMBERSHIP**

#### **PART 1**

**1.** Membership of the Stakeholders Forum will be constituted by one or two representatives from the participating agencies. This is to ensure that the Forum is representative of all critical actors in order to create an optimum environment for efficiency and effectiveness. Participants from the various Ministries and Agencies are expected to be between top and middle management cadre.

**2.** The membership of the Forum is constituted as follows:

- a. Ministry of Defence (DHQ, AHQ, NHQ, HQ NAF)
- b. Federal Ministry of Justice (DPPF, NDLEA, EFCC, NAPITIP)
- c. Federal Ministry of Agriculture and Rural Development (FDF)
- d. Federal Ministry of Transportation (NIMASA, NPA, NIWA)
- e. Ministry of Interior (NPF, NSCDC, NIS)
- f. Federal Ministry of Finance (NCS)
- g. Federal Ministry of Petroleum Resources (DPR)
- h. Federal Ministry of Environment (NOSDRA, NESREA)

## **PART 2**

### **OBSERVER AGENCIES**

**3.** The Observer Agencies are as follows:

- a) National Agency for The Prohibition Of Trafficking In Persons (NAPTIP)
- b) Ministry of Foreign Affairs
- c) Federal Ministry of Information, Culture and Tourism
- d) National Human Rights Commission

HSOP



# SCHEDULES

## SCHEDULE ONE

### PART 1

#### RESPONSIBILITIES OF THE NIGERIAN NAVY

1. (1) Pursuant to the provision of Section 1 (4) of the Armed Forces Act Cap A20 LFN 2004, the NN is to work closely with other agencies in the discharge of its duties. Commanders and OICs of ships/boats shall ensure that appropriate procedures for arrest of vessels are complied with.

Notification  
of COs/OICs  
in effecting  
an arrest

(2) The COs/OICs of ships/boats shall be notified of the arrest of ship(s), as a critical task that must be conducted observing due diligence. Also, the NN shall strictly ensure compliance with IMO guidelines on the procedures for arrest.

2. (1) The Commander or OIC of any Base, Unit or Establishment shall be responsible for the safe custody of any arrested vessel unless otherwise directed by the ASA.

Safe custody  
of vessels

(2) All vessels detained must have a detailed report from the boat/ship that made the arrest. The arrested vessels could be detained under berth, anchored or moored amid stream. It may also be detained in harbour where it shall be secured alongside any jetty.

3. (1) The Commanders of the Base involved in the detention shall ensure the following:

Duties of  
Commander  
of Base

- a. Keep record of the names and ranks of the arresting officers or personnel involved and their reports.
- b. Issue notification of detention on the arrested vessels and any relevant organisation.
- c. Notify and get the consent of the company in writing if the vessel is detained in the company's jetty.
- d. Commanders shall appoint an officer onboard an arrested vessel as a "Detention Officer" to ensure the safety and security of the vessel and exhibits for the period under detention.
- e. If the offence is suspected to be stealing of crude oil or refined petroleum products, a volumetric analysis shall be conducted using credible procedure.
- f. Detention Officer shall report to the Commander of any untoward activities in and around the vessel.
- g. Take records of the draught of the vessel as shown on the scale on her stem and stem post as well as the extent of her freeboard.
- h. Depending on the size of the vessel and characters of the crew, post adequate armed sentries in addition to the detention officer onboard and brief them appropriately about their duties onboard.
- i. Personnel deployed onboard arrested vessels are forbidden to eat food provided by the ship's crew. They are to be provided with food from the Base.

- j. Personnel deployed onboard arrested vessels are to be changed not later than 3 days except Service exigencies dictate otherwise.
- k. Personnel onboard an arrested ship can use own naval means to communicate with the base/other ships or locations.
- l. No disembarkation of crew while detained under berth (anchorage) except under exceptional circumstances that dictate otherwise.
- m. Disembark the crew to detention quarters of the Base when the ship is alongside (Harbour Detention).
- n. Take general inventory and remove movable items to safe custody in the presence of the Captain and Ship Officer of the arrested vessel.
- o. Render assistance in case of any emergency onboard arrested vessel.
- p. In the case of the vessel carrying bulk cargo:
  - i. The integrity of the cargo should not be compromised.
  - ii. The cargo hold/store should be firmly locked at all times and the key kept in a safe place.
  - iii. Unauthorized entry into ship and access to cargo hold must be prevented.
  - iv. Unauthorized transfer/transactions of the cargo to and from the ship under custody should be prevented.
  - v. Make detailed report to the Administrative

Authority (AA) and request for further directives.

- q. Direct the liaison/legal officer to keep records of exhibits and copies of statements until the case is vacated.

**4.** Whenever a vessel is arrested, the Flag Officer Commanding (FOC) shall take the following actions:

Responsibilities  
of Operational  
Command in  
Detention  
of vessels

- a. Ensure the vessel is properly documented.
- b. Direct the Comd/ CO and OIC that made the arrest to ensure safety and security of the arrested vessel while under custody.
- c. Establish owner or charter party of the vessel.
- d. Send signal message to the NHQ.
- e. Forward a detailed written report to NHQ that shall include a legal advice on the matter.
- f. Render monthly report to NHQ until the case is concluded.
- g. Keep detailed reports on all matters relating to the arrest, detention and directive of NHQ until the case is concluded.

**5.** Whenever a vessel is arrested and detained, the NHQ shall act as follows:

Responsibilities  
of Naval  
Headquarters  
on Arrest and  
Detention  
of Vessels.

- a. Direct detailed investigation and report on the vessel.

- b. Direct the speedy release of vessel to owners if not culpable.
- c. Determine the relevant agency to hand over the vessel based on the nature of offence committed.
- d. Consult Federal High Court as to which agency the arrested vessel is to be handed over.
- e. Direct the handing over of vessels to the relevant Agency.
- f. In case of arrest or detention of a foreign vessel, inform the ASA for further necessary action.

**6.** The guidelines for handling stolen crude oil are as follows:

- a. Notification to EFCC, DPR, NNPC of the arrest.
- b. Identification of ownership of the crude by DPR.
- c. Where DPR is unable to determine the ownership, such crude is forfeited and NNPC assumes ownership.
- d. Once ownership is established, the owner takes possession of the crude.
- e. Where owner refuses ownership, the crude is forfeited and NNPC assumes custody on behalf of the Federal Government.

Guidelines  
for handling  
stolen crude

## SCHEDULE TWO

### PART 1

#### RESPONSIBILITIES OF FEDERAL DEPARTMENT OF FISHERIES

1. The vessels that shall be boarded are:
  - a. Fishing vessels Vessels  
to be boarded
  - b. Fishing support vessels
2. The following agencies are authorized to board any fishing vessel within Nigeria's maritime area to enforce fishing laws and regulations:
  - a. NN. Agencies  
authorized to  
board fishing  
vessels
  - b. NIMASA.
  - c. NIS, NCS, NPA, Nigeria Police Force.
3. The following must be inspected and verified for compliance:
  - a. Vessel (Registration Number, Name of vessel etc.) Documents  
and fishing  
gears to be  
inspected
  - b. Licence (Inshore, Offshore and Distance Water Fishing Licence)
  - c. Fishing Gear- (i) Shrimping net (cod end stretched mesh size 44mm) and (ii) Fishing net (cod end stretched mesh 76mm).
  - d. Fishing Equipment- Sea Turtle Excluder Devices (TEDs) (Attachment at the cod end net for shrimping vessels only).

- e. Relevant documents such as vessel NIMASA survey certificate, sailing and bunkering permit must be verified for compliance.
  - f. Promptly notify the Department of the alleged violation.
4. The under listed are common fishing violations:
- a. Fishing without a **licence** or with an expired licence.
  - b. Fishing with unregistered vessel.
  - c. Fishing with unauthorized or illegal fishing **gear** or method.(Gill net, Explosives)
  - d. Fishing in prohibited **areas** - non Trawling Zone of the first 5 nautical miles (From the coastline) and other designated areas.
  - e. Use of **forged** documentation.
  - f. Knowingly providing **false**, inaccurate or incomplete information on catch and fishing activities.
  - g. Illegally **transshipping** catch (offloading of fish into another vessel/boat).
  - h. Trading/sales in illegally caught **fish** at sea with artisanal boats and others.
  - i. Concealing of vessel marking.
  - j. j. Concealing or tampering with evidence.

Common  
fishing  
violations

5. Authorized agencies are to follow the under listed procedure to effect arrest of a fishing vessel:

Procedure  
for arrest

- a. Form filled that they have violated.
- b. Captain endorsed such violation.
- c. Contact FDF on the arrest of vessel within 24 hours
- d. Arrested vessel is handed over to FDF (promptly).
- e. Vessel anchored at the jetty and manned by NPF for investigation.
- f. Further investigation and prosecution by the NPF and FMA&RD.
- g. FDF gives feedback to the NN on action taken on the arrested vessel.



## SCHEDULE THREE

### PART 1

#### RESPONSIBILITIES OF DEPARTMENT OF PETROLEUM RESOURCES

1. (1) The DPR was created by the Presidential Fiat of 22 March 1988 as the technical arm of the Federal Ministry of Petroleum Resources.

Department of  
Petroleum  
resources

(2) It is charged with the responsibility to regulate the activities of oil companies as well as ensure the observance of all relevant enactments such as Petroleum Act, NNPC Act and the Oil Pipeline Act.

2. Upon arrest of a vessel, the DPR shall confirm to the NN and any prosecuting agency(ies), whether the vessel is licenced, in accordance with the Petroleum Act Cap P10 LFN (and the Regulations and subsidiary legislation made thereto), to undertake operations in the Nigerian Oil and Gas Industry.

Regulation of  
coastal vessels  
engaged in  
petroleum  
operations

3. Whenever a vessel is arrested and detained, the DPR shall act as follows:

Acts of DPR  
on arrest  
of a vessel

- a. Upon notification by arresting agency and directives from the Director of Petroleum Resources proceed to the vessel in company of the other stakeholders (NN, EFCC, NSCDC, NPF etc) for inspection.
- b. Measure, using industry best practices, the volume of the content of the vessel ensuring all

compartments are covered. This is a measure of the quantity in the arrested vessel.

