

Extraordinary



Federal Republic of Nigeria

Official Gazette

No. 106

Lagos - 28th September, 2021

Vol. 108

Government Notice No. 158

The following is published as supplement to this *Gazette* :

<i>S.I. No.</i>	<i>Short Title</i>	<i>Page</i>
110	Regulations on Licensing and Supervision of Space Activities, 2015 ..	B4209-4235

Printed and Published by The Federal Government Printer, Lagos, Nigeria
FGP 200/122021/600

Annual Subscription from 1st January, 2021 is Local : ₦45,000.00 Overseas : ₦60,500.00 [Surface Mail]
₦75,000.00 [Second Class Air Mail]. Present issue ₦1,500 per copy. Subscribers who wish to obtain *Gazette*
after 1st January should apply to the Federal Government Printer, Lagos for amended Subscriptions.

**NATIONAL SPACE RESEARCH AND DEVELOPMENT
AGENCY ACT, 2010**
**REGULATIONS ON LICENSING AND SUPERVISION
OF SPACE ACTIVITIES, 2015**



ARRANGEMENT OF REGULATIONS

Regulation :

PART I

1. Activities to which the Regulations apply.
2. Persons to whom the Regulations apply and its jurisdiction.
3. Definition of space activities.
4. Prohibition of unlicensed activities.
5. Grant of License.
6. Conditions for Grant.
7. Terms of License.
8. Transfer, Variation, Suspension or Revocation of License.
9. Protection of the environment.
10. Mitigation of Space Debris.
11. Register of Space Objects.

PART 2

12. Launch Facility Permit.
13. Terms of a launch facility permit.
14. Standard launch facility permit conditions.
15. Breaching a launch facility permit condition.
16. Transfer of launch facility permit.
17. Applying for the grant, variation or transfer of a launch facility permit.
18. Suspending a launch facility permit.
19. Annual review of launch facility permit.

PART 3

20. Granting a Launch Permit.
21. Terms of launch permit.
22. Standard launch permit conditions.
23. Breaching a launch permit condition.
24. Transfer of launch permit.

25. Applying for the grant, variation or transfer of a launch permit.
26. Suspending a launch permit.

PART 4

27. Granting an overseas launch certificate.
28. Terms of overseas launch certificate.
29. Breaching a condition of an overseas launch certificate.
30. Transfer of overseas launch certificate.
31. Applying for the grant, variation or transfer of an overseas launch certificate.
32. Procedure etc.
33. Suspending an overseas launch certificate.

PART 5

34. Exemption Certificates.
35. Terms of exemption certificate.
36. Breaching a condition.
37. Specific Directive against Contravention.
38. Warrant Authorizing Direct Action.
39. Insurance.
40. Obligation to Indemnify Government against Claims.
41. Inspection and Monitoring Activities.
42. Actions in case of Accident, Incident or Potential Emergency.
43. Penalties.
44. Interpretation.
45. Citation.

SCHEDULE

S. I. No. 110 of 2021

NATIONAL SPACE RESEARCH AND DEVELOPMENT**AGENCY ACT, 2010****REGULATIONS ON LICENSING AND SUPERVISION****OF SPACE ACTIVITIES, 2015**

[24th Day of August, 2015]

Commence-
ment.

This Regulation is made this 24th day of August, 2015 by the National Space Council pursuant to Section 35 of the National Space Research and Development Agency Act of 2010.

PART I—SPACE ACTIVITIES

1. The Regulations shall apply to the following activities—

Activities to
which the
Regulations
apply.

(a) Corporations registered in Nigeria with ownership of space object(s) (e.g. satellites, space crafts and launch vehicles) ; and

(b) Operators and manufacturers of space object(s) and launch vehicles within Nigeria territory or that which Nigeria is a party.

2.—(1) The Regulations shall apply to corporations registered in Nigeria.

Persons to
whom the
Regulations
applies
and its
jurisdiction.

(2) These Regulations apply to space activities that are carried out within Nigerian territory or on a Nigerian Ship or Aircraft.

3. Space activities include space objects and their control/management.

Definition
of space
activities.**LICENSING OF ACTIVITIES**

4.—(1) Persons to whom the Regulations apply shall not carry out activities to which the Regulations apply except under the authority of a license granted by the Council.

Prohibition
of unlicensed
activities.

(2) A license is not required—

(a) by a person acting as employee or agent of another who already possesses a license ; or

(b) for activities in respect of which it is certified by the Council that arrangements have been made between Nigeria and another Country to secure compliance with the international obligations of Nigeria.

(3) The Council may by Order exempt other persons or activities from the requirement of a license if it is satisfied that the requirement is not necessary to secure compliance with the international obligations of Nigeria.

B 4212

**Grant of
License.**

5.—(1) Upon an application in the form prescribed under Schedule 1 of the Regulations, the Council may grant a license.

(2) The Council shall not grant a license unless it is satisfied that the activities authorized by the license—

(a) will not jeopardize public health or the safety of persons or property ;

(b) will be consistent with the international obligations of Nigeria ; and

(c) will not impair the national security of Nigeria.

(3) If the Council refuses to grant a license which has been applied for, it shall inform the applicant in writing of its decision and furnish reasons for the refusal within one month.

