

B 1142

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PART 15—CARRIAGE OF DANGEROUS GOODS BY AIR

CARRIAGE OF DANGEROUS GOODS BY AIR

ARRANGEMENT OF REGULATIONS

1. Definitions
2. General Provisions
3. Conveyance of dangerous goods forbidden
4. Exemption
5. Classification, division and listing of dangerous goods
6. Designated body or institution
7. Designation of dangerous goods inspectors
8. Powers of dangerous goods inspectors
9. Training
10. Validation of foreign certificates
11. Packing and packaging
12. Responsibility of shipper
13. Labeling and marking
14. Dangerous goods transport document
15. Acceptance procedures
16. Information to be provided
17. Inspection for damage or leakage by operator
18. Storage and loading
19. Loading restrictions in cabin or on flight deck
20. Separation and Segregation
21. Securing of dangerous goods
22. Loading in cargo aircraft
23. Dangerous goods accident and incident reporting
24. Dangerous goods accident and incident investigation
25. Dangerous goods accident and incident information
26. Notification of undeclared or misdeclared dangerous goods
27. Retention of documents
28. Dangerous goods carried by passengers or flight crew members
29. Information to Passengers

B 1144

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CARRIAGE OF DANGEROUS GOODS BY AIR

1. When the following terms are used in these Regulations, they have the following meanings : Definitions.

Consignment— One or more packages of dangerous goods accepted by an operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address.

Dangerous Goods— Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions.

Dangerous Goods Accident—An occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property damage.

Dangerous Goods Incident—An occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the transport of dangerous goods which seriously jeopardizes the aircraft or its occupants is also deemed to constitute a dangerous goods incident.

Dangerous Goods Security—means measures or precautions to be taken by operators, shippers and others involved in the transport of dangerous goods aboard aircraft to minimize theft or misuse of dangerous goods that may endanger persons or property.

Freight Forwarder—A person or organisation who offers the service of arranging the transport of cargo by air.

Elevated Temperature Substance.—A substance which is transported or offered for transport :

(a) in the liquid state at a temperature of 100°C or above ;

(b) in the liquid state with a flashpoint above 60.5°C and which is intentionally heated to a temperature above its flashpoint or in a solid state and at a temperature of 240 °C or above.

Solid Desensitized—Explosives are explosive substances which are wetted with water or alcohols or are diluted with other substances to form a homogeneous solid mixture to suppress their explosive properties.

Underclared or Misdeclared Dangerous Goods—Dangerous goods discovered in cargo which are not accompanied by a dangerous goods transport document.

Dangerous Goods Security :

Exception—A provision in this Regulation which excludes a specific item of dangerous goods from the requirements normally applicable to that item.

Exemption—An authorization issued by an appropriate national authority providing relief from the provisions of this Regulation.

B 1146

Freight Forwarder :

Incompatible—Describing dangerous goods which, if mixed, would be liable to cause a dangerous evolution of heat or gas or produce a corrosive substance.

Overpack—An enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage.

Package—The complete product of the packing operation consisting of the packaging and its contents prepared for transport.

Packaging—Receptacles and any other components or materials necessary for the receptacle to perform its containment function.

Serious Injury—An injury which is sustained by a person in an accident and which :

- (a) requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received ; or
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose) ; or
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage ; or
- (d) involves injury to any internal organ ; or
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface ; or
- (f) involves verified exposure to infectious substances or injurious radiation.

UN Number—The four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances.

Unit Load Device—Any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo.

General Provisions.

2.—(1) The general provisions of these Regulations shall apply to—

- (a) any aircraft used for the conveyance of dangerous goods ;
- (b) any person who—
 - (i) offers dangerous goods for conveyance by air ;
 - (ii) conveys dangerous goods by air ; or
 - (iii) accepts dangerous goods conveyed by air ; and
- (c) any passenger or flight crew member on board or to be taken on board an aircraft.

