

A BILL FOR AN ACT TO INCORPORATE ANNEX 12 TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION 1944, INTO NIGERIAN LAW; TO ESTABLISH THE NIGERIAN SEARCH AND RESCUE SERVICE; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH HB. 319

Provisions of the bill	Committee of the Whole Recommendations
ENACTED by the National Assembly of the Federal Republic of Nigeria, as follows	Retained
Principal Objectives of Bill 1. -(1) The principal objectives of this Bill are to- (a) Incorporate the Convention into Nigerian law; and (b) Established the Nigerian Search and Rescue Service to act on behalf of the Ministry as the authority responsible for the application of the Convention binding on the Nigeria regarding aeronautical search and rescue operations.	Retained
Incorporation of convention 2. -(1) The Conventions contained in the schedule is hereby enacted into law in Nigeria. (2) (a) subject to paragraph (b), the Minister may from time to time by notice in the Gazette amend the schedule to reflect any change made to the Convention by the International Civil Aviation Organization, as the case may be.	Retained
Establishment and objective of Nigerian search and Rescue Service 3. - (1) The Nigeria Search and Rescue Service is hereby established (2) (a) The objective of NISAR is to ensure a co-ordinated and effective aeronautical search and rescue service within the Nigerian search and rescue regions; (b) Any person appointed in terms of this Act or concerned with the carrying out of the provisions thereof shall perform his or her functions pursuant to be object of NISAR.	Retained
Composition of NISAR 4. -(1) NISAR is made up of representatives from those government departments and commercial and voluntary organizations which are signatories to the NISR manual, contemplated in this section, and which are able to contribute services and facilitates for use by NISAR, including representatives of: (a) The ministry; (b) The Nigerian Civil Aviation Authority; (c) The Air Traffic and Navigation Services Company Limited; (d) The Nigerian Armed Forces;	Retained

(e) The Nigerian Police Force. (2) NISAR has: (a) an executive committee; (b) an aeronautical committee. (3) The executive committee consists of: (a) the persons appointed in terms of subsection (7); and (b) if necessary, such other members as may be nominated by the head of NISAR, and appointed by the Minister either permanently or on an ad hoc basis. (4) The executive committee shall: (a) determine and put into effect the policy of NISAR; and (d) determine the size and composition of the other committee of NISAR depending on the area of specialist of the different members of NISAR. (5) The aeronautical committee shall assess the policy of NISAR and make recommendations to the executive committee whenever any change is necessary (6) The executive committee is accountable to the Minister and the other committees of NISAR are accountable to the executive committee. (7) The Director-General shall appoint suitable persons from among the members of NISAR to serve as: (a) The head of NISAR, who is the chairperson of the executive committee responsible for search and rescue operations by NISAR; (b) The head of aeronautical search and rescue operations who is the chairperson of the aeronautical committee; (c) The head of maritime search and rescue operations, who is the chairperson of the maritime committee. (8) The different head contemplated in subsection (7) shall ensure that search and rescue operations are conducted in accordance with laid down standards and recommended practices as reflected in the NISAR Manual and as considered the norm in terms of international agreements	
Functions of NISAR 5. -(1) NISAR shall within its means and capabilities co-ordinate its resources to search for, assist and, where appropriate, effect a rescue operation for: (i) survivors of aircraft crashes or forced landings; (ii) survivors of any military aircrafts accident or incident if such aircraft is not engaged in an act of war; and (2) The functions set out in subsection (1)(a) exclude salvage operations. (3) NISAR, with the concurrence of the Minister, may call on any provider of a telecommunication service as	Retained

