

Tariffs, Overlap and Transition:

What the Nigerian Ports Economic
Regulatory Agency Act 2026
Means for Nigeria's Port
Operators, Users and Investors



Introduction

- From Interim Regulation to a Statutory Port Regulator

Nigeria's port sector has entered a new phase of economic regulation with President Bola Ahmed Tinubu assenting to the **Nigerian Ports Economic Regulatory Agency Act 2026** (the "NPERA Act") in August 2026.¹ The Act establishes the **Nigerian Ports Economic Regulatory Agency** ("NPERA" or the "Agency") as the statutory body responsible for regulating the commercial and economic aspects of port operations and related services.²

The NPERA Act represents a important shift in Nigeria's regulatory architecture. It repeals the **Nigerian Shippers' Council Act** and provides a new statutory framework for regulating the economic aspects of port operations, including tariffs, charges, competition and service standards; which moves the sector from the existing framework under which the Nigerian Shippers' Council (NSC) performed economic regulatory functions towards a dedicated statutory regime designed to provide greater clarity, transparency and predictability for port operators, users and investors.

The transition to NPERA did not begin with the 2026 Act. Although the Nigerian Shippers' Council ("NSC") was originally established principally to protect and represent shippers' interests, the Nigerian Shippers' Council (Port Economic Regulator) Order 2015 subsequently designated the NSC as the interim port economic regulator and expanded its role to include the regulation of tariffs, economic activities and port concession arrangements.³

The establishment of NPERA, however, is not simply a change in institutional identity. Its implementation raises important questions about the scope of the Agency's powers, its relationship with existing maritime institutions, the treatment of existing licences, contracts and regulatory arrangements, and the practical implications of the new regime for the cost and ease of doing business at Nigerian ports.

Accordingly, this article considers the key implications of the NPERA Act, with particular focus on tariff regulation,⁴ potential areas of regulatory overlap,⁵ the transition from the Nigerian Shippers' Council to NPERA,⁶ and what the new framework may mean for port operators, users and investors.

From Interim Regulation to a Statutory Regulator



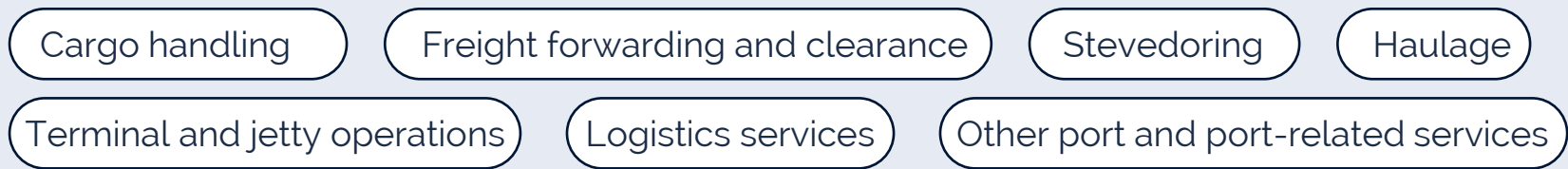
What Has Changed? Understanding the New Economic Regulatory Regime

The NPERA Act places the economic regulation of the ports and regulated services within a single statutory framework and confers on the Agency the functions and powers set out in section 4.

- **Powers of the NPERA:** NPERA is expressly empowered to administer and enforce the Act, implement the regulatory framework for regulated services, monitor concession agreements, contracts, and service-level agreements, prescribe registration terms and fees, enforce performance standards, receive and resolve economic regulatory complaints, and mediate between service providers and users.
- **Scope of the NPERA Act:** The Act's scope is also broad. It applies to the regulated sector, service providers and users in Nigeria, while the definition of "regulated services" encompasses a wide range of shipping and port-related activities, including cargo handling, freight forwarding and clearance, stevedoring, haulage, terminal and jetty operations, logistics services and other services provided in port and port-related environments.

The NPERA Act does not repeal the statutes establishing other port and maritime regulators. Section 4(2) requires NPERA to exercise its functions without contravening legal instruments administered by other government agencies. However, some overlap may arise. Section 29(1) gives NPERA exclusive power to issue guidelines for determining and publishing tariffs, rates and charges, while section 52 extends those terms to ports and harbour dues and pilotage dues. Accordingly, the interaction between NPERA's tariff mandate and the NPA's existing statutory powers will require further clarification as the new framework is implemented.