- c. Collect samples at relevant intervals to form a composite sample for analysis at approved laboratories.
- d. The Quality and Quantity results and report are presented to the prosecuting agencies accordingly. A copy is to be forwarded to the arresting agencies for information purposes.

HHSOP

## SCHEDULE FOUR

### RESPONSIBILITIES OF NIGERIA POLICE FORCE

#### PART 1

1. The NPF is established and empowered to arrest, investigate, detain and prosecute cases under Sections 214 and 215 of the Constitution of the Federal Republic of Nigeria (supra); Sections 4, 23, 24, 28, 29, 30, of the Police Act Cap , P19 LFN and Section 106 of the Administration of Criminal Justice Act (ACJA), 2015.

General  
powers of the  
Nigerian Police

2. Arrests are to be made by the NPF under the following circumstances:

Power to  
arrest

- a. When a case is referred from any agency or department of government to the Police for investigation.
- b. When a suspect is arrested by anybody and handed over to the Police for investigation.
- c. Upon direct criminal complaint to the court of the commission of an offence which is referred to the Police for investigation.
- d. When it is suspected on reasonable grounds that an offence has been committed against any law in Nigeria or the law of any other country.
- e. When it is reasonably believed that a warrant of arrest has been issued by a court of competent jurisdiction in Nigeria.
- f. When it is reasonably suspected that a suspect has in his possession stolen property.

- g. A person who obstructs a police officer from the performance of his duty or who has escaped or attempted to escape from lawful custody.
- h. When required to appear by public summons issued under any law.
- I When found taking precaution to conceal presence in circumstances reasonably believed that an offence has been committed.

**3.** The NPF by Section 4 of the Police Act is empowered to investigate all criminal matters and in the course of investigation is empowered to:

Power to investigate

- a. Enter upon any property where it is believed that a suspect or incriminating items connected with the offence or other offences can be found (power of ingress and egress).
- b. Search and questioned any person from whom they reasonably believe facts can be obtained relating to the crime.
- c. Take finger prints and photographs of any suspect and object relevant for the investigation.
- d. Take possession of any property for the purpose of the investigation.
- e. Take statement from suspects and witnesses relevant to the case.
- f. Visit the scene of crime, recover exhibits, and take photographs of the crime scene.
- g. Interview witnesses and interrogate suspects.

- h. Secure crime scene and where injury or death occur, remove such injured persons or dead bodies to the hospital for further action.

4. By virtue of Section 29 of the Police Act and Section 35 (1) (c) of the Constitution of the Federal Republic of Nigeria (supra), a police officer can detain any person he reasonably suspects of having committed a criminal offence. These include persons arrested and handed over to them for further investigation.

Power to detain

## PART 2

### SEIZURE OF CRIME RELATED VESSELS

5. Subject to Section 44 (2) (k) of the Constitution of the Federal Republic of Nigeria (supra), the Police can seize or take temporary possession of any vessel for the purpose of investigation. These also include properties that are handed over to them that are connected to an offence under investigation.

Power to seize vessels

6. When a suspect is arrested by the NN or any other law enforcement agency and handed over to the Police, the following procedure shall be adopted:

Procedure relating to vessels

- a. An investigating police officer (IPO) will be assigned to investigate the case.
- b. The statement of the arresting officer and any witness has to be recorded.
- c. The suspect, if any, will be re-arrested, charged and cautioned in the language he understands and his/her statement recorded. If the suspect does not understand English language, an interpreter will

be provided to translate what the suspect say into English language and after the statement of the suspect has been recorded, the interpreter will read and translate the English language version of the statement to the language the suspect understands before the suspect is asked to sign and the interpreter will also sign, while IPO counter sign.

- d. There must also be an illiterate Jurat, stating that the statement of the suspect was read and translated to the understanding of the suspect before he/she signs.
- e. If the statement is confessional in nature, the suspect and the statement will be taken before a superior police officer of the rank of ASP and above, who will read over the statement of the suspect and same translated to him/her and the superior police officer if satisfied that the statement was voluntarily made, he then endorses same.
- f. The IPO will go with the arresting officer and suspect to the scene of crime to inspect and search the vessel involved where inventory is taken of the content of the vessel if any and if the content is suspected to be crude oil, they are sent to DPR for testing, if they are chemical substance, food items, drugs etc they are forwarded to NAFDAC for testing.
- g. Photographs of the vessel and the contents, if any are taken in the presence of the suspect and arresting officer and an exhibit number will be given to the vessel for ease identification.

7. The IPO will in the course of investigation confirm the following: Confirmation by  
the Investigating  
Police Officer

- a. Whether the vessel is licenced to operate in Nigerian waterways.
- b. Whether the contents are permitted products or prohibited products.
- c. Whether the company involved is incorporated under Nigerian law. All these are done in conjunction with the relevant authorities.

8. (1) By virtue of Section 23 of the Police Act and Section 106 of ACJA (supra), the NPF is empowered to prosecute all criminal cases. At the end of the investigation of the case, the case diary is forwarded to the legal department of the force or to the Federal Ministry of Justice for vetting and advice. Prosecution

(2) Whereon after vetting and a prima facie case has been made out against the suspect, a charge is filed by the legal department of the Force or the Federal Ministry of Justice as the case may be for the prosecution of the suspects connected with the offence.

9. By virtue of Section 31 of the Police Act and Sections 333, 337 and 338 of the ACJA (supra), the Police is empowered to seize any property connected with the commission of a crime. It shall by virtue of the above provisions apply to the Court for an order of forfeiture, destruction or sale of the said property. Application  
for interim  
forfeiture

10. In most cases involving vessels, the Police do not grant bail, rather an application is usually made for the remand of the suspect in custody pending the vetting of the case diary and filing of a charge in court. BaIL

## SCHEDULE FIVE

### RESPONSIBILITIES OF THE NIGERIAN MARITIME ADMINISTRATION AND SAFETY AGENCY

#### PART 1

1. (1) NIMASA was established for the promotion and regulation of maritime safety, security, marine pollution and Maritime Labour. It was established by the NIMASA Act 2007.

Nigerian  
Maritime and  
safety agency

(2) The core responsibility of NIMASA is implementation of the Merchant Shipping Act 2007, and the Coastal and Inland Shipping (CABOTAGE) Act 2003.

2. The functions of the Agency as conferred by Sections 22 & 23 of the NIMASA Act include the following amongst others:

Functions  
and powers

- a. Pursue the development of shipping and regulate matters relating to merchant shipping and seafarers.
- b. Administering the registration and licensing of ships.
- c. Regulate and administer the certification of seafarers.
- d. Establish maritime training and safety standards.
- e. Regulate the safety of shipping as regards the construction of ships and navigation.
- f. Provide search and rescue services.



- g. Provide direction and ensure compliance with vessel security measures.
- h. Carry out air and coastal surveillance.
- i. Control and prevent marine pollution.
- j. Provide direction on qualification, certification, employment and welfare of maritime labour.
- k. Perform port and flag state duties.
- l. Enforce and administer the provisions of the Cabotage Act.
- m. Receive and remove wrecks.
- n. Provide National Maritime Search and Rescue Services.
- o. Establish procedures for the implementation of conventions of the IMO and International Maritime Labour Organization and other international conventions to which the Federal Republic of Nigeria is party to and for the implementations of codes, resolutions and circulars arising there from.
- p. Generally perform any other duty for ensuring maritime safety and security and matters incidental thereto.
- q. Stop, enter, board, inspect and search any vessel or aircraft and to detain any vessel within the Nigerian maritime zone.
- r. Demand the production of any licence, permit, record, certificate or any other document.

- s. Expel any vessel which it has reason to believe to be detrimental to the interest of or endanger the order and safety in the Nigerian maritime zone;
- t. Demand the production of any license, permit, record, certificate or any other document and to inspect same or make copies, extracts of such document in relation to matters provided for under the Act;
- u. Enter ports, terminals and vessels to monitor and investigate matters related to maritime labour, ship safety and security.

## **PART 2**

### **MANDATE OF OFFICERS OF NIMASA AT OFFSHORE FACILITIES**

Officers /  
Representatives  
of the Agency

- 3.** Officers and representatives of the Agency at the Ports and Offshore facilities are charged with the following responsibilities:
- a. Facilitate effective coordination and regulation of all maritime activities within the area.
  - b. Stop, enter, board, inspect, search and or detain any vessel within the Nigerian maritime zone through the deployment of Marine Inspectors/surveyors in accordance with Section 218 of the Merchant Shipping Act (supra).
  - c. Inspect ships for the purposes of maritime safety, maritime security, maritime labour and prevention of maritime pollution.

- d. Enforce the implementation of Maritime Safety Standards and Security, Maritime Labour regulations, shipping regulations, cabotage levies, pollution prevention and control amongst others in the marine environment.
- e. Enhance efficiency and effectiveness in ports service delivery to stakeholders.
- f. Enforce and administer the provisions of the Coastal and Inland Shipping (CABOTAGE) Act.
- g. Perform port and flag state duties.
- h. Simplify and facilitate easier documentation processes for the shipping companies and agents.
- i. Provide effective monitoring of vessels calls and cargoes in Nigerian seaports.
- j. Facilitate search and rescue operations for vessels and seafarers in distress;
- k. Ensure that the Agency's revenue are duly collected, collated, and processed accordingly.

