



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

CIVIL AVIATION ACT, No. 14 OF 2010

[Certified on 03rd November, 2010]

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Civil Aviation Act, No. 14 of 2010

[Certified on 03rd November, 2010]

L.D. – O. 52/2000.

AN ACT TO MAKE PROVISION FOR THE REGULATION, CONTROL AND MATTERS RELATED TO CIVIL AVIATION; TO GIVE EFFECT TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Civil Aviation Act, No. 14 of 2010, and shall come into operation on such date (hereinafter referred to as the “appointed date”) as the Minister may appoint by Order published in the *Gazette*.

Short title and date of operation.

CHAPTER I

PRELIMINARY

2. The Articles of the Convention relating to safety, regularity, efficiency and security of civil aviation as are specified in the Schedule to this Act, shall govern all activities relating to civil aviation within the territory of Sri Lanka.

Convention to govern civil aviation activities within Sri Lanka.

3. (1) The provisions of this Act shall apply in respect of all activities relating to civil aviation within the territory of Sri Lanka and in particular, in respect of the following:—

Application of the provisions of this Act.

- (a) aircraft registered in Sri Lanka and all aviation personnel licensed under this Act, whether such personnel are within or outside the territory of Sri Lanka;
- (b) aircraft other than those registered in Sri Lanka and users of aeronautical services being provided within the territory of Sri Lanka;

- (c) the regulation, administration and safety oversight of activities relating to civil aviation carried out within the territory of Sri Lanka;
- (d) the provision of aeronautical services; and
- (e) other matters relating to the safe and orderly operation and development, including the economic development of civil air navigation and air transport.

(2) The provisions of this Act and any regulations and rules made thereunder, shall not apply in respect of any aircraft or Aerodrome exclusively used in the service of or for the purposes of the Armed Forces.

(3) The application of the provisions of this Act in respect of aircraft in the use of the Government of Sri Lanka shall be to the extent as may be determined by the Minister, by Order published in the *Gazette*.

(4) Notwithstanding the provisions of subsection (2) and subsection (3) of this section, the provisions of this Act shall apply in respect of aircraft operated by the Armed Forces and aircraft in the use of the Government of Sri Lanka, where such aircraft are engaged in the carriage of passengers or cargo for hire or for reward.

Responsibilities
of the Minister.

4. The Minister shall be responsible for the development, regulation and control of civil aviation in Sri Lanka and in the discharge of such responsibilities, the Minister shall —

- (a) make recommendations to the Cabinet of Ministers in regard to the formulation of a National Aviation Policy for Sri Lanka;
- (b) periodically review and analyse the aforesaid National Aviation Policy and where necessary recommend to the Cabinet of Ministers, any changes to such Policy;

- (c) promulgate regulations for the implementation of the provisions of this Act and for the fulfillment of international obligations of Sri Lanka in respect of the SARPS;
- (d) assist and advise the Government to secure by international agreement or otherwise, the rights for Sri Lanka in international air traffic and to initiate and direct negotiations thereon;
- (e) establish, develop, maintain and provide aeronautical services and other facilities and services relating to civil aviation;
- (f) initiate projects, technical researches, studies or investigations which in the opinion of the Minister will promote the development of civil aviation activities in Sri Lanka;
- (g) specify the charges, fees and costs to be paid with respect to the grant of any certificate, licence, permit or authorization or for the rendering of any services under the provisions of this Act and the Civil Aviation Authority of Sri Lanka Act;
- (h) issue directions to the Authority as the Minister may consider necessary to perform any function relating to civil aviation for which no specific provisions are made under this Act or the Civil Aviation Authority of Sri Lanka Act, as the case may be, or in any regulations or rules made under those Acts ; and
- (i) undertake any other activity or function in relation to civil aviation as he may consider appropriate, in concurrence with the Authority.

5. (1) The Minister may delegate all or any of his powers, duties or functions under this Act to the Authority or to the Director General, who shall exercise, perform or

Minister to delegate his powers under the Act.

discharge such powers, duties or functions, subject to such directions as may be issued by the Minister.

(2) The Minister may notwithstanding any delegation under subsection (1), have the power to exercise, perform or discharge any power, duty or functions delegated under that subsection.

CHAPTER II

APPOINTMENT OF SERVICE PROVIDERS

Appointment of
Service
Providers.

6. (1) For the purpose of providing the aeronautical services specified in section 31 of this Act, the Minister in consultation with the Authority may, subject to the provisions of subsection (3), appoint by Order published in the *Gazette*, any person or persons, to be a Service Provider (hereinafter referred to as "Service Provider") subject to such terms and conditions as may be specified in such Order.

(2) The terms and conditions specified in the Order made under subsection (1) may be amended from time to time by a subsequent Order made in that behalf by the Minister in consultation with the Authority. It shall be the duty of a Service Provider whose terms and conditions are so amended by such Order, to comply with the same.

(3) The following provisions shall apply in regard to the appointment of Service Providers by the Minister under subsection (1) :—

- (a) the Statutory Service Provider shall be appointed as the Service Provider for the purpose of providing the aeronautical services specified in:—
 - (i) paragraph (a) of section 31 and for the provision of aeronautical services specified in paragraphs (c) and (d) of that section at any International Aerodrome referred to in paragraph (a) ; and
 - (ii) paragraphs (e), (f), (g) and (h) of section 31 ;

- (b) where the Statutory Service Provider consents to be appointed to provide in respect of any particular Aerodrome the aeronautical services specified in paragraph (b) of section 31, appoint such Statutory Service Provider, as the Service Provider to provide those aeronautical services and the aeronautical services specified in paragraphs (c) and (d) of that section, in respect of those Aerodromes;
- (c) appoint any other Service Provider to provide in respect of any particular Aerodrome the aeronautical service specified in paragraph (b) of section 31, other than those in respect of which the Statutory Service Provider was appointed as the Service Provider under paragraph (b);
- (d) not more than one Service Provider shall be appointed in respect of a particular Aerodrome, for the provision of the aeronautical services specified in paragraphs (c) and (d) of section 31; and
- (e) appoint a Service Provider which is a public corporation or a company in which the Government holds a majority of shares, for providing the aeronautical services specified in paragraphs (i), (j), (k), (l) or (m) of section 31 at any Aerodrome specified in paragraphs (a) and (b) of that section:

Provided that where a Service Provider appointed under this paragraph does not consent to provide the aeronautical services referred to therein at any Aerodrome specified in paragraph (a) or (b) of section 31, the Minister may appoint any other Service Provider to provide the aeronautical services referred to in this paragraph .

7. (1) A Service Provider being appointed to provide the aeronautical services specified in paragraphs (i), (j), (k), (l) and (m) of section 31 shall be required, before being so appointed, to enter into a service agreement or agreements,

Requirement to enter into service agreements.

as the case be, with the Service Provider appointed to provide the aeronautical service specified in paragraph (a) or paragraph (b), as the case may be, of section 31.

(2) Where a Service Provider or Service Providers, other than the Statutory Service Provider is appointed to provide the aeronautical services specified in paragraph (b), of section of 31, such Service Provider or Service Providers shall be required to enter into a service agreement or agreements, as the case may be, with the Statutory Service Provider who is appointed to provide the aeronautical services specified in paragraphs (e), (f), (g) and (h), where the nature and scope of the services provided by such Service Provider or Service Providers as the case may be, has any direct safety or security impact on the aeronautical service to be provided by the Statutory Service Provider.

(3) Prior to the appointment of any Service Provider under section 6 of this Act, the Minister shall decide as to whether the contents of the applicable service agreement or agreements referred to in subsections (1) and (2) of this section, provide for adequate sharing of information, proper co-ordination of all activities in providing aeronautical services by the parties to the agreement and the use of properties, facilities or services in each others possession or control, so as to ensure a safe, efficient, regular and smooth operation of aeronautical services within Sri Lanka.

Providing
properties to
Service
Providers.

8. (1) The Authority may by Order published in the *Gazette* and subject to such terms and conditions as may be specified in such Order, make available where necessary, to any Service Provider appointed under section 6, any immovable property or Aerodromes, including such immovable properties and the Aerodromes transferred to and vested in the Authority, for the purpose of enabling the Service Provider to discharge its functions in the provision of such aeronautical services in respect of which that Service Provider has been issued with a licence under this Chapter of this Act.

(2) It shall be the duty of a Service Provider to whom any property or Aerodromes are made available under subsection (1), to comply with the terms and conditions stipulated in the Order and hold and maintain such immovable property or Aerodromes in good condition.

(3) A Service provider to whom any immovable property or Aerodromes are made available under subsection (1), shall not :—

- (a) effect any alteration in such property or Aerodrome or put up any new constructions in such property; or
- (b) grant a lease of any such property or Aerodrome to anyone,

without the prior written approval of the Authority.

9. No person or body of persons shall be appointed as a Service Provider or be entitled to be issued with a licence to provide aeronautical services under the provisions of this Act, where such person or body of persons poses or is likely to pose a threat to the public security of Sri Lanka or to international civil aviation.

Prohibition against appointment of certain persons as Service Providers etc.

10. The provision of aeronautical services shall be in terms of a licence issued in that behalf by the Authority or the Director General, as the case may be, and a Service Provider appointed under section 6 shall be eligible to apply for such a licence. Separate licences shall be issued in respect of each of the categories of aeronautical services specified in section 31.

Licences required for providing aeronautical services.

11. (1) In terms of the provisions of section 10 of this Act, a Service Provider may be issued with a licence for providing aeronautical services in respect of each category of services as are specified in —

Issue of licence for providing aeronautical services.

- (a) paragraphs (i), (j), (k), (l) and (m) of section 31, by the Authority ; and
- (b) paragraphs (a), (b), (c), (d), (e), (f), (g) and (h) of section 31, by the Director General.

(2) The requirements to be fulfilled for the grant of a licence under subsection (1), the procedure for making an application, the terms and conditions to be attached to a licence, information to be furnished by applicants and fees or any other charges to be paid for the issue of a licence, shall be as prescribed.

(3) The requirements to be prescribed under subsection (2) for the issue of a licence to provide aeronautical services may vary, depending on the scope, the nature or the place where the particular aeronautical service is being provided.

(4) All licences issued under subsection (1) by the Authority or the Director General, as the case may be, shall be valid until or unless suspended or revoked under section 26. An annual licence fee as may be prescribed shall be imposed on all persons to whom a licence is issued under subsection (1).

Service Providers to enter into service agreements with any holder of a licence or permit.

12. (1) Notwithstanding the provisions of section 7 of this Act, the Authority may require a Service Provider to whom a licence to provide any aeronautical service is issued under section 11, to enter into a service agreement with a person to whom a permit or any licence, other than a licence to provide any aeronautical service, is issued by the Authority under this Act, where the Authority is of the view that the aeronautical services being provided by such Service Provider under the licence issued to it, is an aeronautical service which is necessarily required by the person to whom the licence or permit has been issued, in order to carry out the activities for which such licence or permit was issued to such person.

(2) It shall be the duty of each Service Provider to furnish the Authority with a copy of every service agreement entered into under subsection (1) of this section. The Authority shall keep such copy or copies of all service agreements furnished to it in its custody. The Minister may at any time request that he be furnished with a copy and it shall be the function of the Authority to make the same available to the Minister.

13. (1) The Authority shall classify Aerodromes in accordance with such regulations as shall be prescribed for that purpose. The regulations to be made by the Minister for such purpose, shall be based on design, operating conditions, aeronautical services provided and the scope of the use and purpose of Aerodromes.

Classification of Aerodromes.

(2) The Authority shall cause to be published in the Aeronautical Information Publication of Sri Lanka, particulars of any Aerodromes classified as an International Aerodrome under subsection (1) and all other Aerodromes available within the territory of Sri Lanka.

14. (1) Any person who seeks to establish or any licence holder who seeks to expand an Aerodrome, shall prepare in accordance with such requirements as shall be prescribed by the Minister, a Master Plan which shall identify and provide for :—

Establishment of Aerodromes.

- (a) the development of physical facilities of the Aerodrome, both aviation and non-aviation;
- (b) the development of land use for areas surrounding an Aerodrome;
- (c) the assessment of the effect the construction and operation of the Aerodrome will have on the environment;
- (d) access requirements of the Aerodrome; and
- (e) security aspects of the Aerodrome and the cost and financial outlay of the project.

(2) The establishment or expansion, as the case may be, of an Aerodrome, shall not commence until the Master Plan in respect of the same has been approved by the Authority. The Authority shall before it approves a Master Plan, consult any other statutory authority where it considers such

consultation appropriate or necessary and whose views and observations on the proposed establishment or expansion and its effect on environment and any other factor, needs to be considered before such Master Plan is approved.

(3) An approval granted under subsection (2), shall be subject to such terms and conditions and to the payment of a fee as determined by the Authority. The Authority shall cause a Notice relating to any approval granted, to be published in the *Gazette*.

(4) A copy of the approved Master Plan, other than the information referred to in paragraph (e) of subsection (1), shall be kept in the office of the Authority and be made available to the public for inspection, on payment of a fee as may be determined by the Authority.

(5) The Authority may from time to time where it considers necessary or on the request of the person to whom approval was granted under subsection (2), require a Master Plan to be reviewed or evaluated and appropriate modifications or adjustments made thereto, to address any changes that may have taken place since the approval of such Master Plan.

Master Plan once approved need no further approval.

15. Notwithstanding anything to the contrary contained in any other written law, a Master Plan once approved under section 14 of this Act, shall not be subject to or be required to be further approved or accepted under any other written law.

Issue of licences for Aerodromes.

16. (1) Subject to the provisions of section 13, on and after the appointed date, no Aerodrome other than the Aerodromes used exclusively by the Sri Lanka Air Force, whether owned by the Government or privately owned, shall be maintained, operated or improved, except in conformity with a licence issued under subsection (1) of section 11 by the Director General and subject to the terms and conditions of such licence.

(2) For the purpose of issuing a licence referred to in subsection (1), the operation of an Aerodrome shall include those activities that secure:—

- (a) the take-off and landing of an aircraft and the related movements of the aircraft on ground;
- (b) the protection and care for the aircraft; and
- (c) maintenance and improvement of the Aerodrome.

(3) An application for the issue of a licence under subsection (1) shall be made to the Director General, along with the prescribed application fee.

(4) The criteria for licensing of Aerodromes shall be based on the classification of Aerodromes by the Authority under subsection (1) of section 13.

17. (1) The Authority shall formulate a National Civil Aviation Security Programme, in accordance with the relevant SARPS.

National Civil
Aviation
Security
Programme.

(2) It shall be the duty of a Service Provider to whom a licence is issued by the Director General for the provision and maintenance of an Aviation Security Service, to establish in accordance with the National Civil Aviation Security Programme formulated by the Authority under subsection (1), a programme specifying the human and other resources that shall be used and the procedures that shall be followed by such Service Provider, for each of the following purposes:—

- (a) preventing, detecting, deterring and responding to an unlawful interference with aviation at the Aerodrome or at any other place or location where aeronautical services are being provided;
- (b) responding to an unlawful interference with aviation against an aircraft or an aircraft in flight ;

- (c) responding to a threat of an unlawful interference with aviation against an aircraft or an aircraft in flight ;
- (d) preventing unauthorized people from having access to an aircraft, areas of the Aerodrome or to any other area where any aeronautical services are being provided ; and
- (e) reporting the occurrence or threat of occurrence of any unlawful interference with the performance of the duties of the Service Provider to whom such an Aerodrome licence has been issued.

Duties of Service
Provider
providing an
Aviation
Security Service.

