

MARINE ENVIRONMENT REGULATIONS, 2012

OFFENCES

1. MERCHANT SHIPPING (ANTI-FOULING SYSTEMS) REGULATIONS, 2012			
REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY
Reg. 13	Application, Installation or Use of Harmful AFS ¹	Does not apply to: (i) a Fixed or Floating platform (ii) a Floating storage unit; or (iii) a Floating production and off-loading unit <i>*so long as it was constructed before 1st July 2003 and has not been in dry dock on or after 1st July 2003*</i>	Ten Million Naira (N10,000,000) borne by the Ship owner and Master of the vessel, severally
2. MERCHANT SHIPPING (BALLAST WATER MANAGEMENT) REGULATIONS, 2012			
Reg. 9 (1)(a)	Failure to prepare and implement Ballast Water Management Plan ²	Ability to demonstrate that all reasonable precautions were taken and that due diligence was exercised to avoid commission of the offence	jis borne by the Ship owner and Master of the Vessel jointly and severally Ten Million Naira (N10, 000,000) or Imprisonment for a period not exceeding two years or both.
Reg. 9 (1)(b)	Failure to educate the vessel's officers and crew on their duties in accordance with implementing the plan ³ relevant to the vessel that they are on board	Ability to demonstrate that all reasonable precautions were taken and that due diligence was exercised to avoid commission of the offence	Liability is borne by the Ship owner and Master of the Vessel jointly and severally Ten Million Naira (N10, 000,000) or Imprisonment for a period not exceeding two years or both.

¹ Anti-Fouling System

² Details as to the content of the Ballast Water Management Plan are contained in Regulation 9(2) of the Merchant Shipping (Ballast Water Management) Regulations, 2012

³ Ballast Water Management Plan

Reg. 9(1)(c)	Failure to ensure that the vessel is seaworthy and is in compliance with the provisions of the Ballast Water Management Convention	Ability to demonstrate that all reasonable precautions were taken and that due diligence was exercised to avoid commission of the offence	<p>Liability is borne by the Ship owner and Master of the Vessel jointly and severally</p> <p>Ten Million Naira (N10, 000,000) or Imprisonment for a period not exceeding two years or both.</p> <p>Additionally, NIMASA may see Reg. 20</p> <ul style="list-style-type: none"> (i) issue a warning to the Ship owner or Master (ii) Detain the Vessel until it complies with the relevant laws and is rendered safe/seaworthy (iii) Order the exclusion of the vessel from Nigerian waters (iv) Permit the Vessel to leave the port/offshore terminal for discharging ballast water, repair subject to such a move to posing a threat to the impairment of the marine environment nor human health or property.
Reg. 9(1)(d)	Deliberate alteration/replacement of equipment in the Ship's Ballast tank after survey without approval from the Agency ⁴	<p>Ability to demonstrate that all reasonable precautions were taken and that due diligence was exercised to avoid commission of the offence</p> <p>Where replacement of such equipment is done with identical equipment</p>	<p>Liability is borne by the Ship owner and Master of the Vessel jointly and severally</p> <p>Ten Million Naira (N10, 000,000) or Imprisonment for a period not exceeding two years or both.</p> <p>Additionally, NIMASA may see Reg. 20</p> <ul style="list-style-type: none"> (i) issue a warning to the Ship owner or

⁴ Nigerian Maritime Administration and Safety Agency (NIMASA)

			<p>Master</p> <ul style="list-style-type: none"> (ii) Detain the Vessel until it complies with the relevant laws and is rendered safe/seaworthy (iii) Order the exclusion of the vessel from Nigerian waters (iv) Permit the Vessel to leave the port/offshore terminal for discharging ballast water, repair subject to such a move to posing a threat to the impairment of the marine environment nor human health or property.
Reg. 9(1)(e)	To omit providing NIMASA early with a full report in the event of an accident/discovery of a defect; affecting the ability to conduct/implement the plan in accordance with the relevant laws		<p>Liability is borne by the Ship owner and Master of the Vessel jointly and severally</p> <p>Ten Million Naira (N10, 000,000) or Imprisonment for a period not exceeding two years or both.</p> <p>Additionally, NIMASA may see Reg. 20</p> <ul style="list-style-type: none"> (i) issue a warning to the Ship owner or Master (ii) Detain the Vessel until it complies with the relevant laws and is rendered safe/seaworthy (iii) Order the exclusion of the vessel from Nigerian waters <p>Permit the Vessel to leave the port/offshore terminal for discharging ballast water, repair subject to such a move to posing a threat to the impairment of the marine environment nor</p>

