

CIVIL AVIATION BILL, 2019

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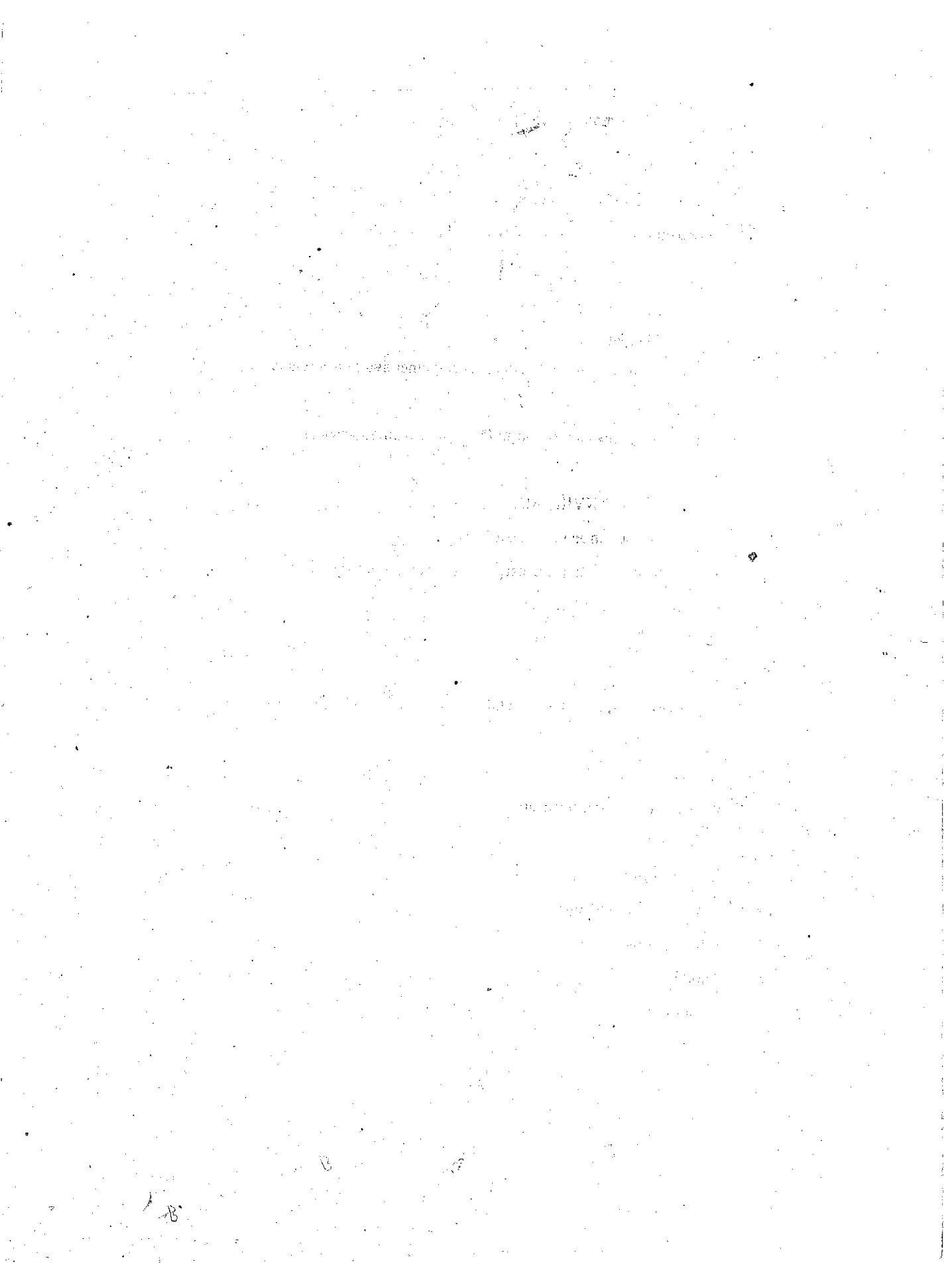
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**A BILL [EXECUTIVE]**

**FOR**

**AN ACT TO REPEAL THE CIVIL AVIATION ACT, 2006 AND TO ENACT THE CIVIL AVIATION ACT FOR THE REGULATION OF CIVIL AVIATION IN NIGERIA AND FOR RELATED MATTERS**

[ ] Commencement

**ENACTED** by the National Assembly of the Federal Republic of Nigeria as follows:

**1 PART I - OBJECTIVE, APPLICATION AND CONTROL OF AIR NAVIGATION**

**2 1. The objective of this Act are to:** Objectives

**3 (a) provide for an effective legal and institutional framework for**  
**4 the regulation of civil aviation in Nigeria in conformity with the standards**  
**5 and recommended practices set by the International Civil Aviation**  
**6 Organisation (ICAO);**

**7 (b) establish rules of operation and divisions of responsibility**  
**8 within the Nigerian civil aviation system in order to promote aviation safety;**

**9 (c) ensure that Nigeria's obligations under international aviation**  
**10 agreements is implemented; and**

**11 (d) consolidate the laws relating to civil aviation in Nigeria**

**12 2. (1) Except as provided under subsection (2) of this section, this** Application of  
**13 Act shall apply to:** this Act

**14 (a) all persons holding licences issued or validated by the Authority**  
**15 pursuant to any regulations made under this Act;**

**16 (b) every person, aircraft, air operator, aerodrome, aeronautical**  
**17 product, air service, and aviation related service, in Nigeria;**

**18 (c) every Nigerian registered aircraft whether within or outside**  
**19 Nigeria; and**

**20 (d) every foreign registered aircraft operating in Nigeria, into and**  
**21 out of Nigeria**

1 (2) Nothing in this Act shall be interpreted as limiting the privileges or  
2 immunities of:

3 (a) any foreign State aircraft; or

4 (b) the officers and crew of any foreign State aircraft.

Control of civil  
aviation

5 3. The Minister shall be responsible for the formulation of policies  
6 and strategies for, the promotion and encouragement of civil aviation in  
7 Nigeria and the fostering of sound economic policies that assure the provision  
8 of efficient and safe services by air carriers and other aviation and allied service  
9 providers as well as greater access to air transport in sustainable manner and to  
10 assist with ensuring that Nigeria's obligations under agreements is  
11 implemented and adhered to.

#### 12 PART II - NIGERIA CIVIL AVIATION AUTHORITY

Establishment  
of the Nigeria  
Civil Aviation  
Authority

13 4.-(1) There is established an autonomous body to be known as the  
14 Nigeria Civil Aviation Authority (in this Act referred to as the Authority").

15 (2) The Authority:

16 (a) shall be a body corporate with perpetual succession and a common  
17 seal;

18 (b) may be sue or be sued in its corporate name; and

19 (c) may acquire, hold, purchase, mortgage, dispose of or deal  
20 howsoever with property moveable or immovable, real or personal.

21 (3) The Authority shall be independent in the discharge of its duties  
22 and functions under this Act and for that purpose shall not, except as provided  
23 under this Act, take directives from any person or authority.

Membership  
and composition  
of the Governing  
Board

24 5.-(1) There is established for the Authority, a Governing Board (in  
25 this Act referred to as "the Board").

26 (2) The Board shall consist of:

27 (a) a Chairman;

28 (b) one representative from each of the following Ministries who shall  
29 be within the Directorate cadre:

30 (i) Federal Ministry of Aviation or the Ministry for the time being



1 responsible for Aviation,

2 (ii) Federal Ministry of Defence or the Ministry for the time being  
3 responsible for Defence; and

4 (c) three persons with cognate experience in aviation; and

5 (d) the Director - General of the Authority.

6 (3) The Chairman and members of the Board other than the  
7 Director-General shall be appointed on part time basis by the President on  
8 the recommendation of the Minister.

9 (4) The Chairman and members of the Board shall be persons of  
10 recognized expert knowledge, qualification and experience of not less than  
11 10 years in one or more of the following fields:

12 (a) Aeronautical Engineering;

13 (b) Aviation Law;

14 (c) Air Transport Management;

15 (d) Aerodrome Engineering;

16 (e) Aircraft Piloting;

17 (f) Air Traffic Services; or

18 (g) Any other relevant field in civil aviation.

19 (5) In the absence of a governing Board, the functions of the Board  
20 shall be performed by an Interim Board made up of the Minister, Permanent  
21 Secretary of the Ministry and the Director - General of the Authority.

22 (6) The Supplementary provisions set out in the First Schedule to  
23 this Act shall have effect with respect to the proceedings of the Board and  
24 any other matter contained

25 6.-(1) The Chairman and members of the Board other than the  
26 Director-General and ex-officio members shall hold office for a term of 4  
27 years and shall be eligible for re- appointment for another term of 4 years and  
28 no more; and on such terms and conditions as may be specified in the letter  
29 of appointment.

30 (2) The office of the Chairman or a member of the Board shall

Tenure of Office  
of the Chairman  
and Members of  
the Board

1 become vacant where:

2 (a) his term of office expires;

3 (b) he resigns his office by a notice in writing under his hand  
4 addressed to the President through the Minister;

5 (c) he dies;

6 (d) he becomes of unsound mind or is incapable of carrying out his  
7 duties as a result of physical or mental illness;

8 (e) he has been declared bankrupt or he makes compromise with his  
9 creditors;

10 (f) he has been convicted of a felony or any offence involving  
11 dishonesty;

12 (g) he is found guilty of a gross misconduct;

13 (h) in the case of a person possessed of professional qualification, he  
14 is disqualified or suspended from practicing his profession in any part of the  
15 world by an order of a competent authority;

16 (i) in the case of an ex - officio member, he ceases to hold the office on  
17 the basis of which he is a member of the Board; or

18 (j) he is in conflict of interest as stipulated under the First Schedule to  
19 this Act.

20 (3) Notwithstanding the provisions of subsection (2) of this section,  
21 the President may direct the removal of a member from the Board on the  
22 satisfaction that it is not in the interest of the Authority or of the public for the  
23 person appointed to continue in office.

24 (4) Where a vacancy occurs in the membership of the Board, it shall  
25 be filled by an appointment by the President of a successor to hold office for the  
26 remainder of the term of office of his predecessor and the successor shall  
27 represent the same interest as that member whose exit created the vacancy.

28 7. The Chairman and members of the Board shall be paid such  
29 allowances, expenses and benefits in accordance with extant Federal  
30 Government Financial guidelines, and Regulations.

Allowances,  
expenses and  
any other entitlement  
of Chairman and  
Members of the  
Board

## PART III - FUNCTIONS AND POWERS

8.-(1) The Authority shall be responsible for:

Functions of the  
Authority

(a) the registration of aircraft in Nigeria and issuance to the owner of a certificate of registration;

(b) the establishment and maintenance of a system or register for recording the title to or any interest in any aircraft registered in Nigeria;

(c) the prohibition of any Nigerian or foreign registered aircraft from operating within the Nigerian airspace, unless a certificate of airworthiness with respect to the aircraft, is issued or validated under extant laws and regulations, provided that the foregoing prohibition shall not apply to any aircraft undergoing test flight or flight to a place where prescribed maintenance or repair is to be carried out;

(d) the inspection and regulation of aerodromes, inspection of aircraft factories and for the prohibition or regulation of the use of aerodromes which are not licensed in pursuance of extant laws and regulations;

(e) the prohibition of any person from engaging in air navigation in any capacity whatsoever unless the Authority determines that such a person satisfies the requirement of this Act and the regulations made under it;

(f) ensuring aviation safety, security, the efficiency and regularity of, air navigation, including the safety of aircraft, persons and property carries, in aircraft and for preventing aircraft from endangering any person and property;

(g) the prohibition of aircraft from flying over such areas in Nigeria as may be prescribed;

(h) the issue, validation, renewal, extension or variation of any certificate, licence or any other document required by regulations; including the examinations and tests to be undergone; and

(i) the custody and production, cancellation, suspension, endorsement and surrender of any document referred to under paragraph (h)

1 of this subsection.

2 (2) Without prejudice to the generality of this section, the Authority  
3 shall have the power to do anything which may be incidental or expedient for  
4 the discharge of its functions under this Act.

5 (3) Notwithstanding anything contained in any other law, the  
6 Authority shall be solely responsible for the regulation of civil aviation in  
7 Nigeria.

8 (4) In the exercise of the powers conferred upon it and the discharge of  
9 its functions in this Act, the Authority, shall not submit its decision for the  
10 approval of or be bound by the decision or recommendation of any person,  
11 body or organisation but shall be guided by safety, security and public interest  
12 considerations.

Powers of the  
Authority

13 9. -(1) The Authority shall have the power to:

14 (a) investigate whether any person, body or entity has committed an  
15 offence under this Act or any other relevant law or regulation;

16 (b) enter into any premises, property, aircraft, aerodrome or  
17 conveyance without warrant for the purpose of conducting search in  
18 furtherance of its functions under this Act or under any other law;

19 (c) arrest, detain and prosecute offenders under this Act or any other  
20 relevant law in Nigeria;

21 (d) trace, seize, detain or retain the custody, for the purpose of  
22 investigator/and prosecution, of any property which the Authority reasonably  
23 believes to have been involved in or used in the commission of any offence  
24 under this any other law;

25 (e) seal up premises upon reasonable suspicion of such premises  
26 being involved with or used in connection with any offence under this Act;

27 (f) seek and receive information from any person, authority,  
28 corporation or company without let or hindrance in respect of the enforcement  
29 of any of the provisions of this Act;

30 (g) expropriate property for use in aeronautical search and rescue in

1 any emergency situation where necessary;

2 (h) ensure coordinated aeronautical search and rescue operations  
3 within the territory of Nigeria; and

4 (i) permit owners of aircraft or authorities of the State of registry of  
5 aircraft, subject to control by the authority, to provide such measures of  
6 assistance to aircraft in distress as may be necessary.

7 (2) The Authority shall ensure that arrangements for the  
8 certification, maintenance and operation of search and rescue of aircraft and  
9 personnel comply with civil aviation regulations.

10 10.-(1) The Board shall:

11 (a) formulate and provide general policy guidelines for the  
12 discharge of the functions of the Authority;

13 (b) monitor and ensure the implementation of the policies and  
14 programmes of the Authority; and

15 (c) carry out any other function as is necessary or expedient in  
16 consonance with the board's functions under this Act.

17 (2) The Board shall have power to:

18 (a) approve rules and regulations relating to the appointment,  
19 promotion and disciplinary measures for the employees of the Authority;

20 (b) consider the terms and conditions of service including  
21 remuneration, allowances and benefits of the employees of the Authority  
22 and submit to the relevant Federal Government Agencies for approval;

23 (c) regulate its proceedings and make standing orders with respect  
24 to the holding of its meetings, notices to be given, the keeping of minutes of  
25 its proceedings and any other matter as the Board may, from time to time  
26 determine;

27 (d) receive and review annual reports from the Management of the  
28 Authority and submit same to the President and the National Assembly,  
29 through the Minister, not later than 30th June in each year;

30 (e) submit not later than 30th September in each year to the

Functions and  
powers of the  
Board

1 Minister an estimate of the income and expenditure of the Authority for the  
2 next succeeding year;

3 (f) cause to be kept, proper accounts of the Authority in respect of  
4 each year and proper records in relation to it and shall cause the accounts to be  
5 audited not later than 6 months after the end of each year by auditors appointed  
6 from the list and in accordance with the guidelines supplied by the Auditor-  
7 General of the Federation; and

8 (g) advise and direct the Director-General on the management of the  
9 business and financial aspects of the Authority; provided that the functions and  
10 powers of the Board shall not include the aviation safety authority of the  
11 Director-General under this Act.

12 **PART IV - MANAGEMENT AND STAFF OF THE AUTHORITY**

13 **11. (1) There shall be for the Authority a Director - General of Civil**  
14 **Aviation (DGCA) (in this Act referred to as Director-General) who shall be**  
15 **appointed by the President subject to confirmation by the Senate.**

16 **(2) The Director-General shall be primarily responsible for the**  
17 **rostering of the safety of civil aviation in Nigeria and shall:**

18 **(a) be the chief executive and accounting officer of the Authority;**

19 **(b) be responsible for the day-to-day administration of the Authority;**

20 **(c) be appointed for a term of 5 years in the first instance and may be**  
21 **re-appointed for a further term of 5 years and no more;**

22 **(d) conduct the Authority's affairs with prudence and due diligence to**  
23 **ensure that the Authority does not become insolvent; and**

24 **(e) possesses relevant and adequate professional qualifications and**  
25 **shall have been so qualified for a period of not less than 15 years in one or more**  
26 **of the following fields:**

27 **(i) aeronautical engineering;**

28 **(ii) air transport management;**

29 **(iii) aerodrome engineering;**

30 **(iv) aircraft piloting.**

Appointment and  
tenure of the  
Director-General  
of Civil Aviation

- 1 (v) air traffic services,  
2 (vi) aviation law, or  
3 (vii) any other relevant field in civil aviation.

4 (3) The Director-General may be removed from office by the  
5 President subject to confirmation by the Senate, where he:

6 (a) has demonstrated inability to effectively perform the duties of  
7 his office;

8 (b) has been absent from five consecutive meetings of the Board  
9 without, the consent of the Chairman unless he shows good reason for such  
10 absence;

11 (c) is guilty of serious misconduct;

12 (d) in the case of a person possessed of professional qualifications  
13 is disqualified or suspended from practicing his profession in any part of the  
14 world by an order of a competent authority; or

15 (e) is in a conflict of interest as stipulated in the First Schedule to  
16 this Act.

17 (4) The Director-General shall not be removed from office except  
18 in accordance, with the provisions of this Act.

19 12.-(1) There shall be for the Board, a Secretary who shall possess  
20 the relevant professional qualification in Law with not less than 12 years  
21 post call experience.

Appointment of  
Secretary to the  
Board

22 (2) The Secretary shall:

23 (a) keep the records and conduct correspondence of the Board; and

24 (b) perform any other duty and function as the Board or the  
25 Director-General may, from time to time, direct or assign to him.

26 13.-(1) The Authority may, from time to time, appoint such other  
27 staff as it may deem necessary or expedient, for the purpose of carrying out  
28 its functions and responsibilities under this Act.

Other Staff of  
the Authority

29 (2) The staff of the Authority appointed under subsection (1) of this  
30 section shall be appointed on such terms and conditions of service as the

1 Authority may determine in accordance with the approved Government Policy.

2 (3) The staff of the Authority shall be public officers as defined in the  
3 Constitution of the Federal Republic of Nigeria.

4 (4) The Authority may, subject to the approval of the Board, make  
5 staff regulations relating generally to the conditions of service of its employees  
6 providing for:

7 (a) the appointment, promotion and staff discipline;

8 (b) appeals by employees against disciplinary measures; and

9 (c) any other matter to ensure the efficient performance of the  
10 functions of the Authority under this Act.

11 (5) Staff Regulations and conditions of service made under  
12 subsection (4) of this section shall not have effect until it is approved by the  
13 relevant Federal Government Agencies.

14 (6) Notwithstanding the provisions of subsections (1) and (2) of this  
15 section, the Authority shall have power to appoint either directly or on  
16 secondment from any public service in the Federation or of a State, such  
17 number of staff as may, in its opinion be required to assist it in the discharge of  
18 any of the Authority's functions under this Act.

19 (7) Nothing in subsection (6) of this section shall preclude the  
20 Authority from appointing persons from outside the public service of the  
21 Federation or of a State.

Service in the  
Authority to be  
Pensionable

22 **14.-(1)** Service in the Authority shall be public service for the purpose  
23 of the Pension Reform Act and accordingly, officers and other staff of the  
24 Authority shall in respect of their service in the Authority, be entitled to  
25 pension, severance and other retirement benefits in conformity with provisions  
26 of the Pensions Act and approved conditions of service of the Authority.

27 (2) Notwithstanding the provisions of subsection (1) of this section,  
28 nothing in this Act shall prevent the appointment of a person to any office on  
29 terms which preclude, the grant of pension and retirement benefits in respect of  
30 that office.



