

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON AVIATION DIVISION ON THE PAKISTAN CIVIL AVIATION BILL, 2022 (GOVERNMENT BILL)

I, the Chairman of Standing Committee on Aviation Division, have the honor to present this report on the Bill to consolidate and amend laws relating to regulation of civil aviation activities and further to confer functions on Pakistan Civil Aviation Authority [Pakistan Civil Aviation Bill, 2022 (Ordinance No. XIII of 2021)] (Government Bill) referred to the Committee on 12th August, 2021.

2. The Committee consists the following: -

1)	Haji Imtiaz Ahmed Chaudhary	Chairman
2)	Ch. Shaukat Ali Bhatti	Member
3)	Mr. Faiz Ullah	Member
4)	Malik Karamat Ali Khokhar	Member
5)	Mr. Tahir Iqbal	Member
6)	Mr. Niaz Ahmed Jakhar	Member
7)	Ms. Munawara Bibi Baloch	Member
8)	Ms. Asma Qadeer	Member
9)	Ms. Saira Bano	Member
10)	Mr. Jai Parkash	Member
11)	Dr. Khalid Maqbool Siddiqui	Member
12)	Ms. Shahnaz Saleem Malik	Member
13)	Choudhary Faqir Ahmed	Member
14)	Dr. Aisha Ghaus Pasha	Member
15)	Ms. Romina Khursheed Alam	Member
16)	Dr. Darshan	Member
17)	Sardar Muhammad Bux Khan Mahar	Member
18)	Mr. Naveed Dero	Member
19)	Jam Abdul Karim Bijar	Member
20)	Mr. Kamal Ud Din	Member
21)	Chaudhary Ghulam Sarwar Minister for Aviation	Ex-Officio Member

3. The Committee considered the Bill as introduced in the National Assembly placed at Annex 'A' in its meetings held on 07-10-2021, 24-11-2021 and unanimously recommends that the Bill as introduced may be passed by the National Assembly.

Sd/-
(TAHIR HUSSAIN)
Secretary
Islamabad, the 13 January, 2022

Sd/-
(HAJI IMTIAZ AHMED CHAUDHARY)
Chairman

[AS REPORTED BY THE STANDING COMMITTEE]

A

Bill

to consolidate and amend laws relating regulation of civil aviation activities; and further to confer functions on Pakistan Civil Aviation Authority

WHEREAS it is expedient to consolidate and reenact laws relating to powers and functions of the Pakistan Civil Aviation Authority; for development, promotion and regulation of civil aviation activities; to ensure civil aviation safety and security; to give effect to the conventions, treaties and agreements on international civil aviation;

WHEREAS to make provisions for the control and regulation of development, operations and maintenance of aerodromes, airports and related infrastructure; and to control and regulate safe, secure, efficient, adequate, economical and properly coordinated civil air transport service and air navigation services;

AND WHEREAS to make better provisions for the control and regulation of manufacture, design, possession, use, acquisition, operation, sale, import and export of aircraft; and to provide for any matters arising out of or connected therewith or ancillary thereto;

It is hereby enacted as follows:-

CHAPTER-I

GENERAL

1. **Short title, extent, application and commencement.**-(1) This Act shall be called the Pakistan Civil Aviation Act, 2021.

(2) It extends to the whole of Pakistan.

(3) It shall apply to-

- (a) all civil airports and aerodromes within Pakistan;
- (b) all citizens of Pakistan and persons on any aircraft registered or operated in Pakistan, wherever such citizen or aircraft may be;
- (c) all persons on board any aircraft while in Pakistan; and
- (d) all persons carrying on any activity relating to or connected with, the purposes of this Act:

Provided that the provisions of this Act shall not APPLY in respect of any-

- (i) aircraft belonging to or exclusively employed in the naval, military or air force of Pakistan, or persons employed in connection with any such aircraft, unless the Federal Government, by notification in the official Gazette, applies to any such aircraft or person, with or without modification, any of the provisions of this Act or the rules; or
- (ii) lighthouse to which the Lighthouse Act, 1927 (XVII of 1927), applies, or prejudice or affect any right or power exercisable by any authority under that Act.

(4) The Federal Government may, by notification in the official Gazette, direct that this Act, or any provisions thereof which it may specify in the notification, shall come into force on such date as it may appoint in this behalf.