			human health or property.
Reg. 9(1)(f)	To omit early notification and reporting to NIMASA where there has been an unlawful discharge of Ballast Water into the territorial waters of any country as well as failure to provide additional necessary information relating to such discharge		<p>Liability is borne by the Ship owner and Master of the Vessel jointly and severally</p> <p>Ten Million Naira (N10, 000,000) or Imprisonment for a period not exceeding two years or both.</p> <p>Additionally, NIMASA may see Reg. 20</p> <ul style="list-style-type: none"> (i) issue a warning to the Ship owner or Master (ii) Detain the Vessel until it complies with the relevant laws and is rendered safe/seaworthy (iii) Order the exclusion of the vessel from Nigerian waters <p>Permit the Vessel to leave the port/offshore terminal for discharging ballast water, repair subject to such a move to posing a threat to the impairment of the marine environment nor human health or property.</p>
Reg. 9(1)(g)	To omit investigation for the determination of the necessity of a survey in the event of an accident/discovery of a defect and further failure to provide a report on such accident/defect to NIMASA		<p>Liability is borne by the Ship owner and Master of the Vessel jointly and severally</p> <p>Ten Million Naira (N10, 000,000) or Imprisonment for a period not exceeding two years or both.</p> <p>Additionally, NIMASA may see Reg. 20</p> <ul style="list-style-type: none"> (i) issue a warning to the Ship owner or Master (ii) Detain the Vessel until it complies with the relevant laws and is

			<p>rendered safe/seaworthy</p> <p>(iii) Order the exclusion of the vessel from Nigerian waters</p> <p>Permit the Vessel to leave the port/offshore terminal for discharging ballast water, repair subject to such a move to posing a threat to the impairment of the marine environment nor human health or property.</p>
Reg. 9(1)(h)	Failure to maintain a Ballast Water Records Book in the manner prescribed within ⁵		<p>Liability is borne by the Ship owner and Master of the Vessel jointly and severally</p> <p>Ten Million Naira (N10, 000,000) or Imprisonment for a period not exceeding two years or both.</p> <p>Additionally, NIMASA may see Reg. 20</p> <p>(i) issue a warning to the Ship owner or Master</p> <p>(ii) Detain the Vessel until it complies with the relevant laws and is rendered safe/seaworthy</p> <p>(iii) Order the exclusion of the vessel from Nigerian waters</p> <p>Permit the Vessel to leave the port/offshore terminal for discharging ballast water, repair subject to such a move to posing a threat to the impairment of the marine environment nor human health or property.</p>
3. MERCHANT SHIIPING (DANGEROUS OR NOXIOUS LIQUID SUBSTANCES IN BULK) REGULATIONS, 2012			
REG	OFFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY

⁵ See Regulation 9(1)(h) (i) – (iv) of the Merchant Shipping (Ballast Water Management) Regulations, 2012

Reg.4	Bulk loading/carriage of any dangerous or noxious liquid substance	(i) Ship possesses valid INLS Certificate, BCH Code Certificate, IBC Code Certificate or a Certificate allowing the specific substance; or (ii) There is a written approval for such carriage from the appropriate agency	Borne by the Ship owner and Master of the Vessel and upon summary conviction liable to a fine of Five Million Naira (N5,000,000)
Reg.5	Discharge of any noxious liquid substance into the sea	Ability to demonstrate that: (i) The ship is not a Nigerian ship (ii) Discharge occurred outside Nigerian waters (iii) The ship was in a Nigerian port at the time proceedings were instituted owing to force majeure reasons	Borne by the Ship owner and Master of the Vessel and upon summary conviction liable to a fine of Five Million Naira (N5,000,000)
Reg. 12(1)(a)	Failure to ensure that with regard to the regulations, the vessel is seaworthy		Borne by the Ship owner and Master of the Vessel and upon summary conviction liable to a fine of Five Million Naira (N5,000,000)
Reg.1 2(1)(b)	Deliberate alteration/replacement of equipment in the Ship's Ballast tank after survey without approval from NIMASA		Borne by the Ship owner and Master of the Vessel and upon summary conviction liable to a fine of Five Million Naira (N5,000,000)
Reg.1 2(1)(c)	Failure to promptly notify NIMASA or appropriate authority in the event of an accident/discovery of a defect		Borne by the Ship owner and Master of the Vessel and upon summary conviction liable to a fine of Five Million Naira (N5,000,000)
4. MERCHANT SHIPPING (OIL POLLUTION PREPAREDNESS, RESPONSE AND CO-OPERATION) REGULATIONS, 2012			
REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY
Reg.1 3(1)(a)	Failure to submit OPEP ⁶ in accordance with Reg. 3(3),(4) or (5) (i) Reg.3(3) provides for a separate OPEP for each		Liability is borne by the ship owner or master to the tune of Ten Million Naira (N10,000,000) or imprisonment for a term of Two years

