

MARITIME OPERATIONS CO-ORDINATING BOARD ACT

ARRANGEMENT OF SECTIONS

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MARITIME OPERATIONS CO-ORDINATING BOARD ACT

An Act to establish the Maritime Operations Co-ordinating Board to formulate policies for the effective control of all maritime operations in Nigeria's territorial waters and the Exclusive Economic Zone.

[1992 No. 74.]

[24th November, 1992]

[Commencement.]

1. Establishment of the Maritime Operations Co-ordinating Board

There is hereby established a body to be known as the Maritime Operations Co-ordinating Board (in this Act referred to as "the Board") to perform the functions assigned to it under this Act.

2. Composition of the Board

The Board shall consist of-

- (a) the Chief of Training, Operations and Plans (Defence Headquarters) as chairman;
- (b) Flag Officer Commanding Western Naval Command;
- (c) the Chief of Operations (Nigerian Navy);
- (d) the Air Officer Operations (Nigerian Air Force);
- (e) the Director of Navy (Ministry of Defence);
- (f) the Chief of Operations (Nigerian Army);
- (g) the Director of Training (Defence Headquarters);
- (h) the Director of Petroleum Resources to represent the Minister of Petroleum;

- (i) the Comptroller-General of Customs;
- (j) the Director of Fisheries to represent the Minister of Agriculture and Rural Development;
- (k) the Director of Marine Services to represent the Minister of Transport;
- (l) the Deputy Inspector General (Operations), Nigeria Police Force; and
- (m) the Director of Home Finance, to represent the Minister of Finance.

3. Functions of the Board

The functions of the Board shall be-

- (a) to formulate policies, including Maritime Policy, for the control of all maritime operations in Nigeria's territorial waters and Exclusive Economic Zone in order to remove any contradiction, conflict and overlaps in the existing policies regulating activities of agencies performing functions relating to maritime operations;
- (b) to enforce its policies through its member agencies and ascribe appropriate sanctions on any agency found to be defaulting in the performance of the roles ascribed to it by the Board;
- (c) to provide and allocate funds to member agencies to carry out ascribed maritime policy and protective roles; and
- (d) to recruit, promote and discipline its secretariat staff, including the secretary to the Board.

4. Proceedings

(1) The Board shall have power to regulate its proceedings and may make standing orders for that purpose and subject to any such standing orders and to subsection (2) of this section, may function notwithstanding-

- (a) any vacancy in its membership or absence of any member;
- (b) any defect in the appointment of a member; or
- (c) that a person not entitled to do so took part in its proceedings.

(2) The quorum at any meeting of the Board shall be five.

(3) Where standing orders made under subsection (1) of this section provide for the Board to co-opt persons who are not members of the Board, such persons may attend meetings of the Board and advise it on any matter referred to them by the Board.

(4) Any person co-opted pursuant to subsection (3) of this section shall not count towards a quorum and shall not be entitled to vote in any meeting of the Board.

5. Committees

(1) Subject to its standing orders, the Board may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Board is concerned.

(2) Every committee set up under this section shall be presided over by a member of the Board and shall be made up of such number of other persons, who need not be members of the Board as the Board may determine in each case.

(3) The quorum of any committee set up by the Board shall be as may be determined by the Board.

6. Financial provisions

(1) The Board shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Board.

(2) There shall be paid or credited to the Board-

(a) such sums of money as may be provided by the Federal Military Government from time to time; and

(b) such sums of money accruing to the Board from any other source.

(3) The Board shall cause to be prepared, not later than 31st August in each year, an estimate of the expenditure and income of the Board for the next succeeding year and when prepared they shall be submitted through the Minister to the President for approval.

(4) The Board shall keep proper accounts and proper records in relation to those ac-

counts and when certified by the Board the accounts shall be audited as provided in subsection (5) of this section.

(5) The accounts of the Board shall be audited within six months after the end of each year by auditors appointed by the Board from the list and in accordance with guidelines supplied by the Auditor-General for the Federation and fees of the auditors and the expenses for the audit shall be paid from the fund of the Board.

7. Secretary and other staff

(1) The Board shall appoint a secretary who shall be charged with the general administration of the secretariat of the Board and perform such other functions as may be assigned to him from time to time by the Board.

(2) The Board may-

(a) appoint such other persons to be officers and servants of the Board to assist the secretary in the exercise of his functions; and

(b) determine the remuneration and term of office and conditions of service of the secretary and the other officers and servants of the Board.

(3) Notwithstanding the provisions of subsection (1) and (2) of this section, the Board may appoint any of its officers and servants by way of transfer or secondment from any public service in the Federation.

8. Pensions

(1) Service in the Board shall be public service for the purposes of the Pensions Act. [Cap. P4.]

(2) Officers and other persons employed by the Board shall in respect of their services in the Board be entitled to pensions, gratuities and other retirement benefits as are prescribed under the Pensions Act.

(3) Nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

(4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable by the Minister or other authority of the Federal Government (not being the power to make regulations under section 23) is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

9. Annual report

The Board shall, not later than six months after the end of each year, submit to the Minister a report of the activities of the Board and its administration during the immediately preceding year and shall include in the report the audited accounts of the Board and the auditor's comments thereon.

10. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the Maritime Operations Co-ordinating Board established by section 1 of this Act;

"functions" include powers and duties;

"Minister" means the Minister charged with responsibility for matters relating to defence;

"secretary" means the person appointed as secretary of the Board under section 7 of this Act.

11. Short title

This Act may be cited as the Maritime Operations Co-ordinating Board Act.