

# A BILL

## FOR

AN ACT TO AMEND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA  
1979 AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by* SENATOR M. A. O. ABIRU,  
*Ikorodu Senatorial District,*  
*Lagos State*

[                      ] Commence-  
ment.

1        BE IT ENACTED by the National Assembly of the Federal  
2        Republic of Nigeria as follows:—

3        1. Section 78 of the Constitution is hereby amended by *substituting*  
4        for subsection (4) thereof the following new subsection—

Amendment  
to section 78  
of Constitu-  
tion.

5        “(4) The offices aforesaid are the offices of the President, Vice-  
6        President, Chief Justice of Nigeria, Justice of the Supreme Court,  
7        President of the Federal Court of Appeal, Justice of the Federal Court  
8        of Appeal, Chief Judge of the Federal Court, Judge of the Federal  
9        High Court, the Auditor-General for the Federation and the Chair-  
10       man and members of the following executive bodies, namely the Federal  
11       Civil Service Commission, the Federal Electoral Commission, the  
12       Federal Judicial Service Commission, the Federal Police Service  
13       Commission and the National Population Commission.”

Amendment  
to section 116  
of Constitu-  
tion.

- 1        2. Section 116 of the Constitution is hereby amended by *substi-*  
2 *tuting* for subsection (4) thereof the following new subsection—  
3        “(4) The offices aforesaid are the offices of Governor, Deputy  
4 Governor, Chief Judge and Judges of the High Court of a State,  
5 Grand Kadi and Kadis of the Sharia Court of Appeal of a State,  
6 President and Judges of the Customary Court of Appeal of a State,  
7 the Director of Audit of a State and the Chairmen and members of the  
8 following bodies, that is to say, the State Electoral Commission, the  
9 State Civil Service Commission, the State Judicial Service Commission  
10 and the State Police Service Commission.”

Amendment  
to section 140  
of Constitu-  
tion.

- 11       3. Section 140 of the Constitution is hereby amended by *substi-*  
12 *tuting* for subsection (1) thereof the following new subsection—  
13       “(1) There shall be established for the Federation the following  
14 bodies, namely—  
15        (a) Council of State ;  
16        (b) Federal Civil Service Commission ;  
17        (c) Federal Electoral Commission ;  
18        (d) Federal Judicial Service Commission ;  
19        (e) National Defence Council ;  
20        (f) National Economic Council ;  
21        (g) National Population Commission ;  
22        (h) National Security Council ;  
23        (i) Nigeria Police Council; and  
24        (j) Federal Police Service Commission.”

Amendment  
to section 178  
of Constitu-  
tion.

- 25       4. Section 178 of the Constitution is hereby amended by *substi-*  
26 *tuting* for subsection (1) thereof the following new subsection—  
27       “State Com- (1) There shall be established for each State of the  
28 mission and Councils. Federation the following bodies, namely—  
29        (a) State Civil Service Commission ;

(b) State Council of Chiefs ;

(c) State Electoral Commission ;

(d) State Judicial Service Commission ; and

(e) State Police Service Commission."

5. Section 194 of the Constitution is hereby amended—

Amendment  
to section 194  
of Constitu-  
tion.

(a) by *substituting* for subsection (1) the following new subsection --

"(1) There shall be a Police Force in Nigeria which shall consist of the Federal Police Unit and the State Police Command each respectively for Federal and State purposes as defined in Part II of the Second Schedule to this Constitution and subject to the provisions of this section no other Police Force shall be established for the Federation or any State or any part thereof." and

(b) by *adding* immediately after paragraph (c) of subsection (2) thereof the following new paragraph—

"Power of  
State House  
of Assembly  
to make  
laws.

(d) subject as herein provided a House of Assembly of any State in the Federation shall have powers to make laws for the State with respect to the use and operational control of its State Police Command and the appointment, disciplinary control and dismissal of members of its State Police Command and nothing in the foregoing paragraphs shall be construed so as to limit the powers of a House of Assembly to make such laws."

6. For Section 195 of the Constitution, there shall be substituted the following new section—

Amendment  
of section  
195 of  
Constitu-  
tion.

195.—(1) There shall be an Inspector-General of Police who, subject to section 196 (2) of this Constitution, shall be appointed by the President and a commissioner

1 of Police for each State who shall be appointed by the  
2 Governor subject to section 196 (3) of this Constitution.

3 (2) The Federal Police Unit shall be under command of  
4 the Inspector-General of Police and the State Police  
5 Command shall be under the command of the Commissioner  
6 of Police of that State. (Former sub-paragraph 2 to be  
7 deleted).

8 (3) The President or such other Minister of the  
9 Government of the Federation as he may authorise in that  
10 behalf may give to the Inspector-General of Police such  
11 lawful directions with respect to the maintenance and  
12 securing of public safety and public order as he may consider  
13 necessary, and the Inspector-General of Police shall comply  
14 with those directions and cause them to be complied with.

15 (4) Subject to the provisions of this section, the Governor  
16 of a State or such Commissioner of the Government of the  
17 State as he may authorise in that behalf, may give to the  
18 Commissioner of Police of that State such lawful directions  
19 with respect to the maintenance and securing of public  
20 safety and public order within the State as he may consider  
21 necessary, and the Commissioner of Police shall comply  
22 with those directions and cause them to be complied with.

Amendment  
to section  
196 of Con-  
stitution

23 7. For section 196 of the Constitution, there shall be substituted  
24 the following new section—

25 "Delegation of powers to  
26 Inspector-General and  
27 State Commissioner of Police.  
196.—(1) Subject to the provisions of this Constitution,  
the Federal Police Service Commission and the State Police  
Service Commission may respectively with the approval

of the President of the Federation and the Governor of such State as the case may be and subject to such conditions as the respective Commission may think fit, delegate any of the powers conferred upon it by the Constitution to any of its members or to the Inspector-General of Police or the State Commissioner of Police as the case may be or to any other member of the Nigeria Police Force.

(2) Before making any appointment to the office of the Inspector-General of Police or removing him from office, the President shall consult the Federal Police Service Commission.

