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NIGERIAN PORTS ECONOMIC REGULATORY AGENCY ACT, 2026

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NIGERIAN PORTS ECONOMIC REGULATORY AGENCY ACT, 2026

ACT No. 17

FOR

AN ACT TO REPEAL THE NIGERIAN SHIPPERS' COUNCIL ACT, CAP. N133, LAWS OF THE FEDERATION OF NIGERIA, 2004, AND ENACT THE NIGERIAN PORTS ECONOMIC REGULATORY AGENCY ACT, 2026, TO PROVIDE FOR ECONOMIC REGULATION OF PORTS, PROTECT THE INTEREST OF SHIPPERS AND OTHER PROVIDERS AND USERS OF REGULATED SERVICES ; AND FOR RELATED MATTERS.

[19th Day of June, 2026] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria —

PART I — OBJECTIVES AND APPLICATION

1. The objectives of this Act are to — Objectives

(*a*) establish a legal framework for the efficient economic regulation of regulated services and related activities ; and

(*b*) protect the interest of shippers, providers and users of regulated services.

2. This Act shall apply to the regulated sector, providers and users of regulated services in Nigeria. Application

PART II — ESTABLISHMENT, FUNCTIONS AND POWERS OF THE AGENCY

3.—(1)There is established the Nigerian Ports Economic Regulatory Agency ("the Agency"). Establishment of the Agency

(2) The Agency —

(*a*) shall be a body corporate with perpetual succession and a common seal ;

(*b*) may sue or be sued in its corporate name ;

(*c*) may enter into contracts and incur obligations, acquire, hold, purchase, sell, lease, and deal with property, whether movable or immovable, real or personal, in the performance of any of its functions under this Act ; and

(*d*) shall do all acts and things which a body corporate may, by law do and which are necessary or appropriate for the purpose of this Act.

4.—(1) The functions and powers of the Agency are to — Functions and powers of the Agency

(*a*) administer and enforce the provisions of this Act and any regulation,

rule or order made under the Act ;

(*b*) implement regulatory framework for the provision of regulated services and regulation of economic activities in the regulated sector ;

(*c*) implement Government's economic regulatory policies in the regulated sector ;

(*d*) conduct periodic review of the economic activities of the regulated service providers and users ;

(*e*) monitor compliance by regulated service providers and users in terms of approved port concession agreement, arrangement, contract, service level agreement, or any other agreement, arrangement, or understanding entered into by or between regulated service providers for the provision of regulated services in Nigeria ;

(*f*) set terms, conditions, and fees for the registration of regulated service providers and users in the regulated sector in Nigeria ;

(*g*) set, monitor, assess, and enforce performance standards relating to the provision of services in the regulated sector ;

(*h*) advise the Government of the Federation, through the Minister, on trends and matters generally relating to the regulated sector, including cargo reception, handling, movement, trade facilitation, port concessions, transport facilities, freight rates, terms of shipment, port charges, haulage rates, and related matters ;

(*i*) consider challenges faced by regulated service providers and users and make appropriate recommendations to the government ;

(*j*) conduct and support research into challenges faced by regulated service providers and users and take appropriate measures in that regard;

(*k*) promote the facilitation of international trade in Nigeria, implement and enforce compliance with relevant bi-lateral, multi-lateral, regional, and continental trade and transport instruments as they relate to the mandate of the Agency ;

(*l*) receive and handle complaints and disputes on any economic regula tory matter involving regulated service providers and users,using such dispute resolution mechanism, as the Agency may deem appropriate ;

(*m*) perform a mediatory role among regulated service providers and users ;

(*n*) collaborate with the authority responsible for competition and consumer protection in Nigeria to promote effective competition and prevent unfair practices in the regulated sector ; and

(*o*) perform such other incidental functions and responsibilities to give

effect to the provisions of this Act.

(2) The Agency shall perform its functions in such a manner as not to contravene any legal instrument implemented by other government agencies, and shall facilitate compliance with obligations under such instruments.

PART III — ESTABLISHMENT, COMPOSITION AND POWERS OF THE BOARD

Establishment of the Governing Board

5. There is established for the Agency, a Governing Board ("the Board").

Composition of the Board

6.—(1) The Board shall consist of —

(*a*) a part-time Chairman ;

(*b*) the Director-General, who is the Chief Executive Officer;

(*c*) a representative of the Ministry responsible for the regulated sector, in the directorate cadre ; and

(*d*) five part-time members with relevant experience in the regulated sector.

(2) The Chairman and members of the Board, other than *ex-officio* member, shall be appointed by the President on the recommendation of the Minister.

First Schedule

(3) The proceedings of the Board shall be according to the provisions set out in the First Schedule.

Qualification of members of the Board

7.—(1) A member of the Board shall possess a recognised qualification and have cognate experience in —

(*a*) port management or any related discipline ;

(*b*) transport and logistics ;

(*c*) law ;

(*d*) economics ;

(*e*) finance ; or

(*f*) administration.

(2) Subject to subsection(1), the Minister shall, in recommending members to the Board —

(*a*) take into consideration the objects of this Act and the functions of the Agency ;

(*b*) ensure that the appointment of the chairman and members of the Board, reflect representation of the six geo-political zones ; and

(*c*) ensure that the nominee for appointment as Director-General, possess at least 15 years cognate experience in relevant field.

(3) A person shall not be appointed or remain in office as a member of the Board where he —

(*a*) is not a citizen of Nigeria ;

(*b*) is incapacitated by any physical illness ;

(*c*) has been certified to be of unsound mind ;

(*d*) is an undischarged bankrupt ;

(*e*) has been convicted in Nigeria or elsewhere of an offence involving fraud or dishonesty ; or

(*f*) has been removed from office on account of misconduct.