"Regulated services" include



Commercial Implication of the NPERA Act

Pricing the Port: Tariffs, Charges and the Cost of Doing Business

One of the most significant commercial implications of the NPERA Act is the introduction of a more structured statutory framework for regulating tariffs, rates and charges for regulated port services. Under the Act, the Agency is required, in consultation with regulated service providers and users, to establish tariff principles, including minimum and maximum tariff levels, monitor and review tariffs, rates and charges in line with approved guidelines, and publish applicable tariffs, rates and charges, thereby introducing greater transparency into the pricing of regulated services.¹¹

Regulated service providers must, in turn, file their range of tariffs with the Agency and may not impose any tariff, rate, levy or charge unless it conforms with the applicable regulatory guidelines. They are also prohibited from exceeding maximum tariffs without the Agency's approval.¹² In practical terms, pricing decisions that might previously have been treated primarily as matters of commercial negotiation must now be assessed within an express statutory framework of regulatory oversight and approval. Regulated service providers will therefore need to ensure that the introduction, revision or application of port-service charges is consistent with NPERA's tariff framework, including where such charges arise under existing commercial arrangements.

The new tariff regime must, however, be considered alongside the Nigerian Ports Authority Act, which continues to provide for harbour dues, pilotage dues, rates and the making of regulations for their levy.¹³ Accordingly, businesses will need to distinguish between charges imposed under the NPA's statutory framework and tariffs or charges falling within NPERA's economic regulatory mandate, rather than treating all port-related charges as subject to a single pricing mechanism.

The Act also provides that NPERA's Fund is to receive a charge of 1% of the freight paid on every import into Nigeria.¹⁴ For importers, shipping interests and other businesses whose costs are ultimately influenced by freight and port charges, the broader implication is that tariff compliance should now form part of pricing, contracting and cost-allocation decisions. Commercial agreements should therefore be reviewed to ensure that provisions dealing with tariffs, pass-through costs and price adjustments remain workable within the new regulatory framework.

As the new regime takes effect, businesses should monitor how NPERA publishes and applies its tariff guidelines and decisions, particularly whether the resulting framework provides sufficient clarity and predictability for pricing and investment decisions.

NPA Act

Statutory port charges

Harbour dues, pilotage dues, rates and regulations for their levy

NPERA Act

Regulated-service tariffs

Tariffs filed, kept within guidelines; no exceeding maximums without approval

1%

of freight paid on every import, to NPERA's Fund

Registration, Compliance and Enforcement Risk

The NPERA Act also introduces a more formal compliance gateway for businesses operating within the regulated sector. The Agency may prescribe services requiring registration and establish procedures for the registration, suspension, cancellation, revocation and deregistration of regulated service providers and users.¹⁵ Importantly, this obligation is not confined to new entrants, as the Act extends the registration regime to existing regulated service providers. Additionally, a service provider licensed by another relevant government agency or authority in the regulated sector must register with NPERA before commencing operations.¹⁶

In carrying out its oversight functions, the Agency may monitor compliance with the Act and applicable regulations, service standards, tariffs and charges, and cargo clearance procedures. Its authorised officers may enter the premises of a regulated service provider at any reasonable time and without prior notice to inspect and copy relevant books, records and documents, examine information-storage systems and inspect licences, permits and certificates.¹⁷ NPERA may also require regulated service providers, by written notice, to supply information or produce documents relevant to the exercise of its statutory functions.¹⁸

Consequently, non-compliance may create operational and financial exposure. The Act empowers the Agency to issue administrative sanctions including warnings, suspension, placement on a sanction list, blacklisting and the withdrawal, revocation or cancellation of registration. It further provides for suspension, blacklisting and deregistration where a regulated service provider fails to comply with specified information requests after the prescribed process.¹⁹ Regulated businesses should therefore treat record-keeping, regulatory correspondence and responses to information requests as an integral part of their compliance framework, because deficiencies in these areas may affect their ability to operate in the regulated sector.

The Compliance Gateway

Step 1

Register

New entrants and existing regulated service providers. Providers licensed by other agencies must register before commencing operations.

Step 2

Monitor

Inspection of premises without prior notice; books, records, systems and licences; written requests for information.

Step 3

Sanction

Warnings

Suspension

Sanction list

Blacklisting

Withdrawal / revocation

Concessions and Commercial Agreements

The NPERA Act also brings contractual performance more directly within the economic regulatory framework. In particular, the Agency is empowered to monitor compliance by regulated service providers and users with approved port concession agreements, arrangements, contracts, service-level agreements and other agreements or understandings entered into between participants in the regulated sector.²⁰ This is significant because obligations that arise principally from commercial agreements may now also attract regulatory scrutiny where they concern the provision or use of regulated port services.

