

INTRODUCTION

Each contracting State is empowered under the Convention on International Civil Aviation (Convention) to set the terms for entry and flight operations into, from or within that State. Ordinarily, flights in international commercial air transport are allowed into a contracting State under the terms and authority of international agreements granting the economic permission to operate into, from or within that contracting State. Such agreements require the safe operation of such aircraft. As a result, the Civil Aviation Authority (CAA) of the contracting State in which the aircraft is registered and the Civil Aviation Authority of the contracting State that issues the Air Operator Certificate to the air operator are responsible under the Convention for the safe operation of each aircraft that is allowed to conduct commercial air transport into, from or within Nigeria.¹

Part 10 sets forth the terms and conditions under which Nigeria will carry out both its aviation safety responsibility to its own citizens and to assure the safe operation, airworthiness and aircrew qualifications of foreign air operators it allows into Nigerian territory as mandated by the Convention and that contracting State's laws and regulations. The requirements placed upon such air operators in this Part are directly related to each contracting State's responsibility to assure that its air operators engaged in international commercial air transport adhere to standards set forth in applicable ICAO Annexes and those special conditions existing within Nigeria that Nigeria notes to ICAO as differences from the Annex requirements, and special conditions within Nigeria that it reports in publications like the Airman's Information Manuals and Publications. Each air operator engaged in international commercial air transport must be made aware of those requirements that Nigeria places on the air operator as conditions to gain or maintain permission to operate into, from or within Nigeria. Part 10 also recognizes the responsibilities of each contracting State whose CAA regulates such air operators by making such CAA aware of the terms and conditions that Nigeria will require of those air operators.

Part 10 gives deference to, and emphasises the responsibilities existing between all contracting States to adhere to international standards under the Convention respecting the safety regulation of its air operators, of the aircraft on its registry, and the licensing of its crew operating those aircraft. The alternative would be for Nigeria to address aviation safety solely with the air operator, which would amount to an attempt to directly regulate the foreign air operator in violation of the Convention.

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**PART 10— COMMERCIAL AIR TRANSPORT BY FOREIGN
AIR OPERATORS WITHIN NIGERIA**

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S. I. No. 23 of 2009**10.1 GENERAL**

10.1.1.1—(a) This regulation prescribes requirements applicable to the operation of any civil aircraft, including aeroplane or helicopter, for – Applicability

The purpose of commercial air transportation operations by any air operator whose Air Operator Certificate is issued and controlled by a civil aviation authority other than Nigeria.

(b) This Part does not apply to aircraft when used by military, which are not used for compensation or hire.

10.1.1.2—(a) For the purpose of this Part 10, the following definitions shall apply: Definitions.

(1) *Aeroplane Flight Manual.* A manual, associated with the certificate of airworthiness, containing limitations within which the aeroplane is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the aeroplane.

(2) *Air Operator Certificate.* A certificate authorising an operator to carry out specified commercial air transport operations.

(3) *Aircraft Operating Manual.* A manual, acceptable to the State of the Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft

(4) *Foreign air operator.* Any operator, not being an air operator holding an Air Operator Certificate issued by Authority under the provisions of ICAO Annex 6, Part I or Part III, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of Nigeria, whether on a scheduled or charter basis.

(5) *Foreign Authority.* The civil aviation authority that issues and oversees the Air Operator Certificate of the foreign operator.

(6) *Minimum Equipment List.* A list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the Master Minimum Equipment List (MMEL) established for the aircraft type.

(7) *Operations Manual.* A manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties.

(8) *Rotorcraft Flight Manual.* A manual, associated with the certificate of airworthiness, containing limitations within which the rotorcraft is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the rotorcraft.

Abbreviations.

10.1.1.3—(a) The following abbreviations are used in Part 10 :

- (1) AFM – Aeroplane Flight Manual ;
- (2) AOC – Air Operator Certificate ;