18. (1) A Service Provider who is providing and maintaining an Aviation Security Service within the limits of an Aerodrome or at any other place or location where aeronautical services are being provided, shall be required to provide such services in conformity with the national security policy of the State, and shall:—

- (a) protect and safeguard the property of the Government of Sri Lanka and of the other users of such Aerodrome, the safety of persons who enter or use the Aerodrome and of the aircraft and other equipments which are within the limits of the Aerodrome ;
- (b) prevent the breach of any law and the occurrence of any nuisance within the Aerodrome and at any other place or location where aeronautical services are being provided;
- (c) apprehend any disorderly or suspicious person within the Aerodrome or at any other place or location where aeronautical services are being provided ; and
- (d) comply with any directions given to such Service Provider by the Authority or the Director General, as the case may be, in relation to safety and security of the Aerodrome or any place or location where aeronautical services are being provided, its users and property within, including an aircraft.

(2) In the performance of the duties referred to in subsection (1), it shall be lawful for any employee of such Service Provider, to detain any person:—

- (a) who commits or is committing an offence under this Act, the Offences Against Aircraft Act, No. 24 of 1982 or the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Act, No. 31 of 1996 ;
- (b) against whom a reasonable suspicion exists that he is about to commit an offence under this Act, the Offences Against Aircraft Act, No. 24 of 1982 or the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Act, No. 31 of 1996 ;
- (c) against whom a reasonable suspicion exists that he had aided and abetted the commission of any offence under this Act, the Offences Against Aircraft Act, No. 24 of 1982 or the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Act, No. 31 of 1996 ;
- (d) having in his custody or possession without a valid excuse, any offensive or dangerous weapon or goods, reasonably suspected to be property stolen or fraudulently obtained within an Aerodrome or within any other place or location where aeronautical services are being provided;
- (e) who is committing an offence within the Aerodrome or any place or location where any aeronautical services are being provided, being an offence in respect of which a person may be arrested without a warrant, under section 32 of the Code of Criminal Procedure Act, No. 15 of 1979 ;
- (f) who is committing theft of or damage to any property within an Aerodrome;

- (g) who is found within an Aerodrome or at any place or location where aeronautical services are being provided, in circumstances which provide reason to believe that such person has committed or is about to commit theft of or damage to, any property belonging to or in the possession of the Government of Sri Lanka or within the Aerodrome or the place or location where aeronautical services are being provided ;
- (h) found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precaution with a view to committing a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979 or an offence under this Act, the Offences Against Aircraft Act, No. 24 of 1982 or the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Act, No. 31 of 1996 ; or
- (i) at the request of the Pilot-in-Command, where such person was found to have committed an offence while the aircraft was in flight.

(3) Any person detained under subsection (2) shall unless released, be forthwith handed over to a police officer to be dealt with according to law.

Power to search.

19. It shall be lawful for an employee of the Service Provider providing and maintaining an Aviation Security Service to search any person, including his belongings or any conveyance used by such person within the premises of the Aerodrome or at any other place or location where aeronautical services are being provided, where there is reason to believe that such person has committed or is about to commit a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979, or any offence under this Act, the Offences Against Aircraft Act,

No. 24 of 1982 or the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Act, No. 31 of 1996:

Provided however that, where it is necessary to cause a woman to be searched, such search shall be carried out by another woman, with strict regard to decency.

20. In all cases of fire or any other calamity occurring within an Aerodrome or at any other place or location where aeronautical services are being provided, it shall be the duty of every employee of the Service Provider providing and maintaining an Aviation Security Service who is on duty within such Aerodrome or the location or place where the aeronautical services are being provided, to take all such necessary steps to protect the persons and property endangered thereby.

Action in case of fire or any other calamity.

21. (1) A Service Provider providing and maintaining an Aviation Security Service shall be required to obtain a permit from the Director General pertaining to the number of employees to be employed by such Service Provider and the nature, type and quantity of firearms and ammunition to be used in the provision of such service.

Cadre and firearms to be used by the Service Provider to be approved by the Director General.

(2) The Director General shall, prior to the issue of a permit under subsection (1), obtain the approval for the same from the Secretary to the Ministry of the Minister in charge of the subject of Defence and a permit so issued shall be subject to any requirements pertaining to the safety of civil aviation activities, that are imposed by the Director General.

22. No suit or prosecution shall lie against a Service Provider providing and maintaining an Aviation Security Service or any employee of such Service Provider, the Director General, the Authority or the Government of Sri Lanka, in respect of any act which is in good faith done, or purported to be done or omitted to be done, by such Service Provider or employee of such Service Provider under this Act or for the purpose of ensuring the safety or security of persons or property within or outside an Aerodrome.

Protection for action taken in good faith under this Chapter of this Act.

Declaration of
Protected Areas.

23. (1) The Minister may by Order published in the *Gazette*, declare any land which is adjacent or contiguous to:—

- (a) an Aerodrome, whether such Aerodrome is maintained for purposes of civil aviation or is maintained on a joint user basis ;
- (b) any location where equipment for the provision of aeronautical aids are installed ; or
- (c) any area in respect of which a Master Plan for the establishment of an Aerodrome has been approved under section 14,

to be a protected area (in this Act referred to as the "Protected Area") for the purposes of this Act.

(2) An Order under subsection (1) may define the area of land by setting out the extent, the assessment number or the metes and bounds of the land or each of the lands which comprises of such area of land.

(3) The Director General shall issue in respect of any Service Provider to whom a licence has been issued to provide aeronautical aids, instructions, directions or procedures relating to the use of land in a Protected Area, the creation of Protected Zones within that area to safeguard safe take-off and landing of aircraft, safety in the airspace for take-off and approach, the environmental protection and the protection of civil aviation activities against electronic or other interference from sources outside the Aerodrome.

(4) The Director-General shall issue instructions, directives and procedures setting out the requirements to be complied with in regard to the construction of any buildings or other structures or the making of alterations to any existing buildings or other structures within the Protected Area and in respect of distinct lighting and markings in the neighbourhood of an Aerodrome or air route.

(5) Notwithstanding the provisions of any other written law to the contrary, no person or authority shall issue permission for the construction of any building or other structures or for carrying alterations to any existing building or structure within a Protected Area, except under the authority of a permit issued by the Director General and where any building is constructed or any alteration is carried out without obtaining such a permit, the Authority shall have the power to have such building or alteration, as the case may be, demolished at the cost of the owner.

24. (1) Where any land in any Protected Area other than State land, is required by the Authority for any purpose under this Act and the Minister approves the proposed acquisition, the land proposed to be acquired shall for the purpose of the application of the Land Acquisition Act, be deemed to be required for a public purpose and may be acquired under that Act and transferred to the Authority

Acquisition of land in any Protected Area.

(2) Any sum payable for the acquisition of land for the Authority under the Land Acquisition Act shall be paid out of the Fund.

25. It shall be lawful for a Service Provider who is issued with a licence or permit under this Chapter of this Act, to give such instructions, consistent with the provisions of this Act and subject to any directives that may be issued in that behalf by the Minister or the Director General, as the case may be, to all users of the aeronautical service provided by that Service Provider under such licence. It shall be the duty of all persons who use such aeronautical service, to comply with such instructions.

Issuing instructions by licence holders.

26. (1) A licence issued to a Service Provider under this Chapter of this Act may, with the concurrence of the Minister, be suspended or revoked by the Authority or the Director General, as the case may be, who issued such licence, on the ground of:—

Suspension and revocation of licences.

(a) non-compliance or refusal to comply with:—

(i) the terms and conditions of the licence;

- (ii) any provisions of this Act or any regulations or rules made thereunder; or
 - (iii) any instructions or directives issued by the Minister, the Authority or the Director General, as the case may be;
- (b) non-payment of any fees or charges required to be paid; or
- (c) such other reasons as determined by the Authority or the Director General, as the case may be, that would affect the smooth operation of the service provided under the licence or the safety of such operation.

(2) A suspension under subsection (1) shall not be for a period of more than three months.

(3) A Service Provider whose licence is suspended or revoked under subsection (1), may appeal against such suspension or revocation, to the Secretary to the Ministry of the Minister, whose decision on such appeal shall be final and conclusive and shall not be appealed against in any court or tribunal.

Providing
aeronautical
services during a
suspension of a
licence.

27. (1) Where a licence for the provision of any aeronautical services issued to a Service Provider is suspended, it shall be duty of the Authority during the period of such suspension, to ensure:—

- (a) the continuity of the provision of the aeronautical services that were being provided by such Service Provider; and
- (b) the continuity of any contractual obligations or rights arising from any agreements that may have been entered into by such Service Provider since the issue of the licence that has being suspended.

(2) In providing aeronautical services by the Authority during the period referred to in subsection (1), the Authority may, without prejudice and notwithstanding anything to the contrary contained in a contract of employment relating to the rights and duties of any employee of the Service Provider whose licence has been suspended, obtain the services of any such employee and where necessary, the services of any other Service Provider.

(3) Any payment or charge required to be made for obtaining the services referred to in subsection (2) shall be paid by the Authority out of its Fund.

28. (1) Where an aeronautical licence issued to any Service Provider is revoked under section 26, the Authority shall forthwith inform all other Service Providers of such revocation and it shall be the duty of every person who has entered into any agreements or contracts with such Service Provider, to provide the Authority with details of all such agreements and the obligations that remain to be fulfilled under any such agreement by such Service Provider, at the time of the revocation of the licence.

Providing aeronautical services etc. on the revocation of a licence.

(2) Where a licence for the provision of any aeronautical service issued to a Service Provider is revoked and the Authority is of the opinion that in the national interest and also in the interest of the aviation industry in Sri Lanka, a licence should be issued to another Service Provider to provide those aeronautical services, it shall be the responsibility of the Authority to:—

- (a) ensure the continuity of the provision of such aeronautical service or services that were being provided by the Service Provider whose licence is being revoked, until a new licence is issued for that purpose to another Service Provider;
- (b) make available to any other Service Provider or Service Providers, as the case may be, to whom a

new licence or licences may be issued, all the property that was made available to the Service Provider whose licence was revoked, to enable such other Service Provider or Service Providers, as the case may be, to provide the aeronautical service or services under the new licence or licences so issued; and

- (c) ensure that the Service Provider or Providers to whom a new licence or licences are issued, fulfill all contractual obligations or rights arising from any agreements that may have been entered into by the Service Provider whose licence was revoked, where in the opinion of the Authority, the interest of the aviation industry warrants the fulfillment of those obligations.

Effect on property transferred on a suspension or cancellation of a licence.

29. During the period of suspension of a licence issued to a Service Provider, such Service Provider shall not have access to any property that may have been made available to such Service Provider under section 8 of this Act, and where a licence is revoked, all property that has been made available to such Service Provider under that section, shall be vested with the Authority and the Authority may make that property available to any other Service Provider or Service Providers, as the case may be, to whom a licence was issued for the provision of such aeronautical service, under section 28.

Authority to have power to provide aeronautical services.

30. Nothing contained in the preceding provisions of this Chapter of this Act shall preclude the Authority, with the approval of the Minister, from providing on its own, any category of aeronautical services specified in section 31, where it considers it expedient or necessary to do so:

Provided however, where such aeronautical service is a service in respect of which the Director General is required to issue a licence under this Chapter of this Act, the Authority shall provide such service only with the concurrence of the Director General.

31. For the purposes of this Act "aeronautical services" means:—

Definition of "aeronautical services".

- (a) the development, operation and maintenance of Aerodromes classified as an International Aerodrome, under subsection (1) of section 13;
- (b) the development, operation and maintenance of Aerodromes other than those referred to in paragraph (a) and the provision of Aerodrome facilities at such Aerodromes;
- (c) the provision and maintenance of search, rescue and fire fighting services at Aerodromes;
- (d) the provision and maintenance of an Aviation Security Service;
- (e) the provision of Air Traffic Services ;
- (f) the provision of Aeronautical Information Services;
- (g) the provision of Aeronautical Communication Services;
- (h) the provision of aeronautical aids for communication, navigation or surveillance;
- (i) the provision of services relating to the supply of aviation fuel and lubricant to aircraft;
- (j) the provision of assistance or equipment for dispatch of aircraft on the apron, including aircraft cleaning services;
- (k) the provision of ground handling facilities or services to aircraft;
- (l) the provision of catering services to aircraft; and
- (m) the supply of any other service to an aircraft, other than the services specified above.

CHAPTER III

REGULATION OF CIVIL AVIATION

Entry by foreign
Military or State
aircraft.

32. (1) No foreign military or state aircraft may enter the territory of Sri Lanka, without a special permission or authorization for the same being obtained from the Secretary to the Ministry of the Minister in charge of the subject of Defence.

(2) No foreign civil aircraft may enter the territory of Sri Lanka without a special permission or authorization from the Director General.

Coordination of
operations in
consultation
with Minister of
Defence.

33. For purpose of fulfilling the international obligations of Sri Lanka regarding the safety, security of civil aircraft and interception procedures, the Minister shall co-ordinate the operation of state and military aircraft, in consultation with the Minister in charge of the subject of Defence.

Special powers
in case of
emergency.

34. (1) In time of an armed conflict whether actual or imminent or in the case of any national emergency, notice of which has been given in conformity with the requirements specified in the Convention, the Minister in charge of the subject of Defence may by general or special order, regulate or prohibit, either absolutely or subject to such conditions as may be specified in the Order, the navigation of all or any descriptions of aircraft in or over the territory of Sri Lanka or any portion thereof, and may thereafter in consultation with the Minister, by any subsequent Order, authorize only for such purpose, the armed forces to take possession of and use any Aerodrome, landing ground, aircraft, aircraft manufacturing or maintenance facility together with all machinery, plant, material or things found therein or thereon, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, flying school or landing ground.

(2) Any person, who suffers direct loss owing to the operation of an Order made under subsection (1), shall be

entitled to receive compensation from the Minister in charge of the subject of Defence from such moneys as may be provided by Parliament for the purpose. The amount of compensation to be paid shall in default of agreement between the parties interested, be fixed by an arbitrator to be agreed upon between such parties :

Provided however, that no compensation shall be payable by reason of the operation of a general Order under this section prohibiting flying over the territory of Sri Lanka or any part thereof.

35. No person whose performance of duty required of him as an aviation personnel has an effect on the safety of civil aircraft operations in the State, shall perform such duty while under the influence of any psychoactive substance by reason of which human performance is impaired or use any other substance which might jeopardize the safe performance of his duties.

Restrictions on aviation personnel.

36. The Director-General or any person duly authorized by the Director-General, shall have unrestricted access to any aircraft whilst it is in Sri Lanka, for the purpose of ensuring that such aircraft is airworthy, that it carries the required documentation and is being operated in accordance with the provisions of this Act, or any regulation, rules or implementing standards issued thereunder.

Inspection of aircraft.

37. The Director General or any person duly authorized by the Director General, shall have the power to direct the operator or the crew of an aircraft not to operate the aircraft, in situations where he has sufficient reasons to believe that:—

Director General to prevent a flight.

- (a) the aircraft is not airworthy;
- (b) the crew is not qualified or is physically or mentally incapable of operating the flight;
- (c) the operation would cause imminent danger to persons or property; or

- (d) the aircraft does not have an approved dispatch procedure or is not dispatched in accordance with approved dispatch procedures,

and shall in such a situation, take all such steps as are necessary, to detain the aircraft or crew.

Actions to be taken to prevent a threat or danger to person or property.

