

FEDERAL AIRPORTS AUTHORITY OF NIGERIA BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT OF THE FEDERAL AIRPORTS AUTHORITY
OF NIGERIA

1. Establishment of the Federal Airports Authority of Nigeria, etc.
2. Establishment and composition of the Governing Board
3. Appointment and tenure of office of the chairman and members of the Board
4. Cessation of membership
5. Emoluments

PART II - FUNCTIONS AND POWERS OF THE AUTHORITY

6. Functions of the Authority
7. Powers of the Authority
8. Functions and powers of the Board.
9. Delegation of functions,

PART III - MANAGEMENT OF THE AUTHORITY

10. Managing Director of the Authority
11. Appointment of Secretary
12. Other staff of the Authority
13. Service in the Authority to be pensionable
14. Appointment of experts
15. Establishment of Directorate, Departments and special units

PART IV - FINANCIAL PROVISIONS

16. Fund of the Authority
17. Expenditures of the Authority
18. Budget and expenditure
19. General duty to be financially prudent
20. Borrowing Powers.
21. Power to accept gifts

22. Investment of funds.
23. Accounts and audit.
24. Annual report.
25. Exemption from payment of taxes and tenement rates.

PART V - GENERAL POWERS OF THE AUTHORITY

26. Power to discontinue use of airport.
27. Management of additional airport.
28. Power to acquire Land compulsorily.
29. Power to enter land to make survey.
30. Compensation for damages.

PART VI - LEGAL PROCEEDINGS

31. Establishment of staff housing scheme.
32. Limitation of suit against the Authority.
33. Service of documents.
34. Application of Public Officers Protection Act.
35. Restriction on execution of judgment against the Authority.
36. Arresting an officer on essential services.
37. Representing the Authority at hearing of suit.

PART VII - JURISDICTION

38. Jurisdiction.
39. Offences by a body corporate or unincorporated.

PART VIII - MISCELLANEOUS

40. Power of the Minister to issue directives to the Authority.
41. Power to make Bye-laws.
42. Repeal and Savings.
43. Interpretation.
44. Short title.

A BILL [EXECUTIVE]

FOR

AN ACT TO REPEAL THE FEDERAL AIRPORTS AUTHORITY OF NIGERIA ACT,
CAP. F5 LAWS OF THE FEDERATION OF NIGERIA 2010 AND TO ENACT THE
FEDERAL AIRPORTS AUTHORITY OF NIGERIA ACT TO PROVIDE FOR THE
EFFECTIVE MANAGEMENT OF AIRPORTS IN NIGERIA AND FOR RELATED
MATTERS

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows-

1 PART I - FEDERAL AIRPORTS AUTHORITY OF NIGERIA

2 1.-(1) There is established a body to be known as the Federal
3 Airports Authority of Nigeria (in this Act referred to as 'the Authority').

Establishment
of the Federal
Airports Authority
of Nigeria

4 (2) The Authority-

5 (a) shall be a body corporate with perpetual succession and
6 common seal;

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

8 (c) shall acquire, hold or dispose of property (whether movable or
9 immovable).

10 (3) The Authority shall manage the airports listed in the First
11 Schedule to this Act and any other airport that may be assigned to it by the
12 Minister, from time to time.

13 2.-(1) There is established for the Authority a Governing Board (in
14 this Act referred to as the 'Board') which shall have the functions set out in
15 this Act.

Establishment
and composition
of the Governing
Board

16 (2) The Board shall consist of-

17 (a) a part-time Chairman;

18 (b) one representative each, not below the rank of a Director from
19 the Federal Ministries in charge of-

- 1 (i) Aviation,
2 (ii) Defence,
3 (iii) Justice, and
4 (iv) Tourism;
5 (c) 1 representative of the Nigerian College of Aviation Technology
6 not below the rank of director;
7 (d) 2 other persons, being persons outside the public service with
8 recognised qualification and experience in the field of aviation; and
9 (e) the Managing Director of the Authority.

10 (3) The common seal of the Authority shall be kept in the custody of
11 the Director, Legal Services and shall be authenticated by the signature of the
12 Managing Director or such other officer as the Board may designate.

13 (4) The Board may co-opt any person to attend and participate at any
14 of its meetings provided that the person so co-opted shall only be in attendance
15 and shall not count towards the quorum or vote at the meeting.

16 (5) The provisions of the Second Schedule to this Act shall have effect
17 with respect to the proceedings of the Board and other matters mentioned in it.

18 (6) In the absence of the Board, the powers of the Board shall be
19 vested in an Interim Board as prescribed in the Second Schedule to this Act.

20 3.-(1) The Chairman and other members of the Board, other than ex-
21 officio members, shall-

22 (a) be appointed by the President on the recommendation of the
23 Minister; and

24 (b) hold office for a term of 4 years in the first instance and may be re-
25 appointed for a further term of 4 years and no more: on such terms and
26 conditions as may be specified in their letters of appointment.

27 (2) The Chairman shall have at least 20 years cognate experience and
28 knowledge in Aviation.

