



The Nigerian Ports Economic Regulatory Agency Act 2026 From Shippers' Council to NPERA:

Reshaping the Economic Regulation of Nigerian Ports

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Introduction

The enactment of the Nigerian Ports Economic Regulatory Agency Act, 2026 (the "NPERA Act" or the "Act") marks a significant development in the legal and institutional regulation of Nigeria's ports. The Act repeals the Nigerian Shippers' Council Act, Cap. N133, Laws of the Federation of Nigeria, 2004, and establishes the Nigeria Ports Economic Regulatory Agency ("NPERA") as the statutory agency responsible for economic regulation within the regulated sector: ports, terminals, off-docks, jetties, and offshore platforms. The Act received presidential assent on 19 June 2026. Its stated objectives are to establish a legal framework for the efficient economic regulation of regulated services and activities and to protect the interests of shippers, providers and users of regulated services.

The NPERA Act seeks to address the uncertainty created by the Federal Government's 2006 port reform or concession programme, under which it concessioned Nigerian ports to private terminal operators and thereby reduced the Nigerian Port Authority's ("NPA") involvement in the day-to-day operations of the ports. Under the concession programme, the NPA was reduced to a port landlord, while private terminal operators took over port operations. While the port reforms may have improved port management efficiency, they also created challenges in tariff regulation, service standards, dispute resolution, etc.

The Federal Government's appointment of the NSC as the Economic Regulator ("ER") of Nigerian ports in 2014 officially divested the NPA of its economic regulatory functions over the ports, vesting same in the NSC. This appointment was met with objections by the terminal operators who maintained that the NPA remained the Regulator of the ports and argued that the Federal Government cannot by executive fiat appoint the NSC as the ER of the ports. In resolving the dispute over the NSC's appointment as the ER, Nigerian courts reached different outcomes. In *Alrairie Shipping Agencies (Nig) Ltd & Ors v Nigerian Shippers' Council & Anor.*^[1], the Court of Appeal held that the NSC can only be validly appointed ER by primary legislation and not an executive order.

However, in *Apapa Bulk Terminal Ltd & Ors v Nigerian Shippers' Council & Anor.*^[1] the Court of Appeal affirmed the Federal High Court's judgment validating the NSC's appointment as the ports' ER and the NSC Notice No. NSC/CSS/CM/072/VOL.1 by which the NSC ordered the Appellants to revert to the approved progressive storage charges and the international average practice of a 7-day free storage period approved by the MoT on 15 May 2009.

The National Assembly therefore enacted the NPERA Act to address this uncertainty in the economic regulation of Nigerian ports. The Act confirms NPERA as the substantive ER of the ports, displacing the NSC, which performed that role on an interim basis. The Act gives NPERA an express mandate to regulate tariffs, charges, service standards, registration, market conduct, trade facilitation, complaints, investigations, and enforcement in the regulated sector.

This article examines the transition from the NSC to the NPERA regime, the NPERA under the Act, potential regulatory overlaps, the Act's multi-sectoral impact, and recommendations for service providers to ensure compliance.

1. From the Nigerian Shippers' Council to NPERA: What Has Changed?

The Nigerian ports reform has its roots in the port concession programme. Following the concessioning of port terminals, the need for an economic regulator became increasingly important because private operators, shipping lines, and other service providers interact in a market where tariffs, charges, access, service quality, and competition directly affect the cost and efficiency of trade. The NSC was subsequently designated the interim Port Economic Regulator in 2014. The NPERA Act now gives that economic-regulatory role permanent statutory legitimacy and a firm foundation.

The Act³ establishes NPERA as a body corporate with perpetual succession and capacity to sue and be sued. It⁴ confers broad functions on NPERA, such as implementing the regulatory framework, monitoring regulated economic activities, overseeing concession and service arrangements, registration, performance standards, trade facilitation, complaints and dispute resolution, and collaboration on competition and consumer protection. The Act seeks to maintain the autonomy of other related government agencies by mandating the NPERA to perform its functions without contravening legal instruments implemented by other government agencies⁵

The NPERA Act also provides for continuity. The repeal does not create a regulatory vacuum: actions taken under the repealed Shippers' Council Act that continue to have effect are treated as having been taken by NPERA; existing employees transition to the Agency; and the assets, rights, liabilities, and obligations of the NSC now vest in NPERA.⁶

¹(2017) 9 CLRN 125 (CA).