2. **Definition.-** In this Act, unless there is anything repugnant in the subject or context,-

(a) **“accident”** means;

(1) an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which-

(i) a person is fatally or seriously injured as a result of being in the aircraft, or have direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or have direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to passengers and crew; or

(ii) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, (including its cowlings or accessories), or for damage limited to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor

blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); and

- (2) an occurrence associated with the operation of air navigation services, management of aerodromes or such other incidents as specified by the Authority;
- (b) **“aerodrome”** means a defined area on land or water including any buildings, installations and equipment; intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
- (c) **“aircraft”** means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface, and includes balloons, whether captive or free, airship, kites, gliders, flying machine and unmanned aerial vehicle;
- (d) **“airport”** means an aerodrome at which facilities have, in the opinion of the Federal Government, been sufficiently developed to be of importance to civil aviation;
- (e) **“airport licence”** means a license granted under this Act;
- (f) **“air transport service”** means a service of aircraft for the purpose of effecting public transport of passengers, goods, mails and other things;
- (g) **“Annexes to the Chicago Convention”** means documents issued modified and amended by the International Civil Aviation Organization from time to time, containing the standards and recommended practices applicable to civil aviation;

- (h) **“Authority”** means the Pakistan Civil Aviation Authority established under section 3;
- (i) **“Board”** means the Board referred to in section 4;
- (j) **“Chairperson”** means the Chairperson of the Board;
- (k) **“Code”** means the Code of Criminal Procedure 1898 (Act V of 1898);
- (l) **“commercial flying”** means flying for carriage by air of any passenger, mail or goods for hire or reward and such other flying for the purposes of any trade or business as may be specified by the Authority and **“commercial flight”** shall be construed accordingly;
- (m) **“Court”** means a court of competent jurisdiction, but not inferior to the Court of Magistrate of the first class;
- (n) **“device”** means any mechanical or electronic equipment, apparatus, tool or thing made or adapted to disrupt or interrupt or obstruct flight operations;
- (o) **“director general”** means the Director General of the Authority;
- (p) **“division concerned”** means the division of the Federal Government to which the affairs of the Authority stand allocated under the Rules of Business, 1973;
- (q) **“export”** means taking out of Pakistan;
- (r) **“import”** means bringing into Pakistan;
- (s) **“incident”** means an occurrence other than accident, associated with the operation of aircraft which affects or could affect the safety of operations;
- (t) **“landing area”** means the part of the movement area intended for the landing or take off of aircraft;

- (u) **“person”** means any individual, firm, partnership, corporation, company, limited liability company, association of persons, joint stock association, government entity, body politic, and includes any trustee, assignee and receiver or other representative or employees thereof;
- (v) **“prescribed”** means as prescribed by rules or regulations made under this Act;
- (w) **“regulations”** means the regulations made under this Act;
- (x) **“rules”** means the rules made under this Act;
- (y) **“secretary”** means the Secretary of the division concerned; and
- (z) **“weapon”** means any firearm, explosives, missile, detonating device, improvised explosive device, precursor chemicals or any inflammable substances, biological weapon, nuclear weapon or any other thing that may cause or likely to cause injury or death to human life or damage to aircraft.

CHAPTER -II

ESTABLISHMENT OF THE AUTHORITY

3. Establishment of the Authority.-(1) The existing Pakistan Civil Aviation Authority shall be deemed to be the Authority established for purposes of this Act.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal with power, subject to provisions of this Act, to acquire and hold property, both movable and immovable, and shall sue and be sued by the name assigned to it by sub-section (1).

4. Management.- (1) The general direction and administration of the Authority under this Act and its affairs shall vest in a Board which may exercise all powers, perform all

functions and do all acts and things which may be exercised, performed or done by the Authority.

- (2) The Board shall consist of the following members, namely;
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|---|-------------|
| (i) Secretary of the division concerned | Chairperson |
| (ii) Vice Chief of Air Staff, Pakistan Air Force | Member |
| (iii) Director General of the Authority | Member |
| (iv) Member Federal Board of Revenue | Member |
| (v) An officer of BPS 20 or equivalent and
above of the division concerned | Member |
| (vi) Senior officer of the Authority | Secretary |

(3) The Federal Government may, by notification in the official Gazette, amend sub-section (2) so as to add any clause thereto, or modify or omit any clause thereof.

(4) The Federal Government may appoint not more than three additional members having technical experience and qualification, for such period as it may determine.

(5) The Board may co-opt not more than three technical members having requisite experience and qualification, for such period as it may determine.

(6) The meetings of the Board shall be held at such times and places and in such manner as may be prescribed by regulations:

Provided that until regulations are made in this behalf, the meetings shall be held as and when convened by the Chairperson.

(7) The Chairperson or, in his absence, a member authorized by him in this behalf and three members shall constitute a quorum for a meeting of the Board.