38. (1) Where the Director General believes on reasonable grounds that the operation of any particular aircraft or all aircraft belonging to that class, or the use of any particular aircraft component or any component of that class or any Aerodromes or the provision of any aeronautical service, may endanger any person or property of any person and that prompt action should be taken to prevent or avert such threat or danger, the Director General may, notwithstanding anything to the contrary contained in any licence or permit or certificate issued under this Act:—

- (a) suspend, prohibit or impose conditions on the operation of any specified aircraft or aircraft belonging to that class or of such Aerodrome or the provision of such aeronautical service;
- (b) suspend, prohibit or impose conditions on the use of any specified aircraft component or any components of that class ; or
- (c) detain the aircraft or seize the aircraft component in order to prevent their operation or use.

(2) Any detention or seizure under paragraph (c) of subsection (1) shall forthwith be notified to the owner or operator of the aircraft or component or to the Service Provider, as the case may be.

CHAPTER IV

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft not to fly unless registered.

39. An aircraft shall not fly in or over the territory of Sri Lanka, unless it is registered:—

- (a) in Sri Lanka ;

- (b) in a State Party to the Convention; or
- (c) in a country with which the Government of Sri Lanka has in force an agreement which provides for the flight in or over the territory of Sri Lanka, of aircraft registered in that country.

40. Notwithstanding the provisions of section 39, an aircraft not registered as required by that section may be permitted to fly in or over the territory of Sri Lanka under the authority of a permit issued by the Director General. Such a permit may be issued for the purpose of or in connection with enabling an aircraft to be used for any experimental or test purpose or for any other purpose which appears to the Director General as being sufficient to permit such aircraft to fly unregistered, provided that in any such case, the aircraft shall be flown in accordance with such conditions or limitations as may be specified in the permit issued by the Director General.

Experiment or
test flights.

41. (1) Any aircraft which is not currently registered and entered in an Aircraft Register of any other State shall be eligible for registration in Sri Lanka, where:—

Registration of
aircrafts.

- (a) it is owned by a citizen of Sri Lanka or a body corporate or a body incorporated by any law of Sri Lanka, having its principal place of business in Sri Lanka;
- (b) in the case of a State aircraft, the aircraft is fully owned by the Government of Sri Lanka or any public corporation; or
- (c) in the case of a leased aircraft, if it is exclusively operated by an operator having its principal place of business in Sri Lanka and who has a current and appropriate Air Operator Certificate issued by the Director-General.

(2) Where subsequent to it being registered the ownership of an aircraft registered in Sri Lanka changes, it shall be the

duty of the holder of the Certificate of Registration issued under section 42, to forthwith inform the Director General of such change, and surrender the Certificate of Registration to the Director General.

Application for
and issue of a
Certificate of
Registration.

42. (1) An owner or operator of an aircraft eligible to be registered under section 41, may make an application in the prescribed form to the Director-General, for registration in Sri Lanka of such aircraft and the Director-General may, where he is satisfied on the information contained in the application, that the aircraft complies with all such requirements as may be prescribed for that purpose, register the aircraft.

(2) Where an aircraft is registered in Sri Lanka, the Director General shall on payment of the prescribed fee, issue in respect of such aircraft a Certificate of Registration and assign a mark to enable the identification of the nationality and a Registration Mark unique to such aircraft.

(3) A Certificate issued under subsection (2) shall generally be valid for a period not exceeding one year, provided that the Director General may at his discretion, issue a Certificate valid for a period more than one year.

(4) Notwithstanding the provisions of subsection (2) of this section, the Director General may as an interim measure, issue a Provisional Certificate of Registration in respect of any aircraft, if such aircraft:—

- (a) is to be brought into Sri Lanka for the purpose of registration; or
- (b) is to be used for experimental or test purposes; or
- (c) is to be brought into Sri Lanka or is to be used for any purpose as shall be determined by the Director General.

43. (1) The Director-General shall keep and maintain a register called and known as the "Civil Aircraft Register of Sri Lanka" in which particulars relating to all aircraft registered in Sri Lanka and any other information as may be prescribed, shall be entered.

Civil Aircraft
Register of Sri
Lanka.

(2) The Civil Aircraft Register of Sri Lanka shall be made available to the public for inspection, on the payment to the Authority of a prescribed fee.

(3) Information contained in the Civil Aircraft Register of Sri Lanka pertaining to any aircraft registered in Sri Lanka, shall be *prima facie* evidence of the ownership of such aircraft, and an extract from such Register duly certified by the Director General as a true extract, shall be acted upon as *prima facie* evidence of the contents contained therein.

44. (1) A Certificate of Registration issued under section 42, may be cancelled by the Director General on any one or more of the following grounds:—

Cancellation of
Certificate of
Registration.

- (a) failure to inform the Director General of a change in the ownership of an aircraft, after its registration;
- (b) destruction of the registered aircraft or any destruction being caused to the hull of such aircraft;
or
- (c) the Director General has sufficient evidence to believe that the registration was obtained fraudulently or by submitting false or incorrect information.

(2) Where a registration is cancelled on any ground specified in subsection (1), the Director-General shall cause all information pertaining to such cancellation to be recorded in the Civil Aircraft Register of Sri Lanka and the holder of such Certificate of Registration shall be required forthwith to surrender such Certificate to the Director General.

Renewal of
Certificate of
Registration.

45. A holder of a Certificate of Registration may, not less than one month prior to the expiry of such Certificate, apply to the Director General for a renewal of the Certificate in such form as shall be prescribed and the Director General may, on the payment of the prescribed renewal fee, renew the Certificate for a further period of one year or such lesser period as may be determined by the Director General.

Display of
nationality and
Registration
Mark.

46. Unless otherwise authorised by the Director-General in writing, each aircraft shall carry and display in the prescribed manner, its nationality and Registration Mark.

Use of State
Marks and Civil
Air Ensign.

47. (1) An aircraft registered in Sri Lanka shall not bear on any part of its exterior surface any advertisement or any sign or lettering, except those permitted under the provisions of this Act or as required or permitted by the Director General.

(2) The name and emblem of the operator of the aircraft and the National Flag of Sri Lanka may be displayed on any aircraft registered in Sri Lanka, (if its location, size, shape and colour does not interfere with the easy recognition of and are not capable of confusion with, the nationality and Registration Marks of the aircraft) in such manner that they are distinct and are not likely to create confusion with the markings used by any Military aircraft or State aircraft, as the case may be.

(3) The Civil Air Ensign of Sri Lanka shall not be flown, painted or otherwise displayed on any aircraft, except with the approval of and subject to such conditions as are specified by the Director General in writing.

(4) An aircraft shall not without the prior written approval of the Director General, be parked, moved or housed at any place other than its principal place of station as indicated in the Certificate of Registration.

CHAPTER V

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

48. (1) No person or body of persons shall import, design, manufacture, assemble, modify, repair, overhaul, or maintain or attempt to import, design, manufacture, assemble, modify, repair, overhaul or maintain any aircraft or aircraft engines, propellers, appliances and components, except under the authority of a permit issued by the Director General which may be obtained on application made in that behalf in the prescribed form to the Director General and on the payment of a prescribed fee.

Prohibition on manufacture, assemble &c., of aircraft without a permit.

(2) The Director General shall, on being satisfied as to the requirements, adequacy and suitability of the equipment, facilities and material proposed to be used for the type, design, manufacture, assemble, modification, repair, overhaul and maintenance and the competency of those engaged in the work giving instructions therein, issue a permit to an applicant to import, design, manufacture, assemble, modify, repair, overhaul and attend to the maintenance of any aircraft, aircraft engines, propellers, appliances or components.

(3) A permit issued under subsection (2) shall be subject to such conditions as may be specified by the Director General. It shall be duty of the person or body of persons as the case may be, to whom such permit is issued, to comply with such conditions.

49. (1) Any person or body of persons who acts in violation of the requirements of section 48 shall be guilty of an offence under this Act.

Effect of violating the provisions of section 48.

(2) Where the Director General has reasonable cause to believe that an offence under this section is being committed, he or any other officer authorized in writing in that behalf, may enter the premises where the offence is

believed to have been committed and seize and take into custody any aircraft, part of any aircraft or any design, as the case may be, together with all tools and equipment being used for the commission of such offence.

(3) Anything seized under subsection (2) shall be kept in the custody of the Director General and upon conviction of the accused of the offence, the court shall make an appropriate order for their forfeiture or destruction in such manner as the court shall direct.

(4) In the event of the accused being acquitted of the offence, the court shall order the immediate release of anything seized under subsection (2), and the Director General shall be exempt from liability for any damage caused to anything so seized while it was in his custody, unless it is proved that such damage was caused due to his negligence.

(5) The Director General or any officer authorized in writing in that behalf by the Director General under subsection (2), shall for the purposes of this section, be deemed to be "peace officers" within the meaning and for the purposes of the Code of Criminal Procedure Act, No. 15 of 1979.

Prohibition
against flying
over
Sri Lanka
without a
Certificate of
Airworthiness.

50. No aircraft shall fly or attempt to fly in or over the territory of Sri Lanka, unless there is in force in respect thereof a Certificate of Airworthiness, duly issued or rendered valid by the appropriate authority of the country in which such aircraft is registered or where applicable, a Certificate issued or rendered valid by the appropriate authority of the State of the operator and provided that the conditions, if any, subject to which such Certificate was issued or rendered valid, are duly complied with and the requirements under which such Certificate was issued or rendered valid are equal to or above the minimum standards which may be established from time to time under the Convention.

Issue of
Certificates of
Airworthiness.

51. (1) A Certificate of Airworthiness in respect of any aircraft registered in Sri Lanka shall be issued by the Director General in accordance with the prescribed requirements.

(2) The Director General may notwithstanding the provisions of subsection (1), permit an aircraft to be flown within the territory of Sri Lanka without a Certificate of Airworthiness for the purpose of experiment or test or any other purpose, provided that in such instance the aircraft may not be flown otherwise than in accordance with such conditions or limitations as are specified by the Director General.

(3) A Certificate of Airworthiness issued under subsection (1) shall be valid for such period as shall be specified in such Certificate, which period shall not in any event exceed one year from the date of issue of such Certificate. A Certificate so issued may be renewed at the end of its period of validity, on application being made in that behalf to the Director General.

(4) Where any defect is found in any aircraft registered in Sri Lanka, which renders the aircraft unsafe for flight, the Director General may suspend the Certificate of Airworthiness until such time as the defect is corrected. The Director General shall cancel the Certificate of Airworthiness where an aircraft is deemed permanently not airworthy. Where a Certificate is cancelled, it shall be the duty of the holder of such Certificate to immediately hand over the Certificate to the Director-General.

52. The Director General shall have the power to validate for such period not exceeding three months, as may be determined by the Director General, a Certificate of Airworthiness issued by any other country on application made in that behalf by the owner or operator of such aircraft.

Validation of
Certificates of
Airworthiness.

CHAPTER VI

SEARCH AND RESCUE OPERATIONS AND INVESTIGATION INTO ACCIDENTS AND INCIDENTS

53. The procedures to be followed in the provision and co-ordination of necessary measures of assistance to be given to an aircraft in distress shall be as determined by the

Assistance to
aircrafts in
distress.

Authority by rules made in that behalf. Such rules shall be based on the applicable SARPS relating to the same.

Requisitioning of aircrafts and calling out of flight crew for air search and rescue operations.

54. (1) The Minister or any person authorized in that behalf by the Minister may at any time, in order to facilitate any air search or rescue operations, requisition any civil aircraft from its owner or operator, as the case may be, and also call out for services of any person whose services may become essential to assist in such air search or rescue operations.

(2) Compensation in respect of requisition of any aircraft and payment to persons whose services were called out for under subsection (1), shall be payable at such rate as may be determined by the Minister, in consultation with the Minister in charge of the subject of Finance.

(3) Where any air search and rescue operations are undertaken by the State in connection with any occurrence which was caused by the negligent or other unlawful act or omission of any person, the Minister may recover from such person the whole or any portion of the expenses incurred by the State in connection with such operations, notwithstanding the fact that the aircraft concerned is a foreign aircraft and the services in question were rendered elsewhere than within the territory of the Republic of Sri Lanka.

(4) Any person who without lawful reason refuses or fails to comply with any order or instruction made or given under subsection (1), shall be guilty of an offence.

Aircraft accident or incident investigations.

55. (1) The Authority shall in accordance with such regulations as may be prescribed, institute an investigation into any accident or incident arising out of or in the course of air navigation, where such accident or incident had occurred within the territory of Sri Lanka or is in respect of

an aircraft registered in Sri Lanka or an aircraft operated by an operator of Sri Lanka, for the purpose of :—

- (a) determining the facts, conditions and circumstances relating to the accident or incident and the probable cause thereof; and
- (b) ensuring the prevention of any such similar accidents or incidents from occurring in the future, and not for the purpose of apportioning blame or liability.

(2) The Minister shall in prescribing regulations for purpose of subsection (1), comply with the applicable SARPS relating to investigations into aircraft accidents or incidents, as the case may be.

56. (1) For the purpose of carrying out an investigation under section 55, the Authority may appoint an Aircraft Accident Investigation Board with regard to each such aircraft accident or incident, as the case may be (hereinafter in this Chapter referred to as the "Board"), consisting of such number of persons as may be determined by the Authority, one of whom shall act as its Chief Investigator. The Authority however shall not appoint as a member of any Board, a member of the staff of the Authority or any person who has any connection with the accident or incident which such Board is required to investigate.

Appointment of
Aircraft Accident
Investigation
Board.

(2) The Authority shall, when appointing a Board under subsection (1), stipulate the terms and conditions to be complied with by the members of the Board in conducting an investigation.

(3) The functions of the Board appointed under subsection (1) shall cease with the submission to the Authority of the final report of the Board on such accident or incident which it was appointed to investigate.

(4) The Authority may arrange for representation to be made at an investigation carried out in respect of any aircraft registered in Sri Lanka, by a State in which such accident or incident occurred.

Declaration of
Secrecy.

57. (1) Every member of the Board shall before entering upon his duties, sign a declaration pledging himself or herself to observe strict secrecy in respect all information disclosed at the investigation and shall by such declaration, pledge himself or herself, not to divulge any such information except:—

- (a) when required to do so by a court of law;
- (b) in the performance of his or her duties as a member of the Board; or
- (c) in order to comply with any provision of this Act or any regulation or rule made thereunder.

(2) All investigations to be carried out by the Board, shall be conducted in camera.

Power to
summon and
examine
witnesses and
productions.

58. (1) The Board in the course of an investigation into an accident or incident shall have the power to:—

- (a) summon under its Chief Investigator's hand and call before it and examine all such persons whom it considers necessary;
- (b) require any person summoned to answer any question or furnish any information or produce any books, papers, documents or articles which the Board may consider relevant and to retain any such books, papers, documents and articles, until the completion of the investigation;
- (c) take statements from all such persons as it considers necessary and to require any such person to make and sign a declaration relating to the truth of the statement made by him;
- (d) have unhampered and unrestricted access to the aircraft wreckage, flight recorders, air traffic records, the place where the accident occurred and to any other relevant material and for that purpose to

require the aircraft concerned or any part of the equipment thereof to be preserved unaltered, to enable a detailed investigation to be made without delay;

- (e) examine, remove, test, take measures for the preservation of and otherwise deal with the aircraft or any part thereof or anything contained therein ;
- (f) enter and inspect any place or building where it appears to be requisite for the purposes of the investigation; and
- (g) take all measures necessary for the preservation of evidence.

(2) An investigation instituted by the Authority under section 55 shall in no way be considered as being in derogation of any power which under any other law may attach to any police, judicial or other investigation, provided that the Board shall have priority in the examination of the relevant evidence.

(3) It shall be an offence for any unauthorized person to remove or keep in his custody any part of an aircraft involved in an accident or incident or any documents or other articles thereof, to tamper with other evidence or to remove or keep in his or her custody any belongings of passengers or members of the crew or cargo carried in that aircraft.

