

Ports (Related Offences, Etc.) Act

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE

An Act to create offences related to unauthorised entry and carrying on of illegal transactions within any of the ports and to extend jurisdiction of the Chief Magistrate Courts to the trial of the offences created by the Act.

[1996 No. 12.2003 No. 13.]

[19th April, 1996]

[Commencement.]

1. General prohibition

(1) Notwithstanding anything to the contrary contained in any law or enactment, including the Customs and Excise Management Act, the Nigerian Ports Authority Act and the Federal Airports Authority of Nigeria Act, it shall be unlawful for any person, not being a duly authorised officer or agent of any of the following, namely-

[Cap. C45. Cap. N 126. Cap. F5.]

(a) the Nigerian Customs Service;

(b) the Nigerian Ports Authority;

(c) the Federal Airports Authority of Nigeria;

(d) the Nigerian Immigration Service;

(e) the Port Police; and

(f) the inspection agents,

(g) an approved designated staff of the National Agency for Food and Drug Administration and Control,

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to do any of the acts or things mentioned in subsection (4) of this section.

(2) Without prejudice to the provisions of subsection (1) of this section, the Nigerian Customs Service may, if it considers it appropriate, by written notification, require the presence of any other relevant agency of the Federal Government in the course of the administration of the customs and excise laws with respect to the importation or exportation of goods in any port.

(3) Notwithstanding the provisions of subsection (2) of this section and unless otherwise requested by written notification by the Nigerian Customs Service, it shall be unlawful for any person, not being a duly authorised officer or agent of the Nigerian Customs Service, the appointed inspection agents or any other person as may be authorised under any law or instrument to that effect, to be concerned with or be involved with the actual process of examination and clearance of goods in any port.

(4) Save for the persons mentioned in this section or a genuine passenger, or a traveller or a bona fide owner of goods, or an approved clearing agent or such other persons as may be authorised by the Minister, it shall be an offence under this Act for any person without lawful authority or excuse, proof of which shall be on the person charged, to do any of the following, this is-

(a) trespass or be found loitering within the vicinity or premises of any of the ports listed in the Schedule to this Act;

[Schedule.]

(b) enter into and remain in the premises of any port for the purpose of perpetrating or furthering any nuisance thereon;

(c) obstruct, interfere or hinder any authorised person in the performance of his lawful duty under the customs and excise laws; or

(d) hold himself out under any guise or cover as having been authorised to enforce any aspect of the customs and excise laws.

(5) It shall be an offence for any person to conduct any illegal or unauthorised business within the premises of any port.

(6) Any person who contravenes any of the provisions of subsection (4) of this section shall be arrested with or without a warrant by any of the law enforcement officers referred to in subsection (1) of this section or any other person authorised in that behalf and shall immediately be brought before the Court referred to under section 2 of this Act.

2. Extension of Magistrates Court Jurisdiction for the trial of offences created under this Act

(1) It is hereby declared that any of the States of the Federation in which the ports specified in the Schedule to this Act are situate shall have power to cause-

(a) the extension of the jurisdiction of the Chief Magistrates Courts (in this Act referred to as "the Court") existing in that State to the trial of offences created by this Act;

(2) The Governor of the State concerned may, on the recommendation of the Chief Judge of the State, by notice in writing appoint the Chief Magistrates as may be necessary for the purpose of carrying out the intention of this Act.

(3) The rules of procedure applicable in the Magistrates Courts in that State in which the ports exist shall apply to all matters under this Act.

(4) Where no rules of procedure exist in dealing with a particular situation or no adequate provisions are contained in the rules, the Court shall adopt such procedure, as it may deem fit under the circumstances.

3. **Summary trial**

Any person who commits an offence under this Act shall be brought before the Court and the Court shall have power to summarily dispose of the matter and impose such penalties as provided under this Act.

4. **Penalties**

Notwithstanding anything contained in any of the applicable Courts' rules of procedure, any person who contravenes any of the provisions of subsection (4) of section 1 of this Act is guilty of an offence and liable on conviction-

(a) to a fine of ₦10,000 or imprisonment for a term of six months or to both such fine and imprisonment;

(b) on second or subsequent conviction, to imprisonment for a term of twelve months;

(c) to a fine of ₦ 1,000 for each day or part of a day for which the offence referred to in subsection (4) (b) of section 1 of this Act continues.

5. **Sittings**

(1) Subject to the provisions of the applicable Courts' rules of procedure, the Court shall be opened throughout the year except on Sundays and public holidays for the transaction of any pending matter over which it has jurisdiction.

(2) Provisions shall be made for the hearing of any matter brought before the Court to be expeditiously and immediately dealt with.

6. **Power of Minister to give directives**

The Minister shall give such directives as may be necessary for the purpose of carrying out the intendment of this Act.

7. **Interpretation**

In this Act, unless the context otherwise requires-

"Minister" means the Minister charged with responsibilities for matters relating to transport or the Minister charged with responsibility for aviation as the case may be;

"passenger or traveller" includes the crew, staff and officers of ships, aircraft, etc.;

"ports" includes any sea port, airport, inland port, container terminal, customs formation as listed in the Schedule to this act;

"premises" includes the premises comprising the ports and such other locations within the vicinity of the ports as shall be designated by the appropriate authority of the Federal Government as areas comprising the ports;

"such other persons as may be authorised" includes persons licenced to transact business at duty free shops and such other similar location provided within the vicinity of the ports referred to in the Schedule to this Act.

8. **Short title**

This Act may be cited as the Ports (Related Offences, etc.) Act.

SCHEDULE

[Section 1 (4) (a).]

<i>State</i>	<i>Names and location of Ports</i>	<i>Classification of Ports</i>
(i) Borno	Maiduguri International Airport	Airport
(ii) Cross River	(a) Calabar International Airport	Airport
	(b) Calabar	Seaport
(iii) Delta	(a) Warri	Seaport
	(b) Sapele	Seaport
	(c) Koko	Seaport
(iv) Lagos	(a) Apapa Lagos	Seaport
	(b) Tin Can Island, Lagos	Seaport
	(c) International Airport, Ikeja, Lagos	Airport
	(d) Lilypond, Ijora, Lagos	Container Terminal
	(e) Idiroko	Customs Formation
(v) Federal Capital Territory, Abuja	(f) Seme Border	Customs Formation
	Abuja International Airport	Airport
(vi) Kaduna	Kaduna Inland Port	Container Terminal
(vii) Kano	(a) Kano Inland Port	Container Terminal
	(b) Kano International Airport	Airport

SCHEDULE-(continued)

<i>State</i>	<i>Names and location of Ports</i>	<i>Classification of Ports</i>
(viii) Port Harcourt	(a) Port Harcourt	Seaport
	(b) Onne	Seaport

(c) Port Harcourt International Airport

(ix) Sokoto Sokoto International Airport

SUBSIDIARY LEGISLATION

No Subsidiary Legislation