

## **B 1247**

### **PART 19—CONSUMER PROTECTION REGULATIONS**

#### **INTRODUCTION**

Part 19 deals with passengers' Rights and Airlines Obligations to passengers. The Part addresses consumer protection issues and sets out compensation for overbooking and denied boarding as well as delays and cancellations of flights.

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### **PART 19—CONSUMER PROTECTION REGULATIONS**

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## **PART 19—PASSENGERS RIGHTS AND AIRLINES OBLIGATIONS**

### **Applicability.**

**19.1.** This section proscribes minimum rights and obligations for passengers and air carrier where :

- (a) There is an incidence of "No-show" and Overbooking ;
- (b) Passengers are denied boarding against their will ;
- (c) A scheduled flight is delayed ;
- (d) A scheduled flight is cancelled.

### **Scope of Application.**

**19. 1.1.** These Regulations shall apply :

- (i) to passengers departing from an airport located within the Nigerian territory to another airport within Nigeria ;
- (ii) to passengers departing from an airport located in another country to an airport situated within Nigeria, unless they received benefits or compensation and were given assistance in that other country, if the operating air carrier of the flight concerned is a Nigerian carrier ;
- (iii) to foreign air transportation with respect to non-stop flight segments originating at a point within Nigeria.

19.1.2. In respect of section 19.1.1. of this Regulation, it shall apply on the condition that a passenger :

- (i) has a confirmed reservation on the flight concerned and, except in the case of cancellation referred to in section 19.5, present himself or herself for check-in, as stipulated and at the time indicated in advance and in writing (including by electronic means) by the air carrier, tour operator or an authorized travel agent, or, if no time is indicated, not later than 1 hour before the published departure time; or
- (ii) has been transferred by an air carrier or tour operator from the flight for which he or she held a reservation to another flight, irrespective of the reason.

19.1.3. These Regulations shall not apply to passengers travelling free of charge or at a reduced fare not available directly or indirectly to the public. However, it shall apply to passengers having tickets issued under a frequent flyer programme or other commercial programme by an air carrier or tour operator.

19.1.4. These Regulations shall apply to any operating air carrier providing transport to passengers covered in sections 19.1.1. and 19.1.2. above. Where an operating air carrier, which has no contract with the passenger, performs obligations under these Regulations, it shall be regarded as doing so on behalf of the carrier having a contract with that passenger.

19.1.5. These Regulations shall not apply in cases where a packaged tour is cancelled for reasons other than cancellation of the flight.

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### **"No Show" and Overbooking.**

**19.2.1.** A passenger who shows-up on a later date or time other than the scheduled date or time of departure on his or her ticket may be considered for wait-listing on another flight subject to seat availability after meeting the airlines requirement(s).

19.2.2. An air carrier may overbook a scheduled flight in contemplation of the possibility of some passengers not showing up for that flight.

### Denied Boarding

**19.3.1.** An airline shall have the following obligations in the event of an oversold flight :

(i) ensure that the smallest practicable number of persons holding confirmed reserved space on that flight are denied boarding involuntarily ;

(ii) request for volunteers for denied boarding before applying boarding priority.

19.3.2. Any other passengers denied boarding except in accordance with Section 19.3.1 above, is considered for purposes of this Regulation to have been denied boarding involuntarily, even if the passengers accept the denied boarding compensation. Volunteers shall be compensated in accordance with Sections 19.6 and 19.7. (Compensation Provision), such assistance being additional to the benefits mentioned in this paragraph.

19.3.3. In relation to each passenger solicited to volunteer for denied boarding, no later than the time the airline solicits that passenger to volunteer for denied boarding, the airline shall :

(i) advise whether he or she is in danger of being involuntarily denied boarding and, if so, the compensation the carrier is obligated to pay if the passenger is involuntarily denied boarding ;

(ii) disclose all material restrictions, including but not limited to administrative fees, advance purchase or capacity restrictions, and blackout dates applicable to the offer before the passenger decides whether to give up his or her confirmed reserved space on that flight in exchange for the free or reduced rate transportation.

19.3.4. If an insufficient number of volunteers come forward, the carrier may deny boarding to other passengers in accordance with its boarding priority procedures.

