



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

NIGERIAN AIRSPACE MANAGEMENT AGENCY (ESTABLISHMENT, ETC.)

BILL, 2022

(SB. 194)

A BILL

FOR

AN ACT TO REPEAL THE NIGERIAN AIRSPACE MANAGEMENT AGENCY ACT, CAP N90, LAWS OF THE FEDERATION OF NIGERIA, 2010 AND TO ENACT THE NIGERIAN AIRSPACE MANAGEMENT AGENCY ACT FOR THE PURPOSES OF PROVIDING EFFECTIVE AIR NAVIGATION SERVICES IN NIGERIA, ENSURING SAFETY AND REGULARITY OF AIR NAVIGATION IN NIGERIA AND TO ANY OTHER PLACE WHICH NIGERIA HAS RESPONSIBILITY OF PROVIDING AIR NAVIGATION SERVICES AND OTHER RELATED MATTERS

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NIGERIAN AIRSPACE MANAGEMENT AGENCY (ESTABLISHMENT, ETC.) BILL, 2022



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(SB. 194)

Commencement

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

PART I - OBJECTIVES AND APPLICATION

Objective

1. The objective of this Bill is to provide a comprehensive legal and institutional framework for the provision of effective air navigation services in Nigeria, ensuring safety and regularity of air navigation in Nigeria and any other place in which Nigeria has responsibility of providing air navigation services and other related matters.

Application

2. This Bill applies in respect of every aircraft in the Nigerian airspace or any other airspace in respect of which Nigeria has responsibility for the provision of air traffic control service.

PART II- NIGERIAN AIRSPACE MANAGEMENT AGENCY

Establishment of the Nigerian Airspace Management Agency

3. (1) There is established a body to be known as the Nigerian Airspace Management Agency (in this Act referred to as "the Agency").

(2) The Agency –

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

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

(c) may acquire, own, hold, mortgage, lease or dispose of property, whether movable or immovable for the purpose of carrying out any of its functions under this Act.

(3) The Agency shall be the sole body responsible for providing air navigation services in Nigeria and any other place in which Nigeria has responsibility for providing air navigation services and other related matters.

Establishment and membership of the Governing Board

4. (1) There is established for the Agency a Governing Board (in this Act referred to as "the Board").

(2) The Board shall consist of-

(a) a part time chairman;

(b) one representative not below the rank of a Director from the –

(i) Federal Ministry in charge of Aviation

(ii) Nigerian Air Force,

- (iii) Federal Ministry in charge of Communications, and
- (iv) Federal Ministry in charge of Transportation;
- (c) Other persons to represent public interest; and
- (d) the Managing Director of the Agency.

(3) The Chairman and members of the Board, other than the ex-officio members, shall be -

- (a) appointed by the President on the recommendation of the Minister; and
- (b) persons with proven integrity and ability.

(4) The composition of the Board shall reflect equity and fairness as enshrined in Section 14(3) of the 1999 Constitution (as amended).

(5) The Chairman shall be a person with at least 15 years cognate experience in matters relating to aviation.

(6) The Supplementary Provisions set out in the Schedule to this Act, shall have effect with respect to proceedings of the Board and any other matter contained in it.

5. The Chairman and members of the Board other than the ex-officio members shall –

Tenure of office

- (a) hold office for a term of 4 years on such terms and conditions as may be specified in the letter of appointment; and
- (b) be eligible for re-appointment for another term of 4 years and no more.

6. (1) Notwithstanding the provisions of section 5 of this Act, a person shall cease to hold office as a member of the Board where –

Cessation of office

- (a) his term of office expires;
- (b) he resigns his office by a notice in writing under his hand addressed to the President through the Minister;
- (c) he dies;
- (d) he becomes incapable of carrying out his duties due to physical or mental illness;
- (e) he has been declared bankrupt;
- (f) he has been convicted of a felony or any offence involving dishonesty;
- (g) he is found guilty of a gross misconduct relating to his duties;
- (h) in the case of a person possessed of professional qualification, is disqualified or suspended from practicing his profession in any part of the world by an order of a competent authority; or
- (i) in the case of an ex-officio member, ceases to hold the office on the basis of which he became a member of the Board.

(2) Notwithstanding the provisions of subsection (1) of this section, a member of the Board may be suspended or removed from office by the President if he is satisfied that it is not in the interest of the Agency and public that such member should continue in office.

(3) Where a vacancy occurs in the membership of the Board, it shall be filled by an appointment by the President of a successor to hold office for the remainder of the term of office of his predecessor and

the successor shall represent the same interest as that member whose exit created the vacancy.

7. There shall be paid to every member of the Board such allowances and expenses as the Federal Government may, from time to time, direct.

Allowances of
Board Members

PART III - FUNCTIONS AND POWERS

8. (1) The functions of the Agency shall be to –
- (a) provide air traffic services in Nigeria and any other place where Nigeria has responsibility for provision of air navigation services, including air traffic control, visual and non-visual aids, aeronautical information services, aeronautical telecommunication, telecommunication, communication, flight calibration services and electricity supplies relating thereto, to enable public transport, private, business and military aircraft to fly, as far as practicable and as safely as possible;
 - (b) provide at all Nigerian airports and aerodromes air navigation services necessary for the operation of aircraft taking-off and landing and integrate them into the overall flow of air traffic within the Nigerian airspace;
 - (c) carry out obstruction evaluation necessary to minimise or prevent interference with the use or effectiveness of all apparatus used in connection with air navigation and for prohibiting the use of such apparatus and the display of any sign, light, tower and masts liable to endanger aircraft and endanger the use of the Nigerian airspace;
 - (d) generally secure the safety, efficiency and regularity of air navigation;
 - (e) require any person engaged or employed in connection with air navigation, to supply meteorological information for the purpose of air navigation or as may be deemed necessary from time to time;
 - (f) provide adequate personnel for providing effective security for navigational aids facilities outside the airport perimeters;
 - (g) create conditions for the development, in the most efficient and economic manner, of air navigation services;
 - (h) procure, install and maintain adequate aeronautical telecommunication, communication, navigation and surveillance, telecommunication facilities for air traffic management and other allied services at all Nigerian airports and aerodromes;
 - (i) provide at all Nigerian airports and aerodromes air navigation services necessary for the operation of aircraft taking-off and landing and integrate them into the overall flow of air traffic within the Nigerian airspace;
 - (j) carry out obstruction evaluation necessary to minimise or prevent interference with the use or effectiveness of all apparatus used in connection with air navigation and for prohibiting the use of such apparatus and the display of any sign, light, tower and masts liable to endanger aircraft and endanger the use of the Nigerian airspace;