(2) These Regulations shall not apply in respect of :

- (a) dangerous goods carried in an aircraft where such goods are intended.
 - (i) to provide medical aid to a patient during a flight ;
 - (ii) to provide veterinary aid or a humane killer for an animal during a flight ;
 - (iii) for spraying, dusting or dropping in connection with agricultural, horticultural, forestry or pollution control operations ; or
 - (iv) for purposes of game and livestock management during a flight ;
- (b) articles and substances which would otherwise constitute dangerous goods

but which are required to be on board the aircraft in accordance with the appropriate airworthiness requirements and the provisions of the operations manual concerned provided the articles and substances intended as replacements for such articles and substances, shall be conveyed in accordance with the requirements and standards prescribed in ICAO Doc. 9284 —Dangerous Goods Manual.

(c) articles and substances which would otherwise constitute dangerous goods but which are on board the aircraft for the specialised purposes as prescribed in ICAO Doc. 9284 ; and

(d) articles and substances intended for the personal use of passengers and flight crew members to the extent as prescribed in ICAO Doc. 9284

3. No person shall offer for conveyance, convey or accept for conveyance in an aircraft :

Conveyance of Dangerous Goods forbidden.

(a) the dangerous goods specifically identified by name or by generic description in ICAO Doc. 9284 and these Regulations, as being forbidden for conveyance by air under any circumstances ;

(b) the dangerous goods identified in ICAO Doc.9284 and these Regulations as being forbidden for conveyance by air under normal circumstances ;

(c) any other dangerous goods, unless in accordance with the provisions of the Civil Aviation Regulations and the requirements and standards prescribed in ICAO Doc. 9284 and these Regulations ; and

(d) infected live animals.

4.—(1) The Authority may, upon application in writing by any person referred to in Section (2) (1) (b) of these Regulations, exempt such person from the provisions of Section 3 of these Regulations, in the case of :

Exemption.

(a) extreme urgency ;

(b) other forms of conveyance being inappropriate ; or

(c) full compliance with the provisions of these Regulations being contrary to aviation safety.

(2) The Authority may grant an exemption referred to in sub-section(1), under such conditions and for such period which the Authority may determine, but only after the applicant has made every effort to achieve the overall level of safety required by the Civil Aviation Act, these Regulations and ICAO Doc. 9284.

5. The classes, divisions, and listing of dangerous goods shall be prescribed in these Regulations and ICAO Doc. 9284.

Classification, Division, and listing of Dangerous Goods.

6.—(1) The Authority shall :

(a) promote the safe conveyance of dangerous goods by air ; and

(b) co-operate with the Accident Investigation Bureau (AIB) on any matter connected with the safe conveyance of dangerous goods by air.

Promoting the safe handling of dangerous Goods.

B 1148

Designation
of dangerous
Goods
Inspectors.

7.—(1) The Authority shall designate dangerous goods inspectors to exercise the powers referred to in Section 8.

(2) The conditions and requirements for, and the rules, procedures and standards connected with designation referred to paragraph (1), shall be as prescribed in Doc. 9284 and these Regulations.

(3) The Authority shall sign and issue to each designated dangerous goods inspector a document which shall state the full name of such inspector and contain a statement indicating that :

(a) such inspector has been designated in terms of paragraph (1) ; and

(b) such inspector is authorised to exercise the powers referred to in the Section 8.

Powers of
Designated
Dangerous
Goods
Inspector.

8.—(1) A designated dangerous goods inspector may :

(a) enter and inspect any :

(i) aerodrome or hangar ;

(ii) premises where goods intended for conveyance by air are made, produced, manufactured, where goods or baggage intended for conveyance by air are packed, held or received or where goods or baggage are received after being conveyed by air ; and

(iii) aircraft, vehicle, freight container or unit load device used for the conveyance of dangerous goods, in order to ensure compliance with the provisions of the Civil Aviation Act and these Regulations ; and

(b) request any person to produce or furnish him or her with all documents and information relating to dangerous goods or baggage in so far as this may be necessary for the proper execution of his or her functions.

(2) A designated dangerous goods inspector who on reasonable grounds suspects that any baggage, consignment, freight container or unit load device contains goods which may not, in terms of the provisions of the Civil Aviation Act and these Regulations, be conveyed by air, or goods which constitute a danger or potential danger to persons, aircraft or any other property, may inspect such baggage, consignment, freight container or unit load device and, if he or she deems it necessary in the interest of aviation safety, order that such goods be detained and not be loaded in an aircraft.

