

A LAW TO ESTABLISH THE LAGOS STATE WATERWAYS
AUTHORITY AND FOR CONNECTED PURPOSES

(21st July 2008) Commence
Ment

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1.__(1) there is established under this Law the State Waterways

Establish –
Ment of the
Lagos State
Waterways
Authority

(2) The Authority shall -----

- (a) Be a body corporate with perpetual succession and a common seal;
- (b) Have power to sue and be sued in its corporate name; and
- (c) Be capable of holding, purchasing, acquiring and disposing of movable and immovable properties, for the purpose of performing its functions under this law.

2.__(1) The affairs of the Authority shall be administered by a Governing Board (referred to in this Law as “the Board”

Composition
of the
Government
Board

(2) The Board shall consist of -----

- (a) The Chairman, appointed by the Governor upon the recommendation Of the Commissioner;
- (b) The representative of the Commissioner for Transportation
- (c) two (2) other members who shall in the opinion of the Governor be Persons of integrity and relevant experience:
- (d) any person with knowledge and experience in public transportation; and
- (e) The Managing Director

(3) The members of the Board shall be appointed by the Government and shall with the exception of the Managing Director hold office on part time basis.

Tenure Office, Removal and of Members of The Board. 3.____ (1) the members of the Board shall hold office for a period of 3 years and may be eligible for re-appointment for a further term as may be determined by the Governor.

(2) A member shall be remove from office it he has-----

- (a) By reason of mental or bodily infirmity become incapable of discharging his duties;
- (c) Been convicted of an offence which involves moral turpitude;
- (d) Notwithstanding the provisions of subsection (2) above, the Governor May remove any member of the Board if he is satisfied that it is in the Public interest to do so.

(3) Subject to the ratification of the Governor, members of the Board shall be Paid such remuneration and allowance as may be determine by the Board Upon the recommendation of the Chairman.

Power of the Authority. 4. Notwithstanding the provisions of any other Law to the contrary, the Authority shall have powers to----

- (a) Establish, maintain and regulate the operation of any type of vessels and like carriers, pilot boats, ferries, lines and regular ferry services within the waterways OF Lagos state;
- (b) Regulate the use of internal waterways by all users including private and common carriers;
- (c) Enter into contracts for the maintenance, exploration, superintendence, management and transit of all state and internal waterways and terminals, platforms, piers and jetties with any other person(s), authority, company or such other private operator(s);
- (d) Institute and collect water transportation tolls, rates and charges clear and maintain Lagos state Inland waterways free from all obstructions, derelicts, wrecks and abandoned properties and install route buoys gauges, distance boards and markings along the inland waterways of Lagos State

The Lagos State Waterways Authority Law 2008 No.14 A533

(e) Borrow, deposit or accept any money from any person or corporation in furtherance of its functions under this Law;

(f) Sell, let, dispose or grant rights over the undertaking or any property of the Authority for cash or for shares or any security of any company or for other considerations;

(g) Temporarily alter or vary any license, concession or franchised services;

(h) Specify the frequency, carrying and types of vessels to be used under a license; and

(i) Specify the piers, jetties, or berths to be used by the grantee of a franchised service.

5. The Authority shall –

(a) construct, hire, purchase or otherwise acquire workshops and vessels of any class within the state;

(b) regulate, establish and maintain within the waterways in Lagos State, lines, regular services of ships or other vessels and like carries and generally regulate the use of state and internal waterways by all users including private and common carriers;

(c) enter into contracts for the maintenance, exploration, superintendence, management and transit of all state and internal waterways and terminals, platforms, piers and jetties with any other person, authority, company or such other private operator(s)

(d) own, construct, purchase, take on lease or otherwise acquire and work in any wharf, pier, dock, jetty, transportation terminal, building or work capable of being advantageously used in connection with the business of the Authority as waterway transporters or carriers;

(e) design ferry service and other water transport routes, issue, regulate and control all licenses for ferry services and water transportation;

(f) charge and collect water transportation tolls, rates and charge;

(g) clear and maintain waterways free from all obstructions, derelicts, wrecks and abandoned properties;

(h) install route buoys, gauges, distance boards and marking along the waterways;

(i) insure the vessels and other properties of the Authority in any manner it deems fit;

(j) provide for the welfare of persons employed for the purposes of carrying out its functions under this Law;

(k) subject to the provisions of this Law, grant to any company or person, a franchise, concession or license that confers the right to operate a ferry service between such points as are specified in such franchise or license or to own and operate a private jetty;

(l) Cause to be published in the official Gazette from time to time, a list of all franchised and licensed services;

(m) Undertake capital and maintenance dredging and channelization of the water ways;

(n) Undertake hydrological and hydrographic surveys of the water ways;

- (o) Undertake installation and maintenance of lights, buoys and all navigational aids along water channels and banks of the water ways;
- (p) Grant permits and licenses for dredging, pipeline construction, dredging of slots along the
- (q) waterways and crossing of waterways by utility lines, water intake, rock blasting and removal;
- (r) Undertake acquisition, leasing and hiring of properties;
- (s) Clear water hyacinth and other aquatic weeds;
- (t) Establish by regulation with the approval of the House of Assembly, a state Waterways Guard Corps to patrol, superintend, secure, and regulate traffic, safety and compliance with this Law on and around the State's internal waterways; and
- (u) Do all such other things as may be expedient for carrying into effect the purposes of this Law.

