

A Law relating to Shipping and Navigation in Inland Waters within
Anambra State

L. of N. 1918
Cap. 206, N.
20 of 1952, N.
7 of 1954, N.
27 of 1954,
N.L.N. 131 of
1954.

(Parts 1,2 and 4 -30th August, 1917)

(Part 4 - 13th February, 1947;

PART 1.—PRELIMINARY

1. (1) This Law may be cited as the Navigation (Inland Waters) Law. Short title and
commence-
ment.
(2) Part 3 of this Law shall come into operation on a day to be fixed
by the Governor by notice in the Gazette.

2. In this Law—

“Commissioner” means the State Commissioner for the time being charged interpretation.
with responsibility for matters relating to transport

“inland waters” means inland waters within the State except tidal waters, the
River Niger and its affluent and any other inland waterway declared by
Federal Legislature to be an international or an Inter-State waterway;

“launch” means a steam vessel not exceeding one hundred and fifty tons
displacement when loaded;

“night” means time between sunset and sunrise;

“passenger” includes any person, not being a child of less than one year of
age, carried in a ship other than the master and crew, and the owner of
agent and the family of either such owner or agent;

“power driven small craft” means a craft propelled by a portable out board
engine not exceeding fifteen brake-horse power;

“small craft” includes any vessel not exceeding fifteen tons burden;

“State” means Anambra State of Nigeria.

“steam vessels” includes all ships which are propelled by means of steam,
internal combusting, or electric machinery or other mechanical power.

PART 2.—STATE INLAND WATERS NAVIGATION

Application. 3. (1) The provisions of this Part do not apply to vessels in the service of the Government of the Federation of Nigeria or of any state thereof.

(2) The provisions of this Part do not apply to ports appointed under the Ports Act.

(3) Save as aforesaid this Part shall apply to all State inland waters and to all vessels navigating such water.

Persons who shall be in charge of steam vessels.

4. (1) Every steam vessel of or exceeding ten tons displacement when loaded shall, when navigating in the State inland waters, be in charge of —

(a) if the vessel exceeds one hundred and fifty tons displacement when loaded, a master holding a master's certificate recognized by the Shipping and Navigation Act, 1962, or a river master holding a certificate of competency granted under that Act;

(b) in the case of a launch, such master or river master as aforesaid or a quarter-master holding a certificate of competency granted under the said Act.

(2) Nothing in subsection (1) contained shall be deemed to authorize any person other than a pilot to be in charge of vessel navigating in circumstances in which the vessel is required to be in the charge of a pilot.

(3) The owner and the person in charge of any vessel, in respect of which there shall be any contravention of subsection (1), shall be liable to a fine of one hundred naira.

(4) The provisions of this section do not apply to any vessel which is a fishing boat within the meaning of section 10.

Power to make regulations.

5. The Commissioner may make regulations for all or any of the following purposes—

(a) requiring vessels in the State inland waters to carry lights, and to prescribe what lights shall and may be carried by any vessel or class or vessels;

(b) appointing the course to be taken by vessels meeting, passing or overtaking any other vessels or being passed or overtaken by any other vessels navigating the State inland waters;

- (c) regulation, whether by way of prohibition or otherwise, the floating of timber, casks and other objects on the inland waters either generally or in respect of any specified State inland waters or for any specified time or season;
- (d) providing for the forfeiture of timber, casks or other objects found floating on the State inland waters in contravention of the provisions of this Part or of any regulations made hereunder and for the redemption on payment of expenses and a penalty, within a time limit to be fixed, of any such timber, casks or other objects.
- (e) closing for any temporary purpose any specified State inland waters to navigation, either generally or by any specified class of vessel;
- (f) regulating the navigation of the State inland waters;
- (g) registering and licensing of ferry boats;
- (h) regulating the places of mooring vessels in the State inland waters and the mode of mooring the same;
- (i) generally for carrying out the purposes of this Part.

PART 3.—CARRIAGE OF GOODS UPON STATE INLAND WATERS

6. The provisions of this Part shall apply to all State inland waters and to all vessels navigating such waters including vessels in the service of the Government of the Federation or of any State thereof.

