

**NIGERIAN AIRSPACE MANAGEMENT AGENCY
(ESTABLISHMENT, ETC.) ACT**

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Establishment of the Nigerian Airspace Management Agency

1. Establishment of the Nigerian Airspace Management Agency
 - (1) There is hereby established a body to be known as the Nigerian Airspace Management Agency (in this Act referred to as “the Agency”).

- (2) The Agency shall –
 - (a) be a body corporate with perpetual succession and a common seal;
 - (b) may sue or be sued in its corporate name; and
 - (c) Own, hold or dispose of property (whether movable or immovable).

PART II

Establishment and membership of the Governing Board, etc.

- 2. Establishment and membership of the Governing Board
 - (1) There is hereby established for the Agency a Governing Board (in this Act referred to as “the Board) which shall, subject to this Act, have general control of the Agency.
 - (2) The Board shall consist of –
 - (a) a part-time chairman;
 - (b) one representative each of the following, that is—
 - (i) the Federal Ministry of Aviation;
 - (ii) the Nigerian Air Force;
 - (iii) the Nigerian College of Aviation Technology , Zaria;
 - (iv) Airline Operators of Nigeria;
 - (c) two other persons to represent public interest and who shall be persons who posses cognate experience in aviation matters; and
 - (d) the Managing Director of the Agency.
 - (3) The part-time chairman and members of the Board, other than ex-officio members, shall be—
 - (a) appointed by the President on the recommendation of the Minister; and
 - (b) persons of proven integrity and ability.
 - (4) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

[Schedule]

- 3. Tenure of office

Subject to the provisions of section 5 of this Act, a member of the Board, other than ex-officio members, shall hold office—

PART III

Functions of the Agency

7. Functions of the Agency

- (1) The Agency shall-

- (a) provide air traffic services in Nigeria, including air traffic control, visual and non-visual aids, aeronautical telecommunication services and electricity supplies relating thereto, to enable public transport, private, business and military aircraft fly, as far as practicable and as safely as possible;
- (b) provide aerodromes at all the major Nigerian airports, the navigation services necessary for the operation of aircraft taking-off and landing and integrate them into the overall of air traffic within the Nigerian airspace;
- (c) minimize or prevent interference with the use or effectiveness of all apparatus used in connection with air navigation and for prohibiting or regulating the use of all such apparatus and display of signs and lights liable to endanger aircraft and endanger the use of Nigerian airspace;
- (d) generally secure the safety, efficiency and regularity of air navigation;
- (e) require persons engaged in or employed in or in connection with air navigation, to supply meteorological information for the purpose of air navigation, as may be deemed appropriate from time to time;
- (f) provide adequate facilities and personnel for effective security of navigational aids outside the airport perimeters;
- (g) create conditions for the development, in the most efficient and economic manner, of air transport services;
- (h) procure, install and maintain adequate communication, navigation and surveillance and air traffic management facilities at all airports in Nigeria.
- (i) ensure an effective co-ordination in the use of Nigerian airspace in line with established standards and procedures;
- (j) ensure the co-ordination at all levels of decisions relating to airspace management and air traffic control in Nigeria;
- (k) hold meetings with the armed forces on Nigeria's international obligations as they relate to civil and military co-ordination;
- (l) promote familiarisation visits by civil and military personnel to air traffic service units;
- (m) maintain permanent liaison with the civil air traffic services units and all relevant air defence units, in order to ensure the daily integration or segregation of civil and military air traffic operating within the same or immediately adjacent portions of the Nigerian airspace, employing civil or military radars as necessary;
- (n) obviate the need for civil aircraft to obtain special air defence clearance;

- (o) take necessary steps to prevent, as far as possible, penetration of control airspace by any aircraft, civil or military without co-ordination with the air traffic control unit concerned;
- (p) encourage research and development relating to all aspects of the Nigerian airspace designed to improve air safety;
- (q) undertake systems engineering development and implementation for communications, navigation and surveillance and air traffic management;
- (r) charge for services provided by the Agency;
- (s) co-ordinate the implementation of search and rescue services; and
- (t) discharge the operational, technical and financial air traffic service commitments arising from Nigeria's membership of international organization and other air navigation agencies.

