

**PART 14—AIR NAVIGATION SERVICES**

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## S. I. No. 81 of 2006

1. In this Part, unless the contrary intention appears :

AIS means :

(a) the body responsible for providing an aeronautical information service under the NAMA Act No. 48 of 1999 ; or

(b) if another body is given that responsibility under another Act having the same or similar effect — that body.

*Authorised designer*—a person who is the holder of a procedure design authorisation that is in force. Definitions.

*Certified designer*—a person authorised to carry on instrument on flight procedure of a type covered by the certificate subject to any condition set out therein.

*Head designer*, for a certified designer, means a person appointed as head designer for the certified designer.

*Continental shelf*—means the continental shelf of Nigeria.

*Design work*— in relation to a terminal instrument flight procedure, means any of the following work :

(a) designing the procedure or a part of the procedure ;

(b) verifying, maintaining, reviewing or amending the procedure ;

(c) supervising a person carrying on any work mentioned in paragraph (a) or (b).

*Employee*—of a certified designer or an authorised designer, includes a person who carries on design work on a terminal instrument flight procedure for the designer in the course of performing services for the designer.

*ICAO Doc. 8168 (PANS-OPS)*—means Doc. 8168-OPS/611 Volume II (Procedures for Air Navigation Services — Construction of Visual and Instrument Flight Procedures) approved and published by decision of the Council of the International Civil Aviation Organisation, as in force from time to time.

*Manual of Standards*—means the document called ‘Manual of Standards (MOS) — Standards Applicable to the Provision of Instrument Flight Procedure Design’, published by the Authority, as in force from time to time.

*Off-shore installation*—means an installation that is erected on, or floating in the sea above, the continental shelf for the purposes of extracting, or exploring for, petroleum or natural gas.

*Operations manual* :

(a) in relation to a certified designer, means the manual maintained by the designer under Regulation 35 and

(b) in relation to an authorised designer, means the manual maintained by the designer under these Regulations.

*Procedure design authorisation*—has the meaning given by Regulation 32.

*Procedure design certificate*—has the meaning given by Regulation 30 (1).

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*Specialised helicopter operations*—mean helicopter operations that involve the carriage of persons or cargo :

(a) between :

(i) the coast of Nigeria and off-shore installations ; or

(ii) two such installations ; or

(b) to or from the helipad of a hospital, or of a State or Territory service (however described) established to provide assistance in emergencies.

*Terminal instrument flight procedure*—means an instrument approach procedure or an instrument departure procedure.

*Type of terminal instrument flight procedure*—means a type of terminal instrument flight procedure mentioned in the Manual of Standards.

*Validate*—has the same meaning as in the Manual of Standards.

*Verify*—has the same meaning as in the manual of Standards.

Provision of  
Air Traffic  
Services.

**2.**—(1) The Authority shall determine the portions of the Nigerian airspace and the aerodromes which shall be provided with air traffic services to :

(a) prevent collisions between aircraft ;

(b) prevent collisions between aircraft on the manoeuvring area of the aerodrome concerned and obstructions on such area ;

(c) expedite and maintain an orderly flow of air traffic ;

(d) provide advice and information useful for the safe and efficient conduct of flights ; and

(e) provide search and rescue and related support services.

(2) The need for the provision of air traffic services shall be determined after consideration of :

(a) the types of air traffic involved ;

(b) the density of air traffic ;

(c) the meteorological conditions ; and

(d) any other factor which may be relevant.

Designation  
of Airspace.

**3.**—(1) The Authority may designate a particular portion of the airspace as a :

(a) Flight information region: To encompass the portions of the airspace over the territory of Nigeria and over the high seas, where air traffic services shall be provided ;

(b) Control area : where air traffic control service shall be provided to meet the objectives of Section 2, (1) (a), (b) and (c) of these Regulations ;

(c) Control zone : where air traffic control service shall be provided to meet the objectives of Section 2, (1) (a), (b) and (c) of these Regulations ; or

(d) Advisory area : where air traffic service shall be provided to meet objectives of Section 2 (1) (a), (b), (c) and (d) of these Regulations.

(2) A particular portion of the airspace shall only be designated under Subsection 2 (1).

- (a) after consultation with all stakeholders within the industry ; and
- (b) in relation to the air traffic services which are to be provided.

(3) The Authority shall publish the designation of a particular portion of the airspace in accordance with the AIRAC cycle in the AIP, AIP SUP or NOTAM.

(4) The Authority may, on a temporary basis, designate a particular portion of the airspace, after consultation with all users ;

**4.—** (1) The Authority shall classify ATS airspaces using ICAO classification system for the purpose of providing air traffic services; and shall publish the classification of airspace in accordance with the AIRAC cycle in the AIP, AIP SUP or NOTAM.

Classifica-  
tion of  
Airspace.

(2) When applicable, the Authority shall prescribe RNP types for designated areas of the airspace.

**5.—**(1) The Authority shall, when designating a particular portion of the airspace as a control area, in line with this regulation, prescribe the horizontal and vertical limits of such area.

Designatio  
of Control  
Areas.

(2) The lowest limit of designated control areas shall be at least 700 feet above the ground or water.

(3) Control zones and aerodrome traffic zones shall extend upwards from the surface of the earth.

**6.—**(1) The Authority shall, when designating a particular portion of the airspace as a flight information region under this Part, prescribe the borders of such region and make such designation in accordance with the requirements prescribed in this Part.

Designation  
of Flight  
Information  
Regions.

**7.—** (1) The Authority shall, when designating a particular portion of the airspace as an advisory area under this Part, prescribe the horizontal and vertical limits of such area.

Designation  
of Advisory  
Areas.

**8.—**(1) Where ATS routes are established for protecting and channelling air traffic flow, a safe spacing between adjacent ATS routes shall be provided ;

(2) ATS routes shall be identified by approved designators.

Establish-  
ment and  
Identifica-  
tion of ATS  
Routes.

**9.—**(1) Change-over points shall be established on ATS route segments defined with reference to VORs ;

(2) Significant points shall be established by the Authority for the purpose of defining ATS routes and, or in relation to the requirements of air traffic services for information regarding the progress of flights.

Establish-  
ment of  
Change-over  
Points/  
Significant  
Points.

**10.—**(1) An endorsement certifies that an ATC licence holder is competent to perform a particular air traffic control function at a particular aerodrome, or in relation to particular airspace.

Grant of  
Endorse-  
ments.

(2) The Authority may designate the authority to grant an endorsement to a person who :

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- (a) Is a senior controller within the ATS organisation ;
- (b) Has held a rating for five year for the position in which an endorsement is being sought.
- (a) Has been assessed as an appropriate.

Responsibility for Control of Air Traffic.

**11.—**(1) Only one air traffic control unit shall control a controlled flight at any given time.

Transfer of Responsibility for Control of Air Traffic.

**12.—**(1) An air traffic control unit may transfer the responsibility for control of an aircraft or group of aircraft to another air traffic control unit, provided that co-ordination between such air traffic control units are effected in line with these Regulation.

(2) The holder of an approval shall ensure that, where transfer of responsibility for control takes place between one air traffic control unit and any other air traffic control unit, the procedures as prescribed in the letter of agreement are complied with, to ensure safe co-ordination.

(3) The conditions and requirements for and the rules, procedures and standards connected with a transfer of responsibility for control shall be prescribed in its Manual of operation.

Reporting and Investigation of Accidents and Incidents.

**13.—**(1) The holder of an approval shall report any accident or incident reported to or witnessed by it to the Authority.

(2) The reporting and investigation of accidents and incidents by the holder of an approval shall be done in accordance with the requirements as prescribed in the Civil Aviation (Aircraft Accidents /Incidents) Regulation.

Reporting of Aeronautical Information.

**14.—** (1) An ATS provider, shall as soon as practicable after obtaining any aeronautical information, notify the Authority of :

- (a) information on aerodrome conditions and any changes thereto, which are relevant and applicable in its area of responsibility ;
- (b) the operational and serviceability status of associated facilities, services and navigation aids within its area of responsibility ;
- (c) any other information considered to be of operational significance ; and
- (d) meteorological information as required for the safe and expeditious operation of flights.

Requirement for Approval as ATS Providers.

**15.—** (1) No person or organisation, shall provide air traffic services in Nigerian airspace and aerodromes unless he or she belongs to any of the under mentioned categories and as at 1st January, 2008 holds an approval certificate issued by the Authority in accordance with this section :

- (a) the organisation is established as a designated ATS provider ; or
- (b) the person or organisation has a co-operation arrangement with a designated ATS provider ; or
- (c) there is a commercial agreement with a designated ATS provider.



(2) An application for approval as an ATS provider shall be made in the form specified in the requirements to this section.

