

**MERCHANT SHIPPING (DISQUALIFICATION OF HOLDER
OF SEAFARER'S CERTIFICATES)
REGULATIONS 2010**



ARRANGEMENT OF REGULATIONS

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THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY



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S. I. 19 of 2010

MERCHANTS SHIPPING ACT

(2007 No. 27)

Merchant Shipping (Disqualification of Holder of Seafarer's
Certificates) Regulations 2010[9th March, 2010] Commence-
ment.

In exercise of the powers conferred upon me by section 82 of the Merchant Shipping Act, 2007 and of all other powers enabling me in that behalf, I, IBRAHIM ISA BIO, Minister of Transportation, hereby make the following Regulations:-

1. (1) A notice served by the Minister pursuant to the Act shall be given to the holder of the certificate as prescribed in Schedule 1 to these Regulations. Notice of
Suspension or
Cancellation
of Certificate.

(2) Service of a notice under this regulation shall be effected by—
(a) serving the holder of the certificate concerned personally; or
(b) sending it to him at his last known address by registered post or by the recorded delivery service.

2.—(1) The holder of the certificate shall, within six weeks of the receipt of a notice under these Regulations or for such longer period as the Minister may prescribe, inform the Minister of his intention to make written or oral representation. Representation.

(2) In the case of an oral representation, the Minister shall agree with the holder of the certificate for a suitable date and place for the oral representation to be made and if no such agreement is reached, the oral representation shall be heard at the address given in paragraph 5 of Schedule 1 to these Regulations on the last working day of the period for representation allowed by this regulation.

(3) Where oral representation is to be made, the holder of the certificate may be accompanied by a friend who may advise him or speak on his behalf.

(4) Representation, whether written or oral, shall be made within ten weeks of the receipt of the notice.

3. The Minister shall give notice of his decision to the holder of the certificate in the Notice of
Decision.
form set out in Schedule 2 to these Regulations.

4. These Regulations apply in relation to any certificate of competence issued under the Act and to any other certificate or document issued under The Act other than one certifying that a person is qualified as an officer. Application

Interpretation. 5. In these Regulations “*the Act*” means the Merchant Shipping Act.

Citation 6. These Regulations may be cited as the Merchant Shipping (Disqualification of Holder of Seafarer's Certificates) Regulations 2009.

SCHEDULES

Schedule 1

(Regulation 3)

NOTICE OF INTENTION TO SUSPEND OR CANCEL CERTIFICATE

1. This Notice is given in respect of your certificate of competence.

2. The Minister gives you notice, pursuant to the Merchant Shipping Act, that it appears to him that you are unfit to be the holder of such a certificate and that he is considering the suspension or cancellation of your certificate.

3. You appear to be unfit to be the holder of such a certificate of competence for the following reasons

4. Within six weeks of receipt of this Notice you may inform the Minister of your intention to make written representation or your claim to make oral representation by completing and returning the final section of this Notice. If at the end of that period you have not so informed the Minister, your certificate will be dealt with as if no representation was made by you.

5. All communications relating to this Notice should be addressed to the Nigerian Maritime Administration and Safety Agency.

Date of Service

Nigerian Maritime Administration and Safety Agency,
Maritime House,
4. Burma Road, Apapa, Lagos.

I acknowledge receipt of your Notice datedday ofin connection with the proposed suspension cancellation of my certificate of competence as Noand hereby inform you that

(1)* I intend to make a written representation which will be sent to you

Before; or

(2)* I intend to make an oral representation and will be ready to do so not

later than; or

(3)* I do not wish to make any representation.

Signed:

Date:

**Delete if not applicable.*

If you intend to inform the Minister that you wish to make written or oral representation you must make sure that the representation reaches him within ten weeks of receipt of this Notice, If at the end of that period you have not so informed the Minister, your certificate will be dealt with as if no representation was made by you.

SCHEDULE 2

(Regulation 5)

NOTICE OF DECISION CONCERNING SUSPENSION OR
CANCELLATION OF CERTIFICATE

1. Notice is hereby given pursuant to the Merchant Shipping Act that in relation to your certificate of competence the Minister, after considering your representation, has decided:

- (a) to suspend/cancel your certificate;
- (b) not to suspend/cancel your certificate.

2. Your certificate is suspended fromfor a period of

3. The cancellation of your certificate takes effect from

4. You are required to deliver your certificate to the Nigerian Maritime Administration and Safety Agency, at the office of the Nigerian Maritime Administration and Safety Agency not later than unless before that date you require your case to be dealt with by an inquiry under the Merchant Shipping (Certificate Holders Inquiries) Regulations.

5. If you require your case to be dealt with by an inquiry, you must notify the Nigerian Maritime Administration and Safety Agency before the date specified in paragraph 4 above, and unless you withdraw your requirement, the suspension/cancellation of your certificate will not take effect except as ordered in pursuance of the inquiry.

Date

Warning: A person who fails to deliver a certificate as required, commits an offence and is liable on summary conviction to a fine not less than N250,000.00

MADE at Abuja this 9th day of March, 2010.

IBRAHIM ISA BIO
Minister of Transportation