Tenure of the Board

8. The Chairman and members of the Board,except ex-0fficio member,shall hold office for a term of three years and may be eligible for re-appointment for a further term of three years,and no more.

Remuneration of members of the Board

9. The Chairman and members of the Board shall be paid such allowances and expenses as the Federal Government may approve.

Removal of a member of the Board

10.—(1) A member of the Board may be removed from office by the President if the member —

(*a*) has been convicted of a criminal offence ;

(*b*) has been declared bankrupt ;

(c) is suffering from prolonged ill health ; or

(d) has been found wanting in the discharge of his duties on ground of infirmity of mind or body, or misconduct.

(2) Where a vacancy occurs in the membership of the Board, the President may appoint a successor to represent the same interest as that member whose exit created the vacancy.

(3) A vacancy in the Board shall be filled by the President, as soon as is reasonably practicable, by appointing another person to the vacant office, subject to section 7 of this Act.

(4) Notwithstanding the provisions of subsection(1), the President shall have the power to remove any member whose stay on the Board is not in the best interest of the general public.

Resignation of a member of the Board

11. A member may resign his appointment by giving three months written notice of the resignation addressed to the President through the Minister.

Cessation of membership

12.—(1) A person shall cease to hold office as a member of the Board, where the person —

(*a*) has completed the term of office ;

(*b*) resigns from office by a notice in writing addressed to the President through the Minister ;

(*c*) is an *ex-officio* member, and ceases to hold office on the basis of his appointment or withdrawal of the nomination ;

(*d*) is removed from office under section 10 of this Act ; or

(*e*) dies.

(2) Where a vacancy, other than the Director-General, occurs in the membership of the Board under this section, the President may appoint a successor to hold office for the unexpired term of office of his predecessor and the successor shall represent the same interest as that member whose exit created the vacancy.

Powers of the Board

13. The Board shall —

(*a*) formulate the general policies of the Agency ;

(*b*) approve the establishment of departments and units for the Agency, subject to approvals from relevant authorities ;

(*c*) in collaboration with relevant authority, and in accordance with extant Federal Government Guidelines, determine the remuneration, allowance, benefits and expenses payable to the Director-General, and staff of the Agency ; and

(*d*) carry out such other activities as may be necessary for the performance of any of its functions under this Act and any regulation, rule or order made under the Act.

PART IV — MANAGEMENT AND STAFF OF THE AGENCY

Director-General and Chief Executive Officer

14.—(1) There shall be for the Agency, a Director-General who —

(*a*) shall be appointed by the President ;

(*b*) shall hold office for a term of four years on such terms and conditions as may be specified in the letter of appointment ; and

(*c*) may be re-appointed for a further term of four years and no more.

(2) The Director-General is the Chief Executive and Accounting Officer of the Agency and shall be responsible for the —

(*a*) execution of the policies, decisions and programmes of the Agency ;

(*b*) management, administration and supervision of the activities, accounts and records of the Agency ;

(*c*) implementation of the Agency's regulatory and other functions ; and

(*d*) direction, supervision and control of the employees of the Agency.

(3) The Director-General shall perform such other functions as the Board or Minister may assigned to him under this Act.

Secretary to the Board

15.—(1)The Agency shall appoint a Secretary to the Board,who shall be a legal practitioner of not less than 10 years post call experience.

(2) The Secretary shall be responsible to the Board through the Director-General, and shall —

(*a*) on the authority of the Chairman, convey the meetings of the Board ;

(*b*) record the minutes of meetings of the Board, Management and other meetings of the Agency or Board ;

(*c*) keep and maintain proper records of proceedings of the Agency and register of members of the Board ;

(*d*) keep in safe custody —

(*i*) the common seal of the Board,

(*ii*) all title documents relating to the Agency's assets and properties, and

(*iii*) all contract documents and agreements entered into by the Agency;

(*e*) provide secretariat support services to the Board and Management ; and

(*f*) discharge such other duties and responsibilities as the Agency or the Board may assign.

Staff of the Agency

16.—(1) The Agency may appoint such other persons as staff of the Agency in accordance with applicable Public Service Rules.

(2) The employment of the staff shall be subject to such terms and conditions as may be stipulated by the Agency and approved by appropriate authorities.

Remuneration of staff of the Agency

17.—(1) The Agency shall develop and implement appropriate conditions of service in accordance with Public Service Rules for its staff with particular regard to remuneration, pension schemes and other service benefits, sufficient for the Agency to attract and retain knowledgeable and expert manpower.

(2) The Agency shall set, determine and review the salaries and allowances of the staff of the Agency, as the Board may approve, in accordance with extant Federal Government guidelines.

(3) The conflict of interest provisions contained in the Second Schedule to this Act applies to all staff of the Agency. Second Schedule

18.—(1) Service in the Agency shall be approved service for the purpose of the Pension Reform Act and accordingly, staff of the Agency shall be entitled to pensions and other retirement benefits as are prescribed under the Pension Reform Act. Application of the Pension Reform Act Act No. 4, 2014

(2) Without prejudice to subsection (1), nothing in this Act shall prevent the appointment of a person to any office on conditions which preclude the grant of pension, gratuity or other retirement benefits in respect of that office.