**16.—** (1) The holder of an air traffic services provider approval shall :

(a) provide the services listed in its Manual of Operations, in accordance with the procedures as prescribed in these Regulations ;

(b) the service providers Manual of Operations shall include the following information :

(i) personnel requirements and the responsibilities of personnel.

(ii) training and checking of staff and how that information is tracked ;

(iii) Quality Assurance/Safety Management System ;

(iv) Contingency plans developed for part or total system failure for which the organisation provides a service ;

(v) Security plan ;

(vi) Facilities and equipment and how those facilities are maintained ;

(vii) Fault and Defect reporting ;

(viii) Maintenance of documents and records ;

(ix) Search and Rescue responsibilities and co-ordination ; and

(x) any other information requested by the Authority.

(c) on approval to operate as a service provider include any letters of agreement that the service provider has entered into their Manual of Operations ;

(d) hold at least one complete and current copy of its Manual of Operations at each air traffic service unit specified in its Manual of Operations ;

(e) comply with all procedures detailed in its Manual of Operations ;

(f) comply with the Manual of Standards, prescribed by the Authority, in the provision of Air Traffic Services ;

(g) make each applicable part of the Manual of Operations available to the personnel who require those parts to carry out their duties ;

(h) continue to comply with the appropriate requirements prescribed in these Regulations ;

(i) keep the records of all regular internal inspections for a period of five years from the date of each inspection ;

(j) furnish the Authority with the *en route* facility financial data and *en route* facility traffic statistics ;

(k) replace or upgrade any obsolete installation ;

(l) keep the Authority informed of its plans for the development and modernisation of its facilities.

**17.—**(1) Air traffic services providers, in carrying out their objectives, shall have due regard for the requirement to co-ordinate with other airspace users. In particular, air traffic services providers shall :

Responsibilities of Holder of Approval.

Co-ordination in Air Traffic Services.

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(a) make available to other service providers such information as may be available to the ATS provider to enable the operators meet their obligations under these Regulations ;

(b) establish close co-operation and liaison with the military authorities responsible for activities that may affect civil flights. Military activities potentially hazardous to civil aircraft, whether over the territory of a state or over the high seas shall be co-ordinated with the appropriate ATS provider ;

(c) make adequate arrangement for the reception of the most up-to-date meteorological information for aircraft operations with the appropriate aeronautical meteorological service provider ;

(d) provide operational information to the aeronautical information services provider in sufficient time to allow the aeronautical information services provided to provide up-to-date information to meet the need for the provision of in-flight information.

Display of  
Air Traffic  
Service  
Provider  
Approval.

**18.—**(1) The holder of an air traffic service provider approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the original approval is displayed, it shall produce the original to the Authority's officials, if so requested.

Safety  
Inspections  
and Audits.

**19.—**(1) An applicant for the issuance of an air traffic service provide approval shall permit an air traffic service inspector to carry out such safety inspections and audits as may be necessary to verify the validity of any application made in accordance with these Regulations.

(2) The holder of an air traffic service approval shall permit an air traffic service inspector to carry out such safety inspections and audits as may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Application  
for Ap-  
proval,  
Amendment  
or Renewal.

**20.—**(1) An applicant is eligible to become an ATS provider if the applicant is able to comply with the requirements of these Regulations.

(2) An application for the issuance of an ATS provider approval, or an amendment thereof, shall :

(a) be made to the Authority in the form and manner prescribed by the Authority ;

(b) be accompanied by a copy of the applicant's Manual of Operation ;

(c) include a written statement setting out air traffic services that the applicant proposes to provide ;

(d) contain enough information to identify, for each air traffic service :

(i) the location from which the service is proposed to be provided ;

(ii) if the service is to be provided within a particular airspace allocated to the applicant by the airspace authority — the airspace ;

(iii) if the service is to be provided for an aerodrome allocated to the applicant by the airspace authority — the aerodrome ;

(e) include a written statement setting out the hours during which each air traffic service is proposed to be available ;

(f) include a written statement describing the arrangements the applicant has

made to comply with the requirements of these Regulations ;

(g) include the appropriate fee prescribed by the Authority.

(3) In the case of approval renewal, the holder of an approval shall ensure that the process for renewal is commenced at least 60 days prior to the date on which such approval expires.

(4) If an ATS provider's approval is subject to conditions, the provider shall comply with the conditions so specified.

**21.—** (1) The Authority shall issue an ATS provider an approval certificate to provide air traffic services, if the applicant complies with the requirements prescribed in these Regulations.

Issuance of  
ATS  
Approval  
Certificate.

(2) The Authority shall issue the approval in the appropriate form.

(3) The approval shall authorise the provision of :

(a) a single air traffic service by means of a single air traffic service unit; or

(b) a combination of air traffic services by means of a network of air traffic service units.

(4) A certificate issued under this Part shall include the following information :

(a) the provider's name and address of its principal place of business ;

(b) a list of the air traffic services covered by the provider's approval ; and

(c) for each air traffic service :

(i) the location from which the service will be provided ;

(ii) if the service is to be provided within a particular airspace allocated to the provider by the airspace authority — the airspace ;

(iii) if the service is to be provided for an aerodrome allocated to the provider by the airspace authority — the aerodrome.

**22.—**(1) The holder of an approval shall be entitled to provide any service or combination of services listed in its manual of operation.

Scope and  
Variation of  
Approvals.

(2) If an ATS provider wants to vary its approval, it shall apply to the Authority under this Regulation for that purpose :

(a) the application must contain, or have with it, a copy of the proposed variation ;

(b) if the Authority approves the variation, the variation shall take effect from the day proposed by the applicant ;

(c) where no date is proposed by the applicant, the effective date of the variation shall be the date the approval notice is given to the provider.

**23.—**(1) An approval shall be valid for a period determined by the Authority, which period shall not exceed five years, calculated from the date of issuance or renewal thereof.

Period of  
Validity of  
Approval.

(2) The approval shall remain in force until it expires, is suspended, or cancelled by the Authority.

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(3) The holder of an approval which expires, shall forthwith surrender the approval to the Authority.

(4) The holder of an approval, which is suspended, shall forthwith produce the approval certificate to the Authority for appropriate endorsement.

(5) The holder of an approval, which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval certificate to the Authority.

Transferability of Approval.

**24.**—(1) Subject to the provisions of these Regulations, an approval shall not be transferable.

(2) A change in ownership of the holder of an approval shall be deemed to be a change of significance that must be notified to the Authority.

Notice of Recommendation for Suspension of Approval Certificate.

**25.**—(1) An air traffic service inspector may recommend suspension, for a period not exceeding 30 days, of an air traffic service unit approval issued under this Part, if :

(a) after a safety inspection and audit carried out in terms of these Regulations, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such an holder fails to remedy such non — compliance within 30 days after receiving notice in writing from the air traffic service inspector to do so; or

(b) the air traffic service inspector is prevented by the holder of the approval from carrying out a safety inspection and audit in accordance with these Regulations ;

Suspension, Cancellation or Variation of an Air Traffic Service Provider Approval Certificate by the Authority.

**26.**—(1) The Authority may, arising from the recommendation of an ATS Inspector, by written notice given to an air traffic service provider, suspend, cancel or vary the air traffic service provider certificate if there are reasonable grounds for believing that the certificate holder :

(a) has breached a condition of the certificate; or

(b) has contravened a provision of this Part; or

(c) does not meet, or continue to meet, a requirement of this Part for getting or holding the certificate; or

(d) has otherwise been guilty of conduct that renders the air traffic service provider's continued holding of the certificate likely to have an adverse effect on the safety of air navigation.

(2) Before suspending, cancelling or varying an air traffic service provider certificate, the Authority :

(a) must give written notice to the certificate holder of the facts or circumstances that, in the opinion of the Authority, amount to grounds for the suspension, cancellation or variation of the certificate ; and

(b) must invite the certificate holder to show cause in writing, within 30 days after the date of the notice, why the certificate should not be suspended, cancelled or varied ; and

(c) must take into account any written representations made, within the time allowed under paragraph (b), by or on behalf of the air traffic service provider explaining why the certificate should not be cancelled.

**27.—**(1) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Authority, within 30 days after such holder becomes aware of such suspension.

Right of  
Appeal of  
Holder of  
Approval  
Certificate.

(2) An appellant shall deliver an appeal in writing, stating the reasons why, in his, or her opinion, the suspension should be upheld or set aside.

(3) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the air traffic service inspector concerned and shall furnish proof of such submission for the information of the Authority.

(4) The air traffic service inspector concerned may, within 30 days of receipt of the copy of the appeal referred to in subsection (3) above, deliver to the Authority his or her written reply.

(5) The Authority may :

(a) adjudicate the appeal on the basis of the documents submitted ; or

(b) order the appellant and the air traffic service inspector concerned to appear before it, either in person or through a representative, at a time and place determined by the Authority, to give evidence.

