

L.N. 8 of 1965

CIVIL AVIATION ACT, 1964
(1964, No. 30)

(Commencement) Order 1965

Commencement : 1st December, 1965

In exercise of the powers conferred by subsection (2) of Section Nineteen of the Civil Aviation Act, 1964, and of all other powers enabling me in that behalf, I hereby make the following Order :—

I hereby appoint the 1st day of December 1965 as the day on which the Civil Aviation Act 1964, shall come into force.

Commence-
ment of the
Act.

This Order may be cited as the Civil Aviation Act (Commencement) Order 1965.

Citation.

MADE this 28th day of October 1965.

J. A. WACHUKU,
Minister of Aviation

FEDERATION OF NIGERIA

CIVIL AVIATION (FEES) REGULATIONS 1965

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L.N. 9 of 1965

CIVIL AVIATION

Civil Aviation (Fees) Regulations 1965

Commencement : 1st December 1965

In exercise of the powers conferred on me by Regulation 78 of the Civil Aviation (Air Navigation) Regulations 1965 and of all other powers enabling me in that behalf I hereby make the following regulations—

Citation and
commence-
ment.

1.1. These Regulations may be cited as the Civil Aviation (Fees) Regulations 1965, and shall come into operation on the 1st day of December 1965.

Interpreta-
tion.

2.2.—(1) In these Regulations :—

“The Air Navigation Regulations” means the Civil Aviation (Air Navigation) Regulations 1965, and expressions used in these Regulations shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Regulations. “Aircraft” includes military aircraft.

“All up weight” means the maximum total weight in force in respect of the aircraft, or if no such certificate is in force in the certificate of airworthiness last in force in respect of that aircraft, or in any other case, the maximum total weight authorized of the proto-type or modification thereof to which the aircraft in the opinion of the Minister conforms.

“Day” means the time between sunrise and sunset, sunrise and sunset being determined at surface level.

“Landing” means a landing at a Government aerodrome in Nigeria.

“Night landing” means any landing made between sunset and sunrise or any landing made at any other time when operational considerations require the provision of aerodrome lighting.

“Private aircraft” means an aircraft with a certificate of airworthiness which has been issued subject to the condition that the aircraft shall be flown only for purposes other than public transport or aerial work.

“Standard landing fee” means the landing fee calculated by reference to the all up weight of the aircraft in accordance with the first schedule to these Regulations.

(2) The Interpretation Act 1964 shall apply for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

Aircraft
Landing fee.

3. Subject to the provisions of these Regulations the fee payable in respect of any landing by an aircraft shall be the standard landing fee.

Helicopter
Landing
fee.

4. The fee payable in respect of a landing by a helicopter shall be one half of the standard landing fee applicable to it.

Passengers
Charge.

5. Any passenger leaving a Government aerodrome on an international flight, shall pay a charge of seven shillings and sixpence in respect of services provided at such aerodrome.

6.—(1) The Minister may :—

(a) On application made by a bonafide flying club in respect of an aircraft belonging to it of an all up weight not exceeding 4,500 lbs. and on payment of a fee of £3-0s-0d.

(b) On application made by the owner of a private aircraft of an all up weight not exceeding 3,000 lbs. and on payment of a fee of £6-10s-0d.

(c) On application made by the owner of a private aircraft of an all up weight exceeding 3,000 lbs., but not exceeding 11,000 lbs., and on payment of a fee of £12-10s-0d, issued to the flying club or owner as the case may be in respect of such aircraft as aforesaid a landing card relating to such Government aerodromes as may be specified in the card.

(2) A landing card so issued shall remain in force for a period of one year from the date of its issue.

(3) An aircraft in respect of which a landing card has been so issued and is in force may land by day at the Government aerodromes specified in the card without payment of any further landing charge if but only if, the aircraft is being used at the time of landings—

(a) in the case of an aircraft in respect of which a landing card has been issued under paragraph (1) (a) of this Regulation, by a member of the flying club on whose application the card was issued and for a purpose other than public transport or aerial work ; or

(b) in the case of an aircraft in respect of which a landing card has been issued under paragraph (1) (b) or (1) (c) of this Regulation, by the person on whose application the card was issued and for a purpose other than public transport or aerial work.

7 —(1) Subject to the Provisions of this Regulation no landing fee shall be payable in respect of a landing by an aircraft at an aerodrome (in this paragraph referred to as "the Government aerodrome") at the end of a flight in respect of which all the following conditions were satisfied :—

(a) The flight began and finished at the Government Aerodrome with no intermediate landing at any other place.

(b) the flight was undertaken solely for the purpose of testing the aircraft or its engines, instruments, radio or other equipment.

(c) notice was given to the person in charge of the Government aerodrome before the beginning of the flight that the flight was to be a test flight for the purpose of this Regulation.

(2) The provisions of paragraph (1) of this Regulation shall not apply in respect of a landing by an aircraft if the next preceding landing by that aircraft was a landing to which the said paragraph (1) applied.

(3) No fee shall be payable in respect of a landing by an aircraft at an aerodrome (in this Regulation referred to as "the Government aerodrome") if :—

(a) such landing takes place within a period of one hour after the aircraft has completed a landing at the Government aerodrome in respect of which the landing fee provided for in Regulation 3 or 4 of these Regulations has become payable ; and

(b) the aircraft has not during the aforesaid period of one hour landed at any place other than the Government Aerodrome.

Powers of
Minister.

Exemption
from land-
ing fee.

Fees for
night-
landing.

8. There shall be payable in respect of a night landing, in addition to any other fee payable under these Regulations in respect of the landing, the following fee :—

(a) in the case of a night landing by a public transport aircraft at any aerodrome specified in the Second Schedule to these Regulations, a fee of £25-0s-0d or one half of the standard landing fee applicable to the aircraft, whichever may be the less.

(b) in any other case a fee equal to one half of the standard landing fee applicable to the aircraft.

Minister's
Power of
exemption.

9. The Minister may in his discretion and subject to such conditions or limitations as he thinks fit exempt from payment of any or all landing fees any of the following classes of aircraft or any aircraft of any such class :—

(a) military aircraft of the Federation of Nigeria ;

(b) military aircraft of any other State ;

(c) aircraft belonging to or employed in the service of the Government of the Federation of Nigeria, not being military aircraft ;

(d) aircraft belonging to or employed in the service of any of the Regional Governments of Nigeria ;

(e) aircraft belonging to or employed in the service of any other State or of any person or body entitled to diplomatic privileges.

Fees for
Services
rendered
on Landing.

10. The landing fees provided for in these Regulations shall, in the case of an aerodrome for the time being designated as a Customs airport pursuant Regulations 66 of the Air Navigation Regulations, include the use of facilities for the inward and outward clearance by Customs, aircraft, passengers and passengers' baggage, and for immigration and health facilities.

No reduc-
tion of fees.

11. Notwithstanding anything contained in these Regulations to the contrary no reduction of landing fees shall be made by reason of the unavailability of any aerodrome, air route facility, airway facility, or other facility whatsoever.

Housing and
parking fees.

12.—(1) There shall be payable in respect of the accomodation of an aircraft at a Government aerodrome a fee determined in accordance with the Third Schedule to these Regulations by reference to the space occupied by the aircraft, such fee being, for each hour or part of an hour that the aircraft is accommodated in a hangar, the fee specified in the said Schedule as the Housing Fee, and, for each hour or part of an hour that the aircraft is accommodated otherwise than in a hangar, the fees specified therein as the Parking Fee :

PROVIDED that, if the period between the arrival of an aircraft at a Government aerodrome and its departure therefrom does not exceed six hours, no fee shall be payable in respect of any part of the said period during which the aircraft is accommodated otherwise than in a hangar.

(2) For the purposes of this Regulation and the Third Schedule to these Regulations an aircraft shall be deemed to occupy such space as is the product of its maximum span and its maximum length.

(3) The person in charge of a Government aerodrome, or any person authorised by him for the purpose may, for reasons of safety or for any other reason which, in his absolute discretion, he may consider good and sufficient

for the proper conduct and use of the aerodrome, at any time order any aircraft on the aerodrome to be housed in a hangar, and thereupon the fee payable in respect of the accommodation of the aircraft in a hangar shall become payable.

13. The provisions of the Fourth Schedule to these Regulations shall have effect with respect to the fees to be paid in connection with the certificates, licences, and other documents, and with examinations, tests, inspections investigations, permissions and approvals, required by or for the purposes of the Air Navigation Regulations or any regulations made thereunder.

Licensing
fees.

14. The Minister may at any time by notice in the *Official Gazette* of the Federation amend any of the fees specified in the First, Third and Fourth Schedules hereto.

Power to
amend
fees.

15.—(1) The Air Navigation (Fees) Regulations 1953, made under Article 64 of the Colonial Air Navigation Order 1949 are hereby revoked.

Revocation.

(2) Section (6) of the Interpretation Act 1964 (which relates to the effect of repeals) shall apply to these Regulations as if these Regulations were an Act of Parliament and as if the Regulations revoked by paragraph (1) of this Regulation were an Act of Parliament thereby repealed.

FIRST SCHEDULE

TABLE OF LANDING FEES

<i>All up weight Aircraft</i>	<i>Charges</i>
Not exceeding 11,000 lbs. (5,000 Kgs)	5s-6d for each 1,100 lbs.
Exceeding 11,000 lbs. (5,000 Kgs) but not exceeding 33,000 lbs. (15,000 Kgs)	11s-0d for each 2,200 lbs. (1,000 Kgs) or part thereof
Exceeding 33,000 lbs. (15,000 Kgs) but not exceeding 88,000 lbs. (40,000 Kgs)	12s-0d for each 2,200 lbs. (1,000 Kgs) or part thereof
Exceeding 88,000 lbs. (40,000 Kgs)	14s-0d for each 2,200 lbs. (1,000 Kgs) or part thereof

SECOND SCHEDULE

Lagos

Kano

Port Harcourt

THIRD SCHEDULE ACCOMMODATION FEES

<i>Space Occupied</i>	<i>Housing Fee</i>			<i>Parking Fee</i>		
	£	s	d	£	s	d
Not exceeding 300 sq. ft.	3	4		1	8	
Exceeding 300 but not exceeding 500 sq. ft. . .	5	4		2	8	
Exceeding 500 but not exceeding 700 sq. ft. . .	7	4		3	8	
Exceeding 700 but not exceeding 1,000 sq. ft. . .	10	8		5	4	
Exceeding 1,000 but not exceeding 1,500 sq. ft. . .	16	0		8	0	
Exceeding 1,500 but not exceeding 2,000 sq. ft. .	1	1	4	10	8	
Exceeding 2,000 but not exceeding 3,000 sq. ft. .	1	13	4	16	8	
Exceeding 3,000 but not exceeding 4,000 sq. ft. .	2	0	0	1	0	0
And where the space occupied exceeds 4,000 sq. ft. in respect of each additional 1,000 sq. ft. or part thereof	6	8		3	4	

FOURTH SCHEDULE CERTIFICATE OF REGISTRATION

The fee to be paid for the issue of a certificate of registration of an aircraft pursuant to Regulation 2 (8) of the Air Navigation Regulations shall be in accordance with the following scales:—

Where the maximum total weight:—

	£	s	d
(a) does not exceed 6,000 lbs.	2	0	0
(b) exceeds 6,000 lbs. but does not exceed 12,500 lbs. . .	8	0	0
(c) exceeds 12,500 lbs. but does not exceed 30,000 . . .	15	0	0
(d) exceeds 30,000 lbs. but does not exceed 100,000 . .	35	0	0
(e) exceeds 100,000 lbs.	55	0	0

For the purposes of this paragraph "maximum total weight" means the maximum total weight authorised in the certificate of airworthiness in force in respect of the aircraft, or if no such certificate is in force in the certificate of airworthiness last in force in respect of that aircraft. In any other case "maximum total weight" means the maximum total weight authorised of the prototype or modification thereof to which the aircraft in the opinion of the Minister conforms.

PERMIT FOR AN AIRCRAFT TO FLY WITHOUT A CERTIFICATE OF AIRWORTHINESS

2. The fees to be paid in respect of an application for a permit to fly in pursuance of proviso (e) to Regulation 4 (1) of the Air Navigation Regulations shall be as follows:—

For any investigations required by the Minister in connection with the application, a fee of an amount equivalent to the cost of making such investigations but not exceeding 6s-0d per lb. of the maximum total weight of the aircraft for any year, or part of a year, of the period required for carrying out the investigation.

For the permit, a fee of 10s-0d.

For the purposes of this paragraph "maximum total weight" means the maximum total weight specified in the application for the permit.

CERTIFICATE OF AIRWORTHINESS

3. Where an application is made for a certificate of airworthiness in respect of an aircraft there shall be paid for the investigations required by the Minister in pursuance of Regulation 5 (1) of the Air Navigation Regulations (not including the investigation of any aircraft engine) a fee of an amount equal to the cost of making the investigations but not exceeding 6s-0d per lb. of the maximum total weight of the aircraft for any year, or part of a year, of the period required for carrying out the investigations :

(1) In the case of an aircraft which in the opinion of the Minister conforms to a prototype aircraft or to a modification of a prototype aircraft, the fee to be paid shall be :—

	£	s	d
(a) in the case of a glider of which the maximum total weight does not exceed 2,000 lbs.	2	0	0
(b) in the case of a glider of which the maximum total weight exceeds 2,000 lbs.	5	0	0
(c) in any other case a fee in accordance with the following table :—			
(i) when the maximum total weight does not exceed 5,000 lbs.	5	0	0
(ii) when the maximum total weight exceeds 5,000 lbs. but does not exceed 7,500 lbs.	10	0	0
(iii) when the maximum total weight exceeds 7,500 lbs. but does not exceed 10,000 lbs.	15	0	0
(vi) when the maximum total weight exceeds 10,000 lbs. : In respect of the first 10,000 lbs.	15	0	0
In respect of each additional 1,000 lbs. or part thereof	3	0	0

(2) In the case of an aircraft which in the opinion of the Minister is a modification of a prototype aircraft the fee shall not be less than that which would have been payable if paragraph (1) of this proviso had applied.

For the purposes of this paragraph "maximum total weight" means the maximum total weight specified in the application for the certificate.

APPROVAL OF ENGINE

4. The fees to be paid in respect of an application for the approval of an engine for the purposes of Regulation 5 (1) of the Air Navigation Regulations (including any investigations required for the purpose) shall be in accordance with the following scale :—

(a) when the power output of the engine as determined by the Minister :—

	£	s	d
(i) does not exceed 200 B.H.P. or 500 lbs. thrust	2	0	0
(ii) exceeds 200 B.H.P. or 500 lbs. thrust but does not exceed 500 B.H.P. or 1,250 lbs. thrust	4	0	0

(iii) exceeds 500 B.H.P. or 1,250 lbs. thrust but does not exceed 1,000 B.H.P. or 2,500 lbs. thrust	£	s	d
	6	0	0
(iv) exceeds 1,000 B.H.P. or 2,500 lbs. thrust but does not exceed 2,000 B.H.P. or 5,000 lb. thrust	8	0	0
(b) When the power output as so determined exceeds 2,000 B.H.P. or 5,000 lbs. thrust, in respect of the first 2,000 B.H.P. or 5,000 lbs. thrust	8	0	0
and in respect of each additional 100 B.H.P. or 250 lbs. thrust	0	10	0

RENEWAL OF CERTIFICATE OF AIRWORTHINESS

5. When an application is made for the renewal of a certificate of airworthiness in pursuance of Regulation 5 (6) of the Air Navigation Regulations the fee to be paid in respect thereof (including any investigations required in connection with the application) shall be £3-0s-0d in the case of a glider where the maximum total weight authorised for the glider does not exceed 2,000 lbs. and in any other case shall be in accordance with the following sub-paragraphs :—

	£	s	d
(a) When the maximum total weight authorised for the aircraft does not exceed 2,000 lbs.	5	0	0
(b) When the maximum total weight authorised for the aircraft exceeds 2,000 lbs.—			
In respect of the first 2,000 lbs.	5	0	0
In respect of each additional 1,000 lbs. or part thereof	7	0	0

Provided that, in respect of an aircraft in the category "any purpose other than public transport or aerial work" the maximum total weight authorised of which exceeds 2,000 lbs. but does not exceed 3,500 lbs., the fee to be paid shall be £5-0s-0d.

VALIDATION OF CERTIFICATE OF AIRWORTHINESS

6. The fee to be paid in respect of an application for :—

(1) the issue of a certificate of validation of a certificate of airworthiness in respect of any aircraft in pursuance of Regulation 5 (5) of the Air Navigation Regulations (including any investigation required in connection with the application) shall be the same as the fee which would be paid under paragraph 3 of this Schedule in respect of an application for the issue of a certificate of airworthiness in respect of that aircraft, assuming it to be an aircraft which in the opinion of the Minister was a modification of a prototype aircraft.

(2) the renewal of such certificate of validation in pursuance of Regulation 5 (6) of the Air Navigation Regulations shall be the same as the fee which would be paid under paragraph 5 of this Schedule in respect of the renewal of a certificate of airworthiness in respect of that aircraft.

APPROVAL OF PERSONS

7. The fee to be paid by a person for the making of inspections of his organisation for the purposes of Regulations 5 (8) and 7 (4) (c) of the Air Navigation Regulations shall be £20-0s-0d per annum for each branch of the organisation which is separately inspected.

APPROVAL IN RESPECT OF AIRCRAFT AND EQUIPMENT INCLUDING MODIFICATION, REPAIR, ETC., (EXCLUDING RADIO APPARATUS)

8. The fee to be paid in respect of an application for approval pursuant to any requirement of Regulations 5 (7), 7 (3) or 9 (2) of the Air Navigation Regulations shall be an amount equivalent to the cost of making the investigations which the Minister deems necessary for the purpose but not exceeding £800 for any year, or part of a year, of the period required for carrying out the investigation.

APPROVAL OF TYPE, ETC. OF RADIO APPARATUS

9. The fee to be paid in respect of an application for the approval by the Minister of radio apparatus or the manner of the installation thereof, or of any modification of the apparatus or the manner of its installation for the purposes of Regulation 10 (5) of the Air Navigation Regulations shall be an amount equivalent to the cost of making the investigations which the Minister deems necessary for the purpose but not exceeding £800 for any year, or part of a year, of the period required for carrying out the investigation.

LICENCES FOR AIRCRAFT MAINTENANCE ENGINEERS AND AIRCRAFT RADIO MAINTENANCE ENGINEERS

10. The fees to be paid in respect of a licence as an aircraft maintenance engineer or aircraft radio maintenance engineer in pursuance of Regulation 8 of the Air Navigation Regulations shall be as follows :—

	£	s	d
In respect of an application for a licence	3	10	0
In respect of an application for the extension of rating included in a licence	3	3	0
In respect of an application for the renewal of a licence :—			
If the applicant is not required to pass an examination ..	2	0	0
If the applicant is required to pass an examination ..	3	0	0

Provided that the fees specified above shall cover only one examination in respect of the inclusion or extension of a rating in a licence and, if an additional examination is required in respect of such inclusion or extension, the fee to be paid for such additional examination shall be £3-0s-0d.

LICENCES FOR FLIGHT CREW AND RATINGS THEREIN

(Regulations 15 and 16 of the Air Navigation Regulations)

11.—(1) Save as otherwise provided in sub-paragraph (2) of this paragraph :—

(a) the fees to be paid in respect of application for licence for members of the flight crew of an aircraft or for the renewal of such licences shall be in accordance with the following table :—

Description of Licence	For an official medical examination (if required)	For a technical examination (if required)	For an official flying test (if required) where an aircraft provided by the applicant is used—for each test by day and for each test by night	For a licence or renewal thereof
	£ s d	£ s d	£ s d	£ s d
Students Pilot's ..	2 10 0	0 0 0	0 0 0	0 10 0
Private Pilot's (flying machines) with aircraft rating including Group A or Group B or both Group A and Group B ..	2 10 0	1 10 0	5 0 0	1 0 0
Private Pilot's (flying machines) with aircraft rating including Group C ..	2 10 0	3 10 0	5 0 0	1 0 0
Commercial Pilots' (flying machine) ..	3 3 0	7 7 0	5 0 0	2 0 0
Senior Commercial Pilot's (flying machines) ..	3 3 0	15 0 0	5 0 0	2 0 0
Airline transport pilot's (flying machines) ..	3 3 0	15 0 0	5 0 0	2 0 0
Private Pilot's (balloons and airships) ..	1 10 0	1 10 0	5 0 0	1 0 0
Commercial Pilot's (balloons) ..	3 3 0	5 0 0	5 0 0	2 0 0
Commercial Pilot's (airships) ..	3 3 0	5 0 0	5 0 0	2 0 0
Commercial Pilot's (gliders) ..	3 3 0	1 10 0	5 0 0	2 0 0
Flight Navigator's ..	3 3 0	10 10 0	0 0 0	2 0 0
Flight Engineers ..	3 3 0	10 10 0	0 0 0	2 0 0
Flight Radiotelephony operator's general ..	1 10 0	1 0 0	0 0 0	1 0 0
Flight Radiotelephony Operator's restricted ..	1 10 0	1 0 0	0 0 0	1 0 0
Flight Radiotelegraphy Operator's ..	3 3 0	2 0 0	0 0 0	2 0 0
Flight Radiotelegraphy Operator's temporary ..	3 3 0	2 0 0	0 0 0	2 0 0

(b) Where an application is made for an instrument rating (flying machines) or for the renewal of such a rating the following fees shall be paid :—

	£	s	d
For a technical examination (if required)	4	0	0
For a practical test using approved flight simulation apparatus (if required)	4	0	0
For a special medical (audiometry) examination (if required)	1	0	0
For an official flying test (if required)—Where an aircraft provided by the applicant is used	10	0	0
Where an aircraft provided by the Minister is used—in the case of an application for such a rating	45	0	0
In the case of an application for the renewal of such a rating	30	0	0

(c) Where an application is made for a towing rating (flying machines) or for the renewal of such a rating the following fees shall be paid :—

	£	s	d
For a technical examination (if required)	3	0	0
For an official flying test (if required)	5	0	0

(2)—(a) In the case of an application for the renewal of a licence, the fee for an official medical examination (if required) shall be £2-10s-0d.

(b) Where, in the case of an application for the grant or renewal of any of the following licences, that is to say :—

- Commercial Pilot's Licence (flying machines)
- Senior Commercial Pilot's Licence (flying machines)
- Airline Transport Pilot's Licence (flying machines)

an aircraft provided by the Minister is used for the official flying test, the fees to be paid for such a test shall be £25 for a test carried out by day and £15 for a test carried out by night.

(c) Where the Minister is satisfied that the applicant has previously been medically examined in connection with an application for a licence as a member of a flight crew, for which there is required a standard of medical fitness not inferior to that required for the licence for which the application is made, the fee to be paid for an official medical examination (if required) shall be £2-10s-0d.

(d) Where an applicant for a licence or for the renewal of a licence or for the grant or renewal of a rating is not required to pass any part of a technical examination or official flying test by reason of his having passed that part on some previous occasion, or for any other reason, the fee to be paid for the technical examination or official flying test, as the case may be, may be reduced by such amount as the Minister thinks proper in the circumstances of the case.

(e) Where an application is made for the grant of a pilot's licence (flying machines) (except a private pilot's licence) (flying machines) where the type is not in Group C) or for the grant of a flight engineer's licence, being in either case a licence which includes an aircraft rating for more than one type of aircraft, the fee specified above for a technical examination shall cover only a technical examination in respect of one type of aircraft and the fees to be paid for a technical examination for each additional type of aircraft shall be as follows :—

In respect of a private pilot's licence (flying machines) where the type is in Group C	£	s	d
	3	0	0
In respect of a pilot's licence (flying machines) of any other class	4	0	0
In respect of a flight engineer's licence	3	0	0
(f) No fees shall be payable in respect of an application for a flight radio-telegraphy operator's licence if the applicant holds a current flight radiotelegraphy operator's temporary licence.			
(3) For the purposes of this paragraph :—			
Group A means single-engined aeroplanes of which the maximum total weight authorised does not exceed 12,500 lbs.			
Group B means aeroplanes, having two or more engines, of which the maximum total weight authorised does not exceed 12,500 lbs.			
Group C means aeroplanes of which the total maximum weight authorised exceeds 12,500 lbs.			

EXTENSION OF RATINGS

(Regulation 15 of the Air Navigation Regulations)

12.—(1) Where an application is made for the extension of the aircraft rating in a private pilot's licence (flying machines) to cover additional types of flying machines the fee to be paid for a technical examination (if required) shall be £3-0s-0d

(2) Where an application is made for the extension of the aircraft rating in a commercial, senior commercial or airline transport pilot's licence (flying machines, to include additional types of flying machines there shall be payable a fee of £4 in respect of each additional type.

(3) Where an application is made for the extension of the aircraft rating in a flight engineer's licence to include additional types of flying machines there shall be payable a fee of £2 in respect of each additional type.

AIR TRAFFIC CONTROLLERS' LICENCES

13. The fees to be paid in respect of an Air Traffic Controller's Licence or a Student Air Traffic Controller's Licence in pursuance of Regulation 56 (1) of the Air Navigation Regulations and Rule 55 of the Rules of the Air and Air Traffic Control shall be as follows :—

	£	s	d
(a) Upon application being made for an Air Traffic Controller's licence including an Aerodrome Control rating ..	2	0	0
(b) For the issue of an Air Traffic Controller's or Student Air Traffic Controllers licence	1	0	0
(c) For the renewal of a licence	0	7	6
(d) Upon separate application being made for an Aerodrome Control Rating	0	15	0

(e) Upon application being made for a rating other than an Aerodrome Control Rating 1 0 0

(f) Upon application being made for the naming of an aerodrome, or of any additional aerodrome, in a licence 2 0 0
Provided that :—

(i) Where in the case of an application for the renewal of a licence the Minister requires the applicant to be re-examined in respect of a rating or the naming of an aerodrome, the appropriate fees under sub-paragraphs (d), (e) or (f) of this paragraph as the case may be shall be payable in addition to the renewal fee : and where the Minister requires an applicant for the renewal of a licence to be re-examined as to his qualifications for a licence (as opposed to his qualifications under the sub-paragraphs above mentioned) there shall be payable the fees appropriate to an application for and the issue of a licence under sub-paragraphs (a) and (b) of this paragraph but the Minister may, if it appears to him that there are special circumstances which make it right to do so, reduce the fees to be paid in respect of such re-examination by such amount as he thinks proper in the circumstances.

(ii) Where an applicant is not required to pass any part of an examination or test by reason of his having passed that part on any previous occasion, or for any other reason, the fee to be paid in respect of the application to which the examination or test relates may be reduced by such amount as the Minister thinks proper in the circumstances of the case.

AERODROME LICENCES

(Regulation 61 of the Air Navigation Regulations)

14. Subject to the provisions of this paragraph, the fees to be paid in respect of aerodrome licences shall be as follows :—

	£	s	d
For an official inspection of an aerodrome not followed by the grant or renewal of a licence	7	10	0
For the grant of a licence for a period not exceeding three days, including official inspection of the aerodrome	7	10	0
For the grant or renewal of a licence for a period exceeding three days, including official inspection of the aerodrome ..	The fee specified in the table at the foot of this paragraph.		
For the variation of a licence	5	0	0

Provided that where a licence is granted or renewed for a period which will expire within twelve months from the date on which the grant or renewal becomes operative and an application is made for the renewal of the licence, or for the grant of a further licence to the same person for the same aerodrome, for any subsequent period falling within those twelve months then—

(a) If the application is for the renewal of the licence or for the grant of a further licence on the same terms as the previous licence, no fee shall be payable in respect of the renewal or grant : and

(b) if the application is for the renewal of the licence with variations or for the grant of a further licence, on terms different from those of the previous licence, the application shall be treated for the purpose of this paragraph as if it were an application for the variation of a licence.

TABLE

The weight certified in the application for the grant or renewal of the licence as being the maximum total weight authorised of the heaviest aircraft which the applicant expects to use the aerodrome, while the licence is in force, for the purpose of the public transport of passengers or of instruction in flying.

	Fee payable		
	£	s	d
Not exceeding 6,500 lbs.	10	0	0
Exceeding 6,500 lbs. but not exceeding 15,000 lbs.	25	0	0
Exceeding 15,000 lbs.	50	0	0

Medical Examination

15. The fee to be paid for an official medical examination for the purposes of the Air Navigation Regulations or any regulations made thereunder shall unless otherwise provided be £2-10s.

VALIDATION OF A LICENCE

(Regulations 8 (4) and 17 of the Air Navigation Regulations)

16. Where an application is made for the issue or a certificate of validation of a licence under the Air Navigation Regulations the following fees shall be paid :—

For an official medical examination (if required)	In each case the fees appropriate to the issue of a licence equivalent to that for which validation is sought.
For a technical examination (if required).	
For an official flying test (if required)	
For a certificate	
	1 0 0

COPIES OF DOCUMENTS

17. The fee to be paid for the issue of a copy or replacement of a document issued under the Air Navigation Regulations or under regulations made thereunder shall be 10s-0d.

Provided that for a copy of replacement of a flight manual or performance schedule relating to a certificate of airworthiness the fee shall be an amount equal to the cost of preparing the copy or replacement as the case may be, but shall not exceed £8.

MADE at Lagos this 28th day of October 1965.

J. A. WACHUKU,
Minister of Aviation

FEDERATION OF NIGERIA

Civil Aviation (Aircraft Performance) Regulations 1965

ARRANGEMENT OF REGULATIONS

1. Citation and Commencement.
2. Interpretation.
3. Aircraft with no performance Group Classification.
4. Aircraft of Performance Group A.
5. Aircraft of Performance Groups C and D.
6. Aircraft of Performance Group X.

L.N. 10 of 1965

CIVIL AVIATION

Civil Aviation (Aircraft Performance) Regulations 1965

Commencement : 1st December, 1965

In exercise of the powers conferred on me by paragraph 1 of Regulation 24 of the Civil Aviation (Air Navigation) Regulations 1965, and of all other powers enabling me in that behalf, I hereby make the following Regulations :—

1. These Regulations may be cited as the Civil Aviation (Aircraft Performance) Regulations 1965, and shall come into operation on the 1st day of December 1965.

Citation and commencement.

2. (1) In these Regulations, unless the context otherwise requires :

Interpretation.

“the Air Navigation Regulations” means the Civil Aviation (Air Navigation) Regulations 1965.

“Instrument Meteorological Conditions” means weather precluding flight in compliance with the Visual Flight Rules.

“Visual Meteorological Conditions” means weather permitting flight in accordance with the Visual Flight Rules.

“Specified” in relation to an aircraft means specified in, or ascertainable by reference to—

(a) the certificate of airworthiness in force under the Air Navigation Regulations in respect of the aircraft ; or

(b) the flight manual or performance schedule included in that certificate.

"the emergency distance available" means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest point in the direction of take-off at which the aeroplane cannot roll over the surface of the aerodrome and be brought to rest in an emergency without risk of accident ;

"the landing distance available" means the distance from the point on the surface of the aerodrome above which the aeroplane can commence its landing, having regard to the obstructions in its approach path, to the nearest point in the direction of landing at which the surface of the aerodrome is incapable of bearing the weight of the aeroplane under normal operating conditions or at which there is an obstacle capable of affecting the safety of the aeroplane ;

"the take-off distance available" means either the distance from the point of the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest obstacle in the direction of take-off projecting above the surface of the aerodrome and capable of affecting the safety of the aeroplane or one and one-half times the take-off run available, whichever is the less ;

"The take-off run available" means the distance from the point on the surface of the aerodrome at which the aeroplane can commence its take-off run to the nearest point in the direction of take-off at which the surface of the aerodrome is incapable of bearing the weight of the aeroplane under normal operating conditions ;

"vso" denotes the stalling speed or minimum steady flight speed with wing flaps in the landing position ;

"Contracting State" means a State which is a party to the Convention on International Civil Aviation concluded at Chicago on the 7th December 1944.

2. Expressions used in these Regulations shall unless the context otherwise requires, have the same respective meanings as in the Air Navigation Regulations.

(3) The assessment of the ability of an aeroplane to comply with the requirements of these Regulations (relating to weight and performance) shall be based on the specified information to its performance. Provided that, if, in the case of an aeroplane in respect of which there is in force under the Air Navigation Regulations a certificate of airworthiness which does not include a performance group classification, the assessment may be based on the best information available to the commander of the aircraft, in so far as the relevant information is not specified.

(4) In assessing the ability of an aeroplane to comply with condition (7) of Regulation 3 hereto, conditions (4) and (5) of Regulation 4, and conditions (2) (i) (b) and (2) (ii) of Regulations 6, account may be taken of any reduction of the weight of the aeroplane which may be achieved after the failure of power unit by such jettisoning of fuel as is feasible and prudent in the circumstances of the flight and in accordance with the flight manual included in the certificate of airworthiness relating to the aircraft.

(5) For the purposes of these Regulations :—

(a) the weight of an aeroplane at the commencement of the take-off run shall be taken to be its gross weight including everything and everyone carried in or on it at the commencement of take-off run ;

(b) the landing weight of the aeroplane shall be taken to be the weight of the aeroplane at the estimated time of landing allowing for the weight of fuel and oil expected to be used on the flight to the aerodrome at which it is intended to land or alternate aerodrome, as the case may be ;

(c) where any distance referred to in paragraph (1) of this Regulation has been declared in respect of any aerodrome by the authority responsible for regulating air navigation over the territory of the Contracting State in which the aerodrome is situated, and in the case of an aerodrome in Nigeria, notified, that distance shall be deemed to be the relevant distance.

(6) Nothing in these Regulations shall apply to any aircraft flying solely for the purpose of training persons to perform duties in aircraft.

WEIGHT AND PERFORMANCE OF PUBLIC TRANSPORT AEROPLANES HAVING NO PERFORMANCE GROUP CLASSIFICATION IN THEIR CERTIFICATES OF AIRWORTHINESS

3. With reference to Regulation 24 of the Air Navigation Regulations, an aeroplane registered in Nigeria in respect of which there is in force under these Regulations a certificate of airworthiness which does not include a performance group classification shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that such of the following conditions as apply to that aircraft are satisfied : Conditions (1) and (2) apply to all aeroplanes to which this Regulation applies. Conditions (3) to (9) apply to all aeroplanes to which these Regulations apply :

Aircraft with
no perform-
ance Group
classifica-
tion.

(i) of which the specified maximum total weight authorised exceeds 12,500 lbs. ; or

(ii) of which the specified maximum total weight authorised does not exceed 12,500 lbs., and which comply with neither condition (1) (a) nor condition (1) (b).

Conditions (10) to (17) apply to all aeroplanes to which this Regulation applies, of which the specified maximum total weight authorised does not exceed 12,500 lbs., and which comply with condition (1) (a) or condition (1) (b) or with both these conditions.

ALL AEROPLANES

(1) Either—

(a) the wing loading of the aeroplane does not exceed 20 lb. per square foot ; or

(b) the stalling speed of the aeroplane in the landing configuration does not exceed 60 knots ; or

(c) the aeroplane with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous power conditions specified, is capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere.

(2) The weight of the aeroplane at the commencement of the take-off does not exceed which ever is the higher of the following weights namely :—

(i) the maximum take-off weight, if any, specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made ;

(ii) the maximum take-off weight, if any, approved in writing by the Minister (after the carrying out of flight tests undertaken on the authority of the Minister) for the take-off of the aeroplane from that aerodrome in the air temperature at the aerodrome.

Aeroplanes of a Specified Maximum Total Weight Authorised Exceeding 12,500 lbs. and Aeroplanes of a Specified Maximum Total Weight Authorised not exceeding 12,500 lbs. which comply with neither condition (1) (a) nor condition (1) (b).

(3) (a) The distance required by the aeroplane to attain a height of 50 feet, with all power units operating within the maximum take-off power conditions specified, does not exceed the take-off run available at the aerodrome at which the take-off run is to be made.

(b) The distance required by the aeroplane to attain a height of 50 feet with all power units operating within the maximum take-off power conditions specified, when multiplied by a factor of either 1.33 for aeroplanes having two power units or by a factor of 1.18 for aeroplanes having four power units, does not exceed the emergency distance available at the aerodrome at which the take-off is to be made.

(c) For the purposes of sub-paragraph (a) and

(b) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to—

(i) The weight of the aeroplane at the commencement of the take-off run ;

(ii) the altitude at the aerodrome ;

(iii) the air temperature at the aerodrome ;

(iv) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available and the emergency distance available, respectively ; and

(v) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off.

(4) (a) The take-off flight path with one power unit inoperative and the remaining power unit or units operating within the maximum take-off power conditions specified, appropriate to—

(i) the weight of the aeroplane at the commencement of the take-off run ;

(ii) the altitude at the aerodrome ;

(iii) the air temperature at the aerodrome

(iv) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

and plotted from a point 50 feet above the end of the appropriate faatored distance required for take-off under condition (3) (b) of this Regulation at the aerodrome at which the take-off is to be made, shows the aeroplane either will be able to comply with such requirements in respect of the take-off flight path to be followed as the Minister may have approved in relation to that aerodrome as being requirements which flight tests undertaken on the authority of the Minister have shown will result in safe operation, or, in any case where the

Minister has not approved any such requirements in relation to that aerodrome, will clear any obstacle in its path by a vertical interval of at least 35 feet except that if it is intended that an aeroplane shall change its direction by more than 15° the vertical interval shall be not less than 50 feet during the change of direction.

(b) For the purposes of sub-paragraph (4) (a) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight does not exceed—

(i) when the take-off flight path is to be conducted in Instrument Meteorological Conditions—

(a) a distance of 200 feet plus half the wing span of the aeroplane plus one-eighth of the distance from such point to the end of the take-off distance available, measured along the intended line of flight; or

(b) 5,000 feet;

whichever is the less;

(ii) when the take-off flight path is to be conducted in Visual Meteorological conditions—

(a) 200 feet plus half the wing span of the aeroplane

(b) in assessing the ability of the aeroplane to satisfy this condition, it shall not be assumed to make a change of direction of radius less than a radius of steady turn corresponding to an angle of bank of 15° .

(5) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom and with the other power units or unit operating within the maximum continuous power conditions specified, be capable of continuing the flight so as to reach, at a suitable height for landing, an aerodrome at which it can comply with condition (9) and to maintain, on each part of its route to such aerodrome, either—

(a) such height as has been notified as the minimum flight level for that part of the route; or

(b) If no minimum flight level has been notified for any part of the route, such height as will enable it to clear all obstacles within 10 nautical miles either side of the intended track by a vertical interval of at least—

(i) 1,000 feet when the gradient of the flight path is not less than zero; or

(ii) 2,000 feet when the gradient of the flight path is less than zero.

(6) The aeroplane will, in the meteorological conditions expected for the flight, at any point on its route or on any planned diversion therefrom be capable of climbing at a gradient of at least 1 in 50, with all power units operating within the maximum continuous power conditions specified at the following altitudes :—

(a) the minimum altitudes for safe flight on each stage of the route to be flown or any planned diversion therefrom specified in, or calculated from the information contained in, the operations manual relating to the aeroplane; and

(b) the minimum altitudes necessary for compliance with conditions (5) and (7), as appropriate.

(7) If on the route to be flown or any planned diversion therefrom the aeroplane will be engaged in a flight over water during which at any point it may be more than 90 minutes flying time in still air from the nearest shore, it will in the event of two power units becoming inoperative during such time and with the other power units or unit operating within the maximum continuous power conditions specified be capable of continuing the flight having regard to the meteorological conditions expected for the flight clearing all obstacles within 10 nautical miles either side of the intended track by a vertical interval of at least 1,000 feet, to an aerodrome at which a safe landing can be made.

(8) The landing weight of the aeroplane will not exceed the maximum landing weight, if any, specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(9) The distance required by the aeroplane to land from a height of 50 feet does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per cent of the landing distance available on—

(i) the most suitable runway for a landing in still air conditions; and

(ii) the runway that may be required for landing because of the forecast wind conditions,

the distance required to land from a height of 50 feet being taken to be that appropriate to—

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(d) (i) a level surface in the case of runways usable in both directions;

(ii) the average slope of the runway in the case of runways usable in only one direction; and

(e) (i) still air conditions in the case of the most suitable runway for a landing in still air conditions;

(ii) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

Aeroplanes of a Specified Maximum Total Weight Authorised not exceeding 12,500 lbs. and which comply with either condition (1) (a) or condition (1) (b) or with both these conditions.

(10) If the aeroplane is engaged in a flight at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome of destination or at any alternate aerodrome, are less than 500 feet and 3 miles respectively, it will, with any one of its power units inoperative and the remaining power unit or units operating within the maximum continuous power conditions specified, be capable of achieving and maintaining an altitude of 1,000 feet above all obstacles within 10 nautical miles of the relevant aerodrome.

(11) (a) The distance required by the aeroplane to attain a height of 50 feet with all power units operating within the maximum take-off power conditions specified, does not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(b) The distance required by the aeroplane to attain the height of 50 feet, with all power units operating within the maximum take-off power conditions specified, when multiplied by a factor of 1.33 does not exceed the emergency distance available at the aerodrome at which the take-off is to be made.

(c) For the purpose of sub-paragraphs (a) and (b) the distance required by the aeroplane to attain a height of 50 feet shall be that appropriate to—

(i) the weight of the aeroplane at the commencement of the take-off run ;

(ii) the altitude at the aerodrome ;

(iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome, or if greater, the air temperature at the aerodrome less 15° centigrade ;

(iv) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available and the emergency distance available, respectively, and

(v) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off.

(12) The take-off flight path, with all power units operating within the maximum take-off power conditions specified, appropriate to—

(i) the weight of the aeroplane at the commencement of the take-off run ;

(ii) the altitude at the aerodrome ;

(iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome, or, if greater, the air temperature at the aerodrome less 15° centigrade ; and

(iv) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off ; and plotted from a point 50 feet above the end of the factored distance required for take-off under condition (11) (b), at the aerodrome at which the take-off is to be made, shows that the aeroplane either will be able to comply with such requirements in respect of the take-off flight path to be followed as the Minister may have approved in relation to that aerodrome as being requirements which flight tests undertaken on the authority of the Minister have shown will result in safe operation, or, in any case where the Minister has not approved any such requirements in relation to that aerodrome, will clear any obstacle lying within 200 feet plus half the wing span of the aeroplane on either side of its path by a vertical interval of at least 35 feet. In assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to make a change of direction of a radius less than a radius of steady turn corresponding to an angle of bank of 15°.

(13) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom and with the other power unit or units, if any, operating within the maximum continuous power conditions specified, be capable of continuing the flight so as to reach a point above a place at which a safe landing can be made at a suitable height for such landing.

(14) The aeroplane will, in the meteorological conditions expected for the flight, at any point on its route or any planned diversion therefrom, be capable of climbing at a gradient of at least 1 in 50, with all power units operating within the maximum continuous power conditions specified, at the following altitudes---

(a) the minimum altitude for safe flight on each stage of the route to be flown or on any planned diversion there from specified in, or calculated from, the information contained in the operations manual relating to the aeroplane; and

(b) the minimum altitudes necessary for compliance with condition (13).

(15) If on the route to be flown or any planned diversion therefrom the aeroplane will be engaged in a flight over water during which at any point it may be more than 30 minutes flying time in still air from the nearest shore, it will, in the event of one power unit becoming inoperative during such time and with the other power unit or units operating within the maximum continuous power conditions specified, be capable of climbing at a gradient of at least 1 in 200 at an altitude of 5,000 feet in the specified international standard atmosphere.

