



FEDERAL AIRPORTS AUTHORITY OF NIGERIA ACT, 2022

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Establishing:
**The Federal Airports
Authority of Nigeria**

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FEDERAL AIRPORTS AUTHORITY OF NIGERIA ACT, 2022

ACT No. 38

AN ACT TO REPEAL THE FEDERAL AIRPORTS AUTHORITY OF NIGERIA ACT, CAP. F5, LAWS OF THE FEDERATION OF NIGERIA, 2004, AND ENACT THE FEDERAL AIRPORTS AUTHORITY OF NIGERIA ACT, 2022, TO PROVIDE FOR THE EFFECTIVE MANAGEMENT OF AIRPORTS IN NIGERIA ; AND FOR RELATED MATTERS.

[18th Day of November, 2022]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria—

**PART I — ESTABLISHMENT OF THE FEDERAL AIRPORTS
AUTHORITY OF NIGERIA**

1.—(1) There is established the Federal Airports Authority of Nigeria (in this Act referred to as “the Authority”).

Establishment
of the
Federal
Airports
Authority
of Nigeria.

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

(3) The Authority shall manage the airports listed in the First Schedule to this Act and any other airport that may be assigned to it by the Minister.

First
Schedule

2.—(1) There is established for the Authority a Governing Board (in this Act referred to as “the Board”) with the functions set out in this Act.

Establishment
and
composition
of the
Governing
Board.

(2) The composition of the Board shall reflect equity and fairness as enshrined in section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999.

- (3) The Board shall consist of —
 - (a) a Chairman ;
 - (b) one representative each, not below the rank of a director from the Ministries responsible for matters relating to —
 - (i) Aviation,
 - (ii) Defence,
 - (iii) Justice, and
 - (iv) Tourism ;
 - (c) one representative of the Nigerian College of Aviation Technology not below the rank of a director ;

Cap. C23.
LFN. 2004.

(d) two other persons outside the public service with requisite qualification and experience in the field of aviation ; and

(e) the Managing Director of the Authority.

Second
Schedule

(4) The Supplementary Provisions set out in the Second Schedule to this Act, shall have effect with respect to proceedings of the Board and any other matter contained in it.

Appointment
and tenure
of office of
the
Chairman
and
members of
the Board.

3.—(1) The Chairman and other members of the Board, other than ex-officio members, shall —

(a) be appointed by the President on the recommendation of the Minister ;

(b) hold office for a term of four years in the first instance and may be re-appointed for a further term of four years and no more and on such terms and conditions as may be specified in their letters of appointment ;

(c) be paid such remuneration and allowances as may be determined in accordance with extant laws and regulations ; and

(d) be persons with proven integrity and ability.

(2) The Chairman shall have at least 20 years cognate experience in aviation, administration or related field.

Cessation of
membership.

4.—(1) A member of the Board appointed by the President may resign their appointment by notice in writing, addressed to the President through the Minister.

(2) A member of the Board shall cease to be a member, if he —

(a) lacks physical or mental capacity to perform his or her functions;

(b) dies ;

(c) becomes of unsound mind ;

(d) becomes bankrupt or makes a compromise with creditors ;

(e) is convicted of a felony, gross misconduct or any offence involving dishonesty or fraud ;

(f) is disqualified or suspended from professional practice in any part of the world, by an order of a competent Authority ; or

(g) in the case of an ex-officio member, ceases to hold the office on the basis of which the member became a member of the Board.

(3) A member of the Board may be removed from office by the President, if the President is satisfied that it is not in the interest of the Authority or the public that the member should continue in that office.

(4) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of the predecessor.

PART II — FUNCTIONS AND POWERS

5. —(1) The Authority shall —

(a) develop, provide and maintain airports within Nigeria and provide all necessary services and facilities for the safe, secure, orderly, expeditious and economic operation of air transport ;

(b) provide adequate airport facilities and services under which passengers and goods may be transported by air and under which aircraft may be used for other gainful purposes ;

(c) provide accommodation and other facilities and services for the effective handling of passengers and freight at airports ;

(d) develop and provide facilities and services for surface transport within airports ;

(e) provide adequate facilities, services and personnel for effective security at airports owned by the Federal Government ;

(f) provide personnel for fire and security services at State and private airports ;

(g) promote economic development of airports and air transport services ;

(h) do such other things as are necessary for the efficient performance of functions and powers of the Authority under this Act.