5. **Executive committee.**-(1) There shall be an executive committee of the Authority consisting of the Director General, who shall be its head, and four other members who shall be nominated amongst the senior officers of the Authority.

(2) The executive committee shall exercise such administrative, executive, financial and technical powers, as may be delegated to it by the Authority.

(3) The executive committee may, in any extraordinary event take immediate action, as it considers necessary, and shall report such action for approval of the Board in its next meeting.

6. Directorates of the Authority.-The Authority may establish one or more directorates, to control and regulate aircraft, aerodromes, airports and civil enclaves; air transport and air navigation in order to ensure safe, secure, efficient, adequate and properly coordinated civil aviation activities within Pakistan.

7. Recruitment of officers, etc.-(1) The Authority may, from time to time, appoint such officers, servants, experts and consultants as it may consider necessary for the performance of its functions under this Act.

(2) The Authority shall make regulations for appointment procedures of its officers, servants, experts and consultants, and their terms and conditions of service.

8. Members, officers etc., to be public servants.-The Director General, members, officers, servants, experts and consultants of the Authority, shall, when acting or purporting to act in pursuance of any of the provisions of this Act or the rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

CHAPTER -III

POWERS AND REGULATORY CONTROL OF AUTHORITY

9. Powers and functions of the Authority.-(1) Subject to the provisions of this Act, the Authority shall have the responsibility for controlling, regulating and supervising all matters related to civil aviation activities within Pakistan.

(2) Without prejudice to the generality of the powers and functions under sub section (1), the Authority shall be responsible for-

- (a) control and regulate the safety and security of civil aviation activities including the establishment and enforcement of standards and to exercise safety regulatory oversight of the civil aviation activities and operators within Pakistan;
- (b) regulation of civil air transport services and operations within the territory of Pakistan in accordance with the provisions of this Act;
- (c) control and regulation of manufacturing, design, possession, use, acquisition, operation, sale, import and export of aircraft; including repair, maintenance and training organizations;
- (d) control and regulation of development, operation, maintenance of all airports and aerodrome within Pakistan;
- (e) control and regulation of air navigation services and facilities;
- (f) control and regulation of search and rescue services to aircraft in distress;
- (g) issuance of certificates, licences, permits and any other authorization or document required to be issued by or under the provisions of this Act;
- (h) development of air routes and airways in Pakistan, in consultation with the division concerned;
- (i) encouragement, promotion, facilitation and assistance in the development and improvement of civil aviation capabilities, skills and services in Pakistan;

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- (j) ensuring that the provisions of this Act, rules and regulations made there under are administered, enforced, given effect to, carried out and complied with; and
 - (k) performing any other functions that are incidental or consequential to any of its functions under this Act.
- (3) The Authority may,
- (a) carry out all activities in connection with the performance of its functions;
 - (b) seek assistance from any government agency, authorities, company or corporation, or person whether local or foreign for the purpose of this Act;
 - (c) own and hold on behalf of the Federal Government, any property both movable or immovable duly vested and transferred to the Authority under this Act; utilize in such manner as it may think expedient including the raising of loans by mortgaging such property with the approval of the Federal Government;
 - (d) enter into contracts for the supply of goods, services or materials or for the execution of works as may be necessary for performance of functions of the Authority under this Act;
 - (e) initiate and carry out study, surveys, research and development into regulatory aspect of civil aviation; and to promote education and training in connected matters;
 - (f) hold negotiations with foreign countries to settle technical matters arising out of bilateral air transport agreements with the approval of the Federal Government;
 - (g) advise the Federal Government on all matters relating to civil aviation;

- (h) impose fine in case of breach of any condition as prescribed or specified for holder of any licence, certificate, permit, authorization, validation or approval under this Act;
- (i) any matter connected thereto or ancillary therewith for the implementation of objects and purposes of this Act.

(4) Nothing in this section shall entitle the Authority to exercise any regulatory power in respect of such works, airports, aerodromes, airfields and things connected therewith as are owned by the Federal Government and established for the exclusive use of defence services.