### **PART 3**

#### **MARINE ENVIRONMENT MANAGEMENT UNIT**

**4.** The Marine Environment Management Unit shall be responsible for implementing the NIMASA Act on prevention/control of marine pollution as well as the implementation of national laws and domesticated international maritime conventions on marine environment. This requires monitoring the following:

Preventive/  
Control of  
marine  
pollution

- a. Oil discharge monitoring equipment to ensure proper disposal of waste. Where the oil discharge equipment has malfunctioned, the vessel must apply and obtain an exemption from the Agency. Before such exemption is given, surveyors and engineers must inspect the vessel to ensure that the capacity of the storage tanks within the vessel is large enough to store waste until the vessel leaves Nigerian waters.
- b. The functional capacity of Oil-Water Separator (OWS) to ensure compliance with 15PPM in a vessel in line with the provisions of the Marine Pollution Convention (MARPOL) and annexes thereof.
- c. Inspection of relevant anti-pollution documents/certificates on board vessels to ensure compliance with relevant IMO conventions.
- d. Monitoring to ensure discharge of waste into reception facilities.
- e. In the event of a spillage, the shipmaster is expected to report the incident to the Agency within 24 hours. The responsible officers in the unit shall ensure the following:
  - (1) Investigating the cause, determining the magnitude and extent of damage done to the marine environment as a result of an established spillage. Deploy response personnel and equipment to assist in cleanup operations with other government agencies where necessary in the case of a spillage.

(2) Undertake the coordination of compensation of victims of oil pollution damage from ships in line with IOPC fund convention.

(3) Inspect tank washing process and facilities to ensure that dangerous/poisonous chemicals are not discharged into Nigerian waters.

- f. This involves document and related checks on vessels on berth to ascertain their seaworthiness in line with IMO guidelines on Port state and Flag state inspection.
- g. Based on the IMO Regional MoU on Ports State Control, referred to as the Abuja MoU, which gives powers to the Port States to enforce Safety Standards and control of Marine pollution, NIMASA is to work with Port State Control Inspectors of Ships on Abuja MoU for the discharge of this function.
- h. The above functions shall be carried out by the Inspectors of Ships when the vessel has “settled” and cover not less than 35% of ships berthing. The exercise shall last no more than 3 hours. The Inspectors shall not unnecessarily detain or delay a ship from carrying out discharge operations or from proceeding on any voyage except it is absolutely necessary and consequent upon established non-compliance with the related Laws.
- I. The Inspectors shall issue their report to the Ship Development Unit of NIMASA for the purposes of issuance of sailing certificate not later than 1

hour from the expiration of their 3 hours' work time line.

## PART 4

### MARITIME SAFETY AND SEAFARERS STANDARDS UNIT

5. The Maritime Safety and Seafarer Standard Department ensures routine inspections/survey of ships at ports in compliance with port and flag state responsibilities. Marine Safety and sea standard department
6. The Unit shall oversee the implementation of the ISPS code and related maritime safety conventions and protocols enshrined under the Merchant Shipping Act (supra) and the NIMASA Act (supra). This shall involve routine surveys at terminals and jetties to ascertain the safety and security of the terminals/jetties. Overseeing the ISPS code and other maritime safety conventions and protocols
7. The Unit specifically monitors the following: Monitoring
- a. Access control for the entry and exit of persons.
  - b. Health and safety policies at the terminal/jetty.
  - c. Examine records of security drills conducted.
  - d. Security signage/sign posts.
  - e. Lightings/illuminations especially at the quay sides.
  - f. Access restrictions to generator power houses and fuel storage

- g. Surveillance facilities.
- h. Physical visits to various terminals, jetties for safety awareness campaign to educate stakeholders and operators on safety requirements.
- i. Carry out security facilities audit and approval in accordance with the ISPS code.
- j. Carry out ship safety/security audit for flag vessels at ports in accordance with IMO guidelines.
- k. Mercantile marine duties, which include verification of article of agreement for flag vessels as well as verification of seafarers' documents upon arrival of the vessel.

**8.** (1) For vessels/ships, the Inspector of Ships on behalf of NIMASA inspects the following:

- a. The condition of the ship/vessel, its machinery, equipment and general suitability of the vessel on Nigerian waters.
- b. Manning of the vessel and other matters relevant to the safety and security of the ship.

(2) It shall involve the documentation and related checks over vessels on berth to ascertain their seaworthiness in line with IMO guidelines on Port state and Flag state inspection.

Inspection  
by the  
Inspector  
of ships

## PART 5

### CABOTAGE SERVICES

9. It is the responsibility of NIMASA through its Cabotage Services Unit to enforce the Cabotage Act in all ports, jetties and terminals in order to develop indigenous shipping capacity particularly on vessel acquisition, manning and ship building facilities and registration.

Enforcement  
of Cabotage Act  
in all ports

10. To engage in Cabotage trade in Nigerian waters, the following must be fulfilled:

Trade in the  
Nigerian  
waters

- a. Where any vessel does not fulfill the 3 conditions on ownership, manning and building, such vessel must apply and pay for waivers in accordance with the procedure set out in the Guidelines on Implementation of Cabotage Act (supra) before engaging in any Cabotage Trade in Nigerian waters. The waiver certificate must be renewed annually.
- b. Foreign owned vessels must in addition to applying for waivers, apply for and obtain a licence to engage in Cabotage trade in accordance with Sections 15-18 of the Cabotage Act (supra).
- c. Subject to Sections 22 and 29 of the Cabotage Act (supra), every vessel engaged in Cabotage Trade shall be registered with the Cabotage department of the Agency. Vessels already registered in the Nigerian Ship Registry shall be registered in the Cabotage register.

**NOTE:** Application form can be obtained from the Cabotage Department of the Agency and a



checklist of documents that must be attached to the application.

**11.** Vessels/ship engaged in Cabotage trade must carry on board at all times the following:

Things to carry onboard on a cabotage trade

- i. Cabotage registration certificate.
- ii. Waiver Certificate.
- iii. Vessel registration certificate.
- iv Crew list.

**12.** (1) Enforcement officers from the Cabotage Department shall carry out routine checks based on selected sample of vessels/ships trading in Nigeria's Coastal Waters to inspect them for compliance with the above stated requirements.

Carrying out Checks by the enforcement officers

(2) This process shall not extend to sea going vessels calling at Nigerian Ports.

(3) The IMO Regional MoU on Ports State Control, referred to as the Abuja MoU, shall give powers to the Port States and shall enforce safety standards and control of marine pollution.

(4) NIMASA shall delegate the discharge of this aspect of its functions to the Port State Control Inspector of Ships.

**13.** (1) The above functions shall be carried out by the Inspectors of Ships and cover such sample of ships on the coastal waters as NIMASA may from time to time indicate.

The Inspector of Ships on a cabotage

(2) The exercise shall last not more than one hour in each case.

(3) The Inspectors shall not unnecessarily detain or delay a ship from proceeding on any voyage except it is absolutely necessary and consequent upon established non-compliance with the related Laws.

(4) The Inspectors shall issue a report to the Cabotage Unit of NIMASA not later than one day from the end of each vessel inspection.

## **PART 6**

### **MARITIME LABOUR SERVICES AND ARREST OF VESSELS**

**14.** (1) The Maritime Labour Services Unit of NIMASA shall be responsible for the registration and regulation of Maritime Labour matters as enshrined in Section 27 of the NIMASA Act (supra).

Registration  
and regulation  
of maritime  
labour matters

(2) The Unit shall derive its mandate from the NIMASA Act (supra), Merchant Shipping Act (supra), Cabotage Act (supra) and the Maritime Labour Convention (MLC) 2006.

- (3) The enforcement officers shall ensure the following amongst others:
- a) That maritime labour employer comply with existing regulations and standards relating to crewing, wages, safety, welfare and training of seafarers and dock workers at ports, jetties, terminals, offshore facilities and onboard vessels.

- b) The enforcement and administering of the provisions of the Cabotage Act (supra) with regard to manning of Cabotage vessels.
- c) Implementation of seafarers and dock workers employment, safety and health standards in relation to provision of maritime labour and in line with International Maritime Labour Convention and the International Labour Organization Convention.
- d) That ships plying Nigerian waters carry the Declaration of Maritime Labour Compliance (DMLC) Parts 1 & 2.
- e) On board inspection by International Labour Organization certified personnel in line with the inspection requirements for Flag State and Port State.
- f) Compliance by Stevedoring Companies with payment of 0.5% stevedoring charges.

**15.** NIMASA's responsibilities on arrest and detention of vessels subject to the provisions of the NIMASA Act (supra), Merchant Shipping Act and Cabotage Act (supra) shall be as follows:

Detention and  
arrest by  
NIMASA

- a. Establish the nature of infringement necessitating the arrest i.e whether it is related to NIMASA's statutory mandates.
- b. Documenting the details of the vessel under arrest.

- c. Determine the Agency to handover vessel for further action if the nature of the vessel's infringement requires further action.
- d. Where the nature of the infringement is such that could be remedied, NIMASA shall release the vessel on compliance with extant laws and regulations.

HSOP

## SCHEDULE SIX

### RESPONSIBILITIES OF NIGERIA SECURITY AND CIVIL DEFENCE CORPS

Procedure  
for arrest,  
detention and  
prosecution of  
vessels

1. Subject to Section 3 of the NSCDC Act (supra), the procedure for and other subsequent actions to be taken in respect of arrest, detention and prosecution of vessels shall be to:

(1) Establish the identity of persons onboard the vessel to determine whether there are foreign nationals on the ship or vessel. If there are foreign nationals on the vessel, for their Immigration/Expatriate Permits or Licenses to determine whether they are lawful immigrants.

(2) Determine whether or not the vessel is a cargo or passenger vessel, ask every person of their business onboard. On identification of the captain and officers/crew members on board, shall demand for their seafarer certificates (duly issued by NIMASA). It shall be illegal for any of them not to have or carry his seafarer certificate on board.

(3) (a.) Demand for the documents of registration of the vessel/ship (with NIMASA). It shall be illegal not to carry the document on board, and failure to register a vessel (particularly self-propelled vessels of above 15 gross tonnage) renders the vessel liable to express forfeiture.

(b.) The document of registration shall show the name of the company owning the vessel and shall serve as a lead in investigation of the directors of the company and to determine their involvement in the illegal use of the vessel.