(2) In performing its functions, the Authority shall conform to all binding international agreements on standards and recommended practices of safety, security and regulation of civil aviation.

6. The Authority shall have power to —

(a) charge total cost recovery charges for services it shall provide at airports ;

(b) carry out at airports, either by itself, by an agent or in partnership with any other person or body corporate, such —

(i) economic activities that are relevant to air transport, and

(ii) commercial and non-aeronautical activities which in the opinion of the Authority are not prejudicial to the functions of the Authority under this Act ;

(c) notwithstanding the provisions of any other law, policy or circular in force, any fee imposed by and on behalf of the Authority shall not be subject to any deduction by or remittance to any other body ;

(d) procure temporary or intermittent service of experts or consultants with requisite qualifications ;

(e) negotiate and enter into agreements with individuals, private entities, departments and agencies of government, governments of foreign countries or international organisations for giving effect to the provisions of this Act ;

Functions
of the
Authority.

Powers
of the
Authority.

(f) ensure adequate trainings for its employees for the proper performance of their functions under the Act ; and

(g) invest its funds as it deems fit, in line with extant Government Regulations.

Functions
and powers
of the
Board.

7. The Board shall —

(a) formulate and ensure implementation of general policies, guidelines and programmes of the Authority ;

(b) consider terms and conditions of service at the Authority including remuneration, appointment, promotion, termination, dismissal and exercise of disciplinary control over staff of the Authority ;

(c) structure the Authority into such number of directorates, departments and units as it deems fit for the effective performance of its functions; and

(d) do such other things which in the opinion of the Board are considered necessary or expedient to ensure the performance of the functions of the Board under this Act.

Delegation
of functions.

8. The functions of the Authority in this Act are vested in the Managing Director of the Authority who may exercise them directly or through the directors, any staff of the Authority or any other person he may think fit.

PART III — STAFF OF THE AUTHORITY

Managing
Director of
the
Authority.

9.—(1) There shall be for the Authority, a Managing Director who shall be appointed —

(a) by the President on the recommendation of the Minister ; and

(b) on such terms and conditions as may be specified in the letter of appointment or as may be determined by the President.

(2) The Managing Director shall be the Chief Executive and Accounting Officer of the Authority, and shall be responsible for the —

(a) day to day administration, organisation, control and management of the affairs of the Authority ;

(b) the execution of the policies of the Authority and decisions of the Board ;

(c) the organisation, control and management of the affairs of the Authority ;

(d) direction, supervision and control of other employees of the Authority ;

(e) transparent maintenance of accounting records in accordance with applicable laws ; and

(f) performance of such other duties as the Board may assign.

(3) The Managing Director shall be a person with recognised qualification and experience in aviation and administration or related field for at least 15 years, five of which shall be in the senior management cadre.

(4) The Managing Director shall be appointed for a term of four years in the first instance and may be re-appointed for a further term of four years and no more.

(5) The Managing Director may be suspended or removed from office by the President, where the Managing Director —

- (a) demonstrates inability to effectively perform the duties of the office ;
- (b) is guilty of serious misconduct in relation to his duties ;
- (c) is disqualified or suspended from professional practice ;
- (d) is in contravention of the conflict of interest provisions contained under paragraphs 20-23 of the Second Schedule to this Act ; or
- (e) in the case of a person possessed of professional qualifications, is disqualified or suspended from practising his profession in any part of the world by an order of a competent authority.

Second
Schedule.

10.—(1) The Authority shall, subject to the approval of the Board —

- (a) employ either directly or on transfer or secondment from any civil or public service in the Federation such number of employees as may, in the opinion of the Authority, be required to assist the Board and the Managing Director in the performance of their functions ;
- (b) employ such other persons from outside the public service of the Federation or of a State, where it deems necessary ;
- (c) recruit security officers for the Authority and the officers so recruited shall subject to the general laws and regulations relating to the use of fire arms, be entitled to carry fire arms on their persons while on duty ; and
- (d) pay to persons so employed such remuneration including allowances, benefits and pensions, as may be determined by the Board.

