

Supplement to Official Gazette Extraordinary No. 73, Vol. 51, 19th September,
1964—Part C

The following Bills, which will in due course be presented to Parliament for enactment, are published for general information.

EXPORT OF NIGERIAN PRODUCE (MID-WESTERN NIGERIA APPLICATION) BILL

EXPLANATORY MEMORANDUM

The object of this Bill is to remove doubt as to the application of the Export of Nigerian Produce Act 1958 to Mid-Western Nigeria occasioned by the creation of that Region subsequent to the passing of such Act.

ZANNA BUKAR DIPCHARIMA,
Minister of Commerce and Industry

A BILL

FOR

AN ACT TO AMEND THE EXPORT OF NIGERIAN PRODUCE ACT 1958, SO AS TO
MAKE SPECIFIC PROVISION FOR MID-WESTERN NIGERIA

[

]

Commence-
ment.

No. 36 of
1958.

WHEREAS the Export of Nigerian Produce Act, 1958 (hereafter in this Act referred to as "the principal Act") makes divers provisions in respect of regional marketing boards and of the application of the regional marketing laws;

5 AND WHEREAS doubts have arisen as to the extent of application of the principal Act to Mid-Western Nigeria and it is necessary that they be resolved:

10 BE IT THEREFORE ENACTED, by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:

1. In section two of the principal Act (which provides sundry interpretations for use in the principal Act)—

Meaning of
sundry
expressions
extended or
explained

15 (a) in the definition of "Regional Marketing Board" that definition shall be amended by inserting at the end thereof the words "or the Mid-Western Region Marketing Board"; and

20 (b) the Western Region Marketing Law 1954 referred to in the expression "Regional Marketing Law" shall apply to Mid-Western Nigeria as effectively as it applies to Western Nigeria but subject to section two of the Mid-Western Nigeria (Transitional Provisions) Act, 1963 (which provides for the continuance only in certain circumstances of divers laws).

1963 No. 19.

Short title,
citation and
application.

2.—(1) This Act may be cited as the Export of Nigerian Produce (Mid-Western Nigeria Application) Act, 1964 and this Act and the principal Act as heretofore amended may be cited together as the Export of Nigerian Produce Acts 1958 to 1964.

(2) This Act shall apply throughout the Federation.

(923)

EVIDENCE (AMENDMENT) BILL

EXPLANATORY MEMORANDUM

The power to sign conferred by the Evidence Act in respect of certain certificates for use as evidence in criminal cases is restricted to a few only of the Central Bank officials.

The object of this Bill is to empower other officers of that Bank to be authorised by the Governor thereof to the like effect.

F. S. OKOTIE-EBOH,
Minister of Finance

A BILL

FOR

AN ACT TO AMEND THE EVIDENCE ACT AS TO CERTAIN CERTIFICATES IN CRIMINAL CASES.

[]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

- 1.—Where a certificate purports to be signed by an officer of the
5 Central Bank of Nigeria who himself adds after his signature the words
“duly authorised by the Governor of the Central Bank of Nigeria for the
purposes of section forty-one of the Evidence Act” it shall be accepted
by all courts and persons as sufficient evidence of the facts stated in the
certificate, and no certificate shall be questioned on the ground only of
10 the authorisation ; but subject thereto the proviso to subsection (1) of
section forty-one of the Evidence Act shall have effect with regard to
any such certificate.

Certificates
of Central
Bank officers
as evidence
in criminal
cases.

Cap. 62.

- 2.—(1) This Act may be cited as the Evidence (Amendment) Act,
15 1964 and shall be read as one with the Evidence Act.

Short title,
repeal and
operation.
Cap. 62

- (2) The Evidence (Amendment) Act, 1960 is hereby repealed.

- (3) This Act shall apply throughout the Federation,

No. 14 of
1960.

THE CIVIL AVIATION BILL

EXPLANATORY MEMORANDUM

It is desirable in its own interest that the Republic of Nigeria, realising the need to keep abreast of developments in the field of Aviation and as a member state of the International Civil Aviation Organisation should enact its own civil aviation law.