contemplated in the lease or otherwise make available telecommunication facilities. (4) NISAR shall perform its functions in a manner which promotes efficient, economic and effective use of all resources. (5) In performing its functions, NISAR shall endeavor to cooperate with the National Emergency Management Agency established in terms of any law providing for the management of disasters. (6) NISAR may perform its functions outside Nigeria.	
Meetings of NISAR 6. -(1) NISAR shall meet at such times as the executive committee may determine in other to: (a) discuss proposals and take decisions regarding the effective application of this Act; (b) discuss possible proposals to the Minister regarding amendments to this Act; or (c) discuss any other matter which the executive committee deems necessary (2) The head of NISAR shall preside at any meeting of NISAR. (3) Thee executive committee shall determine the rules of procedure at any meeting of NISAR.	Retained
Meeting of Committee 7. -(1) The first meeting of any committee of NISAR after the commencement of this Act shall be held at the time and place determined by the Director-General and all meetings thereafter shall be held at the time and places that the committee determines. (2) The chairperson of a committee may at any time call a special meeting of the committee to be held at the time and place determined by the chairperson. (3) All members of a committee shall be notified in writing of any meeting of that committee. (4)' A majority of the total number of members forms a quorum at any meeting of a committee and a decision agreed on by a majority of the members present at a duly constituted meeting of a committee is a decision of that committee. (5) In the event of an equality of votes on any matter, the chairperson of the relevant meeting has a casting vote in addition to a deliberative vote.	Retained

(6) The chairperson of a committee shall designate a person to act as chairperson if he or she is unable to act as chairperson. (7) Each committee shall meet at least twice a year.	
Personnel 8. All administrative work in connection with the performance of the functions of NISAR shall be carried out by officers in the Department designated for that purpose by the Director-General.	Retained
Search and Rescue Regions 9. -(1) The Minister shall, by notice in the Gazette as well as in relevant maritime and aeronautical publications, publish the search and rescue regions within which search and rescue services will be provided. (2) The search and rescue regions contemplated in subsection (1) shall cover the area of responsibility of Nigeria laid down by the International Civil Aviation Organization.	Retained
Rescue co-ordination centres and sub-centres 10. -(1) Subject to subsection (2), the Minister shall designate- (a) organizations or institutions to act as aeronautical rescue co-ordination centres; (b) organizations or institutions to act as aeronautical rescue sub centres under the auspices of rescue co-ordination centres; (c) a maritime or aeronautical search and rescue region for which each rescue co-ordination centre is responsible; and (d) organizations or institutions to act as registrars and custodians of registers of emergency beacons contemplated in section 17. (2) Any designation contemplated in subsection (1) shall be: (a) done in accordance with an agreement reached with the applicable organization or institution; on (b) published by the Minister by notice in the gazette as well as in relevant aeronautical publications. (3) The organizations of institutions designated in terms of subsection (1)(a) and (b) shall, with the concurrence of the executive committee of NISAR, appoint their respective chiefs. (4) Each chief of a rescue co-ordination center or rescue sub centre shall establish and preside over an operational committee to discuss, evaluate and effect operational procedures.	Retained

(5) Operational committees shall consist of persons representing organization controlling the resources available to that rescue co-ordination centre or rescue sub centre.	
Functions of Rescue Co-Ordination Centers and Sub Centres 11.-(1) A chief of a rescue co-ordination centre or any person authorized by him or her is responsible for coordinating available resources for the purpose of searching, assisting and, where appropriate, effecting a rescue operation in its search and rescue region. (2) A chief of a rescue sub centre shall support the chief of a rescue co-ordination centre in carrying out assigned duties in particular area or instance. (3) The designation of a search and rescue region contemplated in section 11(1)(c) does not preclude a rescue co-ordination centre from: (a) operating in another regions; or (b) Performing the tasks of another rescue co-ordination centre	Retained
Requisitioning of Aircraft 12 -(1) Subject to subsection (2), the Minister may for purposes of any aeronautical search and rescue operation: (a) requisition any civil aircraft; (b) request the assistance of any military aircraft; or (c) instruct any holder of a Nigeria aircraft flight crew license to assist in the operation (2) In a case where the Minister contemplates requisitioning a civilian aircraft instructing a civilian holder of a Nigerian aircraft flight crew license, the Minister may do so only if: (a) human life is in immediate and grave danger; and (b) there are no other means available to conduct the operation (3) Any person who, without lawful reason, fails to give effect to a requisition or to comply with an instruction contemplated in subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years.	Retained
Recovery of certain expenses 13. -(1) If any search and rescue operation is undertaken by NISAR or connection with any occurrence caused by the unlawful act or omission of any person, the Minister may recover from that person the whole or an portion of the expenses incurred by NISAR in connection with that operation.	Retained