1           (3) For the purpose of the application of the provisions of the  
2 Pension Reform Act any power exercisable by a Minister or any other  
3 authority of the Government of the Federation not being the power to make  
4 regulations is vested in and shall be exercisable by the Board.

5           15. In exercising and performing the powers, functions and duties  
6 conferred on it under this Act, the Authority may appoint, contract, liaise or  
7 co-operate with experts, including specialised agencies, academic and  
8 technical institutes, advisory committees, etc, in order  
9 to assist it in carrying out any of its functions or duties.

Appointment of  
Experts

10           16.-(1) For the effective conduct of the functions of the Authority,  
11 there shall be established for the Authority the following Directorates:

Establishment of  
Directorates and  
Inspectorates

12           (a) Air Worthiness Standards;

13           (b) Air Transport Regulation;

14           (c) Operations and Training Standards;

15           (d) Aerodrome and Airspace Standards;

16           (e) Licensing Standards;

17           (f) Aeromedical Standards;

18           (g) Legal and Enforcement;

19           (h) Finance and Accounts;

20           (i) Human Resources;

21           (j) Administration;

22           (k) General Aviation;

23           (l) Consumer Protection; and

24           (m) any other Directorate as may be established from time to time  
25 by the Authority.

26           (2) Notwithstanding the provisions of subsections (1), (8) and (9)  
27 of this section, the Authority shall have power to:

28           (a) set up units, technical committees, working groups and task  
29 forces to assist the Authority in the performance of its duties and functions  
30 under this Act; and

1 (b) make changes to its structure, including the review or merging of  
2 Directorates or Inspectorates with the approval of the Board.

3 (3) There shall be appointed for each of the Directorates,  
4 Inspectorates and special units, a principal officer who shall be known by such  
5 designation as the Authority may determine.

6 (4) The Director-General may delegate any assigned powers and  
7 duties to any properly qualified private person or organisation, subject to such  
8 regulation, supervision and review as may be prescribed; provided that such  
9 functions is not delegated in such a way that aircraft operators, airport  
10 operators, aerial work operators, allied aviation service providers, general  
11 aviation operators and maintenance facility operators in effect, regulate  
12 themselves.

13 (5) The Director-General may delegate his safety oversight powers to  
14 designated inspectors and any other staff of the Authority and shall establish  
15 the credentials of the safety inspectors of the Authority

16 (6) For the effective conduct of the functions of the Authority, there  
17 shall be established for the Authority the following Inspectorates:

18 (a) Flight Standards Inspectorate;

19 (b) Aerodrome Standards and Safety Inspectorate; and

20 (c) Air Navigation Standards and Safety Inspectorate.

21 (7) The Inspectorates established under subsection (6) of this section  
22 shall coordinate the performance of the responsibilities of the Authority with  
23 respect to certification, inspection and ongoing surveillance of air operators,  
24 aerodrome operators and air navigation service providers.

25 (8) The Authority shall have power to provide, as required in the  
26 interest of aviation safety, the necessary facilities and personnel for the  
27 inspectorates.

28 (9) The Air Navigation Standards and Safety Inspectorate shall  
29 consist of Inspectors from the following departments or units:

30 (a) Aeronautical Information Services;

- 1 (b) Aeronautical Meteorology;
- 2 (c) Air traffic Service;
- 3 (d) Aeronautical telecommunications; and
- 4 (e) Legal and Enforcement
- 5 (10) The Flight Standards Inspectorate shall consist of Inspectors
- 6 from the Directorates responsible for overseeing the implementation of the
- 7 following regulatory responsibilities:
- 8 (a) Air Worthiness;
- 9 (b) Operations and Training;
- 10 (c) Licensing;
- 11 (d) Aeromedical; and
- 12 (e) Legal and Enforcement
- 13 (11) Aerodrome Standards and Safety Inspectorate shall consist of
- 14 Inspectors from the departments or units responsible for the implementation
- 15 of the following regulatory responsibilities:
- 16 (a) Aerodrome Standards;
- 17 (b) Aerodrome Safety; and
- 18 (c) Legal and Enforcement;

19 PART V - FINANCIAL PROVISIONS

20 17.-(1) There shall be established for the Authority a fund from  
21 which all expenses incurred by the Authority for the execution of its  
22 functions under this Act shall be paid.

Funds of the  
Authority

23 (2) There shall be credited to the fund established pursuant to  
24 subsection (1) of this section:

25 (a) all subventions and budgetary allocation from the Government  
26 of the Federation;

27 (b) all fees and funds in respect of services provided by the  
28 Authority, and accruing from: (i) grant of air travel organiser's licence,

29 (ii) grant of air transport licence, airline operating permit or permit  
30 for non-commercial flights,

- 1 (iii) grant of air operator certificate,  
2 (iv) grant of personnel licences,  
3 (v) 58% of the 5 percent airfare, contract, charter and cargo sales  
4 charges imposed under section 23 of this Act,  
5 (vi) grant of approved maintenance organisation approval,  
6 (viii) aircraft registration and certification,  
7 (ix) grant of certificate of airworthiness (issue and renewal),  
8 (x) rental of property, plant and equipment,  
9 (xi) medical examination fees, where applicable,  
10 (xii) proceeds from sales of information and publications,  
11 (xiii) registration of Agencies,  
12 (xiv) registration of legal instruments and interests,  
13 (xv) grant of aerodrome, heliport and helipad operating licence,  
14 (xvi) grant of aviation height clearance approval,  
15 (xvii) approval of aviation training organisations,  
16 (xviii) any licence, certificate, permit, contract or lease issued pursuant to the  
17 provisions of this Act, and  
18 (xix) training and consultancy;  
19 (c) all fines payable for violation of any civil aviation regulations,  
20 rules and orders;  
21 (d) all sums accruing to the Authority by way of gifts, endowments,  
22 bequests, grants or any other contributions by any person and organisation;  
23 (e) returns on investments;  
24 (f) foreign aid and assistance; and  
25 (g) all other sums which may from time to time accrue to the  
26 Authority.  
27 (3) The fund established pursuant to subsection (1) of this section  
28 shall be managed in accordance with extant Financial Regulations applicable  
29 in the Public Service.

1                   18. The Authority may, from time to time, apply the proceeds of the  
2 fund established in pursuance of section 11 of this Act:

Expenditure of  
the Authority

3                   (a) for the payment of salaries, fees and any other remuneration or  
4 allowance, payable to members of the Board, employees or any other person  
5 appointed by the Authority;

6                   (b) to pay overhead, benefits and other administrative costs of the  
7 Authority;

8                   (c) for the reimbursement of members of the Board or any  
9 Committee set up by the Board or the Authority for such expenses as may be  
10 authorised in accordance with the rates approved by the Government of the  
11 Federation;

12                   (d) to publicise and promote the activities of the Authority;

13                   (e) for the maintenance of any property acquired or vested in the Authority

14                   (f) for the maintenance of missions and payment of contributions  
15 and subscription to international and regional Aviation safety and security  
16 organisations of Nigeria is a member.

17                   (g) for the training and re-training of staff of the Authority to  
18 comply with ICAO requirement; and'

19                   (h) to undertake any other activity or matter connected with all or  
20 any of the functions of the Authority under this Act.

21                   19.-(1) The Authority may accept gifts of land, money or other  
22 property on such terms and conditions, if any, as may be specified by the  
23 person or organisation making the gift.

Power to accept  
gifts

24                   (2) The Authority shall not accept any gift where the any condition  
25 attached by the person organisation making the gift is inconsistent with the  
26 functions of the Authority under this Act.

27                   20.-(1) Subject to applicable laws and regulations, the Board may,  
28 from time to time, borrow by overdraft or otherwise, such money as the  
29 Authority may require for the performance of its functions under this Act.

Power to borrow  
and Invest

30                   (2) The Board shall not, without the approval of the President

1 borrow money, which exceeds, at any time, the limit set by the Government of  
2 the Federation.

3 (3) Notwithstanding subsection (1) of this section, where the sum to  
4 be borrowed is in foreign currency, the Board shall not borrow the sum without  
5 the prior approval of the President on the recommendation of the Minister.

6 (4) The Board may, subject to the provisions of this Act and the  
7 conditions of any trust created in respect of any property, invest all or any of its  
8 funds in accordance with any general guidelines approved by the President.

9 (5) The Board may invest funds in such securities as it deems fit and  
10 proper.

11 (6) The Authority shall strive to recover the whole of its costs and to  
12 achieve reasonable returns on capital and investment.

Power to impose  
fees for services

13 21.-(1) The Authority shall carry out its functions on cost recovery  
14 basis in line with ICAO Document 9082.

15 (2) The Authority may impose fees which may be reviewed from time  
16 to time, for the services of the Authority, including authorisations, approvals,  
17 inspections and the administration of licenses and certificates, and shall  
18 maintain and publish a schedule of all such fees that it may impose.

19 (3) Notwithstanding the provision of any other law, policy or circular  
20 in force, any fee imposed by or on behalf of the Authority shall not be subject to  
21 any deduction by or remittance to any other body.

Exemption from  
tax

22 22.-(1) The Authority shall be exempted from the payment of  
23 tenement rates and income tax or any other tax in force.

24 (2) The provision of any law relating to the taxation of the income of  
25 any company or contribution to any trust fund shall not apply to the Authority.

Air ticket, charter  
and cargo sales  
charge

26 23.-(1) There shall be a 5% of airfare, contract, charter and cargo sales  
27 charge payable to the Authority which charge shall apply on all international  
28 and domestic air transportation originating in Nigeria irrespective of place of  
29 issuance of air ticket or execution of the contract of carriage.

30 (2) The 5% of airfare, contract, charter and cargo sales charge shall be

1 chargeable on the total amount:

2 (a) paid by a passenger for an airfare;

3 (b) in a contract relating to carriage of persons or goods for hire and  
4 reward in the case of air transportation not involving the issuance of an air  
5 ticket;

6 (c) paid for a charter flight; and

7 (d) of the cargo sales.

8 (3) The Authority may delegate the power to collect the 5% of  
9 airfare, contract, charter and cargo sales charges to airlines and such funds  
10 collected shall be remitted to the Authority.

11 (4) The Authority shall by regulations prescribe the manner and  
12 time for making remittances of the funds by the airlines.

13 (5) The 5% of airfare, Contract and Charter Sales Charge (CSC)  
14 payable to the, Authority shall apply to all operators engaged in  
15 transportation of persons by air for hire and reward whether using rotary or  
16 fixed wing aircraft.

17 (6) All Air Operator Certificate (AOC) holders, who manage fleet  
18 of aircraft other than that of the operator, which aircraft is included in the  
19 operations specifications or authorisation of the operator shall pay a 5%  
20 CSC management fee arising from such contracts.

21 (7) The 5% of airfare, contract, charter and cargo sales charges and  
22 management fee Shall be paid in the currency of the transaction and may be  
23 reviewed from time to time, by regulations or orders made by the Authority.

24 (8) Funds accruing from the charges referred to under subsection  
25 (7) of this section shall be shared in the following manner:

26 (a) Nigeria Civil Aviation Authority - 58%;

27 (b) Nigerian Airspace Management Agency - 23%;

28 (c) Nigerian Meteorological Agency - 9%;

29 (d) Nigerian College of Aviation Technology - 7%; and

30 (e) Accident Investigation Bureau - 3%.

1 (9) Where any of the Agencies listed under subsection (8) of this  
2 section is privatised, it shall immediately cease to share in the funds and the  
3 share of such privatised Agency shall be applied or distributed in equal  
4 percentage among the remaining agencies.

5 (10) An air operator which fails to remit or pay to the Authority the 5%  
6 of airfare, contract, charter, cargo, sales charge and management fee collected  
7 under this section, commits an offence under this Act and its directors shall be  
8 liable on conviction to imprisonment for a term of 2 years or to a fine of  
9 N5,000,000.00 each or to both fine and imprisonment.

Accounts and  
Audit

10 24.-(1) The Authority shall keep proper records and accounts of its:

11 (a) receipts, payments, assets and liabilities; and

12 (b) income and expenditure; in a form which conforms with existing  
13 laws on accounts and audit.

14 (2) The Authority shall submit the accounts annually, for auditing by a  
15 qualified auditor from the list of auditors and in accordance with the guidelines  
16 provided by the Auditor-General of the Federation

Annual Report

17 25. The Authority shall, not later than 30th September in each year,  
18 submit to the President through the Minister, a report of its activities during the  
19 immediate preceding calendar year and shall include in such report a copy of  
20 the audited accounts of the Authority for that calendar year.

21 PART VI - MINISTERIAL POWERS AND DIRECTIONS

Direction by  
the Minister

22 26.-(1) The Minister may after consultation with the Authority give  
23 such directions, not inconsistent with the provisions of this Act to the Authority  
24 on matters of policy:

25 (a) in the interests of national security;

26 (b) in connection with any matter appearing to him to affect the  
27 relations of Nigeria with a country or territory outside Nigeria;

28 (c) in order to discharge or facilitate the discharge of an obligation  
29 binding on Nigeria by virtue of its being a member of an international  
30 organisation or a party to an international or regional agreement;



1 (d) in order to obtain or facilitate the attainment of any other object  
2 of which is in his opinion appropriate in view of the fact that Nigeria is a  
3 member of an international organisation or a party to an international or  
4 regional agreement; or

5 (e) in order to enable Nigeria become a member of an international  
6 organisation or a party to an international or regional agreement.

7 (2) The Authority in the exercise of its functions and powers shall  
8 be guided by such direction given pursuant to subsection (1) this section.

9 (3) The Authority shall furnish the Minister with such information  
10 or facilities for obtaining information with respect to its activities as the  
11 Minister may, from time to time, require.

12 27.-(1) Where the Minister is satisfied that Nigeria or any part of it  
13 is visited by or threatened with an outbreak of any dangerous epidemic  
14 disease, and that the ordinary provisions of the law for the time being in  
15 force is insufficient for the prevention of danger arising to public health  
16 through the introduction or spread of the disease by Agency of aircraft, the  
17 Minister may take such measures as deemed necessary to prevent such  
18 danger.

Emergency  
powers of the  
Minister for the  
protection of  
public health

19 (2) In any of the cases referred to under subsection (1) of this  
20 section, the Minister may, without prejudice to the powers conferred by  
21 sections 3 and 26 of this Act, make such temporary Orders to be published in  
22 the Official Gazette with respect to aircraft and persons travelling or things  
23 carried in it and aerodromes as he deems necessary in the circumstances.

24 (3) Any Order made under subsection (2) shall not remain in force  
25 for more than 3 months from the date made, provided that the Minister may,  
26 by special order continue it in force for a further period of not more than 3  
27 months.

28 (4) In making any order under this section, the Minister may direct  
29 that a breach of it shall be punishable with imprisonment for a period of not  
30 less than one year, or a fine of not less than N500,000.00 or to both.

Power of the  
Minister to make  
orders in  
emergency

1                   28.-(1) In time of war, whether actual or imminent or where a  
2 proclamation of emergency under the Constitution is in force in the Federal  
3 Republic of Nigeria or any part of it, where the Minister is of the opinion that in  
4 the interest of public safety or tranquility, the issue of all or any of the following  
5 orders is expedient, he may by notification in the Official Gazette:

6                   (a) cancel or suspend, either absolutely or subject to such conditions,  
7 as he may think fit to specify in the order, all or any licences, permits,  
8 certificates or other authorisations issued under this Act;

9                   (b) prohibit either absolutely or subject to such conditions as he may  
10 think fit to specify in the order, or regulate in such manner as may be contained  
11 in the order, the flight of all or any aircraft or class of aircraft over the whole or  
12 any portion of Nigeria;

13                   (c) prohibit, either absolutely or conditionally, or regulate the  
14 erection, maintenance or use of any aerodrome, aircraft factory, flying-school  
15 or club, or place where aircraft is manufactured, repaired or kept, or any class-  
16 or description of it;

17                   (d) direct that any aircraft or class of aircraft, or any aerodrome,  
18 aircraft factory, flying school or club, or place where aircraft is manufactured,  
19 repaired or kept, together with any machinery, plant, material or thing used for  
20 the operation, manufacture, repair or maintenance of aircraft shall be  
21 delivered, either forth with or within a specified time, to such authority and in  
22 such manner as he may specify in the order, to be at the disposal of the Federal  
23 Government of Nigeria for the public service; or

24                   (e) direct that any airline operator having its principal plate of  
25 business in Nigeria, or an aerodrome operator or a provider of air traffic and  
26 meteorological services, and the employees of such airline operator,  
27 aerodrome operator or provider of air traffic and meteorological services, shall  
28 carryout flights, and other duties connected with operation of flights, in the  
29 public interest in the manner specified in the order.

30                   (2) Any Order made under subsection (1) of this section shall have

1 effect, notwithstanding anything inconsistent with it contained in any  
2 regulation made under this Act or any other law in force in Nigeria.

3 (3) Any person who suffers direct injury or loss by reason of any  
4 order made under paragraph (c), (d) or (e) of subsection (1) of this section  
5 shall be paid such compensation as may be determined by such authority or  
6 person as the Minister may appoint in this behalf.

7 (4) The Minister may authorise such steps to be taken to secure  
8 compliance with any order made under subsection (1) as may be deemed  
9 necessary.

10 (5) Any person who knowingly disobeys, or fails to comply with,  
11 or does any act in contravention of an order made under subsection (1) of  
12 this section, commits an offence and is liable on conviction to imprisonment  
13 for a term not less than 6 months, or a fine not less than N100,000.00, or to  
14 both, and the court by which he is convicted may direct that the aircraft or  
15 thing, if any, in respect of which the offence has been committed, or any part  
16 of such aircraft or thing, shall be forfeited to the Federal Government of  
17 Nigeria.

18 29.-(1) All services which facilitate and maintain the smooth,  
19 orderly and safe takeoff, flight and landing of aircraft and the  
20 disembarkation and evacuation of passengers and cargo respectively in all  
21 aerodromes in Nigeria is hereby designated as essential services pursuant to  
22 the provisions of section 11 (1) of the Constitution.

Designation  
of essential  
services

23 (2) The Minister may by regulations prohibit all or such class or  
24 classes of workers, officers and other employees or persons whether  
25 corporate or natural, engaged in the provision of the services specified in sub  
26 section (1) of this section from taking part in a strike or other industrial  
27 action.

28 (3) In this section, "strike" means the cessation of work by a body  
29 of persons employed, acting in combination or a concerted refusal or a  
30 refusal under a common understanding of persons employed to continue to

1 work for an employer in consequence of a dispute, done as a means of  
2 compelling their employer, of the Government of the Federation of Nigeria or  
3 any part of it, or to aid any other worker in compelling his employer or any  
4 person or body of persons employed, to accept or not to accept terms of  
5 employment and physical conditions of work or any government economic  
6 policy or pricing of any essential product; and in this definition:

7 (a) "cessation of work" includes working at less than usual speed or  
8 with less than usual efficiency without reasonable operational justification;  
9 and

10 (b) "refusal to continue to work" includes a refusal to work at usual  
11 speed or with usual efficiency.

Periodic  
publication of  
aviation policies

12 30.-(1) The Minister may publish from time to time a statement of the  
13 policies of the Government of the Federal Republic of Nigeria on civil aviation.

14 (2) Where the Minister considers it appropriate to do so, he may by  
15 notice in writing, require the Authority to publish a statement of the policy it  
16 intends to adopt with respect to any particular matter in exercising the powers  
17 and performing the functions conferred upon it under this Act and it shall be the  
18 duty of the Authority to publish the statement required by such a notice.

19 (3) Before publishing any statement under this section, the Authority  
20 shall consult such persons as may appear to it to be the representative  
21 respectively of:

22 (a) the civil aviation industry in Nigeria; and

23 (b) users of air transport services.

24 (4) The manner of publication of any statement under this section  
25 shall be as the Authority may determine.