(4) The Council may make guidelines—

(a) prescribing the form and contents of applications for license and other documents to be filed in connection with applications ;

(b) on the procedure to be followed in connection with applications and authorizing the rectification of procedural irregularities ;

(c) prescribing time limits for doing anything required to be done in connection with an application and providing for the extension of any period so prescribed ; and

(d) requiring the payment to the Council of such fees as may be prescribed.

(5) The fee for processing an application for a license and the fee for granting the license shall be determined on the basis of corresponding expenditures for the following :

(a) examining and recording the license application, organizing work of the expert committee (in case of additional expert evaluation of the stated type of activity) ;

(b) conducting expert evaluation and preparing the expert conclusion; drawing up and recording the license, entering it in the database ; and

(c) maintaining the information database.

(6) The fee for examining the application is non refundable to the applicant in the case of license denial.

(7)—(a) The Council may order any person applying for a license to serve a notice of his application for any government institution, or other person or authority who has an interest in the proposed activity, giving particulars of such activity or with regard to any matter affecting the application, as the case may be and allowing a reasonable time for such government institution, person or authority to submit representations to the Council with regard to the application.

(b) The Council shall not **grant** the license applied for, before the expiration of the period which has been **so** allowed for notice and representations from interested parties and organization.

6.—(1) License maybe granted if the following conditions are met—

Conditions
for Grant.

(a) Proof of financial capability to undertake such a space activity(ies) ;

(b) Proof of reliable and requisite technical knowledge ;

(c) The space activity does not cause environmental damage to the earth and outer space in accordance with Article VII Liability Convention 1974 ;

(d) The space activity mitigates space debris in accordance with Article VIII Liability Convention 1974 ;

(e) The space activity is in compliance with public safety standards of Nigeria ;

(f) The space activity does not run counter to the national security interest of Nigeria ;

(g) The space activity does not run counter to international obligations and the foreign policy interest of Nigeria ;

(h) The space activity complies with ITU Regulation with regard to frequency allocation and orbital position ;

(i) The space operator complies with insurance requirements as determined in Article XII Liability Convention 1974 ; and

(j) Payment of the flat sum of \$2,000,000 (Two Million United States Dollars) for space activities license.

(2) In order to prove fulfilment of the conditions mentioned in subparagraph (1), the operator must submit appropriate documentation and evidence (as would be specified in the implementation guidelines).

(3) The authorization may contain conditions and requirements of which the holder of a space activity license must not contravene.

Note : A person who contravenes this section is liable to a civil penalty as provided by Section 43 of this Regulation.

7.—(1) A License shall describe the activities authorized by it and shall be granted for such period, and may be granted subject to such conditions as the Council thinks fit.

Term of
Licence.

(2) A license may in particular contain conditions—

(a) Permitting inspection and testing of the licensee's equipment by officials of the Council ;

(b) requiring the licensee to provide the National Space Council as soon as possible with information as to—

(i) the date and territory or location of launch ; and

(ii) the basic orbital parameters, including nodal period, inclination apogee and perigee, and with such other information as the Council thinks fit concerning the nature, conduct, location and results of the licensee's activities ;

(c) Permitting the Council to inspect and take copies of documents relating to the space object required to be given to it ;

(d) Requiring the licensee to obtain advance approval from the Council for any intended deviation from the orbital parameters and to inform the Council immediately of any unintended deviation ;

(e) Requiring the licensee to conduct his or its operations in such a way as to—

(i) prevent the contamination of outer space or adverse changes in the environment of the earth ;

(ii) avoid interference with the activities of others in the peaceful exploration and use of outer space ;

(iii) avoid any breach of Nigeria's international obligations ; and

(iv) preserve the national security of the Federal Republic of Nigeria.

(f) requiring the licensee to insure himself/itself against liability, incurred in respect of damage or loss suffered by third parties, in Nigeria or elsewhere, as a result of the activities authorized by the License ;

(g) governing the disposal of the payload in outer space on the termination of operations under the license and requiring the licensee to notify the Council as soon as practicable of its final disposal ; and

(h) providing for the termination of the license on a specified event.

Transfer,
Variation,
Suspension
or
Revocation
of License.

8.—(1) A License is valid only for the type of space operations indicated therein ; the licensee shall have no right to transfer or sell the license to another without the written consent of the Council.

(2) The transfer shall take effect from the time and date specified in the written consent.

(3) The license transferred shall continue to cover the same space activities.

(4) The license transferred shall have the same effects and conditions as the original license.

(5) The period for which the space license remains in force continues to run despite the transfer.

(6) The Council may revoke, vary or suspend a license where it appears to the Council—

(a) that a condition of the license or any guideline made under the Regulations has not been complied with ; or

(b) that revocation, variation or suspension of the license is required in the interests of public health or national security, or to comply with any international obligation of the Federal Republic of Nigeria.

(7) The suspension, revocation or expiry of a license does not affect the obligations of the licensee under the conditions of the license.

OTHER CONTROLS

9.—(1) Space activities shall not cause environmental damage to the Earth or outer space or parts of it, directly or indirectly.

Protection of
the
environment.

(2) A duly issued Environmental Impact Assessment Certificate is required before the beginning of a launch activity.

10.—(1) Any space activity shall be carried out in such a manner as to avoid the generation of space debris.

Mitigation
of Space
Debris.

