



NIGERIAN MARITIME ADMINISTRATION AND SAFETY AGENCY

STANDARD OPERATING PROCEDURE (SOP)

Vision:

**To be the leading Maritime Administration in Africa, propelling
Nigeria's Global Maritime Goals.**

Mission:

**To achieve safe, secure shipping, cleaner oceans and enhanced
maritime capacity in line with the best global practices towards
Nigeria economic development.**

NIMASA’S STANDARD OPERATING PROCEDURE AT THE SEAPORTS AND OFFSHORE FACILITIES

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1. INTRODUCTION

The Nigerian Maritime Administration and Safety Agency (NIMASA) was established for the promotion and regulation of maritime safety, security, marine pollution and Maritime Labour. It is established by the Nigerian Maritime Administration and Safety Agency Act 2007. The Agency is also charged with the responsibility for implementing the Merchant Shipping Act 2007, and the Coastal and Inland Shipping (CABOTAGE) Act 2003.

2. AIMS AND OBJECTIVES OF THE STANDARD OPERATING PROCEDURE

This document serves as a guide and prescribes the standard operating procedure for the Agency's operations at the ports and offshore facilities in furtherance to its mandate as contained in the NIMASA Act 2007 and other enabling laws administered by the Agency. The operations of the Agency at the ports as provided for in sections 1 and 22 of the Act can be grouped into four categories namely:

- i. Monitoring
- ii. Inspection
- iii. Prevention
- iv. Enforcement

At NIMASA different departments, officers of the Agency and our Partners in line with the powers and functions of the Agency carry out the operational activities of the Agency. **These operations are carried out directly through inspection/monitoring of documents and facilities on board vessels and Terminals as provided for in the IMO FAL Convention and other International Conventions and National Maritime/Shipping Laws and sometimes indirectly through Partners.**

3. FUNCTIONS/POWERS OF THE AGENCY

The functions of the Agency as conferred by sections 22 & 23 of the NIMASA Act include the following amongst others:

- i. Pursue the development of shipping and regulate matters relating to merchant shipping and seafarers;
- ii. Administering the registration and licensing of ships;

- iii. Regulate and administer the certification of seafarers;
- iv. Established maritime training and safety standards;
- v. Regulate the safety of shipping as regards the construction of ships and navigation;
- vi. Provide search and rescue services;
- vii. Provide direction and ensure compliance with vessel security measures;
- viii. Carry out air and coastal surveillance;
- ix. Control and prevent marine pollution;
- x. Provide direction on qualification, certification, employment and welfare of maritime labour;
- xi. Perform port and flag state duties;
- xii. Enforce and administer the provisions of the Cabotage Act
- xiii. Receive and remove wrecks;
- xiv. Provide National Maritime Search and Rescue Service;
- xv. Establish procedures for the implementation of conventions of the International Maritime Organisation and International Maritime Labour Organisation and other international conventions to which the Federal Republic of Nigeria is party to and for the implementation of codes, resolutions and circulars arising therefrom;
- xvi. Generally perform any other duty for ensuring maritime safety and security and matters incidental thereto;
- xvii. Stop, enter, board, inspect and search any vessel or aircraft and to detain any vessel within the Nigerian maritime zone;
- xviii. Demand the production of any license, permit, record, certificate or any other document;
- xix. Expel any vessel which it has reason to believe to be detrimental to the interest of or endanger the order and safety in the Nigerian maritime Zone;
- xx. Demand the production of any license, permit, record, certificate or any other document and to inspect same or make copies, extracts of such document in relation to matters provided for under the Act;
- xxi. Enter ports, terminals and vessels to monitor and investigate matters related to maritime labour, ship safety and security.