10. Regulation of civil aviation activities.-(1) In exercise of the power conferred under this Act, the Authority shall ensure,

- (a) the regulation of air transport services and commercial flying, and the prohibition of the use of aircraft in such services and in commercial flights except under the authority of, and in accordance with, a licence authorizing the establishment of any such service or flight;
- (b) the registration and marking of aircraft in Pakistan;
- (c) the imposition of conditions under which an aircraft may be allowed to fly from or to an aerodrome or airport while entering or leaving Pakistan or from one place within Pakistan to another; and over territories in Pakistan including conditions related to airworthiness, maintenance and repair, of such aircraft;
- (d) the prohibition of flight by aircraft over any prescribed area, either absolutely or at specified times, or subject to specified conditions and exceptions;

- (e) the inspection or supervision of aircraft for the purpose of enforcing the provisions of this Act and the facilities to be provided for such inspection or supervision;
- (f) the licensing, inspection and regulation of aerodromes and airports, the conditions under which aerodromes or airports may be developed, operated, managed, maintained and for services provided at, such aerodromes or airports, prohibition on the use of unlicensed aerodromes or airports, and the regulation of conduct of persons in the vicinity of aerodromes or airports;
- (g) the inspection and control of the manufacture, design, repair and maintenance of aircraft and of places where such aircraft are manufactured, designed, repaired or kept;
- (h) the conditions on persons that may be engaged or employed in, or in connection with, air navigation, aerodromes and airports;
- (i) the conditions subject to which persons may be employed in the operation, manufacture, design, repair or maintenance of aircraft, training organizations;
- (j) the conditions for acquisition, sale, import and export of aircraft;
- (k) the regulation and control of air-route beacons, aerodrome or airport lights, and lights at or in the neighborhood of aerodromes or airports and on or in the neighborhood of air-routes; and installation and maintenance of lights on private property in the neighborhood of aerodromes or airports and on or in the neighborhood of air-routes;
- (l) the regulation of transmission and making of signals and communications by or to an aircraft, and by or to persons carried therein;

- (m) the regulation of measures for securing the requirements of obstruction clearances at aerodromes and airports, for the safety or security, efficiency and regularity of air navigation, and for preventing aircraft from endangering other persons and property; the formulation and compliance of uniform standards in respect of obstruction clearances for areas adjoining the landing area at aerodromes and airports;
- (n) the prohibition or restriction on carriage in an aircraft of any specified article or substance or technology;
- (o) the regulation and recognition, for the purposes of this Act, relevant foreign valid licences and certificates relating to aircraft or to the qualifications of persons employed in the operation, manufacture, design, repair or maintenance of aircraft;
- (p) the regulation of use of the civil air ensign and any other ensign established in connection with air navigation;
- (q) the regulation related to establishment, construction and design of civil airports, aerodromes, whether public or private, within Pakistan subject to measures related to conservation of energy and environmental protection;
- (r) the regulation of air routes in Pakistan, in consultation with the division concerned;
- (s) the certification, inspection and regulation of air navigation services including air traffic management communications, navigation and surveillance systems, meteorological services pertaining to aviation activities, search and rescue, aeronautical charts and aeronautical information services;
- (t) the control of airspace management;

- (u) the regulation for issuance and maintenance of log-books;
- (v) the issuance of licence, certificate, permit, authorization, validation and approval; conduct examination and test in connection therewith, and the form, custody, production, endorsement, cancellation, suspension, or surrender of any such license except those issued with the approval of the division concerned, certificate, logbook, permit, authorization, validation or approval;
- (w) the economic oversight, consumer protection and regulation of aspects such as air fare, tariff and charges for air transport services, airports and aerodromes; and
- (x) any matter connected thereto or ancillary therewith for the implementation of objects and purposes of this Act.

11. Power to issue licence, certificate, permit, authorization or approval.-

Subject to the prescribed conditions, the Authority may issue, renew or validate licence to all persons performing functions related to or connected with civil aviation activities under the provision of this Act.

12. Power to issue licence for airport, aerodrome, etc.,-Subject to prescribed

conditions, the Authority may issue and renew a licence to establish, maintain and operate an airport, aerodrome, airstrip, etc:

Provided that all notified civil airports and aerodromes within ninety days after the commencement of this Act shall apply for the issuance of licence for the purpose specified in this section (1), on such conditions as may be prescribed.

13. Cancellation or suspension of licence, certificate, permit, authorization,

etc.- If any person contravenes any of the provisions of this Act, the rules and regulations, or has consistently failed to comply with the terms and conditions of licence, certificate, permit,

authorization, validation or approval, as the case may be, the Authority may suspend or cancel or revoke the licence, certificate, permit, authorization, validation or approval:

Provided that before taking any action for cancellation or revocation, the Authority shall issue a notice to person likely to be affected thereby and by providing him an opportunity of being heard.

CHAPTER IV

APPOINTMENT AND POWERS OF DIRECTOR GENERAL

14. Appointment and term of office of the director general.-(1) The Federal Government shall appoint the director general who shall be the executive head of the Authority and exercise powers and functions subject to the provisions of this Act, rules and regulations made there under and the powers as delegated by the Federal Government or the Authority from time to time.