26 PART VII - POWERS OF THE AUTHORITY TO CONTROL AND  
27 REGULATE CIVIL AVIATION

General power  
to regulate civil  
aviation

28 31.-(1) The Authority shall have the power to regulate and may by  
29 regulations make such provisions as is expedient:

30 (a) for carrying out the Convention on International Civil Aviation (in

1 this section referred to as the Convention") concluded at Chicago on the  
2 7th day of December, 1944, any annex to the Convention which relates to  
3 international standards and recommended practices and is adopted in  
4 accordance with the Convention, and any amendment of the Convention or  
5 of any of such annex which is made in accordance with the Convention;

6 (b) for carrying out any other treaty or agreement in the field of  
7 civil aviation which Nigeria is a party;

8 (c) for regulating air navigation; and

9 (d) generally for ensuring aviation security, the efficiency and  
10 regularity of air navigation and the safety of aircraft, persons and property  
11 carried in aircraft and for preventing aircraft from endangering persons and  
12 property.

13 (2) The powers conferred upon the Authority under this section  
14 includes the powers to develop, make, issue and revise regulations, rules,  
15 orders, terms and conditions in respect of any matter relating, incidental, or  
16 supplemental to it, or such matter as the Authority may deem necessary in  
17 the public interest and safety of air navigation.

18 (3) Regulations made under this section shall provide for the  
19 imposition of penalties for offences against the regulations, including the  
20 suspension or revocation of certificates, licences, validations and  
21 authorisations, and in the case of any particular offence such fine as may  
22 from time to time be prescribed by regulations made by the Authority and or  
23 imprisonment for a term not less than six months, and, subject to Chapter IV  
24 of the Constitution of the Federal Republic of Nigeria (which relates to  
25 fundamental rights), for the taking of such steps including the interception  
26 of aircraft as may be prescribed as respects aircraft flying over areas of  
27 Nigeria over which flying is prohibited by the regulations.

28 (4) Regulations made under this section may make different  
29 provisions with respect to different classes of aircraft, aerodromes, persons  
30 or property and with respect to different circumstances but shall, so far as

1 practicable, be so framed as not to discriminate in like circumstances,

2 (5) In the exercise of its power to make regulations under this section,  
3 the Authority shall consult with stakeholders including airlines, aerodrome  
4 operators, air traffic control service providers, consumers and any other  
5 relevant body and organisation in the aviation industry.

6 (6) Where the Authority is of the opinion that an emergency requiring  
7 immediate action exists with respect to safety in civil aviation, the Authority  
8 shall have the power, either upon complaint or on the Authority's initiative  
9 without complaint, at once, if the Authority so orders, without answer or other  
10 form of pleading by the interested person or persons, and with or without  
11 notice, hearing, or the making or filing of a report, to make such orders, rules,  
12 or regulations as may be essential in the interest of safety in civil aviation to  
13 meet such emergency.

Power to issue,  
amend, modify,  
suspend or revoke  
certificates

14 32.-(1) The Authority shall have power to:

15 (a) issue, amend, vary, cancel, refuse and suspend approved training  
16 organization certificate or maintenance organisation certificates in conformity  
17 with regulations made under this Act;

18 (b) issue, amend, vary, cancel, refuse and suspend a production  
19 certificate;

20 (c) issue or validate type certificates and prescribe in such certificates,  
21 terms, conditions and limitations as is required in the interest of safety;

22 (d) issue, renew or validate certificates of airworthiness in respect of  
23 an aircraft, and specify in such certificates, the duration of such certificates, the  
24 type of services for which the aircraft may be used and such other terms,  
25 conditions or limitations as is required in the interest of safety;

26 (e) issue, amend, vary, cancel and suspend airworthiness approvals,  
27 licences, and certificates in conformity with regulations made under this Act;

28 (f) develop, issue and amend airworthiness directives, bulletins,  
29 orders, terms and conditions to bring it in to conformity with airworthiness  
30 regulations;

1 (g) issue, amend, vary, cancel, refuse and suspend aerodrome  
2 certificates;

3 (h) issue, amend, vary, cancel or suspend such other certificates,  
4 licence or authorisation issued pursuant to regulations made under this Act;

5 (i) specify the fees to be paid for the issue, validation, renewal,  
6 extension or variation of any certificate, licence or any other document  
7 issued pursuant to this Act Or the undergoing of any examination or test  
8 required which may be expedient for the purpose of the regulation of fees  
9 charged.

10 (2) Without prejudice to the generality of the foregoing  
11 subsections, the Authority's power shall include the power to make  
12 regulations as to the manner and conditions of the issue, validation, renewal,  
13 extension or variation of any certificate, licence or other document required  
14 by the regulations including the examinations and tests to be undergone, and  
15 as to the form, custody, production, cancellation, suspension; endorsement  
16 and surrender of any such document.

17 (3) An application for the variation, suspension or revocation of a  
18 licence, permit, certificate or any other authorisation may be made to the  
19 Authority at any time, in such manner and by Such person as may be  
20 prescribed by the Authority.

21 (4) The Authority may at any time vary, suspend, revoke and  
22 cancel, a licence, permit, certificate or any other authorisation where it  
23 considers it appropriate to do so, whether or not such an application with  
24 respect to the licence, permit, certificate or authorization as been made  
25 pursuant to subsection (3) of this section.

26 (5) The Authority may exercise its powers to revoke, cancel,  
27 suspend or vary a licence, permit, certificate or authorisation (whichever is  
28 appropriate in the circumstances) where it is not or is no longer satisfied that:

29 (a) the holder of the licence is having regard to:

30 (i) his and his employees' experience in the field of aviation and his

1 their past activities generally, and

2 (ii) where the holder of the licence is a body corporate, the experience  
3 in; the field of aviation and the past activities generally of the persons  
4 appearing to the Authority to control that body while conducting air transport  
5 business under the authority of the licence, permit, certificate or other  
6 authorisation;

7 (b) the resources of the holder of the licence, permit, certificate or  
8 other authorization and the financial arrangements made by him is adequate  
9 for discharging his actual and potential obligations in respect of the business  
10 activities in which he is engaged; and

11 (c) the holder of a licence, permit, certificate or other authorization  
12 subject to section (1) of this section is a citizen of Nigeria or such company or  
13 body' as mentioned in section 96(1) of this Act.

14 (6) The Authority may exercise its powers under this Act to revoke,  
15 suspend or vary a licence, permit, certificate or authorization (whichever is  
16 appropriate in the circumstances) where it is satisfied that the holder of a  
17 licence has contravened any of the provisions of this Act or any regulation  
18 made under it especially any provision and regulations relating to safety and  
19 security or any provision or regulation the breach of which constitutes an  
20 offence under this Act or such regulation.

21 (7) The provisions of sub sections (1), (2), (3) and (4) conferring on  
22 the Authority power to vary, cancel, suspend and revoke a licence, permit,  
23 certificate or other authorisation shall be construed as conferring on the  
24 Authority power to provide by a notice in writing or other authorization that the  
25 licence, permit, certificate shall not be effective during a period specified in  
26 the notice.

27 (8) The Authority may, while a licence, permit, certificate or other  
28 authorisation is ineffective by virtue of such a notice, by a further notice in  
29 writing served in the prescribed manner on the holder, provide that the licence,  
30 permit, certificate or other authorisation shall be effective on and after a date



1 specified in the further notice, but the further notice shall not prejudice the  
2 Authority's powers to suspend the licence, permit, certificate or other  
3 authorization again or to revoke or vary it.

4 (9) The Authority may, from time to time, for any reason, re-inspect  
5 or re-examine any civil aircraft, aircraft engine, propeller, appliance, air  
6 operator, school, approved maintenance organisation and allied aviation  
7 service provider or any civil airman holding a certificate issued under this  
8 Act.

9 (10) Where, as a result of any of such re-inspection or re-  
10 examination, or where, as a result of any other investigation the Authority  
11 determines that safety in civil aviation or commercial air transport and the  
12 public interest requires, the Director-General may issue a notice amending,  
13 modifying, suspending, or revoking, in whole or in part, any airworthiness  
14 certificate or licence, airman licence or certificate, air operator certificate or  
15 licence, licence or certificate for any airport, school, approved maintenance  
16 organization or allied aviation service providers issued under this Act.

17 (11) Prior to amending, modifying, suspending, or revoking any of  
18 the foregoing licence or certificate, the Director-General shall advise the  
19 holder of it -as to any charges, or reasons relied upon by the Director-  
20 General for the proposed action and, except in cases of emergency, shall  
21 provide the holder of such a certificate or licence an opportunity to answer  
22 any charge and be heard as to why such certificate or licence should not be  
23 amended, modified, suspended, or revoked.

24 (12) Any person whose certificate or licence is affected by an order  
25 of the Authority under this section may appeal in accordance with  
26 regulations made pursuant to this Act.

27 (13) The filing of an appeal under this section shall not stay the  
28 decision of the Authority.

29 33.-(1) The Authority shall have the power to perform such acts,  
30 conduct, such investigations, impose such penalties, issue and amend such

Powers of the  
authority to  
conduct  
investigations, etc.

1 orders, and to make and amend such general or special rules, regulations, and  
 2 procedures pursuant; to and in accordance with the provisions of this Act, as the  
 3 Authority shall deem necessary to carry out the provisions of and the exercise  
 4 and performance of the powers and duties assigned under this Act.

5 (2) In the conduct of any public hearing or investigation authorised by  
 6 this Act, the Authority shall have the power to take evidence, issue subpoenas,  
 7 and take depositions.

8 (3) In the exercise and performance of the powers and duties assigned  
 9 under this Act, the Authority shall consider the promotion, encouragement and  
 10 development of safety in civil aviation as being in the public interest.

Power of the  
 Authority to  
 make rules for  
 the protection  
 of public health

11 34.-(1) The Authority in consultation with other relevant government  
 12 agencies may make regulations for the prevention of danger arising to public  
 13 health by the introduction or spread of any infectious or contagious disease  
 14 from aircraft arriving at or being, at any aerodrome and for the prevention of  
 15 the conveyance of infection or contagion by means of 'any aircraft leaving an  
 16 aerodrome.

17 (2) The Authority may, by regulation provide that a breach of any  
 18 regulation made pursuant to subsection (1) of this section shall be punishable  
 19 with imprisonment for a period of not less than 1 month or a fine of not less than  
 20 N100,000.00 or to both,)

Power of the  
 Authority to  
 prohibit or  
 regulate the  
 installation of  
 any structure,  
 etc.

21 35. The Authority shall have the power to make regulations for:

22 (a) the prohibition of any Nigerian or foreign registered aircraft from  
 23 operating within the Nigerian airspace, unless a certificate of airworthiness in  
 24 respect of it, is issued or validated under the regulations in force with respect to  
 25 the aircraft;

26 (b) the prohibition of any person from engaging in air navigation in  
 27 any capacity whatsoever unless the Authority determines that such a person  
 28 satisfies the requirements of this Act and the regulations made under it;

29 (c) the prohibition of aircrafts from flying over such areas in Nigeria  
 30 as may be prescribed;

1 (d) the prohibition of aircraft from flying unless certificates of  
2 airworthiness issued or validated under the regulations are in force with  
3 respect to the aircraft and except upon compliance with such conditions as to  
4 maintenance and repair as may be prescribed;

5 (e) the prohibition or regulation of the use of aerodromes which are  
6 not licensed in pursuance of the regulations;

7 (f) prohibiting persons from engaging in, or being employed in or  
8 in connection with, air navigation in such capacities as may be prescribed  
9 unless the prescribed requirement is satisfied, and for the licensing of  
10 persons employed at aerodromes or in the inspection, testing or supervision  
11 of aircraft; and

12 (g) prohibiting the carriage by air of goods of such class or classes  
13 as may be prescribed.

14 36.-(1) For the purpose of obtaining required information for the  
15 proper discharge of the functions conferred upon it by this Act, any  
16 authorised officer of the Authority may by notice in writing:

Power to request  
for information

17 (a) require any person who undertakes the business of air transport  
18 including carriage of passengers or goods in an aircraft for reward, to furnish  
19 such information relating to such business and flights as may be specified in  
20 the notices; and

21 (b) specify the times and the form and manner in which, any  
22 information required under paragraph (a) of this sub section shall be  
23 furnished.

24 (2) In carrying out the functions conferred on the Authority by  
25 subsection (1) of this section, an authorised officer of the Authority shall  
26 have unrestricted access to the business premises, aircraft, structures and  
27 other apparatus and documents used by any operator for the purpose of air  
28 transport or related operations.

29 (3) In this section, "authorised officer" means the Director-General  
30 or any other officer of the Authority specifically or generally authorised by

1 the Director-General to carry out the functions of the Authority under this Act.  
2  
3 37.-(1) An estimate, returns or information relating to an air transport  
4 undertaking obtained under the foregoing provisions of this Act, shall not,  
5 without the prior consent in writing of the person carrying on the undertaking  
6 which is the subject of the estimates, returns, or information, be disclosed  
7 except:

Restriction on  
disclosure of  
information

8 (a) in accordance with directions given by the Authority for the  
9 purpose of the exercise of any of its functions under this Act;

10 (b) for the purposes of any proceedings under this Act; or

11 (c) as required under the Freedom of Information Act.

12 (2) Any person who discloses any estimate, returns or any  
13 information in contravention of sub section (1) of this section, commits an  
14 offence and is liable on conviction to imprisonment for a term not less than one  
15 month or a fine not less than N50,000.00 or to both.

\*False information

16 38. Whoever willfully, maliciously, or with reckless disregard for the  
17 safety of human life, imparts, provides or causes to be provided, false  
18 information, knowing the information to be false, concerning an attempt or  
19 alleged attempt being made or to be made, to do that is prohibited by section 37  
20 of this Act, commits an offence and shall upon conviction be liable to a fine not  
21 less than N200,000.00, or to a term of imprisonment not exceeding 6 months,  
22 or to both.

Regulation of  
Airspace

23 39.-(1) The Authority shall develop regulations with respect to the use  
24 of the navigable airspace of Nigeria and may assign by rule, regulation, or order  
25 the use of the navigable airspace under such terms, conditions and limitations  
26 as the Authority may deem necessary to insure the safety of aircraft and the  
27 efficient utilisation of such airspace.

28 (2) The Authority's power under this section shall be exercised only in  
29 that airspace for which air traffic control responsibility has not been assigned to  
a foreign country by international agreement or other arrangement.

1           40.-(1) The Authority shall have the power to regulate the Regulation of  
air traffic  
2 standards for the provision of air traffic service and prescribe air traffic  
3 regulations, rules or conditions governing the:

4           (a) flight of aircraft;

5           (b) navigation, protection and identification of aircraft;

6           (c) protection of persons and property on the ground; and

7           (d) efficient utilisation of the navigable airspace, including rules as  
8 to safe altitude of flight and rules for the prevention of collision between  
9 aircraft, between aircraft and land or water, vehicles and objects, and  
10 between aircraft and airborne objects.

11           (2) Notwithstanding the provision of subsection (1) of this section  
12 and without prejudice to the provisions of section 31 of this Act, the  
13 Authority shall have power to:

14           (a) institute and regulate the use of civil air ensign and other ensign  
15 established for purposes connected with air navigation in Nigeria;

16           (b) regulate the activities of air navigation service providers in  
17 accordance with ICAO Standards and Recommended Practices;

18           (c) regulate and participate in aeronautical search and rescue  
19 operations;

20           (d) regulate the standards for the provision of aeronautical  
21 meteorological services for the safe conduct of civil aviation operations;

22           (e) regulate as to the circumstances and conditions under which it  
23 would be permissible to use aircraft for aerial advertisement and for  
24 regulating advertisements by air transport, aerodrome and air traffic control  
25 service providers;

26           (f) require persons engaged in, or employed in or in connection  
27 with, air navigation to supply meteorological information for the purposes  
28 of air navigation;

29           (g) regulate the making of signals and any other communication by  
30 or to aircraft and persons carried in aircraft; and

1 (h) regulate and prohibit the installation of any structure which by its  
2 height or position is considered to endanger the safety of air navigation.

3 (3) The Authority's power under this section shall be exercised only in  
4 that air space for which air traffic control responsibility has not been assigned  
5 to a foreign country by international agreement or other arrangement.

6 (4) In exercising the power granted in, and discharging the duties  
7 imposed by this Act, the Authority shall give full consideration to the  
8 requirements of national security, commercial and general aviation and to the  
9 public right of transit through the navigable airspace.

Grant of  
exemptions

10 **41.**-(1) The Director-General may grant exemptions from any of the  
11 requirements set forth in this Act or in the regulations made pursuant to this  
12 Act, where the Director-General considers that granting such exemptions will  
13 not compromise safety and security and is in the public interest.

14 (2) The Director-General shall issue regulations governing the  
15 application for and approval of exemptions.

16 (3) The Director-General shall publish any exemption actions taken.

17 (4) Except as provided in subsections (1), (2) and (3) of this section or  
18 any regulations made pursuant to this Act, the Director-General may not grant  
19 exemptions from the requirements of this Act.

Aviation security

20 **42.**-(1) The Authority shall have the power to regulate the standards:

21 (a) for the provision of civil aviation security in Nigeria;

22 (b) regarding security control and screening to which passengers and  
23 baggage, whether accompanied or unaccompanied, would be subjected to  
24 prior to boarding or being laid on an aircraft;

25 (c) requiring all passengers and property intended to be carried on  
26 board the aircraft in commercial air transport to be subjected to security checks'  
27 by employees or agents of the operator or any other relevant Authority;

28 (d) for the implementation of advance passenger information and  
29 passenger name record data exchange between departure and destination  
30 countries and for the protection of passenger information;

1 (e) for such practices, methods and procedures as the Authority  
2 may find necessary to protect any person and property aboard aircraft  
3 operating in commercial air transport against any act of unlawful  
4 interference, violence and aircraft piracy; and

5 (f) for the deployment of any person onboard aircraft pursuant to a  
6 bilateral or multilateral treaty, arrangement or agreement for the purpose of  
7 securing the aircraft in-flight and any person onboard the aircraft.

8 (2) The Authority shall to the extent practicable and subject to any  
9 other relevant law, require uniform procedures for the inspection, detention,  
10 and search of persons and property in air transport to assure their safety and  
11 to assure that they will receive courteous and efficient treatment by air  
12 operators, their agents and employees;

13 **43.**-(1) An airline operator shall not operate air transport service to,  
14 from and within Nigeria unless he has a security programme approved by  
15 the Authority,

Requirement for  
approval of airline  
security programme

16 (2) It shall be the duty of the airline operator, its representatives and  
17 servants to comply with the provisions of the approved security programme.

18 (3) Every breach of the provisions of the approved airline security  
19 programme shall attract a fine of not less than N200,000.00 or as stipulated  
20 by the relevant regulation whichever is higher

21 **44.** The Authority or any other person authorised by it by general  
22 or special order in writing in its behalf may conduct:

Security surveys,  
audits, tests and  
inspections

23 (a) surveys and inspections of security measures relating to  
24 passengers and their cabin baggage, checked in baggage, cargo and other  
25 goods, access controls and aerodrome design; and

26 (b) an exercise to Check the professional efficiency of the  
27 personnel responsible for implementing the aviation security procedures  
28 and also to test the adequacy of security measures at, any aerodrome in  
29 Nigeria.

Security checks  
of passenger and  
baggage

1                   45.-(1) Every person entering an aerodrome and before proceeding  
2 for boarding an aircraft and his hand baggage, if any, shall be subjected to a  
3 search and shall permit to be searched by an aviation security officer or any  
4 other person authorised in that behalf in writing by the Minister.

5                   (2) Baggage of every person boarding an aircraft and all  
6 unaccompanied baggage shall be screened or subjected to prescribed security  
7 control before it is placed on board or carried on an aircraft.

8                   (3) Every person who refuses to submit himself or his baggage for a  
9 search commits an offence and is liable to a fine of not less than N50,000.00.

Incident reporting,  
investigation  
and enforcement

10                  46.-(1) The Authority shall promulgate rules and regulations  
11 governing the notification and reporting of incidents involving aircraft.

12                  (2) The Authority shall have power to carry out investigations into any  
13 complaint relating to aviation safety and occurrences, after due notice to the  
14 persons concerned.

15                  (3) Where the Authority is satisfied after such investigation that such  
16 person is violating any provisions of this Act regulations, rules or orders, as the  
17 case may be, it shall by order require the person to take such action consistent  
18 with the provision of this Act, regulations, rules or orders as may be necessary  
19 in the opinion of the Authority to prevent further violation of the provisions of  
20 this Act, regulations, rules or orders.