29 4.-(1) Notwithstanding the provisions of section 3 of this Act, a
30 person shall cease to hold office as a member of the Board where:

Appointment
and tenure of
office of the
Chairman and
members of the
Board

Cessation of
membership

- 1 (a) his term of office expires;
- 2 (b) he resigns his office by a notice in writing under his hand
3 addressed to the President;
- 4 (c) he dies;
- 5 (d) he is incapable of performing the functions of his office due to
6 mental or physical illness;
- 7 (e) he has been convicted of a felony or any offence involving
8 dishonesty;
- 9 (f) is guilty of gross misconduct;
- 10 (g) he becomes bankrupt or makes a compromise with his
11 creditors;
- 12 (h) in the Case of a person possessed of professional qualifications,
13 he is disqualified or suspended from practicing his profession in any part of
14 the world by an order of a competent authority made in respect of that
15 member; or
- 16 (i) in the case of an ex - officio member, he ceases to hold the office
17 on the basis of Which he became a member of the Board.
- 18 (2) Notwithstanding the provisions of subsection (1) of this
19 section, the President may remove or suspend a member from the Board
20 where he is satisfied that it is not in the interest of the Authority or of the
21 public for the person appointed to continue in office.
- 22 (3) Where a vacancy occurs in the membership of the Board, it
23 shall be filled by an appointment by the President of a successor to hold
24 office for the remainder of the term of office of his predecessor and the
25 successor shall represent the same interest as that member whose exit
26 created the vacancy.
- 27 5. The Chairman and members of the Board shall be paid such
28 emoluments, allowances and benefits as may be determined by the
29 appropriate Federal Government Agency, from time to time, in accordance
30 with extant laws and regulations.

Emoluments, etc.

Functions of
the Authority

1 PART II - FUNCTIONS AND POWERS

2 6.-(1) The Authority shall-

3 (a) develop, provide and maintain airports within Nigeria and provide
4 all necessary services and facilities for the safe, secure, orderly, expeditious
5 and economic operation of air transport;

6 (b) provide adequate airport facilities and services under which
7 passengers and goods may be transported by air and under which aircraft may
8 be used for other gainful purposes;

9 (c) provide accommodation and other facilities and services for the
10 effective handling of passengers and freight at airports;

11 (d) develop and provide facilities and services for surface transport
12 within airports;

13 (e) provide adequate facilities, services and personnel for effective
14 security at airports owned by the Federal Government;

15 (d) provide personnel for security at states' and privately owned
16 airports;

17 (g) create conditions for the development in the most economic and
18 efficient manner of airports and the services connected with airports; and

19 (h) do anything Which in its opinion is calculated to facilitate the
20 carrying out of its duties under this Act.

21 (2) A person shall not commence construction or reconstruction of an
22 aerodrome in Nigeria without the necessary input of the Authority in line with
23 its functions under this Act.

24 (3) Any person who contravenes the provisions of subsection (2) of
25 this section commits an offence and shall be liable to a fine not exceeding
26 N5,000,000.00 in the case of a corporate body or N2,000,000.000 in the case of
27 an individual.

28 (4) In the course of executing its functions, the Authority shall
29 conform to all binding international agreements on standards and
30 recommended practices of safety, security and regularity of civil aviation.

1 7. The Authority shall-

Powers of the
Authority

2 (a) charge total cost recovery charges for services it shall provide at
3 airports; and

4 (b) carry out at airports, either by itself, by an agent or in
5 partnership with any other person-

6 (i) economic activities that are relevant to air transport, and

7 (ii) commercial and non-aeronautical activities which in the
8 opinion of the Authority may be conveniently carried out without prejudice
9 to the functions specified in this subsection.

10 8. The Board shall-

Functions and
powers of the
Board

11 (a) formulate and provide the general policies and guidelines
12 relating to the Authority;

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

15 (c) consider terms and conditions of service, including
16 remuneration of the employees of the Authority as submitted by the
17 Management and submit same to the relevant statutory bodies for
18 approval;

19 (d) receive and review annual reports from the management of the
20 Authority and submit same to the Minister not later than 30th June in each
21 year;

22 (e) cause to be kept, proper accounts of the Authority in respect of
23 each year and proper records in relation to it and shall cause the accounts to
24 be audited not later than 6 months after the end of each year by auditors
25 appointed from the list and in accordance with the guidelines supplied by the
26 Auditor-General of the Federation; and

27 (d) do any other thing which in the opinion of the Board is
28 necessary to ensure the efficient performance of the functions of the
29

1 Authority.

Delegation of
functions

2 9. The functions of the Authority in this Act are vested in the
3 Managing Director of the Authority who may exercise them directly or through
4 the Directors, any staff of the Authority or any other person he may deem fit.

5 PART III - MANAGEMENT OF THE AUTHORITY

Managing Director
of the Authority

6 10.-(1) There shall be for the Authority, a Managing Director
7 appointed by the President, on the recommendation of the Minister.

8 (2) The Managing Director shall be the Chief Executive and
9 accounting officer of the Authority and be responsible for-

10 (a) the day to day administration of the Authority;

11 (b) the execution of the policies of the Authority and decisions of the
12 Board;

13 (c) the organisation, control and management of the affairs of the
14 Authority;

15 (d) the implementation of the Authority's functions and ensuring that
16 it achieves its goals;

17 (e) the direction, supervision and control of other employees of the
18 Authority; and

19 (f) ensuring the transparent maintenance of accounting records in
20 accordance with applicable laws governing statutory bodies.