(2) The obligation of subparagraph (1) above includes the obligation to limit debris released during normal operations, to minimize the potential for in-orbit break-ups, to prepare for post mission disposal and to prevent in-orbit collision in accordance with international space debris mitigation standards.

11.—(1) The Council shall maintain a register of space objects and also make entries of all space object launch in Nigeria with the Secretary-General of United Nations.

Register
of Space
Objects.

(2) There shall be entered in the register such particulars of such space objects to comply with the international obligations of the Federal Republic of Nigeria.

(3) Any person may inspect a copy of the register on payment of such fee as the Council may prescribe.

(4) If there are two or more launching states in respect of any such space objects, the agreement among them according to Article II paragraph 2 of the International Convention on the Registration of Objects Launched into Outer Space shall be determinative of the registration.

(5) The information that may be entered into the national space register includes—

- (i) Name of the launching state or states (name of a private launching entity, natural or legal person) ;
- (ii) Registration number of the space object ;
- (iii) Date and territory or location of the launch ;
- (iv) Basic orbital parameters including nodal period, inclination, apogee, perigee ; and
- (v) General function of the space object.

(6) Additional information which the Council may determine from time to time considering the most current state of technological development and the international legal obligations or relevant decisions of international organization.

(7) The operator shall submit all relevant changes or modifications relevant to information set out under subparagraph (5) within 21 days of such.

(8) The Council shall communicate to the Secretary-General of the United Nations the information contain in subparagraph (1).

(9) Any relevant change with regards to the information mentioned in subparagraph (5) must be registered in the national register and the United Nations Register with the Secretary-General of the United Nations accordingly.

PART 2—LAUNCH FACILITY PERMIT

Launch
Facility
Permit.

12.—(1) The Council may grant to a person or body corporate a permit covering the construction and operation of a launch facility in Nigeria, a particular kind of launch vehicle and particular flight paths, if—

(a) the Council is satisfied that the person or body corporate is competent to operate the launch facility and launch vehicles of that kind ; and

(b) the Council is satisfied that all necessary environmental approvals under Nigerian law have been obtained, and that an adequate environmental impact assessment has been carried out, for the construction and operation of the launch facility ; and

(c) the Council is satisfied that the person has sufficient funding to construct and operate the launch facility ; and

(d) the Council is satisfied that the probability of the construction and operation of the launch facility causing substantial harm to public health or public safety or causing substantial damage to property is as low as is reasonably practicable ; and

(e) the Council does not consider that, for reasons relevant to Nigeria's national security, foreign policy or international obligations, the launch facility permit should not be granted ; and

(f) the criteria (if any) prescribed by the guidelines are satisfied in relation to the launch facility ; and

(g) the criteria (if any) prescribed by the guidelines are satisfied in relation to that kind of launch vehicle ; and

(h) the criteria (if any) prescribed by the guidelines are satisfied in relation to each flight path specified in the application for the license.

(2) For the purposes of Sub-Section (g), the guidelines could prescribe criteria dealing with matters such as the design of the launch vehicle and technical aspects of the way in which such vehicles are to be operated.

13. A launch facility permit—

- (a) must specify the day on which it comes into force ;
- (b) remains in force for the period specified in the permit, which must be no longer than 20 years ; and
- (c) is granted subject to the standard launch facility permit conditions in Section 20 and any other conditions specified in the license.

Terms of a
launch
facility
permit.

14. The following are conditions of each launch facility permit granted to a person, except to the extent that the permit otherwise specifies—

Standard
launch
facility
permit
conditions.

- (a) the holder of the permit must give the Council any information that the Council asks for about the activities for which the permit was granted for ;
- (b) the holder must—
 - (i) allow the Launch Safety Officer for the facility (see Division 8) reasonable access to the facility and to any space object at the facility ; and
 - (ii) ensure that the Launch Safety Officer is given any information or assistance that the Launch Safety Officer reasonably requests for the proper performance of a function ;
- (c) any other condition specified in the guidelines.

15. The holder of a launch facility permit must not contravene a condition of the permit.

Breaching
a launch
facility
permit
condition.

Note : A person who contravenes this section is liable to a civil penalty as provided by Section 43 of this Regulation

16.—(1) The Council may, by written notice, transfer a space license to another person if the Council can grant the space license to that other person under Section 12.

Transfer
of launch
facility
permit.

- (2) The transfer takes effect at the time specified in the notice.
- (3) The permit continues to cover the same launch facility and the same kind of launch vehicle.
- (4) The permit has effect subject to the same conditions as the original permit (unless the Council varies the conditions).
- (5) The period for which the permit remains in force continues to run despite the transfer.

17. An application for the grant, variation or transfer of a launch facility permit must be made in accordance with the guidelines.

Applying
for the grant,
variation or
transfer of
a launch
facility
permit.

B 4218

Suspending a
launch
facility
permit.

18.—(1) The Council may, by written notice, suspend a launch facility permit if—

- (a) the holder of the permit contravenes a condition of the permit ; or
- (b) the Council considers that, for reasons relevant to Nigeria's national security, foreign policy or international obligations, the permit should be suspended.

(2) A launch facility permit has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.

(3) A launch facility permit may be revoked or varied even while it is suspended.

Annual
review of
launch
facility
permit.