The main purpose of this bill is therefore to replace obsolete and redundant United Kingdom civil aviation law as applied to Nigeria mainly under the Colonial Aviation Orders mentioned in the Schedule to this Bill.

K. O. MBADIWE,
Federal Minister of Aviation

ARRANGEMENT OF CLAUSES

Control of air navigation

Clauses

1. Power to regulate air navigation.
2. Investigation of accidents.
3. Dangerous flying.

Control of air transport undertakings, etc.

4. Licensing of air transport undertakings.
5. Duty to furnish information about air transport undertakings.

Provision of airports and control of land for aviation purposes

6. Power of Minister to provide airports, etc.
7. Control of land in the interests of aviation.
8. Indication of presence of obstructions near airports.

Special provisions as to trespass, nuisance, salvage and patents, etc.

9. Liability in respect of trespass, nuisance and surface damage from aircraft.
10. Liability in respect of nuisance at airports.
11. Application to aircraft of law of wreck and salvage.
12. Exemption of aircraft etc. from seizure on patent claims.

General

13. Offences.
14. Compensation.
15. Application of Act to the state.
16. Subsidiary legislation.
17. Interpretation, etc.
18. Repeals and transitional provisions.
19. Short title, extent and commencement.

SCHEDULE—Enactments repealed

A BILL

FOR

AN ACT TO MAKE FRESH PROVISION AS RESPECTS CIVIL AVIATION; AND FOR CONNECTED PURPOSES.

[See section 19(2)]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

Control of air navigation

Power to
regulate air
navigation.

5 1.—(1) The Minister may by regulations make such provision as appears to him to be necessary or expedient—

(a) for carrying out the Convention on International Civil Aviation concluded at Chicago on the seventh day of December, 1944, any annex to the convention which relates to international standards and recommended practices and is adopted in accordance with the convention, and any amendment of the convention or of any such annex which is made in accordance with the convention ;

(b) generally for regulating air navigation.

15 (2) Without prejudice to the generality of the foregoing subsection, the powers conferred by that subsection shall in particular include power to make regulations—

(a) as to the registration of aircraft in Nigeria ;

20 (b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the regulations are in force with respect to them and except upon compliance with such conditions as to maintenance and repair as may be prescribed ;

25 (c) for the licensing, inspection and regulation of airports, for access to airports and places where aircraft have landed, for the inspection of aircraft factories, and for prohibiting or regulating the use of airports which are not licensed in pursuance of the regulations ;

30 (d) for prohibiting persons from engaging in, or being employed in or in connection with, air navigation in such capacities as may be prescribed unless they satisfy the prescribed requirements, and for the licensing of persons employed at airports in the inspection, testing or supervision of aircraft ;

(e) as to the conditions under which, and in particular the airports to or from which, aircraft entering or leaving Nigeria may fly, and as to the conditions under which aircraft may fly from one part of Nigeria to another ;

35 (f) as to the conditions under which passengers and goods may be carried by air and under which aircraft may be used for other gainful purposes, and for prohibiting the carriage by air of goods of such classes as may be prescribed ;

(g) for minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus and the display of signs and lights liable to endanger aircraft;

(h) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried in aircraft, and for preventing aircraft from endangering other persons and property;

(i) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;

(j) for regulating the making of signals and other communications by or to aircraft and persons carried in aircraft;

(k) for instituting and regulating the use of a civil air ensign and any other ensign established by the Minister for purposes connected with air navigation;

(l) for prohibiting aircraft from flying over such areas in Nigeria as may be prescribed;

(m) for applying, with or without modifications, the enactments relating to customs in relation to airports and to aircraft and to persons and property carried in aircraft;

(n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the regulations (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;

(o) for the registration of births and deaths occurring in aircraft and of particulars of persons missing from aircraft;

(p) for regulating the charges that may be made for the use of airports licensed under the regulations and for services provided at such airports;

(q) for specifying the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by virtue of the regulations and in respect of any other matters in respect of which it appears to the Minister to be expedient for the purposes of the regulations to charge fees;

(r) for exempting from the provisions of the regulations or any of them any aircraft or persons or classes of aircraft or persons.