4. MANDATE OF OFFICERS OF THE AGENCY AT THE SEAPORTS AND OFFSHORE FACILITIES

Officers and representatives of the Agency at the Ports and Offshore facilities are charged with the following responsibilities:

- a. Facilitate effective coordination and regulation of all Maritime activities within the area;
- b. Stop, enter, board, inspect and search and or detain any vessel within the Nigerian maritime zone through the deployment of Marine Inspectors/surveyors in accordance with section 218 of the Merchant Shipping Act 2007.**
- c. Inspect ships for the purposes of maritime safety, maritime security, maritime labour and prevention of maritime pollution;
- d. Enforce the implementation of Maritime Safety Standards and Security, Maritime Labour regulations, shipping regulations, cabotage levies, pollution prevention and control amongst others in the marine environment;
- e. Enhance efficiency and effectiveness in ports service delivery to stakeholders;
- f. Enforce and administer the provisions of the Coastal and Inland shipping (CABOTAGE) Act;
- g. Perform port and flag state duties;
- h. Simplify and facilitate easier documentation processes for the shipping companies and agents;
- i. Provide effective monitoring of vessels calls and cargoes in Nigerian seaports;
- j. Facilitate search and rescue operations for vessels and seafarers in distress;
- k. Ensure that the Agency's revenue are duly collected, collated, and processed accordingly.

5. OPERATIONAL PORTS IN NIGERIA

- i. Lagos Port Complex
- ii. Tin Can Island Port Complex
- iii. Rivers Port Complex
- iv. Delta Port Complex
- v. Calabar Port Complex
- vi. Onne Port Complex

6. THE STANDARD OPERATING PROCEDURE (SOP)/RESPONSIBLE UNITS

The activities of the Agency at the Ports are carried out by designated officers from the responsible departments/units as detailed hereunder:

I. The Shipping Development Unit:

This unit is the department responsible for the collection of the 3% statutory levy on all international inbound/outbound cargo from ships and shipping companies operating in Nigeria as provided in section 15 of the NIMASA Act.

Owners/Agents of vessel calling at Nigerian Ports shall submit their manifest two weeks before expected date of arrival of the vessel. Thereafter a debit note is issued to the Agent/owner to facilitate payment within 24 hours of receipt of vessel manifest.

The Department will usually inspect the following documents to be submitted to it by the vessel owner or Agent:

- a. The voyage order, stowage plan or manifest of the vessel in order to reconcile it with the import/export manifest forwarded by the Agent to NIMASA for the payment of the 3% levy;
- b. Certificate of quantity for wet cargos and their haulage report;
- c. Certificate of transfer, if any (where the cargo is transferred from one vessel to the other);
- d. DPR permit to ensure the genuineness/quality of the cargo (this applies to wet Cargo only);
- e. Any other document that facilitates the payment of the 3% levy.

Upon payment of 3% levy, NIMASA will at its Headquarters issue within 6 hours a sailing certificate to the vessel owner or Agent. **This Department must not board the ship.**

II. Marine Environment Management Unit (MEM):

The Unit is responsible for implementing section 44 – 45 of the NIMASA Act on the prevention/control of marine pollution. It is also responsible for the implementation of domesticated international maritime conventions and national laws on marine environment.

This requires monitoring the following:

1. Oil discharge monitoring equipment to ensure proper disposal of waste. Where the Oil discharge equipment is malfunctioned, the vessel must apply and obtain an exemption from the Agency. Before such exemption is given, surveyors and engineers must inspect the vessel to ensure that the capacity of the storage tanks within the vessel is large enough to store waste until the vessel leaves Nigerian waters;
2. The functional capacity of Oil-Water Separator (OWS) to ensure compliance with 15PPM in a vessel in line with the provisions of the Marine Pollution Convention (MARPOL) and annexes thereof;
3. Inspection of relevant anti-pollution documents/certificates on board vessels to ensure compliance with relevant IMO conventions;
4. Monitoring to ensure discharge of waste into reception facilities;
5. In the event of a spillage, the shipmaster is expected to report the incident to the Agency within 24 hours. The responsible officers in the unit are to ensure the following:
 - a. Investigating the cause, determining the magnitude and extent of damage done to the marine environment as a result of an established spillage. Deploy response personnel and equipment to assist in cleanup operations with other government agencies where necessary in the case of a spillage;
 - b. Undertake the coordination of compensation of victims of oil pollution damage from ships in line with IOPC fund convention;
 - c. Inspect tank washing process and facilities to ensure that dangerous/poisonous chemicals are not discharged into Nigerian waters.
6. This involves document and related checks on vessels on berth to ascertain their seaworthiness in line with IMO guidelines on Port state and Flag state inspection.
7. **Based the IMO Regional Memorandum of Understanding (MoU) on Ports State Control, referred to as the Abuja MoU, which gives powers to the Port States to enforce Safety Standards and control of Marine pollution, NIMASA to work with Port State**

Control Inspectors of Ships on Abuja MoU for the discharge of this function.