### Boarding Priority Procedures.

**19.3.5.1.** Every operating air carrier shall establish priority procedures and criteria for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight if an insufficient number of volunteers come forward. Such procedures and criteria shall reflect the obligations

of the operating air carrier set forth in sections 19.3.1 and 19.3.2 to minimize involuntary denied boarding and to request volunteers, and shall be written in such manner as to be understandable and meaningful to the average passenger.

Such procedures and criteria shall not make, give, or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust or unreasonable prejudice or disadvantage in any respect whatsoever.

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19.3.5.2. Boarding priority factors may include, but are not limited to, the following :

- (i) passengers on urgent medical trips ;
- (ii) a passenger's time of check-in ;
- (iii) whether a passenger has a seat assignment prior to boarding ;
- (iv) the fare paid by a passenger ;
- (v) a passenger's frequent-flyer status ;
- (vi) a passenger's reduced mobility status, including unaccompanied minor ;
- (vii) Families (maximum of two adults) where at least one child is aged five years or under.

19.3.5.3. If an insufficient number of volunteers come forward to allow the remaining passengers with reservations to board the flight, the operating air carrier may then deny boarding to passengers involuntarily.

19.3.5.4. If boarding is denied to passengers involuntarily, the operating air carrier shall immediately compensate them in accordance with Sections 19.6. and 19.7.; and assist them in accordance with Sections 19.8., 19.9. and 19.10.

19.3.5.5. Every air carrier shall develop and file with the Authority Boarding Priority Procedures consistent with these Regulations.

## **19.4. DELAY**

### **Domestic Flights.**

**19.4.1.1.** For domestic flights, when an operating air carrier reasonably expects a flight to be delayed beyond its scheduled time of departure, it shall provide the passengers the assistance specified below :

- (i) immediately after one hour, the assistance specified in section 19.8.1(i) (Refreshments) and section 19.8.2. (telephone calls, SMS and E-mails) ;
- (ii) at a time between 10p.m. and 4a.m., or at a time when the airport is closed at the point of departure or final destination, the assistance specified in sections 19.8.1(iii) and 19.8.1(iv) (hotel accommodation and transport) ; and

(iii) two hours and beyond, the assistance specified in section 19.7.1(i) (Reimbursement).

#### **International Flights.**

**19.4.2.1.** For international flights, when an operating air carrier reasonably expects a flight to be delayed beyond its scheduled time of departure, it shall provide to the passengers the assistance specified below :

(i) between two and four hours, the assistance specified in sections 19.8.1(i) and 19.8.2. ;

(ii) for four hours or more the assistance specified in sections 19.8.1(ii) and 19.8.2. ; and

(iii) when the reasonably expected time of departure is at least six hours after the time of departure previously announced, the assistance specified in sections 19.8.1. (iii) and 19.8.1. (iv).

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19.4.2.2. In any event, the assistance shall be provided within the time limits set out in these regulations.

#### **Cancellation.**

**19.5.1.** In case of cancellation of a flight, the passengers concerned shall :

(i) Be offered assistance by the operating air carrier in accordance with Sections 19.6. and ;

(ii) Be offered assistance by the operating air carrier in accordance with Sections 19.7. (1) (i) and 19.7. (2), as well as, in the event of re-routing when the reasonably expected time of departure of the new flight is at least the day after the departure as it was planned for the cancelled flight, the assistance specified in Sections 19.7.(1)(ii) and 19.7.(1)(iii) ;

(iii) In respect of domestic flights, have the right to compensation by the operating air carrier in accordance with Section 19.8, unless they are informed of the cancellation at least twenty-four hours before the scheduled time of departure ; and

(iv) In respect of international flights, have the right to compensation by the operating air carrier in accordance with Section 19.8, unless :

(a) they are informed of the cancellation at least seven days before the scheduled time of departure ; or

(b) they are informed of the cancellation between three and seven days before the scheduled time of departure and are offered re-routing, allowing them to depart not more than two hours before the scheduled time of departure and to reach their final destination less than four hours after the scheduled time of arrival ; or

(c) they are informed of the cancellation less than seven days before the scheduled time of departure and are offered re-routing, allowing them to depart not more than one hour before the scheduled time of departure and to reach their final destination less than two hours after the scheduled time of arrival.

