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The following are published as Supplement to this *Gazette* :

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Part VI.—OBLIGATIONS OF REGISTERED DOCK WORKERS, SEAFARERS,
STEVEDORING COMPANIES, JETTY AND TERMINAL OPERATORS

23.—(1) A registered dock worker and seafarer shall—

Obligations of
dock worker
and seafarer

(a) while on duty, wear his gears and carry his identity card on his person and produce it on demand for inspection by authorized personnel;

(b) while in the port premises or on vessel conduct himself properly and not constitute himself into a public nuisance or security risk; and

(c) carry out his duties in accordance with the provisions of this Act and the conditions of employment as agreed with his employers and approved by the Council.

(2) Any dock worker or seafarer who—

(a) fails to carry out his duties in accordance with the provisions of this Act and the conditions of his employment;

(b) fails to comply with any lawful order given to him by his employer;

(c) is inefficient or negligent in the discharge of his duties; or

(d) absent himself from duty without permission or other acceptable reason; is liable to be suspended from duty for a period not exceeding 90 days.

(3) Any dock worker or seafarer who—

(a) engages in any malpractice or fraudulent act; or

(b) conducts himself in a disorderly manner in a port area, the pool or on board vessel; commits an offence under this Act and is liable to have his registration certificate revoked by the Council.

24.—(1) A registered stevedoring company or seafarer employer, jetty and terminal operator shall—

Obligations of
the employer

(a) keep such records as may be required to be kept, from time to time, by the Council;

(b) furnish in such form as may be specified, from time to time by the Council, such true and accurate information relating to—

(i) the number of registered dock workers or seafarers in its employment within a period of time;

(ii) the basic and overtime remuneration rates paid to its dock workers or seafarers; and

(iii) any proposed disciplinary action involving the dismissal or suspension of any dock worker or seafarer to the Council for approval;

(c) engage the services of only registered dock workers or seafarers;

(d) promptly pay wages and other entitlements of dock workers and seafarers;

(e) report any other disciplinary action against erring dock workers and seafarers under its employment;

(f) provide adequate cargo handling plants and equipment which are necessary for the discharge of any of its duties in the ports and on vessel :

- (g) provide adequate protective gears for the safety of its dock workers and seafarers;
- (h) provide group insurance cover from a reputable insurance company approved by the Council against any form of industrial accidents ;
- (i) only engage the services of stevedoring companies registered by the Council ;
- (j) in the case of seafarer employer sign the approved article of agreement with the seafarer in the presence of the Inspector of Shipping or any authorized officer ; and.
- (k) pay such levies and statutory contributions required to this Act or such other levies as may be imposed by the Council from time to time.

(2) A registered stevedoring company, seafarer employer, jetty or terminal operator who fails to comply with the provisions of this section or any regulation made pursuant to this Act, is liable to have its registration certificate suspended for a period not exceeding 90 days and, should the non compliance persist, its registration may be revoked by the Board.

PART VII—CONDITIONS OF SERVICE OF DOCK WORKERS AND SEAFARERS

Training,
medical
services,
welfare and
pensions.

25.—(1) It shall be an implied condition in any contract of employment between a registered dock worker and a registered dock labour employer, stevedoring company, jetty or terminal operator or seafarer and seafarer employer that the rate of remuneration and conditions of service shall be in accordance with any local or national collective agreements for the time being in force.

(2) The conditions of service for permanent and casual dock workers and seafarers include—

- (a) training;
- (b) the provision of medical services ; and.
- (c) the establishment of a welfare and disengagement scheme for casual dock workers and seafarers by the Council based on levies from—
 - (i) the Nigerian Ports Authority,
 - (ii) the Shipping Companies,
 - (iii) the Stevedoring Companies,
 - (iv) the Jetty or Terminal Operators,
 - (v) registered seafarer employers,
 - (vi) the National Maritime Authority, and
 - (vii) the dock workers and seafarers (ratings).

(3) The Council shall prescribe *and administer* the training, medical and welfare scheme of registered casual dock workers and seafarers in the pool.

(4) The stevedoring companies, jetty or terminal operators and seafarer employers shall fund and administer the training, medical and pension scheme of registered permanent dock workers and seafarers under the supervision of the Council.

26.—A registered stevedoring company, jetty or terminal operator and seafarer employer shall—

(a) pay wages or other remuneration directly to a dock worker or seafarer for service rendered; and

(b) not pay wages or remuneration through a supervisor, headman or any person in charge of a gang of dock workers or seafarers.