(4) Where any accident has occurred within the territory of Sri Lanka to an aircraft registered in a State Party to the Convention and any person dies or suffers any serious injury or the aircraft suffers substantial damage, the Authority shall authorize the accredited representative of the State of Registry or where applicable, the State of the operator, the State of design of the aircraft, the State of the manufacture of the aircraft, the States of which the victims are nationals and any other State considered appropriate by the Authority, to participate in the investigation.

(5) Notwithstanding the provisions of subsection (4), the Authority may in consultation with the Minister, delegate the actual performance of the investigation to a duly authorized investigator or investigators of the State where such aircraft is registered, or, if applicable, the State of the Operator or of any other State considered as appropriate by the Authority, who shall perform such function in accordance with the provisions of this Chapter of this Act and any regulations or rules made thereunder and under the supervision of the Authority. In the event of such delegation the Authority shall, so far as it is able, facilitate such investigations.

(6) No person summoned as a witness at an investigation shall:—

- (a) disobey a summons issued by the Board ;
- (b) refuse to be sworn in or to make an affirmation as a witness ;
- (c) fail to answer any question which he or she is lawfully required to answer ; or
- (d) refuse or fail to produce any documents or part or component of an aircraft which he or she is lawfully required to produce.

(7) It shall be an offence to obstruct or impede the Board or any person acting under the authority of the Board, in the exercise or performance of any powers or duties under this Chapter.

Accidents
outside
Sri Lanka.

59. (1) Where any accident occurs outside the territory of Sri Lanka to any aircraft registered in Sri Lanka and any person dies or suffers serious injury or the aircraft suffers substantial damage, the Authority shall authorize an accredited representative to participate in any investigation or inquiry that may be conducted by the country in which the accident occurred or may authorize the Board to conduct an investigation into any matter connected with such accident.

(2) Where any accident occurs outside the territory of Sri Lanka to any aircraft registered in Sri Lanka, and any person dies or suffers serious injury or the aircraft suffers substantial damage, the Director General shall furnish any country which conducts an investigation or inquiry outside the territory of Sri Lanka, with all information in his possession that may be relevant to the conduct of such investigation.

60. (1) On the conclusion of an investigation, the Board shall prepare a report in such manner as shall be prescribed, stating the circumstances of the case and the conclusion as to the probable cause or causes of the accident or incident, including any observations and recommendations which it thinks fit to make with a view to the preservation of life and the avoidance of similar occurrences in the future. The report shall be submitted to the Authority and the Authority may cause the whole or any part of such report to be published in such manner as it thinks fit.

Board to prepare a report.

(2) The Authority shall send with the minimum delay, the draft copy of the final report to such persons and organizations, as may be prescribed.

(3) At the time of the submission of the report to the Authority, the Board shall also provide the Authority with any safety information that came to its knowledge during the conduct of the investigation, the confidentiality of which the Board considers should be maintained and the Authority upon receipt of any such safety information, shall record and preserve the same in accordance with the State Safety Programme established under section 116 of this Act.

61. The Authority or the Board shall not make the following records available to any person for any purpose, other than for any future investigation relating to an accident or incident:—

Authority not to make available certain records.

- (a) all statements recorded by the Board in the course of its investigation ;

- (b) all communications between persons involved in the accident or incident ;
- (c) medical or personal information regarding persons involved in the accident or incident;
- (d) cockpit voice recordings, flight data recordings, recordings from the air traffic control units and transcripts from such recordings ;
- (e) opinions expressed on the analysis of information, including flight recorder information; and
- (f) any records not directly related to the analysis of the accident or incident investigated.

Members of the Board deemed to be public servants.

62. The members of the Board appointed under section 56 shall, so long as they are acting as such members, be deemed to be public servants within the meaning of the Penal Code.

Re-opening of an investigation.

63. (1) Notwithstanding the submission of a report under section 60, where subsequent to the completion of the investigation, certain new evidence pertaining to the accident or the incident which was investigated has been discovered, which in the opinion of the Authority would have had a significant impact or bearing on the outcome of the investigation that was concluded, the Authority shall order for such investigation to be re-opened.

(2) Where the Authority order the re-opening of an investigation under subsection (1), the Authority may, at its discretion order such investigation to be carried out, either by the same Board which conducted the initial investigation or appoint a new Board under section 56 to conduct the same.

(3) The provision of this Chapter of this Act relating to the conduct of an investigation into any accident or incident, shall, *mutatis mutandis*, apply to and in regard to the conduct of any re-opened investigation under subsection (1).

64. The Director-General shall on the basis of the findings of an investigation, whether interim or final, take immediate remedial steps and corrective action which he considers necessary in the interest of aviation safety, regularity or efficiency or to prevent similar accidents or incidents happening in the future.

Director-General
to take remedial
steps.

65. For the purposes of this Chapter of this Act:—

Interpretation.

“accident” means an occurrence associated with the operation of an aircraft which in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight, until such time as all such persons have disembarked or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, and in which:—

- (a) a person is fatally or otherwise seriously injured, as a result of being in the aircraft or having direct contact with any part of the aircraft including any part which has become detached from the aircraft or being exposed directly to jet blast, as the case may be;
- (b) the aircraft sustains damage or structural failure which adversely affects its structural strength, performance or flight characteristics of the aircraft and would under normal circumstances require a major repair or replacement of the affected components; or
- (c) the aircraft is missing or is completely inaccessible;

“accredited representative” means a person designated by a State to represent such State, for the purpose of participating in an investigation conducted by a Board appointed under section 56 of this Act; and

“incident” means an occurrence associated with the operation of an aircraft other than an accident, which affects or could affect the safety of such operation.

CHAPTER VII

AVIATION PERSONNEL AND TRAINING INSTITUTIONS

Regulations to be made for obtaining licences etc. by personnel.

66. (1) For purpose of ensuring the security and safety of civil aviation activities, the Minister shall in compliance with the international obligations of Sri Lanka under the Convention, prescribe by regulations the procedure to be followed for the issue of licences, ratings, certificates of competency or permits that should be conferred upon all personnel or institutions involved in or connected with the carrying on of prescribed civil aviation activities.

(2) Regulations made under subsection (1) shall specify the activities for which a licence, rating, certificate of competency or permit should be obtained, the qualifications and other requirements that should be satisfied, application procedure, terms and conditions to be complied with, fees to be paid, privileges to be granted to the holder of any such licence, rating, certificate of competency or permit, grounds for amendment, suspension and revocation of such licence, rating, certificate of competency or permit and for their renewal.

(3) No person who is required by regulations made under subsection (1) to obtain a licence, rating, certificate of competency or permit for the purpose of engaging in any civil aviation activity as specified therein, shall engage in

such activity without obtaining an appropriate licence, rating, certificate of competency or permit, as the case may be, for the same.

(4) A person shall not engage any other person in any activity which requires a licence, rating, certificate of competency or permit under this Chapter of this Act, unless the person so engaging is satisfied beyond any doubt, that the person being engaged holds a valid licence, rating, certificate of competency or permit, as the case may be.

(5) Notwithstanding the provisions of subsection (2), regulations made under subsection (1) may also provide for the validation of a licence, rating, certificate of competency or permit issued by a State Party to the Convention, provided that the requirements under which such licence, rating, certificate of competency or permit was issued by such State Party to the Convention, are equal to or higher than the requirements specified in the regulations prescribed for the implementation of Standards for the issue of such licence, rating, certificate of competency or permit, as the case may be.

67. Every licence, rating, certificate of competency, and permit referred to in section 66, shall be issued by the Director General or on his behalf by any other person specifically authorized in writing by him and the Director General or such other person acting on his behalf shall have the power to amend, suspend or revoke any such licence, rating, certificate of competency or permit issued, as the case may be, for any reason as may be prescribed under that section.

The issue, suspension and revocation of a licence, rating, certificates of competency or permit.

68. (1) No person who holds a licence, rating, certificate of competency or permit issued by the Director General shall perform the activities for which such licence, rating, certificate of competency or permit has been issued, if he becomes aware of an illness or other physical or mental impairment suffered by him, including fatigue, that might jeopardize the safe performance of his duties.

Physical or mental impairment.

(2) Where an operator becomes aware of any physical or mental impairment including fatigue being suffered by any employee of such operator, which is likely to jeopardize the safe performance of his duties, it shall be the duty of such operator to forthwith take all necessary measures to prevent such employee from continuing to carry on such duties.

(3) A contravention by a person of the provisions of subsections (1) or (2) of this section shall be an offence under this Act and be punishable with a fine not exceeding the equivalent in Sri Lanka rupees of twenty-five thousand SDR and shall in addition to such punishment, be liable to have any licence, rating, certificate of competency or permit issued to such person under this Chapter of this Act, to be cancelled.

(4) The Director-General shall have the power to issue directives concerning limitation on duty periods and rest periods applicable to a holder of any licence, rating, certificate of competency or permit issued under this Chapter of this Act, in order to guard against an onset of fatigue and it shall be the duty of the holder of such licence, rating, certificate of competency or permit to comply with such directives. Any employer of the holder of any licence, rating, certificate of competency or permit who prevents such holder from complying with any directives so issued, shall be guilty of an offence.

(5) Wherever the Director General deems it expedient or necessary, he shall have the power to require any person who holds any licence, rating, certificate of competency or permit issued under this Chapter of this Act, to under-go a medical check-up at any time and it shall be the duty of such person to comply with such requirement. A refusal to comply shall be deemed to be an offence under this Act and the Director-General shall have the power, in addition to any punishment that may be imposed for such offence by a court, to cancel any licence, rating certificate of competency or permit issued to such person by the Director General.

69. (1) The Director General shall have the authority to issue a licence or permit, as the case may be, to any person or institution to provide such training courses in respect of activities prescribed under section 66 for which a certificate of competency or a licence or permit is required, where he is satisfied as to the adequacy of the course content, the suitability of the training equipment and facilities and the competency of the instructors.

Aviation
Training
Institutions.

(2) The qualification of instructors to be employed, the nature of the equipment and other facilities that should be available in order to be qualified to be issued with a licence or permit under subsection (1) to provide training courses and the fees payable for the issue, renewal and amendment of such licence or permit, shall be as prescribed.

(3) A licence or permit under subsection (1) shall be issued for a period not exceeding one year, which may thereafter be renewed in each case for a further period not exceeding one year. The Director General may suspend or revoke any licence or permit issued, for any one or more reasons as may be prescribed.

CHAPTER VIII

AIRCRAFT OPERATION

70. (1) No aircraft registered in Sri Lanka shall fly within or outside the territory of Sri Lanka, unless it carries on board a valid Certificate of Registration and a Certificate of Airworthiness issued under section 42 and section 51 respectively, of this Act, such minimum equipment and operating crew and any other documents required to be carried thereon as prescribed under this Act.

Documents,
equipment,
number and
description of
the operating
crew.

(2) No aircraft other than an aircraft registered in Sri Lanka, shall fly within the territory of Sri Lanka, unless it carries on board a valid licence or certificate issued on registration of that aircraft, minimum equipment and

operating crew and any other documents required to be carried therein by the law of the State in which such aircraft is registered or the State of the operator, or in the absence of both, as required by Article 29 of the Convention.

(3) The members of the operating crew of every aircraft referred to in this section shall hold the prescribed certificates of competency, licences, rating or authority issued or rendered valid by the State in which such aircraft is registered or where applicable by the State of the operator.

(4) The Minister shall prescribe the types of log books required to be maintained and the applicable requirements relating to their maintenance, in respect of aircraft, engines, propellers, equipment or personnel involved in the maintenance and operations of aircraft.

Rules of the Air.

71. (1) The Minister shall in compliance with the relevant SARPS, prescribe the Rules of the Air, the manner in which an aircraft may be moved or flown, the lights and other signals to be shown or made by an aircraft or persons, the lighting and marking of Aerodromes and any other provisions for securing the safety of an aircraft in flight and in movement and safety of person and property on land or water.

(2) It shall be the duty of every Pilot-in-Command of an aircraft to comply with the Rules of the Air prescribed by the Minister under subsection (1).

(3) Every aircraft registered in Sri Lanka on an international flight, wheresoever such aircraft may be, shall observe the Rules of the Air that are in force in that country and while flying over the high seas or areas of undetermined sovereignty, the Rules of the Air to be observed shall be those established under the Convention.

(4) A Pilot-in-Command of an aircraft registered in Sri Lanka who fails to observe the Rules of the Air as required under subsection (2) and (3) of this section, shall, in addition

to any penalty that may be imposed for such violation, be also liable to have the licence issued to him by the Director General under section 67 suspended or cancelled, as the case may be.

72. (1) Without prejudice to the provisions of section 71, a Pilot-in-Command shall—

Actions by a Pilot-in-Command in an emergency.

- (a) be responsible for the safe operation of the aircraft in flight, safety and well being of all the passengers and crew and safety of the cargo being carried;
- (b) have the final authority to control the aircraft while in command and maintain discipline among all persons on board; and
- (c) subject to the provisions of subsection (2), be responsible for compliance with all relevant requirements imposed under this Act, any regulations or rules made thereunder and the implementing standards relating to aircraft operations.

(2) Notwithstanding the provisions of subsection (1), a Pilot-in-Command may in an emergency, deviate from complying with any provisions of this Act or any regulations or rules made thereunder or any implementing standards relating to aircraft operations, where he is satisfied that:—

- (a) the emergency involves a danger to life or property;
- (b) the deviation is necessary in order to deal with the emergency situation;
- (c) there are no reasonable means available for alleviating or avoiding the emergency; and
- (d) the degree of danger involved in complying with the requirements of this Act or any regulations or

rules made thereunder or any implementing standards relating to air craft operations, is manifestly greater in degree than the danger involved in deviating from them.

(3) Where a Pilot-in-Command in an emergency deviates from any requirements under subsection (2), he shall:—

- (a) forthwith notify the relevant air traffic control of such deviation; and
- (b) notify the Director General as soon as practicable of such deviation and where required by the Director-General, submit a written report relating to his actions.

(4) In the event of any national emergency, calamity, crisis or disaster and for the sole purpose of rescuing lives or property or providing relief to the parties affected or is likely to be affected from such an event, the Director General shall in so far as the same is necessary for dealing with such emergency, calamity, crisis or disaster, have the power to suspend temporarily the application of one or more requirements imposed by of this Act or any regulations, rules or implementing standard made thereunder or any directives issued thereunder. The Director General shall in respect of each such occasion that any such temporary suspension has been effected, submit a written report to the Minister which shall contain a detailed account of the suspension in question. The Minister shall cause such report to be tabled in Parliament.

Air Operator
Certificate.

73. (1) No aircraft registered in Sri Lanka or any aircraft used by an operator licensed under this Act shall, on the basis of any lease, charter, interchange or similar arrangement, be operated other than under and in accordance with the terms of an Air Operator Certificate issued by the Director General to the owner or operator of such aircraft.

(2) Commercial air transport operations into or out of Sri Lanka performed by a foreign air operator, shall be in accordance with the terms of a Foreign Air Operator Certificate issued by the Director General to such foreign air operator. In issuing such a Certificate, the Director General shall ensure that such foreign air operator has been issued with a valid Air Operator Certificate or as equivalent in the country in which such foreign operator is carrying on business and further that adequate provision has been made by the authority who issued such Air Operator Certificate, to ensure that the foreign air operator conforms to and complies with the standards, practices and procedures set out in the Convention and the Annexes to the Convention.

(3) An Air Operator Certificate or a Foreign Air Operator Certificate referred to in subsection (1) or (2), shall not be issued by the Director General, where an operator or owner of an aircraft or a foreign air operator, as the case may be, who applies for an Air Operator Certificate or a Foreign Air Operator Certificate, as the case may be, poses or is likely to pose a threat to the national security of Sri Lanka or to international civil aviation.