PART IV

Staff of the Agency

8. Managing Director of the Agency

(1) There shall be for the Agency a Managing Director who shall be appointed by the President on the recommendation of the minister and on such terms and conditions as may be specified in his letter of appointment or as may be determined, from time to time, by the Government of the Federation.

(2) The Managing Director shall be-

- (a) the chief executive and accounting officer of the Agency;
- (b) responsible to the Board for the day-to-day administration of the Agency;
- (c) appointed for a term of five years in the first instance and may be re-appointed for a further term of five years subject to satisfactory performance;
- (d) a person who possesses relevant and adequate professional qualifications in a senior management cadre and shall have been so qualified for a period of not less than fifteen years.

9. Appointment of secretary and other staff of the Board

(1) The Board shall appoint for the Agency a secretary who shall-

- (a) be a legal practitioner and shall have been so qualified for a period of not less than twelve years;
- (b) conduct the correspondence of the Board and keep the records of the Agency; and
- (c) perform such other functions as the Board or the Managing Director, as the case may be may, from time to time, assign to him.

(2) The Board shall appoint for the Agency such number of employees as may in the opinion of the Board be expedient and necessary for the proper and efficient performance of the functions of the Agency

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

(4) Nothing in subsection (3) of this section shall preclude the Board from appointing persons from outside the public service of the federation or of the state whenever it deems it necessary so to do.

(5) the terms and conditions of service (including remuneration, allowances, benefits and pensions) of the employees of the Agency shall be as determined by the Board.

10. Service in the Agency to be pensionable

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

[Cap.p4.]

(2) the officers and other persons employed in the Agency shall be entitled to pensions gratuities and other retirement benefits, as are enjoyed by persons holding equivalent grades in the civil service of the federation.

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

(4) For the purposes of the application of the provision of the pensions Act, any power exercisable thereunder by the minister or other authority of the government of the federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Board and not by any other person or authority.

PART V

Financial provisions

11. Fund of the Agency

There shall be established and maintained for the Agency a fund into which shall be paid and credited-

(a) All subventions and budgetary allocated from the Government of the Federation;

(b) All fees and funds accruing from-

(I) En-route local, international facility charges;

(II) Over flight charges;

- (III) Charges on Class B messages;
- (IV) 30 per cent of the air ticket sales charge;
- (V) 30 per cent of the cargo sales charge;
- (VI) Sales of information;
- (VII) Violation of airspace fines;

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- (viii) Rentage of property, plant and equipment;
- (ix) Contract registration fees;
- (c) all fines payable for violation of air navigation regulations;
- (d) all sums accruing to the Agency by way of gifts, endowments, bequests, grants or other contributions by persons and organizations;
- (e) all return on investments;
- (f) foreign aid and assistance from bilateral agencies; and
- (g) all other sums which may, from time to time, accrue to the agency.

12. Expenditure of the agency

The agency shall from time to time, apply the funds at its disposal to-

- (a) The cost of administration and maintenance of the agency;
- (b) Publicise and promote the activities of the agency;
- (c) Pay allowances, expenses and other benefits of employees of members of the Board and the committees of the Board;
- (d) Pay the salaries, allowances and benefits of employees of the agency;
- (e) Pay other overhead allowances, benefits and other administrative costs of the Agency; and
- (f) Undertake such other activities as are connected with all or any of the functions of the Agency under this act

13. Power to accept gifts

(1) The agency may accept gifts of land, money or other property on such terms and conditions, if

any, as may be specified by the person or organization making the gift.

(2) The agency shall not accept any gift if the condition attached by the person or organization

making the gift are inconsistent with the functions of the agency under this act.

14. Annual estimates and expenditure

(1) The board shall, not later than 30 September in each year, submit to the president, through the minister an estimate of the expenditure and income of the Agency during the next succeeding year.

(2) The board shall cause to be kept proper accounts of the agency in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the auditor-general for the Federation.