(3) A designated dangerous goods inspector may at any time :

(a) search :

(i) any baggage, consignment, freight container or unit load device presented or accepted for conveyance by air ;

(ii) any baggage, consignment, freight container or unit load device received after being conveyed by air ; and

(iii) any person who has disembarked from an aircraft or who intends to board an aircraft, or the baggage or personal possessions of such person, in order to ascertain whether dangerous goods have been or are to be conveyed by air, and a search referred to in sub-paragraph (i) shall be conducted with

strict regard to decency and order and a person shall be searched only by a person of the same gender ;

(b) satisfy himself or herself that the mass, quantity or composition of any :

(i) goods or baggage offered or presented for conveyance in any consignment ;

(ii) passengers' baggage ;

(iii) freight container or unit load device ;

(iv) stores conveyed by the owner of an aircraft, or his or her agent ; and

(v) goods or baggage on board an aircraft, comply with the requirements and standards as prescribed in Doc. 9284 ;

(c) satisfy himself or herself that the requirements and standards as prescribed in Doc. 9284 are complied with regarding the separation of the classes of dangerous goods in storage areas, unit load devices, vehicles and aircraft ;

(d) require goods to be removed from an aircraft if the requirements and standards referred to in paragraphs (b) and (c) are not complied with ;

(e) request any person to produce or cause to be produced for inspection any document relating to a consignment intended for conveyance by air or which has been conveyed by air, or any other document specified in Doc. 9284 ;

(f) question any person handling dangerous goods in order to ascertain whether that person complies with the provisions of the Civil Aviation Act and these Regulations and the requirements and standards as prescribed in Doc. 9284 relating to the handling of such dangerous goods ; and

(g) disallow the transport by air of any dangerous goods which, in his or her opinion, are not in a good condition, or the storage or use of which he or she deems to be dangerous. No claim shall lie against such inspector or the Authority for any loss in connection with the disallowance of carriage.

9.—(1) Any :

Training.

(a) shipper of dangerous goods, including a packer and shipper's agent ;

(b) operator ; or

(c) person :

(i) who performs the act of accepting, handling, loading, unloading, transferring or other processing of cargo, on behalf of an operator ;

(ii) located at an aerodrome, who performs the act of processing passengers on behalf of an operator ;

(iii) not located at an aerodrome, who performs the act of checking in passengers on behalf of an operator ;

(iv) other than an operator, involved in processing cargo ; or

(v) engaged in the security screening of passengers and their baggage, shall ensure that the following categories of personnel in his or her employment, successfully complete initial dangerous goods training and refresher dangerous goods training :

(aa) Cargo personnel ;

B 1150

(*bb*) personnel engaged in the ground handling, storage and loading of dangerous goods ;

(*cc*) passenger handling personnel ;

(*dd*) security personnel who deal with the screening of passengers and their baggage ;

(*ee*) flight crew members ;

(*ff*) packers ;

(*gg*) shippers ; and

(*hh*) shipper's agents.

(2) Training as required by these Regulations shall only be provided by a dangerous goods training organisation approved by the Authority.

(3) The subject matter of dangerous goods training and refresher programme shall be as prescribed in Doc. 9284.

(4) Any person, employee or agency, referred to in paragraph (1) shall complete refresher dangerous goods training every 24 months, calculated from the date of the successful completion of the initial dangerous goods training or the preceding refresher dangerous goods training, as the case may be.

(5) Upon the successful completion of the initial dangerous goods training or the refresher dangerous goods training referred to in paragraph (3), the dangerous goods training organisation concerned shall issue to the candidate a certificate in the handling of dangerous goods to be conveyed by air.

Validation of Foreign Certificates.

10.—(1) The Authority may validate any foreign certificate issued in the handling of dangerous goods to be conveyed by air, if the holder of the certificate—

(*a*) has obtained such certificate from an approved foreign training organisation ; and

(*b*) has successfully completed the refresher dangerous goods training referred to in section 9 (3).

(2) The provisions of Section (9) (4) and (5) shall apply equally to the holder of a certificate referred to in paragraph (1).

Packing and Packaging.

11.—(1) A shipper shall ensure that all dangerous goods which the shipper prepares or offers for conveyance by air, are packed in accordance with the provisions of these Regulations and the requirements and standards as prescribed in Doc. 9284.