(2) Subject to the provisions of this Act, the director general shall hold office for a term of three years from the date of his appointment or till attaining the age of sixty years whichever is earlier and shall receive such salary and allowances and be subject to such conditions of service as may be determined by the Federal Government.

(3) The Federal Government, if it deems appropriate, may extend the term of initial appointment of the director general under sub-section (2) for a period up to two years.

15. Resignation by the Director General.-The Director General may resign from his office under this Act:

Provided that the resignation shall not take effect unless accepted by the Federal Government.

16. Removal of the Director General.-(1) Subject to sub-section (2), the Federal Government may remove the director general from his office.

(2) The Director General may be removed from the office, if-

(a) the Federal Government is of the opinion that he has failed to discharge, or becomes incapable of discharging, his duties under this Act; or

(b) has been convicted of an offence involving moral turpitude; or

(c) has knowingly acquired or continued to hold without the permission in writing of the Federal Government, directly or indirectly or through a partner, any share or interest tangible or intangible in any license, certificate, permit, authorization, inspections, examinations, contract related to aviation industry compromised the regulatory control of the Authority under this Act.

17. Prohibition from certain undertakings for a limited period.-The Director General shall not undertake any employment or assignment (contractual or otherwise) for a period of one year after ceasing to hold office as Director General of the Authority with any entity in the aviation industry which has been subjected to regulatory control of the Authority during the tenure of his appointment under this Act.

18. Power to issue directions, orders, instructions and circulars.-(1) The director general, may by order in writing issue directions, instructions and circulars from time to time, under this Act, rules and regulations made there under.

(2) Every direction or instruction or circular issued under sub-section (1) shall be binding on the person or persons for whom such direction or instruction or circular is issued.

(3) Notwithstanding the terms and conditions of any licence, certificate, permit, authorization, validation or approval, granted or issued under this Act, the director general may suspend, with immediate effect any licence, certificate, permit, authorization, validation or approval where there is sufficient reason to believe that the holder of such license,

certificate, permit, authorization, validation or approval is likely to cause a threat to the national security or flight safety or security.

(4) In case of suspension under sub section (3) the Director General shall immediately inform the controlling division of the Federal Government in writing regarding the threat or suspicion of threat to national security for appropriate actions by law enforcement agencies in addition to any regulatory measure prescribed under this Act.

19. Power to obtain information.-(1) The Director General or any officer authorized by him that behalf by the Authority may, in writing, obtain any information for the purpose of this Act, rules and regulations made there under.

(2) Such information under sub section (1) shall be provided without any delay to the Director General or authorized officer as the case may be.

20. Power of entry, inspection, etc.-(1) The Director General may authorize any officer or inspectors to enter any airport, aerodrome, radar, control tower, premises, aircraft, aircraft manufacturing unit, aircraft maintenance organization, air transport operator facilities and offices, hangars, workshops, ramps, flying clubs, flight kitchens, cargo and ground handling facilities, fuel storage facilities, vehicle or any aeronautical establishment for the purpose of periodic and random inspections to verify implementation of this Act, rules, regulations and orders made there under including specified conditions of the licence, certificate, permit, authorization, operating manuals, technical procedures, personnel files and personnel licences.

(2) In case of any breach of specified conditions or contravention of this Act, rules or regulations made there under, the matter shall be immediately reported to the Director General for an appropriate action as prescribed.

(3) In case of any reported violation of conditions with reference to aircraft operations or airworthiness the inspectors shall have the power to prevent the aircraft from flying unless such violation or breach is rectified or remedied.

21. **Safety oversight functions.**-(1) The Director General shall ensure enforcement of state safety programme for safe and efficient civil aviation activities.

(2) For the purpose of sub section (1) the Director General or an authorized officer or inspectors shall conduct audit and survey of personnel, licensing, aircraft operations, air navigation services, aerodromes, airworthiness, all operators and persons connected with civil aviation activities to ensure that regulatory safety risk controls are integrated into safety management system in a manner as specified from time to time.

22. **Power to detain aircraft.**-The Director General may detain any aircraft, if in his opinion such detention is necessary to secure compliance with any of the provisions of this Act or the rules or the regulations made thereunder.

23. **Power to authorize foreign aircraft to operate.**-(1) Subject to the transfer agreement, either wet or dry lease, the Director-General may exercise such powers and perform such functions and duties, in respect of an aircraft registered in a contracting state which is operated pursuant to an agreement for the lease, charter or interchange of aircraft or any similar arrangement by an operator who has his permanent place of business or his permanent residence in Pakistan, as are exercisable or performable, by the Director-General in respect of an aircraft registered in Pakistan under this Act, rules and regulations made thereunder.