⁶ Oil Pollution Emergency Plan

	port/terminal/installation (ii) Reg.3(4) necessitates the submission of an OPEP to NIMASA for approval		
Reg.1 3(1)(c))	Non-implementation of the OPEP		Liability is borne by the ship owner or master to the tune of Ten Million Naira (₦10,000,000) or imprisonment for a term of Two years
Reg.1 3(1)(d))	Denying an Inspector, access to the Vessel		Liability is borne by the ship owner or master to the tune of Ten Million Naira (₦10,000,000) or imprisonment for a term of Two years
5. MERCHANT SHIPPING (PREVENTION OF OIL POLLUTION) REGULATIONS, 2012			
REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY
Reg.7(1)(a)	Failure to maintain the seaworthiness of the Vessel in relation to these regulations	Ability of the accused person(s) to demonstrate that he took all reasonable precautions and exercised due diligence to avoid committing the offence	Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg.7(1)(b)	Deliberate alteration/replacement of the ship's equipment without the Minister's consent (after survey)	Ability of the accused person(s) to demonstrate that he took all reasonable precautions and exercised due diligence to avoid committing the offence	Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg.7(2)(a)	Tardy/Belated notification to NIMASA of an accident/discovery of a defect (24 hour time prescribed limit) <ul style="list-style-type: none"> Where the vessel is outside Nigeria, IMMEDIATE notification to the relevant authorities of the Convention country 	Ability of the accused person(s) to demonstrate that he took all reasonable precautions and exercised due diligence to avoid committing the offence	Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
	Belated notification to NIMASA or	Ability of the accused person(s) to demonstrate	Upon conviction, the Ship owner and Master

	relevant authority ⁷ of an accident/defect discovered on a foreign flagged vessel in Nigeria	that he took all reasonable precautions and exercised due diligence to avoid committing the offence	of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg. 7(4)	Failure to report investigation findings to NIMASA	Ability of the accused person(s) to demonstrate that he took all reasonable precautions and exercised due diligence to avoid committing the offence	Detention of the Ship until such a report has been made <i>* Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each*</i>
Reg. 8	Discrepancy between the particulars of an IOPP Certificate and the Vessel's condition		(i) Suspension the validity of the IOPP Certificate (ii)(For a foreign flagged Vessel in a Nigerian port) NIMASA may detain the vessel until it is repaired and no longer poses a threat to the marine environment
Reg.1 1(3)	Discharging oil or oily mixture into any part of the sea	(i) The Ship is on a Voyage (ii) The Ship is not within a special area (iii) Oil content of the waste does not exceed 15ppm (iv) The ship has working filtering equipment as well as an oil discharge and monitoring and control system	Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg.1 1(4)	Discharge containing hazardous substances in quantities that are harmful to the marine environment		Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg,1 2(2)	Discharging oil or oily mixture into any part of the sea (BY OIL TANKERS)	(i) The tanker is proceeding on a voyage (ii) The tanker is not within a special area (iii) The tanker is more than 50nm from the nearest land (iv) immediate rate of discharge of oil does not	Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each

⁷ Issuing authority of an IOPP Certificate

		<p>exceed 30metres per mile</p> <p>(v) The total quantity discharged does not exceed 1/3000 of the total quantity of the particular cargo that the residue was a part of. For existing tankers, it must not exceed 1/1,500</p> <p>(vi) the tanker should have an operating discharge monitoring and control system as well as a slop tank arrangement</p>	
Reg.1 2(4)	Oil discharge containing hazardous chemicals in quantities hazardous to the marine environment		Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg.1 5 (2)(a)	Oil/Oily mixture discharge by any Nigerian ship in the Antarctic area “Special Areas” are the Mediterranean Sea area, the Baltic Sea area, and the Antarctic area	Does not apply to discharge of processed bilge water from machinery spaces unless: (i) the bilge water does not originate from cargo pump room bilges (ii) the bilge water is not mixed with cargo oil residues (iii) the ship is proceeding on a voyage (iv) the oil content of the discharge does not exceed 15ppm , without dilution (v) there is an operating oil filtering system on board equipped with a stopping device to ensure automatic seizure where discharge exceeds 15ppm	Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg.1 5(2)(b))	Oil/Oily mixture discharge in every special area (other than the Antarctic area) by (i) a Nigerian oil tanker /any Nigerian ship of 400GT and above (ii) a Nigerian ship weighing less than	<i>With regard to Reg,15(2)(b)(ii)</i> Where the oil content of the liquid without dilution does not exceed 15ppm	Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each