(6) The Authority may confirm, vary or set aside the suspension referred to in section 25 of these Regulations.

(7) The Authority shall :

(a) if it confirms the suspension in line with this regulation ; or

(b) if an approval is suspended in line with subsection 25 of these Regulations and the holder thereof does not appeal against such suspension as required by paragraph (4) of this Regulation, cancel the approval concerned.

**28.—**(1) The Authority shall maintain a register of all air traffic service unit Approvals issued under this Part ;

Register of  
Approvals.

(2) The register shall contain the following particulars :

(a) the full name of the holder of the approval ;

(b) the business address of the holder of the approval ;

(c) the postal address of the holder of the approval ;

(d) the date on which the approval was issued or renewed ;

(e) the type of air traffic service in respect of which the Approval was issued ;

(f) the date on which the approval was suspended, if applicable ; and

(g) the date on which the approval expires.

(3) The particulars referred to in Subsection (2) shall be recorded in the register within seven days from the date on which the approval is issued by the Authority.

(4) The register shall be kept in a safe place at the office of the Director-General.

(5) A copy of the register shall be furnished by the Authority on payment of the appropriate fee as prescribed from time to time.

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Substitution of another Air Traffic Service Provider.

**29.—**(1) The Authority may, when it considers it necessary in the interest of aviation safety, appoint the holder of an air traffic service unit approval as a substitute air traffic service provider to provide an air traffic service in respect of an approval which has been suspended by the Authority under this Part, for the duration of such suspension.

Notice of availability of Air Traffic Services.

**30.—** (1) An ATS provider shall provide the Aeronautical Information Service Provider details of each air traffic service that it provides in particular airspace, or for a particular aerodrome, including the hours during which the service is available ;

(2) An ATS provider shall inform the Aeronautical Information Service Provider about changes, interruptions or the un-serviceability of any of its air traffic services.

Provision of Procedures Design (Pans/Ops).

**31.—**(1) A procedure design certificate is a certificate that :

(a) is granted by the Authority to a person under this Part ; and

(b) certifies that the person is authorised to carry on design work on a terminal instrument flight procedure of a type covered by the certificate subject to any conditions set out in the certificate.

Procedure Design Authorisation.

**32. —**(1) A procedure design authorisation is an authorisation that :

(a) is granted by the Authority to an authorised designer under this Part ; and

(b) authorises him to carry on either of the following activities subject to any conditions set out in the authorisation.

(i) review or amend a terminal instrument flight procedure that is of a type covered by the authorisation and is for use by Nigerian aircraft operating under the IFR at, or in the vicinity of, an aerodrome in a foreign country ;

(ii) carry on design work on a terminal instrument flight procedure that is of a type covered by the authorisation and is for use by Nigerian aircraft operating under the IFR at, or in the vicinity of, an off-shore installation located no closer than 30 nm from the nearest land.

Requirement for Approval as a Procedures Designer for Air Navigation Services.

**33.—** (1) No person or organisation, shall design procedures for air navigation services or publish such procedures for air navigation services in Nigerian airspace and aerodromes unless he or she belongs to any of the under mentioned categories and as of 1st January, 2008 holds an approval certificate issued by the Authority in accordance with this section :

(a) the person or organisation is established as a procedure designer for air navigation services ; or

(b) the person or organisation has a co-operation arrangement with a designated procedure designer for air navigation services ; or

(c) there is a commercial agreement with a designated procedure designer for air navigation services.

Privileges of an Approval Holder.

**34.—** (1). An approval for procedure design for air navigation issued under these regulations authorises the person or organisation to carry on either of the following activities subject to any conditions set out in the approval to the person or organisation :

(a) review or amend a terminal instrument flight procedure that is of a type covered by the authorisation and is for use by Nigerian aircraft operating under the IFR at, or in the vicinity of, an aerodrome in a foreign country ;

(b) carry on design work on a terminal instrument flight procedure that is of a type covered by the authorisation and is for use by Nigerian aircraft operating under the IFR at, or in the vicinity of, an off-shore installation located no closer than 30 nm from the nearest land.

(2) An application for approval as a procedure designer for air navigation services provider shall be made in the form specified in the requirements to this section.

**35.** The holder of a procedure design for air navigation service provider approval shall :

Responsibilities of Holder of Approval.

(a) provide the services listed in its Manual of Operations, in accordance with the procedures as prescribed in these Regulations ;

(b) the service providers Manual of Operations shall include the following information :

- (i) personnel requirements and the responsibilities of personnel ;
- (ii) training and checking of staff and how that information is tracked ;
- (iii) quality assurance/safety management system ;
- (iv) contingency plans developed for part or total system failure for which the organisation provides a service ;
- (v) security plan ;
- (vi) facilities and equipment and how those facilities are maintained ;
- (vii) fault and defect reporting ;
- (viii) maintenance of documents and records ; and
- (ix) any other information requested by the Authority.

(c) comply with all procedures detailed in its Manual of Operations, Comply with the Manual of Standards, prescribed by the Authority, in the provision of procedure design for air navigation services ;

(d) make each applicable part of the Manual of Operations available to the personnel who require those parts to carry out their duties ;

(e) continue to comply with the appropriate requirements prescribed in these Regulations ;

(f) keep the records of all regular internal inspections for a period of five years from the date of each inspection ;

**36.** The holder of a procedure design for air navigation service provider approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the original approval is displayed, it shall produce the original to the Authority's officials, if so requested.

Display of Procedure Design for Air Navigation Service Provider Approval.

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Safety  
Inspection  
and Audits.

**37.—** (1) An applicant for the issuance of procedure design for air navigation service provider approval shall permit an air traffic service inspector to carry out such safety inspections and audits as may be necessary to verify the validity of any application made in accordance with these Regulations.

(2) The holder of procedure design for air navigation service provider shall permit a procedures design inspector to carry out such safety inspections and audits as may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

Application  
for Ap-  
proval,  
Amendment  
or Renewal.

**38.** (1) An applicant is eligible to become procedure design for air navigation service provider if the applicant is able to comply with the requirements of these Regulations.

(2) An application for the issuance of procedure design for air navigation service provider approval, or an amendment thereof, shall :

- (a) be made to the Authority in the form and manner prescribed by the Authority ;
- (b) be accompanied by a copy of the applicant's Manual of Operation ;
- (c) include a written statement setting out design procedures that the applicant proposes to provide ;
- (d) contain enough information to identify, for each procedure design :
  - (i) the location for which the service is proposed to be provided ;
  - (ii) if the service is to be provided within a particular airspace – the airspace ;
  - (iii) if the service is to be provided for an aerodrome - the aerodrome ;
- (e) include a written statement describing the arrangements the applicant has made to comply with the requirements of these Regulations ;
- (f) include the appropriate fee prescribed by the Authority.

(3) In the case of approval renewal, the holder of an approval shall ensure that the process for renewal is commenced at least 60 days prior to the date on which such approval expires ;

(4) If a procedure design for air navigation service provider's approval is subject to conditions, the provider shall comply with the conditions so specified.

Issuance of  
Procedure  
Design for  
Air Naviga-  
tion Service  
Provider  
Approval  
Certificate.

**39.** —(1) The Authority shall issue a procedure design for air navigation service provider an approval certificate to provide Procedure design, if the applicant complies with the requirements prescribed in these Regulations.

(2) The Authority shall issue the approval in the appropriate form.

(3) The approval shall authorise the provision of :

- (a) a single procedure design for air navigation service by means of a single procedures design service unit ; or
- (b) a combination of procedure design for air navigation by means of a network of procedure design for air navigation service providers.

(4) A certificate issued under this Part shall include the following information :



- (a) the provider's name and address of its principal place of business ;
  - (b) a list the procedure design services covered by the provider's approval ;
- and
- (c) for each procedure design service provider the type of service that is proposed to be provided.

**40.**—(1) The holder of an approval shall be entitled to provide any service or combination of services listed in its manual of operation ;

Scope and Variation of Approvals.

(2) If a procedure design for air navigation service provider wants to vary its approval, it shall apply to the Authority under this Regulation for that purpose :

- (a) the application must contain, or have with it, a copy of the proposed variation ;
- (b) if the Authority approves the variation, the variation shall take effect from the day proposed by the applicant ;
- (c) where no date is proposed by the applicant, the effective date of the variation shall be the date the approval notice is given to the provider.

**41.**—(1) An approval shall be valid for a period determined by the Authority, which period shall not exceed five years, calculated from the date of issuance or renewal thereof.

Period of Validity of Approval.

(2) The approval shall remain in force until it expires, is suspended, or cancelled by the Authority.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Authority ;

(4) The holder of an approval, which is suspended, shall forthwith produce the approval certificate to the Authority for appropriate endorsement.

