

Extraordinary



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SAFETY, SECURITY AND SAFEGUARDS BILL, 2019

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A BILL

FOR

AN ACT TO REPEAL THE NUCLEAR SAFETY AND RADIATION PROTECTION ACT NO. 19 OF 1995, ENACT THE NUCLEAR SAFETY, SECURITY AND SAFEGUARDS ACT AND RE-ESTABLISH THE NIGERIAN NUCLEAR REGULATORY AUTHORITY; AND FOR RELATED MATTERS

Sponsored by Senator Boroffice, Robert Ajayi

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1 PART I - OBJECTIVES OF THE BILL

2 1.-(1) The objectives of this Bill are to:

Objectives of
the Bill

3 (a) allow for the beneficial and peaceful uses of nuclear energy and
4 its applications;

5 (b) provide an effective legal and regulatory framework for nuclear
6 safety, nuclear security, safeguards of nuclear materials and radiation
7 protection;

8 (c) ensure adequate protection of people and the environment from
9 harmful effects of ionising radiation and other radiation risks, and the safety
10 and security of radiation sources;

11 (d) establish the Nigerian Nuclear Regulatory Authority with the
12 functions and responsibilities set forth in this Bill for the purpose of
13 exercising regulatory control over the peaceful uses of ionising radiation
14 and to guarantee its independence;

15 (e) authorise the provision of a regulatory framework for civil
16 liability for nuclear incidents or damage, and

17 (f) enable Nigeria to fulfill its obligations under relevant
18 international instruments.

	1	PART II - ESTABLISHMENT OF THE NIGERIAN NUCLEAR REGULATORY
	2	AUTHORITY AND ITS GOVERNING BOARD
Establishment of the Nigerian Nuclear Regulatory Authority	3	2.-(1) There is hereby established a body which shall be known as the
	4	Nigerian Nuclear Regulatory Authority (in this Bill referred to as "the
	5	Authority").
	6	(2) The Authority-
	7	(a) shall be a body corporate with perpetual succession and, a
	8	common seal;
	9	(b) shall have financial autonomy;
	10	(c) may sue and be sued in its corporate name; and
	11	(d) may acquire, hold or dispose of any property, movable or
	12	immovable for the purpose of carrying out any of its functions under this Bill.
	13	(3) The Authority shall be-
	14	(a) effectively independent in its safety-related decision-making
	15	(b) able to make independent regulatory judgements and decisions at
	16	all stages in the lifetime of facilities and the duration of activities until release
	17	from regulatory control, under operational states and in accidents;
	18	(c) free from any pressure associated with political circumstances or
	19	economic conditions, or pressure from government ministries, departments
	20	and agencies, authorised parties or other organisations;
	21	(d) able to give independent advice and provide reports to
	22	government ministries, departments and agencies, and governmental bodies
	23	on matters relating to the safety of facilities and activities.
	24	(4) The staff of the Authority shall have no direct or indirect interest in
	25	facilities and activities or authorised party beyond the interest necessary for
	26	regulatory purposes.
Establishment and Membership of the Governing Board	27	3.-(1) There is hereby established for the Authority a Governing
	28	Board (in this Bill referred to as "the Board").
	29	(2) The Board shall consist of-

1 (a) the President as the Chairman (in the Bill referred to as the "the
2 Chairman";

3 (b) the Director-General of the Authority, who shall be appointed
4 by the President; and

5 (c) the Ministers charged with responsibility for the following
6 matters, that is-

7 (i) Defence;

8 (ii) Interior;

9 (iii) Mines and Steel development;

10 (iv) Petroleum resources;

11 (v) Energy;

12 (vi) Environment;

13 (vii) Finance;

14 (viii) Justice; and

15 (ix) Health.

16 (d) National Security Adviser;

17 (e) three (3) eminent Nigerians with practical experience in the
18 Nuclear field who shall be appointed by the President.

19 (3) The appointment of the members of the Board specified in
20 subsection 2 (e) of this section shall be subject to confirmation by the Senate.

21 (4) The Board shall have a Secretary, who shall be a Legal
22 Practitioner with not less than ten (10) years experience, to be appointed by
23 the Director-General from the staff of the Authority.

24 (5) The members of the Board shall be paid such allowances as
25 applicable to Federal Boards, commissions and agencies

26 (6) The provisions of the Schedule to this Bill shall have effect with
27 respect to the proceedings of the Board and the other matters mentioned
28 therein.

29 4.-(1) The Members of the Board shall serve for a term of four (4)
30 years and may, subject to satisfactory performance, be re-appointed for a

Tenure of Board
Members

	1	further term of four (4) years and no more.
	2	(2) The Members of the Board referred to in section 3(2)(e) shall serve
	3	on part-time basis.
Vacancy on the Board	4	5.-(1) The office of a Member of the Board shall become vacant
	5	where-
	6	(a) he resigns his appointment by notice addressed to the Chairman or
	7	(b) he becomes of unsound mind; or
	8	(c) he becomes bankrupt or makes a compromise with his creditors; or
	9	(d) he is convicted of a felony or of any other offence involving
	10	dishonesty or corruption; or
	11	(e) he becomes incapable of carrying on the functions of his office
	12	either arising from an infirmity of mind or body; or
	13	(f) he dies; or
	14	(g) he completes his tenure of office; or
	15	(h) he is removed by the Chairman, being satisfied that it is not in the
	16	interest of the Authority or in the interest of the public for the person to continue
	17	as a Member of the Board.
	18	(2) Where a vacancy occurs in the Membership of the Board, it shall
	19	be filled by the appointment of a successor to hold office for the remainder of
	20	the term of office of his predecessor.
Functions of the Board	21	6.-(1) The Board shall have responsibility for:
	22	(a) the supervision of policy formulation by the Authority;
	23	(b) Considering and approving regulations proposed by the
	24	Authority;
	25	(c) Considering and approving annual reports and statement of
	26	accounts of the Authority;
	27	(d) appointing and approving fees for auditors;
	28	(e) considering and approving the audited accounts and annual
	29	reports of the Authority; and
	30	(f) performing other functions as provided under this Bill.

1 7.-(a) A member of the Board shall disclose in writing any personal Disclosure of
2 interest or otherwise that the member has in the activities or practices interest
3 regulated by the Authority.

4 (b) A member of the board who has an interest in a matter for
5 consideration shall:

6 (i) disclose the nature of the interest and the disclosure shall form
7 part of the records of the consideration of the matter; and

8 (ii) not participate in the deliberations of the board in respect of that
9 matter.

10 (c) A member ceases to be a member of the Board if that member
11 has an interest in a matter before the Board and:

12 (i) fails to disclose that interest; or

13 (ii) participates in the deliberations of the Board in respect of that
14 matter.

15 PART III - FUNCTIONS AND POWERS OF THE AUTHORITY

16 8.-(1) Subject to the provisions of this Bill, the Authority shall be Functions of
17 charged with the responsibility for the control of activities and practices the Authority
18 identified in this Bill and, without prejudice to the foregoing, the Authority
19 shall:

20 (a) provide advice or assistance to the Federal Government in the
21 development of national policies and measures for the regulatory control of
22 activities and practices under this Bill;

23 (b) issue rules, regulations and guidelines as prescribed under this
24 Bill, which shall be binding on all users of radioactive sources, operators of
25 nuclear installations, operators of prescribed substances and other practices,
26 and operators of sources involving exposure to ionising radiation;

27 (c) establish standards for the protection of life, property and the
28 environment from the potentially harmful effects of ionising radiation,
29 while allowing beneficial practices involving exposure to ionising
30 radiation;

1 (d) establish and maintain a system of authorisation of practices
2 involving nuclear materials, radioactive sources and equipment generating
3 ionising radiation;

4 (e) establish and implement, in cooperation with the relevant
5 ministries, departments and agencies, a system of control over the import,
6 export, transit and trans-shipment of nuclear materials, radioactive sources,
7 ionising radiation generating machines, information and technology in order to
8 prevent diversion from their authorised uses;

9 (f) define and grant exemptions and clearances;

10 (g) monitor the existence and use of ionising radiation anywhere in
11 Nigeria;

12 (h) carry out inspections and any appropriate investigation and
13 enforce compliance with this Bill by concern persons and bodies in line with
14 the conditions of their authorisation;

15 (i) take enforcement measures where there has been a violation of this
16 Bill, applicable regulations or the terms and conditions of authorisations;

17 (j) define the obligations, of persons or entities authorised to conduct
18 activities or practices;

19 (k) prescribe fees payable for authorisations and other services
20 rendered under this Bill;

21 (l) publish a list of exposures that are subject of exclusion, which list
22 shall be available to the public;

23 (m) establish and maintain a system of records or registry for all
24 authorised practices and for material accountability for safety and safeguard
25 purposes;

26 (n) establish and maintain a national register for each category of
27 sources or practices involving ionising radiation and of persons authorised to
28 carry out an activity or practice, including records of all nuclear installations
29 and radiological facilities such as maps, diagrams, photographs, showing the
30 position and limits of these installations and facilities;

1 (o) cooperate with the International Atomic Energy Agency in the
2 application of safeguards in accordance with the Safeguards Agreement,
3 and any protocols thereto, between Nigeria and the International Atomic
4 Energy Agency, including conducting inspections and visits, carrying out
5 complementary access and providing any assistance or information required
6 by designated International Atomic Energy Agency inspectors in the
7 fulfillment of their responsibilities;

8 (p) establish regulatory measures for the security of nuclear and
9 other radioactive material, and their associated facilities, including
10 measures for the detection, prevention and response to unauthorised or
11 malicious acts involving such material, or facilities;

12 (q) participate in the definition of the Design Basis Threat (DBT)
13 for the implementation of security provisions;

14 (r) establish, in cooperation with other competent national
15 authorities, plans and procedures which shall be periodically tested and
16 assessed for coping with any radiation emergency and abnormal occurrence
17 involving nuclear material and radiation sources;

18 (s) regulate the safe promotion of nuclear research and
19 development, and radiation safety and security necessary to implement its
20 functions;

21 (t) liaise and foster cooperation with relevant national and
22 international bodies or institutions having similar objectives for the
23 effective performance of its functions under this Bill;

24 (u) establish appropriate mechanism and procedures for informing
25 the public and other stakeholders about the regulatory process, and the
26 safety, health and environmental aspects of regulated activities and
27 practices, including incidents, accidents and abnormal occurrences;

28 (v) regulate the possession and application of radioactive
29 substances and devices emitting ionising radiation;

30 (w) regulate the introduction of radiation sources, associated

Powers of the
Authority

1 facilities and activities, exposure of workers and the general public to ionising
2 radiation;

3 (x) perform all necessary functions to enable Nigeria meet its national
4 and international safety, security and safeguards obligations in the application
5 of nuclear energy and ionising radiation and in particular, establish and
6 maintain a national system of accounting for and control of nuclear materials;

7 (y) provide training, information and guidance on nuclear safety,
8 security, safeguards and radiation protection and approve radiation protection
9 training programmes of all users and handlers of ionising radiation; and

10 (z) perform such other functions which are necessary for the full and
11 efficient discharge of its functions under this Bill.

12 **9.-(1)** The Authority shall have power to:

13 (a) categorise practices and activities involving exposure to ionising
14 radiation;

15 (b) acquire offices and other premises and establish such number of
16 zonal and other offices as it may deem necessary with the approval of the Board
17 for the proper performance of its functions under this Bill;

18 (c) notwithstanding the provisions of the Nigerian Minerals and
19 Mining Act or any other law, the Authority shall have power to regulate, as
20 appropriate, the exploration, mining and milling of radioactive ores and other
21 ores associated with the presence of radioactive substances;

22 (d) accredit radiation safety service providers and approve their
23 radiation protection training and other programmes;

24 (e) impose and review fines;

25 (f) prescribe exposure limits and constraints for the purpose of
26 limiting accidents and ensuring compliance;

27 (g) obtain information, documents and opinions from private and
28 public organizations or persons as may be necessary and appropriate for the
29 conduct of its functions;

30 (h) specify safety and security requirements for:

1 (i) short-term storage, for example by a user on its premises prior to
2 further management option, including the time limit for such short-term
3 storage;

4 (ii) safety and security requirements for reuse or recycling of
5 disused sources; and

6 (iii) long-term storage and disposal of disused sources.

7 (2) The Authority shall, subject to the approval of the Board, have
8 powers to enter into contracts or partnership with any international
9 organisation, national governmental body, company, firm or person, which
10 in its opinion shall facilitate the discharge of its functions.

11 (3) The Authority may make regulations with respect to civil
12 liability for nuclear damage, prompt payment of compensation to the
13 victims of nuclear accidents, establishment of Nuclear Damage Claims
14 Committee and related matters.

15 (4) The Authority shall, in furtherance of sections 8 and 9 of this
16 Bill, on its own, carry out investigations of practices, radiation facilities and
17 any other nuclear installations including, exploration, mining and milling of
18 radioactive ores to forestall any emergency or contingency.

19 PART IV - MANAGEMENT, STAFF AND STRUCTURE OF

20 THE AUTHORITY

21 **10.-(1)** There shall be for the Authority, a Director-General, who
22 shall be the chief adviser to the Board.

Appointment of
the Director-
General

23 (2) There shall be appointed by the President of the Federal
24 Republic of Nigeria for the Authority, a Director-General who shall be the
25 Chief Executive of the Authority and be responsible for the day-to-day
26 administration of the affairs of the Authority.

27 (3) The Director-General shall be a person of proven integrity and
28 shall have not less than 12 years practical regulatory experience in the
29 application of nuclear energy and ionising radiation in science and
30 technology, nuclear safety and radiation protection.

Tenure of Office and Removal of the Director- General	1	11. -(1) The Director-General shall hold office:
	2	(a) for a term of five (5) years in the first instance and may be re-
	3	appointed for a further term of five (5) years; and
	4	(b) on such terms and conditions as may be specified in his letter of
	5	appointment.
	6	(2) Notwithstanding the provisions of subsection (1) of this section,
	7	the Director-General may:
	8	(a) resign his appointment by a notice in writing, addressed to the
	9	President through the Board; or
	10	(b) be removed by the President for inability to discharge the
	11	functions of his office (whether arising from infirmity of mind or body or any
	12	other cause) or for misconduct or corruption;
	13	provided that the removal of the Director-General shall not take effect without
	14	the approval of the Senate.
Other Staff of the Authority	15	12. -(1) The Authority may, subject to the approval of the Board,
	16	appoint such other staff as it may deem necessary and expedient for the proper
	17	and efficient performance of the functions of the Authority; and on such terms
	18	and conditions as may be determined by the Board.
	19	(2) Notwithstanding the provisions of subsection (1) of this section,
	20	employees of the Authority may also be appointed by way of transfer or
Conditions of Service	21	secondment from any of the public services of the Federation or by contract.
	22	13. Service in the Authority shall be subject to the provisions of the
	23	Pension Reform Act, Corporate Policy and Procedure Guide and such
	24	conditions of service as approved by the Board. Accordingly, officers and
	25	employees of the Authority shall be entitled to pensions, gratuities and other
	26	retirement benefits as are prescribed under the Pension Reform Act as
	27	approved by the board.
	28	14. -(1) There shall be established within the Authority, the following
Structure of the Authority	29	departments:
	30	(i) Department of Authorization and Enforcement;

- 1 (ii) Department of Nuclear Safety;
2 (iii) Department of Nuclear Security and Safeguards;
3 (iv) Department of Medical and Industrial Application Safety;
4 (v) Department of Waste, Transport and Environmental Safety;
5 (vi) Department of Finance and Account;
6 (vii) Department of Administration and Human Resources;
7 (viii) Department of Planning, Research and Statistics;
8 (ix) such other department as may be approved by the Board on the
9 recommendation of the Director-General.

10 (2) Each department shall be headed by a General Manager who
11 shall be appointed by the Authority on the recommendation of the Director-
12 General or by way of promotion.

13 PART V - FINANCIAL PROVISIONS

14 **15.**-(a) There is established for the Authority fund in this Bill Fund of the
15 referred to as ("the Fund") comprising: Authority

16 (a) budgetary allocations from the Federal Government

17 (b) gifts, testamentary dispositions or grants, provided that such are
18 not inconsistent with the objectives and functions of the Authority;

19 (c) all other financial assets that may, from time to time, be vested
20 in or accrue to the Authority in the course of performing its functions
21 pursuant to this Bill;

22 (d) monies borrowed and capital raised by the Authority under this
23 Bill or other enactments subject to the approval of the National Assembly;
24 and

25 (e) all such other sums as may be received by the Authority from
26 other sources provided that such are not inconsistent with the objectives and
27 functions of the Authority.

28 **16.**-(1) The Authority shall pay from the Fund established under Application of
29 section 15 of this Bill- the Fund

30 (a) the cost of administration of the Authority;

1 (b) allowances and benefits of members of the Board and for
2 reimbursing members of the Board or of any committee set up by the Board and
3 for such expenses as may be expressly authorised by the Board;

4 (c) the salaries, fees or other remuneration or allowances, and
5 pensions, and other benefits payable to the staff and other employees of the
6 Authority;

7 (d) for the development and maintenance of any property vested in or
8 owned by the Authority;

9 (e) for maintaining general financial reserves subject to general or
10 special directives that may be given in that behalf by the Board in accordance
11 with the provisions of this Bill; and

12 (f) for, or in connection with, all or any of its functions under this Bill.

13 (2) Any monies generated or collected by the Authority from the
14 sources listed in subsection (1) of section 15 which are in excess of its budget as
15 approved by the National Assembly shall be paid into the Consolidated
16 Revenue Fund of the Federation.

17 (3) The Authority shall set aside a minimum of 10% of its fund for
18 staff entitlements as specified in the Corporate Policy and Procedure Guide
19 subject to review by the Board, for the purpose of providing recognition for
20 long service to the Authority and such fund shall be invested in an interest-
21 yielding account subject to the recommendation of the National Pension
22 Authority.

Annual Estimates,
Accounts and
Audits

23 17.-(1) The Authority shall submit to the Board an estimate of its
24 expenditure and income (including payments to the Fund) for the next
25 succeeding year not later than 28th February each year.

26 (2) The Authority shall keep proper accounts in respect of each year
27 and proper records in relation to those accounts and shall cause its accounts to
28 be audited not later than three months after the end of each year by auditors
29 appointed from the list and in accordance with the guidelines supplied by the
30 Auditor-General of the Federation.

1	18. The Authority shall prepare and submit to the National	Annual and audited reports
2	Assembly not later than 31st March in each year a report on the activities of	
3	the Authority during the immediate preceding year, and shall include in the	
4	report a copy of the audited accounts of the Authority for that year and of the	
5	auditor's report.	
6	PART VI - ESTABLISHMENT OF THE NATIONAL NUCLEAR	
7	SECURITY COMMITTEE	
8	19. -(1) There is established a National Nuclear Security	Establishment of the National Nuclear Security Committee
9	Committee (in this Bill referred to as "the Nuclear Security Committee").	
10	20. -(1) The Nuclear Security Committee shall consist of:	Composition of the Nuclear Security Committee
11	(a) the National Security Adviser as the Chairman;	
12	(b) the Chief of Defence Staff as the Vice-Chairman;	
13	(c) the Solicitor-General of the Federation;	
14	(d) the Director-General of the National Intelligence Agency;	
15	(e) the Director-General of the Department of State Service;	
16	(f) the Inspector-General of the Nigerian Police Force;	
17	(g) the Comptroller-General of the Nigerian Customs Service;	
18	(h) the Comptroller-General of the Nigerian Immigration Service;	
19	(i) the Commandant-General of the Nigerian Security and Civil	
20	Defence Corps;	
21	(j) the Corps Marshal of the Federal Road Safety Corp;	
22	(k) the Director-General of the Authority;	
23	(l) the Chief Executive Officer of the Nigerian Atomic Energy	
24	Commission;	
25	(m) a representative of each of the following:	
26	(i) the Ministry of Foreign Affairs;	
27	(ii) the National Emergency Management Agency; and	
28	(iii) one (1) other person to be appointed from within the Authority	
29	by the Director-General.	
30	(2) The Nuclear Security Committee shall meet at least twice	

1 yearly provided that an emergency meeting may be convened as needed.

2 (3) The quorum of the meeting of the Nuclear Security Committee is
3 six (6) members.

4 (4) The Chairman of the Nuclear Security Committee shall preside at
5 meetings and in the absence of the Chairman, the Vice-Chairman, and in the
6 absence of both, a member of the Committee elected by the members present
7 from among their number, shall preside.

8 (5) For the purpose of a meeting, a member may be represented by a
9 proxy, not below the rank of a Director or its equivalent.

10 (6) The Committee may request the presence of any person as it may deem
11 necessary

Functions of
the Nuclear
Security
Committee

12 **21.**-(1) The Nuclear Security Committee shall, in collaboration with
13 the Authority:

14 (a) consider issues referred to it by the Director-General or any other
15 member of the committee that may affect the security of the country, regarding
16 nuclear and radiological installations and radioactive materials;

17 (b) participate in conducting threat assessment to provide the basis for
18 determining physical protection measures; and

19 (c) define and develop a response strategy to nuclear security
20 incidences.

21 PART VII - NATIONAL RESEARCH INSTITUTE FOR NUCLEAR SAFETY

22 AND RADIATION PROTECTION

Establishment
of the National
Institute for
Nuclear Safety
and Radiation
Protection

23 **22.**-(1) The Authority shall establish a "National Institute for Nuclear
24 Safety and Radiation Protection (in this Bill referred to as "the Institute") either
25 independently or in collaboration with any University or other institution.

Appointment
of General
Manager and
other Staff of
the Institute

26 **23.**-(1) The Authority shall, with the approval of the Board, appoint
27 for the Institute, a General Manager who shall be responsible to the Authority
28 for the administration of the Institute.

29 (2) The General Manager shall-

30 (a) be a holder of a qualification not less than a Doctorate degree in

1 the field of nuclear science or engineering, or radiation sciences with not
2 less than ten (10) years cognate experience; or

3 (b) possess practical experience of not less than ten (10) years in
4 research, administration, training, and the application of nuclear energy,
5 nuclear and radiation safety.

6 (3) The General Manager shall hold office-

7 (a) for a term of four (4) years in the first instance and may be
8 reappointed for a further term of four (4) years, subject to satisfactory
9 performance; and

10 (b) on such terms and conditions as may be specified in his letter of
11 appointment.

12 (4) The Institute may, with the approval of the Authority, appoint
13 such other employees and agents as it may deem necessary for the efficient
14 performance of its functions under this Bill.

15 **24.-(1)** The General Manager may-

16 (a) resign his appointment by a notice in writing, addressed to the
17 Director-General of the Authority; or

18 (b) be removed by the Director-General upon approval of the
19 Board, for inability to discharge the functions of his office (whether arising
20 from infirmity of mind or body or any other cause) or for misconduct or
21 corruption.

Removal of
General Manager

22 **25.-(1)** The Authority shall establish a Management Board for the
23 Institute which shall be chaired by the Director-General of the Authority.

Management
Board of the
Institute

24 (2) Other members of the Management Board referred to in
25 subsection (1) of this section, shall consist of-

26 (a) two General Managers of the Authority responsible for
27 radiation protection and nuclear safety;

28 (b) one member representing each host institution to the Institute.

29 (c) the General Manager of the Institute.

30 (3) Notwithstanding the provisions of subsection (2) of this

	1	section, the Management Board may co-opt relevant stakeholder(s) or
	2	expert(s) to attend its meetings but the person(s) so co-opted shall not have a
	3	counting vote or be counted towards quorum
Structure of the Institute and Annual Reports	4	26. -(1) The structure, staffing and other matters relating to the
	5	Institute shall be as determined by the Institute and approved by the Authority.
	6	(2)The Institute shall submit to the Authority for approval, such
	7	programmes as are in line with its functions.
	8	(3)The Institute shall, not later than the 31st day of January in each
	9	year, submit to the Authority, an estimate of its income and expenditure for the
	10	next succeeding year which estimate shall form an integral part of the budget
	11	estimate of the Authority for that year.
Functions and Powers of the Institute	12	27. -(1) The Institute as a Technical Support Organisation (TSO) to the
	13	Authority shall have the functions and powers to-
	14	(a) carry out research on matters relating to radiation protection,
	15	nuclear safety, security, safeguards and nuclear law;
	16	(b) provide certified training programmes in radiation protection,
	17	nuclear safety, security, safeguards and nuclear law;
	18	(c) review safety assessments as a means of evaluating compliance
	19	with safety requirements for all facilities and activities and to determine the
	20	measures that need to be taken to ensure safety as may be directed by the
	21	Director-General;
	22	(d) operate standard laboratories for sampling, calibration and
	23	analyses of radioactivity and radiation sources; and
	24	(e) charge reasonable and commensurate fees for its services.
	25	PART VIII - AUTHORISATION
Graded approach	26	28. -(1) The Authority shall apply the principle of graded approach in
	27	granting authorisation.
Authorisation	28	29. -(1) No practice mentioned in this Bill shall be conducted or
	29	undertaken unless so authorised or exempted by the Authority.
	30	(2) Justified practices shall be authorised.

1 (3) Subject to the provisions of this Bill, the procedure and
2 requirements for authorisation shall be established through regulations
3 which shall-

4 (a) be made in respect to all activities and facilities;

5 (b) establish the instances when authorisation may be required and
6 the exemptions;

7 (c) be updated whenever it becomes necessary; and

8 (d) be available to the public free of charge.

9 (4) An application for authorisation shall be made in the manner
10 prescribed in the guideline for authorisation as may be issued from time to
11 time by the Authority under this Bill.

12 (5) Any person who intends to make an application for
13 authorisation to undertake any practice mentioned in this Bill, shall notify
14 the Authority of the intention through a letter addressed to the Director-
15 General and the applicant shall be required to furnish the Authority with
16 such information as the Authority may prescribe.

17 (6) An application for authorisation under this Bill shall be made to
18 the Authority specifying:

19 (a) the premises to which the application relates;

20 (b) the undertaking or the purposes of which those premises are
21 used;

22 (c) the description of the source of ionising radiation proposed to
23 be kept or used;

24 (d) the premises and the maximum quantity of radioactive material
25 or source of ionising radiation, the strength and the output of the source to be
26 kept or used there at any time;

27 (e) the manner in which the source of ionising radiation is proposed
28 to be used in the premises; and

29 (f) such other information as may be prescribed by the Authority.

30 (7) Upon receipt of an application under subsection (4) of this

1 section, the General Managers of the relevant Department or any other officer
 2 directed by him shall inspect the premises to which the application relates and
 3 carry out such other investigations as required in section 41(4) of this Act.

4 (8) The Authority may-

5 (a) where it is satisfied with the information submitted by the
 6 applicant, grant the authorisation subject to such regulations, terms and
 7 conditions as may be determined by the Authority from time to time; or

8 (b) refuse an application for authorisation, but shall state the reason(s)
 9 for the refusal, in writing.

10 (9) Where an application is granted, the Authority shall-

11 (a) register the applicant in respect of those premises and in respect of
 12 the keeping and use thereon of the radioactive material or source of ionising
 13 radiation of the description to which the application relates; or

14 (b) Where the application relates to two or more sources of ionising
 15 radiation; register the applicant in respect of the keeping and use thereon of
 16 such one or more sources of ionising radiation as may be specified in the
 17 registration.

18 (10) On authorising a source or practice under this section in respect
 19 of any premises, the Authority shall furnish the registrant with a certificate
 20 containing all particulars of the authorisation and shall send a copy of the
 21 certificate to the relevant organs of government.

Restriction on
Transfer

22 **30.**-(1) No person shall assign, transfer or receive, either totally or
 23 partially, any right or obligation specified in any licence under this Bill without
 24 authorisation from the Authority.

Validity of
Authorisation

25 **31.**-(1) Authorisation granted pursuant to an application shall be valid
 26 for the period stipulated in the licence unless otherwise determined by the
 27 Authority.

28 (2) Any application for renewal of a licence shall be submitted at least
 29 three months before the expiration of the licence.

30 (3) Issuance or renewal of a licence may be granted in advance and

1 such licence shall take effect on the date of expiry of the current licence.

2 **32.**-(1) The Authority shall make publicly available, information Invalidation of
3 on the procedures and requirements for suspension, modification, Licence
4 revocation or relinquishment of authorisation.

5 (2) The Authority may revoke, cancel, invalidate or suspend a
6 licence granted by it where a licensee:

7 (a) has obtained it by making a fraudulent or incorrect statement;

8 (b) has failed to comply with the written directives of the
9 Authority;

10 (c) has violated or omitted to comply with the conditions of the
11 authorisation;

12 (d) has failed to comply with the provisions of this Bill or any order
13 issued for their implementation;

14 (e) is prevented from performing his duty as authorised as a result
15 of incapacity or for any other reason;

16 (f) has exposed the public or the environment to doses of ionising
17 radiation beyond dose limits or constraints without the written consent of
18 the Authority or has exposed the public or the environment to doses of
19 ionising radiation beyond dose limits or constraints prescribed by the
20 Authority; or

21 (g) for whatever reason, is no longer entitled to the authorisation.

22 **33.**-(1) No person shall site, construct, operate, or decommission a Nuclear
23 nuclear installation without a licence issued by the Authority in accordance Installations
24 with this Bill and the regulations made thereunder.

25 (2) Upon receipt of an application under subsection (1) of this
26 section, the following procedure shall ensue:

27 (a) the applicant shall ensure that notice of the application is
28 published in 3 national dailies not more than 7 days after the submission of
29 the application, with an invitation to any person who is likely to be affected
30 by the granting of a nuclear installation licence pursuant to subsection (1) of

1 this section to make representation to the Authority on the health, safety and
2 environmental issues connected with the application within 30 days of the date
3 of publication of the application;

4 (b) The Head of the relevant department or any other officers directed
5 by him shall inspect the site to which the application relates and carry out such
6 other investigations as required in furtherance of this Bill;

7 (c) an applicant for a licence to site a nuclear facility shall perform a
8 baseline survey of the site, including environmental impact assessment and
9 evaluation of radiological conditions prior to construction so as to develop
10 information for comparison at any time during the operation of the facility and
11 during incident or end life or decommissioning; and

12 (d) at the design stage of a nuclear facility, the applicant for
13 authorisation to construct and operate a nuclear facility shall prepare
14 decommissioning plans for approval by the Authority.

15 (3) Pursuant to subsection (2) of this section, an applicant for
16 authorisation to construct and operate a nuclear installation shall-

17 (a) Demonstrate to the Authority that adequate financial resources are
18 available to cover the costs associated with safe decommissioning, including
19 the management of resulting waste; and

20 (b) Provide financial assurances as may be defined by the Authority
21 before initial operation of an installation is authorised.

22 (4) Financial requirements to ensure proper decommissioning shall
23 be reviewed and updated as required by the Authority.

24 (5) The Authority shall submit a copy of any authorisation granted
25 pursuant to subsection (1) of this section to-

26 (a) the relevant State that is likely to be affected by the activity, action
27 or step of the applicant; or

28 (b) such other persons and agencies that are likely to be affected as the
29 Authority may, from time to time, determine.

30 (6) The Authority may at any time during the construction of an

1 installation, request such information as it deems necessary to evaluate the
2 health, safety, security or environmental aspects of the construction and
3 future operation of the installation.

4 **34.-(1)** Any vessel that is propelled by nuclear power or which has
5 on board any nuclear material shall not-

Restriction on
Vessels propelled
by Nuclear Power

6 (a) anchor or sojourn in the territorial waters, Exclusive Economic
7 Zone, or other zone within the jurisdiction of Nigeria; or

8 (b) enter any port in Nigeria unless it possesses a nuclear vessel
9 license.

10 (2) Where a vessel referred to in subsection (1) anchors or sojourns
11 in the territorial waters, Exclusive Economic Zone, or other zone within the
12 jurisdiction of Nigeria, the operator of the vessel shall notify the Nigerian
13 Maritime Administration and Safety Agency or any other relevant
14 government agency that is propelled by nuclear power or has on board
15 nuclear material.

16 (3) The Nigerian Maritime Administration and Safety Agency or
17 any other relevant government agency shall in turn immediately notify the
18 Authority of the fact that a vessel is propelled by nuclear power or has on
19 board any nuclear material.

20 (4) In the event of an emergency landing in Nigeria, of an aircraft
21 which is propelled by nuclear power or which has on board any nuclear
22 material, the operator of the aircraft shall notify the Nigerian Civil Aviation
23 Authority that it is propelled by nuclear power or has on board nuclear
24 material.

25 (5) The Nigerian Civil Aviation Authority shall in turn immediately
26 notify the Authority of the fact that an aircraft is propelled by nuclear power
27 or has on board any nuclear material.

28 (6) The Authority shall have the power to inspect all vehicles,
29 vessels and aircrafts within the jurisdiction of Nigeria for nuclear or
30 radioactive material.

Consumer
Products

1 **35.**-(1) The production or supply to the public, of consumer products
2 capable of causing exposure to ionising radiation without the express
3 authorisation of the Authority is hereby prohibited:

4 Provided that where such authorisation is granted, it is the
5 responsibility of the operator to ensure that those to whom the consumer
6 products are being sold or supplied, are fully aware of the potential exposure to
7 ionising radiation and of the full consequences of it.

8 (2) The provisions of this section do not apply to consumer products
9 that are exempted.

10 (3) The Authority may issue a licence only where it is satisfied that the
11 use of the consumer products shall not result to an undue radiation exposure to
12 the users or to the environment.

13 (4) An applicant for a licence shall furnish detailed information on the
14 product, its intended use and the function to be served by the radionuclides and
15 such other information as may be specified by the Authority.

Mining and
Milling of
Radioactive Ores

16 **36.**-(1) Activities involving mining or milling of ores containing
17 radioactive material are hereby prohibited except a licence to perform these
18 activities is issued by the Authority.

19 (2) The issuance of a licence for siting, construction, operation,
20 decommissioning of a mine, processing facility, exploration, excavation,
21 mining and milling of ores containing radioactive material, as well as the
22 transport and storage of the product of the mining and milling activities and
23 radioactive waste management shall be subject to the appropriate regulations
24 as may be laid down by the Authority.

25 (3) An applicant for a licence to conduct mining and milling of ores
26 containing radioactive material shall submit to the Authority for approval, all
27 plans, programmes and drawings related thereto, including radiation
28 protection of personnel, the public and the environment, radioactive waste
29 management, and decommissioning.

30 (4) The licence to be granted by the Authority shall be without

1 prejudice to the requirements contained in any applicable national laws on
2 mining.

3 **37.**-(1) The sources of ionising radiation shall be as categorised in Categorisation
of Sources
4 the Second Schedule of this Bill.

5 **38.**-(1) The Authority shall convene a public hearing on any Public Hearings
6 application to site a nuclear installation in any part of the Federation;
7 provided that notice of same shall be published in 3 national dailies not less
8 than 60 days before the public hearing.

9 (2) Pursuant to subsection (1) of this section, announcements shall
10 be made in 3 different radio stations in the proposed location of the facility.

11 (3) Where the Authority is of the opinion that further public hearing
12 or inquiry is necessary, it shall arrange for such hearing or inquiry to
13 consider health, safety, security or environmental issues, as may be
14 determined, from time to time.

15 (4) Notice is deemed to have been given in compliance with this
16 Bill once subsections (1) and (2) of this section have been complied with.