(3) Before making any appointment to the office of the Commissioner of Police or removing him from office, the Governor shall consult the State Police Service Commission."

8. The Second Schedule to the Constitution is amended—

(a) in Part I thereof by *deleting* Item 44 ; and

(b) in Part II thereof by *inserting* immediately after Item H, the following new item—

"HA—Police. 20A. The Nigeria Police Force shall be organised and administered in accordance with such provisions as may be prescribed by an Act of the National Assembly.

20B. The National Assembly may make provisions for branches of the Nigeria Police Force forming part of the armed forces of the Federation and for the protection of harbours, waterways, railways and airfields.

20C. Subject as herein provided a House of Assembly of any State in the Federation shall have powers to make Laws

Amendment  
to Second  
Schedule  
of Constitu-  
tion.

1 for the State with respect to the use and operational control  
2 of its State Police Command and the appointment,  
3 disciplinary control and dismissal of members of its State  
4 Police Command and nothing in the foregoing paragraphs  
5 shall be construed so as to limit the powers of a House of  
6 Assembly to make Laws."

7 9. The Third Schedule to the Constitution is hereby amended  
8 by substituting for Item I thereof the following new items—

9 I—NIGERIA POLICE COUNCIL

10 "Nigeria Police Council. 17. The Nigeria Police Council shall comprise the  
11 following members namely—

12 (a) the President who shall be the Chairman of the  
13 Council ;

14 (b) the Governor of each State ;

15 (c) the Inspector-General of Police ;

16 (d) the Attorney-General of the Federation ; and

17 (e) the Chairman of the Federal Police Service  
18 Commission.

19 18. The Council shall have power—

20 (a) to exercise general supervision over the organi-  
21 sation and administration of the Nigeria Police Force  
22 and all other matters relating thereto except—

23 (i) the use and operational control of State Police  
24 Command ;

25 (ii) the appointment, disciplinary control and  
26 dismissal of members of State Police Command.

27 (b) to make recommendations to the President on any  
28 of the matters under its supervision.

Amendment  
to Third  
Schedule of  
Constitu-  
tion.

J.—FEDERAL POLICE SERVICE COMMISSION

19. The Federal Police Service Commission shall comprise the following members, namely—

(a) a Chairman ; and

(b) such number of other persons not less than 7 but more than 9, as may be prescribed by an Act of the National Assembly.

20. The Commission shall have the power—

(a) to advise the President on the appointment of the Inspector-General of Police ;

(b) to appoint person to offices (other than the office of the Inspector-General of Police) in the Federal Police Unit.

(c) to dismiss and exercise disciplinary control over persons holding any office referred to in sub-paragraph (b) of this paragraph."

10. In this Act—

"Constitution" means Constitution of the Federal Republic of Nigeria 1979.

11. This Act may be cited as the Constitution of the Federal Republic of Nigeria (Amendment) (No. 2) Act 1982.

Interpretation.

Short title

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Constitution in order to decentralise the Nigeria Police Force.

# A BILL

## FOR

AN ACT TO AMEND THE FEDERAL HIGHWAYS ACT AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by HON. CHIEF H. M. J. WACHUKWU,  
Ukwa Federal Constituency,  
Imo State.*

[ ]

Commence-  
ment.

1 BE IT ENACTED by the National Assembly of the Federal  
2 Republic of Nigeria as follows :—

3 1. Section 4 of the principal Act is hereby amended by *substituting*  
4 for the word "seven" the word "ten".

Amendment  
to section 4  
of principal  
Act.

5 2. Section 5 of the principal Act is hereby amended in subsection  
6 (1) by *substituting* for the expression "two hundred pounds or to imprison-  
7 ment for two years or both" the following new expression—

Amendment  
to section 5  
of principal  
Act.

8 "N1,000 or to imprisonment for five years or to both such fine and  
9 imprisonment".

10 3. Section 6 of the principal Act is hereby amended in subsection  
11 (1) by *substituting* for the expression "fifty pounds or in the case of a  
12 second or subsequent conviction, to a fine of one hundred pounds or to  
13 imprisonment for six months or to both such fine and imprisonment"  
14 the following new expression—

Amendment  
to section 6  
of principal  
Act.

15 "N500 or imprisonment for three years or to both such fine and  
16 imprisonment".



Amendment  
to section 7  
of principal  
Act.

- 1        4. Section 7 of the principal Act is hereby amended in subsection  
2 (1) by *substituting* for the expression "two hundred pounds or to imprison-  
3 ment for two years, or to both such fine and imprisonment" the following  
4 new expression—  
5        "N1,000 or imprisonment for five years or to both such fine and  
6 imprisonment".

Amendment  
to section 10  
of principal  
Act.

- 7        5. Section 10 of the principal Act is hereby amended by *substituting*  
8 for subsection (2) thereof the following new subsection—  
9        "(2) Any person who drives on a federal highway a motor vehicle  
10 required to bear a prescribed identification mark without that identifi-  
11 cation mark or with a false identification mark shall be guilty of an  
12 offence and shall be liable on conviction to imprisonment for one  
13 year."

Interpreta-  
tion.

- 14       6. In this Act—  
15 "principal Act" means Federal Highways Act 1971.

Short title.

- 16       7. This Act may be cited as the Federal Highways (Amendment)  
17 Act 1982.

#### EXPLANATORY MEMORANDUM

This bill seeks to increase the punishment for offences relating to reckless driving.

# A BILL

FOR

AN ACT FOR THE ESTABLISHMENT OF THE CIVIL AVIATION AUTHORITY OF NIGERIA AND FOR MATTERS CONNECTED THEREWITH.

*Sponsored by HON. ALHAJI M. R. IS'HAQ,  
Suleja Federal Constituency,  
Niger State*

[ ] Commence-  
ment.

1 BE IT ENACTED by the National Assembly of the Federal  
2 Republic of Nigeria as follows :—

3 PART I—ESTABLISHMENT OF AUTHORITY

4 *Membership and functions*

5 1.—(1) There is hereby established a body to be known as the Civil  
6 Aviation Authority of Nigeria. Establish-  
ment of  
Authority.