	400GT other than an oil tanker		
Reg.1 5(7)	A Nigerian Ship entering the Antarctic	Unless (i) fitted with a tank that can retain on board, all sludge dirty ballast, tank washing water and other oily residues and mixtures while operating in the Antarctic (ii) Arrangements have been concluded to have such oily residues and mixtures discharged into a reception facility after the ship has left the Antarctic	Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg.1 7(3)	Carrying Ballast water in cargo tanks	Except: (i) on voyages where the weather conditions are so severe that in the master's opinion, it is vital to carry additional ballast water in the cargo tanks for the ship's safety (ii) where owing to the nature of the operation of the oil tanker in question, it is important to carry ballast water in excess of the prescribed quantity subject to approval by NIMASA	Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg.1 7(4)	Carrying unwashed additional ballast in a new crude oil tanker		Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg.3 1(2)	Discharge of at least 15ppm of oil or oily mixture into the sea from an Offshore Installation	Unless as approved by the Government of the area where it is contemplated that the discharge will occur when such discharge is for the purpose of combating specific pollution incidents to mitigate damage	Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each
Reg.3 2(1)	Failure to carry on board an approved Shipboard Oil Pollution Emergency Plan	Unless the vessel is an oil tanker weighing less than 150GT	

Reg. 33(3)	Failure to carry on board a valid IOPP Certificate or an NGOPP Certificate		<p>The inspector will employ whatever measures he deems necessary to prevent the vessel from sailing until he is sure that it can proceed to sea without posing a threat to the marine environment.</p> <p><i>*Upon conviction, the Ship owner and Master of the Ship shall be liable to a fine of not less than Ten Million Naira (N10,000,000) each*</i></p>
6. MERCHANT SHIPPING (PREVENTION OF POLLUTION BY GARBAGE) REGULATIONS, 2012			
REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY
Reg. 3	Disposal of any plastics from a ship into the sea outside any Special Area	<p>Where the Accused can demonstrate that</p> <ul style="list-style-type: none"> (i) all reasonable steps and due diligence were exercised to ensure compliance with the regulations (ii) the disposal was vital to protect the vessel/installation or to protect life at sea (iii) the escape of garbage emanated from damage to the vessel/installation or its equipment and that all precautions were taken before and after the damage to prevent the escape of garbage (iv) where the offence concerns the disposal of synthetic fishing nets or incidental materials, the ability to prove that such disposal was accidental and that the necessary precautions were taken to prevent the occurrence (v) that the offending ship is not a Nigerian ship (vi) that the offence occurred outside Nigerian waters 	Liability is borne by the Ship owner, the Manager of the Vessel, the Demise Charterer and the Master of the Vessel to the tune of Ten Million Naira (N10,000,000)

		(vii) that the only reason the ship was in Nigeria at the time of institution of proceedings was force majeure	
Reg.4	Disposal of garbage other than plastics from a ship into the sea	<p>Except where it is made as far from the nearest land as practicable and</p> <p>(i) for materials that will float, not less than 25miles from land</p> <p>(ii) in the case of food waste, paper products, glass, metal, bottles, crockery and similar refuse, not less than 12miles from land</p> <p>Where the Accused can demonstrate that</p> <p>(i) all reasonable steps and due diligence were exercised to ensure compliance with the regulations</p> <p>(ii) the disposal was vital to protect the vessel/installation or to protect life at sea</p> <p>(iii) the escape of garbage emanated from damage to the vessel/installation or its equipment and that all precautions were taken before and after the damage to prevent the escape of garbage</p> <p>(iv) where the offence concerns the disposal of synthetic fishing nets or incidental materials, the ability to prove that such disposal was accidental and that the necessary precautions were taken to prevent the occurrence</p> <p>(v) that the offending ship is not a Nigerian ship</p> <p>(vi) that the offence occurred outside Nigerian waters</p> <p>that the only reason the ship was in Nigeria at the</p>	Liability is borne by the Ship owner, the Manager of the Vessel, the Demise Charterer and the Master of the Vessel to the tune of Ten Million Naira (N10,000,000)