21                  (4) The Authority shall have power to take all steps reasonably  
22 necessary, including the power to ground any aircraft and to seal the premises  
23 of any air transport service provider or provider of allied aviation service and to  
24 take any corrective actions in order to implement the findings of accidents and  
25 incidents investigations and ensure compliance with the provisions of this Act  
26 and the regulations, rules and orders made pursuant to it.

27                  (5) The Authority shall implement a non-punitive voluntary incident  
28 and accident reporting system and shall protect the identity of any person or  
29 organisation who offer information towards the performance of its functions  
30 under this Act and Regulations made under it.



1                   47. The Authority may in the discharge of certification and  
2 inspection responsibilities, validate the actions of the Civil Aviation  
3 Authority of another State in lieu of taking the specific action subject to the  
4 following restrictions for actions:

Validation of  
actions of the  
Civil Aviation  
Authority of other  
States

5                   (a) on airman or airworthiness certificates, the other State shall be a  
6 signatory to the Chicago Convention and be fulfilling its obligations under  
7 the Convention with respect to the issuance and currency of these  
8 certificates; and

9                   (b) applicable to air operators, the Authority shall exercise  
10 discretion and require supporting documents and ensure that, when  
11 validation is based on the actions of another civil aviation authority, there is  
12 no information to indicate that the State does not meet its obligations under  
13 the Chicago Convention regarding certification and on-going validation of  
14 its air operators.

15                   48. The Authority shall have free and unobstructed access to all  
16 civil aviation personnel, documents, aircraft, aviation facilities, to inspect  
17 aircraft, aircraft manufacturers and maintenance facilities or organisations,  
18 training facilities including simulators, and other appliances designed for  
19 use in air transportation, as may be necessary to enable the Authority to  
20 determine the issuance or granting of a certificate of registration or approval  
21 to such aircraft, aircraft manufacturer and maintenance facility or  
22 organization and other applicable appliances; and for the purpose of  
23 exercising its powers and carrying out its functions under this Act and  
24 regulations made under it.

Right of access  
for inspection

25                   49.-(1) The Authority shall have the power to direct an operator or  
26 airman of a civil aircraft not to operate in any situation where the:

Authority to  
prevent flight

27                   (a) aircraft may not be airworthy;

28                   (b) airman may not be qualified or physically or mentally capable  
29 for the flight, or

30                   (c) operation would cause imminent danger to any person or

1 property on the ground.

2 (2) The Authority may take such steps as is necessary to detain such  
3 aircraft or airman.

4 PART VIII - INTERNATIONAL OBLIGATIONS

Application of  
certain Conventions

5 50.-(1) The provisions of the Convention on the International  
6 Recognition of Rights in Aircraft (Geneva Convention), 1948 set out in the  
7 Second Schedule to this Act, and as amended from time to time, shall from the  
8 commencement of this Act have the force of law in Nigeria subject to the  
9 provisions of the Constitution.

10 (2) The provisions of the Convention on International Interests in  
11 Mobile Equipment 2001 and the Protocol to the Convention on International  
12 Interests in Mobile Equipment on matters specific to aircraft equipment 2001  
13 (The Cape Town Convention and Protocol) set out in the Second Schedule to  
14 this Act shall from the commencement of this Act, have the force of law in  
15 Nigeria subject to the provisions of the Constitution.

16 (3) The provisions of the Convention on Offences and Certain Other  
17 Acts committed On board Aircraft signed at Tokyo in 1963 and any amendment  
18 to it shall from the commencement of this Act have the force of law in Nigeria  
19 subject to the provisions of the Constitution.

20 (4) The provisions of the Convention for the Suppression of Unlawful  
21 Seizure of Aircraft set out in the Second Schedule to this Act shall from the  
22 commencement of this Act, have the force of law in Nigeria subject to the  
23 provisions of the Constitution.

24 (5) Subject to the provisions of the Constitution, the provisions of any  
25 other convention, protocol, international or regional agreement or treaty  
26 relating to civil aviation to which Nigeria is a party shall from the  
27 commencement of this Act have the force of Law in Nigeria.

28 (6) The Minister shall have power to, from time to time, make  
29 Declarations required or permitted to be made under the Convention, Treaties  
30 or Protocol referred to under subsection (1), (2),(3), (4) and (5) of this section.

1           **51.** All funds accruing from or as a result of air services  
2 agreements entered into by Nigeria, whether multilateral or bilateral, shall  
3 be paid to the Authority and maintained in a separate account to be used  
4 solely for the development of civil aviation in Nigeria in accordance with  
5 regulations made by the Minister and appropriation by the National  
6 Assembly.

Application of  
Air Services  
Agreement Fund

7           **52.** In exercising and performing powers and duties under this Act,  
8 the Authority shall act consistently with any obligation assumed by the  
9 Government of Nigeria under any international treaty, convention and  
10 agreement that may be in force between the Government of Nigeria and any  
11 foreign country.

Authority to act  
in consistency with  
international  
obligations

12           **53.**-(1) The Authority shall encourage cooperation in the  
13 regulation and administration of aviation safety.

Authority to enter  
into cooperation  
agreements

14           (2) The Authority, pursuant to subsection (1) of this section:

15           (a) may enter into any agreement for cooperative endeavours in  
16 aviation safety with other regional contracting States to the Convention on  
17 International Aviation; and

18           (b) shall in conjunction with the Minister, negotiate, agree to and  
19 manage cooperative agreements.

20           (3) The Authority may in the interest of public safety and the safety  
21 of civil aviation delegate certain aviation safety tasks under the cooperative  
22 agreement to citizens of Nigeria or citizens of the other state party to the  
23 agreement.

24           **54.**-(1) The Authority may pursuant to Article 83 bis of the  
25 Convention on International Aviation and by a Bilateral Agreement with the  
26 Aeronautical Authority of another country exchange with that country all or  
27 part of its respective functions and duties with respect to registered aircraft  
28 under Article 12 (Rules of the Air), Article 30 (Aircraft Radio Equipment),  
29 Article 31 (Certificates of Airworthiness) and Article 132 (a) (Licenses of  
30 Personnel) of the Convention.

Bilateral exchange  
of safety oversight  
responsibilities

1           (2) The Authority may relinquish its responsibility with respect to the  
2 functions and duties transferred by the Authority as specified in the Bilateral  
3 Agreement under the articles listed in subsection (1) of this section for  
4 Nigerian registered aircraft described in subsection (7) (a) of this section  
5 transferred abroad and accept responsibility with respect to the functions and  
6 duties under the articles for aircraft registered abroad described in subsection  
7 (7) (b) of this section that is transferred to Nigeria.

8           (3) The Authority may predicate in the Agreement, the transfer of  
9 functions and duties under this sub section on any condition that the Authority  
10 deems necessary and prudent, except that the Authority may not transfer  
11 responsibilities for Nigerian registered aircraft described in subsection (7) (a)  
12 of this section to a country that the Authority determines is not in compliance  
13 with its obligations under International Law for the safety oversight of civil  
14 aviation.

15           (4) The Authority, pursuant to any agreement entered into under this  
16 section, may recognise certificates of airworthiness and personnel licenses  
17 issued or renewed by the State of the operator.

18           (5) The Authority shall notify and inform the International Civil  
19 Aviation Organisation and other States concerned with the transfer  
20 arrangement of the existence of the agreement.

21           (6) The Authority shall have the power to exchange with any foreign  
22 government through appropriate agencies of the Government of Nigeria,  
23 information pertaining to civil aviation.

24           (7) In this section "registered aircraft means:

25           (a) aircraft registered in Nigeria and operated pursuant to an  
26 agreement for the lease, charter, or interchange of the aircraft or any similar  
27 arrangement by an operator that has its principal place of business or, where it  
28 has no such place of business, its permanent residence in another country;  
29 and

30           (b) aircraft registered in a foreign country and operated under an

1 agreement for the lease, charter, or interchange of the aircraft or any similar  
2 arrangement by, an operator that has its principal place of business or, where  
3 it has no such place of business, its permanent residence in Nigeria.

4 55.-(1) The provisions contained in the Convention for the Carrier liability  
5 Unification of Certain Rules Relating to International Carriage by Air  
6 signed at Montreal on 28th May, 1999 set forth in the Second Schedule to  
7 this Act and as amended from time to time, shall from the commencement of  
8 this Act have force of law and apply to international carriage by air to and  
9 from Nigeria, in relation to any carriage by air to which the rules apply,  
10 irrespective of the nationality of the aircraft performing the carriage, and  
11 shall, subject to the provisions of this Act, govern the rights and liabilities of  
12 carriers, passengers, consignors, consignees and other persons.

13 (2) The provisions contained in the Convention for the Unification  
14 of Certain Rules Relating to International Carriage by Air signed at  
15 Montreal on 28th May, 1999 which has been modified and set out in the  
16 Second Schedule to this Act and as amended from time to time, shall from  
17 the commencement of this Act have the force of law and apply to non-  
18 international carriage by air within Nigeria, irrespective of the nationality of  
19 the aircraft performing the carriage, and shall subject to the provisions of the  
20 Act govern the rights and liability of carriers, passengers, consignors,  
21 consignees and other persons within the contemplation of the modified  
22 Convention.

23 (3) In any case of aircraft accident resulting in death or injury of  
24 passengers, the airline operator or carrier shall make advance payments of  
25 Naira equivalent of at least US\$30,000 within 30 days from the date of such  
26 accident, to the natural person or such natural persons who are entitled to  
27 claim compensation in order to meet the immediate economic needs of such  
28 persons and such advance payments shall not constitute recognition of  
29 liability and may be offset against any amount subsequently paid as  
30 damages by the carrier.

1 (4) The advance payment sum prescribed in subsection (3) of this  
2 section and the limit of liability under the Convention for the Unification of  
3 Certain Rules Relating the International Carriage by Air as modified by  
4 subsection (2) of this section shall stand reviewed automatically upon receipt  
5 by Nigeria of a notification of the 5 yearly review of the limits from the  
6 International Civil Aviation Organisation (ICAO).

Application to  
aircraft of law  
of wreck and  
salvage

7 **56.-(1)** It shall be the responsibility of any person or aircraft to  
8 provide such service or render such assistance to aircraft in distress within the  
9 territory of Nigeria as may be found practicable.

10 (2) The Minister may permit the owner of an aircraft in distress or the  
11 authorities of the State in which the aircraft is registered to provide such service  
12 or assistance as may be necessary.

13 (3) Any services rendered in assisting, or in saving life from, or in  
14 saving the cargo or apparel of an aircraft in, on or over the sea or any tidal water,  
15 or on or over the shores of the sea or any tidal water, shall be deemed to be  
16 salvage services in all cases in which they would have been salvage services if  
17 it had been rendered in relation to a vessel.

18 (4) Where salvage services are rendered by an aircraft to any property  
19 or person, the owner of the aircraft shall be entitled to the same reward for the  
20 services as he would have been entitled to if the aircraft had been a vessel.

21 (5) The provisions of subsections (1) and (2) of this section shall have  
22 effect, notwithstanding that the aircraft concerned is a foreign aircraft and that  
23 the services in question is rendered elsewhere than within the limits of the  
24 territorial waters of Nigeria.

25 (6) The Minister may by regulations direct that any provisions of any  
26 law for the time being in force in Nigeria which relate to wreck, to salvage of  
27 life or property or to the duty of rendering assistance to vessels in distress shall,  
28 with such modifications and exceptions (if any) as may be prescribed, apply in  
29 relation to aircraft as those provisions apply in relation to vessels.

30 (7) For the purposes of this section, any provision of any law in force

1 in Nigeria, which relate to vessels laid by, or neglected as unfit for sea  
2 service shall be deemed to be provisions relating to wreck

3 57.-(1) Any lawful entry into Nigeria or any lawful transit across Patent claims  
4 Nigeria, with or without landings, of an aircraft to which this sub-section  
5 applies, shall not entail any seizure or detention of the aircraft or any  
6 proceedings against the owner or operator of the aircraft or any other  
7 interference with the aircraft by or on behalf of any person in Nigeria on the  
8 ground that the construction, mechanism, parts, accessories or operation of  
9 the aircraft is an infringement of any patent, design or model.

10 (2) The importation into end storage in Nigeria of spare parts and  
11 spare equipment for an aircraft to which this subsection applies and the use  
12 and installation of it in repair of such an aircraft, shall not entail any seizure  
13 or detention of the aircraft or of the spare parts or spare equipment or any  
14 proceedings against the owner or operator of the aircraft or the owner of the  
15 spare parts or spare equipment or any other interference with the aircraft by  
16 or on behalf of any person in Nigeria, on the ground that the spare parts or  
17 spare equipment or their installation is an infringement of any patent, design  
18 or model; provided that, this sub section shall not apply in relation to any  
19 spare parts or spare equipment which is sold or distributed in Nigeria or is  
20 exported from Nigeria for sale or distribution.

21 (3) Subsections (1) and (2) of this section shall apply to:

22 (a) any aircraft other than an aircraft used in military, customs or  
23 police services registered in a country or territory in the case of which there  
24 is for the time being in force a declaration made by the Minister, with a view  
25 to the fulfillment of the relevant provisions of the Convention mentioned in  
26 section 55 (2) of this Act, that the benefits of the subsections extend to that  
27 country or territory; and

28 (b) such other aircraft as the Minister may by order specify.

29 58.-(1) Where it is alleged by any interested person that a foreign Infringement of  
30 aircraft which is not an aircraft to which section 57 of this Act applies and patent

1 which is making a passage through or over Nigeria, infringes in itself or part of  
2 any invention, design or model which is entitled to protection in Nigeria, it  
3 shall be lawful, subject to and in accordance with any order made by the  
4 Minister, to detain the aircraft until the owner of it deposits or secures in respect  
5 of the alleged infringement a sum (hereafter in this section referred to as "the  
6 deposited sum"); and thereupon the aircraft shall not during the continuance of  
7 the passage, be subject to any lien, arrest, detention or prohibition, whether by  
8 order of a court or otherwise, on account of the alleged infringement.

9 (2) The deposited sum shall be such sum as may be agreed between  
10 the parties interested or, in default of agreement, as may be fixed by the  
11 Minister; and the payment of the deposited sum shall be made or secured to the  
12 Minister in such manner as may be specified by orders made by the Minister.

13 (3) The deposited sum shall be dealt with by such tribunal and in  
14 accordance with such procedure as may be prescribed by orders made by the  
15 Minister, and the orders may provide generally for carrying the provisions of  
16 subsections (1) and (2) of this section into effect.

17 (4) For the purposes of subsection (1) of this section, the expression  
18 "owner" shall include the actual owner of an aircraft and any person claiming  
19 through or under him, and the expression "passage" shall include all reasonable  
20 landings and stoppages in the course of the passage.

#### 21 PART IX - NATIONALITY AND REGISTRATION OF AIRCRAFT

Aircraft  
Registration

22 59.-(1) The Authority shall have power to regulate and by regulations  
23 make provisions for the registration of civil aircraft or any interest therein in  
24 Nigeria.

25 (2) The Authority shall establish a national registry and maintain a  
26 national register of civil aircraft in Nigeria.

27 (3) It shall be unlawful to operate a civil aircraft in Nigeria unless it is  
28 registered in Nigeria or under the laws of a foreign country.

29 (4) An aircraft shall be eligible for registration only if it is not  
30 registered in a foreign country and, unless otherwise permitted by the



1 Authority by regulation, it is owned by:

2 (a) a citizen of Nigeria;

3 (b) a citizen of another State who is lawfully admitted for  
4 permanent residence in Nigeria;

5 (c) a company lawfully registered and doing business under the  
6 laws of Nigeria and the aircraft is based and primarily used in Nigeria;

7 (d) the Government of Nigeria or a political sub - division of it; or

8 (e) a foreign person who has leased the aircraft to one of those  
9 described in paragraphs (a) and (d) of this subsection.

10 (5) Upon request of the owner of any aircraft eligible for  
11 registration, such aircraft shall be registered by the Authority and the  
12 Director-General shall issue to the owner, a certificate of registration.

13 (6) Applications for such certificates shall be in such form and shall  
14 contain such information as the Authority may prescribe from time to  
15 time.

16 (7) Any certificate issued by the Director-General maybe  
17 suspended or revoked for any cause if the Director - General finds such  
18 suspension or revocation to be in the public interest.

19 (8) An aircraft shall acquire Nigerian nationality when registered  
20 under this Act.

21 (9) A certificate of registration issued under this section shall not be  
22 conclusive evidence as to ownership in any proceeding under the laws of  
23 Nigeria in which ownership of the aircraft by a particular person is or may be  
24 in issue.

25 60.-(1) The Authority shall cause to be recorded in the national  
26 civil aircraft register any title to or any interest in any civil aircraft registered  
27 in Nigeria and in any aircraft engine, propeller, appliance, or spare part  
28 intended for use on any aircraft registered in Nigeria.

29 (2) Upon registration of any title to or interest in any civil aircraft  
30 registered in Nigeria no document effecting title to or any interest in such

Recordation of  
interest in aircraft

1 registered aircraft, aircraft engines, propellers, appliances; or spare parts shall  
 2 be valid, except between the parties to it, unless it is contained in the  
 3 register.

4 (3) The validity of any document so recorded, unless otherwise  
 5 specified by the parties to it, shall be determined under the laws of Nigeria.

#### 6 PART X - SAFETY REGULATION

Duty to promote  
 safety of civil  
 aviation

7 **61.** The Authority shall have the power and duty to promote safety of  
 8 civil aviation by prescribing and revising, from time to time, as necessary:

9 (a) rules and regulations implementing, all Standards of the Annexes  
 10 to the Chicago Convention' and

11 (b) such other rules, regulations, or standards governing other  
 12 practices, methods, and procedures as this Authority may find necessary to  
 13 provide adequately for safety-in civil aviation.

Establishment  
 of State Safety  
 Programme

14 **62.-(1)** The Authority shall establish a State Safety Programme in  
 15 order to achieve an acceptable level of safety in civil aviation.

16 (2) As part of the state Safety Programme, the Authority shall require  
 17 that operators and service providers implement a Safety Management System

Airman Licences  
 or Certificates

18 **63.-(1)** The Authority shall have the power to:

19 (a) establish a personnel licensing system to licence aircraft  
 20 maintenance personnel, flight crew, air traffic controllers, flight operations  
 21 officers and such other persons engaged in the use or operation of aircraft,  
 22 aircraft facilities, aerodromes and other activities related, incidental or  
 23 supplementary to it, in accordance with the provisions of this Act, regulations  
 24 and the licensing requirements specified in Annex 1 of the Chicago  
 25 Convention; and

26 (b) issue airman licences or certificates specifying the capacity in  
 27 which the holder of it is authorised to serve as airman in connection with  
 28 aircraft.

29 (2) The licence or certificate shall contain such terms, conditions, and  
 30 tests of physical fitness, and other matters as the Authority may determine to be

1 necessary to assure safety in civil aviation.

2 (3) Notwithstanding the provisions of subsection (1) (b) of this  
3 section, the Authority may prohibit or restrict, in such manner as the  
4 Authority shall deem appropriate, the issuance of airman licences or  
5 certificates to citizens of foreign countries.

6 64. The Authority shall have the power to regulate and make  
7 regulations regarding the design, construction, modification and  
8 maintenance of aircraft and all other matters, connected with it.

Airworthiness  
Certificates

9 (2) The owner, operator or agent of any aircraft registered in  
10 Nigeria may file with the Authority an application for an airworthiness  
11 certificate for such aircraft.

12 (3) Where the Authority finds that the aircraft conforms to the  
13 appropriate type certificate and, after inspection, finds that the aircraft is in  
14 condition for safe operation, the Authority shall issue an airworthiness  
15 certificate.

16 65.-(1) It shall be the duty of the Authority to issue Air Operator  
17 Certificate (AOC) and all other certificates relating to the safety of air  
18 transport undertakings.