Other staff
of the
Authority.

(2) There shall be appointed by the Authority a Legal Adviser who shall be —

- (a) a Staff of the Authority ;
- (b) the Secretary to the Board ; and
- (c) a legal practitioner who has been so qualified for a period of at least 10 years.

(3) The Secretary shall —

- (a) conduct the correspondence and keep the records of the Board, and
- (b) perform such other functions as the Board or the Managing Director, may assign to him.

Cap. C23.
LFN. 2004.

(4) The composition of the Directors and Senior Management staff of the Agency appointed under subsection (1) (a) shall reflect equity and fairness as enshrined in section 14 (3) of the Constitution of the Federal Republic of Nigeria, 1999.

(5) Notwithstanding the provisions of subsection (1)(c), it is an offence to carry arms and ammunition within the premises of all airports unless specifically authorised by the Airport Manager.

(6) A person who violates subsection (2) commits an offence and is liable on conviction to a fine of ₦100,000 or imprisonment for a term not more than 60 days.

(7) The Authority shall have overall responsibility for security at all airports and for this purpose —

(a) request from the Inspector General of Police, the Director General of the State Security Services, the Commandant General of the National Security and Civil Defence Corps and the Service Chiefs of the Armed Forces, either on transfer or secondment, such number of personnel as the Authority may require to ensure adequate security at all airports ;

(b) make regulations and establish guidelines for the conduct of security personnel assigned to all airports ;

(c) reject the assignment of unauthorised security personnel to all airports ; and

(d) dismiss from the airports, any security personnel found to be acting beyond the scope of the Authority's guidelines and recommendations.

(8) The deployment of personnel to all airports whether on secondment or transfer by the Nigerian Armed Forces, the Nigerian Police Force, the State Security Services and the Nigerian Security and Civil Defence Corps shall be for a minimum term of 18 months in the first instance except where the personnel is dismissed by the Authority from service at the airports for failure to follow regulations and guidelines.

(9) Personnel of the Nigerian Armed Forces, the Nigerian Police Force, the State Security Services and the Nigerian Security and Civil Defence Corps deployed to all Airports, whether on transfer or secondment are for the duration of their deployment, security officers appointed under this section.

Staff
regulations.

11.—(1) Subject to the provisions of this Act, the Authority shall make staff regulations relating to conditions of service, including —

(a) the appointment, promotion and discipline of staff ; and

(b) such other matters as it may deem necessary to ensure the efficient performance of the functions of the Authority under this Act.

(2) The Staff regulations made under subsection (1) shall not have effect until approved by the Board.

12.—(1) Service in the Authority shall be public service for the purpose of the Pension Reform Act and accordingly, officers and other staff of the Authority shall in respect of their service in the Authority, be entitled to such pension and retirement benefits as are prescribed in the Pension Reform Act.

(2) Notwithstanding the provisions of subsection (1), nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of pension and retirement benefits in respect of that office.

(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, are hereby vested in and shall be exercisable by the Board.

13.—(1) The Authority shall have powers, with the approval of the Board to —

(a) set up directorates, departments, special units, technical committees, working groups and task forces to assist the Authority in the performance of its duties and functions under this Act ; and

(b) make changes to or vary its structure.

(2) There shall be appointed for each of the directorates, departments and special units a principal officer to be known by such designation as the Authority may determine.

PART IV — FINANCIAL PROVISIONS

14.—(1) There shall be established and maintained for the Authority, a fund (in this Act referred to as “the Fund”), into which shall be paid and credited all —

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

(b) fees and funds accruing from —

(i) landing fees,

(ii) parking fees,

(iii) passenger service charge (local and international),

(iv) rents,

(v) management fees,

(vi) VIP lounge charges,

(vii) utilities,

(viii) fuel charge,

(ix) port charge,

Service in the authority to be pensionable. Act No. 4, 2014.

Structure of the Authority.

