

The following Bill, which will in due course be presented to Parliaments for enactment, is published for general information.

PORTS BILL

EXPLANATORY MEMORANDUM

This Bill seeks to regulate membership and tenure of office of members of the Board of the Authority and to enhance the powers of the Minister for giving the Authority directions on matters of policy, or in making regulations on matters appearing to the Minister to be of public interest. This Bill repeals Schedule 5 to the Ports Act and defines further such ports as are declared under Section 6 of the Ports Act.

PORTS BILL

ARRANGEMENT OF CLAUSES

Clause

1. Alteration of constitution of Ports Authority.
2. Establishment of consultative body.
3. Power of Minister to give directions to the authority.

4. Regulations, etc., made by the authority to be approved by Minister.
 5. Federal ports.
 6. Citation, extent and interpretation.
- SCHEDULE—Transitional provisions.

A BILL

FOR

AN ACT TO ALTER THE CONSTITUTION OF THE NIGERIAN PORTS AUTHORITY ; TO PROVIDE FOR CONSULTATIONS BETWEEN THE AUTHORITY AND PERSONS USING ITS FACILITIES ; TO MAKE FURTHER PROVISION FOR THE GIVING OF DIRECTIONS TO THE AUTHORITY ; TO REQUIRE THE APPROVAL OF THE MINISTER FOR REGULATIONS AND BY-LAWS MADE BY THE AUTHORITY ; TO MAKE FURTHER PROVISION AS TO FEDERAL PORTS ; AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

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Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

- 5 1.—(1) The Nigerian Ports Authority (hereafter in this Act referred to as “the authority”) shall be constituted in accordance with the next following subsection instead of as provided by subsections (1) to (4) of section eight of the Ports Act.

Alteration of
constitution
of Ports
Authority
Cap 155.

(2) Subject to the provisions of this section, the authority shall consist of seventeen members appointed by the Minister, of whom—

- 10 (a) one shall be designated by the Minister as chairman of the authority ;

(b) nine shall be appointed, as respects three, from Northern Nigeria, as respects three others, from Western Nigeria and, as respects the others, from Eastern Nigeria ;

(c) one shall be a person appearing to the Minister to have had experience of and shown ability in the organisation of workers ;

(d) two shall be persons appearing to the Minister to represent the interests of persons who pay, as respects one, ships' dues and, as respects the other, harbour dues ;

(e) one shall be a person appearing to the Minister to represent the interests of the Nigerian Railway Corporation ;
and the quorum of the authority shall be four.

(3) The power of appointment conferred by paragraph (b) above shall be so exercised as to secure that one of the persons appointed from each Region is the representative of the marketing board of that Region

(4) Notwithstanding anything in the provisions of the Fourth Schedule to the Ports Act relating to the tenure of office of members of the authority, the Minister may remove from office any member of the authority if the Minister considers it necessary in the public interest to do so.

(5) The Schedule to this Act shall have effect for the purpose of making transitional provisions required in consequence of the foregoing provisions of this section.

Establish-
ment of
consultative
body.

2. The Minister may make regulations providing—

(a) for the establishment of a body to represent the interests of persons using facilities under the control of the authority ; and

(b) for the holding of consultations between the body and the authority ; and

(c) for enabling the body to make representations to the authority, or to any particular member or officer of the authority, with a view to safeguarding those interests ;

and the regulations may contain such incidental and supplemental provisions (excluding provisions for the making of payments to members of the body) as the Minister considers expedient for the purposes of the regulations.

Power of
Minister to
give
directions to
the authority.

3.—(1) The Minister may, after consultation with the authority or the chairman of the authority, give to the authority general or special directions with respect to matters which, in his opinion, are either matters affecting the public interest or matters of policy which have arisen or may arise in connection with the affairs of the authority ; and the authority shall give effect to the directions.

(2) Accordingly, subsections (1) and (2) of section thirteen of the Ports Act are hereby repealed.

Regulations,
etc.,
made by the
authority to
be approved
by Minister.

4.—(1) Without prejudice to the provisions of the last foregoing section, no regulations or by-laws made after the commencement of this Act by the authority in exercise of the powers conferred on them by any enactment shall come into force until the regulations or by-laws have been approved by order of the Minister.

(2) The Minister may approve any such regulations or by-laws either without modification or with such modifications as he thinks fit ; but before approving regulations or by-laws with modifications the Minister shall afford the authority an opportunity of making representations with respect to the proposed modifications, and shall consider any representations made in pursuance of this subsection.

- (3) Nothing in this section shall require the approval of the Minister for regulations relating solely to the levying of rates and dues for the purposes of sections sixty-one, sixty-seven or seventy of the Ports Act if the rates and dues do not exceed the limits approved by the Minister, either before or after the commencement of this Act, by notice in the Gazette of the Federation.

(4) Subsection (1) of section eighty-three of the Ports Act (which requires the approval of the Minister for regulations providing for the levy of certain dues and rates) is hereby repealed.

- 10 5. For the removal of doubt it is hereby declared that any area in the Federation outside the Federal territory which is for the time being declared or deemed to be a port by virtue of section six of the Ports Act is a Federal port.

Federal ports.

- 15 6.—(1) This Act may be cited as the Ports Act, 1963, and this Act and the Ports Act, the Ports (Amendment) Act, 1959, the Ports (Amendment No. 2) Act, 1959, the Ports (Amendment) Act, 1960, and the Ports (Amendment) Act, 1961, may be cited together as the Ports Acts, 1958 to 1963.

Citation, extent and interpretation.

No. 3 of 1959 ;

No. 34 of 1959 ;

1960, No. 8 ;

1961, No. 12.

(2) This Act shall apply throughout the Federation.

- 20 (3) In this Act—

“marketing board” means the Northern Regional Marketing Board, the Western Region Marketing Board or the Eastern Regional Marketing Board ; and

- 25 “the Minister” means the Minister of the government of the Federation responsible for maritime shipping and navigation ; and references in this Act to any enactment are references to that enactment as amended by or under any subsequent enactment.

SCHEDULE

Section 1

Transitional provisions

- 30 1. The following provisions of the Ports Act (being provisions rendered redundant by section one of this Act) are hereby repealed, that is to say—

(a) in section eight, subsections (1) to (4), (7) and (8) ;

- 35 (b) in the Fourth Schedule, in paragraph 2, the words from “Chairman” to “shall” (exclusive of the quoted words) and, in paragraph 8, subparagraph (3) ; and

(c) the Fifth Schedule.

- 40 2. Any person holding office immediately before the commencement of this Act as an elected member of the authority or in pursuance of paragraph (b) of subsection (3) of the said section eight shall vacate office on such date as the Minister may by order appoint ; and no person shall be appointed as a member of the authority in pursuance of paragraph (d) of subsection (2) of section one of this Act while any person continues in office as an elected member of the authority.

3. A person holding office immediately before the commencement of this Act as a member of the authority in pursuance of any provision of subsection (2) or (3) of the said section eight (other than paragraphs (a), (b) and (g) of subsection (3)) shall be deemed to have been appointed as a member of the authority in pursuance of the corresponding provision of section one of this Act on the date on which he was actually appointed for his current term of office. 5

(816)