



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

CIVIL AVIATION

A

BILL

**to make provision for the regulation and control of Civil Aviation
and related matters; to give effect to the Convention on International Civil
Aviation; and for matters connected therewith and incidental thereto.**

*Presented by the Minister of Irrigation and Water Management and
Minister of Ports and Aviation on 08th July, 2008*

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Civil Aviation

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AN ACT TO MAKE PROVISION FOR THE REGULATION, CONTROL AND RELATED MATTERS OF 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. of 2008, 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) aircrafts 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) aircrafts 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 shall not apply in respect of any aircraft operated by the military solely for or on behalf of the State.

(3) The application of the provisions of this Act in respect of aircrafts 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 aircrafts operated by the military and aircrafts in the use of the Government of Sri Lanka, where such aircrafts are engaged in the carriage of passengers or cargo for hire or for reward.

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—

Responsibilities
of the
Minister.

- (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 SARP's;
- (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;
- 5 (f) initiate projects, technical research, studies or investigations which in the opinion of the Minister will promote the development of civil aviation activities in Sri Lanka;
- 10 (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;
- 15 (h) issue directions to the Authority as he 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
- 20 (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 discharge
 25 such power, duty or function subject to such directions as may be issued by the Minister.

Minister to delegate his powers under the Act.

(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
 30 subsection.

CHAPTER II

APPOINTMENT OF SERVICE PROVIDERS

6. (1) For the purpose of providing the aeronautical services specified in section 30 of this Act, the Minister in
5 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 Providers (hereinafter referred to as “Service Provider”) subject to such terms and conditions as may be specified in
10 such Order.

Appointment
of Service
Providers.

(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
15 be the duty of the 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
20 subsection (1)—

- (a) not more than one Service Provider each shall be appointed for the provision of the aeronautical services specified in paragraphs (d), (e,) (f) and (g) of section 30 ;
- 25 (b) not more than one Service Provider shall be appointed in respect of a particular aerodrome, for the provision of the aeronautical service specified in paragraphs (a), (b) and (c) of section 30 ; and
- 30 (c) more than one Service Provider may be appointed in respect of a particular aerodrome, for the provision of the aeronautical services specified in paragraphs (h), (i), (j), (k) and (l) of section 30.

(4) Nothing contained in paragraphs (a) and (b) of subsection (3) shall preclude the Minister from appointing a single Service Provider, to provide more than one aeronautical service referred to in those paragraphs.

5 7. (1) A Service Provider being appointed to provide the aeronautical services specified in paragraphs (b), (c), (d), (e),
10 (f), (g), (h), (i), (j), (k) and (l) of section 30 shall be required, before being so appointed, to enter into a service agreement
15 or agreements as the case be, with the Service Provider appointed to provide the aeronautical service specified in
20 paragraph (a) of section 30.

Requirement
to enter into
service
agreements.

15 (2) Where a Service Provider is being appointed in respect of a particular Aerodrome to provide the aeronautical service specified in paragraph (a) of section 30, after the appointment
20 of a Service Provider to provide the aeronautical services specified in paragraphs (d), (e), (f) and (g) of that section, the person being appointed shall be required prior to such
25 appointment, to enter into a service agreement or agreements, as the case may be, with the Service Provider appointed to
30 provide the aeronautical services specified in paragraphs (d), (e), (f) and (g), as the case may be, where the nature and scope of the services provided by the latter Service Providers has
35 any direct safety or security impact on the aeronautical service to be provided by the Service Provider being
40 appointed to provide the aeronautical service specified in paragraph (a) of that section.

30 (3) Prior to the appointment of any Service Provider under section 6 of this Act, the Minister shall, on the advice of the Authority, be satisfied that the contents of the applicable
35 service agreement or agreements referred to in subsections (1) and (2) of this section, provides 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
40 each others possession or control, so as to ensure a safe, efficient, regular and smooth operation of aeronautical services within Sri Lanka.

(4) A copy each of the agreement or agreements referred to in subsection (3) shall be furnished to the Minister, who shall require the Authority to keep such copy or copies in its custody.

8. (1) The Authority may by Order published in the
 5 *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 Aerodromes transferred to and
 10 vested in the Authority, for 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 Part of this Act.

Providing
properties to
Service
Providers.

(2) It shall be the duty of a Service Provider to whom any
 15 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
 20 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;
- (b) dispose of any such property or Aerodromes; or
- 25 (c) 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
 30 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 30.

Issue of licences 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 (h), (i), (j), (k) and (l) of section 30, by the Authority; and

(b) paragraphs (a), (b), (c), (d), (e), (f) and (g) of section 30, 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 including conditions relating to fares or other charges that may be levied by the holder of the licence from the users of such services, information to be furnished by applicants and fees or any other charges to be paid for the issue and renewal 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 for a period of one year from the date of its issue, and any licence so issued may be renewed by the Authority or the Director-General, as the case may be, for further periods of one year at a time, on the payment of the renewal fee.

12. (1) The Authority shall classify Aerodromes in accordance with such regulations as 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 scope of 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 of all other Aerodromes available within the territory of Sri Lanka.

13. (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 out-lay of the project.

(2) An 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 on 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.

14. Notwithstanding anything to the contrary contained in any other written law, a Master Plan once approved under section 13 of this Act, shall not be subject to or be required to be further approved or accepted under any other written law.