Wages and remunera-
tions

27.—Any registered stevedoring company, jetty or terminal operator or seafarer employer who contravenes the provisions of section 26 of this Act commits an offence and is liable on conviction to a fine of ₦500,000.00 or 6 months imprisonment or both.

Penalty

PART VIII—ESTABLISHMENT OF MARITIME LABOUR MONITORING COMMITTEE ETC

28.—There is established in each port a Maritime Labour Monitoring Committee (in this Act referred to as "the Committee"), which shall be charged with such responsibility as the Board may determine from time to time.

Establishment
of Maritime
Labour
Monitoring
Committee

29.—(1) The Committee shall consist of—

- (a) a chairman,
(b) secretary,
(c) a representative each from the organisations represented in the Board,
who shall be appointed by the Council.

Composition
of
Committee

30.—Subject to the provisions of this Act, a person appointed as a member of the Committee shall hold office for a period of two years from the date of appointment.

Tenure of
office

31.—The Committee shall—

- (a) monitor the registration of dock workers and seafarers in the maritime industry in accordance with the conditions specified by the Council ;
(b) ensure that no person, other than a registered dock worker or seafarer, is engaged to perform any dock work or seafaring ;
(c) prevent the entry of any dock worker or seafarer into any place to which this Act applies who is not registered in accordance with the provisions of this Act ; and
(d) carry out such other functions as may, from time to time, be referred to it by the Council.

Functions of
the
Committee

PART IX—ESTABLISHMENT OF A POOL OF DOCK WORKERS AND SEAFARERS

32.—There is established a pool for dock workers and seafarers (in this Act referred to as "the Pool") outside the port or vessel which shall consist of the following categories—

Establishment
of a pool of
dock workers
and seafarers.

- (a) in the case of dock workers—
(i) general labour,

- (ii) tally clerks,
- (iii) security men,
- (iv) winch men,
- (v) roll-on-roll-of drives, and
- (vi) plant operators,

(b) in the case of seafarers—

- (i) deck officers,
- (ii) engine room officers,
- (iii) catering officers, and
- (iv) all ratings.

Choice of
dock
Workers and
Seafarers.

33.—All registered stevedoring companies, seafarer employers, jetty or terminal operators, manning agents or such other similar bodies shall engage registered dock workers and seafarers in accordance with such guidelines as may be issued by the Council from time to time;

Provided that nothing in this part will limit the choice by seafarer employers to seafarers in the pool.

PART X— ESTABLISHMENT OF A MARITIME LABOUR WELFARE DISENGAGEMENT FUND

Establishment
and
management
of the Fund.

34—(1) There is established for the Council a Maritime Labour Welfare Disengagement Fund (in this Act referred to as “the Fund”) into which shall be paid and credited—

- (a) 2 per cent of dock workers' and seafarers' earnings which shall be deducted at source by their employers ; and
- (b) contributions from all organisations represented in the Board as the Minister may determine from time to time.

(2) The Board shall set up a Maritime Labour Welfare and Disengagement Committee (in this Act referred to as “the Management Committee”) to manage the Fund.

(3) The management Committee shall, subject to the approval of the Board, apply the funds towards the following objectives—

- (a) the general welfare of casual dock workers and seafarers;
- (b) payment of disengagement benefits to casual dock workers and seafarers ;
- (c) the training of casual dock workers and seafarers and for that purpose to establish training centers ;
- (d) cost of administration of the Fund ; and
- (e) any other matter, which the Board may direct.

(4) The Committee set up in sub-section (2) of this section shall exercise such power as may be delegated to it by the Board pursuant to the directive of the Minister for the effective management of the Fund in accordance with the objectives of this Act.

- 35.**—(1) The Maritime Labour Welfare and Disengagement Committee shall be headed by the Executive Chairman of the Council. Membership and composition of the Committee
- (2) Other members shall comprise—
- (a) one representative of—
- (i) the Federal Ministry of Transport;
 - (ii) the Federal Ministry of Employment, Labour and Productivity;
 - (iii) the Nigerian Ports Authority;
 - (iv) the Nigerian Shippers' Council;
 - (v) the National Maritime Authority;
 - (vi) Merchant Navy Officers Association of Nigeria;
 - (vii) Dock Labour Employers;
 - (viii) Seafarer Employers;
 - (ix) Terminal Operators; and
- (b) two representatives of —
- (i) Maritime Workers Union of Nigeria; and
 - (ii) the Nigerian Shipping Companies;
- (c) two ex-officio members to be appointed by the Chairman; and
- (d) the Secretary to the Board representing the Joint Maritime Labour Industrial Council.