Functions of the
Agency

- (k) generally secure the safety, efficiency and regularity of air navigation;
- (l) require any person engaged or employed in connection with air navigation, to supply meteorological information for the purpose of air navigation or as may be deemed necessary from time to time;
- (m) provide adequate personnel for providing effective security for navigational aids facilities outside the airport perimeters;
- (n) create conditions for the development, in the most efficient and economic manner, of air navigation services;
- (o) procure, install and maintain adequate aeronautical telecommunication, communication, navigation and surveillance, telecommunication facilities for air traffic management and other allied services at all Nigerian airports and aerodromes;
- (p) provide seamless engineering and infrastructure technology for implementation of aviation system block upgrade, to ensure global interoperability and safety in the Nigerian airspace;
- (q) ensure effective co-ordination in the use of Nigerian airspace in line with established standard and procedure;
- (r) provide the co-ordination at all levels of collaborative decisions-making relating to airspace management and air traffic control in Nigeria;
- (s) ensure innovative airspace design development and utilization to meet air traffic capacity within the Nigerian airspace in order to improve flight efficiency and reduce flight time;
- (t) provide and manage on commercial basis, air traffic and air navigation services to private and state owned airports; (o) hold regular meetings with the armed forces on Nigeria's international obligations as it relates to civil and military co-ordination;
- (u) promote familiarisation visits by civil and military personnel to any air traffic service unit;
- (v) maintain permanent liaison with the civil air traffic services units and all relevant defence units, in order to ensure daily integration or segregation of civil and military air traffic operations within the same or adjacent portions, employing civil or military radars as necessary;
- (w) preclude the need for civil aircraft to obtain special air defence clearance;
- (x) take any necessary step to reasonably prevent the penetration of controlled airspace by any aircraft, civil or military without co-ordination with the air traffic control unit concerned;
- (y) undertake research and study relating to air navigation activities in order to promote the development of air navigation services and align with relevant changes in global, regional and national plans, procedures, mechanisms, essential for the provision of efficient, safe and orderly air navigation services;

- (z) undertake systems engineering development, implementation for communications, navigation and surveillance, air traffic management and telecommunications and other allied services;
 - (aa) conduct investigation into any air traffic incidents with a view to determining the cause and take necessary measures to prevent such re-occurrence;
 - (bb) charge fees which may be reviewed from time to time for all services provided by it
 - (cc) co-ordinate the implementation of aeronautical search and rescue and may demand by requisition from any organisation any available equipment, facilities or personnel which may assist in the speedy and effective use in aeronautical search and rescue emergency situations;
 - (dd) discharge the operational, technical and financial air traffic service commitments arising from Nigeria's membership to any international organisation and other air navigation agencies.
- (2) Further to the provisions of subsection (1) of this section, the Agency shall –
- (a) conduct routine safety surveys and where necessary make any improvement to conform compliance with applicable Safety Management System;
 - (b) ensure that the necessary safety measures are put in place to prevent compromise of air navigation safety standards within and outside the airport;
 - (c) ensure the continued operations and availability of airborne and ground components of the Air Traffic Management system through cooperation with relevant parties;
 - (d) cooperate with anybody through partnership or joint venture for the purpose of providing aeronautical telecommunication and telecommunications services within the airports and to discharge any other function of the Agency;
 - (e) deploy terrestrial and satellite communication facilities for air navigation services;
 - (f) conduct hazard identification and risk assessment and mitigation processes which may include a determination of the scope, boundaries and interfaces of the constituent part being considered, as well as the identification of the functions that the constituent part is to perform and the environment of operations in which it is intended to operate;
 - (g) maintain a data bank that will provide accurate, dependable and reliable information to the entire Aviation sector for effective planning and advisory to industry users and stakeholders to build capacity for safe air transportation;
 - (h) carryout the design, regular and periodic review of national airspace architecture including appropriate instrument approach procedures for aircraft operations to enhance airspace capacity;
 - (i) undertake the publication and distribution of aeronautical information and any other guidance material in the form of Aeronautical Information Publications (AIPs), Notices to Airmen (NOTAM), Aeronautical Information Circulars (AICs) etc;
 - (j) produce charts that will provide flight crew with detailed information on the airport or

aerodrome to facilitate the ground movement of aircraft between the taxiways and the aircraft stands and the parking or docking of aircraft within the airport or aerodrome;

(k) develop and manage the framework for cyber-resistance to help mitigate cyber-threats and risks to air navigation systems and facilities and share cyber related incident information with relevant aviation stakeholders;

(l) undertake the classification and allocation of the use of the Nigerian airspace for aircraft operations in collaboration with the relevant Government Agency.

(3) A person other than the Agency shall not provide air navigation services in respect of the Nigerian airspace or any other airspace which Nigeria has responsibility to provide such services.

(4) The Agency may with the approval of the Minister, introduce or increase, terminate, or reduce air navigation services, and close or relocate facilities used by it in connection with navigation services within the Nigerian airspace or any other airspace which Nigeria has responsibility for the provision of air navigation services.

(5) The Agency may with the approval of the Minister, introduce or increase, terminate, or reduce air navigation services, and close or relocate facilities used by it in connection with navigation services within the Nigerian airspace or any other airspace which Nigeria has responsibility for the provision of air traffic control services.

(6) A person shall not commence construction or reconstruction of an aerodrome in Nigeria without the necessary input of the Agency in line with its functions under this Bill.

(7) The functions of the Agency in this Act is vested in the Managing Director of the Agency who may exercise them directly or through the Directors or any other staff of the Agency he may deem fit.

