

*Maritime and Admiralty Practice***REGISTRATION OF SHIPS IN NIGERIA: REQUIREMENT, PROCEDURE AND APPLICATION¹****INTRODUCTION**

By the provisions of the relevant extant laws in Nigeria, it is a legal requirement for ships operating in Nigeria waters to be registered. The Merchant Shipping Act, 2007² provides that every ship wholly owned by persons qualified to own a registered Nigerian ship, shall be registered in Nigeria in the manner provided by the Act or in any other country in accordance with the laws of that country, unless the ship is such that is exempted from registration under this Act.

This requirement for ship registration in Nigeria is in synch with Article 91 of the United Nations Convention on the Law of the Sea (UNCLOS) 1982 to which Nigeria is a party. It provides as follows: **Article 91: Nationality of ships**

1. “Every State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship.
2. Every State shall issue to ships to which it has granted the right to fly its flag documents to that effect”



For the purpose of carrying out the registration requirement, the Merchant Shipping Act, 2007 creates a Central Shipping Registry which duty is to register and license Nigerian Ships.³ The Central Shipping Registry is an office under the Nigerian Maritime Administration and Safety Agency⁴. The Act also creates the office of Registrar of Ship.⁵

The Registrar of Ships is required to keep the following registers/books⁶:

- (a) a register for merchant ships;
- (b) a register for fishing vessels;
- (c) a register for ships under construction;
- (d) a register for ships on bareboat charters and other charters exceeding 12 months’ duration;
- (e) a register for licensed ships below 15 gross tons;
- (f) a register for Floating Production Storage and Offloading (FPSO) and Floating Storage and Offloading (FSO).

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² Section 19

³ Section 16(1) of the Merchant Shipping Act, 2007

⁴ The Agency itself is a creation of section 3 of Nigerian Maritime Administration and Safety Agency, 2007. The Agency is under the management, administration and control of the Federal Minister of Transport.

⁵ See 16(2) of the Merchant Shipping Act, 2007

⁶ See section 17(1) of the Merchant Shipping Act, 2007

WHO IS ELIGIBLE TO OWN/REGISTER A SHIP

A ship can only be registered in Nigeria if it is wholly owned by any of the following category of persons:⁷

- (a) Nigerian citizens;
- (b) bodies corporate and partnerships established under and subject to Nigerian laws, having their principal place of business in Nigeria;
- (c) such other persons as the Minister may, by regulations prescribe.

The above provision is in line with section 17 of the Act which is to the effect that:

- (a) an individual may be registered as sole owner of a ship in his own name;
- (b) any number of persons not exceeding five may be registered as joint owners of a ship or of any share therein;
- (c) joint owners considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share the interest in respect of which they are registered;
- (d) a corporation may be registered as owner by its corporate name.

STEPS TO TAKE BEFORE APPLICATION FOR REGISTRATION

Before applying for the registration of a ship, the owner of a ship or an applicant who is applying for the registration must cause the ship to be surveyed by a Surveyor of Ships who shall ascertain the tonnage of the ship and issue a certificate to that effect.⁸ The certificate must be red to the Registrar of Ships before the ship can be registered.⁹



The ship must also be marked permanently and conspicuously to show the following¹⁰:

- (a) the name of the ship marked on each of its bows, the name of the ship and the ship's port of registry marked on the stem of the ship;
- (b) the official number and the number denoting the ship's registered tonnage to be cut in on the main beam of the ship;
- (c) a scale denoting the ship's draught of water to be marked on each side of the stem and of the stem post of the ship.

The individual owner of a ship, or of a share of the ship or an authorised person (in the case of a corporation) must make and sign a declaration of ownership referring to the ship as described in the surveyor's tonnage certificate.

⁷ See Section 18 of the Merchant Shipping Act, 2007

⁸ Section 22(1) of the Merchant Shipping Act, 2007

⁹ Section 22(2) of the Merchant Shipping Act, 2007

¹⁰ Section 24(1) of the Merchant Shipping Act, 2007

PROCEDURE FOR REGISTRATION

Applications for the registration of ships are made to the Registrar of Ships whose office is situated within the Nigerian Maritime Administration and Safety Agency. The owner of the ship or his agent makes the application formally in writing to the Registrar at a port of registry in Nigeria.¹¹ Where the individual owner or corporate owner decides to apply through an agent, his appointment shall be testified by writing under the hands of the appointor (if appointed by an individual) or under a common seal of the corporation (if appointed by a corporation).¹²



Where the application for Registration is being made by or on behalf of a corporate/artificial entity, the following documents are required to support the application:

1. Company's Particulars

- i. Certificate of Incorporation;
- ii. Certified True Copies of Memorandum and Articles of Association;
- iii. Certified True Copies of Particulars of current Directors of the company¹²;
- iv. Certified True Copies of Particulars of Allotment of Shares.¹³

Importantly, for a company to be qualified for registration as an owner of a ship its share capital must not be less than 25,000,000 (Twenty-five Million).

- v. Current Tax Certificate of the company and its directors respectively;
- vi. Company's Bank statement or reference letter;
- vii. Declaration of ownership form.¹⁴

2. Vessel Particulars

- i. Name of Ship;
- ii. Time and place of purchase;
- iii. Name of Master;
- iv. Best particulars in respect of tonnage, build and description of ship;
- v. Bill of sale or builder's certificate (evidence of title);
- vi. Condition of survey report and tonnage measurement certificate;
- vii. Certificate of carving and marking note of the ship;
- viii. Call sign certificate;
- ix. Load line certificate;
- x. Report of pre-purchase survey;
- xi. Deletion certificate (in case of vessel already registered under another flag. This is to avoid double registration)

¹¹ Section 21(1) of the Merchant Shipping Act, 2007

¹² Section 21(3) of the Merchant Shipping Act, 2007

¹² (Form CAC7)

¹³ (Form CAC2)

¹⁴ This form is to be issued by the Ship Registry.

- xii. Certificate of approved plan issued by NIMASA (for newly built vessels in Nigeria only);
- xiii. Vessel class certificate (for conventional vessels only);
- xiv. Payment of Registration fees;
- xv. Evidence of insurance /P & I coverage

3. Owner's Particulars

- i. Full names, address and occupation of the purchaser of the ship
- ii. Evidence of ability or experience of the purchaser to operate and maintain ship
- iii. Log book of the ship to be inspected by the Registrar of ships
- iv. A bill of sale with warranty against liens and encumbrances from the seller (in the case of second hand vessels)
- v. Evidence of financial resources sufficient for operation and maintenance of the ship



Upon completion of registration, the Registrar shall issue a certificate of registration in line with section 30 of the Merchant Shipping Act, 2007.

Note that now, an applicant for registration of ship can submit application for Approval of Vessel's name¹⁵, Application to change Vessel's name¹⁶; Application for survey and issuance of survey certificate, declaration of ownership¹⁷, and the application form for registration¹⁸ all together.

Maritime business is under strict regulations in Nigeria and similar jurisdictions the world over. There is a penalty for failure to comply with the

relevant provisions of the relevant laws. It is therefore expedient that the services of specialist legal practitioners be sought at the earliest to ensure conformity with stipulated regulations on registration of ship and sundry matters.

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¹⁵ ([NIMASA Ship Reg. 1](#))

¹⁶ ([NIMASA Ship Reg. 4](#))

¹⁷ ([NIMASA Ship Reg. 12](#))

¹⁸ ([NIMASA Ship Reg. 2](#))