(16) The landing weight of the aeroplane will not exceed the maximum landing weight, if any, specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(17) The distance required by the aeroplane to land from a height of 50 feet does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per cent, or, if a visual approach and landing will be possible in the meteorological conditions forecast for the estimated time of landing, 80 per cent of the landing distance available on—

(i) the most suitable runway for a landing in still air conditions; and

(ii) the runway that may be required for landing because of the forecast wind conditions,

the distance required to land from a height of 50 feet being taken to be that appropriate to—

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome;

(d) (i) a level surface in the case of runways usable in both directions;

(ii) the average slope of the runway in the case of runways usable in only one direction; and

(e) (i) still air conditions in the case of the most suitable runway for a landing in still air conditions;

(ii) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

WEIGHT AND PERFORMANCE OF PUBLIC TRANSPORT AEROPLANES CLASSIFIED
AS AEROPLANES OF PERFORMANCE GROUP A IN THEIR CERTIFICATES OF
AIRWORTHINESS

Aircraft of
Performance
Group A.

4. With reference to Regulation 24 of the Air Navigation Regulations, an aeroplane registered in Nigeria in respect of which there is in force under those Regulations a certificate of airworthiness in which the aeroplane is designated as being of performance Group A shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied :—

(1) That weight does not exceed the maximum take-off weight for altitude and temperature specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(2) The take-off run, take-off distance and the emergency distance respectively required for take-off, specified as being appropriate to—

(a) the weight of the aeroplane at the commencement of the take-off run ;

(b) the altitude at the aerodrome ;

(c) the air temperature at the aerodrome ;

(d) the slope of the surface of the aerodrome in the direction of take-off over the take-off run available, the take-off distance available and the emergency distance available respectively ; and

(e) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off,

do not exceed the take-off run, the take-off distance and the emergency distance available, respectively at the aerodrome at which the take-off is to be made, in ascertaining the emergency distance required, the point at which the pilot is assumed to decide to discontinue the take-off shall not be nearer to the start of the take-off run than the point at which, in ascertaining the take-off run required and the take-off distance required, he is assumed to decide to continue the take-off, in the event of power unit failure.

(3) (a) The net take-off flight path with one power unit inoperative specified as being appropriate to—

(i) the weight of the aeroplane at the commencement of the take-off run ;

(ii) the altitude at the aerodrome ;

(iii) the air temperature at the aerodrome ; and

(iv) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off ;

and plotted from a point 35 feet or 50 feet, as appropriate, above the end of the take-off distance required at the aerodrome at which the take-off is to be made to a height of 1,500 feet above the aerodrome, shows that the aeroplane will clear any obstacle in its path by a vertical interval of at least 35 feet, except that if it is intended that the aeroplane shall change its direction of flight by more than 15° the vertical interval shall not be less than 50 feet during the change of direction.

(b) For the purpose of sub-paragraph (a) hereof an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed :—

(i) a distance of 200 feet plus half the wing span of the aeroplane plus one-eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight of the aeroplane or

(ii) 5,000 feet,

whichever is the less.

(c) in assessing the ability of the aeroplane to satisfy this condition, it shall not be assumed to make a change of direction of a radius less than the radius of steady turn specified.

(4) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom and with the other power units or unit operating within the maximum continuous power conditions specified, be capable of continuing the flight, clearing by a vertical interval of at least 2,000 feet obstacles within 5 nautical miles either side of the intended track, to an aerodrome at which it can comply with condition (7) in this Regulation relating to an alternate aerodrome, and on arrival over such aerodrome the gradient of the specified net flight path with one power unit inoperative shall not be less than zero at 1,500 feet above the aerodrome ; and in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting.

(5) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any two power units becoming inoperative at any point along the route or on any planned diversion therefrom more than 90 minutes flying time in still air at the all power units operating economical cruising speed from the nearest aerodrome at which it can comply with condition (7) in this Regulation, relating to an alternate aerodrome, be capable of continuing the flight with all other power units operating within the specified maximum continuous power conditions, clearing by a vertical interval of at least 2,000 feet obstacles within 5 nautical miles either side of the intended track to such an aerodrome, and on arrival over such aerodrome the gradient of the specified net flight path with two power units inoperative shall not be less than zero at 1,500 feet above the aerodrome ; and in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at an altitude exceeding the specified maximum permissible altitude for power unit restarting.

(6) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(7) (a) The landing distances required, respectively specified as being appropriate to aerodromes of destination and alternate aerodromes, do not exceed at the aerodrome at which it is intended to land or at any alternate aerodrome, as the case may be, the landing distance available on :—

- (i) the most suitable runway for a landing in still air conditions ; and
- (ii) the runway that may be required for landing because of the forecast wind conditions ;

Provided that if an alternate aerodrome is designated in the flight plan, the specified landing distance required may be that appropriate to an alternate aerodrome when assessing the ability of the aeroplane to satisfy this condition at the aerodrome of destination in respect of the runway that may be required for landing because of the forecast wind conditions.

(b) For the purposes of sub-paragraph (a) hereof the landing distance required shall be that specified as being appropriate to :—

- (i) the landing weight ;
- (ii) the altitude at the aerodrome ;
- (iii) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome ;
- (iv) (a) a level surface in the case of runways usable in both directions and (b) the average slope of the runway in the case of the runway usable in only one direction ; and
- (v) (a) still air conditions in the case of the most suitable runway for a landing in still air conditions ; (b) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

WEIGHT AND PERFORMANCE OF PUBLIC TRANSPORT AEROPLANES CLASSIFIED AS AEROPLANES OF PERFORMANCE GROUP C OR OF PERFORMANCE GROUP D IN THEIR CERTIFICATES OF AIRWORTHINESS

5. With reference to Regulation 24 of the Air Navigation Regulations, an aeroplane registered in Nigeria in respect of which there is in force under those Regulations of a certificate of airworthiness in which the aeroplane is designated as being of performance Group C or performance Group D shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of the take-off run is such that the following conditions are satisfied :—

Aircraft of
Performance
Groups C
and D.

(1) (a) That weight does not exceed the maximum take-off weight specified for the altitude and the air temperature at the aerodrome at which the take-off is to be made.

(b) the take-off run required and the take-off distance required, specified as being appropriate to—

- (i) the weight of the aeroplane at the commencement of the take-off run ;
- (ii) the altitude at the aerodrome ;
- (iii) the air temperature at the aerodrome ;
- (iv) the average slope of the surface of the aerodrome in the direction of take-off over the emergency distance available ;
- (v) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off, do not exceed the take-off run available and the emergency distance available, respectively at the aerodrome at which the take-off is to be made.

(c) The net take-off flight path with all power units operating specified as being appropriate to—

- (i) the weight of the aeroplane at the commencement of the take-off run ;
- (ii) the altitude at the aerodrome ;
- (iii) the air temperature at the aerodrome ;
- (iv) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off ;

and plotted from a point 50 feet above the end of the take-off distance required at the aerodrome at which the take-off is to be made to the point at which the aeroplane reaches the minimum altitude for safe flight on the first stage of the route to be flown in or calculated from the information contained in the operations manual relating to the aircraft, shows that the aeroplane will clear by a safe margin any obstacle the distance from which to the nearest point on the ground below the intended line of flight of the aeroplane does not exceed 200 feet plus half the wing span of the aeroplane. In assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to make a change of direction of a radius less than the specified radius of steady turn.

(d) The aeroplane will, if it is designated in its certificate of airworthiness as an aeroplane of performance Group C and if it is necessary for it to be flown solely by reference to instruments for any period before reaching the minimum altitude for safe flight on the first stage of the route to be flown, stated in, or calculated from the information contained in, the operations manual, during such period also satisfy condition (3) in Regulation 4.

(e) The aeroplane will, in the meteorological conditions expected for the flight, in the event of any one power unit becoming inoperative at any point on its route or on any planned diversion therefrom, and with the other power units or unit, if any, operating within the specified maximum continuous power conditions :—

(i) in the case of an aeroplane designated as an aeroplane of performance Group C, be capable of continuing the flight at altitudes not less than the relevant minimum altitudes for safe flight stated in, or calculated from the information contained in, the operations manual to a point 1,500 feet above an aerodrome at which a safe landing can be made and after arrival at that point be capable of maintaining that height ;

(ii) in the case of an aeroplane designated as an aeroplane of performance Group D, be capable of continuing the flight to a point 1,000 feet above a place at which a safe landing can be made.

Provided that in assessing the ability of the aeroplane to satisfy this condition it shall not be assumed to be capable of flying at any point on its route at an altitude exceeding the performance ceiling with all power units operating specified as being appropriate to its estimated weight at that point.

(f) The landing weight of the aeroplane will not exceed the maximum landing weight specified for the altitude and the expected air temperature for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome.

(g) The distance required by the aeroplane to land from a height of 50 feet does not, at the aerodrome at which it is intended to land and at any alternate aerodrome, exceed 70 per cent of the landing distance available on the most suitable runway for a landing in still air conditions, or on the runway that may be required for landing because of the forecast wind conditions, and for the purposes of this sub-paragraph the distance required to land from a height of 50 feet shall be taken to be that specified as being appropriate to :—

- (i) The landing weight ;
- (ii) the altitude at the aerodrome ;
- (iii) the expected air temperature for the estimated time of landing at the aerodrome ;
- (iv) (a) a level surface in the case of runways usable in both directions ;
- (b) the average slope in the runway in the case of runways usable in only one direction ; and
- (v) (a) still air conditions in the case of the most suitable runway for a landing in still air conditions ;

(b) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of runway that may be required for landing because of the forecast wind conditions.

(2) An aeroplane designated as aforesaid as an aeroplane of performance Group D shall not fly for the purpose of public transport (except for the sole purpose of training persons to perform duties in aircraft) at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure and forecast for the estimated time of landing at the aerodrome at which it is intended to land and at any alternate aerodrome are less than 1,000 feet and one mile respectively.

6. WEIGHT AND PERFORMANCE OF PUBLIC TRANSPORT AEROPLANES CLASSIFIED AS AEROPLANES OF PERFORMANCE GROUP X IN THEIR CERTIFICATES OF AIRWORTHINESS

With reference to Regulation 24 of the Air Navigation Regulations, an aeroplane in respect of which there is in force under those Regulations a certificate of airworthiness in which the aeroplane is designated as being of performance Group X shall not fly for the purpose of public transport unless the weight of the aeroplane at the commencement of take-off is such that the following conditions are satisfied :—

Aircraft of
Perform-
ance
Group X.

(1) (i) That weight does not exceed the maximum take-off weight specified for the altitude at the aerodrome at which the take-off is to be made, or for the altitude and the air temperature at such aerodrome as the case may be.

(ii) The minimum effective take-off runway length required, specified as being appropriate to:—

- (a) the weight of the aeroplane at the commencement of the take-off run;
- (b) the altitude at the aerodrome;
- (c) the air temperature at the time of take-off;
- (d) the overall slope of the take-off run available; and
- (e) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off, does not exceed the take-off run available at the aerodrome at which the take-off is to be made.

(iii) (a) The take-off flight path with one power unit inoperative, specified as being appropriate to—

(i) the weight of the aeroplane at the commencement of the take-off run;

(ii) the altitude at the aerodrome; and

(iii) not more than 50 per cent of the reported wind component opposite to the direction of take-off or not less than 150 per cent of the reported wind component in the direction of take-off;

and plotted from a point 50 feet above the end of the minimum effective take-off runway length required at the aerodrome at which the take-off is to be made, shows that the aeroplane will thereafter clear any obstacle in its path by a vertical interval of not less than the greater of 50 feet or 35 feet plus one hundredth of the distance from the point on the ground below the intended line of flight of the aeroplane nearest to the obstacle to the end of the take-off distance available, measured along the intended line of flight of the aeroplane.

(b) For the purpose of sub-paragraph (a) an obstacle shall be deemed to be in the path of the aeroplane if the distance from the obstacle to the nearest point on the ground below the intended line of flight does not exceed:

(i) a distance of 200 feet plus half the wing span of the aeroplane plus one eighth of the distance from such point to the end of the take-off distance available measured along the intended line of flight; or

(ii) 5,000 feet whichever is the less

(c) In assessing the ability of the aeroplane to satisfy this condition, in so far as it relates to flight path, it shall not be assumed to make a change of direction of a radius less than the radius of steady turn corresponding to an angle of bank of 15°.

(2) (a) Subject to sub-paragraph (b), the weight of the aeroplane at any point on the route or any planned diversion therefrom, having regard to the fuel and oil expected to be consumed up to that point, shall be such that the aeroplane with one power unit inoperative and the other power unit or units operating within the maximum continuous power conditions specified, will be capable of a rate of climb of at least $K(V_{so}/100)^2$ feet per minute at an altitude not less than the minimum altitude for the safe flight stated in or calculated from the information contained in the operations manual, where V_{so} is in knots and K has the value of 797—1060/N, N being the number of power units installed.

(b) As an alternative to (a), the aeroplane may be flown to an altitude from which, in the event of failure of one power unit, it is capable of reaching an aerodrome where a landing can be made in accordance with condition (3) (ii) in this Regulation relating to an alternate aerodrome. In that case, the weight of the aeroplane shall be such that, with the remaining power unit or units operating within the maximum continuous power conditions specified, it is capable of maintaining a minimum altitude on the route to such aerodrome of 2,000 feet above all obstacles within 5 nautical miles on either side of the intended track and

(a) the rate of climb specified for the appropriate weight and altitude, used in calculating the flight path shall be reduced by an amount equal to $K(V_{so}/100)^3$ feet per minute;

(b) the aeroplane shall comply with the climb requirement of condition 2 (i) (a) at 1,000 feet above the chosen aerodrome;

(c) account shall be taken of the effect of wind and temperature of the flight path; and

(d) the weight of the aeroplane may be assumed to be progressively reduced by normal consumption of fuel and oil.

(ii) An aeroplane having four power units shall, if any two power units become inoperative at any point along the route or any planned diversion therefrom, being a point more than 90 minutes flying time (assuming all power units to be operating) from the nearest aerodrome at which a landing can be made in compliance with condition (3) (ii) of this Regulation relating to an alternate aerodrome, be capable of continuing the flight at an altitude of not less than 1,000 feet above ground level to a point above that aerodrome.

(iii) The required landing runway lengths respectively specified as being appropriate to the aerodrome of intended destination and the alternate aerodromes do not exceed at the aerodrome at which it is intended to land or at any alternate aerodrome, as the case may be, the landing distance available on :—

(a) the most suitable runway for a landing in still air conditions; and

(b) the runway that may be required for landing because of the forecast wind conditions,

the required landing runway lengths being taken to be those specified as being appropriate to :—

(a) the landing weight;

(b) the altitude at the aerodrome;

(c) still air conditions in the case of the most suitable runway for a landing in still air conditions; and

(d) not more than 50 per cent of the forecast wind component opposite to the direction of landing or not less than 150 per cent of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.

MADE at Lagos this 28th day of October 1965.

J. A. WACHUKU,
Minister of Aviation.

FEDERATION OF NIGERIA
CIVIL AVIATION (AIR TRANSPORT LICENSING)
REGULATIONS, 1965

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L.N. 11 of 1965

CIVIL AVIATION

The Civil Aviation (Air Transport) (Licensing)
Regulations, 1965*Commencement : 1st December 1965*

In exercise of the powers conferred on me by section 4 of the Civil Aviation Act, 1964, and of all other powers enabling me in that behalf, I hereby make the following Regulations :—

PART I

1. These Regulations may be cited as the Civil Aviation (Air Transport) (Licensing) Regulations, 1965, and shall come into operation on the 1st day of December 1965.

Citation and
commence-
ment.*Interpretation*

2.—(1) In these Regulations, unless the context otherwise requires :—

“Air Service” means any service performed by aircraft for hire or reward ;

Provided that a member of a flying club carried in an aircraft belonging to the club for the purpose of instruction in flying shall not, if the instructor is also a member of the club, be deemed to be carried for hire or reward, notwithstanding that payment is made for such instruction or carriage :

Interpreta-
tion.

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

“licence” means a licence granted under Regulations 5

“Permit” means a permit granted under Regulation 14 (1)

“provisional licence” means a licence granted under Regulation 8

“provisional permit” means a permit granted under Regulation 14 (2)

“Gazette” means the official gazette of the Federal Republic of Nigeria

“scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of it.

(2) The Interpretation Act, 1964, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

PART II

LICENCES FOR SCHEDULED JOURNEYS

3. This Part shall not apply to the carriage of passengers, mail or cargo by air for hire or reward upon journeys other than scheduled journeys.

Application
of Part II.

4.—(1) Subject to the provisions of these Regulations, it shall not be lawful for any person to use any aircraft in Nigeria for the carriage of passengers, mail or cargo for hire or reward upon any scheduled journey between two places of which at least one is in Nigeria except under and in accordance with the provisions of, a licence or a provisional licence.

Restriction
of operation
of aircraft
without a
licence.

(2) Any person who uses any aircraft in contravention of the provisions of this Regulation shall be liable in the case of a first offence to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, and in the case of a second or subsequent offence to a fine not exceeding five thousand pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(3) Nothing in this Regulation shall restrict the right of a designated Nigerian Airline or any air transport undertaking having its principal place of business in any country outside Nigeria, to provide transport for passengers, mail or cargo :—

(a) in accordance with the terms of any agreement for the time being in force between the Government of the Federation of Nigeria and the Government of that country ; or

(b) in accordance with the terms of any permission granted by the Minister pending the completion of negotiations for such an agreement as aforesaid.

Power of
Minister to
grant a
licence.

5.—(1) "The Minister" may grant to any person applying therefor a licence to use in Nigeria for the carriage of passengers mail or cargo for hire or reward such aircraft, on such scheduled journeys, subject to such conditions as may be specified respectively in the licence :

(2) It shall be a condition of every licence that :—

(a) the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any other person shall :—

(i) refuse booking facilities to any other holder of a licence or

(ii) shall afford such facilities to such other holder only on terms less favourable to that holder than the terms which are enjoyed by the first-mentioned holder ;

(b) the holder of the licence shall perform all such reasonable services as the Minister may from time to time require in regard to the conveyance of mails (and of any person who may be in charge thereof) upon journeys made under the licence ; that the remuneration for any such services shall be such as may be from time to time determined by agreement between the Minister and the holder of the licence ; and that any dispute, difference or question which may arise as to the remuneration to be paid to the licence holder in respect of such services or as to the rights, duties or liabilities of the licence holder or the Minister in relation to any of the matters referred to in this subparagraph (b) shall in default of agreement be referred to arbitration in pursuance of the provisions of the Arbitration Act, CAP. 13 or of any enactment modifying or replacing the same.

(3) Any licence may if the Minister thinks fit be limited to the carriage of passengers or to the carriage of cargo.

Application
of First
Schedule.

6. "The provisions set out in the First Schedule to these Regulations shall have effect in relation to applications for licences.

Period of
licence.

7. The Minister may grant licences to remain in force for such period as he may in each case determine, commencing on the date on which the licence is expressed to take effect ;

Provided that if, on the date of the expiration of a licence (herein referred to as the expiring licence), an application to the Minister by the holder of the expiring licence is pending for the grant of a new licence in substitution for or in continuance of the expiring licence, the expiring licence shall continue in force until such application is granted or refused.

8.—(1) The Minister may if he thinks fit, pending the determination of an application for a licence, or a negotiation for a bilateral agreement grant to the applicant a provisional licence to use in Nigeria for the carriage of passengers, mail or cargo for hire or reward such aircraft, on such scheduled journeys (being journeys of a kind to which the application relates), subject to such conditions as may be specified respectively in such provisional licence.

Power of the Minister to grant a provisional licence.

(2) Any provisional licence so granted shall remain in force until the application is determined but on such determination shall come to an end.

(3) Any provisional licence may if the Minister thinks fit be limited to the carriage of passengers or to the carriage of cargo.

9. The Minister shall cause to be published in the manner prescribed in the Second Schedule to these Regulations such particulars of his decisions on applications for licences and of his decisions to revoke or suspend a licence as are prescribed in the said Second Schedule.

Publication of the decisions of the Minister.

10.—(1) Subject to the provisions of this Regulation, the Minister may revoke or suspend a licence if :—

Revocation or suspension of licence.

(a) the holder of the licence has, since the licence was granted, been convicted of an offence against Regulation 4 or 13 or

(b) where the holder of the licence is a body corporate, any officer of that body corporate, has, since the licence was granted, been convicted, in his capacity as such officer, of an offence against Regulation 4 or 13 or

(c) any condition subject to which the licence was granted has not been complied with.

(2) If the Minister proposes to revoke or suspend any licence on the ground specified in sub-paragraph (c) of paragraph (1) of this Regulation—

(a) the Minister shall first give written notice to the holder of the licence specifying the conditions which it is alleged have not been complied with, and the occasions on which and the respects in which it is alleged that the same were not complied with

(b) the Minister shall not proceed to revoke or suspend the licence until after the expiration of 28 days from the date of such notice.

(c) the Minister shall not in any event revoke or suspend the licence unless he is satisfied, after holding an enquiry if the holder of the licence within 7 days after the date of the aforesaid notice by written notice requires the Minister to hold such enquiry, that, by reason of the number of occasions on which such conditions or any of them have not been complied with or the circumstance that any non-compliance with any such condition was wilful, the licence ought to be revoked or suspended.

(3) The expression "officer" in this regulation means a Director, General Manager, Secretary or other similar Officer, and includes any person who purports to act in any such capacity.

Surrender
of licence.

11. A licence may at any time be surrendered by the holder to the Minister for cancellation. If, during the currency of a licence, the holder applies to the Minister for a new licence in substitution for the current licence, he shall, if a new licence is granted, surrender the current licence for cancellation on the date from which the new licence is expressed to take effect.

PART III

PERMITS FOR FLIGHTS OTHER THAN SCHEDULED JOURNEYS

Application
of Part III.

12. This Part shall not apply to the carriage of passengers, mail or cargo by air for hire or reward on scheduled journeys.

Restriction
or the opera-
tion of air-
craft without
permit.

13.—(1) Subject to the provisions of these regulations, it shall not be lawful for any person to use in Nigeria any aircraft for the provision of any air service except under, and in accordance with the conditions of, a permit, or a provisional permit.

(2) Any person who uses any aircraft in contravention of the provisions of this Regulation shall be liable on conviction in the case of a first offence to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment, and in the case of a second or subsequent offence to a fine not exceeding two thousand pounds or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

(3) Nothing in this Regulation shall affect the right of any person to use in Nigeria an aircraft registered in a State (other than Nigeria) which is for the time being a party to the Convention on Civil Aviation signed at Chicago on the 7th December, 1944, for the sole purpose of the carriage of passengers none of whom are taken on or discharged from the aircraft in Nigeria, or the carriage of cargo or mail none of which is taken on or discharged from the aircraft in Nigeria—.

Power of the
Minister to
grant a
permit.

14.—(1) The Minister may grant to any person applying therefor a permit to use in Nigeria such aircraft for the provision of such air services (other than services such as are referred to in paragraph (1) of Regulation 4), for such period and on such conditions as may be specified respectively in the permit.

(2) The Minister may if he thinks fit, pending the determination of an application for a permit, grant to the applicant a provisional permit to use in Nigeria such aircraft, for the provision of such air services (being services of a kind to which the application relates and in respect of which a permit can be granted under paragraph (1) of this Regulation), subject to such conditions as may be specified respectively in the provisional permit; and any provisional permit so granted shall remain in force until the application is determined but on such determination shall come to an end.

Application
of the Third
Schedule.

15. The provisions set out in the Third Schedule to these Regulations shall have effect in relation to application for permits.

Revocation
or suspen-
sion of
permit.

16.—(1) The Minister may revoke or suspend any permit if:—

(a) the holder of the permit has, since the permit was granted, been convicted of an offence against Regulation 4 or 13; or

(b) where the holder of the permit is a body corporate, any officer of that body corporate has, since the permit was granted, been convicted, in his capacity as such officer, of an offence against Regulation 4 or 13; or

(c) the holder of the permit has failed to comply with any condition subject to which the permit was granted.

(2) The expression "officer" in this regulation means a Director, General Manager, Secretary or other similar officer and includes any person who purports to act in any such capacity.

PART IV

GENERAL PROVISIONS

17. It shall be a condition of every licence or permit that the requirements of any law or instrument having the force of law, for the time being in force in Nigeria, relating to air navigation or air transport shall be complied with at all times during the currency of the licence or permit in connection with all journeys made under the licence or permit.

Conditions
of licences
or permits.

18. A licence or permit shall not be capable of being transferred or assigned provided that in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence or permit, or of the appointment of a receiver or manager or trustee in relation to the business of the holder of a licence or permit, the person for the time being carrying on that business shall, if within fourteen days of his commencing so to do he makes application to the Minister for a new licence or permit in respect of the services authorised by the existing licence or permit, be entitled to provide the air services authorised by the existing licence or permit subject to the conditions thereof, until the application is determined.

Licence or
permit not
transferrable.

19.—(1) Subject to the provisions of this Regulation the Minister shall cause to be published in the *Gazette* a notice giving such particulars of any application for a licence or permit received by him as he may consider necessary, and specifying a date, not less than 28 days after the publication of the notice, by which any representations or objections may be made to the Minister, in the manner provided by Regulation 20, with respect to the application by any interested person and the Minister shall not proceed to determine any application until after the date so specified in relation thereto.

Publications
of applica-
tions.

(2) If an application is made to the Minister for a licence or permit to remain in force for a period not exceeding 30 days and it appears to the Minister that it is in the public interest that such application should be determined with expedition the Minister may proceed to determine the application notwithstanding that paragraph (1) of this Regulation has not been complied with; and in any such case the provisions of the said paragraph (1) shall not apply in relation to such application.

20.—(1) Every representation or objection with regard to an application for a licence or a permit shall be in writing and must be signed by the objector, or, if the representation or objection is made by any corporate body it shall be signed by any person duly authorised in that behalf by such body.

Objections.

(2) Every representation or objection shall state the specific grounds on which it is based and shall specify any conditions which it is desired should be attached to the licence or permit if granted.

21. The Minister shall, in determining any application for a licence or a permit, have regard generally to the desirability of co-ordinating and developing air services with the object of ensuring the most effective service to the public while avoiding uneconomic overlapping of services and to the interests of the public, including those of persons requiring or likely to require air services as well as those of persons providing such services, and shall in particular have regard to such of the following matters as may be appropriate having regard to the nature of the application :—

Matters to
be con-
sidered
before grant
of licence or
permit.

(a) the existing or potential need or demand for any air service proposed;

(b) the existence of other air services in the area in or through which the proposed services are to be operated ;

(c) the degree of efficiency and regularity of the air services, if any, already provided in that area, whether by the applicant or by other operators.

(d) the period for which such services have been operated by the applicant or by other operators.

(e) the extent to which it is probable that the applicant will be able to provide a satisfactory service in respect of safety, continuity, regularity of operation, frequency, punctuality, reasonableness of charges and general efficiency :

(f) the financial resources of the applicant :

(g) the type of aircraft proposed to be used :

(h) the remuneration and general conditions of employment of aircraft and other personnel employed by the applicant

(i) and there shall be taken into consideration any objections or representations duly made in accordance with the provisions of these Regulations, provided that the Minister shall not be required to consider any objection or representation which in his view is frivolous or vexatious.

Attachment of conditions.

22. The Minister may attach such conditions to any licence or permit as he thinks fit having regard to the nature and circumstances of the applications in respect of which the same is granted and may vary, suspend or add to any such conditions so attached from time to time by notice in writing to the holder of such licence or permit.

Holder of licence to make returns.

23. Without prejudice to the generality of Regulation 22 the conditions which may be attached to any licence or permit shall include :—

(a) conditions relating to the furnishing, by the holder of the licence or permit, to the Minister of information in respect of any air services provided under the licence or permit and relating to the time within which such particulars shall be furnished and

(b) conditions as to the fares, freight or other charges to be charged by the holder of the licence or permit in respect of any air service provided thereunder.

No rights to continuance of benefits of licence or permit.

24. Nothing in these Regulations shall confer upon the holder of a licence or permit or upon any other person any right to the continuance of any benefits arising from the provisions of these Regulations or from any licence or permit granted thereunder or from any conditions attached to any such licence or permit.

Fees payable for a licence or permit.

25.—(1) Upon the grant of any licence or permit the person to whom the same is granted shall pay to the Minister, on the day on which the licence or permit is expressed to take effect, a fee of £10-0s-0d in respect of each year or part of a year of the period for which the licence or permit is expressed to remain in force.

(2) Upon the grant of any provisional licence or provisional permit the person to whom the same is granted shall pay to the Minister on the day on which such licence or permit is expressed to take effect a fee of £2-0s-0d.

(3) No refund of any fee paid in respect of the grant of a licence or permit or a provisional licence or permit shall be made on the surrender of the licence or permit or otherwise, save where a licence or permit is surrendered

before its normal date of expiry upon the grant of a new licence or permit, in substitution for the surrendered licence or permit, authorising a service over the same route, in which case there shall be refunded the sum of £10 for each full year of the unexpired period of the licence or permit but the holder shall in addition to the normal fee for the new licence or permit pay an additional fee of £2.

26. Any reference in Regulations 17, 22, 23 or 24 to a licence or a permit shall unless the context otherwise requires be construed as including a reference to a provisional licence or a provisional permit as the case may be.

Reference to include provisional licence.

27. Where an offence against these Regulations has been committed by a body corporate, every person who, at the time of the commission of the offence was a Director, General Manager, Secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

28.—(1) The Air Transport (Licensing) Regulations, 1958, are hereby revoked.

(2) Any licence provisional licence or permit granted and any requirement, agreement, or recommendation made and any other things done under the provisions of the Air Transport (Licensing) Regulations 1958, having effect immediately prior to the coming into operation of these Regulations shall continue to have effect and shall be deemed for all purposes to have been granted, made or done under the provisions of these Regulations.

Revocation and validity of previous regulations.

FIRST SCHEDULE—(REGULATION 6)

1. Applications for licences shall be made in writing to the Minister and shall be addressed to:—

The Permanent Secretary, Ministry of Aviation, Lagos.

2. Every application for a licence shall be signed by the person applying for the licence and if made by any corporate body shall be signed by a person duly authorised in that behalf by such body.

3. Every application for a licence shall be sent to the Permanent Secretary, Ministry of Aviation so as to reach him on a date not less than eight weeks before the date on which it is desired that the licence shall take effect:

Provided that an application for a licence may, in the discretion of the Minister, be accepted and dealt with notwithstanding that this paragraph has not been complied with.

4. Application for licences shall contain the following initial particulars:—

- (a) Name and address of applicant.
- (b) Places between which passengers or goods are to be carried.
- (c) Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.
- (d) Times and frequency of the service.

- (e) Number and types of aircraft proposed to be used on the service.
 - (f) Whether the service is to carry passengers, goods or both.
 - (g) Maximum fares to be charged to passengers in respect of any journey or portion of a journey for which separate fares are charged.
 - (h) Date on which the service is to commence.
 - (i) Period for which the licence is desired.
 - (j) Particulars of any insurance policy held or proposed by the applicant to cover third party risks in respect of the proposed service.
 - (k) Particulars of other services operated by the applicant at the time of the application or immediately prior to that time.
 - (l) Particulars of working arrangements with other companies.
 - (m) Particulars of the applicant's business and an audited copy of the last published accounts.
5. On receipt of the application, the Minister shall be entitled to request the applicant to supply such further information as he may reasonably require; and the applicant shall supply the Minister with any further information so requested by him.

SECOND SCHEDULE (REGULATION 9)

PUBLICATION OF DECISIONS

Particulars of the decisions of the Minister—

- (1) on applications for licences, and
- (2) to revoke or suspend a licence shall be published, by notice in the Gazette and such notices shall contain respectively the undermentioned particulars:

(i) Application—

- (a) Name and address of applicant.
- (b) A reference to the Gazette in which notice of the application was published.
- (c) Such particulars as will enable the application to be identified.
- (d) An indication whether the licence was granted as applied for, granted with modifications (the modifications to be stated) or refused.

(ii) Revocation or suspension—

- (a) Name and address of applicant.
- (b) Such information as will enable the licence to be identified including places between which passengers or goods are to be carried.
- (c) Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.
- (d) Date from which revocation or suspension takes effect and, in the case of suspension, the period of suspension.
- (e) The grounds on which the licence is revoked or suspended.

THIRD SCHEDULE—(REGULATION 15)

APPLICATIONS FOR PERMITS FOR FLIGHTS OTHER THAN
SCHEDULED JOURNEYS

Applications for permits under Part III shall be made in writing or by telegram to the Minister and shall be addressed to :—

The Permanent Secretary, Ministry of Aviation, Lagos.

2. Applications for permits shall contain the following initial particulars :—

- (a) Name of Operator.
- (b) Type of aircraft and registration marks.
- (c) Date and time of arrival at, and departure from, the airport or airports concerned.
- (d) Place or places of embarkation or disembarkation, in the case of passengers and freight.
- (e) Purpose of flight and number of passengers and/or nature and amount of freight, where applicable.
- (f) Name, address and business of charterer, if any.

3. On receipt of the application, the Minister shall be entitled to request the applicant to supply such further information as he may reasonably require, and the applicant shall supply the Minister with any further information so requested by him.

MADE at Lagos this 28th day of October 1965.

JAJA WACHUKWU,
Minister of Aviation

FEDERATION OF NIGERIA
CIVIL AVIATION (BIRTH, DEATH AND MISSING
PERSONS) REGULATIONS 1965

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2. Interpretation.
3. Returns relating to births and deaths by owners of aircraft.
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5. Transmission of copies of entries to appropriate registrar.
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- Schedule 1—Form of notification of a birth
Schedule 2—Form of a notification of a death
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Schedule 4—Record of Deaths
Schedule 5—Record of Missing Persons.

L.N. 12 of 1965.

CIVIL AVIATION

Civil Aviation (Births, Deaths, And Missing Persons)
Regulations 1965

Commencement : 1st December, 1965

In exercise of the powers conferred on me by section 1 of the Civil Aviation Act, 1964, and of all other powers enabling me in that behalf, I hereby make the following Regulations :—

Citation and
commence-
ment.

1. These Regulations may be cited as the Civil Aviation (Births, Deaths and Missing Persons) Regulations 1965, and shall come into operation on the 1st day of December 1965.

Interpreta-
tion.

2.—(1) In these Regulations :—

“Aircraft” includes all balloons, whether captive or free, gliders airships and flying machines ; “Journey” is deemed to commence when a traveller enters an aircraft registered in Nigeria for the purpose of the journey and to continue until that traveller alights therefrom on completion of the journey, notwithstanding any intermediate stop or break in the journey ;

“Missing Persons” means persons with respect to whom there are reasonable grounds for believing that they have died in consequence of an accident occurring in or over Nigeria to an aircraft registered in Nigeria ; “traveller” in relation to an aircraft includes a member of the crew ;

“Minister” means the Minister responsible for matters relating to Civil Aviation.

(2) The Interpretation Act, 1964, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

3.—(1) The owner of an aircraft registered in Nigeria shall, as soon as is practicable but not later than 6 months after the occurrence in any part of the world of a birth or death in the aircraft or a traveller in the aircraft who is killed on the journey in consequence of an accident, transmit to the Minister a return of such birth or death in the form, in accordance with the instructions, and containing the particulars prescribed in the First Schedule to these Regulations (in the case of a birth) or the Second Schedule to these Regulations (in the case of a death). Provided that if such particulars are not known to the owner of aircraft, he shall transmit as aforesaid so many of such particulars as he is reasonably able to ascertain having regard to the circumstances of the birth or death.

Returns relating to births and deaths of owners of aircraft.

2. To facilitate the rendering of returns in accordance with this Regulation the person in command of an aircraft registered in Nigeria shall forthwith on the occurrence in any part of the world of a birth or death in the aircraft, or of the death outside Nigeria of a traveller in the aircraft who is killed on the journey in consequence of an accident, record in the journey log book, or other appropriate document relating to that aircraft, the particulars of such birth or death mentioned in paragraph 1 of this Regulation and shall make such record available to the owner as soon as practicable. Provided that if all such particulars are not known to the person in command of an aircraft and cannot be readily ascertained by him he shall record and make available as aforesaid so many of such particulars as are readily ascertainable.

(3) Where an aircraft has been bona fide demised, let or hired out for a period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, the provisions of this Regulation shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out.

4. The Minister shall keep :

Records to be kept by Minister.

(1) a separate record of births in the form set out in the Third Schedule to these Regulations in which shall be recorded the particulars transmitted to him of births occurring in or over Nigeria in aircraft registered in Nigeria ;

(2) a separate record of deaths in the form in the Fourth Schedule to these Regulations in which shall be recorded the particulars transmitted to him of deaths occurring in or over Nigeria in aircraft registered in Nigeria ; and

(3) a separate record in the form in the Fifth Schedule to these Regulations of persons reported to him as missing persons.

5. The Minister shall within seven days of the completion of an entry in any record kept in his department pursuant to the provisions of these Regulations cause a certified copy of such entry to be transmitted to the appropriate registrar.

Transmission of copies of entries to appropriate Registrar.

Determina-
tion of
appropriate
Registrar.

6. For the purpose of these Regulations, the appropriate registrar shall be ascertained as follows :—

(a) where it appears to the Minister that an entry in the record of births relates to the birth of a child the father of whom, or if the child is illegitimate, the mother of whom, was at the time of the birth usually resident in Lagos or Northern Nigeria or Western Nigeria or Mid-Western Nigeria or Eastern Nigeria a certified copy of the entry shall be sent to the Registrar of Births and Deaths in Lagos or Northern, or Western or Mid-Western or Eastern Nigeria as the case may require ;

(b) where it appears to the Minister that an entry in the record of deaths or missing persons relates to a person who, at the time of his death, or (in the case of a missing person) at the time when he was reported missing was usually resident in Lagos or Northern Nigeria or Western Nigeria or Mid-Western Nigeria or Eastern Nigeria, a certified copy of the entry shall be sent to the Registrar of Births and Deaths in Lagos or Northern or Western or Mid-Western or Eastern Nigeria as the case may require ;

(c) In every other case a certified copy of an entry in the record of birth, deaths, or missing persons shall be sent to whichever Registrar may be thought appropriate.

Saving for
father of
illegitimate
child.

7. In the case of the birth of an illegitimate child, the name of any person as father of such child shall not be entered in any return or record of particulars of the birth of such child unless the mother of the child and the person acknowledging himself to be the father of the child shall have signed a completed form of return as informants.

Rectification
of error.

8.—(1) If the Minister is satisfied that there is an error or omission in any entry made in the record of births, deaths or missing persons kept by him pursuant to Regulation 4 of these Regulations, he may, in accordance with evidence of the true facts relating to the entry, rectify it in such manner as may appear to him appropriate.

(2) Within seven days after the correction of any entry in his records in accordance with this Regulation the Minister shall cause a certified copy of such corrected entry to be transmitted to the appropriate Registrar.

SCHEDULE 1

(FORM OF NOTIFICATION OF A BIRTH)

1. Registration and marking of aircraft.....
2. Date of birth (a).....
3. Place of Birth (b).....
4. Sex (c).....
5. Name (d).....
6. Name, surname and nationality or country of father (e).....
7. Maiden Name and nationality or country of mother.....
8. Date and place of marriage of parents.....
9. Rank or occupation and addresses of father (or, in default, of mother) (e).....

10. Name, description and address of informant (if any) (f).....
 11. Signature of informant (s).....
 Signature and rank of persons completing the return.....
 Date.....

NOTES :—

- (a) Day and month in words, year in figures
 (b) Approximate position, e.g. "40 miles west of Kaduna"
 (c) "Boy" or "girl" as the case may be.
 (d) Full Christian names of child
 (e) Christian names in full and followed by surname; surname to be written in block letters. If child is illegitimate (*see* (8) above) the particulars relating to the father must not be recorded in the return unless at the joint request of the mother and of the person acknowledging himself to be the father of the child in which case such person shall, as well as the mother, sign a completed form of return as informant.
 (f) The informant's full names, relationship (if any) to the child, and full postal address should be stated. Except in the circumstances mentioned at (e) above only one person (usually the mother or father) should act as informant.

SCHEDULE 2

FORM OF NOTIFICATION OF A DEATH

1. Registration and marking of aircraft.....
 2. Date of death (a).....
 3. Place of death (b).....
 4. Names and surname (c).....
 5. Sex (d).....
 6. Age (e).....
 7. Rank or occupation (f).....
 8. Nationality or country.....
 9. Address or abode (g).....
 10. Cause of death.....
 11. Name of certifying Medical Practitioner (if any).....

12. Duration of illness.....
13. Place of burial
14. Signature, description and address of informant (h).....
15. Date of registration
16. Signature and rank of person completing the form.....

Date.....

NOTES :—

- (a) Day and month in words, year in figures.
- (b) Actual position, if known, Otherwise approximate position, e.g. "40 miles west of Kaduna"
- (c) Christian names in full, followed by surname. Surname to be written in block letters.
- (d) "Male" or "Female".
- (e) To be recorded in complete years, or in months or days.
- (f) *Women and children*

In the case of a married woman or a widow, the words, "wife of" or "widow of" shall be entered, followed by the name, rank or occupation, and nationality of the husband.

In the case of unmarried woman, there shall be inserted (i) the word "spinster" followed by her profession or occupation (if any), rank or title (if any), and her nationality, and (ii) the words "daughter of" followed by the name, profession, etc., of her father.

In the case of children under the age of sixteen years the words "son of" or "daughter of" shall be followed by the name, profession, etc., of the father.

- (g) The full postal address should be stated.
- (h) The informant's full names, relationship (if any) to deceased, and full postal address should be stated.

SCHEDULE 3

RECORD OF BIRTHS IN AIRCRAFT REGISTERED IN NIGERIA

19.

(1) Registration marking of aircraft

(2) Date of Birth

(3) Place of Birth

(4) Sex of Child

(5) Name (if any)

(6) Name and nationality or country of Father

(7) Maiden name and nationality or country
of Mother(8) Rank or occupation and addresses of Father
(or in default, of Mother)

(9) Name, description and address of informant

(10) Date of Registration

(11) Signature of Minister

(12) Name if added after registration of birth

SCHEDULE 4

RECORD OF DEATH IN AIRCRAFT REGISTERED IN NIGERIA

19.

(1) Registration marking of aircraft

(2) Date of Death

(3) Place of death

(4) Full Name

(5) Sex

(6) Age

(7) Rank or occupation

(8) Nationality or Country

(9) Abode

(10) Cause of death

(11) Name of certifying Medical Practitioner (if any)

(12) Duration of illness

(13) Name description and adress of informant

(14) Date of registration

(15) Signature of Minister

SCHEDULE 5

19

PERSONS MISSING AND BELIEVED TO HAVE DIED IN CONSEQUENCE
OF ACCIDENTS TO AIRCRAFT REGISTERED IN NIGERIA

(1) Registration marking of aircraft

(2) Full name of missing person

(3) Sex

(4) Age

(5) Rank or occupation

(6) Nationality or country

(7) Address

(8) Date and place of accident and grounds for
presumption of death

(9) Name, description and address of informant

(10) Date of Registration

(11) Signature of Minister

MADE at Lagos, this 28th day of October, 1965.