- 36.** The management Committee shall establish and maintain a separate account for the Fund from which shall be defrayed all the expenditure to be incurred by it. Account of the Fund

PART XI—LEGAL PROCEEDINGS

- 37.**—(1) No suit shall lie against the Council for any act done unless it is filed within 12 months of the happening of the said act or within 12 months next after the continuance of the said act has ceased. Proceeding against the Council

(2) No suit shall be commenced against the Council before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Council by the intending plaintiff or his agents and the notice shall clearly and explicitly state —

- (a) the cause of action;
- (b) the particulars of claim;
- (c) the name and place of abode of the intending plaintiff; and
- (d) the relief which he claims.

(3) For the purpose of this section "suit" means a civil proceeding commenced by writ of summons or such other manner as may be prescribed by rules of Court and includes an action but not a criminal proceeding.

(4) The notice referred to in subsection (2) and any summons, notice or other document required or authorised to be served on the Council in connection with a suit by or against the Council may be served by—

- (a) delivering it to Executive Chairman; or
- (b) sending it by registered post addressed to the Executive Chairman at the Head Office of the Council.

(5) In any action or suit against the Council, no execution or attachment or process in the nature thereof shall be issued against the Council, but the Council shall pay any sum of money, which may by the judgment of the Court, be awarded to the plaintiff, from the funds of the Council.

(6) A person connected with the direct working of the Council shall not be removed under arrest when his immediate removal from duty might result into danger to life or goods, whether in execution of a warrant or otherwise, which actually engaged in the performance of his duties until—

- (a) the head of the department in which he is employed; or
- (b) the officer in immediate charge of the work in which the person is engaged; has been given an opportunity of providing a substitute.

(7) In any suit pending before a court, the Council may be represented at any stage of the proceeding by any employee of the Council who shall satisfy the Court that he is duly authorised in writing by the Council in that behalf.

PART XII—MISCELLANEOUS

Cancellation
of
registration

38. Where the Council or the Board orders the suspension or revocation of a registration certificate issued under this Act in relation to—

- (a) a dock worker or seafarer; or
- (b) a stevedoring company, seafarer employer, jetty or terminal operator, it shall direct the submission of the registration certificate to the Secretary to the Board within 3 days.

Jurisdiction

39. The Federal High Court shall have jurisdiction to try related offences and offences created in this Act and to which no penalties have been prescribed under any section of this Act.

Power to
make
regulations
Repeal of
Act No. 37
of 1999

40. The Minister may in addition to any other powers conferred on him under this Act, make regulations generally for the purpose of this Act.

41. The Nigerian Dock Labour Act No. 37, 1999 is repealed.

42.—(1) Accordingly, the statutory functions, rights, interests, obligations and liabilities of the Joint Dock Labour Industrial Council existing before the commencement of this Act under any contract or instrument or in law or in equity shall, by virtue of this Act, be deemed to have been assigned to and vested in the Joint Maritime Labour Industrial Council established by this Act.

Savings and transfer of liabilities, staff, etc.

(2) Any such contract or instrument mentioned in subsection (1) of this section shall be of the same force and effect against or in favour of the Joint Maritime Labour Industrial Council established by this Act and shall be enforceable as fully and effectively as if instead of the Joint Dock Labour Industrial Council existing before the commencement of this Act, the Joint Maritime Labour Industrial Council established by this Act, has been named therein or had been a party thereto.

(3) The Joint Maritime Labour Industrial Council established by this Act shall be subject to all the obligations and liabilities to which the Joint Dock Labour Industrial Council existing before the commencement of this Act was subject immediately before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Joint Maritime Labour Industrial Council established by this Act as they had against the Joint Dock Labour Industrial Council existing before the commencement of this Act.

(4) Any proceeding or cause of action pending or existing immediately before the commencement of this Act, by or against the Joint Dock Labour Industrial Council existing before the commencement of this Act in respect of any right, interest, liability or obligation of the Joint Dock Labour Industrial Council existing before the commencement of this Act may be continued or, as the case may be, commenced and any determination of a court shall be for or against the Joint Maritime Labour Industrial Council established by this Act to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Joint Dock Labour Industrial Council existing before the commencement of this Act.