(4) (a.) Demand for the content of the vessel while inspecting the Vessel compartments. Where the vessel on inspection is conveying crude oil or petroleum products, shall ask the crew for the source of the crude oil or the Petroleum products, and shall be under video coverage.

(b.) Whatever their answers (if they are not confessing to theft of the cargo), shall ask for *ware bills* to confirm the source, ask for the *Naval Clearance* authorizing the reception of the product from the other vessel and the *DPR Haulage Permit* of the Company that owns the vessel; Inspect the ware bills to see the owner of the product in the vessel and shall demand to see the owners *Import Permit*.

(5) (a.) Arrest and move to anchorage the alleged vessels and crew members, where a prima facie case of theft or illegal dealing is established.

(b) On arrival of the DPR officials, the samples through a video coverage shall be taken by one of the arrested suspects in the presence of others within 48 hours of the detention of the vessel at the anchorage for proper analysis.

(6) The arresting officer shall be required to volunteer his *Arresting Officer's Statement*. Once the Statement of the Arresting Officer is taken, the suspects, the original video cassette (or tape) of suspects' interview onboard the vessel, the arresting officer's statement and all relevant documents recovered shall be handed over to the investigation department for further actions.

2. Upon the suspects being handed over to the Investigation Team, the case shall be assigned to an Investigation Officer (IO) with dispatch who shall:

(1) Serve the suspect(s) Notice of Administrative

Responsibilities  
of the  
Investigation  
Officer

Bail with conditions that will buy adequate time for him to complete his investigation. Where any of the suspects refuses to sign his name and signature to acknowledge the service of the Notice of Administrative Bail on him, the IO shall promptly raise a letter to the nearest office of the Legal Aid Council, attaching the Notice of refusal of the suspect and informing them that the suspect was granted but refused bail, while requesting them to visit and advise the suspect on his right to Bail.

(2) The IO shall interrogate the suspect(s) one after another and shall obtain their statements under caution. The IO shall elicit relevant information on the identity of the owner of the content of the vessel. The information obtained shall be compared with the documents recovered from the vessel (if any), to subsequently serve as a guide.

(3.) Where the statements of the suspects are obtained, the IO shall embark on the line of further investigation as listed below:

- a. Where the Waybills show that the product in the vessel was received from another ship/vessel into the one on which the suspects were arrested, write to the person or company issuing the waybills to confirm it's genuine or otherwise.
- b. Write a letter to the NN to confirm knowledge of the acclaimed transaction between the arrested vessel and the one from which it purportedly received its cargo, and/or to confirm the genuineness or otherwise of the Naval Clearance tendered by the suspects if any.

- c. Contact the DPR for the result of the samples of product taken from the Vessel for analysis. Also shall request the DPR to confirm:
- i. Whether the owner of the cargo has *Import Permit* to deal in Petroleum Products or to confirm the genuineness or otherwise of such *Import Permit* tendered by the suspects in respect of the cargo, if any;
  - ii. Whether the owners of the vessel have *Haulage Permit* to convey Petroleum Products with the said vessel or to confirm the genuineness or otherwise of the *Haulage Permit* tendered by the suspect(s), if any.
- d. Write to NIMASA and NIWA to confirm the registration status of the vessel; whether the registration papers of the vessel is genuine, or if there are no papers, whether the vessel is registered at all with both agencies.
- e. Where replies from NIMASA and NIWA indicate that the vessel is not registered, write to the Federal Ministry of Transportation to confirm whether a restricted licence was issued to the Vessel to engage in cabotage within Nigerian waters.
- f. Write to the NPA to confirm whether the vessel called in at any of the ports to ascertain the legality of the movements of the vessel and its crew members, and to ascertain whether it legally entered Nigerian waters.
- g. Write to the CAC applying for the CTC of the particulars of registration of the company, like



CAC 2, CAC 7, Memorandum of Association and the Articles of Association of the Company.

**NOTE:** This information shall assist in identifying the owners of the vessel(s)/content and their whereabouts for the purpose of effecting arrest, particularly where they refuse to come forward on invitation through telephone conversation.

(4) At the close of investigation as itemized above, the IO may want to ask if the suspects are willing to volunteer some further statements before the file is forwarded for legal advice.

3. (1) On receipt of the case file, the Legal Unit shall render advice on the totality of evidence available and shall state whether or not some further investigations are necessary to present a stronger case.

Advice  
of the  
Legal Unit

(2) Where there is a strong or prima facie case against the suspects, the Legal Unit shall seek directives to prefer a Charge against them and others at large.

(3) The Legal Unit in a Command shall only advice on any application for the variation of their administrative bail conditions where investigations did not establish any case against them, or where any of the suspects has a very serious health challenge that cannot be safely managed by the medical team or a standard hospital without involving his relatives pending arraignment.

(4) To facilitate the accelerated hearing and trial of the case immediately after the charge filed by the legal team has been assigned to the court of competent jurisdiction, the prosecution counsel shall file an ex-parte application seeking for the following orders:

- a. An Interim Order of forfeiture of the vessel and its content to the Federal Government pending the final determination of the case.
- b. An Order that the Interim Order shall become ABSOLUTE upon the conviction of the Defendant(s) or lapse upon their acquittal at the end of trial.
- c. An Order of Court for the accelerated hearing of the case from day to day as shall be fixed by court until trial is over.

4. (1) The Prosecuting Counsel shall always ensure compliance with the Guidelines and the Code of conduct for prosecutors for the time being in force.

Duties of the  
Prosecution  
Counsel

(2) Any application for release of the vessel on Bond shall be opposed, unless the applicant is willing to deposit in court as security, such cash as shall be determined by the Bureau of Public Procurement as being commensurate to the market value of the vessel and the cargo therein at the material time.

(3) Where there arises an unforeseen situation of the vessel constituting danger to the navigational channels owing to cargo leakage, application may be made to court for an Order to auction the content of the vessel for safekeeping of the proceeds pending trial.

(4) In any case where the court gives an order for the release of a Vessel while trial is pending, the prosecution shall inform the office promptly to enable the management decide on the propriety of appealing against the Order.

## SCHEDULE SEVEN

### RESPONSIBILITIES OF NATIONAL DRUG LAW ENFORCEMENT AGENCY

#### PART 1

1. The primary objectives of the NDLEA officers at the seaport are to search all vessels and consignments, seize recovered drug exhibits, arrest and prosecution of drug offenders. In exercising the above responsibilities, the NDLEA ACT (supra), is enforced.

National Drug  
Law Enforcement  
Agency

2. The NDLEA (Seaports) Standard Operating Procedure (SOP), 2016 provides all stakeholders adequate knowledge concerning NDLEA operations in the Seaports. These operations are categorised into four (4) sub-headings namely:-

Purpose and  
Objectives of  
NDLEA

- a. Boarding and Rummaging of Vessels
- b. Stuffing/Examination of Export Cargoes
- c. Imported Cargoes Examination
- d. Marine Patrol of Waterways, Creeks and Harbours.

3. The SOP shall serve as a guide to all officers of the Agency in the seaports in the discharge of their duties. It shall assist other stakeholders in the port industry to know their responsibilities to the Agency at all times and requirements from them as the case may be.

Service  
of the  
SOP

4. The Officers of the Agency working in the seaports are charged with the following responsibilities:

Duties of  
the Agency  
at the Seaports

- a. Prevention and detection of offences in violation of the provisions of the NDLEA Act.
- b. Working in collaboration with NCS in monitoring the movement of goods and persons in any Customs area; Customs station or Customs ports and searching cargoes; incoming and outgoing vessels , including pleasure craft and fishing vessels as well as searching crew members, passengers and their baggage.
- c. Detecting consignments suspected of containing narcotic drugs and psychotropic substances coming into or out of a Customs area, station and port.
- d. Maintaining surveillance in harbour and dock areas.
- e. Investigating assets and properties of persons arrested for committing any offence under NDLEA Act.
- f. Identifying and tracing proceeds involved in any offence under the NDLEA Act and effecting forfeiture of such proceeds; and
- g. Dealing with matters connected with extradition and mutual assistance in criminal matters.

## **PART 2**

### **NDLEA STANDARD OPERATING PROCEDURE**

**5.** NDLEA designated officers shall be part of the Joint Ship Boarding Team coordinated by the NPA and

Boarding

regulated as specified in the NPA Standard Boarding Procedure.

**6.** (1) Boarding Officers are responsible for searching of the following incoming and outgoing vessels; container vessel, bulk cargo vessel and tanker vessel; Yatch, Cruise vessels, etc.

Rummaging

(2) In performing this, the boarding advice shall be submitted to the command office by the shipping agency not less than 24 hours before arrival of the vessel. On the arrival of the vessel, the Port Health officials shall clear it before any other agency.

(3) Boarding officers shall embark and be received by the Ship Agent(s). Officers are properly identified and documented by a member of the crew before going into the vessel.

(4) The Ship Agent shall take the officers to the captain of the ship.

**7.** The captain shall give officers the following documents; crew list port(s) of call list, nil list, medical list of medicine in the hospital and narcotic list in the captain's cabin for inspection and search purpose, as well as containers list as the case may be.

Crew list documents

**8.** (1) Officers may search any part of the vessel including crew cabin and hospital and screen the narcotic register to verify the quantity and expiry date on the items found including new stock and how they are being dispensed.

Verification  
By the  
Officer

(2) In carrying out search of the vessel, the shipping agent and one or two crew members shall accompany the officers.

**9.** All narcotic and controlled drugs are expected to be in the custody of the Captain and proper record of them shall be kept.

Narcotics

**10.** (1) No expired drug is permitted onboard. However, where there is any, it shall be properly documented on a list stating out the name, date of manufacture, date of expiration and quantity, packed in a container and labeled EXPIRED.

Expired Drug(s)

(2) The expired drug shall be handed over to the NDLEA boarding officers who shall stamp and sign on the duplicate copy of the document prepared by the Captain, who shall also countersign before handing over the expired drug(s) to the Agency.

**11.** (1) At the end of search/inspection, where nothing incriminating is found, NDLEA clearance duly stamped and signed by both the OIC of boarding and Captain, is issued to the Captain.