17 **39.**-(1) Without prejudice to the powers of the Authority under this Exemptions
18 Bill, the Authority may exempt from regulatory requirements, practices and
19 sources which comply with the exemption criteria established by the
20 Authority.

21 (2) The Authority shall not grant exemption for practices deemed
22 not to be justified.

23 **40.**-(1) No person shall use nuclear material or ionising radiation Limitations and
Conditions
24 sources for purposes other than those specified in the authorisation.

25 (2) Any registration under this section in respect of any premises
26 may be subject to such limitations or conditions as:

27 (a) including requirements for structural or other alterations in
28 respect of any apparatus, equipment or appliance, nuclear material,
29 radioactive substances or a source of ionising radiation from which
30 radioactive waste is likely to arise;

1 (b) requiring the person to whom the licence or registration relates, at
2 such times and in such manner as may be specified in the registration, to furnish
3 the Authority with information as to the removal of nuclear material,
4 radioactive sources or equipment generating ionising radiation from those
5 premises to any other premises;

6 (c) prohibiting nuclear material, prescribed and radioactive
7 substances or any source of ionising radiation from being sold or otherwise
8 supplied from those premises unless it or the container in which it is supplied
9 bears a label or other mark indicating that it is such a radiation source, or
10 nuclear material and describing the class or category to which it belongs, and in
11 either case complying with any requirements specified in the conditions in
12 relation to it; and

13 (d) any licence required for sources of ionising radiation, and
14 practices mentioned in this Bill may be limited to a specific radiation source or
15 in relation to the nature and purpose of the activity or the practice specified for a
16 given installation.

17 PART IX - INSPECTIONS

Appointments
and Powers of
Inspectors

18 **41.-(1)** The Authority shall designate inspectors who shall possess
19 required qualifications and training and shall issue them with appropriate
20 credentials indicating their legal status under this Bill.

21 (2) The Authority shall establish qualifications for inspectors and a
22 training programme to ensure required high level of competence for the
23 inspectors

24 (3) The Authority shall develop an inspection plan that includes
25 programmed and reactive inspection which may be announced or
26 unannounced.

27 (4) The inspectors shall inspect licensed or proposed nuclear or
28 radiological installations, practices, nuclear material and other ionising
29 radiation sources; and facilities of radiation safety service providers in the
30 country to monitor compliance with the requirements of this Bill, any

1 applicable regulations, and the terms and conditions of authorisation issued
2 under its authority.

3 (5) The Authority shall station inspectors at the site of an activity or
4 practice where this is determined to be necessary.

5 (6) An inspector appointed in furtherance of the provisions of
6 subsection (1) shall have the powers to-

7 (a) enter, without hindrance, at any time approved by the Authority,
8 any premises, vehicle, ship or aircraft to which this section applies, with
9 such equipment as the inspector requires for the performance of such duty as
10 specified under this Bill;

11 (b) inspect any plans, drawings, records, registers or documents
12 pertaining to-

13 (i) the siting, design, construction, testing, development,
14 commissioning, operation, decommissioning or abandonment of a facility
15 or an installation,

16 (ii) the health, safety, security or environmental aspects of any
17 activity covered by this Bill,

18 (iii) any matter relevant to the enforcement of this Bill;

19 (c) carry out tests and take samples, measurements and
20 photographs of any installation;

21 (d) direct the owner or operator of any vehicle, ship or aircraft to
22 provide such information relating to the vehicle, ship or aircraft as he may
23 require; and

24 (e) direct operators of nuclear power installations, research
25 reactors and other facilities to carry out emergency drills and stop unsafe
26 operation and practices.

27 **42.** The inspector shall submit a report of the inspection or
28 investigation to the Authority for necessary or appropriate action within
29 such period as may be determined by the Authority.

Inspection Report

	1	PART X - ENFORCEMENT POWERS
Enforcement Team	2	43. -(1) there shall be constituted by the Authority, an Enforcement
	3	Team which shall be responsible for the enforcement of this Bill.
	4	(2) The members of the Enforcement Team shall comprise-
	5	(a) Inspectors of the Authority;
	6	(b) Legal officers; and
	7	(c) Law enforcement and security personnel.
	8	(3) Upon request by the Director-General, the Inspector-General of
	9	Police or any other law enforcement or security agency shall second or deploy
	10	to the Authority such number of officers as may from time to time be required
	11	to supplement the Enforcement Team of the Authority.
	12	(4) The Enforcement Team shall assist the Authority to -
	13	(a) carry out investigation into any matter under this Bill;
	14	(b) arrest any person that contravenes the provisions of this Bill;
	15	(c) in furtherance of this Bill, with or without warrant, enter into and
	16	search any premises in respect of which the Authority or the officer reasonably
	17	suspects that an activity contrary to the provisions of this Bill is being or is
	18	about to be carried on and assist in confiscating any material for such purpose
	19	found there; and
	20	(d) seal any facility involving the use or storage of nuclear material,
	21	radioactive sources or ionising radiation sources without authorisation as
	22	provided for under this Bill.
	23	(5) Members of the Enforcement Team shall be specially trained and
	24	certified on radiation protection and safety by the Authority for the purposes of
	25	this Bill.
Enforcement Measures	26	44. -(1) Where an authorised person or entity is found to be in
	27	violation of this Bill, applicable regulations or the terms and conditions of the
	28	authorisation, an inspector shall take the necessary enforcement actions
	29	commensurate with the seriousness of the violation and shall within 24 hours
	30	of taking such measures submit a report to his immediate superior officer.

1 (2) In all cases, the person or entity subject to enforcement action
2 shall, within the time stipulated by the Authority, take such remedial measures
3 as the Authority may prescribe.

4 (3) Where there is a violation that is of minor safety or security
5 concern, the Authority may issue a warning in writing and determine the period
6 of time during which remedial action must be taken.

7 (4) Where there is an immediate safety or security hazard to people or
8 the environment, the Authority may require the person or entity subject to
9 enforcement action to suspend its activities until the situation has been
10 corrected; in such cases, the Authority may also suspend, revoke or modify the
11 terms and conditions of the authorisation.

12 (5) Where there is persistent or grave violation of the terms and
13 conditions of an authorisation or in cases of significant release of radioactive
14 material into the environment, the Authority may revoke the authorisation and
15 require the authorised person to remedy any unsafe condition.

16 (6) Enforcement action may also include one or more of the
17 following:

18 (a) corrective actions including verbal instructions from inspectors,
19 imposition of additional regulatory requirements and conditions, and written
20 warnings

21 (b) sanctions which may be administrative such as monetary fines or
22 administrative charges or criminal sanctions

23 (c) an order for the authorised person or entity to prohibit workers
24 who do not meet the applicable requirements from engaging in the activity or
25 practice;

26 (d) confiscation of materials, sealing of premises and facilities or
27 closing down any authorised or unauthorised activities.

28 (7) Enforcement actions taken under this section shall remain in force
29 unless and until:

30 (a) withdrawn, reversed or modified by an action of the Authority; or

1 (b) altered through an administrative appeal or judicial review

2 (8) The monetary fines shall be as specified in a list of penalties issued
3 from time to time by the Authority.

4 (9) All expenses incurred by the Authority in the process of
5 confiscation, sealing, seizure, closure and management as a result of non-
6 compliance shall be the responsibility of the violator of the Bill.

7 (10) Where an enforcement action is taken, any confiscated materials
8 shall be secured and managed by the Waste Management Organisation under
9 this Bill.

10 PART XI - REGULATIONS AND GUIDES

Regulations
and Guides

11 **45.**-(1) the Authority shall establish or adopt regulations and guides to
12 specify the principles, requirements and associated criteria upon which its
13 regulatory judgement, decisions and actions are based.

14 (2) the regulations and guides referred to in subsection (1) shall be
15 reviewed and revised as necessary to keep them updated and in accordance
16 with the relevant international safety standards, technical standards and
17 relevant experience gained.

18 (3) the Authority shall notify interested parties and the public of the
19 principles and associated criteria for safety established in its regulations and
20 guides and make all such regulations and guides free of charge and readily
21 available.

22 (4) the regulations and guides shall provide the framework for the
23 regulatory requirement and conditions to be incorporated into individual
24 authorisations or applications for authorisation and identify the criteria to be
25 used in accessing compliance.

26 (5) The regulations and guides shall be kept consistent and
27 comprehensive, and shall provide adequate coverage commensurate with
28 radiation risks associated with the facilities and activities, in accordance with a
29 graded approach.

1	46. -(1) The Authority shall, within its legal framework, establish	Procedure for Establishment, Adoption, Promotion or Amendment
2	processes for the establishment, adoption, promotion or amendment of its	
3	regulations and guides.	
4	(2) The processes referred to in subsection (1) shall take account	
5	of:	
6	(a) internationally agreed standard;	
7	(b) feedback of relevant experiences;	
8	(c) technological advances, research and development work;	
9	(e) relevant operational lessons learned; and	
10	(f) institutional knowledge.	
11	PART XII - RADIATION PROTECTION AND CONTROL OF THE USE OF	
12	IONISING RADIATION	
13	47. -(1) The Authority shall, in the performance of its functions	Justification of practices, dose limitation and optimisation
14	under this Bill, ensure that:	
15	(a) no practice is adopted unless its introduction produces a	
16	positive net benefit;	
17	(b) the normal exposure of individuals shall be restricted so that	
18	neither the total effective dose nor the total equivalent dose to relevant	
19	organs or tissues caused by the possible combination of exposures, exceeds	
20	established limits prescribed by the Authority;	
21	(c) protection and safety shall be optimised in order that the	
22	magnitude of individual doses, the number of people exposed and the	
23	likelihood of incurring exposures are all kept as low as reasonably	
24	achievable;	
25	(d) only justified practices are authorised.	
26	(2) The following practices are not justified:	
27	(a) practices, except for justified practices involving medical	
28	exposure, that result in an increase in activity, by the deliberate addition of	
29	radioactive substances or by activation, in food, feed, beverages, cosmetics	
30	or any other commodity or product intended for ingestion, inhalation or	

1 percutaneous intake by, or application to, a person.

2 (b) practices involving the frivolous use of radiation or radioactive
3 substances in commodities or in consumer products such as toys and personal
4 jewellery or adornments, which result in an increase in activity, by the
5 deliberate addition of radioactive substances or by activation; and

6 (c) human imaging using radiation that is performed as a form of art or
7 for publicity purposes.

8 (3) The provisions of this section shall apply, in general, to all
9 activities and facilities involving radiation exposure.

Basic requirements
for medical
exposure

10 **48.**-(1) The Authority shall-

11 (a) require that health professionals with responsibilities for medical
12 exposures are specialised in the appropriate area and that they fulfill the
13 requirements for education, training and competence in the relevant specialty;
14 and

15 (b) ensure that the authorisation for medical exposures to be
16 performed at a particular medical radiation facility allows qualified personnel
17 (radiological medical practitioners, medical physicists, radiographers and any
18 other health professionals with specific duties in relation to the radiation
19 protection of patients) to assume the responsibilities specified in this Bill
20 where they:

21 (i) are specialised in the appropriate area;

22 (ii) meet the respective requirements for education, training and
23 competence in radiation protection, as may be prescribed by the Authority; and

24 (iii) are named in the registry maintained and updated by the relevant
25 professional bodies

Basic requirements
for occupational
exposure

26 **49.**-(1) The Authority shall establish and enforce requirements to
27 ensure that protection and safety is optimised and shall enforce compliance
28 with dose limits or established dose constraints for occupational exposure as
29 specified in the regulation.

30 (2) The Authority shall establish the responsibilities of employers and

1 licensees with regard to application of the requirements for occupational
2 exposure in planned exposure situations.

3 (3) Before authorisation of a new or modified practice, the
4 Authority shall require, as appropriate, and review supporting documents
5 from the responsible parties that state:

6 (a) design criteria and design features relating to the exposure and
7 potential exposure of workers in all operational states and in accident
8 conditions; and

9 (b) design criteria and design features of the appropriate systems
10 and programmes for monitoring of workers for occupational exposure in all
11 operational states and in accident conditions.

12 (4) The Authority shall establish and enforce requirements for the
13 monitoring and recording of occupational exposures in planned exposure
14 situations.

15 (5) The Authority shall ensure that employers, registrants and
16 licensees shall make special arrangements for:

17 (a) female workers, as necessary, for protection of the embryo or
18 fetus and breastfed infants; and

19 (b) protection and safety for persons under 18 years of age.

20 **50.-(1)** The Authority shall establish the responsibilities of relevant
21 parties that are specific to public exposure, establish and enforce
22 requirements for optimisation, and establish and enforce compliance with
23 dose limits for public exposure.

Basic requirements
for Public Exposure

24 (2) The Authority shall establish the responsibilities of licensees,
25 of suppliers, and of providers of consumer products in relation to the
26 application of requirements for public exposure in planned exposure
27 situations.

28 (3) The Authority shall establish and enforce requirements for the
29 optimisation of protection and safety for situations in which individuals are
30 or could be subject to public exposure.

1 (4) The Authority shall establish or approve constraints on dose and
2 constraints on risk to be used in the optimisation of protection and safety for
3 members of the public.

4 (5) When establishing or approving constraints in respect of a source
5 within a practice, the Authority shall take into account, as appropriate:

6 (a) the characteristics of the source and of the practice that are of
7 relevance for public exposure;

8 (b) good practice in the operation of similar sources;

9 (c) dose contributions from other authorised practices or from
10 possible future authorised practices, estimated at the design and planning
11 stage, so that the total dose to members of the public is not expected to exceed
12 the dose limit at any time after the start of operation of the source; and

13 (d) the views of interested parties.

14 (6) The Authority shall make and enforce compliance with
15 regulations and specify dose limits for public exposure.

16 (7) Prior to authorisation of a new or modified practice, the Authority
17 shall require the submission of, and shall review, the safety assessments and
18 other design related documents from the responsible parties that address the
19 optimisation of protection and safety, the design criteria and the design features
20 relating to the assessment of exposure and potential exposure of members of
21 the public.

22 (8) The Authority shall establish or approve operational limits and
23 conditions relating to public exposure, including authorised limits for
24 discharges.

25 (9) These operational limits and conditions to be established pursuant
26 to (8) above shall-

27 (a) be used by licensees as the criteria for demonstration of
28 compliance after the commencement of operation of a source;

29 (b) correspond to doses below the dose limits with account taken of
30 the results of optimisation of protection and safety;

1 (c) reflect good practice in the operation of similar facilities or
2 activities;

3 (d) allow for operational flexibility; and

4 (e) consider the result of the prospective assessment for
5 radiological environmental impacts undertaking in accordance with
6 requirements of the Authority

7 (10) When a source within a practice could cause public exposure
8 outside Nigeria or in areas beyond the jurisdiction or control of Nigeria, the
9 Authority shall -

10 (a) ensure that the assessment for radiological impacts includes
11 those impacts outside Nigeria or in areas beyond the jurisdiction or control
12 of Nigeria;

13 (b) to the extent possible, establish requirements for the control of
14 discharges;

15 (c) arrange with the affected foreign State the means for the
16 exchange of information and consultations, as appropriate.

17 (d) The Authority shall ensure that all relevant parties shall apply
18 the system of protection and safety to protect members of the public against
19 public exposure.

Commencement

20 **51.**-(1) The authorised persons or organisations responsible for
21 facilities and activities that give rise to radiation risks shall have the prime
22 responsibility for protection and safety; other parties shall have specified
23 responsibilities for protection and safety.

Basic obligations
for authorised
persons

24 (2) The authorised persons or organisations responsible for any
25 facility or activity that gives rise to radiation risks shall have the prime
26 responsibility for protection and safety, which cannot be delegated.

27 (3) The principal parties responsible for protection and safety are -

28 (a) licencees, or the person or organisation responsible for facilities
29 and activities for which notification only is required;

30 (b) employers, in relation to occupational exposure;

1 (c) radiological medical practitioners, in relation to medical
2 exposure; or

3 (d) those persons or organisations designated to deal with emergency
4 exposure situations or existing exposure situations.

5 (4) Other parties who shall have specified responsibilities in relation
6 to protection and safety:

7 (a) Suppliers of sources, providers of equipment and software, and
8 providers of consumer products;

9 (b) Radiation protection officers;

10 (i) Referring medical practitioners;

11 (ii) Medical physicists;

12 (iii) Radiographers;

13 (iv) Qualified experts or any other party to whom a principal party has
14 assigned specific responsibilities;

15 (v) Workers other than workers listed in (a)-(f) in this paragraph; or

16 (vi) Ethics committees as may be provided in regulations made by the
17 Authority.

Obligation to
Report

18 **52.**-(1) Where a nuclear or radiological emergency occurs, any person
19 shall immediately report such incident or accident to the Authority.

20 (2) Where the occurrence of a nuclear or radiological emergency is so
21 reported to the Authority as mentioned in subsection (1) of this section, the
22 Authority shall-

23 (a) immediately investigate such emergency and its causes,
24 circumstances and effects;

25 (b) in such manner as it thinks fit, define particulars of the period
26 during which and the area within which, in its opinion, the risk of nuclear
27 damage connected with the incident or accident exceeds the safety standard
28 and regulatory practices made pursuant to this Bill;

29 (c) direct the operator in question to obtain the names, addresses and

1 identification features of all persons who were within that area during such
2 period;

3 (d) publish by notice in the Federal Gazette, two national
4 newspapers in circulation in that area, or such other means, including digital
5 media, the fact that a nuclear emergency has occurred during that period
6 within that area; and

7 (e) In the event of a nuclear or radiological emergency posing a risk
8 of radioactive contamination that could spread beyond the territorial
9 boundaries of Nigeria, the Authority shall immediately notify the
10 International Atomic Energy Agency, the Board and the relevant agencies of
11 any State that may be physically affected or to which the emergency could
12 be of radiological significance.

13 PART XIII - ORPHAN SOURCES

14 **53.**-(1) The Authority shall be responsible for-

Recovery of
orphan sources

15 (a) the search, recovery and ensuring proper control of orphan
16 sources; and

17 (b) the development of a national strategy for improving control
18 over vulnerable sources.

19 (2) The following steps shall be carried out in the development
20 phase of a national strategy for regaining control over orphan sources:

21 (a) listing the problems or potential issues identified in the
22 assessment phase;

23 (b) developing actions that will solve each problem, or where it is a
24 complex situation, identifying the first steps towards a solution to the
25 problem;

26 (c) prioritising these actions and presenting them in a format that is
27 suitable for review by decision makers; and

28 (d) identifying the various departments within the Authority and
29 Waste Management Organisation involved in and achieving agreement on
30 assignment of responsibilities.

	1	(3) Upon discovery of orphan sources, the Authority shall transfer
	2	such sources to a Waste Management Organisation to develop a national
	3	strategy for taking control of orphan sources.
	4	(4) Anyone who finds or encounters an orphan source shall
	5	immediately report them to the Authority.
Practices not covered by this Bill	6	54. -(1) Where a practice involving exposure to radiation is not
	7	covered by this Bill or any regulation made under the Bill, the person
	8	concerned with the practice shall:
	9	(a) consult with the Authority with a view to ensuring adequate
	10	protection of life, health, property and the environment; and
	11	(b) be under a duty to comply with any guidelines or directives as may
	12	be issued, from time to time, by the Authority in respect of such practice.
	13	(2) The Authority may, from time to time, modify or issue new
	14	categories of sources and practices for the purposes of this Act or any
	15	regulation made pursuant to the Bill.
	16	PART XIV - DECOMMISSIONING
Requirements for Decommissioning	17	55. -(1) The Authority shall establish requirements for the
	18	decommissioning of nuclear installations and high activity radiological facility
	19	where high activity sources are used, including:
	20	(a) remediation of the environment to its original state; and
	21	(b) criteria for clearance from regulation following
	22	decommissioning.
	23	(2) An applicant for authorisation under this Bill shall include in its
	24	application, a decommissioning plan which shall be submitted to the Authority
	25	and updated as is required by the Authority.
Determination for Shut-Down and Release	26	56. -(1) The Authority shall establish criteria for determining when a
	27	nuclear installation or part thereof should be permanently shut down.
	28	(2) The Authority shall evaluate the end state of the installation after
	29	decommissioning activities have been completed to ensure that relevant
	30	regulatory requirements have been met.

1 (3) The installation shall not be released by the Authority from
2 regulatory control until the licensee has demonstrated that the end state in
3 the decommissioning plan has been reached and that any other additional
4 regulatory requirements have been met.

5 PART XV - NUCLEAR EMERGENCY PREPAREDNESS

6 **57.**-(1) The Authority shall ensure that every authorised party
7 makes adequate arrangements for emergency preparedness and response
8 which arrangement shall include clear assignment of the responsibility to
9 immediately notify the Authority of an emergency.

Emergency
preparedness
and response

10 (2) In performing its functions under subsection (1), the Authority
11 shall have regard for the need to suspend authorisation for the purpose of
12 timely emergency response, if necessary.

13 (3) The Authority shall collaborate with other response agencies to
14 make preparations and arrangements for dealing with the consequences of
15 incidents in facilities and activities that affect or may potentially affect the
16 public or the environment including action to be taken during an emergency
17 and its aftermath.

18 (4) In all cases, the Authority shall ensure that measures which are
19 proportionate with the radiation risks are in place to adequately inform the
20 general public and persons who are affected for emergency preparedness
21 and response.

22 **58.**-(1) No authorisation to conduct an activity or practice, operate
23 a facility, possess or use a source may be granted unless and until an
24 appropriate emergency preparedness and response plan has been developed
25 by the applicant and approved by the Authority.

Emergency Plans
and Procedures

26 (2) The Authority in collaboration with other competent national
27 agencies shall develop a National Emergency Plan and Procedures, which
28 shall be periodically tested and assessed for coping with any nuclear and
29 radiological emergencies.

30 (3) In preparing the National Emergency Plan and in the event of an

	1	emergency, the Authority shall advise the Federal Government and Response
	2	agencies, and shall provide expert services in accordance with its functions
	3	under the Bill.
	4	(4) The National Emergency Plan and Procedures for nuclear or
	5	radiological emergencies shall include an allocation of responsibilities and
	6	actions among relevant agencies.
	7	(5) Every operator shall develop an emergency plan and procedure
	8	which shall be periodically tested and assessed for coping with any nuclear and
	9	radiological emergencies.
Loss of Control	10	59. Any person who manages a facility connected with radioactive or
	11	nuclear material and other radiological installations shall, immediately, report
	12	to the Authority any theft or loss of radioactive or nuclear material under his
	13	possession or control.
Operator's Intervention plan	14	60.-(1) The Authority shall, for any activity capable of resulting in
	15	accidental exposure of workers or members of the public to nuclear material or
	16	ionising radiation sources, require the operator to establish an intervention plan
	17	which shall deal with any foreseeable situation and organise emergency drills
	18	for demonstrating the efficacy of the planned counter-measures.
	19	(2) Where a nuclear or radiological incident or accident capable of
	20	affecting the public occurs, the Authority shall direct the operator, to-
	21	(a) immediately submit its emergency plan showing the roles and
	22	responsibilities of the relevant stakeholders; and
	23	(b) cover the costs for the establishment, implementation and
	24	management of such emergency plan insofar as it relates to the relevant nuclear
	25	installation or any action contemplated under this Bill
	26	(3) The Authority, prior to issuing a licence shall assess that such
	27	plans are effective and practicable for the protection of persons in case of any
	28	nuclear or radiological emergency.
Implementation of Emergency Plans	29	61.-(1) Where a nuclear or radiological incident or accident occurs,
	30	the operator shall implement the emergency plan as approved by the Authority.

1 **62.**-(1) The Authority shall-

2 (a) keep and maintain records of the details of every nuclear
3 incident or accident;

4 (b) retain such records for at least 50 years from the date of the
5 incident or accident; and on the request of any person, upon a court order to
6 that effect, make such records available to such person provided that such a
7 person endorses a confidentiality statement

8 (2) Where in the opinion of the Authority, a risk of nuclear damage
9 arising from anything done, being done or purported to have been done, or
10 which has been or is present in any nuclear installation in respect of which a
11 nuclear installation licence is no longer in force, is within safety standards
12 made pursuant to this Bill, the Authority may expunge the particulars in
13 connection to it from the record.

14 PART XVI - TRANSPORTATION OF RADIOACTIVE MATERIAL

15 **63.**-(1) All authorised persons under this Bill have the primary
16 responsibility for the safety and security of nuclear and other radioactive
17 material and radioactive waste.

18 (2) The Authority shall establish requirements for the safe and
19 secure transport of nuclear and other radioactive material and radioactive
20 waste.

21 (3) A consignor, carrier and consignee of radioactive material and
22 radioactive waste shall obtain a licence from the Authority and notify the
23 Authority well in advance and prior to the delivery, transport and receipt of
24 any such material.

25 (4) During transportation, the consignor or the carrier shall be
26 responsible for all damages to workers and the general public arising from
27 inaccurate, wrong or incomplete notification and information.

28 (5) Any nuclear and other radioactive material and radioactive
29 waste stored in transit shall be stored and handled in accordance with the
30 provisions of the appropriate regulations.

Maintenance
and Removal
from Records

Requirements
for Transportation

	1	PART XVII - RADIOACTIVE WASTE AND SPENT FUEL MANAGEMENT
National Policy and Strategy on Radioactive Waste and Spent Fuel Management	2	64. -(1) The Authority shall develop a national policy for radioactive
	3	waste and spent fuel management in collaboration with other relevant agencies
	4	and bodies. Such policy shall be subject to the approval of the Federal
	5	Executive Council.
	6	(2) The Authority shall ensure the implementation of the policy in a
	7	manner that reflects Nigeria's international commitment under the Joint
	8	Convention on the Safety of Spent Fuel Management and on the Safety of
	9	Radioactive Waste Management.
Control of Radioactive Waste and Spent Fuel Management	10	65. -(1) No person or entity shall operate a radioactive waste or spent
	11	fuel management facility without an authorisation issued by the Authority.
	12	(2) The holder of an authorisation for any nuclear or radiological
	13	installation shall prepare and submit to the Authority adequate plans and
	14	procedure for the safe storage and management of radioactive waste or spent
	15	fuel generated by his activities.
	16	(3) The Authority shall ensure the continuous regulatory control of
	17	radioactive waste and spent fuel management from generation to disposal.
	18	(4) To ensure the safe and secure management of radioactive waste
	19	and spent fuel in Nigeria, the Authority shall establish applicable safety and
	20	security requirements and regulations for the protection of people and the
	21	environment from adverse impacts of radioactive waste and spent fuel
	22	management activities in accordance with the Joint Convention on the Safety
	23	of Spent Fuel Management and on the Safety of Radioactive Waste
	24	Management.
Responsibility for Safety and Security of Radioactive waste	25	66. -(1) The prime responsibility for ensuring the safety and security
	26	of radioactive waste and spent fuel rests with the holder of the relevant
	27	authorisation.
	28	(2)The responsibility for ensuring the safety and security of
	29	radioactive waste or spent fuel for which no licensee or entity can be
	30	determined shall rest with the Authority.

1	67.-(1) The licensee of a nuclear waste disposal facility shall	Disposal Plan
2	prepare a plan for the closure of that facility that includes both active and	
3	passive institutional controls and submit same to the Authority for approval	
4	prior to the operation of that facility.	
5	68.-(1) No person shall import any radioactive waste generated	Prohibition of
6	outside the territory of Nigeria into the country.	Import of Radioactive Waste
7	(2) No license shall be given for the importation of any radioactive	
8	source unless an agreement to return the spent source to the manufacturer is	
9	made prior to importation.	
10	69.-(1) Radioactive waste or spent fuel generated within Nigeria	Restriction on
11	shall be exported only upon the issuance of an authorisation by the Authority	Export of Radioactive Waste
12	and in line with requisite terms and conditions as the Authority shall deem	
13	necessary.	
14	(2) The Authority shall have due regards to international	
15	conventions and practices with respect to exportation of such materials.	
16	70.-(1) Radioactive waste or spent fuel in transit shall be stored and	Packaging and
17	handled in accordance with regulations to be issued by the Authority	Storage of Radioactive Waste and Spent Fuel Management in transit
18	(2) A person who intends to dispatch radioactive waste shall carry	
19	out the packaging of the radioactive waste in compliance with the packaging	
20	and testing requirements as laid down in the Transport Regulations	
21	71.-(1) The Carrier of radioactive waste shall be liable financially	Liability of Carrier
22	or otherwise for all incidents and accidents during transportation or storage	of radioactive waste
23	in transit of the radioactive waste.	
24	(2) Notwithstanding the provisions in subsection (1) of this	
25	section, the operator of a facility or carrier of radioactive waste, who is	
26	responsible for an incident resulting in radioactive contamination of the	
27	environment shall be liable on conviction, for the restoration of the	
28	environment or for the cost of such activities as are necessary for the	
29	restoration of the environment to its original state.	

	1	PART XVIII - INSURANCE AND FINANCIAL RESPONSIBILITY
Insurance cover	2	72. -(1) every operator of a nuclear installation shall maintain an
	3	insurance cover with a qualified insurer designated by the Minister of Finance
	4	and accredited by the Authority or provide other financial guarantee adequate
	5	to cover his civil liability for any nuclear damage imposed on him by this Bill to
	6	not less than the equivalent in Naira of 300 million SDRs for any one nuclear
	7	damage.
	8	(2) Based upon the approval of the Authority, the liability of the
	9	operator for any one nuclear damage may be limited to less than the equivalent
	10	in Naira of 300 million SDRs, but not less than equivalent in Naira of 150
	11	million SDRs, provided that the difference up to at least the equivalent in Naira
	12	of 300 million SDRs shall be made available by the Federal Government via
	13	appropriation by the National Assembly with a view to covering nuclear
	14	damage under this Bill.
	15	(3) The insurance cover referred to in subsections (1) and (2) of this
	16	section, shall be made available for at least categories 1 and 2 radioactive
	17	sources as provided for in the Second Schedule of this Bill.
Nuclear Damage Compensation Fund	18	73. -(1) Provision shall be made in the Appropriation Act for a nuclear
	19	damage compensation fund which shall be held by the CBN and managed by
	20	the Authority.
	21	(2) Nuclear Damage Claims Fund from which it shall be granted not
	22	less than the initial equivalent in Naira of 450 million SDRs, the financial
	23	guarantee required to be made available by the Federal Government of Nigeria
	24	with a view to covering nuclear damage, to the extent that the yield of insurance
	25	or other financial security is inadequate to satisfy such claims pursuant to this
	26	Bill.
	27	(3) Where the Authority is satisfied that the total amount of claims of
	28	compensation against an operator of a nuclear installation that is unpaid
	29	exceeds the amount of security given by such operator under this Bill with
	30	respect to such claims, the Authority shall -

1 (a) submit a report to the President of the Federal Republic of
2 Nigeria requesting for approval to pay from funds of the Nuclear Damage
3 Claims Fund appropriated by the National Assembly on the nuclear damage
4 in question, so as to render financial assistance to the operator to the amount
5 by which the claims exceed or are likely to exceed the financial security; and

6 (b) by notice published in the Federal Gazette, suspend the
7 obligation to pay the claims in respect of the nuclear damage until the
8 National Assembly has decided on the recommendation.

9 (3) The liability of a person who has provided or shall provide
10 financial security shall not be affected by any appropriation under
11 subsection (2) of this section.

12 **74.-(1)** For a ten - year period from the date of entry into force of
13 this Bill, upon approval of the Authority, the liability of the operator may be
14 limited to less than the equivalent in Naira of 100 million SDRs in respect of
15 a nuclear damage occurring within that period, provided that the difference
16 up to the equivalent in Naira of 200 million SDRs shall be made available by
17 the Federal Government via appropriation of the National Assembly, with a
18 view to covering nuclear damage under this Bill.

Limitation of
Liability

19 (2) Every operator of a nuclear installation shall maintain
20 insurance cover with a Federal Government of Nigeria approved insurer
21 acceptable to the Authority or provide other financial guarantees adequate to
22 cover his civil liability for any nuclear damage imposed on him by this Bill
23 to not less than the equivalent in Naira of 1 million SDRs for any one nuclear
24 damage

25 **75.** Interest and cost that may be awarded by a court in actions for
26 compensation of nuclear damage shall be payable in addition to the amounts
27 pursuant to this Bill.

Interest and Cost

28 **76.** Persons who have suffered nuclear damage may enforce their
29 rights to compensation by one single action, without having to bring
30 separate proceedings according to the origin of the funds provided for such

Enforcement of
rights

	1	compensation.
Financial Guarantees	2	77.-(1) The Federal Government shall enforce the payment of claims
	3	against any operator liable for nuclear damage under this Bill.
	4	(2) Where the yield of insurance or other financial guarantee
	5	maintained by the operator under this Part falls short of satisfying such claims
	6	referred to in subsection (1) the Federal Government shall make additional
	7	provision in respect of such claims; provided that in no case shall the civil
	8	liability of the Federal Government be less than the equivalent in Naira of 300
	9	million SDRs.
Responsibility of operator	10	78. Radiological damage other than nuclear damage shall be dealt
	11	with in accordance with relevant national tort laws.
Computation of Period	12	79. Where a damage is caused by a nuclear or radiological incident or
	13	accident arising from nuclear material or radioactive source which at the time
	14	of the incident or accident was stolen, lost, jettisoned or abandoned, the period
	15	established under this Bill shall be computed from the date of the incident or
	16	accident, provided that the period shall in no case exceed twenty years from the
	17	date of the theft, loss, jettison or abandonment.
Compensation of Staff of the Authority	18	80.-(1) Where a person who is employed in any capacity by or on
	19	behalf of the Authority, while so performing services, suffers a personal injury
	20	or contracts a disease attributable to ionising radiation from any radioactive
	21	material or to the flammable, explosive, poisonous or special properties of
	22	radioactive material, or to the ionising radiation produced by any apparatus and
	23	in respect of which no liability can be established under this Bill, the Authority
	24	shall:
	25	(a) defray all reasonable expenses incurred by or on behalf of such
	26	person in respect of any medical treatment including, but not limited to the
	27	supply and maintenance of any artificial part of the body or other device,
	28	necessitated by such injury or disease; and
	29	(b) pay any compensation in respect of disablement or death caused
	30	by such injury or disease.

1 (2) Nothing in this section shall preclude an employee of the
2 Authority from claiming any benefit other than the compensation under this
3 Bill.

4 PART XIX - LIABILITY FOR NUCLEAR DAMAGE

5 **81.**-(1) An operator shall be absolutely and exclusively liable for
6 injury or damage done to any person or property upon proof that such
7 damage has been caused by a nuclear or radiological incident or accident-

Absolute liability
for Nuclear
Radiological
Damages

8 (a) in a nuclear installation by anything being present or which is
9 done or by nuclear material, radioactive material or material contaminated
10 with radioactive activity which has been discharged or released in any form
11 from any regulated practice or activity; and

12 (b) by any nuclear material, radioactive material or material
13 contaminated with radioactivity, while in the possession of or under the
14 control of the operator during the conveyance from the nuclear or
15 radiological installations, to any other place in Nigeria or in the territorial
16 waters in Nigeria from or to any place outside Nigeria

17 (2) where liability under this Bill in respect of the same injury or
18 damage is incurred by two or more operators, the liability of the operators
19 shall, to the extent that the injury or damage attributable to a breach of duty
20 imposed on each by this Bill is not reasonably separable, be treated as joint
21 and several.