7 (2) The Authority shall be a body corporate with perpetual succession  
8 and a common seal and may sue or be sued in its corporate name and  
9 own, hold or dispose of property (whether movable or immovable).

Membership  
of Authority.

1        2.—(1) The Authority shall consist of a Chairman to be appointed  
2 by the President and the following other members, that is to say—

3        (a) one representative of the Ministry charged with responsibility  
4 for defence ;

5        (b) one representative of the Ministry for which the Minister has  
6 responsibility ;

7        (c) the Managing Director of Nigeria Airways Limited or his  
8 representative ;

9        (d) the Managing Director of the Nigerian Airports Authority or  
10 his representative ;

11        (e) the Director-General of the Authority ; and

12        (f) five other persons to be appointed by the President.

13        (2) Subject to subsections (3) and (4) below, a member of the  
14 Authority (not being an *ex-officio* member) shall hold office for three  
15 years on such terms as may be specified in his letter of appointment  
16 and shall be eligible for re-appointment for one further period of three  
17 years.

18        (3) If it appears to the Minister that a member of the Authority,  
19 shall be removed on the grounds of misconduct, inability to perform the  
20 functions of his office or in the public interest, the Minister shall make  
21 a recommendation to that effect to the President and, if the President  
22 approves such recommendation, the Minister shall declare, in writing,  
23 the office of that member vacant.

24        (4) Any member, not being an *ex-officio* member, may resign his  
25 appointment by a letter addressed to the Minister.

26        (5) The supplementary provisions contained in Schedule 1, to this  
27 Act shall have effect with respect to the proceedings of the Authority  
28 and the other matters mentioned therein.

1        3.—(1) Subject to the provisions of this Act and of the Nigerian  
2        Airports Authority Act 1976, the Authority shall have and may exercise  
3        powers—

General  
functions.

4        (a) generally for regulating air traffic services in Nigeria, including  
5        air traffic control and telecommunications services relating thereto ;  
6        and

7        (b) in respect of the matters set out in Part II of this Act.

8        (2) The powers conferred upon the Authority by subsection (1)  
9        above shall include powers to make regulations—

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

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

15       (c) for the inspection of aircraft factories and for prohibiting or  
16       regulating the use of balloons by aircraft and other flying machines  
17       and of airports which are not licensed in pursuance of the regulations ;

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

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

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

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

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

12 (i) for requiring persons engaged in, or employed in or in connection  
13 with meteorological services to supply meteorological information  
14 for the purpose of air navigation ;

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

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

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

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

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

(o) in respect of charges for services provided at airports by the Authority ;

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

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

(3) Regulations under this section may provide for the imposition of penalties for offences against the regulations, not exceeding in the case of any particular offence a fine of ₦2,000 or imprisonment for a term of six months or to both such fine and imprisonment and for taking of such steps (including firing at aircraft) as may be prescribed as respects aircraft flying over areas of Nigeria over which flying is prohibited by the regulations.

4. Notwithstanding any other provision of this Act, the Minister may, after consultation with the Authority, give to the Authority directions to do a particular thing which it has power to do or refrain from doing a particular thing if the Minister considers it appropriate to give such directions—

(a) in the interests of national security ; or

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

Power to  
Minister to  
issue direc-  
tions to the  
Authority in  
the national  
interest.

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

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

8 (e) in order to enable Nigeria become a member of an international  
9 organisation or a party to an international agreement ; or

10 (f) in order to prevent or deal with noise, vibration, pollution or  
11 other disturbance attributable to aircraft used for the purposes of  
12 Civil Aviation.

13 **STAFF OF THE AUTHORITY**

Director-  
General of  
Authority.

14 5.—(1) There shall be appointed by the President a Director-  
15 General of the Authority who shall be the chief executive of the  
16 Authority and shall be responsible for the execution of the policies and  
17 the day-to-day running of the affairs of the Authority.

18 (2) There shall be appointed by the Authority a Secretary to the  
19 Authority who shall keep the records of the Authority and conduct the  
20 correspondence of the Authority and perform such other duties as the  
21 Authority, and subject thereto, the Director-General may from time  
22 to time direct.

Staff  
generally.

23 6.—(1) Subject to this Act, the Authority may appoint such  
24 persons as members of staff of the Authority as it considers necessary  
25 and may approve conditions of service and shall make provision for  
26 the payment of pensions.

27 (2) If the Authority thinks it expedient that any vacancy in the  
28 staff of the Authority should be filled by a person holding office in any

1 of the public services in the Federation, it shall inform the appropriate  
2 body to that effect and thereafter the Authority may, by arrangement  
3 with the body concerned, cause such vacancy to be filled by way of  
4 secondment or transfer.

5 (3) Where any person is seconded under subsection (2) above,  
6 he shall be notified of the terms and conditions of the secondment, and  
7 the secondment shall be without prejudice to any pension rights which,  
8 but for the secondment, would still accrue to him.

9 (4) A person seconded under subsection (2) above may elect to be  
10 transferred to the staff of the Authority in which case any previous  
11 service in the public service concerned shall count as qualifying service  
12 as defined in the Pensions Act 1979.

1979 No. 102.

#### FINANCIAL PROVISIONS

13 7.—(1) The Authority shall maintain a fund which shall  
14 consist of—

Income and  
Expenditure.

15 (a) such moneys as may from time to time be allocated to it by the  
16 Federal Government by way of grants or loans or otherwise however ;

17 (b) fees in respect of services provided by the Authority ; and

18 (c) all other sums as may accrue to or may be received by the  
19 Authority in the exercise of its functions under this Act.

