

# **CIVIL AVIATION (FIRE AND SECURITY MEASURES) ACT**

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**An Act to provide for fire-fighting and security measures at aerodromes and for purposes connected therewith.**

[1958 No. 31.]

[Commencement. ]

[See section

1]

## PART I

### *Preliminary*

#### **1. Short title and commencement**

This Act may be cited as the Civil Aviation (Fire and Security Measures) Act, and shall come into operation on a day to be appointed by the Minister by notification in the Federal Gazette.

#### **2. Interpretation**

In this Act, unless the context otherwise requires-

"**aerodrome**" includes any airport or landing strip and any building upon an airport, aerodrome or landing strip;

"**aircraft**" means any machine that can derive support in the atmosphere from the reactions of the air or any wreckage of such machine;

"**Director**" means the Director of Civil Aviation;

"**Minister**" means the Minister charged with responsibility for aviation;

"**Service**" means the Civil Aviation Fire and Guard Service established by section 3;

"**superior officer of the Service**" means any officer of or above the rank of assistant aerodrome fire officer.

## PART II

### *Establishment and functions of the Service*

#### **3. Establishment of Civil Aviation Fire and Guard Service**

There shall be established in Nigeria a service to be known as the Civil Aviation Fire and Guard Service.

#### **4. Functions of Service**

The Service shall be employed at government aerodromes and at any premises for the time being under the control of the Director for-

(a) the prevention and extinguishing of fires which threaten persons or property within any such aerodrome or premises or any aircraft, the rescue of persons and property involved in any accident or fire affecting any such aerodrome or premises or any aircraft;

(b) the prevention of crime, the apprehension of offenders, the preservation of law and order, the protection of persons and property and the due enforcement of all laws and regulations with which they are directly charged within or in relation to any such aerodrome or premises or any aircraft.

#### **5. Constitution of Service**

The Service shall consist of an aerodrome fire superintendent and such aerodrome fire officers, assistant aerodrome fire officers, the chief patrolmen, senior patrolmen, patrolmen and other members as the Civil Service Commission of the Federation may appoint.

[L.N. 139 of 1966.]

## **6. Command, direction and disciplinary control of Service**

(1) Members of the Service shall be under the command, direction and (subject to any necessary delegation by the Minister) disciplinary control of the Director and of such superior officers of the Service as the Director may, from time to time, assign.

(2) Whenever members of the Service are stationed at a place where there is no superior officer of the Service, the Director may assign an airport-commandant, air traffic control officer, air traffic control assistant or any other officer of the Department of Civil Aviation to have charge of the members of the Service for such purposes as the Director shall specify with respect to distribution, duties, pay and (subject to any necessary delegation by the Minister) disciplinary control.

(3) Without prejudice to any other provisions of this Act, the Director may by an order in writing and under arrangements to be made with the Inspector-General of Police, place any member or members other than superior officers of the Service under the charge of a police officer not below the rank of assistant superintendent of police with respect to such of the following matters as shall be specified in such order-

(a) maintenance of good order and discipline in relation to general conduct, smart-ness, cleanliness, clothing, kit and accommodation;

(b) disciplinary control (subject to any necessary delegation by the Minister) in accordance with regulations made under section 21 of this Act concerning any matter specified as aforesaid.

## **7. Terms and conditions of service**

The terms and conditions of service of members of the Service shall be prescribed by the Minister under section 21 of this Act.

## **8. Secondment of members of the Service to police force for training**

(1) Members of the Service may by an order in writing of the Director and under arrangements to be agreed between the Director and the Inspector-General of Police be seconded for training to the Nigeria Police Force.

(2) During the period of any such secondment for training, a member of the Service shall for the purposes of discipline, rank and training in accordance with the Act and the regulations made thereunder be deemed to hold the rank of recruit in the Nigeria Police Force, or such other rank as may be agreed with the Inspector General of Police and specified in the order of the Director as aforesaid, and, subject to any necessary delegation by the Minister shall be subject to be dealt with by a superior police officer accordingly, save that any punishment of dismissal which may be imposed under such Act or regulations shall be subject to the approval of the Director and not of the Inspector-General of Police or a Minister.

(3) During the period of any such secondment for training, a member of the Service shall be entitled to the same exemptions in respect of any enactment relating to arms and ammunition as is applicable in respect of a recruit in the Nigeria Police Force (or in respect of such other rank as may be specified as aforesaid).

## **9. Prevention of fires**

(1) Any member of the Service authorised in writing by the aerodrome fire superintendent may enter any premises within an aerodrome for the purposes of investigating such premises with respect to the risk of fire and of examining the fire-fighting equipment, facilities and instructions within such premises,

(2) Whenever it appears that there is a risk of fire within any such premises or that the fire-fighting equipment, facilities or instructions within any such premises are inadequate or inefficient, the Director may, by notice in writing, require the owner or occupier within a specified period of not less than seven days to take such measures as shall be specified to remove the risk or provide adequate and efficient equipment, facilities and instructions.

(3) Such notice may be served either personally or by post, or by affixing it in some conspicuous place upon the premises to which it relates.

(4) If the requirements contained in such notice are not complied with within the time specified therein, any person authorised in writing by the aerodrome fire superintendent may enter such premises and take such measures as are reasonably necessary, doing no unnecessary damage, to remove any risk or provide adequate and efficient equipment, facilities and instructions and any expenses incurred under this section may be recovered from the person on whom the notice was served.