22 (3) where two or more operators are under a duty under this bill, the
23 respective liability of each of them shall be clearly defined in a contractual
24 document.

25 (4) in the case of transport of nuclear or radioactive material, the
26 consignor is liable for nuclear damage until the consignee has taken charge
27 of the material involved, unless the consignor and the consignee enter into a
28 contract to shift liability at another stage of transport.

29 **82.**-(1) An operator is not liable for injury or damage of any kind
30 described under this Bill where the nuclear or radiological incident resulting

Exceptions

Limitations of
the Right to
Compensation

1 in the injury or damage occurred as a direct result of an act of armed conflict in
2 the course of war, invasion or insurrection.

3 (2) An operator is not liable for injury or damage suffered by any
4 person where the nuclear or radiological incident results from the gross
5 negligence of the claimant or an intentional act of the claimant to cause harm.

6 (3) Where a nuclear or radiological incident or accident resulting in
7 any injury or damage described under this Bill occurred wholly or partly as a
8 result of an unlawful act or omission of any person done or omitted to be done
9 with intent to cause injury or damage, any right of recourse of an operator shall
10 be against that person

11 **83.**-(1) Nothing in this Bill shall be construed as limiting or restricting
12 any right or obligation of any person arising under -

13 (a) any contract of insurance, including any insurance required in
14 furtherance of this Bill to be maintained by an operator;

15 (b) any scheme or systems of health or hospitalisation insurance,
16 employees' compensation or occupational disease compensation; or

17 (c) any survivorship or disability provision of or governing any
18 superannuation or pension fund or plan.

19 (2) A person is barred from making a claim for compensation for
20 nuclear damage under this Bill, if the action to establish the claim is not brought
21 within:

22 (a) three years from the date on which the person suffering damage
23 had knowledge or ought reasonably to have had knowledge and of the operator
24 liable for the damage, but in any case not more than thirty (30) years after the
25 incident causing the damage:

26 (b) thirty (30) years from the date of the nuclear incident in the case of
27 loss of life or personal injury: or

28 (c) Ten (10) years from the date of the nuclear incident, in case of any
29 other form of nuclear damage.

30 (3) Any person who has suffered nuclear or radiological damage and

1 who has brought an action for compensation, may amend his claim to take
2 into account any aggravation of damage, even after the expiry of that period,
3 provided that judgment has not been entered by the competent Court.

4 PART XX - NUCLEAR SAFEGUARDS

5 **84.**-(1) In accordance with Nigeria's international obligations, the
6 Authority shall -

Implementation
of Nuclear
Safeguards Regime

7 (a) implement the Comprehensive Safeguards Agreement and the
8 Protocol Additional to the Safeguards Agreement signed between Nigeria
9 and the International Atomic Energy Agency on all sources or special
10 fissionable material in all peaceful nuclear activities within Nigeria for the
11 purpose of verifying that such material is not diverted to nuclear weapons or
12 other nuclear explosive devices;

13 (b) cooperate with the International Atomic Energy Agency to
14 facilitate the implementation of safeguards under the Safeguards Agreement
15 and the Additional Protocol;

16 (c) establish and maintain a State System of Accounting for and
17 Control of all nuclear material subject to safeguards;

18 (d) provide the International Atomic Energy Agency with
19 information concerning nuclear material subject to safeguards and the
20 features of installations relevant to safeguarding such material; and

21 (e) take all necessary steps to ensure that International Atomic
22 Energy Agency inspectors can effectively discharge their functions under
23 the Safeguards Agreement and Additional Protocol.

24 **85.** The Authority shall ensure effective conduct of safeguards in
25 Nigeria by establishing and implementing -

Nuclear Safeguards
Measurements

26 (i) a measurement system;

27 (ii) a system for the evaluation of measurement accuracy;

28 (iii) procedures for reviewing measurement differences;

29 (iv) procedures for carrying out physical inventories;

30 (v) a system for evaluation of unmeasured inventories;

	1	(vi) records and reports systems for all material balance areas; and
	2	(vii) procedures for reporting to the International Atomic Energy
	3	Agency (IAEA).
Prohibition on Possession of Nuclear Explosives	4	86.-(1) In accordance with Nigeria's commitment to the full
	5	implementation of the African Nuclear Weapons Free Zone Treaty (Pelindaba
	6	Treaty):
	7	(a) no person shall receive from any transferor of nuclear weapons or
	8	other nuclear explosive devices or control over such weapons or explosive
	9	devices, directly or indirectly to manufacture or otherwise acquire nuclear
	10	weapons or other nuclear explosive devices, or receive any assistance in the
	11	manufacture of nuclear weapons or other nuclear explosive devices;
	12	(b) no person shall provide any form of support to non-state actors to
	13	develop, acquire, manufacture, possess, transport, transfer, use or threaten to
	14	use nuclear weapons or explosive devices or radiological dispersal devices.
	15	(c) persons intending to carry out research and development activities
	16	related to the nuclear fuel cycle shall provide the Authority information on
	17	these activities prior to the commencement, regardless of whether these
	18	activities involve nuclear material; and
	19	(d) any person performing activities subject to the Safeguards
	20	Agreement and the Additional Protocol, shall submit to the Authority
	21	information and data necessary for compliance with the undertaking by
	22	Nigeria arising from such instruments.
	23	PART XXI - IMPORT AND EXPORT CONTROL
Requirements for Import and Export	24	87.-(1) The Authority shall not issue any import licence under this Bill
	25	except with the prior notification by the person exporting or the exporting
	26	country of the category of radioactive sources or nuclear material to be
	27	imported to the country.
	28	(2) The Authority shall implement the provisions of the Code of
	29	Conduct on the Safety and Security of Radioactive Sources and its associated
	30	Guidance on the Import and Export of Radioactive Sources.

1 (3) The Authority shall establish an import and export
2 authorisation regime for all categories of sources, by requesting for consent,
3 evaluation of request, notification prior to shipment as a means of ensuring
4 safety and security as provided for in the regulations.

5 (4) The import of some categories of radioactive sources may only
6 be authorised where there is a contract with the supplier for the return of the
7 source to the country of origin at the end of its useful life.

8 **88.**-(1) The Authority shall-

Monitoring of
Import and Export

9 (a) in collaboration with the Nigeria Customs Service and such
10 other relevant agencies and bodies, designate land, air and sea ports as entry
11 points through which radioactive sources, nuclear material and sources
12 emitting ionising radiation shall be imported into Nigeria;

13 (b) in collaboration with such other agencies and bodies, monitor
14 all land, air and sea ports designated as entry points for import, transit and
15 transshipment or export of radioactive sources, nuclear materials, devices
16 generating ionising radiation, equipment and technology; and

17 (c) take such steps as are necessary to monitor all scrap metal
18 dealers, steel recycling and rolling plants in the country including the import
19 and export of scrap metal.

20 **89.**-(1) The Authority shall establish and publish a national list of
21 controlled items, including nuclear material, pursuant to Nigeria's
22 international obligations

List of
Controlled
items

23 (2) The import of some categories of radioactive sources may only
24 be authorised when there is a contract with the supplier for the return of the
25 source to its country of origin at the end of its useful life.

26 **PART XXII - NUCLEAR SECURITY AND NATIONAL CENTRE**

27 **FOR NUCLEAR SECURITY**

28 **90.**-(1) Any person authorised by the Authority for any nuclear
29 installation, radioactive waste management facility, practices or ionising
30 radiation sources shall have the prime responsibility for the safety and

Prime
responsibility
for safety and
security

1 security of the installation, facility, practice or source.

2 (2) Prior to commencing any activity, a licensee shall submit to the
3 Authority a plan to deal with cyber security threats and shall establish,
4 implement and maintain a cyber-security plan that shall include measures for
5 incident response and recovery from cyber attacks.

6 (3) Any person whose licence is revoked or invalidated or suspended
7 shall continue to have the prime responsibility for the safety and security of any
8 nuclear material and radiation sources under his custody.

9 (4) The Authority shall take appropriate measures necessary for
10 safety culture and for security culture with respect to radioactive sources in a
11 manner consistent with the provisions of the regulations and this Bill.

Requirements
for security and
physical protection

12 **91.**-(1) The Authority shall establish requirements for the physical
13 protection of nuclear installations, radiological facilities, nuclear materials and
14 radioactive sources, including:

15 (a) a categorisation of material based on an assessment of damage that
16 could result from theft or diversion of a certain type and quantity of material
17 from authorised uses or sabotage of a facility utilising that material;

18 (b) physical protection measures necessary for different categories of
19 radioactive material either in use, storage or transportation;

20 (c) a system of authorisation including licence conditions for physical
21 protection;

22 (d) a system of inspection and monitoring to verify compliance with
23 applicable physical protection requirements; and

24 (e) enforcement measures in case of non-compliance or violation of
25 applicable regulations or licence conditions.

Responsibility
of Authorised
persons

26 **92.**-(1) A person authorised to conduct activities or practices utilising
27 nuclear material and other radioactive material and related facilities shall-

28 (a) primarily be responsible for ensuring the security and physical
29 protection of such materials pursuant to applicable regulations and licence
30 conditions;

1 (b) ensure that the implementation of safety and security
2 requirements satisfies both safety and security objectives;

3 (c) be responsible for managing the implementation of safety
4 requirements and security requirements by ensuring close cooperation
5 between safety managers and security managers, with the objective of
6 minimising risks; and

7 (d) ensure that safety and security measures are designed and
8 implemented in such a manner that they do not compromise each other and
9 also establish mechanisms to resolve potential conflicts and to manage
10 safety-security interfaces.

11 (2) No person shall engage in illicit trafficking of any nuclear
12 material or other radioactive material and related facilities.

13 **93.**-(1) No person shall demand radioactive or nuclear material or a
14 device by threat, or by use of force, or by any other form of intimidation. Threat or Use
of Force

15 (2) No person shall receive, possess, transfer, alter, damage or
16 dispose of radioactive/nuclear material or possess a device with the intent to
17 cause death, serious bodily injury, substantial damage to property or to the
18 environment or which causes or is likely to cause death or serious injury to
19 any person or substantial damage to property or to the environment.

20 (3) No person shall use or damage a nuclear facility or interfere
21 with its operation, or commit any other act directed against a nuclear facility
22 in a manner which releases or risks the release of radioactive material.

23 (4) No person shall make a threat to -

24 (a) use nuclear material to cause death or serious injury to any
25 person or substantial property damage, or

26 (b) commit an offence described in subsection (4) (a) of this section
27 in order to compel a natural or legal person, international organisation or
28 Nigeria to do or to refrain from doing any act.

29 **94.**-(1) Where there has been a theft, threat of theft or loss of Duty to Report

	1	nuclear material or other radioactive material from a facility, the licensee shall -
	2	(a) notify the Authority immediately of the circumstances of the
	3	incident;
	4	(b) provide written information, including particulars, to the
	5	Authority within 48 hours after the notification; and
	6	(c) provide the Authority with any additional information as may be
	7	requested
National Centre for Nuclear Security	8	95. -(1) There shall be established a National Centre for Nuclear
	9	Security.
	10	(2) The functions of the National Centre for Nuclear Security shall
	11	include:
	12	(a) supporting and facilitating the systematic development of
	13	sustainable human resources through the implementation of a tailored National
	14	Nuclear Security Training Programme;
	15	(b) ensuring and enhancing sustainability in national nuclear security
	16	human resource development by cooperating with other national and
	17	international institutions;
	18	(c) ensuring that the Centre provides technical support services for
	19	life cycle equipment management and scientific support for the prevention,
	20	detection of and response to nuclear security events;
	21	(d) collaborate with other national and international institutions with
	22	similar objectives; and
	23	(e) Carry out any other functions as may be determined by the Nuclear
	24	Security Committee.
	25	(3) The structure, designation and other matters relating to the Centre
	26	shall be as determined by the National Nuclear Security Committee.
	27	PART XXIII - APPEAL IN RESPECT OF LICENCE AND DISPUTE RESOLUTION
Appeal in respect of license	28	96. -(1) Any person may appeal to the Authority against a decision
	29	relating to a licence or to an application for a license or for renewal.
	30	(2) Where such person is not satisfied with the decision of the

1 Authority, he may further appeal to the Board, giving reasons against such a
2 decision in writing.

3 (3) Provided that such an appeal shall not have the effect of
4 suspending the regulatory decision until the appeal is decided

5 **97.**-(1) The operators and persons subject to this Bill shall be Dispute resolution
6 bound by the provisions of the guidelines made under this Bill.

7 (2) The Authority shall have powers to resolve disputes between
8 persons who are subject to this Bill regarding any matter under this Bill or its
9 subsidiary legislation.

10 (3) A party shall not have recourse to litigation until he has
11 exhausted the dispute resolution mechanisms provided in this Bill or the
12 Guidelines under this Bill.

13 (4) The period spent on alternative dispute resolution under this
14 Bill shall not be counted in determining the limitation time under the
15 relevant Limitation Laws.

16 PART XXIV - LEGAL PROCEEDINGS

17 **98.** No suit shall be commenced against the Authority, a member Pre-action notice
18 of the Board, the Director-General or any officer or employee of the
19 Authority in their official capacity unless one month notice of intention to
20 commence the suit has been served upon the Authority by the intending
21 plaintiff or his agent; and the notice shall clearly and explicitly state the
22 cause of action, the particulars of the claim, the name and address of the
23 intending plaintiff and the relief which he claims

24 **99.** The Authority shall have power to prosecute offences under Power to
prosecute
25 this Bill

26 **100.** Any sum of money which by the judgment of any court has Defrayment of
Judgment sum
27 been awarded against the Authority shall, subject to any direction given by
28 the court, where no notice of appeal against the judgment has been given, be
29 paid from the Fund of the Authority

PART XXV - JURISDICTION

PART XXVI - OFFENCES AND PENALTIES

(2) Any person who undertakes any practice or services involving material and/or radiation sources on any premises in Nigeria without authorisation commits an offence and shall-

(a) in the case of an individual, be liable on conviction to imprisonment for a term of not less than 2 years or an option of fine of not less than N2,000,000 or to both such fine and imprisonment;

(b) in the case of a body corporate, be liable on conviction to a fine of not less than N10,000,000 and

(c) any offending Director or officer of the body corporate shall on conviction be liable to imprisonment for a term of not less than 2 years.

1 (3) Any person who imports or exports any radioactive source
2 without a licence from the Authority, commits an offence and shall-

3 (a) in the case of an individual, be liable on conviction to
4 imprisonment for a term of not less than 2 years or an option of fine of not
5 less than N2,000,000 or to both such fine and imprisonment;

6 (b) in the case of a body corporate, be liable on conviction to a fine
7 of not less than N10,000,000 and

8 (c) any offending Director or officer of the body corporate shall on
9 conviction be liable to imprisonment for a term of not less than 2 years or an
10 option of fine of not less than N2,000,000 or to both such fine and
11 imprisonment.

12 (4) Any operator of a radiological facility under this Bill, who fails
13 to take measures to secure any radioactive source in such manner as to result
14 in unauthorised access, theft or loss of control of such sources, commits an
15 offence and shall -

16 (a) in the case of an individual, be liable on conviction to
17 imprisonment for a term of not less than 2 years or a fine of not less than
18 N3,000,000 or to both such fine and imprisonment; or

19 (b) in the case of a body corporate, be liable on conviction to a fine
20 of not less than N10,000,000; and

21 (c) any offending Director or officer of the body corporate shall
22 each on conviction be liable to imprisonment for a term of not less than 2
23 years or an option of fine of not less than N3,000,000 or to both such fine and
24 imprisonment.

25 (5) Any person who imports or exports any nuclear material or
26 proscribed substances without a licence from the Authority, commits an
27 offence and shall-

28 (a) in the case of an individual, be liable on conviction to
29 imprisonment for a term of not less than 5 years or an option of fine of not
30 less than N5,000,000 or to both such fine and imprisonment; or

1 (b) in the case of a body corporate, be liable on conviction to a fine of
2 not less than N20,000,000 and

3 (c) The offending Director or officer of the body corporate shall on
4 conviction be liable to imprisonment for a term of not less than 5 years or an
5 option of fine of not less than N5,000,000 or to both such fine and
6 imprisonment

7 (6) Any operator of nuclear installation under this Bill, who fails to
8 take measures to secure any nuclear material in such manner as to result in
9 unauthorised access, theft or loss of control of such materials or sources,
10 commits an offence and shall-

11 (a) in the case of an individual, be liable on conviction to
12 imprisonment for a term of not less than 5 years or a fine of not less than
13 N10,000,000 or to both such fine and imprisonment; or

14 (b) in the case of a body corporate, be liable on conviction to a fine of
15 not less than N50,000,000; and

16 (c) any offending Director or officer of the body corporate shall on
17 conviction be liable to imprisonment for a term of not less than 5 years or a fine
18 of not less than N10,000,000 or to both such fine and imprisonment.

19 (7) Any person who carries out any activity referred to in this Bill and
20 at the end of the activity abandoned, decommissioned or rehabilitated the
21 installations thereof without a licence issued by the Authority commits an
22 offence and shall:

23 (a) in the case of an individual, be liable on conviction to
24 imprisonment for a term of not less than 5 years or a fine of not less than
25 N5,000,000 or to both such fine and imprisonment; or

26 (b) in the case of a body corporate, be liable on conviction to a fine of
27 not less than N25,000,000 and

28 (c) any offending Director or officer of the body corporate shall on
29 conviction be liable to imprisonment for a term of not less than 5 years or a fine
30 of not less than N5,000,000 or to both such fine and imprisonment.

1 (8) Any person who contravenes the provisions of section 87 of this
2 Bill commits an illicit trafficking offence and shall be liable on conviction:

3 (a) in the case of an individual, to imprisonment for a term of not
4 less than 5 years or a fine of not less than N5,000,000 or to both such fine and
5 imprisonment; or

6 (b) in the case of a body corporate, to a fine of not less than
7 N25,000,000; and

8 (c) any offending Director or officer of the body corporate shall on
9 conviction be liable to imprisonment for a term of not less than 5 years or a
10 fine of not less than N5,000,000 or to both such fine and imprisonment.

11 (9) Any person who, by any electronic means, compromises the
12 security of any nuclear or other high activity installations commits an
13 offence and shall be liable on conviction to a term of imprisonment for 5
14 years.

15 (10) A consignor, consignee, transporter and/or freight forwarder
16 (by air, land or sea) of nuclear material, radioactive material or wastes that
17 breaches the provisions of section 63 of this Bill commits an offence and
18 shall be liable financially or otherwise for all incidents or accidents during
19 transportation or storage in transit of the nuclear material, radioactive
20 sources and/or wastes.

21 (11) Any person who contravenes the nuclear non-proliferation
22 status of Nigeria commits an offence and shall be liable on conviction to a
23 term of imprisonment of not less than 25 years. In the case of a body
24 corporate, to a fine of not less than N100,000,000.

25 (12) Any person who sabotages the safety or security of any
26 nuclear installation, nuclear material or other radioactive material in use,
27 storage or transportation or who sabotages any detection equipment such
28 that the act endangers or is likely to endanger national security or poses
29 danger to health or the environment, commits an offence and shall -

30 (a) in the case of an individual, be liable on conviction to a term of

1 imprisonment of not less than 25 years without an option of fine; or
2 (b) in the case of a body corporate, the offending Director or officer of
3 the body corporate shall be liable on conviction to a term of imprisonment of
4 not less than 25 years without an option of fine.

5 (13) Any person who receives, uses, possesses, transfers, alters ,
6 disposes or who obtains by theft, robbery or fraudulent means, any radioactive
7 or nuclear material with the intent to cause

8 (a) death or serious bodily injury,

9 (b) substantial damage to property or to the environment; or

10 (c) which causes or is likely to cause death or serious injury to any
11 person or substantial damage to property, facility or the environment commits
12 an offence and shall be liable on conviction to life imprisonment.

13 (14) Any person who demands radioactive or nuclear material or a
14 device by threat of grievous harm or by use of force, or by any other form of
15 intimidation commits an offence and is liable on conviction to life
16 imprisonment.

17 (15) Any person who participates in the financing, planning
18 preparation or perpetration of nuclear terrorist acts or in supporting terrorist act
19 commits an offence and is liable to life imprisonment.

20 (16) Any person who, having had his licence revoked or invalidated or
21 suspended, pursuant to section 44, fails to maintain primary responsibility for
22 the safety and security of any nuclear material and radiation sources under his
23 custody commits an offence and shall -

24 (a) in the case of an individual, to a term of imprisonment for 5 years
25 or a fine of not less than N5,000,000 or both such fine and imprisonment; or

26 (b) in the case of a body corporate, to a fine of not less than
27 N25,000,000; and

28 (c) any offending Director or officer of the body corporate shall on
29 conviction be liable to imprisonment for 10 years or a fine of not less than
30 N5,000,000 or to or to both such fine and imprisonment.

1 (17) The fine payable under this Bill shall be reviewed every Five
2 (5) years by the Authority and the reviewed fines shall take effect from the
3 date of publication in the Federal Gazette.

4 (18) in all cases, the courts, in imposing any punishment under this
5 Bill shall be guided by the sentencing guideline provided in the
6 Administration of Criminal Justice Act, 2015.

7 **105.**-(1) In furtherance to provisions of section 41 of this Bill, no
8 person shall-

Obstruction
and/or False
Declaration
to Inspector

9 (a) knowingly make a false or misleading statement to an
10 inspector; or

11 (b) deliberately obstruct or hinder or attempt to obstruct or hinder
12 an inspector from carrying out his functions under this Bill.

13 (2) Where an inspector from the Authority identifies himself to an
14 operator, the operator shall immediately allow the inspector access to the
15 facility.

16 (3) It shall be an offence punishable under the Bill for an operator to
17 obstruct, delay, deny or hinder an inspector from performing his duties
18 under the Bill.

19 **106.**-(1) Upon entry into force of this Bill, its provisions shall be
20 applied to pending applications for authorisation.

Savings and
transition

21 (2) All authorisations granted under The Nuclear Safety and
22 Radiation Protection Act No.19 of 1995 shall be considered to have been
23 granted under this law, until such time as such authorisation has been
24 reissued, renewed, suspended, revoked or otherwise modified by the
25 Authority pursuant to applicable laws and regulations.

26 PART XXVII - MISCELLANEOUS

27 **107.** In this Act-

Interpretation

28 "accident" means any unintended event, including operating errors,
29 equipment failures and other mishaps, the consequences or potential
30 consequences of which are not negligible from the point of view of

- 1 protection or safety;
- 2 "activities and facilities" is a general term encompassing nuclear facilities,
3 uses of all sources of ionising radiation, all radioactive waste management
4 activities, transport of radioactive material and any other practice or
5 circumstances in which people may be exposed to radiation from naturally
6 occurring or artificial sources;
- 7 "authorisation" means permission granted in a document by the Authority to a
8 legal person who has submitted an application to carry out a practice or any
9 other action described in the Act or regulations made thereunder. The
10 authorisation can take the form of a registration or a licence;
- 11 "authorised officer" includes qualified persons employed or engaged by the
12 Authority to carry out any function under this Act;
- 13 "clearance" means the removal of radioactive material or radioactive objects
14 within authorised practices from any further control by the Authority;
- 15 "code of conduct" means International Atomic Energy Agency Code of
16 Conduct on the Safety and Security of Radioactive Sources
17 (IAEA/CODEOC/2004);
- 18 "Authority" means the Nigerian Nuclear Regulatory Authority established
19 under section 2 of this Act;
- 20 "contamination" means the presence of radioactive substances in or on a
21 material or the human body or other place where they are undesirable or could
22 be harmful;
- 23 "decommissioning" means all steps leading to the release of a facility, other
24 than a disposal facility, from regulatory control other than confirming the
25 decommissioned status of a facility. These steps include the processes of
26 decontamination and dismantling;
- 27 "disposal" means the emplacement of spent fuel or radioactive waste in an
28 appropriate facility without the intention of retrieval;
- 29 "emergency plan" means a set of procedures to be implemented in the event of
30 an accident;

- 1 "IAEA" means the International Atomic Energy Agency;
- 2 "IAEA GSR Part 3" refers to the Radiation Protection and Safety of
3 Radiation Sources: International Basic Safety Standards: General Safety
4 Requirements Part 3 No. GSR Part 3;
- 5 "exclusion" means exposures that are not amenable to regulatory control
6 such as those from natural sources like cosmic rays;
- 7 "exemption" means the determination by the Authority that a source or
8 practice need not be subject to some or all aspects of regulatory control on
9 the basis that the exposure (including internal exposure) due to the source or
10 practice is too small to warrant the application of those aspects or that it is the
11 optimum option for protection irrespective of the actual level of the doses or
12 risks;
- 13 "facilities and activities" means nuclear facilities, uses of all sources of
14 ionising radiation, all radioactive waste management activities, transport of
15 radioactive material and any other practice or circumstances in which
16 people may be exposed to radiation from naturally occurring or artificial
17 sources;
- 18 "Graded approach" means for a system of control, such as a regulatory
19 system or a safety system, a process or method in which the stringency of the
20 control measures and conditions to be applied is commensurate, to the
21 extent practicable, with the likelihood and possible consequences of, and the
22 level of risk associated with, a loss of control;
- 23 "incident" means any unintended event, including operating errors,
24 equipment failures, initiating events, accident precursors, near misses or
25 other mishaps, or unauthorised act, malicious or non-malicious, the
26 consequences or potential consequences of which are not negligible from
27 the point of view of protection or safety;
- 28 "Licence" means a legal document issued by the Authority granting
29 authorisation to perform specified activities related to a facility or activity;
- 30 "Licensee" means the holder of a current licence granted by the Authority

- 1 for an activity or practice who has recognised rights and duties for the activity
2 or practice, particularly in relation to safety and security;
- 3 "medical exposure" means exposure incurred by patients for the purposes of
4 medical or dental diagnosis or treatment; by carers and comforters; and by
5 volunteers subject to exposure as part of a programme of biomedical research.
- 6 "meeting" includes video conference meeting;
- 7 "notification" means a document submitted to the Authority by a legal person
8 to notify an intention to carry out a practice involving nuclear and/or
9 radioactive material;
- 10 "nuclear accident" means any accident involving facilities or activities from
11 which a release of radioactive material occurs or is likely to occur and which
12 has resulted or may result in an international transboundary release that could
13 be of radiological safety significance for another State;
- 14 "nuclear damage" means:
- 15 (a) loss of life or personal injury;
- 16 (b) loss of or damage to property; and each of the following to the
17 extent determined by the law of the competent court:
- 18 (c) economic loss arising from loss or damage referred to in sub-
19 paragraph (a) or (b) of this paragraph, insofar as not included in those
20 paragraphs, if incurred by a person entitled to claim in respect of such loss or
21 damage;
- 22 (d) the costs of measures of reinstatement of impaired environment,
23 unless such impairment is insignificant, if such measures are actually taken or
24 to be taken, and insofar as not included in sub-paragraph (b) of this paragraph;
- 25 (e) loss of income deriving from an economic interest in any use or
26 enjoyment of the environment, incurred as a result of a significant impairment
27 of that environment, and insofar as not included in sub-paragraph (b) of this
28 paragraph;
- 29 (f) the costs of preventive measures, and further loss or damage
30 caused by such measures; and

1 (g) any other economic loss, other than any caused by the
2 impairment of the environment, if permitted by the general law on civil
3 liability of the competent court, in the case of sub-paragraphs (a) to (e) and
4 (f) of this paragraph, to the extent that the loss or damage arises out of or
5 results from ionising radiation emitted by any source of radiation inside a
6 nuclear installation, or emitted from nuclear fuel or radioactive products or
7 waste in, or of nuclear material coming from, originating in, or sent to, a
8 nuclear installation, whether so arising from the radioactive properties of
9 such matter, or from a combination of radioactive properties with toxic,
10 explosive or other hazardous properties of such matter;

11 "nuclear fuel" means Fissionable nuclear material in the form of fabricated
12 elements for loading into the reactor core of a civil nuclear power plant or
13 research reactor;

14 "nuclear fuel cycle" means all operations associated with the production of
15 nuclear energy, including mining, milling, processing and enrichment of
16 uranium or thorium; manufacture of nuclear fuel; operation of nuclear
17 reactors; reprocessing of nuclear fuel; decommissioning; and any activity
18 for radioactive waste management and any research and development
19 activity related to any of the foregoing;

20 "nuclear incident" means any occurrence or series of occurrences having the
21 same origin which causes nuclear damage or, but only with respect to
22 preventive measures, creates a grave and imminent threat of causing such
23 damage;

24 "nuclear installation" means a nuclear fuel fabrication plant, research
25 reactor (including subcritical and critical assemblies), nuclear power plant,
26 spent fuel storage facility, enrichment plant or reprocessing facility;

27 "nuclear material" means Plutonium except that with isotopic concentration
28 exceeding 80% in plutonium-238; uranium-233; uranium enriched in the
29 isotope 235 or 233; uranium containing the mixture of isotopes as occurring
30 in nature other than in the form of ore or ore residue; any material containing

- 1 one or more of the foregoing;
- 2 "nuclear material capable of causing nuclear damage" see "nuclear material",
- 3 "nuclear damage";
- 4 "nuclear reactor" means any structure containing nuclear fuel in such an
- 5 arrangement that a self-sustaining chain process of nuclear fission can occur
- 6 therein without an additional source of neutrons;
- 7 "nuclear safety" means the achievement of proper operating conditions,
- 8 prevention of accident and mitigation of accident consequences, resulting in
- 9 protection of workers, the public and the environment from undue radiation
- 10 risks;
- 11 "nuclear security" means the prevention and detection of, and response to,
- 12 criminal or intentional unauthorised act involving nuclear material, other
- 13 radioactive material, associated facilities or associated activities;
- 14 "operator" means any organisation or person applying for authorisation or
- 15 authorized and/or responsible for safety when undertaking activities or in
- 16 relation to any nuclear facilities or sources of ionising radiation;
- 17 "orphan source" means a radioactive source that is not under regulatory
- 18 control, either because it has never been under regulatory control or because it
- 19 has been abandoned, lost, misplaced, stolen or otherwise transferred without
- 20 proper authorization;
- 21 "practice" means any human activity that introduces additional sources of
- 22 exposure or exposure pathways or extends exposure to additional people or
- 23 modifies the network of exposure pathways from existing sources, so as to
- 24 increase the exposure or the likelihood of exposure of people or the number of
- 25 people exposed;
- 26 "premises" includes any land whether covered by a building or not and includes
- 27 any underground and any land covered by water;
- 28 "President" means the President of the Federal Republic of Nigeria;
- 29 "providers of consumer products" includes the designers, manufacturers,
- 30 producers, constructors, installers, distributors, sellers, and importers and

- 1 exporters of consumer products;
- 2 "radiation source" means a radiation generator, or a radioactive source or
- 3 other radioactive material outside the nuclear fuel cycles of research and
- 4 power reactors;
- 5 "radioactive material" means a material designated in this Act and by the
- 6 Authority as being subject to regulatory control because of its radioactivity;
- 7 "radioactive source" means radioactive materials that is permanently sealed
- 8 in a capsule or closely bonded, in a solid form and which is not exempt from
- 9 the Authority's control; it also means any radioactive material released if the
- 10 radioactive source is leaking or broken, but does not mean material
- 11 encapsulated for disposal, or nuclear material within the nuclear fuel cycles
- 12 of research reactors;
- 13 "radioactive waste management" means All administrative and operational
- 14 activities involved in the handling, pretreatment, treatment, conditioning,
- 15 transport, storage and disposal of radioactive waste;
- 16 "radioactivity" means the phenomenon whereby atoms undergo
- 17 spontaneous random disintegration, usually accompanied by the emission
- 18 of radiation;
- 19 "radiological installation" means installations other than nuclear
- 20 installations;
- 21 "registration" means a form of authorisation for practices of low or moderate
- 22 risk whereby the legal person responsible for the practice has, as
- 23 appropriate, prepared and submitted a safety assessment of the facilities and
- 24 equipment to the Authority. The practice or use is authorised with conditions
- 25 or limitations as appropriate;
- 26 "regulations" means a collection of instructions for the handling and use of
- 27 nuclear materials, equipment and various sources of ionising radiation
- 28 formulated by the Authority;
- 29 "reprocessing" means a process or operation, the purpose of which is to
- 30 extract radioactive isotopes from spent fuel for further use;

1 "sabotage" means any deliberate act directed against a nuclear facility or
2 nuclear material in use, storage or transport which could directly or indirectly
3 endangers the health and safety of personnel, the public and the environment
4 by exposure to radiation or release of radioactive substances;

5 "safety culture" means the assembly of characteristics and attitudes in
6 organisations and individuals which establishes that, as an overriding priority,
7 protection and safety issues receive the attention warranted by their
8 significance;

9 "safety requirement" means the generally applicable requirements to be
10 fulfilled in safety assessment for facilities and activities, as published in the
11 IAEA Safety Standards for protecting people and the environment: Safety
12 Assessment for Facilities and Activities General Safety Requirements No.
13 GSR Part 4 (Rev. 1);

14 "security culture" means characteristics and attitudes in organisations and of
15 individuals which establish that security issues receive the attention warranted
16 by their significance;

17 "source of ionising radiation" means any source of radiation, for the purposes
18 of radiation protection, capable of producing ion pairs in biological material(s)

19 "special fissionable material" means plutonium-239, Uranium-233; Uranium
20 enriched in the isotope 235 or 233; any material containing one or more of the
21 foregoing; and such other fissionable material as determined by the IAEA. The
22 term "special fissionable material" does not include source material;

23 "source" Anything that may cause radiation exposure - such as by emitting
24 ionising radiation or by releasing radioactive substances or radioactive
25 material - and can be treated as a single entity for purposes of protection and
26 safety;

27 "source material" means Uranium containing the mixture of isotopes occurring
28 in nature; Uranium depleted in the isotopes 235; Thorium; any of the foregoing
29 in the form of metal alloy, chemical compound or concentrate; any of other
30 material containing one or more of the foregoing in such concentration as the

- 1 IAEA may determine;
- 2 "SDR" refers to Special Drawing Right which is the unit of account defined
- 3 by the International Monetary Fund and used by it for its own operations and
- 4 transactions;
- 5 "strong background" refers to the characteristic of being well-informed,
- 6 knowledgeable, scholarly or erudite as well as having up to a decade worth
- 7 of experience in a field, and being regarded as an authority within that field;
- 8 "threat assessment" means the process of analysing systematically the
- 9 hazards associated with facilities, activities or sources within or beyond the
- 10 borders of Nigeria in order to identify:
- 11 (a) those events and the associated areas for which protective
- 12 actions may be required within Nigeria;
- 13 (b) the actions that would be effective in mitigating the
- 14 consequences of such events;
- 15 "waste" include:
- 16 (a) substance which constitute scrap material or an effluent or other
- 17 unwanted surplus substance arising from the application or any process and
- 18 also includes any substance or article which is required to be disposed of as
- 19 being broken, worn out, contaminated or otherwise spoilt;
- 20 (b) any substance or article which in the course of carrying on any
- 21 process provided for in this Act is discharged, discarded or otherwise dealt
- 22 with as if it were waste shall for the purposes of this Act be presumed to be
- 23 waste unless the contrary;
- 24 "WMO" means - Waste Management Organisation.
- 25 **108.** This Bill may be cited as the Nuclear Safety, Security and Short title
- 26 Safeguards Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Nuclear Safety and Radiation Protection Act No. 19 of 1995, enact the Nuclear Safety, Security and Safeguards Act and Re-Establish the Nigerian Nuclear Regulatory Authority.

