

FEDERAL AIRPORTS AUTHORITY OF NIGERIA ACT

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FEDERAL AIRPORTS AUTHORITY OF NIGERIA ACT

An Act to establish the Federal Airports Authority of Nigeria.

[1996 No. 9.]

[Commencement: 31st August, 1995]

PART I

Establishment of the Federal Airports Authority of Nigeria

1. Establishment of the Federal Airports Authority of Nigeria, etc.

(1) There is hereby established a body to be known as the Federal Airports Authority of Nigeria (in this Act referred to as "the Authority").

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

(3) As from the appointed day, there shall be transferred to the Authority all the airports maintained by the Ministry pursuant to section 6 of the Civil Aviation Act and the Authority shall maintain and manage those airports and any other airport provided by the Minister pursuant to that Act.

[L.F.N. 2004 Cap. C13.]

2. Membership of the Board

(1) There is hereby established for the Authority a Governing Board which shall consist of—

- (a) a part-time chairman to be appointed by the President on the recommendation of the Minister and the following other part-time members, that is;
 - (b) one person to represent the Ministry of Defence;
 - (c) one person to represent the Federal Ministry of Aviation;
 - (d) one person to represent the Nigerian Airways Limited;
 - (e) one person to represent the Nigerian College of Aviation Technology;
 - (f) one person to represent the Federal Ministry of Finance;
 - (g) the Managing Director of the Authority;
 - (h) one person to represent the Federal Ministry of Justice; and
 - (i) three other persons to be appointed by the President, on the recommendation of the Minister, being persons outside the public service who possess experience in or some knowledge of aviation matters.
- (2) (a) Subject to subsections (3) and (4) of this section, a member of the Board (not being an *ex-officio* member) shall hold office for four years on such terms as may be specified in his letter of appointment and shall be eligible for re-appointment for one further period of four years; or
- (b) if it appears to the Minister that a member of the Board should be removed on the grounds of misconduct, inability to perform the functions of his office or in the public interest, the Minister shall make a recommendation to that effect to the President and if he approves such recommendation, the Minister shall declare, in writing, the office of that member vacant;
 - (c) any member, not being an *ex-officio* member, may resign his appointment by a letter addressed to the Minister;
 - (d) the supplementary provisions contained in the First Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters mentioned therein.

[First Schedule.]

(3) Any member of the Board shall cease to be in office if—

- (a) he becomes of unsound mind or is incapable of carrying out his duties;
- (b) he becomes bankrupt or has made arrangement with creditors;
- (c) he is convicted of a felony or any offence involving dishonesty;
- (d) he is guilty of serious misconduct relating to his duties;

PART III

Staff

9. Managing Director of the Authority

(1) There shall be appointed by the President, on the recommendation of the Minister, a Managing Director of the Authority who shall be the chief executive of the Authority and shall be responsible for the execution of the policies and the day-to-day running of the affairs of the Authority.

(2) There shall be appointed by the Authority a secretary who shall be an officer but not a member of the Board, and who shall conduct its correspondence and keep its records and exercise such other functions as the Managing Director may, from time to time, direct.

10. Staff generally

(1) Subject to this Act, the Authority may appoint such other persons as members of its staff as it considers necessary and may approve conditions of service for the staff.

(2) The Authority may appoint such number of persons as it may deem fit as security officers for the purpose of—

- (a) ensuring the security and safety of life and property of air passengers, flight personnel and other airport users; and
- (b) securing all the facilities and installations at airports.

(3) Subject to the general laws and regulations regulating the use of fire arms, security officers appointed pursuant to subsection (2) of this section shall be entitled to carry fire arms on their persons while on duty.

(4) If the Authority thinks it expedient that any vacancy in the staff of the Authority should be filled by a person holding office in any of the public services in the Federation, it shall inform the appropriate body to that effect and thereafter the Authority may, by arrangement with the body concerned, cause such vacancy to be filled by way of secondment or transfer.