20 (2) The moneys comprising the fund of the Authority shall in any  
21 financial year be applied by it in defraying the following expenses, that  
22 is to say—

23 (a) working and establishment expenses and expenditure on, or  
24 provision for, the maintenance and renewal of any of the under-  
25 takings of the Authority ;

26 (b) interest on any loan raised by the Authority ;



1 (c) sums required to be transferred to a sinking fund or otherwise  
2 set aside for the purpose of making provision for the repayment of  
3 other borrowed moneys ;

4 (d) the remuneration, fees and allowances of the members of the  
5 Authority ;

6 (e) for the fees of and for reimbursing members of the Authority or  
7 of any committees set up by the Authority, and for such expenses as  
8 may be authorised by the Authority in accordance with such rates as  
9 may from time to time be approved by the President ;

10 (f) the salaries, fees, remuneration, pensions, superannuation  
11 allowances and gratuities of the employees, agents and other  
12 persons acting under or for the Authority ; and

13 (g) any other expenses connected with the discharge of the functions  
14 of the Authority under this Act or any other enactment.

15 (3) The Authority shall, at such time as the Minister may direct in  
16 each financial year, submit to the President through the Minister  
17 estimates of its revenue and expenditure in respect of the next following  
18 financial year.

General duty  
to be finan-  
cially  
prudent.

19 8.—(1) It shall be the duty of the Authority so to conduct its  
20 affairs as to ensure that its revenue (including any grant made to it  
21 by the Federal Government) is not less than sufficient to meet charges  
22 properly chargeable to revenue account, taking one year with another.

23 (2) It shall generally be the Authority's financial objective to  
24 recover the whole of its costs and to achieve a reasonable return on  
25 capital.

Borrowing  
powers.

26 9.—(1) Subject to the other provisions of this section, the Authority  
27 may from time to time borrow by overdraft or otherwise howsoever,

1 such sums as it may require in the exercise of its functions under this  
2 Act.

3 (2) The Authority shall not, without the approval of the Minister,  
4 borrow any sum of money whereby the amount in aggregate outstanding  
5 on any loan or loans at any time exceeds such amount as is for the time  
6 being specified by the Minister.

7 (3) Notwithstanding subsection (2) above, a person lending to the  
8 Authority shall not be bound to enquire whether the borrowing is within  
9 the power of the Authority or not.

10 10. The Authority may invest its funds, as may at the time be  
11 financially prudent, and maintain a general reserve.

Investment  
of funds etc.

12 11.—(1) The Authority shall keep proper accounts and proper  
13 records in relation thereto in a form which shall conform with the best  
14 commercial standards.

Accounts  
and audit.

15 (2) The Authority shall as soon as may be after the end of the  
16 financial year to which the accounts relate cause its accounts to be  
17 audited by auditors appointed by the Authority.

18 (3) The auditors shall, on the completion of the audit of the accounts  
19 of the Authority for each financial year, prepare and submit to the  
20 Authority reports setting out—

21 (a) general observations and recommendations of the auditors  
22 on the financial affairs of the Authority for the year and on any  
23 important matters which the auditors desire to bring to the notice of  
24 the Authority ; and

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

## PART II—REGULATION OF CARRIAGE BY AIR FOR REWARD

Licensing  
of air  
transport  
undertakings.

12.—(1) Subject to the following provisions of this section, no aircraft shall be used for the carriage for reward of passengers or cargo on a flight in or emanating from Nigeria unless the operator of the aircraft holds a licence granted to him by the Authority and in accordance with such terms and conditions as the Authority may by regulations specify.

(2) The Authority shall, in such manner as may be prescribed, afford opportunities to objections being made with respect to the grant of licences and where any objection is made it shall convene and hold a public hearing on the matter.

(3) The Authority shall be guided in its policy with regards to granting licences under subsection (1) of this section by market realities and shall at all times encourage flexibility, innovation and consumer choice.

(4) Nothing in the foregoing provisions of this section shall be construed as restricting the right of any air transport undertaking having its principal place of business in any country outside Nigeria to provide transport for passengers or cargo—

(a) in accordance with the terms of any agreement for the time being in force between the Federal Government and the Government of the country concerned ;

(b) in accordance with any permission granted by the Federal Government pending the completion of negotiations for any such agreement.

(5) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction—

1 (a) in the case of an individual, to a fine of ₦5,000 or imprisonment  
2 for twelve months or to both such fine and imprisonment ; and

3 (b) in the case of a body (whether corporate or unincorporate) to  
4 a fine of not less than ₦10,000.

5 (6) Any person who, for the purpose of complying with subsection  
6 (1) of this section, knowingly or recklessly makes any statement or  
7 produces any document which is false in a material particular shall be  
8 guilty of an offence and liable on conviction to a fine of ₦500 or  
9 imprisonment, for 6 months or to both such fine and imprisonment.

10 (7) The power conferred by this section on the Authority to grant  
11 licences includes power to grant licences in respect of a scheduled  
12 flight or an unscheduled flight or temporary or provisional licences or  
13 permits in respect of any such journey.

14 (8) For the purposes of this section, "scheduled flight" means one  
15 of a series of flights undertaken between the same two places and which  
16 together amount to a systematic or regular service operated in such  
17 a manner that the benefit thereof are available to members of the  
18 public from time to time seeking to take advantage of it, and "unscheduled  
19 flight" shall be construed accordingly.

20 13.—(1) An application for the grant of an air transport licence  
21 must be made in writing to the Authority and contain such particular  
22 with respect to such matters as the Authority may specify by public  
23 notice ; and where an application is made for the grant of a licence  
24 the Authority shall either grant a licence to the applicant in the terms  
25 requested in the application or in those terms with such modifications  
26 as the Authority thinks fit or refuse to grant a licence.

Grant of air  
transport  
licences.

27 (2) The Authority shall refuse to grant a licence in pursuance of  
28 an application if the Authority is satisfied that—

1 (a) the applicant is, having regard to—

2 (i) his and his employees' experience in the field of aviation and  
3 his and their past activities generally, and

4 (ii) where the applicant is a body corporate, the experience in  
5 the field of aviation and the past activities generally of the persons  
6 appearing to the Authority to control that body,

7 not a fit person to operate aircraft under the authority of the licence  
8 which, apart from this subsection, the Authority considers should  
9 be granted to him in pursuance of the application ; or

10 (b) the resources of the applicant and the financial arrangements  
11 made by him are not adequate for discharging his actual and potential  
12 obligations in respect of the business activities in which he is engaged  
13 (if any) and in which he may be expected to engage if he is granted the  
14 licence which, apart from this subsection, the Authority considers  
15 should be granted to him in pursuance of the application.