Application of
this part.

7. In this Part, unless the context otherwise requires—

Interpretation.

“carriage of goods” covers the period from the time when the goods are loaded on to the time when they are discharged from the ship;

“Carrier” includes the owner or the charterer who enters into a contract of carriage with a shipper;

“Contract of carriage” applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by State inland waters, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and holder of the same;

"goods" includes goods, ware, merchandises and articles of every kind whatsoever except live animal and cargo which by the contract of carriage is stated as being carried on deck and is so carried;

"ship" means any vessel used for the carriage of goods by State inland waters.

Limit of
liability of ship
and carrier.

8. (1) Neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with goods in an amount exceeding two hundred naira per package or unit, or the equivalent of that sum in other currency unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading or any similar document of title.

(2) This declaration if embodied in the bill of lading or other similar document as aforesaid shall be prima facie evidence, but shall not be binding or conclusive on the carrier.

(3) By agreement between the carrier, master or agent of the carrier and the shipper another maximum amount than that mentioned in this subsection may be fixed: provided that such maximum shall not be less than the figure above named.

(4) Neither the carrier nor the ship shall be responsible in any event for loss or damage to or in connection with goods if the nature or value thereof has been knowingly misstated by the shipper in the bill of lading or other similar document as aforesaid.

Carriage of
dangerous
goods.

9. (1) Goods of an inflammable, explosive or dangerous nature to the shipment whereof the carrier, master or agent of the carrier, has not consented, with knowledge of their nature and character, may at any time before discharge, be landed at any place or destroyed or rendered innocuous by the carrier without compensation, and the shipper of such goods shall be liable for all damages and expenses directly or indirectly arising out of or resulting from such shipment.

(2) If any such goods shipped with such knowledge and consent shall become a danger to the ship or cargo, they may in like manner be landed at any place or destroyed or rendered innocuous by the carrier without liability on the part of the carrier except to general average.

PART 4.—FISHING BOATS

10. In this Part, the expression "fishing boat" means a boat of whatever size propelled by mechanical power and used within State inland waters for catching fish for profit.

Definition of
"fishing
boat".

11. The Commissioner may make regulations for the purpose of controlling the use of fishing boats in such manner as he may deem necessary to ensure the safety of such boats and their crews, and without prejudice to the generality of the foregoing power, such regulations may make provision—

Power to
make
regulations.

- (a) for the registration, lettering and numbering of fishing boats;
- (b) prescribing the persons who shall be in charge of fishing boats;
- (c) for the surveying of fishing boats
- (d) for the examination of and issue of certitudes of competency to persons in charge of fishing boats;
- (e) prescribing the life-saving appliances to be carried by fishing boats;
- (f) regulating the times within which fishing boats may proceed to and remain at sea;
- (g) for matters connected with or incidental to the foregoing matters.

PART 5.—LICENSING OF BOATS

12. In this Part the term "boat" does not include an steam vessel, but includes all other canoes, lighters, barges, boats, crafts, power-driven small craft, and all other small craft of whatsoever kind or description which are employed on any State inland waters.

Definition of
"Boat".

13. (1) The owner of —

- (a) any boat (other than a canoe) which carries passengers, goods or merchandise;
- (b) any canoe, which carries passengers when towed by a steam vessel;
- (c) any power-driven small craft which plies for hire or carries passengers, goods or merchandise;

Licenses to
be taken out
yearly.

shall, within ten days from the 1st January of each year, or if such boat shall have been acquired subsequently to the 1st January, then within ten days of

such acquirement, register and take out a licence for such boat in accordance with the provisions of the regulations made under this Part.

(2) Every such licence shall expire on the 31st December next following the date on which it is taken out

Licensing
officers.

14. The officer in charge of the district, or such other officer as the Commissioner may appoint, shall be licensing officers for the purposes of this part.

Examination of
boats.

15. A licensing officer may refuse to register any boat which he is satisfied is not in a seaworthy condition.

Offences.