Fund of the Authority.

- (x) air cargo fee,
- (xi) cargo vehicular fee,
- (xii) frontier service charge,
- (xiii) sales of information,
- (xiv) rental of warehouse,
- (xv) rental of plant and equipment,
- (xvi) fines (for violation of bye law),
- (xvii) car park charges,
- (xviii) aviobridge charges,
- (xix) public affairs protocol service fee,
- (xx) training and consultancy fees,
- (xxi) common use terminal charges,
- (xxii) advertisement charges,
- (xxiii) transshipment fee,
- (xxiv) premium,
- (xxv) ground rent,
- (xxvi) service recovery charge,
- (xxvii) car hire charges,
- (xxviii) vehicle towing fee,
- (xxix) processing fee,
- (xxx) 5% custom levy,
- (xxxi) access fee, and
- (xxxii) cost and sustainability recovery charges ; and

(c) other sums which may accrue to the Authority.

(2) Any person who collects and fails to remit to the Authority any money due to it under subsection (1), commits an offence and is liable on conviction to —

(a) a fine of ₦2,000,000 or imprisonment for a term of two years or both ; and

(b) refund the money owed.

(3) Funds accruing from the charges referred to under subsection (1)

(b) (i) of this Act shall be shared in the following manner —

(a) Federal Airports Authority of Nigeria — 90% ; and

(b) Nigerian Meteorological Agency — 10%.

(4) Funds accruing from the charges referred to under subsection (1)

(b) (iii) of this Act shall be shared in the following manner —

(a) Federal Airports Authority of Nigeria — 95%; and

(b) NSIB — 5%.

15. The Authority shall apply the proceeds of the Fund established under section 14 of this Act to —

Expenditure of the Authority.

- (a) the cost of administration of the Authority ;
- (b) the reimbursement of members of the Board or any Committee set up by the Board or the Authority for authorised expenses ;
- (c) the payment of salaries, fees, allowances and other remunerations, payable to members of the Board, employees, experts or professionals appointed by the Authority ;
- (d) the payment for all purchases and contracts, including mobilization, fluctuations, variations, legal fees and cost on contract administration ;
- (e) the maintenance of any property acquired or vested in the Authority ; and
- (f) undertake any other activity or matter connected with all or any of the functions of the Authority under this Act.

16. The Authority shall, not later than 30 September in each year, submit to the President, through the Minister, an estimate of the expenditure and income of the Authority during the succeeding year.

Annual estimates and expenditure.

17.—(1) Subject to applicable laws and regulations, the Board may borrow by overdraft or otherwise, such money as the Authority may require for the performance of its functions under this Act.

Borrowing powers.

(2) The Board shall not, without the approval of the President borrow money, which exceeds, at any time, the limit set by the Government of the Federation.

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

18.—(1) The Authority may accept gifts of land, money or other property or things on such terms and conditions as may be specified by the person or organisation making the gift.

Power to accept gifts.

(2) The Authority shall not accept any gift where the terms or conditions attached by the person or organisation making the gift are inconsistent with the objectives and functions of the Authority under this Act.

19. The Authority shall cause to be kept proper accounts and records of the Authority in respect of each year and shall cause the accounts to be audited not later than six months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

Accounts and audit.

Annual
report.

20.—(1) The Authority shall prepare and submit to the Minister through the Board not later than 30 June in each year, a report in such form as the Minister may direct the activities of the Authority during the immediate preceding year, and shall include in the report, a copy of the audited accounts of the Fund for that year and the auditor's report.

(2) The Minister shall, upon receipt of the report referred to in subsection (1) cause a copy of the report and the audited accounts of the Fund and the auditor's report to be submitted to each House of the National Assembly.

Exemption
from tax and
statutory
remittances.

21. The Authority shall be exempted from the payment of all —

- (a) taxes and tenement rates ; and
- (b) statutory remittances.

PART V — OTHER POWERS OF THE AUTHORITY

Power to
discontinue
use of
airport.

22. The Authority shall —

- (a) with the consent of the Minister, discontinue the use of any airport maintained by it under this Act ; and
- (b) make and submit the valuation of the discontinued airport to the Federal Government.