19. The Council may conduct an annual review of a space license—

- (a) for the purpose of monitoring compliance by the permit holder with this Regulation and with the conditions of the license; or
- (b) for any other reason that the Council considers appropriate.

PART 3—GRANTING A LAUNCH PERMIT

Granting a
Launch
Permit.

20—(1) The Council may grant a launch permit to a person authorizing—

- (a) the launch of a particular space object ; or
 - (b) a particular series of launches of space objects that, in the Council's opinion, having regard to the nature of any payloads to be carried, may appropriately be authorized by a single launch permit ;
- from a specified launch facility in Nigeria using a specified kind of launch vehicle.

(2) The launch permit may also authorize particular space objects to be returned, in connection with the launch or launches, to a specified place or area in Nigeria.

Note : A returning space object need not be the same as the space object launched. For example, a launch vehicle could carry a payload into an area beyond the distance of 100 km above sea level and return without it, or even collect a different payload from an area beyond the distance of 100 km above sea level and return that to Earth.

(3) The Council may grant the launch permit to the person only if all of the following criteria are satisfied—

- (a) the person holds a launch facility permit covering the launch facility and the kind of launch vehicle concerned ;
- (b) the person or body corporate is a Nigerian or a Nigerian with people that are not Nigerians ;

(c) the Council is satisfied that the person who is to carry out the launch or launches, and any connected return, is competent to do so ;

(d) the Council is satisfied that the insurance/financial requirements in the guidelines will be satisfied for the launch or launches, and any connected return ;

(e) the Council is satisfied that the probability of the launch or launches, or any connected return, causing substantial harm to public health or public safety or causing substantial damage to property is as low as is reasonably practicable ;

(f) the space object or objects concerned are not and do not contain a nuclear weapon or a weapon of mass destruction of any other kind ;

(g) the Council does not consider that, for reasons relevant to Nigeria's national security, foreign policy or international obligations, the launch permit should not be granted ;

(h) any other criteria prescribed by a further guidelines.

(4) If a country other than Nigeria is also a launching State for the space object or any of the space objects, the Council may, in deciding whether to grant the launch permit, have regards to—

(a) whether there is an agreement between Nigeria and that other country under which that country assumes any liability, and indemnifies Nigeria, for any damage that the space object or objects may cause ; and

(b) If the launch facility specified in a launch permit is in Nigeria, the permit has no effect during any period when the holder of the permit does not also hold a launch facility permit covering the facility and the kind of launch vehicle concerned.

21.—(1) A launch permit authorizing the launch of a space object or objects, and any connected return—

Terms of
launch
permit.

(a) must specify the day on which it comes into force and the period for which it remains in force ; and

(b) is granted subject to the standard launch permit conditions in section 29 and any other conditions specified in the guidelines or in the launch permit.

(2) A launch permit may specify that the period during which it remains in force ends on the occurrence of a particular event (rather than at a specified time). For this purpose, the regulations may set out how to determine when events of a particular kind occur.

(a) A launch permit might specify that it expires when the relevant launch has been (successfully or unsuccessfully) completed. The regulations could set out how to determine when this is.

B 4220

(3) At any time when a launch permit is in force, the Council may, by written notice, extend or further extend the period for which the permit remains in force.

Standard
launch
permit
conditions.

22. The following are conditions of each launch permit, except to the extent that the permit otherwise specifies—

(a) the launch or launches, and any connected return, must not be conducted in a way that is likely to cause substantial harm to public health or public safety or to cause substantial damage to property ;

(b) the space object or objects must not be or contain a nuclear weapon or a weapon of mass destruction of any kind ;

(c) the space object or objects must not contain any fissionable material unless the Council's written approval has first been obtained ;

(d) the holder of the permit must satisfy the insurance or financial requirements in the guidelines for each launch, and each return, conducted under the permit.

Breaching a
launch
permit
condition.

23.—(1) The holder of a launch permit must not contravene a condition of the launch permit (whether or not the condition is a standard launch permit condition).

Note : A person who contravenes this subsection is liable to a civil penalty under Section 43 of this Regulation.

(2) If the holder of a launch permit—

(a) by any intentional act or omission, contravenes a standard launch permit condition of the permit ; and

(b) is reckless as to whether the act or omission contravenes the condition ;
the holder is guilty of an offence punishable on conviction by this Regulation.

(3) The Council may take civil proceedings against a person who is alleged to have breached a standard launch permit condition of a launch permit, as an alternative to prosecution for an offence.

Transfer of
launch
permit.

24.—(1) The Council may, by written notice, transfer a launch permit to another person if the Council could grant the launch permit to the other person under Section 20.

(2) The transfer takes effect at the time specified in the notice.

(3) The permit continues to cover the same launch facility, the same kind of launch vehicle and the same space object or objects.

(4) The permit has effect subject to the same conditions as the original permit (unless the Council varies the conditions).

(5) The period for which the permit remains in force continues to run despite the transfer.

25. An application for the grant, variation or transfer of a launch permit must be made in accordance with the guidelines.

Applying
for the grant,
variation or
transfer of a
launch
permit.

26.—(1) The Council may, by written notice, suspend a launch permit if—

Suspending
a launch
permit.

(a) the holder of the permit contravenes a condition of the permit ; or

(b) the Council considers that, for reasons relevant to Nigeria's national security, foreign policy or international obligations, the permit should be suspended ; or

(c) an incident involving a space object covered by the permit occurs during the liability period for the launch or return of the object.