Subject to the provision of this Act, the Agency shall have powers to –

Powers of the
Agency

(a) make, alter and revoke rules, byelaw and guidelines for the purpose of giving effect to the provisions of this Act;

(b) charge cost and sustainability recovery charges for services rendered by the Agency to users;

(c) levy such charges or fees on aircraft operators, private and state aerodrome operators for air traffic control services, international and domestic en-route flight services, over-flight services, terminal navigation services and any other charges or fees as may be determined by the Agency from time to time;

(d) deny or withhold flight clearance to any operator until the amount of charges or fees imposed by the Agency has been paid by the operator or a security or guarantee has been given to the satisfaction of the Agency for the payment of the charges or fees;

(e) inspect or examine accounts, records and memoranda required to be kept by aircraft and aerodrome operators; or

(f) cooperate and collaborate with the relevant authority within and outside Nigeria to ensure coordinated search and rescue operations for missing aircraft and aircraft in distress; and

(g) do anything, which in its opinion is calculated at facilitating the execution of its functions under the provisions of this Act.

(2) Notwithstanding the provision of any other law, policy or circular in force, any fees and charges imposed by the Agency shall not be subject to any deductions or remittance to any other body.

10. The Board shall –

- (a) provide the general policies and guidelines relating to the discharge of the functions of the Agency;
- (b) monitor the implementation of the policies and programmes of the Agency;
- (c) do such other things which in the opinion of the Board is considered necessary or expedient to ensure the performance of the Board's functions under this Act.

Functions and powers of the Board

11. (1) There shall be appointed for the Agency a Managing Director –

- (a) by the President on the recommendation of the Minister; and
- (b) on such terms and conditions as may be specified in the letter of appointment or as may be determined, from time to time, by the Government of the Federation.

Managing Director of the Agency

(2) The Managing Director shall be-

- (a) the chief executive and accounting officer of the Agency;
- (b) responsible for the day-to-day administration of the Agency;
- (c) appointed for a term of 5 years and may subject to satisfactory performance be re-appointed for a further term of 5 years and no more;
- (d) a person who possesses relevant and adequate professional qualification in a senior management cadre; and
- (e) a person who has been qualified in air navigation services for a period of not less than 15 years, 5 of which shall be in the senior management cadre in an air navigation services provider environment.

(3) Without prejudice to the foregoing provisions of this section, the Managing Director may be removed from office by the President where he –

- (a) has demonstrated inability to effectively perform the duties of his office;
- (b) has been absent from 5 consecutive meetings of the Board without the consent of the Chairman or good reason for such absence;
- (c) is guilty of serious misconduct;
- (d) is disqualified or suspended from practicing his profession in any part of the world by an order of competent authority; or
- (e) is guilty of conflict of interest as stipulated under section 14 of this Act.

2. There shall be appointed for the Board a secretary who shall –

- (a) be the Director Legal Services and Legal Adviser of the Agency and a legal practitioner and shall have

Appointment of Secretary to the Board

been so qualified for a period of not less than 12 years;

(b) have power to conduct the correspondences and keep the records of the Board.

13. (1) The Agency shall appoint such number of employees which in its opinion is expedient and necessary for the proper and efficient performance of its function under this Act.

Other Staff of
the Agency

(2) The composition of the Directors and Senior Management staff of the Agency appointed under this Bill shall reflect equity and fairness as enshrined in Section 14(3) of the 1999 Constitution (as amended).

(3) The staff of the Agency appointed under subsection (1) of this section shall be appointed on such terms and conditions of service as the Agency may determine in accordance with the approved Government Policy.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section, the Agency shall have power to appoint either directly or on secondment from any public service in the Federation, such number of employees as may in the opinion of the Board be required to assist the Agency in the discharge of any function under this Act.

(5) Nothing in subsection (3) of this section shall preclude the Agency from appointing such number of persons from outside the public service of the Federation or of the State, where it deems it necessary so to do.

(6) The Agency may subject to the approval of the Board, make regulations relating generally to the terms and conditions of service of its employees providing for –

(a) the appointment, promotion and staff discipline;

(b) remuneration, allowances, benefits and pension of the employees of the Agency;

(c) appeals by employees against disciplinary measures; and

(d) such other matters to ensure the efficient performance of the functions of the Agency under this Act.

4. (1) The Members of the Governing Board, the Managing Director, Directors and the employees of the Agency shall not control, manage or operate any aviation enterprise while in office.

Conflict of
Interest, Insider
Dealing and
Confidentiality

(2) Any of the persons specified in subsection (1) of this section, having a financial or other interest in any aviation enterprise shall make full disclosure of such interest to their respective appointing authorities.

(3) Any of the persons mentioned in subsection (1) of this section is prohibited from participating in any action or decision that may, whether directly or indirectly affect their financial interest in any aviation enterprise.

(4) A member of the Board, the Managing Director or any other officer or employee of the Agency shall-

(a) not for his personal gain, make use of any information which has come to his knowledge in the exercise of his powers or is obtained by him in the ordinary course of his duty as a member of the Board, the Managing Director, officer or employee of the Agency;

(b) treat as confidential any information which has come to his knowledge in the exercise of his powers or is obtained by him in the performance of his duties under this Act; and

(c) not disclose any information referred to under paragraphs (a) and (b) of this subsection, except when required to do so by a court of competent jurisdiction or in such other circumstances as may be prescribed by the Board, from time to time.

(5) Any person who contravenes the provisions of subsection (4) of this section, commits an offence and is liable on conviction to a fine of not less than N200,000.00 or to a term of not less than 6 months imprisonment or to both.

15. (1) Service in the Agency shall be the approved service for the purposes of the Pension Reform Act.

Service in the Agency to be pensionable

(2) Officers and other persons employed in the Agency shall be entitled to pensions, severance and other retirement benefits, as are enjoyed by persons holding equivalent grades in the Civil Service of the Federation.

(3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and severance package in respect of that office.

(4) For the purpose of the application of the provisions of the Pension Reform Act, No. 4 of 2014, any power exercisable under the Act by the Minister or other authority of the Government of the Federation, other than the power to make regulations is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

6. In exercising and performing the powers, functions and duties conferred on it under this Act, the Agency may appoint, contract, liaise or co-operate with experts, including specialised agencies, academic or technical institutes in order to assist it in carrying out its functions.

Appointment of Experts

7. For the effective discharge of the functions conferred on the Managing Director under this Act, the Managing Director may discharge any of the functions through the directors in charge of any of the following Directorates –

Delegation of Powers

(a) Air Traffic Services;

(b) Safety, Electronics and Engineering Services;

(c) Finance and Accounts;

(d) Human Resources and Administration;

(e) Legal and Compliance Services;

(f) any other Directorate as may be established from time to time by the Agency.