The Act does not, on the provisions we have reviewed, give the Agency express general power to vary the terms of a commercial agreement. Its tariff guidelines, performance standards and Regulations may nonetheless limit what the parties can lawfully charge or promise. The Act does not say how a court would treat a contractual price that exceeds the maximum tariff set under the guidelines.²¹

Practically, this means provisions in commercial agreements dealing with pricing, service levels, and performance obligations should be assessed not only against the parties' contractual bargain but also against the regulatory requirements imposed under the NPERA framework, particularly where those provisions concern the delivery or receipt of regulated port services.

For port concessions that fall within the Infrastructure Concession Regulatory Commission (Establishment, etc.) Act 2005 ("ICRC Act"), an additional statutory layer may also be relevant.²² The ICRC Act provides that agreements within its scope may not be arbitrarily suspended, stopped, cancelled or changed except in accordance with the Act, while the relevant Federal Government ministry, agency, corporation or body remains responsible for supervising the concession project it grants.²³ For existing concessionaires and prospective investors, the practical implication is that regulatory due diligence should extend beyond the concession document itself to the statutory regimes governing its performance. Contract drafting and review should therefore account for regulatory approvals, tariff controls, service obligations and change-in-law risk from the outset, rather than treating them as matters to be addressed only after operations commence.

Layers Governing a Port Agreement



Practical Considerations for Port Operators, Users and Investors

The breadth of the NPERA Act means that affected businesses should take proactive steps to understand how their activities fit within the new regulatory framework and identify any resulting compliance obligations. For existing service providers, this should begin with an assessment of whether their activities fall within the definition of “regulated services” and whether registration with NPERA is required, including where they already hold licences, permits or approvals issued by other government authorities. , notification or engagement with the Agency.²⁴

Businesses that impose port-related tariffs, rates, levies or charges should also review their existing pricing structures against the Act’s tariff-filing requirements and, where issued, any applicable tariff guidelines or maximum tariff levels prescribed by NPERA. This review should extend beyond published or standard tariffs to contractual arrangements under which charges are passed through to customers, cargo interests or other counterparties. Businesses should also consider appropriate contractual mechanisms for regulatory changes, additional charges and price adjustments to ensure that existing arrangements remain commercially workable and compliant with the new framework.

Existing concession agreements, service-level agreements and other material commercial arrangements should also be reviewed in light of NPERA’s powers to monitor compliance and enforce applicable performance standards. For investors considering acquisitions, concessions or other investments in Nigerian port businesses, these issues should form part of regulatory due diligence before capital is committed. Particular attention should be given to the target’s registration and licensing position, tariff practices, material concession and service obligations, history of regulatory correspondence and any outstanding or potential exposure arising from regulatory non-compliance.

An Early Assessment Checklist

01 Scope Do activities fall within “regulated services”? Is registration required despite existing licences?	02 Pricing Test tariffs, pass-through charges and price adjustments against filing rules and maximum levels.	03 Contracts Review concessions, SLAs and material arrangements against monitoring and performance standards.	04 Due diligence Registration, tariff practices, obligations, regulatory correspondence and exposure.
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Managing Regulatory Engagement

Finally, businesses should strengthen their internal processes for managing regulatory engagement with the Agency. The Act empowers NPERA to inspect premises, obtain records and information and require the production of relevant documents, while failures to comply may result in sanctions extending beyond monetary penalties to suspension, blacklisting or deregistration.²⁵ Accordingly, businesses should establish clear internal responsibility for regulatory correspondence, document retention, information requests and inspections, with appropriate escalation procedures where issues arise.

The practical objective should be to move beyond a reactive approach to regulatory compliance. NPERA compliance should be embedded into day-to-day business processes, including pricing, contracting, operational management and investment decision-making. For port operators, users and investors alike, early assessment of these requirements will be critical to managing regulatory risk and avoiding disruption as the new regime takes effect.

“NPERA compliance should be embedded into day-to-day business processes.”

Conclusion

The NPERA Act represents a significant development in Nigeria's port regulatory architecture. It moves the sector from the interim economic regulatory role performed by the Nigerian Shippers' Council under the 2015 Order to a dedicated statutory regime with express powers over tariffs, charges, registration, service standards, concessions, contracts, complaints, monitoring and enforcement. Its significance lies not simply in creating another public institution, but in providing a more comprehensive framework for regulating and overseeing the economic dimensions of port activity.

