

he may order such lifting by setting the amount of the bond to be furnished in cases where the extent of the debt is contested.

Art. 34. In the case of damages caused on the ground by the crash of a foreign aircraft or an aircraft whose owner is domiciled abroad, and in the case of a violation of this Code by a foreigner, all officials empowered by Article 83 to enforce Articles 1 to 86, and 115 to 126 of this Code, and particularly the chief of the landing service may ask the public authorities to detain the aircraft for forty-eight hours in order to permit the judge to go to the place in question and to determine the amount of damage caused, but also, in the case of a violation, the amount of fines and costs.

Art. 35. The persons specified in Articles 83 and 84 shall have the right to attach any Nigerian or foreign aircraft which does not comply with the conditions for air navigation provided for in this Book or whose pilot has committed a violation.

TITLE II. FLIGHT OF AIRCRAFT

CHAPTER I. THE RIGHT OF FLIGHT

Art. 36. Aircraft may fly freely above Nigerian territory provided they observe the rules concerning air navigation and flight. However, aircraft of foreign nationality may fly above Nigerian territory only when they have been granted such right by an international or diplomatic agreement or when they have been granted an authorization which must be special and temporary.

Art. 37. Use of aircraft on maneuvering areas of airdromes and in flight, must be in compliance with the flight rules.

Flight rules, and powers and the role of the civil aviation services, shall be established by decree.

Flight rules shall be applicable in the airspace under the control of the agency or agencies of the civil aviation services in the territory of the Republic of Niger.

Outside the airspace as defined above they shall apply to aircraft which bear Nigerian nationality marks to the extent that this is compatible with the rules of the State, or of the international organization which has authority over the airspace or where the aircraft is flying.

Art. 38. The right of an aircraft to fly over private property may not be exercised in such a manner as to infringe the right of the owner thereof.

Art. 39. Flight over certain areas or, in exceptional circumstances, the entire Nigerian territory may be prohibited by decree for reasons of a military nature or of public safety. The location and extent of prohibited areas must be specifically indicated in the decree.

Any aircraft committing a violation must land at the first request under the conditions specified in the decree.

Art. 40. Aircraft may not be flown in a negligent or careless manner which may endanger the safety of persons or property on the ground.

Aerial dives and acrobatics by civil aircraft must be executed in compliance with the rules issued in this regard.

Art. 41. Maneuvers of aircraft in public shows may take place only with authorization from the chief of the respective department on notification from the competent aeronautical authority.