(2) The ministry may, after having recovered the expenses contemplated in subsection (1) compensate any person who has incurred any loss or damage as a result of the operation.	
NISAR manual and responsibilities of Signatories thereto 14. -(1) NISAR shall compile a manual regarding search and rescue service and operations and matters connected therewith and keep that manual up to date. (2) The responsibilities of the signatories to the NISAR manual contemplated in section 5 (1) shall be set out in the manual and be executed in accordance with it.	Retained
Search and Rescue Measures Regarding Aircraft 15. -(1) Subject to this Act, any search and rescue action shall be undertaken in accordance with the NISAR manual. (2) Where an aircraft has failed to reach its destination or is reported missing, NISAR shall forthwith institute search and rescue action if the flight plan was filed prior to departure and the flight in question was: (a) between aerodromes where air traffic services are provided, unless otherwise indicated on the flight plan or through aeronautical publications or notices; (b) conducted in airspace with which air traffic control services are provided, except for flights crossing a route at right angles; or (c) a flight to an aerodrome where air traffic services are not provided, if search and rescue action is specifically requested by the pilot-in-command. (3) Search and rescue action shall be instituted in respect of all flights for, which flights plans were filed in when such action is specifically requested by the pilot in-command. (4) Search and rescue action may be instituted: (a) in respect of a flight for which no flight plan has been filed, when information that the aircraft is overdue or mission is received from any source. (5) In an event contemplated in subsection (4), authorization by the head of NISAR or his or her assignee shall be obtained prior to the commencement of a search and rescue operation and he or she shall be kept informed of the progress made and the termination of the search and rescue action.	Retained
Registration of emergency beacons 16. -(1) The owner of any aircraft required- to carry emergency locator	Retained

beacons in terms of the Civil Aviation Authority Act, 2006, shall register such emergency locator beacons with the organizations or institutions designated in terms of section 11 (1) (d). (2) The owner of any aircraft or vessel registered or licensed in Nigeria and which carries emergency locator beacons although not required to do so by law, shall register such emergency locator beacons with the organizations of institutions designated in terms of section 11 (1) (d).	
Filing or Disaster Management and Aerodrome Emergency Plans 17. -(1) All aerodrome management shall file their emergency plans and any amendments thereto with the aeronautical rescue co-ordination center.	Retained
Delegation and Assignment 18. The Minister may: (a) delegate any power conferred or assign any duty imposed upon the Minister by this Act to an officer of the Department, except the power to publish notices or to make regulations; and (b) at any time, withdraw a delegation or assignment effected in terms of this section.	Retained
Report 19. -(1) NISAR shall furnish the Minister with a report on its activities: (a) at least once a year; and (b) whenever required by the minister (2) The minister shall table a copy of NISAR's annual report in Parliament within 30 days after it has been received by him or her.	Retained
Regulations 20. -(1) The Minister may, by notice in the gazette, make regulations regarding- (a) the conditions which shall be complied with where a person from another country which is a party to the conventions wishes to enter Nigeria for purpose of any search and rescue operation; (b) anything which shall or may be prescribed in terms of this Act; (c) any matter which it is necessary or expedient to prescribe for the effective carrying out or implementation of this Act. (2) any regulation made under subsection (1)(a) shall be made with the concurrence of the Minister of Interior.	Retained