		time of institution of proceedings was force majeure	
Reg. 5	Disposal of any garbage from a ship into the sea within any Special Area	<p>Disposal of food waste from a ship into the sea within any Special Area (except the Antarctic) is permitted as long as such disposal is done not less than 12 miles from the nearest land</p> <p>Where the Accused can demonstrate that</p> <ul style="list-style-type: none"> (i) all reasonable steps and due diligence were exercised to ensure compliance with the regulations (ii) the disposal was vital to protect the vessel/installation or to protect life at sea (iii) the escape of garbage emanated from damage to the vessel/installation or its equipment and that all precautions were taken before and after the damage to prevent the escape of garbage (iv) where the offence concerns the disposal of synthetic fishing nets or incidental materials, the ability to prove that such disposal was accidental and that the necessary precautions were taken to prevent the occurrence (v) that the offending ship is not a Nigerian ship (vi) that the offence occurred outside Nigerian waters <p>that the only reason the ship was in Nigeria at the time of institution of proceedings was force majeure</p>	Liability is borne by the Ship owner, the Manager of the Vessel, the Demise Charterer and the Master of the Vessel to the tune of Ten Million Naira (N10,000,000) severally
Reg.6	Disposal of any garbage into the sea	Where the food waste has been ground to the	Liability is borne by the Installation owner and

	<p>from a fixed or floating installation or from a ship along or within 500nm of such installation</p>	<p>required standard if the installation in question is 12 miles from the nearest land</p> <p>Where the Accused can demonstrate that</p> <ul style="list-style-type: none"> (i) all reasonable steps and due diligence were exercised to ensure compliance with the regulations (ii) the disposal was vital to protect the vessel/installation or to protect life at sea (iii) the escape of garbage emanated from damage to the vessel/installation or its equipment and that all precautions were taken before and after the damage to prevent the escape of garbage (iv) where the offence concerns the disposal of synthetic fishing nets or incidental materials, the ability to prove that such disposal was accidental and that the necessary precautions were taken to prevent the occurrence (v) that the offending ship is not a Nigerian ship (vi) that the offence occurred outside Nigerian waters <p>that the only reason the ship was in Nigeria at the time of institution of proceedings was force majeure</p>	<p>Installation Manager to the tune of Ten Million Naira (N10,000,000) severally</p>
Reg.7	<p>Failure to display placards to notify the crew and passengers of the regulations' disposal requirements</p>		<p>Liability is borne by the Ship owner, the Manager of the ship, the Demise Charterer and the Master of the Ship; upon conviction, liability stands at a fine of not less than Ten Million Naira (N10,000,000)</p>

Reg.1 0	Failure to carry a Garbage Management Plan		Liability is borne by the Ship owner, the Manager of the ship, the Demise Charterer and the Master of the Ship; upon conviction, liability stands at a fine of not less than Ten Million Naira (N10,000,000)
Reg.1 1	Failure to carry a Garbage Records Book on board	Where the Minister waives the requirement. Such waiver may only be enjoyed by: (i) A ship certified to carry 15 persons or more which is engaged in a voyage of an hour at most (ii) any fixed or floating installation	Liability is borne by the Ship owner, the Manager of the ship, the Demise Charterer and the Master of the Ship; upon conviction, liability stands at a fine of not less than Ten Million Naira (N10,000,000)

7. MERCHANT SHIPPING (PREVENTION OF POLLUTION BY HARMFUL SUBSTANCES IN PACKAGED FORM) REGULATIONS, 2012

REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY
Reg.2	Carriage of harmful substances by sea on any ship registered in any State		Liability is borne by the ship owner/master for each offence to the tune of Ten Million Naira (N10,000,000)
Reg.7	Jettisoning harmful substances carried in packaged form	Where it is necessary to save life at sea or to ensure the safety of the vessel	Liability is borne by the ship owner/master for each offence to the tune of Ten Million Naira (N10,000,000)

8. MERCHANT SHIPPING (PREVENTION OF POLLUTION BY SEWAGE) REGULATIONS, 2012

REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY
Reg.3	Discharge of sewage into the sea		Upon conviction, the ship owner/master of the ship/company or charterer operating the vessel is liable to fine of not less than Three Million Naira (N3, 000,000) or any other punishment prescribed under the Act or relevant law.
Reg. 8(1)	Breach of duty to ensure the Ship's compliance with the Regulations and Annex IV of MARPOL 73/78		Upon conviction, the ship owner of the company which operates the ship and master of the vessel is liable to fine of

			not less than Three Million Naira (N3, 000,000) or any other punishment prescribed under the Act or relevant law.
Reg.1 2	An attempt or actual procession to sea on an international voyage from Nigerian waters without a valid International Sewage Pollution Prevention Certificate		Upon conviction, the ship owner/master of the ship/company or charterer operating the vessel is liable to fine of not less than Three Million Naira (N3, 000,000) or any other punishment prescribed under the Act or relevant law.

