

MARITIME SECURITY OPERATIONS CO-ORDINATING BOARD

(AMENDMENT) BILL, 2020

ARRANGEMENT OF SECTIONS

*Section:*

1. Amendment of Cap. M4, LFN, 2004
2. Amendment of the long title
3. Amendment of section 1
4. Amendment of section 2.
5. Amendment of section 6
6. Insertion of new sections 6A and 6B
7. Amendment of the Short title
8. Citation



# A BILL

## FOR

AN ACT TO AMEND THE MARITIME OPERATIONS CO-ORDINATING BOARD ACT, CAP. M4, LAWS OF THE FEDERATION OF NIGERIA, 2004 TO RECONSTITUTE THE MARITIME OPERATIONS CO-ORDINATING BOARD FOR EFFECTIVE CONTROL OF ALL MARITIME OPERATIONS IN NIGERIA'S TERRITORIAL WATERS AND THE EXCLUSIVE ECONOMIC ZONE, AND CREATE THE MARITIME SECURITY FUND; AND FOR RELATED MATTERS

*Sponsored by Hon. Yusuf Gagdi*

[ ] Commencement

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

1           **1.** The Maritime Operations Co-ordinating Board Act Cap. M4, Amendment of  
2 Laws of the Federation of Nigeria, 2004 (in this Act referred to as "the Cap. M4, LFN,  
3 Principal Act") is amended as set out in this Act. 2004

4           **2.** The Principal Act is amended by substituting for the Long title, Amendment of  
5 a new "long title"- the long title

6           "An act to establish the Maritime Security Operations Co-  
7 ordinating Board to formulate policies for the effective control of all  
8 maritime operations in Nigeria's territorial waters and the Exclusive  
9 Economic Zone, create the Maritime Security Fund, create anti-piracy  
10 offences; and for related matters."

11           **3.** Section 1 of the Principal Act is amended by inserting after the Amendment of  
12 word, "Maritime", in line 1, the word, "Security". section 1

13           **4.** Section 2 of the Principal Act is amended- Amendment of  
14 (a) by substituting for paragraph (a), a new paragraph "(a)"- section 2

15           "(a) the Chief of Naval Staff as Chairman;

16           (b) in paragraph (g), by substituting for the word, "Training", the  
17 word, "Operations";

1 (c) by substituting for paragraphs (i), (l) and (m), new paragraphs  
2 "(i)", "(l)" and "(m)"-

3 (i) the Director of Legal Services (Nigerian Navy);

4 (l) the representative of the Minister of Finance, nominated from the  
5 office of the Accountant-General of the Federation;

6 (m) Nigerian Maritime Administration and Safety Agency  
7 (NIMASA)"; and

8 (d) by inserting after paragraph (m), a new paragraph "(n)"-

9 "(n) the representative of the Nigeria Ports Authority (NPA)"

Amendment  
of section 6

10 **5.** Section 6 (2) of the Principal Act is amended -

11 (a) in paragraph (a), by deleting after the word, "Federal", in line 1, the  
12 word, "Military";

13 (b) by substituting for paragraph (b), a new paragraph "(b)" -

14 "(b) such sums of money accruing to the Board from any other  
15 source, including-

16 (i) such money as may be specifically appropriated to the Maritime  
17 Security Operations Co-ordinating Board by the National Assembly;

18 (ii) one percent of the funds derived by Maritime Fund accruing to the  
19 Agency under the Nigerian Maritime Administration and Safety Agency Act,

20 (iii) proceeds of sales, by auction, of forfeited vessels or goods subject  
21 to the provisions of this Act, and

22 (iv) gifts, loans, aids, and other assets that may specifically accrue to  
23 the Maritime Security Fund;

24 (c) by inserting after subsection (2), new subsections "(2A)" and  
25 "(2B)"-

26 "(2A) The administrative and operational expenses of the Board, in  
27 furtherance of this Act, shall be funded directly from the Fund and such  
28 expenses include-

29 (a) salaries, emoluments, remunerative packages, and allowances for-

1 (i) members of the Maritime Security Operations Co-ordinating  
2 Board,

3 (ii) Nigerian Navy staff who are assigned on full-time basis to the  
4 Maritime Security Operations Co-ordinating Board Secretariat or such  
5 other staff of the Maritime Security Operations Co-ordinating Board  
6 Secretariat howsoever engaged, and

7 (iii) Fund manager; and

8 (b) operational expenses for the activities of the Maritime Security  
9 Operations Co-ordinating Board."

10 (2B) The Board shall ensure that the Fund is at all times totally  
11 separated from the Nigerian Navy's statutory allocation and transparently  
12 maintained and operated as such."

13 **6.** Insert after section 6, new sections "6A" and "6B"-

Insertion of new  
section 6A and  
6B

14 6A. (1) The Board shall, in consultation with the Nigerian Navy,  
15 appoint an independent and competent investment management firm as  
16 Maritime Co-ordinating Board Fund Managers with responsibilities,  
17 amongst others, for-

"Maritime Security  
Operations  
Co-ordinating  
Board Fund  
Managers

18 (a) maintaining Maritime Security Operations Co-ordinating  
19 Board Funds financial accounts and records;

20 (b) collaborating with Maritime Security Operations Co-  
21 ordinating Board Secretariat in the collection of Maritime Security  
22 assessments and loan repayments;

23 (c) estimating the amount needed annually to sustain the rate of  
24 maritime security infrastructure expansion determined by the Nigerian  
25 Navy as appropriate to meet Maritime Security Operations Co-ordinating  
26 Board policy objectives;

27 (d) determining the amount of annual revenue required to ensure  
28 that the Maritime Security Operations Co-ordinating Board Fund remains  
29 fiscally sound, and calculation of the corresponding rate of assessment;

1 (e) disbursing funds to eligible entities based upon approvals by the  
2 Board;

3 (f) prudently investing Maritime Security Operations Co-ordinating  
4 Board Fund's cash reserves under directions from the Board and establishing  
5 cash management procedures to ensure maximum return on investments while  
6 meeting short-term cash requirements for disbursements;

7 (g) regularly reporting on financial performance of the Maritime  
8 Fund to the Board; and

9 (h) assisting the Maritime Security Secretariat in evaluating the  
10 effectiveness of the Maritime Security Operations Co-ordinating Board Fund  
11 in meeting policy goals as set by Government and the Board.

12 (2) The Board shall, in collaboration with the Nigerian Navy,  
13 determine the terms of engagement and the remuneration package for the  
14 Maritime Security Operations Co-ordinating Fund Managers.

Administration  
of Fund

15 6B. The Maritime Security Operations Co-ordinating Board Fund  
16 shall be administered by the Chairman, Treasurer and Financial Secretary of  
17 the Board who shall be the Chief of Naval Staff, the representative of the  
18 Minister of Finance to be nominated from the office of the Accountant-General  
19 of the Federation and the Director of Legal Services (Nigerian Navy)  
20 respectively."

Amendment of  
short title

21 7. The Principal Act is amended by substituting for the short title, a  
22 new "short title":

Citation

23 8. This Bill may be cited as the Maritime Security Operations Co-  
24 ordinating Board (Amendment) Bill, 2020.

#### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Maritime Operations Co-ordinating Board Act, Cap. M4, Laws of the Federation of Nigeria, 2004 to reconstitute the Maritime Operations Co-ordinating Board for effective control of all maritime operations in Nigeria's territorial waters and the Exclusive Economic Zone, and create the Maritime Security Fund.