(5) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in Joint Dock Labour Industrial Council existing before the commencement of this Act shall by virtue of this Act and without further assurance, be vested in the Joint Maritime Labour Industrial Council established by this Act .

(6) Any person who immediately before the coming into force of this Act is the holder of any office in the Joint Dock Labour Industrial Council or the Nigerian Shipping Federation existing before the commencement of this Act shall on the commencement of this Act, continue in office and be deemed to have been appointed to his office by the Joint Maritime Labour Industrial Council established by this Act unless the authority by which the person was appointed terminates the appointment.

43. In this Act—

"Board" means the Governing Board of the Joint Maritime Labour Industrial Council established under Section 3 of this Act :

Interpretation

"Committee" means the Maritime Labour Monitoring Committee established under section 28 of this Act ;

"Council" means the Joint Maritime Labour Industrial Council established under section 1 of this Act ;

"Dock Worker" means a person registered under this Act to perform dock work ;

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

"Pool" means a Maritime Labour and Seafarers Employment Center ;

"Port Dues" includes ship dues, cargo dues and any Royalty ;

"Register" means the register of dock workers, seafarers, stevedoring companies, seafarer employers, jetty and terminal operators to be maintained by the Council ;

"Seafarer" for the purposes of this Act, means a person who assists in the navigation and operation of a vessel at sea and includes officers and seamen (ratings) ;

"Seafarer Employer" means a shipping company or ship owner who employs seafarers ;

"Stevedoring Company" (or Dock Labour Employer) means a body corporate (registered by the Council) who employs dockworkers to perform dock work.

Citation.

46. This Act may be cited as the Nigerian Maritime Labour Act, 2003.

SCHEDULES

FIRST SCHEDULE

Section 3 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board, Cap.192 LFN.

1. Subject to the provisions of this Act and section 27 of the Interpretation Act (which provides for decisions of a body to be taken by a majority of members of that body and for the person presiding to have a second or casting vote), the Board may make standing orders regulating its proceedings or those of any of its committees.

2. The quorum at a meeting of the Board shall consist of the Chairman (or in appropriate cases the person presiding at the meeting pursuant to this paragraph of this Schedule) and five other members. Quorum.

3.—(1) The Chairman shall preside at any meeting of the Board, but in the absence of the Chairman, the members present shall appoint one of them to preside at the meeting.

(2) The provisions of subparagraph (1) of this paragraph shall also apply to meetings of the committees.

(3) Where standing orders made under paragraph (1) of this Schedule provide for the Board or a committee to co-opt persons who are not members of the Board or committee, any such person may advise the Board or committee on any matter referred to him by the Board or committee but shall not be entitled to vote at a meeting of the Board or committee or count towards a quorum.

4.—(1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine. Committees.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board, and any person other than a member of the Board shall hold office on a committee in accordance with the term of his appointment.

(3) Subject to the provisions of this Act a decision of a committee of the Board shall only have effect when confirmed by the Board.

5. The validity of any proceeding of the Board or of a committee shall not be affected by any vacancy in the membership of the Board or the committee, or by any defect in the appointment of a member of the Board or of a committee, or by reason that a person not entitled to do so took part in the proceedings of the Board or the committee.

6.—(1) Any member of the Board and any person holding office in a committee of the Board who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee shall disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

SCHEDULE TO THE NIGERIAN MARITIME LABOUR BILL, 2003

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of Contents of the Bill</i>	(4) <i>Date passed by Senate</i>	(5) <i>Date passed by House of Representatives</i>
The Nigerian Maritime Labour Bill, 2003.	An Act to repeal the Nigerian Dock Labour Act No. 37 of 1999 and enact the Nigerian Maritime Labour Bill, 2003.	This Bill seeks to repeal the Nigerian Dock Labour Act No. 37 of 1999 and enact the Nigerian Maritime Labour Bill, 2003.	21-5-2003	22-5-2003

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, Laws of the Federation of Nigeria 1990.

I ASSENT.

IBRAHIM SALIM, CON
Clerk to the National Assembly
20th Day of June, 2003

CHIEF OLUSEGUN OBASANJO, GCFR
President of the Federal Republic of Nigeria
25th Day of June, 2003