Master Plan once approved need no further approval.

15. (1) Subject to the provisions of section 12, 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.

Issue of licences for Aerodromes.

(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 the ground ;

(b) the protection and care for the aircraft ; and

(c) maintenance and improvement of the Aerodrome.

(3) An application for a licence may be made by any Service Provider who shall pay the prescribed fee. A licence once issued shall be valid for a period of one year from the date of issue, subject to such licence being renewed by the Director-General for further periods of one year each, and on the payment of such renewal fee as may be prescribed.

(4) The criteria for licensing of Aerodromes shall be based on the classification of Aerodromes by the Authority under subsection (1) of section 12.

16. (1) The Minister shall on the recommendations of the Authority, establish a scale of charges for the provision of aeronautical services.

Charges for the provision of aeronautical services.

(2) The Director-General or the Authority, as the case may be, when issuing a licence to any Service Provider for the provision of aeronautical services, shall in the licence issued specify the charges, based on the scale of charges established by the Minister under subsection (1), that can be levied by such licence holder from the users of the aeronautical service being provided by such licence holder.

(3) A Service Provider holding a licence for the provision of an aeronautical service shall ensure that the charges levied from the users of the service rendered by such licence holder, are uniformly applied in respect of aircrafts of all State Parties to the Convention.

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

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
 5 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 ;
- 10 (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 ;
- 15 (d) preventing unauthorised people from having access to an aircraft, areas of the Aerodrome or to any other area where any aeronautical services are being provided ; and
- 20 (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.

- 18.** (1) A Service Provider who is providing and maintaining an aviation security service within the limits of
 25 an Aerodrome or at any other place or location where aeronautical services are being provided, shall—
- Duties of Service Provider providing an aviation security service.
- (a) protect and safeguard the property of the Government of Sri Lanka and of the other users of such Aerodrome, and reasonably ensure the safety
 30 of persons who enter or use the Aerodrome and where so directed, of the aircraft and other equipment which are within the limits of the Aerodrome ;

- (b) endeavour to prevent all breaches of law and the occurrence of any nuisance within the Aerodrome and at any other place or location where aeronautical services are being provided ;
- 5 (c) apprehend any disorderly or suspicious person within the Aerodrome or at any other place or location where aeronautical services are being provided ; and
- 10 (d) assist in the compliance with any direction 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
- 15 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 :—
- 20 (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 ;
- 25 (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 ;
- 30 (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
- 35 Civil Aviation Act, No. 31 of 1996 ;

- 5 (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 ;
- 10 (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 ;
- 15 (f) who is committing theft of or damage to any property within the Aerodrome ;
- 20 (g) who is found within the 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 ;
- 25 (h) found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions 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
- 30

- (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.

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 :

Power to search.

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 regarding the number of employees to be employed by such Service Provider, and the
 5 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) A permit granted under subsection (1) shall be subject to any terms or conditions that may be imposed by the Director-General.

10 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
 15 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 Part of this Act.

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

Declaration of Protected Area.

- (a) an Aerodrome, whether such Aerodrome is maintained for purposes of civil aviation or is maintained on a joint user basis ;
- 25 (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 13,

30 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.

5 (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
10 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
15 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 Protected Area, and in respect of distinct lighting and markings in the
20 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
25 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,
30 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

Acquisition of land in any Protected Area.

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.

- (2) Any sum payable for the acquisition of land for the
 5 Authority under the Land Acquisition Act, shall be paid out of the Fund of the Authority or the Civil Aviation Development Fund established by section 108 of this Act, as the case may be.

- 25 **25.** It shall be lawful for a Service Provider who is issued with a licence or permit under this Part 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
 15 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 Part of this Act, may be suspended or revoked by the Authority or the Director-General, as the case may be, who issued such
 20 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
 25 (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
 30 (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
 5 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.

27. During the period of suspension of a licence issued
 10 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, shall be vested with the Authority
 15 and the Authority may make that property available to any other Service Provider to whom a licence thereafter is issued for the provision of such aeronautical service in respect of which the licence which was revoked, had been issued.

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

28. (1) The Authority shall have the power to do all that
 20 is required or necessary to maintain the continuity of the aeronautical service provided by a Service Provider whose licence has been suspended during the period of such suspension, or in the case of a revocation of a licence, until a new licence is issued to any other Service Provider for the
 25 provision of such aeronautical service.

Providing aeronautical services during a suspension or revocation of a licence.

(2) In providing the aeronautical services 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
 30 and duties of an employee of the Service Provider whose licence has been suspended or revoked, as the case may be, 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 or the Civil Aviation Development Fund established by section 108 of this Act, as the case may be.

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

Authority to have power to provide aeronautical services.

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

30. For the purposes of this Act “aeronautical services” means—

Definition of aeronautical service.

- (a) the maintenance, operation and improvement of Aerodromes and the provision of Aerodrome facilities at such Aerodromes;
- (b) the provision and maintenance of search, rescue and fire fighting services at Aerodromes;
- (c) the provision and maintenance of an aviation security service;
- (d) the provision of air traffic services ;
- (e) the provision of aeronautical information services;
- (f) the provision of aeronautical communication services;
- (g) the provision of aeronautical aids for communication, navigation or surveillance;

- (h) the provision of services relating to the supply of aviation fuel and lubricant to aircrafts;
- (i) the provision of assistance or equipment for dispatch of aircraft on the apron, including cleaning services;
- 5 (j) the provision of ground handling facilities or services to aircraft;
- (k) the provision of catering services to aircrafts; and
- (l) the supply of any other service to an aircraft, other than the services specified above.