(5) The holder of an approval, which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval certificate to the Authority.

**42.**—(1) Subject to the provisions of these Regulations, an approval shall not be transferable.

Transferability of Approval.

(2) A change in ownership of the holder of an approval shall be deemed to be a change of significance that must be notified to the Authority.

**43.**—(1) A procedures design inspector may recommend suspension, for a period not exceeding 30 days, of a procedure design for air navigation service providers' approval issued under this Part, if :

Notice of Recommendation for Suspension of Approval Certificate.

- (a) after a safety inspection and audit carried out in terms of these Regulations, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such an holder fails to remedy such non – compliance within 30 days after receiving notice in writing from the air traffic service inspector to do so ; or

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Suspension, Cancellation or Variation of Procedure Design for Air Navigation Service Provider Approval Certificate by the Authority.

(b) the procedures design inspector is prevented by the holder of the approval from carrying out a safety inspection and audit in accordance with those Regulations ;

**44.—** (1) The Authority may, arising from the recommendation of a procedures design Inspector, by written notice given to a procedure designer for air navigation service provider suspend, cancel or vary the procedure designer for air navigation service provider certificate if there are reasonable grounds for believing that the certificate holder :

(a) has breached a condition of the certificate ; or

(b) has contravened a provision of this Part ; or

(c) does not meet, or continue to meet, a requirement of this Part for getting or holding the certificate ; or

(d) has otherwise been guilty of conduct that renders the air traffic service provider's continued holding of the certificate likely to have an adverse effect on the safety of air navigation.

(2) Before suspending, cancelling or varying a procedure designer for air navigation service provider certificate, the Authority :

(a) must give written notice to the certificate holder of the facts or circumstances that, in the opinion of the Authority, amount to grounds for the suspension, cancellation or variation of the certificate ; and

(b) must invite the certificate holder to show cause in writing, within 30 days after the date of the notice, why the certificate should not be suspended, cancelled or varied ; and

(c) must take into account any written representations made, within the time allowed under paragraph (b), by or on behalf of the procedure design for air navigation service provider explaining why the certificate should not be cancelled.

Right of Appeal of Holder of Approval Certificate.

**45.—** (1) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Authority, within 30 days after such holder becomes aware of such suspension.

(2) An appellant shall deliver an appeal in writing, stating the reasons why, in his, or her opinion, the suspension should be upheld or set aside.

(3) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the air traffic service inspector concerned and shall furnish proof of such submission for the information of the Authority.

(4) The procedures design inspector concerned may, within 30 days of receipt of the copy of the appeal referred to in paragraph (3), deliver to the Authority his or her written reply.

(5) The Authority may :

(a) adjudicate the appeal on the basis of the documents submitted ; or

(b) order the appellant and the procedures design inspector concerned to appear before it, either in person or through a representative, at a time and place determined by the Authority, to give evidence.

(6) The Authority may confirm, vary or set aside the suspension referred to in Subsection 44 of these Regulations.

(7) The Authority shall :

(a) if it confirms the suspension in line with this regulation ; or

(b) if an approval is suspended in line with Subsection 44 of these Regulations and the holder thereof does not appeal against such suspension as required by paragraph (4) of this Regulation, cancel the approval concerned.

**46.**—(1) The Authority shall maintain a register of all procedure design for air navigation service provider Approvals issued under this Part.

Register of Approvals.

(2) The register shall contain the following particulars :

(a) the full name of the holder of the approval ;

(b) the business address of the holder of the approval ;

(c) the postal address of the holder of the approval ;

(d) the date on which the approval was issued or renewed ;

(e) the type of procedures design service in respect of which the Approval was issued ;

(f) the date on which the approval was suspended, if applicable ; and

(g) the date on which the approval expires.

(3) The particulars referred to in paragraph (2) shall be recorded in the register within seven days from the date on which the approval is issued by the Authority.

(4) The register shall be kept in a safe place at the office of the Director-General.

(5) A copy of the register shall be furnished by the Authority on payment of the appropriate fee as prescribed from time to time.

**47**—(1) The Authority may, when it considers it necessary in the interest of aviation safety, appoint the holder of a design certificate/approval as a substitute provider to design and publish procedures in respect of an approval which has been suspended by the Authority under this part, for the duration of such suspension.

Substitution of another Procedure Designer for Air Navigation.

**SECTION 4. AERONAUTICAL SEARCH AND RESCUE REGULATIONS**

**48.**—(1) The designated Air Traffic Services Provider shall designate the search and rescue regions within which search and rescue services shall be provided in the Nigerian airspace on a 24 hour basis ;

Aeronautical Search and Rescue Establishment.

(2) The designated Air Traffic Services Provider shall designate Rescue Co-ordination Centres for each search and rescue region.

**49.**— (1) Aeronautical search and rescue action shall be instituted automatically when indications exist that the flight may be in distress in respect of :

Aeronautical Search and Rescue Action.

(a) all flights operating within the Kano FIR for which flight plan information have been received ;

(b) other flights which request assistance.

(2) Aeronautical search and rescue action shall be undertaken in accordance

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with the requirements of these Regulations.

(3) National search and rescue mock exercises shall be held at least once a year.

(4) The authority shall monitor the exercise and assess the level of preparedness for search and rescue operations.

(5) The Air Traffic Service Provider shall ensure that staff engaged in SAR operations are sufficient in number and adequately trained in addition to ensuring participation in annual mock SAR exercises.

(a) The ATS provider shall adequately define all the functions and responsibilities of SAR personnel in addition to properly defined job descriptions ;

(b) Training records of SAR personnel shall be properly maintained.

Communica-  
tion and  
Equipment of  
Rescue Units.

**50.—** (1) Each Rescue Co-ordination Centre shall be equipped with rapid and reliable communication and equipment for search and rescue operations ;

(2) Each Control Tower shall be equipped with a reliable alerting device for alerting the fire and safety services and other relevant agencies ;

(3) Rescue units shall be provided with facilities and equipment for locating promptly, and for providing adequate assistance at, the scene of an accident ;

(4) The approved Air Traffic Services Provider shall issue guidelines for the establishment of Rescue Co-ordination Centres and Rescue sub centres including Personnel and Equipment requirements and also guidelines for Aerodrome emergencies of ATS at each Aerodrome.

(5) Each rescue co-ordination centre shall keep a record of the operational efficiency of the search and rescue organisation in its region.

Co-  
operation  
with other  
Contracting  
States.

**51.—**(1) The designated ATS provider, shall co-ordinate and co-operate with search and rescue organizations of other neighbouring contracting states.

Co-operation  
with other  
Agencies.

**52.—** (1) The approved Air Traffic Services Provider shall :

(a) maintain and ensure continuous liaison with other agencies relevant for Search and Rescue operations.

(b) maintain a database and/or schedule of supporting organizations, agencies and companies, together with available equipment and personnel for deployment to search and rescue operations.

(2) The approved Air Traffic Services Provider shall enter into contracts, agreements and memoranda of understanding with the supporting organizations, agencies, companies and persons who render services and/or provide equipment for search and rescue operations.

Information  
Concerning  
Emergencies.

**53.—**(1) Any person, agency, authority or any element of the search and rescue organization having reason to believe that an aircraft is in an emergency shall give immediately, all available information to the rescue coordination centre concerned.

(2) Rescue coordination centres shall, immediately upon receipt of information concerning aircraft in emergency, evaluate such information and determine the extent

of the operation required.

(3) When information concerning aircraft in emergency is received from other sources than Air Traffic Services units, the rescue coordination centre shall determine to which emergency phase the situation corresponds and shall apply the procedures applicable to that phase.

**54.** The Air Traffic Service provider shall ensure that staff engaged in SAR operations are adequately trained and in addition ensure their participation in annual mock SAR exercises.

Aeronautical  
Search and  
Rescue  
Training.

**55.** —(1) An Aeronautical Information Services Provider issued an approval under these Regulations shall :

Provision of  
Aeronautical  
Information  
Services.

(a) be responsible for the provision of aeronautical information services to ensure that the information necessary for the safety, regularity or efficiency of air navigation is available in the form suitable for the operational requirements of :

(i) flight operations personnel including flight crew and the personnel responsible for the provision of pre-flight information ; and

(ii) its associated air traffic service unit ;

(b) collect, collate and disseminate edited aeronautical information concerning the entire territory of Nigeria ; and

(c) publish the aeronautical information as an integrated Aeronautical Information Package.

(d) take all reasonable steps to ensure that the information it provides and the aeronautical charts made available are adequate, accurate and that they are maintained up to date by an adequate revision service ;

(e) Each type of chart produced shall provide information relevant and appropriate to the phase of flight, and shall meet the requirement in Part 2 of these Regulations.

