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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 5th August, 2023

No. F. 22(46)/2021-Legis.—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 4th August, 2023, is hereby published for general information:—

ACT No. XLV OF 2023

AN

ACT

to establish the Pakistan Airports Authority for better achnimstration, operation and development of airports and air transport services in Pakistan.

WHEREAS it is expedient to provide for the establishment of the Pakistan Airports Authority for better administration, operation and development of airports and related services and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows—

621(1—39)

Price: Rs. 60.00

[1529(2023) Ex.Gaz.]

CHAPTER I

PRELIMINARY

1. **Short title, extent, application and commencement.**—(1) This Act shall be called the Pakistan Airports Authority Act, 2023.

(2) It extends to the whole of Pakistan.

(3) It shall apply to all airports and the air navigation services operated or kept for air transport other than those belonging to or operated for the exclusive use of any of the armed forces of Pakistan.

(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 and if no such date is appointed within one hundred and eighty days from the date of notification of the Act, it shall come into force at once on the expiry of this period.

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

(a) “Act” means the Pakistan Airports Authority Act, 2023;

(b) “aircraft” means any machine which 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 a balloon, whether captive or free, airship, kite, glider, any other flying machine and an unmanned aircraft;

(c) “air navigation services” mean services and aids for communicating with and guiding, controlling and surveilling an aircraft for safe navigation during all phases of flight operations and include air traffic and aeronautical information management services, charting and cartographic services, as well as procedure for air navigation services, flight procedure design services and other incidental and consequential services;

(d) “airport” means—

(i) an aerodrome, airstrip, airfield, heliport and any other facility transferred to, or acquired, set up or developed by the Authority and set apart or commonly used or intended to be used, either Wholly or partly, for affording facilities for the landing and departure of aircrafts as well as any runway

taxiway, building, shed, hanger, vessel, pier, parking areas and any other structure or facility appertaining to the airport in relation to the landing and departure of an aircraft, embarkation and disembarkation of passengers, loading and unloading handling of passenger baggage, Cargo and mail; and

- (ii) for the purpose of Chapter VI, any airport not being an airport operated or kept for the exclusive use of any of the armed forces of Pakistan, whether or not, it is transferred to, or acquired, set up or developed by the Authority;
- (e) "airport manager" means—
 - (i) an officer of the Authority in-charge of the airport; or
 - (ii) the person in-charge of an airport not being an airport transferred to, or acquired, set up or developed by the Authority on whom any or all of the powers of the airport manager under this Act or conferred by the Secretary;
- (f) "Airport Order" means an order issued by the Director General under section 68;
- (g) "Airport Security Force" means the Airport Security Force established under the Pakistan Airport Security Force Act, 1975 (LXXVII of 1975);
- (h) "Authority" means the Pakistan Airports Authority;
- (i) "authorized officer" means—
 - (i) an officer of the Authority authorized by the Director General for the purpose of the Act; or
 - (ii) in relation to an airport not being an airport transferred to, or acquired, set up or developed by the Authority, a person on Whom any or all of the powers of the authorized officer under this Act are conferred by the Secretary;
- (j) "Board" means the Board of the Authority;
- (k) "Chairperson" means the Chairperson of the Board;
- (l) "Collector" Means the Collector of the district appointed under the law relating to land revenue;

- (m) "Director General" means the Director General of the Authority;
- (n) "Federal Government" means the Government of Pakistan;
- (o) "member" means a member of the Board;
- (p) "member of a committee" means member of a committee of the Board;
- (q) "meteorological services" means the provision of weather information and forecasts to support safe and efficient navigation of aircrafts;
- (r) "Minister" means the Minister in-Charge of the Aviation Division;
- (s) "Pakistan Civil Aviation Authority" means the Pakistan Civil Aviation Authority established under the Civil Aviation Ordinance, 1982 (Ordinance XXX of 1982);
- (t) "prescribed" means prescribed by rules or regulations;
- (u) "Prime Minister" means the Prime Minister of Pakistan;
- (v) "private Member" means a member mentioned at clause (g) of sub-section (1) of section 6;
- (w) "regulations" means the regulations made under the Act;
- (x) "rules" mean the rules made under the Act;
- (y) "Schedule" means the schedule appended to the Act;
- (z) "Secretary" means the Secretary to the Government of Pakistan in-charge of the Aviation Division; and
- (aa) "Secretary of the Board" means the Secretary of the Board.

CHAPTER-II

PAKISTAN AIRPORTS AUTHORITY

3. **Establishment of the Authority.**—(1) As soon as may be, but no later than ninety days of the commencement of this Act, the Federal Government shall, by notification in the official Gazette, establish an authority to be known as the Pakistan Airports Authority.