CHAPTER III

REGULATION OF CIVIL AVIATION

- 31.** (1) No foreign Military or State aircraft may enter the territory of Sri Lanka, without a special permission or authorization of the Authority. Entry by foreign Military or State aircraft.
- 15 (2) No foreign civil aircraft may enter the territory of Sri Lanka without a special permission or authorization of the Director-General
- (3) The Minister shall be kept informed of every authorization or permission granted by the Authority or the
20 Director-General, as the case may be, under this section.
- 32.** For purpose of fulfilling the international obligations of Sri Lanka regarding the safety and security of civil aircraft, the Minister shall co-ordinate the operation of State and Military aircraft, in consultation with the Minister in charge
25 of the subject of Defence. Co-ordination of operations in consultation with Minister of Defence.
- 33.** (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
30 subject of Defence may by general or special Order, regulate Special powers in case of emergency.

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
 5 the Minister, by any subsequent Order, authorise 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,
 10 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
 15 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
 20 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.

25 **34.** 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
 30 other substance which might jeopardize the safe performance of his duties.

Restrictions
on aviation
personnel.

35. 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
 35 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 or rules made thereunder or any Implementing Standards issued thereunder.

Inspection of
an aircraft.

36. 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.

- 5 (a) the aircraft is not airworthy ;
- (b) the crew is not qualified or is physically or mentally in capable of operating the flight;
- (c) the operation would cause imminent danger to persons or property; or
- 10 (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.

- 15 37. (1) Where the Director-General believes on reasonable grounds that the operation of any particular aircraft or all aircrafts 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
- 20 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—

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

- 25 (a) suspend, prohibit or impose conditions on, the operation of any specified aircraft or aircrafts belonging to that class or of such Aerodrome or the provision of such aeronautical service ;
- (b) suspend, prohibit or impose conditions on the use
- 30 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
 5 operator of the aircraft or component or to the Service Provider, as the case may be.

CHAPTER IV

REGISTRATION AND MARKING OF AIRCRAFT

- 10 **38.** An aircraft shall not fly in or over the territory of Sri Lanka, unless it is registered— Aircrafts not to fly unless registered.

(a) in Sri Lanka ;

(b) in a State Party to the Convention; or

- 15 (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 aircrafts registered in that country.

- 39.** Notwithstanding the provisions of section 38, an aircraft not registered as required by that section may be permitted to fly in or over the territory of Sri Lanka under the
 20 authority of a permit issued by the Director-General. Such permit may be issued for the purpose of or in connection with enabling such experiment or test or for any other purpose which appears to the Director-General that the aircraft may be permitted to fly unregistered, provided that in any such
 25 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.

- 40.** (1) Any aircraft which is not currently entered in an Aircraft Register of any other State shall be eligible for
 30 registration in Sri Lanka, where— Registration of aircraft.

- (a) it is owned by a citizen of Sri Lanka or a body corporate or incorporated under the laws of Sri Lanka, having its principal place of business in Sri Lanka;
- 5 (b) in the case of a State aircraft, the aircraft is fully owned by the Government of Sri Lanka or any public corporation;
- 10 (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; or
- (d) is owned by any person approved by the Cabinet of Ministers.

15 (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 41, to forthwith inform the Director-General of such change, and surrender the Certificate of Registration to the Director-General.

20 **41.** (1) An owner or operator of an aircraft eligible to be registered under section 40, 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, 25 that the aircraft complies with all such requirements as may be prescribed for that purpose, register the aircraft.

Application for and issue of a Certificate of Registration.

(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 30 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 35 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—

- 5 (a) is, to be brought into Sri Lanka for the purposes 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.
- 10

42. (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 aircrafts 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.

43. (1) A Certificate of Registration issued under section 41, 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;
- 30 (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
 5 such Certificate of Registration shall be required forthwith to surrender such Certificate to the Director-General.

44. 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
 10 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.

Renewal of
Certificate of
Registration.

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

Display of
nationality
and
Registration
Mark.

46. (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
 20 of this Act or as required or permitted by the Director-General.

Use of State
Marks and
Civil Air
Ensign.

(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
 25 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,
 30 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
 35 place other than its principal place of station as indicated in the Certificate of Registration.

CHAPTER V

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

47. (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 any part of an aircraft, 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 the prescribed fee.

Prohibition
on
manufacture,
assembl &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.

48. (1) Any person or body of persons who acts in violation of the requirements of section 47 shall be guilty of an offence under this Act.

Effect of
violating the
provisions of
section 47.

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

49. 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
20 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
25 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.

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

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

Issue of
Certificates of
Airworthiness.

(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 specified by the Director-General.

- 5 (3) A Certificate 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
10 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
15 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.

- 20 **51.** 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
Certificate of
Airworthiness.