Repeal of Section 6 (f) of the National Emergency Management Agency Act Cap. N34 Laws of the Federation, 2004 21. Section 6 (f) of the National Emergency Management Agency Act Cap N34 Laws of the Federation of Nigeria 2004 is hereby repealed.	Retained
Interpretation 22. In this Act, unless the context indicates otherwise, any word" or expression to which a meaning is ascribed in the Conventions bears the same meaning and: "aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface; "Authority" means the Nigerian Civil Aviation Authority; "Director -General" means the Director-General: Nigerian Civil Aviation Authority; "executive committee" means the executive committee of NISAR contemplated in section 5(2)(a); "head of NISAR" means an official of the Authority appointed in terms of section 5(7)(a); "international Civil Aviation Organization" means the specialized agency of the United Nations responsible for formulating standards and recommended practices for the purposes of civilian international air transport, established in terms of Article 43 of the Convention on International Civil Aviation, in Chicago on 7 December 1944; "Minister" means the Minister of Aviation; "person" includes any institution or organization equipped to assist in a search and rescue operation, an organ of state, a government of a foreign country; "prescribed" means prescribed by regulation; "rescue" includes the provision of the initial medical treatment of a person rescued; "rescue co-ordination centre" means an institution responsible for promoting the efficient organization of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region; "rescue sub-centre" means a suitably appointed unit tasked to carry out duties of a rescue co-ordination centre in instances where the rescue co-ordination centre cannot exercise direct and effective control over search and rescue facilities in certain parts of a search and rescue region; "NISAR" means the Nigerian search and rescue Service established by section 4;	Retained

"search and rescue region" means a region contemplated in section 11(1)(c) in which the co-ordination of search and rescue operations is effected by a single rescue co-ordination centre; "the Conventions" means - Annex 12 to the Convention on International Civil Aviation adopted on 7 December 1944 at Chicago; "this Act" includes the regulations.	
Short Title 23. This Bill may be cited as the Nigerian Aeronautical Search and Rescue Bill, 2016.	Retained
FIRST SCHEDULE Transitional Provisions As To Rights, Vesting Of Property Etc 1. Accordingly, the statutory functions, rights, interests, obligations and liabilities of the Rescue and Guard Response Initiative) existing before the commencement of this Act under any contract or instrument, or law or in equity shall by virtue of this Act be deemed to have been assigned to and vested in the Service established by this Act. 2. Any such contract or instrument as is mentioned in paragraph 1 of this schedule shall be of the same force and effect against or in favour of the Service established by this Act and shall be enforceable as fully and effectively as if instead of the conditions existing before the commencement of this Act, the service established by this Act had been named therein or had been a party thereto. Obligations and Liabilities 3. The Service established by this Act shall be subject to all the obligations and liabilities to which the former Rescue and Guards Response Initiative existing before the commencement of this Act was subject to immediately before the commencement of this Act, and all other persons shall have the same rights, powers and remedies against the service established by this Act as they had against the former Rescue and Guards Response Initiative existing before the commencement of this Act. Pending or Existing Proceedings or Cause of Action 4. Any proceeding or cause of action pending or existing before the commencement of this Act by or against the Rescue and Guards Response Initiative in respect of any rights, interest, obligation or liability may be continued or	Retained

as the case may be commenced, and any determination of the court of law, tribunal or other authority or person may be enforced by or against the service established by this Act to the same extent that such proceeding or cause of action or determination might have been continued, commenced or enforced by or against the Rescue and Guards Response Initiative existing before the commencement of this Act.

Vesting of Assets

5. All assets, funds, resources and other moveable or immoveable property which immediately before the commencement of this Act were vested in The Rescue and Guards Response Initiative existing before the commencement of this Act shall by virtue of this Act and without further assurances be vested in the Service established by this Act.

Holders of office

6. Any person who immediately before the coming into force of this Act is the holder of any office in the Rescue and Guards Response Initiative existing before the commencement of this Act shall on the commencement of this Act continue in office and be deemed to have been appointed to his office by the service established by this Act, unless the authority by which the person was appointed terminates the appointment.

EXPLANATORY MEMORANDUM

This Bill seeks to incorporate Annex 12 to the Convention International Civil Aviation 1994 into the Nigerian Law to provide for the establishment of the Nigeria Search and Rescue Service