(2) A shipper shall ensure that any packaging used for the conveyance of dangerous goods by air shall :

(*a*) comply with the material and construction specifications of, and be tested initially in accordance with the requirements and standards as prescribed in Doc. 9284 ; and

(*b*) be of good quality and constructed and securely closed so as to prevent leakage caused by changes in temperature, humidity, pressure or vibration under normal conditions of conveyance by air.

(3) A shipper shall ensure that inner packaging is packed, secured or cushioned to prevent its breakage or leakage and to control its movement within the outer packaging during normal conditions of conveyance by air.

(4) A shipper shall ensure that packaging in direct contact with dangerous goods is resistant to any chemical or other action of such goods and cushioning, and that absorbent materials do not react dangerously with the contents of the receptacles.

(5) A shipper shall ensure that packaging for which retention of a liquid is a basic function, is capable of withstanding, without leaking, the pressure as prescribed in Doc. 9284.

(6) No receptacle used for the conveyance of dangerous goods by air shall be re-used by the shipper until such receptacle has been inspected by such shipper and found free from corrosion or other damage.

(7) If a receptacle, used for the conveyance of dangerous goods by air, is re-used by the shipper, all necessary measures shall be taken by the shipper to prevent contamination of subsequent dangerous goods conveyed therein.

(8) If, because of the nature of their former contents, uncleaned empty receptacles may present a hazard, the shipper shall ensure that such receptacles are tightly closed and treated according to the hazard that they constitute.

(9) A shipper shall ensure that no harmful quantity of any dangerous substance adhere to the outside of a package.

12.—(1) A shipper shall ensure that dangerous goods offered for conveyance by air, are not dangerous goods identified as prohibited from conveyance by air in line with Section 3 and are :

Responsibility
of Shipper.

(a) identified, classified, packed, marked and labeled ; and

(b) accompanied by a properly executed dangerous goods transport document, in accordance with the provisions of these Regulations and the requirements and standards as prescribed in Doc. 9284

(2) A shipper shall ensure that any person employed by him or her or any person employed to act on his or her behalf, who is involved in the preparation of a consignment of dangerous goods to be conveyed by air, is trained in accordance with the provisions of Section 9.

13.—(1) Any person who offers any package containing dangerous goods for conveyance by air, shall ensure that such package is labeled with the appropriate label or labels in accordance with the requirements and standards as prescribed in Doc. 9284.

Labeling and
Marking.

(2) Any person who offers any package containing dangerous goods for conveyance by air, shall ensure that such package is marked with the proper shipping name, UN shipping number, class of hazard, subsidiary risk, packing group, packing instruction and any authorisation reference of the contents of the package in accordance with the requirements and standards as prescribed in Doc. 9284.

B 1152

(3) (a) Any person who offers any package containing dangerous goods for conveyance by air, shall ensure that each packaging which is manufactured in accordance with a packaging specification as prescribed in Doc. 9284, is marked with the appropriate packaging specification marking as prescribed in Doc. 9284.

(b) No packaging shall be marked with a packaging specification marking unless such packaging complies with the appropriate packaging specification as prescribed in Doc. 9284.

Dangerous
Goods
Transport
Document.

14.—(1) Any person who offers dangerous goods for conveyance by air, shall, unless otherwise provided for in Doc. 9284, complete, sign, and provide the operator with a dangerous goods transport document and such other appropriate documents.

(2) A dangerous goods transport document shall contain the information as prescribed in Doc. 9284 as well as a declaration, signed by the person referred to in paragraph (1), indicating that the dangerous goods offered for conveyance by air are :

(a) fully and accurately described by their proper shipping names ;

(b) identified, classified, packed, marked and labeled in accordance with the requirements and standards as prescribed in Doc. 9284 ;

(c) in proper condition for conveyance by air in accordance with the requirements and standards as prescribed in Doc. 9284 ; and

(d) not dangerous goods identified as prohibited from conveyance by air in line with Section 3.

Acceptance
Procedures.