19.5.2. When passengers are informed of the cancellation, an explanation shall be given concerning possible alternative transport.

19.5.3. An operating airline shall not be obliged to pay compensation , for cancellation if it can prove that the cancellation is caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

19.5.4. The burden of proof concerning any question as to whether and when the passenger has been informed of the cancellation of the flight shall rest with the operating airline.

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### **Right to Compensation.**

**19.6.1.** Where reference to compensation is made in this section, passengers shall receive at least :

- (i) 25% of the fares or passenger ticket price for all flights within Nigeria.
- (ii) 30% of the passenger ticket price for all international flights.

19.6.2. When passengers are offered re-routing to their final destination on an alternative flight pursuant to Section 19.8, the arrival time of which does not exceed the scheduled arrival time of the flight originally booked :

- (i) by one hour, in respect of all domestic flights ;
- (ii) by three hours, in respect of all international flights, the operating airline may reduce the compensation provided for in section 19.6.1. by 50%.

19.6.3. The compensation referred to in Section 19.7(1) shall be paid in cash, by electronic bank transfer, bank orders or bank cheques or, with the signed agreement of the passenger, in travel vouchers or other services.

19.6.4. Where compensation is made in voucher, the voucher shall be redeemable at all sales outlets of the air carrier providing the voucher.

### **Right to Reimbursement or Rerouting.**

**19.7.1.** Where reference to reimbursement or re-routing is made in this section, passengers shall be provided any of the following choices :

- (i) immediate reimbursement in cash for domestic flights and reimbursement within fourteen days for international flights, by the means provided for in sections 19.6.3. (method of payment), of the full cost of the ticket at the price at which it was bought, for the part or parts of the journey not made, and for the part or parts already made if the flight is no longer serving any purpose in relation to the passenger's original travel plan, together with, when relevant, a return flight to the first point of departure, at the earliest opportunity ;
  - (ii) re-routing, under comparable transport conditions, to their final destination at the earliest opportunity ;
- or
- (iii) re-routing, under comparable transport conditions, to their final destination at a later date at the passenger's convenience, subject to availability of seats.

19.7.2. Section 19.7.1(i) shall also apply to passengers whose flights form part of a package, except for the right to reimbursement where such right arises under any contractual understanding between the passenger and provider.

19.7.3. When an operating air carrier offers a passenger a flight to an airport alternative to that for which the booking was made, the operating air carrier shall bear the cost of transferring the passenger from that alternative airport either to that for which the booking was made, or to another close-by destination agreed with the passenger.

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### **Right to Care.**

**19.8.1.** Where reference to care is made in this section, passengers shall be offered free of charge :

(i) refreshments including water, soft drinks, confectioneries or snacks ;

(ii) a meal ;

(iii) hotel accommodation ;

(iv) transport between the airport and place of accommodation (hotel or other accommodation).

19.8.2. In addition to section 19.8.1., passengers shall be offered free of charge, two telephone calls, SMS or e-mails.

19.8.3. In applying this section, the operating air carrier shall prioritize the needs of persons with reduced mobility and any persons accompanying them, as well as to the needs of unaccompanied minors.

### **Upgrading and Downgrading.**

**19.9.1.** If an operating airline places a passenger in a class higher than that for which the ticket was purchased, it may not request any supplementary payment.

19.9.2. If an operating airline places a passenger in a class lower than that for which the ticket was purchased, by the means provided for in Section 19.6(3), it shall immediately reimburse the difference to the passenger in accordance with the mode of payment, plus :

(i) 30% of the price of the ticket for all domestic flights immediately, and

(ii) 50% of the price of the ticket for all international flights within 14 days.

### **Persons with Reduced Mobility or Special Needs.**

**19.10.1.** Operating airline shall give priority to carrying persons with reduced mobility and any persons accompanying them, unaccompanied minors, and families (maximum of two adults) where at least one child is aged five years or under.