(3) Regulations under this section may provide for the imposition of penalties for offences against the regulations, not exceeding in the case of any particular offence a fine of five hundred pounds and imprisonment for a term of six months; and, subject to Chapter III of the Constitution of the Federation (which relates to fundamental rights), for the taking of such steps (including firing on aircraft) as may be prescribed as respects aircraft flying over areas of Nigeria over which flying is prohibited by the regulations.

2.—(1) Without prejudice to the generality of subsection (1) of the foregoing section, the Minister may make regulations providing for the investigation of any accident arising out of or in the course of air navigation and either occurring in or over Nigeria or occurring to Nigerian aircraft elsewhere.

Investigation
of
accidents.

(2) Without prejudice to the generality of the foregoing subsection, regulations under this section may in particular contain provision—

(a) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be prescribed;

(b) applying, with or without modifications, for the purpose of investigations held with respect to any such accidents any of the provisions of any law in force in Nigeria relating to the investigation of deaths or accidents;

(c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft;

(d) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted in Nigeria in pursuance of this Act or the withdrawal or suspension of any validation conferred in Nigeria of a licence granted by a competent authority elsewhere, where it appears on investigation that the licence, certificate or validation ought to be so dealt with, and requiring the production accordingly of any such licence or certificate.

3.—(1) Where an aircraft is flown in such a manner as to cause danger to any person or property on land or water, the pilot or other person in charge of the aircraft and the owner of the aircraft shall be liable on summary conviction to a fine not exceeding two hundred pounds or imprisonment for a term not exceeding six months or both.

Dangerous
flying.

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

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

(4) Nothing in subsection (1) of this section shall be construed as derogating from the powers conferred by section one of this Act.

Control of air transport undertakings, etc.

4.—(1) The Minister may make regulations—

(a) to secure that aircraft shall not be used in Nigeria by any person—

(i) for plying, while carrying passengers or goods for reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be prescribed;

Licensing of
air transport
under-
takings.

(ii) for such flying undertaken for the purpose of any trade or business as may be prescribed, except under the authority of and in accordance with a licence granted to him by the prescribed authority;

(b) as to the circumstances in which a licence may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the licensing authority is to have regard in deciding whether to grant or refuse a licence;

(c) as to appeals (if any) from the licensing authority by persons interested in the grant, refusal, revocation or suspension of a licence;

(d) as to the conditions which may be attached to a licence (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached;

(e) as to the information to be furnished by an applicant for, or the holder of, a licence to such authorities as may be prescribed; and

(f) specifying the fees to be paid in respect of the grant of a licence, or enabling such fees to be specified by such person or authority as may be prescribed.

(2) Regulations made under this section may provide for the imposition of penalties for offences against the regulations, not exceeding—

(a) in the case of a first offence against any particular provision, a fine not exceeding five hundred pounds or imprisonment for a term not exceeding three months or both; and

(b) in the case of a second or subsequent offence against the same provision, a fine not exceeding five thousand pounds or imprisonment for a term not exceeding two years or both.

5.—(1) The Minister may make regulations—

(a) requiring any person who carries on the business of carrying passengers or goods in aircraft for reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be prescribed, to furnish to the prescribed authorities such information relating to the use of aircraft for the purpose of the business, and to the persons employed in connection with that use, as may be prescribed; and

(b) specifying the times at which, and the form and manner in which, any information required under the regulations is to be furnished.

(2) Regulations under this section may provide for the imposition of penalties for offences against the regulations, not exceeding in the case of any particular offence a fine of twenty pounds and a further fine of five pounds for every day on which the offence continues after conviction of it.