Air Operator  
Certificate

19 (2) The Authority shall by regulations, orders or directives  
20 prescribe the minimum safety standards and all other relevant requirements  
21 for the grant, issuance, operation, variation, and renewal of such certificates.

22 (3) The Authority shall by regulation, issue operation  
23 specifications that define the approved terms, conditions and limitations of  
24 such operations.

25 (4) The Authority shall by regulation prescribe conditions for the  
26 revocation, suspension or other limitation of Air Operator Certificate.

27 66. The Authority shall have and exercise the powers generally to-

Approved Training  
and Maintenance  
Organizations

28 (a) set training standards for and approve air transport training  
29 institutions in Nigeria;

30 (b) provide for the examination and rating of-

1 (i) training organisations giving instruction in (lying or in the repair,  
2 alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers,  
3 and appliances, as to the adequacy of the course of instruction, the suitability  
4 and airworthiness of the equipment, and the competency of the instructors, and

5 (ii) approved maintenance organizations for the repair, alteration,  
6 maintenance, and overhaul of aircraft, aircraft engines, propellers, and  
7 appliances, as to the adequacy and suitability of the equipment, facilities, and  
8 materials for, and methods of, repair and overhaul, and the competency of those  
9 engaged in the work or giving any instruction therein; and

10 (3) issue certificates for such training organizations and approved  
11 maintenance organisations.

Air Navigation  
Facility Safety  
standard

12 **67.** The Authority shall have the power to-

13 (a) regulate the activities of air navigation service providers in  
14 accordance with ICAO standards and recommended practices and national  
15 laws;

16 (b) certify airways, navigational approaches and landing aids in  
17 Nigeria to ensure safety of air navigation;

18 (c) make regulations for minimising or preventing interference with  
19 the use or effectiveness of apparatus used in connection with air navigation,  
20 and for prohibiting or regulating the use of such apparatus and the display of  
21 signs and lights liable to endanger aircraft; and .

22 (d) prescribe and revise from time to time safety standards for the  
23 operation of air navigation facilities located in Nigeria.

Duty of Operators  
and Airmen

24 **68.-(1)** It shall be the duty and primary responsibility of an Air  
25 Operator Certificate holder to ensure the safe operation of his aircraft.

26 (2) It shall be the duty of each operator to make or cause to be made,  
27 such inspection, maintenance, overhaul, and repair of all equipment used in  
28 civil aviation and to ensure that the operations conducted is in accordance with  
29 this Act and the regulations, directives and orders of the Director-General  
30 issued under this Act.

1 (3) It shall be the duty of each holder of an Air Operator Certificate  
2 to ensure that the maintenance of aircraft and operations of that air operator  
3 is conducted in the public interest and in accordance with the requirements  
4 of this Act and the regulations, directives and orders issued under this Act by  
5 the Director-General.

6 (4) It shall be the duty of each holder of an airman certificate to  
7 observe and comply with the authority and limitations of that certificate, the  
8 requirements of this Act and the regulations, directives and orders issued  
9 under this Act.

10 (5) It shall be the duty of every person performing duties in civil  
11 aviation to observe and comply with the requirements of this Act and the  
12 orders, rules, and regulations issued under this Act relating to their tasks.

13 69.-(1) The Authority shall have the power to regulate and may by  
14 regulations make such provisions as expedient as to the conditions under  
15 which passengers and goods may be carried by air and under which aircraft  
16 may be used for other gainful purposes, and for prohibiting the carriage by  
17 air of goods of such class or classes as may be prescribed.

Transportation  
of dangerous goods  
by air

18 (2) The Authority shall specify, monitor and supervise the  
19 conditions under which an aircraft may carry passengers, mail and cargo or  
20 be used for other purposes, and prohibit an aircraft from the carriage of such  
21 classes of goods as the Authority may prescribe from time to time.

22 (3) The Authority shall monitor and enforce compliance with the  
23 provisions of this Act, regulations, orders, rules and directives made under  
24 it, for the safe transport of dangerous goods by air, and is authorised to  
25 submit variations to the ICAO Technical instructions on behalf of Nigeria  
26 where necessary.

27 (4) It shall be the duty of every person who offers or accepts,  
28 shipments, cargo or baggage for commercial air transport, whether  
29 originating or arriving in international flights to or from Nigeria, or for  
30 flights within Nigeria, to offer or accept such shipments, cargo, or baggage

1 in accordance with the provisions of this Act, rules, regulations, orders made  
2 under it for the safe transport Of dangerous goods by air.

Authority to  
inspect aircraft

3 70.-(1) The Authority shall have the power and duty to-

4 (a) carry out such inspections of aircraft, aircraft engines, propellers,  
5 and appliances used by any operator of civil aircraft as may be necessary to  
6 determine that the operator is maintaining it in safe condition for the operation  
7 in which it is used; and

8 (b) advise each operator in the inspection and maintenance of these  
9 items.

10 (2) Where the Authority finds that any aircraft, aircraft-engine,  
11 propeller or appliance, used or intended to be used by any operator in civil  
12 aviation, is not in a condition for safe operation, the Authority shall so notify  
13 the operator, and the aircraft, aircraft engine, propeller, or appliance shall not  
14 be used in civil aviation or in such manner as to endanger civil aviation, unless  
15 and until found by the Authority to be in a condition for safe operation.

16 PART XI - PROVISION OF AERODROMES AND CONTROL OF LAND FOR

17 AVIATION PURPOSES

Establishment  
of Aerodromes

18 71.-(1) The Minister may approve the establishment and  
19 development of aerodromes anywhere in Nigeria.

20 (2) Roads, approaches, apparatus, equipment, buildings and other  
21 accommodations in connection to such aerodromes shall be maintained by the  
22 owners in conformity with rules and regulations made under this Act.

23 (3) A person shall not commence construction or reconstruction of an  
24 aerodrome in Nigeria without clearance from the Authority,

25 (4) The Authority shall have the power to-

26 (a) certify and grant licences in respect of aerodromes and to establish  
27 minimum safety standards for the design, operation and maintenance of  
28 aerodromes; and

29 (b) regulate and make regulations-

30 (i) for the licensing, inspection and regulation of aerodromes, access

1 to aerodromes and places where aircraft have landed, for the inspection of  
2 aircraft factories, and for prohibiting or regulating the use of aerodromes  
3 which are not licensed in pursuance to the regulations,

4 (ii) as to the conditions under which, and in particular the  
5 aerodromes to or from which, aircraft entering or leaving Nigeria may fly,  
6 and as to the conditions, under which aircraft may fly from one part of  
7 Nigeria to another,

8 (iii) as to the conditions under which noise and vibration may be  
9 caused by aircraft on aerodromes provided that no action shall lie in respect  
10 of nuisance by reason only of the noise and vibration caused by aircraft on an  
11 aerodrome so long as the provisions of the regulations in force as respects  
12 aerodromes are complied with, and

13 (iv) for applying the laws relating to customs in relation to  
14 aerodromes and to aircraft and to persons and property carried in aircraft.

15 (5) The Authority in exercising its functions in relation to the  
16 licensing of aerodromes shall have regard to the need to minimize so far as  
17 practicable any adverse effect the presence of such aerodrome may have on  
18 the environment.

19 72. A licence for an aerodrome shall not be granted to any person  
20 other than-

Eligibility for  
an aerodrome  
certificate

21 (a) a citizen of Nigeria;

22 (b) the Federal Government, a State Government, a Local  
23 Government or any company or corporation owned or controlled by any of  
24 the said Governments; or

25 (c) a company or a corporation registered in Nigeria and having its  
26 principal place of business in Nigeria.

27 73. Without prejudice to any power of an aerodrome operator to  
28 enter into an agreement on such terms as he or it thinks fit, an aerodrome  
29 operator may with the approval of the Minister and for the purpose of  
30 encouraging the use of quieter aircraft and of diminishing inconvenience

Charges for using  
licenced aerodromes

1 from aircraft noise, fix his or its charges by reference, among other things, to  
2 any fact or matter relating to-

3 (a) the amount of noise, vibration or emission caused by the aircraft in  
4 respect of which the charges are made; or

5 (b) the extent or nature of any inconvenience resulting from such  
6 noise, vibration or emission.

Obstructions near  
aerodrome

7 74.-(1) Where the Authority is satisfied, with respect to any building  
8 or structure in the vicinity of an aerodrome to which this section applies, that in  
9 order to avoid danger to aircraft flying in that vicinity in darkness or conditions  
10 of poor visibility, provision ought to be made (whether by lighting or  
11 otherwise) for giving to such aircraft warning of the presence of that building or  
12 structure, it may by order direct subject to any conditions specified in the order  
13 the operator of the aerodrome and any person acting under the operator's  
14 instructions-

15 (a) to execute, install, maintain, operate, and as occasion requires  
16 repair and alter, such works and apparatus as may be necessary for enabling  
17 such warning to be given in the manner specified in the order; and

18 (b) so far as may be necessary for exercising any of the powers  
19 conferred by the order, enter upon and pass over (with or without vehicles) any  
20 such land as may be specified in the order.

21 (2) The order referred to under subsection (1) of this section shall be  
22 made in relation to any building or structure if it appears to the Authority that  
23 there have been made, and are being carried out, satisfactory arrangements for  
24 the giving of such warning as aforesaid.

25 (3) The Authority shall, before making any such order as aforesaid  
26 cause to be published, in such manner as it thinks best for informing persons  
27 concerned, notice of the proposal to make the order and of the place where  
28 copies of the draft order may be obtained free of charge, and take into  
29 consideration, any representations with respect to the order which may within  
30 such period not being less than 14 days after the publication of the notice as



1        may be specified therein, be made to it by any person appearing to it to have  
2        an interest in any land which would be affected by the order, and at the end of  
3        that period the order may, subject to the provisions of this section, be made  
4        with such modifications (if any) of the original draft as the Authority thinks  
5        proper.

6                (4) Every order made under subsection (1) of this section shall  
7        provide that-

8                (a) except in a case of emergency, no works shall be executed on  
9        any land in pursuance of the order unless, at least 14 days previously, the  
10       operator of the aerodrome to which the order relates has served in the  
11       manner specified by the order on the occupier of that land, and on every  
12       other person known by the operator to have an interest in the land, a written  
13       notice containing such particulars of the nature of the proposed works, and  
14       the manner in which and the time at which it is proposed to execute them, as  
15       may be specified by the order;

16                (b) if within 14 days from the service of the said notice on any  
17       person having such an interest, the operator of the aerodrome receives  
18       written objection on the part of that person to the proposals contained in the  
19       notice, then, except in so far as the objection is withdrawn, no steps shall be  
20       taken in pursuance of the notice without the specific authorisation of the  
21       Authority; and

22                (c) the operator of the aerodrome to which the order relates shall  
23       pay to any person having an interest in any land affected by the order  
24       adequate compensation for any loss or damage which that person may suffer  
25       in consequence of the order; and for the purposes of this subsection any  
26       expense reasonably incurred in connection with the lawful removal of any  
27       apparatus installed in pursuance of such an order, and so much of any  
28       expense incurred in connection with the repair, alteration, demolition or  
29       removal of any building, structure or erection to which such an order relates  
30       as is attributable to the operation of the order, shall be deemed to be loss or

## 1 PART XII - CIVIL AND CRIMINAL PENALTIES

2 Power to impose  
civil penalties

3 78.-(1) The Authority shall have power to impose civil penalties for  
4 violation of any provisions of this Act or any rules, regulations, orders or  
5 directives issued or made pursuant to this Act.

6 (2) Such civil penalties shall be in accordance with any provisions  
7 with respect to amount or scope provided in any extant, current or future  
8 regulations, orders, or directives made under this Act or law empowering the  
9 making of such regulations, orders or directives.

10 (3) The Authority's power to enforce compliance with penalties,  
11 orders or directives under this section shall include power to-

12 (a) detain aircraft;

13 (b) close offices and/or operations of violator; and

14 (c) seize and exercise a lien over aircraft owned by the violator and  
15 other assets of the violator.

16 (4) Any person who, with knowledge of the occurrence, or who can be  
17 imputed to have such knowledge as a reasonable person exercising reasonable  
18 care in the circumstances, offers or accepts dangerous goods for commercial  
19 air transport in violation of such rules, regulations, orders made for the safe  
20 transport of dangerous goods by air has violated the duty imposed by section 68  
21 (4) of this Act, and shall be subject to a civil penalty not exceeding N200,000  
22 for each part of the International Civil Aviation Organisation Technical  
23 Instruction for the Safe Transport of Dangerous Goods by Air that are violated.

24 Actions in trespass,  
nuisance and  
damage from  
aircraft

25 79. An action shall not lie in respect of trespass or nuisance by reason  
26 only of the flight of an aircraft over any property at a height above the ground  
27 which, having regard to wind, weather and all the circumstances of the case is  
28 reasonable, or the ordinary incidents of such flight, so long as the flight over  
29 such property duly complies with any regulations in force made in respect to it.

30 (2) Where injury, loss or damage is caused to any person or  
environment, property on land or water by an aircraft or an article, or a person  
in or falling from an aircraft in-flight taking off or landing or where such injury,

1 loss or damage is caused to any person or environment or property on land or  
2 water by an aircraft in-flight, then without prejudice to the law relating to  
3 contributory negligence damages in respect of the injury, loss or damage  
4 shall be recoverable without proof of negligence or intention or any other  
5 cause of action, as if the injury, loss or damage had been caused by the  
6 willful act, neglect or default of the owner or operator of the aircraft.

7 (3) Where the injury, loss or damage is caused in circumstances in  
8 which a legal liability exists in some person other than the owner or operator  
9 to pay damages in respect of the injury, loss or damage, the owner or  
10 operator shall be entitled to be indemnified by that other person against any  
11 claim in respect of the said injury, loss or damage.

12 (4) Where any aircraft has been bonafide demised, let or hired out  
13 to any person by the owner of it and no pilot, commander, navigator or  
14 operative member of the crew of the aircraft is in the employment of the  
15 owner, this section shall have effect as though references to the owner here  
16 were substituted for references to the person to whom the aircraft has been  
17 so demised, let or hired out.

18 (5) The liability of the owner or operator arising under subsection  
19 (2) of this section shall not exceed the Naira equivalent of the following  
20 limits based on the mass of the aircraft-

21 (a) 750,000 Special Drawing Rights for aircraft having a maximum  
22 mass of 500 kilogrammes or less;

23 (b) 1,500,000 Special Drawing Rights for aircraft having a  
24 maximum mass of more than 500 kilogrammes but exceeding 1,000  
25 kilogrammes;

26 (c) 3,000,000 Special Drawing Rights for aircraft having a  
27 maximum mass of more than 1,000 kilogrammes but not exceeding 2,700  
28 kilogrammes;

29 (d) 7,000,000 Special Drawing Rights for aircraft having a

1 maximum mass of more than 2,700 kilogrammes but not exceeding 6,000  
2 kilogrammes;

3 (e) 18,000,000 Special Drawing Rights for aircraft having a  
4 maximum mass of more than 6,000 kilogrammes but not exceeding 12,000  
5 kilogrammes;

6 (f) 80,000,000 Special Drawing Rights for aircraft having a  
7 maximum mass of more than 12,000 kilogrammes but not exceeding 25,000  
8 kilogrammes;

9 (g) 150,000,000 Special Drawing Rights for aircraft having a  
10 maximum mass of more than 25,000 kilogrammes but not exceeding 50,000  
11 kilogrammes;

12 (h) 300,000,000 Special Drawing Rights for aircraft having a  
13 maximum mass of more than 50,000 kilogrammes but not exceeding 200,000  
14 kilogrammes;

15 (i) 500,000,000 Special Drawing Rights for aircraft having a  
16 maximum mass of more than 200,000 kilogrammes but not exceeding 500,000  
17 kilogrammes; and

18 (j) 700,000,000 Special Drawing Rights for aircraft having a  
19 maximum mass of more than 500,000 kilogrammes.

20 (6) Where an event involves two or more aircraft operated by the same  
21 owner or operator, any limit of liability with respect to both aircraft may be  
22 called upon to resolve any injury and or damage.

23 (7) The limits in this subsection shall only apply if the owner or  
24 operator proves that the damage-

25 (a) was not due to its negligence or other wrongful act or omission or  
26 that of its servants or agents; or

27 (b) was solely due to the negligence or other wrongful act or omission  
28 of another person. (8) Where two or more aircraft have been involved in an  
29 event causing damage to which this Act applies, the owner or operator of those

1 aircraft shall be jointly and severally liable for any damage suffered by a  
2 third party.

3 (9) Where two or more owners or operators are so liable, the  
4 recourse between them shall depend on their respective contribution to the  
5 damage.

6 (10) In case of injury, loss or damage arising from the provision of  
7 subsection (2) of this section, the owners or operators shall make advance  
8 payment of at least the Naira equivalent of the sum of USD 50,000 within 30  
9 days to the persons who are entitled to claim compensation in order to meet  
10 their immediate economic needs of such persons and such advance  
11 payments shall not constitute a recognition of liability and may be offset  
12 against any amounts subsequently paid as damages by the carrier.

13 (11) Where the total amount of compensation for damages exceeds  
14 the limits prescribed under subsection (5) of this section, additional  
15 compensation as may from time to time be prescribed by the International  
16 Civil Aviation Organisation shall apply.

17 (12) The right to compensation for damages under this Act shall be  
18 extinguished where an action is not brought within 2 years from the date of  
19 event which caused the damage.

20 80. Every person who knowingly and willfully forges,  
21 counterfeits, alters, or falsely makes any document authorised to be issued  
22 under this Act, or knowingly uses or attempts to use any such fraudulent  
23 document, and any person who knowingly and willfully displays or causes  
24 to be displayed on any aircraft any marks that are false or misleading as to  
25 the nationality or registration of the aircraft, shall be guilty of an offence and  
26 shall upon conviction be liable to a fine not exceeding N1,000,000, or to a  
27 term of imprisonment not exceeding 1 year, or to both.

Forgery or  
counterfeiting  
of documents

28 81.-(1) Where an aircraft is operated in such a manner as to cause  
29 danger to any person or property in the aircraft, on land or water, the pilot or  
30 any other person in charge of the aircraft and the owner or any person having

Dangerous Flying

1 responsibility for safe navigation of the aircraft shall be guilty of an offence and  
2 liable upon conviction to imprisonment for a term of not less than 2 years or a  
3 fine of not less than N2,000,000.00 or to both.

4 (2) In any proceedings against the owner of an aircraft in respect of an  
5 alleged offence under this section, it shall be a defence to prove that the act  
6 alleged to constitute the offence was done without the fault, privity and consent  
7 of the owner.

8 (3) In this section, owner in relation to an aircraft of an alleged offence  
9 includes any by whom the aircraft is hired at the time of the alleged offence.

10 **82.**-(1) Any person who unlawfully and intentionally destroys or  
11 damages air navigation and meteorological facilities or interferes with their  
12 operation in such a manner as is likely to endanger the safety of aircraft in flight  
13 shall be guilty of an offence and liable on conviction to imprisonment for a term  
14 of not less than 1 year or to a fine of not less than N2,000,000.00 or to both.

15 (2) Any person who attempts to commit or abets the commission of  
16 any offence under sub-section (1) of this section shall also be deemed to have  
17 committed such offence and shall be liable to the punishment provided for that  
18 offence.

19 (3) A person shall be guilty of an offence and shall upon conviction be  
20 liable to a fine not exceeding N10,000,000, or to a term of imprisonment not  
21 exceeding 5 years, who-

22 (a) with intent to interfere with air navigation exhibits any light,  
23 signal, or communication at such place or in such manner that is likely to be  
24 mistaken for a true light or signal established pursuant to this Act, or for a true  
25 light or signal in connection with an aerodrome or other air navigation facility,  
26 or after due warning by the Director-General, continues to maintain any such  
27 misleading light or signal; or

28 (b) knowingly removes, extinguishes, or interferes with the operation  
29 of any such true light or signal.