(2) Notwithstanding the provisions of subsection (1) of this section, the Agency shall with the approval of Board have the powers to –

(a) set up special units, technical Committee, working groups and task forces to assist the Agency in

the performance of its duties and functions under this Act; and

(b) make changes to its structure, including the review or merging of Directorates.

PART V – FINANCIAL PROVISIONS

18. (1) There shall be established and maintained by the Agency, a fund into which shall be paid and credited-

Funds of the
Agency

- (a) all subventions and budgetary allocations from the Government of the Federation;
- (b) all fees and funds accruing from-
 - (i) over flight and enroute international charges,
 - (ii) domestic enroute charges,
 - (iii) charges on Class B messages,
 - (iv) 23 percent of the air ticket sales charges,
 - (v) 23 percent of the cargo sales charges,
 - (vi) 23 percent of charter sales charges,
 - (vii) terminal navigation charges,
 - (viii) sales of information,
 - (ix) violation of airspace fines,
 - (x) rentage of property, plant and equipment,
 - (xi) calibration fees,
 - (xii) obstacle evaluation fees,
 - (xiii) telecommunications services,
 - (xiv) provision of air traffic services at private and state aerodromes,
 - (xv) hajj or pilgrimage operations,
 - (xvi) cartographic survey and cartography charges,
 - (xvii) aerial operations charges,
 - (xviii) consultancy services, and

(xix) sales, rents or lease of landed properties;

(c) sums accruing to the Agency by way of gifts, endowments, bequests, grants or other contributions by persons and organisations;

(d) return on investments;

(e) domestic and foreign aids and assistance;

(f) any other fund that may be approved for the development of Civil Aviation in Nigeria; and

(g) other sums which may, from time to time, accrue to the Agency.

(2) The owner and operator of an aircraft or aerodrome shall jointly and severally be liable for any charges for air navigational services rendered by the Agency in respect of their aircraft.

(3) The Agency may impose charges or fees which may be reviewed from time to time for services provided by the Agency under this Act.

(4) Charges and fees payable in respect of the services performed by the Agency shall be paid within 30 days from the commencement of the service. If the Charges or fees are not paid within the period specified, the Agency may apply a 6 percent compound interest on the amount of charges or fees until the time the charges or fees are paid or a security satisfactory to the Agency has been posted as evidence of payment of the charges or fees.

19. (1) The Managing Director shall conduct the Agency's affairs with prudence and due diligence to ensure that the Agency does not become insolvent.

Duty to be financially prudent

(2) Where the Agency suffers any financial loss as a result of any waiver granted by any person, body or institution, the Agency shall be compensated for the financial loss sustained in complying with the waiver by the person, body or institution that grants such a waiver.

20. The Agency may suspend the provision of service to any aircraft or aerodrome operator who fails to pay overdue charges until payment of such amount is made or bond or any other security satisfactory to the Agency for the amount due is deposited with the Agency.

Collection of unpaid or overdue charges

(2) In addition to any other remedy provided for in this Act or guidelines made pursuant to this Act in relation to collection of unpaid and overdue charges imposed by the Agency for air navigation services, whether or not a Judgment for the collection of the charges has been obtained, the Agency may apply to the Federal High Court, for an order authorising the Agency to seize and detain any aircraft belonging to the defaulting operator until the charges are paid or a bond or collateral security acceptable to the Agency is provided for the unpaid and overdue amount.

(3) An application for an order referred to in subsection (1) of this section, may be made ex-parte if the Court has reason to believe that the person liable to pay the charges is about to leave Nigeria, or remove from Nigeria any aircraft owned or operated by him.

(4) The Agency may release from detention, an aircraft seized and detained under this section,

where -

- (a) the amount in respect of which the seizure is made has been paid; or
- (b) a bond or other security in a way that is satisfactory to the Agency for the amount in respect of which the seizure was made is discharged.

(5) Any person who collects and fails to remit to the Agency any such monies due to the Agency pursuant to this Act commits an offence and shall be liable on conviction to a term of 2 years imprisonment or a fine of N5,000,000.00 or both in addition to the refund of total monies unremitted.

21. The Agency may, from time to time, apply the proceeds of the fund established in pursuance of section 18 of this Act – Expenditure of the Agency
- (a) to pay overhead allowances, benefits and other administrative costs of the Agency;
 - (b) for the reimbursement of members of the Board or any Committee set up by the Board or the Agency for such expenses as may be authorised in accordance with the rates approved by the Government of the Federation;
 - (c) for the payment of salaries, fees and other remunerations or allowances, payable to members of the Board, employees, experts or professionals appointed by the Agency;
 - (d) to publicise and promote the activities of the Agency;
 - (e) for the maintenance of any property acquired or vested in the Agency; and
 - (f) to undertake any other activity or matter connected with all or any of the functions of the Agency under this Act.
22. (1) The Agency may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift. Power to accept gifts
- (2) The Agency shall not accept any gift, where the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Agency under this Act.
23. (1) The Agency shall, not later than 30th September in each year, submit to the President, through the Minister, an estimate of the expenditure and income of the Agency during the next succeeding year. Annual Estimates and Expenditure
- (2) The Agency shall cause to be kept, proper accounts and records of the Agency in respect of each year and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.
4. (1) The Board shall receive and review annual report from the Management of the Agency and submit same to the President, through the Minister, not later than 30th June of each year. Annual Reports
- (2) The report shall be in such form as the President may direct on the activities of the Agency during the immediate preceding year and shall include the accurate statistical data on traffic of aircraft

and passenger movement, over-flights and en-routes, a copy of the audited accounts of the Agency for the year and the auditor's report on it.

25. (1) The Agency may from time to time, obtain loan in form of an overdraft or otherwise, such sums as it may require for the performance of its functions under this Act. Power to Borrow
- (2) The Agency shall not without the approval of the President borrow money which exceeds at any time the limit set by the Government of the Federation.
- (3) Notwithstanding the provisions of subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Agency shall not borrow the sum without the prior approval of the President.
26. (1) The Agency may invest any of its funds in securities or any other profit yielding investment as may be approved by the Board. Power to Invest Funds
- (2) The Agency may, subject to the provisions of this Act, invest any of its funds as may be financially prudent and maintain a general reserve.
27. (1) The Agency shall be exempted from the payment of tenement rates and income tax on any income accruing from investments made by the Agency. Exemption from tax
- (2) The provisions of any law relating to the taxation of companies or trust funds shall not apply to the Agency.