15. Annual report

The Board shall prepare and submit to the President, through the Minister, not later than 30 June in each year, a report in such form as the President may direct on the activities of the Agency during the immediately preceding year, and shall include in the report,

A copy of the audited accounts of the agency for that year and the auditor's report thereon.

16. Power to borrow

1. The Agency may, from time to time, borrow by overdraft or otherwise, such sums as it may require for the performance of its functions under this Act.
2. The Agency shall not, without the approval of the President, borrow money which exceeds at any time the limit set by the President.
3. Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency the Agency shall not borrow the sum without the prior approval of the President.
4. The Board may, with the approval of the Minister, borrow on such terms and conditions, such sums of money as the Board may require in the exercise of the functions conferred on it under this Act.
5. The Board may, subject to the provisions of this Act and the conditions of any trust created in respect of any property invest all or any of its funds with the approval of the Minister or in accordance with any general guidelines approved by the President.
6. The Board may invest any surplus funds in such securities as may be approved by the Ministers.

17. Exemption from tax

1. The Agency shall be exempted from the payment of tenement rates and income tax, on any income accruing from investments made by the Board or otherwise howsoever.
2. The provisions of any enactment relating to the taxation of companies or trust funds shall not apply to the Board or the Agency.

PART VI

18. Power to obtain information

1. For the purpose of obtaining required information for the proper discharge of the function conferred upon it under this Part of this Act, any authorised officer of the Agency may be notified in writing---
 - a) Require any person who undertakes the business of carrying passengers or cargo in an aircraft for reward, to furnish him such information relating to such flights or classes of flights (whether beginning and ending at the same point or at different points) as may be specified in the notices, to furnish it with such information relating to the flight plan, instrument carried on the aircraft and any other information required for the safe landing within and exit of any aircraft from the Nigerian airspace;
 - b) Specify the times at which, the form and manner in which, any information required under paragraph (a) of this subsection shall be made.

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(2) In this section “ authorised office” means the Managing Director or any other Officer of the Agency specially or generally authorised by the Managing Director to carry out the function of an authorised officer under this section of this Act.

19. Penalties for refusal to give information

(1) if any person fails to give information as required under section 18 of this Act, he is guilty of an offence and is liable on conviction to a fine or imprisonment as stipulated in the regulations made under the civil Aviation Act.

[Cap. C13.]

(2) if any person knowingly makes a statement in any particulars given as aforesaid, which is false in a material particular he shall be guilty of an offence and liable on conviction to a fine or imprisonment, or both such fine and fine and imprisonment as are stipulated in the regulations.

20. Restriction on disclosure of information

- (1) No estimates, returns or information relating to an air transport undertaking obtained under the foregoing provisions of this Act shall, without the prior consent in writing of the person carrying of the undertaking which is the subject of the estimate ,returns or information, be disclose except-
 - (a) In accordance with directions given by the agency, for the purpose of the exercise of any of its functions under this Act; or
 - (b) For the purpose of any proceedings for an offence under this Act or any report of those proceedings.
- (2) If any person discloses any estimates. Returns or any information in contravention of the provisions of this section of this Act he commits an offence and is liable on conviction to a fine or imprisonment as stipulated in the regulation made under the Civil Aviation Act.

[Cap.C13]

21. Service of notice

(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 the person concerned; or

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

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

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

(3) For the purpose of this section the proper address of any person on whom such a notice as aforesaid is to be served shall-

2. In this section “**authorized officer**” means the Managing Director or any other officer of the Agency specially or generally authorized by the Managing Director to carry out the function of an authorized officer under this section of this act.

19. Penalties for refusal to give information

1. If any person fails to give information as required under section 18 of this Act, he is guilty of an offence and is liable on conviction to a fine or imprisonment as stipulated in the regulation made under the Civil Aviation Act.

2. If any person knowingly makes a statement in any particulars given as aforesaid, which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine or imprisonment, or both such fine and imprisonment as are stipulated in the regulations.