(4) The Director General shall on the payment of a prescribed fee, process an application made under subsection (1) or subsection (2), as the case may be, and shall for that purpose conduct such investigation as he may consider necessary, in accordance with such regulations as may be prescribed, giving effect to the applicable standards and any associated requirements.

(5) Every Air Operator Certificate and Foreign Air Operator Certificate issued under this section, shall be subject to the operations specifications specified in the Certificate issued and to such terms and conditions as may be prescribed. It shall be the obligation of the holder of such Certificate to ensure that operations are carried out in strict conformity with the operations specifications specified and such terms and conditions prescribed, and that such operations do not

breach any requirements imposed under the provisions of this Act or any regulations, rules, implementing standards or directives issued thereunder or any obligations imposed upon Sri Lanka under any agreement entered into with any other country.

(6) An Air Operator Certificate or a Foreign Air Operator Certificate shall be valid for a period not exceeding one year from the date of its issue and may be renewed for a further period not exceeding one year in each case, provided that the requirements imposed for the holding such Certificate is maintained to the satisfaction of the Director General.

(7) An operation of an aircraft, without a valid Air Operator Certificate or a foreign Air Operator Certificate, as the case may be, issued under this section or in contravention of any terms or conditions of any such Certificate issued, shall be subject to a fine not exceeding the equivalent in Sri Lanka Rupees of ten thousand SDR or per each day of the infraction.

Importation of
aircraft.

74. No person shall be granted approval by the Director General for the importation of an aircraft, unless:—

- (a) the Director General is satisfied that the aircraft to be imported shall be operated under an Air Operator Certificate issued under section 73 of this Act; and
- (b) the person concerned complies with such requirements as may be prescribed for that purpose.

Liability
insurance.

75. (1) Every holder of an Air Operator Certificate or a Foreign Air Operator Certificate, as the case may be, operating within Sri Lanka or internationally, to, from or through Sri Lanka, shall keep in force at all times a liability insurance adequately covering his liability for death or bodily injury to passengers which may be caused by an accident and for the loss of or damage to baggage, cargo or mail, due to any event during the period of carriage and for the delay in the carriage of passengers, baggage, cargo or

mail. Such person shall also be required to have a valid and adequate insurance policy covering his liability for damage that may be caused by the aircraft to third parties, on the surface or in the air.

(2) In determining the adequacy of the liability insurance cover referred to in subsection (1), a holder of an Air Operator Certificate or a Foreign Air Operator Certificate, as the case may be, shall take into consideration whether:—

- (a) the insurance provides a comprehensive cover for actual and potential obligation of the person insured, in respect of all of his proposed activities;
- (b) the insurer is authorized to effect such insurance under the laws of the country where the aircraft is registered or the country where the insurer has his residence or the principal place of business and whose financial responsibility has been verified; and
- (c) the insurance provides comprehensive cover for obligations that may arise due to death, bodily injury or damage to property caused by the aircraft to third parties on surface or in the air.

(3) The Director General shall determine the minimum limits of insurance cover that is required to be obtained, depending on the nature and scope of operations being carried on by the holder of the relevant Certificate.

76. (1) The Director General may where he considers it appropriate and upon a request made in that behalf by a holder of a Certificate and on the payment of the prescribed fee, amend an Air Operator Certificate or a Foreign Air Operator Certificate, as the case may be, issued to such holder, varying the privileges or limitations granted under such Certificate.

Amendment,
suspension and
revocation of
Air Operator
Certificates.

(2) The Director General shall have the power to suspend or revoke at anytime, any Air Operator Certificate or a Foreign Air Operator Certificate, as the case may be, issued by him if the conditions under which the Certificate was issued changes or if the holder fails to comply with the operations specifications specified in the Certificate issued, any conditions prescribed under subsection (5) of section 73, the requirements imposed by sections 75 or any other requirements imposed under the provisions of this Act or any regulations, rules, implementing standards or directives, made or issued thereunder.

Aircraft operated under an agreement for lease, charter or interchange of aircraft.

77. (1) An aircraft which is registered in a State party to the Convention other than Sri Lanka, may be operated in Sri Lanka under an agreement for the lease, charter or interchange of the aircraft or any other similar arrangement, provided that an agreement has been reached with regard to the transfer of functions and duties relating to safety oversight and its operations, between the aeronautical authority of the State with which such aircraft is registered and the Director General pursuant to Article 83 *bis* to the Convention, and the application of the provisions of this Act or any regulations or rules made thereunder shall be to the extent specified in such agreement.

(2) The Director General may, where he considers it feasible and subject to the approval of the Authority, agree with the aviation authorities of any other State Party to the Convention, for the transfer of the functions and duties relating to safety oversight of an aircraft registered in Sri Lanka, which is to be operated by an operator of such other State Party, pursuant to an agreement for the lease, charter or interchange of the aircraft or any other similar arrangement and the nature and scope of the duties and functions so transferred to such other State Party, shall be to the extent mentioned in such agreement.

(3) The Director General may for a period not exceeding three months and subject to such conditions as may be

prescribed, waive the requirement imposed under subsection (1) in respect of an operator who already holds a valid Air Operator Certificate, provided that the proposed arrangement in the opinion of the Director General, meets the requirements in respect of safety.

78. (1) For the purpose of ensuring the safety of air navigation and of persons traveling on board an aircraft, the Minister shall in compliance with the applicable SARPS, prescribe the requirements to be satisfied for classifications packing, labeling and marking, handling and carriage of dangerous goods by air and the fees payable for the grant of a permit for handling or transporting such dangerous goods by air.

Carriage of dangerous goods.

(2) The Director General shall by directives issued in that behalf, specify the procedure that should be adhered to in respect of classification, packing, labeling and marking, handling and carriage of dangerous goods permitted to be carried on board an aircraft, emergency procedures, investigation into accidents or incidents involving dangerous goods and the training required for persons involved in handling such consignments of dangerous goods. The Director General shall also have the power from time to time, to issue such implementing instructions as may become necessary for the purpose of giving effect to any directives issued by him under this subsection or any requirements prescribed under this section.

(3) Munitions or any other implements of war shall not be carried by any aircraft within the territory of Sri Lanka or by any aircraft registered in Sri Lanka, except on the authority of a permit issued by the Director General for that purpose.

(4) Any person who fails to comply with the requirements imposed by this section or any regulations, directives or implementing instructions issued thereunder, shall be guilty of an offence under this Act and shall on conviction be

liable to a fine the equivalent in Sri Lanka Rupees of twenty five thousand SDR or to imprisonment not exceeding two years or to both such fine and imprisonment.

Determining air routes.

79. (1) The Authority with the assistance of the Service Provider appointed for the provision of Air Traffic Services shall, in accordance with the applicable SARPS and the Regional Air Navigation Plan, determine and publish the air routes and air navigation procedures to be followed by civil aircraft for their entry, exit, transit or movements within the Sri Lanka Flight Information Region.

(2) The Authority shall amend the air routes determined under subsection (1) whenever it becomes necessary, so as to keep them up to date with any changes that may have been made to the applicable SARPS or to the design of the Regional Air Navigation Plan, as the case may be.

Pilotless aircrafts.

80. An aircraft capable of being flown without a pilot shall not be operated within the territory of Sri Lanka, except under the authority and in accordance with the terms and conditions of a special permit issued by the Director General for that purpose and on the payment of the prescribed fee.

Acrobatic flying, flight exhibitions, competitions and air shows.

81. (1) No aircraft shall be acrobatically flown nor shall any exhibition, competition, formation flying or air show be performed within the territory of Sri Lanka, except under the authority of a special permit issued by the Director General for that purpose and on the payment of the prescribed fee.

(2) The Director General may issue a permit referred to in subsection (1), on being satisfied that the flight safety in the airspace and the safety of the general public and property, are not endangered by activities in respect of which such permit is to be issued and may further require the organizers of any such exhibition, competition, formation flying or air show, to provide proof of adequate public liability insurance for any damage that may be caused.

82. (1) Where an aircraft is flown in such a manner as to cause unnecessary danger to any person or property on land or water—

Dangerous flight operations

- (a) the Pilot-in-Command and the operator of the aircraft ; or
- (b) where there is no operator, the Pilot-in-Command and the owner of the aircraft,

shall be guilty of an offence under this Act and on conviction be liable to a fine the equivalent in Sri Lanka Rupees of twenty five thousand SDR or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

(2) An operator or owner, as the case may be, may where such operator or owner is able to prove to the satisfaction of the court that such aircraft was flown in the manner referred to in subsection (1) without its knowledge or consent, be exempt from liability for an offence under that subsection.

(3) The provisions of this section shall be in addition to and not in substitution of any general safety or other provisions of this Act or any regulations, rules or implementing standards that may be made or issued under this Act.

83. Every person who on board an aircraft registered in Sri Lanka, while on flight, whether within or outside the territory of Sri Lanka or a foreign aircraft while on flight within the territory of Sri Lanka—

Offences committed on board an aircraft.

- (a) assault, intimidate, threaten or commit any similar act against a crew member ;
- (b) refuse to follow a lawful instruction given by the Pilot-in-Command or on his behalf by a crew member, relating to any matter which affects the safety or security of the aircraft or its passengers ;

- (c) assaults, intimidate or threatens any passenger ;
- (d) engage in smoking in any part or section of the aircraft ;
- (e) intentionally causes damage or destruction to the aircraft or any part thereof ;
- (f) engage in any indecent behavior ;
- (g) tampers with a smoke detector or any other safety device installed on board the aircraft ;
- (h) operates any portable electronic device when such act is prohibited under the law applicable to that aircraft ; or
- (i) removes without the approval of the Pilot-in-Command, any safety or emergency equipment, device or document or any other equipment or device found in the aircraft,

shall be guilty of an offence under this Act and on conviction be liable to a fine equivalent in Sri Lanka Rupees of twenty-five thousand SDR or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

CHAPTER IX

COMMERCIAL AIR TRANSPORTATION

Airline Licence
and Foreign
Airline Licence.

84. (1) No person shall engage in domestic or international commercial air transportation based in Sri Lanka, except in accordance with an Airline Licence issued by the Authority under section 87 in the form prescribed for that purpose.

(2) No foreign air operator shall engage in any commercial air transportation to or from Sri Lanka, except in accordance with a Foreign Airline Licence issued by the Authority under section 89, in the form prescribed for that purpose

85. (1) No aerial work shall be carried on within the territory of Sri Lanka, except in accordance with a licence issued for that purpose by the Authority in the prescribed manner.

Aerial work.

(2) Any person who holds an appropriate Air Operator Certificate and possess such qualifications as determined by the Authority by rules made in that behalf, shall be eligible to apply for a licence under subsection (1) to engage in aerial work.

86. An Airline Licence or a Foreign Airline Licence issued under this Act shall specify the nature and scope of the activities that the air operator is authorized to engage in commercial air transportation and shall contain the privileges, conditions and limitations applicable to the service to be rendered.

Privileges, conditions and limitations attached.

87. (1) The following shall be eligible to obtain an Airline Licence for domestic or international commercial air transportation based in Sri Lanka:—

An Airline Licence for domestic or international commercial air transportation.

- (a) a citizen of Sri Lanka ;
- (b) a registered body of persons having its principal place of business in Sri Lanka and in which at least fifty-one *per centum* of the share capital is owned by citizens of Sri Lanka ; or
- (c) any person or body of persons approved by the Cabinet of Ministers.

(2) The Authority may issue an Airline Licence on application made in that behalf by any person referred to in subsection (1) and on being satisfied that the applicant has complied with the requirements determined under subsection (3).

(3) The Authority shall determine by rules made in that behalf, the information necessary to be submitted by a person

applying for an Airline Licence, in order to prove compliance with the following requirements :—

- (a) that the applicant holds a valid Air Operator Certificate ;
- (b) that the proposed domestic commercial air transport operations are financially secured by actual assets, bank guarantees or other security for a period not less than three years from the proposed launching of the services ;
- (c) that adequate and valid liability insurance cover as determined on the guidelines referred to in subsection (2) of section 75, is held for any damage that may arise out of its proposed operations ;
- (d) that an effective program drawn in accordance with the National Aviation Security Programme formulated by the Authority under section 17, for protection against unlawful interference with civil aviation is in place, which has been approved by the Director General ; and
- (e) that the applicant fulfills any other requirements as may be prescribed for that purpose.

Immovable property to be made available to a person issued with an Airline Licence.

88. (1) The Authority may where it considers it necessary by Order published in the *Gazette* and subject to such terms and conditions as may be specified in such Order, make available to any person to whom an Air Line Licence is issued, any immovable property which is in the possession of the Authority, for the purpose of enabling such licence holder to provide domestic or international commercial air transportation in Sri Lanka under such licence.

(2) It shall be the duty of the holder of an Airline Licence to whom any property is made available under subsection (1), to comply with the terms and conditions stipulated in

the Order and hold and maintain such immovable property in good condition.

(3) The holder of an Airline Licence to whom any immovable property is made available, shall not—

- (a) sell or dispose of any such property; or
- (b) except with the prior written approval of the Authority, :—
 - (i) effect any alteration in such property or put up any new constructions in such property; or
 - (ii) grant a lease of any such property to any other person.

89. (1) No Foreign Air Operator shall be issued with a Foreign Airline Licence, unless such Foreign Air Operator—

Qualifications for the issue of a Foreign Airline Licence.

- (a) has obtained a Foreign Air Operator Certificate from the Director General ;
- (b) has adequate and valid insurance cover as determined on the guidelines referred to in subsection (2) of section 75, to cover liability which may arise from its operations ; and
- (c) has in place an effective program drawn in accordance with the Aviation Security Programme formulated by the Authority under section 17, for protection against unlawful interference with civil aviation.

(2) The Authority may issue a Foreign Air Licence on application made in that behalf by a Foreign Air Operator

and upon being satisfied that such applicant has complied with—

- (a) the requirements imposed by subsection (1) ; and
- (b) any other requirements that may be specified in the air service agreement that is entered into between Sri Lanka and the respective aeronautical authority of the State of the applicant.

Power to amend a licence issued under section 85, 87, or 89 of this Act.

90. (1) Where appropriate, the Authority may upon a request made in that behalf by the holder of an Aerial Work Licence, an Airline Licence or a Foreign Airline licence, as the case may be, issued under section 85, 87 or 89 of this Act, and on the payment of a prescribed fee, amend such licence.

(2) The Authority may at any time at its own discretion, where it considers it necessary in the interest of national security, safety of air navigation or for the purpose of ensuring fair competition, amend an Aerial Work Licence, an Airline Licence, or a Foreign Airline Licence, as the case may be, issued under section 85, 87 or 89 of this Act, by the incorporation of any additional conditions or limitations to such licence.

Power to suspend or revoke a licence issued under section 85, 87 or 89.

91. The Authority may at any time suspend or revoke an Aerial Work Licence, an Airline Licence, or a Foreign Airline Licence, as the case may be, issued under section 85, 87 or 89 of this Act, on any one or more of the following grounds:—

- (a) where the conditions under which the licence was issued have changed ;
- (b) where the licence holder or any aircraft operated by the licenceholder, fails to comply with any provisions of this Act or any regulations or rules made thereunder or any term or condition of the licence ;

- (c) where the licence holder fails to conform to or comply with any term or condition of the relevant agreement or arrangement;
- (d) in the case of the holder of a Foreign Airline Licence, where the Foreign Air Operator Certificate issued under section 74 of this Act to such holder, is revoked ; or
- (e) where the Authority is directed to suspend or revoke such licence by the Minister who is of the opinion that it is necessary or desirable to do so, for the purpose of preserving or promoting fair competition in international air transport services.