PART V — FINANCIAL PROVISIONS

19.—(1) The Agency shall establish and maintain a Fund from which it shall defray all expenditures incurred by the Agency. Establishment of the Fund of the Agency

(2) There shall be paid or credited to the Fund established under subsection (1) —

(*a*) initial take-off grant for the Agency by the Federal Government ;

(*b*) such money as may be appropriated to the Agency by the National Assembly ;

(*c*) A charge of 1% freight fee of the freight paid on every import into Nigeria ;

(*d*) registration fees and dues accruable to the Agency under this Act, any other law, or Regulations made under this Act ;

(*e*) all subscriptions, fees, levies and charges collected for services rendered by or due to the Agency ;

(*f*) all fines payable for violation of the provisions of this Act or its subsidiary legislation ;

(*g*) all sums accruing to the Agency by way of gifts, endowments, bequests, loans, grants, aid, assistance and other contributions by persons or organisations other than from an operator, service provider or user in the regulated sector ;

(*h*) returns on investment ; and

(*i*) any other sum which may accrue to the Agency.

(3) The Agency shall apply the money in its Fund under subsection (2)

(a), (b), (f), (g) and (h) for the —

(*a*) general administration of the Agency ;

(*b*) payment of allowances and other benefits of members of the Board ;

(*c*) payment of salaries, wages, fees, allowances, benefits, and any other remuneration payable to the employees of the Agency ;

(*d*) purchase or acquisition of property, other equipment required for the performance of the functions of the Agency or for the maintenance of any property acquired or vested in the Agency ; and

(*e*) performance of any of the functions or objectives of the Agency, or such other connected activities under this Act or relevant instrument.

Power to borrow and accept gifts

20.—(1) The Agency may, with the approval of the President, borrow such sums of money or raise capital as may be required for the performance of its functions under this Act.

(2) The Agency may accept gifts or grants of money, aid or other property from national, bilateral and multi-lateral organisations on such terms and conditions as may be agreed upon between the donor and the Agency provided that the conditions are consistent with the objectives and functions of the Agency under this Act.

Exemption from taxation

21.—(1) The Agency is exempted from paying tax on the income accruing from the investments made by the Agency.

(2) The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Agency.

Annual reports

22. The Agency shall prepare and submit to the Minister, not later than 30 June in each financial year, a report in such form as the Minister may direct, on the activities of the Agency for the preceding financial year, and it shall include in such report a copy of the audited accounts of the Agency for that year and the auditor's report on it.

Annual estimates and accounts

23.—(1) The Agency shall, not later than 30 September in each financial year, or any such time as may be required under the Financial Regulations, prepare and submit to the National Assembly, through the Minister, its budget showing estimated income and the expenditure in respect of the next financial year.

(2) Notwithstanding the provisions of subsection (1), the Agency may, in any financial year, submit supplementary or adjusted statements of estimated income and expenditure to the National Assembly through the Minister.

(3) The Agency shall keep proper records of its accounts in respect of each year and shall cause its accounts to be audited within three months from the end of each financial year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Financial year

24. The financial year of the Agency commences on 1 January and ends on 31 December of the same year or as published in the Federal Government Gazette.

PART VI — REGULATIONS, GUIDELINES AND TARIFFS

Power to make regulations and guidelines

25.—(1) The Agency may, with the approval of the Minister, make regulations prescribing all such matters which by this Act are required or permitted to be prescribed to give effect to the provisions of this Act.

(2) Without prejudice to subsection (1), regulations made may provide for any or all of the following —

(*a*) administration of the affairs of the Agency, including the conduct of inquiries, investigations, arbitration and mediation proceedings, and handling of information ;

(*b*) duties, powers, rights, and obligations of a licensee, certificate or permit holder ;

(*c*) procedure for application for registration, requirements for information and documentation to be submitted by applicants ;

(*d*) procedure for amending or cancelling registration ;

(*e*) determination of standards of performance required from a holder of registration certificate ;

(*f*) information required from a holder of registration certificate, and the manner and form by which it shall be provided ;

(*g*) consumer protection matters, such as complaint handling procedures and practices ;

(*h*) procedures for market monitoring, mitigation and enforcement ; and

(*i*) fees, fines and penalties that may be payable by service providers or users of regulated services for violations of those things for which they may be levied under this Act.

Regulation of chargeable tariffs and charges

26.—(1) The Agency, in consultation with the regulated service providers and users of regulated services, shall —

(*a*) set guidelines on tariffs, rates and charges, including setting the minimum and maximum levels of tariffs that shall be levied by the regulated

service providers ;

(*b*) monitor and review tariffs, rates and charges to ensure compliance by regulated service providers with the approved guidelines set under paragraph (a), taking into consideration the prevailing local and global economic trends affecting the regulated sector ;

(*c*) set standards of service delivery and ensure availability, adequacy, quality accessibility, affordability and predictability of services ; and

(*d*) publish as deemed necessary, tariffs, rates, and charges levied by the regulated service providers.

(2) Tariffs, rates or charges levied, made, or published in contravention of subsection (1) (a), shall constitute an infraction punishable in accordance with the provisions of this Act.

Filing of tariffs, rates and charges

27.—(1) From the commencement of this Act, every regulated service provider shall —

(*a*) file its tariffs or range of tariffs with the Agency ; and

(*b*) not impose any tariff, rate, levy or charge for the provision of the regulated services unless the tariff, rate, levy, or charge conforms with the guidelines issued by the Agency under this Act.

(2) Every regulated service provider shall —

(*a*) charge fees for services rendered in accordance with the approved guidelines ;

(*b*) not depart from the maximum tariffs provided under the guidelines without approval of the Agency : and

(*c*) publish its tariffs, fees, and rates for services rendered.

Power for determination

28.—(1) The Agency shall, in relation to prescribed services, make regulations on —

(*a*) determination of standards and conditions of service delivery ;

(*b*) market conduct ;

(*c*) tariffs, dues, rates, fees, fines, levies or charges ; and

(*d*) other economic regulatory matters.