What to do after Inspection

(2) Where any incriminating item is found, the item will be removed in the presence of the agent and the Captain for further investigation.

(3) Where the Captain refuses to cooperate with the boarding officer, he shall be sanctioned in accordance with NDLEA Act (supra).

### **PART 3**

#### **MARINE UNIT**

**12.** The Marine Unit is charged with the responsibilities of monitoring the movement of goods and persons on Nigeria waterways and search of any suspicious craft.

Duty to Monitor

**13.** Boarding of fishing vessels (trawler) shall require the following procedure:

- a) The vessel will be boarded by the agency marine officers before it sails to the high seas for fishing and when it is returning.
- b) During boarding of the vessel, the master of the vessel shall conduct the officers round to check any part of the vessel including cabins, fish hold and engine room as well as first aid box.
- c) Documents required from the captain of the ship are ship particulars and the crew list.
- d) At the end of the search/checking, if nothing incriminating is found, NDLEA clearance duly stamped and signed by the OIC Marine or his officer on duty shall be issued to the Captain after he has countersigned.
- e) The Marine Unit shall maintain surveillance in harbor and dock areas.
- f) The unit shall also be responsible for detecting consignments suspected of containing narcotic drugs and psychotropic substances coming into or out of Nigeria jetties/terminals and coastal areas.

**14.** Search of craft, fibre boats and wooden fishing boats require the following procedure.

- a) The NDLEA Marine Patrol Officer shall raise flag; or hand to stop any craft on the sea.
- b) It is mandatory for the quartermasters or fishermen to stop for the Agency Staff on patrol upon raising flag or hand.

- c) He must allow the officer to conduct search on the passenger and their load.
- d) If nothing incriminating is found, the officer will disengage and the boat will continue its movement or fishing activities.
- e) If any incriminating item is found, arrest and seizure will be made as the case may be.

HSOP



## **SCHEDULE EIGHT**

### **RESPONSIBILITIES OF NIGERIA IMMIGRATION SERVICE**

1. By the combined provisions and the operations of Sections 23, 26, 31, 32, 40 and 41 of the NIS Act (supra), the NIS is empowered to prosecute defaulters of Immigration laws of Nigeria. Section 113 of NIS Act confers the power to institute proceedings by an authorized Immigration Officer on behalf of the Minister of Interior, while Section 106 of the Act recognises criminal responsibility of vessels.

#### **PART 1**

#### **PRE-ARRIVAL OF VESSEL**

2. Pre-arrival report must be made of passengers and crew to the NIS office of the port using the designated format.
3. All ships entering or leaving Nigeria are required to clear Immigration formalities at recognized ports. Recognised Ports for the clearance of vessel are: Lagos, (Apapa) Tin Can, Warri, Sapele, Port Harcourt, Calabar, and Koko, or within the territorial waters of Nigeria.
4. In the event of a vessel arriving at other ports than a recognised port, it is the responsibility of the Master of the vessel to contact the nearest Immigration Officer and ensure that no one leaves his vessel without permission of an Immigration Officer.
5. The following documents are required in respect of a vessel arriving at a Nigerian Port:

- i. Crew list in duplicate;
- ii. List of ports of call on inward journey;
- iii. List of disembarkation passengers showing the port of embarkation;
- iv. List of passengers in transit showing the port of embarkation and intended port of disembarkation
- v. List of persons onboard the ship including stowaways

## **PART 2**

### **VISITING OF SHIP ON ARRIVAL IN NIGERIA**

**6.** (1) The Immigration Officer immediately on the arrival of a vessel in Port shall visit that vessel and carry out immigration clearance in accordance with instruction contained in the NIS Manual. It is the responsibility of an Immigration Officer in charge of a port to liaise with the Shipping Companies to ensure that he receives advance notice of the expected arrival of any vessel in Port or alternatively receives immediate notification of the arrival of any vessel. Where the vessel does not come alongside quay, the Immigration Officer must make arrangements with the shipping Company to provide transport to the vessel.

(2) All persons seeking to disembark from a vessel arriving at a port in Nigeria who have embarked at a port outside Nigeria are required to report before an Immigration Officer, complete a disembarkation card and produce their passports, valid Entry Permits/Visas where applicable for examination by an Immigration Officer. Such examination shall be carried out in accordance with

the NIS Act (supra). Passenger clearance will normally take place on board the vessel unless otherwise directed by an Immigration Officer who may permit landing for the purpose of examination.

### **PART 3**

#### **PASSENGER CLEARANCE**

7. All passengers in transit on a vessel are liable to examination by an Immigration Officer and are not permitted to go ashore without the consent of an Immigration Officer. All such passengers shall be examined by an Immigration Officer and where any passenger is found to be, or is suspected to be a prohibited immigrant, the Immigration Officer shall prohibit such person from going ashore whilst the vessel is in Nigeria's waters. Such passenger shall be notified in writing of the refusal of shore leave, and the master of the vessel notified accordingly, and it shall be the responsibility of the master of the vessel to ensure that such person does not proceed ashore whilst in Nigeria.

8. The travel document of any such person permitted shore leave shall be endorsed with the Immigration Officer's stamp and a note made in the passport showing that the person is permitted Shore leave whilst the vessel is in that port. No Alien shall be permitted to proceed ashore whilst the vessel is in the port unless he wishes to go ashore and re-embark on the vessel at a different port in Nigeria, he may on receipt of a letter from the Agent of the vessel confirming acceptance of immigration responsibilities in respect of normal disembarkation formalities provided that, such person is not within the category of a prohibited immigrant.

**9.** Shore leave may be withdrawn at any time by an Immigration Officer and when this is done, the passenger must be so informed in writing by the Immigration Officer. The master of the vessel shall likewise be informed and is responsible for that passenger not go ashore.

**10.** (1) All crew are subject to examination by an Immigration Officer and may not go ashore without permission of an Immigration Officer. Immediately on the arrival of a vessel in a Nigerian port, the Immigration Officer shall obtain from the Master of the vessel two copies of the crew manifest and the Immigration Officer will examine such members of the crew as he considers necessary and return one copy of the manifest to the Master of the vessel indicating in writing on the manifest which member of the crew, if any, are refused permission to go ashore whilst the vessel is in Nigeria's waters.

(2) No member of the crew comes within the category of a prohibited immigrant, or whose shore leave is considered undesirable by Nigerian Law will be granted shore leave. Where any member of the crew is refused Shore leave the Master of the vessel is responsible to ensure that such member of the crew does not proceed ashore whilst the vessel is in Nigeria's water. Permission for shore leave may at any time be rescinded by an Immigration Officer by notification in writing to the member of the crew and the Master of the vessel.

#### **PART 4**

#### **SIGNING ON/ DISCHARGE OF CREW**

**11.** All persons, other than citizens of Nigeria, signing on as a crew in a Nigerian port are required to report before an Immigration Officer prior to embarkation, produce his travel document and complete an embarkation card.

Where the person is signing on a vessel operating from a port and between Nigerian Ports such person is required to be the holder of a residence permit, he is considered for this purpose to be resident in Nigeria.

**12. (1)** No member of the crew of a vessel, not being a citizen of Nigeria, may be discharged without the consent of an Immigration Officer.

(2) Such consent may be given at the time at which the Immigration Officer clears the vessel or when the crew member is attending the Shipping Master's office for discharge. Such consent will not be given unless the Immigration Officer is satisfied that adequate arrangement have been made for the repatriation of the crew member or his signing on another vessel.

(3) Each member seeking discharge is required to complete a disembarkation card and shall be listed, when approval is given for his discharge, with a transit pass to cover the period pending his departure from Nigeria. Where a person is discharged from one vessel and immediately signed on another vessel which is at that time in the same port, the Immigration Officer may dispense with requirements of completion of Disembarkation/Embarkation cards. It is the responsibility of the Immigration Officer to maintain liaison with the Shipping Master of the port concerned to ensure that the crew members are discharged without his consent.

## **PART 5**

### **SEAMAN ARRIVING IN NIGERIA TO SIGN-ON ON VESSELS IN NIGERIAN PORTS**

**13.** Seaman arriving in Nigeria for the purpose of signing-on on vessels fall into two categories:

(a) Persons joining foreign and Commonwealth Ocean going vessels registered outside Nigeria;

In this case the Seaman will be required to be in possession of a letter from the agents of the vessel confirming that he is joining a vessel in Nigerian port. He will be required to produce his passport, or Seaman's discharged book complete a disembarkation card and be issued a transit pass to proceed to the port in Nigeria at which he intends to sign-on on the vessel. He will on signing-on on the vessel be required to produce his passport or Seaman's discharge book and a departure card.

(b) Persons joining vessels registered in Nigeria or operating wholly or partly in Nigeria's waters and are based in a Nigerian Port. This also applies to all crew of fishing vessels operating from Nigerian ports. Such person will be required to be in possession of valid entry permits in the case of a Commonwealth citizens and valid visas for residence, in case of Aliens. They will be dealt with as person entering for residence accordingly.

## **PART 6**

### **REFUSAL OF ENTRY ON MEDICAL GROUND**

**14.** No refusal of entry on medical ground shall take place except on request in writing of a Medical Inspector duly appointed under the relevant section of the Immigration Act (supra).

**NOTE:** No person is permitted to disembark from a vessel without the consent of an Immigration Officer. Any Immigration Officer may board any ship in Nigeria. The handling agent has to furnish a repatriation guarantee bond for the foreign Seaman with the signature and seal of the Agency and full particulars of the crew. The

Agent/Foreign Crew shall be responsible to repatriate signed off crew by the scheduled flight. The foreign Seaman shall be in possession of yellow fever vaccination certificate if he is coming from a yellow fever zone. All matters requiring special attention shall be handled at NIS Office at the Port of entry.