15.—(1) The operator of an aircraft in which dangerous goods are to be conveyed, shall not accept such dangerous goods for conveyance by air :

(a) unless the dangerous goods are accompanied by a completed dangerous goods transport document, except where Doc. 9284 provides that such document is not required ; and

(b) until such operator has inspected the exterior of the package, overpack or freight container containing the dangerous goods in accordance with the acceptance procedures as prescribed in Doc. 9284

(2) The operator referred to in paragraph (1) shall develop and use an acceptance checklist to ensure that the provisions of paragraph (1) regarding the acceptance of dangerous goods for conveyance by air are complied with.

(3) The acceptance checklist referred to in paragraph (2), shall comply with the requirements as prescribed in Doc. 9284.

Obligations
of the
Aircraft
Operator.

16.—(1) The operator of an aircraft in which dangerous goods are to be conveyed shall provide the pilot-in-command, as soon as practicable before departure of the aircraft, with the written information as prescribed in Doc. 9284.

(2) The operator referred to in paragraph (1), shall provide information to the flight crew members and employees concerned to enable such flight crew members and employees to carry out their duties with regard to the conveyance by air of dangerous goods, and such information shall include the information as prescribed in Doc. 9284.

17.—(1) The operator of an aircraft in which dangerous goods are to be conveyed, shall inspect the exterior of each package and overpack containing dangerous goods and each freight container or package containing radioactive materials to ensure that there is no damage to or leakage from such package, overpack and freight container, before loading such package, overpack and container in the aircraft or into a unit load device.

(2) The operator referred to in paragraph (1) shall inspect a unit load device before loading such device in the aircraft to ensure that there is no damage to or leakage from any dangerous goods contained therein.

(3) No damaged or leaking package, overpack, freight container or unit load device shall be loaded in an aircraft.

(4) If any package, overpack or freight container containing dangerous goods appears to be damaged or leaking after loading such package, overpack or freight container in an aircraft, the operator shall remove or arrange for the removal of such package, overpack or freight container from the aircraft and shall ensure that the remainder of the consignment is in a proper condition for conveyance by air and that no other package, overpack or freight container has been contaminated.

(5) Each package or overpack containing dangerous goods, or a freight container or package containing radioactive materials, shall be inspected by the operator for signs of damage or leakage upon unloading such package, overpack or freight container from the aircraft or unit load device, and if damage or leakage has occurred, the area where such package, overpack, freight container or unit load device were stowed in the aircraft, shall be inspected for damage or contamination.

(6) If a package, overpack or freight container containing radioactive materials is found to be damaged or leaking, the operator shall :

(a) take all necessary precautions to restrict access to such package, overpack or freight container containing radio-active materials ; and

(b) designate a qualified person to assess the extent of the contamination and the radiation level.

(7) If any hazardous contamination is found in an aircraft as a result of damage to or leakage from a package or overpack containing dangerous goods, the operator shall de-contaminate the aircraft immediately.

(8) The operator referred to in paragraph (1) shall remove an aircraft from service immediately when such aircraft is contaminated by radioactive materials and shall not return such aircraft to service until the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination, is below the values as prescribed in Doc. 9284.

(9) Any person responsible for the conveyance or opening of packages containing infectious substances who becomes aware of damage to or leakage from such packages, shall :

(a) avoid handling such infectious substances, where possible ;

(b) inspect adjacent packages for contamination ;

B 1154

(c) inform the appropriate public health authority or veterinary authority of such damage or leakage ;

(d) provide the appropriate authority of the country of transit with information regarding any possible contamination ; and

(e) notify the shipper or the consignee accordingly.

Storage and Loading.

18. The operator of an aircraft in which dangerous goods are to be conveyed shall comply with the storage and loading provisions of these Regulations and the requirements and standards as prescribed in Doc. 9284.

Loading restrictions in Cabin or on Flight Deck.

19. Unless otherwise provided for in Doc. 9284, dangerous goods shall not be stowed in an aircraft cabin occupied by passengers or on the flight deck of an aircraft.

Separation and Segregation.

20.—(1) The operator of an aircraft in which dangerous goods are to be conveyed shall ensure that packages containing dangerous goods which might react dangerously when coming into contact with each other, are not stowed in an aircraft next to each other or in a position that would allow interaction between them in the event of leakage.

(2) The operator referred to in paragraph (1) shall ensure that a package containing poison or an infectious substance is stowed in an aircraft in accordance with the requirements and standards as prescribed in Doc. 9284.