20. Restriction on disclosure of information

1. no estimates, returns or information relating to an air transport undertaking obtained under the foregoing provisions of the Act shall without the prior consent in writing of the person carrying on the undertaking which is the subject of the estimate returns or information be disclosed except-

- a. In accordance with directions given by the Agency for the purpose of the exercise of any of its functions under this Act; or
- b. For the purpose of any proceedings for an offence under this Act or any report of those proceedings.

2. If any person discloses any estimates return or any information in contravention of the provisions of this section of this Act, he commits an offence and is liable on conviction to a fine or imprisonment as stipulated in the regulations made under Civil Aviation Act.

21. Service of notice

1. Any notice required or authorized by or under this part of this Act to be served on any person may be served either-

- a. by delivering it to the person concerned; or
- b. by leaving it at his proper address; or
- c. by post and addressed to the person at his office, however, where a notice is served by post otherwise than in 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 authorized to be served upon a body corporate shall be deemed to have been duly served if it is served on the secretary to the body corporate.

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-

- a. In the case of the secretary of a body corporate, be that of the registered or principal office of the body corporate; and
- b. 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 purpose of this section to be properly addressed.

22. Power to acquire land

1. The Agency may subject to the Land Use Act, acquire any land for the purpose of discharging its functions under this Act.

2. If there is any hindrance to the acquisition of any land by the Agency under this Act (including any failure by the Agency to reach an agreement as to the amount to be paid in respect of the acquisition) the Agency may apply to the Minister for declaration under subsection 930 of this section.

3. The minister on receiving an application from the Agency and after such enquiry as he may think fit, request the Governor of the State in which the land is situated to declare that the land is required for the services of the Agency and accordingly for an overriding public purpose.

4. Where a declaration is made under subsection (3) of this section, the land to which the declaration relates shall be deemed to be land required for the public purpose of the federation within the meaning of the Land Use Act and the Agency shall acquire the land accordingly.

5. Where a declaration has been made under subsection (3) of this Act in respect of any land and-

- a. The land has been acquired pursuant to subsection (4) of this section; or
- b. The Governor of the state concerned is satisfied that there are no rights subsisting in respect of the land,

The Governor may vest the land in the Agency by issuing a certificate of occupancy in respect thereof, in favor and in the name of the Agency.

6. The compensation, if any, payable under the Land Use Act for the revocation of any rights relating to the land, where applicable, shall in the first instance be paid by the Federal Government, but the Agency shall refund to the Government any compensation so paid and all incidental expenses incurred by that Government.

7. A plan of any land referred to in subsection (2) of this section-

- a. Containing measurement of the boundaries of the land;
- b. Showing the relationship of the land to any sufficient identifying marks; and
- c. signed by the Managing Director,

shall be a sufficient description of the land for the purpose of an application under that subsection.

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

23. Power to enter land to make survey, etc.

1. Subject to this section, the Agency may by its officers or agents with all necessary workmen and other servant enter from time to time, on any land or for the purpose of the discharge of the Agency's functions under this Act and in particular may enter upon any such land or premises for the purpose of-

- a. Inspecting and examining lands, buildings and equipment of any air carrier.
- b. Inspecting and examining accounts, records and memoranda required to be kept by air carriers;
- c. The cutting and removal of trees, underwood or structures as may interfere with survey and any installation which constitute a hazard to safety of air navigation.

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

3. in the discharge of its functions pursuant to subsection(1) of this section, the officer, agents, workmen and servants of the Agency may remain on any such land for such reasonable time as may enable them to execute and do all such work and things as may be necessary.

24. Compensation for damages, etc.

1. In the exercise of the powers conferred upon it by section of this Act, the Agency, its officers, servant and agents shall do as little damages as may be necessary and the authority shall pay compensation for any damage done to any building, crops and economic trees.

2.in the case of disrupt as to the amount of compensation payable, the same shall be determined by a magistrate or district judge exercising jurisdiction in the place where the land is situated or the High Court within whose area of jurisdiction the land is situated, as the case may require, and such decision shall be final and binding.

PART 5

Miscellaneous provisions

25. Limitation of suites against the Agency, etc.

1. Subject to the provision of this Act, the provision of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Agency.

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

- a. it is commenced within three months next after the act, neglect or default complained of; or
- b. In the case of a continuation of damage or injury, within six months next after the ceasing thereof.