(2) The Authority shall be a body corporate, having perpetual succession with power, subject to the provisions of this Act and the rules, to

acquire, hold and dispose of property, and to enter into contract, and shall by the said name sue and be sued.

4. **Functions and powers of the Authority.**—(1) The Authority shall administer, operate and develop airports and air navigation services.

(2) Without prejudice to the generality of sub-section (1), the Authority shall—

- (a) provide facilities and services as are necessary for the convenience of passengers and other persons using an airport;
- (b) provide air navigation services and meteorological services to aircrafts navigating in or over the territory of Pakistan and the adjoining international waters;
- (c) take such measures as are necessary or convenient for, or incidental to, ensuring the safety of aircrafts, passengers, cargo, mail and other facilities at the airports at all times;
- (d) make provisions for search and rescue services for or in relation to the navigation of aircrafts in or over the territory of Pakistan and the adjoining international waters;
- (e) assist aircraft in distress in or over the territory of Pakistan and in that, make arrangements for crash landing and fire fighting at the airports;
- (f) coordinate and support the provision of customs, border management, security and other services at the airports by persons or entities other than the Authority;
- (g) take measures for preventing any danger to public health and spread of infection from aircrafts arriving at or departing the airport;
- (h) levy and collect rent, rate, fee, fine and other charges authorized under this Act, rules or regulations;
- (i) take all such steps as are necessary or convenient for, or incidental to, the exercise of any power or discharge of any function or duty conferred or imposed on it by this Act;
- (j) secure compliance of environmental standards applicable to or in relation to the operation of airports;

- (k) affect Pakistan's obligations under any international treaty, convention, engagement or agreement connected with or ancillary to the purpose of this Act to which Pakistan is a signatory; and
- (l) carry out its duties and functions in a cost effective and efficient manner.
- (3) The Authority may —
 - (a) plan, prepare and execute schemes for the construction, development, operation, maintenance, repair and redoing of airports as well as development of aviation infrastructure in Pakistan in general;
 - (b) take such measures as are, in its view, necessary for the efficient operation and management of Pakistan's airspace;
 - (c) make provisions for service, maintenance, repair and fueling of aircraft at the airports;
 - (d) provide for the storage, handling, sorting and transport by air of mail and cargo;
 - (e) train its officers, staff and other persons for the purpose of this Act, and establish and maintain such facilities as are, in its view, necessary to this end;
 - (f) provide expert services in relation to the establishment or operation of airports, ground aids, Safety services or other similar matter;
 - (g) enter into contracts for the purchase and supply of goods and services or any other contract as may be necessary for the proper discharge of any function, duty or power imposed or conferred upon it under this Act;
 - (h) acquire by purchase, lease, exchange or otherwise any land or other moveable or immovable property or any interest in such land or property for the purpose of this Act;
 - (i) pledge any property vested in it, including any immovable property transferred to it under this Act, to raise finances for the acquisition of any capital asset or development of any infrastructure for the purpose of the Act; and
 - (j) permit the use of any land, building, facility, premises or other property, including any moveable or immovable property, vested

in it or transferred to it under this Act on rent, lease, licence, concession or through such other mean or instrument as it deems fit.

(4) In carrying out its duties and functions, the Authority shall have regards to the development of air transport and to efficiency, economy and safety of operations.

(5) In the conduct of its business, the Authority shall ensure that its revenue is not less than sufficient for making provision for meeting its expenses, taking one year with another.

(6) Subject to the provisions of this Act, rules and regulations, the Authority may exercise such powers and take such measures as may be necessary for carrying out the purpose of the Act.

5. Performance of functions otherwise than through officers.—
The Authority may, in the interest of better management and efficiency, make arrangements that one or more functions or duties undertaken by the Authority are carried out on its behalf otherwise than through its officers, servants, experts and other employees under a licence against such fee and for such duration and in terms of such other conditions as it deems fit.

6. The Board and members.—(1) The general direction and administration of the Authority and its affairs shall vest in a Board consisting of the following members —

- (a) The Secretary, who shall also be the Chairperson of the Board;
- (b) The Vice Chief of Air Staff, Pakistan Air Force;
- (c) The Director General;
- (d) The Secretary to the Government of Pakistan in-charge of the Finance Division. or a senior officer of the Division nominated by hint;
- (e) The Secretary to the Government of Pakistan in-charge of the Planning Division or a senior officer of the Division nominated by him;
- (f) The Chairman of the Federal Board of Revenue or a senior officer of the Federal Board of Revenue nominated by him: and
- (g) Not more than four private members, appointed by the Prime Minister in such manner as may be prescribed by the rules

from among the persons having special knowledge and experience in air transport, business and industry, commercial or financial matters, public administration, law or any other subject related to one or more functions and duties of the Authority.