30 (4) Any air operator, officer, agent, employee, or representative of it,

Damage to air  
navigation and  
other facility

1 who knowingly or willfully-

2 (a) fails or refuses to make a report to the Authority as required by  
3 this Act; or

4 (b) fails or refuses to keep or preserve reports, accounts, records,  
5 and memoranda in the form and manner prescribed or approved by the  
6 Authority, which reports, accounts, records or memoranda impacts or has  
7 the potential to have effect on safety or revenue to the Authority or the  
8 Federal Government; or

9 (c) mutilates or alters any such reports, accounts, records, or  
10 memoranda; or files false reports, accounts, records, or memoranda,  
11 commits an offence and shall on conviction be liable for each offence to a  
12 fine of not less than N250,000 or 6 months imprisonment or to both-

13 (5) Liability pursuant to subsection (4) of this section shall be  
14 without prejudice to any civil or other penalty for failure to file any reports,  
15 accounts, records or memoranda under this Act and the mutilation of the  
16 same.

17 (6) Every person who shall neglect or refuse to attend and testify, or  
18 to answer any lawful inquiry, or to produce books, papers, or documents, if  
19 within such person's custody or control to do so, under any subpoena or  
20 request of the Authority, shall be guilty of an offence and shall upon  
21 conviction be liable to a fine not less than N250,000 or to a term of  
22 imprisonment not exceeding 6 months, or to both.

23 **83.-(1)** Whosoever on board an aircraft in service unlawfully and  
24 intentionally by force or threat of it, or by coercion or by any other form of  
25 intimidation or by any technological means, seizes or exercises control of an  
26 aircraft or makes a threat to commit the offence set forth in this subsection or  
27 unlawfully and intentionally causes any person to receive such threat under  
28 circumstances which indicate that the threat is credible, commits an offence  
29 of hijacking of such aircraft.

Hijacking and  
interference

30 (2) Any person who attempts to commit the offence referred to in

1 sub-section (1) of this section in relation to any aircraft, or participates as an  
2 accomplice to the commission of any such offence, or unlawfully and  
3 intentionally assist another person to evade investigation, prosecution or  
4 punishment, knowing that the person has committed the offence set forth in  
5 subsection (1) of this section or that the person is wanted for criminal  
6 prosecution by law enforcement authorities for such an offence, commits an  
7 offence under this Act.

8 (3) Any person commits an offence if that person intentionally agrees  
9 with one or more other persons to commit the offence set forth in subsections  
10 (1) and (2) of this section, or contributes in any other way to the commission of  
11 such offence by a group of persons acting with the common purpose which  
12 contribution shall either be with the aim of furthering the general criminal  
13 activity or purposes of the group to commit the offence set forth in subsections  
14 2 and 3 or made in the knowledge of the intention of the group to commit such  
15 an offence.

16 (4) Any person who organises or directs others to commit an offence  
17 set forth in this section is guilty of an offence and shall upon conviction be  
18 liable to imprisonment for a term of not less than 5 years and to a fine not less  
19 than N2,000,000.00.

20 (5) Any person who commits the offence under this section is liable on  
21 conviction to imprisonment for life and also to a fine of not less than  
22 N25,000,000.00.

23 (6) Any person who in the course of committing the offence of  
24 hijacking of an aircraft, commits, in connection with such offence, any act of  
25 violence against any passenger or member of the crew of such aircraft, shall be  
26 liable to the same punishment with which he would have been liable under any  
27 law for the time being in force in Nigeria if such act had been committed in  
28 Nigeria.

29 (7) The Federal High Court shall have jurisdiction to try offences  
30 under this section where-



1 (a) the offence is committed on board an aircraft registered in  
2 Nigeria;

3 (b) the aircraft onboard which the offence is committed lands in  
4 Nigeria with the alleged offender still onboard;

5 (c) the offence is committed onboard an aircraft leased without  
6 crew to a lessee who has his principal place of business in Nigeria or if he has  
7 no principal place of business, his permanent residence is in Nigeria;

8 (d) the offence is committed onboard a non-Nigerian registered  
9 aircraft whilst such an aircraft within the territory of the Federal Republic of  
10 Nigeria; and

11 (e) when the offence is committed by a citizen of Nigeria within or  
12 outside the territory of Nigeria or a citizen of Nigeria or a stateless person  
13 whose habitual residence is in Nigeria.

14 84.-(1) Any person who unlawfully and intentionally-

15 (a) commits an act of violence against a person onboard an aircraft  
16 in flight if that act is likely to endanger the safety of that aircraft;

17 (b) destroys an aircraft in service or causes damage to such aircraft  
18 which renders it incapable of flight or which is likely to endanger its safety  
19 in flight;

20 (c) places or causes to be placed in an aircraft in service, by any  
21 means whatsoever, a device or substance which is likely to destroy the  
22 aircraft, or to cause damage to it which renders it incapable of flight, or to  
23 cause damage to it which is likely to endanger its safety in flight;

24 (d) destroys or damages air navigation facilities or interferes with  
25 their operation, if any such act is likely to endanger the safety of aircraft in  
26 flight;

27 (e) communicates information which that person knows to be false,  
28 thereby endangering safety of aircraft in flight;

29 (f) uses an aircraft in flight for the purposes of causing death,  
30 serious bodily injury, or serious damage to property or the environment;

Endangering of  
safety, destroying  
or damaging of  
an aircraft

1 (g) releases or discharges from an aircraft in flight any biological,  
2 chemical and or nuclear weapon or explosives, radioactive or similar  
3 substances in a manner that causes or is likely to cause death, serious bodily  
4 injury or serious damage to property or environment;

5 (h) uses against or onboard an aircraft in flight any biological,  
6 chemical and or nuclear weapon or explosive, radioactive, or similar  
7 substances in a manner that causes death, serious bodily injury or serious  
8 damage to property or the environment; or

9 (j) transports, causes to be transported, or facilitates the transport of,  
10 onboard an aircraft-

11 (i) any explosives or radioactive material, knowing that it is intended  
12 to be used to cause, or makes a threat to cause, with or without a condition,  
13 death or serious injury or damage for the purpose of intimidating a population,  
14 or compelling a government or an international organisation to do or to abstain  
15 from doing any act;

16 (ii) any biological, chemical and or nuclear weapon, knowing it to be  
17 a biological, chemical and or nuclear weapon as defined in this Act;

18 (iii) any source material, special fissionable material, or equipment or  
19 material especially designed or prepared for the processing, use or production  
20 of special fissionable material, knowing that it is intended to be used in a  
21 nuclear explosive activity or in any other nuclear activity not under relevant  
22 internationally safeguards; or

23 (iv) any equipment, materials or software or related technology that  
24 significantly contributes to the design, manufacture or delivery of a biological,  
25 chemical and or nuclear weapon (BCN) without lawful authorisation and with  
26 the intention that it will be used for such purpose, commits an offence and is  
27 liable on conviction to life imprisonment without an option of fine.

28 (2) It shall not be an offence under this section if the transport of such  
29 items or materials is consistent with or is for the use or activity that is consistent  
30 with the rights, responsibilities and obligations under the applicable

1 multilateral non-proliferation treaty to which Nigeria is a party.

2 (3) whosoever unlawfully and intentionally, using any device,  
3 substance or weapon-

4 (a) performs an act of violence against a person at an airport  
5 servicing international civil aviation which causes or is likely to cause  
6 serious injury or death, or

7 (b) destroys or seriously damages the facilities of an airport serving  
8 international civil aviation or aircraft not in service located thereon or  
9 disrupts the services of the airport, if such an act endangers safety at that  
10 airport, commits an offence and is liable on conviction to imprisonment for a  
11 term not less than 5 years and to a fine of not less than N2,000,000,00.

12 (4) Any person also commits an offence and is liable on conviction  
13 to imprisonment for a term not less than 5 years and to a fine of not less than  
14 N2,000,000.00 where that person-

15 (a) makes a threat to commit any of the offences in subsections (1)  
16 (a) - (i) and (3) of this section;

17 (b) unlawfully and intentionally causes any person to receive such  
18 a threat under circumstances which indicate that the threat is credible;

19 (c) attempts to commit any of the offences set forth in subsections  
20 (1) (a - i) or (3) of this section;

21 (d) organises or directs others to commit an offence as set forth in  
22 subsections (1) (a) - (i), (3) and (4) of this section;

23 (e) participates as an accomplice in an offence set forth in  
24 subsections (1), (3) or (4)(a) of this section; and

25 (f) unlawfully and intentionally assist another person to evade  
26 investigation, prosecution or punishment, knowing that the person has  
27 committed an act that constitutes an offence set forth in subsections (1), (3),  
28 (4)(c), (d) or (e) of this section, or that the person is wanted for criminal  
29 prosecution by law enforcement authorities for such an offence or has been  
30 sentenced for such an offence.



1 territory of Nigeria with the offender still on board;

2 (e) offence is committed against or on board an aircraft leased  
3 without crew to lessee whose principal place of business or, if the lessee has  
4 no such place of business, whose permanent residence is in Nigeria;

5 (f) victim is a citizen or is resident in Nigeria, in transit or has a link  
6 with Nigeria or is dealing with or on behalf of the Government of Nigeria;  
7 and

8 (g) alleged offender is in Nigeria and not extradited to any other  
9 country for prosecution.

10 (2) The Federal High Court shall have jurisdiction to impose any  
11 penalty provided for an offence under this Act or any other related law.

12 (3) Whenever any person is convicted of an offence under this Act,  
13 the court in passing sentence shall in addition to any punishment which the  
14 court may impose in respect of the offence, order the forfeiture to the Federal  
15 Government of Nigeria; of any property, asset or fund with accrued interest,  
16 article, substance, device, material or conveyance which is reasonably  
17 believed to have been used in the commission of the offence or the proceed  
18 of any unlawful activity under this Act and is in the possession, custody or  
19 control of the convicted person,

20 (4) Notwithstanding the provisions of subsection (3) of this  
21 section, the penalty imposed on a person convicted of an offence referred to  
22 in that subsection may be reduced in such manner as the court deems fit  
23 where that person has, before any proceeding, made possible or facilitated  
24 the identification of other accused persons and their sponsors or who, after  
25 the commencement of the proceedings, has made possible or facilitated the  
26 arrest of such persons.

27 87.-(1) In any trial for an offence under this Act, the Court shall  
28 have power, notwithstanding anything to the contrary in any other law, to  
29 adopt all legitimate measures that it may deem necessary to avoid  
30 unnecessary delays and abuse in the conduct of proceedings.

Adoption of  
measures to avoid  
delays

1 (2) Subject to the provisions of the Constitution of the Federal  
2 Republic of Nigeria, an application for stay of proceedings in respect of any  
3 criminal matter brought under this Act shall not be entertained until judgment  
4 is delivered.

5 PART XIV - INVESTIGATION AND ENFORCEMENT

Issuance of  
warrant for  
investigation

6 **88.**-(1) An Officer of the Authority or a duly authorised law  
7 enforcement officer may apply ex-parte to the court for the issuance of a  
8 warrant for the purposes of conducting an investigation under this Act.

9 (2) The court may issue a warrant authorising an officer of the  
10 Authority or any law enforcement officer to-

11 (a) enter the premises or conveyance specified or described in the  
12 warrant;

13 (b) search the premises or conveyance and any person found in it; and

14 (c) seize and retain any relevant material found in it.

15 (3) The court shall not issue a warrant under subsection (2) of this  
16 section unless the court is satisfied that-

17 (a) the warrant is sought to prevent the commission of an offence  
18 under this Act or to prevent the interference in an investigation under this Act;

19 (b) there are reasonable grounds for believing that there is a person or  
20 material on the premises or conveyance which may be relevant to an  
21 investigation; or

22 (c) the person being sought is preparing to commit an offence under  
23 this Act.

Investigation  
or search without  
Warrant

24 **89.**-(1) Where in a case of verifiable urgency, or a life is threatened, or  
25 to prevent the commission of an offence provided under this Act, an application  
26 to the court or to a Judge in Chambers to obtain a warrant would cause delay  
27 that may be prejudicial to the maintenance of public safety or order, an Officer  
28 of the Authority or a law enforcement Officer may without prejudice to the  
29 provisions of section 88 of this Act or any other law; with the assistance of such

1 other officers as may be necessary and while search warrant is being sought  
2 for-

3 (a) enter and search any premises or place if he has reason to  
4 suspect that, within those premises, place or conveyance-

5 (i) an offence under this Act is being committed or likely to be  
6 committed, or

7 (ii) there is evidence of the commission of an offence under this  
8 Act, or

9 (iii) there is an urgent need to prevent the commission of an offence  
10 under this Act;

11 (b) search any person or conveyance found on any premises or  
12 place which such officer is empowered to enter and search under paragraph  
13 (a) of this subsection;

14 (c) require information from and attendance of any person,  
15 beneficiary or any person connected in any way in a matter under  
16 investigation;

17 (d) inspect premises, electronics, computer system or recorded  
18 information found on the premises;

19 (e) observe the carrying on of business or professional activities by  
20 any person;

21 (f) stop, board and search any conveyance where the Authority or  
22 its authorised officer has reasons to suspect that there is evidence of the  
23 commission or likelihood of the commission of an offence under this Act;

24 (g) seize, remove and detain anything which is, or contains or  
25 appears to him to be or to contain or to be likely to contain, evidence of the  
26 commission of an offence under this Act; or

27 (h) arrest, search and detain any person whom the officer  
28 reasonably suspects of having committed or likely to commit an offence-  
29 under this Act.

30 (2) Where a seizure is effected in the course of search or

1 investigation under this Act, a copy of the list of all the articles, documents and  
2 other materials seized shall be made, duly endorsed and handed to the-

3 (a) person on whom the search is made; or

4 (b) owner of the premises, place or conveyance seized.

5 (3) Notwithstanding the provisions of subsection (1) of this section, a  
6 woman shall only be searched by a woman.

7 (4) Nothing in this section shall be construed as derogating from the  
8 lawful right of any person in defence of his person or property.

9 (5) Any officer of the Authority or a duly authorised law enforcement  
10 officer who uses such force as may be reasonably necessary for any purpose in  
11 accordance with this Act, shall not be liable in any criminal or civil  
12 proceedings, for having, by the use of reasonable force caused injury or death  
13 to any person or damage to or loss of any property.

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informants and  
witnesses

14 90.-(1) Where a person volunteers to the Authority or an official of  
15 the Authority any information which may be useful in the investigation or  
16 prosecution of an offence under this Act, the Authority shall take all reasonable  
17 measures to protect the identity of that person and the information so  
18 volunteered shall be treated as confidential.

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20 General, the Authority or a law enforcement agency, protect a witness or other  
21 persons in any proceeding before it.

Complaints to  
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22 91.-(1) The Authority shall have power to carry out investigations on  
23 its own initiative or upon receipt of a complaints or upon any other occurrence,  
24 save for accidents and serious incidents after due notice to the person  
25 concerned.

26 (2) Upon investigation, if the Authority is satisfied that a person is or  
27 are violating any provisions of this Act, regulations, rules, directives or orders,  
28 it shall by order require such person to take such action consistent with the  
29 provisions of this Act, regulations, rules, directives or orders as the Authority  
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7 (ii) there is evidence of the commission of an offence under this  
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11 (b) search any person or conveyance found on any premises or  
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14 (c) require information from and attendance of any person,  
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17 (d) inspect premises, electronics, computer system or recorded  
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19 (e) observe the carrying on of business or professional activities by  
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21 (f) stop, board and search any conveyance where the Authority or  
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23 commission or likelihood of the commission of an offence under this Act;

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12 proceedings, for having, by the use of reasonable force caused injury or death  
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Protection of  
informants and  
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14 **90.**-(1) Where a person volunteers to the Authority or an official of  
15 the Authority any information which may be useful in the investigation or  
16 prosecution of an offence under this Act, the Authority shall take all reasonable  
17 measures to protect the identity of that person and the information so  
18 volunteered shall be treated as confidential.

19 (2) The court may, on a motion by or on behalf of the Attorney-  
20 General, the Authority or a law enforcement agency, protect a witness or other  
21 persons in any proceeding before it.

Complaints to  
and investigations  
by the Authority

22 **91.**-(1) The Authority shall have power to carry out investigations on  
23 its own initiative or upon receipt of a complaints or upon any other occurrence,  
24 save for accidents and serious incidents after due notice to the person  
25 concerned.

26 (2) Upon investigation, if the Authority is satisfied that a person is or  
27 are violating any provisions of this Act, regulations, rules, directives or orders,  
28 it shall by order require such person to take such action consistent with the -  
29 provisions of this Act, regulations, rules, directives or orders as the Authority  
30 may deem necessary to remedy the violation and prevent further violation.

1 (3) The Authority shall have power to take all steps reasonably  
2 necessary, including the power to ground any aircraft and to seal the  
3 premises of any air transport service provider or provider of allied aviation  
4 service, in order to ensure compliance with the provisions of this Act and the  
5 regulations, rules and orders made pursuant to it.

6 (4) Any person may file with the Authority a complaint in writing  
7 with respect to anything done or omitted to be done by any person in  
8 contravention of any provision of this Act, regulations, rules, directives or  
9 orders or of any requirement established pursuant to it.

10 (5) Where the person complained against does not satisfy the  
11 complaint and there appears any reasonable ground for investigating - the  
12 complaint, it shall be the duty of the Authority to investigate the matters set  
13 forth in the complaint and whenever the Authority is of the opinion that any  
14 complaint does not state facts which warrant an investigation or action, such  
15 complaint may be dismissed without hearing.

16 (6) Where the Authority finds, after an investigation instituted  
17 upon complaint or upon the Authority's initiative, with respect to matters  
18 within the Authority's jurisdiction, that any person has failed to comply with  
19 any provision of this Act, regulations, rules, directives or orders or any  
20 requirement established pursuant to it, the Authority shall, consistent with  
21 the provisions of this Act, issue an appropriate order to compel such person  
22 to comply therewith without prejudice to other provisions in this Act, with  
23 respect to the powers of the Authority to impose penalties.

24 92.-(1) The Authority may hold hearings, issue subpoenas,  
25 administer oaths, examine witnesses, and receive evidence.

Oral, written and  
electronic evidence

26 (2) For the purposes of this Act, the Authority shall have the power  
27 to require by subpoena the attendance and testimony of witnesses and the  
28 production of all books, papers, documents and information, whether  
29 electronically stored or otherwise.

30 (3) The Authority may order that testimony be taken by deposition

1 in any proceeding or investigation pending before it and such depositions may  
2 be taken before any person designated by the Authority and having power to  
3 administer oaths.

4 (4) Reasonable notice shall first be given in writing by the party or the  
5 party's attorney proposing to take such deposition to the opposite party or the  
6 party's attorney of record, which notice shall state the name of the witness and  
7 the time and place of the taking of the deposition.

8 (5) Any person may be compelled to appear and be deposed, and to  
9 produce books, papers, documents and information, whether electronically  
10 stored or otherwise, in the same manner as witnesses may be compelled to  
11 appear and testify and produce like documentary evidence before the  
12 Authority, as herein before provided.

13 (6) Where a witness whose testimony may be desired to be taken by  
14 deposition is in a foreign country, the deposition may be taken, subject to the  
15 laws of the foreign country where the deposition is to be taken, by a person  
16 appointed by the Authority.

Video recording  
and custody of  
Records

17 **93.**-(1) A video recording shall be made and kept in respect of any  
18 person, conveyance or property detained under any provision of this Act as  
19 may be required by the Authority.

20 (2) Records in respect of any person, conveyance or property detained  
21 under any provision of this Act shall be kept in the custody of the Director-  
22 General.

23 (3) Subject to the provisions of the Evidence Act, a video recording  
24 and other forms of electronic evidence shall be admissible in evidence before  
25 any court of competent jurisdiction in Nigeria for the trial of offences under this  
26 Act.

Designation of  
agent for service

27 **94.**-(1) It shall be the duty of every foreign air operator in Nigeria to  
28 designate in writing an agent in Nigeria upon which service of all notices and  
29 processes and all orders, decisions, and requirements of the Authority may be  
30 made for and on behalf of the air operator or foreign air operator, and to file

1 such designation with the Authority and such designation may be changed  
2 by subsequent filing.