- Compliance.
- (3) AOM – Aeroplane Operating Manual ;
 - (4) MEL – Minimum Equipment List ;
 - (5) RFM – Rotorcraft Flight Manual.
- 10.1.1.4—(a)** A foreign air operator may not operate an aircraft in commercial air transportation operations in Nigeria contrary to the requirements of—
- (1) Part 10 ;
 - (2) Applicable paragraphs of Parts 7 and 8 of these Regulations ;
 - (3) Applicable standards contained in the Annexes to the Convention on International Civil Aviation for the operation to be conducted ; and
 - (4) Any other requirements that the Authority may specify.
- Authority to Inspect.
- 10.1.1.5—(a)** A foreign air operator shall ensure that any person authorised by the Authority, shall be permitted at any time, without prior notice, to board any aircraft operated for commercial air transportation to Nigeria
- (1) To inspect the documents and manuals required by this Part ; and
 - (2) To conduct an inspection of the aircraft.
- General Requirements for Application for Foreign Air Operator Operations Specifications.
- 10.2 OPERATIONS SPECIFICATIONS**
- 10.2.1.1—(a)** A foreign air operator shall not operate an aircraft in Nigeria unless it holds an Operations Specifications issued to it by the Authority.
- (b) Where an air operator wishes to apply to operate in Nigeria it shall make such application to the Authority in the form and manner prescribed by the Authority.
 - (c) An application for Operations Specifications, shall be accompanied by—
 - (1) A copy of a valid air operator certificate or equivalent document issued by the foreign authority ;
 - (2) A copy of the licence or authorisation granted to the air operator by the appropriate authority of the State of the air operator to operate an air transport service to and from Nigeria ;
 - (3) A copy of the approval page for a Minimum Equipment List for each aircraft type intended to be operated by the air operator in Nigeria ;
 - (4) A representative copy of a Certificate of Registration issued for the aircraft types proposed to be operated by the air operator in Nigeria ;
 - (5) A copy of a document identifying the maintenance checks that are required to be carried out for aircraft of the air operator while they are operated in Nigeria ;
 - (6) A copy of the maintenance contract between the air operator and the AMO approved by the State of Registry of the aircraft used by the operator to conduct the maintenance under subparagraph (g) ;
 - (7) A copy of the lease agreement for any aircraft operated by the foreign air operator ;

(8) A copy of any equivalent Operations Specifications issued by the foreign authority for any specialised flight operations specifications requested by the foreign air operator for operations in Nigeria ;

(9) A proposed Aircraft Operator Security Programme for the foreign air operator which meets the requirements of the Nigeria Civil Aviation Regulations, for the approval of the Authority; and

(10) Any other document the Authority considers necessary to ensure that the intended operations will be conducted safely.

(d) An applicant under these Regulations shall apply for the initial issue of a foreign air operator Operations Specifications at least ninety days before the date of commencement of intended operation.

10.2.1.2— (a) The Authority may issue Operations Specifications to a foreign air operator to conduct commercial air operations in Nigeria where the Authority is satisfied that such air operator—

(1) Has a valid Air Operator Certificate issued by a foreign Civil Aviation Authority ;

(2) Has had its Aircraft Operator Security Programme approved by its Civil Aviation Authority for the operations intended.

(3) Meets the applicable flight operations requirements in Part 8 of these Regulations and the equipment requirements in Part 7 of these Regulations for the operation to be conducted ;

(4) Meets the standards contained in applicable Annexes to the Chicago Convention for the operation to be conducted ; and

(5) Has sufficient financial resources to conduct safe operations.

(b) No foreign air operator may commence commercial air transport operations in and to Nigeria, until the Operations Specifications have been issued.

10.2.1.3—(a) Operations Specifications issued shall specify which specific operations are authorised, prohibited, limited, or subject to certain conditions, in the interest of public safety.

(b) Operations Specifications issued under this section shall contain details of the following :

- (1) The purpose of issuance ;
- (2) Application and duration ;
- (3) Limitations to, or actions required by, the operator ;
- (4) General provisions ;
- (5) En-route authorisation and limitations ;
- (6) Aerodrome authorisations and limitations ;
- (7) Maintenance ;
- (8) Mass and balance ;

Conditions
for the
Issuance of
Foreign Air
Operator
Operations
Specifications.

Operations
Specifications.

(9) Interchange of equipment operations ; and

(10) Aircraft leasing operations.

(c) The Operations Specification issued to a foreign air operator by the Authority shall be supplementary to these Regulations.

Continued
Validity of
Operations
Specifications.

10.2.1.4—(a) A foreign air operator shall, when conducting operations in and to Nigeria, ensure that it complies at all times with the requirements of—

(1) Its Operations Specifications ;

(2) Its approved Aircraft Operator Security Programme ; and

(3) The security requirements for aircraft operators operating in Nigeria.

10.3 DOCUMENTS

Foreign Air
Operator's
Aircraft
Technical
Log.

10.3.1.1—(a) A foreign air operator shall use an aircraft technical log system containing the following information for each aircraft—

(1) Information about each flight necessary to ensure continued flightsafety;

(2) The current aircraft certificate of release to service ;

(3) The current maintenance statement giving the aircraft maintenance status of what scheduled and out of phase maintenance is next due, unless the Authority agrees to the maintenance statement being kept elsewhere ;

(4) All outstanding deferred defects that affect the operation of the aircraft, and

(5) Any necessary guidance instructions on maintenance support.