21 (3) A person shall not be appointed as the Managing Director, except
22 he has a recognised qualification and experience in the field of aviation in a
23 senior management cadre and shall have been so qualified for not less than 15
24 years.

25 (4) The Managing Director shall be appointed for a term of 4 years in
26 the first instance and may be re-appointed for a further term of 4 years and no
27 more.

28 (5) The Managing Director may be suspended or removed from office
29 by the President where he-

1 (a) has demonstrated an inability to effectively perform the duties
2 of his office;

3 (b) has been absent from 5 consecutive meetings of the Board
4 without the consent of the Chairman unless he shows good reason for such
5 absence;

6 (c) is guilty of serious misconduct;

7 (d) is in conflict of interest as stipulated in the Second Schedule to
8 this Act; or

9 (e) in the case of a person possessed of professional qualifications,
10 is disqualified or suspended from practicing his profession in any part of the
11 World by an order of a competent authority.

12 (6) The Managing Director of the Authority shall not be removed
13 from the office, except in accordance with the provisions of this Act.

14 11-(1) There shall be appointed by the Authority a Secretary to the
15 Board who shall be a staff of the Authority.

Appointment of
Secretary to the
Board

16 (2) The Secretary to the Board shall be a legal practitioner and shall
17 have been so qualified for a period of not less than 10 years.

18 (3) The Secretary to the Board shall-

19 (a) Conduct the correspondence and keep the records of the Board;
20 and

21 (b) perform such other functions as the Board or the Managing
22 Director, may assign to him from time to time.

23 12.-(1) Subject to this Act, the Authority may appoint such other
24 persons as members of its staff as it considers necessary.

Other staff of
the Authority

25 (2) The staff of the Authority shall be public officers as defined in
26 the 1999 Constitution of the Federal Republic of Nigeria.

27 (3) The Authority may appoint such number of persons as it may
28 deem fit as security officers for the purpose of-

29 (a) ensuring the security and safety of life and property of air
30 passengers, flight personnel and other airport users; and

1 (b) securing all the facilities and installations at airports.

2 (4) The terms and conditions of service, including remuneration,
3 allowances, benefits and pensions of the employees of the Authority shall be as
4 may be determined by the Board.

5 (5) The Authority may with the approval of the Board, make staff
6 regulations relating generally to the conditions of service of its employees and
7 provide for-

8 (a) the appointment, promotion and discipline of staff;

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

10 (c) such other matters as it may deem necessary to ensure the efficient
11 performance of the functions of the Authority under this Act.

12 (6) Staff regulations and conditions of service made under subsection
13 (5) of this section shall not have effect until it is published in the gazette and
14 website of the Authority.

Service in the
authority to be
pensionable

15 **13.-(1)** Service in the Authority shall be public service for the purpose
16 of the Pension Reform Act and accordingly, officers and other staff of the
17 Authority shall in respect of their service in the Authority, be entitled to such
18 pension and retirement benefits as are prescribed in the Pension Reform Act.

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

23 (3) For the purpose of the application of the provisions of the Pension
24 Reform Act, any power exercisable by a Minister or other authority of the
25 Government of the Federation, not, being the power to make regulations, are
26 hereby vested in and shall be exercisable by the Board.

Appointment
of experts

27 **14.** In exercising and performing the powers, functions and duties
28 conferred on it under this Act, the Authority may appoint, contract, liaise or co-
29 operate with experts, including specialised agencies, resource persons,
30 academic and technical institutes, advisory committees etc, in order to assist it

1 in carrying out its functions or duties.

2 15.-(1) The Authority shall have powers, with the approval of
3 relevant authorities, to-

Establishment of
directorates,
departments and
special units

4 (a) set up directorates, departments, special units, technical
5 committees, working groups and task forces to assist the Authority in the
6 performance of its duties and functions under this Act; and

7 (b) make changes to or vary its structure.

8 (2) There shall be appointed for each of the departments and
9 special units a principal officer who shall be known by such designation as
10 the Authority may determine.

11 PART IV - FINANCIAL PROVISIONS

12 16.-(1) The Authority shall maintain a fund (in this Act referred to
13 as the Fund).

Fund of the
Authority

14 (2) The Fund referred to under subsection (1) of this section shall
15 comprise monies-

16 (a) that may, from time to time be appropriated to the Authority by
17 the National Assembly;

18 (b) granted to the Authority by the Federal Government;

19 (c) charged in respect of services provided or rendered by the
20 Authority, including-