9. MERCHANT SHIPPING (SEA DUMPING) REGULATIONS, 2012

REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY
Reg.3(a)	Dumping waste or other matters	<p>The following may be considered for dumping:</p> <ul style="list-style-type: none"> (i) dredged material (ii) sewage sludge (iii) fish waste, or material resulting from industrial fishing operations (iv) vessels and platforms or other man-made structures at sea (v) inert, inorganic geological material (vi) organic material of natural origin (vii) bulky items primarily comprising of iron, steel, concrete and similarly unharmed materials (viii) carbon dioxide streams from carbon dioxide capture processes for sequestration <p>Dumping or Incinerating wastes or other matters at sea may be permitted where:</p> <ul style="list-style-type: none"> (i) where it is necessary or expedient to secure 	<p>Liability is borne by the Ship owner/. Master of the Vessel to the tune of Ten Million Naira (N10, 000,000) or to imprisonment for a period not less than six months or both.</p> <p><i>*NB</i></p> <p>Items (iv) and (vii) may be considered for dumping subject to the material that can create floating debris or pollute the marine environment has been removed to the best extent possible and further that dumped material poses no threat to the biodiversity of the ocean or navigation.</p>

		<p>the safety of human life or vessels, aircraft, platforms or other manmade structures at sea in cases of force majeure caused by stress of weather</p> <p>(ii) in any situation which constitutes threat to human life or a real threat to vessels, aircraft, platforms or other man-made structures at sea</p> <p>(iii) the dumping or incineration is the only way of averting threat of danger to human life, vessels, aircraft, platform or other man-made structures</p> <p>(iv) there is every probability that the damage consequent upon such dumping will be less than would have occurred</p>	
Reg.3(b)	<p>Unauthorized Dumping of :</p> <p>(i) dredged material</p> <p>(ii) sewage sludge</p> <p>(iii) fish waste, or material resulting from industrial fishing operations</p> <p>(iv) vessels and platforms or other man-made structures at sea</p> <p>(v) inert, inorganic geological material</p> <p>(vi) organic material of natural origin</p> <p>(vii) bulky items primarily comprising of iron, steel, concrete and similarly unharmed materials carbon</p>		<p>Liability is borne by the Ship owner/. Master of the Vessel to the tune of Ten Million Naira (N10, 000,000) or to imprisonment for a period not less than six months or both.</p>

	dioxide streams from carbon dioxide capture processes for sequestration		
Reg.3(c)	Incinerating wastes or other matters at sea		Liability is borne by the Ship owner/. Master of the Vessel to the tune of Ten Million Naira (N10, 000,000) or to imprisonment for a period not less than six months or both.
Reg.3(d)	Exporting wastes or other matters to other countries for dumping or incineration at sea		Liability is borne by the Ship owner/. Master of the Vessel to the tune of Ten Million Naira (N10, 000,000) or to imprisonment for a period not less than six months or both.
Reg.6(1)(a)	A deliberate act which contravenes any conditions contained in the permit		Liability is borne by the holder of the permit to the tune of Ten Million Naira (N10, 000,000) or imprisonment for a term not more than two years, or both.
Reg.8	Willfully providing false or misleading information to an officer or making a false statement knowingly in a material particular		Liability is borne by the maker of such statement/furnisher of such information and is to the tune of Ten Million Naira (N10,000,000) or imprisonment for a term of not more than two years, or both Where the offence was committed over a period exceeding one day, person charged is further liable to a fine of Five Hundred Thousand Naira (N500,000) or imprisonment for a period not exceeding one month in respect of every day that the offence was

			committed.
Reg.1 2(5)	Any person who hinders, obstructs or assaults an inspector or law enforcement agent or willfully fails in the performance of his duties or the exercise of his powers		Liability is borne by the maker of such statement/furnisher of such information and is to the tune of Ten Million Naira (N10,000,000) or imprisonment for a term of not more than two years, or both Where the offence was committed over a period exceeding one day, person charged is further liable to a fine of Five Hundred Thousand Naira (N500,000) or imprisonment for a period not exceeding one month in respect of every day that the offence was committed.