19.10.2. In cases of denied boarding, cancellation and delays of any length, persons with reduced mobility and any persons accompanying them, unaccompanied minors, and families (maximum of two adults)

where at least one child is aged five years or under, shall have the right to care in accordance with section 19.8.

**Further Compensation.**

**19.11.1.** This section shall apply without prejudice to a passenger's rights under any contractual, statutory or any other applicable law.

19.11.2. Without prejudice to relevant principles under any other law, including case law, section 19.16.1 shall not apply to passengers who have voluntarily surrendered a reservation under section 19.3.1(i+).

**Right of Redress.**

**19.12.1.** In cases where an operating air carrier pays compensation or meets the other obligations incumbent on it under these Regulations, no provision of these Regulations may be interpreted as restricting its right to seek compensation from any person, including third parties, in accordance with any applicable law.

In particular, these Regulations shall in no way restrict the operating air carrier's right to seek reimbursement from a tour operator or any other person with whom the operating air carrier has a contract. Similarly, no provision of these Regulations may be interpreted as restricting the right of a tour operator or a third party, other than a passenger, with whom an operating airline has a contract, to seek reimbursement or compensation from the operating airline in accordance with applicable relevant laws.

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**Obligation to Inform Passengers of their Rights.**

**19.13.1.** The operating airline shall ensure that at check-in, a clearly legible notice containing the following text is displayed in a manner clearly visible to passengers: "If you are denied boarding or if your flight is cancelled or delayed for at least one hour, ask the airline officials for a written statement of your rights, particularly with regard to compensation and assistance".

19.13.2. An airline denying boarding or cancelling a flight shall provide each passenger affected with a written notice setting out the procedures for compensation and assistance in line with these Regulations. It shall also provide each passenger affected by a delay of at least one hour with an equivalent notice.

19.13.3. In respect of illiterate, visually impaired or other persons under disability, the provisions of this Regulation shall be applied using appropriate alternative means.

**Exclusion of Waiver.**

**19.14.1.** Airline's obligations to passengers under these Regulations may not be limited or waived, notably by a derogation or restrictive clause in the contract of carriage.



19.14.2. If such a derogation or restrictive clause is applied in respect of a passenger, or if the passenger is not correctly informed of his rights and for that reason has accepted compensation which is inferior to that provided for in these Regulations, the passenger shall still be entitled to pursue any available remedies.

**Misleading Advertising.**

**19.15.1.** The Authority shall deem any advertising or solicitation by an air carrier, tour operator, or an agent of either, for passenger air transportation, a package, or a package component that states a price for such air transportation, package, or package component to be an unfair or deceptive practice, unless the price stated is the entire price to be paid by the passenger to the air carrier, tour operator or agent, for such air transportation, package, or package component.

19.15.2. No airline, tour operator, or an agent of either shall charge or collect any additional fare (whether taxes, commissions, brokerage fees, administrative charges, or any other fees) from passengers not expressly displayed and described in the marketing material or advertisement.

**Complaints.**

**19.16.1.** A passenger may lodge a complaint with the Consumer Protection Directorate, or any other competent person designated by the Authority, about an alleged infringement of these Regulations.

**Provision of Information.**

**19.17.1.** When requested to provide information by the Authority for the purposes of enforcing these Regulations, an operating airline carrier shall provide such information as the Authority may specify.

19.17.2. Any information generated by an operating airline carrier in relation to Section 19.17.1, shall be retained by the airline carrier for a period of not less than two years.

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**Complaints Procedure.**

**19.18.1.** Every airline shall establish a consumer protection desk at every airport it operates into and shall appoint an officer to manage the desk for the purpose of receiving, resolving and channeling difficult complaints to their Head offices, as well as liaising with the Authority where necessary.

19.18.2. A complainant may make a complaint with the Authority against an airline in relation to the breach of air passenger rights as provided in the Regulations by filling and submitting a Complaint Form(available at all airports), after the consumer must have notified the air carrier of such a breach and the complaint remains unresolved.

19.18.3. A complaint may be made in writing and transmitted to the Authority.

19.18.4. Every complaint shall be accompanied by :

(i) a copy of the airline ticket ;

- (ii) A copy of the letter to the air carrier stating a claim for breach of air passenger rights ;
- (iii) any response or responses or correspondence thereto ;
- (iv) Any other relevant document(s).