The Secretary to the Board and other staff of the Authority.

6 – (1) there shall be a Secretary who shall be appointed by the Board.

(2) The Authority shall appoint such number of professional and non – professional staff, including reputable and competent consultants, for the purpose of effectively discharging its functions under this Law.

(3) The staff of the Authority shall be paid such remuneration and allowances as may be determined by the Board.

The Lagos State Waterways Authority Law 2008 No.14/ A535

7 – (1) No person or company shall operate ferry services, own or operate a Private jetty on the water ways without the grant of a licence or franchise by the Authority.

Operation of
Ferry Service
Without a
Licence or
Franchise.

(2) An application for a licence or franchise shall be made in the prescribed form, upon the payment of such fees as may be specified by the Authority.

8 – (1) subject to the provisions of this Law, the Authority may - Grant of
Licence or
Franchise.

(a) grant to any person a licence to operate a ferry service; and

(b) grant to any duly incorporated company, a franchise that confers the right to operate ferry service as a route concession between such point as may be specified.

(2) A franchise may –

(a) be granted following a tender or in such a manner as the Authority may direct;

(b) confer on the grantee exclusive right to operate a franchised service;

(c) be granted for a term of years subject to contract; and

(d) be extended if the Authority is satisfied that the grantee is capable of maintaining a proper and efficient ferry service provided it is in the public interest to continue the franchised service.

(3) A licence may be granted in such form as the Authority deems fit and shall be subject to such conditions as it may specify.

(4) Where two (2) or more persons are likely to apply separately for a licence to operate substantially the same ferry service between the same points, the Authority shall without prejudice to this Section make arrangements for such applications to be made by way of tender in such manner and within such period as it may determine.

(5) Any person whose application for a licence is refused may appeal in writing within 28 days to the Commissioner who shall either affirm or set aside the refusal,

(6) A licence or franchise granted under the provisions of this Law shall not be transferred without the approval of the Authority.

Fares. 9. The Authority may by notice in the Gazette Determine the fares that may Be charged by ferries on licensed services and other means of water transportation for the carriage of passengers, baggage, goods and vehicles on licensed service.

Operation and Control of 10.__(1) A licensee shall at all times during the license period maintain to the satisfaction of the Authority a proper and efficient ferry service.

(2) Without prejudice to the generality of subsection (1), the licensee Shall not be treated for the purpose of this Law as maintaining a proper and Efficient ferry service unless it -----

(a) Provides every service authorized by its license or under this Law;

(b) Maintains and operates every such service in accordance with its License and the provisions of this Law.

Frequency of Service and Caring Capacity etc. 11. The Authority may direct the grantee by notice in writing as to the frequency at which the franchised service shall be operated, the carrying capacity and type of ferry vessel to be used from the fleet of vessels that the grantee has available for use. But the grantee shall not increase the Frequency for a period exceeding 48 hours unless the Authority has prior Notice of the increased frequency in writing.

Alteration of 12.__ (1) The Authority may by notice in writing direct a grantee to alter a Franchised service temporarily or otherwise and direct the grantee to operate A new ferry service under the franchise.

(2) A direction given under this Section shall not begin until the expiration of a Period specified by the Authority and have effect for an initial period as may be specified in the notice and may be extended for a further period as may be determined by the Authority.

The Authority to specify piers and Berths. 13.__ (1) The Authority may after consultation with the Commissioner, by notice in writing specify the piers and berths to be used by the grantee for the purposes of the franchised services.

(2) Subject to this Law, the grantee shall not use a pier or berth other Than the one specified by the Authority for the purposes of any franchise service.

Emergency. 14.__ (1) if the Authority considers-----

(a) That an emergency exists or is likely to come into existence; or

(b) After consultation with the grantee or licensee that there is or is likely to be a substantial breakdown for any reason in the operation of a licensed service, it may suspend the license or franchise altogether

Or any specified service operated under it and such suspension shall remain in force until the Authority terminates it or declares that the circumstances that gave rise to it no longer exist.

(2) Where under subsection (1) a license of franchise is suspended altogether in respect of any licensed or franchised service, the Authority may take possession of any property of the grantee or licensee used or kept by it for the purpose of or in connection with the operation of the license franchise.

(3) A grantee or licensee shall be entitled to compensation for the use, loss of, or damage to any of its property of which possession has been taken under subsection (2).

15. – (1) the Authority or any person so authorized on its behalf may at all reasonable times have access to and may enter any pier or ferry vessel used in connection with any ferry service.