(2) A launch permit has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.

(3) A launch permit may be revoked or varied even while it is suspended.

PART 4—OVERSEAS LAUNCH CERTIFICATES

27.—(1) The Council may grant an overseas launch certificate to a person authorizing—

Granting an
overseas
launch
certificate.

(a) the launch of a particular space object ; or

(b) a particular series of launches of space objects that, in the Council's opinion, having regard to the nature of any payloads to be carried, may appropriately be authorized by a single overseas launch certificate, from a specified launch facility outside Nigeria using a specified kind of launch vehicle.

Note : Overseas launch certificates are only required if a Nigerian national would be a responsible party for the launch—see section 12.

(2) The Council may grant the overseas launch certificate to the person only if all of the following criteria are satisfied—

(a) the Council is satisfied either—

(i) that the insurance/financial requirements in the guidelines will be satisfied for each launch to be conducted under the certificate ; or

(ii) that, having regard to the nature and purpose of the space object or space objects concerned, it is not necessary to insist that those insurance/financial requirements be satisfied ;

B 4222

(b) the Council is satisfied that the probability of the launch or launches causing substantial harm to public health or public safety or causing substantial damage to property is sufficiently low ;

(c) the Council does not consider that, for reasons relevant to Nigeria's national security, foreign policy or international obligations, the overseas launch certificate should not be granted ;

(d) any other criteria prescribed by the regulations.

(3) The Council may, in deciding whether to grant the overseas launch certificate, have regard to—

(a) whether there is an agreement or arrangement between Nigeria and the other launching State, or any of the other launching States, under which that State or those States assume liability, and indemnify Nigeria, for any damage that the space object or objects may cause ; and

(b) the terms of that agreement or arrangement.

Terms of
overseas
launch
certificate.

28.—(1) An overseas launch certificate authorizing the launch of a space object or objects—

(a) must specify the day on which it comes into force and the period for which it remains in force ; and

(b) is granted subject to any conditions specified in the certificate.

(2) An overseas launch certificate may specify that the period during which it remains in force ends on the occurrence of a particular event (rather than at a specified time).

(a) For this purpose, the guidelines may set out how to determine when events of a particular kind occur.

(b) An overseas launch certificate might specify that its period expires when the relevant launch has been (successfully or unsuccessfully) completed. The guidelines could set out how to determine when this is.

(3) At any time when an overseas launch certificate is in force, the Council may, by written notice, extend or further extend the period for which the certificate remains in force.

Breaching a
condition of
an overseas
launch
certificate.

29. The holder of an overseas launch certificate must not contravene a condition of the certificate.

Note : A person who contravenes this section is liable to a civil penalty as provided by Section 43 of this Regulation.

Transfer of
overseas
launch
certificate.

30.—(1) The Council may, by written notice, transfer an overseas launch certificate to another person if the Council could grant the overseas launch certificate to that other person under the same condition for grant of license under this regulation.

(2) The transfer takes effect at the time specified in the notice.

(3) The certificate continues to cover the same launch facility, the same kind of launch vehicle and the same space object or objects.

(4) The certificate has effect subject to the same conditions as the original certificate (unless the Council varies the conditions).

(5) The period for which the certificate remains in force continues to run despite the transfer.

31. An application for the grant, variation or transfer of an overseas launch certificate must be made to the Council in accordance with the guidelines of this regulation.

Applying
for the grant,
variation or
transfer of
an overseas
launch
certificate.

32.—(1) If the Council considers that there may be grounds to vary, revoke or transfer an overseas launch certificate (other than at the certificate holder's request), the Council must—

Procedure
etc.

(a) give the holder of the certificate written notice of the Council's opinion specifying the reasons for that opinion ; and

(b) invite the holder to make a written submission to the Council about the matter within a reasonable period specified in the notice.

(2) In deciding whether to vary, revoke or transfer the certificate, the Council must consider the matters raised in any submission received within the period specified in the notice.

(3) An overseas launch certificate must not be varied in a way that changes the location of the relevant launch facility.

(4) The guidelines may prescribe other ways in which an overseas launch certificate must not be varied.

33.—(1) The Council may, by written notice, suspend an overseas launch certificate if—

Suspending
an overseas
launch
certificate.

(a) the holder of the certificate contravenes a condition of the certificate ; or

(b) the Council is satisfied that the insurance/financial requirements in the guidelines are not satisfied for a launch to be conducted under the certificate ; or

(c) the Council considers that, for reasons relevant to Nigeria's national security, foreign policy or international obligations, the certificate should be suspended.

- (2) An overseas launch certificate has no effect while suspended, but the period for which it remains in force continues to run despite the suspension.
- (4) An overseas launch certificate may be revoked or varied even while it is suspended.

PART 5—EXEMPTION CERTIFICATES

Exemption
Certificates.

34.—(1) The Council may issue to any person an exemption certificate covering specified conduct that might otherwise be prohibited under Division 1, 2, 3 and 4.

(2) the Council may vary or revoke an exemption certificate.

(3) The guidelines may set out matters to which the Council must have regard in deciding whether to issue an exemption certificate.

(a) The regulations might set out criteria such as whether a launch would be in the national interest or would confer a significant national benefit, whether there is a risk that a launch might cause substantial harm to public health or public safety or damage to property or whether there is a risk that a launch might expose the country to liability for damage caused.