(5) Where any person is seconded under subsection (4) of this section, he shall be notified of the terms and conditions of the secondment, and the secondment shall be without prejudice to any pension rights which, but for the secondment, would still accrue to him.

(6) A person seconded under subsection (4) of this section may elect to be transferred to the staff of the Authority in which case any previous service in the public service concerned shall count as qualifying services as defined in the Pensions Act.

11. Pensions

(1) It is hereby declared that service in employment of the Authority shall be approved service for the purpose of the Pensions Act and accordingly, officers and other persons employed in the Authority shall be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder, so however, that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

[L.F.N. 2004 Cap. P4.]

(2) For the purposes of application of the provisions of the Pensions Act any power exercisable thereunder by a Minister or other authority of the Government of the Federation (not being 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 IV

Financial provisions

12. Sources of revenue

(1) The Authority shall maintain a fund which shall include—

(a) such monies as may, from time to time, be allocated to it by the Federal Government;

(b) fees in respect of services provided by the Authority, including—

(i) landing fees;

(ii) parking fees;

(iii) passengers service charge (local and international);

(iv) rents;

(v) concession fees;

(vi) VIP lounge charges;

(vii) utilities;

(viii) fuel charge;

(ix) port charge;

(x) frontier service charge;

(xi) sales of information;

(xii) contract registration fees;

(xiii) rental of warehouse;

(xiv) rental of plant and equipments;

(xv) fines;

[1999 No. 52.]

(xvi) car park charges; and

(xvii) aviobridge charges;

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

(2) The moneys comprising the fund of the Authority shall in each year be applied by it in defraying the following expenses, that is—

(a) the working and establishment expenses and expenditure on, or provision for, the maintenance and renewal of any of the undertakings of the Authority;

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

- (c) the sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the payment of any other borrowed money;
- (d) the remuneration, fees and allowances of the members of the Board and for reimbursing members of the Board or of any committees set up by the Board and for such expenses as may be authorised by the Board in accordance with such rates as may, from time to time, be approved by the Federal Government;
- (e) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities of the employees, agents and other persons acting under or for the Authority; and
- (f) any other expenses connected with the discharge of the functions of the Authority under this Act or any other enactment.

(3) The Authority shall submit annually to the Minister estimates of its revenue and expenditure in respect of the next following year.

13. General duty to be financially prudent

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

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

14. Borrowing powers

(1) Subject to the other provisions of this section, the authority may, from time to time, borrow by overdraft or otherwise howsoever, such sums as it may require in the exercise of its functions under this Act.

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

15. Investment of funds, etc.

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

16. Accounts and audit

(1) The Authority shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may direct, in a form which shall conform with the best commercial standards.

(2) The Authority shall within six months after the end of each year to which the accounts relate cause its accounts to be audited by auditors appointed from the list of auditors and in accordance with guidelines supplied by the Auditor-General for the Federation.

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

- (a) general observations and recommendations of the auditors on the financial affairs of the Authority for the year and on any important matters which the auditors desire to bring to the notice of the Authority; and
- (b) detailed observations and recommendations of the auditors on all aspects of the operations of the Authority for that year.

PART V

Power to acquire land compulsorily, etc.

17. Power to acquire land compulsorily

(1) When there is any hindrance to the acquisition by the Authority of any land required for any purpose of the Authority under this Act by agreement or negotiation (including any failure by the Authority to reach agreement as to the amount to be paid in respect of the acquisition), the Minister, on the application of the Authority and after such enquiry as he may think necessary, may declare that the land is required for the service of the Authority.

(2) Where a declaration is made under subsection (1) of this section, the land to which the declaration relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Land Use Act for acquiring the land for the Federal Government.

[I.F.N. 2004 Cap. L5.]