(2) the Authority or any person so authorized on its behalf may at all reasonable times inspect any premises or ferry vessel or any pier, jetty, structure, equipment or other facilities used in connection with a license and equipment.

(3) The Authority shall direct any grantee or licensee to carry out such repairs as may be necessary pursuant to the provision of this law.

16. – (1) if it appears to the Authority that without good cause a licensee or grantee has failed or is likely to fail to maintain a safe, proper and efficient ferry service, the Authority may serve on the grantee or licensee a notice requiring him to show good cause in writing 14 days after the service of such notice why the license or franchise should not be revoked and any such notice shall specify the grounds for revoking such license or franchise.

(2) If after the service of the notice under subsection (1) –

(a) The licensee or grantee does not show cause why the license or franchise should not be revoked or;

(b) the Authority, having considered any representation made by the licensee or grantee is of the opinion that the licensee or grantee has not shown good cause why the license or franchise should not be revoked, the Authority may by notice in writing served on the licensee or grantee, a notice of revocation, revoke the license or franchise.

(3) Where a license or franchise is revoked under section 19(2) (b), the Authority may in certain circumstances take possession of any property used or

Kept by a grantee or licensee for the purpose of or in connection with the operation of any licence and such property may be used by the Authority may deem fit.

(4) A grantee or licensee shall not be entitled to any compensation in Respect of revocation of a licence or franchise made pursuant to subsection 2 above.

Take-over of Property in The Public Interest. 17.__ (1) The Authority shall have the power to take over any property used in connection with any licenced or franchised service in the public interest.

(2) Where possession is taken of any property under subsection (1) the Owner shall be entitled to compensation for the use, loss of, or damage to such Property

Arbitration 18.__ (1) any dispute arising between the Authority and any licensee or grantee as to the amount of compensation payable under the provisions of this Law, may be referred for Arbitration.

(2) In determining the amount of compensation payable, the Arbitrator Shall have regard to any matter he considers relevant, subject to this Law, and The value of any asset taken over in the operation of the ferry service.

Offences and 19.__ (1) any person who without lawful authority;

- (a) Operates any vessel or ferry service without the consent of the Authority
- (b) Erects or operates any temporary or permanent structure in the manner Of jetty, pier, or terminal howsoever;
- (c) Excavates, digs, dredges, erects, any obstruction along or on the Waterways----

Commits an offence under this Law and shall be liable upon conviction By a court of competent jurisdiction to imprisonment for six (6) months Or an option of ₦100, 000.00 (One Hundred Thousand) fine or both. In the case of a continuing offence any person or corporate entity Responsible shall be liable for the payment of the sum of N50, 000.00 (Fifty Thousand Naira) for every day or part of the day for which the Offence continues.

(2) Any person who obstructs any officer in the conduct of his duties or The exercise of his powers under this Law commits an offence and shall be liable upon Conviction by a court of competent jurisdiction to a fine of ₦100, 000.00 (One Hundred Thousand Naira) or to imprisonment for six (6) months.

(3) Any person who operate any Versel, ferry, service or watercraft Without wearing a life jacket.

20. The Authority shall not later than 30th September in each year submit to The Commissioner a report of its activities during the preceding year. Report
21. The Authority may with the approval of the House of Assembly make Regulations. Regulations generally for carrying into effect the provisions of this Law.
22. In this Law unless it is otherwise expressly provided for or the context Otherwise require Interpretation

“Authority” means the Lagos State Waterways Authority as established under Section 1 of this Law.

“Commissioner” means the Lagos State Commissioner for transportation;

“Ferry” includes any craft, barge, lighter canoe boat or tug of any kind whatsoever towed or self propelled by any type of motor or otherwise;

“Ferry Services” include any business of carriage of persons and goods whether by scheduled carriage or charter contract, taxi services within the waterways of Lagos State;

“Franchised” means a route concession granted by the Authority to any person to operate a route under this Law;

“Franchised service” includes the right to operate a ferry service between such points as are specified in the franchise granted;

“Grantee” means the holder of a franchise granted under this Law;

“House” of Assembly” means Lagos State House of Assembly;

“Jetty” means any pier, platform, berths, extension dock point, launch way whether stationery, moored or floating station;

“License” means a permit obtained from the Authority to carry on any ferry business within Lagos State.

“Licencee” means the holder of a permit obtained from the Authority to carry on any ferry business within Lagos State;

“Terminal” means any building, facility, hall, lounge, shelter or premises used for the transit and embarking or disembarking of persons;

“Waterways” includes all waterways, rivers, creeks, lakes, tidelands and lagoons within the boundaries of Lagos State.

Citation and
Commence-
ment

23. This Law may be cited as the Lagos State Waterways Authority Law and shall come into force on the 21st day of July, 2008.

This printed impression has been compared by me with the Bill which has been passed by the Lagos State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.

A.T.OLATUNJI
Clerk of the House of Assembly