NIGERIAN COLLEGE OF AVIATION TECHNOLOGY (ESTABLISHMENT ETC.)

BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

PART I - NIGERIAN COLLEGE OF AVIATION TECHNOLOGY

1. Establishment of the Nigerian College of Aviation Technology
2. Functions of the College
3. Establishment and composition of the Governing Council of the College
4. Qualification of members of Council
5. Tenure and Removal of members of Council
6. Allowances of members of Council
7. Powers of the Council
8. Establishment of the Academic Board
9. Selection Board for other Principal Officers
10. Joint Council and Academic Board Selection Board
11. Quorum and procedure of bodies established under this Act
12. Visitation

PART II - PRINCIPAL OFFICERS AND OTHER STAFF OF THE COLLEGE

13. Appointment of the Rector
14. Deputy Rector
15. Registrar of the College
16. Other Principal Officers of the College
17. Resignation of appointment of Principal Officers
18. Removal from office of members of the Council and Rector
19. Other employees of the College
20. Removal and discipline of academic, administrative and technical staff
21. Discipline of students
22. Discipline of junior staff
23. Application of Pensions Act

PART III - FINANCIAL PROVISIONS

24. Funds of the College

- 25. Income and Expenditure
- 26. Application of Funds
- 27. Account and Audit
- 28. Annual Report
- 28. Power to accept gift
- 29. Payment into bank
- 30. Power to borrow
- 31. Power to invest funds

PART IV - GENERAL POWERS OF THE COLLEGE

- 33. Commissioning of Pilots and other Professionals
- 34. Exclusion of discrimination on account of race, religion, etc
- 35. Compulsory acquisition of land
- 36. Restriction on disposal of landed property
- 37. Establishment of staff housing scheme

PART V - MISCELLANEOUS

- 38. Directives of a general nature
- 39. Validation of past acts, etc
- 40. Seal of the College
- 41. Limitation of suits against the College
- 42. Indemnity of officers of the College.
- 43. Power to make Rules
- 44. Power to make Bye-Laws, Rules and Guidelines
- 45. Repeal and savings provisions
- 46. Transitional Provisions
- 47. Interpretation
- 48. Short Title
- 49. Schedule

A BILL

FOR

AN ACT TO REPEAL THE NIGERIAN COLLEGE OF AVIATION TECHNOLOGY ACT, CAP. N96, LAWS OF THE FEDERATION OF NIGERIA, 2010 AND TO ENACT THE NIGERIAN COLLEGE OF AVIATION TECHNOLOGY, PROVIDE FOR ITS ORGANISATION, CONTROL AND OPERATION AND FOR RELATED MATTERS

Sponsored by Senator Abdullahi, Yahaya Abubakar

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1

PART I - NIGERIAN COLLEGE OF AVIATION TECHNOLOGY
- 2

1.-(1) There is established in Zaria, a body to be known as the

3 Nigerian College of Aviation Technology (in this Act referred to as "the

4 College").

5 (2) The College:

6 (a) shall be a body corporate with perpetual succession and a

7 common seal;

8 (b) may sue or be sued in its corporate name; and

9 (c) may own, hold or dispose of property whether movable or

10 immovable.
- 11

2.-(1) The College shall:

12 (a) provide full-time or part-time courses of instruction and

13 training-

14 (i) in civil aviation, standard or specially designed for use in flight

15 training or in airport operation and management,

16 (ii) in the installation, maintenance and operation, as the case may

17 be, of technical equipment the use of which is calculated or likely to increase

18 the margin of operational safety of civil aircraft services,

19 (iii) in aircraft manufacturing and distribution,
- Establishment
of the Nigerian
College of Aviation
Technology

Functions of the
College

1 (iv) in other fields of humanities, science and applied learning
2 relevant to the needs of the development of aviation in Nigeria, or

3 (v) for research in the development and adaptation of techniques as
4 the Council may from time to time determine;

5 (b) arrange conferences, seminars and study groups relative to the
6 fields of learning referred to in subsection (1)(a) of this section;

7 (c) acquire necessary equipment and facilities relative to the fields of
8 learning referred to in subsection (1)(a) of this section for the issuance of
9 professional certificates, degrees, diplomas, and other distinctions to persons
10 who have pursued course of study approved by the Council and have satisfied
11 such other requirements as laid down by the Council;

12 (d) establish such campuses, faculties, institutes, schools, extra-
13 mural departments and other teaching and research units within the College as
14 may from time to time be necessary subject to the approval of the Nigerian
15 Civil Aviation Authority, National Board for Technical Education, National
16 Universities Commission, or any approved accreditation body;

17 (e) institute professorships, readerships, lectureships and other posts
18 and offices and make appointments to it;

19 (f) demand and receive from any student or any other person
20 attending the College for the purpose of instruction, such fees as the College
21 may from time to time determine subject to the overall directives of the
22 Minister;

23 (g) cooperate and collaborate with any other institution of higher
24 learning; or

25 (h) perform such other functions as in the opinion of the Council may
26 serve to promote the objectives of the College.

27 (2) Courses provided for the purposes of subsection (1) of this section
28 shall include the organisation of incidental study groups and the delivery of
29 necessary series of lectures, and if approved, fees may be calculated and
30 charged at a rate approved by the Council.

1 (3) The College may hold or acquire property, movable and
2 immovable, but shall not mortgage, charge or dispose of any property, held
3 by it without obtaining the consent in writing of the Minister or approving
4 Authority as specified in the Financial Regulations of the Federal
5 Government.

6 (4) The College may enter into such contracts as may be necessary
7 or expedient for carrying into effect the provisions of this Act.

8 3.-(1) There is established for the College a Governing Council (in
9 this Act referred to as "the Council").

Establishment
and composition
of the Governing
Council of the
College

10 (2) The Council shall consist of:

11 (a) a part-time Chairman;

12 (b) one representative of the Federal Ministry of Aviation or the
13 Ministry for the time being responsible for Aviation not below the rank of a
14 director;

15 (c) one representative of the Nigerian Air force not below the rank
16 of a group captain;

17 (d) one representative of the Nigerian Civil Aviation Authority not
18 below the rank of a Director;

19 (e) Nigeria's Permanent Representative to International Civil
20 Aviation Organisation (ICAO) Council;

21 (f) one representative of airline operators in Nigeria;

22 (g) the Rector of the College;

23 (h) one representative of the National Board for Technical
24 Education;

25 (i) one representative of the National Universities Commission;

26 (j) two representatives of the Academic Board of the College;

27 (k) two other persons, of good standing in the community where
28 the College is situate, one of whom shall be a woman; and

29 (l) the Registrar who shall be Secretary to the Council.

30 (3) The supplementary provisions set out in the Schedule to this

	1	Act shall apply in relation to the Governing Council, its proceedings and other
	2	matters specified in it.
Qualification of members of Council	3	4. -(1) The Chairman of the Council shall be a renowned professional
	4	aviator.
	5	(2) The Chairman and members of the Council other than ex-officio
	6	members shall be appointed by the President.
Tenure and removal of members of Council	7	5. -(1) A member of the Council other than an ex-officio member shall
	8	hold office for a period of 3 years commencing from the date on which he was
	9	appointed and shall be eligible for re-appointment for a further term of 3 years
	10	and no more.
	11	(2) Where a vacancy occurs in the membership of the Council, that
	12	vacancy shall be filled by the appointment of a successor to hold office for the
	13	remainder of the term of his predecessor and the successor shall represent the
	14	same interest as his predecessor.
	15	(3) Any member of the Council who ceases to be a member shall, if he
	16	is also a member of a committee, cease to hold office on the committee.
	17	(4) A member appointed by the President in accordance with section
	18	4(2) of this Act may resign his appointment by, notice in writing under his hand
	19	addressed to the President through the Minister and in the case of ex-officio
	20	member, when he ceases to hold office on the basis of which he became a
	21	member of the Board.
	22	(5) The Council may act notwithstanding any vacancy in its
	23	membership or the absence of any member or that a person not entitled to do so
	24	took part in its proceedings.
Allowances of members of Council	25	6. -(1) A member of Council other than an ex-officio, shall be paid
	26	remuneration or allowances in accordance with rates specified from time to
	27	time in extant Federal Government Circulars.
	28	(2) Members of the Council shall be paid travelling and other
	29	allowances in accordance with extant rules.

- 1 7.-(1) Formulate policies and guidelines which in the opinion of Powers of the
2 the Council are necessary to ensure the efficient performance of the Council
3 functions of the College.
- 4 (2) The Council may delegate any of its powers or functions to any
5 person or persons, authority or committee except powers to make, amend or
6 revoke a Statute of the College.
- 7 (3) Subject to this Act, the Council may approve the appointment
8 of such other person as members of staff as it considers necessary.
- 9 8.-(1) There is established for the College a board to be known as Establishment
10 the Academic Board which shall consist of the following members: of the Academic
11 (a) the Rector of the College, as the Chairman;
12 (b) the Deputy Rector of the College as the Vice Chairman;
13 (c) all Heads of Schools;
14 (d) the College Librarian;
15 (e) all chief instructors or chief lecturers other than heads of
16 schools, who may be appointed by the Academic Board;.
17 (f) the Registrar who shall be the secretary to the Board; and
18 (g) the Academic Secretary who shall be the assistant secretary.
- 19 (2) The Registrar and Academic Secretary shall attend all meetings
20 of the Board unless excused for good reasons by the Chairman of the Board.
- 21 (3) The Academic Board shall be responsible for:
22 (a) the direction and management of. academic matters of the
23 College including the regulation of admission of students, the award of
24 certificates, diplomas, degrees, scholarships, prizes and any other academic
25 distinction;
26 (b) making periodic reports to the Council on such academic
27 matters as the Academic Board may think fit or as the Council may, from
28 time to time direct; and
29 (c) the discharge of any other functions which the Council may
30 delegate to it.

Selection Board for other Principal Officers	1	9.-(1) There shall be, for the College, a Selection Board which shall
	2	consist of:
	3	(a) the Chairman of the Council;
	4	(b) the Rector;
	5	(c) 4 members of the Council not being members of the Academic
	6	Board; and
	7	(d) 2 members of the Academic Board.
	8	(2) The functions, procedure and other matters relating to the
Joint Council and Academic Board Selection Board	9	Selection Board constituted under subsection (1) of this section shall be as the it
	10	Council may, from time to time, determine.
	11	10. There shall be for the College, a Joint Council and Academic
	12	Board Selection Board consisting of:
	13	(a) the Chairman of the Council;
	14	(b) 2 members of the Council not being members of the Academic
	15	Board; and
	16	(c) 2 members of the Academic Board not below the rank of chief
Quorum and procedure of bodies established under this Act	17	lecturer or chief instructor, who are not members of the Council
	18	11. Subject to the provisions of the Schedule to this Act and any
	19	standing orders or rules made under this Act, the quorum and procedure of any
	20	body of persons established by this Act shall be such as may be determined by
	21	that body,
Visitation	22	12. -(1) The Minister in charge of Aviation shall be the Visitor to the
	23	College,
	24	(2) The Visitor shall, not less than once in every 3 years, conduct a
	25	visitation of the College, or appoint a Visitation Panel, consisting of not less
	26	than 5 experts to conduct the visitation:
	27	(a) for the purpose of evaluating the academic and administrative
	28	performance of the College; or
	29	(b) for such other purpose or in respect of any other affairs of the
	30	College as the Visitor may deem fit.

PART II - PRINCIPAL OFFICERS AND OTHER STAFF OF THE COLLEGE

13.-(1) There shall be a Rector for the' College (in this Act referred to as "the Rector") who shall be appointed by the President in accordance with the provisions of this section.

Appointment of
the Rector

(2) Where a vacancy occurs in the post of the Rector, the Council shall:

(a) advertise the vacancy in a reputable journal and 2 widely read newspapers in Nigeria, specifying in addition to any other qualification, that the person shall:

(i) be a pilot of the standing of a captain and have attained the rank of chief flying instructor with at least 10 years cognate experience as a captain and minimum of 5 years as a chief flying instructor in the College or similar institution,

(ii) be a chief instructor or equivalent rank in a tertiary institution, possess a minimum of masters degree from a recognised university with at least 8 years' experience as chief instructor or equivalent rank in a tertiary institution, or

(iii) in the alternative possess a Ph.D. from a recognised university with a minimum of 5 years' experience as a chief instructor or equivalent rank in a tertiary institution, provided that in each case, the candidate's qualification shall be relevant to any of the schools in the College;

(b) specify the terms and conditions of service applicable to the post;

(c) thereafter, draw up a short list of suitable candidates for consideration; and

(d) constitute a search team consisting of:

(i) a member of the Council, not being a member of the Academic Board, as Chairman,

(ii) 2 members of the Academic Board, not below the rank of chief lecturer or chief instructor, and

1 (iii) 2 members of the Academic staff of the College not below the
2 rank of chief lecturer, chief instructor or chief engineer, to be selected by the
3 Council, to identify and draw up a short list of persons who are not likely to
4 apply on their own volition because they feel that it is not proper to do so.

5 (3) A Joint Council and Academic Board Selection Board consisting
6 of:

7 (a) the Chairman of the Council;

8 (b) 2 members of the Council not being members of the Academic
9 Board; and

10 (c) 2 members of the Academic Board not below the rank of chief
11 lecturer or chief instructor, who were not members of the search team, shall
12 consider the candidates on the short list drawn up under subsection (2) of this
13 section through an examination of their curriculum vitae and interaction with
14 them and recommend, through the Council, to the President, 3 candidates for
15 his consideration.

16 (4) The President shall appoint, as Rector, one of the candidates
17 recommended to him under the provisions of subsection (3) of this section.

18 (5) The Rector shall be:

19 (a) the Chief Executive Officer of the College; and

20 (b) charged with the responsibility for matters relating to the day-to-
21 day management of the College.

22 (6) The Rector shall hold office:

23 (a) for a period of 4 years commencing from the effective date of his
24 appointment and may be re-appointed for a further term of 4 years and no more;
25 and

26 (b) on such terms and conditions as may be specified in his letter of
27 appointment.

28 (7) With the exception of the Chairman of the Council or any other
29 person acting as Chairman, the Rector shall be accorded priority over any other
30 member of the Council.

1 (8) The Rector may be suspended or removed from office by the
2 Minister on the recommendation of the Governing Council where he:

3 (a) has demonstrated inability to effectively perform the duties of
4 his office;

5 (b) has been absent from five consecutive meetings of the Council
6 without the consent of the Chairman unless he shows good reason for such
7 absence;

8 (c) is guilty of serious misconduct; or

9 (d) is disqualified or suspended from practicing his profession in
10 any part of the world by an order of a competent authority, in the case of a
11 person possessed of professional qualifications.

12 (9) The Rector shall not be removed from office except in
13 accordance with the provisions of this Act.

14 **14.**-(1) There shall be for the College a Deputy Rector. Deputy Rector

15 (2) The Council shall appoint the Deputy Rector from among the
16 chief lecturers or chief instructors in the College in one of the following
17 ways:

18 (a) from a list of 3 candidates, in order of preference; or

19 (b) on the recommendation of Selection Board constituted under
20 this section for that purposes.

21 (3) The Selection Board referred to in subsection (2) of this section
22 shall:

23 (a) consist of:

24 (i) the Chairman of the Council,

25 (ii) the Rector,

26 (iii) 2 members of the Council not being members of the Academic
27 Board, and

28 (iv) 2 members of the Academic Board; and

29 (b) make such inquiries as it deems fit before making the
30 recommendation required under this section.

- 1 (4) The Deputy Rector shall:
- 2 (a) assist the Rector in the performance of his functions;
- 3 (b) act in the place of the Rector where the post of Rector is vacant or
- 4 where the Rector is for any reason absent or unable to perform his functions as
- 5 Rector; and
- 6 (c) perform such other functions as the Rector may, from time to time,
- 7 assign to him.
- 8 (5) The Deputy Rector shall hold office:
- 9 (a) for a period of 2 years commencing from the effective date of his
- 10 appointment and may be re-appointed for a further term of 2 years and no more;
- 11 and
- 12 (b) on such terms and conditions as may be specified in his letter of
- 13 appointment.
- 14 **15.**-(1) There shall be for the College a Registrar who shall, be
- 15 appointed by the Council.
- 16 (2) The Registrar shall in addition to any other additional
- 17 qualification that the Council may stipulate:
- 18 (a) possess a first degree in arts or humanities with at least second
- 19 class lower division and at least 18 years cognate experience in administration
- 20 in a tertiary institution and risen up to the rank of deputy registrar; or
- 21 (b) possess a masters' degree: in arts or humanities with 15 years
- 22 cognate experience in administration in a tertiary institution and risen up to the
- 23 rank of deputy registrar, possession of a Ph.D. in arts and or humanities will be
- 24 added advantage; and
- 25 (c) the candidate shall be a member of a professional body recognised
- 26 by law relevant to the duties of a Registrar.
- 27 (3) The Registrar shall:
- 28 (a) be responsible to the Rector for the day- to- day administration of
- 29 the College;
- 30 (b) be the Secretary to the Council, the Academic Board and any

Registrar of the
College

1 Committee of the Council and shall attend all the meetings of those bodies
2 unless excused for good reason by the Chairman of the Council; or

3 (c) perform any other duty as the Council, or as the case may be, the
4 Rector may from time to time require him to do.

5 (4) In the absence of the Registrar, the Chairman of the Council
6 may, after consultation with the Rector, appoint a suitable person to act as
7 Secretary for any particular meeting of the Council.

8 (5) The Secretary to the Council or a person appointed to act under
9 subsection (3) of this section, shall not vote on any matter before the
10 Council or count towards a quorum unless he is so entitled as a member of
11 the Council.

12 (6) A Registrar shall hold office:

13 (a) for a period of 4 years commencing from the effective date of
14 his appointment and may be re-appointed for a further term of 4 years and no
15 more; and

16 (b) on such terms and conditions as may be specified in his letter of
17 appointment.

18 (7) Where on the commencement of this section, a Registrar has
19 held office:

20 (a) for 4 years or less, he shall be deemed to be serving his first term
21 of office and may be re-appointed for a further term of 4 years;

22 (b) for more than four years but less than 8 years, he shall complete
23 the maximum period of 8 years and thereafter relinquish his post; or

24 (c) for 8 years or more, the Council may allow him to serve as
25 Registrar for a further period of 1 year only and thereafter he shall relinquish
26 his post.

27 **16.-(1)** There shall be other Principal Officers for the College as
28 follows:

Other Principal
Officers of the
College

29 (a) the Bursar; and

30 (b) the College Librarian, who shall be appointed by the Council on

1 the recommendation of the Selection Board constituted under section 9 (1) of
2 this Act.

3 (2) The Bursar shall be:

4 (a) a Chartered Accountant with 15 years cognate experience;

5 (b) the chief financial officer of the College; and

6 (c) responsible to the Rector for the day to day administration and
7 control of the financial affairs of the College.

8 (3) The College Librarian shall be responsible to the Rector for the
9 administration of the College library and the co-ordination of the library
10 services in the teaching units of the College.

11 (4) The College Librarian shall be a chief instructor or chief lecturer
12 with 15 years cognate experience. (5) The Bursar or Librarian shall hold office:

13 (a) for a period of 4 years in the first instance commencing from the
14 effective date of his appointment and may be re-appointed for a further term of
15 4 years and no more; and

16 (b) on such terms and conditions as may be specified in his letter of
17 appointment.

18 (6) Where on the commencement of this section, a Bursar or Librarian
19 has held office:

20 (a) for 4 years or less, he shall be deemed to be serving his first term of
21 office and may be reappointed for a further term of 4 years;

22 (b) for more than four years but less than 8 years, he shall complete the
23 maximum period of 8 years and thereafter relinquish his post; or

24 (c) for 8 years or more, the Council may allow him to serve as Bursar
25 or Librarian for a further period of 1 year only and thereafter he shall relinquish
26 his post.

Resignation of
appointment by
Principal Officers

27 **17.**-(1) A principal officer may resign his appointment:

28 (a) in the case of the Rector, by notice to the Visitor through the
29 Governing Council; or

30 (b) in any other case, by notice to the Council.

1 (2) The Council shall immediately notify the Minister upon the
2 resignation of a principal officer.

3 18.-(1) Where a member of the Council other than an ex-officio
4 member or the Rector is to be removed from office on the ground of
5 misconduct or inability to perform the functions of his office, the Council
6 shall make a recommendation to that effect to the President through the
7 Minister, and where 'the President, after making such inquiries he considers
8 necessary, approves, the recommendation, the Minister, shall, in writing,
9 declare the office of such member vacant.

Removal from
office of members
of the Council
and the Rector

10 (2) The President may remove any member of the Council where
11 he is satisfied that it is not in the public interest or in the interest of the
12 College that such member should continue as a member of the Council.

13 19.-(1) There shall be appointed from time to time by the Council,
14 either directly, by transfer or secondment, such other staff as may be
15 required for the purposes of the efficient performance of the functions
16 conferred on the College under this Act.

Other employees
of the College

17 (2) The power to appoint all other employees of the College shall
18 be exercised:

19 (a) in the case of senior employees, by the Council on the
20 recommendation of the Senior Staff Appointments,' Promotions and
21 Disciplinary Committee set up under the Page 31 of 69 provisions of
22 paragraph 2(3)(a) of the Schedule to this Act; or

23 (b) in the case of junior employees, by the Rector on the
24 recommendation of the Junior Staff Appointments, Promotions and
25 Disciplinary Committee constituted under paragraph 2(3)(b) of the
26 Schedule to this Act.

27 (3) Subject to the provisions of this Act, the remuneration, tenure of
28 office and conditions of service of the employees of the Council shall be
29 determined by the Council in consultation with the Federal Civil Service
30 Commission or Office of the Head of Civil Service of the Federation.

Removal and
discipline of
academic,
administrative
and technical
staff

- 1 **20.-(1)** Where there is any reason for believing that any person
2 employed as a member of the academic, administrative or technical staff of the
3 College, other than the Rector, is to be removed from office on the ground of
4 misconduct or inability to perform the functions of his office, the Council shall:
5 (a) give notice of the reason to the person in question;
6 (b) afford him an opportunity of making representations in person on
7 the matter to the Council; and
8 (c) where he or any 3 members of the Council so request within the
9 period of 1 month commencing from the date of the notice, make
10 arrangements:
11 (i) where he is an academic staff, for a joint committee of the, Council
12 and the Academic Board to investigate the matter and to report on it to the
13 Council, or
14 (ii) for a committee of the Council to investigate the matter where, it
15 relates to any other member of the staff of the College and to report on it to the
16 Council, and, for the person in question to be afforded an opportunity of
17 appearing before and being heard by the investigating committee with respect
18 to the matter, and where the Council, after considering the report of the
19 investigating committee. is satisfied that the person in question should be
20 removed as aforesaid, the Council may so remove him by an instrument in
21 writing signed on the directions of the Council.
22 (2) The Rector may, in a case of misconduct by a member of the staff
23 which in the opinion of the Rector is prejudicial to the interest of the College,
24 suspend such member and the suspension shall be reported to the Council.
25 (3) For good cause, any member of staff may be suspended from
26 office or his appointment may be terminated by the Council.
27 (4) For the purpose of subsection (3) of this section, "good cause"
28 means:
29 (a) any physical or mental incapacity which the Council, after
30 obtaining medical advice, considers to be such as to render the person

1 concerned unfit for the discharge of the functions of his office;

2 (b) any physical or mental incapacity which the Council, after
3 obtaining medical advice, considers to be such as to render the person
4 concerned unfit to continue to hold his office;

5 (c) conduct of a scandalous or disgraceful nature which the
6 Council considers to be capable of rendering the person concerned unfit to
7 continue to hold his office; or

8 (d) conduct which the Council considers to be such as to constitute
9 failure or inability of the person concerned to discharge the functions of his
10 office or to comply with the terms and conditions of his service.

11 (5) Any person suspended pursuant to subsection (2) or (3) of this
12 section, shall be placed on half pay and the Council shall before the
13 expiration of the period of 3 months after the date of such suspension
14 consider the case against that person and come to a decision as to:

15 (a) whether to continue such person's suspension and if so, on what
16 terms including the proportion of his emoluments to be paid to him;

17 (b) whether to reinstate such person, in which case the Council
18 shall restore his full emoluments to him with effect from the date of
19 suspension;

20 (c) whether to terminate the appointment of the person in question,
21 in which case such a person, will not be entitled to the proportion of his
22 emoluments withheld during the period of suspension; or

23 (d) whether to take lesser disciplinary action against the person
24 including the restoration of such proportion of his emoluments that might
25 have been withheld as the Council may determine, and in any case where the
26 Council, pursuant to this section, decides to continue a person's suspension
27 or decides to take further disciplinary action against a person, the Council
28 shall before the expiration of a period of three months from such decision
29 come to a final determination in respect of the case concerning such person.

30 (6) It shall be the duty of the person by whom an instrument of

Discipline of
Students

1 removal is signed pursuant to subsection (1) of this section, to use his best
2 endeavours to cause a copy of the instrument to be served as soon as
3 reasonably practicable on the person against whom it relates.

4 (7) Nothing in the foregoing provisions of this section shall prevent
5 the Council from making such regulations for the discipline of other categories
6 of staff and workers of the College as it may think fit.

7 **21.-(1)** Subject to the provisions of this section, where it appears to
8 the Rector that any student of the College has been guilty of misconduct, the
9 Rector may, without prejudice to any other disciplinary powers conferred on
10 him by this Act or Regulations made pursuant to this Act direct that the:

11 (a) student shall not during the period specified in the direction,
12 participate in such activities of the College or make use of such facilities of the
13 College, as he may specify;

14 (b) activities of the student shall, during the period specified in the
15 directions, be restricted in such manner as may be so specified;

16 (c) it student be suspended for the period specified in the directions; or

17 (d) student be expelled from the College.

18 (2) Where there is temporarily no Rector or where the Rector refuses
19 to apply any disciplinary measures, the Council may either directly or through
20 some other staff, apply such disciplinary actions specified in subsection (1) of
21 this section to any student of the College who is guilty of misconduct.

22 (3) Where a direction is given under subsection (1) (c) or (d) of this
23 section in respect of any student, the student may, within a period of 21 days
24 from the date of the letter communicating the decision to him, appeal from the
25 direction to the Council and where such an appeal is brought, the Council shall,
26 after causing an inquiry to be made in the matter as the Council considers just,
27 either confirm or set aside the direction or modify it in such manner as the
28 Council may think fit.

29 (4) The fact that an appeal from a direction is brought pursuant to
30 subsection (3) of this section shall not affect the operation of the direction while

1 the appeal is pending.

2 (5) The Rector may delegate his power under this section to a
3 disciplinary committee consisting of such members of the College as he may
4 nominate.

5 (6) Nothing in this section shall be construed as preventing the
6 restriction or termination of a student's activities at the College otherwise
7 than on the ground of misconduct.

8 (7) It is hereby declared that a direction under subsection (1) (a) of
9 this section may be combined with a direction under subsection (1) (b) of
10 this section.

11 (8) The decision of the Council shall be final in all cases under this
12 section.

13 **22.-(1)** Where any junior staff is accused of misconduct, gross
14 misconduct or inefficiency, the Rector may suspend him for not more than
15 three months and shall direct the Junior Staff Appointments, Promotions and
16 Disciplinary Committee:

Discipline of
junior staff

17 (a) to consider the case; and

18 (b) make recommendations as to the appropriate action to be taken
19 by the Rector.

20 (2) In all cases under this section, the officer shall be informed of
21 the charge against him and be given reasonable opportunity to defend
22 himself.

23 (3) The Rector may, after considering the recommendation made
24 pursuant to subsection (1) (b) of this section, dismiss, terminate, retire or
25 down-grade the officer concerned.

26 (4) Any person aggrieved by the Rector's decision under
27 subsection (3) of this section, may within a period of 21 days from the date of
28 the letter communicating the decision to him, address a petition or appeal to
29 the Council to reconsider his case and the Council's decision on the matter
30 shall be final.

Application of the Pension Act

23.-(1) Service in the employment of the College shall be approved
service for the purpose of the Pension Reform Act and accordingly, officers and
other persons employed in the College shall be entitled to in respect of their
services to the College pensions and other retirement benefit as is prescribed in
the Pensions Reform Act.

(2) Nothing in the provisions of subsection (1) of this section shall prevent the appointment of any person to any office on terms which preclude the grant of pension in respect of service in that (3) For the purpose of the application of the provisions of the Pension Reform Act, any power exercisable by a Minister or other Authority of the Government of the Federation, not being the power to make regulations, is hereby vested in and shall be exercisable by the Council.

PART III - FINANCIAL PROVISIONS

Funds of the
College

14 **24.-(1)** There is established for the College a fund from which all
15 expenses incurred by the College for the execution of its functions under this
16 Act shall be, paid.

17 (2) There shall be credited to the fund established pursuant to
18 subsection (1) of this section:

(a) grants, subventions and budgetary allocations received from the Government of the Federation including' such monies as may be appropriated to the College, from time to time, by the National Assembly;

(b) such monies as may from time to time, be lent or granted to the
College by the Federal, States or Local Governments;

24 (c) fees for training and allied services received by the College;

(d) all sums accruing to the College by way of gifts, endowments, bequests, grants, donations, subsidies or other contributions by persons, organizations and donor agencies; and

28 (e) monies from such other sources as may, from time to time, be
29 approved by the Council for the College.

30 (3) The fund established pursuant to subsection (1) of this section

1 shall be managed in accordance with extant Financial Regulations
2 applicable in the Public Service of the Federation.

3 **25.**-(1) The Council shall prepare and submit to the Minister for
4 approval not later than 1st October in each financial year an estimate of its
5 income and expenditure for the following financial year.

Income and
Expenditure

6 (2) Notwithstanding the provisions of subsection (1) of this section
7 the Council shall where necessary due to unforeseen circumstances, submit
8 supplementary or adjusted statement of estimated income and expenditure
9 to the Minister for approval.

10 **26.** The College may, from time to time, apply the proceeds of the
11 fund established pursuant to section 24 of this Act:

Application of
Fund

12 (a) to pay overhead allowances, benefits and other administrative
13 costs of the College;

14 (b) for the reimbursement of members of the Council or any
15 committee set up by the Council or the College for such expenses as may be
16 authorised in accordance with the rates approved by the Government of the
17 Federation;

18 (c) for the payment of salaries, fees and other remunerations or
19 allowances, payable to members of the Council, employees, experts or
20 professionals appointed by the College;

21 (d) to publicise and promote the activities of the College;

22 (e) for the maintenance of any property acquired or vested in the
23 College; and

24 (f) to undertake any other activity or matter connected with all or
25 any of the functions of the College under this Act.

26 **27.**-(1) The Council shall keep proper accounts and audit of the
27 College in respect of each financial year.

Account and
audit

28 (2) The Council shall when the statement of account referred to in
29 subsection (1) of this section is certified by the Rector, submit its account for
30 audit to auditors appointed by the College from among the list of auditors

	1	and in accordance with guidelines approved by the Auditor-General of the
	2	Federation and shall be published in the annual report of the College.
Annual report	3	28. -(1) The Council shall in every year furnish half-yearly reports to
	4	the Minister on the activities of the College, so however, that the first of such
	5	reports shall be furnished not later than 15 July in each year and every report
	6	shall be accompanied by a copy of the audited accounts of the College, and of
	7	the report (if any) by the auditor on the accounts as audited by him.
	8	(2) The Council shall on or before 31 December in each year prepare
	9	and submit to the President through the Minister, a report of the activities of the
	10	College for the preceding financial year and shall include in the report a copy of
	11	the audited accounts of the College for that calendar year and the auditors'
	12	comments on the account.
Power to accept gifts	13	29. -(1) The College may accept gifts of land, aircraft, money or other
	14	property on such terms and conditions, if any, as may be specified by the person
	15	or organisation making the gift.
	16	(2) The College shall not accept any gift where the conditions
	17	attached by the person or organisation making the gift is inconsistent with the
	18	functions of the College under this Act.
	19	(3) Donations of money to be applied to any particular purpose shall
	20	be placed to the credit of a special reserve account approved by the Council
	21	until such time as it may be expended in fulfilment of such purpose.
Payment into bank	22	30. All sums of money received on account of the Council shall be
	23	paid into such bank accounts for the credit of the Council as may be approved
	24	by the Council.
Power to borrow	25	31. -(1) Subject to all applicable laws and regulations, the Council
	26	may, from time to time, borrow by overdraft or otherwise, such money as the
	27	College may require for the performance of its functions under this Act.
	28	(2) The Council shall not, without the approval of the President
	29	borrow money, which exceeds, at any time, the limit set by the Government of
	30	the Federation.

1 (3) Notwithstanding subsection (1) of this section, where the sum
2 to be borrowed is in foreign currency, the Council shall not borrow the sum
3 without the prior approval of the President on the recommendation of the
4 Minister.

5 32.-(1) The Council may, subject to the provisions of this Act and
6 the conditions of any, trust created in respect of any property, invest funds
7 which is not in immediate use in Government bonds and securities in
8 accordance with any general guidelines approved by the President or other
9 appropriate authorities.

Power to invest
funds

10 (2) The College shall strive to recover the whole of its costs and to
11 achieve reasonable returns on capital and investment.

12 PART IV - GENERAL POWERS OF THE COLLEGE

13 33.-(1) Pilots and other professionals shall, be commissioned and
14 certified upon the successful completion of their designated courses and
15 professional training by the College.

Commissioning
of pilots and other
professionals

16 (2) Where a trainee is withdrawn before being commissioned on
17 disciplinary grounds or on any other ground, not being medical ground, such
18 trainee shall not be granted the use of the College.

19 34.-(1) Trainees shall not be required to satisfy requirements as to
20 race, nationality including ethnic grouping, sex, place of birth or family
21 origin, religious or political persuasion, as a condition of becoming or
22 continuing to be a trainee at the College, the holder of any certificate of the
23 College or of any appointment or employment at the College or a member of
24 anybody established pursuant to any of the provisions of this Act.

Exclusion of
discrimination on
account of race,
religion, etc.

25 (2) A person shall not be subjected to any disadvantage or accorded
26 any advantage, in the College, by reference to any of the matters specified in
27 subsection (1) of this section.

28 (3) Nothing in this section shall be construed as preventing the
29 College from imposing any disability or restriction on any person where
30 such person wilfully refuses or fails on grounds of religious belief to

	1	undertake any duty generally and uniformly imposed on all persons or any
	2	group of person which duty, having regard to the nature and the special
	3	circumstances is, in the opinion of the College, reasonably justifiable in the
	4	National Interest.
Compulsory acquisition of land	5	35. For the. purposes of the Land Use Act which provides for the
	6	compulsory acquisition of land for overriding public interest, any requirement
	7	of land by the College shall be deemed to be for the public purpose of the
	8	Federation.
Restriction on disposal of landed property	9	36. All landed property of the College shall not be disposed of or
	10	charged except with the resolution of the Council.
Establishment of staff housing scheme	11	37. The College may, with the approval of the Minister engage in the
	12	establishment of staff housing scheme.
	13	PART V - MISCELLANEOUS
Directives of general character	14	38. The Minister may give to the Council directions of a general
	15	nature or relating generally to particular matters and the Council shall comply
	16	with any of the directions given by the Minister.
Validation of past acts, etc.	17	39. It is declared for the avoidance of doubt that where any person
	18	have before the commencement of this Act been appointed or have purported to
	19	act under powers, however conferred, incidental to the acquisition of land for,
	20	or incidental to the erection, supervision or control of the College hereby
	21	established, such persons shall be deemed always to have been lawfully
	22	appointed, or to have validly exercised the powers, as the case may be.
The seal of the College	23	40.-(1) The seal of the College shall be such as may be administered
	24	by the Rector and the fixing of the seal of the College shall be signed by the
	25	Rector or the Registrar of the College.
	26	(2) The seal of the College shall be kept in the custody of the Rector of
	27	the College.
	28	(3) Academic Certificates issued by the College shall have the
	29	College seal fixed and signed by the Rector and the Registrar of the College.
	30	(4) Any contract or instrument which, if made or executed by a person

1 not being a body corporate, would not be required to be under seal may be
2 made or executed on behalf of the College by any authorised person.