(2) The Director General may, by an agreement with the authorities of the State of the operator, transfer to that state functions and duties with respect to an aircraft registered in Pakistan.

CHAPTER -V

PROHIBITIONS

24. **Prohibition on use of weapon or device against civil aircraft.**-(1) No weapon shall be used against any civil aircraft in flight over the territory of Pakistan, unless

such aircraft causes or is likely to cause direct threat to the national security or defence of Pakistan.

(2) If any civil aircraft is in flight over the territory of Pakistan for any purpose other than for carriage of passengers, goods and mails and fails to satisfy its purpose of flight, such aircraft may be intercepted and directed to land at any specified aerodrome.

(3) Upon interception of an aircraft under sub section (2), sufficient measures shall be taken to protect and secure the lives of person(s) on board.

(4) Whosoever contravenes or fails to comply with any provision of sub section (1) shall commit an offence under this Act punishable with rigorous imprisonment for a term not exceeding twenty-five years or with fine not exceeding one million rupees or with both and his property movable and immovable shall be forfeited to the Federal Government.

25. Prohibition on pilotless aircraft.-(1) No aircraft capable of being flown shall fly without a pilot over the territory of Pakistan:

Provided that unmanned aerial vehicle operation, which is related to work, business and recreation, may be permitted subject to prescribed conditions.

(2) Whosoever contravenes or fails to comply with sub section (1), shall commit an offence under this Act punishable with imprisonment for a term not exceeding five years or with fine not exceeding five hundred thousand rupees or with both.

26. Flying to cause danger.- (1) No civil aircraft shall be flown to cause danger to any person or property on land or water over the territory of Pakistan.

(2) Whosoever contravenes or fails to comply with sub section (1) shall commit an offence under this Act punishable with imprisonment for a term not exceeding five years or with fine not exceeding five hundred thousand rupees or with both, unless the pilot or person in control of the aircraft proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity.

27. **Prohibition or restriction on construction of buildings, structures, planting of trees, etc.**-(1) If the Authority is of opinion that it is necessary or expedient for the safety and security of aircraft operations it may, with the approval of the Minister in-Charge or Secretary of the division concerned, by order,-

- (a) direct that no building or structure shall be constructed or erected, or no tree shall be planted on any land within such radius not exceeding fifteen kilometers from the aerodrome reference point, as may be specified in the notification;
- (b) in case where there is any building, structure or tree on such land, direct the owner or the person having control of such building, structure or tree to demolish such building or structure or cut the tree within such period as may be specified in the notification;
- (c) direct that no building or structure higher than such height as may specified in the notification shall be constructed or erected, or no tree, which is likely to grow or ordinarily grows higher than such height as may be specified in the notification, shall be planted, on any land within such radius, not exceeding fifteen kilometers from the aerodrome reference point, as may be specified in the notification; and
- (d) in case where the height of any building or structure or tree on such land is higher than the specified height, direct the owner or the person having control of such building, structure or tree to reduce the height thereof so as not to exceed the specified height, within such period as may be specified in the notification:

Provided that any person who sustains any loss or damage in consequence of any direction contained in clause (b) or (d) shall be paid compensation in accordance with the prescribed criteria.

(2) In specifying the radius under clause (a) or clause (c) of sub section (1) and in specifying the height of any building, structure or tree under the said clause, the Authority shall take into consideration;

- (a) the nature of requirement of the safety and security of aircraft operations including environmental hazards;
- (b) the nature of the aircraft operated or likely to be operated in the aerodrome or airports; and
- (c) the international standards and recommended practice governing the operations or aircraft.

(3) Where any order has been issued under sub-section (1) directing the owner or the person having the control of any building, structure or tree to demolish such building or structure or to cut such tree or to reduce the height of any building, structure or tree, a copy of the notification to that effect shall be served, on the owner or the person having the control of the building, structure or tree, as the case may be,-

- (a) by delivering or tendering it to such owner or person; or
- (b) if it cannot be so delivered or tendered, by delivering or tendering it to any owner or persons or any adult male member of the family of such owner or person or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which such owner or person is known to have last resided or carried on business or personally worked for gain; or
- (c) failing service by these means; by registered post or other courier services.

(4) Every person shall be bound to comply with any direction contained in the order issued under sub-section (1).

(5) If any person willfully fails to comply with any direction contained in any order issued under this section, shall commit an offence under this Act punishable with imprisonment for a term not exceeding one year or with fine not exceeding five hundred thousand rupees but which shall not be less than two hundred and fifty thousand rupees or with both.