16. Any person who—

- (a) plies for hire with or carries passengers, good, or merchandise in any boat (other than a canoe) required to be licensed under this Part which is not duly licensed; or
- (b) carries passengers in a canoe when it is being towed by a steam vessel, such canoe not being duly licensed; or
- (c) plies for hire with, or carries passengers, goods or merchandise in, any power-driven small craft required to be licensed under this part which is not licensed; or
- (d) being the owner of a licensed boat, fails to comply with any regulation made under this Part which is applicable to such boat; or
- (e) loads any licensed boat (other than a canoe) so that any part of the load line is submerged, or navigates the same when so loaded; or
- (f) using a licensed canoe for carrying passengers when it is being towed by a steam vessel, has the canoe so loaded that the load line is submerged,

shall be liable for a first offence to a fine of ten naira and for a second or subsequent offence to a fine of fifty naira or imprisonment for three months.

Power to make
regulations for
the purposes of
this Part.

17. The Commissioner may make regulations for all or any of the following purposes—

- (a) prescribing the registers to be kept of licensed boats and the particulars to be entered therein;

- (b) prescribing the forms of licences;
- (c) requiring any change of ownership or of the address of an owner to be reported to the licensing officer;
- (d) prescribing the fees to be paid for licences;
- (e) requiring the number of the licence and place of issue to be painted on a boat as directed;
- (f) prescribing the position and marking of the load line;
- (g) prescribing the maximum number of persons that may be carried in any licensed boat (other than a canoe) or in a licensed canoe when such canoe is being towed by a steam vessel;
- (h) prescribing the equipment and life-saving appliances to be carried in power-driven small craft and the precautions to be taken against fire and otherwise for the safety of persons carried in such craft;
- (i) prescribing the qualifications which are required to be possessed by the person in charge of a power-driven small craft when plying for hire or carrying passengers, goods or merchandise, and requiring the name and address of such person, and any change relating thereto, to be reported to the licensing officer;
- (j) declaring that this Part shall not apply to any boat or class of boats;
- (k) generally for the better carrying out of the purposes of this part.

18.(1) Any local government council may, subject to the approval of the Commissioner, make rules with regard to boats owned by persons residing within the jurisdiction of the said council and to boats owned by persons not residing within the said jurisdiction but whose boats are kept or used within the said jurisdiction and which boats are not licensed by some other local government council, or any class of such boats, or with regard to such boats or class or such boats where they are used for a particular purpose —

Power of
local
government
councils to
make rules.

- (a) for the purpose of requiring the same to be registered and licensed under and in accordance with the provisions of such rules;
- (b) for all or any of the purposes for which the Commissioner may make regulations under section 11, except the purpose mentioned in paragraph (f), and
- (c) with regard to the maximum number of passengers which may be carried in licensed boats.

(2) When any rules made under this section come into force sections 14, 15 and 16 and any regulations made by the Commissioner under section 17 shall not apply to the boats or classes of boats owned by persons residing within the jurisdiction of the local government council making the rules, nor to boats or classes of boats owned by persons not residing within the said jurisdiction but which boats are nevertheless made subject to the provisions of the rules, nor to boats or classes of boats owned, kept or used within the area to which the rules may declare this Part shall not apply.

SUBSIDIARY LEGISLATION

Navigation (State Inland Waters) Regulations *made under section 5*

Regulations
37 of 1917,
13 of 1919,
23 of 1923,
2 of 1925, 18
of 1927, 22
of 1929, 15
of 1930, 21
of 1939, 44
of 1944.

Citation.

1. These regulations may be cited as the Navigation of Inland Waters Regulations.

Interpretation.

2. In these regulation—
“State inland waters” means inland waters within Anambra State except tidal waters, the River Niger and its affluent and any other inland water-way declared by Federal legislature to be an international or an inter-state waterway;

Vessels meeting.

3. All steam vessels when meeting other steam vessels shall alter their course to starboard so as to keep to the right or starboard side of the channel, and shall signal by blowing one short blast on their whistles.