JAJA WACHUKWU,
Minister of Aviation

FEDERATION OF NIGERIA

CIVIL AVIATION RULES OF THE AIR AND AIR TRAFFIC CONTROL 1965

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L.N. 13 of 1965

CIVIL AVIATION RULES OF THE AIR AND AIR TRAFFIC CONTROL 1965

(Commencement : 1st December 1965)

In exercise of the powers conferred on me by paragraph (1) of Regulation 56 of the Civil Aviation (Air Navigation) Regulations 1965, and of all other powers enabling me in that behalf, I hereby make the following Rules :—

1. These Rules may be cited as the Civil Aviation Rules of the Air and Air Traffic Control 1965 and shall come into operation on the 1st day of December 1965.

PART I—INTERPRETATION

2. (1) In these Rules, unless the context otherwise requires—“Aerodrome traffic zone” in relation to any aerodrome means the airspace extending from the aerodrome to a height of 2,000 feet above the level of the aerodrome and within a distance of 3,000 yards of its boundaries, except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of these Rules as being the controlling aerodrome.

“Air traffic control clearance” means authorisation by an air traffic control unit for an aircraft to proceed under conditions specified by that unit.

“Anti-collision light” means a flashing red light showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft.

“Cloud ceiling” in relation to an aerodrome means the distance measured vertically from the notified elevation of that aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one half of the sky so visible.

“Flight visibility” means the visibility forward from the flight deck of an aircraft in flight.

“Ground visibility” means the horizontal visibility at ground level.

“IFR flight” means a flight conducted in accordance with the Instrument flight Rules of Part VI of these Rules.

“Instrument meteorological Conditions” means weather precluding flight in compliance with the Visual Flight Rules.

“Manoeuvring area” means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding any parts of the aerodrome set aside for the embarkation and disembarkation of passengers, the loading and unloading of cargo, or the maintenance or parking of aircraft.

“Night” means the time between sunset and sunrise, sunset and sunrise being determined at surface level.

“Air Navigation Regulations” means the Civil Aviation (Air Navigation) Regulations 1965.

“Runway” means an area, whether or not paved, which is provided for the take-off or landing of aircraft.

“VFR Flight” means a flight conducted in accordance with the Visual Flight Rules of Part V of these Rules.

“Visual Meteorological Conditions” means weather permitting flight in accordance with the Visual Flight Rules.

(2) Subject to the provisions of paragraph (1) of this Rule expressions used in these Rules shall, unless the context otherwise requires, have the same respective meanings as in the Air Navigation Regulations.

(3) The interpretation Act 1964, applies for the purpose of the interpretation of these Rules as it applies for the purpose of the interpretation of an Act of Parliament.

PART II—GENERAL

Application of Rules to aircraft

3. These Rules, in so far as they are applicable in relation to aircraft, shall, subject to the provisions of Rule 31 of these Rules, apply in relation to:—

(a) all aircraft within Nigeria; and

(b) all aircraft registered in Nigeria, wherever they may be.

Misuse of Signals and Markings

4.—(1) A signal or marking to which a meaning is given by these Rules or which is required by these Rules to be used in circumstances or for a purpose therein specified, shall not be used except with that meaning, or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing shall not make any signal which may be confused with a signal specified in these Rules, and, except with lawful authority, shall not make any signal which he knows or ought reasonably to know to be a signal in use for signalling to or from any naval, military or air force aircraft.

Reporting hazardous conditions

5. The commander of an aircraft shall, on meeting with hazardous conditions in the course of a flight, or as soon as possible thereafter, send to the appropriate air traffic control unit by the quickest means available information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

Low Flying

6.—(1) Subject to the provisions of paragraphs (2) and (3) of this Rule:—

(a) An aircraft other than a helicopter shall not fly over any congested area of a city, town or settlement below:

(i) such height as would enable the aircraft to alight clear of the area and without danger to persons or property on the surface, in the event of failure of a power unit; or

(ii) a height of 1,500 feet above the highest fixed object within 2,000 feet of the aircraft, whichever is the higher.

(b) A helicopter shall not fly below such height as would enable it to alight without danger to persons or property on the surface, in the event of failure of a power unit.

(c) Except with the permission in writing of the Minister and in accordance with any conditions therein specified a helicopter shall not fly over a congested area of a city, town or settlement below a height of 1,500 feet above the highest fixed object within 2,000 feet of the helicopter.

(d) An aircraft shall not fly :—

(i) over, or within 1,000 yards of, any assembly in the open air of more than 1,000 persons assembled for the purpose of witnessing or participating in any organised event, except with the permission in writing of the Minister and in accordance with any conditions therein specified and with the consent in writing of the organisers of the event ;

or

(ii) below such height as would enable it to alight clear of the assembly in the event of the failure of a power unit ;

Provided that where a person is charged with an offence under the Air Navigation Regulations by reason of a contravention of this sub-paragraph it shall be a good defence to prove that the flight of the aircraft over, or within 1,000 yards of, the assembly was made at a reasonable height and for a reason not connected with the assembly or with the event which was the occasion for the assembly.

(e) An aircraft shall not fly closer than 500 feet to any person vessel, vehicle, or structure.

(2) (a) the alternatives in paragraphs (1) (a) (ii) and (1) (c) of this Rule shall not apply to an aircraft flying—

(i) on a route notified for the purposes of this Rule, or

(ii) on a special VFR flight as defined in Rule 24 of these Rules in accordance with instructions given for the purposes of that Rule by the appropriate air traffic control unit.

(b) Paragraphs (1) (d) and (e) of this Rule shall not apply to an aircraft in the service of the Nigerian Police Force.

(c) Paragraphs (1) (d) and (e) of this Rule shall not apply to the flight of an aircraft over or within 1,000 yards of an assembly of persons gathered for the purpose of witnessing an event which consists wholly or principally of an aircraft race or contest or an exhibition of flying, if the aircraft is taking part in such race, contest, or exhibition or is engaged in a flight arranged by or made with the consent in writing of, the organisers of the event.

(d) Paragraph (1) (e) of this Rule shall not apply to :—

(i) any aircraft while it is landing or taking off in accordance with normal aviation practice.

(ii) any glider while it is hill-soaring.

(3) Nothing in this Rule shall prohibit any aircraft from :—

(a) taking off, landing or practising approaches to landing, or

(b) flying for the purpose of checking navigational aids or procedures in accordance with normal aviation practice at a Government or licensed aerodrome in Nigeria or at any aerodrome in any other State, or

(c) flying in such a manner as may be necessary for the purpose of saving life

Provided that in the case of practising approaches to landing as aforesaid such practising is confined to the airspace customarily used by aircraft when landing or taking off in accordance with normal aviation practice at the aerodrome concerned.

(4) Nothing in this Rule shall apply to any captive balloon or kite.

Simulated instrument flight

7. An aircraft shall not be flown in simulated instrument flight conditions unless :—

- (a) the aircraft is fitted with dual controls which are functioning properly ;
- (b) an additional pilot (in this Rule called "a safety pilot") is carried in a second control seat of the Aircraft for the purpose of rendering such assistance as may be necessary to the pilot flying the aircraft ;
- (c) if the safety pilot's field of vision is not adequate both forward and to each side of the aircraft, a third person, being a competent observer, occupies a position in the aircraft from which his field of vision makes good the deficiencies in that of the safety pilot, and from which he can readily communicate with the safety pilot.

For the purposes of this Rule the expression "simulated instrument flight" means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft.

Practice Instrument Approaches

8. Within Nigeria an aircraft shall not carry out instrument approach practice when flying in visual Meteorological Conditions unless :—

- (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice ; and
- (b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

PART III—LIGHTS AND OTHER SIGNALS TO BE SHOWN BY AIRCRAFT

9.—(1) For the purposes of this Section of these Rules the horizontal plane of a light shown by an aircraft means the plane which would be the horizontal plane passing through the source of that light, if the aircraft were in level flight.

(2) Where by reason of the physical construction of an aircraft it is necessary to fit more than one lamp in order to show a light required by this section of these Rules, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one such lamp is visible from any one point outside that aircraft.

(3) Where in these Rules a light is required to show through specified angles in the horizontal plane, the lamps giving such light shall be so constructed and fitted that the light is visible from any point in any vertical plane within those angles throughout angles of 90° above and below the horizontal plane, but, so far as is reasonably practicable, through no greater angle, either in the horizontal plane or the vertical plane.

(4) Where in these Rules a light is required to show in all directions, the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

Display of Lights of Aircraft

10.—(1) By night an aircraft shall display such of the lights specified in these Rules as may be appropriate to the circumstances of the case, and shall not display any other lights which might obscure or otherwise impair the visibility of, or be mistaken for, such lights: Provided that nothing in this paragraph shall prevent the display of an anti-collision light.

(2) A flying machine on a land aerodrome in Nigeria at which aircraft normally land or take off at night shall, unless it is stationary on a part of the aerodrome set aside for the embarkation or disembarkation of passengers, the loading or unloading of cargo or the maintenance or parking of aircraft, display by night the lights which it would be required to display if it were flying, or the lights specified in Rule 12 (2) (a) or 12 (2) (c) of these Rules.

Failure of Navigation Lights

11. In Nigeria, in the event of the failure of any light which is required by these Rules to be displayed in flight, if the light cannot be immediately repaired or replaced the aircraft shall land as soon as in the opinion of the commander of the aircraft it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight.

Flying Machines

12.—(1) A flying machine when flying at nights shall display lights as follows:—

(a) in the case of a flying machine registered in Nigeria having a maximum total weight authorised of more than 12,500 lb—

(i) if it was first registered in any country before 1st July 1963, it shall display—before 1st July 1965, either the system of lights specified in paragraph 2 (b) of this Rule or that specified in paragraph (2) (d), excluding sub-paragraph (ii);

After 30th June 1965, the system of lights specified in paragraph (2) (b);

(ii) if it was first registered in any country on or after 1st July 1963, the system of lights specified in paragraph (2) (b) of this Rule;

(b) in the case of a flying machine registered in Nigeria having a maximum total weight authorised of 12,500 lb or less, any one of the following systems of lights—

that specified in paragraph (2) (a) of this Rule; or

that specified in paragraph (2) (b); or

that specified in paragraph (2) (d), excluding sub-paragraph (ii);

(c) in the case of any other flying machine one of the systems of lights specified in paragraph (2) of this Rule

(2) The systems of lights referred to in paragraph (1) of this Rule are as follows:—

(a) (i) a green light of at least five candles showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;

(ii) a red light of at least five candles showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and

(iii) a white light of at least three candles showing through angles 70° from dead astern to each side in the horizontal plane, all being steady lights.

(b) (i) lights specified in sub-paragraph (a) of this paragraph; and

(ii) an anti-collision light;

(c) the lights specified in sub-paragraph (a) of this paragraph, but all being flashing lights flashing together ;

(d) the lights specified in sub-paragraph (a) of this paragraph, but all being flashing lights flashing together in alternation with one or both of the following :—

(i) a flashing white light of at least twenty candles showing in all directions ;

(ii) a flashing red light of at least twenty candles showing through angles of 70° from dead astern to each side in the horizontal plane.

(3) If the lamp showing either the red or the green light specified in paragraph (2) (a) of this Rule is fitted more than 6 feet from the wing tip, a lamp may, notwithstanding the provisions of Rule 9 (1) of these Rules, be fitted at the wing tip to indicate its position, showing a steady light of the same colour through the same angle :

Gliders

13. A glider while flying at night shall display either a steady red light of at least five candles, showing in all directions, or lights in accordance with paragraphs (2) and (3) of Rule 12 of these Rules.

Free Balloons

14. A free balloon while flying at night shall display a steady red light of at least five candles, showing in all directions, suspended not less than fifteen feet and not more than thirty feet below the basket, or if there is no basket, below the lowest part of the balloon.

Captive Ballons and Kites

15.—(1) A captive balloon or kite while flying at night at a height exceeding 200 feet above the surface shall display lights as follows :—

(a) a group of two steady lights consisting of a white light placed twelve feet above a red light, both being of at least five candles and showing in all directions, the white light being placed not less than fifteen feet or more than thirty feet below the basket, or, if there is no basket, below the lowest part of the balloon or kite ;

(b) on the mooring cable, at intervals of not more than 1,000 feet measured from the group of lights referred to in sub-paragraph (a) of this paragraph, groups of two lights of the colour and power and in the relative positions specified in that sub-paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base ;

(c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measures at least 80 feet ;

one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights ; the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(2) A captive balloon while flying by day at a height exceeding 200 feet above the surface shall have attached to its mooring cable at intervals of not more than 600 feet measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than sixteen inches in diameter and six feet in length, and marked with alternate bands of red and white twenty inches wide.

(3) A kite flown in the circumstances referred to in paragraph (2) of this Rule, shall have attached to its mooring cable either :—

- (a) tubular streamers as specified in paragraph (2) of this Rule, or
- (b) at intervals of not more than 300 feet measured from the lowest part of the kite, streamers of not less than thirty-two inches long and one foot wide at their widest part and marked with alternate bands of red and white four inches wide.

Airships

16.—(1) Except as provided in paragraph (2) of this Rule, an airship while flying at night shall display the following steady lights :—

- (a) a white light of at least five candles showing through angles of 110° from dead ahead to each side in the horizontal plane ;
- (b) a green light of at least five candles showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane ;
- (c) a red light of at least five candles showing to the port side through an angle of 110° from dead ahead in the horizontal plane ; and
- (d) a white light of at least five candles showing through angles of 70° from dead astern to each side in the horizontal plane.

(2) An airship while flying at night shall display, if it is not under command, or has voluntarily stopped its engines, or is being towed, the following steady lights :—

(a) the white lights referred to in sub-paragraphs (a) and (d) of paragraph (1) of this Rule :

(b) two red lights, each of at least five candles and showing in all directions suspended below the control car so that one is at least twelve feet above the other and at least twenty-five feet below the control car ; and

(c) if the airship is making way but not otherwise, the green and red lights referred to in sub-paragraphs (b) and (c) of paragraph (1) of this Rule ;

Provided that an airship while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in paragraph (1) of this Rule.

(3) An airship, while moored within Nigeria by night, shall display the following lights :—

(a) when moored to a mooring mast, at or near the rear a white light of at least five candles showing in all directions ;

(b) when moored otherwise than to a mooring mast :—

(i) a white light of at least five candles showing through angles of 110° from dead ahead to each side in the horizontal plane ;

(ii) a white light of at least five candles showing through angles of 70° from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has voluntarily stopped its engines, or is being towed, shall display two black balls suspended below the control car so that one is at least twelve feet above the other and at least twenty-five feet below the control car.

(5) For the purpose of this Rule :—

(a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Rules ;

(b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

PART IV—GENERAL FLIGHT RULES

Weather reports and forecasts

17.—(1) Immediately before an aircraft flies the commander of the aircraft shall examine the current reports and forecasts of the weather conditions on the proposed flight path, being reports and forecasts which it is reasonably practicable for him to obtain, in order to determine whether Instrument meteorological conditions prevail or are likely to prevail during any part of the flight.

(2) An aircraft which is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome within a control zone if the information which it is reasonably practicable for the commander of the aircraft to obtain indicates that it will arrive at that aerodrome when the ground visibility is less than five nautical miles or the cloud ceiling is less than 1,500 feet, unless the commander of the aircraft has obtained from an air traffic control unit at that aerodrome permission to enter the aerodrome traffic zone.

Rules for avoiding aerial collisions

18.—(1) *General.*—(a) Notwithstanding that the flight is being made with air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft.

(b) An aircraft shall not be flown in such proximity to other aircraft as to create danger of collision.

(c) Aircraft shall not fly in formation unless the commanders of the aircraft have agreed to do so.

(d) An aircraft which is obliged by these Rules to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing ahead of it, unless passing well clear of it.

(e) An aircraft which has the right-of-way under this Rule shall maintain its course and speed.

(f) For the purposes of this Rule a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the commander of the towing flying machine.

(2) *Converging.*—(a) Subject to the provisions of paragraphs (3) and (4) of this Rule, an aircraft in the air shall give way to other converging aircraft as follows :—

(i) flying machines shall give way to airships, gliders and balloons ;

(ii) airships shall give way to gliders and balloons ;

(iii) gliders shall give way to balloons.

(b) Subject to the provisions of sub-paragraph (a) of this paragraph, when two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way.

Provided that mechanically driven aircraft shall give way to aircraft which are towing other aircraft or objects.

(3) *Approaching Head-on.*—When two aircraft are approaching head-on or approximately so in the air and there is danger of collision, each shall alter its course to the right.

(4) *Overtaking.*—An aircraft which is being overtaken in the air shall have the right-of-way and the over-taking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right, and shall not cease to keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft.

Provided that a glider overtaking another glider in Nigeria may alter its course to the right or to the left.

(5) *Landing.*—An aircraft while landing or on final approach to land shall have the right-of-way over other aircraft in flight or on the ground or water.

(6) *Two or more aircraft landing.*—In the case of two or more flying machines or gliders approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way, but it shall not cut in front of another aircraft which is on final approach to land or overtake that aircraft :

Provided that :—

(a) when an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order, and

(b) when the commander of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft, and at night, notwithstanding that he may have received permission to land, shall not attempt to land until he has received further permission to do so.

Aerobatic Manoeuvres

19. An aircraft shall not carry out any aerobatic manoeuvre—

(a) over the congested area of any city, town or settlement ; or

(b) within controlled airspace with the consent of the appropriate air traffic control unit.

Right-hand Traffic Rule

20. An aircraft which is flying within Nigeria in sight of the ground and following a road, railway, canal or coastline, or any other line of landmarks, shall keep such line of landmarks on its left.

Notification of Arrival

21. —(1) The commander of an aircraft entering or leaving Nigeria on any flight for which a flight plan has been submitted shall take all reasonable steps to ensure upon landing that notice of the arrival of the aircraft is given to the aerodrome of departure.

(2) The commander of an aircraft who has caused notice of its intended arrival at any aerodrome to be given to the air traffic control unit or other authority at that aerodrome shall ensure that the air traffic control unit or other authority at that aerodrome is informed as quickly as possible of any change of intended destination and any estimated delay in arrival of 45 minutes or more.

Flight in Notified Airspace

22. In relation to Flight in Visual Meteorological Conditions in controlled airspace notified for the purposes of this Rule, the commander of an aircraft shall comply with Rules 28, 29, and 30 of these Rules as if the flights were IFR flights :

Provided that the commander of the aircraft shall not elect to continue the flight in compliance with the Visual Flight Rules for the purposes of paragraph (3) of Rule 28.

Choice of VFR or IFR

23. Subject to the provisions of Rule 21 of these Rules an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules :

Provided that in Nigeria an aircraft flying at night shall be flown in accordance with the Instrument Flight Rules, or, in a control zone, in accordance with the Instrument Flight Rules or the provisions of the proviso to paragraph (b) of Rule 24 of these Rules.

PART V.—VISUAL FLIGHT RULES

24. The Visual Flight Rules shall be as follows :—

(a) Outside controlled airspace

An aircraft flying outside controlled airspace shall remain at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least three nautical miles :

Provided that at or below 3,000 feet above mean sea level this paragraph shall be deemed to be complied with if the aircraft is flown clear of cloud and in sight of the surface.

(b) Within controlled airspace

An aircraft flying within controlled airspace shall remain at least one nautical mile horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least three nautical miles :

Provided that in a control zone, in the case of a special VFR flight, the aircraft shall be flown in accordance with any instructions given by the appropriate air traffic control unit.

For the purpose of this Rule 'special VFR flight' means a flight made in Instrument Meteorological Conditions or at night or in controlled air space notified for the purposes of Rule 21 of these Rules, in respect of which the appropriate air traffic control unit has given permission for the flight to be made in accordance with special instructions given by that unit instead of in accordance with the Instrument Flight Rules.

PART VI—INSTRUMENT FLIGHT RULES

25. The Instrument Flight Rules shall be as follows :—

(a) Outside controlled airspace

In relation to flights outside controlled airspace Rules 26 and 27 of these Rules shall apply.

(b) Within controlled airspace

In relation to flights within controlled airspace Rules 26, 28, 29 and 30 of these Rules shall apply.

Minimum Height

26. Without prejudice to the provisions of Rule 6 of these Rules, in order to comply with the Instrument Flight Rules an aircraft shall not fly at a height of less than 1,000 feet above the highest obstacle within a distance of five nautical miles of the aircraft unless flying on a route notified for the purposes of this Rule or otherwise authorised by the competent authority or unless it is necessary to do so in order to take off or land.

Quarrant Rule

27. In order to comply with the Instrument Flight Rules an aircraft when in level flight above 3,000 feet above mean sea level outside controlled airspace shall be flown at a level appropriate to its magnetic track, in accordance with the appropriate table set forth in this Rule. The level of flight shall be measured by an altimeter set according to the system notified, or in the case of flight over a country other than Nigeria, otherwise published by the competent authority, in relation to the area over which the aircraft is flying.

Provided that on aircraft may be flown at a level other than the level required by this Rule if it is flying in conformity with instructions given by an air traffic control unit or in accordance with holding procedures notified in relation to an aerodrome.

TABLE I—FLIGHTS AT LEVELS BELOW 29,000 FEET

<i>Magnetic track</i>	<i>Cruising Level</i>
Less than 90°	Odd thousands of feet
90° but less than 180°	Odd thousands of feet + 500 feet
180° but less than 270°	Even thousands of feet
270° but less than 360°	Even thousands of feet + 500 ft.

TABLE II—FLIGHTS AT LEVELS OF 29,000 FEET AND ABOVE

<i>Magnetic track</i>	<i>Cruising Level</i>
Less than 90°	29,000 feet or higher levels at intervals of 4,000 feet
90° but less than 180°	30,000 feet or higher levels at intervals of 4,000 feet
180° but less than 270°	31,000 feet or higher levels at intervals of 4,000 feet
270° but less than 360°	32,000 feet or higher levels at intervals of 4,000 feet.

Flight Plan and Air Traffic Control Clearance

28. (1) In order to comply with the Instrument Flight Rules, before an aircraft either takes off from a point within any controlled airspace or enters any controlled airspace the commander of the aircraft shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance based on such flight plan.

(2) The flight plan shall contain such particulars of the intended flight as may be necessary to enable the air traffic control unit to issue an air traffic control clearance, or for search and rescue purposes.

(3) The commander of the aircraft shall fly in conformity with the air traffic control clearance issued for the flight as amended by any further instructions given by an air traffic control unit, and with the holding and instrument approach procedures, notified in relation to the aerodrome of destination, unless :—

(a) he is able to fly in uninterrupted Visual Meteorological conditions for so long as he remains in controlled airspace, and

(b) he has informed the appropriate air traffic control unit of his intention to continue the flight in compliance with Visual Flight Rules and has requested that unit to cancel his flight plan :

Provided that if an emergency arises which requires an immediate deviation from air traffic control clearance, the commander of the aircraft shall, as soon as possible, inform the appropriate air traffic control unit of the deviation.

(4) The commander of the aircraft after it has flown in controlled airspace shall, unless he has requested the appropriate air traffic control unit to cancel his flight plan, forthwith inform that unit when the aircraft lands within or leaves the controlled airspace.

Position Reports

29. In order to comply with the Instrument Flight Rules the commander of an aircraft in IFR flight who flies in or is intending to enter controlled airspace shall report to the appropriate air traffic control unit the time, and the position and altitude of the aircraft at such reporting points or at such intervals of time as may be notified for this purpose or as may be directed by the air traffic control unit.

Communication Failure

30. In order to comply with the Instrument Flight Rules the commander of an aircraft flying in controlled airspace who is unable to establish or maintain two-way communication with the appropriate air traffic control unit shall :—

(a) continue to flying to his destination, if it is possible to do so by flying only in conditions not inferior to those specified in paragraph (b) of Rule 24 of these Rules, or

(b) if he has received and acknowledged an air traffic control clearance to fly to his destination or to enter the controlled airspace in which it lies, and sufficient navigational assistance is obtainable to enable him to comply with such clearance,

(i) continue to fly in compliance with the current flight plan to the holding point at the aerodrome of destination, maintaining the last acknowledged cruising levels for the portion of the route for which levels have been specified in the clearance, and thereafter the cruising levels shown in the flight plan :

(ii) arrange the flight to arrive over the holding point as closely as possible to the last acknowledged estimated time of arrival.

(iii) begin to descend over the holding point at the last acknowledged expected approach time, or, if no such expected approach time has been acknowledged, the last acknowledged estimated time of arrival

(iv) land within 30 minutes of the time at which the descent should have been started ; or

(c) if he is unable to comply with the provisions of paragraph (a) or (b) of this Rule, leave or avoid controlled airspace either :—

(i) fly to an area in which flight may be continued in Visual Meteorological Conditions, and land at an aerodrome there, or

(ii) select a suitable area in which to descend through cloud, and land at an aerodrome there.

PART VII.—AERODROME TRAFFIC RULES

Application of Aerodrome Traffic Rules

31. The Rules in this Section of these Rules which are expressed to apply to flying machines shall also be observed, so far as is practicable, in relation to all other aircraft.

Visual Signals

32. The commander of a flying machine on, or in the traffic zone of, an aerodrome shall observe such visual signals as may be displayed at, or directed to him from, the aerodrome by the authority of the person in charge of the aerodrome and shall obey any instructions which may be given to him by means of such signals.

Provided that he shall not be required to obey the signals referred to in Rule 45 of these Rules (Marshalling Signals) if in his opinion it is inadvisable to do so in the interests of safety.

Access to and movement on the Manoeuvring Area and other parts of the Aerodrome used by Aircraft

33.—(1) A person or vehicle shall not go on to any part of an aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome without the permission of the person in charge of the aerodrome, and except in accordance with any conditions subject to which that permission may have been granted.

(2) A vehicle shall not move on the manoeuvring area of an aerodrome having an air traffic control unit without the permission of that unit, and except in accordance with any conditions subject to which that permission may have been granted.

(3) Any permission granted for the purposes of this Rule may be granted either in respect of persons or vehicles generally, or in respect of any particular person or vehicle or any class of person or vehicle.

Right of Way on the ground

34.—(1) This Rule shall apply to :—

(a) flying machines ; and

(b) vehicles

on any part of a land aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome.

(2) Notwithstanding any air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any vehicle.

(3) (a) Flying machines and vehicles shall give way to aircraft which are taking off or landing.

(b) Vehicles, and flying machines which are not taking off or landing, shall give way to vehicles towing aircraft.

(c) Vehicles which are not towing aircraft shall give way to aircraft.

(4) Subject to the provisions of paragraph (3) of this Rule and of paragraph (3) (b) of Rule 36 of these Rules, in case of danger of collision between two flying machines :—

(a) when the two flying machines are approaching head-on or approximately so, each shall alter its course to the right ;

(b) when the two flying machines are on converging courses, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it.

(c) a flying machine which is being overtaken shall have the right-of-way, and the overtaking flying machine shall keep out of the way of the other flying machine by altering its course to the left until that other flying machine has been passed and is clear, notwithstanding any change in the relative positions of the two flying machines.

(5) Subject to the provisions of paragraph (3) (b) of this Rule a vehicle shall :—

(a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle ;

(b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

Dropping of Tow Ropes etc.

35. Tow ropes, banners or similar articles towed by aircraft shall not be dropped from aircraft except at an aerodrome and :—

(a) in accordance with arrangements made with an air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome ; or

(b) in the area designated by the marking described in paragraph (7) of Rule 42 of these Rules, and the ropes, banners, or similar articles shall be dropped when the aircraft is flying in the direction appropriate for landing.

Aerodromes not having Air Traffic Control Units

36.—(1) (a) An aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome where no air traffic control unit is for the time being notified as being on watch, except for the purpose of taking-off or landing at that aerodrome or observing the signals in the signals area with a view to landing there, unless he has the permission of the person in charge of the aerodrome.

(b) An aircraft flying within such a zone for the purpose of observing the signals shall remain clear of cloud and at least 500 feet above the level of the aerodrome.

(2) The commander of an aircraft flying in such a zone or moving on such an aerodrome shall :—

(a) conform to the pattern of traffic formed by other aircraft, or keep clear of the airspace in which the pattern is formed ;

- (b) make all turns to the left unless ground signals otherwise indicate ; and
- (c) take off and land in the direction indicated by the ground signals, or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(3) (a) A flying machine or glider shall not land on a runway at such an aerodrome unless the runway is clear of other aircraft.

(b) Where take-offs and landings are not confined to a runway :—

(i) a flying machine or glider when landing shall leave clear on its left any aircraft which has already landed or is already landing or is about to take-off ; if such a flying machine or glider is obliged to turn, it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements ; and

(ii) a flying machine about to take-off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which is already taking off or is about to take-off.

(4) A flying machine after landing shall move clear of the landing area in use as soon as it is possible to do so.

Aerodromes having Air Traffic Control Units

37. (1) An Aircraft shall not fly within a zone which the commander of the aircraft knows or ought reasonably to know to be the aerodrome traffic zone of an aerodrome where an air traffic control unit is for the time being notified as being on watch, except for the purpose of taking-off or landing at that aerodrome, or observing the signals in the signals area with a view to landing there, unless he has the permission of the appropriate air traffic control unit.

(2) The commander of an aircraft flying in the aerodrome traffic zone of an aerodrome where an air traffic control unit is for the time being notified as being on watch, or moving on the manoeuvring area of such an aerodrome shall —

(a) cause a continuous watch to be maintained on the appropriate radio frequency notified for air traffic control communications at the aerodrome, or, if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means.

(b) not taxi at the aerodrome or take-off or land anywhere in the zone except with the permission of the air traffic control unit.

(c) comply with the provisions of paragraphs 1 (b), (2), (3) and (4) of Rule 36 of these Rules as if the aerodrome did not have an air traffic control unit, unless he has permission of the air traffic control unit at the aerodrome, or has been instructed by that unit, to do otherwise.

Commander's duty at Unit

38. Without prejudice to the provisions of Rules 21 and 28 of these Rules, the commander of an aircraft shall, immediately upon arrival at, or prior to departure from, an aerodrome within Nigeria having an air traffic control unit, ensure that such unit is informed of the flight which he has just made or which he is about to undertake.

PART VIII—AERODROME SIGNALS AND MARKINGS
VISUAL AND AURAL SIGNALS

General

39.—(1) Whenever any signal specified in this Section of these Rules is given or displayed, or whenever any marking so specified is displayed, by any person in an aircraft, or at an aerodrome, or at any other place which is being used by aircraft for landing or take-off, it shall, when given or displayed in Nigeria, have the meaning assigned to it in this Section.

(2) All dimensions specified in this Section of these Rules shall be subject to a tolerance of 10 per cent, plus or minus.

Signals in the Signals Area

40.—(1) When any signal specified in the following paragraphs of this Rule is displayed it shall be placed in a signals area, which shall be a square visible in all directions bordered by a white strip one foot wide the internal sides measuring 40 feet.

(2) A white landing T, as illustrated in this paragraph signifies that aero-

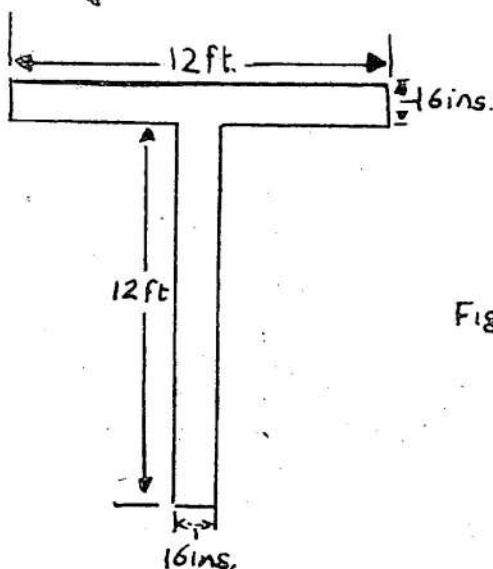
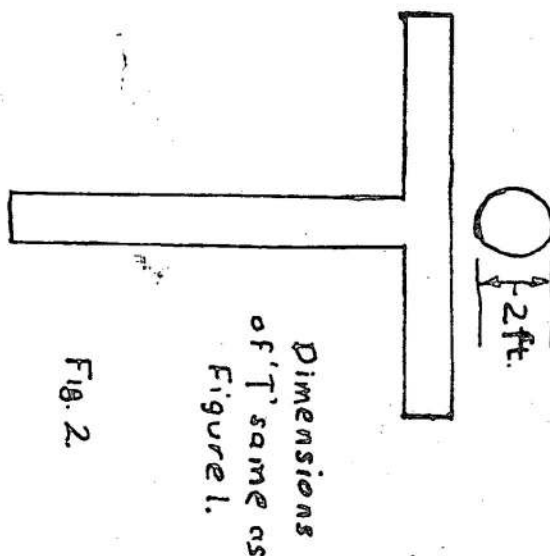


Fig. 1.

planes and gliders taking off or landing shall do so in a direction parallel with the shaft of the T and towards the cross arm, unless otherwise authorised by the appropriate air traffic control unit.

(3) A white disc two feet in diameter displayed alongside the cross arm of the T and in line with the shaft of the T, as illustrated in this paragraph



signifies that the direction of the landing and take-off do not necessarily coincide.

(4) A white dumb-bell, as illustrated in this paragraph signifies that

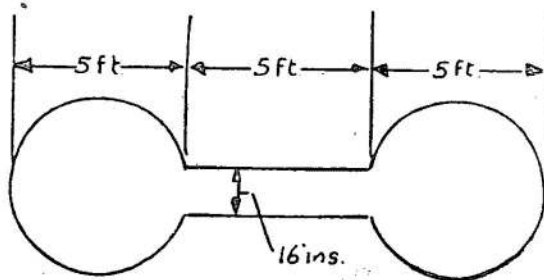


Fig 3.

movements of aeroplanes and gliders on the ground shall be confined to paved, metallised or similar hard surfaces.

(5) A white dumb-bell as described in (4) above but with a black strip two feet wide across each disc at right angles to the shaft of the dumb-bell, as illustrated in this paragraph, signifies that aeroplanes and gliders taking off

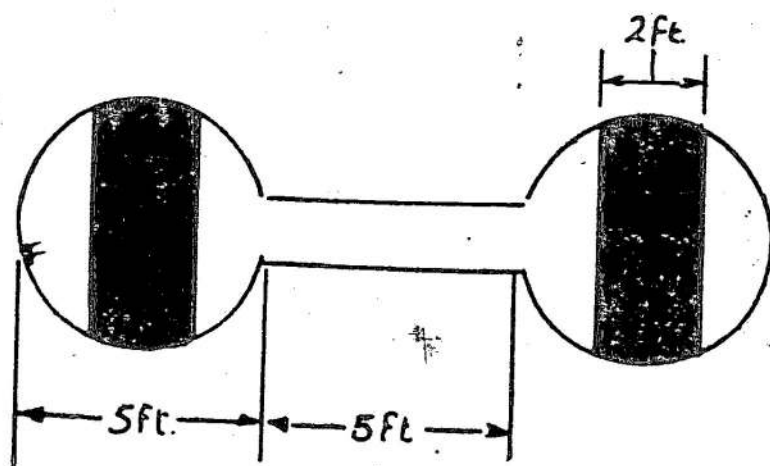


Fig. 4.

or landing shall do so on a runway but that movement on the ground is not confined to paved, metalled or similar hard surfaces.

(6) A red and yellow striped arrow, (as illustrated in this paragraph)

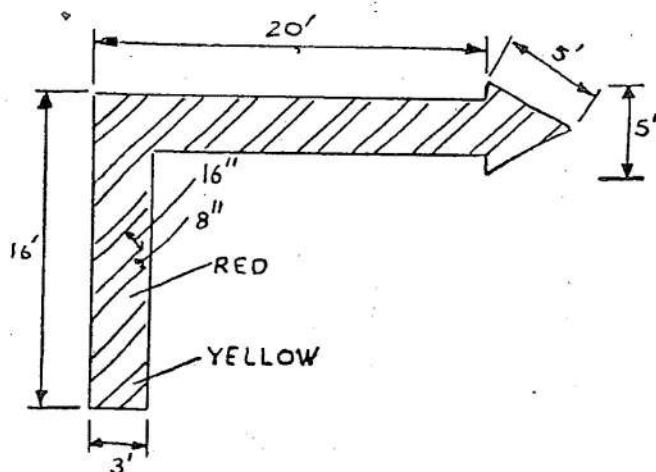


Fig. 5.

the shaft of which is at least three feet wide, placed along the whole or not less than a total of 36 feet of two adjacent sides of the signals area and pointing in a clockwise direction, signifies that a right-hand circuit is in force.

(7) A red panel ten feet square with a yellow strip along one diagonal at least twenty inches wide, as illustrated in this paragraph, signifies that the

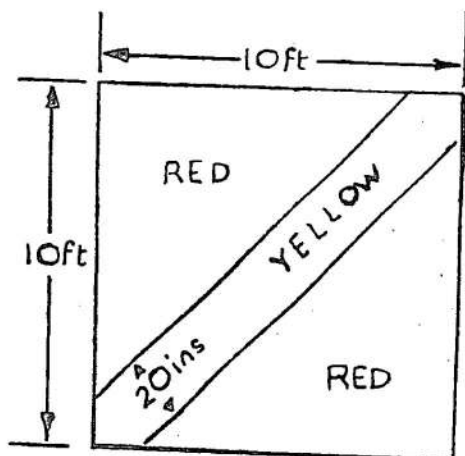


Fig. 6.

state of the manoeuvring area is poor and that pilots must exercise special care when landing.

(8) A red panel ten feet square with a yellow strip at least twenty inches wide, along each diagonal, as illustrated in this paragraph, signifies that the

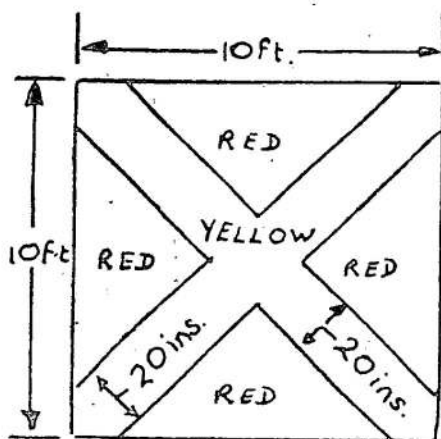


Fig. 7.

aerodrome is unsafe for the movement of aircraft and that landing on the aerodrome is prohibited.

(9) A white letter H, as illustrated in this paragraph signifies that heli-

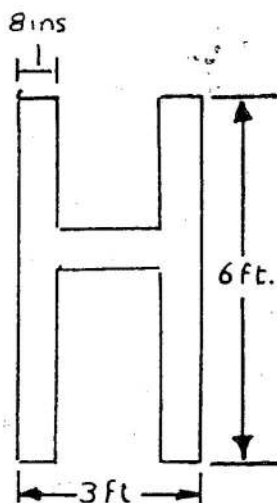


Fig. 8.

copters shall take off and land only within the area designated by the marking specified in paragraph (5) of Rule 42 of these Rules.

(10) A red letter L displayed on the dumb-bell specified in paragraphs (4) and (5) of this Rule, as illustrated in this paragraph signifies that light aircraft

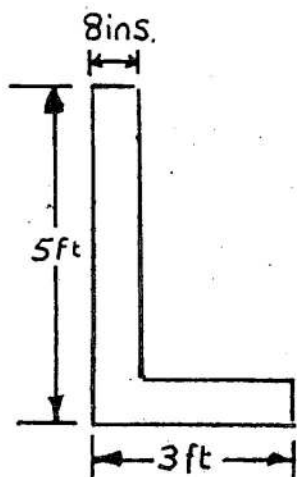


Fig. 9.

are permitted to take off and land either on a runway or on the area designated by the marking specified in paragraph (6) of Rule 42 of these Rules.

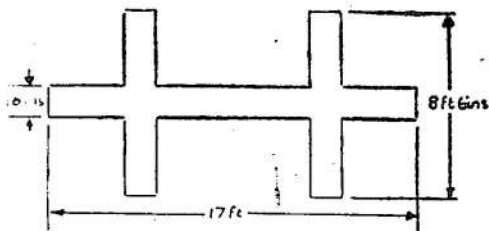


Fig. 10

(11) A white double cross as illustrated in this paragraph, signifies that glider flying is in progress.

Marking for Paved Runways and Taxiways

41.—(1) Two or more white crosses, as illustrated in this paragraph

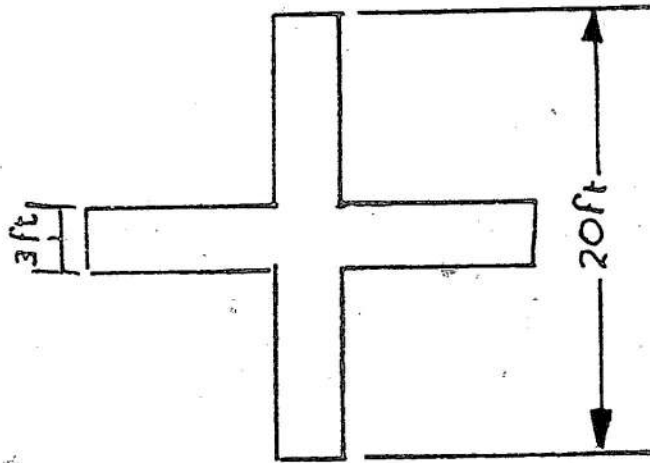


FIG. 11.

displayed on a runway or taxiway, with the arms of the crosses at an angle of 45° to the centre line of the runway, at intervals of not more than 1,000 feet signify that the section of the runway or taxiway marked by them is unfit for the movement of aircraft.

(2) A broken white line and a continuous white line as illustrated in this paragraph signify the holding position beyond which no part of an aircraft

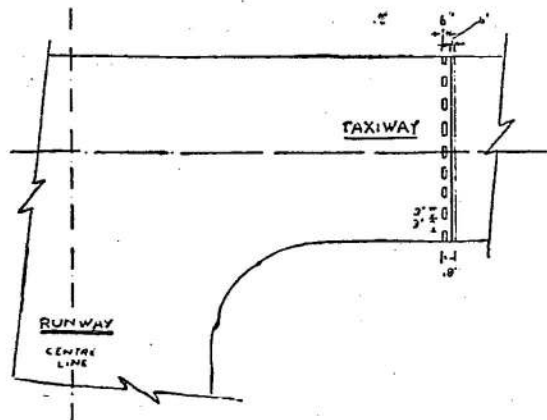
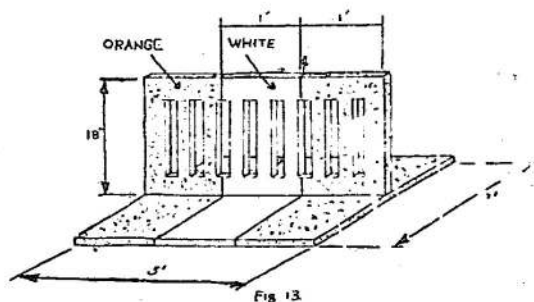


FIG. 12.

or vehicle shall project in the direction of the runway without permission from an air traffic control unit.

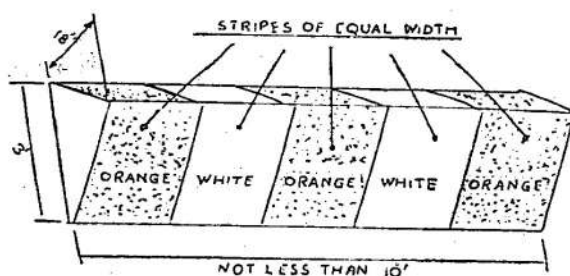
(3) Orange and white markers as illustrated in this paragraph, spaced not



more than 150 feet apart, signify the boundary of that part of a paved runway, taxiway or apron which is unfit for the movement of aircraft.