3 **41.**-(1) Subject to the provisions of this Act, the provisions of the
4 Public Officers Protection Act shall apply to any suit instituted against the
5 College, an officer or employee of the College.

Limitation of
suit against the
College

6 (2) A suit shall not lie or be instituted in any court against the
7 College, a member of the Council or any principal officer or employee of the
8 College for an action carried out in pursuance or execution of this Act or any
9 law, or of any public duty or authority in respect of any alleged neglect or
10 default in the execution of this Act or any other law, duty or authority, unless
11 it is commenced:

12 (a) within 3 months of such act, neglect or default complained of;

13 (b) in the case of a continuation of damages or injury, within 6
14 months next after the ceasing of the act, neglect or default.

15 (3) A suit shall not be commenced against the College, a member of
16 the Council or any principal officer or employee of the College before the
17 expiration of a period of 1 month after written notice of the intention to
18 commence the suit has been served on the College by the intending plaintiff
19 or his agent.

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

23 **42.** A member of the Council, Rector, officer or employee of the
24 College shall be indemnified out of the assets of the College against any
25 proceedings brought against him in his capacity as a member of the Council,
26 Rector, officer or employee of the College where the act complained of is not
27 ultra vires his powers .

Indemnity of
officers of the
College

28 **43.**-(1) The Council may make rules relating to any matter within
29 its competence under this Act other than matters for which provision is to be
30 made by standing orders pursuant to paragraph 1 of the Schedule to this Act.

Power to make
Rules

1 (2) Rules made pursuant to subsection (1) of this section shall be in
2 writing and shall come into force when sealed with the seal of the Council
3 unless some other date for its commencement is prescribed.

4 (3) Nothing in subsection (2) of this section, shall make it obligatory
5 for the Council to publish any of the rules referred to in this section in the
6 Federal Gazette, however the Council shall bring such rules to the notice of all
7 affected by the notice.

Power to make
Bye-laws and
Guidelines

8 **44.**-(1) The college shall with the approval of the Minister, make bye-
9 laws and guidelines for the purpose of giving effect to the provisions of this
10 Act.

11 (2) bye-laws and guidelines made under this section shall, when
12 approved by the Minister, be published in the federal gazette.

Repeal and
Savings Provision

13 **45.**-(1) The Nigerian College of Aviation Technology Act, Cap N96,
14 2004 is hereby repealed.

15 (2) Without prejudice to section 6 of the Interpretation Act, the repeal
16 of the Act specified in subsection (1) of this section, shall not affect anything
17 done pursuant to the Act.

18 (3) Every regulation, statute, order, requirement, certificate, notice,
19 direction, decision, authorisation, consent, application, request or thing made,
20 issued, given or done under the repealed Act shall, if in force at the
21 commencement of this Act, continue to be in force and have effect as if made,
22 issued, given or done under the corresponding provisions of this Act.

23 (4) All assets, funds, resources and other movable and immovable
24 property which immediately before the commencement of this Act, vested in
25 the College established under the repealed Act, (hereinafter referred to as "the
26 former College") shall by virtue of this Act and without further assurance be
27 vested in the College established under section 1 of this Act.

28 (5) Every reference to the former College, Council, Minister, Rector,
29 Council Chairman or any person under their control or a document issued in the
30 name of the former College, Council, Minister, Rector, Chairman of the former

1 Council or employee of the former College shall be read, unless the context
2 otherwise requires, as a reference to the College, Minister, Council, Rector,
3 Chairman or an employee of the College established under this Act, as the
4 case may be.

5 **46.**-(1) Subject to the provisions of this Act, the Rector of the
6 College established under the repealed Act is deemed to have been
7 transferred to the College established under this Act under the same
8 conditions as Rector. Transitional
Provisions

9 (2), Any person who immediately before the commencement of
10 this Act was a staff of the College established under the repealed Act shall
11 continue in office and be deemed to have been appointed under this Act for
12 purposes of Pension.

13 (3) Properties held immediately before the commencement date of
14 this Act on behalf of the Nigerian College of Aviation Technology, Zaria by
15 any person shall, by virtue of this Act, be vested in the College established
16 under this Act.

17 (4) The College established in section 1 of this Act shall be subject
18 to all the obligations and liabilities to which the former Nigerian College of
19 Aviation Technology was subject immediately before the commencement of
20 this Act and all other persons shall have the same rights, powers and
21 remedies against the College established by this Act as they had against the
22 College immediately before the commencement of this Act.

23 (5) Any proceeding or cause of action pending or existing
24 immediately before the commencement of this Act by or against the College
25 established under the repealed Act in respect of any right, interest, obligation
26 or liability of the College may be continued or commenced, as the case may
27 be, and any determination of a court of law, tribunal or other Commission or
28 person may be enforced by or against the College established by this Act to
29 the same extent that such proceeding, cause of action or determination might
30 have been continued, commenced or enforced by or against the College as if

	1	this Act had not been made.
	2	(6) As from the commencement of this Act, any disciplinary
	3	proceeding pending or existing against any employee of the College shall be
	4	continued and completed by the College established under this Act.
Interpretation	5	47. In this Act:
	6	"Act" means the Nigerian College of Aviation Technology (Establishment,
	7	Etc.) Act, 2019;
	8	"Approved" means approved by the Minister;
	9	"Council" means the Governing Council established under section 3 of this
	10	Act;
	11	"College" means the Nigerian College of Aviation Technology established
	12	under section 1 of this Act;
	13	"Joint Council" means a combination of members of the Governing Council
	14	and members of the Academic Board;
	15	"Minister" means the Minister of the Government of the Federation charged
	16	with responsibility for Civil Aviation;
	17	"Prescribed" means prescribed on behalf of the College with the approval of
	18	the Minister;
	19	"Rector" means the Rector of the College;
	20	"Academic Board" means the Board established under section 8 of this Act; and
	21	"The Senior Staff Appointments, Promotions and Disciplinary Committee"
	22	means a body by that name established under paragraph 2 (3) (a) of the
	23	Schedule to this Act.
Short title	24	48. This Bill may be cited as the Nigerian College of Aviation
	25	Technology (Establishment, Etc.) Bill, 2019.

1 SCHEDULE

2 [Section 3(3)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

4 *Proceedings of the Council*

5 1.-(1) The Council may make standing orders with respect to the
6 holding of meetings, the nature of notices to be given, the proceedings, the
7 keeping of minutes of such proceedings and the custody and production for
8 inspection of such minutes.

9 (2) At any meeting of the Council, the Chairman shall preside and if
10 he is not present, the members attending may appoint 1 of their members to
11 be chairman of that meeting.

12 (3) The Council shall meet for the conduct of business at such times
13 as the Chairman of the Council may appoint but shall meet not less than
14 twice in a year.

15 (4) The Chairman of the Council may at any time and shall at the
16 request in writing of not less than 5 members of the Council summon a
17 meeting of the Council.

18 (5) Particulars of the business to be transacted shall be circulated to
19 members with the notice of the meeting at least 2 weeks before the date of
20 the meeting.

21 (6) Where the Council desires to obtain the advice of any expert on
22 a particular matter concerning the College, the Council may co-opt him' as a
23 member for such period as the Council thinks fit, but a person who is a
24 member by virtue of this sub-paragraph shall not be entitled to vote at any
25 meeting of the Council, and shall not count towards a quorum.

26 (7) Every question put before the Council at a meeting shall be
27 decided by a simple majority of the members present and voting

28 (8) 7 members shall form a quorum at any meeting of the Council.

29 (9) The Chairman shall, at any meeting of the Council, have a vote
30 and, in the case of an equality of votes, may exercise a casting vote.

1 (10) Subject to the provisions of this Act, the Council may in the name
2 of the College make standing orders regulating the proceedings of the College
3 or of the Council, and in the exercise of its powers under this Act, may set out
4 committees in the general interest of the College, and make standing orders
5 therefor.

6 (11) Standing orders shall provide for decisions taken to be
7 unanimous and accordingly the chairman shall not have a second or casting
8 vote.

9 (12) Standing orders made for a committee shall provide that the
10 committee is to report back to the Council on any matter not within its
11 competence under this Act to decide

12 *Committees of the Council*

13 2.-(1) The Council may appoint one or more committees to carry out
14 on behalf of the Council such functions as the Council may determine.

15 (2) A committee appointed under this paragraph shall consist of the
16 number of persons determined by the Council.

17 (3) Without prejudice to the provisions of sub-paragraph (1) of this
18 paragraph, the Council shall appoint the following committees:

19 (a) the Senior Staff Appointments, Promotions and Disciplinary
20 Committee which shall without prejudice to section 19(2) (a) of this Act:

21 (i) consist of a chairman to be appointed by the Council and 2
22 members of the senior staff of the College appointed by the Academic Board
23 and 2 other members who shall be appointed by the Council, and

24 (ii) be charged with the responsibility for making recommendations
25 to the Council on the appointment and promotion of the academic and senior
26 staff of the College and have a quorum of 3 members;

27 (b) the Junior Staff Appointments Promotions and Disciplinary
28 Committee which shall consist of a chairman and 4 other members to be
29 appointed by the Council and shall have the powers set out in sections 19(2) (b)
30 and 9 of this Act;

1 (c) the Committee on Students' Affairs which shall consist of the
2 following members:

3 (i) a chairman who shall be appointed by the Rector from among
4 the senior employees of the College,

5 (ii) 1 member of the Council,

6 (iii) 2 members of the academic staff of the College, and

7 (iv) 4 students of the College appointed by the student union;

8 (d) the Finance and General Purpose Committee; and

9 (e) the Academic Development Committee.

10 (4) The Committee on Students' Affairs shall be charged with the
11 duty of:

12 (a) considering any matter which relates to the welfare of students;

13 (b) any other matter referred to it by either the Council or students
14 of the College.

15 (5) Any matter which the students wish to refer to the Council shall
16 be referred to the Committee on Students' Affairs in the first instance.

17 (6) The decision of a committee shall have no effect unless it is
18 confirmed by the Council.

19 *Conflict of Interest*

20 3.-(1) Any member of the Council or committee who has a personal
21 interest in any arrangement entered into or proposed to be considered by the
22 Council or any committee shall:

23 (a) disclose his interest to the Council or committee; and

24 (b) not vote on any question relating to the arrangement.

25 *Miscellaneous*

26 4.-(1) The fixing of the seal of the College shall be authenticated by
27 the signature of the Chairman of the Council or of the Rector where
28 authorised by the Council for that purpose.

29 (2) Any contract or instrument which, if made or executed by a
30 person not being a body corporate, would not be required to be under seal,

1 may be made or executed on behalf of the College by any person generally or
2 specially authorised to act for that purpose by the Council.

3 (3) Any document purporting to be a document duly executed under
4 the seal of the College shall be received in evidence and shall, unless the
5 contrary is proved, be deemed to be so executed.

6 (4) The validity of any proceedings of the Council shall not be
7 affected by any defect in the appointment of a member of the Council or of a
8 person to serve on the Committee, or by reason that a person not entitled to do
9 so took part in the proceedings.

10 (5) A person shall not by reason only of his membership of the Council
11 be treated as holding an office of emolument under the Government.

12 (6) The common seal of the Council shall not be used or affixed to any
13 document except in pursuance of a resolution duly passed at a properly
14 constituted meeting of the Council and recorded in the minutes of such
15 meeting.

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the Act but is intended
to explain its purport)*

This Act seeks to repeal the Nigerian College of Aviation Technology Act, Cap N96, Laws of the Federation of Nigeria, 2010 and to enact the Nigeria College of Aviation Technology Act and establish the Nigerian College of Aviation Technology, charged with the general duty of providing civil aviation courses, standard or special, designed for use in flight training or in airport operation and management as may from time to time be prescribed for approved persons, pursuant to the provisions of this Act and for related matters.

NIGERIAN METEOROLOGICAL AGENCY (ESTABLISHMENT, ETC.)

BILL, 2019

ARRANGEMENT OF SECTIONS

Section:

PART I - ESTABLISHMENT OF THE NIGERIAN METEOROLOGICAL
AGENCY

1. Establishment of the Nigerian Meteorological Agency
2. Powers of the Agency

PART II - ESTABLISHMENT OF THE GOVERNING BOARD OF
THE AGENCY

4. Establishment of the Governing Board
5. Tenure of office
6. Cessation of membership
7. Emoluments etc.
8. Powers and functions of the Board

PART III - FUNCTIONS OF THE AGENCY

8. Functions of the Agency
9. Intellectual Property

PART IV - MANAGEMENT AND STAFF OF THE AGENCY

10. Appointment of the Director-General of the Agency
11. Appointment of Legal Adviser
12. Other employees of the Agency and conditions of service
13. Directorates of the Agency
14. Service in the Agency to be Pensionable
15. Co-operation

PART V - FINANCIAL PROVISIONS

16. Fund of the Agency
17. Expenditure of the Agency
18. Annual estimates and accounts
19. Annual Reports
20. Power to accept gifts
21. Power to borrow
22. Investment in securities
23. Exemption from tax

PART VI - PROVISIONS RELATING TO THE ACQUISITION OF LAND

- 24. Acquisition of land, etc.
- 25. Power to enter land to make survey, etc.
- 26. Compensation for damages, etc
- 27. Establishment of Staff Housing Scheme
- 28. Establishment of Meteorological Calibration Laboratories

PART VII - INVESTIGATION AND ENFORCEMENT

- 29. Duties of an authorized officer of the Agency
- 30. Offences and. penalties
- 31. Power to investigate and impose fine, etc
- 32. Meteorological Orders
- 33. International Treaties, Conventions or Agreements

PART VIII - METEOROLOGICAL OBSERVATORY AND SYNOPTIC OFFICE

ESTABLISHMENT PERMIT

- 34. Grant of a meteorological permit

PART IX - LEGAL PROCEEDING

- 35. Limitation of suits against the Agency, etc.
- 36. Service of documents, notices or processes
- 37. Service of notice on Individual or body corporate
- 38. Restriction on execution against property of the Agency
- 39. Indemnity of officers
- 40. Conflicts of interest and use of insider information for personal gain
- 41. Jurisdiction

PART X - MISCELLANEOUS

- 42. Power of the Minister to give directives of general character to the Agency
- 43. Power to make regulations or issue guidelines
- 44. Repeal and Savings Provision
- 45. Transitional provisions
- 46. Interpretation
- 47. Short title

A BILL

FOR

AN ACT TO REPEAL THE NIGERIAN METEOROLOGICAL AGENCY
(ESTABLISHMENT ETC.) ACT, 2003 AND ENACT THE NIGERIAN
METEOROLOGICAL AGENCY ACT TO PROVIDE FOR THE REGULATION OF
METEOROLOGY AND FOR RELATED MATTERS

Sponsored by Senator Abdullahi, Yahaya Abubakar

[] Commencement

ENACTED by the National Assembly of the Federal Republic of
Nigeria as follows:

1 PART I - ESTABLISHMENT OF THE NIGERIAN

2 METEOROLOGICAL AGENCY

3 1.-(1) There is established a body to be known as the Nigerian Establishment
4 Meteorological Agency (in this Act referred to as "the Agency"). of the Nigerian
5 Meteorological
6 Agency

5 (2) The Agency:

6 (a) shall be a body corporate with perpetual succession and a
7 common seal;

8 (b) may sue or be sued in its corporate name; and

9 (c) may acquire, hold, purchase, mortgage and deal howsoever
10 with property, movable or immovable, real or personal, subject to the
11 provisions of the Land use Act.

12 2.-(1) The Agency shall enforce and administer the provisions of Powers of the
13 this Act and all other laws impacting on meteorology in Nigeria. Agency

14 (2) The Agency shall be the sole authority to regulate, license,
15 approve and authorise the standard of meteorological activities and
16 operations in Nigeria save for aeronautical meteorological services.

17 PART II - ESTABLISHMENT OF THE GOVERNING BOARD

18 OF THE AGENCY

19 3.-(1) There is established for the Agency a Governing Board (in Establishment
20 this Act referred to as "the Board") which shall consist of: of the Governing
Board

- 1 (a) a part-time Chairman;
- 2 (b) a representative each not below the rank of a Director from the
- 3 Federal Ministries in charge of:
- 4 (i) Aviation;
- 5 (ii) Agriculture and Natural Resources;
- 6 (iii) Environment;
- 7 (iv) Transportation; and
- 8 (v) Water Resources.
- 9 (c) two other persons with cognate experience in meteorological
- 10 matters representing public interest; and
- 11 (d) the Director-General of the Agency.
- 12 (2) The Chairman and other members of the Board other than ex-
- 13 officio members as specified in section 3 (1) (b) of this Act shall be appointed
- 14 by the President on the recommendation of the Minister.
- 15 (3) The Chairman shall be a person knowledgeable in meteorology or
- 16 meteorological sciences.
- 17 (4) The Board may co-opt any person to attend and participate at any
- 18 of its meetings provided the person so co-opted shall only be in attendance and
- 19 shall not count towards the quorum or vote at the meeting.
- 20 (5) The Supplementary Provisions set out in the Schedule to this Act
- 21 shall have effect with respect to the proceedings of the Board and other matters
- 22 contained in it.
- 23 (6) In the absence of the Board, the powers of the Board shall be
- 24 vested in an Interim Board as prescribed in paragraph 9 of the Schedule to this
- 25 Act.
- 26 **4.** The Chairman and other members of the Board, other than ex-
- 27 officio members as specified in section 3(1) (b) of this Act shall hold office for a
- 28 period of 4 years on such terms and condition as may be specified in their letters
- 29 of appointment and may be re-appointed for a further term of 4 years and no
- 30 more.

Tenure of office

1 **5.-(1)** The office of a member of the Board shall become vacant Cessation of membership

2 where:

3 (a) his term of office expires;

4 (b) he resigns his appointment by a notice in writing under his hand
5 addressed to the President;

6 (c) he is bankrupt;

7 (d) he dies;

8 (e) he is incapable of performing the functions of his office due to
9 mental or physical illness;

10 (f) he has been convicted of a felony or any offence involving
11 dishonesty;

12 (g) he is found guilty of gross misconduct;

(h) in the case of a person possessed of professional qualifications, he is disqualified or suspended from practicing his profession in any part of the world by order of a competent authority made in respect of that member;

(i) the President directs his removal on the satisfaction that it is not in the interest of the Agency or the public for the person to continue in office as a member of the Board; or

19 (j) in the case of an ex - officio member, he ceases to hold the office
20 on the basis of Which he became a member of the Board.

(2) Where a vacancy occurs in the membership of the Board, it shall be filled by an appointment by the President of a successor to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as that member whose exit created the vacancy.

26 **6.** The Chairman and members of the Board shall be paid such Emoluments etc.
27 emoluments, allowances and benefits as the Federal Government may, from
28 time to time, direct in accordance with extant laws and regulations.

29 7. The Board shall have power to:

30 (a) formulate the general policies and guidelines for the efficient functions of the Board

- 1 discharge of the functions of the Agency;
- 2 (b) monitor and ensure the implementation of the policies and
- 3 programmes of the Agency;
- 4 (c) receive and review annual reports from the Management of the
- 5 Agency and submit same to the Minister not later than 30th day of June each
- 6 year;
- 7 (d) determine the job description, title, terms, qualifications and
- 8 salaries, including allowances of the employees of the Agency, subject to the
- 9 approval of the National Income, Salaries and Wages Commission in the case
- 10 of remunerations;
- 11 (e) make rules relating generally to the conditions of service of
- 12 employees of the Agency, including rules providing for the appointment,
- 13 promotion, advancement, determination of appointment and disciplinary
- 14 control of employees; and
- 15 (f) carry out such other functions as is necessary or expedient to
- 16 ensure the efficient performance of the functions of the Agency under this Act.

17 PART III - FUNCTIONS OF THE AGENCY

Functions of
the Agency

- 18 **8.-(1)** The Agency shall be the authority for the performance of
- 19 meteorological activities and shall:
- 20 (a) advise the Federal Government on all aspects of meteorology;
- 21 (b) project, prepare and interpret Government policies in the field of
- 22 meteorology;
- 23 (c) issue weather forecasts for the safe operation of air-crafts, ocean
- 24 going vessels and oil rigs;
- 25 (d) promote the service of meteorology in agricultural, drought and
- 26 desertification activities;
- 27 (e) provide meteorological services in operational hydrology and
- 28 water resources activities;
- 29 (f) provide weather services in marine, environmental pollution and
- 30 bio-meteorology for climatic and human health activities;

- 1 (g) provide and operate telecommunications systems for
2 meteorological purposes subject to regulations made by the Nigerian
3 Communications Commission;
- 4 (h) proffer advice to the Federal and State Government on
5 seismological activities;
- 6 (i) collect, process and disseminate all meteorological data and
7 information within and outside Nigeria;
- 8 (j) keep in safe custody all meteorological data and records in the
9 National Meteorological Archive;
- 10 (k) be the sole authority to approve, license, certify and regulate the
11 establishment of meteorological stations for meteorological observations,
12 the operators and operating personnel at a fee to be prescribed by the Agency
13 and where, necessary make regulation in this regard;
- 14 (l) charge cost and sustainability recovery charges for services
15 rendered by the agency to users;
- 16 (m) ensure uniform standards of observation of all meteorological
17 phenomena in Nigeria;
- 18 (n) keep and maintain a register of all meteorological stations,
19 observatories, operators and operating personnel;
- 20 (o) levy fees, penalties and administrative cost of proceedings or
21 other charges on any person in relation to the functions of this Agency as
22 prescribed in this Act,
- 23 (p) enter and seal or close up synoptic stations and observatories at
24 the premises of persons illegally carrying out any meteorological activities;
- 25 (q) call for or furnish such data and information generated in the
26 course of carrying out meteorological activities in Nigeria as may be
27 considered necessary for the efficient discharge of its functions;
- 28 (r) prepare adequate guidelines and organise training programmes
29 for the training of all meteorological professionals and for other
30 meteorological related activities;

1 (s) establish training school for the training of observers, forecasters,
2 meteorologists and for related meteorological activities;

3 (t) ensure that international standards and practice in meteorological
4 operations is maintained;

5 (u) train, conduct and undertake research in the field of tropical,
6 agricultural, hydro and marine meteorology and other areas of meteorology;

7 (v) provide consultancy services on meteorology;

8 (w) monitor and issue meteorological components of environmental
9 pollution and ozone concentration;

10 (x) calibrate, develop and fabricate meteorological conventional
11 equipment for export and internal use;

12 (y) report to the relevant authority or organisation and demand
13 appropriate sanction or closure of any station or premises where
14 meteorological information is used in contravention to the provisions of this
15 Act; and

16 (z) carry out other activities as are necessary and expedient for the full
17 discharge of any of its functions under or pursuant to the provisions of this Act.

18 (2) Without prejudice to the functions in subsection (1) of this section
19 the Agency shall be the sole authority to prescribe and issue the meteorological
20 information and data required for all sectoral activities in Nigeria including:

21 (a) aviation;

22 (b) defence;

23 (c) finance;

24 (d) agriculture;

25 (e) construction works;

26 (d) environment;

27 (g) industries;

28 (h) marine;

29 (i) natural disaster and relief management;

30 (j) water resources;

- 1 (k) power and steel;
- 2 (l) transport;
- 3 (m) science and technology;
- 4 (n) oil and gas;
- 5 (o) sports;
- 6 (p) tourism;
- 7 (q) communication; and
- 8 (r) insurance.

9 (3) A person, organisation or corporate body shall not carry out or
 10 undertake any of the sectoral activities listed under subsection (2) of this
 11 section without complying with the meteorological requirement as
 12 prescribed by the Agency.

13 (4) The Minister may by order published in the gazette, prescribe
 14 new sectors under subsection (2) of this section, from time to time.

15 (5) In this section, "synoptic stations" includes stations where
 16 meteorological parameters are observed.

17 9.-(1) All data generated or acquired by the Agency either Intellectual
 18 processed or unprocessed shall be the property of the Agency. Property

19 (2) The Agency shall have the power to receive or acquire
 20 intellectual property of any kind on meteorological information and data
 21 generated from its activities.

22 PART IV - MANAGEMENT AND STAFF OF THE AGENCY

23 10.-(1) There shall be for the Agency a Director-General who shall Appointment of
 24 be appointed by the President on the recommendation of the Minister and on the Director-General
 25 such terms and conditions as may be specified in his letter of appointment or of the Agency
 26 as may be determined, from time to time, by the Federal Government.

27 (2) The Director-General shall be:

- 28 (a) the Chief Executive and Accounting Officer of the Agency;
- 29 (b) responsible to the Board for the day-to-day administration of
- 30 the Agency; and

1 (c) appointed for a term of 5 years in the first instance and may, subject
2 to satisfactory performance, be re-appointed for a further term of 5 years and no
3 more.

4 (3) A person shall not be appointed as the Director - General, except
5 he has a recognised professional degree in meteorology or any other
6 meteorological related sciences with at least 15 years cognate experience, 5 of
7 which shall be at senior management level

8 (4) The Director-General shall be the permanent representative of
9 Nigeria in the World Meteorological Organisation in accordance with the
10 provisions of Article 6, Part V of the Convention of the World Meteorological
11 Organisation, 1947.

12 (5) The Director-General may be suspended or removed from office
13 by the President on the recommendation of the Minister where he:

14 (a) has demonstrated inability to effectively perform the duties of the
15 office;

16 (b) has been absent from 5 consecutive meetings of the Board without
17 the consent of the Chairman unless he shows good reason for such absence;

18 (c) is found guilty of gross misconduct;

19 (d) in the case of a person possessed of professional qualifications, is
20 disqualified or suspended from practicing his profession in any part of the
21 world by an order of a competent authority; or

22 (e) is in breach of the conflict of interest and use of insider information
23 for personal gain stipulated under section 40 of this Act and in the Schedule to
24 this Act;

25 (g) The Director-General of the Agency shall not be removed from
26 office except in accordance with the provisions of this Act;

27 (h) co-ordinate and participate in meteorological inspections and
28 investigation.

Appointment of
Legal Adviser

29 **11.-(1)** The Board shall appoint a Legal Adviser for the Agency.

30 (2) The Legal Adviser shall be the Secretary to the Board and shall be:

1 (a) a Legal Practitioner with not less than 12 years post call
2 experience;

3 (b) the Director, Legal Services and Enforcement;

4 (c) be responsible for keeping the books and proper records of
5 proceedings and correspondence of the Board and the upkeep of the records
6 of the Agency;

7 (d) administer and discharge all legal obligations and insurance
8 requirements of the Agency;

9 (e) retain external legal services on behalf of the Agency as he may
10 deem necessary or expedient;

11 (f) ensure the enforcement and compliance with the provisions of
12 this Act;

13 (g) carry out the registration of third parties and keep records of all
14 the third parties relationships with the Agency;

15 (i) perform such other functions as the Board or the Director-
16 General, as the case may be, may from time to time, assign to him.

17 12.-(1) The Agency shall appoint, designate or cause to be
18 deployed, directly or on secondment from any public or private bodies such
19 number and category of employees as it may require to assist it in the
20 effective discharge of its duties and functions under this Act.

Other employees
of the Agency and
conditions of
service

21 (2) The terms and conditions of service including remuneration,
22 allowances, benefits and pensions of the employees of the Agency shall be
23 as may be determined by the Board in line with existing laws and
24 regulations.

25 (2) Nothing in subsections (1) of this section shall prevent the
26 appointment of a person to any office on terms which may preclude the grant
27 of a pension, gratuity or other retirement benefits in respect of that office.

28 (3) The Agency may with the approval of the Board, make staff
29 regulations relating generally to the conditions of service of its employees
30 and providing for:

1 (a) the appointment, promotion and staff discipline;
 2 (b) appeals by employees against disciplinary measures; and
 3 (c) such other matters as it may deem necessary to ensure the efficient
 4 performance of the functions of the Agency under this Act.

5 (4) Staff Regulations and conditions of service made under
 6 subsection (3) of this section shall not have effect until it is published in the
 7 Gazette and website of the Agency.

Directorates of
the Agency

8 **13.**-(1) The Agency may with the approval of the Board:

9 (a) set up Directorates, Departments, Special Units, technical
 10 committees, working groups and task forces to assist the Agency in the
 11 performance of its duties and functions under this Act; and

12 (b) make changes to its structure, from time to time.

13 (2) There shall be appointed for each of the departments and special
 14 units, a principal officer who shall be known by such designation as the Agency
 15 may determine.

16 (3) Without prejudice to the provisions of subsection (1) of this
 17 section, there shall be for the Agency the following Directorates:

18 (a) Weather Forecasting Services;

19 (b) Meteorological Research and Training;

20 (c) Applied Climate Services;

21 (d) Engineering and Technical Services;

22 (e) Finance and Accounts;

23 (f) Administration and Human Resources; and

24 (g) Commercial and Business Development.

Service in the
Agency to be
Pensionable

25 **14.**-(1) Service in the Agency shall be approved public service for the
 26 purpose of the Pension Reform Act and accordingly, officers and other staff of
 27 the Agency shall in respect of their service in the Agency, be entitled to such
 28 pension and other retirement benefits as are prescribed in the Pension Reform
 29 Act.

30 (3) For the purposes of the application of the provisions of the Pension

1 Reform Act, any power exercisable under it by a Minister or other authority
2 of the Government of the Federation, not being the power to make
3 regulations, is hereby vested in and shall be exercisable solely by the Board.

4 **15.** In exercising and performing the powers, functions and duties Co-operation
5 conferred on it under this Act, the Agency may appoint, contract, liaise or co-
6 operate with experts, relevant organisations, international institutions
7 including specialised agencies, resource persons, academic and technical
8 institutes, advisory committees and any other person or authority in order to
9 assist it in carrying out its functions or duties under this Act

10 PART V - FINANCIAL PROVISIONS

11 **16.**(1) There is established for the Agency a fund into which shall Fund of the
12 be paid or credited: Agency

13 (a) all subventions and budgetary allocations from the Federal
14 Government;

(b) gifts, loans, grants-in-aid from national, bilateral and
multilateral agencies;

(c) administrative penalties payable for violation of
meteorological regulations;

19 (d) returns on investments made by the Agency;

(e) 10 percent of landing charges from the Federal Airports
Authority of Nigeria;

(d) 10 percent of en-route and over flight charges from the Nigerian
Airspace Management Agency;

(g) 9 percent of the 5 percent sales tax surcharged on tickets and cargo charges by the Nigerian Civil Aviation Authority;

26 (h) fees or funds, approved by the Board in respect of services
27 provided by the Agency in the following and other commercial activities:

(i) rendering of climatic information to the Power and Energy
Sector operators, marine and ocean going vessels and crude oil explorers in
Nigeria,

1 (ii) provisions of agricultural, marine and non-aeronautical
2 meteorological services,

3 (iii) exhibition and sale of meteorological data, information or
4 equipment,

5 (iv) production and sale of books, pamphlets, bulletins, etc on
6 meteorological services,

7 (v) provision of consultancy services on meteorology including
8 investigative meteorological activities and meteorological training,

9 (vi) rentals of property, plant and equipment including rents and fees
10 received from the use of pamphlets and documentaries owned by the Agency,
11 sale, rent or lease of landed properties,

12 (vii) fees from personnel licensing,

13 (viii) establishment, registration, licensing, monitoring and
14 supervision of meteorological stations, telecommunication masts, including
15 observatories on all on-shore and off-shore platforms used by oil and gas
16 companies in Nigeria, or

17 (ix) provision of meteorological information on the construction of
18 Government and non-Government owned four storey building and beyond,
19 roads, dams, telecommunication masts and other related projects;

20 (l) any other fund which the Federal Government may designate for
21 the development of Civil Aviation or Meteorology in Nigeria; and

22 (j) such other moneys as may be received by the Agency in the course
23 of its operations or in relation to the exercise by the Agency of any of its
24 functions under the Act.

25 (2) Subject to the provisions of the Constitution of the Federal
26 Republic of Nigeria, 1999; the fund established pursuant to subsection (1) of
27 this section shall be managed in accordance with extant Financial Regulations
28 applicable in the Public Service of the Federation.

Expenditure of
the Agency

29 17. The Agency may, from time to time, apply the proceeds of the
30 fund established under section 16 of this Act:

- 1 (a) to the cost of administration of the Agency;
- 2 (b) to the payment of the emoluments, allowances and benefits of
- 3 members of the Board and for reimbursing members of the Board or of any
- 4 committee of the Board and for such expenses as may be expressly
- 5 authorised by the Board;
- 6 (c) to the payment of the salaries, fees or other remuneration or
- 7 allowances, gratuities and pensions, and other benefits payable to the
- 8 officers and other employees of the Agency, provided that no payment of
- 9 any kind under this paragraph except such as may be expressly authorised by
- 10 the Board shall be made to any person who is within the relevant period, in
- 11 receipt of emoluments from the Federal or State Government;
- 12 (d) for the development and maintenance of any property vested in
- 13 or owned by the Agency;
- 14 (e) to publicise and promote the activities of the Agency; and
- 15 (f) to undertake such other activities as are connected with the
- 16 functions of the Agency under this Act.

17 **18.**-(1) The Agency shall not later than 30th September in each

18 year, submit to the Minister an estimate of its expenditure and income

19 including payments to the Agency's fund for the next succeeding year.

Annual estimates
and accounts

20 (2) The Agency shall keep proper accounts in respect of each year

21 and proper records in relation to those accounts and shall cause its accounts

22 to be audited within 6 months after the end of each year by auditors from the

23 list and in accordance with the guidelines supplied by the Auditor-General

24 of the Federation.

25 **19.** The Agency shall prepare and submit to the Federal Executive

26 Council, through the Minister, not later than 6 months after the end of each

27 year, a report in such form as he may direct on the activities of the Agency

28 during the immediately preceding year and shall include in the report a copy

29 of the audited accounts of the Agency for that year and the auditor's report on

30 the accounts.