(3) No information with respect to any particular undertaking which has been obtained by virtue of regulations under this section shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of the regulations; and if any person discloses any such information in contraven-

Duty to
furnish
information
about air
transport
under-
takings.

tion of this subsection he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding fifty pounds or both or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine not exceeding one hundred pounds or both.

(4) Nothing in the last foregoing subsection shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of that subsection or of regulations made under this section, or for the purposes of any report of such proceedings; but save as aforesaid that subsection shall, in relation to any legal proceedings (including arbitration), preclude any person who is in possession of any information obtained by virtue of such regulations from disclosing, and from being required by any court or arbitrator to disclose, that information without the consent of the person carrying on the undertaking to which the information relates.

Provision of airports and control of land for aviation purposes

6.—(1) The Minister may establish and maintain airports and may provide and maintain, in connection with airports established by him, roads, approaches, apparatus, equipment and buildings and other accommodation.

Power of Minister to provide airports, etc.

(2) For the avoidance of doubt it is hereby declared that the following purposes are public purposes of the Federation within the meaning of the Public Lands Acquisition Act, that is to say—

Cap. 167.

(a) the purposes of subsection (1) of this section; and

(b) the purpose of securing that land in the vicinity of the site of an airport which the Minister has established or acquired or is about to establish or acquire shall not be used in such a manner as to cause interference with, or danger or damage to, aircraft at, approaching or leaving the airport.

7.—(1) The Minister may, if he is satisfied that it is necessary so to do in order to secure the safe and efficient use for civil aviation purposes of any land, structure, works or apparatus vested in him or which he proposes to acquire or instal, by order declare that any area of land specified in the order shall be subject to control by directions given in accordance with the following provisions of this section.

Control of land in the interests of aviation.

(2) Where any such order is in force, the Minister may, in accordance with provisions of the order in that behalf, give directions

(a) for requiring the total or partial demolition of any building or structure within the area to which the order relates;

(b) for restricting the height of trees and other vegetation upon any land within the area, or for requiring any tree or other vegetation upon any such land to be cut down or reduced in height;

(c) for extinguishing any private right of way over land within the area ;

(d) for restricting the installation of cables, mains, pipes, wires or other apparatus over, on or under any land within the area ;

(e) for extinguishing, at the expiration of such period as may be specified by the directions, any subsisting right of installing or maintaining any such apparatus as aforesaid over, on or under any land within the area ; and 5

(f) for requiring that, before the expiration of such period as may be specified by the directions, any such apparatus shall be removed from land within the area. 10

(3) An order under this section may contain provision for empowering any person authorised in that behalf by the Minister to move or alter, so as to bring it into conformity with the requirements of any directions given under the order, any building, structure, vegetation or apparatus which contravenes those requirements. 15

(4) Where the Minister makes or has under consideration the making of an order under this section in respect of any land, any person authorised in that behalf in writing by the Minister may at all reasonable times, on producing if so required evidence of his authority, enter upon any of the land in order to make any survey which the Minister requires to be made for the purposes of any steps to be taken in consequence of the order or, as the case may be, for the purpose of determining whether the order should be made : 20

Provided that admission shall not, by virtue of this subsection, be demanded as of right to any land which is occupied unless twenty-four hours notice in writing of the intended entry has been served on the occupier. 25

(5) The Minister shall give notice of any direction given in pursuance of this section by publishing the direction in the Gazette of the Federation and by taking such steps as he considers reasonable for securing that a copy of the direction is served on each person appearing to him to be the owner or occupier of any land to which the direction relates. 30

(6) A person who obstructs any other person in the exercise of any powers conferred upon that other person by virtue of subsection (3) or subsection (4) of this section shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or a fine of an amount not exceeding one hundred pounds or both. 35

(7) A person who incurs expense or suffers damage by reason of the giving of a direction in pursuance of this section shall be entitled to receive from the Minister adequate compensation in respect of the expense or damage. 40

(8) The powers of the Minister under this section shall not be construed as prejudicing his power to acquire land for the purpose of securing the observation of any requirement which might have been imposed under this section in relation to the land. 45

Indication
of presence
of obstruc-
tions near
airports.