(2) Subject to subsection (1), the Agency shall, in making the Regulations, have regard to —

(*a*) the availability, quality and standards of services or facilities ;

(*b*) the cost of services, access or use of the facilities ;

(*c*) any factor specified in a sector legislation ; and

(d) any other factor that the Agency considers relevant.

Determination and publication of charges and rates

29.—(1) The Agency shall, to the exclusion of any other body or authority —

(*a*) issue guidelines on determination and publication of tariffs, rates, charges or regulated services under this Part ; and

(*b*) publish periodically, tariffs, rates or charges payable by regulated service users.

(2) Any person or service provider who publishes tariffs, fees, rates, or charges in contravention of this section, commits an offence, and shall —

(*a*) where a first offender, is liable on conviction to a fine of, in the case of —

(*i*) clearing and forwarding agents, shipping agents, cargo consolidators, haulers, jetty operators, warehouse operators or logistics service providers, not less than ₦2,000,000 or imprisonment for a term off not less than six months or both, or

(*ii*) shipping companies, seaport terminal operators, inland dry port operators and any other regulated service provider other than those listed in subparagraph (i), not less than ₦20,000,000 or imprisonment for a term of not less than two years or both ; and

(*b*) for any subsequent offence, the offender shall be liable to twice the fines or imprisonment provided for in paragraph (a), as the case may be.

(3) Except otherwise provided under this Act or Regulations made under this Act, publication of tariffs, fees, rates and charges is sufficiently effected if it is —

(*a*) officially sent to the Agency ;

(*b*) made public and readily available to any member of the public at the licensee's offices that deal with or relate in any way with its consumers ; and

(*c*) published in at least one national newspaper, or as the Agency may direct.

Penalty for breach of guidelines or regulations

30. The Agency may prescribe and enforce appropriate penalties including the payment of fines, fees, suspension, revocation, cancellation or withdrawal of registration, certificate or permit of any regulated service provider who violates any regulations, guidelines or notices issued under this Act for the provision of any regulated service.

Part VII — Registration

Registration of regulated services

31.—(1) The Agency shall, as it relates to its functions, make Regulations prescribing —

(*a*) services that require registration under this Act or Regulations made under this Act ;

(*b*) conditions and guidelines for the —

(*i*) registration of, and issuance of certificates to regulated service providers and users in the regulated sector, and

(*ii*) suspension, cancellation or revocation and de-registration of a regulated service provider and a user in the regulated sector.

(2) The Agency shall issue a certificate of registration in respect of any regulated service, regulated service provider, or user registered by it in the regulated sector.

(3) Except as may be approved by the Agency, a —

(*a*) regulated service provider shall not provide a non-registered regulated service for which the Agency has prescribed registration, and

(*b*) user in the regulated sector shall not use the services of a non-registered regulated service provider.

(4) Any person who contravenes the provisions of this section commits an offence and is liable on conviction to a —

(*a*) fine not more than 10 times the initial fee for the relevant registration ; or

(*b*) prohibition from providing or using such services for a period as the Agency may determine.

(5) The provisions of this Part shall apply to existing regulated service providers in the regulated sector in Nigeria.

Registration by a service provider licensed by relevant government agency

32. A service provider licensed by relevant government agency or authority in the regulated sector shall register with the Agency, before the commencement of operations.

Part VIII — Offences and Penalties

Offences by persons or corporate bodies

33.—(1) A person or corporate body who contravenes or fails to comply with any provision of this Act or Regulations made under this Act, commits an offence.

(2) A person or corporate body who commits an offence under this Act or Regulations made under this Act, may be charged jointly or severally in the same proceedings.

(3) Where a corporate body is found guilty of an offence, the officer or agent of the corporate body is deemed to be guilty of that offence unless, he can prove that —

(*a*) the offence was committed without his knowledge, consent or connivance ; and

(*b*) he had taken reasonable precautions and exercised due diligence.

(4) A person who at the time of the commission of the offence, was a director, chief executive officer, or other officer of the corporate body, or was purporting to act in any such capacity, or was in any manner or to any extent responsible for the management of any of the affairs of the corporate body or was assisting in such act, may be charged jointly or severally in the same proceedings with the corporate body.

General offences and penalties

34.—(1) A person who contravenes any provision of this Act or Regulations made under this Act, commits an offence and is liable on conviction, in the case of —

(*a*) an individual —

(*i*) as a first offender, to a fine of at least ₦1,000,000 or imprisonment for a term of at least one year or both, or

(*ii*) for subsequent offence, to a fine of at least ₦2,000,000 or imprisonment for a term of at least three years or both :

(*b*) a corporate body —

(*i*) as a first offender, to a fine of at least ₦5,000,000, or

(*ii*) for subsequent offence, to a fine of at least ₦10,000,000.

(2) The Agency may, by regulations, make provisions for sanctions penalties, and for the review and adjustment of fines and fees for infractions under this Act.

Compounding of offences and legal representation of the Agency

Cap. C23, LFN, 2004

35.—(1) Without prejudice to section 174 of the Constitution of the Federal Republic of Nigeria, 1999, the Agency may compound any offence punishable under this Act by accepting such sums of money as it deems fit, not exceeding the amount of the maximum penalty to which that person would have been liable if he had been convicted of that offence.

(2) All monies received by the Agency under subsection (1), shall be paid into the Consolidated Revenue Fund of the Federation.

(3) A legal practitioner appointed under section 16 (1), shall in the course of his employment, represent the Agency before any court or the Tribunal without prejudice to the power of the Agency to engage private legal practitioners in any proceedings.