21 (i) landing fees,

22 (ii) parking fees,

23 (iii) passenger service charge (local and international),

24 (iv) rents,

25 (v) Management fees,

26 (vi) VIP lounge charges,

27 (vii) utilities,

28 (viii) fuel charge,

29 (ix) port charge,

30 (x) air cargo fee,

	1	(xi) cargo vehicular fee,	1
	2	(xii) frontier service charge,	2
	3	(xiii) sales of information,	3
	4	(xiv) rental of warehouse,	4
	5	(xv) rental of plant and equipment,	5
	6	(xvi) fines (for violation of bye law),	6
	7	(xvii) car park charges,	7
	8	(xviii) aviobridge charges,	8
	9	(xix) public affairs protocol service fee,	9
	10	(xx) training and consultancy fees,	10
	11	(xxi) common use terminal charges,	11
	12	(xxii) advertisement charges,	12
	13	(xxiii) transhipment fee,	13
	14	(xxiv) premium,	14
	15	(xxv) ground rent,	15
	16	(xxvi) service recovery charge,	16
	17	(xxvii) car hire charges,	17
	18	(xxviii) vehicle towing fee,	18
	19	(xxix) processing fee,	19
	20	(xxx) 5% custom levy, and	20
	21	(xxxi) access fee;	21
	22	(d) from cost and sustainability recovery charges for services	22
	23	rendered by the Authority to users; and	23
	24	(e) from any other source of revenue as may be determined by the	24
	25	Authority from time to time.	25
	26	(3) Any person who collects and fails to remit to the Authority any	26
	27	monies due to it pursuant to subsection (2) of this section, commits an offence	27
	28	under this Act and shall be liable on conviction to-	28
	29	(a) imprisonment for a term of 2 years or to a fine of N2,000,000.00 or	29
	30	to both fine and imprisonment; and	30

1 (b) refund of the monies owed.
 2 17. The Authority may, from time to time, apply the proceeds of the
 3 fund established in pursuance of section 16 (1) of this Act for the following
 4 purposes-

Expenditure of the Authority

5 (a) the cost of administration of the Authority;
 6 (b) the working and establishment expenses, and expenditure on,
 7 or provision for, the maintenance and renewal of any of the undertakings of

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

12 (d) the payment of salaries, fees and other remunerations or
 13 allowances, payable to members of the Board, employees, experts or
 14 professionals appointed by the Authority; (e) the maintenance of any
 15 property acquired or vested in the Authority;

16 (d) the interest on any loan raised by the Authority including the
 17 sums required to be transferred to a sinking fund or fund otherwise set aside
 18 for the purpose of making provision for the payment of any other borrowed
 19 money; and

20 (g) any other expenses connected with the discharge of the
 21 functions of the Authority under this Act or any other law.

22 18. The Authority shall, with the approval of the Board, not later
 23 than the 30th day of September prepare and present to the Minister for
 24 approval, a statement of estimated income and expenditure for the following
 25 financial year.

Budget and Expenditure

26 19.-(1) It shall be the duty of the Authority to conduct its affairs in
 27 such a manner that will ensure that its revenue, including any allocation or
 28 grant made to it by the Federal Government, is sufficient to meet charges
 29 properly chargeable to revenue account, taking one year with another.

General duty to be financially prudent

30 (2) It shall generally be the Authority's financial objective to

1 recover the whole of its costs and to achieve a reasonable return on capita.

Borrowing
powers

2 **20.**-(1) The Authority may from time to time, with the approval of the
3 Board, borrow by overdraft or otherwise, such monies as it may require for the
4 performance of its functions under this Act.

5 (2) Notwithstanding the provisions of subsection (1) of this section,
6 the Authority may, with the approval of the Minister, borrow monies in foreign
7 currency.

Power to accept
gifts

8 **21.**-(1) The Authority may accept gift of land, money or other
9 property or things on such terms and conditions, if any, as may be specified by
10 the person or organisation making the gift.

11 (2) The Authority shall not accept any gift where the terms or
12 conditions attached by the person or organisation making the gift are
13 inconsistent with the objectives and functions of the Authority under this Act.

Investment of
funds, etc.

14 **22.**-(1) The Authority may place on deposit with such bank or
15 financial institutions as the Board may determine, any monies not immediately
16 required for the purposes of the Authority.

17 (2) The Authority may invest monies in its fund in any bond or
18 security created or issued by or on behalf of the Government of the Federation
19 or in any other securities in Nigeria approved by the Board.

Accounts and
audit

20 **23.**-(1) The Authority shall keep proper accounts and records of its
21 receipts, payments, assets and liabilities and shall prepare in respect of each
22 financial year a statement of accounts in such form and in accordance with
23 acceptable principles of accounting.

24 (2) The Authority shall within 6 months after the end of each year to
25 which the accounts relate cause its accounts to be audited by auditors appointed
26 from the list of auditors and in accordance with guidelines supplied by the
27 Auditor-General for the Federation.

28 (3) The auditors shall, on the completion of the audit of the accounts
29 of the Authority for each year, prepare and submit to the Authority reports
30 setting out-

1 (a) general observations and recommendations of the auditors on
2 the financial affairs of the Authority for the year and on any important
3 matter which the auditors desire to bring to the notice of the Authority; and

4 (b) detailed observations and recommendations of the auditors on
5 all aspects of the operations of the Authority for that year.

6 24.-(1) The Authority shall, not later than 6 months after the end of Annual Report
7 each year, make a report to the Minister on the performance of its functions
8 under this Act during the preceding year.