25 CHAPTER VI

SEARCH AND RESCUE OPERATIONS AND INVESTIGATION INTO ACCIDENTS AND INCIDENTS

- 52.** The procedures to be followed in the provision and co-ordination of necessary measures of assistance to be given
30 to an aircraft in distress, shall be as determined by the Authority by rules made in that behalf. Such rules shall be based on the applicable SARP's relating to the same.

Search and
rescue
operations.

53. (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.

Requisitioning of aircraft and calling out of flight crew for air search and 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.

54. (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 any aircraft registered in Sri Lanka, for the purpose of determining the facts, conditions and circumstances relating to the accident or incident and the probable cause thereof.

Aircraft accident or incident investigations.

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

55. (1) For the purpose of carrying out an investigation under section 54, the Authority shall appoint and 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 will act as its Chief Investigator.

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.

56. (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—

Declaration
of Secrecy.

- (a) when required to do so by a court of law;
- (b) in the performance of 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 private.

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

Power to
summon and
examine
witnesses and
productions.

- 5 (a) summon under its Chief Investigator's hand, and call before it and examine all such persons whom it considers necessary ;
- 10 (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 investigations ;
- 15 (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 ;
- 20 (d) have access to examine an aircraft involved in the accident and the place where the accident occurred, and for that purpose to require any such aircraft or any part of equipment thereof to be preserved unaltered, pending examination ;
- (e) examine, remove, test, take measures for the preservation of, and otherwise deal with the aircraft or any part thereof or anything contained therein ;
- 25 (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.

30 (2) An investigation instituted by the Authority under section 54 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
5 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
10 or the aircraft suffers substantial damage, the Authority shall authorize the accredited representative of the State where such aircraft is registered or where applicable, the State of the operator, the State of the manufacturer of the aircraft, the States of which the victims, are nationals and any other State
15 considered appropriate by the Authority, to participate as observers 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
20 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
25 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-

- 30 (a) disobey a summons ;
- (b) refuse to be sworn in or to make an affirmation as 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 of any powers or duties under this Chapter.

58. (1) Where any accident or incident 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 authorise an accredited representative to participate in any investigation or inquiry that may be conducted by the country in which the accident occurred, or may authorise the Board to conduct an investigation into any matter connected with such accident or incident.

Accidents
outside Sri
Lanka.

(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.

59. (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) In the case of an investigation relating to any foreign aircraft, the Authority shall send with the minimum delay, a copy of the report and in addition, a summary of the evidence

and other essential information on which such findings were based, to the State of Registry, and where applicable, to the State of the operator, except that in such cases where that State has had an accredited observer participating in the inquiry, the report may be restricted to matters affecting or likely to affect that State.

60. The Authority or the Board shall not make the following records available for any purpose other than for an accident or incident investigation, unless any court in Sri Lanka determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any other future investigation :—

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 having been 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 and transcripts from such recordings ; and
- (e) opinions expressed on the analysis of information, including flight recorder information.

61. The members of the Board appointed under section 55 shall, so long as they are acting as such members, be deemed to be public servants within the meaning of the Penal Code and every investigation under this Chapter of this Act shall be deemed to be a “judicial proceedings” within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979 and for the purpose of section 33 of the Evidence Ordinance.

Members of the Board deemed to be public servants etc.

62. 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.

CHAPTER VII

AVIATION PERSONNEL AND TRAINING INSTITUTIONS

63. (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.
- Regulations to be made for obtaining licences etc. by personnel.

- (2) Regulations 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 Part of this Act, unless the person so engaging 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.

64. Every licence, rating, certificate of competency, and permit referred to in section 63, shall be issued by the Director-General or on his behalf by any other person authorized 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, for any reason as may be prescribed under that section.

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

65. (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 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 Part 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 Part of the 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 a cancellation of any licence, rating certificate of competency or permit issued to such person by the Director-General.

66. (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 63 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
 5 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
 10 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

15 **67.** (1) No aircraft registered in Sri Lanka shall fly within or outside the territory of Sri Lanka, unless it carries on board the Certificate of Registration and the Certificate of Airworthiness issued under section 41 and section 50
 20 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 the licence or certificate issued on registration of that
 25 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.

30 (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 aircrafts, engines, propellers, equipment or personnel involved in the maintenance and operations of aircraft.

68. (1) The Minister shall in compliance with the relevant SARP's, 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 64 suspended or cancelled, as the case may be.

69. (1) Without prejudice to the provisions of section 68, a Pilot-in-Command shall—

(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;

Rules of the Air.

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

- (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.
- 10 (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—
 - 15 (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
 - 20 (d) the degree of danger involved in complying with the requirements of the Act or any regulations or rules made there under or any implementing standards relating to air craft operations, is manifestly greater in degree than the danger involved
 - 25 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
 - 30 (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 likely to be affected from such an event, the Director-General shall is 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 made in terms 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.
- 15 **70.** (1) No aircraft registered in Sri Lanka or any aircraft used by an operator licensed under this Act on the basis of any lease, charter, interchange or similar arrangement, shall be operated other than under and in accordance with the terms of an Air Operator Certificate granted by the Director-General to the owner or operator of such aircraft. Air Operator Certificate.
- 25 (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 granted 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 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.
- 35 (3) An Air Operator Certificate and Foreign Air Operator Certificate referred to in subsection (1) and (2), shall not be issued by the Director-General, where an operator or owner or a foreign air operator, as the case may be, who applies for such Air Operator Certificate or 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.
- 40

(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
5 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
10 operations specifications specified in the Certificate issued and to such terms and conditions as may be prescribed, and 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
15 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 period not exceeding one year in each case, provided the requirements to hold such Certificate is maintained to the satisfaction of
25 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 thereof, shall be subject to a fine not
30 exceeding the equivalent in Sri Lanka Rupees of ten thousand SDR or per each day of the infraction.