Management
of additional
airport.

23. Without prejudice to section 1 (3) of this Act, the Authority may, with the consent of the Minister, assume the management of any airport in Nigeria in addition to those assigned to it under this Act.

Compulsory
acquisition
of land.
Cap. L4.
LFN. 2004.

24.—(1) For the purposes of the Land Use Act or any state land administration law which provides for the compulsory acquisition of land for overriding interest, any requirement of land by the Authority shall be deemed to be for public purposes of the Federation.

(2) The compensation if any, payable under the Land Use Act, Cap. L4, Laws of the Federation of Nigeria, 2004 for the acquisition of any land under this section or, payable under the appropriate law for the revocation of any right relating to the land, as the case may be, shall be paid by the Federal Government or the State Government.

Power to
acquire land
compulsorily.

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

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

(3) A plan of any land referred to in subsection (1) —

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

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

26.—(1) Subject to the provisions of this section, the Authority may by its officers or agents enter any land to discharge the functions of the Authority under this Act for —

Power to enter land to make survey.

- (a) survey ;
- (b) construction, placing, maintenance, examination, repair, alteration or removal of any beacon for the purposes of any survey ; or
- (c) cutting and removal of trees and other wood that may interfere with such surveys.

(2) The Authority shall, when practicable, serve on the occupier of any land on which it intends to enter under subsection (1), a notice which shall be in writing giving a description of the nature of the purpose of such entry.

(3) In the performance of its functions under subsection (1), the officers and agents referred to may remain on the land for such reasonable time as may enable them to execute and do all the work and things necessary.

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

(5) In the exercise of the powers conferred under subsections (1)-(4), the Authority, its officers or agents shall ensure that buildings, crops, and economic trees are protected from damage and the Federal or State Government, as the case may be, shall pay compensation for any damage done to any building, crops and economic trees.

27. The Authority may with the approval of the Minister establish a staff housing scheme and issue guidelines for its management.

Establishment of staff housing scheme.

Establishment of staff housing scheme

PART VI — LEGAL PROCEEDINGS

Limitation
of suits
against the
Authority.
Cap. P41.
LFN. 2004.

28.—(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Authority.

(2) Notwithstanding any thing contained in any other law, no suit shall lie or be instituted in any court ~~against the Authority, any member of the Board,~~ the Managing Director or any other officer or employee of the Authority for an act done in pursuance or execution of this Act or any law, or any public duty or authority or in respect of any alleged neglect or default in the execution of this Act or such law, duty or authority, unless —

(a) it is commenced within three months after the act, neglect or default complained of; or

(b) in the case of a continuation of damage or injury, within six months after the ceasing of it.

(3) A suit shall not be commenced against the Authority, a member of the Board, the Managing Director, officer or employee of the Authority before the expiration of a period of two months after written notice of intention to commence the suit have been served upon the Authority by the intending plaintiff or their agents, and the notice shall explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims.

Service of
documents

29. Any notice, summons or other document required or authorised to be served upon the Authority under the provision of this Act or any other law shall be served by delivering the same to the office of the Managing Director of the Authority, or by sending it by registered post addressed to the Managing Director at the headquarters of the Authority.

Restriction
on execution
of judgment
against the
Authority.

30.—(1) In any action or suit against the Authority, no execution, attachment or process shall be issued against the Authority, unless at least three months' notice of the intention to execute or attach the Authority's property has been given to the Authority and approval of the Attorney-General of the Federation obtained.

(2) Any ~~sum of money, which may by the judgment of any court be~~ awarded against the Authority, shall, subject to any direction given by a competent court where notice of appeal of the said judgement has not been given, be paid from the fund of the Authority.

Indemnity
of officers.

31. A member of the Board, the Managing Director, employees or agents of the Authority shall be indemnified from liability incurred in defending any proceeding brought against the person under this Act in the person's capacity as a member of the Board, Managing Director, employee or agent of the Authority.

32. An officer or agent of the Authority shall not be arrested while on essential duty where his arrest may result in danger to life or goods unless —

(a) the head of department in which he is employed ; or

(b) his immediate supervisor, has been given the opportunity to immediately assign a substitute to replace the officer.