PART VI- GENERAL POWERS OF THE AGENCY

28. (1) For the purposes of obtaining relevant information for the proper discharge of the functions conferred upon it under this the Act, any authorised officer of the Agency may by notice in writing- Power to obtain Information
- (a) require any person who undertakes the business of carrying passengers or cargo in an aircraft for reward, to furnish him with such information relating to such flights or class of flights, either at the beginning or at the end of the same point or at different points;
- (b) as may be specified in the notice, furnish the Agency with such information relating to the flight plan, instrument carried on the aircraft and any other information required for the safe landing within and exit of any aircrafts from the Nigerian airspace; and
- (c) specify the times at which, the form and manner in which, any information required under paragraph (a) or (b) of this subsection shall be made.
- (2) For the purposes of this section, "authorized officer" means the Managing Director or any other officer of the Agency specifically or generally authorised by the Managing Director to carry out the functions of an authorized officer under this section.
29. (1) A person or entity who fails to give information as required under section 28 of this Act, commits an offence and is liable on conviction – Penalties for refusal to give information
- (a) in the case of an individual, to a fine of not less than N200,000.00 or a term of 6 months imprisonment or to both; and
- (b) in the case of an entity or body corporate, a fine of not less than N500,000.00.

(2) A person or entity who knowingly makes a false statement to any particulars given pursuant to a request made by the Agency under section 28 of this Act, commits an offence and is liable on conviction-

(a) in the case of an individual, to a fine of not less than N200,000.00 or a term of 6 months imprisonment or to both; and

(b) in the case of an entity or body corporate, a fine of not less than N500,000.00.

30. (1) The estimates, returns or information relating to an air transport undertaking to obtain the foregoing provisions of this Act shall not, without prior consent of the person carrying on the undertaking, which is the subject of the estimate, returns or information, be disclosed except-

Restriction on disclosure of information

(a) in accordance with directions given by the Agency, for the purpose of exercising any of its functions under this Act; or

(b) for the purpose of any proceedings for which an offence under this Act or any report of those proceedings is required.

(2) Any person who discloses any estimates, returns or any information in contravention of the provisions of this section, commits an offence and is liable on conviction to a fine of not less than N200,000.00 or to a term of not less than 6 months imprisonment or to both.

31. (1) The Agency may through its authorised officers or agents, enter any land for the purposes of –

Power to enter land to make a survey, etc.

(a) discharging its functions under this Act;

(b) inspecting and examining lands, buildings and equipment of any air carrier;

(c) inspecting or examining accounts, records and memoranda required to be kept by air carriers; or

(d) the cutting and removal of trees, underwood or structures that may interfere with survey and any installation which constitute a hazard to safety of air navigation.

(2) The Agency shall, where practicable, serve on the occupier of any land which it intends to enter pursuant to subsection (1) of this section, a notice which shall be in writing, giving a description of the work intended to be carried out on the land.

(3) In the discharge of its function pursuant to subsection (1) of this section, the officers or agents of the Agency may remain on any of such land for a reasonable time as to enable them execute and do all such work as may be necessary.

32. (1) In the exercise of the powers conferred by section 31 of this Act, the Agency or its officers, or agent shall ensure that buildings, crops, and economic trees are protected from damages and Agency shall pay compensation for any damage done to any building, crops and crops and economic trees.

Compensation for damages, etc

(2) In the case of dispute as to the amount of compensation payable, the same shall be determined by the Federal High Court.

33. (1) The Agency may on application made to it by an airline or airline handling agent, grant an aircraft flight clearance to -
- (a) operate scheduled flight within the Nigerian airspace;
- (b) operate non-scheduled flights within the Nigerian Airspace; or
- (c) overfly the Nigerian airspace.

Grant of Aircraft Flight Clearance

(2) Any person who operates an aircraft without flight clearance commits an offence under this Bill and shall be liable on conviction to a fine of not less than N3,000,000 for body corporate and where the contravention is by an individual, to a fine not less than N1,000,000.

34. The Agency shall by a byelaw or guideline published in the Aeronautical Information Publication (AIP), Aeronautical Information Circular (AIC) or Gazette prescribe the terms and conditions for granting aircraft flight clearance.

Conditions for the grant of Aircraft Flight Clearance

PART VII-AIR TRAFFIC INCIDENT INVESTIGATION REPORT

35. (1) The Agency shall investigate air traffic incidents and provide report to appropriate Government Agencies.
- (2) The reports provided under sub-section (1) of this section shall provide remedial or corrective measures.
36. Notwithstanding the provisions of the Evidence Act, No.18 of 2011 and any other law, the proceedings and other contents of an air traffic incident investigation report including papers, air traffic control (ATC) strips, tape recording, flight plan, log book, and records used for the investigation shall be treated as confidential materials and shall not be admissible in evidence as to form the basis of liability in any criminal or civil proceedings.

Air Traffic Incident Investigation and Report not to be Admissible in Evidence

Air Traffic Incident Investigation Report not admissible in evidence

PART VIII - PROVISIONS RELATING TO THE ACQUISITION OF LAND

37. (1) The Agency may subject to Land Use Act, Cap. L4 Laws of the Federation of Nigeria, 2004 acquire any land for the purpose of discharging its functions under this Act.
- (2) Where there is any hindrance to the acquisition of any land under this Act including any failure by the Agency to reach an agreement as to the amount to be paid in respect of the acquisition, the Agency may apply to the Minister to request for a declaration under subsection (3) of this section.
- (3) The Minister on receiving an application from the Agency and after such enquiry as he may deem necessary, may request the Governor, or his equivalent, of the state in which the land situate to declare that the land is required for the service of the Agency and accordingly, for an overriding public interest.
- (4) Where a declaration is made under subsection (3) of this section, the land to which the declaration relates shall be deemed to be land required for the overriding public interest purpose of the Federation within the meaning of the Land Use Act, Cap. L4 Laws of the Federation of Nigeria, 2004 and the Agency shall acquire the land accordingly.

Power to acquire Land

(5) Where a declaration has been made under subsection (3) of this Act in respect of any land and the land has been acquired pursuant to subsection (4) of this section; or the Governor of the State concerned is satisfied that there are no rights subsisting in respect of the land, the Governor may vest the land in the Agency by issuing a Certificate of Occupancy in respect of the land, in favour and in the name of the Agency.