10. MERCHANT SHIPPING (SHIP GENERATED MARINE WASTE RECEPTION FACILITIES) REGULATIONS, 2012

REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY
Reg.3	Port Authority's failure to provide adequate port waste reception facilities	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Port Authority to the tune of Ten Million Naira (N10,000,000)
Reg.4	Failure to operate a waste reception facility at a port/terminal/jetty/shipyard or deficiency in any existing waste reception facility	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Port Authority to the tune of Ten Million Naira (N10,000,000)
Reg. 5	Failure to prepare a waste management plan by a Port Authority, Terminal, Jetty or Shipyard	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Port Authority to the tune of Ten Million Naira (N10,000,000)
Reg. 8	Failure to comply with directives as issued by NIMASA in implanting the	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Port Authority to the tune of Ten Million Naira

	waste management plan by a port authority or terminal		(N10,000,000)
Reg.9(2)	<p>Failure by a Master to provide notification to the Port Authority before entry into a port where at least 24 hours before arrival, there is knowledge of where the ship will be calling</p> <p>As contained in Schedule 2 to the Regulations .i.e. "Information to be Notified before Entry into the Port of..."</p>	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Master or Ship owner to the tune of Ten Million Naira (N10,000,000) and imprisonment for a period not exceeding two years or both
Reg.9(3)	Failure by a Master to provide notification to the Terminal operator before entry into a port where at least 24 hours before arrival, there is knowledge of where the ship will be calling	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Master or Ship owner to the tune of Ten Million Naira (N10,000,000) and imprisonment for a period not exceeding two years or both
Reg.9(5)	Failure to produce on request, a copy of the information retained on board (bound for Nigeria) where the previous port of call was a member state and the NIMASA requests a copy	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Master or Ship owner to the tune of Ten Million Naira (N10,000,000) and imprisonment for a period not exceeding two years or both
Reg.9(6)	Failure to produce on request, a copy of the information retained on board where the previous port of call was a member state and the NIMASA requests a copy	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Master or Ship owner to the tune of Ten Million Naira (N10,000,000) and imprisonment for a period not exceeding two years or both
Reg.1	Failure to ensure that a ship calling	To demonstrate that all reasonable steps were	Liability is borne by the Master or Ship

0(1)	at a port or terminal; that before it leaves the port or terminal generated waste is delivered to a waste reception facility	taken to avoid contravention of the regulation	owner to the tune of Ten Million Naira (N10,000,000) and imprisonment for a period not exceeding two years or both
Reg. 16	Failure to ensure that a ship calling at a or operating at any offshore installation; before the ship leaves the installation all ship generated waste is collected and delivered to a waste reception facility To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Master or Ship owner to the tune of Ten Million Naira (N10,000,000) and imprisonment for a period not exceeding two years or both
Reg. 17	Failure to ensure that cargo residues are delivered to a waste reception facility	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Master or Ship owner to the tune of Ten Million Naira (N10,000,000) and imprisonment for a period not exceeding two years or both
Reg.1 8	Failure to comply with the Regulations when offshore installations are engaged in explorations, exploitations and offshore processing of seabed minerals	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Master or Ship owner to the tune of Ten Million Naira (N10,000,000) and imprisonment for a period not exceeding two years or both
Reg.2 4(3)	Provision of false information in a notification to a port authority/terminal operator/NIMASA/or some competent authority of a member state	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	Liability is borne by the Master and Ship owner to the tune of Ten Million Naira (N10,000,000) severally and imprisonment for a period not exceeding two years or both
Reg.2 4(4)	Failure by the operator of an offshore installation	To demonstrate that all reasonable steps were taken to avoid contravention of the regulation	

Reg.2 5	Deliberate or Inadvertent Breach by a body corporate of the provisions of these regulations		Liability is borne by the body corporate to the tune of Twenty Million Naira (N20,000,000) and for any person purporting to act as Director, Manager, Secretary, to the tune of Ten Million Naira (N10,000,000) or a term of two years imprisonment
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11. MARINE ENVIRONMENT (SEA PROTECTION LEVY) REGULATIONS, 2012

REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY																						
Reg.5	Failure to pay a Sea Protection Levy upon every call in any port, terminal, jetty or offshore installation in Nigeria where on board, it contains at least 10 tons of oil in bulk		<p>Liability is borne by the owner and master, offshore installation manager or in the case of a pipeline, the pipeline manager. Note that Liability is calculated as follows:</p> <p>(i) In the case of a ship, per the tonnage of the ship</p> <p>FOREIGN FLAGGED VESSEL</p> <table border="1"> <thead> <tr> <th>SHIP (GT)</th> <th>LEVY PER GT PER CALL</th> </tr> </thead> <tbody> <tr> <td>100-1000</td> <td>\$1.25/GT</td> </tr> <tr> <td>1001-10,000</td> <td>\$1.00/GT</td> </tr> <tr> <td>10,000-100,000</td> <td>\$0.75/GT</td> </tr> <tr> <td>100,000-Above</td> <td>\$0.50/GT</td> </tr> </tbody> </table> <p>NIGERIAN FLAGGED VESSEL</p> <table border="1"> <thead> <tr> <th>SHIP (GT)</th> <th>LEVY PER GT PER CALL</th> </tr> </thead> <tbody> <tr> <td>100-1000</td> <td>₦500</td> </tr> <tr> <td>1001-10,00</td> <td>₦350</td> </tr> <tr> <td>10,000-100,000</td> <td>₦300</td> </tr> <tr> <td>100,000-Above</td> <td>₦250</td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	SHIP (GT)	LEVY PER GT PER CALL	100-1000	\$1.25/GT	1001-10,000	\$1.00/GT	10,000-100,000	\$0.75/GT	100,000-Above	\$0.50/GT	SHIP (GT)	LEVY PER GT PER CALL	100-1000	₦500	1001-10,00	₦350	10,000-100,000	₦300	100,000-Above	₦250		
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			<p>(ii) in the case of a pipeline, per cubic meter of the volume of the pipeline extending from the high watermark ashore to the termination point offshore</p> <table border="1"> <tr> <td>Offshore Installation for Exploration only</td> <td>₦10,000,000 per oil well drilled by that installation</td> </tr> <tr> <td>Offshore Installation producing, processing, storing or transferring (including buoys)</td> <td>₦15,000,000 per annum</td> </tr> <tr> <td>Oil Pipelines</td> <td>₦1,500 per cubic metre of the pipeline volume from the high watermark to the termination point offshore.</td> </tr> </table>	Offshore Installation for Exploration only	₦10,000,000 per oil well drilled by that installation	Offshore Installation producing, processing, storing or transferring (including buoys)	₦15,000,000 per annum	Oil Pipelines	₦1,500 per cubic metre of the pipeline volume from the high watermark to the termination point offshore.
Offshore Installation for Exploration only	₦10,000,000 per oil well drilled by that installation								
Offshore Installation producing, processing, storing or transferring (including buoys)	₦15,000,000 per annum								
Oil Pipelines	₦1,500 per cubic metre of the pipeline volume from the high watermark to the termination point offshore.								

12. MERCHANT SHIPPING (LIABILITY AND COMPENSATION) REGULATIONS, 2012

REG	OFFENCE	EXCEPTION/DEFENCE	LIABILITY/PENALTY
Reg.	Pollution damage caused by a ship in	(i) Not applicable to a ship who's flag is not	

3(2)	Nigeria or in the EEZ of a contracting state	signatory to the CLC ⁸ (ii)Where it is proven that the discharge/threat of contamination emanates from an act or omission by the ship owner with the intention to cause damage or recklessly done with the knowledge that such damage is very probable	Ship Weight	Amount
			(ton)	
			<5000	4.51 Million Special Drawing Rights (SDR)
			>5000	4.51 Million SDRs + 631 SDRs per ton to a maximum capped at 89.77 Million SDRs
Reg.7(1)	Failure to carry Certificate of Compulsory Insurance on board a Vessel entering Nigeria.		Liability is borne by the Ship owner and the Master of the Vessel to the tune of Twenty-Five Million Naira (₦25,000,000), severally	
Reg.7(3)	Attempt to leave a port, terminal or offshore installation in contravention of the regulation		Liable to be stopped and detained by an authorized inspector	
Reg.7(4)	Attempt to illegally leave a port, terminal or offshore installation after being detained by an authorized inspector		Liability is borne by the Master of the ship to the tune of Twenty Five Million Naira (₦25,000,000)	
Reg.1(2)	Failure to deliver up a revoked Civil Liability Certificate		Liability is borne by the owner of the ship to the tune of Ten Million Naira (₦10,000,000)	
Reg.1(4)	Attempt to leave a port, terminal or offshore installation upon detention for pollution damage		Liability is borne by the Ship owner and the Master of the Vessel to the tune of Fifteen Million Naira (₦15,000,000)	

⁸ International Convention on Civil Liability for Pollution Damage 1969 and its Protocols

			each or imprisonment for a term of one year or both.
Reg.,2 7	Failure to submit an oil report to the Minister or submitting a report later than the prescribed time or submits a false report		Liability is borne by importer or receiver of the oil to the tune of Ten Million Naira (₦10,000,000)