²(2018) LPELR-44802(CA).

³Section 3.

⁴Section 4.

⁵Section 4(2).

2. The Scope of NPRA's Economic Regulatory Mandate

While section 1 (a) of the Act provides that part of the objectives of the Act is the establishment "of a legal framework for the efficient economic regulation of regulated services and related activities", section 4 of the Act outlines the scope of the economic regulation to include enforcement, advisory, standardisation, review, dispute resolution, consumer protection, and collaborative activities within the regulated sector. The "Regulated sector" is defined to mean 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.^[1] "Regulated services" includes shipping and port services such as vessel reception, carriage, storage and handling of cargo, freight forwarding and clearance, stevedoring, haulage, cargo consolidation and brokerage, off-dock terminal operations, inland dry port services, seaport terminal or jetty operations and logistics services.⁸

The significance of the NPRA Act lies not merely in establishing a new regulator, but in the scope of the economic-regulatory mandate it confers. Section 4(1) of the Act places NPRA at the centre of the economic regulation of Nigeria's port and related services, including oversight of the economic activities of service providers and users, compliance with port concession agreements and service-level arrangements, registration and performance standards, and the handling of economic-regulatory complaints and disputes.

This broad mandate, however, operates within an already established maritime regulatory framework. Section 4(2) requires NPRA to exercise its functions without contravening legal instruments implemented by other government agencies and to facilitate compliance with obligations arising under those instruments. This is particularly significant given the continuing statutory roles of the NPA, NIMASA, Customs, and the National Inland Waterways Authority ("NIWA"), etc., within the Nigerian maritime industry. The new framework not only presents an opportunity for greater transparency and accountability in the port sector; it also poses a potential jurisdictional challenge. The effectiveness of NPRA's mandate will depend not only on the powers granted to it, but also on how those powers are exercised while taking cognisance of the functions of existing maritime regulators to prevent inter-agency overlaps.

The Agency is also mandated to make regulations for prescribed services with respect to standards and service delivery conditions, market conduct, tariffs, dues, rates, fees, fines, levies, or charges, and other economic regulatory activities.⁹ Section 52 of the Act defines "prescribed services" to include services of the National Inland Waterways Authority, the Nigerian Ports Authority, the Nigerian Railway Corporation, and other agencies providing regulated services of any nature in the regulated sector.

From the above-referenced provisions, NPRA's economic-regulatory mandate extends to both public and private service providers within the regulated sector.

The NPRA regulatory mandate includes making regulations for the registration, de-registration, and suspension of service providers; issuing registration certificates; and cancelling and revoking such certificates.¹⁰ Section 32 of the Act requires a service provider already licensed by a relevant government agency or authority in the regulated sector to register with NPRA before commencing operations. Existing regulated service providers are also expressly brought within Part VII by section 31(5).

Notably, a key function of NPRA under the Act is to "consider challenges faced by regulated service providers and users and make appropriate recommendations to the government."¹¹ This is a significant departure from the NSC regime, where the NSC's central focus was to protect the shippers' interests.

3. Tariffs, Rates, and Charges Determination

The NPRA Act gives NPRA substantial powers over tariffs, rates and charges. This is one of the most significant hallmarks of the Act. By section 26, the Agency is to set guidelines on tariffs, including minimum and maximum levels, monitor and review compliance, set service delivery standards, and publish tariffs, rates and charges as necessary. Section 27 requires regulated service providers to file their tariffs with NPRA and prohibits charges that do not conform with the Agency's guidelines. Providers must also publish their applicable fees and rates.

The Act moves economic regulation beyond monitoring but instead provides an express framework that allows the economic regulator to determine the parameters within which charges may be imposed.

⁸Section 51.

⁷Section 52.

⁸*Ibid.*

⁹Section 28.

¹⁰Sections 31.

¹¹Section 4 (1) (i).

For shipping lines, terminal operators, logistics providers and other regulated businesses, pricing arrangements will increasingly need to be tested against NPERA's guidelines to ensure compliance.

The NPERA Act also introduces sanctions for non-compliance. Publishing tariffs or charges contrary to the statutory framework may attract criminal penalties, while the Agency may prescribe administrative sanctions including fines, suspension, revocation or cancellation of registration. The commercial importance of NPERA's future tariff methodology and subsidiary regulations should therefore not be underestimated: the practical effect of the NPERA Act will depend substantially on these instruments.

