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6	Civil Aviation Act, 2006	A 133 - A 279

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PART VIII—INVESTIGATION AND ENFORCEMENT

Powers to investigate, impose fines and enforce.

27.—(1) The Authority shall have power to carry out investigations into complaints and occurrences, save for accidents and serious incidents, after due notice to the person concerned.

(2) If the Authority is satisfied after such hearing that such 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 provision of this Act, regulations, rules or orders as may be necessary in the opinion of the Authority to prevent further violation of the provisions of this Act, regulations, rules or orders.

(3) The Authority shall have power to take all steps reasonably necessary, including the power to ground any aircraft and to seal the premises of any air transport service provider or provider of allied aviation service, in order to ensure compliance with the provisions of this Act and the regulations, rules and orders made pursuant to it.

Directions by the Minister.

28.—(1) The Minister may after consultation with the Authority give such directions, not inconsistent with the provisions of this Act, to the Authority on matters of policy:

- (a) in the interests of national security;
- (b) in connection with any matter appearing to him to affect the relations of Nigeria with a country or territory outside Nigeria;
- (c) in order to discharge or facilitate the discharge of an obligation binding on Nigeria by virtue of its being a member of an international organisation or a party to an international agreement;
- (d) in order to obtain or facilitate the attainment of any other object of which is in his opinion appropriate in view of the fact that Nigeria is a member of an international organisation or a party to an international agreement; or
- (e) in order to enable Nigeria become a member of an international organisation or a party to an international agreement.

(2) The Authority in the exercise of its functions and powers shall be guided by such directions.

(3) The Authority shall furnish the Board with such information or facilities for obtaining information with respect to its activities as the Minister may from time to time require.

Investigation of Accidents/ Accident Investigation Bureau.

29.—(1) There is established an Accident Investigation Bureau hereinafter in this Act referred to as "the Bureau" which shall be a body corporate with power to sue and be sued in its corporate name except for matters associated with accident reports and to acquire, hold and dispose of property whether movable or immovable.

(2) The Bureau shall be an autonomous agency reporting to the President through the Minister.

(3)(a) The Bureau shall be headed by a Commissioner of Accident Investigation who shall be appointed by the President on the recommendation of the Minister.

(b) The Commissioner of Accident Investigation, who shall be the Chief Executive Officer of the Bureau, shall be appointed for a period of four (4) years renewable once for another period of four (4) years.

(4) The Commissioner of Accident Investigation shall possess cognate experience and qualification in air accident investigation of not less than 12 years.

(5) There shall be established for the Bureau a fund into which shall be paid and credited :

(a) all subventions and budgetary allocation from the Government of the Federation ;

(b) 3% of the air ticket contract charter and cargo sales charge imposed in Section 12 of this Act ;

(c) all sums accruing to the Bureau by way of gifts, endowments, bequests, grants or other contributions by persons and Organisations ;

(d) returns on investments ;

(e) foreign aid and assistance ; and

(f) all other sums which may, from time to time, accrue to the Bureau.

(6) The services of all persons currently employed in the Accident Investigation and Prevention Bureau of the Ministry of Aviation are hereby transferred to the Bureau.

(7) The Commissioner of Accident Investigation may with the approval of the Minister recruit such staff as is necessary for the execution of its functions under this Act.

(8) There shall be appointed for the Bureau a legal adviser who shall be a Legal Practitioner of not less than 10 years post call experience.

(9) The Bureau in the execution of its functions under this Act shall follow and adhere to the regulations for accident investigation made by the Minister.

(10) The Minister may make regulations providing for the investigation of any accident or incident arising out of or in the course of air navigation and either occurring in or over Nigeria or occurring to Nigerian aircraft elsewhere.

(11) Without prejudice to the generality of subsection (10) of this section, the regulations made there-under may in particular contain provisions :

(a) requiring notice to be given of any such accident or incident as aforesaid in such manner and by such persons as may be prescribed ;

(b) applying for the purpose of investigations held with respect to any such accident or incident any of the provisions of any law in force in Nigeria relating to the investigation of deaths or accidents ;

(c) prohibiting, pending investigation, access to or interference with aircraft to which an accident or incident has occurred and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft ;

(d) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted in Nigeria in pursuance of this Act or any regulation, or the withdrawal or suspension of any validation conferred in Nigeria of a licence granted by a competent authority elsewhere, where it appears on investigation that the licence, certificate or validation ought to be so dealt with, and requiring the production accordingly of any such licence or certificate ;

(e) incorporating the provisions of Annex 13 to the Convention on International Civil Aviation,

(12) The sole objective of the investigation of an accident or serious incident under this Act shall be the prevention of accidents and incidents and it shall not be the purpose of such an investigation to apportion blame or liability.

(13) On the basis of the findings of accident investigation, the Authority shall be informed and the Director-General shall take corrective actions that, in the judgment of the Authority, will prevent similar accidents in the future.

(14) Notwithstanding the provisions of the Evidence Act, the contents of an air accident investigation report made pursuant to the provisions of this Act and regulations made there-under, shall not be admissible in evidence as to form the basis of liability in any criminal or civil proceedings.

Cap. 112 LFN
1990.

Power to
regulate air
navigation.

PART IX—THE AUTHORITY'S POWER TO REGULATE CIVIL AVIATION

30.—(1) The Authority may by regulation make such provision as expedient :

(a) for carrying out the Convention on International Civil Aviation (in this section referred to as "the Convention") concluded at Chicago on the 7th day of December, 1944, any Annex to the Convention which relates to international standards and recommended practices and is adopted in accordance with the Convention, and any amendment of the Convention or of any such Annex which is made in accordance with the Convention ;

(b) for carrying out any other treaty or agreement in the field of civil aviation to which Nigeria is a party ; and

(c) generally for regulating air navigation.

(2) Without prejudice to the generality of subsection (1) of this section, the powers conferred therein shall include power to make regulations :

(a) for the registration of aircraft in Nigeria ;

(b) for the prohibition of aircraft from flying unless certificates of airworthiness issued or validated under the regulations are in force with respect to them and except upon compliance with such conditions as to maintenance and repair as may be prescribed ;

(c) for the licensing, inspection and regulation of aerodromes, access to aerodromes and places where aircraft have landed, for the inspection of aircraft factories, and for prohibiting or regulating the use of aerodromes which are not licensed in pursuance to the regulations ;