Air Operator
Manuals,
Documents
and Flight
Crew
Licences to
be Carried.

10.3.1.2—(a) A foreign air operator shall ensure that the following manuals, documents and licences are carried on flights into Nigeria—

(1) A certified true copy of the air operator certificate and a copy of the authorisations, conditions and limitations relevant to the aircraft type, issued in conjunction with the certificate – all of which shall be in the English language.

(2) Copy of applicable Operations Specifications required under this Part ;

(3) The current parts of the Operations Manual relevant to the duties of the crew are carried on each flight ;

(4) Those parts of the Operations Manual which are required for the conduct of a flight are easily accessible to the crew on board the aircraft on each flight, such as the MEL ; and

(5) The current AFM or RFM approved by the State of Registry, or AOM approved by the State of Operator is carried on the aircraft on each flight. The AFM or RFM shall be updated by implementing changes made mandatory by the State of Registry received from the State of Design.

(6) The current certificate of registration, and airworthiness certificate in force in respect of that aircraft ;

(7) The appropriate licences of the members of the flight crew ;

(8) Appropriate approval/licence of crew members for aircraft radio operation.

(9) Certificate of insurance covering at least passengers and third party liability

10.3.1.3 —(a) A foreign air operator shall ensure that, in addition to the documents and manuals prescribed 10.2.2.2 and 10.1.2.2, the following information and forms, relevant to the type and area of operation, are carried on each flight—

Additional Information and Forms to be Carried.

(1) Operational Flight Plan ;

(2) Aircraft Technical Log containing at least the information required in 10.2.2.1(a);

(3) Appropriate NOTAM/AIS briefing documentation ;

(4) Appropriate meteorological information ;

(5) Passenger and Cargo manifests as appropriate for the intended flight ;

(6) The mass and balance document for the aircraft certifying that the load carried is properly distributed and safely secured ;

(7) Notification of special loads including any dangerous goods ; and

(8) Current maps and charts for the area of operation.

(b) The Authority may authorise the information detailed in subparagraph (a) above, or parts thereof, to be presented in a form other than on printed paper provided the information is accessible for inspection.

10.3.1.4—(a) A foreign air operator shall—

Production of Documentation, Manuals and Records.

(1) Give any person authorised by the Authority access to any documents, manuals and records which are related to flight operations and maintenance ; and

(2) Produce all such documents, manuals and records, when requested to do so by the Authority, within a reasonable period of time.

(b) The pilot in command shall, within a reasonable time of being requested to do so by a person authorised by the Authority, produce to that person the documentation, manuals and records required to be carried on board.

10.3.1.5—(a) Following an accident, incident, in Nigeria involving an aircraft of a foreign operator, or when the Authority so directs, the foreign operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for a period of not less than 60 days unless otherwise directed by the authority.

Preservation, Production and use of Flight Recorder Recordings.

10.4 OPERATIONS AND PERFORMANCE

10.4.1.1—(a) A foreign air operator shall compute the mass of passengers and checked baggage using—

Computation of Passenger and Baggage Weights.

(1) The actual weighed mass of each person and the actual weighed mass of baggage ; or

(2) The standard mass values specified by the foreign Authority.

(b) The Authority may require a foreign air operator conducting operations in Nigeria to produce evidence validating any standard mass values used.

Single-Engine
Aeroplanes at
Night or IMC.

10.4.1.2—(a) A foreign air operator may not operate a single-engine, non-turbine aircraft—

(1) At night ; or

(2) In Instrument Meteorological Conditions except under Special Visual Flight Rules.

(b) A foreign air operator may operate a single-engine turbine aircraft at night and in IMC conditions provided the State of the Operator has ensured—

(1) The reliability of the turbine engine ;

(2) The operator’s maintenance procedures, operating practices, flight dispatch procedures and crew training programmes are adequate ; and

(3) The aeroplane is appropriately equipped for flight at night and in IMC ;

(4) For aeroplanes issued a certificate of airworthiness before 1 January 2005—an engine trend monitoring system.

(5) For aeroplanes issued a certificate of airworthiness after 1 January 2005—an automatic trend monitoring system.

Single Pilot
Operators
under IFR or
at Night.