(2) The conditions, requirements, rules, procedures and standards for the publication of the aeronautical information in an AIC, AIP, AIP SUP, AIRAC, NOTAM, as the case may be, shall be in conformity with the requirement of these Regulations.

(3) Provide, on request by other agencies or Contracting States, all information relating to Nigeria described in paragraph (2) of this Part.

(4) The units of measurement used for charts production shall conform to the standards specified in the requirement to this Part.

**56.**—(1) International NOTAM offices shall be connected to the Aeronautical Fixed Service (AFS).

Telecom-  
munication  
Require-  
ments.

(2) The connections shall provide for printed communications.

(3) Each international NOTAM office shall be connected, through the Aeronautical Fixed Service (AFS), to the following points within the Nigerian Airspace:

(a) Area control centres and flight information centres ;

(b) Aerodromes/heliports at which an information service is provided with pre-flight briefing and post-flight information.

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(4) Responsibility of the State in assuring that aeronautical information services are provided within the FIR.

(5) The Authority is responsible for approving entries in the Nigerian Aeronautical Information Publication.

(6) No aeronautical information service provider shall provide aeronautical information services at aerodromes in Nigeria except under the authority of, and in accordance with the provisions contained in its Air Traffic Service Provider approval issued by the Authority.

Quality System.

**57.**—(1) The aeronautical information service provider shall establish a quality system to provide among others for the procedures, processes and resources necessary for implementing quality management of aeronautical information and data.

(2) The quality system must be documented in the service providers' Manual of Operations.

(3) If the holder of an aeronautical information service provider approval makes any change in the quality system referred to in this section, which is significant to the showing of compliance with the appropriate requirements prescribed in this Part, the holder shall notify the Authority.

Responsibilities of Holder of Approval.

**58.** The holder of an aeronautical information services provider approval shall :

(a) provide the services listed in its Manual of Operations, in accordance with the procedures as prescribed in these Regulations ;

(b) The service providers Manual of Operations shall include the following information :

(i) personnel requirements and the responsibilities of personnel ;

(ii) training and checking of staff and how that information is tracked ;

(iii) quality assurance/safety management system ;

(iv) contingency plans developed for part or total system failure for which the organisation provides a service ;

(v) security plan ;

(vi) facilities and equipment and how those facilities are maintained ;

(vii) fault and defect reporting ;

(viii) maintenance of documents and records ; and

(ix) any other information requested by the Authority.

(c) hold at least one complete and current copy of its Manual of Operations at each aeronautical information service unit specified in its Manual of Operations ;

(d) comply with all procedures detailed in its Manual of Operations ;

(e) Comply with the Manual of Standards, prescribed by the Authority, in the provision of Aeronautical Information Services ;

(f) make each applicable part of the Manual of Operations available to the personnel who require those parts to carry out their duties ;

(g) continue to comply with the appropriate requirements prescribed in these Regulations ;

(h) keep the records of all regular internal inspections for a period of five years from the date of each inspection ;

(i) furnish the Authority with the *en route* facility financial data and en route facility traffic statistics ;

(j) replace or upgrade any obsolete installation ;

(k) keep the Authority informed of its plans for the development and modernisation of its facilities.

**59.** The holder of an aeronautical information service provider approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the original approval is displayed, it shall produce the original to the Authority's officials, if so requested.

**60.—**(1) An applicant for the issuance of an aeronautical information service provider approval shall permit an aeronautical information service inspector to carry out such safety inspections and audits as may be necessary to verify the validity of any application made in accordance with these Regulations.

(2) The holder of an aeronautical information service approval shall permit an aeronautical information service inspector to carry out such safety inspections and audits as may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

**61. —** (1) An applicant is eligible to become an aeronautical information service provider if the applicant is able to comply with the requirements of these Regulations.

(2) An application for the issuance of an aeronautical information service provider approval, or an amendment thereof, shall :

(a) be made to the Authority in the form and manner prescribed by the Authority ;

(b) be accompanied by a copy of the applicant's Manual of Operation ;

(c) include a written statement setting out aeronautical information services that the applicant proposes to provide ;

(d) contain enough information to identify, for each aeronautical information service the type and the location from which the service is proposed to be provided.

(e) include a written statement setting out the hours during which each aeronautical information service is proposed to be available ;

(f) include a written statement describing the arrangements the applicant has made to comply with the requirements of these Regulations ;

(g) include the appropriate fee prescribed by the Authority.

(3) In the case of approval renewal, the holder of an approval shall ensure that the process for renewal is commenced at least 60 days prior to the date on which such approval expires.

(4) If an aeronautical information service provider's approval is subject to conditions, the provider shall comply with the conditions so specified.

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Issuance of  
Aeronautical  
Information  
Service  
Provider  
Approval  
Certificate.

**62.—**(1) The Authority shall issue an aeronautical information service provider an approval certificate to provide aeronautical information services, if the applicant complies with the requirements prescribed in these Regulations.

(2) The Authority shall issue the approval in the appropriate form.

(3) The approval shall authorise the provision of :

(a) a single aeronautical information service by means of a single aeronautical information service unit ; or

(b) a combination of aeronautical information services by means of a network of approved aeronautical information service providers.

(4) A certificate issued under this Part shall include the following information:

(a) the provider's name and address of its principal place of business ;

(b) a list the aeronautical information services covered by the provider's approval ; and

(c) for each aeronautical information service the location from which the service will be provided ;

Scope and  
Variation of  
Approvals.

**63.—**(1) The holder of an approval shall be entitled to provide any service or combination of services listed in its manual of operation ;

(2) If an aeronautical information service provider wants to vary its approval, it shall apply to the Authority under this Regulation for that purpose :

(a) the application must contain, or have with it, a copy of the proposed variation ;

(b) if the Authority approves the variation, the variation shall take effect from the day proposed by the applicant ;

(c) where no date is proposed by the applicant, the effective date of the variation shall be the date the approval notice is given to the provider.

Period of  
Validity of  
Approval

**64.—**(1) An approval shall be valid for a period determined by the Authority, which period shall not exceed five years, calculated from the date of issuance or renewal thereof.

(2) The approval shall remain in force until it expires, is suspended, or cancelled by the Authority.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Authority ;

(4) The holder of an approval, which is suspended, shall forthwith produce the approval certificate to the Authority for appropriate endorsement.

(5) The holder of an approval, which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval certificate to the Authority.



**65.—**(1) Subject to the provisions of these Regulations, an approval shall not be transferable.

Transferability of Approval.

(2) A change in ownership of the holder of an approval shall be deemed to be a change of significance that must be notified to the Authority.

**66.** An aeronautical information service inspector may recommend suspension, for a period not exceeding 30 days, of an aeronautical information service provider approval issued under this Part, if :

Notice of Recommendation for Suspension of Approval Certificate.

(a) after a safety inspection and audit carried out in terms of these Regulations, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such an holder fails to remedy such non – compliance within 30 days after receiving notice in writing from the aeronautical information service inspector to do so ; or

(b) the aeronautical information service inspector is prevented by the holder of the approval from carrying out a safety inspection and audit in accordance with those Regulations ;

**67.—**(1) The Authority may, arising from the recommendation of an aeronautical information service Inspector, by written notice given to an aeronautical information service provider, suspend, cancel or vary the aeronautical information service provider certificate if there are reasonable grounds for believing that the certificate holder :

Suspension, Cancellation or Variation of an Aeronautical Information Service Provider Approval Certificate by the Authority.

(a) has breached a condition of the certificate ; or

(b) has contravened a provision of this Part ; or

(c) does not meet, or continue to meet, a requirement of this Part for getting or holding the certificate ; or

(d) has otherwise been guilty of conduct that renders the air traffic service provider’s continued holding of the certificate likely to have an adverse effect on the safety of air Navigation.

(2) Before suspending, cancelling or varying an aeronautical information service provider certificate, the Authority :

(a) must give written notice to the certificate holder of the facts or circumstances that, in the opinion of the Authority, amount to grounds for the suspension, cancellation or variation of the certificate; and

(b) must invite the certificate holder to show cause in writing, within 30 days after the date of the notice, why the certificate should not be suspended, cancelled or varied ; and

(c) must take into account any written representations made, within the time allowed under paragraph (2) (b), by or on behalf of the aeronautical information service provider explaining why the certificate should not be cancelled.

**68.—**(1) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Authority, within 30 days after such holder becomes aware of such suspension.

Right of Appeal of Holder of Approval Certificate.

(2) An appellant shall deliver an appeal in writing, stating the reasons why, in his,

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or her opinion, the suspension should be upheld or set aside.

(3) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the aeronautical information service inspector concerned and shall furnish proof of such submission for the information of the Authority.

(4) The aeronautical information service inspector concerned may, within 30 days of receipt of the copy of the appeal referred to in paragraph (3), deliver to the Authority his or her written reply.