8.—(1) If the Minister is satisfied, with respect to any building or structure in the vicinity of an airport to which this section applies, that in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building or structure, he may by order authorise (subject to any conditions specified in the order) the proprietor of the airport and any person acting under the proprietor's instructions—

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

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

Provided that no such order shall be made in relation to any building or structure if it appears to the Minister that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid.

(2) The Minister shall, before making any such order as aforesaid—

(a) cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge; and

(b) take into consideration any representations with respect to the order which may, within such period not being less than two months after the first publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order ;

and at the end of that period the order may, subject to the provisions of this section, be made with such modifications (if any) of the original draft as the Minister thinks proper.

(3) Every such order as aforesaid shall provide—

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

(b) that if within fourteen days from the service of the said notice on any person having such an interest the proprietor of the airport receives written objection on the part of that person to the proposals contained in the notice then, except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the specific authority of the Minister ;

and shall also provide for requiring the proprietor of the airport to which the order relates to pay to any person having an interest in any land affected by the order adequate compensation for any loss or damage which that person may suffer in consequence of the order; and for the purposes of this subsection any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order, shall be deemed to be loss or damage suffered in consequence of the order. 5 10

(4) The ownership of any thing shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an order as aforesaid; and (subject to the provisions of the next following subsection) so long as any such order in respect of an airport is in force, no person shall, except with the consent of the proprietor of the airport, wilfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed in, on or over any land in pursuance of the order. 15

If any person contravenes the foregoing provisions of this subsection, he shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding two hundred pounds or both; and every person who wilfully obstructs a person in the exercise of any of the powers conferred by such an order as aforesaid shall be liable on summary conviction to a fine not exceeding fifty pounds. 20 25

(5) Nothing in this section shall operate, in relation to any building or structure, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building or structure if— 30

(a) notice of the doing of the work is given as soon as may be to the proprietor of the airport; and

(b) the giving of warning of the presence of the building or structure in the manner provided by any order under this section in force in relation thereto is not interrupted. 35

(6) In this section—

(a) the expression "airport to which this section applies" means—

(i) an airport under the control of the Minister or of the Minister of the government of the Federation responsible for defence; or

(ii) any premises which, in pursuance of regulations made under section one of this Act, are for the time being licensed as an airport for public use; and 40

(b) the expression "proprietor of the airport" means—

(i) in the case of such an airport as is mentioned in sub-paragraph (i) above, the officer in charge of the airport; and 45

(ii) in any other case, the holder of the licence issued in respect of the airport in pursuance of this Act.

*Special provisions as to trespass, nuisance, salvage
and patents, etc.*

9.—(1) No action shall lie in respect of trespass or nuisance by reason only of, or of the ordinary incidents of, the flight of an aircraft over any property at a height above the ground which is reasonable having regard to wind, weather and all the circumstances of the case.

Liability
in respect of
trespass,
nuisance, and
surface
damage from
aircraft.

(2) Where loss or damage is caused to any person or property on land or water by, or by a person in or an article or person falling from, an aircraft while in flight, taking off or landing, then, without prejudice to the law relating to contributory negligence, damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect or default of the owner of the aircraft:

Provided that where loss or damage is caused as aforesaid in circumstances in which—

(a) damages are recoverable from the owner in respect of the loss or damage by virtue only of the foregoing provisions of this subsection; and

(b) a legal liability is created in some person other than the owner to pay damages in respect of the loss or damage;

the owner shall be entitled to be indemnified by that other person against any claim in respect of the loss or damage.

(3) References in the last foregoing subsection to loss or damage include, in relation to any person, loss of life and personal injury; and where an aircraft has been bona fide demised or hired out for any period exceeding fourteen days to any other person by the owner of the aircraft and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, the last foregoing subsection shall have effect as if for references to the owner there were substituted references to the person to whom the aircraft has been so demised or hired out.