(6) Without prejudice to the provisions of sub-section (5), if any person fails to demolish any building or structure or cut any tree or fails to reduce the height of any building, structure or tree in pursuance of any direction contained in any order issued under sub-section (1), within the period specified in the order, then it shall be competent for the licensee of the aerodrome or airport, as the case may be, or any officer authorized by the Authority in this behalf, with such assistance as may be required, to demolish such building or structure or cut such tree or reduce height of such building, structure or tree.

(7) If any officer authorized to take action under sub-section (6) requires police assistance in the exercise of his power thereunder, he may send requisition to the officer-in-charge of a police station who shall, on such requisition, render such assistance.

CHAPTER -VI

POWERS OF FEDERAL GOVERNMENT

28. Issuance of directives and exemptions.-(1) The Federal Government may, as and when it considers necessary, issue directives to the Authority on matters of policy, and such directives shall be binding on the Authority, and if a question arises whether any matter is a matter of policy or not; the decision of the Federal Government shall be final.

(2) Except section 29 of this Act, the Federal Government may, by notification in the official Gazette, either exempt from all or any of the provisions of this Act, any aircraft or class of aircraft, and any person or class of persons, or may direct that all or any of such

provisions shall apply to any aircraft or person subject to such modifications or conditions as may be prescribed in the notification.

29. Implementation of certain international commitments.-(1) The Federal Government may, by notification in the official Gazette, make such rules as appear to be necessary for carrying out the provisions of,-

- (a) the Convention on International Civil Aviation signed in Chicago on the seventh day of December, 1944, and any amendments of the Convention or Annexes thereto made in accordance with the provisions of Article 94 of the Convention;
- (b) the Convention on International Recognition of Rights in Aircraft signed in Geneva on the nineteenth day of June, 1948, and any amendment thereto;
- (c) the Convention on damage caused by foreign aircraft to third parties on the surface signed in Rome on the seventh day of October, 1952, and any amendment thereto; and
- (d) any other treaty, agreement or convention between Pakistan and any other country or any decision taken at any international body relating to civil aviation.

(2) Notwithstanding anything contained above, the Authority may make such regulations as it considers necessary and expedient to give effect to implement Annexes to the Chicago Convention and any amendment thereto under clause (a) of sub-section (1).

30. Establishment of Safety and accident investigation agency.-(1) The Federal Government may establish, an independent Aircraft Accident Investigation Board under this Act, comprising such members as it may deem necessary from time to time.

(2) The Federal Government, may prescribe procedure for the investigation of any aircraft accident and incident under this Act.

(3) In particular and without prejudice to the generality of the power under sub section (2), such procedures may-

- (a) require notice to be given of any aircraft accident in such manner and by such person as may be prescribed;
- (b) apply for the purposes of such investigation, either with or without modification, the provisions of any law for the time being in force relating to the investigation of aircraft accidents;
- (c) prohibit, pending investigation, access to, or interference with an aircraft to which an accident has occurred and authorize any person, so far as may be necessary for the purposes of investigation, to have access to, examine, remove, take measures for the preservation of or otherwise deal with any such aircraft; and
- (d) authorize or require the cancellation, suspension, endorsement or surrender of any licence or certificate granted or recognized under this Act, rules or the regulations made thereunder, if it appears on investigation that the licence ought to be so dealt with and provide for the production of any such licence for such purpose.

31. Orders in times of war or other emergency.-(1) In the event of war or other emergency or in the interests of public safety, security or tranquility, if Minister in-Charge or the Federal Government, as the case may be, is of opinion that the issue of all or any of the following orders is expedient, he or it may, direct the Authority to;

- (a) cancel or suspend, either absolutely or subject to such conditions as it may think fit to specify in the order, all or any of the licences or certificates or permits or authorizations or approvals issued under this Act, the rules or the regulations made thereunder;

- (b) suspend the licence of the airport company, take temporary possession of any designated airport and operate any airport and aviation services in it, in such manner as it thinks fit;
- (c) withdraw the use of any airport on the whole or any part from any person or class of persons or from the public at large;
- (d) prohibit or restrict, either absolutely or subject to such conditions as it may think fit to specify in the order, in such manner as may be specified in the order the flight of all or any aircraft or class of aircrafts over the whole or any part of Pakistan;
- (e) prohibit or restrict the construction, maintenance or use of any aerodrome or airport, aircraft factory, flying-school or flying club, or place where aircrafts are manufactured, designed, repaired or kept, or any class or description thereof; and
- (f) direct that any aircraft or class of aircrafts or any aerodrome or airport, aircraft factory, flying-school or flying club, or place where aircrafts are manufactured, designed, repaired or kept, together with any machinery, plant, material, equipment or things used for the operation, manufacture, design, repair or maintenance of aircraft shall be delivered forthwith or within a specified time, for being placed at the disposal of the Division concerned to such authority and in such manner as it may specify in the order.