(6) The compensation, if any, payable under the Land Use Act, Cap. L4 Laws of the Federation of Nigeria, 2004 for the revocation of rights relating to the land and other incidental expenses, where applicable, shall be borne by the Agency.

(7) The plan of the land referred to in subsection (2) of this section —

(a) containing measurement of the boundaries of the land;

(b) showing the relationship of the land to any sufficient identifying mark; and

(c) signed by the Surveyor-General; shall be a sufficient description of the land for the purpose of an application under that subsection.

(8) The Agency shall not, without the approval in writing of the Governor of the State in which the land situates alienate, mortgage, charge or otherwise demise any immovable property which has been vested in the Agency under this section or in respect of which a right of occupancy has been granted to the Agency.

38. (1) The Agency may with the approval of the Minister engage in the development of estate, land building, real properties, staff housing scheme and any other commercially viable venture or any description including leasehold on such terms and conditions as the Agency may from time to time determine.

Establishment of Staff Housing Scheme

(2) The Agency shall with the approval of the Minister issue guidelines for development of estate, land building, real properties, staff housing scheme and any other commercially viable venture or any description including leasehold referred to under subsection (1) of this section.

39. The Agency shall establish and operate calibration workshop at designated locations for purposes of carrying out regular calibration of navigational aids and equipment.

Calibration of Navigational Aids and Equipment

(2) The Agency shall have power to certify that a calibrated navigational aids or equipment meets the standards as may be specified by relevant national and international organisations.

PART IX - LEGAL PROCEEDINGS

40. Any notice required under this Act or authorised by this Act, shall be served either by —

Service of Notice

(a) delivering it to the person or his agents or servant;

(b) leaving it at the person's proper address; or

(c) posting it to the person's principal office through registered post or courier and addressed to the

person at his principal office.

(2) Where a notice is served by post otherwise than in registered letters, service shall not be deemed to have been effected if it is proved that the notice was not received by the person to whom it was addressed.

(3) Any notice required or authorised to be served upon a body corporate shall be deemed to have been duly served if it is served on a director or the secretary to the body corporate.

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

(a) the case of a body corporate, be the registered or principal address of the body corporate; and

(b) any other case, be the last known address of the person to be served.

(5) Where the name of a person carrying on an air transport undertaking at any premises is not known and any of such notice is sent by post in a registered letter, the letter shall be deemed for the purposes of this section to have been properly addressed if addressed to the premises at which the undertaking is carried on.

41. A notice, summons or other documents required or authorised to be served on the Agency under the provisions of this Act or any other law, may be served by delivering it to the office of the Managing Director situate at the headquarters of the Agency.

Service of documents

42. (1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act, Cap P41 Laws of the Federation of Nigeria, 2004 shall apply in relation to any suit instituted against any officer or employee of the Agency.

Limitation of suits against the Agency

(2) Notwithstanding anything contained in any other law, no suit shall lie or be instituted in any court against the Agency, any member of the Board, the Managing Director or any other officer or employee of the Agency for an act done in pursuance or execution of this Act or any law, or any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or such law, duty or authority, unless-

(a) it is commenced within 3 months after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within 6 months next after the ceasing of it.

(3) A suit shall not be commenced against the Agency, a member of the Board, the Managing Director, officer or employee of the Agency before the expiration of a period of 1 month after written notice of intention to commence the suit have been served upon the Agency by the intending plaintiff or his agent.

(4) The notice referred to in subsection (3) of this section shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

43. (1) In any action or suit against the Agency, no execution or attachment in any nature thereof shall be issued or levied against the Agency, unless –

Restriction on Execution of an Order against the Property of the Agency

(a) at least 3 months' notice of the intention to execute judgment or attach the Agency's property has been given to the Agency; and

(b) the consent or approval of the Attorney-General of the Federation obtained.

(2) Subject to any direction given by a competent court where notice of appeal has been given, any sum of money, which may by the Judgment of any court be awarded against the Agency, shall be paid from the fund of the Agency.

In any proceeding before a court of law or tribunal, the Agency may, with the consent of the Attorney-General of the Federation, be represented by its legal officers or any legal practitioner authorised by the Agency who shall have the right to appear at any stage of a proceedings and who shall satisfy the court that he is duly authorized by the Agency in that behalf.

44. (1) An employee of the Agency shall not be arrested while on essential duty.

Arrest of Employee of the Agency on Essential Duty

(2) Notwithstanding the provisions of subsection (1) of this section, where such arrest is unavoidable and might result in danger to life or goods or safety of airspace in the execution of a warrant or otherwise during the performance of his lawful duty -

(a) the head of Department in which the person to be arrested is employed; or

(b) the officer in charge of the person to be arrested, shall be given a reasonable time within which to make provision for the replacement of the officer to be arrested before he is released to the person carrying out the arrest.

45. A member of the Board, the Managing Director, any officer or employee of the Agency, shall be indemnified out of the assets of the Agency, against any proceedings, whether civil or criminal, if any of such proceeding –

Indemnity of officers

(a) is brought against him in his personal capacity as a member of the Board, the Managing Director, officer and other employee of the Agency; and

(b) arose from the lawful discharge of any of his functions or in the exercise of any of the powers conferred on the Agency under this Act.

PART X - OFFENCES AND PENALTIES

46. (1) A person, entity or group of persons shall not obstruct or hinder the provision of civil air navigation services to a flight.

Obstruction of services

(2) Any person or group of persons who contravenes the provisions of subsection (1) of this section commits an offence and shall on conviction be liable –

(a) in the case of an individual, to a fine of not less than N200,000.00 or a term of 6 months

imprisonment or to both; and

(b) in the case of an entity, body corporate or group of persons, a fine of not less than N500,000.00.

(3) Where any person or an entity violates any of the provisions of this section, such person or entity shall during the subsistence of the offence be liable to a fine for each day or part of the day the offence continues to-

(a) N100,000.00 in the case of a corporation;

(b) N50,000.00 in the case of a person acting in the capacity of an officer or representative of the Agency or where the offence was committed; and

(c) N25,000.00 in any other case.

47. (1) Any person who destroys, vandalises or damages air navigation equipment or facilities, shall be liable to –

Damage or theft
to Air Navigation
Equipment or
Facilities

(a) pay compensation to the Agency for the value of the equipment or facility destroyed, damaged or vandalized; or

(b) replace or repair the damaged equipment or facility; as the Agency may determine.