(2) The Chairperson may coopt any person at any meeting of the Board to render advise on any specific matter on which that person has special knowledge or experience but such person shall not vote in case of any decision on the matter.

(3) The Board may appoint a senior officer of the Authority as the Secretary of the Board for a term of three years from the date of assumption of office which the Board may extend for two other similar terms.

(4) A private member shall hold office for three years from the date of assumption of office and n. y, by notice in writing to the Prime Minister, resign from his office and on such resignation being notified in the official Gazette, he shall be deemed to have vacated his office.

(5) A person shall be disqualified for being appointed as a private member if he—

- (a) holds, for the time being, a political office;
- (b) has not attained the age of forty years;
- (c) has been convicted and sentenced to imprisonment for an offence involving moral turpitude;
- (d) is an undischarged insolvent;
- (e) is of unsound mind and stands so declared by a competent court;
- (f) has been removed or dismissed from a public office or from an office of a body corporate or other entity owned or controlled by any government in Pakistan;
- (g) is involved directly or indirectly in an activity for the purpose of gain in or relating to an aviation. undertaking or business or holds office or employment in or relating to an aviation undertaking or business; or
- (h) holds directly or indirectly, any share or pecuniary or other interest, tangible or intangible, in any business, licence, certificate, permit,

authorization, inspection, examination or contract, or any other interest in the Authority as is likely to affect prejudicially the discharge of his functions as a member.

(6) The Prime Minister may, after providing him an opportunity of being heard either personally or through an officer authorized in this behalf, remove any private member from office if he—

- (a) attracts any of the disqualifications mentioned in sub-section (4);
- (b) refuses to act or, for any reason, becomes incapable of acting as a member;
- (c) without leave of absence, absents himself from three consecutive meetings of the Authority;
- (d) is guilty of misconduct;
- (e) has abused his office in a manner that renders his continuation in office detrimental to public interest.

(7) Any person ceasing to be a private member shall, unless disqualified under sub-section (4) or removed from office under sub-section (5) shall be eligible for reappointment for one similar term.

7. Meetings of the Board.—(1) The Board shall meet at least once in a quarter and at such other times and places as the Chairperson may direct.

(2) The Secretary of the Board or, in his absence, the Director General shall, with the approval of the Chairperson issue notice and agenda of a meeting of the Board.

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

(4) A decision at a meeting of the Board shall be adopted by a simple majority of the members present and voting except that in the case of an equality of votes the Chairperson or the member presiding the meeting shall have a casting vote in addition to his original vote.

(5) No act or proceeding of the Board shall be invalid merely by reason of—

- (a) any vacancy in its membership or any defect in its constitution;

- (b) any defect in the appointment of a person as its member; and
- (c) any irregularity in the procedure of the Board not effecting the merits of the case,

(6) Subject to the provisions of this Act and rules, the Board may regulate its own procedure generally and in particular, with respect to the holding of meetings, the notice to be given of such meetings, proceedings at the meetings, the recording and keeping of minutes and the custody, production and inspection of minutes.

(7) Until the regulations are made in this behalf, the Chairperson may, by circular to the members, regulate the procedure of the Board.

8. Committees of the Board.—(1) For the purpose of advising or assisting it in the due discharge of the functions and duties of the Authority, the Board may appoint such committees as it deems fit.

(2) A committee shall consist of at least two members, out of whom one shall be the head of the committee, together with such officers of the Authority and such other persons as the Board may deem fit in relation to the nature of the action to be taken or the matter to be discussed or decided by the committee.

(3) On receipt of advice from any of its committees, the Board shall decide whether or not to adopt that advice, in whole or in part or with such modifications as it deems fit.

(4) A committee shall, in the performance of its functions delegated by the Board, at all times be subject to such directions, conditions and restrictions as may be imposed by the Board and shall adhere to all policies of the Board.

(5) The head of every committee shall submit to the Chairperson a report on the functions and matters entrusted to the committee, and the progress thereof, at the end of every quarter of the year or at such other interval or by such other dates as the Chairperson may direct.

9. Executive committee of the Authority.—(1) There shall be an executive committee of the Authority consisting of the following—

- (a) the Director General, who shall also be its head;
- (b) three most senior officers of the Authority;
- (c) a senior officer of the Finance Division nominated by the Secretary to the Government of the Pakistan in-charge of the Finance Division; and