(2) Any person who suffers direct injury or loss for rendering service under clause (f) of sub-section (1) shall be paid compensation:

Provided that the Authority upon taking into consideration the service rendered shall determine the amount of compensation.

(3) The amount of compensation may be fixed by agreement and shall be paid in accordance with the terms of such agreement.

(4) Where the dispute arises with reference to amount of compensation, such dispute shall be settled through mediation or negotiations in the prescribed manner.

(5) Where no such agreement can be reached through mediation or negotiations, any party may approach the Secretary of the Division concerned and his decision shall be final and binding on the parties.

(6) The Division concerned may authorize the Authority to take steps to secure compliance with any order made under sub-section (1) as appear to it to be necessary.

(7) Whoever knowingly contravenes, fails to comply with, the order made under sub-section (1) shall commit an offence under this Act punishable with imprisonment for a term not exceeding three years, or with fine not exceeding five hundred thousand rupees but not less than three hundred thousand rupees, or with both and the aircraft or any property used in the commission of offence shall also be forfeited to the Federal Government.

32. Measures for protection of public health.-If the Authority is satisfied that Pakistan or any part thereof is visited by, or threatened with an outbreak of any dangerous epidemic and other communicable disease(s) and that the ordinary provisions of the law for the time being in force are insufficient for the prevention of danger arising to public health through the introduction or spread of the disease by the activity of aircraft, the Authority may make order to take such measures as it deems necessary to prevent such danger.

CHAPTER -VII

OFFENCES AND PENALTIES

33. Contravention of provisions of Act and rules.-(1) Whosoever contravenes or fails to comply with any provision of this Act shall commit an offence under this Act, and where no penalty is expressly provided, shall be punishable with imprisonment for a term not

exceeding five years or with fine not exceeding five million rupees but which shall not be less than five hundred thousand rupees or with both.

(2) Whosoever contravenes or fails to comply with any provisions of rules or regulations made under this Act shall commit an offence punishable with imprisonment for a term not exceeding one year or with fine not exceeding two million rupees but which shall not be less than four hundred thousand rupees or with both.

34. Contravention of conditions of licence.-Notwithstanding anything contained herein, any company which contravenes any of the conditions of the licence issued under this Act shall commit an offence under this Act, punishable with fine not exceeding two million rupees but which shall not be less than five hundred thousand rupees, provided that the licence of the company may also be suspended or cancelled subject to the provisions of this Act.

35. Offence by body corporate.-Where an offence is committed by a body corporate under this Act or rules or regulations made thereunder, every person who was a director, secretary or manager or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of the affairs of the body corporate shall be deemed to have committed the offence and shall be punished accordingly, unless such person proves that the offence was committed without his consent or connivance and that he had exercised due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

36. Cognizance of offences.-(1) No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Authority or any of its authorized officers.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898),

- (a) no court inferior to the court of Magistrate of the first class of the respective province or Islamabad Capital Territory, as the case may be, shall try an offence punishable under this Act;
- (b) all offences under this Act shall be non-bailable; and
- (c) it shall be lawful for any court of the respective province or Islamabad Capital Territory to pass any sentence authorized by this Act.

37. Penalty for abetment of offences and attempted offences.-Whoever abets the commission of any offence under this Act or attempts to commit such offence shall be liable to the punishment provided for the offence.

38. Power of court to order forfeiture.-Where any person is convicted of an offence for breach of any provision of this Act and rules made thereunder, the court by which he is convicted may direct that the aircraft or article or substance, as the case may be in respect of which the offence has been committed, shall be forfeited to the Federal Government or the Authority.

CHAPTER -VIII

FINANCE

39. Civil Aviation Authority Fund.-(1) There shall be a fund to be known as the "Pakistan Civil Aviation Authority Fund" which shall vest in the Authority and shall be utilized by the Authority to meet charges in connection with its functions under this Act including the payment of salaries, pensions and other remuneration to the Director General, officers, servants, experts and consultants of the Authority.

- (2) The Civil Aviation Authority Fund shall consist of the following, namely:-
 - (a) grants;
 - (b) loans;
 - (c) sale proceeds of bonds issued under the authority of the Federal Government;