Terms of
exemption
certificate.

35.—(1) An exemption certificate—

(a) comes into force on a specified day or when a specified event happens ; and

(b) remains in force for a specified period (which may be a period that ends on the occurrence of a specified event).

(2) For the purposes of subsection (1), the guidelines may set out how to determine when events of a particular kind occur.

(3) At any time when an exemption certificate is in force, the Council may, by written notice, extend or further extend the period for which the certificate remains in force.

(4) An exemption certificate is granted subject to any conditions specified in the certificate.

Breaching a
condition.

36. The holder of an exemption certificate must not contravene a condition of the certificate.

Note : A person who contravenes this section is liable to a civil penalty under Section 43 of this Regulation.

Specific
directive
against
Contravention.

37.—(1) If it appears to the Council that an activity is being carried out by a person or body corporate to whom the Regulations apply—

(a) this activity is done in contravention of Sections 4, 12, 20 (3) and 27 (2) of this Regulation (licensing requirement) ; or

(b) are done in contravention of the conditions of a Space Activities license, launch facility permit, launch permit, overseas launch certificate or exemption certificate already issued,

the Council may give directions to that person as it appears appropriate to secure compliance with the international obligations of the Federal Republic of Nigeria or with the conditions of the license.

(2) Furthermore, the Council may give such directions to that person as it appears necessary to secure compliance with the international obligations of the Federal Republic of Nigeria or with the conditions of the license.

(3) The Council may if it appears to it and in particular, give such directions as necessary to secure the cessation of the activity.

(4) Compliance with a direction may without prejudice to other means of enforcement be enforced on the application of the Council by injunction.

(5) The Council shall gather, maintain and disseminate information regarding license, according to the provisions of international conventions, Treaties and agreements entered into or ratified by the Federal Government of Nigeria, or as the Council may prescribe.

38.—(1) If a Judge is satisfied by information on oath that there are reasonable grounds for believing—

Warrant
Authorizing
Direct
Action.

(a) that an activity is being carried out by a person to whom this Act applies in Contravention of Section 4 of this Regulation (licensing requirement) or in contravention of the conditions of a license ; and

(b) that a direction under, Section 12 of the Regulations has not been complied with or a refusal to comply with such a direction is apprehended, or the case is one of urgency, he may issue a warrant authorizing a named person acting on behalf of the Council to do anything necessary to secure compliance with the international obligations of the Federal Republic of Nigeria or with the conditions of the license.

(2) The warrant shall specify the action so authorized.

(3) The warrant may authorize entry into specified premises at any reasonable hour and on production if so required of the warrant.

(4) The powers conferred by the warrant include power to use reasonable force, if necessary and may be exercised by the named person together with other persons.

(5) A warrant remains in force for a period of one month from the date of its issue.

Insurance.

39.—(1) A person to whom the Regulations apply shall take out an insurance policy to the sum of at least \$15,000,000.00 (Fifteen Million United States Dollars) or its equivalent for damages that may be caused to third parties.

(2) The obligation of Sub-Section (1) may not apply if the government itself carries out space activities.

Obligation to indemnify government against claims.

40.—(1) A person to whom these Regulations applies shall indemnify the Government of the Federal Republic of Nigeria against any claim brought against the Government in respect of damage or loss arising out of activities carried on by him to whom these Regulations applies.

(2) The person or entity to indemnify the Government in respect to damage caused by its space activities may pay an amount not exceeding \$15,000,000.000 (Fifteen Million US Dollars).

Inspection and Monitoring activities.

41.—(1) The Council may from time to time in writing appoint such inspectors as it may deem necessary to ensure that the provisions of the Regulations are complied with.

(2) No person shall be appointed under Sub-Section (1) as an inspector(s) unless the Council is of the opinion that he is suitably qualified and possesses the necessary qualification and expertise to enable him perform the functions of an inspector in an efficient manner and he is recommended by the Agency.

(3) An inspector shall be furnished with a document, signed by the Council, stating that he has been appointed as an inspector for the purposes of these Regulations, and such document shall be produced by the inspector on the request of any person who has a material interest in the functions of that inspector.

(4) An inspector may at any reasonable time—

(a) enter any facility of a person who has applied for a license in terms of Sections 3, 4, 8 and 9 of the Regulations or to whom a license has been issued in terms of the said sections of the Regulations ; or

(b) with the written authority of the Council, enter any facility where the Council has reason to believe that an activity to which the Regulations apply, is carried out, with the necessary equipment and in relation to that facility conduct such inspections and investigations as the inspector may deem necessary: Provided that an inspector shall, before conducting such inspection or investigation, consult the proper persons who are responsible to perform duties ;

at the facility concerned in order to determine whether conducting of such inspection or investigation may be detrimental to any person or activity or cause harm to any person or damage to any property: Provided further that in

the case of a dispute as to whether the proposed inspection or investigation may be detrimental or cause harm or damage, the inspector shall refer the matter to the Council, whose decision shall be final.

(5) The Council may instruct an inspector to be present at any activity to which a license applies, in order to ascertain whether the conditions of the license are being complied with, and he shall immediately report to the Council any situation or activity which in his opinion poses an unacceptable safety risk.