19.18.5. Where a Complaint has been made in a representative capacity, the representative shall provide the complainant's written authority to act on his or her behalf.

19.18.6. Complainants can present a class action before the Authority, but must appoint a representative for the class.

#### **Assessment.**

**19.19.1.** The Authority shall cause an investigation to be carried out on the substance of the complaint and the consideration given by the air carrier within a reasonable period of time after the receipt thereof.

19.19.2. In carrying out any assessment under these Regulations, an officer designated by the Authority shall have all the powers of investigation stipulated in Section 30(4)(i) of the Civil Aviation Act, and in addition may request for submissions to be made by any interested person(s) in relation to a complaint.

19.19.3. The Authority shall amongst other things :

- (i) Notify the Respondent that a request has been lodged under these regulations ;
- (ii) Require the Respondent to respond to the complaint within 7 days ;
- (iii) Require the Respondent to describe the procedure it has taken to resolve the matter.

#### **Determination of Complaints.**

**19.20.1.** After every assessment, the investigator shall make an assessment report and shall make recommendations therein.

19.20.2. Upon a consideration of the assessment report, the nature of the conduct alleged against the Respondent, the extent of the claim by the complainant, public interest and other relevant factors, the Authority shall make a determination in any of the following ways :

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- (i) the complaint lacks merit pursuant to which the complaint would be struck out ;
- (ii) the complaint is of such a nature as to advise the parties to resolve the dispute through mediation ;
- (iii) the complaint is of such a nature as to be subjected to the Authority's administrative hearing procedure set out in Section 19.21.

(iv) take any other such actions as the authority may deem necessary.

19.20.3. The Authority shall give notice of its determination to the interested parties.

### **Administrative Hearing Procedure.**

**19.21.1.** In the event that the interested parties do not agree to submit to the mediation procedure, the complaint shall be subject to the Administrative Hearing Procedure of the Authority.

19.21.2. If the Authority is of the view that the matter raised in the complaint are those over which any provision of the Act applies, the Authority shall set the complaint for Administrative Hearing.

19.21.3. The Authority shall serve the parties a notice requesting a statement in support of their claim or case together with any evidence in support thereof.

19.21.4. The Complainant shall within 7 days of the receipt of the notice transmit a statement of his case in writing to the Authority and the Respondent together with any evidence to be relied upon.

19.21.5. The Respondent shall within 7 days of the receipt of the Statement of the case of the Complainant, transmit a statement of his case together with any evidence to be relied upon to the Authority and the Complainant.

19.21.6. The Authority shall fix a date for the hearing and shall so inform the complainant and the Respondent.

19.21.7. At every hearing fixed pursuant to these Regulations :

(i) the person who made the complaint, or in whose behalf it was made, and each person to whom a notice was sent and any other person whose presence at the hearing is considered by the Authority to be desirable, is entitled to attend and participate personally or, in the case of a company or a firm, be represented by a person who, or by persons each of whom, is a director, officer, or employee of the company or firm ; and

(ii) a person participating in the hearing in accordance with paragraph (i) above is entitled to have another person, who may be a legal practitioner, or other persons present to assist him.

19.21.8. At every hearing, the Authority shall provide for as little formality and technicality as the requirements of the Act and a proper consideration of the complaint may permit.

(i) Where the complainant fails to appear before the Authority on the date of hearing, the Authority may recommend that the complaint be dismissed for default, or decide it on merit.

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(ii) Where the Respondent fails to appear before the Authority on the date of hearing, the Authority would make recommendations based on the available records.

19.21.9. The Authority shall cause such records of the hearing to be made as is sufficient to set out the matters raised by the persons participating in the hearing.

19.21.10. Every complaint shall be heard as expeditiously as possible and a determination made thereon within a reasonable time after the termination of the hearing.

19.21.11. (i) No adjournment of hearing shall be granted by the Authority unless sufficient cause is shown and the reasons for grant of adjournment has been recorded in writing by the Authority ;

(ii) The Authority may make such a decision as to the cost for the adjournment as may be considered appropriate.