Arrest of an officer on essential services.

33. In any proceeding before a court of law or tribunal, the Authority may be represented by its legal officers who shall have the right to appear at any stage of a proceeding.

Representation of the Authority at hearing of suit.

PART VII — JURISDICTION

34. The Federal High Court shall have jurisdiction to try matters under this Act.

Jurisdiction.

PART VIII — OFFENCES AND PENALTIES

35.—(1) A person or body corporate shall not commence construction or reconstruction of an aerodrome or airport in Nigeria without consultation with the Authority in line with its functions under this Act.

Prohibition of construction or reconstruction by unauthorised persons or body corporate.

(2) Any person or body corporate that contravenes the provisions of subsection (1) commits an offence and is liable on conviction —

(a) in the case of an individual, to a fine not more than ₦2,000,000; or

(b) in the case of a corporate body, to a fine not more than ₦5,000,000.

36. Any person or body corporate that collects and fails to remit to the Authority any money due to it under this Act, commits an offence and is liable on conviction —

Failure to remit funds.

(a) in the case of an individual, to a fine not more than ₦2,000,000 or imprisonment for a term not more than two years or both,

(b) in the case of a body corporate, to a fine not more than ₦5,000,000, and a refund of the money owed.

37. Where an offence under this Act is committed by a body corporate, and is proven to have been committed with the consent or connivance of, or attributable to any neglect on the part of the managing director, a director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any of those capacities, the person is liable on conviction to a fine not more than ₦500,000 or imprisonment for a term not more than six months, or both.

Offences by staff of a body corporate.

PART IX — MISCELLANEOUS PROVISIONS

Power of the Minister to issue directives to the Authority.

38. The Minister may issue to the Authority, such directives of a general nature or relating to particular matters of policy with regards to the exercise of its functions, as may be considered necessary and the Authority shall comply with the directives.

Power to make bye-laws.

39. The Authority may, with the approval of the Minister, make, alter and revoke bye-laws, rules and guidelines for the purpose of giving effect to the provisions of this Act.

Designation of essential services.

40.—(1) All services which facilitate and maintain the smooth, orderly and safe take off, flight and landing of aircraft, embarkation and disembarkation and evacuation of passengers and cargo respectively in all aerodromes in Nigeria are hereby designated as essential services under the provisions of section 11 (1) of the Constitution of the Federal Republic of Nigeria, 1999.

Cap. C23.
LFN. 2004.

(2) The Minister may by regulations prohibit all or such class or classes of workers, officers and other employees or persons whether corporate or natural, engaged in the provision of the services specified in subsection (1) from taking part in a strike or other industrial action.

Application of Cap. T9.
LFN. 2004.

41. The provisions of the Trade Disputes (Essential Services) Act shall apply to service in the Authority, facilities managed by the Authority and in the implementation of this Act.

Repeal.
Cap. F5.
LFN. 2004.

42. The Federal Airports Authority of Nigeria Act Cap. F5, Laws of the Federation of Nigeria, 2004 (in this Act referred to as “the Repealed Act”) is repealed.

Savings and transitional provisions.

43.—(1) The repeal of the Act under section 42 shall not affect anything done or purported to have been done under the repealed Act.

(2) The Managing Director and all staff of the Authority employed under the repealed Act, and existing before the commencement of this Act, shall continue in office and be deemed to have been appointed under this Act in accordance with the same terms and conditions.

(3) There is vested in the Authority all assets, funds, resources and other immovable property, which immediately before the commencement of this Act were vested in the Authority under the repealed Act.

(4) All rights, interests, obligations and liabilities of the Authority under the repealed Act existing immediately before the commencement of this Act under any contract or instrument, or in law or in equity shall by virtue of this Act be assigned to and vested in the Authority established under this Act.