9 (2) The report for any year pursuant to subsection (1) of this section
10 shall-

11 (a) set out any direction given to the Authority under this Act
12 during the year, unless the Minister has notified the Authority that in his
13 opinion it is against the national interest to do so; and

14 (b) include such information relating to the plans, past and present
15 activities of the Authority as the Minister may from time to time direct.

16 (3) There shall be attached to the report for each year a copy of the
17 statement of accounts in respect of that year and a copy of the Auditor-
18 General's report on it.

19 (4) The Authority shall, in addition to the information to be given
20 under the foregoing provisions of this section, furnish in the report such
21 returns or other information relating to the property, financial position and
22 activities of the Authority as the Minister may, from time to time, direct.

23 25. The Authority shall be exempted from the payment of taxes
24 and tenement rates whatsoever in connection to it. Exemption from
payment of taxes
and tenement rates

25 PART V - GENERAL POWERS OF THE AUTHORITY

26 26.-(1) The Authority shall, with the consent of the Minister,
27 discontinue the use of any airport maintained by it pursuant to this Act. Power to
discontinue use
of airports

28 (2) Where the use of an airport is discontinued pursuant to
29 subsection (1) of this section, the Authority shall submit a valuation of the
30 airport to the Federal Government who shall cause compensation to be made

Management of additional airport

1 to the Authority as appropriate.

2 27. Without prejudice to section 1 (3) of this Act, the Authority may,

3 with the consent of the Minister, assume the management of any airport in

4 Nigeria in addition to those assigned to it under this Act.

Power to acquire land compulsorily

5 28.-(1) Where there is any hindrance to the acquisition by the

6 Authority of any land required for any purpose of the Authority under this Act

7 by agreement or negotiation, including any failure by the Authority to reach an

8 agreement as to the amount to be paid in respect of the acquisition, the Minister,

9 on the application of the Authority and after such enquiry as he may think

10 necessary may declare that the land is required for the service of the Authority.

11 (2) Where a declaration is made under subsection (1) of this section,

12 the land to which the declaration relates shall be deemed to be land required for

13 a public purpose of the Federation within the meaning of the Land Use Act for

14 acquiring the land for the Federal Government.

15 (3) Where a declaration has been made under subsection (1) of this

16 section in respect of any land and the land has been acquired pursuant to

17 subsection (2) of this section, the President may vest the land in the Authority

18 by means of Official Gazette.

19 (4) The compensation if any, payable under the Land Use Act for the

20 acquisition of any land under this section or, payable under the appropriate law

21 for the revocation of any right relating to the land, as the case may be, shall be

22 paid by the Federal Government.

23 (5) A plan of any land referred to in subsection (1) of this section-

24 (a) containing measurements of the boundaries of the land;

25 (b) showing the relationship of the land to any sufficient description

26 of the land for the purposes of any application under that subsection; and

27 (c) signed by the Managing Director of the Authority, shall be a

28 sufficient description of the land for the purpose of any application under that

29 subsection.

1 **29.-(1) Subject to the provisions of this section, the Authority may**
 2 **by its officers or agents enter any land from time to time to discharge the**
 3 **Authority's functions under this Act and, in particular, may enter upon any**
 4 **such land for the-**

Power to enter
land to make
survey, etc.

- 5 (a) survey and taking of levels in connection with any such survey;
- 6 (b) construction, placing, maintenance, examination, repair,
- 7 alteration or removal of any beacon for the purposes of any survey pursuant
- 8 to paragraph (a) of this subsection; or
- 9 (c) cutting and removal of such trees and under wood as may
- 10 interfere with such surveys.

11 (2) The Authority shall when practicable serve on the occupier of
 12 any land on which it intends to enter pursuant to subsection (1) of the
 13 section, a notice which shall be in writing giving a description of the nature
 14 of the purpose of such entry.

Establishment
of staff housing
scheme

15 (3) In the discharge of its functions pursuant to subsection (1) of
 16 this section, the officers and agents referred to in it may remain on the land
 17 for such reasonable time as may enable them to execute and do all the work
 18 and things as may be necessary.

19 (4) The Authority shall not construct, place, maintain, examine,
 20 repair, alter or remove any beacon in or upon any land, road, building,
 21 embankment, dock, harbour or pier under the control of a department of
 22 government or other public authority without prior approval of the head of
 23 the department concerned or of any of such public authority.

Limitation of
jurisdiction of
Authority

24 (5) Any beacon placed on any road shall be placed so as not to
 25 hinder free passage along the road and the Authority shall repair any road
 26 opened or broken up for the purposes of this section.

27 (6) The powers conferred on the Authority under this section are in
 28 addition to and not in derogation of the powers conferred on the Minister

29

1 under this Act.

Compensation
for damages, etc.

2 **30.-(1)** In the exercise of the powers conferred by section 29 of this
3 Act, the Authority, its officers and agents shall do as little damage as possible
4 and the Authority shall pay compensation for any damage done to any
5 buildings, crops and economic trees.

6 **(2)** In the case of dispute as to the amount of compensation payable,
7 the amount shall be determined by a magistrate or district judge exercising
8 jurisdiction in the place where the land is situate or the High Court within
9 whose area of Jurisdiction the land is situated, as the case may require.