19.21.12. The Authority may terminate the hearing after it is satisfied that every person participating in the hearing has been given a reasonable opportunity to state or explain his or its position.

19.21.13. (i) Where the Authority is of the opinion that no provision of the Act, or any Regulations made thereunder has been violated by the person against whom the complaint was made, the Authority shall make a determination to that effect.

(ii) Where the Authority is of the opinion that any provision of the Act, or any Regulations made thereunder has been violated, the Authority shall make a determination to that effect and make recommendations as it deems fit and reasonable to ensure that the violation ceases and that the injured party is accorded a reasonable remedy for his injury.

19.21.14. The Authority shall on the basis of any recommendations made pursuant to the hearing, issue the relevant Order which shall relate to :

(i) the payment of compensation or restitution to a complainant ;

(ii) the payment of fines and/or penalties ;

(iii) the referral of any persons for criminal prosecution ; or

(iv) any other Order that may grant redress to a complainant.

19.21.15. Every Order of the Authority shall be complied with within 30 days of it being issued.

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### **PART 20—APPEALS, CITATION, REPEALS AND OFFENCES**

#### INTRODUCTION

Part 20 sets out enforcement actions to address non-compliance with these Regulations. It provides a table of sanctions for certificate action and civil penalties against violations of the Regulations. It also sets forth Appeal Procedure for appeal against sanctions imposed by the Authority.

The Rules of Constitution, investigative and Enforcement Procedures, Exemptions and Definitions contained in Part I Nig. CARS 2009 Vol. 1 shall apply to this Part.

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### **PART 20—APPEALS, CITATION, REPEALS AND OFFENCES**

#### ARRANGEMENT OF REGULATIONS

20.1 Applicability.

20.1.5 Appeal Procedure.

20.1.6 Repeals.

20.1.7 Citation.

20.2 Table of Sanctions.

20.3 Criminal Referrals.

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### **PART 20—APPEALS, CITATION, REPEALS AND OFFENCES**

#### **Applicability.**

**20.1.1.** This part shall apply to citation, repeals and offences, sanctions, penalties and enforcement relating to violations of these Regulations.

20.1.2. Every person performing duties in the civil aviation shall observe and comply with the requirements of these regulations, rules, orders and directives issued thereunder.

20.1.3. Every person performing duties in the civil aviation who violates these regulations, rules, orders and directives issued thereunder is subject to the penalties provided in the Table of Sanctions under this part.

20.1.4. Any person other than a person performing duties in the civil aviation who violates these regulations, rules, orders, directives issued thereunder is subject to such penalties as may be imposed by the Authority.

### Appeal Procedure.

20.1.5.1. Any person who disagrees with the administrative or legal enforcement sanctions imposed by the Authority under the provisions of these Regulations may appeal for a review within seven (7) days from the date of the imposition of the sanction.

20.1.5.2. The appeal shall be in writing and addressed to the Director-General of the Authority.

20.1.5.3. Upon receipt of the Appeal, the Director-General shall constitute an Appeal Panel made up of five (5) members drawn from the Nigerian Civil Aviation Authority and Industry Stakeholders.

20.1.5.4. The Administrative sanction imposed by the Authority shall subsists until set aside or varied by the Director-General upon recommendation of the Appeal Panel.

### Repeals.

20.1.6. Parts 12, 13, 14, 15, 16, 17 and 18 of Nigerian CAR 2006 saved under Part 1.8 (b) and (c) of Nig. CARs Vol. 1 2009 are hereby repealed and shall cease to have a force of law.

### Citation.

20.1.7. These Regulations shall be cited as the Nigeria Civil Aviation Regulations 2012 (Nig. CARs 2012 Volume II).

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Table of Sanctions.

**20.2.1.** The Table of Sanctions describes the range of civil penalties as minimum, moderate or maximum for a single violation of a particular regulation and every repetition of a contravention of the provision of these regulations shall be treated as a fresh offence with penalties to apply consecutively in each case.