(5) The Authority may :

(a) adjudicate the appeal on the basis of the documents submitted ; or

(b) order the appellant and the aeronautical information service inspector concerned to appear before it, either in person or through a representative, at a time and place determined by the Authority, to give evidence.

(6) The Authority may confirm, vary or set aside the suspension referred to in Subsection 67 of these Regulations.

(7) The Authority shall :

(a) if it confirms the suspension in line with this regulation ; or

(b) if an approval is suspended in line with Subsection 67 of these Regulations and the holder thereof does not appeal against such suspension as required by paragraph (4) of this Regulation, cancel the approval concerned.

**69.—**(1) The Authority shall maintain a register of all aeronautical information service provider Approvals issued under this Part.

(2) The register shall contain the following particulars :

(a) the full name of the holder of the approval ;

(b) the business address of the holder of the approval ;

(c) the postal address of the holder of the approval ;

(d) the date on which the approval was issued or renewed ;

(e) the type of aeronautical information service in respect of which the Approval was issued ;

(f) the date on which the approval was suspended, if applicable ; and

(g) the date on which the approval expires

(3) The particulars referred to in paragraph (2) shall be recorded in the register within seven days from the date on which the approval is issued by the Authority.

(4) The register shall be kept in a safe place at the office of the Director- General.

(5) A copy of the register shall be furnished by the Authority on payment of the appropriate fee as prescribed from time to time.

**70.** The Authority may, when it considers it necessary in the interest of aviation safety, appoint the holder of an aeronautical information service unit approval as a substitute aeronautical information service provider to provide an aeronautical information service in respect of an approval which has been suspended by the Authority under this Part, for the duration of such suspension.

Substitution of another aeronautical information service provider

**SECTION 6.—AERONAUTICAL METEOROLOGICAL SERVICES**

**71.—(1)** The Authority shall designate Meteorological Service Providers to provide the following services in support of aviation :

Designation of Meteorological Service Providers.

(a) Make routine meteorological observations at fixed intervals ;

(b) Make special weather observations whenever specified changes occur in respect of surface wind, visibility, runway visual range, present weather, cloud and /or air temperature ;

(c) Prepare and / or obtain forecasts and other relevant information for Aerodromes, Flight Information Regions, routes and flights with which it is concerned ;

(d) Provide briefing, consultation and flight documentation to flight crew members and/or other flight operations personnel ;

(e) Maintain a continuous survey of meteorological conditions over the Aerodromes, Flight Information Regions, routes and flights with which it is designated to prepare forecasts ;

(f) Perform weather watch and monitoring, including the ability to detect and forecast hazards relevant to the aviation community, in accordance with ICAO and WMO requirements ;

(g) Derive forecast and warning products to the standards required by the user community ;

(h) Maintain a record of aeronautical climatological information for supply to aeronautical users on request ;

(i) Exchange meteorological information with other meteorological officers ;

(j) Tailor meteorological products and services to aviation operations, in accordance with local aviation procedures and regulatory requirements ; and

(k) Supply information received concerning the accidental release of radioactive materials into the atmosphere within its area of responsibility to the ATS providers for dissemination.

(2) The conditions, rules, requirements, procedures or standards of the designation shall be as prescribed in these Regulations.

(3) The designation shall be made in writing and shall be published in the AIP, AIP SUP, NOTAM and AIRAC as appropriate.

**72.** As of 1 January 2008, No meteorological information service shall be provided at aerodromes or portion of airspace in Nigeria, except under the conditions approved by the Authority.

Requirement for Approval as a Meteorological Service Provider.

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Provision of Service.

**73.** A service provider Issued an approval under this regulation shall be responsible for the provision of aeronautical meteorological services to ensure that the meteorological information and data necessary for the safe, regular and efficient operation of air navigation is available in the form suitable for the operational requirements of :

- (a) flight operations personnel including flight crews and other personnel responsible for the provision of pre-flight briefing ; and
- (b) providers of air traffic services ;

Responsibilities of holder of approval.

**74.** The holder of an aeronautical meteorological services provider approval shall :

(a) provide the services listed in its Manual of Operations, in accordance with the procedures as prescribed in these Regulations ;

(b) The service providers Manual of Operations shall include the following information :

- (i) personnel requirements and the responsibilities of personnel ;
- (ii) training and checking of staff and how that information is tracked ;
- (iii) quality assurance/safety management system ;
- (iv) contingency plans developed for part or total system failure for which the organisation proves a service ;
- (v) security plan ;
- (vi) facilities and equipment and how those facilities are maintained ;
- (vii) fault and defect reporting ;
- (viii) maintenance of documents and records ; and
- (ix) any other information requested by the Authority.

(c) hold at least one complete and current copy of its Manual of Operations at each aeronautical meteorological service unit specified in its Manual Operations ;

(d) comply with all procedures detailed in its Manual of Operations ;

(e) comply with the Manual of Standards, prescribed by the Authority, in the provision of Aeronautical meteorological services ;

(f) make each applicable part of the Manual of Operations available to the personnel who require those parts to carry out their duties ;

(g) continue to comply with the appropriate requirements prescribed in these Regulations ;

(h) keep the records of all regular internal inspections for a period of five years from the date of each inspection ;

(i) replace or upgrade any obsolete installation ;

(j) keep the Authority informed of its plans for the development and modernisation of its facilities.

**75.—**(1) The holder of an aeronautical meteorological service provider approval shall display the approval in a prominent place, generally accessible to the public at such holder’s principal place of business and, if a copy of the original approval is displayed, it shall produce the original to the Authority’s officials, if so requested.

Display of Aeronautical Meteorological Service Provider Approval.

**76.—**(1) An applicant for the issuance of an aeronautical meteorological service provider approval shall permit an aeronautical meteorological service inspector to carry out such safety inspections and audits as may be necessary to verify the validity of any application made in accordance with these Regulations.

Safety Inspection and Audits.

(2) The holder of an aeronautical meteorological service approval shall permit an aeronautical meteorology service inspector to carry out such safety inspections and audits as may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

**77.—**(1) An applicant is eligible to become an aeronautical meteorological service provider if the applicant is able to comply with the requirements of these Regulations.

Application for Approval Amendment or Renewal.

(2) An application for the issuance of an aeronautical meteorological service provider approval, or an amendment thereof, shall :

- (a) be made to the Authority in the form and manner prescribed by the Authority ;
- (b) be accompanied by a copy of the applicant’s Manual of Operation ;
- (c) include a written statement setting out aeronautical meteorological services that the applicant proposes to provide ;
- (d) contain enough information to identify, for each aeronautical meteorological service the type and the location from which the service is proposed to be provided ;
- (e) include a written statement setting out the hours during which each aeronautical meteorological service is proposed to be available ;
- (f) include a written statement describing the arrangements the applicant has made to comply with the requirements of these Regulations;
- (g) include the appropriate fee prescribed by the Authority.

(3) In the case of approval renewal, the holder of an approval shall ensure that the process for renewal is commenced at least 60 days prior to the date on which such approval expires ;

(4) If an aeronautical meteorological service provider’s approval is subject to conditions, the provider shall comply with the conditions so specified.

**78.—**(1) The Authority shall issue an aeronautical meteorological service provider approval certificate to provide aeronautical meteorological services, if the applicant complies with the requirements prescribed in these Regulations.

Issuance of Aeronautical Meteorological Service provider Approval Certificate.

**B 1132**

(2) The Authority shall issue the approval in the appropriate form.

(3) The approval shall authorise the provision of :

(a) a single aeronautical meteorological service by means of a single aeronautical meteorological service unit ; or

(b) a combination of aeronautical meteorological services by means of a network of approved aeronautical meteorological service providers.

(4) A certificate issued under this Part shall include the following information.

(a) the provider's name and address of its principal place of business ;

(b) a list the aeronautical meteorological services covered by the provider's approval ; and

(c) for each aeronautical meteorological service the location from which the service will be provided ;

Scope and  
Variation of  
Approvals.

**79.**—(1) The holder of an approval shall be entitled to provide any service or combination of services listed in its manual of operation.

(2) If an aeronautical meteorological service provider wants to vary its approval, it shall apply to the Authority under this Regulation for that purpose :

(a) the application must contain, or have with it, a copy of the proposed variation ;

(b) if the Authority approves the variation, the variation shall take effect from the day proposed by the applicant ;

(c) where no date is proposed by the applicant, the effective date of the variation shall be the date the approval notice is given to the provider.

Period of  
Validity of  
Approval.

**80.**—(1) An approval shall be valid for a period determined by the Authority, which period shall not exceed five years, calculated from the date of issuance or renewal thereof.

(2) The approval shall remain in force until it expires, is suspended, or cancelled by the Authority.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Authority.

(4) The holder of an approval, which is suspended, shall forthwith produce the approval certificate to the Authority for appropriate endorsement.