10 **(3)** Notwithstanding the provision of subsection (2) of this section,
11 the Authority shall continue to exercise the powers conferred by section 29 of
12 this Act

Establishment
of staff housing
scheme

13 **31.-(1)** The Authority may with the approval of the Minister establish
14 a staff housing scheme.

15 **(2)** The Authority shall with the approval of the Minister issue
16 guidelines for the establishment and management of the Staff Housing Scheme
17 referred to under subsection (1) of this section.

18 PART VI - LEGAL PROCEEDINGS

Limitations of
suits against
Authority

19 **32.-(1)** Notwithstanding anything in any other law, no suit against the
20 Authority, a member of the Board or any employee of the Authority for any act
21 done in pursuance or execution of any law, or of any public duties or authority,
22 or in respect of any alleged neglect or default in executing such law, duties or
23 authority shall lie or be instituted in any court unless it is commenced within 3
24 months next after the act, neglect or default complained of or, in the case of a
25 continuance of damage or injury, within 3 months next after the ceasing of it.

26 **(2)** A suit shall not commence against the Authority before the
27 expiration of a period of 2 months after written notice of intention to commence
28 the suit shall have been served upon the Authority by the intending plaintiff or
29 his agent; and the notice shall explicitly state the cause of action, the particulars
30 of the claim, the name and place of abode of the intending plaintiff and the

1 relief which he claims.

2 33. Any notice, summons or other document required or
3 authorised to be served upon the authority under the provision of this Act or
4 any other law shall be served by delivering the same to the office of the
5 Managing Director of the Authority, or by sending it by registered post
6 addressed to the Managing Director at the headquarters of the Authority.

Service of
documents

7 34.-(1) Subject to the provisions of this Act, the provisions of the
8 Public Officers Protection Act shall apply in relation to any suit instituted
9 against an officer or employee of the Authority.

Application of
Public Officers
Protection Act

10 (2) Notwithstanding anything contained in any other law, no suit
11 shall lie against a member of the Board, Managing Director or any other
12 officer or employee of the Authority for an act done in pursuance or
13 execution of this Act or any other law, or of any public duty or authority in
14 respect of any alleged neglect or default in the execution of this Act or any
15 other law, duty or authority.

16 35.-(1) In any action or suit against the Authority, no execution,
17 attachment or process in the nature of it shall be issued against the Authority,
18 unless at least 3 months notice of the intention to execute or attach the
19 Authority's property has been given to the Authority and the consent or
20 approval of the Attorney-General of the Federation shall be obtained before
21 execution of judgment.

Restriction on
execution of
judgment against
the Authority

22 (2) Any sum of money, which may by the Judgment of any court be
23 awarded against the Authority, shall, subject to any direction given by a
24 competent court where notice of appeal of the said judgment has not been
25 given, be paid from the fund of the Authority.

26 36. An officer or agent of the Authority shall not be arrested while
27 on essential duty where his arrest may result in danger to life or goods
28 unless-

Arresting an
officer on essential
services

29 (a) the head of department in which he is employed; or

30 (b) his immediate supervisor, has been given the opportunity to

Representation
of the Authority
at hearing of suit

1 immediately assign a substitute to replace the officer.
2
3 37. In any proceeding before a court of law or tribunal, the Authority
4 may, with the consent of the Attorney-General of the federation, be represented
5 by its legal officers who shall have the right to appear at any stage of a
6 proceeding.

PART VII - JURISDICTION

Jurisdiction

7 38. The Federal High Court shall have jurisdiction to try offences,
8 hear and determine proceedings arising under this Act.

Offences by a
corporate or
unincorporated
body

9 39.-(1) Where an offence under this Act is committed by a body
10 corporate, a firm or association of individuals, every-

11 (a) director; manager, secretary or other similar officers of the body
12 corporate;

13 (b) partner or officer of the firm;

14 (c) person Concerned in the management of the affairs of the
15 association; or

16 (d) person Who was purporting to act in any such capacity aforesaid,
17 who had knowledge or believed to have had knowledge of the offence and who
18 did not exercise due diligence to ensure compliance with this Act, shall be
19 deemed to have committed the offence and shall be proceeded against in
20 accordance with this Act unless he proves that the Act or omission constituting
21 the offence took place without his knowledge, consent, connivance or neglect
22 or he took reasonable steps to prevent the commission of the offence.

23 (2) Where a person is convicted of an offence under subsection (1) of
24 this section, he shall in the case of-

25 (a) an individual, be liable to a fine of not less than N500,000.00 or to
26 a term of 6 months imprisonment or to both; and

27 (b) a body corporate be liable to a fine of not less than N2,000,000.00

PART VIII - MISCELLANEOUS

Power of the
Minister to issue
directives to the
Authority

29 40.-(1) Notwithstanding any other provision of this Act, the Minister
30 may issue directives to the Authority in-

1 (a) the interest of national security;

2 (b) any matter appearing to the Minister to affect the relations of
3 Nigeria with a country or territory outside Nigeria;

4 (c) order to discharge or facilitate the discharge of an obligation
5 binding on Nigeria by virtue of its being a member of an international
6 organisation or a party to an international agreement;

7 (d) order to attain or facilitate the attainment of any other object the
8 attainment of which is in the opinion of the Minister appropriate in view of
9 the fact that Nigeria is a member of an international organisation or a party to
10 an international agreement;

11 (e) order to enable Nigeria become a member of an international
12 organisation or a party to an international agreement; or

13 (d) order to prevent or deal with any type of noise, vibration,
14 pollution or other disturbance attributable to aircraft used for the purpose of
15 civil aviation and where any directions given' in pursuance of this paragraph
16 conflict with the requirements of any law or Instrument relating to the
17 Authority except in time of war whether actual or imminent, or of great
18 national emergency, those requirements shall be disregarded.