Power to impose administrative penalties

36. Notwithstanding anything contained in this Act or any other enactment, the Agency may impose other administrative penalties as deemed necessary, where no penalty is provided for contravention of the provisions of this Act, and such other penalties may include —

(*a*) the payment of fees or fines ; and

(*b*) sanctions including warning, suspension, placement on a sanction list, blacklisting, withdrawal, revocation or cancellation of registration.

Disclosure of information

37.—(1) A person shall not disclose any confidential or sensitive information obtained in the exercise of a power or performance of a function under this Act.

(2) A person shall not, for personal or any other person's gain, make use of any information obtained in the discharge of official duties.

(3) A person who, without lawful excuse contravenes subsection (1) or (2), commits an offence and is liable on conviction, for —

(*a*) a first offender, to a fine of at least ₦500,000 or imprisonment for a term of at least one year or both ; or

(*b*) subsequent offence, to a fine of at least ₦1,500,000 or imprisonment for a term of at least three years or both.

(4) A person may disclose or use such information where the —

(*a*) disclosure or use is made in the exercise of power or the performance of a function under this Act or any relevant legislation ;

(*b*) person has the consent of the person who supplied the information ; or

(*c*) disclosure or use is made in legal proceedings at the direction of the court ; or information is in the public domain at the time of disclosure or use.

(5) The provisions of subsection (4) shall not interfere with the right of another person with regard to the disclosure or use of the information.

PART IX — MONITORING AND ENFORCEMENT POWERS OF THE AGENCY

Power to monitor and report

38.—(1) The Agency shall monitor and report to the Minister on all matters falling under its mandate relating to —

(*a*) the administration, implementation, and compliance with the provisions of this Act or Regulations made under this Act ;

(*b*) the standards and quality of services rendered in the regulated sector ;

(*c*) tariff, rates, and charges applied by the regulated service providers in the regulated sector ;

(*d*) cargo clearance procedures and processes ; and

(*e*) any other relevant matter relating to service delivery in the sector.

(2) For the purpose of monitoring and reporting on the matters provided in subsection (1), authorised officers of the Agency shall have access to enter and inspect the premises of regulated service providers.

Power to enter premises

39.—(1) The Agency may in writing, authorise any of its officials or appoint external inspectors to exercise on its behalf the powers of monitoring and enforcement vested in the Agency under this Act.

(2) The Agency may, direct its authorised officials or appointed external inspectors to investigate the activities of Regulated Service Providers with regard to compliance with this Act and its subsidiary legislation.

(3) In the exercise of powers specified under this Part, an authorised official of the Agency or its appointed inspector —

(*a*) shall on demand, produce to the person against whom he is acting, the authority issued to him by the Agency ;

(*b*) may at any reasonable time and without prior notice, enter the premises of any affected Regulated Service Provider to —

(*i*) inspect and make copies of extracts from books, records, documents or other information storage systems, and

(*ii*) demand the production of, and inspect the relevant licence, permit, certification or authority :

Provided that the Agency shall obtain a warrant prior to the entry into the premises of any affected Regulated Service Provider.

Power to obtain information

40.—(1) This section shall apply to all Regulated Service Providers whom the Agency has reason to believe —

(*a*) have any information, records or documents that are relevant to the

exercise of the Agency's regulatory function ; or

(*b*) are capable of giving any information which the Agency believes is relevant to the exercise of the regulatory powers of the Agency under this Act.

(2) The Agency may, by a written notice, direct any person who is subject to this Act, in relation to the information contemplated in subsection (1) to —

(*a*) give the Agency such information, within the period and in the manner and form specified in the notice ; or

(*b*)produce to the Agency any document within the period and in the manner and form specified in the notice.

(3) Any person who is subject to this Act and who is required to provide information under subsection (2), shall ensure that the information provided is true, accurate and complete.

Refusal or failure to provide information

41.—(1) A Regulated Service Provider who refuses,fails or omits to give any requested information, evidence or document under section 40 of this Act,shall be issued a warning to provide such information or evidence within five working days, and shall be —

(*a*) suspended from operation for a period not more than six months, if it fails to provide the requested information or evidence within the prescribed five working days ; and

(*b*) blacklisted and de-registered, if it fails to provide the information.

(2) Notwithstanding the provisions of this section and subsection (1), a person who is subject to this Act and who provides information, evidence or document that he knows or has reason to believe is false or misleading, in response to a direction issued by the Agency, is liable to a penalty of at least —

(*a*) ₦1,000,000 for individual ; or

(*b*) ₦5,000,000 for a corporate body.

(3) In addition to the penalty in subsection (2), the person shall be suspended from operations and if he persists in the violation, may be blacklisted and de-registered.

(4)A person who —

(*a*) threatens, intimidates or coerces another person ; or

(*b*) takes, threatens to take, incites or is involved in any act that causes another person to suffer loss, injury or disadvantage because that other

person complied or intends to comply with the request made by the Agency under this Act, commits an offence and is liable on conviction to a fine of ₦5,000,000 and in addition, be blacklisted and de-registered.

(5) A person shall not be liable for any loss, damage or injury suffered by another person for giving any information or documents to the Agency in good faith, under this Act.

PART X — COMPLAINTS AND INVESTIGATION

Investigation upon written complaint

42.—(1)The Agency may, conduct an investigation on a matter referred to it upon a written complaint by a person and the complaint shall specify against whom the complaint is made.

(2) The Agency may investigate any matter pertaining to the administration of this Act, if the Agency has any ground to believe that an infringement of this Act is, has been or will be committed.

(3) Where a complaint has been made to the Agency under this Act, the Agency may make preliminary inquiries of the complaints for the purpose of deciding whether to investigate the matter or not.

