

Flying Smart In Nigeria:

A Guide To Passengers And Airline Rights And Obligations

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Introduction

More often than not, flying in Nigeria does not always go as planned: flights get arbitrarily delayed, bags go missing or damaged, and sometimes trips are even cancelled at the last minute. Many passengers become confrontational or resort to calling airlines out on social media, because they feel powerless in these situations. Nigerian law however grants airline passengers specific rights notably compensatory rights for delays and care during extended waits. The problem? Most travellers do not even know these rights exist. Understanding these rights can make the difference between being stranded and being safeguarded.

Conversely, travellers also have an obligation to conduct themselves with respect towards airline and airport staff and also make use of designated complaint procedures to establish and rectify any infringements of their rights. Let us begin by exploring the rights of travellers in Nigeria.

What Rights Does the Law Provide?

The Civil Aviation Act, 2022 establishes the Nigerian Civil Aviation Authority (NCAA), empowering its Consumer Protection Department to implement and enforce passenger rights through the Nigerian Civil Aviation Regulations (NCAR) (Part 19). These regulations require airlines to compensate passengers fairly in cases of delays, cancellations, baggage issues and denied boarding.

Denied Boarding: Did you know that an airline cannot simply turn a passenger away without consequence? Section 19.4 of the (NCAR) sets out both the passengers' rights and the airline's obligations in cases of denied boarding due to oversold flights.

Passengers have the right not to be unfairly denied boarding, and airlines are obliged to minimise involuntary denial. In the event of oversold flights, before refusing boarding, airlines must first request for volunteers who are willing to give up their seats in exchange for compensation. Where denial is unavoidable, the airline must follow its boarding priority procedures in a fair and transparent manner. Furthermore, passengers must be informed whether they are at risk of being denied boarding and the level of compensation due if that happens. If denied boarding involuntarily, passengers are entitled to compensation of at least 25% of the ticket price for domestic flights and 30% of the ticket price for international flights, as well as a choice between re-routing at the earliest opportunity or a full refund of the ticket depending on the circumstances.

Section 19.2.1.2(a) of the NCAR makes it clear that for a passenger to enjoy the protection in the regulation, they must present themselves for check-in at the time stipulated in advance by the airline, tour operator, or travel agent. If no time is indicated, the passenger must check in not later than 2 (two) hours before the published departure time. If a passenger fails to check in at the required time, the airline is entitled to deny boarding and the passenger may lose the rights given in cases of oversold flights.

Flight Delays and Cancellations: Part 19.6 and 19.7 of the NCAR provides that when a domestic flight is delayed for 2 (two) hours or more, passengers are entitled to refreshments and communication support. If the delay extends further, passengers may request reimbursement of their ticket or re-routing. Where the delay stretches overnight, the airline must provide hotel accommodation, meals, and transport to and from the hotel.

For international flights, the compensation levels differ, but the principle remains the same, airlines bear responsibility for the inconvenience caused to passengers.

If a flight is delayed on the tarmac, the airline should ensure passengers are provided with information about the delay with status updates every 30 minutes, access to lavatories, proper ventilation, food and drink 2 (two) hours into the delay and if the delay exceeds 3 (three) hours, passengers should be given the opportunity to disembark.

Passengers have the right to be informed with a notice of flight changes not later than 12 (twelve) hours before the time of the departure for domestic flights and not less than 14 (fourteen) days for international flights.

In cases of outright cancellations, passengers are entitled to compensation of at least 25% of the ticket price for domestic flights and 30% of the ticket price for international flights, as well as a choice between re-routing at the earliest opportunity or a full refund of the ticket, unless the airline can prove the cancellation was caused by extraordinary circumstances which could not have been avoided even if all reasonable measures had been taken.

This right ensures that passengers are not left stranded without basic support, and it reflects a recognition of the dignity and well-being of travellers.