(3) The operator referred to in paragraph (1) shall ensure that a package containing radioactive materials is stowed in an aircraft in a manner which separates the package from persons, live animals and undeveloped film, in accordance with the requirements and standards as prescribed in Doc. 9284.

Securing of Dangerous Goods.

21.—(1) The operator of an aircraft in which dangerous goods are to be conveyed, shall, when dangerous goods are loaded in the aircraft, protect such dangerous goods from being damaged, and shall secure such dangerous goods in the aircraft in a manner which will prevent any movement in flight that could change the orientation of the packages.

(2) When securing packages containing radioactive materials, the operator shall ensure that the security is adequate in order that the requirements regarding the separation of radioactive materials referred to in Section 20(3) are complied with.

Loading in Cargo Aircraft.

22. Unless otherwise provided for in Doc. 9284, a package or overpack containing dangerous goods and bearing a “cargo aircraft only” label, shall be loaded in a manner that any flight crew member or other person authorised by the operator, can see, handle and, where size and weight permit, separate such package or overpack from other cargo in flight.

Dangerous Goods accident and incident reporting.

23.—(1) The operator of an aircraft involved in a dangerous goods accident or incident in Nigeria, shall immediately notify :

(a) in the case of an accident, any air traffic service unit or the nearest police station ; or

(b) in the case of an incident, any air traffic service unit, of such incident, and such air traffic service unit or police station, as the case may be, shall immediately on receipt of the notification, notify :

(i) the Authority ; and

(ii) where such accident or incident occurs at an aerodrome, the aerodrome manager.

(2) The operator of a Nigerian aircraft involved in a dangerous goods accident or dangerous goods incident outside the Country, shall, as soon as practicable, notify :

(a) the appropriate authority in the State or territory where the accident or incident has occurred, directly or through any air traffic service unit ; and

(b) the Authority, of such accident or incident.

(3) Any notification of a dangerous goods accident or dangerous goods incident referred to in paragraph (1) or (2) shall, in addition to the particulars of notification required under the Civil Aviation (Accident Investigation) Regulations contain the particulars as prescribed in Doc. 9284.

24. The Accident Investigation Bureau shall investigate dangerous goods accidents and incidents of which the Authority and/or the Accident Investigation Bureau is notified in line with Section 23(1), and the Civil Aviation (Accident Investigation) Regulations shall apply equally to such investigation.

Dangerous Goods accident and incident investigation.

25. In the case of a consignment for which a dangerous goods transport document is required under these Regulations, the operator shall ensure that the information as prescribed in Doc. 9284 is available at all times for use in an emergency response to dangerous goods accidents or incidents.

Dangerous Goods accident and incident information.

26. The operator of an aircraft in which dangerous goods are conveyed within or outside Nigeria shall within 48 hours after the discovery of :

(a) any undeclared or mis-declared dangerous goods ; or

(b) dangerous goods not permitted under Section 28 on board the aircraft or in the baggage of a passenger or flight crew member, notify the Authority or the appropriate authority thereof, as the case may be.

Notification of undeclared or mis-declared dangerous goods.

27. The operator of an aircraft in which dangerous goods are conveyed, shall ensure that at least one copy of all documents pertaining to a flight on which dangerous goods are conveyed, including the :

Retention of documents.

(a) dangerous goods transport document ;

(b) acceptance checklist, if completion of the checklist is required ; and

(c) written information provided to the pilot-in-command under Section 16(1), are retained for a period of 90 days, calculated from the date of such flight.

28. No passenger or flight crew member shall carry dangerous goods as, or in, carry-on baggage or checked baggage, or on his or her person, except in accordance with the requirements and standards as prescribed in Doc. 9284.

Dangerous goods carried by passengers or Flight Crew members.

B 1156

Information
to
passengers.

29. Any operator shall ensure that information regarding the types of goods that passengers are forbidden to carry on board an aircraft is available to such passengers and such information shall include :

- (a) applicable information accompanying the passenger ticket ; and
- (b) notices which are prominently displayed :

- (i) at any location where tickets are issued and baggage checked ; and
- (ii) in aircraft boarding areas and baggage claim areas.