16 (3) A licence may contain such terms as the Authority thinks fit ;  
17 and (without prejudice to the generality of the Authority's power to  
18 decide those terms) the terms may—

19 (a) include provision for any of the terms to have effect with such  
20 modifications as the Authority may from time to time determine ;  
21 and

22 (b) include terms as to the charges which are to be made and the  
23 goods, services and other benefits which are to be provided on each  
24 aircraft.

Licensing  
regulations.

25 14.—(1) The Authority may make regulations for the purpose  
26 of this Part of this Act, and without prejudice to the generality of the

1 foregoing, such regulations may provide for the following matters, that  
2 is to say—

3 (a) as to the circumstances (additional to those specified in section  
4 13 of this Act) in which a licence may be granted, refused, revoked or  
5 suspended and, in particular, as to the matters to which the Authority  
6 is to have regard in deciding whether to grant or refuse a licence ;

7 (b) as to appeals on any decision of the Authority to the Minister  
8 by persons interested in the grant, refusal, revocation or suspension of  
9 a licence ;

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

14 (d) as to the fees to be paid to the Authority in respect of the grant  
15 of a licence.

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

18 (a) in the case of a first offence against any particular provision, a  
19 fine of ₦1,000 or imprisonment for a term of 3 months or to both  
20 such fine and imprisonment ; and

21 (b) in the case of a second or subsequent offence against the same  
22 provision, a fine of ₦10,000 or imprisonment for a term of 2 years or to  
23 both such fine and imprisonment.

24 15. —(1) It shall be the duty of the Authority to provide air naviga-  
25 tion services—

Provision  
of air  
navigation

26 (a) in Nigeria ; and

27 (b) for any area outside Nigeria for which Nigeria has, in pursuance  
28 of international arrangements, to the extent to which it appears to the

1 Authority that such services are necessary and are not already being  
2 provided by the Authority (either alone or jointly with another person)  
3 or by some other persons.

4 (2) It shall be the duty of the Authority to join with any other  
5 department or authority of the Federation or elsewhere, in such manner  
6 as the Minister may specify in directions given to the Authority—

7 (a) in providing such air navigation services in respect of such  
8 areas (whether in Nigeria or elsewhere) as may be specified in the  
9 directions ; and

10 (b) in defraying the cost of providing the services so specified to  
11 such extent as may be agreed between the Authority and any such  
12 department or authority aforesaid.

13 (3) Without prejudice to any right of action in respect of an act  
14 or omission which takes place in the course of providing air navigation  
15 services in pursuance of this section, no action shall lie in respect of a  
16 failure by the Authority to perform the duty imposed on it by  
17 subsection (1) or (2) of this section.

Power to  
obtain  
information.

18 16.—(1) For the purpose of obtaining information necessary for  
19 the proper discharge of the functions conferred upon the Authority  
20 under this Part of this Act, any authorised officer may by notice in  
21 writing—

22 (a) require any person who undertakes the business of carrying  
23 passengers or cargo in aircraft for reward, on such flights or classes  
24 of flights (whether beginning and ending at the same point or at  
25 different points) as may be specified in the notice, to furnish him  
26 such information relating to the use of the aircraft for the purpose  
27 of the business and to persons employed in connection with that  
28 business ;



1 (b) specify the times at which, and the form and manner in which,  
2 any information required under paragraph (a) above is to be  
3 furnished.

4 (2) In this section, "authorised officer" means the Director-  
5 General or any other officer of the Authority specially or generally  
6 authorised by the Director-General to carry out the functions of an  
7 authorised officer under this section.

8 17.--(1) If any person fails to give information as required by  
9 this Part of this Act, he shall be guilty of an offence and liable  
10 on conviction to a fine of ₦200 or imprisonment for 3 months or to  
11 both such fine and imprisonment ; but it shall be a defence for any  
12 person charged with an offence under this Part to prove that he did not  
13 know and had reasonable cause for not knowing that he was required  
14 so to give information on those particulars.

Penalties  
for refusal  
to give  
information.

15 (2) If any person knowingly or recklessly makes a statement in any  
16 particulars given as aforesaid which is false in a material particular, he  
17 shall be guilty of an offence and liable on conviction to a fine of ₦500 or  
18 imprisonment for 6 months or to both such fine and imprisonment.

19 18.--(1) No individual estimates or returns, and no information  
20 relating to an air transport undertaking, obtained under the foregoing  
21 provisions of this Act shall, without the previous consent in writing  
22 of the person carrying on the undertaking which is the subject of the  
23 estimates, returns of information, be disclosed except--

Restriction  
on disclo-  
sure of  
information.

24 (a) in accordance with directions given by the Authority for the  
25 purposes of the exercise of any of its functions under this Act ; or

26 (b) for the purposes of any proceedings for an offence under this  
27 Act or any report of those proceedings.



(2) If any person discloses any individual estimates, returns or any information in contravention of the provisions of this section, he shall be liable on conviction to a fine of ₦5,000 or imprisonment not exceeding 2 years or to both such fine and imprisonment.

Service of  
notice.

19.—(1) Any notice required or authorised by or under this Part of this Act to be served on any person may be served either—

(a) by delivering it to that person ; or

(b) by leaving it at his proper address ; or

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

(2) Any notice required or authorised to be served upon an incorporated company or body shall be duly served if it is served on the secretary of the company or body.

(3) For the purposes of this section, the proper address of any person on whom such a notice as aforesaid is to be served shall in the case of the secretary of an incorporated company or body be that of the registered or principal office of the company or body, and in any other case be the last known address of the person to be served.

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

### PART III—PROVISIONS RELATING TO ENTRY ON LAND

Power to  
enter on  
land.