3. No suit shall be commenced against a member of the Board, the Managing Director, officer or employee of the Agency before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Agency by the intending plaintiff or his agent.

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

26. Service of documents

A notice, summons or other documents required or authorized to be served upon the Agency under the provisions of this Act or any other law or enactment may be served by delivering it to the Managing Director or by sending it by registered post and address to the Managing Director at the principal office of the Agency.

27. Restriction on execution against property of Agency

1. In any action or suit against the Agency, no execution or attachment of process in the nature thereof shall be issued against the Agency.

2. Any sum of money which may be the judgment of any court be awarded against the Agency shall subject to any direction given by the court where notice of appeal of the said judgment has been given, be paid from the general reserve fund of the Agency.

28. Indemnity of officers

A member of the Board, the Managing Director, any officer or employee of the Agency, shall be indemnified out of the assets of the agency against any proceeding, whether civil or criminal, in which judgment is given in his favor, or in which he is acquitted, if any such proceeding is brought against him in his capacity as a member of the Board, the Managing Director, officer or employee of the Agency.

29. Offences by body corporate

1. where an offence under this Act which has been committed by a body corporate is proved to have been committed on the instigation or with the connivance of or to be attributable to any neglect on the part of a Director, Managing Director, Secretary, Head of branch or Project Manager or similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate, where practicable shall be deemed to have committed that offence and liable to be proceeded against and punished accordingly.

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

- a. In the case of an individual, be liable to fine of 5,000Naira or to imprisonment for a term of six months; and
- b. In the case of the body corporate, be liable to a fine of not less than 50,000Naira.

30. Power to investigate and impose fines, etc.

1. The Agency shall after notice and the hearing of a complaint or on its own initiative and investigate, determine whether any person is violating any provisions of this Act, regulations, rules or order made there under.

2. if the Agency is satisfied after such hearing that such a person is violating any provisions of this Act, regulations, rules or orders as the case may be, it shall by order require the person to take such action consistent with the provisions of this Act, regulations, rules or orders as may be necessary in the opinion of the Agency to prevent further violation of the provision of this Act, regulations, rules or orders.

31. Jurisdiction

The federal high court shall have jurisdiction to try offences committed under this Act.

32. Power of Minister to give directive

The Minister may give to the Agency directives of a general character with regards to the performance or exercise by the Agency or Board of its functions or powers as the case may be, and it shall be the duty of the Agency or Board to comply with the directives.

33. Regulations

The Board may with approval of the Minister make regulations and bye-laws generally for the purpose of carrying out or giving full effect to the provisions of this Act.

34. Transfer of functions

1. on the commencement of this Act-

- a. The function of the Directorate of Economic Regulation and Monitoring relating to air transport operations including processing of licenses and permits; and
- b. The functions of the Directorate of safety Regulations and Monitoring,(in this Act referred to as “the Directorates”) shall be transferred to the Agency established by this Act.

2. For the purposes of the transfer effected by subsection (1) of this section and the transfer of certain functions from the Minister to the Agency by this Act-

- (a) The provisions of the civil aviation Act or any other enactment concerned with or relating to civil aviation(including subsidiary instruments)made there under ,and

(Gap, C13.)

- (b) the provisions of any contract or instrument connected therewith shall be read and construed with such modifications (including additions ,alterations ,omissions or repeals) as would bring them into conformity with the general intendment of this act.

35. Savings and transfer of liabilities, staff, etc.

1) The statutory function right interests, obligation and liabilities of the directorates, existing before the commencement of this act, under any contract or instrument, or in law or in equity shall, by virtue of this Act the agency established to and vested agency by this act.

2) Any such contract or instrument as in mentioned in subsection 1) of this section shall be of the same force and effect against or in favor of the agency establishment by this Act and shall be enforced as fully and effectively as if Instead of the Directorate existing therein or had been a party there.

3) The agency established by this act shall to all obligation and liabilities to which the directorate existing before the commencement of this act were subject immediately before the commencement of this act and all other person shall have the same right powers and remedies against the agency establishment by this act as they had against the directorate existing before the commencement of this act.