10.—(1) The Minister may make regulations as to the conditions under which noise and vibration may be caused by aircraft on airports and may provide that subsection (2) of this section shall apply to any airport as respects which provision as to noise and vibration caused by aircraft is so made.

Liability in
respect of
nuisance at
airports.

(2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an airport to which this subsection applies by virtue of the foregoing subsection so long as the provisions of the regulations in force under that subsection as respects the airport are complied with.

11.—(1) Any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a

Application
to aircraft
of law of
wreck and
salvage.

vessel; and where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.

The foregoing provisions of this subsection shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters of Nigeria.

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

(3) For the purposes of this section, any provisions of any law in force in Nigeria which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck.

Exemption of
aircraft etc.
from seizure
on patent
claims.

12.—(1) Any lawful entry into Nigeria or any lawful transit across Nigeria, with or without landings, of an aircraft to which this subsection applies shall not entail any seizure or detention of the aircraft or any proceedings against the owner or operator of the aircraft or any other interference with the aircraft by or on behalf of any person in Nigeria on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.

(2) The importation into and storage in Nigeria of spare parts and spare equipment for an aircraft to which this subsection applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in Nigeria on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model.

(3) Subsections (1) and (2) of this section apply—

(a) to any aircraft (other than an aircraft used in military, customs or police services) registered in a country or territory as respects which there is for the time being in force a declaration made by the Minister, with a view to the fulfilment of the relevant provisions of the convention mentioned in section one of this Act, that the benefit of those subsections extends to that country or territory; and

(b) to such other aircraft as the Minister may by order specify:

Provided that subsection (2) of this section shall not apply in relation to any spare parts or spare equipment which are sold or distributed in Nigeria or are exported from Nigeria for sale or distribution.

(4) Where it is alleged by any person interested that a foreign aircraft which is not an aircraft to which subsection (1) of this section applies and which is making a passage through or over Nigeria infringes in itself or part of it any invention, design or model which is entitled to

protection in Nigeria, it shall be lawful, subject to and in accordance with rules made by the Minister, to detain the aircraft until the owner of it deposits or secures in respect of the alleged infringement a sum (hereafter in this section referred to as "the deposited sum"); and thereupon the aircraft shall not, during the continuance of the passage, be subject to any lien, arrest, detention or prohibition, whether by order of a court or otherwise, on account of the alleged infringement.

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

(6) The deposited sum shall be dealt with by such tribunal and in accordance with such procedure as may be prescribed by rules made by the Minister, and the rules may provide generally for carrying the provisions of subsections (4) and (5) of this section into effect.

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

General

13.—(1) Any act done by any person on a Nigerian aircraft outside Nigeria which, if it had been done by him in any part of Nigeria, would have constituted an offence under the law in force in that part shall, for the purposes of any criminal proceedings in that part of Nigeria against that person in respect of that act, be deemed to have been done by him in that part of Nigeria.

Offences.

(2) Except with the consent of the Attorney-General of the Federation, no proceedings shall be instituted by virtue of the foregoing subsection against a person who was not a citizen of Nigeria at the time of the act in question.

(3) Where it is alleged that an offence under this Act or regulations made by virtue of this Act has been committed, proceedings in respect of the offence may be brought in any court in Nigeria which would have had jurisdiction in the matter if the offence had been committed in the part of Nigeria for which the court acts.

14. A person claiming compensation in pursuance of any provision in that behalf of this Act or of an instrument made by virtue of this Act may, for the purpose of determining his interest in the subject-matter of the claim and the amount of the compensation, apply—

Compensation.

(a) where the subject matter of the claim or the usual residence of the claimant is situated in any territory within the meaning of the Constitution of the Federation, to the High Court of that territory;

(b) in any other case, to the High Court of Lagos.

15.—(1) The Minister may by regulations provide that this Act shall bind the state to such extent as may be prescribed.