For businesses operating across the port value chain, the implications are immediate. Tariffs, rates and charges will need to be assessed against NPERA's regulatory framework and applicable tariff guidelines, while service providers will need to consider registration and ongoing compliance requirements. Existing concessions, service-level agreements and other commercial arrangements may also require review where they relate to regulated services and fall within the Agency's monitoring and enforcement remit. Port operators and other affected businesses should therefore assess their activities against the Act and identify any areas where their existing compliance, pricing or contractual arrangements may need to be revised.

The new framework presents both regulatory challenges and commercial opportunities. Businesses may face additional requirements around registration, record-keeping, reporting, pricing and regulatory engagement. At the same time, a transparent, predictable and consistently administered economic regulatory regime has the potential to improve confidence among port users and investors, promote fairer competition and contribute to a more efficient port environment.

Ultimately, the effectiveness of the NPERA Act will depend not only on the breadth of the Agency's statutory powers, but on how those powers are exercised in practice and how clearly NPERA's mandate operates alongside those of existing maritime institutions. The transition will therefore be closely watched by port operators, users and investors. For stakeholders, early engagement with the new framework, rather than waiting for enforcement or regulatory uncertainty to arise, will be key to managing risk and positioning their businesses for the next phase of Nigeria's port sector.

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This article is for general information only and does not constitute legal advice. It states the law as of October 30, 2026 and is based on the Nigerian Ports Economic Regulatory Agency Act 2026 as [passed by the National Assembly and assented to on [August 11, 2026] / published in the Federal Gazette]. Regulations, guidelines and notices issued under the Act after that date are not reflected.

For further information on the issues discussed in this article,
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Endnotes

1. Godwin Oritse, 'Tinubu Assents Nigerian Ports Economic Regulatory Agency Bill' Vanguard (August 13, 2026) <<https://www.vanguardngr.com/2026/08/tinubu-assents-nigerian-ports-economic-regulatory-agency-bill/>> accessed August 23, 2026.
2. Nigerian Ports Economic Regulatory Agency Act 2026, ss 1–3, 50.
3. Nigerian Shippers' Council Act, Cap N133, Laws of the Federation of Nigeria 2004, s 3; Nigerian Shippers' Council (Port Economic Regulator) Order 2015, paras 2–3.
4. Nigerian Ports Economic Regulatory Agency Act 2026, ss 26–27.
5. *ibid* s 4(2); Nigerian Ports Authority Act, Cap N126, Laws of the Federation of Nigeria 2004, ss 56, 62, 65 and 71.
6. Nigerian Ports Economic Regulatory Agency Act 2026, ss 1–3, 50; Nigerian Shippers' Council Act, Cap N133, Laws of the Federation of Nigeria 2004, s 3; Nigerian Shippers' Council (Port Economic Regulator) Order 2015, paras 2–3.
7. Nigerian Ports Economic Regulatory Agency Act 2026, s 4(1)(a)–(m).
8. Nigerian Ports Economic Regulatory Agency Act 2026, s 4(2).
9. *ibid* ss 29(1), 52; Nigerian Ports Authority Act, Cap N126, Laws of the Federation of Nigeria 2004, ss 56, 62, 65 and 71.
10. *ibid* ss 2 and 52.
11. Nigerian Ports Economic Regulatory Agency Act 2026, s 26(1).
12. *ibid* s 27(1)–(2).
13. Nigerian Ports Authority Act, Cap N126, Laws of the Federation of Nigeria 2004, ss 56, 62, 65 and 71.
14. Nigerian Ports Economic Regulatory Agency Act 2026, s 19(2)(c).
15. Nigerian Ports Economic Regulatory Agency Act 2026, s 31(1).
16. *ibid* ss 31(5) and 32.
17. *ibid* ss 38–40.
18. *ibid* s 40(2).
19. *ibid* ss 36 and 41.
20. Nigerian Ports Economic Regulatory Agency Act 2026, s 4(1)(e).
21. *ibid* ss 4(1)(g), 25(2)(b), 26 and 27.
22. Infrastructure Concession Regulatory Commission (Establishment, etc) Act 2005, s 1(1)–(2). The Act applies to contracts or concessions granted by a Federal Government ministry, agency, corporation or body to a duly pre-qualified private-sector project proponent for the financing, construction, operation or maintenance of any infrastructure that is financially viable or any development facility of the Federal Government, and to investment and development projects relating to the infrastructure of such federal bodies. Accordingly, its relevance in this context is to port concession arrangements falling within that statutory scope, rather than every commercial agreement concerning port services.
23. *ibid* ss 11–12.
24. Nigerian Ports Economic Regulatory Agency Act 2026, ss 31–32.
25. *ibid* ss 36 and 38–41.



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