## PART 7

### EMBARKATION PROCEDURE

Presentation  
Before  
immigration

**15.** All passengers seeking to embark on a vessel for the purpose of leaving Nigeria shall appear before an Immigration Officer and shall be dealt with in accordance with the provisions of the NIS Manual and shall answer such questions, as in the opinion of the Immigration Officer, are necessary to decide the condition under which such persons may be permitted to leave Nigeria.

**NOTE:** Any person who arrives Nigeria by sea as a stowaway onboard a vessel, shall, unless he is a citizen of Nigeria, be treated as a prohibited immigrant and refused permission to land in Nigeria. It is the responsibility of the master of the vessel to report to the Immigration Officer the particulars of any stowaway onboard his vessel. Where a person is found attempting to stowaway on a vessel in a Nigerian port or has arrived as a stowaway on a vessel and is a citizen of Nigeria he shall be handed over to the NPF for necessary action.

**16.** Any such person may be required for examination to declare to the Immigration Officer whether he is carrying or conveying any document which in the opinion of an Immigration Officer is relevant for the purpose of examination, and if he is carrying or conveying such documents to produce same for examination.

Examination  
Of persons

**17.** Where such documents are not produced, the Immigration Officer has the right to search the person and any baggage belonging to him or under his control to ascertain whether or not he is carrying such documents. No search of any woman or girl shall be carried out except by a woman.

Search of  
Baggage

**18.** The Immigration Officer may detain for examination any such documents produced. Any such documents detained shall be forwarded to the Comptroller-General of NIS, if necessary by the quickest possible means bearing in mind the time limit under Section 2 (3) of NIS Act (supra).

Detention  
for examination

**19.** No search under the provisions of Sections 4 and 5 of NIS Act (supra), shall be carried out in respect of any Minister/Commissioner of the Federal or State Governments or any person possessing diplomatic immunity

Immunity  
of Ministers  
of the Federal  
and State  
governments

**20.** All persons appearing before an Immigration Officer are required to produce their travel documents for examination.

Production  
Of Travel  
Documents

**21.** (1) Travel documents for entry into Nigeria include in any case a visa/entry permit and employment papers, and international certificates of health valid for such entry, and where a citizen of Nigeria is departing, include any visa/entry permit employment papers and international certificates of health.

Travel  
documents

(2) All persons on entering or leaving Nigeria are required unless they are Ministers/Commissioners of the Federal or State Governments. This shall include the Head of State and the Governor of any state to complete Embarkation/Disembarkation cards.



## PART 8

### DISEMBARKATION PROCEDURE

**22.** Disembarkation procedure will commence immediately on the passengers reporting for immigration clearance. It is not necessary to wait for the production of the passenger manifests.

Commencement  
of  
disembarkation

**23.** (1) All persons on presenting themselves before an Immigration Officer are required to produce their valid travel documents and completed disembarkation cards and answer such questions as the Immigration Officer considers necessary for the admission or refusal of the admission.

Requirements  
for  
disembarkation

(2) This requirement shall apply to all persons irrespective of whether they are exempted persons provided that, in respect of all Ministers/Commissioners of the Federal and State Governments and Heads of Diplomatic Missions, a member of their official staff may be permitted to carry out immigration clearance on their behalf.

(3) The Immigration Officer, acting in his discretion, may waive the requirement of personal attendance in respect of any Government sponsored dignitary.

(4) Travel Agent will not be permitted to be in the immigration control area or interfere in any way with the immigration control area or interfere in any way with clearance of passengers.

(5) Travel documents will not be accepted from Travel Agents on behalf of passengers.

**24.** (1) No person is exempted from the provisions of the Immigration Act (supra) until such time as he has satisfied the immigration that he comes within the category of an exempted person.

Exemption

(2) The passports of all exempted persons shall be stamped with the “*Seen on Arrival*” stamp and a similar endorsement placed on the back of the disembarkation card, particulars of the Visa/entry permit also being endorsed at the back of the disembarkation card.

**25.** All persons irrespective of age are required to produce an immigration disembarkation card and children under the age of 16 years shall, provided they are accompanying/joining their parents be treated as exempted persons.

Production of  
immigration  
disembarkation

**26.** (1) The Immigration Officer shall check the disembarkation card to ensure that it is correctly completed in all respects and shall ensure that the name on the card is identical with the name on the passports presented. That in all cases of persons entering for employment, the full names and address of the firm in whose employment he is entering is clearly stated.

Check on the  
disembarkation  
card

(2) The passport shall be checked to ensure:

- a. That it is the passport of the person concerned and that the photograph is that of the person presenting it.
- b. That the validity of the passport has not expired and that the passport is endorsed valid for travel to Nigeria.
- c. That if the person is an alien, he is in possession of a valid visa or entry permit in the case of a Commonwealth Nationale.
- d. That the passport is a genuine document.

- e. That the particulars of all children are recorded on the accompanying adult's passport unless the children concerned hold their own passports.

**NOTE:** A passport on which the wife of the holder is endorsed or on which the children of the holder are endorsed is not valid for the wife or children unless accompanied by the holder of the passport.

**27.** The Immigration Officer will then check the name of the person against the suspect index. If the name appears in the suspect index he will take appropriate action as indicated in the index.

Suspect index

## **PART 9**

### **PROHIBITED IMMIGRANT**

**28.** (1) Where passenger arrives in Nigeria by sea and is found on examination to be a prohibited immigrant, he shall be informed of the findings of the Immigration Officer in writing and the master and the Owners/Agents of the vessel shall likewise be informed.

Detention of  
a prohibited  
immigrant  
(arrival by sea)

(2) The prohibited immigrant shall not be permitted to land from that vessel and where he has already been permitted to land for examination shall be escorted back on board the vessel.

(3) The Captain/Master of the vessel shall be responsible for ensuring that such person does not leave the vessel whilst it is Nigeria's waters.

(4) The Immigration Officer shall also take steps to ensure that the person leaves Nigeria on that vessel.

**29.** A prohibited immigrant whose entry has been refused by an Immigration Officer shall be detained in such manner as the Immigration Officer shall direct pending his departure from Nigeria.

**NOTE:** Passengers, who have been left behind after the Ship on which they were travelling with, are prohibited immigrants as they have remained in Nigeria without the consent of an Immigration Officer. They should not however be arrested and detained unless there is reason to believe that they have deliberately missed the ship and after seeking to enter and remain in Nigeria. In all cases of this nature, the Agents of the vessel concerned should be contacted to arrange their repatriation by the first available ship.

Where a person has been refused admission by an Immigration Officer, the Immigration Officer shall inform that person in writing and likewise the Master of the vessel of the refusal of admission. The Master of the vessel shall ensure that such person does not go ashore in Nigeria. Where the person has been permitted by an Immigration Officer to go ashore for the purpose of examination and as a result of examination is found to be a prohibited immigrant, he shall be returned to the ship on which he arrived.

## SCHEDULE NINE

### RESPONSIBILITIES OF THE NIGERIA CUSTOMS SERVICE

#### PART 1

1. (1) Subject to Section 26 of the Customs and Excise Management Act, all ships, except war ships of other Nationalities, upon entering the Nigeria's territorial waters shall report to Customs within 24 hours.

Report to  
Customs by all  
foreign ships

(2) The ships or vessels shall berth at designated Customs ports and not private jetties as provided for under Section 12 of the Act.

(3) This shall be to prevent illegal diversion of cargoes, wet or dry as well as prohibited goods. Only areas designated by order of the President shall be a place of arrival and departure of ships by sea to and from foreign for Customs purposes.

(4) Places so designated shall be referred as Customs Ports. Section 35 of CEMA (supra) empowers the NCS to detain erring vessels.

(5) Customs is empowered by virtue of Section 21 of CEMA (supra), to board and rummage and ensure nothing illegal is onboard the vessel before permission to break bulk is granted.

(6) Section 46 of CEMA (supra) empowers the Service to cause the forfeiture of goods improperly imported. Section 8 deals with the power of arrest while Section 47 deals with penalty.

(7) Under Section 55 of CEMA (supra), before any ship departs from any place in Nigeria to an eventual destination either within or outside the country, the Master of the ship shall obtain outward clearance of the ship from Customs.

(8) Section 158 CEMA (supra) empowers the Service to patrol freely. By Sections 169 and 173, there shall be the powers of the Service over forfeiture of ships and special provisions as to forfeiture of larger ships respectfully.

## **PART 2**

### **OBLIGATION OF VESSELS IN DPR LEGAL BUNKERING REGIME TO THE NIGERIA CUSTOMS SERVICE**

2. Vessels must be for Home Use in which case customs duty must have been fully paid and collected or on Temporary Importation Permit (TIP) backed by a fully executed bank bond.

3. Under no circumstance must such a vessel trade outside Nigerian territorial waters.

4. The movement of such a vessel from one part of Nigerian territorial waters to another must be on coastwise transire obtained from the nearest Customs Area Command from which the vessel is departing.

Movement of Vessels

5. The vessel must submit herself to Customs for Boarding and Rummaging, after a report of her arrival would have been made as appropriate. All Bunkering vessels must not be put to any use outside bunkering for which they are intended.

Submission of vessels

6. Storage bunkering tanks located outside the Customs port, must not receive vessels except in accordance with Section 12 of CEMA (supra).

Storage  
bunkering  
tanks

### PART 3

#### VESSELS ON TEMPORARY IMPORTATION PERMIT

7. Section 42 of CEMA (supra) and C&E Notice No.14 of 1959 provide conditions for relief from payment of duty on goods temporarily imported.

Duty on goods  
temporarily  
imported

8. Approval by the Comptroller-General of NCS for any vessel to operate on the Nigeria's waters on Temporary Importation Permit (TIP) is subject to the following conditions:

Approval  
to Operate  
in Nigeria  
Waters

- (a) That the Customs Controller of the command where the (TIP) is to be domiciled is notified of the date of importation.
- (b) That the vessel is cleared out of customs control not later than sixty (60) days from the date of the approval otherwise the permit becomes invalidated.
- (c) That all goods to be admitted on TIP, must carry marks, numbers and other appropriate labeling to make for easy identification during exportation when applicable.
- (d) That the application for TIP is accompanied with an invoice or other satisfactory evidence of value.