(3) Where a declaration has been made under subsection (1) of this section in respect of any land and—

- (a) the land has been acquired pursuant to subsection (2) of this section; or
- (b) the President is satisfied that there are no rights subsisting in respect of the land;
- (c) the President may vest the land in the Authority by means of a certificate under the hand and seal of the Registrar of Deeds.

(4) The compensation if any, payable under the Land Use Act for the acquisition of any land under this section or, payable under the appropriate law for the revocation of any rights relating to the land, as the case may be, shall be paid by the Federal Government.

[L.F.N. 2004 Cap. L5.]

(5) A plan of any land referred to in subsection (1) of this section—

- (a) containing measurements of the boundaries of the land;
- (b) showing the relationship of the land to any sufficient description of the land for the purposes of any application under that subsection;
- (c) signed by the Managing Director of the Authority,

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

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

(1) Subject to this section, the Authority may by its officers or agents with all necessary workmen and other servants enter from time to time on any land for the purpose of the discharge of the Authority's functions under this Act and, in particular, may enter upon any such land for the purpose of—

- (a) the survey and taking of levels in connection with any such survey;
- (b) the construction, placing, maintenance, examination, repair, alteration or removal of any beacon for the purposes of any survey as aforementioned;
- (c) the cutting and removal of such trees and underwood as may interfere with such surveys.

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

(3) In the discharge of its functions pursuant to subsection (1) of this section, the officers, agents, workmen and servants referred to therein 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.

(4) The Authority shall not construct, place, maintain, examine, repair, alter or remove any beacon in or upon any land, road, building, embankment, dock, harbour or pier under the control of a department of government or other public authority without prior approval of the head of the department concerned or of any such public authority.

(5) Any beacon placed on any road shall be placed so as not to hinder or interfere with free passage along such road, and the Authority shall make good any road opened or broken up for the purposes of this section.

(6) For the avoidance of doubt, it is hereby declared that the powers conferred on the Authority under this section are in addition to and not in derogation of the powers conferred on the Minister under sections 6 (2) (b), 7 and 8 of the Civil Aviation Act.

[L.F.N. 2004 Cap. C13.]

19. Compensation for damages, etc.

(1) In the exercise of the powers conferred by section 17 of this Act, the Authority, its officers, servants and agents shall do as little damage as may be, and the Authority shall pay compensation for any damage done to any buildings, crops, and/or economic trees.

(2) In the case of dispute 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 situate or the High Court within whose area of jurisdiction the land is situate, as the case may require, and such decision shall be final and binding.

20. Limitations of suits against Authority

(1) Notwithstanding anything in any other enactment, no suit against the Authority or a member or any employee of the Authority for any act done in pursuance or execution of

any enactment or law, or of any public duties or authority, or in respect of any alleged neglect or default in executing such enactment or law, duties or authority shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

(2) No suit shall commence against the Authority before the expiration of a period of three months after written notice of intention to commence the suit shall have been served upon the Authority by the intending plaintiff or his agent; and the notice 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.

21. Service of documents

The notice referred to in section 20 (2) of this Act and any summons, notice or other document required or authorised to be served upon the Authority under the provisions of this Act or any other enactment or law shall be served by delivering the same to the office of the Managing Director of the Authority, or by sending it by registered post addressed to the Managing Director at the principal office of the Authority.

22. Protection of officers, servants and agents of the Authority

The Public Officers Protection Act shall apply in relation to any action, prosecution or other proceedings in respect of any act, negligence or default done or committed by any officer, servant or agent of the Authority in his capacity as such officer, servant or agent of the Authority as if the office were an office in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

[L.F.N. 2004 Cap. P41. L.F.N. 2004 Cap. C23.]

