

CHAPTER 292

NIGERIAN AIRPORTS AUTHORITY ACT

1976 No. 45. An Act to establish the Nigerian Airports Authority as a statutory corporation with responsibility for the maintenance and development of Federal Government airports throughout Nigeria and other incidental matters.

L.N.
42 of 1977.
Commence-
ment.

[11th July, 1977]

Establishment of the Authority

Establish-
ment of the
Nigerian
Airports
Authority.

1. (1) There shall be established a body by the name of the Nigerian Airports Authority (in this Act hereafter referred to as "the Authority") which shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name.

Cap. 51.

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

Membership.

2. (1) The Authority shall consist of—

(a) Chairman, who shall be appointed by the National Council of Ministers on the recommendation of the Minister;

(b) one representative each of the following Federal Ministries, that is to say—

(i) Defence,

(ii) Finance and Economic Development, and

(iii) Civil Aviation;

(c) the General Manager of the Authority appointed under section 6 of this Act; and

(d) four other members to be appointed by the Minister to represent the general public interest.

(2) The Schedule to this Act shall have effect with respect to the membership and procedure of the Authority and the other matters therein mentioned.

3. (1) The principal functions of the Authority shall be—

Functions of
the
Authority.

(a) to develop and maintain at airports all necessary services and facilities for the safe operation of aircraft excluding navigational aids, telecommunications facilities and air traffic control services;

(b) to provide accommodation and other facilities for the effective handling of passengers and freight;

(c) to develop and provide facilities for surface transport within airports;

(d) to carry out at airports (either by itself or by an agent or in partnership with any other person) such economic activities as are relevant to air transport; and

(e) generally to create conditions for the development in the most economic and efficient manner of air transport and the services connected with it.

(2) Subject to this Act, the Authority shall have powers to do anything which in its opinion is calculated to facilitate the carrying out of its duties under this Act.

(3) The Authority shall not without the consent of the Minister discontinue the use of any airport maintained by it pursuant to this Act.

(4) Without prejudice to subsection (2) of this section, the Authority may assume the management of any airport in Nigeria in addition to those transferred to it under this Act, but the Authority shall not exercise the powers herein described without the consent in writing of the Minister.

(5) The Minister may, after consultation with the Authority, give to the Authority directions of a general character as to the exercise and performance by the Authority of its functions and it shall be the duty of the Authority to comply with such directions.

(6) Any consent under this section may be given subject to such conditions as the Minister thinks fit.

Financial provision.

4. (1) The Authority shall maintain a fund which shall consist of—

(a) such moneys as may be allocated to it by the Federal Government;

(b) landing and parking fees;

(c) other airport user charges and fees; and

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

(2) The financial year of the Authority shall begin on 1st January of each year and end on 31st December of the following year.

(3) 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, being a form which shall conform with the best commercial standards.

(4) The Authority shall as soon as may be after the end of the financial year to which the accounts relate cause its accounts to be audited by auditors appointed from the list of auditors and is in accordance with the guidelines supplied by the Auditor-General of the Federation.

(5) The auditors shall, on the completion of the audit of the accounts of the Authority for each financial 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 the National Council of Ministers; and

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

(6) The funds of the Authority for any financial year shall be applied in defraying the following charges—

- (a) working and establishment expenses and expenditure on, or provision for, the maintenance and renewal of any of the undertakings of the Authority and the discharge of the functions of the Authority;
- (b) interest on any temporary loan raised by the Authority;
- (c) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the repayment of other borrowed moneys;
- (d) the remuneration, fees and allowances of the members of the Authority; and
- (e) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities of the officers, servants, agents and other persons acting under the authority of the Authority.

5. Except with the general or special approval of the National Council of Ministers, the Authority shall not have power to borrow money.

Restriction on power to borrow money.

Staff of the Authority

6. (1) There shall, on the recommendation of the Minister, be appointed by the National Council of Ministers, a General Manager of the Authority, who shall be the chief executive of the Authority, and who shall be responsible for the execution of the policies and the day-to-day running of the affairs of the Authority.

Appointment of the General Manager and Secretary.

(2) The General Manager shall hold and vacate office in accordance with such terms and conditions as may be determined by the Authority with the approval of the Minister.

(3) There shall be appointed by the Authority a Secretary to the Authority who shall be an officer but not a member of the Authority and shall keep the Authority's records and conduct its correspondence and perform such other duties as the Authority may from time to time direct or require.

7. The Authority may appoint such number of officers as it thinks necessary to be designated as airport managers who shall be responsible for assisting the General Manager in the

Airport managers.

management and control of such airport or airports as the Authority may from time to time determine.

Staff
generally.

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

(2) 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 Federal Civil Service Commission to that effect, and thereafter the Federal Civil Service Commission may fill that vacancy by way of transfer or secondment.

(3) Where a person is seconded pursuant to subsection (2) 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 right which, but for the secondment, would still accrue to him.

(4) A person seconded under subsection (2) of this section may elect to be transferred to the staff of the Authority, in which case any previous service in any of the public services aforementioned shall count as service for the purposes of any pension subsequently payable by the Authority.

(5) Where a person who is a member of any of the public services aforementioned is transferred to the service of the Authority, then if the Federal Civil Service Commission so directs—

- (a) that person's former service in the relevant public service shall be taken into account in applying the provisions of the Pensions Act; and
- (b) that Act shall have effect as if that person's service with the Authority were service in the said Civil service.

Cap. 346.

Special Provisions relating to Land

9. (1) Whenever 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.

Power to acquire land compulsorily.

(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, and the President may cause action to be taken under that Act for acquiring the land for the Federal Government.