- (e) That the vessels will not be sold, exchanged or used for reward or for hire whilst in Nigeria except with the permission of the NCS.
- (f) That the SGD and goods must be produced to the proper officer for physical examination both at the point of importation and also of exportation.
- (g) That where goods are re-examined for exportation purposes and found to be incomplete, appropriate duty shall be collected on the missing items or parts. Also the applicant must give at least 48 hours' notice to the Command if exportation is intended.
- (h) That goods for TIP are not entitled to form M procedure and no pending PAAR otherwise the validity of the permit terminates immediately and duty shall be collected as per the PAAR.
- (i) That the duty payable on the goods will be secured by a properly executed bank bond or cash deposit in sufficient sum inclusive of penalty. The item must not be put to use unless the bond or cash deposit is accepted by NCS.
- (j) That the equipment/ vessel is exported from Nigeria upon expiration of the (TIP).
- (k) That approval for conversion to home use whilst it is not automatic remains the prerogative of the Comptroller-General of NCS.
- (l) That any equipment/vessel not covered by this approval is subject to the extant regulations guiding importation.



- (m) That all declaration supplied at application is correct, otherwise the approval stands invalidated upon discovery of any false information.
- (n) At the expiration of validity period application for extension shall be submitted, otherwise the item must be re-exported.
- (o) Re-exportation process is deemed to have been completed only when documentation for same has been communicated to Headquarters by the Command where the TIP was domiciled.

#### **PART 4**

### **BOARDING DIARIES AND SHIP'S STORES**

**9.** The senior member of a Boarding Party must carry a notebook in which he will record:

Notebook

- a. Details of ship to be visited, including where lying.
- b. Method of transport to ships.
- c. Work performed on board.
- d. Seizures made and action taken.
- e. Method of transport to office.

**10.** Each entry will be timed, and entries a, b and e will be made in advance. Entries c and d will be made as soon after the event as practicable and in any case before leaving the ship. Details will be transcribed to the Station

Making  
of entries

Boarding Diary immediately the party returns to the office. Superintendent will arrange for numbered Note Books to be available in the office and on removing one the officer concerned will sign for the book in the Station Diary.

**11.** Ship's stores include all goods onboard a vessel or aircraft other than cargo or passengers' and crew effects. It should be noted that Ships' Stores include such items as livestock carried as pets or for consumption onboard, the stock in ships' shops, bars and slop chests, engine room and deck stores and fuel.

Ship stores

**12.** The Master of every ship from foreign countries must state on the ship's report details of the durable stores remaining on the Ship. For ships less than 250,000kg Register, a separate list of stores must be given. Full particulars of the quantities of tobacco goods, spirits, wine and other high duty goods are to be given. Other dutiable goods may be described as low duty goods and no details of quantities etc. need be shown. All dutiable stores must be produced to the Boarding officers if required.

Stores to be declared

**13.** Except such stores permitted to be kept out for use and stores for immediate disposal, others must be officially sealed in a strong steel covered locker or other permanent fixture. Care must be taken that access to the stores cannot be obtained without breaking the official seal. Stores are not to be sealed in bags or other removable receptacles. A record must be made in the Ship's Blue Book of all high duty goods placed under seal. When stores are left onboard in use, the Master should be informed verbally that they must not be landed without Customs authority. Articles of Ship's equipment such as clocks, sextants, barometers, chronometers, binoculars, telescopes, machinery parts, furniture fittings and low duty goods, need not be placed under Customs seal.

Placing under seal

## PART 5

### CREWS' EFFECTS AND PRIVATE STORES

**14.** The Boarding Crew shall physically check any animal(s) and bird(s) they find onboard against the Form 62 (Crew Declaration Form) and, where there is discrepancy, an explanation is to be obtained and the matter reported to the Superintendent of Customs.

Animals  
and Birds  
onboard ship

**15.** Where any animal or birds are declared to be cargo, the Boarding Officer is to satisfy himself by checking against the ship's manifest and, if available, the ship's copies of bills of lading.

Check  
of animals  
and birds

**16.** The result of any check of animals and birds is to be noted in the proper officer's notebook and the ship's documents for inward clearance, and is to be used in subsequent checks during visits to the ship.

Noting of  
results  
of checks

**17.** (1) Subject to Section 8 CEMA (supra), the purpose of carrying out or enforcing the provisions of the CEMA (supra) all officers shall have same powers, authorities and privileges as conferred on police officers by the Police Act.

Arrest and  
prosecution

(2) Section 11 CEMA (supra) provide thus, if any person:

- a. Obstructs, hinders, molest, or assaults any person duly engaged in the performance of any duty or exercise of any power imposed or conferred on by the CEMA (supra), or any person acting in his aid;
- b. Does anything which impedes or is intended to impede the carrying out of any search for anything liable to forfeiture under the CEMA

(supra), or the detention, seizure or removal of any such thing or;

- c. Rescues, damages or destroys anything so liable to forfeiture or does anything intended to prevent the procuring or giving of evidence as to whether or not anything is so liable to forfeiture;
- d. Prevents the arrest of any person duly engaged or acting as aforesaid or rescue any person so arrested.

Such person shall be liable to a fine of One Thousand Naira or to imprisonment for two years, or to both.

## **SCHEDULE TEN**

### **PART 1**

#### **RESPONSIBILITIES OF ECONOMIC AND FINANCIAL CRIMES COMMISSION**

- 1.** Subject to the provisions of Sections 6 and 7 of the Economic and Financial Crimes Commission (EFCC) (Establishment, etc.) Act, the EFCC is vested with the powers to arrest, investigate, detain as well as prosecute.
- 2.** The Commission shall be responsible for:
  - a) The enforcement and the due administration of the provisions of the EFCC Act (supra).
  - b) The investigation of all financial crimes including advance fee fraud, money laundering, counterfeiting, illegal charge transfers, futures market fraud, fraudulent encashment of negotiable instruments, computer credit card fraud, contract scam.
  - c) The co-ordination and enforcement of all economic and financial crimes laws and enforcement functions conferred on any other person or authority.
  - d) The adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from terrorist activities, economic and financial crimes related offences or the properties the value of which corresponds to such proceeds.
  - e) The adoption of measures to eradicate the commission of economic and financial crimes.

- f) The adoption of measures which includes co-ordinated, preventive and regulatory actions, introduction and;
- g) Maintenance of investigative and control techniques on the prevention of economic and financial related crimes.
- h) The facilitation of rapid exchange of scientific and technical information and the conduct of joint operations geared towards the eradication of economic and financial crimes.
- i) The examination and investigation of all reported cases of economic and financial crimes with a view to identifying individuals, corporate bodies or groups involved.
- j) The determination of the extent of financial loss and such other losses by government, private individuals or organisations.
- k) Collaborating with government bodies both within and outside Nigeria carrying on functions wholly or in part analogous with those of the Commission concerning:
  - i. The identification, determination of the whereabouts and activities of persons suspected of being involved in economic and financial crimes.
  - ii. The movement of proceeds or properties derived from the commission of economic and financial and other related crimes.

- iii. The establishment and maintenance of a system for monitoring international economic and financial crimes in order to identify suspicious transactions and persons involved.
  - iv. Maintaining data, statistics, records and reports on persons, organizations, proceeds, properties, documents or other items or assets involved in economic and financial crimes.
  - v. Undertaking research and similar works with a view to determining the manifestation, extent, magnitude and effects of economic and financial crimes and advising government on appropriate intervention measures for combating same.
- l) Dealing with matters connected with extradition, deportation and mutual legal or other assistance between Nigeria and any other country involving economic and financial crimes.
  - m) The collection of all reports relating to suspicious financial transactions, analyze and disseminate to all relevant government agencies.
  - n) Taking charge of, supervising, controlling, co-ordinating all the responsibilities, functions and activities relating to the current investigation and prosecution of all offences connected with or relating to economic and financial crimes.
  - o) The co-ordination of all existing, economic and financial crimes investigating units in Nigeria.

- p) Maintaining a liaison with office of the Attorney-General of the Federation, the Nigerian Customs Service, the Immigration and Prison-Service Board, the Central Bank of Nigeria, the Nigerian Deposit Insurance Corporation, the National Drug Law Enforcement Agency, all government security and law enforcement agencies and such other financial supervisory institutions in the eradication of economic and financial crimes.
- q) Carrying out and sustaining rigorous public and enlightenment campaign against economic and financial crimes within and outside Nigeria.

Carrying out such other activities as are necessary or expedient for the full, discharge of all or any of the functions conferred on it under the EFCC Act (supra).



## SCHEDULE ELEVEN

### RESPONSIBILITIES OF NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY

#### PART I

1. The NOSDRA was established by NOSDRA Act 2006 as an Agency vested with the responsibility for preparedness, detection and response to all oil spillages in Nigeria.