Markings on Unpaved Manoeuvring Areas

42.—(1) Markers with orange and white stripes of an equal width of not less than $1\frac{1}{2}$ feet, with an orange stripe at each end as illustrated in this paragraph alternating with flags not less than 2 feet square showing equal



orange and white triangular areas, indicate the boundary of an area unfit for the movement of aircraft and one or more white crosses as specified in paragraph (1) of Rule 41 of these Rules indicate the said area. The distance between any two successive orange and white flags shall not exceed 300 feet.

(2) Striped markers, as specified in paragraph (1) of the Rule, spaced not more than 150 feet apart, indicate the boundary of an aerodrome.

(3) On structures, markers with orange and white vertical stripes of an equal width of not less than $1\frac{1}{2}$ feet, with an orange stripe at each end, as illustrated in this paragraph, spaced not more than 150 feet apart, indicate the

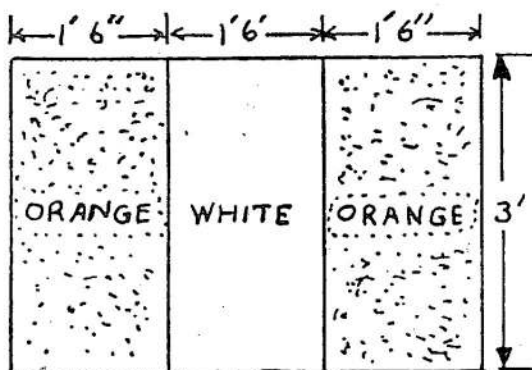


Fig. 15

boundary of an aerodrome. The pattern of the marker shall be visible from inside and outside the aerodrome and the marker shall be affixed not more than 6 inches from the top of the structure.

(4) White flat rectangular markers 10 feet long and 3 feet wide at intervals not exceeding 300 feet, flush with the surface of the unpaved runway or stopway, as the case may be, indicate boundary of an unpaved runway or a stopway.

(5) A white letter H, as illustrated in this paragraph, indicates an area

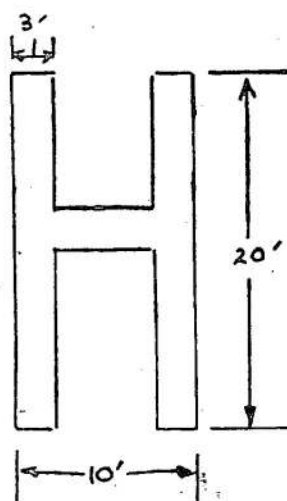


Fig. 16.

which shall be used only for the taking off and landing of helicopters.

(6) A white letter L as illustrated in this paragraph, indicates a part of the

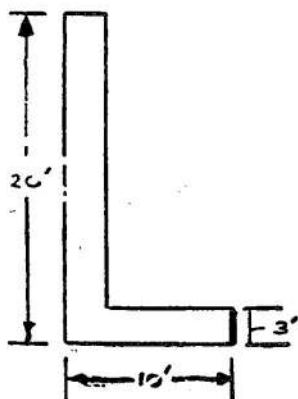


Fig. 17.

manoeuvring area which shall be used only for the taking off and landing of light aircraft.

(7) A yellow cross, with two arms 20 feet long by 3 feet wide at right angles, indicates that tow ropes and similar articles towed by aircraft shall only be dropped in the area in which the cross is placed.

(8) A white double cross as illustrated in this paragraph, indicates an area

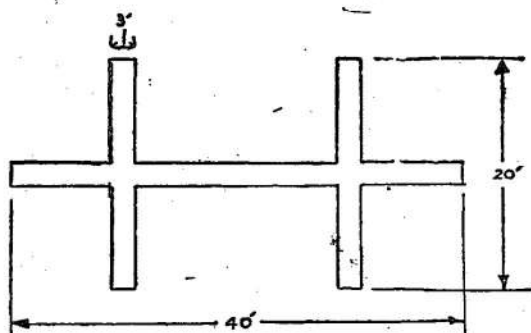


Fig. 18

which shall be used only for the taking off and landing of gliders.

(9) A white landing T as specified in paragraph (2) of Rule 40 of these Rules placed at the left hand side of the runway when viewed from the direction of landing indicates the runway to be used, and at an aerodrome with no runway it indicates the direction for take-off and landing.

Signals Visible from the Ground

43.—(1) A black ball 2 feet in diameter suspended from a mast signifies that the directions of take-off and landing are not necessarily the same.

(2) A checkered flag or board, 4 feet by 3 feet containing twelve equal squares, 4 horizontally and 3 vertically, coloured red and yellow alternately, signifies that aerodrome traffic on the manoeuvring area is subject to control means of the lights and pyrotechnic signals referred to in Rule 44 of these Rules.

(3) Two red balls 2 feet in diameter, disposed vertically one above the other, 2 feet apart and suspended from a mast, signify that glider flying is in progress at the aerodrome.

(4) Black arabic numerals in two-figure groups and, where parallel runways are provided the letter or letters L (left) LC (left centre) C (centre), RC (right centre) and R (right), placed against a yellow background, indicate the direction for take-off or the runway in use.

(5) A black letter C against a yellow background, as illustrated in this paragraph indicates the position at which a pilot can report to the air traffic control unit or to the person in charge of the aerodrome.

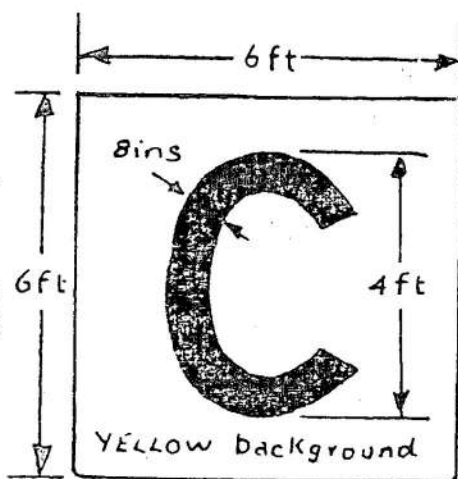


Fig. 19

(6) A rectangular green flag of not less than 2 feet square flown from a mast indicates that a right hand circuit is in force.

Lights and Pyrotechnic Signals for Control of Aerodrome Traffic.

44. Each signal described in the first column of Table A, when directed from an aerodrome to an aircraft or to a vehicle, or from an aircraft, shall have the meanings respectively appearing in the second, third and fourth columns of that Table opposite the description of the signal.

<i>Characteristic and colour of light beam or pyrotechnic</i>	<i>From an aerodrome</i>		<i>From an aircraft in flight to an aerodrome</i>
	<i>to an aircraft in flight</i>	<i>to an aircraft or vehicle on the aerodrome</i>	
(a) Continuous red light	Do not land ; wait for permission	Stop	—
(b) Red pyrotechnic light, or Red flare	Do not land ; wait for permission	—	—
(c) Red flashes	Do not land ; aerodrome not available for landing	Move clear of landing area	—
(d) Green flashes	Return to aerodrome : wait for permission to approach and land	You may move on manoeuvring area	—
(e) Continuous green light	You may land	You may take off (not applicable to a vehicle).	—
(f) Continuous green light, or green flashes, or Green pyrotechnic light	—	—	By night : May I land ? By day : May I land in direction different from that indicated by landing T ?
(g) White flashes	—	Return to starting point on the aerodrome	I am compelled to land immediately
(h) White pyrotechnic lights Switching on and off the navigation lights	—	—	I am compelled to land immediately

Marshalling Signals

45. Each of the signals for the guidance of aircraft manoeuvring on the ground, described in the first column of Table B, shall, in Nigeria have the meaning set forth in the second column of that Table opposite the description of the signal. By day any such signals shall be given by hand or by circular bats and by night by torches or illuminated wands.

TABLE B—MEANING OF MARSHALLING SIGNALS (RULE 45)

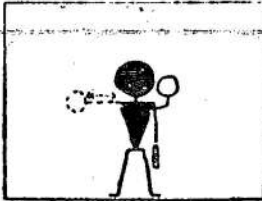

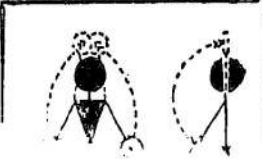
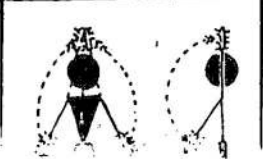
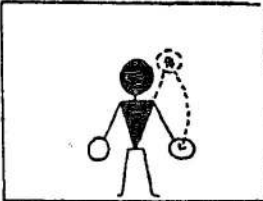

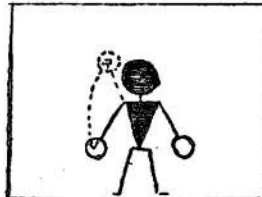
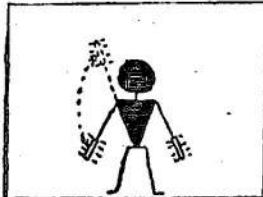
<i>Description of Signal</i>	<i>Meaning of Signal</i>	<i>In Daylight</i>	<i>By Night</i>
(a) Right or left arm down, the other arm moved across the body and extended to indicate position of the other marshaller.	Proceed under guidance of another marshaller		
(b) Arms repeatedly moved upward and backward, beckoning onward.	Move ahead		
(c) Right arm down, left arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.	Open up starboard engine or turn to port.		
(d) Left arm down, the right arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.	Open up port engine or turn to starboard.		

TABLE B—MEANING OF MARSHALLING SIGNALS (RULE 45)—*continued*

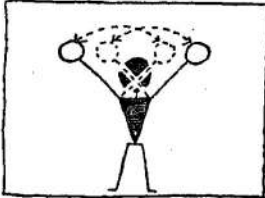

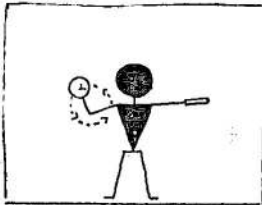
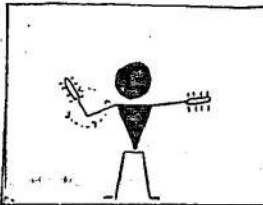
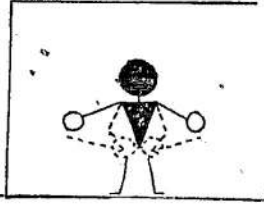
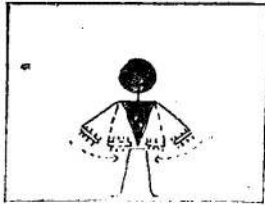
<i>Description of Signal</i>	<i>Meaning of Signal</i> <i>In Daylight</i> <i>By Night</i>
(e) Arms repeatedly crossed above the head. The speed of arm movement indicates the urgency of the stop.	Stop.  
(f) A circular motion of the right hand at head level, with the left arm pointing to the appropriate engine.	Start engines.  
(g) Arms extended, the palms facing inwards, then swung from the extended position inwards.	Insert chocks.  

TABLE B—MEANING OF MARSHALLING SIGNALS (RULE 45)

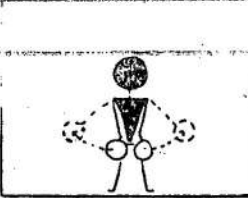
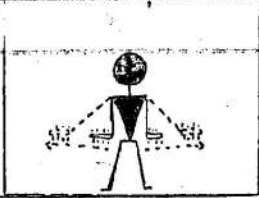


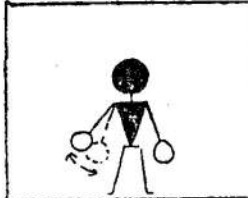
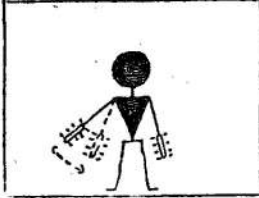
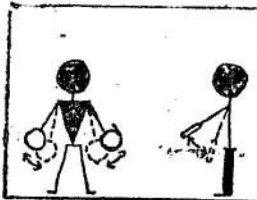
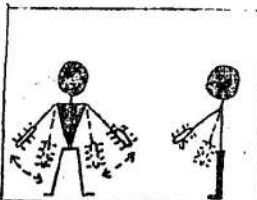


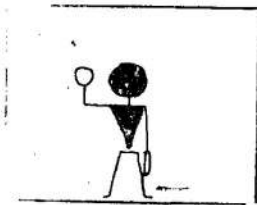
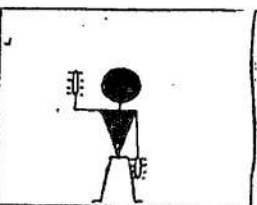
<i>Description of Signal</i>	<i>Meaning of Signal</i>	<i>In Daylight</i>	<i>By Night</i>
(h) Arms down, the palms facing outwards, then swung outwards.	Chocks away.		
(i) Either arm and hand placed level with the chest, then moved laterally with the palm down wards.	Cut engine.		
(k) Arms placed down, with the palms towards the ground, then moved up and down several times.	Slow down.		

TABLE B—MEANING OF MARSHALLING SIGNALS (RULE 45)—*continued*

<i>Description of Signal</i>	<i>Meaning of Signal</i>	<i>In Daylight</i>	<i>By Night</i>
(l) Arms placed down, with the palms towards the ground, then either the right or left arm moved up and down indicating that the motors on the left or right side, as the case may be, should be slowed down.	Slow down engines indicated side.		
Arms placed above the head in a vertical position.	This bay.		
(n) The right arm raised at the elbow, with the arm facing forward.	All clear : Marshalling finished.		

Distress, Urgency and Safety Signals

46.—(1) The following signals, given either together or separately before the sending of a message, signify that an aircraft is threatened by grave and imminent danger and requests immediate assistance :—

(a) by radiotelephony :—
the spoken word "MAYDAY".

(b) by visual signalling :—

(i) the signal SOS (. . . — — — . . .) ;

(ii) a succession of pyrotechnic lights fired at short intervals each showing a single red light ;

(iii) the two flag signal corresponding to the letters NC of the international code of signals ;

(iv) the distant signal, consisting of a square flag having either above or below it a ball or anything resembling a ball ;

(c) By sound signalling other than radiotelephony :—

(i) the signal SOS (. . . — — — . . .) ;

(ii) a continuous sounding with any sound apparatus.

(2) The following signals, given either together or separately, before the sending of a message, signify that the commander of the aircraft wishes to give notice of difficulties but that he does not require immediate assistance :—

(a) a succession of white pyrotechnic lights ;

(b) the repeated switching on and off of the aircraft landing lights ;

(c) the repeated switching on and off of its navigation lights, in such a manner as to be clearly distinguished from the flashing navigation lights described in Rule 12 of these Rules.

(3) The following signals, given either together or separately, indicate that the commander of the aircraft has an urgent message to transmit concerning the safety of the aircraft or of any person or property :—

(a) by radiotelephony :—
the spoken word "PAN" ;

(b) by visual signalling :—

(i) the signal XXX (— . . — . . — . . — . .) ;

(ii) a succession of green pyrotechnic lights ;

(iii) a succession of green flashes ;

(c) by sound signalling other than radiotelephony :—
the original XXX (— . . — . . — . . — . .) ;

(4) The following signals, given either together or separately, indicate that the commander of the aircraft has a message to transmit concerning the safety of navigation or giving meteorological warnings :—

(a) by radiotelephony :—
the spoken word "SECURITE" ;

(b) by visual or sound signalling other than radiotelephony :—
the signal TTT (— — —).

Warning Signals to Aircraft in Flight

47. In Nigeria the following signals shall respectively have the following meanings :—

(a) (i) by day—a series of projectiles discharged at intervals of ten seconds, each showing on bursting black or white smoke, or

(ii) by night—a series of projectiles discharged at intervals of ten seconds, each showing on bursting white lights or stars, or an intermittent white luminous beam directed at the aircraft, indicates that the aircraft to which the signal is directed is in the vicinity of such an area as is referred to in subparagraph (c) of paragraph (1) of Regulations 57 of the Air-Navigation Regulations and is required to change its course.

(b) by day or night, a series of projectiles discharged at intervals of ten seconds, each showing on bursting green lights or stars, indicates that the aircraft is required to land at then nearest aerodrome in accordance with the provisions of Regulation 57 of the Air Navigation Regulations.

PART IX.—GROUND LIGHTING

Minimum Ground Lighting

48.—(1) The person in charge of any area to which this Rule applies shall cause the lighting specified in Rules 49 to 54 inclusive, of these Rules to be in operation whenever a flying machine or glider, flying for the purpose of the public transport of passengers, is taking off or landing at that area by night and during such period before or after the take-off or landing as may be necessary to ensure the safety of the aircraft :

Provided that, if the area is intended for use only by helicopters, there may be in operation in lieu of the lighting specified in Rules 49, 50, 53 and 54 of these Rules, such other lighting as will enable the pilot of a helicopter in flight :—

(i) to identify the area

(ii) to determine the landing direction ; and

(iii) to make a safe approach and landing.

(2) The requirements of paragraph (1) of this Rule shall be deemed not to have been contravened if neither the person in charge of the area nor any person acting under his instructions knew or ought reasonably to have known that the aircraft was about to take-off or land.

(3) This Rule shall apply to any place, whether or not an aerodrome, intended to be used for the taking off, landing of aircraft or the manoeuvring of aircraft on the ground, but shall not apply to any Government aerodrome or to any aerodrome licensed for use by night.

Approach Lighting

49. The lighting required by Rule 48 of these Rules shall include lighting to give approach guidance to the runway or landing area intended to be used, which lighting shall consist of either :—

(a) a line of identical lights each having an intensity of not less than 100 candles of red or white light in the direction of approach, equally spaced at intervals not exceeding 200 feet along the extended centre line of the runway for a distance of not less than 600 feet from the threshold in the direction of approach ; or

(b) angle of approach lights so arranged as to indicate a sloping path between $2\frac{1}{2}^\circ$ and $4\frac{1}{2}^\circ$ above the horizontal which will provide, for any aircraft approaching to land, safe clearance above all obstacles within three nautical miles of the threshold of the runway and will give a warning by means of red beams of light if the aircraft is below the path. The lights shall indicate the path throughout an angle in azimuth of not less than 12° symmetrically about a line parallel to the direction of landing ;

Provided that if the lights specified in paragraph (1) (b) of Rule 50 are in operation, the lights specified in sub-paragraph (b) of this paragraph shall also be in operation, and not the lights specified in sub-paragraph (a) of this paragraph.

Landing Area Lights

50.—(1) Where a runway is not provided, the lighting required by Rule 48 of these Rules shall include either :—

(a) Two lines of white lights parallel to the direction of take-off or landing visible from all directions above the horizontal delineating the landing area intended for use by night, the lights in each line being equally spaced at intervals not exceeding 300 feet. The lines of lights shall be less than 100 feet nor more than 200 feet apart, and shall be so placed that a line drawn between a light and the opposite light in the parallel line of lights would be at right angles to the direction of use of the landing area ; or

(b) white lights visible as aforesaid and arranged in the form of a 'T' with the shaft of the T parallel to the direction of use and on the left edge of the area intended for landing when seen from the direction of approach and extending for the whole length of that edge, the lights in the shaft being equally spaced at intervals not exceeding 300 feet, and the cross arm of the T consisting of single lights placed 300 feet on either side of the light in the shaft of the T furthest from the approach end.

(2) Where a runway is provided the lighting required by Rule 48 of these Rules shall include two lines of white lights visible from the direction of approach, placed on the edge of the runway and each extending the whole of the length intended for use, the distance between successive lights in each line being not more than 300 feet so that, so far as is practicable a line drawn between a light and the opposite light in the parallel line of lights would be at right angles to the axis of the runway.

(3) The lights required by this Rule shall have an intensity of not less than 50 candles.

Guidance Lights on the Manoeuvring Area and other parts of the aerodrome used by aircraft.

51. The lighting required by Rule 48 of these Rules shall include either:—

(a) the delineation of every taxiway intended for use by night by means of light along its edges, either blue lights on one side and yellow lights on the other or blue lights on both sides. The lights on each side shall have a brightness sufficient to give adequate guidance to a taxiing aircraft when the lights are spaced not more than 160 feet apart on straight stretches. On curves the lights shall be at reduced spacing to mark the taxiway edge clearly. If the taxiway is unpaved the lines of lights shall be not less than 50 nor more than 100 feet apart ; or

(b) when aircraft manoeuvring on the ground are not confined to taxiways, white lights visible from all directions above the horizontal and of an intensity of not less than 10 candles at 5° above the horizontal, spaced at intervals not exceeding 300 feet along the boundary of that part of the aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome and intended for use by night.

Areas unfit for Use

52. The lighting required by Rule 48 of these Rules shall include red lights visible from all directions above the horizontal, sufficient to mark adequately any area unfit for the movement of aircraft at night.

Landing Direction Indicator

53. Where neither the lighting specified in paragraph (1) (a) of Rule 49 of these Rules nor that specified in paragraph (1) (b) of Rule 50 of these Rules is provided, the lighting required by Rule 47 of these Rules shall include :—

(a) adequate illumination of a landing T as specified in paragraph (2) of Rule 40 of these Rules ; or

(b) a landing T of the dimensions so specified, consisting of white lights, visible from all directions above the horizontal, of an intensity of not less than 5 nor more than 20 candles placed either in the signals area or between 50 and 100 feet to the left as seen from the direction of approach of the runway at the approach end thereof.

Obstruction Lights.

54.—(1) The lighting required by Rule 48 of these Rules shall include the lighting of all obstructions within the area in accordance with the provisions of this Rule.

(2) The lights on an obstruction shall be arranged so as to show not less than 10 candles of red light in all directions in azimuth between 20° below and 60° above the horizontal.

(3) The lights shall be placed at the highest point of the obstruction except that, where the top of a chimney or other obstruction may be obscured by smoke, the lights may be placed instead not more than 10 feet below the top of the obstruction.

(4) If the height of an obstruction is more than 150 feet above ground level lights shall be placed on the obstruction between the top and the ground at vertical intervals not exceeding 150 feet.

(5) On any obstruction of more than 150 feet in horizontal extent lights as specified in paragraph (3) of this Rule shall be placed on the highest point of each length of 150 feet of the obstruction, measuring from one end of the obstruction.

(6) For the purposes of this Rules any object, whether permanent or temporary, shall be deemed to be an obstruction if it is likely to endanger aircraft and if it is situated :—

(a) on that part of the manoeuvring area which is intended for use at night ; or

(b) within an area extending 200 feet on either side of the centre line of the area intended for landing or take-off at night ; or

(c) within 200 feet of the area so intended, if the height of the object is more than one quarter of the distance of the object from that area ; or

- (d) within 50 feet of a lighted taxiway ; or
- (e) within an area of the dimensions illustrated in this sub-paragraph, being an area at either end of a lighted runway or lighted landing area and if the height of the object, measured above the level of the nearer end of the runway or landing area is more than one thirtieth of the distance from the object to the nearest end of the runway or landing area.

Provided that a frangible object not more than 3 feet in height above the ground shall not be deemed to be an obstruction by reason of this sub-paragraph.

- (f) within one nautical mile of the centre of the area intended for use at night for the taking-off, landing or manoeuvring of aircraft on the ground and more than 300 feet above the highest point of the ground within that area.

(7) Nothing in this Rule shall be taken to require the lighting of :—

- (a) any aircraft displaying navigation lights in accordance with section III of these Rules ;

- (b) in an area set aside for the parking of aircraft, any vehicle which is displaying the lights which are obligatory when it is being driven on a public highway ;

- (c) any obstruction or part of an obstruction which, by reason of the lighting of other obstructions, is not likely to endanger aircraft in flight.

PART X. AIR TRAFFIC CONTROL

Provisions of Air Traffic Control Services

55.—(1) At every aerodrome (other than a Government aerodrome) which is provided with means of two-way radio communication with aircraft and is either situated in a control zone or is an aerodrome in respect of which the Minister has given a direction to the proprietor or person in charge of the aerodrome requiring air traffic control service to be provided there, the person in charge of the aerodrome shall cause air traffic control service to be provided at all times when the aerodrome is open for the take-off and landing of aircraft.

(2) At every aerodrome (other than a Government aerodrome) which is provided with means of two-way radio communication with aircraft and with equipment for providing holding aid, let-down aid, or approach aid by radio or radar the person in charge of the aerodrome shall inform the Minister in advance of any period during which any of the said equipment will be in operation for the purpose of providing holding aid, let-down aid or approach aid and, without prejudice to paragraph (1) of this Rule, cause air traffic control service to be provided at all times when the said equipment is notified as being in operation for any of those purposes.

Licensing of Air Traffic Controllers and Student Air Traffic Controllers

56.—(1) The Minister may grant a licence to any person to act as an air traffic controller, or as a student air traffic controller, upon his being satisfied that the applicant is a fit and proper person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests (including in particular medical examinations) as the Minister may require of him :

Provided that the Minister shall not grant a licence to act as an air traffic controller to a person under the age of 21 years or a licence to act as a student air traffic controller to a person under the age of 18 years.

(2) Every licence to act as an air traffic controller shall include a rating specifying the type of air traffic control service which the holder of the licence is competent to provide and the aerodromes at which he may provide that type of air traffic control service. If throughout any period of 90 days the holder of the licence has not at any time provided at a particular aerodrome the type of air traffic control service specified in the rating, the rating shall cease to be valid in relation to that aerodrome at the end of that period, and upon a rating ceasing to be valid in relation to an aerodrome the holder of the licence shall forthwith inform the Minister in writing to that effect and shall forward the licence to the Minister to enable it to be endorsed accordingly.

(3) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to provide air traffic control service under the supervision of another person who is present at the time and is the holder of a valid air traffic controller's licence which includes a rating specifying the type of air traffic control service which is being provided by the student air traffic controller, and valid at the aerodrome in question.

(4) A licence as an air traffic controller or as a student air traffic controller shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(5) Subject to the provisions of Regulation 54 of the Air Navigation Regulations a licence as an air traffic controller or as a student air traffic controller shall remain in force for a period of 12 months and may be renewed by the Minister from time to time upon his being satisfied that the applicant is a fit and proper person and is qualified as aforesaid.

Prohibition of Unlicensed Air Traffic Controllers and Student Air Traffic Controllers

57. A person shall not provide any type of air traffic control service at any aerodrome at which air traffic control service is required to be provided by or under Rule 55 of these Rules unless he does so under the direction of the Minister or is the holder of a valid air traffic controller's licence granted under Rule 56 of these Rules authorising him to provide that type of service at that aerodrome, or is the holder of a Student air traffic controller's licence and is supervised in accordance with paragraph (3) of that Rule.

SECTION XI—FLIGHT OVER AN AREA IN WHICH SEARCH AND RESCUE OPERATIONS WOULD BE DIFFICULT

58.—(1) The following provisions of this paragraph shall have effect in relation to public transport aircraft :—

(a) before commencing a flight over an area notified for the purpose of this Rule as an area in which search and rescue operations would be difficult, the person in command of an aircraft shall submit or cause to be submitted to the appropriate air traffic control unit a flight notification containing such particulars as may be required by that air traffic control unit ;

(b) when a flight notification has been submitted in accordance with sub-paragraph (a) of this paragraph the person in command of an aircraft which is able to communicate by radio with an appropriate radio station shall if he finds it necessary to deviate in respect of any particular from the said flight notification, report by radio the nature of the proposed deviation to the appropriate air traffic control unit as soon as practicable.

(2) Before commencing a flight over an area notified for the purpose of this Rule as an area in which search and rescue operations would be difficult a person in command of an aircraft, other than a public transport aircraft, may submit or cause to be submitted to the appropriate air traffic control unit a flight notification containing such particulars as may be required by that air traffic control unit. If a flight notification is so submitted, the person in command of such aircraft shall comply with the requirements specified in sub-paragraph (b) of paragraph (1) of this Rule as if the aircraft were a public transport aircraft.

MADE at Lagos this 28th day of October 1965.

J. A. WACHUKU,
Minister of Aviation

FEDERATION OF NIGERIA
CIVIL AVIATION (INVESTIGATION OF ACCIDENTS)
REGULATIONS, 1965

ARRANGEMENT OF REGULATIONS

Regulation

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8. Provisions relating to investigation by Inspectors of Accidents.
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L.N. 13 of 1965

CIVIL AVIATION

The Civil Aviation (Investigation of Accidents) Regulations, 1965

Commencement : 1st December 1965

In exercise of the powers conferred on me by section Two of the Civil Aviation Act, 1964 and of all other powers enabling me in that behalf, I hereby make the following Regulations :—

1. These Regulations may be cited as the Civil Aviation (Investigation of Accidents) Regulations, 1965, and shall come into operation on the 1st day of December, 1965.

Citation and
Commence-
ment.

Interpretation and application of Regulations

2. (1) In these Regulations, unless the context otherwise requires

(a) "The Minister" means the Minister charged with responsibility for matters relating to civil aviation ;

(b) "The Act" means the Civil Aviation Act, 1964 and includes any Regulations made or having effect as if made under the Act ;

(c) "Aircraft" includes all balloons (whether captive or free), gliders, airships, and flying machines ;

(d) "Accident" includes any fortuitous or unexpected event by which the safety of an aircraft or any person is threatened ;

(e) references to Nigeria include references to the territorial waters adjacent thereto ;

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of accident
to be
notified.

(f) "owner" means, where an aircraft is registered, the registered Owner ;

(g) "substantial damage" includes any damage which necessitates the replacement or extensive repair of any major component.

2. The Interpretation Act, 1964, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

3. These Regulations relate to civil aviation only and shall apply to accidents arising out of or in the course of air navigation which occur to any civil aircraft in or over Nigeria, or elsewhere to civil aircraft registered in Nigeria.

Notification of Accidents.

4. An accident shall be notified in accordance with the provisions of Regulation 5 if, between the time when any person boards an aircraft with the intention of flight and such time as all persons have disembarked therefrom

(a) any person suffers death or serious injury while in or upon the aircraft or by direct contact with the aircraft or anything attached thereto ;

or

(b) the aircraft receives substantial damage.

5 —(1) Where an accident occurs of which notification is required to be given under Regulation 4 the person in command of the aircraft involved at the time of the accident, or if he be killed or incapacitated, then the owner operator, hirer or other person on whose behalf he was in command of the aircraft, as the case may be, shall forthwith send notice thereof to the Minister by the quickest means of communications available and in the case of an accident occurring in or over Nigeria shall also notify forthwith the local police authorities of the accident and of the place where it occurred.

(2) The notice to the Minister referred to in paragraph (1) of this Regulation shall state as far as possible—

(a) the type and the nationality and registration marks of the aircraft ;

(b) the name of the owner, operator and hirer if any of the aircraft ;

(c) the name of the person in command of the aircraft ;

(d) the date and Greenwich mean time of the accident ;

(e) the last point of departure and the next point of intended landing of the aircraft ;

(f) the position of the aircraft with reference to some easily defined geographical point ;

(g) the number of persons (if any)

(i) Killed,

(ii) seriously injured,

as the result of the accident ;

(h) the nature of the accident as far as is known ;

(i) brief particulars of damage to the aircraft.

(3) Where an accident to which these Regulations apply occurs, whether in or over Nigeria or elsewhere, the owner, operator or hirer of the aircraft shall, if so required by notice in writing from the Minister send to the Minister within such time as may be specified in the notice, such information with respect thereto in such form as the Minister may require.

Access to and Removal of Damaged Aircraft.

6.—(1) Where an accident occurs in or over Nigeria of which notification is required to be given under Regulation 4 no person other than an authorised person shall have access to the aircraft involved in the accident and the aircraft shall not except under the authority of the Minister, be removed or otherwise interfered with;

Access to and removal of damaged aircraft.

Provided that :—

(i) the aircraft may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals involved, removing any mails carried by the aircraft, preventing destruction by fire or other cause, or preventing any danger or obstruction to the public or to air navigation or to other transport ;

(ii) goods or passengers' baggage may be removed from the aircraft under the supervision of an officer of police, but, if the aircraft has come from a place outside Nigeria, shall not be removed from the vicinity of the aircraft except on clearance by or with the consent of an officer of Customs and Excise ;

(iii) if an aircraft is wrecked on the water, the aircraft or any contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety.

(2) In this Regulation the expression "authorised person" means any person authorised by the Minister either generally or specially to have access to any aircraft involved in an accident and includes any officer of police or any officer of Customs and Excise.

Appointment and functions of Inspectors of Accidents

7.—(1) For the purpose of carrying out investigations into the causes and circumstances of accidents to which these Regulations apply the Minister shall appoint persons as Inspectors of Accidents, one of whom shall be appointed by him as Chief Inspector of Accidents.

Appointment and functions of Inspectors of Accidents.

(2) The Chief Inspector of Accidents, if he thinks fit, may himself carry out an investigation or cause an investigation to be carried out by an Inspector of Accidents of any accident to which these Regulations apply whether or not such accident is one whereof notification is required to be given under Regulation 4.

(3) Public notice that such investigation is taking place shall be given in such manner as the Minister may think fit and shall state that any person who may desire to make representations concerning the circumstances or causes of the accident may do so in writing within a time to be specified in the notice.

8. With respect to any Inspector's Investigation, the following provisions of this Regulation shall have effect :—

(1) The Inspector of Accidents by whom the investigation is made (in this Regulation referred to as "the Inspector") shall have power :

(a) by summons under his hand to call before him and examine all such persons as he thinks fit, to require such persons to answer any questions or furnish any information or produce any books, paper, documents and articles which the Inspector may consider relevant, and to retain any such books, papers, documents and articles until the completion of the investigation ;

(b) to take statements from all such persons as he thinks fit and to require any such person to make and sign a declaration of the truth of the statement made by him.

(c) to have access to and examine any aircraft involved in the accident and the place where the accident occurred, and for that purpose to require any such aircraft or any part or equipment thereof to be preserved unaltered pending examination ;

(d) to examine, remove, test, take measures for the preservation of, or otherwise deal with the aircraft or any part thereof or anything contained therein ;

(e) to enter and inspect any place or building the entry or inspection whereof appears to the Inspector to be requisite for the purposes of the investigation ;

(f) to take measures for the preservation of evidence.

(2) Where an accident has occurred in or over Nigeria, to an aircraft registered in any country other than Nigeria, the Minister may authorise an investigator appointed by the duly competent authority of that other country to carry out an investigation, and in that event the Minister shall so far as he is able facilitate inquiries by the investigator so appointed ;

(3) The investigation shall be held in private ;

(4) Where it appears to the Inspector that in order to resolve any conflict of evidence or that for any other reason it is expedient so to do, he may permit any person to appear before him and call evidence and examine witnesses ;

(5) Where it appears to the Inspector that any degree of responsibility for the accident may be attributed to any person, and if it appears to the Inspector to be practicable so to do that person or, if he be deceased, his legal personal representatives shall be given notice that blame may be attributed to him and be permitted to make a statement or give evidence and to produce witnesses and to examine any witnesses from whose evidence it appears that he may be blameworthy ;

(6) The Attorney General may intervene at any stage of an investigation in order to make representations or to examine witnesses, if it appears to him expedient so to do in the public interest ;

(7) Every person summoned by the Inspector as a witness in accordance with this Regulation shall be allowed such expenses as the Minister may from time to time determine.

9. Upon the completion of an investigation, the Chief Inspector of Accidents, or such other Inspector as may be authorised by the Minister, shall make a report to the Minister. He shall state the circumstances of the case and his conclusions as to the cause of the accident, adding any observations and recommendations which he thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future. He shall also state to what extent effect has been given to the provisions of paragraph (5) of Regulation 8. The Minister may cause the whole or any part of such report to be made public in such manner as he thinks fit.

Report of investigation by Inspectors.

Public Inquiry

10.—(1) Where it appears to the Minister that it is expedient to hold a Public Inquiry into the causes and circumstances of an accident to which these Regulations apply, he may direct that a Public Inquiry be held by a Commissioner appointed by the Chief Justice; and in any such case any Inspector's investigation relating to the accident shall be discontinued;

Public Inquiry.

(2) The Commissioner (hereinafter called "The Court") shall be a barrister of not less than ten years standing. The Court shall be assisted by not less than two Assessors possessing aeronautical, engineering or other special skill or knowledge one of whom may be the Chief Inspector of Accidents, or one of the Inspectors of Accidents. The Assessors shall be appointed by the Chief Justice;

(3) Where the Minister has directed a Public Inquiry to be held, he shall remit the case to the Attorney-General, and thereafter the preparation and presentation of the case shall be conducted by the Solicitor-General of the Federation under the direction of the Attorney-General; the Chief Inspector of Accidents shall render such assistance to the Court and to the Attorney-General as is in his power and for that purpose shall have the powers conferred by paragraph (1) of Regulation 8 on an Inspector of Accidents with respect to an Inspector's Investigation;

(4) Every Public Inquiry held under these Regulations shall be conducted in such manner that, if a charge is made against any person, that person shall have an opportunity of making a defence;

(5) When a Public Inquiry has been ordered the Attorney-General may cause a notice, to be called a notice of inquiry, to be served upon the owner, operator, hire and person in command of any aircraft involved in the accident, as well as upon any person who in his opinion ought to be served with such notice. The notice shall contain a statement of the questions which on the information then in the possession of the Attorney-General he intends to raise on the hearing of the inquiry, and the Attorney-General may, at any time before the hearing of the inquiry, by a subsequent notice amend, add to, or omit any of the questions specified in the notice of inquiry;

(6) The Attorney-General, the owner, the operator, the hirer, the person in command and any other person upon whom a notice of inquiry has been served, shall be deemed to be parties to the proceedings;

(7) Any other person, including the Minister, may, by leave of the Court appear, and any person who so appears shall thereupon become a party to the proceedings;

(8) (i) The Court shall have, for the purposes of the inquiry, all the powers of a Court of Summary Jurisdiction when acting as a Court in the exercise of its ordinary jurisdiction, and without prejudice to those powers, the Court may,

(a) enter and inspect, or authorise any person to enter and inspect, any place or building entry or inspection whereof appears to the Court requisite for the purposes of the inquiry ;

(b) by summons require the attendance as witnesses of all such persons as the Court thinks fit to call and examine, and require such persons to answer any questions or furnish any information or produce any books, papers, documents and articles which the Court may consider relevant ;

(c) administer the oath to any such witness, or require any witness to make and sign a declaration of the truth of the statements made by him in his examination ;

(ii) the Assessors shall have the same power of entry and inspection as the Court;

(9) Affidavits and statutory declarations may, by permission of the Court and saving all just exceptions, be used as evidence at the hearing;

(10) At the time and place appointed for holding the inquiry the Court may proceed with the inquiry whether the parties, upon whom a notice of inquiry has been served, or any of them are present or not;

(11) The Court shall hold the inquiry in open Court save to the extent to which the Court is of opinion that in the interest of justice or in the public interest any part of the evidence, or any argument relating thereto, should be heard in camera;

(12) The proceedings on the inquiry shall commence with the production and examination of witnesses on behalf of the Attorney-General. These witnesses, after being examined on behalf of the Attorney-General, may be cross-examined by the parties in such order as the Court may direct, and may then be re-examined on behalf of the Attorney-General. Questions asked and documents tendered as evidence in course of the examination of these witnesses shall not be open to objection merely on the ground that they do or may raise questions which are not contained in or which vary from the question specified in the notice of inquiry or subsequent notices referred to in paragraph (5) of this Regulation.

(13) When the examination of the witnesses produced on behalf of the Attorney-General has been concluded, the Attorney-General shall state the questions in reference to the accident and the conduct of persons connected with the accident upon which the opinion of the Court is desired. In framing the questions for the opinion of the Court, the Attorney-General shall make such modifications in, additions to or omissions from the questions in the notice of inquiry or subsequent notices referred to in paragraph (5) of this Regulation, as, having regard to the evidence which has been given, the Attorney-General or the Court may think fit ;

(14) After the questions for the opinion of the Court have been stated, the Court shall proceed to hear the parties to the proceedings upon and determine the questions so stated. Each party to the proceedings shall be entitled to address the Court and produce witnesses or recall any of the witnesses who

have already been examined for further examination and generally adduce evidence. The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the Court shall direct. Further witnesses may also be produced and examined on behalf of the Attorney-General and may be cross-examined by the parties and re-examined on behalf of the Attorney-General;

(15) When the whole of the evidence in relation to the questions for the opinion of the Court has been concluded any of the parties who desires so to do may address the Court upon the evidence and the Court may be addressed in reply upon the whole case on behalf of the Attorney-General;

(16) The Court may adjourn the inquiry from time to time and from place to place; and where an adjournment is asked for by any party to the inquiry, the Court may impose such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment;

(17) The Court shall make a report to the Minister stating fully the circumstances of the case and the opinion of the Court touching the causes of the accident and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future, including a recommendation for the cancellation, suspension or endorsement of any licence, certificate or other document;

(18) Each Assessor shall either sign the report with or without reservations or state in writing his dissent therefrom and his reasons for such dissent, and such reservations or dissent and reasons (if any) shall be forwarded to the Minister with the report. The Minister shall unless there are good reasons to the contrary cause any such report and reservations or dissent and reasons (if any) to be made public wholly or in part in such a manner as he thinks fit;

(19) Every person attending as a witness before the Court shall be allowed such expenses as would be allowed to a witness attending before a Court of Record, and in case of dispute as to the amount to be allowed, the same shall be referred by the Court to a Judge of the Supreme Court who on request signed by the Court shall ascertain and certify the proper amount of the expenses, provided that, in the case of any party to the proceedings or of any person in the employment of such a party, any such expenses may be disallowed if the Court in its discretion so directs;

(20) The Court may order the costs and expenses of the inquiry, or any part thereof, to be paid by any party, if it finds that the accident was due to the act or default or negligence of that party or of any person in the employment of that party; and any such order shall, on the application of any person entitled to the benefit thereof, be enforced by a Court of Summary Jurisdiction as if the costs and expenses were a penalty imposed by that Court, but, subject to any such order, such costs and expenses shall be deemed to be part of the expenses of the Minister in the exercise of his powers under the Act;

(21) Any notice, summons or other document issued under this Regulation may be served by sending the same by registered post to the last known address of the person to be served.

(22) The service of any notice, summons or other document may be proved by the oath or affidavit of the person by whom it was served.

*Rehearing of Public Inquiries*Rehearing
of Public
Inquiries.

11.—(1) The Minister may, in any case where a Public Inquiry has been held, direct a rehearing of the inquiry either generally or as to any part thereof and shall do so

(a) if new and important evidence which could not be produced at the inquiry has been discovered, or

(b) if for any other reasons there is in his opinion ground for suspecting that a miscarriage of justice has occurred ;

(2) If the Minister directs any inquiry to be reheard, the Chief Justice may order that the inquiry shall be reheard either by the Court by whom the inquiry was heard in the first instance or by some other person appointed by him to hold the rehearing ;

(3) Any rehearing shall be subject to and conducted in accordance with the provisions of these Regulations relating to the holding of Public Inquiries.

*General*Accredited
representa-
tives of
other States
may
investigate.

12. Where an Inspector's Investigation or a Public Inquiry relates to an accident which has occurred in or over Nigeria to an aircraft registered in any country other than Nigeria, an accredited representative of the country in which the aircraft is registered, or of any country which has, on request, furnished information in connection with the accident, may take part in the investigation or in the inquiry as the case may be ; he may be accompanied by such technical and other advisers as may be considered necessary by the authorities of the country by which he is appointed

Penalties.