44. In this Act —

“*Aerodrome*” means a defined area on land or water (including any building, installation, and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft ;

“*Airport*” means any defined area on land or water including any building, installation and equipment intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft ;

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

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

“*Management fee*” means the concession fee paid on management contract ;

“*Managing Director*” means the Managing Director of the Authority appointed under section 9 of this Act ;

“*Member*” means a member of the Board appointed under section 2 of this Act, including the chairman ;

“*Minister*” means the Minister charged with responsibility for matters relating to Aviation ; and

“*strike*” means the cessation of work by a body of persons employed, acting in combination or a concerted refusal or a refusal under a common understanding of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer, or the Government of the Federation of Nigeria or any part of it, or to aid any other worker in compelling his employer or any person or body of persons employed, to accept or not to accept terms of employment and physical conditions of work or any government economic policy or pricing of any essential product; and in this definition —

(a) “cessation of work” includes working at less than usual speed or with less than usual efficiency without reasonable operational justification ; and

(b) “refusal to continue to work” includes a refusal to work at usual speed or with usual efficiency.

45. This Act may be cited as the Federal Airports Authority of Nigeria Act, 2022. Citation.

SCHEDULES

FIRST SCHEDULE

Section 1 (3)

LIST OF AIRPORTS MAINTAINED BY THE
FEDERAL AIRPORTS AUTHORITY OF NIGERIA

S/No.	State	City Served	ICAO	IATA	Airport Name
1.	Adamawa	Yola	DNYO	YOL	Yola Airport
2.	Benue	Makurdi	DNMK	MDI	Makurdi Airport
3.	Borno	Maiduguri	DNMA	MIU	Maidugri International Airport
4.	Cross River	Calabar	DNCA	CBQ	Margaret Ekpo International Airport
5.	Edo	Benin	DNBE	BNI	Benin Airport
6.	Enugu	Enugu	DNEN	ENU	Akanu Ibiam International Airport
7.	FCT	Abuja	DNAA	ABV	Nnamdi Azikiwe International Airport
8.	Imo	Owerri	DNMI	QOW	Sam Mbakwe International Cargo Airport
9.	Kaduna	Kaduna	DNKA	KAD	Kaduna Airport
10.	Kaduna	Zaria	DNZA	ZAR	Zaria Airport
11.	Kano	Kano	DNKN	KAN	Mallam Aminu Kano International Airport
12.	Katsina	Katsina	DNKT	DKA	Umaru Musa Yar'Adua International Airport
13.	Kwara	Ilorin	DNIL	ILR	Ilorin Airport
14.	Lagos	Ikeja	DNMM	LOS	Murtala Mohammed International Airport
15.	Niger	Minna	DNMN	MXJ	Minna Airport
16.	Ondo	Akure	DNAK	AKR	Akure Airport
17.	Oyo	Ibadan	DNIB	IBA	Ibadan Airport
18.	Plateau	Jos	DNJO	JOS	Yakubu Gowon Airport
19.	Rivers	Port Harcourt	DNPO	PHC	Port Harcourt International Airport
20.	Sokoto	Sokoto	DNSO	SKO	Sadiq Abubakar III International Airport

SECOND SCHEDULE

Section 2 (4) and 9 (5) (d)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act, Cap. I23, Laws of the Federation of Nigeria, 2004, the Board shall have power to regulate its proceedings and may make standing orders with respect to the holding of its meetings and those of its committees, notices to be given, keeping of minutes of its proceedings, custody and production for inspection of such minutes and such other matters as the Board may determine.

2. The Board shall meet not less than four times in each year, and whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given by not less than four other members, the Chairman shall summon a meeting of the Board to be held within 30 days from the date on which the notice is given.

3. At any meeting of the Governing Board, the Chairman shall preside but if absent, the members present at the meeting shall appoint one of them to preside at that meeting.

4. The minutes of the Board shall be recorded by the Secretary and signed by the Chairman or the person who presided at the meeting, after confirmation by the Board.

5. A quorum at a meeting of the Board shall be one-third of the total number of members.

Convening of Meetings of the Board

6. The Chairman shall, at any time, if five other members request in writing, convene an emergency meeting of the Board, provided that not less than 48 hours' notice is given to members for the meeting.

7. Where the office of Chairman is at any time vacant, or the Chairman is absent from Nigeria or is in the opinion of the Board permanently or temporarily unable to perform the functions of the office, the Managing Director shall convene such meetings of the Board as are required during the period of vacancy, absence or otherwise.