19 41. The Authority may, with the approval of the Minister, make,
20 alter and revoke bye-laws, rules and guidelines for the purpose of giving
21 effect to the provisions of this Act.

Power to make
bye-laws

22 42.-(1) The Federal Airports Authority Act, Cap F5, Laws of the
23 Federation of Nigeria, 2010 is hereby repealed.

Repeal and
savings

24 (2) The repeal of the Act mentioned in subsection (1) of this section
25 shall not affect anything done or purported to have been done under the
26 repealed law.

27 (3) Any person who immediately before the commencement of this
28 Act was a staff of the Authority -established under the repealed Act shall
29 continue in office and be deemed to have been appointed under this Act for
30 purposes of pension subject to the provisions of this Act.

1 (4) There shall be vested in the Authority all assets, funds, resources
2 and other immovable property, which immediately before the commencement
3 of this Act were vested in the Authority.

4 (5) All rights, interests, obligations and liabilities of the Authority
5 existing immediately before the commencement of this Act under any contract
6 or instrument, or in law or in equity shall by virtue of this Act be assigned to and
7 vested in the Authority established under this Act.

Interpretation

8 43. In this Act-

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

12 "Airport" means any defined area on land or water including any building,
13 installation and equipment intended to be used either wholly or in part for the
14 arrival, departure and surface movement of aircraft;

15 "Authority" means the Federal Airports Authority of Nigeria established by"
16 section 1 of this Act;

17 "Board" means the Governing Board of the Authority as constituted under
18 section 2 (1) of this Act;

19 "Cargo" includes mail;

20 "Management fee" means the concession fee paid on management contract;

21 "Managing Director" means the Managing Director of the Authority appointed
22 pursuant to section 10 of this Act;

23 "Member" means a member of the Board appointed pursuant to section 2 of
24 this Act, including the chairman;

25 "Minister" means the Minister for the time being charged with responsibility
26 for matters relating to Civil Aviation;

27 "Ministry" means the Federal Ministry in charge of Civil Aviation matters; and

28 'power" includes functions and duties.

Short title

29 44. This Bill may be cited as the Federal Airports Authority of Nigeria
30 Bill, 2019.

SCHEDULES

FIRST SCHEDULE

LIST OF AIRPORTS MAINTAINED BY THE FEDERAL AIRPORTS

AUTHORITY OF NIGERIA

[Section 1 (3)]

STATE	CITY SERVE	ICAO	IATA	AIRPORT NAME
FCT	Abuja	DNAA	ABV	Nnamdi Azikiwe International Airport
Enugu	Enugu	DNEN	ENU	Akanu Ibiam International Airport (Enugu Airport)
Kano	Kano	DNKN	KAN	Mallam Aminu Kano International Airport
Lagos	Lagos/Ikeja	DNMM	LOS	Murtala Muhammed International Airport
Rivers	Port Harcourt	DNPO	PHC	Port Harcourt International Airport
Cross River	Calabar	DNCA	CBQ	Margaret Ekpo International Airport (Calabar Airport)
Plateau	Jos	DNJO	JOS	Yakubu Gowon Airport (Jos Airport)
Kaduna	Kaduna	DNKA	KAD	Kaduna Airport
Borno	Maiduguri	DNMA	MIU	Maiduguri International Airport (Maiduguri Airport)
Sokoto	Sokoto	DNSO	SKO	Sadiq Abubakar III International Airport (Sultan Sadiq Abubakar Airport)
Adamawa	Yola	DNYO	YOL	Yola Airport
Ondo	Akure	DNAK	AKR	Akure Airport
Edo	Benin	DNBE	DNI	Benin Airport
Oyo	Ibadan	DNIB	IBA	Ibadan Airport
Kwara	Ilorin	DNIL	ILR	Ilorin Airport
Katsina	Katsina	DNKT	DKA	Katsina Airport
Benue	Makurdi	DNMK	MDI	Makurdi Airport
Niger	Minna	DNMN	MXJ	Minna Airport
Imo	Owerri	DNIM	QOW	Sam Mbakwe International Cargo Airport
Kaduna	Zaria	DNZA	ZAR	Zaria Airport

1 SECOND SCHEDULE

2 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

3 [Section 2 (5) and (6)]

4 *Proceedings of the Board*

5 1. Subject to this Act and section 27 of the Interpretation Act, the
6 Board shall have power to regulate its proceedings and may make standing
7 orders with respect to the holding of its meetings, and those of its committees,
8 notices to be given, the keeping of minutes of its proceedings, the custody and
9 production for inspection of such minutes and such other matters as the Board
10 may from time to time determine.