13. Any person who :—

(a) wilfully obstructs or impedes the Court or an Inspector of Accidents or an Assessor or any person acting under the authority of the Minister in the exercise of any powers or duties under these Regulations : or

(b) without reasonable excuse (proof whereof shall lie on him) fails after having the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the Court holding a Public Inquiry or an Inspector of Accidents holding an Inspector's Investigation under these Regulations ; or

(c) without reasonable excuse (proof whereof shall lie on him) fails to comply with any of the provisions of Regulations 4, 5 and 6 of these Regulations, shall be liable on conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding 3 months : Provided that every witness shall, in respect of any evidence written by him for or given by him before an Inspector of Accidents, be entitled to the same privileges to which he would have been entitled if giving evidence before a court of justice.

Saving.

14.—(1) Nothing in these Regulations shall limit the powers of any authority under the Merchant Shipping Act 1962

(2) Nothing in these Regulations shall limit the power of the Minister under the Act of cancelling, suspending or endorsing any licence, certificate or other document.

Revocation.

15.—(1) The Civil Aviation (Investigation of Accidents) Regulations 1953, made under and by virtue of paragraph 3 of the First Schedule of the Colonial Civil Aviation (Application of Act) Order 1952 in their application to Nigeria are hereby revoked.

(2) The revocation, of the Civil Aviation (Investigation of Accidents) Regulations 1953, shall not affect any investigation commenced under those Regulations, and any such investigation may be continued as if these Regulations had not been made.

MADE at Lagos this 28th day of October 1965.

J. A. WACHUKU,
Minister of Aviation

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport)

These Regulations, made under section Two of the Civil Aviation Act 1964, revoke and replace the Civil Aviation (Investigation of Accidents) Regulation 1953, in their application to Nigeria.

These Regulations embody the provisions of the revoked Regulations and revise and amplify them to accord with current requirements. They also accord with Annex 13 of the Chicago Convention.

The Regulations introduce new arrangements for Public Inquiries including procedures and analogous to those established for shipping accidents.

FEDERATION OF NIGERIA CIVIL AVIATION (AIR NAVIGATION) REGULATIONS, 1965

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L.N. 14 of 1965

CIVIL AVIATION

Civil Aviation (Air Navigation) Regulations 1965

Commencement : 1st December 1965

In exercise of the powers conferred on me by the Civil Aviation Act 1964 and of all other powers enabling me in that behalf, I hereby make the following Regulations :—

PART I—REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be registered

1.—(1) Subject to the provisions of paragraph (2) of this Regulation, an aircraft shall not fly over Nigeria unless it is registered in :—

(a) Nigeria ; or

(b) a Contracting State ; or

(c) some other country in relation to which there is in force an agreement between the Government of the Federation of Nigeria and the Government of that country which makes provision for the flight over Nigeria of aircraft registered in that country :

Provided that :—

(i) a glider may fly unregistered, and shall be deemed to be registered in Nigeria for the purpose of Regulations 9, 10, 15 and 26 of these Regulations on any flight which :—

(a) begins and ends in Nigeria without passing over any other country and

(b) is not for the purpose of public transport or aerial work ;

(ii) any aircraft may fly unregistered on any flight which :—

(a) begins and ends in Nigeria without passing over any other country, and

(b) is in accordance with the "B Conditions" set forth in the Second Schedule to these Regulations :

(iii) this paragraph shall not apply to any kite or captive balloon ;

(2) The Minister may, in such special circumstances and subject to such conditions or limitations as he may think fit, temporarily exempt from the provisions of paragraph (1) of this Regulation an aircraft registered elsewhere,

(3) If an aircraft flies over Nigeria in contravention of paragraph (1) of this Regulation in such manner or circumstances that if the aircraft had been registered in Nigeria an offence against these Regulations would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Aircraft
to be
registered.

Registration of Aircraft on Nigeria

2.—(1) The Minister shall be the authority for the registration of aircraft in Nigeria.

(2) Subject to the provisions of this Regulation an aircraft shall not be registered or continue to be registered in Nigeria if it appears to the Minister that :—

(a) the aircraft is registered anywhere outside Nigeria ; or

Registration
of Aircraft
in Nigeria.

(b) an unqualified person is entitled as owner to any legal or beneficial interest in the aircraft or any share therein ; or

(c) it would be inexpedient in the public interest for the aircraft to be or to continue to be registered in Nigeria.

(3) The following persons and no others shall be qualified to be the owner of a legal or beneficial interest in an aircraft registered in Nigeria or a share therein :—

(a) Citizens of Nigeria ;

(b) bodies corporate established under and subject to the laws of Nigeria.

(4) If an unqualified person residing or having a place of business in Nigeria is entitled as owner to a legal or beneficial interest in an aircraft, or a share therein, the Minister, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in Nigeria. The person aforesaid shall not cause or permit the aircraft, while it is registered in pursuance of this paragraph, to be used for the purpose of public transport or aerial work.

(5) If an aircraft is chartered by demise to a person qualified as aforesaid the Minister may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in Nigeria in the name of the charterer upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this Regulation the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in Nigeria shall be made in writing to the Minister, and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as he may require to enable him to determine whether the aircraft may properly be registered in Nigeria and to issue the certificate referred to in paragraph (8) of this Regulation. In particular, the application shall include the proper description of the aircraft according to column 4 of the "General Classification of Aircraft" set forth in Part A of the First Schedule to these Regulations.

(7) Upon receiving an application for the registration of an aircraft in Nigeria and being satisfied that the aircraft may properly be so registered, the Minister shall register the aircraft, wherever it may be, and shall include in the register the following particulars :—

(a) the number of the certificate ;

(b) the nationality mark of the aircraft, and the registration mark assigned to it by the Minister ;

(c) the name of the constructor of the aircraft and its designation ;

(d) the serial number of the aircraft ;

(e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or in the case of an aircraft which is the subject of a hire-purchase agreement, the name and address of the hirer ; or

(f) in the case of an aircraft registered in pursuance of paragraph (4) or (5) of this Regulation, an indication that it is so registered.

(8) The Minister shall furnish to the person or persons in whose name the aircraft is registered hereinafter in this Regulation referred to as "the registered owner" a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued.

(9) Subject to paragraphs (4) and (5) of these Regulations, if at any time after an aircraft has been registered in Nigeria an unqualified person becomes entitled as owner to a legal or beneficial interest in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Minister for cancellation.

(10) Any person who is registered as the owner of an aircraft registered in Nigeria shall forthwith inform the Minister in writing of :—

(a) any change in the particulars which were furnished to the Minister upon application being made for the registration of the aircraft ;

(b) the destruction of the aircraft, or its permanent withdrawal from use ;

(c) in the case of an aircraft registered in pursuance of paragraph (5) of these Regulations, the termination of the demise charter.

(11) Any person who becomes the owner of an aircraft registered in Nigeria shall forthwith inform the Minister in writing to that effect.

(12) The Minister may, whenever it appears to him necessary or appropriate to do so for giving effect to this Part of these Regulations or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register, or if he thinks fit, may cancel the registration of the aircraft, and shall cancel that registration if he is satisfied that there has been a change in the ownership of the aircraft.

(13) The Minister may, by regulations, adapt or modify the foregoing provisions of this Regulation as he deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the Nigerian register, either generally or in relation to a particular case or class of cases.

(14) In these Regulations references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (10) of this Regulation to the registered owner of an aircraft includes in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(15) Nothing in this Regulation shall require the Minister to cancel the Registration of an aircraft if in his opinion it would be inexpedient in the public interest to do so.

Nationality and registration marks

3. —(1) An aircraft (other than an aircraft permitted by or under these Regulations to fly without being registered) shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in Nigeria shall comply with Part B of the First Schedule to these Regulations.

(3) An aircraft shall not bear any marks which purport to indicate :—

(a) that the aircraft is registered in a country in which it is not in fact registered ; or

(b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

Nationality
and
registration
marks.

PART II

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

Certificate of airworthiness to be in force

Certificate
of airworthi-
ness to be
in force.

4.—(1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions subject to which the certificate was issued or rendered valid are complied with:

Provided that the foregoing prohibition shall not apply to flights, beginning and ending in Nigeria without passing over any other country, of:—

(a) a glider, if it is not being used for the public transport of passengers or aerial work;

(b) a balloon, if it is not being used for the public transport of passengers;

(c) a kite;

(d) an aircraft flying in accordance with the "A Conditions" or "B Conditions" set forth in the Second Schedule to these Regulations;

(e) an aircraft flying in accordance with the conditions of a permit to fly issued by the Minister in respect of that aircraft.

(2) In the case of an aircraft registered in Nigeria the certificate of airworthiness referred to in paragraph (1) of this Regulation shall be a certificate issued or rendered valid in accordance with the provisions of Regulation 5 of these Regulations.

Issue and renewal of certificates of airworthiness

Issue and
renewal of
certificates
of air-
worthiness.

5.—(1) The Minister may issue in respect of any aircraft a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to:—

(a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft; and

(b) the results of flying trials, and such other tests of the aircraft as he may require.

Provided that if the Minister has issued a certificate of airworthiness in respect of an aircraft which, in his opinion, is a prototype aircraft or a modification of a prototype aircraft, he may dispense with flying trials in the case of any other aircraft if he is satisfied that it conforms to such prototype or modification.

(2) Every certificate of airworthiness shall specify such categories as are, in the opinion of the Minister, appropriate to the aircraft in accordance with the Third Schedule to these Regulations and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes indicated in the said Schedule in relation to those categories.

(3) The Minister may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as he thinks fit.

(4) The certificate of airworthiness may designate the performance group to which the aircraft belongs for the purposes of the requirements referred to in paragraph (1) of Regulation 24 of these Regulations.

(5) The Minister may, subject to such conditions as he thinks fit, issue a certificate of validation rendering valid for the purposes of these Regulations a certificate of airworthiness issued in respect of any aircraft under the law of any country other than Nigeria.

(6) Subject to the provisions of this Regulation and of Regulation 54 of these Regulations, a certificate of airworthiness or validation issued under this Regulation shall remain in force for such period as may be specified therein, and may be renewed from time to time by the Minister for such further period as he thinks fit.

(7) A certificate of airworthiness or a certificate for validation issued in respect of an aircraft shall cease to be in force :—

(a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Minister either generally or in relation to a class of aircraft or to the particular aircraft ; or

(b) until the completion of any inspection of the aircraft or of any of such equipment as aforesaid, being an inspection required by the Minister to be made for the purpose of ascertaining whether the aircraft remains airworthy.

(8) Without prejudice to any other provision of these Regulations the Minister may, for the purposes of the Regulation, accept reports furnished to him by a person whom he may approve either absolutely or subject to such conditions as he thinks fit as qualified to furnish such reports.

(9) The Minister shall cause to be prepared and preserved in relation to each aircraft registered in Nigeria a record enabling the aircraft (including in particular its engines) and such of its equipment as he may have considered necessary for the airworthiness of the aircraft in issuing, varying or rendering valid a certificate of airworthiness to be identified with the drawings and other documents on the basis of which the certificate was issued, varied or rendered valid as the case may be. All equipment so identified shall for the purposes of these Regulations be deemed to be equipment necessary for the airworthiness of the aircraft. The Minister shall cause such record to be produced for examination upon request being made therefore at any reasonable time by any person having, in the opinion of the Minister reasonable grounds for requiring to examine it.

Certificate of maintenance

6.—(1) An aircraft registered in Nigeria shall not fly for the purpose of public transport or dropping or projecting any material for agricultural, public health or similar purposes unless :—

(a) the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with maintenance schedules approved by the Minister in relation to that aircraft ;

(b) there are in force in respect of that aircraft certificates (in these Regulations referred to as "certificate of maintenance") issued in accordance with the provisions of this Regulation and certifying that maintenance has been carried out in accordance with such maintenance schedules ;

Provided that an aircraft may, notwithstanding that sub-paragraphs (a) and (b) have not been complied with in relation to the radio station therein, fly for the sole purpose of enabling persons to be trained to perform duties in aircraft.

(2) Every certificate of maintenance shall come into force upon being issued and shall cease to be in force upon the expiration of the period of its validity in elapsed time or flying time, whichever may be the earlier, as specified in the relevant maintenance schedule and the period of validity of the certificate shall be recorded in the certificate at the time when it is issued.

(3) A certificate of maintenance may be issued for the purposes of this Regulation only by :—

(a) the holder of a licence granted under these Regulations as an aircraft maintenance engineer or aircraft radio maintenance engineer being a licence of a category appropriate in accordance with Regulation 8 of and the Fourth Schedule to these Regulations ; or

(b) the holder of a licence as such an engineer granted under the law of a country other than Nigeria and rendered valid under these Regulations, in accordance with the privileges endorsed on the licence ; or

(c) a person whom the Minister has authorised to issue a certificate of maintenance in a particular case, and in accordance with that authority :

Provided that, upon approving a maintenance schedule, the Minister may direct that certificates of maintenance relating to that schedule, or to any part thereof specified in his direction, may be issued only by the holder of such a licence as is so specified.

(4) Certificates of maintenance shall be issued in duplicate. One of the duplicates shall, during the period of validity of the certificate, be carried in the aircraft when Regulation 51 of these Regulations so requires, and the other shall be kept by the operator elsewhere than on the aircraft.

(5) On the termination of every flight by an aircraft registered in Nigeria for any of the purposes specified in paragraph (1) of this Regulation the commander of the aircraft shall enter in a technical log—

(a) the times at which the flight began and ended ; and

(b) particulars of any defect in any part of the aircraft or its equipment which is known to him, being a part to which a maintenance schedule relates, or, if no such defect is known to him, an entry to that effect ; and shall sign and date such entries :

Provided that in the case of a number of consecutive flights beginning and ending on the same day and with the same person as commander of the aircraft, the commander of an aircraft—

(i) flying for the purpose of public transport where each of the aforesaid consecutive flights begins at the same aerodrome and ends at that aerodrome, or

(ii) flying for the purpose of dropping or projecting any material for agricultural, public health or similar purposes, may except where he becomes aware of a defect during an earlier flight, make the entries as aforesaid in a technical log at the end of the last of such consecutive flights.

(6) Upon the rectification of any defect which has been entered in a technical log in accordance with paragraph (5) of this Regulation, a copy of the certificate of compliance required by Regulation 7 of these Regulations in respect of the work done for the rectification of the defect shall be entered in the technical log in such a position or manner as to be readily identifiable with the entry of the defect to which it relates.

(7) The technical log referred to in paragraphs (5) and (6) of this Regulation shall be carried in the aircraft when Regulation 51 of these Regulations so requires and copies of the entries referred to in those paragraphs shall be kept on the ground.

(8) Subject to the provisions of Regulation 53 of these Regulations every certificate of maintenance shall be preserved by the operator of the aircraft for a period of two years following the expiry of the period of validity of the certificate and for such further period as the Minister may require in any particular case.

Inspection, overhaul, repair, replacement, and modification

7.—(1) An aircraft registered in Nigeria, being an aircraft in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force, shall not fly if any part of the aircraft or of such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced or modified or has been inspected as provided in paragraph (7) (b) of Regulation 5 of these Regulations, unless there is in force a certificate of compliance issued in accordance with this Regulation and relating to the overhaul, repair, replacement, modification or inspection, as the case may be :

Inspection, overhaul, repair, replacement, and modification.

Provided that if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable :—

(a) for the repair or replacement to be carried out in such manner that a certificate of compliance can be issued under this Regulation in respect thereof, or

(b) for such a certificate to be issued while the aircraft is at that place, the aircraft may fly to a place at which such a certificate can be issued, being the nearest place :—

(i) to which the aircraft can, in the reasonable opinion of the commander thereof, safely fly by a route for which it is properly equipped, and

(ii) to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board ;

and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Minister within ten days thereafter.

(2) Neither :—

(a) equipment provided in compliance with the Fifth Schedule to these Regulations (except paragraph (3) thereof), nor

(b) in the case of a public transport aircraft, radio apparatus provided for use therein or in any survival craft carried therein, whether or not such apparatus is provided in compliance with these Regulations or any regulation made thereunder,

shall be installed, or placed on board for use, in an aircraft registered in Nigeria after being overhauled, repaired, or modified, unless there is in force

in respect thereof at the time when it is installed or placed on board a certificate of compliance issued in accordance with this Regulation and relating to the overhaul, repair or modification, as the case may be.

(3) For the purposes of these Regulations, "certificate of compliance" means a certificate that the part of the aircraft or its equipment has been overhauled, repaired, replaced or modified, as the case may be, in manner and with material of a type approved by the Minister either generally or in relation to a class or type of aircraft or the particular aircraft and which identifies the aircraft and the overhaul, repair, replacement or modification to which it relates and includes particulars of the work done; and in relation to an inspection required by the Minister, that the inspection has been made in accordance with the requirement of the Minister and that any consequential repair or replacement has been carried out as aforesaid.

(4) A certificate of compliance may be issued for the purposes of this Regulation only by:—

(a) the holder of a licence granted under these Regulations as an aircraft maintenance engineer or aircraft radio maintenance engineer being a licence of a category appropriate in accordance with Regulation 8 of and the Fourth Schedule to these Regulations; or

(b) the holder of a licence as such an engineer granted under the law of a country other than Nigeria and rendered valid under these Regulations, in accordance with the privileges endorsed on the licence; or

(c) a person approved by the Minister as being competent to issue such certificates; or

(d) a person whom the Minister has authorised to issue the certificate in a particular case.

(5) Subject to the provisions of Regulation 53 of these Regulations, if the aircraft to which a certificate of compliance relates is a public transport aircraft or any aerial work aircraft, the certificate of compliance shall be preserved by the operator of the aircraft for the period of time for which he is required to preserve the log book relating to the same part of the aircraft or to the same equipment or apparatus as the case may be. In the case of any other aircraft the certificate shall be preserved by the operator of the aircraft for a period of two years.

Licensing of Maintenance engineers

Licensing
of maintenance
engineers.

8.—(1) The Minister may grant to any person a licence to act for the purposes of these Regulations as an aircraft maintenance engineer, or an aircraft radio maintenance engineer, of one of the categories specified in the Fourth Schedule to these Regulations, upon his being satisfied that the applicant is a fit and proper person to hold the licence and is qualified by his knowledge and experience to do so, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Minister may require of him. The Minister may include a rating in the licence limiting the licence to particular types of aircraft or equipment.

(2) A licence of any category shall, subject to any rating as aforesaid, entitle the holder to issue certificates of maintenance, certificates of compliance or certificate of fitness for flight in accordance with the Fourth Schedule to the Regulations.

(3) A licence and a rating shall, subject to the provisions of Regulation 54 of these Regulations, remain in force for the periods specified therein, not exceeding twelve months, but may be renewed by the Minister from time to time upon his being satisfied that the applicant is a fit and proper person and is qualified as aforesaid.

(4) The Minister may issue a certificate rendering valid for the purposes of these Regulations any licence as an aircraft maintenance engineer or aircraft radio maintenance engineer granted under the law of any country other than Nigeria. Such certificate may be issued subject to such conditions, and for such periods, as the Minister thinks fit.

(5) Upon receiving a licence granted under this Regulation, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

Equipment of aircraft

Equipment
of aircraft.

9.—(1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with these Regulations and any regulations made thereunder.

(2) In the case of aircraft registered in Nigeria the equipment required to be provided (in addition to any other equipment required by or under these Regulations) shall be that specified in such parts of the Fifth Schedule to these Regulations as are applicable in the circumstances and shall comply with the provisions of that Schedule. The equipment except that specified in paragraph (3) of the said Schedule, shall be of a type approved by the Minister either generally or in relation to a class or type of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(3) In any particular case the Minister may direct that an aircraft registered in Nigeria shall carry such additional or special equipment or supplies as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this Regulation shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is installed.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft. In particular there shall be exhibited in a prominent position in every passenger compartment of every public transport aircraft registered in Nigeria a notice stating where the lifejackets (if any) are to be found, and containing instructions as to how they are to be used ;

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this Regulation, shall be so installed or stowed and kept stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) This Regulation shall not apply in relation to radio apparatus except that specified in the Fifth Schedule to these Regulations.

Radio Equipment of aircraft

Radio
equipment
of aircraft.

10.—(1) An aircraft shall not fly unless it is so equipped with radio apparatus as to comply with the law of the country in which the aircraft is registered and to enable communications to be made, and the aircraft to be navigated, in accordance with the provisions of these Regulations and any regulations made thereunder.

(2) In the case of aircraft registered in Nigeria, the aircraft shall be equipped with radio apparatus in accordance with the Sixth Schedule to these Regulations.

(3) In any particular case the Minister may direct that an aircraft registered in Nigeria shall carry such additional or special radio apparatus as he may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) The radio apparatus provided in compliance with this Regulation in an aircraft registered in Nigeria shall always be maintained in serviceable condition.

(5) All radio apparatus installed in an aircraft registered in Nigeria (whether or not in compliance with these Regulations or any regulations made thereunder) shall be of a type approved by the Minister in relation to the purpose for which it is to be used, and shall, except in the case of a glider which is permitted by paragraph (1) of Regulation 1 of these Regulations to fly unregistered, be installed in a manner approved by the Minister. Neither the apparatus nor the manner in which it is installed shall be modified except with the approval of the Minister.

Aircraft, engine and propeller log books

Aircraft etc.
log-books
to be kept.

11.—(1) In addition to any other log books required by or under these Regulations, the following log books shall be kept in respect of every public transport aircraft and aerial work aircraft registered in Nigeria.

- (a) an aircraft log book ; and
- (b) a separate log book in respect of each engine fitted in the aircraft ; and
- (c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

The log books shall include the particulars respectively specified in the Seventh Schedule to these Regulations.

(2) Each entry in the log book shall be made as soon as practicable after the occurrence to which it relates, but in no event more than seven days after the expiration of the certificate of maintenance (if any) in force in respect of the aircraft at the time of the occurrence.

(3) Entries in a log book may refer to other documents, which shall be clearly identified, and any other documents so referred to shall be deemed, for the purposes of these Regulations, to be part of the log book.

(4) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept as aforesaid to keep them or cause them to be kept in accordance with the foregoing provisions of this Regulation.

(5) Subject to the provisions of Regulation 53 of these Regulations every log book shall be preserved by the operator of the aircraft until a date two years after the aircraft, the engine or the variable pitch propeller as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight Schedule

Aircraft
weight
schedule.

12.—(1) Every flying machine and glider in respect of which a certificate of airworthiness issued or rendered valid under these Regulations is in force shall be weighed, and the position of its centre of gravity determined, at such time and in such manner as the Minister may require in the case of that aircraft.

(2) Upon the aircraft being weighed as aforesaid the operator of the aircraft shall prepare a weight schedule showing the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are indicated in the weight schedule; and showing the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight.

(3) Subject to the provisions of Regulation 53 of these Regulations the weight schedule shall be preserved by the operator of the aircraft until the expiry of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this Regulations.

Access and inspection for airworthiness purposes

13. The Minister may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary for the purposes of this Part of these Regulations and any person authorised to do so in writing by the Minister may at any reasonable time, inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or aircraft factory.

Access and inspection for airworthiness purposes.

PART III

AIRCRAFT CREW AND LICENSING

Composition of crew of aircraft

14.—(1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

Composition of crew of aircraft.

(2) An aircraft registered in Nigeria shall carry a flight crew adequate in number and description to ensure the safety of the aircraft and of at least the number and description specified in the certificate of airworthiness issued or rendered valid under these Regulations or, if no certificates of airworthiness is required under those Regulations to be in force, the certificates of airworthiness, if any, last in force under these Regulations, in respect of that aircraft.

(3) A flying machine registered in Nigeria and flying for the purpose of public transport, having a maximum total weight authorised of more than 22,500 lb., shall carry not less than two pilots as members of the flight crew thereof.

(4) An aircraft registered in Nigeria engaged on a flight for the purpose of public transport shall carry a flight navigator as a member of the flight crew if on the route or any diversion therefrom being a route or diversion planned before take-off, the aircraft is intended to be more than 500 nautical miles from the point of take-off measured along the route to be flown and to pass over part of an area specified in the Eighth Schedule to these Regulations. The flight navigator carried in compliance with this paragraph shall be carried in addition to any person who is carried in accordance with this Regulation to perform other duties.

(5) An aircraft registered in Nigeria which is required by the provisions of Regulation 10 of these Regulations to be equipped with radio communication apparatus shall carry a flight radio operator as a member of the flight crew, who, if he is required to operate radiotelegraph apparatus, shall be carried in addition to any other person who is carried in accordance with this Regulation to perform other duties.

(6) If it appears to him to be expedient to do so in the interests of safety, the Minister may direct any particular operator that the aircraft operated by him or any such aircraft shall not fly in such circumstances as the Minister may specify unless they carry in addition to the flight crew required to be carried therein by the foregoing provisions of this Regulation such additional persons as members of the flight crew as he may specify in the direction.

(7) (a) When an aircraft registered in Nigeria carries twenty or more passengers on a flight for the purpose of public transport, the crew of the aircraft shall include persons carried for the purpose of performing in the interest of the safety of passengers duties to be assigned by the operator or the person in command of the aircraft, but who shall not act as members of the flight crew. The number of such persons carried when the aircraft is carrying the number of passengers specified in Column 1 of the table set out at the end of this sub-paragraph shall be not less than the number set opposite that number in Column 2 of that table :—

TABLE

<i>Column 1</i>	<i>Column 2</i>
20-50 passengers	1 person
51-100 passengers	2 persons
101-150 passengers	3 persons
Over 150 passengers	4 persons

(b) The Minister may give a direction to the operator of any aircraft registered in Nigeria requiring him to include among the crew thereof whenever the aircraft is flying for the purpose of public transport at least one such person as aforesaid, notwithstanding that the aircraft may be carrying fewer than 20 passengers.

Members of flight crew—licences

Members
of flight
crew shall
hold
Licences.

15.—(1) Subject to the provisions of this Regulation a person shall not act as a member of the flight crew of an aircraft registered in Nigeria unless he is the holder of an appropriate licence granted or rendered valid under these Regulations: Provided that a person may, within Nigeria act as a flight radiotelephony operator without being the holder of such a licence if :—

(a) he does so as the pilot of a glider not flying for the purpose of public transport or aerial work, or as a person being trained in an aircraft registered in Nigeria to perform duties as a member of the flight crew of an aircraft; and

(b) he is authorised to operate the radiotelephone station by the holder of the licence granted in respect of that station by the Minister or other appropriate authority under any enactment; and

(c) messages are transmitted only for the purpose of instruction, or of the safety or navigation of the aircraft; and

(d) messages are transmitted only on a frequency exceeding 60 megacycles per second assigned by the Minister for use on flights on which a flight radiotelephony operator acts in one of the capacities specified in paragraph (a) of this proviso; and

(e) the transmitter is pre-set to one or more of the frequencies so assigned and cannot be adjusted in flight to any other frequency; and

(f) the operation of the transmitter requires the use only of external switches; and

(g) the stability of the frequency radiated is maintained automatically by the transmitter.

(2) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under these Regulations to be carried in an aircraft registered outside Nigeria unless:—

(a) in the case of an aircraft flying for the purpose of public transport or aerial work he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered; and

(b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under these Regulations, and the Minister does not in the particular case give a direction to the contrary.

(3) For the purposes of this Regulation a licence granted under the law of a Contracting State purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall unless the Minister in the particular case gives a direction to the contrary be deemed to be a licence rendered valid under these Regulations but shall not entitle the holder to act as member of the flight crew of any aircraft flying for the purpose of public transport or aerial work.

(4) Notwithstanding the provisions of paragraph (1) of this Regulation, a person may, unless the certificate of airworthiness in force in respect of the aircraft registered in Nigeria for the purpose of undergoing training or tests:—

(a) for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating thereon; or

(b) for admission into any of the Federal naval, military or air forces, without being the holder of an appropriate licence, if the following conditions are complied with:—

(i) no other person shall be carried in the aircraft or in an aircraft being towed thereby except a person carried as a member of the flight crew in compliance with these regulations, a person authorised by the Minister to witness the aforesaid training or tests, or, if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained as a member of the flight crew of an aircraft; and

(ii) the person acting as the pilot of the aircraft without being the holder of an appropriate licence shall not be the pilot in command of the aircraft unless within the period of six months immediately preceding he was either the holder of a pilot's licence (other than a student pilot's licence) granted under these Regulations or was serving as a qualified pilot of aircraft in any of the Federal Military, naval or air forces, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify.

(5) Notwithstanding the provisions of paragraph (1) of this Regulation a person may act as a member of the flight crew of an aircraft registered in Nigeria without being the holder of an appropriate licence if, in so doing, he is acting in the course of his duty as a member of any of the Federal navy, military or air forces.

(6) An appropriate licence for the purposes of this Regulations means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

(7) This regulation shall not apply to a person (other than a flight radio operator) by reason of his acting as a member of the flight crew of a glider which is not flying for the purpose of public transport or aerial work.

Grant or renewal of licences to members of flight crew

Grant or
renewal of
licences to
members of
flight crew.

16. (1) The Minister may grant licences subject to such conditions as he thinks fit of any of the following classes :—

- Student Pilot's licence
- Private Pilot's licence (flying machines)
- Commercial Pilot's licence (flying machines)
- Senior Commercial Pilot's licence (flying machines)
- Airline Transport Pilot's licence (flying machines)
- Private Pilot's licence (balloons and airships)
- Commercial Pilot's licence (balloons)
- Commercial Pilot's licence (airships)
- Commercial Pilot's licence (gliders)
- Flight Navigator's licence
- Flight Engineer's licence
- Flight radiotelephony operator's general licence
- Flight radiotelephony operator's restricted licence
- Flight radiotelegraphy operator's licence.
- Flight radiotelegraphy operator's temporary licence.

upon his being satisfied that the applicant is a fit and proper person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical fitness to act in the capacity to which the licence relates, and for that purpose the applicant shall furnish such evidence; and undergo such examinations and tests (including in particular medical examinations) as the Minister may require of him. A licence of any class shall not be granted to any person who is under the minimum age specified for that class of licence under Part A of the Ninth Schedule of these Regulations.

(2) Subject to any conditions of the licence, a licence of any class shall entitle the holder to perform the functions specified in respect of that licence in Part A of the said Ninth Schedule under the heading "privileges"

Provided that :—

(a) Subject to provisions of paragraph (10) of this Regulation, and paragraph (4) of Regulation 15 and paragraph (1) of Regulation 19 of these Regulations a person shall not be entitled to perform any of the functions specified in Part B of the said Schedule in respect of a rating unless his licence includes that rating ;

(b) a person shall not be entitled to perform any of the functions to which his licence relates if he knows or has reason to believe that his physical condition renders him temporarily or permanently unfit to perform such function.

(3) The Minister may, if he is satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating relates, include in a licence a rating of any of the classes specified in Part B of the said Ninth Schedule and such rating shall be deemed to form part of the licence and shall entitle the holder to perform such functions as are specified in Part B of the said Schedule may be renewed by any person appointed by the Minister for that purpose, if that person is satisfied by a test that the applicant continues to be competent to perform the functions to which the rating relates. The test shall be carried out either in flight or by means of apparatus approved by the Minister in which flight conditions are simulated on the ground.

(4) A licence and a rating shall, subject to the provisions of Regulation 54 of these Regulations, remain in force for the periods indicated in the licence, not exceeding those respectively specified in the Ninth Schedule to these Regulations, and may be renewed by the Minister from time to time upon his being satisfied that the applicant is a fit and proper person and is qualified as aforesaid :

Provided that, on any application being made for such renewal the applicant may be required to satisfy the Minister as to his qualifications with respect to the grant of a licence or rating of the class to which the application relates.

(5) Upon receiving a licence granted under this Regulation, the holder shall forthwith sign his name thereon in ink with his ordinary signature.

(6) Every holder of a licence, other than a flight radiotelephony operator's licence, granted under this Regulation shall submit himself to medical examination, by a person approved by the Minister upon applying for the renewal of the licence and upon such other occasions as the Minister may require.

(7) Every holder of a licence, other than a flight radiotelephony operator's licence, granted under this Regulation or rendered valid under Regulation 17 of these Regulations who suffers :—

(a) any personal injury involving incapacity to undertake the functions to which his licence relates ; or

(b) any illness involving incapacity to undertake those functions throughout a period of twenty days or more, shall inform the Minister in writing of such injury or illness, as soon as possible in the case of an injury, and as soon as the period of twenty days has elapsed in the case of illness.

(8) A licence, other than a flight radiotelephony operator's licence granted under this Part of these Regulations shall be deemed to be suspended upon the occurrence of such an injury, or elapse of such period of illness as is referred to in paragraph (7) of this Regulation. The suspension of the licence shall cease :—

(a) upon the holder being medically examined under arrangements made by the Minister and pronounced fit to resume his functions under the licence : or

(b) upon the Minister exempting the holder from the requirement of a medical examination, subject to such conditions as the Minister thinks fit.

(9) A licence granted under this Regulation shall be deemed to be suspended upon the pregnancy of the holder being diagnosed and shall remain suspended until the holder has been medically examined after the termination of the pregnancy and pronounced fit to resume her duties under the licence.

(10) Nothing in these Regulations shall be taken to prohibit the holder of a commercial pilot's, senior commercial pilot's or airline transport pilot's licence (flying machines) from acting as pilot in command of a flying machine carrying passenger by night by reason of the lack of a night rating in his licence.

Validation of licences

Validation
of Licences
granted
outside
Nigeria.

7. The Minister may issue a certificate of validation rendering valid for the purposes of these Regulations any licence of a member of the flight crew of an aircraft granted under the law of any country other than Nigeria. A certificate of validation may be issued subject to such conditions and for such period as the Minister thinks fit.

Personal flying log book

Personal
flying log
book.

18. Every member of a flight crew of an aircraft registered in Nigeria and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under these Regulations or undergoing tests or receiving instruction in flying for admission into any of the Federal naval, military or air forces shall keep a personal flying log book in which the following particulars shall be recorded:—

The name and the address of the holder of a log book. Particulars of holder's licence (if any) to act as a member of the flight crew of an aircraft.

The name and address of his employer (if any). Particulars of all flights made as a member of the flight crew of aircraft, including:—

(a) the date, time duration and places of arrival and departure of the flight;

(b) the type and registration marks of the aircraft;

(c) the capacity in which the holder acted in flight;

(d) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying;

(e) particulars of any test or examination undertaken whilst in flight.

Instruction in flying

19.—(1) A person shall not give any instruction in flying to any person flying or about to fly a flying machine for the purpose of becoming qualified for—

(a) the grant of a pilot's licence; or

(b) the inclusion in a pilot's licence of an aircraft rating entitling the holder of the licence to act as pilot of:—

(i) a multi-engined aircraft, or

(ii) an aircraft of any class appearing in column 4 of the Table in Part A of the first Schedule to these Regulations if he has not been previously entitled under the Act or qualified in any of the Federal naval, military or air forces, to act as pilot of a multi-engined aircraft, or of an aircraft of that class, as the case may be ; or

(c) the inclusion or variation of any rating, other than an aircraft rating in pilot's licence, unless :—

(i) the person giving the instruction holds a licence, granted or rendered valid under these Regulations, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which instruction is to be given ; and

(ii) such licence includes a flying instructor's rating or an assistance flying instructor's rating entitling the holder, in accordance with the privileges specified in the Ninth Schedule to these Regulations in respect of that rating, to give the instruction ; and

(iii) if payment is made for the instruction, such licence entitles the holder to act as pilot in command of an aircraft flying for the purpose of public transport :

Provided that sub-paragraph (iii) of this paragraph shall not apply if the aircraft is owned or is operated under arrangements entered into, by a flying club of which both the person giving and the person receiving the instruction are members.

(2) For the purpose of this Regulation payment shall be deemed to be made for instruction if any reward is given or promised by any person to any other person in consideration of the flight being made or of the instruction being given or if the instruction is given by a person employed for reward primarily for the purpose of giving such instruction.

Glider pilot—minimum age

20 A person under the age of sixteen years shall not act as pilot in command of a glider.

Minimum
age of
glider pilot.

PART IV

OPERATION OF AIRCRAFT

Operations Manual

21. (1) This Regulation shall apply to public transport aircraft registered in Nigeria except aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are either :—

Operations
Manual.

(a) flights solely for training persons to perform duties in an aircraft,
or

(b) flights intended to begin and end at the same aerodrome.

(2) (a) The operator of every aircraft to which this Regulation applies shall :—

(i) make available to each member of his operating staff an operations manual, and

(ii) ensure that each copy of the operations manual is kept up to date and that one copy thereof is carried on each flight so as to be available to the members of the flight crew.

(b) Each operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such including in particular information and instructions relating to the matters specified in Part A of the Tenth Schedule to these Regulations :

Provided that the operations manual shall not be required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(3) The operator of the aircraft shall if the Minister shall so require, furnish the Minister with a copy of the whole of the operation manual for the time being in effect, or of such parts thereof as the Minister may specify. The operator shall make such amendments of or additions to the operations manual as the Minister may require for the purpose of ensuring the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

(4) For the purposes of this Regulation and the Tenth Schedule to these Regulations "operating staff" means the servants and agents employed by the operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions.

(5) If in the course of a flight on which the equipment specified in scale (i) in paragraph 5 of the Fifth Schedule to these Regulations is required to be provided the said equipment becomes unserviceable, the aircraft shall be operated on the remainder of that flight in accordance with any relevant instructions in the Operations Manual.

Public Transport—Operator's Responsibilities

Responsi-
bilities of a
public
transport
Operator.

22. (1) The operator of an aircraft registered in Nigeria shall not permit the aircraft to fly for the purpose of public transport without first :—

(a) designating from among the flight crew a pilot to be the commander of the aircraft for the flight ; and

(b) satisfying himself by every reasonable means that the aero-nautical radio stations and navigational aids serving the intended route or any planned diversion therefrom are adequate for the safe navigation of the aircraft ; and

(c) satisfying himself by every reasonable means that the aerodromes at which it is intended to take-off or land and any alternate aerodrome at which a landing may be made are suitable for the purpose and in particular are adequately manned and equipped to ensure the safety of the aircraft and its passengers.

Provided that the operator of the aircraft shall not be required to satisfy himself as to the adequacy of fire-fighting, search, rescue or other services which are required only after the occurrence of an accident.

(2) The operator of an aircraft registered in Nigeria shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless such person has had the training, experience, practice and periodical tests specified in Part B of the Tenth Schedule to these Regulations in respect of the duties which he is to perform and unless the operator has satisfied himself that such person is competent to perform

his duties, and in particular to use the equipment provided in the aircraft for that purpose. The operator shall maintain, preserve, produce and furnish information respecting, records relating to the foregoing matters in accordance with Part B of the said Tenth Schedule.

Loading—Public Transport Aircraft and Suspended Loads

23.—(1) The operator of an aircraft registered in Nigeria shall not cause or permit it to be loaded for a flight for the purpose of public transport or any load to be suspended therefrom except under the supervision of a person whom he has caused to be furnished with written instructions as to the distribution and securing of the load so as to ensure that :—

Loading of
public
transport
aircraft.

(a) the load may safely be carried on the flight, and

(b) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(2) The instructions shall indicate the weight of the aircraft prepared for service, that is to say the aggregate of the basic weight (shown in the weight schedule referred to in Regulation 12 of these Regulations) and the weight of such additional items in or on the aircraft as the operator thinks fit to include ; and the instructions shall indicate the additional items included in the weight of the aircraft prepared for service, and shall show the position of the centre of gravity of the aircraft at that weight :

Provided that this paragraph shall not apply in relation to a flight if :—

(a) the aircraft's maximum total weight authorised does not exceed 2,500 lbs., or

(b) the aircraft's maximum total weight authorised does not exceed 6,000 lbs. and the flight is intended not to exceed 60 minutes in duration and is either :—

(i) a flight solely for training persons to perform duties in an aircraft, or

(ii) a flight intended to begin and end at the same aerodrome.

(3) The operator of an aircraft shall not cause or permit it to be loaded in contravention of the instructions referred to in paragraph (1) of this Regulation.

(4) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the requirements specified in paragraph (6) of this Regulation and shall (unless he is himself the commander of the aircraft) submit the load sheet for examination of the commander of the aircraft who shall sign his name thereon :

Provided that the foregoing requirements of this paragraph shall not apply if :—

(a) the load and the distributing and securing thereof upon the next intended flight are to be unchanged from the previous flight and the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet for the previous flight, indicating the date of the endorsement, the place of departure upon the next intended flight and the next intended place of destination ; or

(b) paragraph (2) of this Regulation does not apply in relation to the flight.

(5) One copy of the load sheet shall be carried in the aircraft when Regulation 51 of these Regulations so requires until the flights to which it relates

have been completed and one copy of that load sheet and of the instructions referred to in this Regulation shall be preserved by the operator until the expiration of a period of 6 months thereafter and shall not be carried in the aircraft.

(6) (i) Every load sheet required by paragraph (4) of this Regulation shall contain the following particulars:—

(a) the nationality mark of the aircraft to which the load sheet relates and the registration mark assigned to that aircraft by the Minister ;

(b) particulars of the flight to which the load sheet relates ;

(c) the total weight of the aircraft as loaded for that flight ;

(d) the weights of the several items from which the total weight of the aircraft, as so loaded has been calculated including in particular the weight of the aircraft prepared for service and the respective total weights of the passengers, crew baggage and cargo intended to be carried on the flight.

(e) the manner in which the load is distributed and the resulting position of the centre of gravity of the aircraft which may be given approximately if and to the extent that the relevant certificate of airworthiness so permits ; and shall include at the foot or end of the load sheet a certificate, signed by the person referred to in paragraph (1) of this Regulation as responsible for the loading of the aircraft, that the aircraft has been loaded in accordance with the written instructions furnished to him by the operator of the aircraft, pursuant to this Regulation.

(ii) For the purpose of calculating the total weight of the aircraft the respective total weights of the passengers and crew entered in the load sheet shall be computed from the actual weight of each person and for that purpose each person shall be separately weighed ; Provided that in the case of an aircraft with a total seating capacity of 12 or more persons and subject to the provisions of sub-paragraph (iii) of this paragraph of this Regulation the said weights may be calculated according to the following table, and the load sheet shall bear a notation to that effect.

TABLE

	lbs
Males over 12 years of age	165
Females over 12 years of age	143
Children aged 2 years or more, but not over 12 years of age ..	85
Infants under 2 years of age	17

(iii) The commander of the aircraft shall, if in his opinion it is necessary to do so in the interests of safety of the aircraft, require any or all of the passengers or crew to be actually weighed for the purpose of the entry to be made in the load sheet.

Public transport—operating conditions

Operating
conditions
for public
transport
aircraft.

24.—(1) An aircraft registered in Nigeria shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless such requirements as may be prescribed in respect of its weight and related performance are complied with.

(2) The assessment of the ability of an aircraft to comply with paragraph (1) of this Regulation shall be based on the information as to its performance contained in the certificate of airworthiness relating to the aircraft. In the event of the information given there-in being insufficient for that purpose such assessment shall be based on the best information available to the commander of the aircraft.

(3) Such requirements as are contained in the Twelfth Schedule to these Regulations in respect of the weather conditions required for take-off, approach to landing and landing shall be complied with in respect of every aircraft to which Regulation 21 of these Regulations applies.