3 (2) Service of all notices and process and of orders, decisions, and  
4 requirements of the Authority may be made upon any air operator or foreign  
5 air operator by service upon its designated agent at their office in Nigeria or  
6 place of residence in Nigeria with the same effect as personal service upon  
7 such air operator or foreign air operator.

8 (3) Where a designated agent is in default or is absent, service of  
9 any notice or other process in any proceedings before the Authority, or of  
10 any order, decision, or requirement of the Authority, may be made by  
11 posting such notice, process, order, requirement, or decision at the office or  
12 location of the designated agent on file with the Authority.

13 (4) Service of notices, processes, orders, rules, and regulations  
14 upon any person may be made by personal service or upon an agent  
15 designated in writing for this purpose, or by courier, registered or certified  
16 mail addressed to such person or agent.

17 (5) Whenever service is made by courier, registered or certified  
18 mail, the date of mailing shall be considered as the date when service is  
19 made.

#### 20 PART XV - AIR OPERATOR ECONOMIC REGULATION

21 95.-(1) Subject to the provisions of section 68 of this Act-

22 (a) no aircraft shall be used by any person in Nigeria for flying,  
23 while carrying passengers or cargo for reward, on such journeys or classes of  
24 journeys (whether beginning and ending at the same point or at different  
25 points) or for such flying undertaking for the purpose of any trade or  
26 business, except under the authority of and in accordance with a licence,  
27 permit, or other authorization issued to him by the Authority; and

28 (b) no aircraft shall be used by any person in Nigeria for any other  
29 purpose save for military, police, customs, or immigration operations,  
30 except under the authority of and in accordance with a licence, permit, or

Control of air  
transport  
undertaking

1 other authorisation issued by the Authority.

2 (2) The Authority may by regulations prescribe the types of licences,  
3 permits, certificates or other authorisation, which may be issued and the terms  
4 and conditions upon which they may be issued.

5 (3) Nothing in this section shall restrict the right of a designated air  
6 transport undertaking, having its principal place of business in any country  
7 outside Nigeria, to provide transport for passengers, mail or cargo-

8 (a) in accordance with the terms of any agreement for the time being  
9 in force between the Government of the Federal Republic of Nigeria and the  
10 government of that country; or

11 (b) in accordance with the terms of any permission granted by the  
12 Minister pending the completion of the negotiations for such an agreement,  
13 referred to in subsection (3)(a) of this section.

14 (4) An application for the grant of a licence, permit, certificate or other  
15 authorization shall be made in writing to the Authority and contain such  
16 particulars with respect to such matters as the Authority may specify in a notice  
17 published in the prescribed manner and where an application is made for the  
18 grant of any such licence, permit, certificate or other authorization, the  
19 Authority shall, either grant such licence, permit, certificate or other  
20 authorization to the applicant in the terms requested in the application, or in  
21 those terms with such modifications as the Authority thinks fit, or refuse to  
22 grant such licence, permit, certificate or other authorisation.

23 (5) Where the Authority is satisfied that an application made for the  
24 grant of any such license, permit or authorisation has met and complied with  
25 the prescribed requirements, the Authority may grant such license, permit,  
26 certificate or authorisation to the applicant with such modification as the  
27 Authority thinks fit or refuse to grant such license, permit, certificate or  
28 authorisation if it is not in the public interest to do so.

29 (6) Notwithstanding the provisions of subsections (1) and (3) of this  
30 section, the Authority shall have and exercise the powers generally to-



1 territory of Nigeria with the offender still on board;

2 (e) offence is committed against or on board an aircraft leased  
3 without crew to lessee whose principal place of business or, if the lessee has  
4 no such place of business, whose permanent residence is in Nigeria;

5 (f) victim is a citizen or is resident in Nigeria, in transit or has a link  
6 with Nigeria or is dealing with or on behalf of the Government of Nigeria;  
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9 country for prosecution.

10 (2) The Federal High Court shall have jurisdiction to impose any  
11 penalty provided for an offence under this Act or any other related law.

12 (3) Whenever any person is convicted of an offence under this Act,  
13 the court in passing sentence shall in addition to any punishment which the  
14 court may impose in respect of the offence, order the forfeiture to the Federal  
15 Government of Nigeria; of any property, asset or fund with accrued interest,  
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17 believed to have been used in the commission of the offence or the proceed  
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20 material on the premises or conveyance which may be relevant to an  
21 investigation; or

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2 necessary, including the power to ground any aircraft and to seal the  
3 premises of any air transport service provider or provider of allied aviation  
4 service, in order to ensure compliance with the provisions of this Act and the  
5 regulations, rules and orders made pursuant to it.

6 (4) Any person may file with the Authority a complaint in writing  
7 with respect to anything done or omitted to be done by any person in  
8 contravention of any provision of this Act, regulations, rules, directives or  
9 orders or of any requirement established pursuant to it.

10 (5) Where the person complained against does not satisfy the  
11 complaint and there appears any reasonable ground for investigating - the  
12 complaint, it shall be the duty of the Authority to investigate the matters set  
13 forth in the complaint and whenever the Authority is of the opinion that any  
14 complaint does not state facts which warrant an investigation or action, such  
15 complaint may be dismissed without hearing.

16 (6) Where the Authority finds, after an investigation instituted  
17 upon complaint or upon the Authority's initiative, with respect to matters  
18 within the Authority's jurisdiction, that any person has failed to comply with  
19 any provision of this Act, regulations, rules, directives or orders or any  
20 requirement established pursuant to it, the Authority shall, consistent with  
21 the provisions of this Act, issue an appropriate order to compel such person  
22 to comply therewith without prejudice to other provisions in this Act, with  
23 respect to the powers of the Authority to impose penalties.

24 92.-(1) The Authority may hold hearings, issue subpoenas,  
25 administer oaths, examine witnesses, and receive evidence.

Oral, written and  
electronic evidence

26 (2) For the purposes of this Act, the Authority shall have the power  
27 to require by subpoena the attendance and testimony of witnesses and the  
28 production of all books, papers, documents and information, whether  
29 electronically stored or otherwise.

30 (3) The Authority may order that testimony be taken by deposition

1 in any proceeding or investigation pending before it and such depositions may  
2 be taken before any person designated by the Authority and having power to  
3 administer oaths.

4 (4) Reasonable notice shall first be given in writing by the party or the  
5 party's attorney proposing to take such deposition to the opposite party or the  
6 party's attorney of record, which notice shall state the name of the witness and  
7 the time and place of the taking of the deposition.

8 (5) Any person may be compelled to appear and be deposed, and to  
9 produce books, papers, documents and information, whether electronically  
10 stored or otherwise, in the same manner as witnesses may be compelled to  
11 appear and testify and produce like documentary evidence before the  
12 Authority, as herein before provided.

13 (6) Where a witness whose testimony may be desired to be taken by  
14 deposition is in a foreign country, the deposition may be taken, subject to the  
15 laws of the foreign country where the deposition is to be taken, by a person  
16 appointed by the Authority.

Video recording  
and custody of  
Records

17 **93.-(1)** A video recording shall be made and kept in respect of any  
18 person, conveyance or property detained under any provision of this Act as  
19 may be required by the Authority.

20 (2) Records in respect of any person, conveyance or property detained  
21 under any provision of this Act shall be kept in the custody of the Director-  
22 General.

23 (3) Subject to the provisions of the Evidence Act, a video recording  
24 and other forms of electronic evidence shall be admissible in evidence before  
25 any court of competent jurisdiction in Nigeria for the trial of offences under this  
26 Act.

Designation of  
agent for service

27 **94.-(1)** It shall be the duty of every foreign air operator in Nigeria to  
28 designate in writing an agent in Nigeria upon which service of all notices and  
29 processes and all orders, decisions, and requirements of the Authority may be  
30 made for and on behalf of the air operator or foreign air operator, and to file

1 such designation with the Authority and such designation may be changed  
2 by subsequent filing.

3 (2) Service of all notices and process and of orders, decisions, and  
4 requirements of the Authority may be made upon any air operator or foreign  
5 air operator by service upon its designated agent at their office in Nigeria or  
6 place of residence in Nigeria with the same effect as personal service upon  
7 such air operator or foreign air operator.

8 (3) Where a designated agent is in default or is absent, service of  
9 any notice or other process in any proceedings before the Authority, or of  
10 any order, decision, or requirement of the Authority, may be made by  
11 posting such notice, process, order, requirement, or decision at the office or  
12 location of the designated agent on file with the Authority.

13 (4) Service of notices, processes, orders, rules, and regulations  
14 upon any person may be made by personal service or upon an agent  
15 designated in writing for this purpose, or by courier, registered or certified  
16 mail addressed to such person or agent.

17 (5) Whenever service is made by courier, registered or certified  
18 mail, the date of mailing shall be considered as the date when service is  
19 made.

20 PART XV - AIR OPERATOR ECONOMIC REGULATION

21 95.-(1) Subject to the provisions of section 68 of this Act-

22 (a) no aircraft shall be used by any person in Nigeria for flying,  
23 while carrying passengers or cargo for reward, on such journeys or classes of  
24 journeys (whether beginning and ending at the same point or at different  
25 points) or for such flying undertaking for the purpose of any trade or  
26 business, except under the authority of and in accordance with a licence,  
27 permit, or other authorization issued to him by the Authority; and

28 (b) no aircraft shall be used by any person in Nigeria for any other  
29 purpose save for military, police, customs, or immigration operations,  
30 except under the authority of and in accordance with a licence, permit, or

Control of air  
transport  
undertaking

1 other authorisation issued by the Authority.

2 (2) The Authority may by regulations prescribe the types of licences,  
3 permits, certificates or other authorisation, which may be issued and the terms  
4 and conditions upon which they may be issued.

5 (3) Nothing in this section shall restrict the right of a designated air  
6 transport undertaking, having its principal place of business in any country  
7 outside Nigeria, to provide transport for passengers, mail or cargo-

8 (a) in accordance with the terms of any agreement for the time being  
9 in force between the Government of the Federal Republic of Nigeria and the  
10 government of that country; or

11 (b) in accordance with the terms of any permission granted by the  
12 Minister pending the completion of the negotiations for such an agreement,  
13 referred to in subsection (3)(a) of this section.

14 (4) An application for the grant of a licence, permit, certificate or other  
15 authorization shall be made in writing to the Authority and contain such  
16 particulars with respect to such matters as the Authority may specify in a notice  
17 published in the prescribed manner and where an application is made for the  
18 grant of any such licence, permit, certificate or other authorization, the  
19 Authority shall, either grant such licence, permit, certificate or other  
20 authorization to the applicant in the terms requested in the application, or in  
21 those terms with such modifications as the Authority thinks fit, or refuse to  
22 grant such licence, permit, certificate or other authorisation.

23 (5) Where the Authority is satisfied that an application made for the  
24 grant of any such license, permit or authorisation has met and complied with  
25 the prescribed requirements, the Authority may grant such license, permit,  
26 certificate or authorisation to the applicant with such modification as the  
27 Authority thinks fit or refuse to grant such license, permit, certificate or  
28 authorisation if it is not in the public interest to do so.

29 (6) Notwithstanding the provisions of subsections (1) and (3) of this  
30 section, the Authority shall have and exercise the powers generally to-



1 (a) regulate, supervise and monitor the activities of Nigerian and  
2 foreign carriers, travel and other aviation agents operating in Nigeria, and to  
3 keep a register in respect of it;

4 (b) require periodic statistical, financial and special returns and or  
5 reports from any air carrier; prescribe the manner and form in which such  
6 reports or returns shall be made, and require from any air carrier specific  
7 answers to questions upon which it deems information may be necessary;

8 (c) prescribe the form of financial records and memoranda to be  
9 kept by air carriers including accounts records and memoranda of the  
10 movement of traffic and the receipt of, and expenditure of money and length  
11 of time such accounts, records and memoranda may be preserved;

12 (d) require every Nigerian and foreign carrier to file and keep open  
13 for public inspection, tariffs showing all rates, fares and charges charged by  
14 it, in such form and manner as may be prescribed by the Authority from time  
15 to time, and to reject tariffs so filed which are unfair and or inconsistent with  
16 any provisions of this Act or regulations or any other laws for the protection  
17 of consumers, provided that the rates, fares and charges shown in any tariff  
18 shall in the first instance be denominated in local currency, without  
19 prejudice to those being denominated in foreign currencies in the case of  
20 foreign carriers;

21 (e) require an air carrier to maintain reasonable and adequate rates  
22 of compensation and other conditions of service for its employees consistent  
23 with prevailing labour practices in the industry;

24 (d) require domestic air carriers to submit annually and at such  
25 other times as it may deem fit, a list showing the names of its shareholders or  
26 any person holding more than 5 percent of the shares in the air carrier  
27 together with the names of any person on whose behalf such shares are held;

28 (g) require every Nigerian carrier to file with the Authority, a true  
29 copy of every contract or agreement affecting air transportation or any  
30 modification or cancellation of it, between the air carrier and any other air

- 1 authorisation in pursuance of an application, unless it is satisfied that-
- 2 (a) the applicant is-
- 3 (i) a citizen of Nigeria, or
- 4 (ii) being a company or a body corporate, is registered in Nigeria and
- 5 has its principal place of business within Nigeria, and is controlled by Nigerian
- 6 nationals;
- 7 (b) the applicant is a fit person, having regard to -
- 8 (i) his and his employees' experience in the field of aviation and his
- 9 and their past activities generally, and
- 10 (ii) where the applicant is a body corporate, the persons appearing to
- 11 the Authority to exercise control over it, is a person possessing relevant and
- 12 sufficient skills and experience in the field of aviation and fit and proper to
- 13 operate aircraft under the authority of the licence, permit, certificate or other
- 14 authorisation which the Authority shall grant to it; or
- 15 (c) the resources of the applicant and the financial arrangements made
- 16 by him are adequate for discharging his actual and potential obligations in
- 17 respect of the business activities in which he is engaged if any, and in which he
- 18 may be expected to engage if he is granted the licence, permit, certificate or
- 19 other authorisation which the Authority considers should be granted to him in
- 20 pursuance of the application.
- 21 (2) The provisions of subsection (1) of this section shall not apply to
- 22 any licence, permit, certificate or other authorisation needed by a person for the
- 23 purpose of operating an aircraft for private use only.
- 24 97.-(1) Where the Authority takes a decision refusing to grant, vary,
- 25 cancel, suspend or revoke a licence, permit, certificate or other authorisation,
- 26 the Authority shall subject to subsection (2) of this section, furnish a statement
- 27 of the reasons for the decision to the applicant for the licence, permit, certificate
- 28 or other authorisation, or as the case may be, to the holder and to any other
- 29 person who in accordance with rules made pursuant to this Act has filed an
- 30 objection in the case or requested such a statement, provided that, no statement

Refusal to grant  
licences, permits,  
etc.

1 of reasons need be furnished in pursuance of a request by the holder of a  
2 licence, permit, certificate or other authorisation for the variation,  
3 cancellation, suspension or revocation of it.

4 (2) The Authority may refrain from furnishing a statement of  
5 reasons in pursuance of subsection (1) of this section, if it has reason to  
6 believe that it might adversely affect the security interest of Nigeria or the  
7 relationship of Nigeria with any other country.

8 (3) The Authority may publish in such manner as it thinks fit  
9 particulars of, and of its reasons for, any decision taken with respect to a  
10 licence, permit, certificate or other authorisation or an application for such a  
11 licence permit, certificate or other authorisation.

12 (4) A person who, for the purpose of obtaining for himself or  
13 another person a licence, permit, certificate or other authorisation or with  
14 regard to a variation or the cancellation or suspension or revocation of a  
15 licence, permit, certificate or other authorization knowingly or recklessly  
16 furnishes to the Authority any information which is false, commits an  
17 offence and shall be liable on conviction to imprisonment for a term of not  
18 less than 6 months or a fine of not less than N500,000.00 or to both.

19 **98.-(1)** The Authority shall perform its air transport licensing  
20 functions in the manner which it considers best to ensure that Nigerian  
21 registered airlines compete as effectively as possible with other airlines in  
22 providing air transport services on international routes; and in performing  
23 those functions the Authority shall also have regard to-

24 (a) any advice received from the Minister with respect to the likely  
25 outcome of negotiations with the government of any other country or  
26 territory for the purpose of securing any right required for the operation -by  
27 an airline in Nigeria of any air transport services outside Nigeria; and

28 (b) the need to secure the most effective use of aerodromes within  
29 Nigeria.

30 (2) In considering whether to grant a licence, permit, certificate or

General duties  
relating to licensing  
function of the  
Authority

1 other authorisation, it shall be the duty of the Authority to have regard to the  
2 effect on existing air transport services provided by Nigerian registered  
3 airlines, of authorising any new services the applicant proposes to provide  
4 under the licence, permit, certificate or other authorisation.

5 (3) Where two or more applicants have applied for the same licence,  
6 permit, certificate or other authorisation under which each proposes to provide  
7 similar services, the Authority shall have regard in particular to any benefits  
8 which may arise from enabling two or more airlines to provide the services in  
9 question.

Permit to foreign  
air operators

10 **99.**-(1) A foreign air operator shall not engage in commercial air  
11 transport within Nigeria unless it has been issued a permit.

12 (2) Application for a permit shall be made in writing to the Director-  
13 General and shall be in such form and contain such information as the  
14 Authority shall require.

15 (3) The Authority may alter, amend, modify, or suspend any such  
16 permit, in whole or in part, for failure to comply with any provision of this  
17 section or any order, rule, or regulation issued under it or any term, condition,  
18 or limitation of such permit.

19 (4) interested person may file with the Authority a protest or  
20 memorandum in support of or in opposition to the alteration, amendment,  
21 modification, suspension, or revocation of a permit pursuant to subsection (3)  
22 of this section .

Power to  
establish training  
school

23 **100.**-(1) The Authority may establish and operate training facilities,  
24 schools, institution; academy or similar establishments for the purpose of  
25 conducting training in civil aviation

26 (2) The Authority may charge such fees as it deems necessary for  
27 conducting such training.

Aviation  
Safeguards

28 **101.**-(1) The Authority may by regulation make such provisions as it  
29 deems necessary, to prohibit and or discourage anti-competitive practices,

30 (2) Without prejudice to the generality of sub-section (1) of this

1 section, such practices may include-

2 (a) charging fares and rates on routes at levels which are in  
3 aggregate, insufficient to cover the costs of providing the services to which  
4 they relate;

5 (b) the addition of excessive capacity or frequency of service;

6 (c) practices which have a serious negative economic effect on, or  
7 cause significant damage to another airline;

8 (d) practices which reflect an apparent intent or have the probable  
9 effect of crippling, excluding or driving another airline or allied aviation  
10 service provider from the market; and

11 (e) any behavior indicating an abuse of dominant position on any  
12 route or in respect of any allied service

13 102.-(1) The Authority shall formulate schemes for suitable  
14 compensation of passengers and other aviation and allied service consumers  
15 arising from different forms of grievances.

Compensation  
schemes for  
passengers and  
other aviation  
services consumers

16 (2) The regulations under subsection (1) of this section shall be  
17 formulated after holding consultations with air carriers and other  
18 stakeholders.

19 103.-(1) All persons engaged in the sale, distribution and provision  
20 of allied services shall obtain such licence, permit or authorisation from the  
21 Authority as may be specified.

Regulation of sale,  
distribution and  
provision of allied  
services

22 (2) The Authority may make rules in this behalf, which may, inter  
23 alla, include-

24 (a) the categories including aircraft equipment sale or leasing  
25 operations, in-flight catering services, ground handling, amongst others in  
26 which the licence may be granted;

27 (b) the information to be furnished by an applicant for the licence;

28 (c) the terms and conditions subject to which the licence may be  
29 granted; and

1 (d) the circumstances under which the licence may be suspended or,  
2 revoked.

Insurance

3 **104.-(1)** Any carrier operating air transport services to, from or within  
4 Nigeria, or aerodrome operator, aviation fuel supplier, or any provider of  
5 ground handling services, meteorological services, air traffic control services,  
6 aircraft maintenance services, or provider of such other class of allied service  
7 as the Authority may from time to time determine in writing, shall maintain  
8 adequate insurance covering its liability under this Act and also its liability  
9 towards compensation for damages that may be sustained by third parties for  
10 an amount to be specified in regulations made by the Authority.