(6) Any person affected by a decision of an inspector in terms of the provisions of this paragraph, may within 30 days after being notified of the decision, in the prescribed manner, lodge an appeal with the Council.

(7) The Council may, after considering such an appeal, confirm, amend or revoke the decision of the inspector.

(8) An inspector authorized thereto by the Council, may request to inspect any book, document, data or thing concerning licensing under this Regulation, and the person so requested shall provide all possible cooperation in this regard to the inspector.

42.—(1) If an accident, incident or potential emergency arises during the performance of activities to which a license issued under Section 4 relates, the Council may, after the licensee concerned has notified the Council regarding all steps taken to prevent and limit loss of life, injury and damage to property, require the licensee to take such further steps as the Council may deem necessary.

Actions in
case of
Accident,
Incident or
Potential
Emergency.

(2) In the event of an accident, incident or potential emergency contemplated in subsection (1), or whenever the Council has reason to believe that such an accident, incident or potential emergency may occur, the Council may on the advice of technical experts, appoint a board of inquiry to investigate the matter.

43.—(1) An offence is committed under the Regulations, where a person—

Penalties.

(a) carries on an activity in contravention of Section 4 (licensing requirement);

(b) for the purpose of obtaining a license (for himself or for another) knowingly or recklessly makes a statement which is false ;

(c) being the holder of a license, fails to comply with the conditions of the license ;

(d) fails to comply with a direction under Section 13 ;

(e) Intentionally obstructs a person in the exercise of powers conferred by a warrant under Section 14 ; or

(f) Launches a space object without authorization ; or

(g) Fails to comply with any such part of the Regulations as may be prescribed.

(2) A person or body corporate committing an offence is liable on conviction—

(a) In the case of a body corporate, a fine not less than 15% of the total value of the project ; or

(b) In the case of an individual a fine not less than 5% of the total value of the project.

(3) Where an offence committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a director, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, he as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

In this subsection “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(4) Proceedings for an offence committed outside the Federal Republic of Nigeria may be taken, and the offence may for incidental purposes be treated as having been committed, in any place in the Federal Republic of Nigeria.

(5) A person other than a person to whom the Regulations apply is not guilty of offences contained herein in respect of things done by him outside the Federal Republic of Nigeria, except—

(a) an offence of aiding, abetting, counseling or procuring, conspiracy or incitement in relation to the commission of an offence under this Regulation in the Federal Republic of Nigeria ; or

(b) an offence under subsection (3) (liability of directors, officers, etc) in connection with an offence committed by a body corporate or person to whom the Regulations apply.

Interpretation.

44. In the Regulations, unless the context otherwise requires—

“outer space” is anything beyond 100km above sea level, includes the moon and other celestial bodies ;

“space object” includes the component parts of any object launched or intended to be launched into outer space, its launch vehicle and the component parts thereof ;

“space activity” includes the operation, guidance, and re-entry of space objects into, in and from outer space and other activities essential for the

launch of, operation, guidance and re-entry of space objects into, in and from outer space ;

“commercial space activity” includes space activity for the purpose of generating revenue or profit whether conducted by a government or by a non governmental entity ;

“Council” means National Space Council within the meaning given to it in National Space Research and Development Agency Act ;

“launch a space object” means to launch a space object into an area beyond the distance of 100km above sea level ;

“overseas launch certificate” means a certificate duly granted to an individual or body corporate to launch space objects outside the geographical boundary of Nigeria ;

“Agency” means the National Space Research and Development Agency (NASRDA) ;

“license” means a license issued under this Regulation ;

“licensee” means any person who is the holder of a license ;

“inspector” means person or body of persons appointed to enforce this Regulation ;

For the purposes of the Regulations a person carries on an activity if he causes it to occur or is responsible for its continuing.

45. The Regulations may be cited as Regulations on the Licensing of Space Activities, 2015. Citation.

Full Name	Local Residential Address	Telephone Number

SCHEDULES

SCHEDULE I

REGULATIONS ON LICENSING OF SPACE ACTIVITIES 2015

FORM I

FEDERAL REPUBLIC OF NIGERIA

LICENCE APPLICATION FORM

Please complete this form and forward to the address given at the end. The application should be accompanied by the relevant documentation and fee, if appropriate.

You will find notes to aid completion at the end of the form.

1. Name of each applicant(s) in full

2. Where there is more than one applicant, please state (*see* note a)

(a) The nature of the relationship between each applicant ;

(b) The interest held in such relationship by each applicant ;

The extent of the share in the licence which is to be held by each applicant.

3. For each applicant who is an individual please give—

Usual Residential Address :

Nationality :

4. For each applicant which is a body corporate please state: (*see* note b)

Name of Company :

Registration Number :

Principal place of business :

Registered address :

Place of central management and control :

Details of each member of the board of directors (or other governing body), as follows :

<i>Full Name</i>	<i>Usual Residential Address</i>	<i>Nationality</i>

5. For each applicant which is a body corporate please state : (see note c).

Details of its authorized and issued share capital, as follows :

<i>Class of share capital</i>	<i>Amount Authorised</i>	<i>Amount Issued</i>	<i>Voting Rights of Each Class</i>

Details of all holdings of more than 5 per cent. In number or value of any class of its issued capital, as follows :

<i>Full Names(s) of Holder(s)</i>	<i>Nationality of Holder(s)</i>	<i>Class of Holding</i>	<i>Amount Issued</i>

Details of any persons having control, as follows (see note d):

<i>Names(s)</i>	<i>Nationality</i>	<i>Means of Control (see note (e))</i>

Details of all its capital issued to bearer, as follows :

<i>Class of Capital</i>	<i>Total Amount Issued</i>	<i>Amount Issued to Bearer</i>

Please attach a copy of the Applicant's Memorandum and Articles of Association.