PART VI

Miscellaneous

23. Power to make by-laws

(1) The Authority may, with the approval of the Minister make by-laws in respect of any of its functions under this Act; and without prejudice to the generality of the foregoing, by-laws may be made—

- (a) for securing the safety of aircraft, vehicles and persons using the airport and preventing danger to the public arising from the use and operation of the airport;
- (b) for preventing obstruction within the airport;
- (c) for regulating vehicular traffic anywhere within the airport except on roads therein to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles therein and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the by-laws;
- (d) for prohibiting waiting by hackney carriages except at standing appointed by the Authority;
- (e) for prohibiting or restricting access to any part of the airport;

- (f) for preserving order within the airport and preventing damage to property therein;
 - (g) for regulating or restricting advertising within the airport;
 - (h) for requiring any person, if so requested by an officer of the Authority or by a police officer, to leave the airport or any particular part of it;
 - (i) for the arrest, investigation and prosecution of persons found loitering, wandering or touting at the airports, subject only to such guidelines as may be issued from time to time by the Attorney-General of the Federation;
 - (j) for the screening of passengers at the airports;
 - (k) prohibiting or restricting the access of members of the public or of any class of members of the public to any premises vested in, occupied by or under the control of the Authority;
 - (l) regulating the hours during which, the means whereby, the purposes for which and the conditions subject to which members of the public may have access to or egress from any such premises or portion thereof;
 - (m) ensuring the maintenance of good order and discipline amongst the members of the public at any time when upon any such premises;
 - (n) prohibiting or restricting the use of land over, underneath or near which or over waters where the Authority has any installation and for preventing the unauthorised or improper use of or wilful or negligent acts occasioning injury to any property owned, vested in, occupied by or under the control of the Authority.
- (2) All such by-laws shall be in writing and shall come into force when approved by the Minister and sealed with the seal of the Authority unless some other later date for commencement be therein prescribed.
- (3) By-laws made under this section need not be published in the *Federal Gazette* but the Authority shall bring them to the notice of such affected or interested persons in such manner (in addition to that prescribed in subsection (4) of this section) as it may, from time to time, determine.
- (4) A copy of the by-laws, when approved, shall be printed and deposited at the offices of the Authority at each airport to which the by-laws relate and shall at all reasonable hours be open to public inspection without payment.
- (5) By-laws made under this section may provide that for the contravention of such by-laws there may be imposed on the conviction of any person for any such contravention a fine not exceeding ₦25,000.00 and in default of payment thereof, imprisonment for a term not exceeding three years.
- (6) For the purposes of this section, members and employees of the Authority shall not be deemed to be members of the public.
- (7) In this section “**premises**” includes lands, plants and ancillary works.

24. Annual report

(1) The Authority shall, not later than six months after the end of each year, make a report to the Minister on the performance of its functions under this Act during the preceding year.

(2) The report for any year shall—

(a) set out any direction given to the Authority under section 8 of this Act during the year, unless the Minister has notified the Authority that in his opinion it is against the national interest to do so; and

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

(3) There shall be attached to the report for each 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 and activities of the Authority as the Minister may, from time to time, direct.

25. Exemption from payment of taxes and tenement rates

The Authority shall be exempted from the payment of taxes and tenement rates and any arrears whatsoever in connection thereto.

26. Offences by bodies, corporate or unincorporate

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 officers 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.

27. Venue for trial of offences

Offences under this Act or any regulation made thereunder shall be triable in the Federal High Court.

28. Dissolution of FCAA and NAA

(1) On the commencement of this Act, the Directorate of National Air Traffic Services and division of Aeronautical Telecommunications shall cease to be part of the Authority and the functions and employees, assets and liabilities of the said Directorate of

National Air Traffic Services and the division of Aeronautical Telecommunications shall be inherited by the Nigerian Airspace Management Agency.

[1999 No. 52.]

(2) For the purposes of the transfer effected by subsection (1) of this section, 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.

[1999 No. 52.]

(3) For the purpose of the transfer effected by subsection (1) of this section, the provisions of the Civil Aviation Act or any other enactment concerned with or relating to civil aviation (including subsidiary instrument) made thereunder shall be modified to the extent as would bring it into conformity with the general intendment of this Act.

[L.F.N. 2004 Cap. C13. 1999 No. 52.]