92. (1) No person other than such person as shall be prescribed for that purpose, shall provide any repair or maintenance services to any Airline, except under the authority of a permit issued for the same by the Director General.

Maintenance services to be provided only on a permit issued by Director General.

(2) The permit referred to in subsection (1) shall be obtained on application made to the Director General in the prescribed form, accompanied by the prescribed fee.

(3) The Director General may, on being satisfied with the technical competency and ability of the applicant to provide maintenance services to Airlines, issue a permit, subject to such terms and conditions as may be specified therein.

(4) A permit issued under this section shall be valid for a period of one year from the date of its issue and may be renewed at the end of that period on application made in that behalf and on the payment of the prescribed renewal fee.

93. (1) Non-scheduled international air transportation may be authorized by the Authority by the issue of a permit, upon a written application made in that behalf by an operator in the manner prescribed, having regard to:—

Non- scheduled international air transportation.

- (a) public interest and in particular to the benefits to Sri Lanka's national economy; and

- (b) any adverse effect such authorization may have on scheduled international air transportation, between the points of origin and the destination of such flight.

(2) A permit issued under subsection (1) shall be subject to such terms and conditions as shall be specified therein and be valid for a period not more than one year from the date of its issue. The Authority may renew a permit upon application made in that behalf and on the payment of the prescribed renewal fee.

(3) A permit issued under subsection (1) may be suspended or cancelled, as the case may be, for the violation of any term or condition specified in such permit.

Protection of passengers and users of aircraft.

94. (1) The Authority may issue to any holder or category of holders of any licences or permits issued under this Chapter of this Act, directives, instructions or procedures in relation to conditions of carriage of passengers, baggage, cargo and mail, and dealing with liability for denied boarding and other issues, for the purpose of ensuring the protection of passengers and other users of the aircraft.

(2) It shall be the duty of all persons to whom any directive, instruction or procedure is issued under subsection (1) to strictly comply with the same, and any failure to do so shall be an offence under this Act.

Flight schedules.

95. Every holder of an Airline Licence or a Foreign Airline Licence shall in the manner prescribed, submit to the Authority for its approval, the proposed flight schedules in respect of its operations within Sri Lanka or for the arrival to and departure from Sri Lanka, as the case may be. In the case of an aircraft calling in Sri Lanka for non-traffic purposes or in the case of over-flight, the relevant information shall be provided in the manner specified by the Authority.

96. To ensure orderly flow of air traffic, the Authority may issue directives, instructions or procedures for the allocation of slots to air operators. In issuing directives, instructions or procedures, preference may be given to scheduled international air services:

Allocation of slots.

Provided that the Authority shall endeavour to ensure non-discriminatory consideration of all requests.

97. (1) No person shall carry on the business of air transportation in Sri Lanka, except under the authority of or otherwise than in accordance with the terms or conditions, of an Air Transport Service Licence issued in that behalf by the Authority.

Air Transport Service Licence.

(2) Any person desiring to obtain a licence under subsection (1), may submit an application for the same together with the prescribed fee and the Authority may issue a licence to such person where it is satisfied that the applicant has complied with the requirements specified in subsection (3).

(3) The requirements that should be satisfied by a person for the issue of a licence under this section, shall be the availability of—

- (a) adequate infrastructure facilities and staff requirements;
- (b) adequate financial arrangements necessary for discharging the actual and potential obligations in respect of the business activities relating to air transportation; and
- (c) bank guarantees or other security necessary to cover financial commitments to clients.

(4) Notwithstanding the provisions of paragraph (c) of subsection (3), an operator of an aircraft applying for a licence under subsection (1), shall not be required to furnish a bank guarantee or other security, as required under that paragraph.

Person issued with a permit or a licence under section 93 or 97 to maintain certain records and furnish information.

98. (1) Every person to whom a licence or a permit is issued under section 93 or 97, as the case may be, shall maintain such records as may be determined by the Authority, and furnish to the Authority such returns or information as may from time to time be required to be furnished by the Authority.

(2) The Authority may revoke a licence or a permit issued under sections 93 or 97, as the case may be, where the Authority is satisfied that the holder of such licence or permit:—

- (a) has ceased to carry on the business in respect of which the licence or permit has been issued;
- (b) has obtained the licence or permit contrary to the provisions of this Act or any regulations or rules made thereunder;
- (c) where the licence holder or the permit holder is a company, that any or all of its principal officers have been convicted of an offence connected with the business of the company involving moral turpitude;
- (d) has ceased to comply with the requirements specified for the issue of such licence or permit; or
- (e) has contravened any provisions of this Chapter of this Act or any regulations or rules made under this Act.

(3) No revocation of a licence or permit under subsection (2) shall be made against a person, except after due notice has been issued to show cause within such period as may be specified in the notice, why the licence or the permit, as the case may be, should not be revoked.

(4) The Authority or any officer authorized by the Authority in writing, may—

- (a) for the purpose of ascertaining whether any provisions of this Act or any regulations or rules made thereunder are being complied with, enter

and inspect at all reasonable hours of day or night, the premises in which the business in respect of which the licence or the permit, as the case may be, was issued by the Authority ; and

- (b) inspect and take copies of any records or returns required by this Act or any regulations or rules made thereunder, to be kept in respect of such business and of any other records relating to such business.

(5) Where the Authority has reasonable grounds to believe that any provisions of this Chapter of this Act or any regulations or rules made thereunder are being violated or contravened by any person to whom a licence or a permit has been issued under section 93 or 97, as the case may be, the Authority may after obtaining a warrant under the hand of a Magistrate, enter and inspect any premises specified in such warrant and take into custody any tickets, stocks or other documents used in connection with the commission of such offence.

99. (1) Where the Director General is of the opinion that it is necessary to safeguard the general health and well being of persons, property and environment, including animals and birds, he shall have the power to issue to an Airline, special or general directions on matters pertaining to health and hygiene or on any other matter which is of national concern, interest or importance.

Director General's power to issue directions to Airlines

(2) Non-compliance with any directions issued under subsection (1), shall be an offence under this Act.

CHAPTER X

OFFENCES AND PENALTIES

100. Any person who fails to comply with a written request made by the Authority or the Director General under the provisions of this Act or of any regulations or rules made thereunder or furnishes any false information or return, shall be guilty of an offence under this Act and shall on conviction

Failure to comply with written request or furnishing false information.

be liable to a fine not exceeding the equivalent in Sri Lanka Rupees of ten thousand SDR or to imprisonment not exceeding two years or to both such fine and imprisonment.

Seizure of an aircraft.

101. (1) Where the owner or the operator of an aircraft in respect of which any charge or penalty is payable under this Act, refuses or neglects to pay the same or any part thereof on demand, the Authority may without prejudice to any other remedy that may be available under any other law, seize such aircraft and detain the same until the amount due is paid in full.

(2) The cost as determined by the Authority for seizing or detaining an aircraft under subsection (1) shall, be paid by the owner or the operator of the aircraft and if not paid within fourteen days, the Authority may cause such aircraft to be sold to recover the total amount due. Any surplus remaining shall be paid on demand to the owner, the operator or the Pilot-in-Command, as the case may be, of the aircraft and where no demand for such payment is made for a period of two years, the amount remaining as surplus shall be credited to the Fund of the Authority.

Violating safety or security requirements.

102. (1) Every person who is engaged in the provision of aeronautical services or operating an aircraft shall be required to conform to the safety and security requirements currently applicable in relation to the provision of such aeronautical service or the operation of an aircraft, which shall be prescribed.

(2) Every person who is required to conform to the safety and security requirements prescribed under subsection (1) and fails to so conform, shall be liable to the payment of a penalty as prescribed, provided such penalty does not exceed a sum equivalent in Sri Lanka Rupees of ten thousand SDR.

(3) The Director General shall be responsible for the collection of all penalties imposed under this section and the monies so collected shall be credited to the Fund.

(4) The Director General shall at the time of imposing the penalty referred to in subsection (2), require in writing the person being penalized to take all measures necessary or appropriate in order to secure due compliance with the safety and security measures that were being violated by such person, within such period of time as shall be specified.

(5) Where a person who is required to take measures to secure due compliance with any safety and security measures within the period specified under subsection (4), fails or neglects to take such measures, the Authority or the Director General, as the case may be, shall suspend or revoke any licence issued to such person.

103. Any person who:—

Offences.

- (a) contravenes or fails to comply with any provision of this Act or any regulation or rule made thereunder;
- (b) fails to comply with any implementing standard, direction, directive, procedure or instruction issued under any provisions of this Act or any regulations or rules made thereunder; or
- (c) obstructs or impedes any person in the exercise of his powers or duties under this Act or under any regulation, order, rule, standard or procedure,

shall be guilty of an offence under this Act and on conviction be liable to a fine not exceeding the equivalent in Sri Lanka Rupees of twenty-five thousand SDR or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

104. Any person who is guilty of an offence under this Act for which no penalty is expressly provided for by this Act, shall on conviction be liable to a fine not exceeding the equivalent in Sri Lanka Rupees of ten thousand SDR or to imprisonment of either description for a term not exceeding two years or to both such fine and imprisonment.

Penalties.

Offence
committed by a
body of persons.

105. Where an offence under this Act is committed by a body of persons, then—

- (a) if that body of persons is a body corporate, every person who at the time of the commission of the offence was a Director, General Manager, Secretary or other similar officer of that body ; or
- (b) if that body is not a body corporate, every person who at the time of the commission of the offence was the President, Manager, Secretary or other similar officer of that body,

shall be deemed to be guilty of that offence, unless he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Proof of
documents.

106. (1) Every document purporting to be an order or other instrument made or issued by the Minister, the Authority or the Director General, as the case may be, under this Act or under any regulation or rule made thereunder or any implementing standards and signed by or on their behalf, shall be received in evidence and shall, until the contrary is proved, be deemed to be an order or instrument issued by the Minister, Authority or the Director General, as the case may be.

(2) Evidence of any order or instrument as referred to in subsection (1) may in any legal proceedings, be given by the production of a document certified to be a true copy of the order or instrument, by or on behalf of the Minister, Authority or the Director General, as the case may be.

Offences to be
cognizable
offences and
court in which
action for
offences may be
filed

107. (1) All offences under this Act shall be cognizable offences for the purpose of the application of the provisions of the Code of Criminal Procedure Act, No. 15 of 1979.

(2) No Court shall take cognizance of any offence under this Act or any regulation or rule made thereunder, except with the sanction of the Attorney- General.

(3) Notwithstanding anything to the contrary in the Code of Criminal Procedure Act, No. 15 of 1979 or any other written law, an action in respect of any offence committed under this Act shall, on the determination of the Attorney-General, be filed in the Magistrates Court of Colombo or upon an indictment in the High Court of Sri Lanka holden in the Judicial Zone of Colombo, as the case may be, and on conviction the Court shall impose the punishment as set out in this Act, for the commission of that offence.

108. (1) No action shall lie against an owner of an aircraft for trespass or nuisance, by reason only of the flight or any ordinary effects of the flight of such aircraft over any property at a height above the ground, which, having regard to wind, weather and all the circumstances of the case is reasonable, so long as the provisions of this Act and any regulations, rules or implementing standards, directions, directives, instructions or procedures made, thereunder or issued have been duly complied with.

Trespass,
nuisance, and
responsibility
for damage.

(2) Where any material damage or loss is caused by an aircraft in flight, taking off or landing or by any person in any such aircraft or by an article or a person falling off from any such aircraft, to any person or property on land or water, compensation in respect of such damage or loss shall be recoverable from the owner of the aircraft without proof of negligence or intention or other cause of action, as though the same had been caused by his willful act, neglect or default, except where the damage or loss was caused by or contributed to, by the negligence of the person by whom the same was suffered :

Provided that where the material damage or loss is caused as aforesaid in circumstances in which:—

- (a) some person other than the owner of the aircraft would under any other law in force in Sri Lanka be liable to pay compensation in respect of such damage or loss ; and

- (b) such compensation is recoverable and is recovered from the owner of the aircraft by virtue only of the provisions of this section,

the owner shall be entitled to be indemnified by that other person in respect of the compensation so recovered from the owner.

(3) Where any aircraft has been let or hired out for a period exceeding fourteen days to any other person by the owner thereof and no Pilot-in -Command, navigator or operating member of the crew of the aircraft is in the employment of the owner, this section shall be read and construed as though the reference to the "owner" were a reference to the person to whom the aircraft has been let or hired out.

CHAPTER XI

GENERAL

Director
General's power
to cancel
licences etc, in
certain
circumstances.

109. (1) Notwithstanding anything to the contrary contained in any provision of this Act, regulations or rules made thereunder or in the terms and conditions contained in any licence, certificate, permit, authorization or approval granted or issued under this Act, the Director General, in his capacity as the designated Government Agent in Sri Lanka responsible for national civil aviation security, shall have the power to cancel with immediate effect any such licence, certificate, permit, authorization or approval granted or issued, whether the same has been granted or issued by himself or the Authority, as the case may be, where he has sufficient reason to believe that the holder of such licence, certificate, permit, authorization or approval, as the case may be, poses a threat to the national security or to the national defence of Sri Lanka or where he has sufficient reason to suspect that the holder of such licence, certificate, permit, authorization or approval is likely to pose a threat to the national security or to the national defence of Sri Lanka.

(2) The provisions of subsection (3) of section 26 and of section 112 of this Act, shall not apply in respect of any

cancellation of a licence, certificate, permit, authorization or approval done under subsection (1).

110. Where a licence, certificate, permit, authorization or approval granted or issued under this Act has been granted or issued to a body corporate or a partnership and any change takes place in the directorate of such body corporate or in the partnership, should be communicated to the appropriate authority who issued such licence, certificate, permit, authorization or approval, as the case may be, not more than two weeks after such change takes place.

Changes taking place in a body corporate or partnership to which any authority is granted.

111. (1) There shall be charged annually from every person who is authorized to provide any aeronautical service or who is engaged in domestic or international commercial air transportation, on a licence issued under this Act, a service charge at such rates to be determined by the Minister by Order published in the *Gazette*. The service charge imposed under this subsection shall be in addition, and not in derogation to the licence fee payable for any licences issued:

Service charge to be imposed.

Provided however the Minister may exempt any public corporation or a company in which the Government hold a majority of shares, which is authorized to provide any aeronautical service or who is engaged in domestic or international commercial air transportation, from the payment of the service charge imposed under this subsection.

(2) The service charge imposed under subsection (1) shall be paid to the Director General, who shall maintain proper records of all such payments received by him and shall credit all monies collected to the Fund.

(3) Every person who fails to pay the service charge required to be paid by such person under this section shall be guilty of an offence under this Act and on conviction be liable, in addition to any other punishment that shall be imposed by court, to a suspension or cancellation, as the case may be, of any licence or licences issued to that person under this Act, notwithstanding anything to the contrary contained in any other provisions of this Act.

Appeal
procedure.

112. (1) A person who is aggrieved by any order or decision made by the Director General or the Authority, as the case may be, under this Act or any regulations or rules made thereunder, may prefer an appeal in writing to the Secretary to the Ministry of the Minister before the expiry of thirty working days after the date on which such order or decision is communicated to that person and the Secretary shall in dealing with any appeal preferred to him under this subsection, obtain the observations of the Director General or the Authority, as the case may be, and after due inquiry, affirm, vary or annul the order or decision against which the appeal has been preferred.

(2) The decision of the Secretary to the Ministry of the Minister upon an appeal preferred under subsection (1), shall be final and conclusive and shall not be appealed against in any court or tribunal.

Access to
authorized
persons.