4) Any proceeding pending or cause of action existing immediately before the commencement of this act, by or against the directorate existing before the commencement of this act respect of any right ,interest obligation or liability of the directorate may be continued or as the case may be, commenced in any court Law, tribunal or other authority or person and any determination of a court law, tribunal or other authority or person may be enforced by the agency establishment by this, to the same extent that such proceeding or

cause action or determination might have been continued , commenced or enforced by or against the directorate existing before the commencement of this act.

5) All assets, funds resources and other movable or immovable property which immediately before the commencement of this act, were vested in the directorate existing before the commencement of this act shall by virtue of this act without further assurance be vested in the agency established by this act.

6) Any person who immediately before the coming into force of this act is the holder of any office in the directorate existing before the commencement of this act, shall, on the commencement of this act, continue in office and be deemed to have been appointed to office by the agency establishment by this Act, unless the authority by which the person was appointed terminates the appointment.

36

Interpretation

1) Notwithstanding any other provision of this act, unless the context otherwise requires

“AGENCY” means the Nigeria airspace management agency established by section 1 of this act

“air navigation services” include information direction and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft and the control movement of vehicles in any part of an airport used for the movement of aircraft;

“Airport” has the meaning assigned to it section 17 of the civil aviation act;

[cap.c13]

“Agency” means the Nigeria civil aviation agency established by section 1 of this act

“Board” means the governing board of the agency constituted under section 2(1) of this act;

“Bye-laws” means bye law s made under section 30 of this act;

“Cargo” includes mail;

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

“Managing director” means the managing director of the agency appointment pursuant to section 8 of this act;

“Member” means a member of board and includes the chairman.

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

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

“Power” includes function and duties;

“Premises” includes lands, plants and ancillary works;

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

“Regulation” in this act where the context permit is a reference to the civil aviation regulation to the civil aviation act.

[Cap c13]

2) Every other term shall have the same meaning as contained in the convention on international civil aviation 1944.

37. Short title

This act may be cited as the Nigerian airspace management agency (Established, etc.) act.

SCHEDULE

[SECTION 2(4).1

Supplementary provision relating to the board, etc

Proceeding of the board

1) 1) subject to this act and section 27 of the interpretation act the board may make standing orders regulating its proceeding or those of any of its committees.

[cap.13]

2) The quorum of the board shall be the chairman or the person presiding at the meeting and five other members of the board two of whom shall be ex-officio members and the quorum of any committee of the board shall be as determined by the board.

2) 1) the board shall meet whenever it is summoned by the chairman and if the chairman is required to do so by notice given to him by not less than eight other member ,he shall sermon a meeting of the board to be held within fourteen days from the date on which the source is given.

2) At any meeting of the board, the chairman shall preside but if he is absent the member present at the meeting of the board shall appoint one of their numbers to preside at the meeting.

3) where the board desires to obtain the advice of any person on a particular matter the board may co-opt him to the board for such period as it deems fit but a person who is in attendance by virtue of this sub-paragraph shall not be entailed to vote at any meeting of the board and shall not count towards a quorum.

Committees

3. 1) The board may appoint one or more committees to carry out on behalf of the board such function as the board may determine.

2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the board and a person shall hold office on the committee in accordance with the term of his appointment.

3) A decision of a committee of the board shall be of no effect until it is confirmed by the board.

4) The fixing of the seal of the agency shall be authenticated by the signatures of the chairman the managing director or any person generally or specially authorized by the board to act for that purpose.

2) Any contract or instrument which, if made executed 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 Agency managing director or any person generally or specially authorized by the board to act for that purpose.

3) A document purposing to be a document duly executed under the seal of the agency shall be received in evidence and shall, unless and until the contrary is proved be presumed to be so executed.

5. The validity of any proceeding of the board or of a committee shall not be adversity affected by

(a) A vacancy in the membership of the board or committee or

(b) A defect in the appointment of a member of the board or committee: or

(c) Reason that a person not entailed to do so took part in the proceeding of the board or committee.