20.—(1) The Authority shall have power—

(a) to enter on any lands for the purpose of erecting, maintaining

1 and inspecting any installations belonging to the Authority or of  
2 repairing, altering or removing any such installations and to remain  
3 there for such reasonable time and execute and do all such works as  
4 may be necessary for the purposes of this Act ; and

5 (b) to cut and remove on each side of any proposed or existing  
6 installation all such trees and underwood as may interfere or be  
7 likely to interfere with the construction or proper working of any  
8 installation.

9 (2) Except for the purpose of removing danger to life or property,  
10 nothing in this section shall be construed as authorising the Authority

11 (a) to enter on any land which is occupied by any burial ground or  
12 cemetery or which contains any grave, grotto, area, tree or thing  
13 held to be sacred or the object of veneration ; or

14 (b) to cut any tree or underwood held to be sacred or the object  
15 of veneration, unless the owners or occupiers or the persons in charge  
16 thereof have given their prior assent.

17 21.—(1) Subject to the provisions of this section, before entering  
18 on any lands for the purposes defined in section 20 of this Act the  
19 Authority shall give notice to the occupier of the land and such notice  
20 may be served either personally or by delivery of same at the last known  
21 place of abode of the person to be served.

Notice of  
entry on  
land.

22 (2) Where the condition of any installation is such as to endanger  
23 life or property, the Authority may enter on the land on which it is  
24 situated for any of the purposes mentioned in section 20 without notice.

25 22. In the exercise of the powers conferred by section 19 of this  
26 Act the Authority shall do as little damage as may be necessary and the  
27 Authority shall pay reasonable compensation for any damage done to any  
28 buildings, crops or economic trees.

Compensa-  
tion for  
damage.

Restriction  
on aliena-  
tion.

1       23. The Authority may alienate, mortgage, charge or demise any  
2 immovable property which has been vested in the Authority under or  
3 pursuant to the provisions of this Act or in respect of which a right  
4 of occupancy has been granted to it and periodic reports in respect of  
5 any such alienation, mortgage, charge or demise shall be submitted to  
6 the Minister by the Authority.

7                               PART IV—LEGAL PROCEEDINGS

Limitation  
of suits  
against  
Authority.

8       24.—(1) Notwithstanding anything in any other enactment,  
9 no suit against the Authority, a member or any employee of the  
10 Authority for any act done in pursuance or execution of any enactment  
11 or law, or of any public duties or authority, or in respect of any alleged  
12 neglect or default in the executing such enactment or law, duties or  
13 authority shall lie or be instituted in any court unless it is commenced  
14 within twelve months next after the act, neglect or default complained  
15 of or, in the case of a continuance of damage or injury, within twelve  
16 months next after the ceasing thereof.

17       (2) No suit shall be commenced against the Authority before the  
18 expiration of a period of one month after written notice of intention to  
19 commence the suit shall have been served upon the Authority by the  
20 intending plaintiff or his agent ; and the notice shall clearly and  
21 explicitly state the cause of action, the particulars of the claim, the name  
22 and place of abode of the intending plaintiff and the relief which he  
23 claims.

Service of  
documents.

24       25. The notice referred to in section 24 (2) above and any  
25 summons, notice or other document required or authorised to be served  
26 upon the Authority under the provisions of this Act or any other  
27 enactment or law may be served by delivering the same to the Chairman  
28 or the Director-General of the Authority, or by sending it by registered

1 post addressed to the Chairman or Director-General at the principal  
2 office of the Authority.

3 26. In any action or suit against the Authority any sums of money  
4 which may, by the judgement of the court, be awarded against the  
5 Authority shall, subject to any directions given by the court where  
6 notice of appeal has been given by the Authority, be paid from the  
7 general reserve fund of the Authority.

Mode of  
payment of  
judgement  
debts.

8 27. A member, agent, auditor or other employee for the time  
9 being of the Authority shall be indemnified out of the assets of the  
10 Authority against any liability incurred by him in defending any  
11 proceedings, whether civil or criminal, arising in the course of his duties  
12 if any such proceedings are brought against him in his capacity as such  
13 member, agent, auditor or employee.

Indemnity  
of members  
and employ-  
ees of  
Authority.

14 PART V—MISCELLANEOUS AND SUPPLEMENTARY

15 28.—(1) Subject to the provisions of this Act, the Criminal Justice  
16 (Miscellaneous Provisions) Act 1975, the Nigerian Airports Authority  
17 Act 1976, or any other enactment the Authority may make by-law—

Regulation  
of public  
access to  
Authority's  
premises.  
1975 No. 30.

18 (a) prohibiting or restricting the access of members of the public or  
19 of any class of members by the public to any premises vested in,  
20 occupied by or under the control of the Authority ;

21 (b) regulating the hours during which, the means whereby, the  
22 purposes for which and the conditions subject to which members of  
23 the public may have access to or egress from any such premises or  
24 portion thereof ;

25 (c) for ensuring the maintenance of good order and discipline  
26 amongst members of the public at any time when upon any such  
27 premises ;

1 (d) prohibiting or restricting the use of land over, underneath or  
2 near which or over waters where the Authority has any installation  
3 and for preventing the unauthorised or improper use of or wilful  
4 or negligent acts occasioning injury to any property owned, vested  
5 in, occupied by or under the control of the Authority.

6 (2) By-laws made under this section may provide that for the  
7 contravention of such by-laws there may be imposed on the conviction  
8 of any person for any such contravention a fine not exceeding ₦500  
9 or, in default of payment thereof, imprisonment for a term not exceeding  
10 twelve months.

11 (3) All such by-laws shall be in writing and under the seal of the  
12 Authority.

13 (4) By-laws made under this section need not be published in the  
14 Gazette but the Authority shall bring them to the notice of such affected  
15 or interested persons in such manner in addition to that prescribed in  
16 subsection (5) below as it may from time to time determine.

17 (5) Copies of the by-laws shall be printed and deposited at the  
18 offices of the Authority at each airport and such other premises to  
19 which they relate and shall at reasonable hours be open to public inspec-  
20 tion without payment.

21 (6) For the purposes of this section, members and employees of  
22 the Authority shall not be deemed to be members of the public.