(4) Without prejudice to the generality of subsection (2) of this section, the provisions of the Civil Aviation Act shall be modified to the extent set out in Schedule 2 to this Act.

30. Interpretation

In this Act, unless the context otherwise requires—

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

“**airport**” has the meaning assigned to it by section 17 of the Civil Aviation Act;

[L.F.N. 2004 Cap. C13.]

“**Authority**” means the Federal Airports Authority of Nigeria established by section 1 of this Act;

“**Board**” means the Governing Board of the Authority as constituted under section 2 (1) of this Act;

“**by-laws**” means by-laws made under section 23 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 Authority appointed pursuant to section 9 of this Act;

“**member**” means the member of the Board appointed pursuant to section 2 of this Act, including the chairman;

"Minister" means the Minister for the time being charged with responsibility for matters relating to Civil Aviation;

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

"powers" includes functions and duties;

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

31. Short title

This Act may be cited as the Federal Airports Authority of Nigeria Act.

SCHEDULES

FIRST SCHEDULE

[Section 2 (2) (d).]

Staff

1. On the commencement of this Act, the Authority shall retain such persons in its employment, not being persons on the staff of the Directorate of National Air Traffic Services, and the division of Aeronautical Telecommunications and other staff of the Authority transferred by this Act to the Nigerian Airspace Management Agency.

[1999 No. 52.]

2. Any staff of the dissolved Authorities who fails within one month of the dissolved Authorities to report for duty at his duty post as designated by the management of the Authority shall be deemed to have abandoned his duty post.

3. (1) As from the commencement of this Act—

(a) the rights, interests, obligations and liabilities of the dissolved Authorities existing immediately before the commencement of this Act under any aforementioned contract or instrument, or in law or in equity apart from 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) of this paragraph, shall be of the same force and effect against or in favour of the Authority and shall be enforceable as fully and effectively as if instead of the dissolved Authorities the Authority had been named therein or had been a party thereto; or

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

(2) 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 savings provisions for the better carrying out of the objectives of this Schedule.

SECOND SCHEDULE

[Section 2 (4).]

Proceedings

1. Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating the proceedings of the Board or any committees thereof.

[L.F.N. 2004 Cap. I23.]

2. Every meeting of the Board 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 Board shall be six.

4. Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt that person to be a member for as many meetings as 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.

5. An interim board within the meaning of section 2 (4) of this Act shall comprise the following—

- (a) the Minister as chairman;
- (b) the Permanent Secretary, Ministry of Aviation; and
- (c) the managing director of Federal Airports of Nigeria (FAAN).

Committees

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

(2) Every committee appointed under sub-paragraph (1) of this paragraph shall be presided over by a member of the Board and shall be made up of such number of persons, not necessarily members of the Board, as the Board may determine in each case.

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

7. (1) Where standing orders made pursuant to paragraph 5 (1) of this Schedule provide for a committee of the Board to consist or co-opt persons who are not members of the Board the committee may advise the Board on any matter referred to it by the Board.

(2) The decision of a committee shall be of no effect until it is confirmed by the Board.

Miscellaneous

8. The fixing of the seal of the Authority shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the Board to act for that purpose.

9. 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 Managing Director or by any other person authorised generally or specially to act for that purpose by the Board.

10. 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 signed or sealed.

11. The validity of any proceedings of the Board or of a committee thereof shall not be affected by—

- (a) any vacancy in the membership of the Board or committee thereof; or
- (b) any defect in the appointment of a member of the Board or any committee thereof; or
- (c) any reason that a person not entitled to do so took part in the proceedings.

12. Members of the Authority who are public officers, shall cease to be members of the Authority upon ceasing to hold the office entitling them to appointment to the Authority.

13. A member of the Board 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 Board the fact of such interest and the nature of the interest and such disclosure shall be recorded in the minutes of the Board, and such members shall take no part in any deliberation or decision of the Board relating to any such proposal.

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