(4) Where the Agency decides not to investigate a matter to which a complaint relates or to stop the investigation of a matter after its commencement, it shall within three working days from the date of the decision and in such manner as it deems fit, inform the complainant and the respondent of the decision and the reasons for the decision.

Conduct of investigation

43.—(1) Prior to the commencement of the investigation of a matter to which the complaint relates, the Agency shall inform the respondent that the matter is to be investigated.

(2) The Agency shall conduct an investigation under this Part, and for the purpose of investigation, obtain information from any person as it deems fit.

(3) A complainant or respondent shall be given an opportunity to appear before the Agency in connection with an investigation.

(4) The Agency shall not, as a result of an investigation, make a finding that is adverse to a complainant or respondent unless it has given the parties involved an opportunity to make written submissions in relation to the matter to be investigated within 21 days.

(5) The Agency shall consider the written submissions made by the complainant or the respondent before making a decision.

(6) On the conclusion of an investigation, the Agency may prepare and publish a report which shall cover —

(*a*) the conduct of the investigation ;

(*b*) any findings that the Agency has made as a result of the investigation ;

(*c*) the evidence and other material on which those findings were based ; and

(*d*) such other matters relating to or arising out of the investigation as the Agency may deem fit in the circumstance.

Discontinuance of inquiry or investigation

44.—(1) Where the Agency, at any stage of an investigation or inquiry under this Part, is of the opinion that the matter being investigated or subject to inquiry does not justify further investigation or inquiry, the Agency may discontinue the investigation or inquiry.

(2) Where the Agency discontinues an investigation or inquiry, it shall within 14 days after the discontinuance, give written notice to the parties concerned in the investigation or inquiry, stating the reasons for discontinuing the investigation or inquiry.

Appeals

45. Appeals from any decision of the Agency shall lie, in the case of —

(*a*) competition and consumer protection matter, to the Competition and Consumer Tribunal established under section 39 of the Federal Competition and Consumer Protection Act ; and

(*b*) other regulatory matters and decisions of the Agency in the exercise of its functions and powers under this Act or its subsidiary legislation, to the Federal High Court.

Part XI — Miscellaneous and Supplementary Provisions

Directives by the Minister

46. The Minister may give to the Agency such directives of a general nature on matters of policy with regard to the performance of its functions under this Act and the Agency shall comply with the directives.

Limitation on suit

47.—(1) A suit shall not be commenced against the Agency or its authorised officers before the expiration of a period of 30 days after written notice of intention to commence the suit has been served on the Agency by the intending plaintiff.

(2) The notice under subsection (1) shall state the —

(*a*) cause of action ;

(*b*) particulars of the claim ;

(*c*) name and place of abode of the intending plaintiff ; and

(*d*) relief sought.

(3) The notice under subsection (2) and any summons, or other documents required or authorised to be served on the Agency under this Act or any other law, may be served by delivering it to the office of the Agency.

Indemnity

48. A member of the Board, Director-General, officer or employee of the Agency shall be indemnified by the Agency against any proceedings brought against the member of the Board, Director-General, officer or employee of the Agency in their respective official capacities, where the act complained of is not ultra vires their powers.

Restriction on execution against property of the Agency

49. In any action or suit against the Agency, no execution shall be levied or attachment processes commenced against the Agency, unless at least three months' notice of the intention to execute or to attach has been given to the Agency.

Repeal

50. The Nigerian Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004 is repealed.

Savings and transitional provisions

51.—(1) Without prejudice to the provisions of section 6 of the Interpretation Act, anything made, done or having effect under the repealed Act and having any resulting or continuing effect shall be treated as from the commencement of this Act, as if it were made or done by the Agency established under this Act.

(2) Any person who before the commencement of this Act, was appointed or employed by the Council established under the repealed Act shall continue in office and be deemed to have been appointed or employed by the Agency established under this Act.

(3) All assets, rights, liabilities and obligations of the Council under the repealed Act shall, by virtue of this Act, be deemed to be that of the Agency established under this Act.

Interpretation

52. In this Act —

"*Agency*" means the Nigeria Port Economic Regulatory Agency ;

"*An applicant*" means regulated service provider and user ;

"*appeal*" means an appeal under section 45 of this Act ;

"*appointed external inspector*" includes any person, law enforcement agent or corporate body designated to carry out monitoring and enforcement duties in the regulated sector ;

"*authorities*" or "*bodies*" means relevant government agencies ;

"*blacklisting*" means the indefinite stoppage of a service provided by a regulated service provider for the violation of any provisions of this Act or its subsidiary legislation ;

"*Board*" means the Governing Board of the Agency ;

"*cargo*"includes any substance or article or any container or other item used to contain,transport or convey materials or goods from one place to another ;

"*Chairman*" means a member who is appointed to chair the Board of the Agency and includes any person presiding at the meeting of the Board ;

"*Consolidated Revenue Fund*" means the Fund established under section 80 of the Constitution of the Federal Republic of Nigeria, 1999, Cap. C23, Laws of the Federation of Nigeria, 2004 ;

"*consumer*" or "user" means a shipper, importer, exporter, consignee, consignor, or any person who uses or pays for a regulated service in the regulated sector in Nigeria and includes freight forwarding and clearing agent ;

"*Court*" means the Federal High Court of Nigeria ;

"*determination*" includes directions, orders, decisions, or requirements made by the Agency under this Act ;

"*deregistration*" means removal of the name of a service provider from the register;

"*economic regulation*" means the exercise by the Government through the Agency, both directly or indirectly, of control and influence over the economic activities of public or private regulated service providers and users, and seeks to protect the interests of users of regulated services ;

"*instrument*" includes a convention, treaty, protocol, agreement, directive, determination or declaration ;