71. (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
35 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

Liability
insurance.

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
 5 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 Foreign Air Operator Certificate as the case may be, shall take into consideration whether—

- 10 (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
 15 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
 20 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
 25 carried on by the holder of the relevant Certificate.

72. (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
 30 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, if the conditions
 35 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 70, the requirements under sections 71 or any other requirements imposed under the provisions of this Act or any regulations, rules, implementing Standards or Directives, made thereunder.

- 5 **73.** (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
10 functions and duties relating to safety over-sight 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* of the Convention, and the application of the provisions of this Act or any regulations
15 or rules made thereunder, shall be to the extent specified in such agreement.

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

- (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
20 Convention, for the transfer of the functions and duties of the State with which such aircraft is registered relating to safety oversight of an aircraft registered in Sri Lanka, which is to be operated by an operator of another State, pursuant to an agreement for the lease, charter or interchange of the aircraft
25 or any other similar arrangement, and the nature and scope of the duties and functions so transferred to that State, shall be to the extent mentioned in such agreement.

- (3) The Director-General may, for a period not more than three months and subject to such conditions as may be
30 prescribed, waive the requirement 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.

74. (1) For the purpose of ensuring the safety of air navigation and of persons travelling on board an aircraft, the Minister shall in compliance with the applicable SARP's, 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, 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 the Directives issued by him under this subsection or any regulations 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.

75. (1) The Authority with the assistance of the Service Provider appointed for the provision of air traffic services shall, in accordance with the applicable SARP's 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.

Determining air routes.

(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 SARP's or to the design of the Regional Air Navigation Plan, as the case may be.

76. 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 prescribe fee.

Pilotless aircraft.

77. (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.

Acrobatic flying, flight exhibitions, competitions and air shows.

(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.

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

(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 under this Act.

- 10 **79.** 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.
- 15 (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 affect the safety or security of the aircraft or its passengers ;
- 20 (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 ;
- 25 (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
- 30

- (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,

5 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

10

COMMERCIAL AIR TRANSPORTATION

80. (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 83.

Airline
Licence and
Foreign
Airline
Licence.

15 (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 in the form prescribed for that purpose.

81. (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.

82. 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.

83. (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 commercial air transport.

- (a) a citizen of Sri Lanka ;
- 5 (b) a registered body of persons having its principal place of business in Sri Lanka, in which at least 51 *per centum* of the share capital is owned by citizens of Sri Lanka ; or
- 10 (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).

- 15 (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 :—

- 20 (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 ;
- 25 (c) that adequate and valid liability insurance cover as determined on the guidelines referred to in subsection (2) of section 71, is held for any damage that may arise out of its proposed operations ;
- 30 (d) that 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 is in place, which has been approved by the Director-General ;
- 35 and

- (e) that the applicant fulfills any other requirements as may be prescribed by regulations.

84. (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.

- 5 (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 71, to cover liability which may arise from its operations ; and
- 10 (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.

- 15 (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
- 20 (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.

- 85.** (1) Where appropriate, the Authority may, upon a request made in that behalf by the holder of an Airline Licence, a Foreign Airline licence or an Aerial Work Licence, as the case may be, issued under sections 81, 83 or 84 of this Act, and on the payment of a prescribed fee, amend such licence.

Power to
amend a
licence issued
under
sections 81,
83 or 84 of
this Act.

- (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 Airline Licence, a Foreign Airline Licence or an Aerial Work Licence as the case may be, issued under section 81, 83 or 84 of this Act, by the incorporation of any additional conditions or limitations to such licence.
- 30

86. The Authority may at any time suspend or revoke an Airline Licence, a Foreign Airline Licence or an Aerial Work Licence issued under sections 81, 83 or 84 of this Act, on any one or more of the following grounds :—

Power to suspend or revoke a licence issued under sections 81, 83 or 84.

- 5 (a) where the conditions under which the licence was issued have changed ;
- (b) where the licence-holder or any aircraft operated by the licence-holder, fails to comply with any provisions of this Act or any regulations or rules made thereunder or any term or condition of the licence ;
- 10 (c) where the licence-holder fails to conform to or comply with, any term or condition of the relevant agreement or arrangement ;
- 15 (d) in the case of the holder of a Foreign Airline Licence, where the Foreign Air Operator Certificate issued under section 70 of this Act to such holder, is revoked ; or
- 20 (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.

87. (1) Every holder of an Airline Licence or a Foreign Airline Licence shall submit to the Authority in such manner as shall be prescribed, the fares and rates they propose to charge for commercial air transportation. The Authority shall, having due regard to the international agreements applicable to the proposed air service, have the right either to approve or disapprove such fares and rates, where it is satisfied that such fares and rates would result in unfair competitive practices in respect of one or more of the following aspects :—

Fares and rates.