113. Any person authorized by the Director General shall at all reasonable times, have access to any place to which access is necessary for purpose of exercising and discharging any powers and functions vested in him under the provisions of this Act or any regulations or rules made thereunder and have the authority to examine any documents found in such place.

Coming into
force of any
order or
decision of the
Director General
or the Authority.

114. An order or decision made by the Director General or the Authority as the case may be, under this Act or any regulations or rules made thereunder, shall come into force on the date on which such order or decision is communicated to the person concerned and shall, notwithstanding that an appeal against such order or decision has been preferred to the Secretary to the Ministry of the Minister under section 112, continue to be in force until a decision is made on the appeal by the Secretary.

Prohibition
against transfer
of licence & c.

115. (1) A licence, certificate, permit, authorization or approval granted or issued under this Act to any person, shall not be:—

(a) transferable to any other person ; or

(b) used for the benefit of any other person.

(2) Any transfer or use of a licence, certificate, permit, authorization or approval done in contravention of the provision of subsection (1), shall be null and void.

116. (1) The Authority shall establish a State Safety Program with a view to integrating diverse and multi-disciplinary aviation activities conducted in terms of this Act or any rules or regulations made thereunder into a coherent program, setting out safety indicators, safety targets to be maintained to achieve an acceptable level of safety, as may be determined by the Authority.

Establishment of a State Safety Program and a Safety Data Collection and Processing System.

(2) The Authority shall establish and maintain a Safety Data Collection and Processing System, for the purpose of protecting all such information that is received by the Authority or the Director General, as the case may be, in the course of the exercise and discharge of its or his powers and function, under this Act and the Civil Aviation Authority of Sri Lanka Act, as the case may be.

117. (1) The Minister may, taking into consideration the interest of the national economy and the national security of the State, make regulations in respect of all or any matter required by this Act to be prescribed and in respect of which regulations are authorized by this Act to be made.

Regulations.

(2) Without prejudice to the generality of the powers conferred by subsection (1) and subject to the provisions of subsections (3) and (4) of this section, regulations may be made by the Minister for or in respect in all or any of the following matters :—

(a) carrying out the provisions of the Convention, any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention and any amendment to the Convention) ;

- (b) issue of Certificates of Airworthiness and the terms and conditions subject to which such Certificates may be issued ;
- (c) licencing, inspection, regulation and control of Aerodromes and the classification of Aerodromes for the purpose of issue of licences ;
- (d) access to Aerodromes and places where aircraft land and to aircraft factories, for the purpose of inspection and the prohibition of trespassing on aerodromes ;
- (e) employment of persons in or in connection with air navigation and the licencing of those employed at licensed Aerodromes in the inspection or supervision of aircraft ;
- (f) conditions under which aircraft entering or leaving Sri Lanka may fly and the conditions under which an aircraft may fly from one part of Sri Lanka to another part of Sri Lanka ;
- (g) conditions under which passengers and goods may be carried by air and aircraft may be used for other commercial, industrial or gainful purposes and specifying goods that are prohibited from being carried by air ;
- (h) prevention of interference with the use or effectiveness of apparatus used in connection with air navigation, the prohibition or regulation of the use of such apparatus and the display of signs and lights liable to endanger aircraft ;
- (i) safety, efficiency and regularity of air navigation, safety of aircraft and of persons and property carried therein, the prevention of aircraft from endangering other persons and property and the detention of aircraft for any of the purposes specified in this paragraph ;

- (j) safety oversight of civil aviation and matters connected therewith ;
- (k) payment of compensation to any officer or servant of the Authority where death or injury is caused as a direct result of an aircraft accident or incident or inspection conducted by such officer or servant in the performance of his or her duties ;
- (l) supply of meteorological information for the purpose of air navigation by persons engaged in or employed in or in connection with, such air navigation;
- (m) regulation of the making of signals and other communications by or to aircraft and persons carried therein ;
- (n) regulation of the use of the civil air ensign and any other ensign established by the Minister for purposes connected with air navigation ;
- (o) prevention of smuggling by air ;
- (p) manner and conditions relating to the issue, validation, renewal, extension or variation of any certificate, licence, permit or other document required to be issued under this Act or under any regulation or rule made thereunder and the form, custody, production, cancellation, suspension, endorsement and surrender of any such document ;
- (q) regulation of the charges that may be made for the use of Aerodromes and for services provided at such Aerodromes ;
- (r) regulation of the charges that may be made from overflying aircraft for the use of air navigation services or facilities provided by State or any Aerodrome in Sri Lanka ;

- (s) prescribing the fees to be paid in respect of the issue, validation, renewal, extension, or variation of any certificate, licence, permit or other document or the undergoing of any examination or test required by this Act or any regulations or rules made thereunder ;
- (t) the regulation and control of the conditions under which noise and vibration may be caused by aircraft on Aerodromes ; and
- (u) classification of commercial air transportation.

(3) Without prejudice to the generality of the powers hereinbefore conferred, any regulations made under this Act may provide for:—

- (a) different provisions with reference to different classes of aircraft, Aerodromes, persons or property and with respect to different circumstances and different areas of Sri Lanka but shall, to the extent that it is practicable, be made so as not to discriminate in like circumstances between aircraft registered in Sri Lanka operated on charter terms by one air transport undertaking and such aircraft so operated by another such undertaking ;
- (b) the application of such regulations in respect of all aircrafts registered in Sri Lanka, wherever they may be ;
- (c) the prohibition or regulation of carrying on certain activities by any persons in or members of the crew, of an aircraft registered in Sri Lanka wherever they may be ; and
- (d) the prohibition or regulation of doing anything in relation to an aircraft registered in Sri Lanka by any person other than any personnel authorized under the provisions of this Act.

(4) Any regulations made under this Act in relation to aircraft, may also provide for the detention of an aircraft to secure compliance with such regulation or with any provisions of this Act and may make such further provision as appears to the Minister to be necessary or expedient for securing such detention.

118. The Minister in charge of the subject of Finance may in consultation with the Minister, make regulations for and in respect of all or any of the following matters :—

Regulations to be made by the Minister of Finance.

- (a) the sale of passenger tickets for travel by aircraft and the booking of passage for travel by aircraft ;
- (b) the collection of freight charges on exports by aircraft ;
- (c) the collection of freight charges on imports by aircraft, where contract for such carriage of freight is made in Sri Lanka ;
- (d) the furnishing of statements or declarations by holders of licences issued under section 99 that may become necessary to ensure that the regulations made under section 117 are complied with, including such details as to:—
 - (i) the traffic documents issued during any month, whether or not any cash collections were involved in such issue ;
 - (ii) the total cash collection effected in any month from sale of passenger tickets and from freight charges ; and
 - (iii) refunds granted against air transportation documents issued in Sri Lanka.

Gazetting of regulations made under sections 117 and 118.

119. (1) Every regulation made by the Minister and the Minister in charge of the subject of Finance, under sections 117 and 118 of this Act shall be published in the *Gazette* and shall come into operation on the date of such publication, or on such later date as may be specified in the regulation.

(2) Every regulation published under subsection (1) shall, as soon as convenient after its publication in the *Gazette*, be brought before Parliament for approval. Any such regulation which is not so approved shall deemed to be rescinded as from the date of its disapproval, but without prejudice to anything previously done thereunder.

(3) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded, shall be published in the *Gazette*.

Power to issue implementing standards.

120. (1) The Director-General shall have the power to issue whenever he considers it necessary or appropriate to do so, such implementing standards for the purpose of giving effect to any of the provisions of this Act, including the Articles of the Convention specified in the Schedule to this Act or any regulations or rules made thereunder.

(2) It shall be the duty of all persons in respect of whom any implementing standards are issued under subsection (1), to comply with the same.

Director General to issue general or special directions.

121. The Director General shall have the power to issue to all operators and licence holders providing aeronautical services, such general or special directions in regard to any matter connected with or relating to the maintenance of public safety and welfare of the citizens of Sri Lanka and it shall be the duty of all such operators and licence holders, as the case may be, to comply with such directions.

122. (1) The Authority may make rules in respect of all or any of the matters in respect of which rules are authorized or required by this Act to be made. Rules.

(2) No rule made by the Authority under subsection (1) shall have effect until it has been approved by the Minister, and notification of such approval is published in the *Gazette*.

123. The equivalent in Sri Lanka Rupees of SDR for purpose of imposing a fine for an offence committed under this Act, shall be made on the basis of the value of the rupee determined in terms of SDR, for the date preceding the date of the commission of the the offence in respect of which such fine is being imposed. Equivalent of SDR in rupees.

124. (1) In this Act, unless the context otherwise required— Interpretation.

“aerial work” means aircraft operations in which an aircraft is used for purposes of agriculture, construction, photography, surveying, observation and patrol, search and rescue operations, aerial advertisement, broadcasting or communication, production of air turbulence, flying training, flower dropping and emergency operations ;

“Aerodrome” means any defined land or water area intended to be used, whether wholly or partly, for the landing and departure of aircraft and all buildings, sheds, vessels, piers and other structures standing thereon or appertaining thereto ;

“Air Navigation Act” means the Air Navigation Act (Chapter 365) and includes the Air Navigation (Special Provisions) Act, No. 55 of 1992 ;

“air navigation services” means navigational aids and navigational facilities;

“air traffic control” means a service provided for the purpose of—

- (a) preventing collisions:—
 - (i) between aircrafts ;
 - (ii) on the manoeuvring area between aircrafts and obstructions; and
- (b) expediting and maintaining an orderly flow of air traffic ;

“aircraft” means any machine that can derive support in the atmosphere from the aerodynamic reactions of the air, other than the reactions of the air against the earth’s surface ;

“Authority” means the Civil Aviation Authority of Sri Lanka, established by the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002;

“authorized security personnel” means a member of the Security Services maintained by a Service Provider to whom a licence is issued by the Director General for the provision and maintenance of an aviation security service and includes any member of the Armed Forces or Police Force, who is performing or is called upon to perform duties within the airport ;

“business of air transportation” means the making available (as the operator of an aircraft or as a principal or agent) of any accommodation for the carriage of persons, cargo or mail, on flight by aircraft (whether registered in Sri Lanka or not) in any part of the world, including flights to and from the territory of Sri Lanka ;

“Civil Aviation Authority of Sri Lanka Act” means the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002 ;

“Convention” means the Convention on International Civil Aviation which was signed at Chicago on the 7th day of December, 1944, as amended by any subsequent Convention or Agreement and includes any Annex attached to such Convention ;

“dangerous goods” means any substances or articles which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods specified in the Technical Instructions issued by International Civil Aviation Organization or which are classified as dangerous goods, according to such Technical Instructions ;

“Director General” means the Director General of Civil Aviation appointed under section 11 of the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002 ;

“foreign aircraft” means an aircraft which is not registered in Sri Lanka under this Act ;

“Fund” means the Fund of the Authority established by section 12 of the Civil Aviation Authority of Sri Lanka Act ;

“ground handling services” means services necessary for an aircraft’s arrival at and departing from an Aerodrome, other than air traffic services ;

“military aircraft” means an aircraft used or operated for or on behalf of a State for purposes other than the carriage of passengers or cargo for hire or reward;

“National Aviation Policy” means the National Policy on Aviation formulated and adopted by the Cabinet of Ministers ;

“navigational aids” means visual and non-visual-navigational aids along an air route, visual and non-visual aids to approaching and landing at Aerodromes and includes communication services, meteorological services and air traffic control services ;

“navigational facilities” means facilities provided to permit safe navigation of aircraft and includes visual and non-visual navigational aids ;

“operator” means a person, organization or an enterprise engaged in or offering to engage in aircraft operations and includes any person who causes or authorizes the operation of an aircraft, whether with or without the control (in the capacity of a owner, lessee, or otherwise) of the aircraft ;

“operator of the Aerodrome” means, in relation to any premises used or appropriated for use as an Aerodrome, the person maintaining or operating or is authorized to maintain and operate an Aerodrome in those premises or in the case of an Aerodrome which is established or maintained by or on behalf of the Government, the Service Provider so appointed for that purpose ;

“Regional Air Navigation Plan” means a plan of routes, facilities and services agreed to by Governments at any Regional Air Navigation Conference and approved by the Council of the International Civil Aviation Organization ;

“SARPS” means Standards and Recommended Practices adopted by the Council of the International Civil Aviation Organization under Article 37 of the Convention ;

“SDR” means Special Drawing Rights defined by the International Monetary Fund ;

“standards” means:—

- (a) international standards adopted by the Council of the International Civil Aviation Organization

under Article 37 of the Convention and to which Sri Lanka has not filed differences under Article 38 of the Convention ; and

- (b) the Recommended Practices adopted by the Council of the International Civil Aviation Organization under Article 37 of the Convention and which have been duly implemented in Sri Lanka;

“State Party to the Convention” means a State that has ratified or has adhered to the Convention ;

“territory of Sri Lanka” means the land area, internal waters and the territorial waters of Sri Lanka and includes the air space above such areas.

(2) Any reference in this Act to “goods or articles” shall be construed as including a reference to mail or to animals and any reference in this Act to any “country or territory” shall, unless the context otherwise requires, be construed as including a reference to the territorial waters, if any, adjacent to that country or territory.

(3) In this Act, the expression “purposes of civil aviation” includes all purposes connected with air navigation, except any purpose connected to the defence of Sri Lanka by air.

125. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

126. (1) The provisions of:—

Repeal and savings provisions.

- (a) the Air Navigation Act, (Chapter 365), other than the provisions contained in Part III of that Act; and
- (b) the Air Navigation (Special Provisions) Act, No. 55 of 1992, other than Part II of that Act, are hereby repealed.

(2) Notwithstanding the repeal of the provisions referred to in subsection (1):—

- (a) all activities connected with the provision of aeronautical services that are being carried on by the Agent by virtue of the powers vested in such Agent under the repealed provisions, shall be continued to be carried on by such Agent until it is issued with such appropriate licences in its capacity as the Statutory Service Provider under subsection (1) of section 127 ;
- (b) every regulation or Order made under any of the repealed provisions and in force on the appointed date, in so far as such regulation or Order is not inconsistent with the provisions of this Act, shall be deemed to be a regulation or Order made under this Act and may be amended or rescinded by any regulation or Order made under this Act ;
- (c) every licence or Certificate issued or rendered valid under any repealed provisions or any regulation made there under and in force on the appointed date, shall be deemed to be a licence or Certificate issued under this Act and shall be valid and effectual until the expiry of the period for which such licence or Certificate was issued or was rendered valid ;
- (d) every approval granted and every designation, authorization or appointment made, directives, circulars, manuals, instructions and any other publications issued, boards or any other bodies established, under any regulation made under any of the repealed provisions, shall be deemed to be granted, made or issued under this Act and shall, unless otherwise cancelled or rendered invalid, continue to be in force ; and
- (e) every decree, order or award entered or made in favour of or against Department of Civil Aviation by any Court or tribunal or other body in any action.

matter, proceeding or thing shall, with effect from the appointed date, be deemed to be a decree, order or award entered or made in favour of or against the Authority and may be enforced accordingly.

127. (1) Notwithstanding the provisions of section 6 of this Act, the Agent appointed under section 21A of the Air Navigation Act (Chapter 365), shall, on and after the appointed date, be deemed to be a Service Provider (in this Act referred to as the "Statutory Service Provider") for the purposes of this Act and shall be issued with all the relevant licences required to be issued under this Act, to enable such Statutory Service Provider to provide the aeronautical services such Agent was engaged in providing as on such appointed date. The provisions of this Act pertaining to the requirements imposed on those to whom a licence is issued under this Act, shall apply to and in respect of all licences issued to such Statutory Service Provider.