## **10. Powers in relation to fires**

Whenever fire threatens or breaks out within any aerodrome, any premises for the time being under the control of the Director or any aircraft, any member of the Service may-

(a) without the consent of the owner or occupier enter any premises in which the fire has or is reasonably believed to have broken out and any premises which it is necessary to enter for the purpose of protecting persons or property from fire or from acts done for the purposes of fire-fighting;

(b) do all such things as may seem necessary for extinguishing the fire or for protecting persons or property from fire or acts done for the purposes of fire-fighting or for rescuing any persons or property;

(c) break down, destroy, cut or remove any building, structure, tree, crop, vehicle or other thing which impedes the extinguishing of the fire or which might assist the spread of the fire;

(d) enter any premises where a supply of water is believed to exist and do all such things as may seem necessary to obtain a supply of water;

(e) close any area or place and remove therefrom any person or property whose presence seems likely to impede the extinguishing of the fire.

### **11. Damage**

Any damage occasioned by a member of the Service in the execution of his duties under the last foregoing section shall be deemed to be damage by fire.

### **12. Arrest by members of the Service without warrant**

Any member of the Service on duty and in uniform or any police officer carrying out his lawful duties for the prevention and detection of crime and the maintenance of law and order may in respect of offences within or in relation to any aerodrome, any premises or property for the time being under the control of the Director or any aircraft, without an order from a magistrate and without a warrant, arrest-

(a) any person whom he finds committing any felony, misdemeanour or simple offence, or whom he reasonably suspects of having committed or of being about to commit any felony, misdemeanour or breach of the peace;

(b) any person who commits any offence in his presence;

(c) any person who obstructs a member of the Service while in the execution of his duty;

(d) any person found taking precautions to conceal his presence in circumstances which afford reason to believe that he is taking such precautions with a view to committing a felony or misdemeanour.

### **13. Handing over of persons arrested**

Any member of the Service upon arresting any person, shall without unnecessary delay hand over the person so arrested to a police officer, or in the absence of a police officer, shall take such person to the nearest police station.

### **14. Search of arrested person**

(1) Whenever a person is arrested by a member of the Service or a private person, the member of the Service making the arrest or to whom the private person hands over the arrested person, may search such arrested person, using such force as may be reasonably necessary, and shall place in safe custody all articles other than necessary wearing apparel found upon such arrested person.

(2) Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman.

(3) When a member of the Service has taken any property from an arrested person under this section, he shall without unnecessary delay cause the property so taken to be delivered to a police officer to be dealt with in accordance with section 6 of the Criminal Procedure Act.

[Cap. C41.]

## PART III

### *Offences*

#### **15. Neglect to aid in arresting offenders**

Any person who, having reasonable notice that he is required to assist any member of the Service in arresting any person, or in preserving the peace, without reasonable excuse, omits to do so, shall be liable on conviction to imprisonment for one month or a fine of forty naira.

#### **16. Obstructing members of the Service**

Any person who assaults, resists, or wilfully obstructs a member of the Service while acting in the execution of his duty, or a person acting in aid of a member of the Service while so acting shall be liable on conviction to imprisonment for one year or a fine of two hundred naira.

#### **17. Interference with aerodromes or aircraft**

Any person who wilfully and unlawfully destroys, damages, removes or interferes with any works or things acquired for or belonging to any aerodrome or aircraft shall be liable on conviction to imprisonment for three years.

#### **18. Obstructing aircraft**

Any person who, by any unlawful act obstructs, causes an alteration to be made in the course of or in any way whatsoever hinders or impedes the movement of any aircraft, which is in motion on or in flight over any aerodrome, shall be liable on conviction to imprisonment for two years.

#### **19. Causing disaffection among members of the Service**

Any person who, by any means whatever, causes or attempts to cause, or does any act calculated to cause, disaffection amongst members of the Service, or does any act calculated to induce any member of the Service to withhold his services or to commit breaches of discipline, shall be liable on conviction to imprisonment for three years or to a fine of six hundred naira or to both such imprisonment and fine and, if a member of the Service, shall forfeit all retiring benefits and be disqualified from being a member of the Service.

## PART IV

### *Miscellaneous*

## **20. Regulations**

The Minister may make regulations, not inconsistent with any other enactment relating to civil aviation generally, for fire control and security at aerodromes.

## **21. Service Regulations**

(1) The Minister may make regulations relating to all or any of the following matters-

(a) the qualifications of person seeking enlistment in the Service, the form and method of their appointment (including appointment on promotion and transfer) and the dismissal of and exercise of disciplinary control over members of the Service;

(b) the duties of members of the Service and their guidance in the performance of such duties;

(c) the training and discipline of the Service;

(d) offences against discipline;

(e) the general government of members of the Service with respect to their classification and rank, the services required of them and their conduct in the performance thereof;

(f) the grant of pensions, gratuities or other like benefits to members of the Service, their widows, children, dependants or personal representatives;

(g) generally, for the good order and good government of the Service and the well-being of the members of the Service.

(2) Such regulations when made shall be published in the Federal Gazette and shall be binding upon all members of the Service and all officers having charge of members of the Service.

## **22. Service standing orders**

(1) The Director, with the approval of the Minister, may make such standing orders as he may think fit and proper for the good order, discipline and welfare of the Service and such standing orders shall be binding on all members of the Service and all officers having charge of members of the Service, but need not be published in the Federal Gazette.

(a) organisation, administration, enlistment and training;

(b) dress, clothing and equipment;

(c) general Service duties;

(d) management and good government of Service premises;



(e) distribution, posting and removal of members of the Service for purposes of service and residence.

**23. Saving of powers under customs laws**

Nothing in this Act shall be deemed to derogate from the powers conferred upon any person under the customs laws.

**SUBSIDIARY LEGISLATION**

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No Subsidiary Legislation

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