"*licensee*" means any person or corporate body authorised by any relevant Government Agency to deliver regulated services in the regulated sector ;

"*member*" means any person appointed under section 6 of this Act ;

"*Minister*" means the Minister responsible for shipping and port matters ;

"*Ministry*" means the Federal Ministry responsible for shipping and port matters ;

"*owner*" means the legal or beneficial owner ;

"*person*" includes a natural or corporate body or partnership and where

an individual is required to represent the Agency, a corporate body or partnership in any circumstance pursuant to this Act or its subsidiary legislation, it shall be sufficient if in the case of a —

(*a*) corporate body, it is represented by its competent officer, and

(*b*) partnership, it is represented by a partner in the partnership or a competent employee of the partnership ;

"*port*" means any place in Nigeria designated as a port of origin and destination and having facilities for handling imports and exports ;

"*port concession*" means an arrangement between a government agency and a third party to provide regulated service or other related services in the regulated sector in Nigeria ;

"*port concessionaire*" means a holder of a port concession or grant approved by a government agency to provide regulated service or other related services under a valid port concession ;

"*premises*" includes a house or building, together with its land and outbuildings, occupied by an operator or service provider, agency, or other person under this Act or considered in an official context ;

"*prescribed services*" means a person, body or agency which is —

(*a*) prescribed by this Act as such ; or

(*b*) providing prescribed services in the regulated sector in Nigeria within the meaning of this Act and include services of the —

(*i*) National Inland Waterways Authority,

(*ii*) Nigerian Ports Authority,

(*iii*) Nigerian Railway Corporation, and

(*iv*) other agencies providing regulated services of any nature in the regulated sector in Nigeria ;

"*President*" means the President of the Federal Republic of Nigeria ;

"*publication*" includes any information published in the Federal Government Gazette, posted on the Agency's website or published in at least one widely circulating national newspaper ;

"*register*" means any one of the registers established or maintained by the Agency for the purposes of this Act ;

"*regulated sector*" means the ports, terminals, off-docks, jetties, and offshore platforms used for the reception, handling, and provision of cargo services for imports and exports and includes regulated services ;

"*regulated services*" includes any shipping or port service provided, supplied, or offered for supply in the regulated sector in Nigeria and includes

vessel reception, carriage, storage and handling of cargo, freight forwarding and clearance services, stevedoring, haulage, cargo consolidation and brokerage, off-dock terminal operations, inland dry port services, seaport terminal or jetty operations, logistics services and any other service provided in a port, and includes any service offered by any public or private body which is declared to be regulated service under this Act ;

"*registration*" means a document of authorisation from the Agency granting approval to provide regulated service or related services in the regulated sector in Nigeria ;

"*regulated service provider*" or "*service provider*" means any person providing regulated services in the regulated sector ;

"*tariffs*", "*charges*" or "*rates*" means payments made to providers of regulated services in the regulated sector in consideration of the provision of regulated services to users and include freight, rates, port fees, station fees, terminal dues, ports and harbours dues and charges, goods, cargo and pilotage dues, and other fees and charges levied by any regulated service provider in the regulated sector ; and

"*trade facilitation*" means the removal of obstacles to the smooth handling of imports and exports across borders through simplification, standardisation, harmonisation automation and digitalisation of trade and transport processes, procedures and associated information flows required in the payment for goods and services, and their carriage or transportation from one point to another and includes cross-border trade.

Citation

53. This Act may be cited as the Nigerian Ports Economic Regulatory Agency Act, 2026.

SCHEDULES

FIRST SCHEDULE

Section 6 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, Cap. I23, Laws of the Federation of Nigeria, 2004 which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote, the Board may make standing orders regulating the proceedings of the Board or any committee.

2. The quorum at a meeting of the Board shall consist of the Chairman, or, in an appropriate case, the person presiding at the meeting under paragraph 3 or 4 of this Schedule, Director-General, an *ex officio* and two other members appointed under section 6 of this Act.

3. Subject to paragraph 4 of this Schedule, the Chairman shall preside at all meetings of the Board, but if he is absent from any meeting, the members present shall elect one of their number to preside at the meeting.

4. Notwithstanding paragraph 3 of this Schedule, the Board may appoint from among its members an acting chairman to act as Chairman during a long absence or during the temporary incapacity from illness or other sufficient cause of the Chairman and at other times to exercise such powers as the Chairman may delegate to him.

Committees

5.—(1) The Board may appoint one or more committees to which it may delegate any of its functions.

(2) Every committee appointed under subparagraph (1) of this Schedule shall be presided over by a member of the Board and shall be made up of such number of persons, not being necessarily members of the Board, as the Board may determine in each case.

Miscellaneous

6. The affixing of the seal of the Agency shall be authenticated by the signature of the Director-General or by that of an authorised officer of the Agency.

7. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Agency by any person specially or generally authorised to act for that purpose by the Agency.

8. Any document purporting to be a document duly executed under the seal of the Agency shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

9. The validity of any proceedings of the Board or of its committees shall not be affected by —

(*a*) any vacancy in the membership of the Board or of its committees ;

(*b*) any default in the appointment of any such member ; or

(*c*) reason that a person not entitled to do so took part in the proceedings.

10. Any member of the Board or committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or committee, shall disclose his interest to the Board or committee and not vote on any question relating to the contract or arrangement.

SECOND SCHEDULE

Sections 17(3)

CONFLICT OF INTEREST

1. Subject to the provisions of this Schedule, no member or staff of the Agency shall have a direct or indirect financial interest or investment in any part of the regulated sector or be engaged in any activity (whether for remuneration or otherwise,) for the benefit of any party involved in any business related to the regulated sector in Nigeria throughout the tenure of his office or employment with the Agency unless such an interest is formally disclosed to the President, through the Minister, and the President is satisfied that the interest or activity is passive and does not interfere with the person's impartial discharge of his duties.