23 (7) In this section "premises" includes lands, plant and ancillary  
24 works.

25 29.—(1) The Authority shall, not later than six months after the  
26 end of each financial year, make to the President through the Minister a  
27 report on the performance of its functions under this Act during the  
28 preceding financial year.

(2) The report for any financial year—

(a) shall set out any direction given to the Authority under section 4 of this Act during that year, unless the Minister has notified the Authority his opinion that it is against the national interest to do so ; and

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

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

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

30. Where an offence under this Act is committed by a body corporate or a firm or association of individuals —

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

(b) every partner or officer of the firm ;

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

(d) every person who was purporting to act in any such capacity aforesaid,

shall severally be guilty of the offence and liable on conviction to be proceeded against and punished for the offence in like manner as if he had himself committed the offence, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Offences by  
bodies  
corporate  
or unincor-  
porate.

Venue for  
trial of  
offences.

1        31. Offences under this Act or any regulations made thereunder  
2 shall be triable in the Federal High Court.

Dissolution of  
department ;  
transfer of its  
staff, assets  
and liabilities.

3        32.—(1) Upon the commencement of this Act, the department of the  
4 Government of the Federation known and styled as the Civil Aviation  
5 Department of the Ministry of Aviation shall cease to exist and the  
6 provisions of Schedule 2 to this Act shall apply in relation to the em-  
7 ployees in the dissolved department, the assets and liabilities held by or on  
8 behalf of the Government of the Federation for any purpose in respect  
9 of which the said department had responsibility immediately before  
10 the commencement of this Act and the other matters mentioned in the  
11 said Schedule.

12        (2) For the purposes of the dissolution effected by subsection (1)  
13 above and the transfer of certain functions from the Minister to the  
14 Authority by this Act—

15        (a) the provisions of the Civil Aviation Act 1964 or any other  
16 enactment concerned with or relating to civil aviation (including  
17 subsidiary instruments made thereunder) ;

18        (b) the provisions of any contract or instrument connected therewith,  
19 shall be read and construed with such modifications (including additions,  
20 alterations, omissions or repeals) as would bring them into line with  
21 general intendment of this Act.

22        (3) Without prejudice to the generality of subsection (2) above,  
23 the provisions of the aforesaid Act shall be modified to the extent set  
24 out therein.

Interpre-  
tation.

25        33. In this Act, unless the context otherwise requires—  
26 “air navigation services” includes information, directions and other  
27 facilities furnished, issued or provided in connection with the



1 navigation or movement of aircraft and includes the control of  
2 movement of vehicles in any part of an airport used for the movement  
3 of aircraft ;

4 "airport" has the meaning assigned thereto by section 17 of the  
5 Civil Aviation Act 1964 ;

6 "the Authority" means the Civil Aviation Authority of Nigeria  
7 established by section 1 of this Act ;

8 "cargo" includes mail ;

9 "the Director-General" means the Director-General of the  
10 Authority appointed pursuant to section 5 of this Act ;

11 "flight" means a journey by air beginning when the aircraft in  
12 question takes off and ending when it next lands ;

13 "licence" means any air transport licence of whatever description  
14 issued pursuant to Part II of this Act to an air transport undertaking ;

15 "member" means a member of the Authority appointed pursuant  
16 to section 2 of this Act including the Chairman ;

17 "the Minister" means the Minister of the Government of the  
18 Federation for the time being charged with responsibility for civil  
19 aviation ;

20 "operator", in relation to an aircraft, means the person for the  
21 time being having the management of the aircraft ;

22 "reward" in relation to a flight, includes any form of consideration  
23 received or to be received wholly or partly in connection with the  
24 flight irrespective of the person by whom or to whom the  
25 consideration has been or is to be given.

26 34. This Act may be cited as the Civil Aviation Authority  
27 of Nigeria Act 1982.



## SCHEDULES

## SCHEDULE 1

## Section 2 (5)

## SUPPLEMENTARY PROVISIONS RELATING TO THE AUTHORITY

*Proceedings*

1. Subject to this Act and section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote), the Authority may make standing orders regulating the proceedings of the Authority or any committee thereof.

2. Every meeting of the Authority shall be presided over by the Chairman or, if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their number to preside at the meeting.

3. The quorum at a meeting of the Authority shall be six.

4. Where upon any special occasion the Authority desires to obtain the advice of any person on any particular matter the Authority may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote nor shall he be counted towards a quorum.

*Committees*

5.—(1) Subject to its standing orders, the Authority may appoint such number of standing and *ad hoc* committees as it thinks fit to consider and report on any matter with which the Authority is concerned.

(2) Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Authority and shall be made up of such number of persons not necessarily members of the Authority, as the Authority may determine in each case.

(3) The quorum of any committee set up by the Authority shall be as may be determined by the Authority.

6. Where standing orders made pursuant to paragraph 1 above provide for a committee of the Authority to consist of or co-opt persons who are not members of the Authority, the committee may advise the Authority on any matter referred to it by the Authority.

*Miscellaneous*

7. The fixing of the seal of the Authority shall be authenticated by the signature of the Chairman or of the Director-General of the Authority.

8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Authority by the Director-General or by any other person generally or especially authorised to act for that purpose by the Authority.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

10. The validity of any proceedings of the Authority or of a committee thereof shall not be affected—

(a) by any vacancy in the membership of the Authority, or committee thereof ; or

(b) by any defect in the appointment of a member of the Authority or any committee thereof.

11. A member of the Authority who has any interest in any air transport undertaking or other concern which the Authority proposes to license or with which the Authority proposes to make any contract or arrangement shall disclose to the Authority the fact of such interest and the nature of the interest. Such disclosure shall be recorded in the minutes of the Authority, and such member shall take no part in any deliberations or decision of the Authority relating to any such proposal.