(5) The holder of an approval, which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval certificate to the Authority.

Transferability  
of Approval.

**81.**—(1) Subject to the provisions of these Regulations, an approval shall not be transferable.

(2) A change in ownership of the holder of an approval shall be deemed to be a change of significance that must be notified to the Authority.

**82.** An aeronautical meteorological service inspector may recommend suspension, for a period not exceeding 30 days, of an aeronautical meteorological service provider approval issued under this Part , if :

Notice of Recommendation for Suspension of Approval Certificate.

(a) after a safety inspection and audit carried out in terms of these Regulations, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such an holder fails to remedy such non – compliance within 30 days after receiving notice in writing from the aeronautical meteorological service inspector to do so ; or

(b) the aeronautical meteorological service inspector is prevented by the holder of the approval from carrying out a safety inspection and audit in accordance with these Regulations ;

**83.—**(1) The Authority may, arising from the recommendation of an aeronautical meteorological service Inspector, by written notice given to an aeronautical meteorological service provider, suspend, cancel or vary the aeronautical meteorological service provider certificate if there are reasonable grounds for believing that the certificate holder :

Suspension, Cancellation or Variation of an Aeronautical Meteorological Service Provider Approval Certificate by the Authority.

(a) has breached a condition of the certificate ; or

(b) has contravened a provision of this Part ; or

(c) does not meet, or continue to meet, a requirement of this Part for getting or holding the certificate ; or

(d) has otherwise been guilty of conduct that renders the aeronautical meteorological service provider’s continued holding of the certificate likely to have an adverse effect on the safety of air Navigation.

(2) Before suspending, cancelling or varying an aeronautical meteorological service provider certificate, the Authority :

(a) must give written notice to the certificate holder of the facts or circumstances that, in the opinion of the Authority, amount to grounds for the suspension, cancellation or variation of the certificate ; and

(b) must invite the certificate holder to show cause in writing, within 30 days after the date of the notice, why the certificate should not be suspended, cancelled or varied ; and

(c) must take into account any written representations made, within the time allowed under paragraph (b), by or on behalf of the aeronautical meteorological service provider explaining why the certificate should not be cancelled.

**84.—**(1) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Authority, within 30 days after such holder becomes aware of such suspension.

Right of Appeal of holder of Approval Certificate.

(2) An appellant shall deliver an appeal in writing, stating the reasons why, in his, or her opinion, the suspension should be upheld or set aside.

(3) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the aeronautical meteorological service inspector concerned and shall furnish proof of such submission for the information of the Authority.

**B 1134**

(4) The aeronautical meteorological service inspector concerned may, within 30 days of receipt of the copy of the appeal referred to in paragraph (3), deliver to the Authority his or her written reply.

(5) The Authority may :

(a) adjudicate the appeal on the basis of the documents submitted ; or

(b) order the appellant and the aeronautical meteorological service inspector concerned to appear before it, either in person or through a representative, at a time and place determined by the Authority, to give evidence.

(6) The Authority may confirm, vary or set aside the suspension referred to in Subsection 83 of these Regulations.

(7) The Authority shall :

(a) if it confirms the suspension in line with this regulation ; or

(b) if an approval is suspended in line with Section 83 of these Regulations and the holder there of does not appeal against such suspension as required by paragraph (4) of this Regulation, cancel the approval concerned.

Register of Approvals.

**85.—**(1) The Authority shall maintain a register of all aeronautical meteorological service provider Approvals issued under this Part.

(2) The register shall contain the following particulars :

(a) the full name of the holder of the approval ;

(b) the business address of the holder of the approval ;

(c) the postal address of the holder of the approval ;

(d) the date on which the approval was issued or renewed ;

(e) the type of aeronautical meteorological service in respect of which the Approval was issued ;

(f) the date on which the approval was suspended, if applicable ; and

(g) the date on which the approval expires.

(3) The particulars referred to in sub-section (2) shall be recorded in the register within seven days from the date on which the approval is issued by the Authority.

(4) The register shall be kept in a safe place at the office of the Director- General.

(5) A copy of the register shall be furnished by the Authority on payment of the appropriate fee as prescribed from time to time.

Substitution of another Aeronautical Meteorological Service Provider.

**86.—**(1). The Authority may, when it considers it necessary in the interest of aviation safety, appoint the holder of an aeronautical meteorological service unit approval as a substitute aeronautical meteorological service provider to provide an aeronautical meteorological service in respect of an approval which has been suspended by the Authority under this Part, for the duration of such suspension.



**87.—(1)** No person or organisation shall provide an aeronautical telecommunication service or operate an aeronautical facility except under the authority of, and in accordance with the provisions of, an approval granted by the Authority.

Requirement for Approval Aero-Telecommunications Services.

(2) The Provision of Subsection (1) of this Section does not apply if a person or organisation operates an aeronautical facility on an aeronautical radio frequency and :

(a) the aeronautical facility :

(i) is a radio communication transmitter that does not support an air traffic service ; or

(ii) is a radio navigation aid that does not support IFR flight or an air traffic service ;

(b) the aeronautical facility is operated in accordance with :

(i) the applicable system characteristics prescribed in ICAO Annex 10, Volume III, Part II, Chapter 2 or Annex 10, Volume I, Chapter 3 ; and

(ii) the applicable communication procedures prescribed in ICAO Annex 10, Volume II ;

(c) the aeronautical facility does not interfere with any other aeronautical telecommunication service or aeronautical facility ; and

(d) an approval has been granted by the appropriate authority for the aeronautical facility ; and

(e) an identification code or a call sign has been allocated or the aeronautical facility under section 153.

(3) Subsection (1) does not apply if a person or organisation operates a ground mobile radio on an aeronautical radio frequency and :

(a) the radio is not used to support an air traffic service ;

(b) the radio is operated in accordance with the applicable communication procedures prescribed in these Regulations ; and

(c) the radio transmission does not interfere with any other aeronautical telecommunication service or aeronautical facility.

**88.** No aeronautical telecommunication information service shall be provided at aerodromes or portion of airspace in Nigeria, except under the conditions approved by the Authority.

Requirement for Approval as an Aeronautical Telecommunication Service Provider.

**89.—(1)** A service provider Issued an approval under this regulation shall be responsible for the provision of aeronautical telecommunication services to ensure that the telecommunication information and data necessary for the safe, regular and efficient operation of air navigation is available in the form suitable for the operational requirements of :

Provision of Service.

**B 1136**

- (a) flight operations personnel including flight crews and other personnel responsible for the provision of pre-flight briefing ; and
- (b) providers of air traffic services ;

Responsibilities  
of Holder of  
Approval.

**90.**—(1) The holder of an aeronautical telecommunication services provider approval shall :

(a) provide the services listed in its Manual of Operations, in accordance with the procedures as prescribed in these Regulations ;

(b) The service providers Manual of Operations shall include the following information :

- (i) personnel requirements and the responsibilities of personnel ;
- (ii) training and checking of staff and how that information is tracked ;
- (iii) Quality Assurance/Safety Management System ;
- (iv) Contingency plans developed for part or total system failure for which the organisation proves a service ;
- (v) Security plan ;
- (vi) Facilities and equipment and how those facilities are maintained ;
- (vii) Fault and Defect reporting ;
- (viii) Maintenance of documents and records ; and
- (ix) any other information requested by the Authority.

(c) hold at least one complete and current copy of its Manual of Operations at each aeronautical telecommunication service unit specified in its Manual Operations ;

(d) comply with all procedures detailed in its Manual of Operations ;

(e) comply with the Manual of Standards, prescribed by the Authority, in the provision of aeronautical telecommunication services ;

(f) make each applicable part of the Manual of Operations available to the personnel who require those parts to carry out their duties ;

(g) continue to comply with the appropriate requirements prescribed in these Regulations ;

(h) keep the records of all regular internal inspections for a period of five years from the date of each inspection ;

(i) furnish the Authority with the en route facility financial data and en route facility traffic statistics ;

(j) replace or upgrade any obsolete installation ;

(i) keep the Authority informed of its plans for the development and modernisation of its facilities.

Privileges of  
Approval  
Holder.

**91.**—(1) An approval specifies the aeronautical telecommunication services and aeronautical facility types that the approval holder is authorised to operate in support of IFR flight or an air traffic service.

(2) The holder of an approval may operate any of the aeronautical facility types specified on the holder's approval so long as :

(a) each aeronautical facility operated is listed in the approval holder's Manual of Operation ; or

(b) if the aeronautical facility is not listed in the Manual of Operation, its operation is for site test purposes controlled by the procedures required under these Regulations.

**92.** The holder of an aeronautical telecommunication service provider approval shall display the approval in a prominent place, generally accessible to the public at such holder's principal place of business and, if a copy of the original approval is displayed, it shall produce the original to the Authority's officials, if so requested.