8. The Board shall meet for the conduct of its business at such places and on such days as the Chairman may appoint.

9. A question put before the Board at a meeting shall be decided by consensus and where this is not possible, by a majority of the votes of the members present and voting.

10. The Chairman shall, in the case of an equality of votes, have a casting vote in addition to the Chairman's deliberative vote.

11. Where the Board seeks the advice of any person on a particular matter, the Board may invite that person to attend its meeting for such period as it may deem fit provided that the person who is invited by virtue of this paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

Committees

12. The Board may appoint one or more committees to carry out on behalf of the Board such number of its functions as the Board may determine and report on any matter with which the Board is concerned.

13. A committee appointed under paragraph 11 shall be presided over by a member of the Board and shall consist of such number of persons (not necessarily all members of the Board) as, may be determined by the Board.

14. A person who is not a member of the Board shall hold office on the committee in accordance with his letter of appointment.

15. A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

Seal of the Authority

16. The application of the common seal of the Authority shall be authenticated by the signature of the Managing Director on behalf of the Authority.

17. A contract or an instrument which, if made or executed by any person not being a body corporate, and not required to be under seal, may be made or executed on behalf of the Authority by the Managing Director or by any person generally or specifically authorised to act for that purpose by the Board.

18. A document purporting to be a contract, an instrument or other document signed or sealed on behalf of the Authority shall be received in evidence and, unless the contrary is proved, be presumed without further proof, to have been properly signed or sealed.

Conflict of Interest

19. The Minister, members of the Governing Board, the Managing Director and employees of the Ministry in charge of civil aviation and the Authority shall not control, manage or operate any air transport undertaking while in office.

20. Any of the persons specified in paragraph 19, having a financial interest in any air transport undertaking shall make full disclosure of such interest to their respective appointing authorities.

21. The persons mentioned in paragraph 19 are prohibited from participating in any action or decision that may, whether directly or indirectly affect their financial interest in any air transport undertaking or other concern which the Authority proposes to carry out or with which the Authority proposes to make any contract or arrangement.

22. Any member of the Board or committee who has a personal interest in any arrangement entered into or proposed to be considered by the Board or any of its committee shall —

- (a) disclose his interest to the Board or committee ; and
- (b) not vote on any question relating to the arrangement.

Miscellaneous

23. The validity of any proceeding of the Board or its committees shall not be affected by —

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

25. A resolution of the Board is valid, even though it is not passed at a meeting of the Board, where —

- (a) the notice in writing of the proposed resolution was given to each member ; and
- (b) the resolution is signed or assented to by majority of members of the Board, including the Managing Director.

I, certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria 2004, that this is a true copy of the Bill passed by both Houses of the National Assembly.

Oro O. A., fnia, fcia
Clerk to the National Assembly
18th Day of October, 2022.

EXPLANATORY MEMORANDUM

This Act repeals the Federal Airports Authority of Nigeria Act, Cap. F5, Laws of the Federation of Nigeria, 2004 and enacts the Federal Airports Authority of Nigeria Act, 2022 to provide for the management of airports in Nigeria.

SCHEDULE TO THE FEDERAL AIRPORTS AUTHORITY OF NIGERIA BILL, 2022

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
Federal Airports Authority of Nigeria Bill, 2022.	An Act to repeal the Federal Airports Authority of Nigeria Act, Cap. F5, Laws of the Federation of Nigeria, 2004, and enact the Federal Airports Authority of Nigeria Act, 2022 to provide for the effective management of airports in Nigeria; and for related matters.	This Bill repeals the Federal Airports Authority of Nigeria Act, Cap. F5, Laws of the Federation of Nigeria, 2004, and enacts the Federal Airports Authority of Nigeria Act, 2022 to provide for the effective management of airports in Nigeria.	27th September, 2022.	20th September, 2022.

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.

I ASSENT



OJO O. A., fnia, fcia
Clerk to the National Assembly
 18th Day of October, 2022.

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
 18th Day of November, 2022.