- (a) charging fares and rates on any particular routes which are, in the aggregate, insufficient to cover the cost of providing the services to which they relate ;
- 5 (b) the addition of excessive capacity or frequency of service ;
- (c) the practices in question are of a permanent nature rather than temporary ;
- 10 (d) the practices in question have a serious economic effect on, or cause significant economic damage to, another carrier ;
- (e) the practices in question reflect an apparent intent or have the probable effect, of crippling, excluding or driving out another carrier from the market ; or
- (f) abuse of dominant position of a route.

- 15 (2) A holder of a licence referred to in subsection (1) who charges fares and rates not in conformity with the fares and rates approved by the Authority 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 ten thousand SDR or to
- 20 imprisonment of either description for a term not exceeding two years, or to both such fine and imprisonment.

25 **88.** (1) No Foreign Airline Licence holder shall provide maintenance services to any other Airline, except under the authority of a permit issued in that behalf by the Director-General.

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

30 (3) The Director-General on being satisfied of the technical competency and ability of the applicant to provide maintenance services to Airlines, may 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.

5 **89.** (1) No person shall establish or operate a Computer Reservation System relating to air transport, except under the authority on of a permit issued for such purpose by the Authority on payment of the prescribed fee and subject to such terms and conditions as may be imposed. on Computer Reservation System.

10 (2) The Authority shall issue directives, instructions and procedures to Computer Reservation Systems vendors who are issued with a permit under subsection (1), with regard to the operation of Computer Reservation Systems so as to ensure a fair and equitable opportunity being granted to all
15 such vendors and users of such Systems.

(3) A permit issued under subsection (1) 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.

20 (4) A permit issued under this section may be suspended or cancelled as the case may be, for violation of any term or condition imposed.

25 **90.** (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

30 (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 of 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.

91. (1) The Authority may issue to any holder or category of holders of any licences or permits, issued under this Part 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.

Protection of passengers and users of aircrafts.

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

92. 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.

Flight schedules.

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

Allocation of slots.

94. (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.

(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 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.

95. (1) Every person to whom a licence or a permit is issued under sections 89, 90 or 94, 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.

Person issued with licences under sections 89, 90 or 94 to maintain certain records and furnish information.

(2) The Authority may revoke a licence or a permit issued under sections 89, 90 or 94, 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 ;
- 5 (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
- 10 (e) has contravened any provisions of this Part of this Act or any regulations or rules made under this Part.

(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
15 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—

- 20 (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
25 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.

30 (5) Where the Authority has reasonable grounds to believe that any provisions of this Part 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 89, 90 or 94, 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
 5 take into custody any tickets, stocks or other documents used in connection with the commission of such offence.

96. (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
 10 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
 15 subsection (1), shall be an offence under this Act.

CHAPTER X

OFFENCES AND PENALTIES

97. Any person who fails to comply with a written request made by the Authority or the Director-General under the
 20 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 be liable to a fine not exceeding the equivalent in Sri Lanka rupees of ten thousand SDR or to imprisonment not
 25 exceeding two years, or to both such fine and imprisonment.

Failure to furnish information.

98. (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
 30 remedy that may be available under any other law, seize such aircraft and detain the same until the amount due is paid in full.

Seizure of an aircraft.

(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.

99. (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.

Violating safety or security requirements to be an offence.

(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. Where a person once penalized continues to refuse to conform to the requirements imposed under subsection (1), such person shall be liable to the payment of an additional penalty in a sum consisting of double the amount imposed as a penalty on the earlier occasion.

(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 Civil Aviation Development Fund established under section 108 of this Act.

(4) The imposition of a penalty under this section shall not preclude the Director-General or the Authority, as the case may be, from taking such administrative measures as may be considered necessary or appropriate, in order to secure due compliance with the safety and security measures that were being violated by the person on whom such penalty was imposed.

100. Any person who—

Offences.

- (a) contravenes or fails to comply with any provision of this Act or any regulation or rule made thereunder;
- 5 (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
- 10 (c) obstructs or impedes any person in the exercise of his powers and 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
15 imprisonment.

101. 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 ten thousand SDR or to
20 imprisonment of either description for a term not exceeding two years, or to both such fine and imprisonment.

Penalties.

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

Offence committed by a body of persons.

- 25 (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
- 30 (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
35 of such offence.

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

Proof of documents.

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

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

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

(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
 20 filed in the Magistrates Court of Colombo or upon an indictment in the High Court of Sri Lanka holden in the
 25 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.

105. (1) No action shall lie against an owner of an
 30 aircraft for trespass or nuisance, by reason only of the flight or any ordinary incidents of the flight of an aircraft over any property at a height above the ground, which, having regard to wind, weather, and all the circumstances of the case, is

Trespass, nuisance, and responsibility for damage.

reasonable, so long as the provisions of this Act and any regulations, rules or implementing standards, directions, directives, instructions or procedures made thereunder duly complied with.

- 5 (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
 10 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 wilful 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
 15 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
 20 (b) such compensation is recoverable and is recovered from the owner of the aircraft by virtue only of the provisions of this section,
- 25 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 operative 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.
 30

CHAPTER XI

GENERAL

106.(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 Agency 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 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.

Director-
Generals
power to
cancel
licences etc,
in certain
circumstances.