Annual Reports

Power to accept gifts	1	20. -(1) The Agency may accept any gift of land, money or other
	2	property on such terms and conditions, if any, as may be specified by the person
	3	or organisation making the gift,
	4	(2) The Agency shall not accept any gift where the conditions
	5	attached by the person or organisation making the gift are inconsistent with the
	6	functions of the Agency under this Act.
Power to borrow	7	21. -(1) The Agency may with the approval of the Minister, borrow
	8	such 'sums by way of loan, overdraft or from any source, as may be required for
	9	the performance of its functions and meeting its Obligations under this Act; and
	10	any interest payable on monies so borrowed shall be paid out of the fund of the
	11	Agency.
	12	(2) The Agency shall not, without the approval of the Board borrow
Investment in securities	13	money which exceeds, at any time, the amount set by the Government as the
	14	limit of the borrowing powers of the Agency,
	15	22. -(1) The Agency may, subject to the provisions of this Act and the
	16	conditions of any trust created in respect of any property, invest any or all
	17	monies. in its fund, not immediately required for its current expenditure in:
	18	(a) any security prescribed by the Trustee Investments Act, or in such
	19	other securities as may, from time to time, be approved by the Minister;
	20	(b) any securities created or issued by or on behalf of the Federal
	21	Government, as may be approved by the Board, from time to time;
	22	(c) the purchase or improvement of any land in any part of the
	23	Federation; or
	24	(d) any venture in Nigeria as may be approved by the Minister,
	25	including investment in stocks quoted on the Nigerian Stock Exchange.
	26	(2) In the exercise of its powers of investment of its fund under
	27	subsection (1) of this section, the Agency may, from time to time, vary any of
	28	such investments and may deposit any monies for the time being un-invested
	29	with any bank approved by the Agency in line with Government Regulations.

1 **23.**-(1) The Agency shall be exempted from the payment of income Exemption from
2 tax on any income accruing from investments made by the Agency. tax

3 (2) The provision of any law relating to the taxation of companies
4 or trust shall not apply to the Agency.

5 PART VI - PROVISIONS RELATING TO THE ACQUISITION OF LAND

6 **24.**-(1) The Agency, may subject to the Land Use Act or any Acquisition of
7 relevant law acquire any land for the purpose of discharging its functions land, etc.
8 under this Act.

9 (2) Where there is any hindrance in the acquisition of any land by
10 the Agency under this Act, including any failure by the Agency to reach an
11 agreement as to the amount to be paid in respect of the acquisition, the
12 Agency may apply to the Minister for a declaration under subsection (3) of
13 this section.

14 (3) The Minister on receiving an application from the Agency and
15 after such enquiry as he may deem fit in the circumstance, may request the
16 Governor of the State or the relevant authority where the land is situated to
17 declare that the land is required for the service of the Agency and
18 accordingly for an over-riding public purpose.

19 (4) Where a declaration is made under subsection (3) of this
20 section, the land to which the declaration relates shall be deemed to be land
21 required for the purpose of the Federation Within the meaning of the Land
22 Use Act and the Agency shall acquire the land accordingly.

23 (5) Where a declaration has been made under subsection (3) of this
24 section in respect of any land and the:

25 (a) land has been acquired pursuant to subsection (4) of this
26 section; or

27 (b) Governor of the State concerned is satisfied that there is no
28 rights subsisting in respect of the land; the Governor of the State may vest
29 the land in the Agency by issuing a Certificate of Occupancy In respect of it,
30 in favour of and in the name of the Agency.

1 (6) The compensation, if any, payable under the Land Use Act for the
2 revocation of any rights relating to the land, where applicable, shall be paid by
3 the Agency.

4 (7) The plan of the land referred to in subsection (2) of this section:

5 (a) containing measurement of the boundaries of the land;

6 (b) showing the relationship of the land to any sufficient identifying
7 mark; and

8 (c) signed by the Surveyor -General; shall be a sufficient description
9 of the land for the purpose of an application under that subsection.

10 (8) The Agency shall not, without the prior approval in writing by the
11 Governor of the State in which the land is situated, alienate, mortgage, charge
12 or otherwise demise any immovable property which has been vested in the
13 Agency under this section or in respect of which a right of occupancy has been
14 granted to the Agency.

Power to enter
land to make
survey, etc.

15 **25.-(1)** Subject to this section, the Agency may by its officers,
16 employees, workmen or agents enter, from time to time, upon any land for the
17 purpose of the discharge of any of the functions of the Agency under this Act
18 and, in particular, may enter upon any of such land for the purpose of:

19 (a) inspecting and examining lands, buildings and equipment of
20 meteorological stations;

21 (b) inspecting and examining accounts, records and memoranda
22 required to be kept by meteorological stations; and

23 (c) cutting down and removing a tree, under wood or structures that
24 may interfere with surveys and any installation which constitute hindrance to
25 meteorological or climate activity.

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

30 (3) In the discharge of its functions under subsection (1) of this

1 section, the officers, employees, workmen or agents of the Agency may
 2 remain on any land for such reasonable time as may enable them to execute
 3 and do all such work and things as may be necessary for the discharge of the
 4 functions of the Agency under this Act.

5 **26.-(1)** In the exercise of the power conferred upon it by section 25
 6 of this Act, the Agency, its officers, employees, workmen or agents shall
 7 ensure that buildings, crops and economic trees are protected from damages
 8 and the Agency shall pay compensation for any damage done to any
 9 building, crops and economic trees.

Compensation
for damages, etc.

10 (2) In the case of dispute as to the amount of compensation payable,
 11 the same shall be determined by a magistrate or district judge exercising
 12 jurisdiction in the place where the land is situated or the High Court within
 13 whose area of jurisdiction the land is situated, as the case may require, and
 14 the decision of the Magistrate, district judge or High Court shall be final and
 15 binding.

16 **27.-(1)** The Agency may with the approval of the Minister engage
 17 in the establishment of staff housing scheme.

Establishment of
Staff Housing
Scheme

18 (2) The Agency shall with the approval of the Board issue
 19 guidelines for the establishment and management of the staff housing
 20 scheme referred to under subsection (1) of this section.

21 **28.-(1)** The Agency shall establish and operate Calibration
 22 Laboratories at designated locations for purposes of carrying out regular
 23 calibration of meteorological instruments and equipment.

Establishment of
Meteorological
Calibration
Laboratories

24 (2) The Agency shall have power to certify that calibrated
 25 meteorological equipment meets the standard specified by the World
 26 Meteorology Organisation and the Standard Organisation of Nigeria.

27 PART VII - INVESTIGATION AND ENFORCEMENT

28 **29.-(1)** Any authorised officer of the Agency who has reasonable
 29 grounds for believing that an offence under his Act has been or is being
 30 committed on any premises or there is on any premises, anything connected

Duties of an
authorised officer
of the Agency

1 with the commission of any offence under this Act or any regulation made
2 under it, may enter upon such premises, to:

3 (a) conduct a search of the premises;

4 (b) take measurement and samples, where necessary, for conducting
5 analysis and tests of any substance found on any premises pursuant to
6 paragraph (a) of this subsection;

7 (c) arrest any person whom he reasonably suspects to have committed
8 an offence;

9 (d) take photographs, films, audio, video and other recordings or
10 extracts from documents and

11 (e) seal up any premises or seize any articles including plant,
12 equipment, substance, or any other thing whatsoever used in the commission of
13 an offence or in respect of which an offence has been committed.

14 (2) A written receipt shall be given for any article or item seized under
15 subsection (1) of this section and the grounds for such seizure shall be stated on
16 the receipt.

Offences and
penalties

17 **30.-(1)** Any person who:

18 (a) hinders or obstructs an authorised officer in the exercise of his
19 duties under this Act or regulations made under it;

20 (b) fails to comply with a lawful order or requirement made by an
21 authorised officer pursuant to the provisions of this Act or regulations made
22 under it;

23 (c) fails, neglects or refuses to carry out a meteorological order issued
24 under this Act;

25 commits an offence and shall be liable on conviction to a fine of not less than
26 N250,000 or to a term of 6 months imprisonment or to both.

27 (2) Any person who:

28 (a) collect, use or disseminate weather forecast or any other
29 meteorological information obtained from any other source outside the

1 approval, license or authority of the Agency for commercial or public
2 purpose; or

3 (b) impersonate an authorized officer of the Agency, refuse to state
4 or wrongly state his address and mislead or give wrongful information to an
5 authorized officer of the Agency;

6 commits an offence under this Act and shall be liable on conviction:

7 (i) in the case of an individual, be liable to a fine of N1,000,000.00
8 or to a term of 3 years imprisonment or to both; and

9 (ii) in the case of a body corporate, be liable to a fine of not less than
10 N1,000,000 for every day after receipt of notice of the commission of the
11 offence from the Agency.

12 (3) Where a body corporate is proved to have been committed on
13 the instigation or with the connivance of, or is attributable to any neglect on
14 the part of a director, manager, secretary, head of branch or project manager
15 or other similar officer of the body corporate, or any person purporting to act
16 in any of such capacity, he as well as the body corporate, where practicable,
17 shall be deemed to have committed that offence and liable to be proceeded
18 against and punished accordingly in line with the provisions of subsection
19 (1) of this section.

20 **31.-(1)** The Agency shall after notice and hearing the complaint or
21 on its own initiative and investigation determine whether any person is
22 violating any provision of this Act, regulations, rules or orders made under
23 it.

Power to
investigate and
impose fine, etc.

24 (2) Where the Agency is satisfied after such hearing that such a
25 person is violating any provisions of this act, regulations, rules or orders, as
26 the case may be, it shall by order require the person to pay penalty, revoke its
27 license or take such action consistent with the provisions of this act,
28 regulations, rules or orders, as may be necessary in the opinion of the
29 Agency to prevent further violation of the provisions of the Act, regulations,
30 rules or orders.

Meteorological
Orders

1 (3) In the exercise of its power, the Agency shall appoint an
2 administrative panel to give effect to the provision of this section.

3 (4) The decision of the Panel shall become effective upon
4 confirmation by the Board provided that an appeal from the decision of the
5 Panel as may be confirmed by the Board shall lie to the Minister.

6 **32.-(1)** The Agency may cause an order known as meteorological
7 order to be issued or served on any person where it has reasonable grounds for
8 believing that the person has contravened or is contravening, or there exists a
9 likelihood of contravention of the provision of this Act or regulations made
10 under it.

11 (2) A Meteorological Order shall:

12 (a) specify the provision of the Act contravened;

13 (b) state the specific content of the permit or license contravened;

14 (c) direct the- owner or person in possession to take remedial
15 measures to terminate or prevent further re-occurrence; and

16 (d) set out maximum fine for failure to comply with the order.

17 (3) A Meteorological Order may impose any other requirements for
18 the purpose of preventing, remedying or minimising harm which may include
19 an order that a person should:

20 (a) stop the commencement of a specified activity, indefinitely or for a
21 specified period of time;

22 (b) take certain measures within a specified period to prevent harm,
23 remedy or restore the environment to its original state; or

24 (c) not conduct a specific activity except within a specified time or
25 subject to specified conditions.

26 (4) The issuance of or compliance with an order in respect of a
27 person's alleged contravention of this Act or the regulations made under it shall
28 not be a bar to any proceedings against the person under this or any other Act in
29 relation to the alleged contravention by that person.

1 **33.** Subject to the provisions of the Constitution of the Federal
 2 Republic of Nigeria 1999, the Agency shall take necessary measures to give
 3 effect to any international treaty, convention or agreement concerning any
 4 aspect of meteorology to which Nigeria is a party.

International
Treaties,
Conventions or
Agreements

5 PART VIII - METEOROLOGICAL OBSERVATORY AND SYNOPTIC

6 OFFICE ESTABLISHMENT PERMIT

7 **34.**-(1) The Agency may on application made to it by any person,
 8 grant a meteorological permit in respect of any activity prescribed by the
 9 Agency, including permit to:

Grant of a
meteorological
permit

10 (a) conduct meteorological research activities; or

11 (b) develop or test experimental equipment.

12 (2) Activities for which meteorological permits or license may be
 13 granted shall include activities specified under sections 8 (1) (k) and 8 (2) of
 14 this Act.

15 (3) A person, organisation or corporate body shall not carry out or
 16 undertake such sectoral activities as mentioned in subsection (2) of this
 17 section and any other meteorological activity without obtaining the
 18 Agency's certification, permit or licence and complying with the
 19 meteorological requirements as prescribed by the Agency.

20 (4) Any person Who contravenes the provisions of subsection (3)
 21 of this section shall be liable; where the contravention is by a corporate body
 22 to a fine not exceeding N5,000,000 and Where the contravention is by an
 23 individual, to a fine not exceeding N2,000,000;

24 PART IX - LEGAL PROCEEDING

25 **35.**-(1) The provisions of the Public Officers Protection Act shall
 26 apply in relation to any suit instituted against a member of the Board, an
 27 officer or employee of the Agency.

Limitation of
suits against the
Agency, etc.

28 (2) Notwithstanding anything to the contrary contained in any law,
 29 no suit against the Agency, Members of the Board, Director-General or any
 30 employee shall lie or be instituted in respect of any act done in pursuance to

1 or in execution of the functions, powers and public duties prescribed under this
2 Act, or in an action in contract, tort, or howsoever unless it is commenced:

3 (a) within 3 months next after the act, neglect or default complained
4 of; or

5 (b) in the case of a continuation of damage or injury, within 6 months
6 next after cessation of it.

7 (3) A suit shall not be commenced against a member of the Board, the
8 Director-General or any other officer or employee of the Agency before the
9 expiration of a period of 1 month after written notice of the intention to
10 commence the suit shall have been served on the Agency by the intending
11 plaintiff or his agent.

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

15 (5) In any proceeding before a court of law or tribunal, the Agency
16 may, with the consent of the Attorney-General of the Federation, be
17 represented by its Legal officers or any legal practitioner authorized by the
18 Agency who shall have the right to appear at any stage of a proceedings and
19 who shall satisfy the court that he is duly authorised by the Agency in that
20 behalf.

Service of
documents, notices
or processes

21 **36.**-(1) A notice, summons or other document required or authorised
22 to be served on the Agency under the provisions of this Act or any other law
23 may be served by delivering the same to the Director-General of the Agency or
24 by sending it by registered post addressed to the Director-General at the
25 Headquarters of the Agency.

26 (2) Service of notices, warrants, orders, summons, proceedings,
27 documents or written communication of which service is required, shall be
28 made by a person appointed for that purpose by the Agency, provided that
29 where a party is represented by a legal practitioner, service of notices, warrants,
30 orders, summons, proceedings, documents Or written communication of

1 which service is required may be made through such legal practitioner or
2 through a partner, counselor clerk under his control.

3 (3) All notices, warrants, order, summons, proceedings, documents
4 or written communications in respect of which service is required by this Act
5 shall be sufficient service if left with an adult person resident or employed at
6 the address for service; provided that where there is no person on the
7 premises at the time of service, service shall be effected by posting the
8 process sought to be served at the main entrance gate or wall of the premises
9 or by advertisement or otherwise as may be deemed necessary and proper in
10 the circumstances.

11 37.-(1) Any notice required or authorised under this Act to be
12 served on any person may be served either by:

Service of notice
on individual or
body corporate

13 (a) delivering it to the person or his agents or servants;
14 (b) leaving it at the person's proper address; or
15 (c) posting it to the person's principal office by registered post or
16 courier.

17 (2) Any notice required or authorised to be served upon a body
18 corporate shall be deemed to have been duly served if it is served on a
19 Director of or the Secretary to the body corporate.

20 (3) For the purpose of this section, the proper address of any person
21 on whom such notice is to be served shall:

22 (a) in the case of a body corporate, be that of the registered or
23 principal office of the body corporate; and

24 (b) in any other case, be the last known address of the person;

25 38. In any action or suit against the Agency, no execution or
26 attachment of process in any nature of it shall be issued or levied against the
27 Agency unless:

Restriction on
execution against
property of the
Agency

28 (a) not less than three months' notice of the intention to execute or
29 attach has been given to the Agency; and

30 (b) the consent of the Attorney-General of the Federation has been

	1	obtained before execution of the judgment.
Indemnity of officer	2	39.-(1) A member of the Board, the Director-General or any officer or
	3	employee of the Agency shall be Indemnified out of the assets of the Agency
	4	against any liability incurred by him in defending any proceeding, whether
	5	civil or criminal, where the proceeding Is brought against him in his capacity as
	6	a member of the Board, Director-General, officer or employee of the Agency.
	7	(2) Any Sum of money which may be the judgment of any court
	8	awarded against the Agency shall, subject to any direction given by the court
	9	where no notice of appeal against the judgment has been given, be paid from
	10	the fund of the Agency.
Conflicts of interest and use of insider information for personal gain	11	40.-(1) Members of the Governing Board, Director - General,
	12	Directors and employees of the Agency Shall not manage or operate any
	13	meteorological enterprise while in office.
	14	(2) Any of the persons specified in subsection (1) of this section,
	15	having a financial interest in any meteorological enterprise:
	16	(a) shall make full disclosure of such interest to their respective
	17	appointing Authorities and to the Agency;
	18	(b) is prohibited from participating in any action or decision that may,
	19	directly or indirectly, affect their financial interest in any meteorological
	20	enterprise.
	21	(3) A member of the Board or the Director-General or any other
	22	officer or employee of the Agency shall:
	23	(a) not, for his personal gain, make use of any information which has
	24	come to his knowledge in the exercise of his powers or is obtained by him in the
	25	ordinary course of his duty as a member of the Board or as the Director-
	26	General, officer or employee of the Agency;
	27	(b) treat as confidential any information which has come to his
	28	knowledge in the exercise of his powers or is obtained by him in the
	29	performance of his duties under this Act; and
	30	(c) not disclose any information referred to under paragraph (b) of this

1 subsection, except where required to do so by a court or in such other
2 circumstances as may be prescribed by the Agency and approved by the
3 Board, from time to time.

4 **41.** The Federal High Court shall have jurisdiction to try offences, Jurisdiction
5 hear and determine proceedings arising under this Act.

6 **PART X - MISCELLANEOUS**

7 **42.**-(1) The Minister may from time to time, give general policy Power of the
8 guidelines to the Agency. Minister to give
to the Agency
9

10 (2) Notwithstanding the provisions of subsection (1) of this
11 section, the Minister may give to the Agency directives of a general or
12 specific nature relating generally to a particular matter or case, as the case
13 may be.

14 (3) The Agency shall comply with any policy guidelines or any
15 directive given to it by the Minister pursuant to subsection (1) or (2) of this
16 section.

17 **43.**-(1) The Agency may with the approval of the Board, make Power to make
18 rules, guidelines or regulations as in its opinion are necessary or expedient regulations or
19 for giving full effect to the provisions of this Act and for the due issue guidelines
20 administration of its provisions, save for aeronautical meteorological
21 services.

22 (2) The contravention of any regulations issued pursuant to any of
23 the provisions of this Act shall constitute an offence and shall be punishable
24 as prescribed in the particular regulations.

25 **44.**-(1) The Nigerian Meteorological Agency (Establishment, Etc.) Repeal and Savings
26 Act, 2003 is hereby repealed. Provision

27 (2) Without prejudice to section 6 of the Interpretation Act, the
28 repeal of the Act specified in subsection (1) of this section, shall not affect
29 anything done under or pursuant to the Act.

30 (3) Every regulation, order, requirement, certificate, notice,
direction, decision, authorisation, consent, application, request or thing

1 made, issued, given or done under the repealed Act shall, if in force at the
2 commencement of this Act, continue to be in force and have effect as if made,
3 issued, given or done under the corresponding provisions of this Act.

4 (4). All assets, funds, resources and other movable and immovable
5 property which, immediately before the commencement of this Act, vested in
6 the Agency established 'under the repealed Act shall by virtue of this Act and
7 without further assurance be vested in the Agency established under section 1
8 of this Act.

9 (5) Every reference to the former Agency, Board, Minister, Executive
10 Secretary, Board Chairman or any person under their control or a document
11 issued in the name of the former Agency, Board, Minister, Executive Secretary,
12 Chairman of the former Board or employee of the former Agency shall be read,
13 unless the context otherwise requires, as a reference to the Agency, Minister,
14 Board, Director- General, Chairman, or an employee of the Agency established
15 under this Act, as the case may be.

Transitional
provisions

16 45.-(1) Any person who immediately before the commencement of
17 this Act was a staff of the Agency established under the repealed Act shall
18 continue in office and be deemed to have been appointed under this Act for
19 purposes of Pension.

20 (2) Any person Who immediately before the coming into force of this
21 Act is the holder of any office in the Agency existing before the
22 commencement of this Act shall on the commencement of this Act continue in
23 office and be deemed to have been appointed to his office unless the authority
24 by which the person was appointed terminates the appointments.

25 (3) Properties held immediately before the commencement date of
26 this Act on behalf of the Nigerian Meteorological Agency by any person shall,
27 by virtue of this Act, be vested in the Agency established under this Act.

28 (4) The Agency established in section 1 of this Act shall be subject to
29 all the obligations and liabilities to which the former Agency was subject
30 immediately before the commencement of this Act and all other persons shall

1 have the same rights, powers and remedies against the Agency established
2 by this Act as they had against the Agency immediately before the
3 commencement of this Act.

4 (5) Any proceeding or cause of action pending or existing
5 immediately before the commencement of this Act by or against the Agency
6 established under the repealed Act in respect of any right, interest, obligation
7 or liability of the Agency may be continued or commenced, as the case may
8 be, and any determination of a court of law, tribunal or other Commission or
9 person may be enforced by or against the Agency established by this Act to
10 the same extent that such proceeding, cause of action or determination might
11 have been continued, commenced or enforced by or against the Agency
12 existing before the commencement of this Act

13 (6) As from the commencement of this Act, any disciplinary
14 proceeding pending or existing against any employee of the Agency shall be
15 continued and completed by the Agency established under this Act.

16 46.-(1) In this Act:

Interpretation

17 "aeronautical service" includes information, direction and other facilities
18 furnished, issued or provided in connection with meteorological forecasts or
19 data;

20 "airport" means any area on land or water including any building,
21 installation and equipment intended to be used either wholly or in part for
22 the arrival, departure and surface movement of aircraft;

23 "Board" means the governing Board of the Agency established under
24 section 3 (1) of this Act;

25 "meteorology" means meteorology as applied to ocean activities;

26 "member" means a member of the Board and includes the Chairman;

27 "meteorology" means the study dealing with the phenomena of the
28 atmosphere;

29 "Minister" means the Minister in charge with the responsibility of matters
30 relating to aviation and Ministry" shall be construed accordingly;

- 1 "power" includes functions and duties;
- 2 "premises" includes lands, plants and ancillary works;
- 3 "President" means the President of the Federal Republic of Nigeria;
- 4 "weather" means the state of the atmosphere which consists of the short-term
- 5 minutes to months variation of the atmosphere;
- 6 "Agency" means the Nigerian Meteorological Agency;
- 7 "authorised officer" means the Director-General or any other officer of the
- 8 Agency specifically or generally authorised by the Director-General to carry
- 9 out the functions of the Agency under this Act;
- 10 "agro-meteorology" means the application of meteorological information and
- 11 data in the monitoring, management of agricultural activities and in aid of food
- 12 production and security;
- 13 "Convention' of the World Meteorological Organization" is found in the Basic
- 14 Documents, of the World Meteorological Organization Publication Number
- 15 15. Authentic text of the Convention of the World Meteorological
- 16 Organization, adopted by the Washington Conference on 11 October 1947, is
- 17 as amended by Resolutions 1 and 2 adopted by the Third Congress in 1959;
- 18 Resolutions 1 and '2 adopted by the Fourth Congress In 1963; Resolutions 1, 2
- 19 and 3 adopted by the Fifth Congress in 1961; Resolution,48 adopted by the
- 20 Seventh Congress in 1975; Resolution 50 adopted by the Eighth Congress in
- 21 1979; Resolutions 41, 42 and 43 adopted by the Ninth Congress In 1983;
- 22 Resolutions 39 and 41 adopted by the Fourteenth Congress in 2003 and
- 23 Resolution 44 adopted by the Fifteenth Congress in 2007;
- 24 "Government" means Government of the Federal Republic of Nigeria;
- 25 "hydro-meteorology" means the application of meteorological information
- 26 and data in the monitoring and management of water resources sector and
- 27 water related phenomenon;
- 28 "marine-meteorology" means the application of meteorological information
- 29 and data in the monitoring and management of coastal and ecosystem and
- 30 maritime activities such as ocean transportation and shipping, fisheries, oil

1 exploration etc;
2 "policy and guidelines" means policy and guidelines made for the
3 'administration of the functions of the Agency;
4 'Regulations" means rules that may be established by the Agency from time
5 to time for the administration and regulation of meteorological services in
6 Nigeria;
7 "seismological activities" means application of meteorological information
8 and data in the monitoring of earthquake and tremor and other earth related
9 activities;
10 "synoptic station" means a meteorological observatory where all the
11 meteorological parameters are observed and reported on a 24 hourly basis;
12 and
13 "WMO" means World Meteorological Organisation,

14 (2) Every other term shall have the same meaning as contained in
15 the Basic Documents of the World Meteorological Organisation.

16 47. This Bill may be cited as the Nigerian Meteorological Agency Short title
17 (Establishment, etc.) Bill, 2019.

18 SCHEDULE

19 [Section 3(5))

20 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD ETC.

21 *Proceedings of the Board*

22 1. Subject to this Act and section 27 of the Interpretation Act, the
23 Board shall have power to regulate its proceedings and may make Standing
24 Order with respect to the holding of its meetings, and those of the
25 committees, notices to be given, the keeping .of minutes of its proceedings,
26 the custody and production for inspection of such minutes and such other
27 matters as the Board may from time to time, determine.

28 2. At every meeting of the Board, the Chairman shall preside and
29 in his absence the members present at that meeting shall appoint one of their
30 numbers to preside at the meeting.

3. The quorum at a meeting of the Board consists of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this schedule, and 4 other members.

4 4. The Board shall for the purpose of this Act, meet not less than 4
5 times in each year and subject, to it, the Board shall meet whenever it is
6 summoned by the Chairman, and if required to do so, by notice given to him by
7 not less than 4 other members, he shall summon a meeting of the Board to be
8 held within 14 days from the date on, which the notice is given,

9 5. Where the Board desires the advice of any person on a particular
10 matter, the Board may invite that person to attend for such period as it thinks fit,
11 but a person who is invited by virtue of this paragraph shall not be entitled to
12 vote at any meeting of the Board and shall not count towards the quorum,

13 Committees

14 6. Subject to its standing orders, the Board may appoint such number
15 of standing or Ad-Hoc Committees as it thinks fit to consider and report on any
16 matter with which the Agency is concerned,

17 7. A committee appointed under this paragraph shall:

(a) consist of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person other than a member, of the Board, shall hold office on the committee in accordance with the terms of this appointment; and

22 (b) be presided over by a member of the Board,

23 8. The quorum of any committee set up by the Board shall be
24 determined by the Board.

25 9. An Interim Board within the meaning of section 3(6) of this Act
26 shall comprise the:

27 (a) Minister as Chairman;

28 (b) Permanent Secretary of the Ministry in charge of Aviation; and

29 (c) Director-General of the Agency.

1 *Miscellaneous*

2 10. The common seal of the Agency shall be kept in the custody of
3 the Director Legal Services and shall be authenticated by the signature of the
4 Director - General or such other officer as the Board may designate.

5 11. The fixing of the seal of the Agency shall be authenticated by
6 the signature of the Director-General or any other person generally or
7 specifically authorised by the Board to act for that purpose and that of the
8 Secretary of the Agency.

9 12. Any contract or instrument which if made by a person not
10 being a body corporate would not be requires to be under seal may be made
11 or executed on behalf of the Agency by the Director-General or any other
12 person generally or specifically authorised by the Board to act for that
13 purpose.

14 13. Any document purporting to be a contract instrument or other
15 document duly signed or sealed on behalf of the Agency shall be received in
16 evidence and shall, unless the contrary is proved be presumed without
17 further proof to have been so signed or sealed.

18 14. The validity of any proceedings of the Board or any of its
19 committees shall not be affected by:

20 (a) any vacancy in the membership of the Board or committee; or

21 (b) any defect in the appointment of a member of the Board or
22 committee; or reason that any person not entitled to do so took part in the
23 proceedings of the Board or committee.

24 15. A member of the Board or a Committee set up by the Board or
25 Agency who is directly or indirectly interested in any matter being
26 deliberated on by the Board, or is interested in any contract made or
27 proposed to be made by the Agency shall, as soon as possible after the
28 relevant facts have come to his knowledge disclose the nature of his interest
29 at a meeting of the Board or Committee and shall not vote on any question
30 relating to the contract or arrangement.

1 16. A disclosure under paragraph 15 of this Schedule shall be
2 recorded in the minutes of the meetings of the Board and the member
3 concerned shall:

4 (a) not, after the disclosure, take part in any deliberation or decision of
5 the Board: and

6 (b) be excluded for the purpose of constituting a quorum of any
7 meeting of the Board for any deliberation or decision, with regard to the subject
8 matter in respect of which his interest is so disclosed

9 17. A member of the Board or a committee shall not be personally
10 liable for any act or omission done or made in good faith while engaged on the
11 business of the Agency.

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the above Bill but is
intended to explain its purport)*

This Bill seeks to repeal the Nigerian Meteorological Agency (Establishment etc.) Act, 2003 and to enact the Nigerian Meteorological Agency (Establishment etc.) Act, 2019 to provide for comprehensive legal and institutional framework for the regulation of meteorology in Nigeria.

NIGERIAN SAFETY INVESTIGATION BUREAU
(ESTABLISHMENT, ETC.) BILL, 2019
ARRANGEMENT OF SECTIONS

Section:

PART I - OBJECTIVE AND APPLICATION

1. Objective
2. Application

PART II - ESTABLISHMENT OF THE NIGERIAN SAFETY
INVESTIGATION BUREAU

3. Establishment of Nigerian Safety Investigation Bureau
4. Functions of NSIB
5. Powers of NSIB
6. Independent of the NSIB and Director-General

PART III - GENERAL ORGANISATION AND ADMINISTRATION

7. Establishment and Composition of NSIB Governing Board
8. Tenure of office
9. Remuneration of Board members
10. Functions and powers-of the Board

PART IV - MANAGEMENT AND STAFF OF NSIB

11. The appointment of Director-General of NSIB
12. Secretary of the Board of the NSIB
13. Appointment of Directors

PART V - FINANCIAL PROVISIONS

14. Funds of the NSIB
15. Expenditure of the NSIB
16. Accounts and Audit
17. Annual Reports
18. Power to Accept Gifts
19. Powers to Borrow and Invest
20. Exemption from Tax
21. Service in the NSIB to be pensionable

PART VI - INVESTIGATIONS AND REPORTS ON TRANSPORTATION

OCCURRENCES

22. Investigations
23. Coordination of investigations and remedial actions
24. Restriction on investigations of transport safety matters
25. Transport safety matters
26. Reports on investigations and findings
27. Draft reports
28. Admissibility of reports

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29. Appointment of the Investigator-in-Charge (IIC)
30. Powers of the Investigator to search without warrant
31. Powers of a court of competent jurisdiction to grant search warrant
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33. Powers to exclude persons from particular areas
34. Disruption to be minimised
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39. Attendance before an investigator to answer questions etc.

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RESTRICTED INFORMATION

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43. Power to obtain Information
44. Refusal to give information
45. Confidentiality

46. Publication of information relating to transport safety investigation

PART XI - FAMILY ASSISTANCE PROGRAMME

47. Coordination of family assistance providers

PART XII - OFFENCES AND PENALTIES

48. Obstruction or hindering the investigation of a transportation occurrence

49. Offences by body corporate

50. Prevention of further violation of the provisions of this Act

51. Representation of the NSIB at hearing of suit

PART XIII - JURISDICTION

52. Jurisdiction

PART XIV - LEGAL PROCEEDINGS

53. Limitation of actions against the NSIB

54. Restriction on execution of judgment against the NSIB

55. Protection of officers, servants and agents of the NSIB

56. Indemnity

57. Notice or other document required or authorised to be served

PART XV - MISCELLANEOUS

58. Power of Minister to give Direction to the NSIB

59. Power to make regulations

60. International Treaties, Conventions or Agreements

61. Transitional provisions

62. Interpretations

63. Short title

SCHEDULE

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NIGERIAN SAFETY INVESTIGATION BUREAU, FOR THE REGULATION, PREVENTION AND PROVIDING EFFECTIVE ADMINISTRATION FOR SAFETY INVESTIGATION IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Senator Abdullahi, Yahaya Abubakar

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 PART I - OBJECTIVE AND APPLICATION
- 2 1. The objective of this Act is to provide an effective legal and Objective
- 3 institutional framework for the prevention, regulation and administration in
- 4 safety investigation of transportation occurrences in Nigeria and anywhere
- 5 Nigerian interest is involved or the transportation vehicle is a Nigerian
- 6 carrier.
- 7 2.-(1) This Act shall apply to the investigation of transportation Application
- 8 occurrences in:
- 9 (a) air;
- 10 (b) tracked vehicle transport system; and
- 11 (c) any other means of transportation in Nigeria.
- 12 (2) The provisions of this Act shall apply to all civil aircraft
- 13 transportation occurrences:
- 14 (a) in or over Nigeria;
- 15 (b) in or over any place that is under Nigerian airspace;
- 16 (c) where Nigerian citizens are involved; and
- 17 (d) in any place or over any air space, where:
- 18 (i) Nigeria is requested to assist in investigating the aviation
- 19 occurrence,
- 20 (ii) the aircraft involved is operated by a person to whom Nigerian

- 1 aviation document has been issued or registered,
 2 (iii) the aircraft occurrence involves an aircraft registered in Nigeria
 3 and occurred in the territory of a non-contracting State,
 4 (iv) an aircraft registered elsewhere than in Nigeria but is operated by
 5 an undertaking established in Nigeria, when the investigation is not to be
 6 carried out by another State; or
 7 (v) the aircraft occurrence involves an aircraft registered in Nigeria
 8 and it cannot definitely be established as being in the territory of any State.

9 (3) The provisions of this Act shall apply in the case of rail and tracked
 10 vehicle occurrences:

- 11 (a) in or-within railway tracks in Nigeria;
 12 (b) in rail vehicles owned or operated by Nigeria;
 13 (c) where Nigerian citizens are involved; and
 14 (d) in or within any place outside Nigeria where:
 15 (i) Nigeria is requested to assist in investigating the railway
 16 occurrence,
 17 (ii) the rail vehicle involved is one operated by a person to whom
 18 Nigerian railway license has been issued or registered, or
 19 (iii) involving a rail vehicle registered or licensed in Nigeria.

20 PART II - ESTABLISHMENT OF THE NIGERIAN SAFETY

21 INVESTIGATION BUREAU

Establishment
of Nigerian
Safety
Investigation
Bureau

22 **3.-(1)** There is established a body to be known as the Nigerian Safety
 23 Investigation Bureau, in this Act referred to as "the NSIB".