4. NPERA, NPA and NIMASA: Delineation or Overlap?

The NPERA Act does not abolish Nigeria's existing maritime regulatory architecture. It expressly recognises the continuing relevance of legal instruments implemented by other government agencies. The Act must therefore be read together with the distinct legislations establishing the NPA, NIMASA and other relevant bodies.

The statutory framework nevertheless creates potential areas of overlap, particularly in relation to tariffs and charges. For example, the NPA already exercises statutory powers over port dues, rates, and charges for services and facilities provided within the ports, and continues to publish its own tariff framework. The NPERA Act, however, brings services provided by the NPA within the definition of "prescribed services". The Act broadly defines "tariffs", "charges" and "rates" to include, among other things, port fees, terminal dues, harbour dues and pilotage dues.¹² Furthermore, section 29(1) provides that NPERA shall, "to the exclusion of any other body or authority", issue guidelines on the determination and publication of tariffs, rates and charges for regulated services. This creates a potential overlap between the regulatory powers of the NPERA and those of the NPA. The pertinent question, therefore, is whether the NPA may continue to determine such charges independently under its enabling legislation or collaboratively with the NPERA, or whether charges falling within the NPERA framework must conform to NPERA's tariff guidelines.

Interestingly, Section 4(2) of the Act requires NPERA to exercise its functions consistently with legal instruments implemented by other government agencies. How these provisions are implemented in practice will be significant to the future relationship between the NPERA and other relevant government agencies.

5. Concessions, Dispute Resolution, Enforcement and Sanctions

The NPERA Act extends economic regulation to port concessions and commercial arrangements. Under section 4(1)(e), NPERA may monitor compliance with port concession agreements, contracts and service-level arrangements, while section 26(1)(c) empowers it to set service standards addressing the availability, quality, accessibility, affordability and predictability of regulated services.

For port users, sections 4(1)(l) and (m) provide mechanisms for addressing economic-regulatory complaints and disputes, including a mediatory role for NPERA. The Act also contains complaints and investigation procedures.¹³ NPERA is empowered to monitor compliance, investigate regulated entities, require information, and impose sanctions, including suspension, blacklisting, and de-registration for specified non-compliance.¹⁴

The Act nevertheless incorporates procedural safeguards and appellate rights. Under section 43(4), parties must be allowed to make written submissions within 21 days before an adverse finding is made. Section 45 provides that competition and consumer protection matters may be appealed to the Competition and Consumer Protection Tribunal, while other NPERA regulatory decisions are appealable to the Federal High Court.

6. Practical Implications for the Maritime and Energy Sectors

For shipping companies and terminal operators, the immediate priority should be a regulatory-gap assessment covering tariffs, registration, licences, concession obligations and service standards. Freight forwarders, clearing agents, hauliers, warehouse operators and logistics providers should similarly determine whether their activities require registration and whether existing pricing arrangements conform with NPERA requirements.

The NPERA Act is also relevant to Nigeria's energy sector. Offshore platforms, jetties, supply bases, marine logistics and cargo-handling activities connected with oil and gas operations may intersect with the broad definition of the regulated sector. Energy companies and their marine contractors should therefore consider NPERA alongside NIMASA, NPA, Customs and sector-specific regulators when assessing port and maritime compliance.

¹²Section 52.

¹³Section 42.

¹⁴Sections 38 – 41.

For investors, the reform may improve regulatory predictability if implemented consistently. A statutory framework for tariffs, market conduct, service standards and dispute resolution can reduce uncertainty in long-term port and logistics investments. Conversely, overlapping requirements or inconsistent decisions between agencies could undermine that objective.

Recommendations and Conclusion

The NPERA Act 2026 transcends repealing the Nigerian Shippers' Council Act and establishing the NPERA in place of the NSC. It establishes a statutory framework for economic regulation covering tariffs, charges, registration, service standards, competition, dispute resolution and enforcement. Its effectiveness will depend on achieving greater transparency and predictability in port services while ensuring a coherent and healthy inter-agency relationship between the NPERA and the NPA, NIMASA, Customs, NIWA and other authorities. For industry participants, the key practical step is to review existing contracts, charges, licences and compliance processes against the new framework, as the success of the reform will ultimately depend on whether it delivers transparent charges, efficient services, effective dispute resolution, stronger competition and greater certainty across Nigeria's maritime and trade sectors.

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