(2) The provisions of subsection (3) of section 26 and of section 110 of this Act, shall not apply in respect of any cancellation of a licence, certificate, permit, authorization or approval done under subsection (1).

107. (1) 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, any change taking place in the directorate or in the partnership should, not less than two weeks prior to such change taking place, be communicated to the appropriate authority who issued such licence, certificate, permit, authorization or approval, as the case may be.

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

(2) A licence, certificate, permit, authorization or approval already granted or issued to any body corporate or partnership shall, from and after the date on which a change

takes place in its directorate or in the partnership, as the case may be, cease to be valid and effectual, notwithstanding anything to the contrary contained in such licence, certificate, permit, authorization or approval, as the case may be, or in
 5 any provisions of this Act.

(3) Where a change is being contemplated in the directorate or in the partnership as referred to in subsection (1), nothing in this Act shall preclude or prevent an application being forwarded to the appropriate authority prior to such
 10 change taking place, by the intended directorate or the intended partners of the partnership, for the grant or issue of a new licence, certificate, permit, authorization or approval, as the case may be, in lieu of such change :

Provided that no such new licence, certificate, permit,
 15 authorization or approval, as the case may be, shall be granted or issued by the appropriate authority, until after the contemplated change in the directorate or in the partnership has taken place.

108. (1) There shall be established a Fund called the
 20 “Civil Aviation Development Fund”, which shall consist of all monies credited to such Fund by the Director-General under section 99 and section 11 of this Act. Civil Aviation Development Fund.

(2) The Authority shall be responsible for the administration of the Civil Aviation Development Fund, and
 25 shall utilize the monies lying to its credit for the purpose of—

- (a) developing or providing the civil aviation infrastructure in the country ;
- (b) developing human resources needed for the
 30 provision of an efficient and safe aeronautical service within the country in accordance with the standards required under the Convention ; and

- (c) any other function, which the Authority considers necessary to further the development of the civil aviation industry in the country.

(3) The provisions of section 14 of the Civil Aviation Authority of Sri Lanka Act shall, *mutatis mutandis* apply to and in relation to the audit of the accounts of the Civil Aviation Development Fund.

109. (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.

(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 Civil Aviation Development Fund, established by section 11 of this Act.

(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.

110. (1) Any person who is aggrieved by an order or decision made by the Director-General or the Authority as the case may be, 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

Appeal procedure.

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.

- 5 (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.

- 10 **111.** 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 carrying out any powers and functions vested in him under the provisions of this Act or any regulations or rules made thereunder. Access to authorized persons.

- 15 **112.** 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 of the Ministry of the Minister, continue to be in force until a decision is made on the appeal by such Secretary. Coming in to force of any order or decision of the Director-General or the Authority.

- 113.** (1) No licence, certificate, permit, authorization or approval granted or issued under this Act to any person, shall be— Prohibition against transfer of licence.

- 25 (a) transferable to any other person ; or

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

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

- 30 **114.** (1) The Minister may 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
5 following matters :—

- 10 (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 ;
- 15 (c) licencing, inspection, regulation and control of aerodromes and the classification of Aerodromes for purpose of issue of licence ;
- (d) access to Aerodromes and places where aircraft land and aircraft factories, for the purpose of inspection and the prohibition of trespassing on Aerodromes ;
- 20 (e) employment of persons in or in connection with air navigation and the licensing of those employed at licensed Aerodromes in the inspection or supervision of aircraft ;
- 25 (f) conditions under which aircrafts, 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 ;
- 30 (g) conditions under which passengers and goods may be carried by air and aircrafts may be used for other commercial, industrial or gainful purposes and specifying goods that are prohibited from being carried by air ;

- 5 (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 ;
- 10 (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 ;
- 15 (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 ;
- 20 (l) supply of meteorological information for the purpose of air navigation by person engaged in or employed in or in connection with, such navigation ;
- (m) regulation of the making of signals and other communications by or to as aircraft and persons carried therein ;
- 25 (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 ;
- 30 (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 made thereunder and the form, custody, production, cancellation, suspension, endorsement and surrender of any such document ;

- 5 (q) regulation of the charges that may be made for the use of Aerodromes and for services provided at such Aerodromes ;
- 10 (r) regulation of the charges that may be made from over-flying aircraft for the use of air navigation services or facilities provided by State or any Aerodrome in Sri Lanka ;
- 15 (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 under this Act or any regulations made thereunder ; and
- (t) the regulation and control of the conditions under which noise and vibration may be caused by aircraft on Aerodromes.
- 20 (3) Without prejudice to the generality of the powers hereinbefore conferred, any regulations made under this Act may provide for—
- 25 (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
- 30 by another such undertaking ;

- (b) the application of such regulations in respect of all aircrafts registered in Sri Lanka, wherever they may be ;
- 5 (c) the prohibition or regulation of doing anything by persons in, or any of the crew of, an aircraft registered in Sri Lanka wherever they may be ; and
- 10 (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
15 to the Minister to be necessary or expedient for securing such detention.

115. 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.

- 20 (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 ;
- 25 (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 all such statements or declarations by holders of licences issued under section 94 as may be necessary to ensure that the regulations made

under section 114 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.

116. (1) Every regulation made by the Minister and the Minister in charge of the subject of Finance, under sections 114 and 115 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.