(2) Any person who steals or causes to be stolen any air navigation equipment or facility commits an offence and is liable on conviction to a fine of not less than N1,000,000.00 or a term of not less than 1 year imprisonment or to both.

(3) Any person who willfully disrupts air navigation services in such manner that is likely to interfere with software, communication or the signals transmitted to aircrafts commits an offence and is liable on conviction to a fine of not less than N10,000,000.00 or a term of not less than 5 years imprisonment or to both.

48. (1) Where an offence under this Act is committed by a body corporate, a firm or association of individuals, every –

Offences by a
body corporate
or
unincorporated
body

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

(b) partner or officer of the firm;

(c) person concerned in the management of the affairs of the association; or

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

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

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

(b) corporate body be liable to a fine of not less than N2,000,000.00.steps to prevent the commission of the offence.

49. Where the Agency is satisfied that a person is violating or is about to violate any provision of this Act, the

Prevention of

Agency may take action which in the opinion of the Agency is necessary to prevent further violation of any of the provisions of this Act.

further violation of the provisions of this Act

PART XI – JURISDICTION

50. (1) The Federal High Court shall have jurisdiction to try offences, hear and determine proceedings arising under this Act.

Jurisdiction

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

(3) The penalty imposed on a person convicted of an offence referred to in that subsection may be reduced in such manner as the court deems fit where that person has, before any proceeding, made possible or facilitated the identification of other accused persons and their sponsors or who, after the commencement of the proceedings, has made possible or facilitated the arrest of such persons.

(4) In any trial for an offence under this Act, the Court shall have power, to adopt all legitimate measures that it may deem necessary to avoid unnecessary delays and abuse in the conduct of proceedings.

PART XII – MISCELLANEOUS

51. (1) The Minister may give directives of a general character with regards to the performance or exercise by the Agency or Board of its functions or powers under this Act and it shall be the duty of the Agency or Board to comply with the directives.

Power of Minister to give Directives

(2) The general directives referred to in subsection (1) of this section shall relate to matters of policy and shall not be inconsistent with the provisions of this Act and shall be in-

(a) the interest of the national security;

(b) relation to any matter that appears to the Minister that it may likely affect the relations of Nigeria with a country or territory outside Nigeria;

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

(d) order to obtain or facilitate the attainment of any object, which in his opinion is considered as appropriate in view of Nigeria's being a member of an international organisation or a party to an international agreement; or

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

(3) The Agency in the exercise of carrying out its functions and powers in accordance with the provisions of this Act shall be guided by such directions.

52. (1) All services which facilitate and maintain the smooth, orderly and safe take off, flight and landing

Designation of

of aircrafts and the disembarkation and evacuation of passengers and cargo respectively in all aerodromes in Nigeria are hereby designated as essential services pursuant to the provisions of section 11(1) of the Constitution of the Federal Republic of Nigeria, 1999.

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

(3) In this section, -

“strike” means the cessation of work by a body of persons employed, acting in combination or a concerted refusal or a refusal under a common understanding of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer, or the Government of the Federation of Nigeria or any part of it, or to aid other workers in compelling their employer or any persons or body of persons employed, to accept or not to accept terms of employment and physical conditions of work or any government economic policy or pricing of any essential product;

“cessation of work” includes working at less than usual speed or with less than usual efficiency without reasonable operational justification; and

“refusal to continue to work” includes a refusal to work at usual speed or with usual efficiency.

53. The Agency shall encourage national and regional cooperation in the provision of air navigation services and may –

Regional co-
operation in the
provision of air
navigation

(a) enter into agreements for co-operative endeavours in air navigation services with other bodies; and

(b) in conjunction with the Ministry negotiate, agree to and manage such regional co-operative agreements.

54. (1) The Nigerian Airspace Management Agency Act, Cap N90, Laws of the Federation of Nigeria, 2004, is repealed.

Repeal and
Saving
Provisions.

(2) Without prejudice to section 6 of the Interpretation Act, Cap 123, Laws of the Federation of Nigeria, 2004, the repeal of the Act specified in subsection (1) of this section, shall not affect anything done under or pursuant to the repealed Act.

(3) Every regulation, order, requirement, contract, certificate, notice, direction, decision, authorisation, consent, application, ongoing cases in the courts, request or thing made, issued, given or done under the repealed Act shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued, given or done under the corresponding provisions of this Act.

(4) Every reference to the Agency established under the repealed Act (in this Act referred to as “the former Agency”), Minister, Board, Managing Director or any person under their control, or a document issued in the name of the former Agency, Minister, Board, Board Chairman, Managing Director or employee of the former Agency shall be read, unless the context otherwise requires, as a reference to the Agency, Minister, Board, Board Chairman, Managing Director or an employee of the Agency established under this Act, as the case may be.

(5) The statutory function, rights, interests, obligations and liabilities of the Agency established under the repealed Act, existing before the commencement of this Act, under any contract or instrument or in law or in equity shall, by virtue of this Act, be deemed to have been assigned to and vested in the Agency established under section 3 of this Act; and shall be of the same force and effect against or in favour of the Agency established by this Act and shall be enforceable as fully and effectively as if instead of the Agency existing before the commencement of this Act, the Agency established by this Act has been named in it or had been party to it.

Transitional
Provisions

55. (1) Subject to the provisions of this Act, the Managing Director of the Agency established under the repealed Act is deemed to have been transferred to the Agency established under this Act under the same terms and conditions as Managing Director.
- (2) Any person who immediately before the commencement of this Act was a staff of the Agency established under the repealed Act shall continue in office and be deemed to have been appointed under this Act for purposes of Pension.
- (3) Any proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Agency established under the repealed Act in respect of any right, interest, obligation or liability of the Agency may be continued or commenced, as the case may be, and any determination of a court of law, tribunal or other Commission or person may be enforced by or against the Agency established by this Act to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Agency established under the repealed Act.
- (4) As from the commencement of this Act, any disciplinary proceeding pending or existing against any employee of the Agency shall be continued and completed by the Agency established under this Act.
- (5) All rights, liabilities, assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act, were vested in the former Agency established under the repealed Act, shall by virtue of this Act, and without further assurance be vested in the Agency established under section 3 of this Act.