20.2.2. RANGE OF PENALTIES:

| S/N | VIOLATION  | RANGE    | RECOMMENDED SANCTION (₦) |
|-----|--|----------|--------------------------|
| 1.  | AIR CARRIERS   | MAXIMUM  | ₦5,000,000.00            |
|     |  | MODERATE | ₦2,000,000.00            |
|     |  | MINIMUM  | ₦500,000.00              |
| 2.  | AIR CARRIER PERSONNEL                                  | MAXIMUM  | ₦200,000.00              |
|     |  | MODERATE | ₦100,000.00              |
|     |  | MINIMUM  | ₦50,000.00               |
| 3.  | PERSON (S) OTHER THAN AVIATION PERSONNEL/ ORGANISATION | MAXIMUM  | ₦200,000.00              |
|     |  | MODERATE | ₦100,000.00              |
|     |  | MINIMUM  | ₦50,000.00               |
| 4.  | ALLIED AVIATION SERVICE PROVIDERS.                     | MAXIMUM  | ₦1,000,000.00            |
|     |  | MODERATE | ₦500,000.00              |
|     |  | MINIMUM  | ₦50,000.00               |

### 20.2.3. SANCTIONS

| S/N | VIOLATIONS   | RECOMMENDED SANCTIONS PER VIOLATION   |
|-----|--|---|
| 1.  | Failure or refusal by any air carrier or service provider to implement directives issued by the Authority on protection of consumer interest.                                  | Moderate penalty.   |
| 2.  | Failure by any service provider to investigate complaint of passengers in respect of compensation and failure to respond to Authority's letter in respect of same.             | Moderate penalty or Suspension.   |
| 3.  | Failure to submit Boarding Priority Rules to the Authority.  | Minimum Penalty.  |
| 4.  | Failure to comply with Boarding Priority Rules when denying boarding.  | Minimum to Moderate penalty plus compensation prescribed in the Regulation.   |
| 5.  | Failure to provide assistance in case of denied boarding.  | Minimum to Moderate plus payment of the value compensation prescribed in the regulation.  |
| 6.  | Failure or refusal to compensate passengers who are denied boarding involuntarily as a result of overbooking.  | Minimum penalty and compliance with the regulation.   |
| 7.  | Failure to render assistance in case of flight cancellation.   | Moderate to Maximum penalty plus prescribed compensation.   |
| 8.  | Failure to give priority to Persons With Reduced Mobility (PRM) during boarding.   | Minimum to Moderate penalty.  |
| 9.  | Failure to provide care for Persons With Reduced Mobility (PRM), persons accompanying them, unaccompanied minors, in case of denied boarding, flight cancellations and delays. | Moderate to Maximum penalty plus monetary value of the prescribed care to be given to complainant.  |
| 10. | Failure to display at check-in counter passenger rights statement.   | Minimum penalty.  |
| 11. | Failure to provide to passenger on request, passenger rights leaflet.  | Minimum to Moderate penalty.  |
| 12. | Placing advertisement without the Authority's written approval.  | Minimum penalty.  |
| 13. | Misleading Advertising.  | Moderate to Maximum penalty plus seizure of all inappropriate excess gains/profit from the advert or promotional scheme. Possible criminal referrals. |

## SANCTIONS

| S/N | VIOLATIONS  | RECOMMENDED SANCTIONS PER VIOLATION   |
|-----|---|---|
| 14. | Failure to provide information upon request by the Authority.                           | Minimum to Moderate penalty.  |
| 15. | Failure to process ticket refund beyond stipulated time.                                | Refund of full value of ticket and additional 5% of the ticket value.         |
| 16. | Unruly passengers.  | Minimum to Maximum penalty or imprisonment of not less than 2 months or both. |
| 17. | Staff of an airline being discourteous to passengers.                                   | Minimum to Moderate penalty.  |
| 18. | Negligence in handling passenger baggage resulting in delay, damage or loss of baggage. | Moderate penalty and replacement of damaged baggage.                          |
| 19. | Failure to respond to consumer letter of complaint duly signed by the Authority.        | ₦50,000.00 for each day the violation continues.                              |
| 20. | Other violations of these regulations not specifically listed above.                    | Minimum to Maximum penalty.   |