Application of Act to the state.

(2) Nothing in the foregoing subsection shall be construed as prejudicing the operation of provisions of this Act referring expressly to a Minister or to a person subject to the control of a Minister.

Subsidiary
legislation.

16.—(1) Any regulations, rules or order made by the Minister in pursuance of this Act may contain—

(a) such incidental, supplemental, consequential and transitional provisions; and

(b) such provisions as to the extra-territorial operation of the instrument in question, as the Minister considers expedient for the purposes of the regulations, rules or order.

Interpreta-
tion, etc.

(2) Without prejudice to the generality of the foregoing subsection, regulations under this Act may, for the purpose of securing compliance with the regulations, include provision for the detention of any aircraft to which the regulations relate.

17.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“airport” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

“foreign aircraft” means an aircraft other than a Nigerian aircraft;

“the Minister” means the Minister of the government of the Federation responsible for civil aviation;

“Nigerian aircraft” means an aircraft registered in Nigeria in pursuance of regulations made under section one of this Act; and

“prescribed” means prescribed by regulations made under this Act.

(2) Any power conferred by this Act is in addition to and not in derogation of any other power so conferred.

Repeals and
transitional
provisions.

18.—(1) Subject to the following subsection, the enactments specified in the first and second columns of the Schedule to this Act are hereby repealed to the extent shown in the third column of that Schedule.

(2) Anything done under any enactment repealed by the foregoing subsection shall be deemed to have been done under the corresponding provision of this Act; so however that—

(a) without prejudice to the provisions of section sixteen of this Act, nothing in the foregoing provisions of this subsection shall be construed as continuing in force any order, regulations or other instrument of a legislative character having effect by virtue of an enactment so repealed; and

(b) without prejudice to the operation of section six of the Interpretation Act, 1964 (which relates to the effect of repeals), nothing in the foregoing provisions of this subsection or in the foregoing subsection shall affect any proceedings pending on the day when the foregoing subsection comes into force, and accordingly any such proceedings may be continued as if that subsection had not been passed.

1964, No. 1.

Short title,
extent and
commence-
ment.

19.—(1) This Act may be cited as the Civil Aviation Act, 1964, and shall, without prejudice to the operation of any provision of this Act having or relating to extra-territorial effect, apply throughout the Federation.

(2) This Act shall come into force on such day as the Minister may by order appoint, and different days may be so appointed as respects different provisions of this Act.

SCHEDULE

Section 18.

Enactments repealed

| <i>Chapter or number</i> | <i>Short title</i> | <i>Extent of repeal</i> |
|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Cap. 8. | The Air Navigation (Safety of Navigation) Act. | The whole Act. |
| Cap. 33. | The Civil Aviation (Births, Deaths and Missing Persons) Act. | The whole Act. |
| 1962, No. 30. | The Merchant Shipping Act, 1962. | In section four hundred and twenty-seven, paragraph (p). The whole Act. |
| 1963, No. 17. | The Director of Civil Aviation: (Transfer of Functions) Act, 1963. | |
| S.I. 1952 No. 868, 1953 Nos. 591 and 1669, 1954 No. 830, 1955 No. 709, 1958 No. 1514, and 1959 No. 1052. | The Colonial Civil Aviation (Application of Act) Orders, 1952 to 1959. | The whole of the Orders. |

(842)

GULF OIL COMPANY TRAINING FUND

(ADMINISTRATION) BILL

EXPLANATORY MEMORANDUM

With moneys provided by the Gulf Oil Company it is intended to establish a fund to be known as the Gulf Oil Company Training Fund.

Provision is made in this Bill for administration of the Fund which will be used for the training of Nigerians in the different aspects of the petroleum industry; and to endow faculties in Nigerian Institutions of Higher Learning.