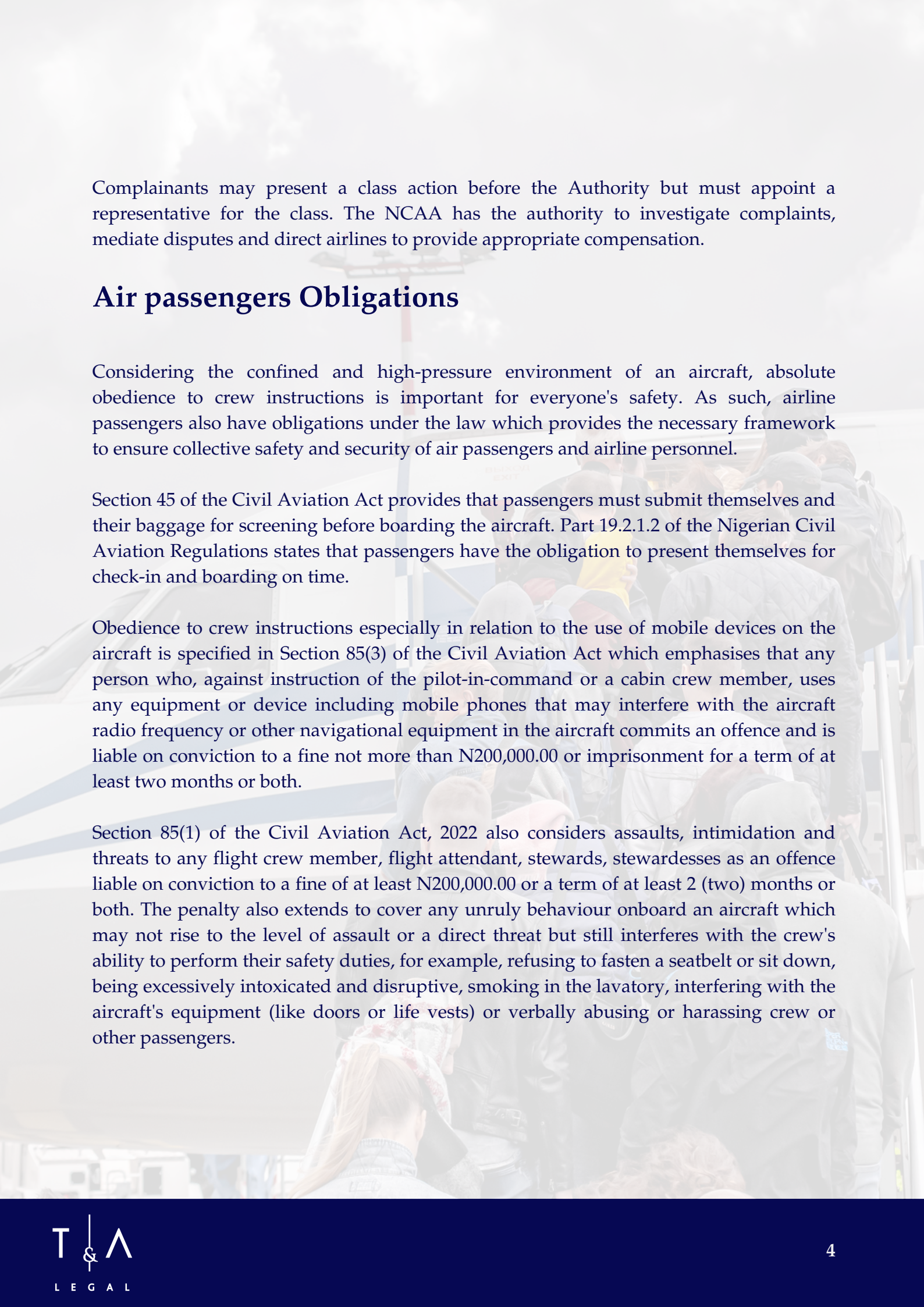
Baggage Issues: Part 19.18 of the NCAR further provides that airlines must carry passengers checked-in baggage on the same flight and if bags are delayed, lost or damaged, compensation is payable. [Sharon1] In an event of delay, the airline must promptly inform the passenger of off-loaded baggage and provide compensation of N10,000.00 for domestic flights and \$170.00 for international flights. Where baggage is not delivered within 7 (seven) days on domestic flights or 21 (twenty-one) days on international flights, the law presumes it permanently lost and the airline becomes liable for full compensation under the Civil Aviation Act.