Display of Aeronautical telecommunication Service provider Approval.

**93.—**(1) An applicant for the issuance of an aeronautical telecommunication service provider approval shall permit an aeronautical telecommunication service inspector to carry out such safety inspections and audits as may be necessary to verify the validity of any application made in accordance with these Regulations.

Safety Inspections and Audits.

(2) The holder of an aeronautical telecommunication service approval shall permit an aeronautical telecommunication service inspector to carry out such safety inspections and audits as may be necessary to determine compliance with the appropriate requirements prescribed in this Part.

**94.—**(1) An applicant is eligible to become an aeronautical telecommunication service provider if the applicant is able to comply with the requirements of these Regulations.

Application for Approval, Amendment or Renewal.

(2) An application for the issuance of an aeronautical telecommunication service provider approval, or an amendment thereof, shall :

(a) be made to the Authority in the form and manner prescribed by the Authority ;

(b) be accompanied by a copy of the applicant's Manual of Operation ;

(c) include a written statement setting out aeronautical telecommunication services that the applicant proposes to provide ;

(d) contain enough information to identify, for each aeronautical telecommunication service the type and the location from which the service is proposed to be provided.

(e) include a written statement setting out the hours during which each aeronautical telecommunication service is proposed to be available ;

(f) include a written statement describing the arrangements the applicant has made to comply with the requirements of these Regulations ;

(g) include the appropriate fee prescribed by the Authority.

(h) a written statement requesting for frequency assignment allocation for the facility to be provided.

## B 1138

(3) In the case of approval renewal, the holder of an approval shall ensure that the process for renewal is commenced at least 60 days prior to the date on which such approval expires ;

(4) If an aeronautical telecommunication service provider's approval is subject to conditions, the provider shall comply with the conditions so specified.

Issuance of  
Aeronautical  
Telecommuni-  
cation  
Service  
Provider  
Approval  
Certificate.

**95.**—(1) The Authority shall issue an aeronautical telecommunication service provider an approval certificate to provide aeronautical telecommunication services, if the applicant complies with the requirements prescribed in these Regulations.

(2) The Authority shall issue the approval in the appropriate form.

(3) The approval shall authorise the provision of :

(a) a single aeronautical telecommunication service by means of a single aeronautical telecommunication service unit ; or

(b) a combination of aeronautical telecommunication services by means of a network of approved aeronautical telecommunication service providers.

(4) A certificate issued under this Part shall include the following information:

(a) the provider's name and address of its principal place of business ;

(b) a list the aeronautical telecommunication services covered by the provider's approval ; and

(c) for each aeronautical telecommunication service the location from which the service will be provided ;

Scope and  
Variation of  
Approvals.

**96.**—(1) The holder of an approval shall be entitled to provide any service or combination of services listed in its manual of operation ;

(2) If an aeronautical telecommunication service provider wants to vary its approval, it shall apply to the Authority under this Regulation for that purpose :

(i) the application must contain, or have with it, a copy of the proposed variation;

(ii) if the Authority approves the variation, the variation shall take effect from the day proposed by the applicant ;

(iii) where no date is proposed by the applicant, the effective date of the variation shall be the date the approval notice is given to the provider.

Period of  
Validity of  
Approval.

**97.**—(1) An approval shall be valid for a period determined by the Authority, which period shall not exceed five years, calculated from the date of issuance or renewal thereof.

(2) The approval shall remain in force until it expires, is suspended, or cancelled by the Authority.

(3) The holder of an approval which expires, shall forthwith surrender the approval to the Authority ;

(4) The holder of an approval, which is suspended, shall forthwith produce the approval certificate to the Authority for appropriate endorsement.

(5) The holder of an approval, which is cancelled, shall, within 30 days from the date on which the approval is cancelled, surrender such approval certificate to the Authority.

**98.**—(1) Subject to the provisions of these Regulations, an approval shall not be transferable.

Transferability of Approval.

(2) A change in ownership of the holder of an approval shall be deemed to be a change of significance that must be notified to the Authority.

**99.**—(1) An aeronautical telecommunication service inspector may recommend suspension, for a period not exceeding 30 days, of an aeronautical telecommunication service provider approval issued under this Part, if :

Notice of Recommendation for Suspension of Approval Certificate.

(a) after a safety inspection and audit carried out in terms of these Regulations, it is evident that the holder of the approval does not comply with the requirements prescribed in this Part, and such an holder fails to remedy such non – compliance within 30 days after receiving notice in writing from the aeronautical telecommunication service inspector to do so ; or

(b) the aeronautical telecommunication service inspector is prevented by the holder of the approval from carrying out a safety inspection and audit in accordance with those Regulations ;

**100.**—(1) The Authority may, arising from the recommendation of an aeronautical telecommunication service Inspector, by written notice given to an aeronautical telecommunication service provider, suspend, cancel or vary the aeronautical telecommunication service provider certificate if there are reasonable grounds for believing that the certificate holder :

Suspension, Cancellation or Variation of an Aeronautical Telecommunication Service provider Approval Certificate by the Authority.

(a) has breached a condition of the certificate ; or

(b) has contravened a provision of this Part ; or

(c) does not meet, or continue to meet, a requirement of this Part for getting or holding the certificate ; or

(d) has otherwise been guilty of conduct that renders the air traffic service provider’s continued holding of the certificate likely to have an adverse effect on the safety of air navigation.

(2) Before suspending, cancelling or varying an aeronautical telecommunication service provider certificate, the Authority :

(a) must give written notice to the certificate holder of the facts or circumstances that, in the opinion of the Authority, amount to grounds for the suspension, cancellation or variation of the certificate ; and

(b) must invite the certificate holder to show cause in writing, within 30 days after the date of the notice, why the certificate should not be suspended, cancelled or varied ; and

(c) must take into account any written representations made, within the time allowed under paragraph (b), by or on behalf of the aeronautical telecommunication service provider explaining why the certificate should not be cancelled.

## **B 1140**

Right of  
Appeal of  
Holder of  
Approval  
Certificate.

**101.**—(1) The holder of an approval who feels aggrieved by the suspension of the approval may appeal against such suspension to the Authority, within 30 days after such holder becomes aware of such suspension.

(2) An appellant shall deliver an appeal in writing, stating the reasons why, in his, or her opinion, the suspension should be upheld or set aside.

(3) The appellant shall submit a copy of the appeal and any documents or records supporting such appeal, to the aeronautical telecommunication service inspector concerned and shall furnish proof of such submission for the information of the Authority.

(4) The aeronautical telecommunication service inspector concerned may, within 30 days of receipt of the copy of the appeal referred to in subsection (3), deliver to the Authority his or her written reply.

(5) The Authority may :

(a) order the appellant and the aeronautical telecommunication service inspector concerned to appear before it, either in person or through a representative, at a time and place determined by the Authority, to give evidence.

(6) The Authority may confirm, vary or set aside the suspension referred to in Subsection 100 of these Regulations.

(7) The Authority shall :

(a) if it confirms the suspension in line with this regulation ; or

(b) if an approval is suspended in line with Subsection 100 of these Regulations and the holder thereof does not appeal against such suspension as required by paragraph (4) of this Regulation, cancel the approval concerned.

Register of  
Approvals.

**102.**—(1) The Authority shall maintain a register of all aeronautical telecommunication service provider Approvals issued under this Part.

(2) The register shall contain the following particulars :

(a) the full name of the holder of the approval ;

(b) the business address of the holder of the approval ;

(c) the postal address of the holder of the approval ;

(d) the date on which the approval was issued or renewed ;

(e) the type of aeronautical telecommunication service in respect of which the Approval was issued ;

(f) the date on which the approval was suspended, if applicable ; and

(g) the date on which the approval expires.

(3) The particulars referred to in paragraph (2) shall be recorded in the register within seven days from the date on which the approval is issued by the Authority.

(4) The register shall be kept in a safe place at the office of the Director- General.

(5) A copy of the register shall be furnished by the Authority on payment of the appropriate fee as prescribed from time to time.

**B 1141**

**103.**—(1) The Authority may, when it considers it necessary in the interest of aviation safety, appoint the holder of an aeronautical telecommunication service unit approval as a substitute aeronautical telecommunication service provider to provide an aeronautical telecommunication service in respect of an approval which has been suspended by the Authority under this Part, for the duration of such suspension.

Substitution of another Aeronautical Telecommunication Service Provider.

**104.** The Authority shall certify all the Air Navigation Services communication, Navigation, Surveillance, Landing aids, products, facilities and procedures before their deployment in the Nigerian airspace and aerodromes.

Certification of ANS equipment, facility and procedures.

**105.** The holder of an approval shall be required to provide navigation information specifications to permit the use of GNSS procedures.

Procedure of Infrastructure for GNSS procedure.