2. A person who holds the office of a member, shall, for a period of two years after he ceases to be a member for any reason, not acquire, hold, or maintain, directly or indirectly, any interest, office, employment, or consultancy arrangements either for remuneration or otherwise, connected with any part of the regulated sector in Nigeria or engage in any activity (whether for remuneration or otherwise) for the benefit of any party involved in any business related to the regulated sector in Nigeria, and if such a person acquires any such interest involuntarily or by way of succession or testamentary disposition, he shall divest himself from such interest within a period of three months of such interest being acquired.

3. Subject to paragraph 4, each member or staff of the Agency shall, on an annual basis, present a written declaration affirming the non-existence of any such interest as is specified in paragraph 1 and shall pledge to disclose and inform the Agency of any such relationship or interest that arises or is likely to arise during his tenure or employment with the Agency.

4. All appointed members and staff of the Agency, after the commencement of this Act, are entitled to a maximum of six months from their respective dates of appointments within which to divest themselves of their direct or indirect financial interests or investments, if any, in any part of the regulated sector in Nigeria.

5. Each member or staff of the Agency shall declare, on appointment or at the commencement of employment and annually after that, for as long as he serves the Agency, any interest or investment that he knowingly has or knows any member of his immediate family to have, in any aspect of regulated sector.

6. A member, staff or employee of the Agency is considered to have a conflict of interest for the purpose of this Act if he has or acquires any pecuniary or other interest that conflicts with the proper discharge or performance by that person of his duties or functions as a member, staff or employee of the Agency.

7. A member, staff or employee of the Agency is deemed to have breached the conflict of interest rules of the Agency if he —

(*a*) fails, without reasonable cause, to make declaration of his interests as required ; or

(*b*) knowingly makes a declaration that is false or misleading in material particulars thereby affecting the decision of the Agency in any of the circumstances under this paragraph, and that person commits an offence under this Act, the effect of which may include the termination of his appointment or employment.

8. Where a member, staff or employee of the Agency contravenes the provisions of paragraphs 1-3 of this Schedule, or gives false information under paragraph 5 of this Schedule, he commits an offence and is liable, on conviction, to a fine of at least ₦1,000,000 or imprisonment for a term of not more than two years or both.

9. Subject to paragraph 8 of this Schedule, the Agency may waive the application of the prohibitions specified in paragraphs 1 and 2 of this Schedule to any member, staff, or employee of the Agency if the Agency, upon receiving such declaration from such member, staff or employee determines that the financial interest of the relevant person is not of a material nature or is minimal.

10. The Agency, in determining whether or not the interest of a member, staff, or employee of the Agency is minimal or not of a material nature, shall consider the —

(*a*) revenue, investments, profits, and managerial efforts of the relevant company or other entity in regard to its transport activities compared with other aspects of the company's or such entity's businesses ;

(*b*) extent to which the Agency regulates and oversees the activity of such company or entity ;

(*c*) degree to which the economic interests of such company or other entity may be affected by any action of the Agency ; and

(*d*) perceptions held or likely to be held by the public regarding the relevant person's financial interest or investment in that company or other entity.

11. The Agency may at any time review and reverse its determination under paragraph 7 of this Schedule and direct the application of the prohibitions contained in this Schedule to the affected member, staff or employee of the Agency and the Agency shall not be under any obligation to disclose the reasons or basis for its review to the affected member, staff or employee.

12. In any case in which the Agency exercises the waiver authority or the review as specified in paragraphs 10 and 11 of this Schedule, the Agency shall publish the details and such publication shall include —

(*a*) an information regarding the identity of the person who has been granted the waiver or whose waiver grant has been reviewed ;

(*b*) the position held by such person ; and

(*c*) the nature of the financial interests which are the subject of the waiver or review.

13. For the purpose of this Schedule —

(a) "*company*" includes partnerships and undertakings ; and

(b) "*immediate family*" means a person's spouse, a partner living with that person as if they were married to each other and children who are under the age of 18.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria, 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

KAMORU OGUNLANA ESQ.
Clerk to the National Assembly
21*st Day of May*, 2026

EXPLANATORY MEMORADUM

This Act repeals the Nigerian Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004 and enacts the Nigerian Ports Economic Regulatory Agency Act, 2026 to provide for the economic regulation of ports, protect the interest of shippers and other providers and users of regulated services.

SCHEDULE TO THE NIGERIAN PORTS ECONOMIC REGULATORY AGENCY BILL, 2026

(1) *Short Title of the Bill*	(2) *Long Title of the Bill*	(3) *Summary of the Contents of the Bill*	(4) *Date Passed by the Senate*	(5) *Date Passed by the House of Representatives*
Nigeria Ports Economic Regulatory Agency Bill, 2026	An Act to repeal the Nigeria Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004 and enact the Nigeria Ports Economic Regulatory Agency Act, 2026 to provide for economic regulation of ports, protect the interest of shippers and other providers and users of regulated services ; and for related matters.	This Bills repeals the Nigeria Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004 and enact the Nigeria Ports Economic Regulatory Agency Act, 2026 to provide for economic regulation of ports, protect the interest of shippers and other providers and users of regulated services.	28th April, 2026	10th December, 2025

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. A2, Laws of the Federation of Nigeria, 2004.

KAMORU OGUNLANA ESQ.
Clerk to the National Assembly
21*st Day of May,* 2026

I ASSENT

LS

BOLA AHMED TINUBU, GCFR
President of the Federal Republic of Nigeria
19*th Day of June,* 2026