Provisions relating to the Agent appointed under section 21A of the Air Navigation Act, (Chapter 365).

(2) The Minister shall cause an Order pertaining to the appointment of the Statutory Service Provider to be published in the *C Gazette*.

(3) The issue of any licences to the Statutory Service Provider under subsection (1) of this section, shall not in any way affect or prejudice any duty cast on such Statutory Service Provider to fulfill any obligations that may have been imposed upon such Statutory Service Provider in its capacity as the Agent appointed under section 21A of the Air Navigation Act (Chapter 365), prior to the appointed date.

128. On the issue of the licences to the Statutory Service Provider under subsection (1) of section 127 of this Act, the Authority shall grant permission in writing to the Statutory Service Provider to withhold any immovable properties that were in its possession in its capacity as Agent as on the appointed date, to enable such Statutory Service Provider to provide any aeronautical service or any other service which is connected with or incidental to the provision of such aeronautical service.

Withholding of properties by the Statutory Service Provider.

SCHEDULE

[Section 2]

**ARTICLES OF THE CONVENTION RELATING TO SAFETY,
REGULARITY, EFFICIENCY AND SECURITY OF
CIVIL AVIATION**

ARTICLE 1 - SOVEREIGNTY

The Contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

ARTICLE 2 - TERRITORY

For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

ARTICLE 3 - CIVIL AND STATE AIRCRAFTS

- (a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft.
- (b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.
- (c) No state aircraft of a Contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.
- (d) The Contracting State undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.

ARTICLE 3 bis

- (a) The Contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations;
- (b) The Contracting States recognize that every State, in the exercise of its sovereignty, is entitled to require the landing at some designated airport of a civil aircraft flying above its territory without authority or if there are reasonable

grounds to conclude that it is being used for any purpose inconsistent with the aims of this Convention; it may also give such aircraft any other instructions to put an end to such violations. For this purpose, the Contracting States may resort to any appropriate means consistent with relevant rules of international law, including the relevant provisions of this Convention, specifically paragraph (a) of this Article. Each Contracting State agrees to publish its regulations in force regarding the interception of civil aircraft;

- (c) Every civil aircraft shall comply with an order given in conformity with paragraph (b) of this Article. To this end each Contracting State shall establish all necessary provisions in its national laws or regulations to make such compliance mandatory for any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State. Each Contracting State shall make any violation of such applicable laws or regulations punishable by severe penalties and shall submit the case to its competent authorities in accordance with its laws or regulations;
- (d) Each Contracting State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of this Convention. This provision shall not affect paragraph (a) or derogate from paragraphs (b) and (c) of this Article.

ARTICLE 4 - MISUSE OF CIVIL AVIATION

Each Contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention.

ARTICLE 5 - RIGHT OF NON-SCHEDULED FLIGHT

Each Contracting State agrees that all aircraft of the other Contracting States, being aircraft not engaged in scheduled international air services, shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each Contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities, to follow prescribed

routes or to obtain special permission for such flights. Such aircraft, if engaged in the carriage of passengers, cargo or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of Article 7, have the privilege of taking on or discharging passengers, cargo or mail, subject to the right of any State where such embarkation or discharge takes place, to impose such regulations, conditions or limitations as it may consider desirable.

ARTICLE 6 - SCHEDULED AIR SERVICES

No scheduled international air service may be operated over or into the territory of a Contracting State, except with the special permission or other authorization of that State, and in accordance with the terms of such permission or authorization.

ARTICLE 7 - CABOTAGE

Each Contracting State shall have the right to refuse permission to aircraft of any other Contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each Contracting State undertakes not to enter into any arrangements, which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

ARTICLE 8 - PILOTLESS AIRCRAFT

No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a Contracting State without special authorization by that State and in accordance with the terms of such authorization. Each Contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft, shall be so controlled as to obviate danger to civil aircraft.

ARTICLE 9 - PROHIBITED AREAS

- (a) Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved or engaged in scheduled international airline services, and the aircraft of the other Contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a Contracting State, as well as any subsequent alterations therein, shall be communicated as soon as

possible to the other Contracting States and to the International Civil Aviation Organization.

- (b) Each Contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality, to aircraft of all other States.
- (c) Each Contracting State, under such regulations as it may prescribe, may require any aircraft entering the areas contemplate in subparagraphs (a) or (b) above to effect a landing as soon as practicable thereafter, at some designated airport within its territory.

ARTICLE 10 - LANDING AT CUSTOMS AIRPORT

Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a Contracting State without landing, every aircraft which enters the territory of a Contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a Contracting State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the International Civil Aviation Organization established under Part II of this Convention, for communication to all other contracting States.

ARTICLE 11 - APPLICABILITY OF AIR REGULATIONS

Subject to the provisions of this Convention, the laws and regulations of a Contracting State relating to the admission to or departure from its territory aircraft engaged in international air navigation or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all Contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

ARTICLE 12 - RULES OF THE AIR

Each Contracting State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each Contracting State

undertakes to keep its own regulations in these respects uniform to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each Contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

ARTICLE 13 - ENTRY AND CLEARANCE REGULATIONS

The laws and regulations of a Contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs and quarantine, shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of the State.

ARTICLE 14 - PREVENTION OF SPREAD OF DISEASE

Each Contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the Contracting States shall from time to time decide to designate, and to that end Contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on the subject, to which the Contracting States may be parties.

ARTICLE 15 - AIRPORT AND SIMILAR CHARGES

Every airport in a Contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions to the aircraft of all the other Contracting States. The like uniform conditions shall apply to the use, by aircraft of every Contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation. Any charges that may be imposed or permitted to be imposed by a Contracting State for the use of such airports and air navigation facilities by the aircraft of any other Contracting State, shall not be higher:—

- (a) as to aircraft not engaged in scheduled international air services, than those that would be paid by its national aircraft of the same class engaged in similar operation; and
- (b) as to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services.

All such charges shall be published and communicated to the International Civil Aviation Organization :

provided that, upon representation by an interested Contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues or other charges shall be imposed by any Contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a Contracting State or persons or property thereon.

ARTICLE 16 - SEARCH OF AIRCRAFT

The appropriate authorities of each of the Contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure and to inspect the certificates and other documents prescribed by this Convention.

ARTICLE 17 - NATIONALITY OF AIRCRAFT

Aircraft have the nationality of the State in which they are registered.

ARTICLE 18 - DUAL REGISTRATION

An aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another.

ARTICLE 19 - NATIONAL LAWS GOVERNING REGISTRATION

The registration or transfer of registration of aircraft in any Contracting State, shall be made in accordance with its laws and regulations.

ARTICLE 20 - DISPLAY OF MARKS

Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

ARTICLE 21 - REPORT OF REGISTRATIONS

Each Contracting State undertakes to supply to any other Contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any particular aircraft registered in that State. In addition, each Contracting State shall furnish reports to the International Civil Aviation Organization, under such regulations as the latter may prescribe, giving such pertinent data as can be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by the International Civil Aviation Organization shall be made available by it on request to the other Contracting States.

ARTICLE 22 - FACILITATION OF FORMALITIES

Each Contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of Contracting States and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.

ARTICLE 23 - CUSTOMS AND IMMIGRATION PROCEDURES

Each Contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

ARTICLE 24 - CUSTOMS DUTY

Aircraft on a flight to, from, or across the territory of another Contracting State shall be admitted temporarily free of duty, subject to the customs regulations of the State. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board an aircraft of a Contracting State, on arrival in the territory of another Contracting State and retained on board on leaving the territory of that State shall be exempt from customs duty, inspection fees or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded, except in accordance with the customs regulations of the State, which may require that they shall be kept under customs supervision.

Spare parts and equipment imported into the territory of a Contracting State for incorporation in or use on an aircraft of another Contracting State engaged in international air navigation shall be admitted free of customs duty, subject to compliance with regulations of the State concerned, which may provide that the articles shall be kept under customs supervision and control.

ARTICLE 25 - AIRCRAFT IN DISTRESS

Each Contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered, to provide such measures of assistance as may be necessitated by the circumstances. Each Contracting State, when undertaking search for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time, pursuant to this Convention.

ARTICLE 26 - INVESTIGATION OF ACCIDENTS

In the event of an accident to an aircraft of a Contracting State occurring in the territory of another Contracting State and involving death or serious injury or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

ARTICLE 27 - EXEMPTION FROM SEIZURE ON PATENT CLAIMS

- (a) While engaged in international air navigation, any authorized entry of aircraft of a Contracting State into the territory of another Contracting State or authorized transit across the territory of such State with or without landings, shall not entail any seizure or detention of the aircraft or any claim against the owner or operator thereof or any other interference therewith by or on behalf of such State or any person therein, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is an infringement of any patent, design, or model duly granted or registered in the State whose territory is entered by the aircraft, it being agreed that no deposit of security in connection with the foregoing exemption from seizure or detention of the aircraft, shall in any case be required in the State entered by such aircraft.
- (b) The provisions of paragraph (a) of this Article shall also be applicable to the storage of spare parts and spare equipment for the aircraft and the right to use and install the same in the repair of an aircraft of a Contracting State in the territory of any other Contracting State, provided that any patented part or equipment so stored shall not be sold or distributed internally in or exported commercially from the Contracting State entered by the aircraft.
- (c) The benefits of this Article shall apply only to such States parties to this Convention, as either:—
 - (1) are parties to the International Convention for the Protection of Industrial Property and to any amendments thereof; or

- (2) have enacted patent laws which recognize and give adequate protection to inventions made by the nationals of the other States parties to this Convention.

ARTICLE 28 - AIR NAVIGATION FACILITIES AND STANDARD SYSTEMS

Each Contracting State undertakes, so far as it may find practicable, to —

- (a) provide in its territory, airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;
- (b) adopt and put into operation the appropriate standard systems of communications procedure, codes, markings, signals, lighting and other operational practices and rules which may be recommended or established from time to time, pursuant to this Convention;
- (c) collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards, which may be recommended or established from time to time, pursuant to this Convention.

ARTICLE 29 - DOCUMENTS CARRIED IN AIRCRAFT

Every aircraft of a Contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention :—

- (a) its certificate of registration ;
- (b) its certificate of airworthiness;
- (c) the appropriate licenses for each member of the crew;
- (d) its journey log book;
- (e) if it is equipped with radio apparatus, the aircraft radio station license;
- (f) if it carries passengers, a list of their names and places of embarkation and destination;
- (g) if it carries cargo, a manifest and detailed declarations of the cargo.

ARTICLE 30 - AIRCRAFT RADIO EQUIPMENT

- (a) Aircraft of each Contracting State may, in or over the territory of other Contracting States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the Contracting State whose territory is flown over, shall be in accordance with the regulations prescribed by that State.
- (b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purposes, issued by the appropriate authorities of the State in which the aircraft is registered.

ARTICLE 31 - CERTIFICATES OF AIRWORTHINESS

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

ARTICLE 32 - LICENSES OF PERSONNEL

- (a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation, shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.
- (b) Each Contracting State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another Contracting State.

ARTICLE 33 - RECOGNITION OF CERTIFICATES AND LICENSES

Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the Contracting State in which the aircraft is registered, shall be recognized as valid by the other Contracting States, provided that the requirements under such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time, pursuant to this Convention

ARTICLE 34 - JOURNEY LOGBOOKS

There shall be maintained in respect every aircraft engaged in international navigation, a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time, pursuant to this Convention.

ARTICLE 35 - CARGO RESTRICTIONS

- (a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitutes munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.
- (b) Each Contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory, of articles other than those enumerated in paragraph (a):

provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged : and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

ARTICLE 36 - PHOTOGRAPHIC APPARATUS

Each Contracting State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

ARTICLE 37 - ADOPTION OF INTERNATIONAL STANDARDS AND PROCEDURES

Each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation. To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures, dealing with —

- (a) communications systems and air navigation aids, including ground marking;
- (b) characteristics of airports and landing areas;
- (c) rules of the air and air traffic control practices;
- (d) licensing of operating and mechanical personnel;
- (e) airworthiness of aircraft;
- (f) registration and identification of aircraft;
- (g) collection and exchange of meteorological information;
- (h) log books;

- (i) aeronautical maps and charts;
- (j) customs and immigration procedure;
- (k) aircraft in distress and investigation of accidents,

and such other matters concerned with the safety, regularity, and efficiency of air navigation, as may from time to time appear appropriate.

ARTICLE 38 - DEPARTURES FROM INTERNATIONAL
STANDARDS AND PROCEDURES

Any state which finds it impracticable to comply in all respects with any such international standards or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices, shall give notice to the Council within sixty day of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case the Council shall make immediate notification to all States, of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

ARTICLE 39 - ENDORSEMENT OF CERTIFICATES AND LICENSES

- (a) Any aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate, a complete enumeration of the details in respect of which it so failed.
- (b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds, shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.

ARTICLE 40 - VALIDITY OF ENDORSED CERTIFICATES AND LICENSES

No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission

of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated, shall be at the discretion of the State into which the aircraft or part is imported.

ARTICLE 41 - RECOGNITION OF EXISTING STANDARDS OF AIRWORTHINESS

The provisions of Articles 37, 38, 39 and 40 shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification, prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

ARTICLE 42 - RECOGNITION OF EXISTING STANDARDS OF COMPETENCY OF PERSONNEL

The provisions of Articles 37, 38, 39 and 40 shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel whose licenses remain valid five years after the date of adoption of such standard.

ARTICLE 67 - FILE REPORTS WITH COUNCIL

Each Contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics and financial statements showing among other things, all receipts and the sources thereof.

ARTICLE 68 - DESIGNATION OF ROUTES AND AIRPORTS

Each Contracting State may, subject to the provisions of this Convention, designate the route to be followed within its territory by any international air service and the airport, which any such service may use.

ARTICLE 72 - ACQUISITION OR USE OF LAND

Where land is needed for facilities financed in whole or in part by the Council at the request of a Contracting State, that State shall either provide the land itself, retaining title if it wishes, or facilitate the use of the land by the Council on just and reasonable terms and in accordance with the laws of the State concerned.

ARTICLE 81 - REGISTRATION OF EXISTING AGREEMENTS

All aeronautical agreements which are in existence on the coming into force of this Convention, and which are between a Contracting State and any other State or between an airline of a Contracting State and any other State or the airline of any other State, shall be forthwith registered with the Council.

ARTICLE 83 - REGISTRATION OF NEW ARRANGEMENTS

Subject to the provisions of the preceding Article, any Contracting State may make arrangements not inconsistent with the provisions of this Convention. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

ARTICLE 83 *bis*

- (a) Notwithstanding the provisions of Articles 12, 30, 31 and 32(a), when an aircraft registered in a Contracting State is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has his principal place of business or, if he has no such place of business, his permanent residence in another Contracting State, the State of registry may, by agreement with such other State, transfer to it all or part of its functions and duties as State of registry in respect of that aircraft under Articles 12, 30, 31 and 32(a). The State of registry shall be relieved of responsibility in respect of the functions and duties transferred;
- (b) The transfer shall not have effect in respect of other Contracting States, before either the agreement between States in which it is embodied has been registered with the Council and made public pursuant to Article 83 or the existence and scope of the agreement have been directly communicated to the authorities of the other Contracting State or States concerned, by a State party to the agreement.

ARTICLE 89 - WAR AND EMERGENCY CONDITIONS

In case of war, the provisions of this Convention shall not affect the freedom of action of any of the Contracting States affected, whether as belligerents or as neutrals. The same principle shall apply in the case of any Contracting State, which declares a state of national emergency and notifies the fact to the Council.

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