(4) A flying machine registered in Nigeria when flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aircraft;—

(a) if it has one engine only, in the event of the failure of that engine,

(b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness relating to the aircraft, to reach a place at which it can safely land at a height sufficient to enable it to do so.

(5) Without prejudice to the provisions of paragraph (4) of this Regulation, an aeroplane in respect of which there is in force under these Regulations a certificate of airworthiness designating the aeroplane as being of performance group X shall not fly over water for the purpose of public transport so as to be more than 60 minutes flying time from the nearest shore, unless the aeroplane has more than two power units. For the purposes of this paragraph, flying time shall be calculated at normal cruising speed with one power unit inoperative.

Aircraft not registered in Nigeria—weather conditions

25.—(1) An aircraft registered in a country other than Nigeria shall not fly for the purpose of public transport unless the operator thereof shall have furnished to the Minister such particulars as he may from time to time have required relating to the weather conditions specified by the operator in relation to aerodromes in Nigeria for the purpose of limiting their use by the aircraft for take-off or landing, including any instructions given by the operator in relation to such weather conditions.

Weather condition for aircraft not registered in Nigeria.

(2) The aircraft shall not begin or end a flight at an aerodrome in Nigeria in weather conditions less favourable than those so specified in relation to that aerodrome, or in contravention of the instructions referred to in paragraph (1) of this Regulation.

Pre-flight action by commander of aircraft

26. The commander of an aircraft registered in Nigeria shall satisfy himself before the aircraft takes off:—

(a) that the flight can safely be made, taking into account the latest information available as to the route and aerodromes to be used, the weather reports and forecasts available, and any alternative course of action which can be adopted in case the flight cannot be completed as planned:

(b) that the equipment (including radio apparatus) required by or under these Regulations to be carried in the circumstances of the intended flight is carried and is in a fit condition for use;

(c) that the aircraft is in every way fit for the intended flight, and that where certificates of maintenance are required by paragraph (1) of Regulation 6 of these Regulations to be in force, they are in force and will not cease to be in force during the intended flight;

Pre-flight action by commander of aircraft.

(d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight ;

(e) in the case of flying machine or airship that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of flight for the purpose of public transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with ;

(f) in the case of an airship or balloon that sufficient ballast is carried for the intended flight ;

(g) in the case of a flying machine, that having regard to the performance of the flying machine in the conditions to be expected on the intended flight and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter; and making a safe landing at the place of intended destination ;

(h) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

Pilots to remain at controls

Pilots
remain at
controls.

27. The commander of an aircraft registered in Nigeria, being a flying machine or glider, shall cause one pilot to remain at the controls at all times while the aircraft is in flight. If the aircraft is required by or under these Regulations to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing. Each pilot at the controls shall be secured in his seat by either a safety belt or a safety harness except that during take-off and landing a safety harness shall be used if it is required by Regulation 9 of these Regulations to be provided.

Public Transport of passengers—duties of commander

Duties of
commander
of aircraft
for transport
of passengers.

28.—(1) This Regulation applies to flights for the purpose of the public transports of passengers by aircraft registered in Nigeria.

(2) In relation to every flight to which this Regulation applies the commander of the aircraft shall :—

(a) before the aircraft takes off, take all reasonable steps to ensure that all passengers are made familiar with the position and method of use of emergency exits, safety belts, safety harnesses oxygen equipment and lifejackets, and all other devices required by or under these Regulations and intended for use by passengers individually in case of an emergency occurring to the aircraft.

Provided that in relation to lifejackets this requirement may, except in the case of seaplane, be complied with at any time before the aircraft reaches a point beyond gliding distance from land ;

(b) if the aircraft is not a seaplane but is intended in the course of the flight to reach a point more than 30 minutes flying time (while flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water) from the nearest land, take all reasonable steps to ensure that before that point is reached, all passengers are given a practical demonstration of the method of use of the lifejackets required by or under these Regulations for the use of passengers :

(c) if the aircraft is a seaplane, take all reasonable steps to ensure that before the aircraft takes off all passengers are given a practical demonstration of the method of use of the equipment referred to in the preceding sub-paragraph ;

(d) before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that any persons, carried in compliance with paragraph (7) of Regulation 14 of these Regulations are secured in seats which shall be in a passenger compartment and which shall be so situated that they can readily assist passengers ;

(e) before the aircraft takes off, and before it lands, and whenever by reason of turbulent air or any emergency occurring during flight he considers the precaution necessary, take all reasonable steps to ensure that all passengers are properly secured in their seats by safety belts or safety harnesses ;

(f) in any emergency, take all reasonable steps to ensure that all passengers are instructed in the emergency action which they should take ;

(g) except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that :—

(i) before the aircraft reaches an altitude of 13,000 feet above mean sea level, the method of use of the oxygen provided in the aircraft in compliance with the requirements of Regulation 9 of these Regulations is demonstrated to all passengers ;

(ii) on reaching such altitude all passengers are recommended to use oxygen ;

(iii) during any time exceeding 30 minutes when the aircraft is flying at an altitude exceeding 10,000 feet but not exceeding 13,000 feet above mean sea level, and at all times when the aircraft is flying at an altitude exceeding 13,000 feet above mean sea level, oxygen is used by all the crew of the aircraft.

Operation of radio in aircraft

29.—(1) The radio station in an aircraft shall not be operated, whether or not the aircraft is in flight except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio station under that law.

Operation
of radio
in aircraft

(2) Whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.

Provided that :—

(a) the radio watch may be discontinued or continued on another frequency to the extent that a message as aforesaid so permits ; and

(b) the watch may be kept by a device installed in the aircraft if :—

(i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection ; and

(ii) that station is notified, or in the case of a station situated in a country other than Nigeria, otherwise designated as transmitting a signal suitable for that purpose.

(3) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows :—

(a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying ;

(b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice ;

(c) messages and signals relating to the flight of the aircraft in accordance with general international aeronautical practice ;

(d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1) of this Regulation.

(4) In every aircraft registered in Nigeria which is equipped with radio communication apparatus a telecommunication log book shall be kept in which the following entries shall be made :—

(a) the identification of the aircraft radio station ;

(b) the date and time of the beginning and end of every radio watch maintained in the aircraft and of the frequency on which it was maintained ;

(c) the date and time, and particulars of all messages and signals sent or received, including in particular details of any distress traffic sent or received ;

(d) particulars of any action taken upon the receipt of a distress signal or message ;

(e) particulars of any failure or interruption of radio communications and the cause thereof ;

Provided that a telecommunication log book shall not be required to be kept in respect of communication by radiotelephony with a radio station on land or on a ship which provides a radio service for aircraft.

(5) The flight radio operator maintaining radio watch shall sign the entries in the telecommunication log book indicating the times at which he began and ended the maintenance of such watch.

(6) The telecommunication log book shall be preserved by the operator of the aircraft until a date six months after the date of the last entry therein.

(7) In any flying machine registered in Nigeria which is engaged on a flight for the purpose of public transport, the pilot and the flight engineer (if any) shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunication within the aircraft) whilst the aircraft is flying in controlled airspace at an altitude less than 15,000 feet above mean sea level or is taking off or landing.

*Towing of gliders*Towing of
gliders.

30.—(1) An aircraft in flight shall not tow a glider unless the certificate of airworthiness issued or rendered valid in respect of the towing aircraft under the law of the country in which that aircraft is registered includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 500 feet.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off :—

(a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider is capable of flying in the manner referred to in paragraph (g) of Regulation 26 of these Regulations ;

(b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely ;

(c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

*Towing, picking up and raising of persons and articles*Towing etc.
of persons
and articles.

31.—(1) Subject to the provisions of this Regulation, an aircraft in flight shall not, by means external to the aircraft, tow any articles, other than a glider, or pick up or raise any person, animal or article, unless the certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered includes an express provision that it may be used for that purpose.

(2) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one mile.

(3) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 500 feet.

(4) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when an article, person or animal is suspended from the helicopter.

(5) Nothing in this Regulation shall :—

(a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under these Regulations to be towed or displayed by an aircraft in flight ;

(b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life ;

(c) apply to any aircraft while it is flying in accordance with the "B Conditions" set forth in the Second Schedule to these Regulations ;

(d) be taken to permit the towing or picking up of a glider of otherwise than in accordance with Regulation 30 of these Regulations.

Dropping
of persons
and articles.

32.—(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Articles, animals and persons (whether or not attached to a parachute) shall not be dropped, or permitted to drop to the surface from an aircraft flying over Nigeria.

Provided that this paragraph shall not apply to the descent of persons by parachute from an aircraft in an emergency, or to the dropping of articles by, or with the authority of, the commander of the aircraft in the following circumstances :—

(a) the dropping of articles for the purpose of saving life ;

(b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft ;

(c) the dropping of ballast in the form of fine sand or water ;

(d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations ;

(e) the dropping at an aerodrome in accordance with prescribed regulations, of ropes, banners of similar articles towed by aircraft.

(3) For the purposes of this Regulation dropping includes projecting and lowering.

(4) Nothing in this Regulation shall prohibit the lowering of any person, animal or article from a helicopter to the surface, if the certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

Carriage of munitions of war

Carriage
of munitions
of war
prohibited.

33.—(1) An aircraft shall not carry any munitions of war.

(2) It shall be unlawful for any person to take or cause to be taken on board aircraft, or to deliver or cause to be delivered for carriage thereon, any goods which he knows or has reason to believe or suspect to be munitions of war.

(3) For the purpose of this Regulation "munitions of war" means such weapons and ammunition as are designed for use in warfare.

Carriage of dangerous goods

Carriage of
dangerous
goods.

34.—(1) Dangerous goods shall not be carried in an aircraft except as follows :—

(a) goods carried in accordance with any regulations which the Minister may make to permit dangerous goods to be carried either in aircraft generally or in aircraft of any class or type specified in the regulations ;

(b) goods carried with the written permission of the Minister and in accordance with any conditions to which such permission may be subject ;

(c) goods carried in an aircraft with the consent of the operator thereof for the purpose of ensuring the proper navigation or safety of the aircraft or the well-being of any person on board

(d) goods permitted to be carried under the laws of the country in which the aircraft is registered, if there is in force in relation to such country an agreement between the Federal Government of Nigeria and the Government of that country permitting the carriage of dangerous goods within Nigeria in aircraft registered in that country.

(2) Dangerous goods permitted by or under these Regulations to be carried in an aircraft shall not be loaded as cargo therein unless :—

(a) the consignor of the goods has furnished the operator of the aircraft with particulars in writing of the nature of the goods and the danger which they give rise to; and

(b) the goods or any container in which they are packed are clearly marked so as to indicate the danger to the person loading the goods in the aircraft.

The operator of the aircraft shall, before the flight begins, inform the commander of the aircraft of the identity of the goods, the danger to which they give rise and the weight or quantity of the goods.

(3) It shall be unlawful for any person to take or cause to be taken on board an aircraft, or to deliver or cause to be delivered for loading thereon, any goods which he knows or has reason to believe or suspect to be dangerous goods the carriage of which is prohibited by this Regulation.

(4) The provisions of this Regulation shall be additional to and not in derogation from the provisions of Regulation 33 of these Regulations.

Method of carriage of persons

35. A person shall not be in or on any part of an aircraft which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or under-carriage of an aircraft. A person shall not be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight :

Method of
carriage of
persons.

Provided that a person may have temporary access to :—

(a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein ;

(b) any part of an aircraft in which cargo or stores are carried, being a part which is designated to enable a person to have access thereto while the aircraft is in flight.

Exits and break-in markings

36.—(1) This Regulation shall apply to every public transport aircraft registered in Nigeria.

(2) Whenever an aircraft to which this Regulation applies is carrying passengers, every exit therefrom and every internal door in the aircraft shall, during take-off and landing and during any emergency, be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers :

Provided that an exit may be obstructed by cargo if it is an exit which, in accordance with arrangements approved by the Minister, either generally or in relation to a class of aircraft or a particular aircraft, is not required for use by passengers.

(3) Every exit from the aircraft, being an exit intended to be used by passengers in normal circumstances shall be marked with the word "Exit" in capital letters and every exit, being an exit intended to be used by passengers in an emergency only, shall be marked with the words "Emergency Exit" in capital letters.

(4) (a) Every exit from the aircraft shall be marked with instruction in English and in such other language or languages, if any as may be prescribed, and with diagrams, to indicate the correct method of opening the exit.

Exits and
break-in
markings.

(b) The markings shall be placed on or near the inside surface of the door or other closure of the exit and, if it is openable from the outside of the aircraft, on or near the exterior surface.

(5) (a) Every aircraft to which this Regulation applies, being an aircraft of which the maximum total weight authorised exceeds 8,000 lbs., shall be marked upon the exterior surface of fuselage with markings to show the areas (in this paragraph referred to as "break-in areas") which can, for purposes of rescue in an emergency, be most readily and effectively broken into by person outside the aircraft.

(b) The break-in areas shall be rectangular in shape and shall be marked by right-angled corner markings, each arm of which shall be 4 inches in length along its outer edge and 1 inch in width.

(c) The words "Cut Here in Emergency" shall be marked across the centre of each break-in area in capital letters.

(6) The markings required by this Regulation shall :—

(a) be painted, or affixed by other equally permanent means ;

(b) be red in colour and, in any case in which the colour of the adjacent background is such as to render red markings not readily visible, be outlined in white or some other contrasting colour in such a manner as to render them readily visible ;

(c) be kept at all times clean and unobscured.

Imperilling safety of aircraft

Imperilling
safety of
aircraft.

37. A person shall not wilfully or negligently act in a manner likely to endanger an aircraft or any person therein.

Imperilling safety of any person or property

Imperilling
safety of any
person or
property.

38. A person shall not wilfully or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft

Drunken-
ness in
aircraft.

39.—(1) A person shall not enter any aircraft when drunk or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

Smoking in aircraft

Smoking
in aircraft.

40.—(1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in Nigeria so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an air craft registered in Nigeria at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

Authority of commander of aircraft

41. Every person in an aircraft registered in Nigeria shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Authority of
commander
of aircraft.

Stowaways

42. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander thereof or of any other person entitled to give consent to his being carried in the aircraft.

Stowaways.

PART V

FATIGUE OF FLIGHT CREW

Application, interpretation and modification of Part I

43.—(1) Regulations 44 to 48, inclusive, of these Regulations apply in relation to an aircraft if, but only if, it is an aircraft registered in Nigeria which is either :—

Application,
interpreta-
tion and
modification
of Part V.

(a) engaged on a flight for the purpose of public transport, or

(b) operated by an air transport undertaking :

Provided that the said Regulations shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or a flying school, or a person who is not an air transport undertaking.

(2) In this Part of these Regulations, the following expressions shall, except where the context otherwise requires, have the meanings hereby respectively assigned to them, that is to say :—

(a) "flight time", in relation to any person means all time spent by that person in an aircraft while it is in flight and he is carried therein as a member of the flight crew thereof ;

(b) "duty period", in relation to any person who flies in an aircraft as a member of the flight crew thereof, means any continuous period throughout which he is, under the provisions of paragraph (3) or (4) of this Regulation, to be treated as being on duty :

Provided that where two or more periods which would, but for this proviso, be separate duty periods are separated by an interval of less than 10 hours, the period starting when the first of those duty periods began and finishing when the last of them ended shall be treated as constituting a single continuous duty period ;

(c) "rest period," in relation to any person, means any continuous period no part of which forms part of a duty period of that person.

(3) For the purposes of this Part of these Regulations a person who is employed under a contract of service to fly in an aircraft as a member of the flight crew thereof shall be treated as being on duty at any time when in the course of that employment he flies in any aircraft (whether as a member of its crew or as a passenger and whether or not the aircraft is such an aircraft as is referred to in paragraph (1) of this Regulation) or he is otherwise acting in the course of that employment :

Provided that when he is not flying in an aircraft :—

(a) subject to paragraph (c) of this proviso, he shall not be treated as being on duty during any period which he is allowed for rest ;

(b) subject to paragraph (c) of this proviso, he shall not be treated as being on duty at any time by reason only of his being required at that time to be available at a particular place to report for duty if required to do so.

(c) he shall be treated as being on duty at any time when he is required to be available at a particular place to report for duty if required to do so if :—

(i) that place is at an aerodrome, or

(ii) that place, not being at an aerodrome, is a place at which his employer requires persons similarly employed to be available as aforesaid and adequate facilities for rest are not available for his use while he is required to be so available.

(4) For the purposes of this Part of these Regulations a person who flies in an aircraft as a member of the flight crew thereof, otherwise than in the course of his employment under a contract of service to fly as aforesaid, shall be treated as being on duty at any time when, in connection with any business of operating aircraft, he flies in any aircraft (whether as a member of its crew or as a passenger and whether or not the aircraft is such an aircraft as is referred to in paragraph (1) of this Regulation) or does any work.

(5) For the purposes of this Part of these Regulations references to a person flying in an aircraft as a member of the flight crew thereof include references to the operator of the aircraft who himself flies in the aircraft in any such capacity and references to the work and other duties which a person is required or permitted by an operator to carry out shall in any such case be construed as references to any work carried out by that operator in connection with the managements of aircraft or with any business which includes the flying of aircraft.

(6) Notwithstanding the provisions of this Regulation and Regulations 44 to 50 of these Regulations, the Minister may by Regulations modify or replace the provisions of this Regulation (other than this paragraph) or any or all of those Regulations in their application to Nigeria if he considers that the prevention of excessive fatigue of the flight crew of aircraft registered in Nigeria will thereby be more suitably ensured.

Duties of Operators to prevent excessive Fatigue of Flight Crew

Duties of operators to prevent fatigue to flight crew.

44. It shall be the duty of every operator of an aircraft to which this Regulation applies to ensure, as respects each person flying as a member of the flight crew of that aircraft that the periods during which that person is required or permitted by that operator to carry out any work or other duties are so limited in length and frequency, and that that person is afforded such periods for rest, that his said work and duties are not likely to cause him such fatigue while he is flying in the aircraft as may endanger the safety thereof.

Establishment of limits on Flight times, flying duty periods and rest periods

Limits on flying times etc

45.—(1) Without prejudice to the provisions of Regulation 44 of these Regulations, and for the purposes of securing that the requirements of those provisions are complied with, every operator of an aircraft to which this Regulation applies shall establish for every person flying in that aircraft as a member of the flight crew thereof :—

(a) limits on the aggregate of all his flights times during every period of 30 consecutive days.

(b) limits on his flying duty periods, and

(c) minimum rest periods which he is to have immediately before any duty period in the course of which he makes any such flight as aforesaid, being limits and minimum rest periods which the operator is satisfied after taking into account the matters mentioned in paragraph (2) of this Regulation, are such that, if every member of the flight crew observes those limits and has those minimum rest periods, the safety of the aircraft on any flight is not likely to be endangered by reason of any fatigue which may be caused by the work or other duties which the members of the flight crew are required or permitted by that operator to carry out. Different limits and different minimum rest periods may be established either for different persons or for different classes of persons and for different circumstances.

(2) The matters which an operator shall take into account in establishing under paragraph (1) of this Regulation limits and minimum rest periods as therein mentioned for the persons therein mentioned are the nature of the work and other duties which those persons will carry out and all circumstances arising out of the carrying out of that work and those duties which may affect the degree of fatigue from which those persons may suffer while they are making a flight in an aircraft to which this Regulation applies in any such capacity as is mentioned in the said paragraph (1).

(3) No limits or minimum rest periods may be established under paragraph (1) of this Regulation which would require or permit any person to fly in any aircraft at a time when such flying would constitute a contravention of any of the provisions of Regulations 46, 47 and 49 of these Regulations.

(4) An operator of an aircraft to which this Regulation applies shall not permit that aircraft to make a flight unless limits and minimum rest periods have been established in accordance with the foregoing provisions of this Regulation so as to apply to every member of the flight crew thereof.

(5) Every operator of an aircraft to which this Regulation applies shall take all such steps as are reasonably practicable to secure that all limits for the time being established by that operator in accordance with the foregoing provisions of this Regulation are observed and that no person for whom minimum rest periods are for the time being so established makes any flight in an aircraft to which this Regulation applies unless, immediately before the duty period in the course of which he makes the flight, he has had the appropriate rest period so established.

(6) Notwithstanding anything contained in the foregoing provisions of this Regulation, an operator of an aircraft to which this Regulation applies may confer upon the commander of that aircraft a discretion to make, or authorise any person to make a flight in that aircraft in such circumstances that the commander or, as the case may be, that other person will not observe the limits or will not have had the minimum rest period established by that operator under the foregoing provisions of this Regulation and applicable to the commander or that other person: Provided that the said discretion shall not be exercisable unless the following conditions are fulfilled, that is to say:—

(a) that it appears to the commander :—

(i) that arrangements had been made for the flight to be made with such a crew and so as to begin and end at such times that if the flight had been made in accordance with those arrangements each memb

of the crew would have observed the limits and have had the minimum rest periods established by the operator and applicable to them as aforesaid, and that since those arrangements were made the flight has been or will be prevented from being made in accordance with those arrangements by reason of exceptional circumstances or by reason of circumstances which were not foreseen as likely to prevent that flight from being so made, or

(ii) that the flight is one which ought to be carried out in the interests of the safety or health of any person, and

(b) that the commander is satisfied that the safety of the aircraft on that flight will not be endangered if he or that other person makes that flight.

(7) Every operator of an aircraft to which this Regulation applies shall include in every operations manual to be provided under Regulation 21 of these Regulations for the use and guidance of the members of the flight crew of that aircraft, or in any case where no such manual is required to be provided by that Regulation, in a document which shall be provided for the use and guidance of those members, full particulars of all limits and minimum rest periods for the time being established under the foregoing provisions of this Regulation which may affect any of those members, and of any discretion conferred upon the commander of that aircraft under paragraph (6) of this Regulation and (without prejudice to the provision of Regulation 21 of these Regulations) every such operator shall, whenever requested to do so by a person authorised in that behalf by the Minister, furnish that person with a copy of all particulars from time to time included in any such operations manual or document in accordance with the requirements of this paragraph.

(8) In this Regulation the expression "flying duty period" in relation to any person, means the time, reckoned from the beginning of each duty period of that person, in the course of which he is permitted to make any flight to which this Regulation applies and after expiration of which he is not in the course of the same duty period, to make any such flight.

Maximum flying duty periods for pilots and flight engineers

Maximum flying duty periods for pilots and flight engineers.

46.—(1) Without prejudice to the provisions of Regulation 44 of these Regulations a person shall not fly in an aircraft to which this Regulation applies as a pilot or flight engineer thereof in the course of any duty period of that person after more than the specified time has elapsed since the beginning of that duty period.

(2) In paragraph (1) of this Regulation the expression "the specified time" means:—

(a) in relation to a person who flies in an aircraft as the only pilot thereof, 12 hours:

Provided that if before the commencement of that flight and during the duty period in the course of which he makes that flight, there has been a period of not less than seven continuous hours throughout which that person has not flown in any aircraft, the foregoing provisions of this sub-paragraph shall have effect in relation to that flight as if 14 hours were substituted therein for 12 hours.

(b) in relation to a person who flies as a pilot of an aircraft in which two or more persons are carried as pilots thereof, 16 hours: Provided that the foregoing provisions of this sub-paragraph shall have effect in relation

to that flight as if 24 hours were substituted therein for 16 hours if three or more persons are carried in the aircraft as pilots thereof and the following conditions are fulfilled :—

(i) at least two of the pilots are duly qualified by their respective licences to act as a commander of the aircraft for the purposes of that flight ;

(ii) at least one of the pilots is carried in addition to those members of the flight crew who are required to be carried in the circumstances of the flight by or under these Regulations.

(iii) suitable facilities for sleeping are available for the use of at least one of the pilots at all times throughout the flight ; and

(iv) each of the pilots has during the duty period in the course of which that flight is made and before the end of that flight, been afforded opportunities of resting for a reasonable time :

(c) in relation to a person who flies as a flight engineer of an aircraft, 16 hours :

Provided that the foregoing provisions of this sub-paragraph shall have effect in relation to that flight as if 24 hours were substituted therein for 16 hours if two or more persons are carried in the aircraft as flight engineers thereof and the following conditions are fulfilled :—

(i) at least one of the flight engineers is carried in addition to the members of the flight crew who are required to be carried in the circumstances of the flight by or under these Regulations ;

(ii) suitable facilities for sleeping are available for the use of at least one of the flight engineers at all times throughout the flight ; and

(iii) each of the flight engineers has, during the duty period in the course of which that flight is made and before the end of that flight, been afforded opportunities of resting for a reasonable time.

Minimum rest periods for flight crew

47. Without prejudice to the provisions of Regulation 44 of these Regulations a person shall not fly in an aircraft to which this Regulation applies as a member of the flight crew thereof, unless immediately before the duty period in the course of which he makes that flight he had a sufficient rest period that is to say, a rest period of a length not less than the minimum length specified in the first column of the Table set out at the end of this Regulation and therein set opposite to the length specified in the second column of that Table which corresponds to the length of the duty period of that person which immediately precedes that rest period.

Minimum
rest periods
for flight
crew.

TABLE

*Minimum length of sufficient
rest period*

*Length of immediately
preceeding duty period*

10 hours	..	..	..	Not exceeding 10 hours
11 hours	..	..	..	Exceeding 10 but not exceeding 11 hours
12 hours	..	..	..	Exceeding 11 but not exceeding 12 hours
13 hours	..	..	..	Exceeding 12 but not exceeding 13 hours
14 hours	..	..	..	Exceeding 13 but not exceeding 14 hours
15 hours	..	..	..	Exceeding 14 but not exceeding 15 hours
16 hours	..	..	..	Exceeding 15 but not exceeding 16 hours

*Minimum length of sufficient
rest period**Length of immediately
preceding duty period*

18 hours	Exceeding 16 but not exceeding 17 hours
20 hours	Exceeding 17 but not exceeding 18 hours
22 hours	Exceeding 18 but not exceeding 19 hours
24 hours	Exceeding 19 but not exceeding 20 hours
26 hours	Exceeding 20 but not exceeding 21 hours
28 hours	Exceeding 21 but not exceeding 22 hours
30 hours	Exceeding 22 but not exceeding 23 hours
32 hours	Exceeding 23 hours

Provided that where a rest period taken by a person at a place which is outside Nigeria and, if he ordinarily resides outside Nigeria, is not within 50 miles of his ordinary place of residence it shall be deemed to be a sufficient rest period if it includes a period of 8 hours falling between 2200 and 0800 hours local time and is of a length not less than the minimum length specified in the first column of Table B in this Regulation and therein set opposite to the length specified in the second column of that Table which corresponds to the length of the duty period of that person which immediately precedes that rest period.

TABLE B

*Minimum length of sufficient
rest period**Length of immediately
preceding duty period*

10 hours	Not exceeding 10 hours
11 hours	Exceeding 10 but not exceeding 11 hours
12 hours	Exceeding 11 but not exceeding 12 hours
13 hours	Exceeding 12 but not exceeding 14 hours
14 hours	Exceeding 14 but not exceeding 17 hours
15 hours	Exceeding 17 but not exceeding 19 hours
16 hours	Exceeding 19 but not exceeding 21 hours
17 hours	Exceeding 21 but not exceeding 23 hours
18 hours	Exceeding 23 hours.

Records of
flight times
duty period
etc.

Records of Flight times, duty periods and rest periods

48.—(1) The operator of an aircraft to which this Regulation applies shall not cause or permit any person to fly therein unless the operator has in his possession an accurate and up-to-date record maintained by him or by another operator of aircraft in respect of that person and in respect of the 28 days immediately preceding the flight showing :—

(a) the times of the beginning and end of each flight in any aircraft made by that person as a member of its flight crew in the course of any of his duty periods, and

(b) the times of the beginning and end of each duty period of that person, and

(c) brief particulars of the nature of the work or other duties carried out by that person during each of his duty periods.

(2) The Minister may prescribe the form and manner in which any records required to be kept under the last foregoing paragraph shall be kept and where he has so prescribed the said records shall be kept accordingly.

(3) Subject to the provisions of Regulation 53 of these Regulations the operator of the aircraft shall preserve the records referred to in paragraph (1) of this Regulation for a period of at least 12 months after the end of the flight, duty period or rest period to which they relate.

Maximum Flight times for Flight Crew

49. A person shall not fly in any aircraft registered in Nigeria as a member of the flight crew thereof at any time on any day after the aggregate of all his flight times (whether arising from flight in an aircraft to which this Regulation applies or in any other aircraft) during the period of 28 consecutive days expiring at the end of that day amounts to 115 hours; Provided that the foregoing prohibition shall not apply to a flight made in an aircraft which is not such an aircraft as is described in paragraph (1) of Regulation 43 of these Regulations if at the time of the flight the aggregate of all the flight times of the person making the flight since he was last medically examined under these Regulations and found fit does not exceed 115 hours.

Maximum
flight times
for flight
crew.

Provision for particular cases

50.—(1) Notwithstanding anything contained in Regulations 46, 47 and 49 of these Regulations (hereinafter referred to as "the relevant Regulations") a person shall be deemed not to have contravened any of the provisions of those Regulations by reason of a flight made at any time by that person or by another person if the first mentioned person proves :—

Provision
for particular
cases.

(a) that it was due to an unavoidable delay in the completion of the flight that the person so flying was flying at that time, and

(b) that the said first mentioned person could not reasonably be expected to have foreseen before the flight began that the delay was likely to occur.

(2) Without prejudice to the provisions of paragraph (2) of Regulation 79 of these Regulations and notwithstanding anything contained in the relevant Regulations, the commander of an aircraft may make, or authorise any other person to make and that other person if so authorised may make, a flight in that aircraft which he would, but for this paragraph, be prohibited from making by virtue of any provision contained in the relevant Regulations if :—

(a) it appears to the commander :—

(i) that arrangements had been made for the flight to be made with such a crew and so as to begin and end at such times that no member of that crew would have been prohibited from making the flight in accordance with those arrangements by any provision contained in the relevant Regulations, and that since those arrangements were made the flight has been or will be prevented from being made in accordance with those arrangements by reason of exceptional circumstances or by reason of circumstances which were not foreseen as likely to prevent that flight from being made, or

(ii) that the flight is one which ought to be carried out in the interest of the safety or health of any person, and

(b) the commander is satisfied that the safety of the aircraft on that flight will not be endangered if he or that other person makes that flight.

(3) Where the commander or any other person makes a flight in an aircraft which he or that other person is permitted to make under the last foregoing paragraph, a report in writing that he or that other person has made that flight, giving full particulars of the circumstances in which it was made and the reasons why the commander made that flight, or, as the case may be, authorised that other person to do so, shall be made as soon as is reasonably practicable by the commander to the operator of the aircraft and in any event by the operator to the Minister; and the operator and the commander shall furnish any authorised person with such further information

in his possession relating to the flight and to the circumstances in which it was made as that person may require.

PART VI.—DOCUMENTS

Documents to be carried

Documents
to be
carried.

51.—(1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in Nigeria shall, when in flight, carry documents in accordance with the Eleventh Schedule to these Regulations :

Provided that, if the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than Nigeria, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Production of documents

Production
of docu-
ments.

52.—(1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person :—

(a) the certificates of registration and airworthiness in force in respect of the aircraft ;

(b) the licences of its flight crew.

(c) such other documents as the aircraft is required by Regulation 51 of these Regulations to carry when in flight.

(2) The operator of an aircraft registered in Nigeria shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person being documents which are required by or under these Regulations, to be in force or to be carried or preserved :—

(a) the documents referred to in the Eleventh Schedule to these Regulations as Documents A, B, and G ;

(b) the aircraft log book, engine log books and variable pitch propeller log books required under these Regulations to be kept ;

(c) the weight schedule, if any, required to be preserved under Regulation 12 of these Regulations.

(d) in the case of a public transport aircraft or aerial work aircraft, the documents referred to in the Eleventh Schedule to these Regulations as Documents D, E, and F ;

(e) any record of flight times, duty periods and rest periods which he is required by paragraph (3) of Regulation 48 of these Regulations to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those record are complete and accurate.

(3) The holder of a licence granted or rendered valid under these Regulations shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence including any certificate of validation. The requirements of this paragraph shall be deemed to have been complied with, except in relation to licences required by Regulation 51 of these Regulations to be carried in the aircraft or kept at an aerodrome, if the licence requested is produced* within five days after the request has been made, at a police station in Nigeria specified, at the time of the request by the person to whom the request is made.

(4) Every person required by Regulation 18 of these Regulations to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within two years after the date of the last entry therein.

Preservation of documents etc.

53. A person required by these Regulations to preserve any document by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft continue to preserve the documents as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document shall fall upon his personal representative ;

Provided that if :—

(a) another person becomes the operator of the aircraft and it remains registered in Nigeria he or his personal representative shall deliver to that other person upon demand the certificates of maintenance and compliance, the log books and the weight schedule which are in force or required to be preserved in respect of that aircraft ;

(b) an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person and registered in Nigeria he or his personal representative shall deliver to that other person upon demand the log book relating to that engine or propeller ;

(c) any person in respect of whom a record has been kept by him in accordance with Regulation 48 of these Regulations becomes a member of the flight crew of a public transport aircraft registered in Nigeria and operated by another person he or his personal representative shall deliver those records to that other person upon demand, and it shall be the duty of that other person to deal with the document delivered to him as if he were the first-mentioned operator.

Revocation, suspension and variation of certificates, licences and other documents

54.—(1) The Minister may, if he thinks fit, provisionally suspend any certificate, licence, approval, permission, exception or other document issued or granted under these Regulations, pending investigation of the case. The Minister may, on sufficient ground being shown to his satisfaction after due enquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption or other document.

Revocation,
suspension
and variation
of certificates
etc

(2) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption, or other document which has been revoked, suspended or varied under these Regulations shall surrender it to the Minister within a reasonable time after being required to do so by him.

(3) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued under these Regulations shall render the document invalid during the continuance of the breach.

Offences in relation to documents

Offences in
relation to
documents.

55.—(1) A person shall not with intent to deceive :

(a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under these Regulations which has been forged, altered, revoked or suspended, or to which he is not entitled ; or

(b) lend any certificate, licence, approval, permission exemption or other document issued or required by or under these Regulations to, or allow it to be used by, any other person ; or

(c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document.

(2) A person shall not wilfully mutilate, alter or render illegible any log book or other record required by or under these Regulations to be maintained or any entry made therein, or knowingly make, or procure or assist in the making, of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under these Regulations to be preserved.

(3) All entries in such log books and records shall be made in ink or indelible pencil.

(4) A person shall not wilfully or negligently make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate of maintenance or certificate of compliance or any certificate under Condition (3) of the "A Conditions" set forth in the Second Schedule to these Regulations unless he is authorised to do so under these Regulations.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART VII
CONTROL OF AIR TRAFFIC

Rules of the
Air and Air
Traffic
Control.

56.—(1) The Minister may make rules (hereinafter referred to as the Rules of the Air and Air Traffic Control) prescribing—

(a) the manner in which aircraft may move and fly.

(b) the lights and other signals to be shown or made by aircraft or persons

(c) the lighting and marking of aerodromes ;

(d) the air traffic control services to be provided at aerodromes including in particular the licensing of persons providing such services.

(e) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) Subject to the provisions of paragraph (3) of this Regulation, it shall be an offence to contravene, to permit the contravention of, or to fail to comply with the Rules of the Air and Air Traffic Control.

(3) It shall be lawful for the Rules of the Air and Air Traffic Control to be departed from to the extent necessary :—

(a) for avoiding immediate danger or

(b) for complying with the law of any country other than Nigeria within which the aircraft then is.

(4) If any departure from the Rules of the Air and Air Traffic Control is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within ten days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Minister.

(5) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

(6) The Minister may for the purpose of promoting the safety of aircraft make regulations as to special signals and other communications to be made by or on an aircraft, as to the course on which and the height at which an aircraft shall fly and as to any other precautions to be observed in relation to the navigation and control of aircraft which the Minister may consider expedient for the purpose aforesaid and no aircraft shall fly in contravention of any such regulations.

Power to prohibit or restrict flying

57.—(1) Where the Minister deems it necessary in the public interest to restrict or prohibit flying over any area of Nigeria or along any route therein by reason of:—

Power to
prohibit or
restrict
flying.

(a) the intended gathering or movement of a large number of persons.

(b) the intended holding of an aircraft race or contest or of an exhibition of flying, or

(c) national defence or any other reason affecting the public interest the Minister may make regulations prohibiting, restricting or imposing conditions on flight, either generally or in relation to any class or type of aircraft, over any such area or along any such route, and an aircraft, shall not fly in contravention of such regulations.

(2) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any such regulations which have been made for any of the reasons referred to in paragraph (i) (c) of this Regulation he shall forthwith cause a signal of distress to be made by radio or by one of the prescribed visual signals, and shall (unless otherwise instructed by the appropriate air traffic control unit or by a commissioned officer of the Federal naval, military or air forces), cause the aircraft to land at the aerodrome, being an aerodrome suitable for that purpose, which it can reach by flying to the least possible extent over the area to which the regulations relate. The aircraft shall not begin to descend while over such area.

Balloons, kites and airships

58.—(1) Within Nigeria:—

(a) a captive balloon or kite shall not be flown at a height of more than 200 feet above the ground level or within 200 feet of any vessel, vehicle or structure;

(b) a captive balloon shall not be flown within 3 miles of an aerodrome;

(c) a balloon exceeding 6 feet in any linear dimension at any state of its flight, including any basket or other equipment attached to the balloon, shall not be flown in controlled airspace;

Balloons
kites and
airships.

- (d) a kite shall not be flown within 3 miles of an aerodrome ;
 (e) an airship shall not be moored, without the permission in writing of the Minister, and in accordance with any conditions subject to which that permission may be granted.

(2) A captive balloon when in flight shall be securely moored, and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

PART VIII

AIR ROUTES AND AIRWAYS, AERODROMES, LIGHTS AND OTHER FACILITIES

Designation of air routes and airways

Designation
of air routes
and airways.

59. — (1) The Minister may designate as an air route a defined airspace identified, to the extent necessary for the application of flight rules and forming a route between two points.

(2) The Minister may designate as an airway a defined airspace which consists of or is within a control area, forms a path identified by an area of specified width on the surface of the earth and is equipped with radio navigational aids.

(3) The Minister may determine the conditions of use of any air route or airway so designated by him.

(4) The Minister shall cause to be notified any such designation or determination as is mentioned in this Regulation.

Use of Government aerodromes

Use of
Government
aerodromes.

60. The Minister may cause to be notified, subject to such conditions or restrictions as he thinks fit, any Government aerodrome as an aerodrome available for public use.

Licensing of aerodromes

Licensing of
aerodromes.

61. — (1) Upon application by the proprietor of any place, the Minister may issue to him in respect of such place an aerodrome licence containing such conditions and restrictions as the Minister thinks fit ; and a licence so issued shall subject to the provisions of Regulation 54 of these Regulations, remain in force for such period as may be specified in the licence.

(2) The licensee of an aerodrome licensed under this Regulation shall not cause or permit any condition or restriction of the licence to be contravened, but the licence shall not cease to be valid by reason only of such a contravention.

(3) The licensee of an aerodrome licensed under this Regulation shall not cause or permit the landing or manoeuvring area of the aerodrome to be enlarged reduced or in any other manner altered without the written permission of the Minister ;

Provided that the Minister may waive the foregoing requirements in the case of an aerodrome licensed for private use only.

(4) The Minister may give written notice to the licensee of an aerodrome licensed under this Regulation specifying the charges, or the maximum charges which may be made for the use of the aerodrome (including the making of landings thereat) and for any services or facilities performed or

provided at the aerodrome to or for or in connection with aircraft and such notice may also specify the conditions to be observed in relation to those charges and the performance or provision of those services or facilities; and the licensee shall not cause or permit any charges to be made in contravention of any notice so given to him and shall cause particulars of any notice so given to him to be kept exhibited at the aerodrome in such a place and manner as to be readily available for the information of any person affected thereby.

Places authorised as aerodromes

62. Subject to the provisions of these Regulations the Minister may, by specific or general description, authorise the use of any place as an aerodrome for the purposes of the landing and taking off of such classes or types of aircraft engaged in such classes of operations and subject to such conditions as the Minister specifies in the instrument of authorisation.

Places
authorised as
aerodromes.

Use of aerodromes

63.—(1) Subject to the provisions of these Regulations an aircraft shall not land at or take off from any place in Nigeria other than :—

Use of aero-
dromes.

- (a) a Government aerodrome notified as available for public use;
- (b) a licensed aerodrome;
- (c) a place authorised by the Minister for use as an aerodrome.

(2) Subject to the provisions of these Regulations an aircraft shall not land at or take off from any such aerodrome or place as is referred to in sub-paragraphs (a) (b) and (c) of paragraph (1) of this Regulation except in accordance with the conditions and restrictions, if any, which have been notified with respect to the use of that aerodrome or place.

(3) The prohibitions contained in paragraphs (1) and (2) of this Regulation shall not apply in relation to a landing due to accident, stress of weather or other unavoidable cause but the next subsequent departure from the place at which the landing due to any such cause has been made shall not be made without the consent of the Minister.

Minister's power to give directions

64. The Minister may in relation to any aerodrome or air route or airway or air route facility or airway facility issue such directions as he considers necessary to ensure the safety of aircraft or compliance with any standards or recommended practices or procedures adopted from time to time in pursuance of the Chicago Convention.

Power to
give direc-
tions.

Rights of Government aircraft

65. Notwithstanding anything contained in these Regulations all aircraft belonging to or employed in the service of the Government of the Federation of Nigeria shall have access at all times, to any Government or licensed aerodrome.

Rights of
Government
aircraft.

Customs Airports

66.—(1) The aerodromes at the places named in the first column of the Thirteenth Schedule to these Regulations are hereby designated to be places of landing or departure of aircraft for the purpose of the enactments for the time being in force in relation to Customs. The aerodromes at the places named in the second column of the said Schedule are aerodromes where facilities for the purposes of enactments relating to customs health and

Customs a
ports.

immigration are available at all times ; but any aircraft wishing to land at or depart from the aerodromes at the places named in the third column of the said Schedule for the purpose of such enactments must give at least 48 hours prior notice of such landing or departure to the customs health and immigration authorities at the place where the aerodrome is situated.

(2) The Minister may by order—

(a) designate subject to such conditions as he may think fit, any aerodrome to be a place of landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs.

(b) revoke or vary any such designation as aforesaid

(c) revoke or vary any of the designations contained in paragraph

(1) of this Regulation and the said Thirteenth Schedule.

Use of aerodromes by aircraft of Contracting States

Use of aerodromes by aircraft of contracting States.

67. The person in charge of any aerodrome in Nigeria which is open to public use by aircraft registered in Nigeria (whether or not the aerodrome is a licensed aerodrome) shall cause the aerodrome, and all air navigation facilities provided thereat or in connection therewith, to be available for use by aircraft registered in other Contracting States on the same terms and conditions as for use by aircraft registered in Nigeria.

Noise and vibration caused by aircraft on aerodromes

Noise and vibration on aerodromes.

68.—(1) With reference to subsection (1) of Section 10 of the Act, the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as follows : that is to say, that, whether in the course of the manufacture of the aircraft or otherwise :—

(a) the aircraft is taking off or landing, or

(b) the aircraft is moving on the ground or water, or

(c) the engines are being operated in the aircraft :—

(i) for the purpose of ensuring their satisfactory performance, or

(ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight, or

(iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

(2) Subsection (2) of Section 10 of the Act shall apply to any aerodrome to which paragraph (1) of this Regulation applies.