Gazetting of regulations made under sections 114 and 115.

(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 be 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*.

117. (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 or any regulations or rules made thereunder.

Power to issue implementing standards.

(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. Non-compliance with any such implementing standards shall be deemed to be an offence
5 under this Act.

118. 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
10 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.

Director-General to issue general or special directions.

119. (1) The Authority may make rules in respect of all or any of the matters in respect of which rules are authorized
15 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*.

120. 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 preceeding the date of the commission of the the offence in respect of which such fine is being imposed.

Equivalent of SDR in rupees.

121. (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 ;

30

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

10 “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 ;

15 (ii) on the manoeuvring area between aircraft and obstructions ; and

(b) expediting and maintaining an orderly flow of air traffic ;

20 “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 ;

25 “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 ;

5 “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
10 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 ;

15 “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 the Annexures attached to such
20 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
25 Technical Instructions issued by International
Civil Aviation Organization or which are classified
as dangerous goods according to such Technical
Instructions ;

30 “Director-General” means the Director-General of Civil
Aviation appointed under section II of the Civil
Aviation Authority of Sri Lanka Act ;

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

- “ground handling services” means services necessary for an aircraft’s arrival at and departing from an aerodrome, other than air traffic services ;
- 5 “military aircraft” means an aircraft used or operated for or on behalf of the State for purposes other than the carriage of passengers or cargo for hire or reward ;
- 10 “National Aviation Policy” means the National Policy on Aviation formulated and adopted by the Cabinet of Ministers ;
- 15 “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 aircrafts and includes visual and non-visual navigational aids ;
- 20 “operator” means a person, organization or an enterprise holding an Air Operator Certificate or a Foreign Air Operator Certificate 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
- 25 the control (in the capacity of 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
- 30 Provider so appointed for that purpose ;
- 35

5 “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 ;

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

10 “SDR” means Special Drawing Right as defined by the International Monetary Fund ;

“Standards” means—

15 (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

20 (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.

25 “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.

30 (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.

122. 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.

123. (1) The provisions of the Air Navigation Act, (Chapter 365), other than the provisions contained in Part III of that Act and the provisions of Air Navigation (Special Provisions) Act, No. 55 of 1992, other than the provisions contained in Part II of that Act, are (in this and section 124 referred to as “repealed provisions”) are hereby repealed.

Repeal and savings provisions.

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

- 15 (a) 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 ;
- 20
- 25 (b) 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 ;
- 30 (c) every approval granted and every designation, authorization or appointments 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

- 5 (d) any 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
10 award entered or made in favour of or against the Authority and may be enforced accordingly.

124. (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
15 appointed date, be deemed to be a Service Provider (hereinafter referred to as the “Statutory Service Provider”) for the purpose of this Act, and shall be issued with all the relevant licences required to be issued under this Act, to provide the aeronautical services such Agent is engaged in
20 providing on such appointed date.

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 *Gazette*, and the provisions of section 7 of this Act shall *mutatis mutandis* apply to and in respect of such
25 Statutory Service Provider.

(3) All licences issued to a Statutory Service Provider under subsection (1) shall be valid for a period of one year from the date of issue, and shall be subject to the same terms and conditions as those attached to a similar licence issued
30 to any other statutory Service Provider appointed under this Act.

(4) Within six months of the date of issue of every licence to the Statutory Service Provider under subsection (1), an application each in accordance with the relevant provisions

of this Act shall be made to the Director-General or the Authority, as the case may be, for the issue of any new licences for the provision of the aeronautical services such Statutory Service Provider proposes to provide after the expiry of the
 5 period of validity of the licences issued to such Statutory Service Provider under subsection (1).

125. (1) The Authority shall, on the issue of any new licences to a Statutory Service Provider under subsection (4) of section 124 of this Act, grant written permission to such
 10 Statutory Service Provider to withhold any immovable properties that are in his possession by virtue of any transfers made to him in his capacity as Agent prior to the appointed date, which the Authority considers necessary and appropriate to be withheld by the Statutory Services Provider, in order to
 15 provide the aeronautical services in respect of which such new licences are being issued.

Withholding
of certain
properties by
the Statutory
Service
Provider.

(2) It shall be the duty of the Statutory Service Provider to return to the Authority, on or before the commencement of the period of validity of the new licences issued under
 20 subsection (4) of section 124, all such immovable properties that are in such Statutory Service Providers possession and which such Statutory Service Provider is not entitled to withhold on permission granted by the Authority under subsection (1).

25 (3) Failure to return any immovable property required to be returned to the Authority under subsection (2) shall be an offence under this Act, and the Authority or the Director-General, as the case may be, who issued the new licences to the Statutory Service Provider, shall be entitled to suspend or
 30 cancel any licences so issued, until the property concerned is returned to the Authority forthwith.

(4) Any dispute that may arise regarding the immovable properties to be returned by the Statutory Service Provider under subsection (2), shall be referred to the Secretary to the
 35 Ministry of the Minister for resolution, and his decision thereon shall be final and conclusive.

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 AIRCRAFT

- (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 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 aircrafts, 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 the aircraft of 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, 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

Aircrafts 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 State, 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

(a) 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.

(b) 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 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 88- not been reproduced due to non-relevance

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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