6. For each Applicant which is a body corporate and anybody corporate with persons listed in Q5 as having control, please attach one copy of their audited accounts for the two most recent financial years.

7. If Applicant is providing the space object to be launched, please state—

The cost of supplying the space object (i.e. full costs incurred by applicant for constructing the satellite or fee paid to external supplier, you should include details of public or Government funding associated with the mission). You should state whether you are acting as an agent to a foreign customer and include a copy of the agency agreement if appropriate.

8. If Applicant is paying for the launch of the space object, please state—

The price paid to NASRDA for the launch (plus additional costs incurred from arranging/managing the launch for a customer, if applicable. You should include details of public or Government funding associated with the mission). You should state whether you are acting as an agent to a foreign customer and include a copy of the agency agreement if appropriate.

9. If applicant is operating the satellite in orbit, please outline the cost of operating the satellite. This should include—

- (a) Initial payment to the owner ;
- (b) Periodic lease fee (N p.a.)
- (c) Ground station costs (N p.a.)
- (d) Other costs in relation to the satellite.

10. Please provide an estimate of insurance costs associated with activities detailed in 7-9 above which will be paid by applicant (including insurance to cover third-party liability).

11. Outline any conditional/contingent costs associated with the space activity.

12. Please give details of the proposed insurance arrangements to cover third-party liability during—

- (a) The launch phase ;
- (b) The operational life of the satellite ;
- (c) Final disposal.

13. Please give a brief technical account of what the satellite or space activity, the payload, mission and launch means. (*See note f*).

Copies of the Launch Services contract, the satellite technical specification, the satellite contract and conditions, and the Ground Station specification should be sent with the application. If this is a remote sensing mission, you should also include details of your plans to share data to address Nigeria's obligations under the UN's Remote Sensing Principles.

14. Safety and Damage Considerations

Are there plans for disposal at the end of the space object's life (e.g. re-orbit, de-orbit, retrieval)? Please provide copies.

Will the space-object dock or rendezvous (if yes, please give details)?

Is it planned that any solid or ionizing or gaseous materials should be released from the object other than as part of a normal propulsion system?

Note : The propulsions system covers AOCS thrusters (if yes, please give details).

Will the space object carry any radioactive or nuclear material? (If Yes, please give details).

Will the space object carry any form of animal life? (If Yes, please give details).

At what radio frequencies and at what powers will the space object transmit during its planned mission? Are there additional frequencies or transmit powers which can be invoked?

15. Please give details of—

(1) The proposed date and location of the launch of the space object ;

(2) Name of launching authority ;

(3) Designator or registration number ;

(4) Basic orbital parameters—

(a) Period

(b) Inclination

(c) Apogee

(d) Perigee

In the case of a satellite planned to operate in geosynchronous orbit please also state :

* the planned orbital longitude ;

* the planned latitude and longitude boundaries within which the satellite will operate ;

Has the orbital slot and frequency been approved by the ITU ?

B 4234

16. Please give a brief statement on the purpose of the mission which you would be willing to see publicly disclosed, if necessary.

17. Please nominate a contact point to whom we can refer further enquiries (see note g) :

Name :

Tel :

Email :

18. Signature of each Applicant, or in the case of each applicant which is a body corporate, of a duly authorized officer whose capacity is to be stated (see note h).

Name

Signature

Capacity

Applications should be sent by post or email to :

National Space Research and Development Agency
Federal Ministry of Science and Technology
Obasanjo Space Centre,
Pyakasa Junction,
Airport Road,
Garki-Abuja.
E-mail :

NOTES TO HELP YOU COMPLETE THE FORM

(a) Where there is more than one applicant, the information relating to each applicant requested in Question 2 should be grouped together in the same order in which the applicants are named in Question 1.

(b) If the body corporate does not possess a capital structure, any comparable information concerning the items listed should be given.

(c) In determining whether a person (being an individual or a body corporate) has control of the applicant for the purposes of this question the Council may require a guarantee from the parent company.

(d) State in this column whether the control over the applicant's affairs is secured by means of holding of shares or by the possession of voting power in relation to the applicant or any other body corporate, or by virtue of any power contained in the articles of association or other document regulating the applicant or any other body corporate.

(e)

(f) The description of the proposed activity, requested at Question 13, should cover the design and construction of the satellite, the launch arrangements, TT&C facilities, operation, in-orbit functioning and arrangements for final disposal. All relevant documents, in addition to those requested in the application form, should be supplied to NASRDA with the application form.

(g) In order to ensure that enquiries by NASRDA are dealt with promptly, it would be helpful for the contact nominated, to be a person conversant with technical risk and the purposes of the licensing activity.

(h) Where there is more than one applicant, each applicant's signature should be identified in BLOCK LETTERS.

MADE at Abuja this 24th day of August, 2015.

Sign

.....