11 (2) Absence of such insurance shall be sufficient reason for refusal,  
12 suspension or revocation of the permission to operate the service or services in  
13 question.

14 (3) Any person having a duty to maintain adequate insurance pursuant  
15 to the provision of subsection (1) of this section shall make quarterly returns to  
16 the Authority evidencing that such adequate insurance is maintained and that  
17 all conditions necessary to create an obligation on the insurer to provide  
18 indemnity in the event of a loss have for the time being been fulfilled.

19 (4) Any carrier operating air transport services to, from or within  
20 Nigeria, or aerodrome operator, aviation fuel supplier, or any provider of  
21 ground services, air traffic control services, aircraft maintenance services, who  
22 contravenes the provisions of subsections (1) and (3) of this section, shall be  
23 guilty of an offence and liable on conviction to a fine of not less than  
24 N10,000,000.00 and its principal officers shall be liable to imprisonment for a  
25 term of not less than 2 years.

26 PART XVIII - MISCELLANEOUS

Limitation of  
action against  
the Authority

27 **105.-(1)** Notwithstanding anything contained in any other law or  
28 enactment, no action shall lie against the Authority, a member of the Board, the  
29 Director-General or any other employee of the Authority, in the execution of  
30 any public duty under this Act or any law, or in respect of any alleged

1 negligence or default in execution of any public duty under this Act or such  
2 law, unless it is commenced within 3 months next after the act, negligence,  
3 or default complained of, or in the case of continuance of damage or injury,  
4 within one year after the ceasing of it.

5 (2) A suit shall not be commenced against the Authority, a member  
6 of the Board, the Director-General or any other employee of the Authority  
7 before the expiration of a period of 1 month after written notice of intention  
8 to commence the suit shall have been served upon the Authority by the  
9 intending plaintiff or his agent; and the notice shall clearly and explicitly  
10 state the cause of action, the particulars of the claim, the name and place of  
11 abode of the plaintiff and the relief sought

12 (3) An action shall not lie against the Authority, a member of the  
13 Board, the Director-General, or any other employee of the Authority for an  
14 act done in pursuance or execution of the powers conferred upon the  
15 Authority in respect of any decision taken on matters relating to safety of air  
16 navigation or in execution of any of the provisions of this Act.

17 **106.**-(1) In any action or suit against the Authority, no execution  
18 shall be levied or attachment process issued against the property of the  
19 Authority unless not less than 3 months notice of the intention to execute or  
20 attach has been given to the Authority.

Restriction on  
execution against  
property of the  
Authority

21 (2) The funds or account of the Authority shall not be attached or  
22 garnisheed in furtherance of a judgment debt unless with the consent and  
23 approval of the Attorney General of the Federation.

24 **107.** A member of the Board, the Director-General, or employee of  
25 the Authority shall be indemnified by the Authority against any civil  
26 proceeding brought against him arising from the lawful discharge of any of  
27 the functions or the exercise of any of the powers conferred on the Authority  
28 under this Act or any other law.

Indemnification  
of officers

29 **108.** The Authority shall have the power to co-operate and  
30 collaborate with any Authority, Commission or Agency in the discharge of

Cooperation with  
other agencies

1 (2) Any notice required or authorised to be served upon a body  
2 corporate shall be deemed to have been duly served if it is served on a Director  
3 of or the Secretary to the body corporate.

4 (3) For the purposes of this section, the proper address of any person  
5 on whom such a notice is to be served shall-

6 (a) in the case of a body corporate, be that of the registered or principal  
7 office of the body corporate; and

8 (b) in any other case, be the last known address of the person.

Service of  
documents

9 **112.** A notice, summons or other document required or authorised to  
10 be served upon the Authority under the provisions of this Act shall be served by  
11 delivering same to the office of the Director-General of the Authority situate at  
12 the headquarters of the Authority.

Registration of  
births and deaths

13 **113.** The Authority shall make regulations for the registration of  
14 births and deaths occurring in aircraft and particulars of persons missing from  
15 the aircraft.

Repeals

16 **114.** The Civil Aviation (Repeal and Re-enactment) Act, 2006 is  
17 repealed.

Savings provisions

18 **115.-(1)** Without prejudice to section 6 of the Interpretation Act, the  
19 repeal of the Act specified in section 114 of this Act, shall not affect anything  
20 done under or pursuant to the Act.

21 (2) Every regulation, order, requirement, certificate, notice, direction,  
22 decision, authorisation, consent, application, request or thing made, issued,  
23 given or done under the repealed Act shall, if in force at the commencement of  
24 this Act, continue to be in force and have effect as if made, issued, given or done  
25 under the corresponding provisions of this Act.

26 (3) All rights, liabilities, assets, funds, resources and other movable  
27 and immovable property which, immediately before the commencement of  
28 this Act, vested in the former Nigerian Civil Aviation Authority shall by virtue  
29 of this Act and without further assurance be vested in the Authority established  
30 under section 4 of this Act.



1 established by this Act to the same extent that such proceeding, cause of action  
2 or determination might have been continued, commenced or enforced by or  
3 against the Authority as if this Act had not been made.

4 (6) As from the commencement of this Act, any disciplinary  
5 proceeding pending or existing against any employee of the Authority shall be  
6 continued and completed by the Authority established under this Act.

## Interpretation

## 7 117.- (1) In this Act-

8 "aerodrome" means a defined area on land or water including any buildings,  
9 installations, and equipment intended to be used either wholly or in part for the  
10 arrival, departure and surface movement of aircraft;

11 "aircraft" means any machine that can derive support in the atmosphere from  
12 reactions of the air other than reactions of the air against the earth's surface;

13 "air navigation services" includes information, direction and other facilities  
14 furnished, issued or provided in connection with the navigation or movement  
15 of aircraft and the control of movement of vehicles in any part of an aerodrome  
16 used for the movement of aircraft;

17 "airfare" means the price of an airline ticket excluding statutory fees and taxes;

18 "airport" means a defined area on land or water including any building,  
19 installation and equipment intended to be used either wholly or in part for the  
20 arrival, departure and surface movement of aircraft;

21 "allied aviation business" includes aircraft equipment sale or leasing  
22 operations, in-flight catering services, ground handling operations and other  
23 businesses connected with or ancillary to civil aviation;

24 "Authority" means the Nigeria Civil Aviation Authority established by section  
25 4(1) of this Act; "BCN weapon" means-

26 (a) "biological weapons" which are-

27 (i) microbial or other biological agents, toxins whatever their origin  
28 or method of production, of types and in quantities that have no justification for  
29 prophylactic, protective or other peaceful purposes;

30 (ii) weapons, equipment or means of delivery deigned to use such

1           (4) Every reference to the former Authority, Board, Minister,  
2           Director-General, Board Chairman or any person under their control or a  
3           document issued in the name of the former Authority, Board, Minister,  
4           Director-General, Chairman of the former Board or employee of the former  
5           Authority shall be read, unless the context otherwise requires, as a reference  
6           to the Authority, Minister, Board, Director-General, Chairman, or an  
7           employee of the Authority established under this Act, as the case may be.

8           **116.**-(1) Subject to the provisions of this Act, the Director-General  
9           of the Authority established under the repealed Act is deemed to have been  
10          transferred to the Authority established under this Act under the same  
11          conditions as Director-General.

Transitional  
Provisions

12          (2) Any person who immediately before the commencement of this  
13          Act was a staff of the Authority established under the repealed Act shall  
14          continue in office and be deemed to have been appointed under this Act for  
15          purposes of pension.

16          (3) Properties held immediately before the commencement date of  
17          this Act on behalf of the Authority by any person shall, by virtue of this Act,  
18          be vested in the Authority established under this Act.

19          (4) The Authority established in section 4 of this Act shall be  
20          subject to all the obligations and liabilities to which the former Authority  
21          was subject immediately before the commencement of this Act and all other  
22          persons shall have the same rights, powers and remedies against the  
23          Authority established by this Act as they had against the Authority  
24          immediately before the commencement of this Act.

25          (5) Any proceeding or cause of action pending or existing  
26          immediately before the commencement of this Act by or against the  
27          Authority established under the repealed Act in respect of any right, interest,  
28          obligation or liability of the Authority may be continued or commenced, as  
29          the case may be, and any determination of a court of law, tribunal or other  
30          Commission or person may be enforced by or against the Authority

- 1 agents or toxins for hostile purposes or in armed conflict,
- 2 (b) "chemical weapons", which are, together or separately-
- 3 (i) toxic chemicals and their precursors, except where intended for-
- 4 (a) Industrial, agricultural, research, medical, pharmaceutical or
- 5 other peaceful purposes,
- 6 (b) Protective purposes, namely those purposes directly related to
- 7 protection against toxic chemicals and to protection against chemical
- 8 weapons,
- 9 (c) Military purposes not connected with the use of chemical
- 10 weapons and not dependent on the use of toxic properties of chemicals as a
- 11 method of warfare, or
- 12 (d) Law enforcement including domestic control purposes, as
- 13 long as the types and quantities are consistent with such purposes,
- 14 (ii) munitions and devices specifically designed to cause death or
- 15 other harm through the toxic properties of those toxic chemicals specified in
- 16 subparagraph (b) (i), which would be released as a result of the employment
- 17 of such munitions and devices,
- 18 (iii) any equipment specifically designed for use directly in
- 19 connection with the employment of munitions and devices specified in
- 20 subparagraph (b)(ii),
- 21 (c) Nuclear weapons and other nuclear explosive devices;
- 22 "cargo" means any property carried on an aircraft other than mail stores and
- 23 accompanied or mishandled baggage;
- 24 "Chicago Convention" means the Convention 011 International Civil
- 25 Aviation concluded at Chicago on the 7th December 1944 any Annex which
- 26 relates to international standards and recommended practices and is adopted
- 27 in accordance with the Convention and any amendment of the Convention
- 28 or of such Annex which is made in accordance with the Convention;
- 29 "civil aviation operations" includes ground, handling operations, air
- 30 operations, aerodrome operations, meteorological services, air traffic

- 1 control and provision of navigational aids, catering and allied services;
- 2 "Constitution" means the Constitution of the Federal Republic of Nigeria,  
3 1999;
- 4 "Director-General" means the Director-General of the Authority of civil  
5 aviation;
- 6 "foreign aircraft" means an aircraft other than a Nigerian registered aircraft;
- 7 "Board" includes the Interim Board;
- 8 "ICAO" means International Civil Aviation organisation established under the  
9 Convention on International Civil Aviation 1944;
- 10 "in-flight" - for the purpose of this Act, an aircraft is said to be in-flight at any  
11 time from the moment when all its external doors are closed following  
12 embarkation until the moment when any such door is opened for  
13 disembarkation and in the case of forced landing, the flight shall be deemed to  
14 continue until the competent authorities take over the responsibility for the  
15 aircraft and for the persons and property on board;
- 16 'In-service' - for the purpose of this Act, an aircraft is said to be in-service from  
17 the beginning of the preflight preparation of the aircraft by ground personnel or  
18 by the crew for a specific flight until twenty-four hours after any  
19 landing; the period of service shall, in any event, extend for the entire period  
20 during which the aircraft is in flight;
- 21 "licences" includes air transport licence, air operators permit, air travelers  
22 organisers licence, air operators certificate, certificates of airworthiness,  
23 certificate of registration, personnel licences and ratings, aerodrome licence,  
24 aviation training organisations approvals or certificates, aircraft maintenance  
25 organisation approvals or certificates and all other authorisations and  
26 approvals issued pursuant to this Act;
- 27 "mail" means dispatches of correspondence and other items tendered by and  
28 intended for delivery to postal services in accordance with the rules of the  
29 Universal Postal Union;
- 30 "member" means a member of the Governing Board of the authority and

1 established by this Act to the same extent that such proceeding, cause of action  
2 or determination might have been continued, commenced or enforced by or  
3 against the Authority as if this Act had not been made.

4 (6) As from the commencement of this Act, any disciplinary  
5 proceeding pending or existing against any employee of the Authority shall be  
6 continued and completed by the Authority established under this Act.

## Interpretation

7 117.-(1) In this Act-

8 "aerodrome" means a defined area on land or water including any buildings,  
9 installations, and equipment intended to be used either wholly or in part for the  
10 arrival, departure and surface movement of aircraft;

11 "aircraft" means any machine that can derive support in the atmosphere from  
12 reactions of the air other than reactions of the air against the earth's surface;

13 "air navigation services" includes information, direction and other facilities  
14 furnished, issued or provided in connection with the navigation or movement  
15 of aircraft and the control of movement of vehicles in any part of an aerodrome  
16 used for the movement of aircraft;

17 "airfare" means the price of an airline ticket excluding statutory fees and taxes;

18 "airport" means a defined area on land or water including any building,  
19 installation and equipment intended to be used either wholly or in part for the  
20 arrival, departure and surface movement of aircraft;

21 "allied aviation business" includes aircraft equipment sale or leasing  
22 operations, in-flight catering services, ground handling operations and other  
23 businesses connected with or ancillary to civil aviation;

24 "Authority" means the Nigeria Civil Aviation Authority established by section  
25 4(1) of this Act; "BCN weapon" means-

26 (a) "biological weapons" which are-

27 (i) microbial or other biological agents, toxins whatever their origin  
28 or method of production, of types and in quantities that have no justification for  
29 prophylactic, protective or other peaceful purposes;

30 (ii) weapons, equipment or means of delivery deigned to use such

- 1 control and provision of navigational aids, catering and allied services;
- 2 "Constitution" means the Constitution of the Federal Republic of Nigeria,  
3 1999;
- 4 "Director-General" means the Director-General of the Authority of civil  
5 aviation;
- 6 "foreign aircraft" means an aircraft other than a Nigerian registered aircraft;
- 7 "Board" includes the Interim Board;
- 8 "ICAO" means International Civil Aviation organisation established under the  
9 Convention on International Civil Aviation 1944;
- 10 "in-flight" - for the purpose of this Act, an aircraft is said to be in-flight at any  
11 time from the moment when all its external doors are closed following  
12 embarkation until the moment when any such door is opened for  
13 disembarkation and in the case of forced landing, the flight shall be deemed to  
14 continue until the competent authorities take over the responsibility for the  
15 aircraft and for the persons and property on board;
- 16 'In-service' - for the purpose of this Act, an aircraft is said to be in-service from  
17 the beginning of the preflight preparation of the aircraft by ground personnel or  
18 by the crew for a specific flight until twenty-four hours after any  
19 landing; the period of service shall, in any event, extend for the entire period  
20 during which the aircraft is in flight;
- 21 "licence" includes air transport licence, air operators permit, air travelers  
22 organisers licence, air operators certificate, certificates of airworthiness,  
23 certificate of registration, personnel licences and ratings, aerodrome licence,  
24 aviation training organisations approvals or certificates, aircraft maintenance  
25 organisation approvals or certificates and all other authorisations and  
26 approvals issued pursuant to this Act;
- 27 "mail" means dispatches of correspondence and other items tendered by and  
28 intended for delivery to postal services in accordance with the rules of the  
29 Universal Postal Union;
- 30 "member" means a member of the Governing Board of the authority and

1 includes the Chairman; "Minister" means the Minister of the government of  
2 the Federation responsible for civil aviation;

3 "Nigerian aircraft" means an aircraft registered in Nigeria in pursuance of  
4 regulations made under this Act;

5 "person" when used in this Act includes a natural person, a juristic person,  
6 an in-flight security officer or an air marshal deployed on a flight pursuant to  
7 a bilateral or multilateral treaty or agreement;

8 "precursors" means any chemical reactant which takes part at any stage in  
9 the production by whatever method of a toxic chemical and this includes any  
10 key component of a binary or multi component chemical system;

11 "premises" includes lands, plants, and ancillary works;

12 "prescribed" means prescribed by regulations made under this Act;

13 "Regulations" in this Act is a reference to all subsidiary legislations made  
14 pursuant to this Act; and includes orders, circulars, directives or any such  
15 other instrument as the Authority may issue from time to time; and

16 "reward" in relation to a flight, includes any form of consideration received  
17 or required to be received wholly or partly in connection with the flight  
18 irrespective of the person by whom or to whom the consideration has been or  
19 is to be given.

20 (2) Every other term shall have the same meaning as contained in  
21 the Chicago Convention and the Annexes to the Convention.

22 118. This Bill may be cited as the Civil Aviation Bill, 2019.

Short title

## 23 SCHEDULES

### 24 FIRST SCHEDULE

#### 25 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

26 [Section 5 (6)]

#### 27 Proceedings of the Board

28 1. Subject to this Act and section 27 of the Interpretation Act) the  
29 Board shall have power to regulate its proceedings and may make standing  
30 orders with respect to the holding of its meetings) and those of its

1 by the Board.

2 18. A document purporting to be a contract, an instrument Of other  
3 document signed or sealed on behalf of the Authority shall be received in  
4 evidence and, unless the contrary is proved, be presumed without further proof,  
5 to have been properly signed or sealed.

6 *Conflict of interest*

7 19. The Minister of Aviation, members of the Governing Board, the  
8 Director-General, and employees of the Ministry of Aviation and the Authority  
9 shall not control, manage or operate any aviation enterprise while in office.

10 20. Any of the persons specified in Paragraph 19 of this Schedule,  
11 having a financial interest in any aviation enterprise shall make full disclosure  
12 of such interest to their respective appointing authorities.

13 21. The persons mentioned in Paragraph 19 of this Schedule are  
14 prohibited from participating in any action or decision that may, whether  
15 directly or indirectly affect their financial interest in any aviation enterprise.

16 *Miscellaneous*

17 22. The validity of any proceeding of the Board or its committees  
18 shall not be affected by-

- 19 (a) any vacancy in the membership of the Board or its committees;
- 20 (b) reason that a person not entitled to do so took part in the
- 21 proceedings; or
- 22 (c) any defect in the appointment of a member.

23 23. Any member of the Board or committee who has a personal  
24 interest in any arrangement entered into or proposed to be considered by the  
25 Board or any committee shall-

- 26 (a) disclose his interest to the Board or committee; and
- 27 (b) not vote on any question relating to the arrangement.

28 24. A resolution of the Board is valid, even though it is not passed at a  
29 meeting of the Board, if-

- 30 (a) the notice in writing of the proposed resolution was given to each



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member; and

(b) the resolution is signed or assented to by a majority of members

of the Board, including the Director-General.

SECOND SCHEDULE

(Sections 50 and 55)

APPLICABLE TREATIES AND CONVENTIONS

1. Convention On The International Recognition Of Rights In

Aircraft, Signed At Geneva, On 19 June 1948 (Geneva Convention).

2. Convention on International Interests in Mobile Equipment,

2001.

3. Protocol to the Convention on International Interests in Mobile

Equipment on Matters Specific to Aircraft Equipment 2001.

4. Convention for the Unification of Certain Rules Relating To

International Carriage by Air Signed At Montreal on 28th May, 1999.

5. Convention for the Suppression of the Unlawful Seizure of

Aircrafts Signed At The Hague on the 16th Day of December, 1970.

6. Convention for the Unification of Certain Rules Relating to

International Carriage by Air Done at Montreal on 28 May, 1999 and the

modification thereto applicable to domestic air transportation in Nigeria.

7. Convention on Offences and Certain Other Acts Committed on

Board Aircraft signed at Tokyo in 1963 and any amendment thereto to which

Nigeria is signatory.

## EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the above Bill but is intended to explain its purport)*

This Act seeks to repeal the Civil Aviation Act, 2006 and to enact the Civil Aviation Act to provide for an effective legal and institutional framework for the regulation of civil aviation in Nigeria in order to make the operation of air flights, air communication, air navigation and air transportation services for national and international air contacts safe, regular, standard and efficient; establish rules of operation and divisions of responsibility within the Nigerian civil aviation system in order to promote aviation safety; ensure that Nigeria's obligations under international aviation agreements are implemented; and consolidate the law relating to civil aviation in Nigeria.