24 (2) The NSIB:

Functions of
NSIB

- 25 **4.-(1)** The functions of NSIB shall be to:
 26 (a) receive and assess reports of transportation safety matters and
 27 other safety information as may be prescribed by Regulations made pursuant to
 28 this Act;
 29 (b) investigate transportation occurrences;
 30 (c) independently investigate transportation safety matters;

- 1 (d) receive and assess information on transportation occurrences
2 and safety matters;
- 3 (e) identify factors that:
4 (i) contributes or have contributed to transportation safety matters,
5 (ii) affects or is likely to affect transportation safety;
6 (f) report publicly on transportation occurrence investigations;
7 (g) conduct public enlightenment programmes about matters
8 relating to transportation safety;
- 9 (h) collaborate with Federal, State and Local Government
10 Agencies on matters relating to transportation safety;
- 11 (i) collaborate with any national authority or other international
12 body that has functions or powers relating to transportation safety;
- 13 (j) collaborate with relevant agencies and first responders at sites
14 of transportation occurrences;
- 15 (k) establish and maintain standard laboratories and such other
16 facilities as may be necessary for carrying out its functions under this Act;
- 17 (l) control the coordination of the Family Assistance Programmes
18 which shall be provided, implemented and managed by the airline, marine,
19 railway and track vehicle operators;
- 20 (m) do anything incidental to its functions for the purposes of
21 improving transportation safety in Nigeria; and
- 22 (n) do anything that may be assigned to it by the Federal
23 Government of Nigeria, from time to time.
- 24 (2) NSIB may assist the Court during proceedings between parties
25 involved in a transportation safety matter.
- 26 (3) Notwithstanding sub-section (2) of this section, NSIB shall
27 with the approval of the Attorney-General of the Federation, prosecute any
28 offence under this Act.
- 29 **5.-(1)** The NSIB shall have the power to:
- 30 (a) investigate or cause to be investigated any transportation

Powers of NSIB

- 1 occurrence and cause of a:
- 2 (i) civil aircraft occurrence,
- 3 (ii) marine occurrence involving a Nigerian vessel,
- 4 (iii) rail and tracked vehicle occurrence in which there is a fatality or
- 5 substantial property is damaged; or
- 6 (b) investigate any other transportation occurrence, which in the
- 7 opinion of NSIB:
- 8 (i) is avoidable;
- 9 (ii) has safety lessons to be learnt from; or
- 10 (iii) involves safety concerns of a recurring character.
- 11 (c) draft, consider and transmit any report of its investigation to the
- 12 public in the manner provided under this Act or as may be prescribed by
- 13 Regulations made pursuant to this Act;
- 14 (d) charge such fees as it deems fit for its services other than for the
- 15 investigation of transportation occurrences;
- 16 (e) establish or issue policies and procedures manual, regulations,
- 17 employee manual, reporting systems and any other documents or as may be
- 18 relevant for carrying out of its functions under this Act;
- 19 (f) establish or certify transportation safety investigation causes
- 20 relating to and promoting transportation safety;
- 21 (g) collaborate with any relevant person, first responders and
- 22 institutions for the purposes of achieving its objectives under this Act;
- 23 (h) procure temporary or intermittent service of an experts or
- 24 consultants with requisite qualifications and experience in transportation
- 25 safety investigation involving any mode of transportation to which this Act
- 26 applies;
- 27 (i) use when appropriate, available service, equipment, personnel and
- 28 facilities of a department or agency of the Federal, State or Governments on a
- 29 reimbursable or non-reimbursable basis;
- 30 (j) collaborate with research institutions or any other body to carry out

1 studies related to its functions under this Act;

2 (k) represent the Government of the Federal Republic of Nigeria in
3 any international organisation or events involving investigation of
4 transportation occurrences;

5 (l) negotiate and enter into agreements with individuals, private
6 entities, departments and agencies of government, governments of foreign
7 countries for the provision of facilities, technical services and training in
8 transportation safety investigation theory and techniques;

9 (m) communicate safety matters to relevant sectors of the
10 transportation industry and the public in any way by:

11 (i) making safety action statements and recommendations; and

12 (ii) issuing safety advisory notices or bulletins;

13 make such Regulations as may be necessary under this Act to give force and
14 effect to the provisions of this Act.

15 (3) In exercising and performing the powers, functions and duties
16 conferred On NSIB under this Act, may delegate any part of its powers to its
17 staff or appoint, contract, liaise or co-operate with experts, including
18 specialised agencies, resource persons, academic and technical institutions
19 or advisory committees to conduct transportation safety investigations on its
20 behalf in carrying out its functions or duties under this Act.

21 **6.** The NSIB shall not be subject to the direction or interference
22 from any entity in the performance of its functions or exercise of its powers
23 under this Act in relation to:

Independence
of the NSIB and
Director-General

24 (a) how a particular transportation safety investigation will be
25 carried out; or

26 (b) The content of a public report on a particular transportation
27 safety investigation.

28 PART III - GENERAL ORGANISATION AND ADMINISTRATION

29 **7.-(1)** There is established a Governing Board for NSIB (in this Act
30 referred to as the Board) which shall consist of the following members:

Establishment
and Composition
of NSIB Governing
Board

1 (a) a chairman, who shall be a person with requisite knowledge,
2 qualification and practical experience in-the field of aviation of not less than 20
3 year's experience;

4 (b) a representative of the Ministry in charge of Aviation or an officer
5 of the Ministry not below the rank of a Director;

6 (c) a person with requisite knowledge, qualification and practical
7 experience of not less than 15 years in aeronautical engineering, aircraft
8 maintenance or aircraft piloting;

9 (d) a person with requisite knowledge, qualification and practical
10 experience of not less than 15 years in maritime safety, engineering or
11 administration;

12 (e) a person with requisite knowledge, qualification and practical
13 experience of not less than fifteen years in railway engineering or
14 administration;

15 (f) a legal practitioner in Nigeria within the meaning of the Legal
16 Practitioners Act, who has been so qualified for not less than fifteen years and
17 possesses at least ten years active legal practice experience; and

18 (g) the Director General of NSIB.

19 (2) The Chairman and members of the Board other than the Director-
20 General shall be appointed on a part-time basis by the President on the
21 recommendation of the Minister.

22 (3) The Supplementary Provisions set out in the Schedule to this Act,
23 shall have effect with respect to the proceedings of the Board and other matters
24 contained therein.

Tenure of office

25 **8.-(1)** A member of the Board other than the Director-General
26 appointed pursuant to section 7 of this Act shall hold office for a period of four
27 years in the first instance and may be eligible for reappointment for another
28 term of four years and no more.

29 (2) Notwithstanding the provisions of subsection (1) of this section, a
30 person shall cease to hold office as a member of the Board, where the person:

- 1 (a) becomes bankrupt or compounds with his creditors;
- 2 (b) is convicted in Nigeria or elsewhere of a felony or any offence
- 3 involving dishonesty or fraud;
- 4 (c) is incapable of carrying out his duties by reason of physical or
- 5 mental illness;
- 6 (d) is guilty of a serious misconduct in relation to his duties as a
- 7 member of the Board;
- 8 (e) is disqualified or suspended from practicing his profession in
- 9 any part of the world by an order of a competent authority or Courts or in the
- 10 case of a person dispossessed of professional qualification;
- 11 (f) is in breach of the conflict of interest provisions set out in
- 12 section 9 of this Act;
- 13 (g) resigns his appointment by giving 30 days written notice
- 14 addressed to the President through the Minister; or
- 15 (h) ceases to hold the office on the basis of which he became a
- 16 member of the Board, in the case of an ex-officio member, he.
- 17 (3) A member of the Board other than the Director-General may be
- 18 removed by the President, on the satisfaction that, it is not in the interest of
- 19 the NSIB or the public for such member to continue in office.
- 20 (4) Where a member of the Board ceases to hold office for any
- 21 reason whatsoever before the expiration of the term for which such member
- 22 was appointed, another person shall be appointed to the Board by the
- 23 President in accordance with section 7 of this Act to fill the vacancy
- 24 occurring, for the unexpired term.
- 25 (5) In the absence of a Board, the Minister shall set up an interim
- 26 board to perform the functions of the Board, pending the setting up of a new
- 27 board.
- 28 **9.** The remuneration, allowances and benefits payable to the
- 29 members of the Board, shall be in accordance with extant Federal
- 30 Government Financial Guidelines and Circulars.

Remuneration of
Board members

Functions and
powers of the
Board

- 1 **10.** The Board shall have power to:
- 2 (a) formulate, monitor and determine the general policy guidelines
- 3 for the NSIB;
- 4 (b) ensure the implementation of the policies and programmes of
- 5 NSIB;
- 6 (c) fix terms and conditions of service including remuneration of the
- 7 employees of NSIB in accordance with the provisions of the Salary and Wages
- 8 Commission;
- 9 (d) receive and review annual reports from the management of the
- 10 NSIB of the activities of the NSIB in the preceding calendar year, which shall
- 11 include a copy of the audited accounts of that calendar year;
- 12 (b) cause the accounts of the NSIB to be audited not later than 6
- 13 months after the end of each year by auditors appointed from the list and in
- 14 accordance with the guidelines supplied by the Auditor-General of the
- 15 Federation;
- 16 (c) submit to the Minister, not later than 30 September in each year an
- 17 estimate of the expenditure and income of the NSIB for the next succeeding
- 18 year; and
- 19 (d) carry out such other functions as are necessary or expedient to
- 20 ensure the efficient performance of the functions of the NSIB under this Act.

21 PART IV - MANAGEMENT AND STAFF OF NSIB

The appointment
of Director-General
of NSIB

- 22 **11.**-(1) There shall be for the NSIB a Director-General who shall be
- 23 appointed by the President on the recommendation of the Minister.
- 24 (2) The Director-General shall:
- 25 (a) be a person with extensive knowledge and expertise in one or more
- 26 areas relevant to the functions of NSIB; and
- 27 (b) hold office for a period of four years in the first instance and may
- 28 be eligible for reappointment for another term of four years and no more.
- 29 (3) The Director-General shall be the chief executive and accounting
- 30 officer of the NSIB and shall be responsible for:

- 1 (a) the execution of the policies, decisions and programmes of the
2 NSIB;
- 3 (b) the administration, coordination, supervision and management
4 of the day to day activities of the NSIB;
- 5 (c) the implementation of the Board's decisions and ensuring that
6 the NSIB achieves its objectives under this Act;
- 7 (d) the direction and supervision of all employees of the NSIB; and
8 (e) the maintenance of proper accounting and financial records in
9 accordance with applicable extant Federal Government Financial
10 Guidelines and Regulations.
- 11 (4) The Director-General may in the exercise of his powers under
12 this Act give directions as to:
- 13 (a) how investigation is to be conducted;
14 (b) the content of a public report as to a particular investigation;
15 and
- 16 (c) the publication and circulation of the Final Report.
- 17 (5) The Director-General shall:
- 18 (a) act in consonance with the provisions of this Act and any
19 regulations made pursuant to this Act; and
- 20 (b) have regard to the desirability of minimising any resulting
21 disruption to the transport system by means of transport vehicles.
- 22 (6) The Director-General may be suspended or be removed from
23 Office by the President, where the Director-General:
- 24 (a) has demonstrated inability to effectively perform the duties of
25 his Office;
- 26 (b) is guilty of serious misconduct in relation to his duties;
- 27 (c) is, in the case of a person dispossessed of his professional
28 qualifications, shall be disqualified or suspended from practicing his
29 profession in any part of the world by an order of a competent authority or
30 the Courts; or

	1	(d) is guilty of a conflict of interest under this Act.
Secretary of the Board of the NSIB	2	12.-(1) There shall be for the Board, a Secretary who shall possess
	3	relevant professional qualifications in law with not less than 10 years post call
	4	experience.
	5	(2) The Secretary shall keep all records of the NSIB and the Board,
	6	write and receive correspondence on behalf of NSIB and perform such other
	7	duties and functions as the Board or the Director-General may, from time to
	8	time direct or assign to him.
Appointment of Directors	9	13.-(1) The Minister may upon the recommendation of the Board,
	10	appoint by written instrument such no of directors having technical or
	11	specialised knowledge in one or more areas relevant to the functions of NSIB
	12	and powers under this Act to assist it in carrying out its duties under this Act.
	13	(2) The Directors appointed by the Minister shall hold office for a
	14	period of four years in the first instance and may be eligible for reappointment
	15	for another term of four years and no more.
	16	(3) Remuneration and allowances payable to the Directors shall be as
	17	may be approved by the Board and stipulated in their instrument of
	18	appointment.
	19	(4) Directors appointed subject to this Act shall conduct their
	20	activities in accordance with the provisions of this Act and relevant
	21	Regulations made under this Act.
	22	PART V - FINANCIAL PROVISIONS
Funds of the NSIB	23	14.-(1) The NSIB shall establish and maintain a fund (hereinafter
	24	referred to as the NSIB Fund") which shall comprise of:
	25	(a) an initial take-off subvention as may be appropriated to the NSIB
	26	by the National Assembly;
	27	(b) all subventions and annual budgetary allocation from the
	28	Government of the Federation;
	29	(c) such monies as may, from time to time, be provided to the NSIB by
	30	the Federal Government, a State government or a Local Government Council;

1 (d) all sums accruing to the NSIB by way of Gifts, endowments,
2 bequests, grants or other contributions by persons and organisations;

3 (e) foreign aid and assistance;

4 (f) any other fund that may be approved for the development of
5 transportation safety in Nigeria; and

6 (g) all other sums or assets that may from time to time be vested in
7 or accrue to the NSIB in the course of performing its duties under this Act.

8 (2) The NSIB Fund shall be managed in accordance with extant
9 Financial Regulations applicable in the Public Service of the Federation and
10 Regulations made pursuant to this Act.

11 (3) NSIB shall have and maintain at any given time, an emergency
12 fund not below the sum of N500,000,000.00 only in a special account with
13 the Central Bank of Nigeria to cater for investigation of any major
14 transportation occurrence.

15 (4) In conformity with the requirements of any applicable
16 international convention, instrument or protocol, proceeds arising from
17 emergency fund established and maintained by the NSIB pursuant to
18 subsection (3) of this section shall remain available until expended and shall
19 be replenished by the NSIB so soon thereafter.

20 **15.** NSIB shall apply the proceeds of the fund established pursuant
21 to section 14(1) of this Act:

Expenditure of
the NSIB

22 (a) for the payment of salaries, fees and other remunerations or
23 allowances, payable to employees, experts or professionals appointed by the
24 NSIB;

25 (b) to pay overhead, benefits and other administrative costs of the
26 Board;

27 (c) for the reimbursement of members of any committee as may be
28 set up by the Board or such expenses as may be authorised in accordance
29 with the rates approved by the Government of the Federation;

30 (d) to publicise and promote the activities of NSIB;

	1	(e) for the maintenance of any property acquired or vested in the
	2	NSIB; and
	3	(f) to undertake any other activity, programmes or matter connected
	4	with all or any of the functions of the NSIB under this Act.
Accounts and Audit	5	16.-(1) NSIB shall keep proper accounts and records of its funds and
	6	shall prepare in respect of each financial year, a statement of accounts in such
	7	form as may be required and in conformity with best practice and Financial
	8	regulations.
	9	(2) NSIB-shall within six months after the end of each year to which
	10	the accounts relate, cause its accounts to be audited by auditors appointed from
	11	the list of auditors and in accordance with guidelines supplied by the Auditor-
	12	General of the Federation.
	13	(3) The auditors shall, on the completion of the audit of the accounts
	14	of NSIB for each year, prepare and submit to the Board reports setting out:
	15	(a) general observations and recommendations of the auditors on the
	16	financial affairs of NSIB for the year and on any important matter which the
	17	auditors desire to bring to the notice of the Board; and
	18	(b) detailed observations and recommendations of the auditors on all
	19	aspects of the operations of NSIB for that year.
Annual Reports	20	17. The NSIB shall, not later than 30 September in each year, prepare
	21	and submit to the Minister and the Auditor General of the Federation, a report
	22	on the activities and administration of the NSIB during the preceding year and
	23	shall include in the report a copy of the Audited Financial Statement of the
	24	NSIB for the immediate preceding calendar year and the auditor's report
	25	thereon.
Power to accept gifts	26	18.-(1) NSIB may accept gifts of land, money or other property on
	27	such terms and conditions, if any, as may be specified by the person or
	28	organisation donating the gift.
	29	(2) NSIB shall not accept any gifts where the conditions attached by
	30	the person or organisation donating the gifts are inconsistent with its functions

1 and responsibilities under this Act.

2 **19.**-(1) The NSIB may, with the approval of the Minister, borrow Powers to borrow
3 by overdraft or otherwise, such monies as it may require for the performance and invest
4 of its functions under this Act.

5 (2) NSIB shall not borrow money which exceeds the limit set by
6 the Government of the Federation and where the sum to be borrowed is in
7 foreign currency. NSIB shall not borrow the sum without the prior approval
8 of the President.

9 (3) NSIB may invest funds in such securities as it deems fit and
10 proper and shall strive to recover the whole of its costs and to achieve
11 reasonable returns on capital and investment.

12 **20.**-(1) NSIB shall be exempted from the payment of tenement Exemption from
13 rates and income tax on any income accruing from its investments. Tax

14 (2) The provisions of any enactment relating to the taxation of the
15 companies or trust funds shall not apply to NSIB.

16 **21.**-(1) Service in the NSIB shall be public service for the purpose Service in the
17 of the Pension Reform Act or any other Act for the time being in force and NSIB to be
18 accordingly, officers and other employees of the NSIB shall in respect of pensionable
19 their service, be entitled to pension, severance and other retirement benefits
20 in conformity with provisions of the Pension Reform Act.

21 (2) Notwithstanding the provisions of subsection (1) of this
22 section, nothing in this Act shall prevent the appointment of a person to any
23 office on terms which preclude the grant of pension and retirement benefits
24 in respect of that office.

25 (3) For the purpose of the application of the provisions of the
26 Pension Reform Act, any power exercisable by a Minister or other authority
27 of the Government of the Federation are hereby vested in and shall be
28 exercisable by the Director General of NSIB.

	1	PART VI - INVESTIGATIONS AND REPORTS ON TRANSPORTATION
	2	OCCURRENCES
Investigations	3	22.-(1) The NSIB:
	4	(a) may investigate any transportation occurrence or transport safety
	5	matter for the purpose of carrying out its functions under this Act;
	6	(b) shall investigate any transportation occurrence or transport safety
	7	matters, if requested in writing by the Minister to do so; and
	8	(c) may discontinue an investigation at any time and stage, if
	9	authorised by a competent authority to do so.
	10	(2) Where the NSIB is requested to discontinue a transportation
	11	occurrence investigation under subsection (1) of this section, it shall within
	12	30days of the discontinuance of an investigation, make a public a statement
	13	setting out the reasons for discontinuing the investigation.
	14	(3) NSIB may investigate a transportation occurrence which it may
	15	not ordinarily investigate where a Governor of a State of the Federation
	16	requests the investigation of a matter relating to transport safety within its State
	17	territory and undertakes to be liable to NSIB for any costs incurred by NSIB in
	18	the investigation.
	19	(4) The request for the investigation of a transportation occurrence
	20	under subsection (3) of this section shall be made in writing setting out the
	21	reasons for the request.
	22	(5) In deciding whether to investigate a transportation occurrence
	23	pursuant to a request under subsection (3) of this section or not, the NSIB shall
	24	take into account, the:
	25	(i) reasons set out in the request;
	26	(ii) possibility of the findings to lead to the prevention of future
	27	occurrences; and
	28	(iii) availability of funds and resources to fund the investigation.
	29	(6) Where the NSIB decides not to undertake a transport safety
	30	investigation, the reason for such decision shall be disclosed and transmitted in

1 writing to the Minister or the person who made the request under
2 subsections (1) and (3) of this section.

3 **23.**-(1) NSIB shall where it is required, permit the participation of
4 other Government departments, agency or instrumentalities in an
5 investigations to the extent to which it considers appropriate.

Coordination if
investigations
and remedial
actions

6 (2) Where an investigation into a transportation occurrence under
7 this Act is required, but an agency undertakes remedial measures with
8 respect to that transportation occurrence, the NSIB and that agency shall
9 take all reasonable measures to ensure that activities with respect to the
10 transportation occurrence are coordinated to achieve the aims of the
11 investigation.

12 (3) Where conflicting interests arise between the NSIB and an
13 agency of government as to coordination of activities pursuant to subsection
14 (3) of this section, the requirements and interests of the NSIB and any
15 agreement entered into pursuant to Regulations made under this Act, shall
16 take precedence to the extent of the conflict.

17 (4) The NSIB shall take all reasonable measures to ensure that it
18 follows the common investigation methodology, procedures and best
19 practices in relation to the specific transportation occurrence as may be
20 stipulated in this Act or Regulations made pursuant to this Act and it is
21 compatible with any International Agreements or Conventions to which
22 Nigeria is a party.

23 **24.**-(1) NSIB shall not investigate any transportation occurrences
24 relating to any military carrier without a written request from a relevant
25 authority of the Nigerian Armed Forces.

Restriction on
investigations of
transport safety
matters

26 (2) In this section, carrier shall have the meaning of any modes of
27 transportation specified under section 2 of this Act.

28 **25.**-(1) Transportation occurrences involving a transport vehicle is
29 a transport safety matter, where:

Transport safety
matters

30 (a) the transport vehicle is destroyed;

- 1 (b) the transport vehicle is damaged;
- 2 (c) the transport vehicle is abandoned, disabled, stranded or missing
- 3 in operation;
- 4 (d) a person dies as a result of an occurrence associated with the
- 5 operation of the transport vehicle;
- 6 (e) a person is injured or incapacitated as a result of an occurrence
- 7 associated with the operation of the transport vehicle;
- 8 (f) property is damaged as a result of an occurrence associated with
- 9 the operation of the transport vehicle;
- 10 (g) the transport vehicle is involved in a near accident; or
- 11 (h) the transport vehicle is involved in an occurrence that affected, or
- 12 could have affected, the safety of the operation of the transport vehicle.

13 (2) For the purposes of this Act, a transport safety matter also includes

14 something that occurred, that affected, is affecting or might affect, transport

15 safety.

Reports on
investigations
and findings

16 **26.**-(1) The NSIB may, at any time before an investigation is

17 completed, publish a preliminary report in relation to the safety investigation to

18 the appropriate authority, including relevant stakeholders, where it considers

19 that the publication of such report is necessary or desirable to recommend for

20 prompt action or proffering any preventive action that needs to be taken for the

21 immediate enhancement of transport safety.

22 (2) As soon as practicable after an investigation has been completed,

23 the NSIB shall by electronic channels, hard copies or other means, publish and

24 release to the public a Final Report and shall through the Minister inform the

25 President accordingly, in writing.

Draft reports

26 **27.**-(1) The NSIB may provide a draft report on a confidential basis, to

27 any person whom it considers necessary, for the purpose of:

- 28 (a) allowing the person to make an inputs to the draft report; or
 - 29 (b) give the person an advance notice of the report to be published.
- 30 (2) Any person who receives a draft report under subsection (1) of this

1 section, shall treat it with utmost confidentiality and shall not:

2 (a) copy or recopy the draft report;

3 (b) put the draft report in the public domain in any form
4 whatsoever; or

5 (c) disclose to any person or the public the contents of the report.

6 (3) Any person who contravenes the provisions of subsection (2) of
7 this section commits an offence and shall be liable on conviction to a fine of
8 N200,000.00 or to a term of one year imprisonment or to both.

9 (4) Strict liability rules shall apply to an offence under subsection
10 (2) of this section, where the draft report is received under subsection (1) of
11 this section.

12 (5) Subsection (2) of this section shall not apply to any copying
13 done or disclosure made that is necessary for the purpose of preparing a
14 review or providing inputs or submissions to the draft report; or taking steps
15 to remedy safety issues that are identified in the draft report.

16 (6) A person who receives a draft report under subsection (1) of this
17 section shall not be required to disclose it in any proceedings in a court of
18 law.

19 **28.**-(1) Notwithstanding the provisions of the Evidence Act, the
20 content of a safety investigation report made pursuant to the provisions of
21 this Act and regulations made thereunder, may not be admissible in
22 evidence as to form the basis of liability in any criminal or civil proceedings
23 apart from Coroner's Inquiry.

Admissibility
of reports

24 (2) Opinion of an investigation team or an investigator pursuant to
25 subsection (1) of this section shall not be admissible in evidence in any legal,
26 disciplinary or other proceedings, on the safety investigation report of a
27 transportation occurrence.

28 PART VII - POWERS OF INVESTIGATORS

29 **29.**-(1) The Director-General may for the purpose of carrying out
30 investigation into transportation occurrences appoint an Investigator-in-

Appointment of
the Investigator-
in-charge (IIC)

1 Charge or such other person or persons as investigators for such transportation
2 occurrence.

3 (2) The Director-General shall carry 'out or cause an investigator
4 appointed under subsection (I) of this section to carry out a transport safety
5 investigation into a transportation occurrence which occur in any of the
6 instances prescribed under section 2 of this Act.

7 (3) A person appointed under this section as Investigator-in-Charge or
8 investigator shall:

9 (a) on display of appropriate credentials and authority, enter into any
10 premises where he believes on reasonable grounds that a transportation
11 occurrence has taken place, or there is, may be at the place, anything relevant to
12 the conduct of an investigation or where wreckage from the occurrence is
13 located and do anything necessary to conduct an investigation; and

14 (b) during carrying out an investigation, have unhindered access to
15 and control over all relevant materials or pieces of evidence, including on-
16 board recorders, either in air, marine or rail traffic records related to a transport
17 safety investigation under this Act.

18 (4) An Investigator shall have unhindered access to the site of any
19 transportation occurrence, premises, location, facility, the transport vehicle, its
20 contents or wreckage, constituting the subject of a safety investigation
21 contemplated by this Act.

22 (5) A person who knowingly obstructs, impedes, or fails to make
23 statement to any Investigator or persons acting under the authority of the NSIB
24 it, the exercise of its powers under this Act without reasonable cause commits
25 an offence and shall be liable on conviction to a fine of not less than
26 N500,000.00 or to a term of not less than 3 months imprisonment or to both.

27 (6) The onus of proving reasonable cause referred to under subsection
28 (5) of this section shall rest on the person relying on such defence.

29 (7) For the purpose of this section, the NSIB shall:

30 (a) ensure an immediate listing of evidence and controlled removal of

1 debris, or components for examination or analysis;
2 (b) be granted access to and the use of any contents of the relevant
3 on-board recorders and any other recordings;
4 (c) have unhindered access to any relevant information or records
5 held by the owner, the operator or the manufacturer of the transport vehicle
6 or from the authority responsible for the regulation of the vehicle operators
7 and of the operators of the transportation facility;
8 (d) recover for accident victims, personal effects taken from the
9 site of the occurrence;
10 (e) take photographs, video recordings, sound recordings, or other
11 records of the premises or evidential material;
12 (f) be at liberty to hand over a witness to the relevant authority
13 where sabotage is considered; and
14 (g) do all such other things as it may by regulations made pursuant
15 to this Act be required to do in the exercise of its powers to investigate
16 transportation occurrences.

17 **30.**-(1) Where an Investigator believes on reasonable grounds that
18 there is, or there may be, anything relevant to the conduct of an
19 investigation, at or in any place, the Investigator shall obtain a warrant may
20 without warrant enter and conduct search in the place for any such object
21 and seize such object as may be found in the course of the search.

Powers of the
Investigator to
search without
warrant

22 (2) An Investigator shall not exercise the powers under subsection
23 (1) of this section in relation to a particular place without the consent of the
24 person apparently in charge of that place unless by reason of extreme
25 urgency, it would not be practicable for the Investigator to obtain a warrant.

26 **31.**-(1) Where a court of competent jurisdiction is satisfied by
27 information on oath that an Investigator believes on reasonable grounds that
28 there is, or there may be, at or in any place, anything relevant to the an
29 investigation being carried out in respect to transportation occurrence, it
30 may, upon an ex-parte application, issue a warrant authorising the

Powers of a
court of competent
jurisdiction to
grant search
warrant

	1	Investigator to enter and search the place for any of such thing and to seize any
	2	of such thing as may be found in the course of that search.
	3	(2) In executing a warrant under this Act, an Investigator shall not use
	4	force unless the Investigator is accompanied by a law enforcement officer and
	5	the use of force is specifically authorised in the warrant.
Power to test things seized	6	32. Where anything is seized by an Investigator under this Act, the
	7	Investigator:
	8	(a) may, subject to paragraph (b) of this section, cause such tests to be
	9	conducted on the thing as are necessary for the purposes of the investigation in
	10	respect of which it was seized;
	11	(b) shall, to the extent that it is practical and safe to do so, so as not to
	12	unreasonably impede the progress of the investigation, take all reasonable
	13	measures to invite the owner of the subject matter of the transportation
	14	occurrence or any other person that appears to be entitled to it, to be present at
	15	any tests referred to in paragraph (a); and
	16	(c) shall, subject to the purpose of the search, cause the thing to be
	17	preserved pending its return in accordance with section 38 of this Act.
Powers to exclude persons from particular areas	18	33. An Investigator may, for the purposes of preserving and
	19	protecting evidential material in a transportation occurrence may, prohibit or
	20	limit access to such evidential material and area immediately surrounding the
	21	place at which they are located for such period as may be necessary for the
	22	purposes of the investigation.
Disruption to be minimised	23	34. In exercising the power conferred by section 34 of this Act, an
	24	Investigator shall have regard to the desirability of minimising any resulting
	25	disruption to transportation services.
Offence in respect of exclusion order	26	35.-(1) A person shall not knowingly enter an area restricted or
	27	prohibited in contravention to section 34 of this Act.
	28	(2) Any person who contravenes the provisions of subsection (1) of
	29	this section commits an offence and shall be liable on conviction to a fine of not
	30	less than N100,000.00 or for a term of 1 month imprisonment or to both.

- 1 **36.**-(1) Where an Investigator believes on reasonable grounds, that Power to stop
2 there is an evidential material in or on a transport vehicle; and that there is and detain transport
3 the need to prevent the material from being removed from Nigeria or from vehicles
4 being interfered with or to prevent its concealment, loss, deterioration or
5 destruction, the Investigator may stop and detain the vehicle for the purpose
6 of conducting search with reasonable force as may be necessary to preserve
7 such evidential materials.
- 8 (2) An Investigator shall not detain a vehicle pursuant to the
9 provisions of subsection (1) of this section for longer than it is necessary for
10 the reasonable exercise of its powers under this Act.
- 11 **37.**-(1) Anything seized pursuant to the provisions of this Act, Return of seized
12 except on-board or any relevant recordings, shall be returned to the owner or properties
13 the person from whom it was seized, as soon as possible after it has served
14 the purpose for which it was seized unless:
- 15 (a) the owner thereof or a person who appears on reasonable
16 grounds to be entitled thereto consents otherwise in writing; or
17 (b) a court of competent jurisdiction orders otherwise.
- 18 (2) A person from whom anything was seized pursuant to this Act,
19 except recordings or the owner or any other person who appears on
20 reasonable grounds to be entitled thereto, may apply to a court of competent
21 jurisdiction for an order that the seized thing be returned to the person
22 making the application.
- 23 (3) Where, on an application under subsection (2) of this section,
24 the court is satisfied that the seized thing has served the purpose for which it
25 was seized or should, in the interests of justice, be returned to the applicant,
26 the court may grant the application and order the seized thing to be returned
27 to the applicant, subject to any terms or conditions that may appear
28 necessary or desirable to ensure that the thing IS safeguarded and preserved
29 for any purpose for which it may subsequently be required by NSIB.

Power to order
for toxicological
examination

1 **38.-(1)** Where the Investigator is of the opinion that the medical
2 examination of a person who is directly or indirectly involved in the operation
3 of an aircraft, ship, rail vehicles or other motor vehicle, is or may be, 'relevant to
4 the investigation, such person may by notice in writing signed by the
5 Investigator, require the person to submit to a medical examination.

6 (2) Where the Investigator is of the opinion that a physician or other
7 health practitioner or organisation has information concerning a patient that is
8 relevant to that investigation, he may by notice in writing, require the
9 physician, health practitioner or organisation to provide that information to the
10 Investigator.

11 (3) Where the Investigator is of the opinion that the performance of an
12 autopsy on the body of a deceased person or the carrying out of other medical
13 examinations of human remains, is, or may be relevant to the conduct of an
14 investigation, cause such an autopsy or medical examination to be performed
15 and, for that purpose, may by notice in writing, request the person having
16 custody of the body of the deceased person or other human remains to permit
17 the performance of that autopsy or that medical examination.

18 (4) A person shall not fail or refuse to provide information in
19 accordance with a requirement imposed under subsection (2) of this section, by
20 making the body of a deceased person or other human remains available for the
21 performance of an autopsy or medical examination in accordance with a
22 requirement imposed under subsection (3) of this section.

23 (5) A person shall not fail or refuse to submit to a medical examination
24 in accordance with the requirement imposed under subsection (1) of this
25 section, provided that information obtained is pursuant to such an examination
26 as privileged.

27 (6) Subject to the power of the NSIB to make use of medical
28 examination obtained under this section as it considers necessary in the
29 interests of transportation safety, a person shall not:

30 (a) knowingly communicate medical examination report or permit it

1 to be communicated to any third party; or

2 (b) be required to produce it or give evidence relating to it in any
3 legal, disciplinary or other proceedings.

4 (7) Where an Investigator requested a person to do something
5 under subsections (1), (2) or of this section and the person refused to do as
6 requested, the Investigator may make an application to the court of
7 competent jurisdiction setting out the facts, and the court may inquire into
8 the matter and, after giving the person an opportunity to comply with the
9 requirement, take steps for the punishment of the person as if the person had
10 been guilty of contempt of the court, or may make such other order as it finds
11 appropriate.

12 **39.**-(1) Where an Investigator considers it necessary to request a
13 person to attend and answer a question for the purposes of an investigation,
14 may:

Attendance before
an investigator
to answer questions
etc.

15 (a) request the person to attend and answer such question relating
16 to matters relevant to the investigation; or

17 (b) request the person to produce specified information or
18 evidential material.

19 (2) Subsection (1) of this section shall not apply in relation to the
20 person who in his person or capacity as a coroner.

21 (3) The requirement under subsection (1) of this section shall be by
22 a notice in writing signed by the Director-General or his designate,
23 specifying the time and place at which the person is required to appear
24 before the Investigator or produce the evidential material specified in the
25 notice.

26 (4) When a person appears before an Investigator under subsection
27 (1)(a) of this section, the Investigator may request that the questions be
28 answered by way of an affirmation.

29 (5) A person who appears before an Investigator in accordance with
30 the requirement set under subsection (1)(a) or (b) of this section, may subject

1 to the regulations made pursuant to this section, be entitled to be paid such
2 travelling allowances as may be approved, from time to time, by the NSIB.

3 (6) A person to whom a notice is given in accordance with this section,
4 but fails or refused to attend and answer questions lawfully put to the person or
5 to produce the specified information or evidential material in accordance with
6 the requirement, commits an offence and shall be liable on conviction to a fine
7 of not less than N500,000.00 or to a term of not less than 6 months
8 imprisonment or to both.

9 PART VIII - REPORTING OF TRANSPORTATION OCCURRENCES

Notification
and Reporting

10 40.-(1) The NSIB shall subject to the approval of the Minister make
11 regulations for the establishment and administration of standards for the
12 mandatory or voluntary notification and reporting of transportation
13 occurrences or such classes thereof as may be specified in the Regulations.

14 (2) The NSIB may, subject to this section, make such use of any report
15 made to it pursuant to regulations made under subsection (1) of this section as
16 it considers necessary in the interests of transportation safety.

17 (3) Regulations made under subsection (1) of this section shall
18 include rules for the protection of the identity of person who report
19 transportation occurrences.

20 (4) Where the identity of a person who has made a report pursuant to
21 Regulations made pursuant to this section, such person shall be protected by
22 the Rules referred to in subsection (3) of this section as to information that
23 could reasonably reveal the identity of the person, and a person shall not:

24 (a) knowingly communicate it or permit it to be communicated to any
25 person; or

26 (b) be required to produce it or give evidence relating to it in any legal,
27 disciplinary or other proceedings.