Right to Information: A right that passengers often overlook is the right to information. Airlines are required to display notices at check-in points explaining passenger rights in the event of delays, cancellations or denied boarding. Written notices must also be given directly to affected passengers, and airlines are prohibited from misleading the public with deceptive advertising about fares and services.

Refunds and Ticket Transparency: Part 19.11 of the NCAR provides that if an airline upgrades a passengers' ticket to a higher class than the one initially paid for, the passenger has a right to enjoy the upgrade at no extra cost. However, if a passenger is placed in a lower class as opposed to the ticket class initially paid for, the airline shall immediately reimburse the difference of the ticket price to the passenger, this reimbursement shall be done within 30 days from the date of travel and in addition, immediately compensate the passenger with 30% of the ticket price for domestic flights or 50% of the ticket price within 14 days for international flights.

Reporting/Laying Complaints: Every airline is mandated to have a designated officer for the purpose of receiving and resolving complaints from its passengers. They are also required to liaise with the Nigeria Civil Aviation Authority (NCAA) where necessary to resolve these complaints.

Where the passenger notifies the airline of a breach of his/her passenger rights and such complaints are not resolved, the passenger may go ahead to make the complaint directly to the NCAA. This is done by completing and submitting a complaint form, which can be accessed online via the NCAA's official website, or physically at all airports. Every complaint shall be made in writing or electronically and must be accompanied by the following: a copy of the airline ticket (where applicable), a copy of the letter to the air carrier stating a claim for breach of air passenger rights, any response or responses or correspondence and any other relevant document(s).



Complainants may present a class action before the Authority but must appoint a representative for the class. The NCAA has the authority to investigate complaints, mediate disputes and direct airlines to provide appropriate compensation.

Air passengers Obligations

Considering the confined and high-pressure environment of an aircraft, absolute obedience to crew instructions is important for everyone's safety. As such, airline passengers also have obligations under the law which provides the necessary framework to ensure collective safety and security of air passengers and airline personnel.

Section 45 of the Civil Aviation Act provides that passengers must submit themselves and their baggage for screening before boarding the aircraft. Part 19.2.1.2 of the Nigerian Civil Aviation Regulations states that passengers have the obligation to present themselves for check-in and boarding on time.

Obedience to crew instructions especially in relation to the use of mobile devices on the aircraft is specified in Section 85(3) of the Civil Aviation Act which emphasises that any person who, against instruction of the pilot-in-command or a cabin crew member, uses any equipment or device including mobile phones that may interfere with the aircraft radio frequency or other navigational equipment in the aircraft commits an offence and is liable on conviction to a fine not more than N200,000.00 or imprisonment for a term of at least two months or both.

Section 85(1) of the Civil Aviation Act, 2022 also considers assaults, intimidation and threats to any flight crew member, flight attendant, stewards, stewardesses as an offence liable on conviction to a fine of at least N200,000.00 or a term of at least 2 (two) months or both. The penalty also extends to cover any unruly behaviour onboard an aircraft which may not rise to the level of assault or a direct threat but still interferes with the crew's ability to perform their safety duties, for example, refusing to fasten a seatbelt or sit down, being excessively intoxicated and disruptive, smoking in the lavatory, interfering with the aircraft's equipment (like doors or life vests) or verbally abusing or harassing crew or other passengers.

Conclusion

Given the current aviation landscape, knowing your rights puts you in a stronger position to demand fair treatment from airlines in a civil manner, and the enforcement of these entitlements ensure accountability in the aviation industry and guarantees that the rights of passengers are not infringed.



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