- 8. The above functions shall be carried out by the Inspectors of Ships when the Vessel has “settled” and cover no less than 35% of ships berthing. The exercise shall last no more than 3 hours. The Inspectors shall not unnecessarily detain or delay a ship from carrying out discharge operations or from proceeding on any voyage except it is absolutely necessary and consequent upon established non-compliance with the related Laws.**
- 9. The Inspectors shall issue their report to the Ship Development Unit of NIMASA for the purposes of issuance of sailing certificate no later than 1 hour from the expiration of their 3 hours work time line.**

III. Maritime Safety and Seafarers Standards Unit:

The department ensures routine inspections/survey of ships at ports in compliance with port and flag state responsibilities. The unit will oversee the implementation of the ISPS code and related maritime safety conventions and protocols enshrined under the Merchant Shipping Act 2007 and the NIMASA Act. This involves routine surveys at terminals and jetties to ascertain the safety and security of the terminals/jetties. They specifically monitor the following:

- a) Access control for the entry and exit of persons
- b) Health and safety policies at the terminal/jetty
- c) Examine records of security drills conducted
- d) Security signage/sign posts
- e) Lightings/illuminations especially at the quay sides
- f) Access restrictions to generator power houses and fuel storage
- g) Surveillance facilities.
- h) Physical visits to various terminals, jetties for safety awareness campaign to educate stakeholders and operators on safety requirements.
- i) Carry out security facilities audit and approval in accordance with the ISPS code
- j) Carry out ship safety/security audit for flag vessels at ports in accordance to IMO guidelines

- k) Mercantile marine duties, which include verification of article of agreement for flag vessels as well as verification of seafarers documents (where can the list of documents be found?) upon arrival of the vessel.

For vessels/ships, the Inspector of Ships on behalf of NIMASA inspects the following:

- a. The condition of the ship/vessel, its machinery, equipment and general suitability of the vessel on Nigerian waters;
- b. Manning of the vessel and other matters relevant to the safety and security of the ship.

This involves document and related checks on vessels on berth to ascertain their seaworthiness in line with IMO guidelines on Port state and Flag state inspection.

Based the IMO Regional Memorandum of Understanding (MoU) on Ports State Control, referred to as the Abuja MoU, which gives powers to the Port States to enforce Safety Standards and control of Marine pollution, NIMASA to work with the Port State Control Inspectors of Ships on Abuja MoU for the discharge of this function.

The above functions will be carried out by the Inspectors of Ships when the Vessel has “settled” and cover no less than 35% of Ships berthing at the Ports. The exercise will last no more than 3 hours in each case. The Inspectors shall not unnecessarily detain or delay a ship from carrying out discharge operations or from proceeding on any voyage except it is absolutely necessary and consequent upon established non-compliance with related Laws and International Conventions.

The Inspectors shall issue a report to the Ship Development Unit of NIMASA for the purposes of issuance of sailing certificate no later than 1 hour from the expiration of their 3 hours work time line.

IV. Cabotage Services Unit:

The Unit forms part of the department responsible for the enforcement of the Cabotage Act in all ports, jetties and terminals in order to develop indigenous shipping capacity particularly on vessel acquisition, manning and ship building facilities and registration. The primary objective of the Act

is to reserve commercial transportation of goods and services within Nigerian coastal and inland waters to vessels flying Nigerian Flag, owned and crewed by Nigerian citizens and built in Nigeria. To engage in Cabotage trade in Nigerian waters, the following must be fulfilled:

- a) Where any vessel does not fulfill the three conditions on ownership, manning, and building, such vessel must apply and pay for waivers in accordance with the procedure set out in the Guidelines on Implementation of Coastal and Inland Shipping (CABOTAGE) Act, 2007 before engaging in any Cabotage Trade in Nigerian waters. The waiver certificate must be renewed annually.
- b) Foreign owned vessels must in addition to applying for waivers, apply for and obtain a license to engage in Cabotage trade in accordance with section 15-18 of the Cabotage Act.
- c) By virtue of sections 22 and 29 of the Cabotage Act, every vessel engaged in Cabotage Trade must be registered with the Cabotage department of the Agency (application form can be obtained from the Cabotage Department of the Agency and a checklist of documents that must be attached to the application). Vessels already registered in the Nigerian Ship registry must also be registered in the Cabotage register.
- d) Section 42 and 43 of the Cabotage Act provides for the collection of 2% surcharge based on gross earnings on contracts performed by all vessels engaged in domestic coastal trade. It is mandatory for all employers or charterers of such vessels to deduct the said 2% surcharge from source based on the charter or freight invoice. The freight invoice, bill of lading or schedule must be forwarded to the Cabotage Department and a demand note for payment of the 2% surcharge issued to make payment to the Finance department of the Agency.
- e) Vessels/ship engaged in Cabotage trade must carry on board at all times the following:
 - a. Cabotage registration certificate
 - b. Waiver certificate
 - c. Vessel registration certificate
 - d. Crew list

- f) Enforcement officers from the Cabotage department carry out routine checks based on selected sample of vessels/ships trading in Nigerian Coastal Waters to inspect them for compliance to the above stated requirements. This process does not extend to sea going vessels calling at Nigerian Ports.
- g) Based the IMO Regional Memorandum of Understanding (MOU) on Ports State Control, referred to as the Abuja MOU, which gives powers to the Port States to enforce Safety Standards and control of Marine pollution, NIMASA delegates the discharge of this aspect of their functions to the Port State Control Inspector of Ships.
- h) The above functions shall be carried out by the Inspectors of Ships and cover such sample of ships on the coastal waters as NIMASA may from time to time indicate. The exercise shall last no more than 1 hour in each case. The Inspectors shall not unnecessarily detain or delay a ship from proceeding on any voyage except it is absolutely necessary and consequent upon established non-compliance with the related Laws.
- i) The Inspectors shall issue a report to the Cabotage Unit of NIMASA no later than 1 day from the end of each vessel Inspection.

V. **Maritime Labour Services:** The Unit is responsible for the registration and regulation of Maritime Labour matters as enshrined in section 27 of the NIMASA Act. The Unit derives its mandate from the NIMASA Act 2007, Merchant Shipping Act 2007, Cabotage Act 2003 and the Maritime Labour Convention (MLC) 2006. It is also responsible for the collection of 0.5% of stevedoring charges collected by employers of dock Labour. The enforcement officers ensure the following amongst others:

- a) that maritime Labour employers comply with existing regulations and standards relating to crewing, wages, safety, welfare and training of seafarers and dock workers at Ports, jetties, terminals, offshore facilities and on board vessels;
- b) The enforcement and administering of the provisions of the Cabotage Act 2003 with regard to manning of Cabotage vessels;

- c) Implementation of seafarers and dock workers employment, safety and health standards in relation to provision of maritime Labour and in line with International Maritime Labour Convention and the International Labour Organisation Convention;
- d) That ships plying Nigerian Waters carry Declaration of Maritime Labour Compliance (DMLC) parts 1 & 2;
- e) On board inspection by International Labour Organisation certified personnel in line with the inspection requirements for lag state and Port State;
- f) Compliance by Stevedoring Companies with payment of 0.5% stevedoring charges;

NIMASA Enforcement Officers relate to and co-ordinate efforts with the Nigerian Ports Authority and other relevant stakeholders at the ports in ensuring that the Agency's responsibilities are carried out in line with international conventions, regulations and standards.

7. SYNERGY WITH OTHER AGENCIES

The Agency collaborates with other relevant Agencies of government in carrying out its functions as outlined under the NIMASA Act 2007 and other extant laws.

8. TIME LINE FOR OPERATIONAL FUNCTIONS OF THE AGENCY

The Agency is mindful of the statutory requirements under various international conventions/regulations it implements. Its functions at the ports are at all times handled with dispatch.

9. E-ADDRESSES OF GOVERNMENTAL AUTHOURITIES FOR FACILITATING THE EXCHANGE OF ELECTRONIC INFORMATION.

NIMASA maintains and submits to IMO e-addresses for facilitating exchange of electronic information for Governmental Authorities.

NIMASA has designated specific officers to monitor the e-addresses and ensure timely processing and response to information exchanges from IMO.