Cap. 202.

(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,

the President may vest the land in the Authority by means of a certificate under the hand and seal of the Chief Federal Lands Officer.

(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 in the first instance be paid by the Federal Government, but the Authority shall refund to that Government any compensation so paid and all incidental expenses incurred by that Government.

Cap. 202.

(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 sufficiently identifying mark; and

(c) signed by the General Manager of the Authority, shall be a sufficient description of the land for the purposes of any application under that subsection.

Power to enter land to make surveys, etc.

10. (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 lands for the purposes 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. Cap. 51.

11. (1) In the exercise of the powers conferred by section 10 of this Act, the Authority, its officer, 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 or economic trees. Compensation for damage, etc.

(2) In the case of a 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.

Miscellaneous and Supplementary

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

- (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 bye-laws;
- (d) for prohibiting waiting by hackney carriages except at standings 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; and
- (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.

(2) All such bye-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) Bye-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 bye-laws, when approved, shall be printed and deposited at the offices of the Authority at each airport to which the bye-laws relate, and shall at all reasonable hours be open to public inspection without payment.

Reports and
information.

13. (1) The Authority shall, as soon as possible after the end of each financial year, make to the Minister a report on the performance of its functions under this Act during that year.

(2) The report for any financial year—

(a) shall set out any direction given to the Authority under section 3(5) of this Act during that year, unless the Minister has notified to the Authority his opinion that it is against the national interest to do so; and

(b) shall include such information relating to the plans, and 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 any report made on the statement by the auditors pursuant to section 4(5) of this Act.

(4) The Minister shall lay a copy of each report made to him under the foregoing provisions of this section, and of the statements attached thereto, before the National Council of Ministers.

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

14. 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.

Protection of officers, servants and agents of the Authority. Cap. 379.

15. In this Act, unless the context otherwise requires—
“airport” has the meaning assigned thereto by section 17 of the Civil Aviation Act;

Interpretation. 1964 No. 30. Cap. 51.

“Authority” means the Nigerian Airports Authority established by section 1 of this Act;

“bye-laws” means bye-laws made under section 12 of this Act;

“functions” includes powers and duties.

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

16. For subsection (1) of section 6 of the Civil Aviation Act there shall be substituted the following new subsection—

Consequential amendment of the Civil Aviation Act. Cap. 51.

“(1) The Minister may establish airports and may provide in connection with airports established by him such services and facilities, including apparatus and equipment, as he may deem necessary not being services and facilities responsibility for the provision of which is vested in the Nigerian Airports Authority by the Nigerian Airports Authority Act”.

17. This Act may be cited as the Nigerian Airports Authority Act. Short title.

SCHEDULE

Section 2(2)

SUPPLEMENTARY PROVISIONS RELATING TO THE AUTHORITY

Tenure of office of Members

1. A member who is not a public officer shall hold office on first appointment for a period of three years beginning with the date of his appointment as a member but shall be eligible for re-appointment at the expiration of that period.

2. 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.

3. Any member of the Authority may be removed from office by the National Council of Ministers on the recommendation of the Minister for inability to discharge the functions of his office or for misconduct.

Proceedings of the Authority

4. Subject to the provisions of this Schedule, the Authority may make standing orders regulating the proceedings of the Authority or any of its committees.

5. The quorum of the Authority shall be four, and the quorum of any committee set up by the Authority shall be determined by the Authority.

6. The Chairman shall preside at all meetings at which he is present and in his absence, the members may elect one of their number in attendance to be chairman of the meeting.

7. (1) Where the Authority desires to obtain the advice of any person on any particular matter, it may co-opt that person as a member for such period as it thinks fit.

(2) A person co-opted shall not be entitled to vote nor shall he count towards a quorum.

8. The first meeting of the Authority shall be summoned by the Minister and any other meeting may be so convened if the Chairman refuses or fails to do so.

9. (1) The Authority may appoint such number of committees, whether standing or *ad hoc*, to perform such functions as the Authority may direct.

(2) No decision of any committee of the Authority shall take effect until confirmed by the Authority.

Miscellaneous

10. The fixing of the seal of the Authority shall be authenticated by the signatures of the Chairman (or of some other member authorised,

either generally or specially, by the Authority to act in that behalf) and of the Secretary.

11. Any contract or instrument, which if made or executed by a person not being a body corporate will not be required to be under seal, may be made or executed on behalf of the Authority by any person generally or specially authorised by the Authority to act for that purpose.

12. Any document purporting to be a document executed under the seal of the Authority and authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

13. Any member of the Authority who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Authority shall forthwith disclose his interest to the Authority and shall not vote on any question relating to the contract or arrangement.

NIGERIA AIRWAYS LIMITED (APPOINTMENT OF SOLE ADMINISTRATOR) ACT

An Act to make provision for the appointment of a Sole Administrator to take charge as the chief executive of the Nigeria Airways Limited to perform the duties of the Managing Director and the Board of Directors of the Company.

[16th January, 1968]

Enacting that the provisions of the Statutory Corporations (Classification, etc.) Act or any other enactment or instrument (including the Articles and Memorandum of Association of the Nigeria Airways Limited) shall be amended so that the Nigeria Airways Limited a Sole Administrator who shall be appointed by the President, Commander in Chief of the Armed Forces.

The Sole Administrator shall—
(a) be the chief executive of the Nigeria Airways Limited;
(b) perform the duties of the Managing Director and of the Board of Directors of the Nigeria Airways Limited.

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CHAPTER 292

SUBSIDIARY LEGISLATION

No Subsidiary Legislation