

**Nigeria**



**ADMIRALTY JURISDICTION ACT**

**An Act to provide for the extent of the jurisdiction of the Federal High Court in admiralty matters and other matters connected therewith.**

[Commencement]

[30th December, 1991]

**1. Extent of the admiralty jurisdiction of the Federal High Court**

(1) The admiralty jurisdiction of the Federal High Court (in this Act referred to as "the Court") includes the following, that is-

- (a) jurisdiction to hear and determine any question relating to a proprietary interest in a ship or aircraft or any maritime claim specified in section 2 of this Act;
- (b) any other admiralty jurisdiction being exercised by any other court in Nigeria immediately before the commencement of this Act;
- (c) any jurisdiction connected with any ship or aircraft which is vested in any other court in Nigeria immediately before the commencement of this Act;
- (d) any action or application relating to any cause or matter by any ship owner or aircraft operator or any other person under the Merchant Shipping Act or any other enactment relating to a ship or an aircraft for the limitation of the amount of his liability in connection with the shipping or operation of aircraft or other property;  
[Cap. M11.]
- (e) any claim for liability incurred for oil pollution damage;
- (f) any matter arising from shipping and navigation on any inland waters declared as national waterways;

(g) any manner arising within a Federal port or national airport and its precincts, including claims for loss or or damage to goods occurring between the off-loading of goods across space from a ship or an aircraft and their delivery at the consignee's premises, or during storage or transportation before delivery to the consignee;

(h) any banking or letter of credit transaction involving the importation or exportation of goods to and from Nigeria in a ship or an aircraft, whether the importation is carried out or not and notwithstanding that the transaction is between a bank and its customer;

(i) any cause or matter arising from the constitution and powers of all ports authorities, airport authority and the National Maritime Authority;

(j) any criminal cause and matter arising out of or concerned with any of the matters in respect of which jurisdiction is conferred by paragraphs (a) to (i) of this subsection.  
(2) The admiralty jurisdiction of the Court in respect of carriage and delivery of goods extends from the time the goods are placed on board a ship for the purpose of shipping to the time the goods are delivered to the consignee or whoever is to receive them, whether the goods were transported on land during the process or not.

(3) Any agreement or purported agreement, monetary or otherwise connected with or relating to carriage of goods by sea, whether the contract of carriage is executed or not, shall be within the admiralty jurisdiction of the Court.

### **3. Application of jurisdiction to ships, etc.**

Subject to the provisions of this Act, the admiralty jurisdiction of the Court shall apply to-

(a) all ships, irrespective of the places of residence or domicile of their owners;

and

(b) all maritime claims, wherever arising.

### **19. Exclusive jurisdiction**

Notwithstanding the provisions of any other enactment or law, the Court shall, as from the commencement of this Act, exercise exclusive jurisdiction in admiralty causes or matters, whether civil or criminal.

### **20. Ouster of jurisdiction by agreement void**

Any agreement by any person or party to any cause, matter or action which seeks to oust the jurisdiction of the Court shall be null and void, if it relates to any admiralty matter falling under this Act and if--

(a) the place of performance, execution, delivery, act or default is or takes place in Nigeria;  
or

(b) any of the parties resides or has resided in Nigeria; or

(c) the payment under the agreement (implied or express) is made or is to be made in Nigeria; or

(d) in any admiralty action or in the case of a maritime lien, the plaintiff submits to the jurisdiction of the Court and makes a declaration to that effect or the rem is within Nigerian jurisdiction; or

(e) it is a case in which the Federal Government or the Government of a State of the Federation is involved and the Federal Government or Government of the State submits to the jurisdiction of the Court; or

(f) there is a financial consideration accruing in, derived from, brought into or received in Nigeria in respect of any matter under the admiralty jurisdiction of the Court; or

(g) under any convention, for the time being in force to which Nigeria is a party, the national court of a contracting State is either mandated or has a discretion to assume jurisdiction; or

(h) in the opinion of the Court, the cause, matter or action should be adjudicated upon in Nigeria.