10.4.1.3—(a) A foreign air operator shall not operate an aeroplane under IFR or at night by a single pilot unless approved by the State of the Operator and the aeroplane meets the following conditions –

(1) The flight manual does not require a flight crew of more than one pilot ;

(2) The aeroplane is propeller-driven ;

(3) The maximum approved passenger seating configuration is not more than nine ;

(4) The maximum certificated take-off mass does not exceed 5,700 kg. ;

(5) The aeroplane is equipped with :

(i) A serviceable autopilot that has at least altitude hold and heading select modes ;

(ii) A headset with a boom microphone or equivalent; and

(iii) Means of displaying charts that enables them to be readable in all ambient light conditions ; and

(6) The PIC has satisfied the requirements of experience, training, checking and recency of experience.

Flight Rules
within
Nigeria.

10.4.1.4—(a) Within the territorial boundaries of Nigeria, foreign air operator shall comply with the flight rules and limitations contained in Part 8 of these Regulations.

(b) Foreign air operators shall ensure that their flight crew have available and have become familiar with the flight rules in Part 8 of these regulation.

10.5 FLIGHT CREW MEMBER QUALIFICATIONS

10.5.1.1—(a) Foreign air operators shall ensure that their flight crews have the appropriate licences and ratings for the operations to be conducted in Nigeria.

General.

10.5.1.2—(a) Foreign air operators shall ensure that the required PIC engaged in single pilot operations on aircraft operating in Nigeria shall be less than 60 years of age.

Age
Limitations.

(b) Foreign air operators shall ensure, for aircraft engaged in operations in Nigeria requiring more than one pilot as flight crew members, that if one pilot is between the age of 60 and up to age 65, the other pilot shall be less than age 60.

10.5.1.3—(a) As of March 5, 2008, foreign air operators shall ensure that flight crew operating aircraft in Nigeria meet the language proficiency requirement of at least the operational level 4 as contained in ICAO Annex 1 for the English language and that such proficiency is endorsed on the licence.

Language
Proficiency.

10.6 SECURITY

10.6.1.1 (a) A foreign air operator shall—

Aircraft
Security.

(1) Ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programs of the State of the operator ;

(2) Establish, maintain and conduct approved training programs which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimise the consequences of such events should they occur ;

(3) Following an act of unlawful interference on board an aircraft the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Authority in the State of the operator ;

(4) Ensure that all aircraft carry a checklist of the procedures' to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices; and

(5) If installed, the flight crew compartment door on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorised access.

10.6.1.2—(a) A foreign air operator shall take measures to ensure that no persons conceal themselves or cargo on board an aircraft.

Unauthorised
Carriage.

10.7 DANGEROUS GOODS

10.7.1.1—(a) No foreign air operator may accept dangerous goods for transport by air in Nigeria unless the foreign air operator—

(1) Has been authorised to do so by the foreign Authority ; and

(2) Has conducted the required personnel training.

Offering
Dangerous
Goods for
Transport By
Air.

(b) The foreign air operator shall properly classify, document, certify, describe, package, mark, label and put in a fit condition for transport, dangerous goods as required by the operator's dangerous goods program as approved by the foreign Authority.

(c) The foreign air operator shall state in the Operations Specifications required in 10.2 whether or not that operator has been authorised to accept dangerous goods by the foreign Authority.

(d) When the foreign operator has been granted authority to accept dangerous goods, and has an approved dangerous goods program authorised by the foreign Authority, the foreign operator shall file a copy of its dangerous goods program with the Authority.

Carriage of
Weapons of
War and
Munitiions
or War.

10.7.1.2—(a) A foreign air operator conducting commercial air transportation operations to Nigeria shall :

(1) Not transport weapons of war and munitiions of war by air unless an approval to do so has been granted by all States concerned.

(2) Ensure that weapons of war and munitiions of war are :

(i) Stowed in the aircraft in a place which is inaccessible to passengers during flight ; and

(ii) In the case of firearms, unloaded, unless, before the commencement of the flight, an approval has been granted by all States concerned that such weapons of war and munitiions of war may be carried in circumstances that differ in part or in total from those indicated in this subparagraph.

(3) Ensure that the pilot in command is notified before the flight begins of the details and location on board the aircraft of any weapons of war and munitiions of war that are intended to be carried.

Carriage of
Sporting
Weapons and
Ammunition.

10.7.1.3—(a) A foreign air operator conducting commercial air transportation operations to Nigeria shall take all measures necessary to ensure that any sporting weapons intended to be carried by air are reported.

(b) A foreign air operator accepting the carriage of sporting weapons shall ensure that they are—

(1) Stowed in a place on the aircraft which is inaccessible to passengers during flight unless the Authority has determined that compliance is impracticable and has approved other procedures, and

(2) In the case of firearms or other weapons that can contain ammunition, unloaded.

(c) A foreign air operator may allow a passenger to carry ammunition for sporting weapons in passenger's checked baggage, as approved by the Authority.