12. No member of the Authority shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Authority.

## SCHEDULE 2

### TRANSITIONAL PROVISIONS RELATING TO THE EMPLOYEES ASSETS AND LIABILITIES, ETC. OF THE DISSOLVED DEPARTMENT OF CIVIL AVIATION OF THE FEDERAL MINISTRY OF AVIATION

#### *Staff*

1. The Authority shall, subject to the provisions of this Schedule employ such persons being persons on the staff of the Civil Aviation Department dissolved by this Act (referred to in this Schedule as "the dissolved department") and serving in the said department immediately before the commencement of this Act as may be seconded by the Federal Civil Service Commission from the service of the said department to the service of the Authority on the commencement of this Act.

2. The Federal Civil Service Commission may, at any time, with the consent of the Authority or at the request of the person concerned, determine the secondment of such person.

3. At any time before the expiration of the period of three months next following the commencement of this Act, the Authority shall by notice in writing offer to every person remaining seconded to the service of the Authority at that time employment by the Authority upon such terms and conditions as may be agreed between the person concerned and the Authority.

4.—(1) Notwithstanding paragraph 3 above, the Authority shall not offer employment to any person except upon such terms and conditions as to emoluments as are not less favourable than those enjoyed by that persons immediately before the appointed day.

(2) For the purposes of this paragraph, the terms and conditions as to emoluments comprised in any offer shall not be construed as being less favourable merely because they are not in all respects identical with or superior to the terms and conditions enjoyed by the person concerned immediately before the commencement of this Act if the first-mentioned terms and conditions taken as a whole offer substantially equivalent or greater benefits to or than the latter.

5.—(1) Any person to whom an offer of employment is made pursuant to the foregoing paragraph and who fails within three months thereafter to give to the Authority an acceptance in writing of the offer shall be deemed to have refused the offer.

(2) If a person refuses an offer of employment made to him pursuant to the foregoing paragraphs, the obligation imposed upon the Authority by paragraph 1 above to employ that person shall thereupon determine.

6. When a person accepts an offer of employment made pursuant to the foregoing paragraphs, his service with the Authority shall be deemed to have commenced, and his service with the Government of the Federation to have ceased, upon the expiration of the period of six months next following the commencement of this Act.

7. Every person employed by the Government of the Federation and serving in the dissolved department, other than a person on the established staff of the Government or a person employed under a contract whereby he receives an annual salary, shall cease to be in the employment of the Government on the day immediately preceding the commencement of this Act and shall be deemed to be employed by the Authority with effect from the commencement of this Act.

#### *Transfer of Contracts, etc.*

8.—(1) The provisions of this paragraph shall apply to all contracts or other instruments subsisting immediately before the commencement of this Act and entered into by or on behalf of the Government of the Federation for any purpose in respect of which the dissolved department had responsibility and which are not excluded by the Government from the operation of the provisions of this paragraph.

(2) By virtue of this Act, there shall be vested in the Authority as from the commencement of this Act and without any further assurance all assets, funds resources and other movable or immovable property which immediately before the commencement of this Act were vested by the Government in the dissolved department and held by it on behalf of the Government of the Federation and which are not excluded as aforesaid.

(3) As from the commencement of this Act —

(a) the rights, interests, obligations and liabilities of the Government existing immediately before the commencement of this Act under any aforementioned contract or instrument, or at law or in equity apart from any contract or instrument, shall by virtue of this Act be assigned to and vested in the Authority ;

(b) any such contract or instrument as is mentioned in sub-paragraph (a) above, shall be of same force and effect against or in favour of the Authority and shall be enforceable as fully and effectively as if instead of the Government the Authority had been named therein or had been a party thereto ; and

(c) any proceeding or cause of action pending or existing, or which could have been taken by or against the Government, immediately before the commencement of this Act in respect of any rights, interest, obligation or liability of the Government may be commenced, continued or enforced or taken by or against the Authority.

(4) The provisions of this paragraph or of any other provision of this Act shall be without prejudice to the Petitions of Right Act.

9. Within the twelve months next after the commencement of this Act, the Minister, if he thinks fit, may by Order published in the *Gazette* make additional transitional and saving provisions for the better carrying out of the objectives of this Schedule.

### SCHEDULE 3

Section 32 (3)

#### TRANSITIONAL MODIFICATIONS OF CERTAIN ENACTMENTS

<i>Cap. or No. of Enactment</i>	<i>Short Title or Citation</i>	<i>Extent of Modification</i>
1964 No. 30	Civil Aviation Act 1964	<p>(a) In section 1—</p> <p>(i) for paragraph (b) in subsection (1) <i>substitute</i> the following—</p> <p>“and generally for regulating air navigation subject to the powers conferred upon the Authority by the Civil Aviation Authority of Nigeria Act 1982 or any other enactment generally for regulating Civil Aviation.”</p> <p>(ii) for subsection (2) <i>substitute</i> the following—</p> <p>“(2) The powers conferred upon the Minister by subsection (1) above shall in particular include power to make regulations—</p> <p>(a) for the licensing, inspection and regulating of airports ;</p>

SCHEDULE 3—*continued*TRANSITIONAL MODIFICATIONS OF CERTAIN ENACTMENTS—*continued*

<i>Cap. or No. of Enactment</i>	<i>Short Title or Citation</i>	<i>Extent of Modification</i>
1964 No. 30	Civil Aviation Act 1964	<p>(b) for applying, with or without modifications the enactments relating to customs in relation to airports and to aircraft and to persons and property carried in aircraft.</p> <p>(iii) Sections 4 and 5 are hereby repealed.</p> <p>(iv) In section 17, <i>insert</i> the following definition in the appropriate alphabetical sequence—</p> <p>“the Authority” means the Nigerian Civil Aviation Authority established by the Civil Aviation Authority of Nigeria Act 1982.</p>

## EXPLANATORY MEMORANDUM

The Bill establishes the Civil Aviation Authority of Nigeria which shall be responsible for regulating air traffic services in Nigeria and for licensing aircrafts to be used for the carriage, for reward, of passengers or cargo on flights in or emanating from Nigeria. The powers previously conferred on the Minister of Aviation under the Civil Aviation Act 1964 on the above matters will now be exercised by the Authority.

The Minister of Aviation retains the responsibility for providing airports in Nigeria and retains general powers over civil aviation in Nigeria.