Establishment  
of NOSDRA

2. The objectives of the Agency shall amongst others, include:

Objectives  
of NOSDRA

- a) To coordinate and implement the National Oil Spill Contingency Plan (NOSCP) for Nigeria;
- b) The Agency shall act as the lead Agency for all matters relating to oil spill response management and liaise with other Agencies for the implementation of the Plan;
- c) Establish a viable national operational organization that ensures a safe, timely, effective and appropriate response to major or disastrous oil pollution;
- d) Establish the mechanism to monitor and assist or where expedient, direct response including the capability to mobilize necessary resources to save lives, protect threatened environment and clean up to the best practical extent of the impacted site;
- e) Provide a programme of activation, training and drill exercises to ensure readiness, oil pollution preparedness and response and the management and operational personnel;

- f) Strengthen the national capacity and regional action to prevent, control, combat, and mitigate marine pollution;
- g) Co-operate and provide advisory services, technical support and equipment for purposes of responding to major oil pollution incidents in the West African sub-region upon request by any neighboring country particularly where a part of the Nigeria territory may be threatened;
- h) Co-operate with the IMO and other national, regional and international organisations in the promotion of exchange of results of research and development programme relating to the enhancement of the state of the Act of the oil pollution preparedness and response including technologies, techniques for surveillance, containment, recovery, disposal and clean up to the best practical extent;
- i) Be responsible for surveillance and ensure compliance with all existing environmental legislation and the detection of oil spills in the petroleum sector;
- j) Receive reports of oil spillages and coordinate oil spill response activities throughout Nigeria;
- k) By the Agency's ACT, an oil spiller is to report an oil spill to the Agency not later than 24hours after the occurrence of an oil spill;
- l) The Agency shall ensure the implementation of the Plan within Nigeria including within 200 nautical miles for which the breath of the territorial waters of Nigeria is measured;

- m) Encourage regional cooperation among member states of West African sub-region and in the Gulf of Guinea for combating oil spillage and pollution in our contiguous waters;
- n) Strengthen the National Capacity and Regional action to prevent, control, combat and mitigate marine pollution; and
- o) Facilitate the arrival and utilization in and departure from Nigeria of ships, aircraft and other modes of transport engaged in responding to oil pollution incidents or transporting personnel, cargo, materials and equipment required to deal with such an incident, and the expeditious movement into, through and out of Nigeria.

**NOTE:** NOSDRA is the focal Agency for the Regional Coordinating Centre for Marine Pollution within the West, Central and Southern African Regions under the auspices of the Abidjan Convention.

## SCHEDULE TWELVE

### RESPONSIBILITIES OF NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS ENFORCEMENT AGENCY

#### PART 1

1. Subject to the provisions of Sections 7, 8 and other related provisions of the NESREA (Establishment) Act 2007, the Agency is vested with the powers to enforce all environmental laws, standards, policies, and regulations and international conventions to which Nigeria is a signatory as well as prohibit the use of technology that undermines environmental quality.

Enforcement  
Of all  
environmental  
Laws and  
Regulations, etc.
2. The Agency shall enforce compliance with the provisions of international agreements, protocols, conventions and treaties on the environment, including climate change, biodiversity, conservation, desertification, forestry, chemicals, hazardous wastes, ozone depletion, marine and wild life pollution, sanitation and such other environmental agreements as may from time to time come into force.

International  
rules
3. It shall co-ordinate and liaise with stakeholders, within and outside Nigeria, on matters of environmental standards, regulations and enforcement.

Liaising  
With  
Stakeholders
4. (1) The Agency shall enforce through compliance monitoring, the environmental regulations and standards on noise, air, land, seas, oceans and other water bodies other than in the oil and gas sector;

Compliance

(2) It shall enforce compliance with any legislation on sound chemical management, safe use of pesticides and disposal of spent packages thereof;

(3) It shall enforce compliance with regulations on the importation, exportation, production, distribution, storage, sale, use, handling and disposal of hazardous chemicals and waste.

**5.** An officer of the Agency may, in the course of his duty, at any reasonable time and on production of his certificate of designation if so required:

Officer in the  
Course of duty

(1) Enter and search with a warrant issued by a court, any premises including land, vehicle, tent, vessel, floating craft except Maritime Tankers, Barges or Floating Production, Storages, Offload (FPSO) and oil and gas facilities or any inland water and other structures at all times, for the purpose of conducting inspection, searching and taking samples for analysis which he reasonably believes, carries out activities or stores goods which contravene environmental standards or legislation.

(2) Open and examine, any container or package which he reasonably believes may contain anything to which this Act or its regulations apply or which may help in his investigations;

(3) Seize and detain for such time as may be necessary for the purpose of this Act, any article by means of or in relation to which he reasonably believes any provision of this Act or the regulations has been contravened; and

(4) Obtain an order of a court to suspend activities, seal and close down premises including land, vehicle, tent, vessel, floating craft or any inland water and other structure whatsoever.

(5) Carry out such activities as are necessary or expedient for the performance of its functions.

6. The Agency shall also be responsible for enforcing the provisions of the Harmful Waste (Special Criminal Provisions etc) Act which include:

Harmful  
waste

(1) Prohibiting all activities relating to the purchase, sale, importation, transit, transportation, deposit and storage of harmful wastes.

(2) Prosecuting any person found guilty of a crime which upon conviction can be sentenced to imprisonment for life, and in addition any carrier, including aircraft, vehicle, container and any other thing whatsoever used in the transportation or importation of the harmful waste shall be forfeited to and vest in the Federal government without any further assurance other than this Act.

## SCHEDULE THIRTEEN

### RESPONSIBILITIES OF THE NATIONAL INLAND WATERWAYS AUTHORITY

#### PART 1

1. (1) There is hereby established a body to be known as the National Inland Waterways Authority (in this Act referred to as "the Authority").

Establishment  
of NIWA

(2) The Authority shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

2. The objectives of the Authority shall be to:

- (a) Improve and develop inland waterways for navigation;
- (b) Provide an alternative mode of transportation for the evacuation of economic goods and persons: and
- (c) Execute the objectives of the national transport policy as they concern inland waterways.

3. It shall be the functions of the Authority to

Functions  
of NIWA

- (a) Provide regulations for inland navigation;
- (b) Ensure the development of infrastructural facilities for a national inland waterways network connecting the creeks and the rivers with the

economic centers using the river-ports as nodal points for intermodal exchange; and

- (c) Ensure the development of indigenous technical and managerial skill to meet the challenges of modern inland waterways transportation.

4. Other functions and powers of the Authority shall be to:

- (a) Undertake capital and maintenance dredging;
- (b) Undertake hydrological and hydrographic surveys;
- (c) Design ferry routes;
- (d) Survey, remove, and receive derelicts, wrecks and other obstructions from inland waterways;
- (e) Operate ferry services within the inland waterways system;
- (f) Undertake installation and maintenance of lights, buoys and all navigational aids along water channels and banks;
- (g) Issue and control licences for inland navigation, piers, jetties, dockyards;
- (h) Examine and survey inland water crafts and shipyard operators;
- (i) Grant permit and licences for sand dredging, pipeline construction, dredging of slots and



crossing of waterways by utility lines, water intake, rock blasting and removal;

- (j) Grant licences to private inland waterway operators;
- (k) Approve designs and construction of inland river crafts;
- (l) Approve and control all:
  - (i) Jetties, dockyards, piers within the inland waterways;
  - (ii) Advertising within the right-of-way of the waterways;
- (m) Reclaim land within the right-of-way;
- (n) Undertake the construction, administration and maintenance of inland river-ports and jetties;
- (o) Provide hydraulic structures for river and dams, bed and bank stabilisation, barrages, groynes;
- (p) Collect river lolls;
- (q) Undertake the production, publication and broadcasting of navigational publications, bulletins and notices, hydrological year books, river charts and river maps;
- (r) Carry out consultancy and contractual services;

- (s) Represent the Government of Nigeria at national and international commissions that deal with navigation and inland water transportation;
- (t) Subject to the provisions of the Environmental Impact Assessment Act, carry out environmental impact assessment of navigation and other dredging activities within the inland water and its right-of-ways;
- (u) Undertake erection and maintenance of gauges, kilometre boards, horizontal and vertical control marks;
- (v) Advise government on all border mailers that relate to the inland waters;
- (w) Undertake acquisition, leasing and hiring of properties;
- (x) Run cruise boats;
- (y) Carry out boat repairs, boat construction and dockyard services; and
- (z) Clear water hyacinth and other aquatic weeds.

## **PART 2**

### **DECLARATION OF NAVIGABLE WATERWAYS**

5. The rivers and their tributaries, distributaries, creeks, lakes, lagoons and intra-coastal waterways specified in this authority, are hereby declared Federal navigable waterways.

**6.** All navigable waterways, inland waterways, river-ports and internal waters of Nigeria, excluding all direct approaches to the ports listed in the Authority and all other waters declared to be approaches to ports under or pursuant to the Nigerian Ports Authority Act, up to 250 metres beyond the upstream edge of the quay of such ports, shall be under the exclusive management, direction and control of the Authority.

**7.** (1) Subject to the provisions of the Lands (Title Vesting, etc.) Act, the right of land usage for improvement of navigability and provision of infrastructure shall cover areas on both banks of the waterways which would be submerged in a flood of 100 years return period.

(2) In case of waterways with steep banks where such flood have no overbank flow, the right of way shall include the areas of land along the waterway measured 100 metres perpendicular from the edge of the channel.

**8.** (1) Notwithstanding the provisions of the Land Use Act or any other enactment, but subject to the provisions of the Lands (Title Vesting, etc.) Act. The Authority shall have right to all land within the right-of-way of declared waterways and shall use such land in the interest of navigation.

(2) No person including a State shall:

(a) Obstruct a declared waterway, take sand, gravel or stone from any declared waterway; or

(b) Erect permanent structures within the right-of-way or divert water from a declared waterway;

(c) Carry out any of the activities as specified in Section 9 of this Act.

without the written consent, approval or permission of the Authority.

HSOP





## Appendix 2

### THE FUNCTIONS OF THE VARIOUS AGENCIES

The Functions of the various agencies are as stipulated in the table below:

Ser	Agency	Functions						Remarks
		Regulation (c)	Arrest (d)	Detention (e)	Prosecution (f)	Monitoring (g)	Testing (h)	
1.	DHQ	√						(j)
2.	NA		√	√			√	
3.	NN		√	√			√	
4.	NPF		√	√	√			
5.	NSCDC	√	√	√	√		√	
6.	EFCC		√	√	√		√	
7.	NIMASA	√	√	√	√		√	
8.	NCS	√	√	√			√	
9.	MOD	√	√	√	√		√	
10.	FMOT	√			√		√	
11.	NOSDRA	√			√		√	
12.	NESREA	√	√		√		√	
13.	FMOJ						√	
14.	DPR	√					√	
15.	FMOA (Fisheries)	√						
16.	NDLEA	√	√	√	√		√	
17.	NIS	√	√	√	√		√	
18.	NAPTIP		√		√		√	