Restriction of trading within Government aerodromes

Trading within Government aerodromes.

69.—(1) Subject to the provisions of this Regulation a person shall not, within a Government aerodrome, either personally or by his servant or agent, or as the servant or agent of another person :—

(a) sell, for delivery within the aerodrome, or supply any goods or services ; or

(b) carry on, or solicit for, any business ; or

(c) erect, display or distribute, or communicate by sound, any advertisement or public notice, except in accordance with an authority granted under Regulation 70 of these Regulations and the terms and conditions of that authority.

(2) Paragraph (1) of this Regulation shall not apply to or in relation to :—

(a) the making or performance, by an air transport operator, of contracts for the carriage of passengers or goods by air, or for the carriage by that operator between the aerodrome and any premises of that operator, of passengers or goods that have been, or are to be carried by that operator by air ;

(b) the advertising, by an air transport operator, of the aforesaid services or other transport services or of tourist facilities at or on any premises of that operator ;

(c) the sale or supply to an operator of aircraft of goods or services required for the maintenance or operation of such aircraft or for use or consumption aboard such aircraft ;

(d) the doing of any act or thing in such parts of any Government aerodrome (not being an aerodrome which is under the control of the Minister) as are not made available for civil aviation purposes.

Authorisation of Trading within Government Aerodromes

70.—(1) The Minister may, by writing under his hand, grant to a person an authority to do, either personally or by his servants or agents or both, any act or thing which apart from such authority would be prohibited by Regulation 69 of these Regulations.

Authority to trade.

(2) An authority under this Regulation :—

(a) may be included in, or granted in relation to, a lease, sub-lease or licence in respect of particular land within an aerodrome ; and

(b) shall be granted for such period, on such terms and conditions and for such consideration as the Minister thinks fit.

(3) Without prejudice to the generality of paragraph (2) (b) of this Regulation and subject to paragraph (4) of this Regulation the terms and conditions contained in an authority under this Regulation may include :—

(a) such terms and conditions relating to the days on which and the times during which the authority may be exercised as the Minister may, having regard to the special needs of the travelling public, think fit ; and

(b) such terms and conditions relating to the inspection of premises, the keeping and inspection of books and records and the inspection and sampling of goods as the Minister deems necessary.

(4) An authority under this Regulation to sell or supply intoxicating liquor shall not absolve the holder of the authority from complying with any laws relating to the sale of intoxicating liquor which are applicable at the place where the aerodrome is situated.

Aeronautical lights and air route and airways facilities

71.—(1) A person shall not establish or maintain within Nigeria any aeronautical light or air route or airway facility except with the permission of the Minister and in accordance with any conditions subject to which the permission may be granted.

Aeronautical lights and other facilities.

(2) A person shall not alter the character of any aeronautical light or air route or airway facility within Nigeria except with the permission of the Minister and in accordance with any conditions subject to which the permission may be granted:

(3) In the case of an aeronautical light, being a beacon, which is or may be visible from any waters within an area of a lighthouse authority the Minister shall not give his permission for the purpose of this Regulation except with the consent of that authority.

(4) A person shall not wilfully or negligently injure or interfere with any aeronautical light or air route or airway facility established and maintained by, or with the permission of, the Minister.

Dangerous lights

Dangerous
lights etc.

72.—(1) A person shall not in Nigeria exhibit at or in the neighbourhood of an aerodrome or in the neighbourhood of an air route or airway facility any light which is liable to endanger the safety of aircraft whether by reason of glare or by causing confusion with or preventing clear reception of any aeronautical light or air route or airway facility established and maintained by or with the permission of the Minister.

(2) If any light which appears to the Minister to be such a light as aforesaid is exhibited the Minister may cause a notice to be served upon the owner or occupier of the place where the light is exhibited or upon the person having charge of the light directing such owner, occupier or person, within a reasonable time to be specified in the notice, to extinguish or to screen effectually the light and to refrain from exhibiting any similar light in the future.

(3) A notice under this Regulation may be served personally or may be served by post at the last known address or the last known place of business of the person on whom it is served or at the address of the place where the light is exhibited.

(4) If any owner occupier or person on whom a notice is served under this Regulation fails, within the time specified in the notice, to extinguish or screen effectually the light mentioned in the notice, the Minister may, without prejudice to the provisions of Regulation 77 of these Regulations, authorise an officer, with such assistance as he requires, to enter the place where the light is, and extinguish or screen the light, and may recover the expenses incurred in so doing from the owner, occupier or person on whom the notice has been served.

(5) In the case of a light which is or may be visible from any waters within the area of a lighthouse authority, the powers of the Minister under this Regulation shall not be exercised except with the consent of that authority.

PART IX

GENERAL

Prohibited areas

Prohibited
areas.

73.—(1) The Minister may by proclamation declare any specifically defined area in Nigeria to be a prohibited area.

(2) Except as may be provided in the proclamation whereby the prohibited area is established, or in any subsequent proclamation issued by the Minister, no aircraft shall fly over, or land in, any prohibited area.

Power to prevent aircraft flying

74.—(1) If it appears to the Minister or an authorised person that any aircraft is intended or likely to be flown :—

Power to prevent aircraft flying.

(a) in such circumstances that any provision of Regulation, 1, 3, 4, 14, 15, 23 or 33 of these Regulations would be contravened in relation to the flight ; or

(b) in such circumstances that the flight would be in contravention of any other provision of these Regulations or any regulations made thereunder and be a cause of danger to any person or property whether or not in the aircraft ;

(c) While in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of these Regulations or of any regulations made thereunder,

the Minister or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Minister or by an authorised person, and the Minister or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) of this Regulation the Minister or any authorised person may enter upon and inspect any aircraft.

Right of access to aerodromes and other places

75.—(1) The Minister and any authorised person shall have the right of access at all reasonable times :—

Right of access to aerodromes and other places.

(a) to any aerodrome, for the purpose of inspecting the aerodrome, or

(b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which he has power to demand under these Regulations, or for the purpose of detaining any aircraft under the provision of these Regulations ; and

(c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which he has power to demand under these Regulations and for the purpose of detaining the aircraft under the provisions of these Regulations ; Provided that, subject to paragraph (2) of this Regulation, access to a Government aerodrome shall only be obtained with permission of the person in charge of the aerodrome.

(2) Without prejudice to the preceding paragraph, the Minister may issue aerodrome permits, in the form set out in the Fourteenth Schedule to these Regulations, to such person or persons as he thinks fit ; and the holder of such a permit shall at all times have free and unrestricted access to any part of any Government or licensed aerodrome or of any building erected thereon :

Provided that an aerodrome permit issued under this paragraph shall not entitle the holder thereof to enter any customs bonded warehouse.

Obstruction of persons

76. A person shall not wilfully obstruct or impede any person acting in the exercise of his powers or the performance of his duties under these Regulations.

Obstruction of persons.

*Enforcement of directions*Enforcement
of directions.

77. Any person who fails to comply with any direction given to him by the Minister or by any authorised person under any provision of these Regulations or any regulations made thereunder shall be deemed for the purposes of these Regulations to have contravened that provision.

Fees

Fees.

78.—(1) The Minister may prescribe the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate licence or other document (including the issue of a copy thereof) or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval required by, or for the purpose of, these Regulations or any Regulations made thereunder, and may also prescribe the conditions of use, including the charges to be made for the use, of any Government aerodrome by aircraft (including military aircraft).

(2) The Minister may also prescribe charges to be paid in respect of services provided at any Government aerodrome.

Penalties

Penalties.

79.—(1) If any provision of these Regulations or any regulations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the commander thereof, if the operator or, as the case may be, the commander is not the person who contravened that provision shall (without prejudice to the liability of any other person under these Regulations for that contravention) be deemed for the purposes of the following provisions of this Regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of these Regulations or of any regulations made thereunder was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of these Regulations or of any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under these Regulations) as not having been for that purpose if he proves that he neither knew nor had reason to know that the flight was for that purpose.

(4) If any person contravenes any provision of these Regulations, or of any regulations made thereunder, not being a provision referred to in paragraph (5) or paragraph (6) of this Regulation, he shall be liable on conviction to a fine not exceeding ten pounds; or in the case of a second or subsequent conviction for the like offence to a fine not exceeding twenty pounds.

(5) If any person contravenes any provision specified in Part A of the Fifteenth Schedule of these Regulations he shall be liable on conviction to a fine not exceeding fifty pounds; or in the case of a second or subsequent conviction for the like offence to a fine of one hundred pounds, or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a term of six months or to both such fine and imprisonment.

Extra-Territorial effect of the Regulations

80. Except where the context otherwise requires, the provisions of these Regulations,

Extra-ter-
ritorial effect
of the Regu-
lations.

(a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in Nigeria, shall apply to such aircraft wherever they may be ;

(b) in so far as they apply as aforesaid to other aircraft shall apply to such aircraft when they are within Nigeria.

(c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any aircraft registered in Nigeria, shall apply to such persons and crew, wherever they may be ; and

(d) in so far as they prohibit, required or regulate as aforesaid the doing of anything in relation to any aircraft registered in Nigeria by other persons shall, where such persons are Nigerian citizens, apply to them wherever they may be.

Regulations by the Minister

81. The Minister may make regulations for prescribing anything which, under the provisions of these Regulations is to be prescribed.

Regulations
by the Minis-
ter.

Application of Order to the Government and Visiting Forces, etc.

82.—(1) Subject to the following provisions of this Regulation, the provision of these Regulations shall apply to or in relation to aircraft belonging to or exclusively employed in the service of the Federal or any of the Regional Governments of Nigeria, not being military aircraft, as they apply to or in relation to other aircraft which are registered in Nigerian or are capable of being so registered and for the purposes of such application the authority for the time being responsible on behalf of such Government for the management of the aircraft shall be deemed to be the operator of the aircraft.

Application
of Regula-
tion.

Provided that nothing in this Regulation shall render liable to any penalty any Department or other authority responsible on behalf of any such Government for the management of any aircraft.

(2) Save as otherwise provided by paragraph (3) of this Regulation, and by Regulation 65, 68 and 78 of these Regulations, nothing in these Regulations shall apply to or in relation to any military aircraft.

(3) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of the Federal Naval, military or air forces the following provisions of these Regulations shall apply on the occasion of that flight, that is to say Regulations 37, 38, 39, 57 and 73 and in addition Regulation 56 (so far as applicable) shall apply.

Exemption from these Regulations

83. The Minister may exempt from any of the provisions of these Regulations or any regulations made thereunder any aircraft or persons or classes or types of aircraft or persons, either absolutely or subject to such conditions as he thinks fit.

Exemption.

Interpretation

84.—(1) In this Order, unless the context otherwise requires :

“The Act” means the Civil Aviation Act, 1964.

“Aerial work” means any purpose (other than public transport) for which an aircraft is flown if hire or reward is given or promised in respect of the flight or the purpose of the flight ;

“Aerial work aircraft” means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work ;

“Aerial work undertaking” means an undertaking whose business includes the performance of aerial work ;

“Aerobatic manoeuvres” includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre ;

“Aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the take-off and landing of aircraft (not being an area the use of which for those purposes has been abandoned) ;

“air route” means a defined airspace designated by the Minister, and notified, as an air route ;

“air route facilities” means facilities (including visual and non-visual navigation aids, visual and non-visual aids to approach and landing at aerodromes, communications services, meteorological services, and air traffic control services) provided to promote safe navigation of aircraft within the air space of an air route ;

“Airway” means a defined airspace designated by the Minister, and notified, as an airway ;

“Airway facilities” means facilities (including visual and non-visual navigation aids, visual and non-visual aids to approach and landing at aerodromes, communications services, meteorological services and air traffic control services) provided to promote safe navigation of aircraft within the airspace of an airway.

“Aeronautical light” means any light established for the purpose of aiding air navigation ;

“Aeronautical radio station” means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft ;

“Air Traffic Control Unit” means a person appointed by the Minister or by any other person maintaining an aerodrome to give instructions or advice or both by means of radio signals to aircraft in the interests of safety and “Air traffic control service” shall be construed accordingly ;

“Air Transport Undertaking” means an undertaking whose business includes the carriage by air of passengers or cargo for hire or reward ;

“Appropriate aeronautical radio station” means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being ;

“Appropriate air traffic control unit” means in relation to an aircraft the air traffic control unit serving the area in which the aircraft is for the time being ;

"Authorised person" for the purposes of any provision of these Regulations means any person authorised by the Minister either generally or in relation to a particular case or class of cases, and references to an authorised person include references to the holder for the time being of any office designated by the Minister ;

"Cargo" includes mail and animals ;

"Certificate of airworthiness" includes any validation thereof and any flight manual or performance schedule relating to the certificate of airworthiness ;

"Certificate of maintenance" and "certificate of compliance" have the meanings respectively assigned to them by paragraph (1) of Regulation 6 and paragraph (3) of Regulation 7 of these Regulations ;

"Chicago Convention" means the Convention on International Civil Aviation concluded at Chicago on the 7th day of December 1944 as amended from time to time.

"Commander" in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator thereof, or, failing such a person the person who is for the time being the pilot in command of the aircraft ;

"Class" in relation to aircraft means class in accordance with the table of general classification of aircraft contained in the First Schedule to these Regulations.

"Competent authority" means in relation to Nigeria, the Minister and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation ;

"Congested area" in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes ;

"Contracting State" means any State (including Nigeria) which is a party to the Chicago Convention.

"Controlled airspace" means control areas and control zones ;

"Control area" means airspace which has been notified as such, and which extends upwards from a notified altitude ;

"Control Zone" means airspace which has been notified as such and which extends upwards from the surface ;

"Co-Pilot" in relation to an aircraft means a Pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft ;

"Crew" has the meaning assigned to it by paragraph (3) of this Regulation ;

"Flight" and "to fly" have the meanings respectively assigned to them by paragraph (2) of this Regulation ;

"Flight crew" in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio operator of the aircraft ;

"Government Aerodrome" means any aerodrome in Nigeria which is under the control of the Minister or is in the occupation of any Government Department ;

"Instrument Flight Rules" means Instrument Flight Rules prescribed under Regulation 56 of these Regulations.

"To land" in relation to aircraft includes alighting on the water ;

"Licence" includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted ;

"Licensed aerodrome" means an aerodrome licensed under these Regulations ;

"Lifejacket" includes any device designed to support a person individually in or on the water ;

"Lighthouse authority" means any authority in Nigeria in which the care and management of lighthouses is by law vested ;

"Maximum total weight authorised" in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off in accordance with the certificate of airworthiness in force in respect of the aircraft ;

"Military aircraft" includes the naval, military or air force aircraft of any country and :—

(a) any aircraft being constructed for the naval, military or air forces of any country under a contract entered into by the Minister ;

(b) any aircraft in respect of which there is in force a certificate issued by the Minister to the effect that such aircraft is a military aircraft.

"The Minister" means the Minister responsible for matters in relating to Civil Aviation ;

"Nautical mile" means a distance of 6,080 feet ;

"Night" means the time between sunset and sunrise, sunset and sunrise being determined at surface level ;

"Notified" means shown in any of the following publications issued in Nigeria whether before or after the coming into operation of these Regulations, that is to say, "Notams (Notices to Airmen)", "Information Circulars", or such other official publication so issued for the purpose of enabling any of the provisions of these Regulations to be complied with ;

"Operator" has the meaning assigned to it by paragraph (4) of this Regulation ;

"Pilot in Command" in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft ;

Prescribed" means prescribed by regulations made by the Minister under these Regulations, and the expression "prescribe" shall be construed accordingly ;

"Prototype aircraft" means an aircraft in respect of which an application has been made for a certificate of airworthiness and the design of which has not previously been investigated in connection with any such application ;

"Prototype (modified) aircraft" means an aircraft in respect of which an application has been made for a certificate of airworthiness and the design of which, in part, has not previously been investigated in connection with any such application ;

"Public Transport" has the meaning assigned to it by paragraph (5) of this Regulation ;

"Public transport aircraft" means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport ;

"Replacement" in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded.

"Rules of the Air and Air Traffic Control" has the meaning assigned to it by paragraph (1) of Regulation 56 of these Regulations ;

"Scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service ;

"Seaplane" shall be construed as including a flying boat and any other aircraft designed to manoeuvre on the water ;

"State aircraft" means military aircraft and aircraft used in customs and police services ;

"Type" in relation to aircraft or engines means any design which in the opinion of the Minister constitutes a type ;

"Visual Flight Rules" means Visual Flight Rules prescribed under Regulation 56 of these Regulations.

(2) An aircraft shall be deemed to be in flight :—

(a) in the case of a piloted flying machine, from the moment when after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing ;

(b) in the case of a pilotless flying machine, or a glider from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing ;

(c) in the case of an airship or free balloon, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon ;

and the expressions "a flight" and "to fly" shall be construed accordingly.

3. Every person employed or engaged in an aircraft in flight on the business of the aircraft shall be deemed to be a member of the crew thereof.

Saving.

(4) Reference in these Regulations to the operator of an aircraft are, for the purpose of the application of any provision of these Regulations in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft ;

Provided that for the purposes of the application of any provision in Part II of these Regulations when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days the foregoing provisions of this paragraph shall have effect as if that agreement has not been entered into.

(5) (a) Subject to the provisions of this paragraph an aircraft in flight shall for the purpose of these Regulations be deemed to fly for the purpose of public transport :—

(i) if hire or reward is given or promised for the carriage of passengers or cargo in the aircraft on that flight ; or

(ii) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including in the case of a body corporate, its directors), person authorised by the Minister to witness the training or tests referred to in paragraph (4) of Regulation 15 of these Regulations, or the training practice or tests referred to in paragraph (2) of Regulation 22 of these Regulations, or cargo intended to be used by any such passengers as aforesaid or by the undertaking ; or

(iii) for the purpose of Part II of these Regulations, if hire or reward is given or promised for the right to fly the aircraft on that flight otherwise than under a hire-purchase agreement and the expression "Public Transport of Passengers" shall be construed accordingly :

Provided that notwithstanding that an aircraft may be flying for the purpose of public transport by reason of sub-paragraph (a) (iii) of this paragraph it shall not be deemed to be flying for the purpose of public transport of passengers unless hire or reward is given for the carriage of those passengers.

(b) Where under a transaction effected by or on behalf of a member of an unincorporated association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that hire or reward would be deemed to be given or promised if the transaction were effected otherwise than as aforesaid, hire or reward shall for the purposes of these Regulations, be deemed to be given.

(6) The expressions appearing in the "General Classifications of Aircraft" set forth in Part A of the First Schedule to these Regulations shall have the meanings hereby assigned to them.

(7) A power to make regulations under these Regulations shall include the power to make different provisions with respect to different classes or types of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of Nigeria.

(8) (a) Any power conferred by these Regulations to issue, make, serve or grant any instrument shall be construed as including a power exercisable in the like manner and subject to the like conditions, if any, to vary, revoke, cancel or otherwise terminate the instrument.

(b) In this paragraph "instrument" includes any regulation, direction, instruction, rule or other requirement, any notice and any certificate, licence, approval permission, exemption, log book, record or other document.

(9) The Interpretation Act, 1964, applies for the purpose of interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

Saving

Saving

85. Subject to the provisions of Regulations 65 and 67 of these Regulations nothing in these Regulations or any regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

Small aircraft

86. The provision of these Regulations, other than Regulations 38 and 58 thereof, shall not apply to :—

Small aircraft.

(a) any balloon which at any stage of its flight is not more than 6 feet in any linear dimension including any basket or other equipment attached to the balloon ;

(b) any kite weighing not more than 4 lb. ;

(c) any other aircraft weighing not more than 11 lb without its fuel.

Revocation

87.—(1) Subject to the following provisions of this Regulation, the following Orders and Regulations are hereby revoked, that is to say :—

Revocation.

The Customs Airport Designation Order 1956 (a)

The Colonial Air Navigation Order 1955 (b)

The Air Navigation (Nigeria) Regulations 1956 (c)

The Modification of Maximum Flying Duty Periods

Regulations 1958 (d)

(a) L.N. 157 of 1956

(b) L.N. 711 of 1955

(c) L.N. 53 of 1956

(d) L.N. 35 of 1958.

(2) Notwithstanding the revocation of the Orders and Regulations mentioned in paragraph (1) of this Regulation, any instrument (that is to say any regulation, direction, instrument, rule or other requirement, any notice and any certificate, licence, approval, permission, exemption, log book record or other document) issued, made, served or granted under those Orders or those Regulations if in force at the commencement of these Regulations shall (without prejudice to any power to amend any such instrument) continue in force until superseded, revoked, terminated by effluxion of time or otherwise terminated and, so far as it could have been issued, made, served or granted under these Regulations, shall have effect as if issued, made served or granted under these Regulations and these Regulations shall apply to or in relation to such instrument accordingly.

Citation and Commencement

88.—(1) These Regulations may be cited as the Civil Aviation (Aviation Navigation) Regulations, 1965.

Citation and Commencement.

(2) These Regulations shall come into operation :—

(a) on the 28th day of October 1965 for the purpose of enabling the Minister to make regulations thereunder and

(b) on the 1st day of December 1965 for all other purposes.

SCHEDULE I

Part A Regulation 2 (6) 19 (1) and 84 (8)

Table of General Classification of Aircraft

Col. 1.	Col. 2.	Col. 3.	Col. 4.
Aircraft	Lighter than air aircraft	Non-mechanically driven	Free Balloon
		Mechanically driven	Captive Balloon
	Heavier than air aircraft	Non-Mechanically driven	Airship
		Mechanically driven (flying machines)	Glider Kite Aeroplane (Landplane) Aeroplane Aeroplane (Seaplane) Aeroplane (Amphibian) Gyroplane Helicopter

Part B. Regulation 3 (2)

Nationality and Registration Marks of Aircraft Registered in Nigeria

1. The nationality mark of the aircraft shall be the figure 5 and the capital letter N in Roman character, and the registration mark of the aircraft shall be a group of three capital letters in Roman characters assigned by the Minister on the registration of the aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

2. The nationality and registration marks shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the following manner :—

1. Position of marks.

(a) Flying Machines and Gliders

(i) Wings: Except on aircraft having no fixed wing surface, the marks shall appear once on the upper surface of the wing structure. They shall be on the right half of the upper surface and on the left half of the lower surface of the wing structure unless they extend across the whole of both the upper and lower surfaces of the wing structure. So far as is possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.

(ii) Fuselage (or equivalent structure) or Vertical Tail Surface: The marks shall also be either on each side of the fuselage (or equivalent structure) between the wings and the tail surfaces, or on the upper halves of the vertical tail surfaces. When on a single vertical tail surface they shall be on both sides of the tail. When there is more than one vertical tail surface, the marks shall appear on the outboard sides of the outer tails.

(b) Airships and Balloons.

(i) Airships: The marks shall be on each side of the airship and also on the upper surface on the line of symmetry. They shall be placed lengthwise near the Maximum cross-section of the airship.

(ii) Spherical Balloons: The Marks shall be in two places diametrically opposite. They shall be placed near the maximum horizontal circumference of the balloon

(iii) Non-Spherical Balloons; The marks shall be on each side. They shall be placed near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

(iv) In the case of all airships and balloons the side marks shall be so placed as to be visible both from the sides and from the ground.

II. Size of Marks.

(a) Flying Machines and Gliders.

(i) Wings: The letters constituting each group of marks shall be of equal height. The height of the letters shall be at least 20 inches.

(ii) Fuselage (or equivalent structure) or Vertical Tail Surfaces: The Marks on the fuselage (or equivalent structure) shall not interfere with the visible outlines of the fuselage (or equivalent structure). The marks on the vertical tail surfaces shall be such as to leave a margin of at least two inches along each side of the vertical tail surface. The letters constituting each group of marks shall be of equal height. The height of the marks shall be at least 6 inches.

(b) Airships and Balloons

The letters constituting each group of marks shall be of equal height. The height of the letters shall be at least 30 inches.

III. Width and Spacing of marks.

(a) The width of each letter (except the letter I) and the length of the hyphen between the nationality mark and registration mark shall be two-thirds of the height of a letter

(b) The letters and hyphen shall be formed by solid lines and shall be of a colour clearly contrasting with the background on which they appear. The thickness of the lines shall be one-sixth of the height of a letter.

(c) Each letter shall be separated from the letter which it immediately precedes or follows by a space equal to half the width of a letter. A hyphen shall be regarded as a letter for this purpose.

3. The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft and shall always be kept clean and visible.

4. In addition to the foregoing requirements of this Schedule the nationality and registration marks shall also be inscribed, together with the name and address of the registered owner of the aircraft, on a fireproof metal plate affixed in a prominent position to the fuselage or car or basket, as the case may be, and near the main entrance to the aircraft.

SCHEDULE 2

REGULATIONS 1 (1), 4 (1), (31), (5) and 55 (5) A AND B CONDITIONS

The A conditions or the B conditions referred to in paragraph (1) of Regulation 1 and of Regulation 4, paragraph (5) of Regulation 31, and paragraph (5) of Regulation 55 of these Regulations are as follows :—

A CONDITIONS—

(1) The aircraft shall be either an aircraft in respect of which a certificate of airworthiness or validation has previously been in force under the provisions of these Regulations, or an aircraft identical in design with an aircraft in respect of which such a certificate is or has been in force.

(2) The aircraft shall fly only for the purpose of enabling it to :—

(a) qualify for the issue or renewal of a certificate of airworthiness or of the validation thereof or the approval of a modification of the aircraft, after an application has been made for such issue, renewal, validation or approval, as the case may be ; or

(b) proceed to or from a place at which any inspection, test or weighing of the aircraft is to take place for a purpose referred to in sub-paragraph (a).

(3) The aircraft and its engines shall be certified as fit for flight by the holder of a licence as an aircraft maintenance engineer entitled in accordance with the provisions of the Fourth Schedule to these Regulations so to certify, or by a person approved by the Minister for the purpose of issuing certificates under this condition.

(4) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation which has previously been in force under these Regulations in respect of the aircraft, or is or has been previously in force in respect of any other aircraft of identical design.

(5) The aircraft shall not carry any passengers or cargo except passengers performing duties in the aircraft in connection with the flight.

(6) The aircraft shall not fly over any congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off from or land at a Government aerodrome or a licensed aerodrome in accordance with normal aviation practice.

(7) Without prejudice to the provisions of paragraph (2) of Regulation 14 of these Regulations, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

B CONDITIONS—

(1) The flight shall be made under the supervision of a person approved by the Minister for the purposes of these Conditions, and subject to any additional conditions which may be specified in such approval.

(2) If it is not registered in Nigeria or under the law of any country referred to in Regulation 1 of these Regulations, the aircraft shall be marked in a manner approved by the Minister for the purposes of these Conditions, and the provisions of Regulation, 10, 11, 15, 26, 29, 51 and 52 of these Regulations shall be complied with in relation to the aircraft as if it was registered in Nigeria so far as such provisions are applicable to the aircraft in the circumstances.

(3) The aircraft shall fly only for the purpose of :—

(a) experimenting with or testing the aircraft (including in particular its engines) and its equipment ; or

(b) enabling the aircraft to qualify for the issue or validation of a certificate of airworthiness or the approval of a modification of the aircraft ; or

(c) proceeding to or from a place at which any experiment, test, inspection or weighing of the aircraft is to take place for a purpose referred to in sub-paragraph (a) or (b).

(4) The aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

(5) The aircraft shall not carry any passengers or cargo except passengers performing duties in the aircraft in connection with the flight.

(6) The aircraft shall not fly over any congested area of a city, town, or settlement except to the extent that it is necessary to do so in order to take off from or land at a Government aerodrome, a licensed aerodrome or in accordance with normal aviation practice, or at a place approved by the Minister under condition (1).

SCHEDULE 3

Regulation 5

1. Categories of Aircraft :—

Transport Category (Passenger)

Transport Category (Cargo)

Aerial Work Category

Private Category

Special Category.

2. The purposes for which the aircraft may fly are as follows :—

Transport Category (Passenger), any purpose.

Transport Category (Cargo), any purpose, other than the public transport of passengers.

Aerial work Category : Aerial work only.

Private Category : Any purpose other than public transport or aerial work.

Special Category : Any other purpose specified in the certificate of airworthiness but not including the carriage of passengers unless expressly permitted.

SCHEDULE 4

Regulation 8 (2)

MAINTENANCE ENGINEERS : PRIVILEGES OF LICENCES

An Aircraft maintenance engineer may, subject to the conditions of his licence, issue certificates as follows :—

Aircraft maintenance Engineers—Category A (Aircraft) In relation to aircraft (not including engines) :—

(a) certificates of maintenance in accordance with the maintenance schedules approved under these Regulations ;

(b) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved ;

(c) certificates of fitness of aircraft for flight under the "A Conditions".

Aircraft Maintenance Engineers—Category B (Aircraft) In relation to aircraft (not including engines)

Certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications approved under these Regulations.

Aircraft Maintenance Engineers—Category C (Engines) In relation to engines :—

(a) certificates of maintenance in accordance with the maintenance schedules approved under these Regulations.

(b) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved ;

(c) certificates of fitness of aircraft engines for flight under the "A Conditions".

Aircraft maintenance Engineers—Category D (Engines) In relation to engines :—

certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications approved under these Regulations.

Aircraft Maintenance Engineers :—

Category X (Compasses)

Category X (Instruments)

Category X (Electrical)

Category X (Automatic Pilots)

In relation respectively to compasses, instruments, electrical equipment or automatic pilots :—

(a) certificates of maintenance in accordance with the maintenance schedules approved under these Regulations.

(b) certificates of compliance in respect of inspections, repairs, replacements and modifications so approved.

Aircraft Radio Maintenance Engineers—Category A (Radio) In relation to aircraft radio stations :—

(a) certificates of maintenance in accordance with the maintenance schedules approved under these Regulations ;

(b) certificates of compliance in respect of inspections, repairs replacements and modifications so approved.

Aircraft Radio Maintenance Engineers—Category B (Radio) Certificates of compliance in respect of inspections, overhauls, repairs, replacements and modifications of any aircraft radio apparatus approved under these Regulations.

SCHEDULE 5

Regulations 7 (2) and 9 (2)

Aircraft Equipment

1. Every aircraft registered in Nigeria shall be provided, when flying in the circumstances specified in the first column of the Table set forth in paragraph (4) of this Schedules, with adequate equipment and for the purpose of this paragraph the expression "adequate equipment" shall mean the scales of equipment, respectively, indicated in that Table.

Provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2. The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining whether this schedule is complied with in respect of that aircraft.

3. The following items of equipment shall not be required to be of a type approved by the Minister:

- (i) The equipment referred to in Scale A (ii)
- (ii) First Aid Equipment and Handbook, referred to in Scale B.
- (iii) Time-pieces, referred to in Scale F.
- (iv) Torches, referred to in Scale G, H and J.
- (v) Whistles, referred to in Scale H.
- (vi) Sea anchors, referred to in Scales I and J.
- (vii) Rocket signals, referred to in Scale I.
- (viii) Equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale I.
- (ix) Paddles referred to in Scale J.
- (x) Food and water, referred to in Scale J.

Scale of Equipment Required

[illegible]

(i) in the case of flying machines of which the maximum total weight authorised exceeds 2,500 lb.

(ii) in the case of flying machines of which the maximum total weight authorised does not exceed 2,500 lb...

(c) when flying over water beyond gliding distance from land

(d) when flying over water at such a distance from the nearest land that, while flying in still air at the speed specified in the relevant certificate of airworthiness as the speed for compliance with regulations governing flights over water, it would be unable to reach the nearest land in the following times—

(i) in the case of an aeroplane classified in its certificate of airworthiness as being of performance group A, C or X—90 minutes . .

(ii) in the case of an aeroplane having no performance group classification in the certificate of airworthiness and of such a weight and performance that it is capable of a gradient of climb of at least 1 in 200 at an altitude of 5,000 feet in the international standard atmosphere specified in, or ascertainable by reference to, the certificate of airworthiness in force in respect of that aircraft—90 minutes

(iii) in the case of all other flying Machines—30 minutes

A	B	C		E	F	G											dup	E (iv) licated
A	B	C	D		F(i) only	G												
A	B		D		F (i) only		H											
A	B		D		F (i) only		H		J									

[illegible]

Operations Manual

[illegible]

(5) The Scales of equipment indicated in the foregoing Table shall be as follows :—

Scale A

(i) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10 per cent of the number of each rating or three of each rating, whichever is the greater.

(ii) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under this Regulation, for the intended flight of the aircraft, including any diversion which may reasonably be expected.

(iii) Subject to Scale B (iii) a safety belt or safety harness for every seat in use.

Scale B

(i) First-aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following :—

Roller bandages, triangular bandages, absorbent gauze, adhesive plaster, white absorbent lint, cotton wool (or wound dressings in place of the lint and cotton wool), burn dressings safety pins ;

Haemostatic bandages or tourniquet, scissors,

Antiseptic, analgesic and stimulant drugs ;

A handbook on First Aid.

(ii) In the case of a flying machine used for the public transport of passengers in which, while the flying machine is at rest on the ground, the sill of any external door intended for the disembarkation of passengers, whether normally or in an emergency,

(a) is more than six feet from the ground when the undercarriage of the machine is in the normal position for taxiing, or

(b) would be more than six feet from the ground if the undercarriage or any part thereof should collapse, break or fail to function, apparatus readily available for use at each such door consisting of a device or devices which will enable passengers to reach the ground safely in an emergency while the flying machine is on the ground, and can be readily fixed in position for use.

(iii) If the maximum total weight of the aircraft authorised exceeds 6,000 lbs a safety harness for every pilot's seat in use, in place of the safety belt referred to under Scale A ;

Provided that the Minister may permit a safety belt to be fitted if he is satisfied that it is not reasonably practicable to fit a safety harness.

(ia) If the commander cannot, from his own seat, see all the passengers' seat in the aircraft, a means of indicating to the passengers that seat belts should be fastened.

Scale C

(i) Equipment for displaying the lights required by the Rules of the Air and Air Traffic Control;

(ii) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight;

(iii) Unless the aircraft is equipped with radio devices for making the visual signal specified in the Rules of the Air and Air Traffic Control as indicating a request for permission to land.

Scale D

(i) Either (a) a turn and slip indicator ; or

(b) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator ;

(ii) A sensitive pressure altimeter adjustable for changes in barometric pressure.

Scale E

(i) A turn and slip indicator ;

(ii) A gyroscopic bank and pitch indicator ;

(iii) A gyroscopic direction indicator ;

(iv) A sensitive pressure altimeter adjustable for changes in barometric pressure.

Scale F

(i) A time-piece with a sweep second hand.

(ii) A means of indicating whether the power supply to the gyroscopic instruments is adequate ;

(iii) A rate of climb and descent indicator.

(iv) If the maximum total weight authorised of the aircraft is more than 12,500 lb., a means of indicating the outside air temperature.

(v) If the maximum total weight authorised of the aircraft is more than 12,500 lb., two air speed indicators.

Scale G

(i) Landing lights consisting of two single filament lamps, or one dual filament lamp with separately energised filaments.

(ii) An electrical light system to provide illumination in every passenger compartment.

(iii) (a) If the aircraft, in accordance with its certificate of airworthiness, may carry more than nineteen persons over three years of age—two electric torches and an emergency lighting systems to provide illumination in the passenger compartments sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in sub-paragraph (ii) ;

(b) In the case of any other aircraft, one electric torch for each member of the crew of the aircraft.

(iv) In the case of an aircraft of which the maximum total weight authorised exceeds 12,500 lb., means of observing the existence and build up of ice on the aircraft.

Scale H

For each person on board, a life jacket equipped with a whistle and water proof torch ;

Provided that lifejackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

Scale I

(i) Additional flotation equipment, capable of supporting one fifth of the number of persons on board, and provided in a place of stowage accessible from outside the flying machine ;

(ii) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in the Rules of the Air and Air Traffic Control ;

(iii) A sea anchor and other equipment necessary to facilitate mooring, anchoring, or manoeuvring the flying machine on water, appropriate to its size, weight and handling characteristics.

(iv) Dinghies sufficient to accommodate all persons on board the flying machine with the following equipment :

- (a) means for maintaining buoyancy ;
- (b) a sea anchor ;
- (c) life lines, and means of attaching one dinghy to another ;
- (d) paddles or other means of propulsion ;
- (e) means of protecting the occupants from the elements ;
- (f) a waterproof torch ;
- (g) marine type pyrotechnical distress signals ;
- (h) means of making sea water drinkable
- (i) for each person the dinghy is designed to carry ;
 - 8 ounces of glucose toffee tablets ;
 - 4 ounces of sweetened condensed milk in durable containers ;
 - 2 pints of fresh water in durable containers ;

Provided that in any case in which it is not reasonably practicable owing to lack of stowage space in the dinghy to carry the quantities of condensed milk and water above prescribed, an equal quantity by weight of glucose toffee tablets may be substituted for the former and as large as a quantity of fresh water as is reasonably practicable in the circumstances may be substituted for the latter. In no case however shall the quantity of water carried be less

than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in item (h) of this subparagraph, to provide 2 pints of water for each person the dinghy is designed to carry ;

(j) first aid equipment

Items (f) to (j) inclusive, shall be contained in a pack stowed with dinghy

(ii) For every four, or proportion of four, dinghies :—one dinghy radio transmitter

PART I

Scale K

(i) In every flying machine which is provided with means for maintaining a pressure greater than 700 millibars throughout the flight in the control compartment and in the compartments in which passengers are carried :—

(a) a supply of oxygen sufficient, in the event of failure to maintain such pressure, occurring in the circumstances specified in columns 1 and 2 of the Tables set out in Part II of this Scale, for continuous use, during the periods specified in column 3 of the said Table, by the persons for whom oxygen is to be provided in accordance with column 4 of that Table, and

(b) in addition, in every case where the flying machine flies at an altitude exceeding 35,000 feet above mean sea level, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of two passengers, together with suitable and sufficient apparatus to enable such persons to use the oxygen

(ii) In any other flying machines :—

(a) a supply of oxygen sufficient for continuous use by all the crew, and, if passengers are carried, by 10 per cent of the number of passengers, for any period exceeding 30 minutes during which the flying machine flies at an altitude exceeding 10,000 feet, but not exceeding 13,000 feet, above means sea level ; and

(b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies at an altitude exceeding 13,000 feet above means sea level, together with suitable and sufficient apparatus to enable such persons to use the oxygen

(iii) The quantity of oxygen required for the purpose of complying with paragraphs (i) and (ii) of this Part of this Scale shall be computed in accordance with the information and instructions relating thereto specified in the operations manual relating to the aircraft pursuant to Item (v A) of Part A of the Tenth Schedule to these Regulations

PART II

Column 1	Column 2	Column 3	Column 4
Altitude above mean sea level at which the flying machine flies. Exceeding 10,000 feet	Capability of flying machine to descend (where relevant) —	Period of supply of oxygen 30 Minutes or the period specified at A hereunder whichever is the greater 30 minutes or the period specified at A hereunder whichever is the greater	Persons for whom oxygen is to be provided. In addition to any passengers for whom oxygen is provided as specified below, all the crew. 10 per cent of number of passengers.
Exceeding 10,000 feet but not exceeding 30,000 feet	Flying machine is either flying at an altitude not exceeding 15,000 feet or is capable of descending and continuing to destination as specified at X hereunder Flying machine is flying at an altitude exceeding 15,000 feet and is not so capable	30 minutes or the period specified at B hereunder whichever is the greater 30 minutes or the period specified at A hereunder whichever is the greater 30 minutes or the period specified at B hereunder whichever is the greater	All passengers 15 per cent of number of passengers.
Exceeding 30,000 feet but not exceeding 35,000 feet	Flying machine is capable of descending and continuing to destination as specified at Y hereunder Flying machine is not so capable	30 minutes or the period specified at B hereunder whichever is the greater and in addition 30 minutes or the period specified at C hereunder whichever is the greater	All passengers. All passengers. 15 per cent of number of passengers.
Exceeding 35,000 feet	—		

A. The whole period during which, after a failure to maintain a pressure greater than 700 millibars in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies at an altitude exceeding 10,000 feet above mean sea level.

B. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies at an altitude exceeding 15,000 feet above mean sea level.

C. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies at an altitude exceeding 10,000 feet, but not exceeding 15,000 feet above mean sea level.

X. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, from the altitude at which it is then flying to an altitude of 15,000 feet above mean sea level within 6 minutes, and of continuing at or below that altitude to its place of intended destination or any other place at which a safe landing can be made.

Y. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, from the altitude at which it is then flying to an altitude of 15,000 feet above mean sea level within 4 minutes and of continuing at or below that altitude to its place of intended destination or any other place at which a safe landing can be made.

Scale L.

Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows or equipment of the aircraft so as to endanger the safety of the aircraft.

Scale M.

Safety harness for every seat in use.

Scale N.

An intercommunication system for use by all members of the flight crew and including microphones, not of a hand-held type, for use by the pilot and flight engineer (if any).

Scale O.

A radar set capable of giving warning to the pilot in command of the aircraft of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions.

SCHEDULE 6

Regulation 10

RADIO APPARATUS TO BE CARRIED IN AIRCRAFT

1. Every aircraft registered in Nigeria shall be provided, when flying in the circumstances specified in the first column of the Table set forth in paragraph (2) of this schedule, with the scales of equipment respectively indicated in that Table :

Provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2 TABLE

<i>Aircraft and Circumstances of Flight</i>	<i>Scale of Equipment Required</i>			
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>
(1) All aircraft :—				
(a) when flying under Instrument Flight Rules within controlled airspace	A	B		
(b) where required by the Rules of the Air and Air Traffic Control to comply in whole or in part with Instrument Flight Rules in Visual Meteorological Conditions	A+	B+		
(c) when flying within any airspace in respect of which special rules may be prescribed by the said Rules in relation to a particular aerodrome, so as to require two-way radio communication with that aerodrome	A+			
(2) All aircraft when flying for the purpose of public transport :—				
(a) under Instrument Flight Rules :				
(i) while making an approach to landing ..	A	B	C	D
(ii) on all other occasions	A	B	C	
(b) under Visual Flight Rules :				
(i) over a route on which navigation is not effected solely by visual reference to landmarks ..	A	B		
(ii) over water, beyond gliding distance from any land	A			

Unless the appropriate Air Traffic Control Unit otherwise permits in relation to the particular flight

3 The scales of radio apparatus indicated in the foregoing Table shall be as follows :—

Scale A

Radio apparatus capable of maintaining two-way communication with the appropriate aeronautical radio stations

Scale B

Radio apparatus capable of enabling the aircraft to be navigated on the intended route

Scale C

Radio apparatus capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight

Scale D

Radio apparatus capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

4 All aircraft when flying to, from or over Berlin, Germany shall be equipped with radio navigation apparatus appropriate to the route, including automatic direction finding apparatus and any one of the following :—

(i) apparatus which will enable the aircraft to be navigated by means of signals received from radio navigation land stations forming part of the Decca radio navigation system, or

(ii) apparatus capable of giving both the visual and the aural indications of radio signals received from visual/aural radio ranges, or

(iii) apparatus capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omnidirectional radio ranges.

