

TITS BITS

Vol.129

WHO HAS THE LEGAL AUTHORITY TO IMPOSE A NO-FLY BAN IN NIGERIA?



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The recent announcement of a lifetime no-fly ban imposed by the Airline Operators of Nigeria (AON) on a passenger accused of unruly behaviour has sparked widespread debate. Central to the discussion is a fundamental legal question: who actually holds the authority to ground a passenger from flying in Nigeria? While airlines and their associations play a critical role in maintaining order within the aviation industry, the power to impose an enforceable no-fly ban is not a matter of internal policy but one of statutory authority.

The Civil Aviation Act 2022 stands as the primary legislation in this field. Section 85 of the Act addresses unruly behaviour and interference with crew duties:

- Section 85(1): Interfering with a crew member's duties in a way that obstructs performance is an offence, punishable by a fine of up to ₦200,000, imprisonment of at least two months, or both.
- Section 85(2): Assault, intimidation, threats, or other disruptive behaviour towards crew members carry the same penalties.
- Section 85(3): Non-compliance with instructions on devices such as mobile phones, where such use may interfere with aircraft systems, is sanctionable.
- Section 85(4): The pilot-in-command may take reasonable measures to ensure the safety of passengers and crew, including managing disruptive individuals.

Against this background, allegations of misconduct such as refusal to switch off devices, assault on crew, or mid-flight disruption fall clearly under the misconduct contemplated by Section 85.

The AON is an industry association and not a statutory regulator. It is not established by law and does not possess the legal mandate to restrict a citizen's right to freedom of movement guaranteed under Section 41 of the 1999 Constitution (as amended). While member airlines may individually or collectively decline to provide service to a passenger, this remains a business decision rather than an enforceable nationwide directive.

The legal authority to impose a binding, nationwide no-fly ban resides only with the Nigerian Civil Aviation Authority (NCAA), established under the Civil Aviation Act. The NCAA is the statutory body empowered to regulate airline operations and passenger behaviour, and to impose enforceable sanctions, including no-fly listings.