28 (5) Any report made to the NSIB under a voluntary reporting system
29 established by regulations made under subsection (1) of this section shall not
30 be used against the person who made the report in any legal, disciplinary or

1 other proceedings if the person's identity is protected by rules referred to in
2 subsection (3) of this section.

3 PART IX - PROTECTION OF ON BOARD RECORDING AND RESTRICTED
4 INFORMATION

5 41.-(1) In this section, "on-board recording" means the whole or
6 any part of:

On-Board
recording and
restricted
information

7 (a) a recording of voice communications, sound or images
8 originating from, or received on, or in the control area of any transport
9 vehicle; or

10 (b) a video recording or any recording of the activities of the
11 operating personnel of an aircraft, ship, rail road or tracked vehicle or
12 locomotive made, using recording equipment that is not intended to be
13 controlled by the operating personnel in the control area of transport vehicle,
14 which includes a transcript or substantial summary of such a recording.

15 (2) In this section 'restricted information' means the whole of:

16 (a) statements taken from a person by the NSIB in the course of
17 safety investigation;

18 (b) communications between persons having been involved in
19 transport vehicle;

20 (c) medical or private information regarding a person involved in
21 the transportation safety occurrence;

22 (d) recordings and transcripts of recordings from sea, rail or traffic
23 control unit;

24 (e) analysis and opinions about information, including on board
25 recorder information, made by the NSIB or other members of the safety
26 investigation team; and

27 (f) the draft final Report of transport safety investigation.

28 (3) Every on-board recording and restricted information are
29 privileged and except as provided by this section, a person shall not,
30 including a person to whom access is provided under this section, shall not:

1 (a) knowingly communicate an on-board recording, restricted information or
2 permit them to be communicated to any person; or

3 (b) be required to produce an on-board recording, restricted
4 information or give evidence relating to it in any legal, disciplinary or other
5 proceedings.

6 (4) Any on-board recording or restricted information that relates to a
7 transportation occurrence being investigated under this Act shall be released by
8 the Operator to an Investigator on requests for it, for the purposes of
9 investigation.

10 (5) An Investigator may make use of any on-board recording or
11 restricted information obtained under this Act as he considers necessary in the
12 interests of transportation safety.

13 (6) Subject to the, provisions of subsection (6) of this section, an
14 Investigator shall not knowingly communicate or permit to be communicated
15 to any person any portion of an on-board recording or restricted' information
16 that is unrelated to the causes or contributory factors of the transportation
17 occurrence under investigation or to the identification of safety deficiencies.

18 (7) An investigator may make available any on-board recording or
19 restricted information obtained under this Act to:

20 (a) a coroner who requests access thereto for the purpose of an
21 investigation that the coroner is conducting; or

22 (b) any person carrying out a coordinated investigation under section
23 24 of this Act.

24 (8) Notwithstanding the provisions of this section, where, in any
25 proceedings before a competent authority, a request for the production and
26 discovery of an on-board recording or restricted information is made, the
27 competent authority shall:

28 (a) cause notice of the request to be given to the NSIB, if the NSIB is
29 not a party to the proceedings;

30 (b) examine the on-board recording or restricted information in

1 camera and give the NSIB a reasonable opportunity to make representations
2 with respect thereto; and

3 (c) order the production and discovery of the on-board recording or
4 restricted information, subject to such restrictions or conditions as the
5 competent authority may deem appropriate, and may require any person to
6 give evidence that relates to the on-board recording or restricted information
7 if the competent authority concludes in the circumstances of the case that the
8 public interest in the administration of justice far outweighs in importance
9 the privilege attached to the on-board recording.

10 (9) The Director-General may refuse to make the on-board
11 recording information, restricted information or any-part thereof available
12 to the coroner, if in his opinion such disclosure would likely interfere with
13 any investigation into the transport safety matter to which the on-board
14 recording or restricted information relates.

15 (10) Notwithstanding the provisions of this section, the Director-
16 General shall not make the on-board recording record or restricted
17 information and any other investigation records available for purposes other
18 than transport safety investigations unless where in civil proceedings, a
19 court of competent jurisdiction determines that their disclosure or use
20 outweighs any likely adverse domestic and international impact such
21 disclosure may have on the current, or any future investigation.

22 **42.-(1)** A person or organisation is entitled to take any disciplinary
23 action against its employee on the basis of an unauthorised use of on-board
24 recording or restricted information.

Prohibition of
the use of on-board
recording or
restricted
information

25 (2) Any information or thing obtained as a direct or indirect result
26 of the use of on-board recording or restricted information, is not admissible
27 in evidence in criminal proceedings against a crew member, other than
28 proceedings for an offence under this Act.

29 (3) Any person who makes a copy or a disclosure of an on-board
30 recording or restricted information without authorisation commits an

	1	offence and shall be liable on conviction to a fine of not less than One
	2	N1,000,000.00 or to a term of not less than 1 year imprisonment or to both.
	3	PART X - INFORMATION RELATING TO SAFETY INVESTIGATION
Power to obtain information	4	43.-(1) For the purpose of obtaining required information for the
	5	discharge of its functions conferred by this Act, any authorised officer of the
	6	NSIB may by notice in writing, request any person connected with a
	7	transportation occurrence to furnish information relating to:
	8	(a) voyages, flights or class of flights, journeys, whether beginning
	9	and ending at the same point or at different points, as may be specified in the
	10	notices; and
	11	(b) flight plans, journey logs, travel history, navigation instruments
	12	carried aboard an aircraft, ship, rail or vehicle, and any other information
	13	required for their safe navigation on air, rail, road, or water.
	14	(2) The notice under subsection (1) of this section may require any
	15	person to specify the times at which, the form and manner in which, any
	16	information required under subsections (1)(a) or (b) of this section shall be
	17	made.
	18	(3) NSIB may pursuant to the provisions of subsection (1) of this
	19	section request for any data base or information from any relevant authority or
	20	agency In furtherance of its obligations under this Act.
	21	(4) Any person who knowingly deceives or makes false statement to
	22	an authorised officer during interview, commits an offence and shall be liable
	23	on conviction to a fine of not less than N500,000.00 or imprisonment to a term
	24	of not less than 1 year or to both.
	25	(5) In this section, "authorised officer" means the Director-General or
	26	any other officer of the NSIB specifically or generally designated by the
	27	Director-General to carry out any of the functions of the NSIB under this Act.
Refusal to give information	28	44.-(1) A person 'Shall not conceal, refuse or fail to supply
	29	information to the NSIB or to appear before an Investigator for the purpose of
	30	carrying out an investigation under this Act.

1 (2) Any person who conceals, refuses or fails to give information as
2 required under this Act, commits an offence and shall be liable on conviction
3 to a fine of not less than N500,000.00 or imprisonment to a term of not less
4 than 6 months or to both.

5 (3) Where the offender is a body corporate, it shall be liable on
6 conviction to a fine of not less than N1,000,000.00.

7 (4) Where any person knowingly makes a statement in any
8 particular manner as aforesaid, which is false in any particular material, the
9 person commits an offence and shall be liable on conviction to a fine of not
10 less than N5,000,000.00 or to imprisonment to a term of not less than 2 years
11 or to both.

12 **45.**-(1) A member of the Board, Management, Director-General, Confidentiality
13 officer, employee or other staff of the NSIB shall not, for his personal gain,
14 make use of any information, which come to his knowledge in the exercise
15 of his powers, or is obtained in the ordinary course of his duty as a member of
16 the Board, Management, the Director-General, officer, employee or other
17 staff of the NSIB.

18 (2) Every member of staff of the NSIB shall treat as confidential
19 any information at their disposal in the exercise of their respective powers or
20 obtained in the performance of their respective duties and shall not disclose
21 such information except when required to do so by the Director-General in
22 such circumstances as may be deemed fit.

23 (3) A staff of the NSIB who contravenes any of the provisions of
24 this section commits an offence and shall be liable on conviction to a fine of
25 not less than N2,000,000.00 or to a term of not less than 2 years
26 imprisonment or to both.

27 **46.** Notwithstanding the provisions of section 46 of this Act, the
28 Director-General may at anytime publish, or cause to be published,
29 information relating to a transport safety investigation whether or not such
30 transportation occurrence is the subject of an investigation. Publication of
information
relating to transport
safety investigation

	1	PART XI - FAMILY ASSISTANCE PROGRAMME
Coordination of family assistance providers	2	47.-(1) As soon as practicable, after being notified of a transportation
	3	occurrence within Nigeria involving an air, marine or rail occurrence, the
	4	magnitude of which results in fatalities of a critical mass, the NSIB shall
	5	designate and publicise the name and phone number of its personnel who shall
	6	head, coordinate or the Officer to be in-Charge of coordinating the family
	7	support services.
	8	(2) The Officer in-Charge of family support services shall in line with
	9	the provisions of the relevant Regulations made pursuant to this Act, be
	10	responsible for the coordination of the Family Assistance Programme for the
	11	families of victims of the occurrence and shall in the discharge of his functions
	12	and responsibility, comply with the provisions of this Act and all processes,
	13	procedures and guidelines provided in the Regulations.
	14	(3) The NSIB may, as soon as practicable, after being notified of
	15	transportation occurrence within Nigeria, which requires a safety
	16	investigation, designate an independent organisation, with experience in
	17	disasters and post trauma communication with families, to have the primary
	18	responsibility for coordinating the emotional and psychological care and
	19	support of the families of victims involved in the occurrence.
	20	(4) The responsibilities of an organization so designated by the NSIB
	21	under subsection (3) of this section, with respect to the families of victims
	22	involved in a transportation occurrence, shall be as prescribed in Regulations
	23	made pursuant to this Act by NSIB.
	24	(5) A person shall not impede the ability of the NSIB, its designated
	25	officers or designated organization to carry out its responsibilities under this
	26	section or the ability of the families of victims of the transportation occurrence
	27	to have contact with one another.
	28	(6) In the event of any transportation occurrence, no unsolicited
	29	communication concerning any interest shall be made to the public without
	30	recourse to the NSIB.

1 (7) Any owner, operator of transport vehicle involved in the
2 occurrence that fails to comply with the provisions of subsection (5) of this
3 section commits an offence and its directors shall be liable on conviction to a
4 term of six months imprisonment or to a fine of N500,000.00 each or to both.

5 (8) Where an offence under this section is committed by an entity
6 on the instigation or with the connivance of, or is attributable to any neglect
7 on the part of a director, manager, secretary of the entity or any person
8 purported to act in any such capacity, the officer shall be liable on conviction
9 to 1 year imprisonment.

10 (9) Where the NSIB relinquishes its investigative powers under
11 this Act in respect of any transportation occurrence, it shall assist the body to
12 which it has relinquished investigative power in assisting families with
13 respect to the occurrence to the maximum extent possible.

14 PART XII - OFFENCES AND PENALTIES

15 48.-(1) A person, group of persons, officer, employee or
16 representative of any organisation or authority shall obstruct or hinder the
17 investigation of any transportation occurrence by the NSIB.

Obstruction or
hindering the
investigation of
a transportation
occurrence

18 (2) Any person who contravenes the provision of subsection (1) of
19 this section commits an offence and is liable on conviction:

20 (a) In the case of an individual, to a fine of not less than
21 N500,000.00 or a term of 1 year imprisonment or to both; and

22 (b) in the case of an entity, body corporate or group of persons, a
23 fine of not less than N1,000,000.00 and shall during the subsistence of the
24 offence be liable to a fine for each day the offence continues:

25 (i) in the case of a corporation, N100,000.00;

26 (ii) in the case of a person acting in the capacity of an officer or
27 representative of the organisation, where the offence was committed to
28 N50,000.00 only; and

29 (iii) in any other case to N25,000.00.

Offences by
body corporate

1 **49.**-(1) Where any offence under this Act is committed by a body
2 corporate or on the instigation or with the connivance of or attributable to any
3 neglect on the part of its director, manager, secretary, head of branch or project
4 manager or other similar officers, the body corporate, shall be deemed to have
5 committed the alleged offence and shall be liable to be prosecuted under this
6 Act.

7 (2) Where a person is convicted of an offence under subsection (1) of
8 this section, shall in the case of:

9 (a) an individual, be liable to a fine of not less than N500,000.00 only
10 or to a term of 1 year imprisonment or to both; and

11 (b) a body corporate, be liable to a fine of not less than N1,000,000.00.

Prevention of
further violation
of the provisions
of this Act

12 **50.** Where the NSIB is satisfied that any person is violating or is
13 about to violate any of the provision of this Act, the NSIB may take action
14 which in its opinion is necessary to prevent the violation or further violation of
15 the provisions of this Act.

Representation
of the NSIB at
hearing of suit

16 **51.** In any proceeding before a court of law or tribunal, the Attorney-
17 General of the Federation or Law Officers in his Chambers shall appear for the
18 matter or may on application by NSIB, grant a fiat for prosecution any of its
19 matters.

20 PART XIII - JURISDICTION

Jurisdiction

21 **52.**-(1) The Federal High Court shall have exclusive jurisdiction to try
22 offences, hear and determine proceedings arising under this Act:

23 (a) whether or not the offence was commenced in Nigeria and
24 completed outside Nigeria;

25 (b) when the offence is committed by a citizen of Nigeria or a
26 foreigner; or

27 (c) where a Victim is resident in Nigeria, or is in transit, or has a
28 connection with Nigeria or is dealing with or on behalf of the Government of
29 Nigeria.

30 (2) The Federal High Court shall have jurisdiction to impose any

1 penalty provided for an offence under this Act or any other related law.

2 (3) The penalty imposed on a person convicted of an offence
3 referred to in sections 50 and 52 of this Act may be reduced in such manner
4 as the court may deem fit, where the person has, before any proceeding,
5 made possible or facilitated the identification of other accused persons and
6 their sponsors or who, after the commencement of the proceedings, has
7 made possible or facilitated the arrest of such persons.

8 (4) In any trial for an offence under this Act, the Court shall have
9 power, to adopt all legitimate measures that it may deem necessary to avoid
10 unnecessary delays and abuse in the conduct of proceedings.

11 PART XIV - LEGAL PROCEEDINGS

12 **53.**-(1) Notwithstanding anything in any other enactment, no suit
13 against the NSIB or a member of the Board, or any employee thereof, for any
14 act done in pursuance or execution of any of the provisions of this Act, or of
15 any public duties of the NSIB, or in respect of any alleged neglect or default
16 in executing such enactment or law, duties or authority shall lie or be
17 instituted in any court unless it is commenced within 3 months of the act,
18 neglect or default complained of or, in the case of a continuance of damage
19 or injury, within 6 months after the ceasing thereof.

Limitation of
actions against
the NSIB

20 (2) No suit or action shall be commenced against the NSIB before
21 the expiration of a period of 1 month after written notice of intention to
22 commence the suit shall have been served upon the NSIB by the intending
23 plaintiff or his agent; and the notice shall state the:

- 24 (a) cause of action;
25 (b) the particulars of the claim;
26 (c) the name and place of abode of the intending plaintiff; and
27 (d) the relief sought in the claims.

28 **54.**-(1) In any action or suit against the NSIB, no execution or
29 attachment process in any nature thereof shall be issued against the NSIB
30 unless not less than 3 months notice of the intention to execute or to attach

Restriction on
execution of
judgment against
the NSIB

	1	any of the property of NSIB has been given to the NSIB.
	2	(2) Any sum of money, which may by the judgment of any court be
	3	awarded against the NSIB shall, subject to any direction given by a competent
	4	court where notice of appeal of the said judgment has been given, be paid from
	5	the fund of the NSIB.
Protection of officers, servants and agents of the NSIB	6	55. -(1) Subject to the provisions of this Act, the provisions of the
	7	Public Officers Protection Act shall apply in relation to any suit instituted
	8	against an officer or employee of the NSIB.
	9	(2) Notwithstanding anything contained in any other law, no suit shall
	10	lie against a member of the Board, or any other officer or employee of the NSIB
	11	for an act done in pursuance or execution of this Act or any other enactment, or
	12	of any public duty or authority in respect of any alleged neglect or default in the
	13	execution of this Act or any other enactment, duty or authority.
Indemnity	14	56. The NSIB, a member of the Board, the Director-General and
	15	every officer or employee of the NSIB shall be indemnified out of the assets or
	16	funds of the NSIB against any liability incurred by such officer in defending
	17	any proceedings, whether civil or criminal, or in connection with any
	18	application by such officers.
Notice or other document required or authorised to be served	19	57. Any notice or other document required or authorised by any
	20	provision in this part to be served on or given to any person may be served or
	21	given by:
	22	(a) delivering it to that person;
	23	(b) leaving it at his usual or last known residence or place of business,
	24	whether in Nigeria or elsewhere;
	25	(c) sending it to him by post last known residence or place of business,
	26	whether in Nigeria or elsewhere;
	27	(d) sending it to him at bye-mail, fax, post or transmission; or
	28	(e) other similar means which produce a document containing a text
	29	of the communication, in which event the document shall be regarded as served
	30	when it is received.

1 PART XV - MISCELLANEOUS

2 **58.**-(1) Notwithstanding any other provision of this Act, the
3 Minister may after consultation with the Board of NSIB except in matters of
4 transport safety investigation, give directives of a general character to the
5 Management of the NSIB with regards to the performance of
6 its duties or exercising its powers, as the case may be and it shall be the duty
7 of the NSIB to comply with the directives.

Power of Minister
to give Direction
to the NSIB

8 (2) The general directives shall not be inconsistent with the
9 provisions of this Act, but relates to matters of policy in:

10 (a) the interest of national security;

11 (b) relation to any matter appearing to the Minister to affect the
12 relations of Nigeria with a country or territory outside Nigeria;

13 (c) order to discharge or facilitate the discharge of any obligation
14 binding on Nigeria by virtue of its being a member of an international
15 organisation or a party to an international or regional agreement;

16 (d) order to obtain or facilitate the attainment of any other object of
17 which is in his opinion appropriate in view of the fact that Nigeria is a
18 member of an international organisation or a party to an international
19 agreement;

20 (e) order to enable Nigeria become a member of an international
21 organisation or a party to an international agreement; or

22 (f) order to prevent or deal with an act in pursuance of which will
23 conflict with the requirements of any enactment or instrument relating to the
24 NSIB except in time of war, whether actual or imminent, or of great national
25 emergency of which those directives or requirements shall be disregarded.

26 **59.** The NISB may in the exercise of its powers under this Act, may,
27 in consultation and approval of the Minister, make regulations and Orders:

Power to make
regulations

28 (a) for the conduct of transport safety investigations in Nigeria;

29 (b) prescribing the manner of exercising or carrying out any of its
30 powers, duties and functions and generally, for its efficient operation;

- 1 (c) for the keeping and preservation of records, documents and other
 2 evidence relating to transportation occurrences;
 3 (d) for the attendance of interested persons at test to destructions;
 4 (e) defining, for the purpose of an investigation, the site or sites of any
 5 transportation occurrence and prescribing rules for the protection of those
 6 sites;
 7 (f) for defining the rights, obligations or privileges of persons
 8 attending investigations as observers or with observer status;
 9 (g) for the procedures and rules to be followed in conducting public
 10 inquiries;
 11 (h) concerning what is to be regarded as a transportation occurrence;
 12 (i) concerning the forms of warrants issued in respect of entry to
 13 search;
 14 (j) for mandatory and voluntary reporting;
 15 (k) for the implementation and management of Family Assistance
 16 Programmes; and
 17 (l) for generally carrying out such other things incidental to its
 18 functions and powers under the Act.

International
Treaties,
Conventions
or Agreements

19 **60.** The NSIB shall take necessary measures to give effect to any
 20 applicable international treaty, convention or agreement concerning any aspect
 21 of transport safety investigation to which Nigeria is a party.

Transitional
provisions

22 **61.-(1)** Notwithstanding anything to the contrary in this Act, the
 23 employees and appointees of the Accident Investigation Bureau (in this Part
 24 referred to as 'AIB') existing immediately before the commencement of this
 25 Act is deemed to have been transferred to NSIB established under this Act on
 26 terms and conditions not less favourable than those obtainable immediately
 27 before the commencement of this Act and service in the AIB is deemed to be
 28 service in the NSIB, for the purposes of pension.

29 (2) There shall be vested in the NSIB all assets, funds, resources,
 30 movable and immovable property which immediately before the

1 commencement of this Act were vested in the AIB.

2 (3) All rights, interests, obligations and liabilities of the AIB under
3 any contract, instrument, in law or in equity, shall by virtue of this Act be
4 assigned and vested in the NSIB established under this Act.

5 (4) Any proceeding or cause of action pending or existing
6 immediately before the commencement of this Act by or against the AIB
7 existing immediately before the commencement of this Act in respect of any
8 right, interest, obligation or liability of the AIB may be continued, or as the
9 case may require, be commenced and the determination of a court of law,
10 tribunal or other authority or person may be enforced by or against the NSIB
11 to the same extent that such cause of action or determination might have
12 been continued, or enforced by or against the AIB as if this Act had not been
13 made.

14 (5) Any regulation, Order, by-law or notice made or issued or
15 deemed to be made or issued by, or for the purpose of, the AIB existing
16 immediately before the commencement of this Act shall be deemed to have
17 been made or issued by or for the purpose of the NSIB and shall continue in
18 force until revoked or amended, subject to such modifications as may be
19 applicable to the NSIB established under this

20 **62.** In this Act unless, the context otherwise requires:

Interpretations

21 "Accident" means an investigable matter involving a transport vehicle
22 where:

23 (a) a person dies or suffers serious injury as a result of an
24 occurrence associated with the operation of the transport vehicle;

25 (b) the vehicle is destroyed or seriously damaged as a result of an
26 occurrence associated with the operation of the transport vehicle; or

27 (c) any property is destroyed or seriously damaged as a result of an
28 occurrence associated with the operation of the transport vehicle;

29 "Administrative tribunal" means an independent judicial forum for the
30 resolution of disputes arising between an individual, operator, or entity and

- 1 any transportation regulatory authority or agency;
- 2 "Aircraft occurrence" means any civil aircraft accident or serious incident as
- 3 may be defined in the ICAO Annex 13 or any amendment(s) thereto;
- 4 "Authority" Means the Nigerian Civil Aviation Authority;
- 5 "Causes" means actions, omissions, events, conditions, or a combination
- 6 thereof, which led to the transportation occurrence. The identification of
- 7 causes does not imply the assignment of fault or the determination of
- 8 administrative, civil or criminal liability;
- 9 "Chairman" means Chairman of the Governing Board of NSIB;
- 10 "Civil proceedings" means any proceedings before a court of competent
- 11 jurisdiction in Nigeria other than criminal proceedings;
- 12 "Coroner" means any person empowered to hold inquests under the Coroners
- 13 Law or any other related law;
- 14 "Coronial inquiry" means a coronial inquiry, coronial investigation or coronial
- 15 inquest under the Nigerian law;
- 16 "Control Area" means:
- 17 (i) the flight deck and recording systems of an aircraft;
- 18 (ii) the bridge or a control room of a ship; and
- 19 (iii) the cab of a locomotive;
- 20 "Director-General" means the Director General, Chief Executive and
- 21 Accounting Officer of the Nigerian Transportation Accident Investigation
- 22 Bureau appointed under section 11 of this Act;
- 23 "Employee" means any person employed by the NSIB;
- 24 "Federation" means the Federal Republic of Nigeria;
- 25 "AIB" means Accident Investigation Bureau;
- 26 "Fund" means the source of money that will be allocated to NSIB for its
- 27 operations and maintenance;
- 28 "Governor" means a Governor of any of the States of the Federal Republic of
- 29 Nigeria;
- 30 "Governing Board" includes the Director-General, the Chairman and other

1 members of the Board as may be appointed by the President on the
2 recommendation of the Minister;

3 "Incident" means an operational interruption, defect, fault or other irregular
4 circumstance in a transportation vehicle that has or may have influenced or
5 threatened transportation safety and that has not resulted in an accident;

6 "Information" includes a record regardless of form and a copy of a record;

7 "Insurance Provider" means any company lawfully authorised to provide
8 financial protection against, damage, injury, death or any loss whatsoever as
9 may be required on International agreement, convention or treaty means a
10 treaty or agreement whose parties are:

11 (a) Nigeria and a foreign country; or

12 (b) Nigeria and two or more foreign countries;

13 "Investigation" means a process conducted for the purpose of preventing
14 transportation occurrence which includes the gathering and analysis of
15 information, the drawing of conclusions, including the determination of the
16 cause or causes and, when appropriate, the making of safety
17 recommendations;

18 "Investigator" means a person appointed as an Investigator of transportation
19 occurrences by the Director-General of NSIB;

20 "Marine occurrence" means:

21 (a) any marine accident, serious marine casualty and incident
22 associated with the operation of a ship [excluding ships of war, or other ships
23 not propelled by mechanical means, wooden ships of primitive build and
24 pleasure yachts unless they are or will be crewed and carry more than 12
25 passengers for commercial purposes, and fixed offshore drilling units,
26 which takes place between the time any person boards the ship, with the
27 intention of sail until all such persons have disembarked, where a person is
28 fatally or seriously injured, the ship sustains damage or structural failure or
29 the ship is missing or is completely inaccessible; and

30 (b) any situation or condition that the Board of NSIB has

- 1 reasonable grounds to believe could, if left unattended, induce an accident or
2 incident described in paragraph (a) above;
- 3 "Minister" means the Federal Minister for the time being charged with the
4 responsibility for air, transportation and to the extent of the authority given, any
5 person authorised in that behalf by such Minister;
- 6 "NCAA" means the Nigerian Civil Aviation Authority;
- 7 "Nigerian Armed Forces" means the Nigerian Army, the Nigerian Navy and the
8 Nigerian Air force;
- 9 "NIMASA" mean Nigerian Maritime Administration and Safety Agency;
- 10 "Non - contracting State" means a State that is not a party to the Convention on
11 International Civil Aviation;
- 12 "On-board recording" (OBR) includes:
- 13 (a) the recording of sounds or images of persons in the control area of
14 a transport vehicle;
- 15 (b) the recording made in order to comply with a law in force in any
16 country;
- 17 (c) any part of the recording made at the time of the transportation
18 occurrence of an immediately reportable matter that involved the transport
19 vehicle; and
- 20 (d) at least one of the following:
- 21 (i) any part of the recording was made while the transport vehicle was
22 on a constitutional journey, or was made incidentally to such a journey;
- 23 (ii) the recording was made in order to comply with Nigerian law;
- 24 (iii) at the time when the recording was made, the transport vehicle
25 was owned or operated by a government agency in Nigeria;
- 26 (iv) the Immediately reportable matter occurred when the transport
27 vehicle was on a route ordinarily used by transport vehicles on constitutional
28 journeys; or
- 29 (v) the immediately reportable matter also involved another transport
30 vehicle that was on a constitutional journey, or was owned or operated by a

- 1 government agency in Nigeria;
- 2 "Operator" means any person, body or undertaking operating or proposing
- 3 to operate any of the transport vehicles;
- 4 "Premises" means an accident site or premises that it is necessary to enter in
- 5 order to get to an accident site;
- 6 "President" means the President of the Federal Republic of Nigeria;
- 7 "public Service" means the Public Service of the Federation;
- 8 "Report" means any report, safety action statements, safety
- 9 recommendations, safety bulletin issued by the NSIB;
- 10 "Reportable matters" means an investigable transport safety matter that can
- 11 be investigated by the NSIB under this Act;
- 12 "Rail vehicle "means a vehicle that operates on a railway (including a
- 13 vehicle that does not have wheels);
- 14 "Railway" includes all branches, extensions, sidings, yards, stations, depots,
- 15 wharfs, equipment, stores, signals, control systems, railway bridges, tunnels
- 16 and other property, railway-related structures and facilities, and works
- 17 connected therewith;
- 18 "Railway occurrence" means:
- 19 (a) any accident or incident associated with the operation of rolling
- 20 stock on a railway; and
- 21 (b) any situation or condition that the Board has reasonable
- 22 grounds to believe could, if left unattended, induce an accident or incident
- 23 described in paragraph (a) above;
- 24 "Safety action statement" means a statement:
- 25 (a) setting out any safety issues identified during the course of an
- 26 investigation that should be addressed; or
- 27 (b) setting out any steps taken by persons to remedy safety issues
- 28 identified during the course of an investigation;
- 29 "Safety advisory notices/safety bulletins" means safety guidelines
- 30 recommended by the NSIB;

1 "Safety recommendations" means any proposal by the NSIB conducting the
2 technical investigation, based on information derived from that investigation,
3 made with the intention of preventing transportation occurrences;

4 "Serious Incident" means an incident involving circumstances indicating that
5 an accident nearly occurred.

6 "Site" in relation to transportation occurrence means any of the following sites
7 associated with an accident:

8 (a) a site containing the transport vehicle or any of its wreckage;

9 (b) a site where there is an impact point associated with the accident;

10 and

11 (c) if the accident involved destruction or serious damage to property
12 (other than the transport vehicle), a site containing that property or any of its
13 wreckage; together with such area around the site as the Director-General
14 determines to be reasonably necessary to facilitate the investigation of the
15 accident and securing the site;

16 "State" means any of the States of the Federal Republic of Nigeria or a nation or
17 territory considered as an organized political community under one
18 government;

19 "Statement" means an official account, record and statement of evidence and
20 fact given by a person to an investigator(s) of the NSIB;

21 "Tracked vehicle" means a self-propelled vehicle that moves on tracks;

22 (Transport/Transportation means the movement of human, animals, or goods
23 from one location to another by use of transportation vehicle;

24 "Nigerian Transportation Accident Investigation Bureau" means the authority
25 designated as responsible for the administration and regulation of safety
26 investigation of transportation occurrences in Nigeria;

27 "Transportation occurrence" means an aviation, railway, marine or road
28 occurrence;

29 "Transport safety matters" means the occurrences as listed in section 26 of this
30 Act; and

1 'Vehicle "means a mobile machine that transports people or cargo, such as
2 aircraft, railed and hacked vehicles, motor vehicles, ships, buses, vans,
3 lorries, trucks, trailers etc.

4 **63.** This Bill may be cited as the Nigerian Safety Investigation Short title
5 Bureau (Establishment, Etc.) Bill, 2019.

6 SCHEDULE

7 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD

8 *[Sections 6 (3) and 8 (1)]*

9 *Proceedings of the NSIB Governing Board*

10 1. Subject to this Act and section 27 of the Interpretation Act, the
11 Board shall have power to regulate its proceedings and may make standing
12 Orders, rules and terms with respect to the holding of its meetings, and those
13 of its committees, notices to be given, the keeping of minutes of its
14 proceedings, the custody and production for inspection of such minutes and
15 such other matters as the Board may, from time to time determine.

16 2. Every meeting of the Board shall be presided over by the
17 Chairman or his designate; and if the Chairman or his designate is unable to
18 attend a particular meeting, the members present at the meeting shall elect
19 one of them to preside at the meeting.

20 3. The minutes of the meeting shall be recorded by the Secretary
21 and signed by the Chairman or the person who presided at the meeting, after
22 confirmation by the Board.

23 4. A quorum at a meeting of the Board shall be one-third of the
24 total number of members.

25 *Convening of Meetings of the Board*

26 5. The Board shall meet to transact its business pursuant to this
27 Act whenever it is summoned by the Chairman shall, and if so required by
28 notice given to him by not less than four other members of the Board,
29 specifying, amongst others, an agenda for the meeting, the Chairman shall
30 summon a meeting of the Board that shall be held within fourteen days from

1 the date on which the notice is given to him to discuss the items specified in the
2 notice;
3 provided that the Board shall for the purposes of this Act meet not less than four
4 times in each calendar year.

5 6. If the office of Chairman is at any time vacant, or the Chairman is
6 absent from Nigeria or is in the opinion of the Board permanently or
7 temporarily unable to perform the functions of his office, the Officer appointed
8 to act in his stead shall convene such meetings of the Board as may be required
9 during the period of vacancy, absence or otherwise.

10 7. The Board shall meet for the conduct of its business at such places
11 and on such days as the Chairman may appoint.

12 8. A question put before the Board at a meeting shall be decided by
13 consensus and where this is not possible, by a majority of the votes of the
14 members present and voting.

15 9. The Chairman shall, in the case of an equality of votes, have a
16 casting vote in addition to his deliberative vote.

17 10. Where the Board seeks the advice of any person on a particular
18 matter, the Board may invite that person to attend for such period as it deems fit,
19 but a person who is invited by virtue of this paragraph shall not be entitled to
20 vote at any meeting of the Board and shall not count towards the quorum.

21 *Committees*

22 11. The Board may appoint one or more committees to carry out on its
23 behalf such of its functions as the Board may determine and report on any
24 matter with which the Board is concerned.

25 12. A committee appointed under paragraph 11 of this Schedule shall
26 be presided over by a member of the Board and shall consist, of such number of
27 persons (not necessarily all members of the Board) as, may be determined by
28 the Board.

29 13. A person who is not a member of the Board shall hold office on the
30 committee in accordance with his letter of appointment.

1 14. A decision of a committee of the Board shall be of no effect
2 until it is confirmed by the Board.

3 *Seal of the NSIB*

4 15. The fixing of the common seal of the NSIB shall be
5 authenticated by the signature of the Chairman and the Secretary or any
6 Member of the Board generally or specifically authorized by the Board to
7 act for that purpose.

8 16. A contract or an instrument which, if made or executed by any
9 person not being a body corporate, would not be required to be under seal,
10 may be made or executed on behalf of the Board by the Chairman or by any
11 person generally or specifically authorised to act for that purpose.

12 17. A document purporting to be a contract, an instrument or other
13 document signed or sealed on behalf of the Board shall be received in
14 evidence and, unless the contrary is proved, be presumed without further
15 proof, to have been properly signed or sealed.

16 18. No member of the Board or a committee of the Board shall be
17 personally liable for any act or omission done or made in good faith while
18 engaged in the business of the Board.

19 *Conflict of Interest*

20 19. Subject to the provisions of this schedule, the Members of the
21 Governing Board, Director-General, Directors, Members of the
22 Management Staff, and other employees of the NSIB shall not while in
23 office manage or operate any transportation enterprise involving transport
24 vehicles applicable under this Act.

25 20. Any of the persons specified in subsection (1) above having a
26 financial interest in any transportation enterprise shall make full disclosure
27 of such interest to the appropriate authorities.

28 21. Any of the persons mentioned in subsection (1) above is
29 prohibited from participating in any action or decision that may, whether
30 directly or indirectly; affect their financial interest(s) in any transportation

1 enterprise contemplated under this Act.

2 22. The members of the Governing Board, Director General and
3 member of the management staff of NSIB and all other employees shall:

4 (a) not for his personal gain, make use of any information which has
5 come to his knowledge in the exercise of his powers or is obtained by him in the
6 ordinary course of the duty as Director General, Director, Investigator, officer
7 or employee of the NSIB;

8 (b) treat as confidential any information which has come to his
9 knowledge in the exercise of his powers or is obtained by him in the
10 performance of his duties under this Act; and

11 (c) not disclose any information referred to under paragraphs (a) and
12 (b) of this subsection, except when required to do so by a court of competent
13 jurisdiction or in such other circumstances as may be prescribed by the
14 Management from time to time.

EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of this Act but is intended to
explain its purport)*

This Bill seeks to provide for the establishment of the Nigerian Safety Investigation Bureau (NSIB), for the regulation, management and administration of transportation occurrences and incidents investigation in Nigeria, and operation and application of this Bill.