In this sub-paragraph "automatic-direction finding apparatus" means Radio navigation apparatus which automatically indicates the bearing of any radio station transmitting the signals received by such apparatus, and visual/aural radio range" means a radio navigation land station the signals from which provide track guidance for aircraft along four paths, two of which are identifiable by visual, and two by aural indications at the receiving station in the aircraft.

SCHEDULE 7

Regulation II

AIRCRAFT, ENGINE AND PROPELLER LOG BOOKS

1. Aircraft Log Book.

The following entries shall be included in the aircraft log book :

(a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft :

(b) the nationality and registration marks of the aircraft :

(c) the name and address of the operator of the aircraft ;

(d) particulars of the date and duration of each flight, or, if more than one flight was made on one day, the number of flights and total duration of flights on that day ;

(e) particulars of all maintenance work carried out on the aircraft or its equipment ;

(f) particulars of any defects occurring in the aircraft or in any equipment required to be carried therein by or under these Regulations, and of the action taken to rectify such defects including a reference to the relevant entries in the technical log required by paragraphs (5) and (6) of Regulation 6 of these Regulations ;

(g) Particulars of any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment as aforesaid :

Provided that entries shall not be required to be made under subparagraph (e) (f) and (g) in respect of any engine or variable pitch propeller.

2. Engine Log Book.

The following entries shall be included in the engine log book :

(a) the name of the constructor, the type of the engine, the number assigned to it by the constructor and the date of the construction of the engine ;

(b) the nationality and registration marks of each aircraft in which the engine is fitted ;

(c) the name and address of the operator of each aircraft ;

(d) particulars of the date and duration of each occasion on which the engine is run in flight, or, if the engine is run on more than one occasion on one day, the number of occasions and the total duration of the running of the engine on that day ;

(e) particulars of all maintenance work done on the engine ;

(f) particulars of any defects occurring in the engine, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by paragraphs (5) and (6) of Regulation 6 of these Regulations ;

(g) particulars of all overhauls, repairs, replacements and modifications relating to the engine or any of its accessories.

3. Variable Pitch Propeller Log Book.

The following entries shall be included in the variable pitch propeller log book :

(a) the name of the constructor, the type of the propeller, the number assigned to it by the constructor and the date of the construction of the propeller ;

(b) the nationality and registration marks of each aircraft, and the type and number of each engine, to which the propeller is fitted ;

(c) the name and address of the operator of each such aircraft ;

(d) particulars of the date and duration of each occasion on which the propeller is run in flight, or, if the propeller is run on more than one occasion on one day, the number of occasions and the total duration of the running of the propeller on that day ;

(e) particulars of all maintenance work done on the propeller ;

(f) particulars of any defects occurring in the propeller, and of the rectification of such defects, including a reference to the relevant entries in the technical log required by paragraphs (5) and (6) of Regulation 6 of these Regulations ;

(g) particulars of any overhauls, repairs, replacements and modifications relating to the propeller.

SCHEDULE 8

Regulation 14 (4)

AREAS SPECIFIED IN CONNECTION WITH THE CARRIAGE OF FLIGHT
NAVIGATORS AS MEMBERS OF THE FLIGHT CREW OF PUBLIC
TRANSPORT AIRCRAFT

The following areas are hereby specified for the purposes of paragraph (4) of Regulation 14 of these Regulations.

Area A—Arctic

All that area north of latitude $66^{\circ} 33'$ north, excluding any part thereof lying within 300 nautical miles of Norway.

Area B—Antarctic

All that area south of latitude 50° south

Area C—Sahara

All that area enclosed by rhumb lines joining successively the following points :—

32° north latitude	..	..	03° west longitude
24° north latitude	..	..	14° west longitude
14° north latitude	..	..	14° west longitude
18° north latitude	..	..	28° east longitude
24° north latitude	..	..	28° east longitude
28° north latitude	..	..	23° east longitude
32° north latitude	..	..	03° west longitude

Area D—Arabian Desert

All that area enclosed by rhumb lines joining successively the following points :—

30° north latitude	..	..	38° east longitude
16° north latitude	..	..	46° east longitude
20° north latitude	..	..	52° east longitude
29° north latitude	..	..	43° east longitude
30° north latitude	..	..	38° east longitude

Area E—South America (Central)

All that area enclosed by rhumb lines joining successively the following points :—

05° north latitude	..	..	75° west longitude
04° north latitude	..	..	60° west longitude
10° south latitude	..	..	40° west longitude
30° south latitude	..	..	60° west longitude
30° south latitude	..	..	70° west longitude
18° south latitude	..	..	69° west longitude
14° south latitude	..	..	75° west longitude
05° south latitude	..	..	80° west longitude
05° north latitude	..	..	75° west longitude

Area F—South America (Patagonia)

All that area enclosed by rhumb lines joining successively the following points :—

50° south latitude	..	..	75° west longitude
40° south latitude	..	..	75° west longitude
40° south latitude	..	..	62° west longitude
50° south latitude	..	..	65° west longitude
50° south latitude	..	..	75° west longitude

Area G—Pacific Ocean

All that are enclosed by rhumb lines joining successively the following points :—

50° south latitude	..	..	..	75° west longitude
20° south latitude	..	..	..	73° west longitude
05° south latitude	..	..	..	85° west longitude
05° north latitude	..	..	..	80° west longitude
15° north latitude	..	..	..	105° west longitude
30° north latitude	..	..	..	125° west longitude
55° north latitude	..	..	..	140° west longitude
67° north latitude	..	..	..	180° west longitude
60° north latitude	..	..	..	180° west longitude
20° north latitude	..	..	..	128° east longitude
04° north latitude	..	..	..	128° east longitude
00° north latitude	..	..	..	160° east longitude
50° south latitude	..	..	..	160° east longitude
50° south latitude	..	..	..	75° west longitude

excluding any part thereof lying within 300 nautical miles of New Zealand

Area H—Australia

All that area enclosed by rhumb lines joining successively the following points :—

18° south latitude	..	..	..	123° east longitude
26° south latitude	..	..	..	118° east longitude
30° south latitude	..	..	..	118° east longitude
30° south latitude	..	..	..	145° east longitude
26° south latitude	..	..	..	145° east longitude
21° south latitude	..	..	..	140° east longitude
18° south latitude	..	..	..	123° east longitude

Area I—Indian Ocean

All that area enclosed by rhumb lines joining successively the following points :—

50° south latitude	..	..	..	110° east longitude
20° south latitude	..	..	..	110° east longitude
13° south latitude	..	..	..	120° east longitude
10° south latitude	..	..	..	100° east longitude
18° north latitude	..	..	..	89° east longitude
00° north latitude	..	..	..	80° east longitude
24° north latitude	..	..	..	65° east longitude
05° south latitude	..	..	..	43° east longitude
20° south latitude	..	..	..	60° east longitude
25° south latitude	..	..	..	60° east longitude
30° south latitude	..	..	..	35° east longitude
50° south latitude	..	..	..	35° east longitude
50° south latitude	..	..	..	110° east longitude

Area J.—Atlantic Ocean

All that area enclosed by rhumb lines joining successively the following points :—

50° south latitude	..	..	15° east longitude
05° south latitude	..	..	10° east longitude
02° north latitude	..	..	05° east longitude
02° north latitude	..	..	10° west longitude
15° north latitude	..	..	25° west longitude
55° north latitude	..	..	15° west longitude
67° north latitude	..	..	40° west longitude
67° north latitude	..	..	60° west longitude
45° north latitude	..	..	45° west longitude
40° north latitude	..	..	63° west longitude
19° north latitude	..	..	63° west longitude
05° south latitude	..	..	30° west longitude
50° south latitude	..	..	55° west longitude
50° south latitude	..	..	15° east longitude

SCHEDULE 9

Regulation 16

Flight Crew of Aircraft : Licence and Ratings
Part A Licences

Minimum Age, Period of Validity, Privileges

1.—*Student Pilots*

Student Pilots Licence (Flying Machines, Balloons and Airships) Minimum age—17 years

Maximum period of Validity

(a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed ; or

(b) 12 months, if the holder is 40 years of age or more on that date

Privileges of The licence :—

(a) shall entitle the holder to fly as pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence ;

(b) shall be valid only for flights within Nigeria and within any other territory specified in the licence ;

(c) shall not entitle the holder to fly as pilot in command of an aircraft in which any person is carried ;

(d) shall be valid only for flights carried out in accordance with instructions given by a person holding a pilot's licence granted under these Regulations, being a licence which includes a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft to be flown.

2.—*Flying Machine Pilots*

Private Pilot's Licence (Flying Machines)

Minimum age - 17 years.

Maximum Period of Validity

(a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(b) 12 months, if the holder is 40 years of age or more on that date.

Privileges of the Licence :—

(i) shall entitle the holder to fly as pilot in command or co-pilot of a flying machine of any of the types specified in the aircraft rating included in the licence, when the aircraft is flying for any purpose other than public transport or aerial work ;

(ii) shall not entitle the holder to act as pilot in command by night while carrying any passenger in the aircraft unless a night rating is included in the licence, and unless an instrument rating is included therein or he has within the preceding 6 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun is not less than 12 degrees below the horizon.

Commercial Pilot's Licence (Flying Machines)

Minimum age—18 years

Maximum Period of Validity—6 months.

Privileges : In addition to the privileges given above for the Private Pilot's Licence the holder of the licence shall be entitled to fly as :—

(i) pilot in command of any flying machine of which the maximum total weight authorised does not exceed 12,500 lb and which is of a type specified in Part 1 of the aircraft rating included in the licence, when the flying machine is engaged in a flight for the purpose of public transport or aerial work

Provided that :—

(a) he shall not, unless his licence includes an instrument rating, fly such an aircraft on any scheduled journey :

(b) he shall not fly such an aircraft on a flight carrying passengers at night unless an instrument rating is included in his licence or he has within the immediately preceding 90 days carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun is not less than 12 degrees below the horizon.

(ii) co-pilot of any flying machine of a type specified in Part 1 or Part 2 of such aircraft rating when the flying machine is engaged in a flight for the purpose of public transport or aerial work :

Senior Commercial Pilot's Licence (Flying Machine)

Minimum age — 21 years

Maximum Period of Validity — 6 months.

Privileges : In addition to the privileges given above for the Private Pilot's Licence the holder of the licence shall be entitled to fly as :

(i) pilot in command of any flying machine of which the maximum total weight authorised does not exceed 30,000 lb. and which is of a type specified in Part 1 of the aircraft rating included in the licence, when the flying machine is engaged in a flight for the purpose of public transport or aerial work :

Provided that :—

(a) he shall not, unless his licence includes an instrument rating, fly such an aircraft on any scheduled journey;

(b) he shall not fly such an aircraft on a flight carrying passengers at night unless an instrument rating is included in his licence or he has within the immediately preceding 90 days carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun is not less than 12 degrees below the horizon;

(ii) co-pilot of any flying machine of a type specified in Part 1 or Part 2 of such aircraft rating when the flying machine is engaged in a flight for the purpose of public transport or aerial work.

Airline Transport Pilot's Licence (Flying Machines)

Minimum age — 21 years.

Maximum Period of Validity — 6 months

Privileges : In addition to the privileges given above for the Private Pilot's Licence the holder of the licence shall be entitled to fly as :—

(i) pilot in command of any flying machine of a type specified in Part 1 of the aircraft rating included in the licence when the flying machine is engaged in a flight for the purpose of public transport or aerial work.

Provided that :—

(v) he shall not, unless his licence includes an instrument rating, fly such an aircraft on any scheduled journey;

(b) he shall not fly such an aircraft on a flight carrying passengers at night unless an instrument rating is included in his licence or he has within the immediately preceding 90 days carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun is not less than 12 degrees below the horizon;

(ii) co-pilot of any flying machine of a type specified in Part 1 or Part 2 of such aircraft rating when the flying machine is engaged in a flight for the purpose of public transport or aerial work.

In respect of the privileges of a Private Pilot's Licence the maximum period of validity shall be as given for that licence.

3. Balloon and Airships Pilots

Private Pilot's Licence (Balloons and Airships)

Maximum age—17 years.

Maximum Period of Validity

(a) 24 months, if the holder is less than 40 years of age on the date on which the licence is granted or renewed; or

(b) 12 months, if the holder is 40 years of age or more on that date.
 Privileges : The holder of the licence shall be entitled to fly, when the balloon or airship is flying for any purpose other than public transport or aerial work, as

(i) pilot in command of any type of balloon or airship specified in Part 1 of the aircraft type rating included in the licence :

(ii) co-pilot of any type of balloon or airship specified in Part 1 or Part 2 of such aircraft rating.

Commercial Pilot's Licence (Balloons)

Minimum age—18 years.

Maximum Period of Validity—6 months

Privileges : In addition to the privileges given above for the Private Pilot's Licence in respect of balloons, the holder of the licence shall be entitled to fly as pilot in command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.

In respect of the privileges given above for the Private Pilot's Licence the maximum period of validity shall be as given for that licence.

Commercial Pilot's Licence (Airships)

Minimum Age—18 years.

Maximum Period of Validity—6 months

Privileges : In addition to the privileges given above for the Private Pilot's Licence in respect of airships, the holder of the licence shall be entitled to fly as:-

(i) pilot in command of any airship of a type specified in Part 1 of the aircraft rating included in the licence ;

(ii) co-pilot of any airship of a type specified in Part 1 or Part 2 of such aircraft rating.

In respect of the privileges of a Private Pilot's licence the maximum period of validity shall be as given for that licence.

4.—*Glider Pilots*

Commercial Pilot's Licence (Gliders)

Minimum age—18 years

Maximum Period of Validity—6 months

Privileges : The holder of the licence shall be entitled to fly as pilot in command or co-pilot of :—

(a) any glider of which the maximum total weight authorised does not exceed 1,500 lb.,

(b) any glider of which the maximum total weight authorised exceeds 1,500 lb. and which is of a type specified in the rating included in the licence.

5.—Other Flight Crew

Flight Navigator's Licence

Minimum age—21 years.

Maximum Period of Validity—12 months.

Privileges : The holder of the licence shall be entitled to act as flight navigator in any aircraft

Flight Engineer's Licence

Minimum age—21 years

Maximum Period of Validity—12 months.

Privileges : The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in the aircraft rating included in the licence.

Flight Radio telephony Operator's General Licence

Minimum age—18 years

Maximum Period of Validity—24 months.

Privileges : The holder of the licence shall be entitled to operate radio-telephony apparatus in any aircraft.

Flight Radio-telephony Operator's Restricted Licence.

Minimum age—17 years.

Maximum Period of Validity—24 months.

Privileges : The holder of the licence shall be entitled to operate radio-telephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but shall not be entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

Flight Radiotelegraphy Operator's Licence.

Minimum age 20 years.

Maximum Period of Validity—12 months

Privileges : The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft.

Flight Radiotelegraphy Operator's Temporary Licence

Minimum age—18 years

Maximum Period of Validity—12 months.

Privileges : The holder of the licence shall be entitled to operate radiotelegraphy and radiotelephony apparatus in any aircraft under the supervision of a person who is the holder of a Flight Radiotelegraphy Operator's licence.

Part B—Ratings

1. The following ratings may be included in a pilot's licence (other than a student pilot's licence) granted under Part III of these Regulations, and, subject to the provisions of these Regulations and of the licence, the inclusion of a rating in a licence shall have the consequence respectively specified as follows :—

Aircraft Rating : The licence shall entitle the holder to act as pilot only of aircraft of the types specified in the aircraft rating and different types of aircraft may be specified in respect of different privileges of a licence.

Instrument Rating (Flying Machines) shall entitle the holder of the licence to act as pilot of a flying machine flying in controlled airspace in accordance with the instrument Flight Rules :

Provided that the holder shall not be so entitled unless the licence bears a certificate, signed by a person authorised by the minister for that purpose, indicating that the holder has, within the previous 13 months, passed an instrument flying test.

Night Rating (Private Pilot's Licence-Flying Machines) shall entitle the holder of a private pilot's licence to act as pilot in command of a flying machine carrying passengers by night.

Towing Rating (Flying Machines) shall entitle the holder of the licence to act as pilot of a flying machine while towing a glider in flight for the purpose of public transport or aerial work.

Flying Instructor's Rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose. The maximum period of validity of a flying instructor's rating shall be 12 months.

Assistant Flying Instructor's Rating shall entitle the holder of the licence to give instruction in flying aircraft of such types as may be specified in the rating for that purpose ;

Provided that :—

(a) such instruction shall only be given under the supervision of a person present during the take-off and landing at the aerodrome at which the instruction is to begin and end and holding a pilot's licence endorsed with the flying instructor's rating and

(b) an assistant flying instructor's rating shall not entitle the holder of the licence to give directions to the person undergoing the instruction in respect of the performance by that person of :—

- (i) his first solo flight ; or
- (ii) his first solo flight by night ; or
- (iii) his first solo cross-country flight otherwise than by night ; or
- (iv) his first solo cross-country flight by night.

The maximum period of validity of an assistant flying instructor's rating shall be twelve months.

2. An aircraft rating may be included in every flight engineer's licence. The licence shall entitle the holder to act as flight engineer only of aircraft of a type specified in the aircraft rating.

3. For the purposes of this Schedule :—

“Solo flight” means a flight on which the pilot of the aircraft is not accompanied by a person holding a pilot's licence granted or rendered valid under these Regulations

“Cross-country flight” means any flight during the course of which the aircraft is more than 3 miles from the aerodrome of departure.

SCHEDULE 10

Regulation 21

Public Transport—Operational Requirements

PART A—OPERATIONS MANUAL

Information and instructions relating to the following matters shall be included in the operations manual referred to in paragraph (2) of Regulation 21 of these Regulations :—

(i) the number of the crew to be carried in the aircraft, on each stage of any route to be flown, and the respective capacities in which they are to act, and instructions as to the order and circumstances in which command is to be assumed by members of the crew ;

(ii) the respective duties of each member of the crew and the other members of the operating staff ;

(iii) the particulars referred to in paragraph (7) of Regulation 45 of these Regulations ;

(iv) such technical particulars concerning the aircraft, its engines and equipment and concerning the performance of the aircraft as may be necessary to enable the flight crew of the aircraft to perform their respective duties ;

(v) the manner in which the quantities of fuel and oil to be carried by the aircraft are to be computed and records of fuel and oil carried and consumed on each stage of the route to be flown are to be maintained ; the instructions shall take account of all circumstances likely to be encountered on the flight including the possibility of failure of one or more of the aircraft engines ;

(vi) the manner of which the quantity, if any, of oxygen and oxygen equipment to be carried in the aircraft for the purpose of complying with scale K in the fifth Schedule to these Regulations is to be computed.

(vii) the check system to be followed by the crew of the aircraft prior to and on take-off, on landing and in an emergency, so as to ensure that the operating procedures contained in the operations manual and in the flight manual or performance schedule forming part of the relevant certificate of airworthiness are complied with ;

(viii) the circumstances in which a radio watch is to be maintained ;

(ix) the circumstances in which oxygen is to be used by the crew of the aircraft, and by passengers ;

(x) communication, navigational aids, aerodromes, local regulations in-flight procedures, instrument approach and landing procedures and such other information as the operator may deem necessary for the proper conduct of flight operations ; the information referred to in this paragraph shall be contained in a route guide which may be in the form of a separate volume ;

(xi) the reporting in flight to the notified authorities of meteorological observations ;

(xii) the minimum altitudes for safe flight on each stage of the route to be flown and any planned diversion therefrom, such minimum altitudes being not lower than any which may be applicable under the law of Nigeria or of the countries whose territory is to be flown over ;

(xiii) such matters as are specified in the Twelfth Schedule to these Regulations relating to weather conditions for take-off and landing ;

(xiv) emergency flight procedures, including procedures for the instruction of passengers in the position and use of emergency equipment, and procedures to be adopted when the commander of the aircraft becomes aware that another aircraft or a vessel is in distress and needs assistance :

Provided that in relation to any flight which is not one of a series of flights between the same two places it shall be sufficient if, to the extent that it is not practicable to comply with paragraphs (x) (xii) and (xiii), the manual contains such information and instructions as will enable the equivalent data to be ascertained before take-off.

Regulation 22

PART B.—CREW TRAINING AND TESTS

1. The training, experience, practice and periodical tests required under paragraph (2) of Regulation 22 of these Regulations in the case of members of the crew of an aircraft engaged on a flight for the purpose of public transport shall be as follows :—

(1) The Crew

Every member of the crew shall—

(a) have been tested within the relevant period by or on behalf of the operator as to his knowledge of the use of the emergency and life saving equipment required to be carried in the aircraft on the flight ; and

(b) have practised within the relevant period under the supervision of the operator or of a person appointed by him for the purpose of carrying out of the duties required of him in case of an emergency occurring to the aircraft, either in an aircraft of the type to be used on the flight or in apparatus approved by the Minister for the purpose and controlled by persons so approved.

(2) Pilots

(a) Every pilot included in the flight crew who is intended by the operator to fly as pilot in conditions requiring compliance with Instrument Flight Rules (which conditions are hereafter in this Schedule referred to as "IMC") shall within the relevant period have been tested by or on behalf of the operator as to his competence to perform his duties in an aircraft of the type to be used on the flight, including a test of his ability—

(i) to execute normal and emergency manoeuvres and procedures in flight in such aircraft in IMC, actual or simulated, and

(ii) to use in IMC, actual or simulated, the instruments and equipment provided for use in such conditions in the aircraft to be used on the flight. A pilot's ability to carry out normal manoeuvres and procedures shall be tested in the aircraft in flight. The other tests required by this subparagraph may be conducted either in the aircraft in flight, or under the supervision of a person approved by the Minister for the purpose, by means of apparatus so approved in which flight conditions are simulated on the ground.

(b) Every pilot included in the flight crew whose licence does not include an instrument rating or who, notwithstanding the inclusion of such a rating in his licence, is not intended by the operator to fly as pilot in IMC, shall

within the relevant period have been tested, by or on behalf of the operator, in flight in an aircraft of the type to be used on the flight as to his competence to act as pilot thereof, including a test of his ability to execute normal and emergency manoeuvres and procedures.

(3) Flight Engineers

Every flight engineer included in the flight crew shall within the relevant period have been tested by or on behalf of the operator, either in flight, or, under the supervision of a person approved by the Minister for the purpose, by means of apparatus so approved in which flight conditions are simulated on the ground, as to his competence to perform the duties of flight engineer in aircraft of the type to be used on the flight, including his ability to execute emergency procedures in the course of such duties.

(4) Flight Navigators and Flight Radio Operators.

Every flight navigator and flight radio operator whose inclusion in the flight crew is required under paragraphs (4) and (5) respectively of Regulation 14 of these Regulations shall within the relevant period have been tested by or on behalf of the operator as to his competence to perform his duties in conditions corresponding to those likely to be encountered on the flight :—

(a) in the case of a flight navigator, using equipment of the type to be used in the aircraft on the flight for purposes of navigation :

(b) in the case of a flight radio operator, using radio equipment of the type installed in the aircraft to be used on the flight and including a test of his ability to carry out emergency procedures.

(5) Aircraft Commanders

(a) The pilot designated as commander of the aircraft for the flight shall within the relevant period :—

(i) have demonstrated to the satisfaction of the operator that he has adequate knowledge of the route to be taken, the aerodromes of take-off and landing, and any alternate aerodromes, including in particular his knowledge of :—

the terrain,

the seasonal meteorological conditions,

the meteorological, communications, and air traffic facilities,

services and procedures,

the search and rescue procedures, and

the navigational facilities,

relevant to the route ;

(ii) have been tested as to his proficiency in using instrument approach-to-land systems of the type in use at the aerodrome of intended landing and any alternate aerodromes, such test being carried out either in flight in IMC or IMC simulated by means approved by the Minister, or under the supervision of a person approved by the Minister for the purpose by means of apparatus so approved in which flight conditions are simulated on the ground ;

(iii) have carried out as pilot in comm and not less than three take-offs and three landings in aircraft of the type to be used on the flight.

(b) In determining whether a pilot's knowledge of the matters referred to in sub-paragraphs (a) (i) is sufficient to render him competent to perform the duties of aircraft commander on the flight the operator shall take into account the pilot's flying experience in conjunction with the following :—

- (i) the experience of other members of the intended flight crew ;
- (ii) the influence of terrain and obstructions on departure and approach procedures at the aerodromes of take-off and intended landing and at alternate aerodromes ;
- (iii) the similarity of the instrument approach procedures and let down aids to those with which the pilot is familiar ;
- (iv) the dimensions of runways which may be used in the course of the flight in relation to the performance limits of aircraft of the type to be used on the flight ;
- (v) the reliability of meteorological forecasts and the probability of difficult meteorological conditions in the areas to be traversed.
- (vi) the nature of air traffic control procedures and familiarity of the pilot with such procedures ;
- (vii) the influence of terrain on route conditions and the extent of the assistance obtainable on route from navigational aids and air-to-ground communication facilities ;
- (viii) the extent to which it is possible for the pilot to become familiar with unusual aerodrome procedures and features of the route by means of ground instruction and training devices.

(6) For the purposes of this Schedule, the expression "relevant period" means a period which immediately precedes the commencements of the flight being a period :—

- (a) in the case of sub-paragraph (5) (a) (iii) of this paragraph, of three months ;
- (b) in the case of sub-paragraphs (2) (3) and (5) (a) (ii) of this paragraph, of six months ;
- (c) in the case of sub-paragraphs (1) (4) and (5) (a) (i) of this paragraph of twelve months ;

Provided that :—

- (i) any pilot of the aircraft to whom the provisions of sub-paragraph (2) or (5) (a) (ii) and any flight engineer of the aircraft to whom the provisions of sub-paragraph (3) of this paragraph apply shall for the purposes of the flight be deemed to have complied with such requirements respectively within the relevant period if he has qualified to perform his duties in accordance therewith on two occasions within the period of twelve months immediately preceding the flight, such occasions being separated by an interval of not less than four months ;
- (ii) the requirements of sub-paragraph (5) (a) (i) shall be deemed to have been complied with within the relevant period by a pilot designated as commander of the aircraft for the flight if, having become qualified so as to act on flights between the same places over the same route more than twelve months before commencement of the flight, he has within the period of twelve months immediately preceding the flight flown as pilot of an aircraft between those places over that route.

2.—(1) The records required to be maintained by an operator under paragraph (2) of Regulation 22 of these Regulations shall be accurate and up to date records so kept as to show, on any date, in relation to each person who has during the period of two years immediately preceding that date flown as a member of the crew of any public transport aircraft operated by that operator—

(a) the date and particulars of each test required by this Schedule undergone by that person during the said period including the name and qualifications of the examiner ;

(b) the date upon which that person last practised the carrying out of the duties referred to in paragraph 1 (1) (b) of this Schedule ;

(c) the operator's conclusions based on each such test and practice as to that person's competence to perform his duties ;

(d) the date and particulars of any decision taken by the operator during the said period in pursuance of paragraph 1 (5) (a) (i) of this Schedule including particulars of the evidence upon which that decision was based.

(2) The operator shall whenever called upon to do so by any authorised person produce for the inspection of any person so authorised all records referred to in the preceding sub-paragraph and furnish to any such person all such information as he may require in connection with any such records and produce for his inspection all log books certificates, papers and other documents whatsoever which he may reasonably require to see for the purpose of determining whether such records are complete or of verifying the accuracy of their contents.

(3) The operator shall at the request of any person in respect of whom he is required to keep records as aforesaid furnish to that person, or to any operator of aircraft for the purpose of public transport by whom that person may subsequently be employed, particulars of any qualifications in accordance with this Schedule obtained by such person whilst in his service.

SCHEDULE 11

Regulations 51 and 52

Documents to be Carried by Aircraft Registered in Nigeria.

On a flight for the purpose of public transport :—

Documents A, B, C, D, E, F, and if the flight is international air navigation, Document G.

On a flight for the purpose of aerial work ;—

Documents A, B, C, E, F, and if the flight is international air navigation Document G.

On a flight, being international air navigation, for a purpose other than public transport or aerial work :—

Documents, A, B, C, and G.

For the purposes of this Schedule :—

"A" means any licence to install and operate radio apparatus in the aircraft for the time being in force, and the current telecommunication log book required by these Regulations ;

"B" means the certificate of airworthiness in force in respect of the aircraft ;

"C" means the licences of the members of the flight crew of the aircraft

"D" means one copy of the load sheet, if any, required by Regulation 23 of these Regulations in respect of the flight ;

"E" means one copy of each certificate of maintenance, if any, in force in respect of the aircraft.

"F" means the technical log if any, in which entries are required to be made under paragraph (5) of Regulation 6 of these Regulations ;

"G" means the certificate of registration in force in respect of the aircraft.

For the purposes of this Schedule :—

"International air navigation" means any flight in which a landing is made outside the State in which the aircraft commences the flight.

SCHEDULE 12

Regulation 24 (3)

Minimum weather conditions for take-off, approach to landing and landing by public transport aircraft registered in Nigeria.

(1) In this Schedule—

"Approach to landing" means that portion of the flight of the aircraft in which it is descending below a height of 1,000 feet above the critical height of the relevant minimum for landing ;

"Cloud ceiling" in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one half of the sky so visible ;

"Critical height" means the minimum height above the elevation of the aerodrome to which an approach to landing can safely be continued without visual reference to the ground ;

"Minimum weather conditions" in relation to an aerodrome means the cloud ceiling and runway visual range for take-off and the critical height and runway visual range for landing below which the aircraft cannot safely take-off or land (as the case may be) at that aerodrome, and the expression "relevant minimum" shall be construed accordingly.

"runway visual range" in relation to a runway or landing strip means the maximum distance in the direction of take-off or landing, as the case may be, at which the runway or landing strip or the markers or lights delineating it can be seen from a point 15 feet above its centre line ; and in the case of an aerodrome in Nigeria the distance, if any, communicated to the commander of the aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being ;

"specified" in relation to an aircraft means specified in or ascertainable by reference to the operations manual relating to that aircraft.

(2) In compliance with Regulation 21 (2) of these Regulations and paragraph (xiii) of Part A of the Tenth Schedule hereto the operator of every aircraft to which that Regulation applies shall establish and include in the operations manual relating to the aircraft particulars of minimum weather conditions appropriate to every aerodrome of intended departure or landing and every alternate aerodrome :

Provided that, in respect of aerodromes to be used only on a flight which is not a scheduled journey or any part thereof it shall be sufficient to include in the operations manual data and instructions by means of which the appropriate minimum weather conditions can be calculated by the commander of the aircraft.

(3) The minimum weather conditions specified shall not, in respect of any aerodrome, be less favourable than any declared in respect of that aerodrome by the competent authority, unless that authority otherwise permits in writing.

(4) In establishing minimum weather conditions for the purpose of this Regulation the operator of the aircraft shall take into account the following matters :—

(a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness ;

(b) the composition of its crew.

(c) the physical characteristics of the relevant aerodrome and its surroundings ;

(d) the dimensions of the runways which may be selected for use :

(e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing, or take-off, being aids which the crew of the aircraft are trained and equipped to use ; the nature of any such aids that are in use ; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids ; and shall establish in relation to each runway which may be selected for use minimum weather conditions appropriate to each set of circumstances which can reasonably be expected.

(5) With reference to Regulation 24 (3) of these Regulations an aircraft shall not commence a flight at a time when :—

(a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the minimum respectively specified for take-off ; or

(b) according to the information available to the commander of the aircraft it would not be able, without contravening paragraph (6) of this Schedule to commence or continue an approach to landing at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(6) With reference to Regulation 24 (3) of these Regulations, an aircraft shall not—

(a) commence or continue an approach to landing at any aerodrome if the runway visual range at that aerodrome, established or determined as aforesaid, is at the time less than the relevant minimum for landing ; or

(b) continue an approach to landing at any aerodrome by flying below the critical height of the relevant minimum for landing if from that height the approach to landing cannot be completed entirely by visual reference to the ground.

(7) If according to the information available an aircraft would as regards any flight be required by the Rules of the Air and Air Traffic Control to be flown in accordance with the instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

SCHEDULE 13

Regulation 66

Lagos
Kano
Calabar
Maiduguri

Lagos
Kano

Calabar
Maiduguri

SCHEDULE 14

Regulation 75 (2)

AERODROME PERMIT

*Regulation 75 (2) of the Civil Aviation (Air Navigation)**Regulations, 1965*

Holders Name

Rank

Address

The holder of this Aerodrome Permit is a person authorised to have free access to all parts of any Government or licensed aerodrome in Nigeria, including all parts of any building on such aerodrome.

Dated at Lagos this day of 19

Photograph
of
Holder

Minister of Aviation

Note : This Aerodrome Permit does not give the holder the right to enter any customs bonded warehouse

Signature of Holder

SCHEDULE 15

Regulation 79—Penalties

PART A—PROVISIONS REFERRED TO IN PARAGRAPH (5) OF REGULATION 79

Regulation 1	Regulation 29 (except paragraph (2))
Regulation 3	Paragraph (1) of Regulation 39
Paragraph (5) of Regulation 7	Paragraph (1) of Regulation 40
Regulation 11	Regulation 48
Paragraph (3) of Regulation 12	Regulation 53
Regulation 18	Paragraph (2) of Regulation 57
Regulation 20	Paragraph (3) of Regulation 61
Regulation 21	Regulation 67
Paragraph (5) of Regulation 23	Paragraph (1) of Regulation 72

SCHEDULE 15—*continued**Regulation 79*

PART B—PROVISIONS REFERRED TO IN PARAGRAPH (6) OF REGULATION 79

Regulation 4	Paragraph (2) of Regulation 40
Paragraph (1) of Regulation 6	Regulation 41
Regulation 7 (except paragraph (5))	Regulation 42
Regulation 9	Regulations 44 to 47 inclusive
Regulation 10	Regulation 49
Regulation 12 (except paragraph (3))	Regulation 55 (except paragraph (3))
Regulation 14	Regulation 56 (except paragraph (4))
Regulation 15	Regulation 57 (except paragraph (2))
Regulation 19	Regulation 58
Regulation 22	Regulation 63
Regulation 23 (except paragraph (5))	Paragraph (2) of Regulation 61
Regulations 24 to 28 inclusive	Regulation 69
Paragraph (2) of Regulation 29	Regulation 71
Regulations 30 to 38 inclusive	Regulation 73
Paragraph (2) of Regulation 39	Regulation 77

MADE at Lagos this 21st day of October 1965.

JAJA WACHUKU,
Minister of Aviation

CUSTOMS AND EXCISE MANAGEMENT ACT 1958
(No. 55 of 1958)

Open General Import Licence (All Countries) (No. 1 of 1964)
(Amendment) Notice 1966.

Commencement : 14th February 1966

In exercise of the powers conferred by section 4 of the Imports Prohibition Order 1959, the Import Licensing Authority hereby gives the following Notice :—

1. Schedule 1 to the Open General Import Licence (All Countries) No. 1 of 1964 is hereby amended by the addition of the following item :—

“14. Rhodesia”

Amendment
of L.N. 56
of 1964.

2.—(1) This Notice may be cited as the Open General Import Licence (All Countries) No. 1 of 1964 (Amendment) Notice 1966.

(2) This Notice shall apply throughout the Federation and shall come into force on the 14th day of February, 1966.

Citation,
application
and com-
mencement.

MADE in Lagos this 14th day of February 1966.

J. B. ELUMEZE,
*Import Licensing Authority,
Ministry of Trade*

EXPLANATORY NOTE

(This note is not part of the Notice but intended to explain its effect.)

The effect of this Amendment is that all imports from Southern Rhodesia into Nigeria are now prohibited except on a Specific Import Licence issued by the Import Licensing Authority.

L.N. 17 of 1966

**LOCAL LOANS (REGISTERED STOCK AND SECURITIES)
ACT (CAP. 111)**

**Local Loan (Government of Nigeria Third Development Loan 1973)
Directions 1966**

Commencement : 22nd February 1966

WHEREAS by section 1 (1) (a) of the Internal Loans Act 1962, as amended by the Constitution (Suspension and Modification) Decree 1966, the Federal Executive Council may, in any manner authorised by the Local Loans (Registered Stock and Securities) Act or the Government Promissory Notes Act 1960, raise loans in Nigeria not exceeding in the aggregate the sum of one hundred million Nigerian pounds :

AND WHEREAS it seems expedient to raise a loan of two million Nigerian pounds (hereinafter called "the loan" (by the creation and issue of registered stock maturing in seven years for the purposes of the development programme :

NOW THEREFORE in exercise of the powers conferred by section 5 (1) of the Local Loans (Registered Stock and Securities) Act, as amended by the Constitution (Suspension and Modification) Decree 1966, and of all other powers enabling it in that behalf, the Federal Executive Council hereby gives the following directions—

1. These directions may be cited as the Local Loan (Government of Nigeria Third Development Loan 1973) Directions 1966 and shall apply throughout the Federation.

Citation
and extent.

2.--(1) The sum of money to be raised by the loan shall be two million Nigerian pounds in the form of registered stock to be issued in denominations of ten pounds or any multiple thereof.

Sum of
money to be
raised and
mode of
raising the
loan.

(2) The stock shall be issued at par, the sum of ten pounds being payable on application for each ten pounds of stock applied for.

(3) The stock so raised shall be transferable in units of ten pounds.

3. Interest at the rate of 5 *per centum* per annum shall be payable. The first interest payment shall be made on 5th September 1966, and thereafter interest shall be payable half-yearly on 5th March and 5th September each year until maturity.

Rate of
Interest.

4. The half-yearly contributions out of the general revenue and assets of the Federation to a Sinking Fund established for the purpose of redeeming this loan shall be at the rate of 4.7 *per centum* of the principal sum raised. The first of such payment shall be made on 5th September 1966.

Sinking
Fund.

5. The Government of Nigeria shall redeem the stock at par on the 5th March 1973.

Date of
Redemp-
tion.

Taxation of
Interest.

6. Interest payable on this stock shall not be exempt from any tax unless such exemption is permissible under any written law in any part of Nigeria ~~but~~ such tax shall not be deducted at source.

GIVEN at Lagos this 22nd day of February 1966.

A. A. ATTA,
Permanent Secretary,
Ministry of Finance

EXPLANATORY NOTE

The purpose of these "Directions" is to specify the sum of money to be raised by this loan and the conditions relating thereto.

L.N. 18 of 1966

LOCAL LOANS (REGISTERED STOCK AND SECURITIES) ACT (CAP. 111)

Local Loan (Government of Nigeria Third Development Loan, 1981) Directions 1966

Commencement : 22nd February 1966

WHEREAS by section 1 (1) (a) of the Internal Loans Act, 1962, as amended by the Constitution (Suspension and Modification) Decree, 1966, the Federal Executive Council may, in any manner authorised by the Local Loans (Registered Stock and Securities) Act or the Government Promissory Notes Act, 1960, raise loans in Nigeria not exceeding in the aggregate the sum of one hundred million Nigerian pounds :

AND WHEREAS it seems expedient to raise a loan of Three Million Nigerian pounds (hereinafter called "the loan") by the creation and issue of registered stock maturing in Fifteen years for the purposes of the development programme :

NOW THEREFORE in exercise of the powers conferred by section 5 (1) of the Local Loans (Registered Stock and Securities) Act, as amended by the Constitution (Suspension and Modification) Decree, 1966, and of all other powers enabling it in that behalf, the Federal Executive Council hereby gives the following directions—

1. These directions may be cited as the Local (Government of Nigeria Third Development Loan 1981) Directions, 1966 and shall apply throughout the Federation.

Citation and
extent.

2.—(1) The sum of money to be raised by the loan shall be Three million Nigerian pounds in the form of registered stock to be issued in denominations of ten pounds or any multiple thereof.

Sum of
money to be
raised and
mode of
raising the
loan.

(2) The stock shall be issued at par, the sum of ten pounds being payable on application for each ten pounds of stock applied for.

(3) The stock so raised shall be transferable in units of ten pounds.

3. Interest at the rate of $5\frac{1}{2}$ per centum per annum shall be payable. The first interest payment shall be made on 5th September, 1966, and thereafter interest shall be payable half-yearly on 5th March and 5th September each year until maturity.

Rate of
interest.

4. The half-yearly contributions out of the general revenue and assets of the Federation to a Sinking Fund established for the purpose of redeeming this loan shall be at the rate of 1.78 per centum of the principal sum raised. The first of such payment shall be made on 5th September, 1966.

Sinking
fund.

5. The Government of Nigeria shall redeem the stock at par on the 5th March 1981.

Date of
redemption.

Taxation of
Interest.

6. Interest payable on this stock shall not be exempt from any tax unless such exemption is permissible under any written law in any part of Nigeria but such tax shall not be deducted at source.

GIVEN at Lagos this 22nd day of February 1966.

A. A. ATTA,
*Permanent Secretary,
Ministry of Finance*

EXPLANATORY NOTE

The purpose of these "Directions" is to specify the sum of money to be raised by this loan and the conditions relating thereto.

L.N. 19 of 1966

LOCAL LOANS (REGISTERED STOCK AND SECURITIES) ACT (CAP. 111)

Local Loan (Government of Nigeria Third Development Loan, 1990) Directions 1966

Commencement : 22nd February 1966

WHEREAS by section 1 (1) (a) of the Internal Loans Act 1962, as amended by the Constitution (Suspension and Modification) Decree 1966, the Federal Executive Council may, in any manner authorised by the Local Loans (Registered Stock and Securities) Act or the Government Promissory Notes Act 1960, raise loans in Nigeria not exceeding in the aggregate the sum of one hundred million Nigerian pounds :

AND WHEREAS it seems expedient to raise a loan of Nine Million Nigerian pounds (hereinafter called the "loan") by the creation and issue of registered stock maturing in Twenty-four years for the purposes of the development programme :

NOW THEREFORE in exercise of the powers conferred by section 5 (1) of the Local Loans (Registered Stock and Securities) Act, as amended by the Constitution (Suspension and Modification) Decree 1966, and of all other powers enabling it in that behalf, the Federal Executive Council hereby gives the following directions—

1. These directions may be cited as the Local Loan (Government of Nigeria Third Development Loan, 1990) Directions, 1966 and shall apply throughout the Federation.

2.—(1) The sum of money to be raised by the loan shall be Nine million Nigerian pounds in the form of registered stock to be issued in denominations of ten pounds or any multiple thereof.

(2) The stock shall be issued at par, the sum of ten pounds being payable on application for each ten pounds of stock applied for.

Citation and
extent.

Sum of
money to be
raised and
mode of
raising the
loan.

- (3) The stock so raised shall be transferable in units of ten pounds.
3. Interest at the rate of 6 *per centum* per annum shall be payable. The first interest payment shall be made on 5th September 1966, and thereafter interest shall be payable half-yearly on 5th March and 5th September each year until maturity.
4. The half-yearly contributions out of the general revenue and assets of the Federation to a Sinking Fund established for the purpose of redeeming this loan shall be at the rate of 0.88 *per centum* of the principal sum raised. The first of such payment shall be made on 5th September 1966.
5. The Government of Nigeria shall redeem the stock at par on the 5th March 1990.
6. Interest payable on this stock shall not be exempt from any tax unless such exemption is permissible under any written law in any part of Nigeria but such tax shall not be deducted at source.

Rate of interest.

Sinking fund.

Date of redemption.

Taxation of interest.

GIVEN at Lagos this 22nd day of February 1966.

A. A. ATTA,
*Permanent Secretary,
 Ministry of Finance*

EXPLANATORY NOTE

The purpose of these "Directions" is to specify the sum of money to be raised by this loan and the conditions relating thereto.