YUSUFF MAITAMA SULE,
Minister of Mines and Power

ARRANGEMENT OF CLAUSES

Clause

1. Establishment of the Gulf Oil Company Training Fund.
2. Purposes of the fund.

3. Disbursements from the fund.
4. Enactment amended.
5. Short title and application.

A BILL

FOR

AN ACT TO ESTABLISH AND ADMINISTER A FUND TO BE KNOWN AS THE GULF OIL COMPANY TRAINING FUND AND FOR PURPOSES CONNECTED THEREWITH.

[

]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows:—

Establish-
ment of the
Gulf Oil
Company
Training
Fund.

- 5 1. There shall be established a fund to be known as the Gulf Oil Company Training Fund (in this Act hereafter referred to as "the fund") into which shall be paid all moneys received in terms of an agreement made between the said Company and the Government of the Federation that is to say—

- 10 (a) the sum of one hundred and ninety-three thousand, one hundred and thirteen pounds received as part of the moneys so payable; and
- (b) any further sums from time to time payable under the said agreement;

and moneys in the fund together with interest (if any) payable in respect thereof shall be applied by the Minister of the government of the

- 15 Federation responsible for mines and power for any of the purposes set out in section two of this Act.

GULF OIL COMPANY TRAINING FUND (ADMINISTRATION) BILL

EXPLANATORY MEMORANDUM

With moneys provided by the Gulf Oil Company it is intended to establish a fund to be known as the Gulf Oil Company Training Fund.

Provision is made in this Bill for administration of the Fund which will be used for the training of Nigerians in the different aspects of the petroleum industry; and to endow faculties in Nigerian Institutions of Higher Learning.

YUSUFF MAITAMA SULE,
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ARRANGEMENT OF CLAUSES

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1. Establishment of the Gulf Oil Company Training Fund.
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4. Enactment amended.
5. Short title and application.

A BILL

FOR

AN ACT TO ESTABLISH AND ADMINISTER A FUND TO BE KNOWN AS THE GULF OIL COMPANY TRAINING FUND AND FOR PURPOSES CONNECTED THEREWITH.

[

]

Commence-
ment.

BE IT ENACTED by the Legislature of the Federation of Nigeria in this present Parliament assembled and by the authority of the same as follows :—

- 5 1. There shall be established a fund to be known as the Gulf Oil Company Training Fund (in this Act hereafter referred to as "the fund") into which shall be paid all moneys received in terms of an agreement made between the said Company and the Government of the Federation that is to say—

Establish-
ment of the
Gulf Oil
Company
Training
Fund.

- 10 (a) the sum of one hundred and ninety-three thousand, one hundred and thirteen pounds received as part of the moneys so payable; and

- (b) any further sums from time to time payable under the said agreement;

- 15 and moneys in the fund together with interest (if any) payable in respect thereof shall be applied by the Minister of the government of the Federation responsible for mines and power for any of the purposes set out in section two of this Act.

Purposes of
the fund.

2. The fund shall be available for purposes of training Nigerians as technicians or craftsmen as the case may be in the fields of engineering, science and administration in so far as they relate to the petroleum industry, and to this end the fund may be used—

(a) to provide scholarships in universities and institutions ;

(b) to maintain or subsidise any such training ; or

(c) to make any suitable endowments to faculties in Nigerian Universities, Colleges, or approved institutes ; and

(d) to make available suitable books and training equipment in the aforesaid fields.

Disburse-
ments from
the fund.
No. 33 of
1958.

3. Disbursements from the fund shall be made in accordance with rules made under section twenty-three of the Finance (Control and Management) Act 1958.

Enactment
amended.
No. 33 of
1958.

4. The First Schedule to the Finance (Control and Management) Act, 1958, is amended by the insertion immediately after item 11 in Part II of the following item—

“(12) Gulf Oil Company Training Fund :

The fund established by section one of the Gulf Oil Company Training Fund (Administration) Act, 1964, for the purposes specified in section two of that Act.”

Short title
and
application.

5. This Act may be cited as the Gulf Oil Company Training Fund (Administration) Act, 1964, and shall apply throughout the Federation.

(916)