6. (1) In this Act, unless the context otherwise requires –
- “aerodrome” means a defined area of land on land or water including any buildings, installations and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
- “Agency” means the Nigerian Airspace Management Agency established by section 3 of this Act;
- “airport” means a defined area on land or water including any building, installation and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
- “air navigation services” includes air traffic control services, aeronautical communication, telecommunication, navigational aids, surveillance services, calibration, aeronautical information services, flight information services, signals and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft and the control of movement of vehicles in any part of an airport used for the movement of an aircraft;

Interpretation

“Board” means the Governing Board of the Agency as established and constituted under section 4 of this Bill;

“cargo” includes mail;

“essential duties” are the job duties that are fundamental to the operations of the Agency and in some cases are highly specialised in line with section 52 of this Act, and –

(a) shall be performed to ensure public order, health, safety and security,

(b) the person in the position is hired for special expertise or ability to perform it, and

(c) there are a limited number of other employees available to perform the function, or among whom the function can be distributed;

“flight” means a journey by air beginning when the first person boards the aircraft in question with intent to fly and ending when the last person disembarks;

“Managing Director” means the Managing Director appointed pursuant to section 11 of this Act;

“member” means a member of Board and includes the chairman and Managing Director;

“Minister” means the Minister charged with responsibility for matters relating to aviation;

“Ministry” means the Ministry charged with responsibility for matters relating to Civil Aviation;

“operator” or “air carrier” in relation to an aircraft means the person for the time being having the management of the aircraft;

“owner” in respect of section 18 (2) of this Act includes –

(a) the person in whose name the aircraft was registered,

(b) a person in possession of an aircraft as a purchaser under a conditional sale or hire purchase agreement that reserves to the vendor the title to the aircraft until payment of the purchase price or performance of certain conditions,

(c) a person in possession of the aircraft as charter, mortgagor under charter mortgage, and

(d) a person in possession of the aircraft under a bonafide lease or agreement of hire;

“power” includes functions and duties;

“premises” includes lands, plants and ancillary works;

“President” means the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria;

“reward” in relation to a flight, includes any form of consideration received or required to be received, wholly or partly in connection with the flight irrespective of the person whom or to whom the consideration has been or is to be given; and

“Regulations” in this Act, where the context so permits, is a reference to the Civil Aviation Regulations made pursuant to the Civil Aviation Act.

(2) Every other term shall have the same meaning as contained in the Convention on International Civil Aviation, 1944.

57. This Bill may be cited as the Nigerian Airspace Management Agency (Establishment, etc.) Bill, 2022. Short title

SCHEDULE
SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

[Section 4(5)]

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings, and those of its committees, notices to be given, the keeping of minutes of its proceedings, the custody and production for inspection of such minutes and such other matters as the Board may, from time to time determine.
2. There shall be at least 1 ordinary meeting of the Board in each quarter of the year and subject to it, the Board shall meet whenever it is convened by the Chairman, and if the Chairman is requested to do so by notice given to him by not less than 4 other members, he shall convene a meeting of the Board to be held within 30 days from the date on which the notice was given.
3. Every meeting of the Board shall be presided over by the Chairman and where the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect 1 of them to preside at the meeting.
4. The Minutes of the Board shall be recorded by the Secretary and signed by the Chairman or the person who presided at the meeting, after confirmation by the Board.
5. A quorum at a meeting of the Board shall be one-third of the total number of members

Convening of Meetings of the Board

5. The Chairman shall, at any time, if 5 other members request in writing, convene an emergency meeting of the Board, provided that not less than 48 hours' notice is given to members for the meeting.
7. If the office of Chairman is at any time vacant, or the Chairman is absent from Nigeria or is in the opinion of the Board permanently or temporarily unable to perform the functions of his office, the Managing Director shall convene such meetings of the Board as are required during the period of vacancy, absence or otherwise.
8. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.
9. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.

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

11. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend its meeting for such period as it may deem fit provided that a person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

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

13. A committee appointed under paragraph 12 of this Schedule shall be presided over by a member of the Board and shall consist of such number of persons (not necessarily all members of the Board) as, may be determined by the Board, and a person other than a member of the Board shall hold office on the Committee in accordance with the terms of his appointment.

14. A person who is not a member of the Board shall hold office on the Committee in accordance with his letter of appointment.

15. A decision of a Committee of the Board shall be of no effect until it is confirmed by the Board.
Seal of the Agency

16. The Common Seal of the Agency shall be in the custody of the Legal Adviser and shall be authenticated by the signature of the Managing Director on behalf of the Agency.

17. A contract or an instrument which, if made or executed by any person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Agency by the Managing Director or by any person generally or specifically authorised to act for that purpose by the Board.

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

Conflict of Interest

19. Members of the Board and staff of the Agency shall not control, manage or operate any aviation enterprise during the subsistence of their office.

20. Where any of the persons specified in subsection (1) of this section is having financial interest in any aviation enterprise, he shall make full disclosure of such interest to their respective appointing authorities.

21. Where any of the persons specified in subsection (1) of this section is appointed into the Board of the Agency, he is prohibited from participating in any action or decision that may, whether directly or indirectly, affect their financial interest in the aviation enterprise in which they have interest."

22. Any member of the Board or Committee who has a personal interest in any arrangement entered into or proposed to be considered by the Board or any committee shall –

a) disclose his interest to the Board or Committee; and

- b) not vote on any question relating to the arrangement.

Miscellaneous

23. The validity of any proceeding of the Board or its Committees shall not be affected by –
- a) any vacancy in the membership of the Board or its Committees;
- b) reason that a person not entitled to do so took part in the proceedings; or
- c) any defect in the appointment of a member.
24. A resolution of the Board is valid, even though it is not passed at a meeting of the Board, where –
- a) the notice in writing of the proposed resolution was given to each member; and
- b) the resolution is signed or assented to by a majority of members of the Board, including the Managing Director.


EXPLANATORY MEMORANDUM

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

This Bill seeks to repeal the Nigerian Airspace Management Agency Act, Cap N90, Laws of the Federation of Nigeria, 2004 and to re-enact the Nigerian Airspace Management Agency Act for the purposes of providing effective air navigation services, ensuring safety and regularity of air navigation in Nigeria and to any other place which Nigeria has responsibility of providing air navigation services and other related matters.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 19TH JANUARY, 2022


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President,
Senate of the Federal Republic of Nigeria


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Clerk,
Senate of the Federal Republic of Nigeria