11 2. There shall be at least one ordinary meeting of the Board in each
12 quarter of the year and subject to it, the Board shall meet whenever it is
13 convened by the Chairman, and if the Chairman is requested to do so by notice
14 given to him by not less than 4 other members, he shall convene a meeting of
15 the Board to be held within 30 days from the date on which the notice was
16 given.

17 3. Every meeting of the Board shall be presided over by the Chairman
18 and if the Chairman is unable to attend a particular meeting, the members
19 present at the meeting shall elect 1 of them to preside at the meeting.

20 4. The minutes of the Board shall be recorded by the Secretary and
21 signed by the Chairman or the person who presided at the meeting, after
22 confirmation by the Board.

23 5. A quorum at a meeting of the Board shall be 5 of the total number of
24 members.

25 6. An Interim Board within the meaning of Section 2(6) of this Act
26 shall comprise the following-

27 (a) the Minister as Chairman;

28 (b) the Permanent Secretary of the Ministry in charge of Aviation; and

29 (c) the Managing Director and Chief Executive of the Federal
30 Airports Authority of Nigeria.

1 *Convening of Meetings of the Board*

2 7. The Chairman shall, at any time, where 5 other members
3 request in writing, convene an emergency meeting of the Board, provided
4 that not less than 48 hours' notice is given to members for the meeting.

5 8. Where the office of Chairman is at any time vacant, or the
6 Chairman is absent from Nigeria or is in the opinion of the Board
7 permanently or temporarily unable to perform the functions of his office, the
8 Managing Director and Chief Executive shall convene such meetings of the
9 Board as are required during the period of vacancy, absence or otherwise.

10 9. The Board shall meet for the conduct of its business at such
11 places and on such days as the Chairman may appoint.

12 10. A question put before the Board at a meeting shall be decided
13 by consensus and where this is not possible, by a majority of the votes of the
14 members present and voting.

15 11. The Chairman shall, in the case of an equality of votes, have a
16 casting vote in addition to his deliberative vote.

17 12. Where the Board seeks the advice of any person on a particular
18 matter, the Board may invite that person to attend for such period as it deems
19 fit, but a person who is invited by virtue of this paragraph shall not be
20 entitled to vote at any meeting of the Board and shall not count towards the
21 quorum.

22 *Committees*

23 13. The Board may appoint one or more committees to carry out
24 on behalf of the Board such of its functions as the Board may determine and
25 report on any matter with which the Board is concerned.

26 14. A committee appointed under paragraph 13 of this Schedule
27 shall be presided over by a member of the Board and shall consist of such
28 number of persons (not necessarily all members of the Board) as, may be
29 determined by the Board.

30 15. A person who is not a member of the Board shall hold office

1 on the committee in accordance with his letter of appointment.

2 16. A decision of a committee of the Board shall be of no effect until
3 it is confirmed by the Board.

4 *Seal of the Authority*

5 17. The application of the Common seal of the Authority shall be
6 authenticated by the signature of the Managing Director on behalf of the
7 Authority.

8 18. A contract or an instrument which, if made or executed by any
9 person not being a body corporate, and not required to be under seal, may be
10 made or executed on behalf of the Authority by the Managing Director or by
11 any person generally or specifically authorised to act for that purpose by the
12 Board.

13 19. A document purporting to be a contract, an instrument or other
14 document signed or sealed on behalf of the Authority shall be received in
15 evidence and, unless the contrary is proved, be presumed without further proof,
16 to have been properly signed or sealed.

17 *Conflict of Interest*

18 20. The Minister, members of the Governing Board, the Managing
19 Director and employees of the Ministry in charge of civil aviation and the
20 Authority shall not control, manage or operate any air transport undertaking
21 while in office.

22 21. Any of the persons specified in paragraph 20 of this Schedule,
23 having a financial interest in any air transport undertaking shall make full
24 disclosure of such interest to their respective appointing authorities.

25 22. The persons mentioned in paragraph 20 of this Schedule are
26 prohibited from participating in any action or decision that may, whether
27 directly or indirectly affect their financial interest in any air transport
28 undertaking or other concern which the Authority proposes to carry out or with
29 which the Authority proposes to make any contract or arrangement.

30 23. Any member of the Board or committee who has a personal

1 interest in any arrangement entered into or proposed to be considered by the
2 Board or any committee shall-

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

5 *Miscellaneous*

6 24. The validity of any proceeding of the Board or its committees
7 shall not be affected by (a) any vacancy in the membership of the Board or its
8 committees;

9 (b) reason that a person not entitled to do so took part in the
10 proceedings; or

11 (c) any defect in the appointment of a member.

12 25. A resolution of the Board is valid, even though it is not passed
13 at a meeting of the Board, where-

14 (a) the notice in writing of the proposed resolution was given to
15 each member; and

16 (b) the resolution is signed or assented to by a majority of members
17 of the Board," including the Managing Director.

EXPLANATORY MEMORANDUM

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

This Bill seeks to repeal the Federal Airports Authority of Nigeria Act, Cap
F5, Laws of the Federation of Nigeria, 2010 and to enact the Federal
Airports Authority of Nigeria Act to provide for the management of airports
in Nigeria and for other related matters.

