

Nigeria



CIVIL AVIATION ACT (2022)

2.—(1) Except as provided under subsection (2), this Act shall apply to—

(a) all persons holding licences issued or validated by the Authority pursuant to any regulations made under this Act ;

(b) every person, aircraft, air operator, aerodrome, aeronautical product, aerodrome operator, air navigation service provider, aviation training school, maintenance and repair organisation, allied aviation service provider and consumers of aviation services in Nigeria ;

(c) every Nigerian registered aircraft whether within or outside Nigeria ; and (d) every foreign registered aircraft operating in Nigeria, into and out of Nigeria.

(2) Nothing in this Act shall be interpreted as limiting the privileges or immunities of —

(a) any foreign State aircraft ; or

(b) the officers and crew of any foreign State aircraft.

PART XIII—JURISDICTION

86.—(1) The Federal High Court shall have jurisdiction to try offences, hear and determine proceedings arising under this Act whether or not the offence was commenced in Nigeria and completed outside Nigeria and the —

(a) offence is committed in the territory of Nigeria ;

(b) offence is committed against or on board an aircraft registered in Nigeria ;

(c) offence is committed by a national of Nigeria ;

(d) aircraft on which the offence is committed lands within the territory of Nigeria with the offender still on board ;

(e) offence is committed against or on board an aircraft leased without crew to lessee whose principal place of business or, if the lessee has no such place of business, whose permanent residence is in Nigeria ;

(f) victim is a citizen or is resident in Nigeria, in transit or has a link with Nigeria or is dealing with or on behalf of the Government of Nigeria ; and

(g) alleged offender is in Nigeria and not extradited to any other country for prosecution.

(2) The Federal High Court shall have jurisdiction to impose any penalty provided for an offence under this Act or any other related law.

(3) Whenever any person is convicted of an offence under this Act, the court in passing sentence shall, in addition to any penalty which the court may impose in respect of the offence, order the forfeiture to the Federal Government of Nigeria and of any property, asset or fund with accrued interest, article, substance, device, material or conveyance which is reasonably believed to have been used in the commission of the offence or the proceed of any unlawful activity under this Act and is in the possession, custody or control of the convicted person.

(4) Notwithstanding the provisions of subsection (3), the penalty imposed on a person convicted of an offence referred to in that subsection may be reduced in such manner as the court deems fit where that person has, before any proceeding, made possible or facilitated the identification of other accused persons and their sponsors or who, after the commencement of the proceedings, has made possible or facilitated the arrest of such persons.

87.—(1) In any proceeding under this Act, the Court shall have power, notwithstanding anything to the contrary in any other law, to adopt all legitimate measures that it may deem necessary to avoid unnecessary delays and abuse in the conduct of proceedings.

(2) Subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, an application for stay of proceedings in respect of any criminal matter brought under this Act shall not be entertained until judgment is delivered.