A

Bill

to consolidate and amend laws relating to the Civil Aviation Authority; and regulation of civil aviation activities

WHEREAS it is expedient to consolidate and amend laws relating to powers and functions of the Civil Aviation Authority; to provide for development, control and regulation of civil aviation activities; to ensure civil aviation safety and security; to give effect to the convention[s], treaties and agreements on international civil aviation;

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

AND WHEREAS to make better provisions for the control and regulation of the 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:-

1. **Short title, extent, application and commencement.-** (1) This Act may be called the Pakistan Civil Aviation Authority Act, 2016.

   (2) It extends to the whole of Pakistan.

   (3) **<u>It shall apply to;</u>**
   a. all citizens of Pakistan and persons on any aircraft registered in Pakistan, wherever such citizens or aircraft may be;
   b. all persons on board any aircraft while in Pakistan; and
   c. all persons carrying on any activity relating to or connected with, the purposes of this Act.

   (4) Nothing in this Act or rules or in any order made thereunder.-

   a. shall apply to or in respect of any 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

b. shall apply to or in respect of any lighthouse to which the Lighthouse Act, 1927 [Act XVII of 1927], applies, or prejudice or affect any right or power exercisable by any authority under that Act.

(5) It shall come into force at once.

CHAPTER-I
General

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 direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or 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. "Air transport service" means a service of aircraft for the purpose of effecting public transport of passengers, goods, mails and other things;

f. "Authority" means the Pakistan Civil Aviation Authority established under section 3;

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. "Board" means the Board referred to in section 4;

i. "Chairman" means the Chairman of the Board;

j. "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;

k. "Court" means a court of competent jurisdiction, but not inferior to the Court of Magistrate First Class;

l. "Director-General" means the Director-General of the Authority;

m. "Export" means taking out of Pakistan;

n. "Import" means bringing into Pakistan;

o. "Incident" is an occurrence other than accident, associated with the operation of aircraft which affects or could affect the safety of operations;

p. "Landing area" means the part of the movement area intended for the landing or take off of aircraft;

q. "Member" means a member of the Board;

r. "prescribed" means prescribed by rules;

s. "Rules" means the rules made under this Act; and

t. "Regulations" means the regulations made under this Act.

CHAPTER -II
Establishment and Constitution of the Authority

3. Establishment of the Authority.- (1) The existing Pakistan Civil Aviation Authority shall deem 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).

(3) Notwithstanding anything contained in any other law for the time being in force the immovable property vested or acquired by the Authority shall deemed to be the Federal Government property, for public purpose.

4. Management.- (1) The general direction and administration of the Authority 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:

a.	Secretary of the Division to which the affairs of the Authority are allocated.	Chairman
b.	Vice-Chief of Air Staff, Pakistan Air Force.	Member
c.	Director-General, Pakistan Civil Aviation Authority.	Member

d.	Secretary, Planning, Development and Reforms, Division.	Member
e.	Secretary Industries Division.	Member
f.	Additional Secretary, Finance Division.	Member
g.	Additional/ Joint Secretary, Aviation Division.	Member
h.	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 co-opt not more than four additional members **having technical experience and qualification**, on such terms and conditions and for such period **as prescribed**.

(5) The meetings of the Board shall be held at such times and places and in such manner as may be specified by regulations.

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

(6) The Chairman 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 up to eight other members, of whom seven shall be nominated by the Board amongst the relevant senior officers subject to performance of functions under sub section (2), and one to be nominated by the Finance Division and designated as Finance Member.

(2) The Executive Committee shall exercise such administrative, executive, financial and technical powers, as may be delegated by the Authority:

Provided that the Executive Committee may, in any extra ordinary event take immediate action, as it considers necessary, and shall report such action for approval of the Board in its next meeting.

CHAPTER-III
Powers and Functions of the Authority

6. **Powers and functions of the Authority.-** (1) Subject to the provision of this Act, the Authority shall be responsible for the development, control and regulation of civil aviation activities within Pakistan.

(2) Without prejudice to the generality of forgoing powers, the Authority shall from time to time prepare for the approval of the Federal Government five-year plans for the development of infrastructure, for the purpose of promotion of safe, secure, efficient, adequate, economical and properly coordinated civil air transport service in Pakistan.

(3) The Authority shall frame schemes in respect of.-

a. provision of civil airports and aerodromes;

b. provision of air traffic services to aircraft;

c. provision of air navigation services to aircraft;

d. provision of communication services at the civil airports and aerodromes;

e. provision of aeronautical and flight inspection services to all aircraft registered in Pakistan;

f. provision of search and rescue services;

g. provision of assistance to an aircraft in distress over the territory of Pakistan;

h. provision of crash landing, fire fighting and rescue services at all airports and aerodromes to aircraft in need;

i. management of estates; and

j. any other matter ancillary to the above in order to achieve the object and purpose of this Act.

(4) The Authority may,

a. cause studies, surveys, experiments or technical research to be made or contribute towards the cost of any such studies, surveys, experiments or technical research made by any other agency at the request of the Authority;

b. approve estimates of, development projects and maintenance works and award of contracts for construction, maintenance and operationalization of airports and its establishment;

c. subject to clause (b) undertake any approved work, incur any expenditure, procure vehicles, plants, equipment, machinery material, and technology required for its use and enter into any or all such contracts as it may consider necessary or expedient ;

d. approve capacity building and trainings programmes which are associated and in furtherance to functions of the Authority;

e. enter into contracts for the supply of goods, services or any other contracts as may be necessary for the exercise, performance and discharge of the powers, duties and functions of the Authority;

f. enter into public private partnership arrangements for activities as specified by the Authority;

g. acquire by purchase, lease, exchange or otherwise any land or immovable property or any interest in such land or property;

h. pledge any property vested in it, including the immovable assets of the Authority, to raise finances for the development projects to be undertaken by it;

i. assist the Federal Government in implementing international civil aviation commitments;

j. establish a Foundation and Fund for the welfare and support of serving and retired employees and their families;

k. set up mechanism and processes to facilitate removal of grievances and complaints of general public related to its functions;

l. issue orders, directions, notices, instructions, circulars, guidelines, publications;

m. take progressive measures to separate its regulatory and service provider functions;

n. seek and obtain advice and assistance in the preparation or execution of a scheme from any local body or agency of the Government and such local body or agency shall give the advice and assistance sought by the Authority to the best of its ability, and additional expenditure, if any, involved in such advice or assistance shall be borne by the

Authority.

(5) Notwithstanding anything contained in this Act, the Authority may undertake the execution of any scheme relating to civil aviation activity as framed or sponsored by any local body or agency or exercise technical supervision and administrative and financial control over the execution thereof on such terms and conditions as may be agreed between the Authority and the local body or agency.

(6) The Authority and the Director-General may exercise such powers as prescribed in the Civil Aviation Rules, for the time being in force, and such other powers as notified by the Federal Government in the Official Gazette or specified otherwise.

(7) The acquisition of any land or any interest in land for the Authority or for any scheme under this Act shall be deemed to be an acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894 [Act I of 1894], and the provisions of the said Act shall apply to all such proceedings.

(8) The Authority may authorize the Director-General or any other person in writing to enter upon and survey any land, erect pillars for the determination of intended lines of works, make borings and excavations and do all other acts which may be necessary for the preparation of such scheme, provided that, when the affected land does not vest in the Authority, the power conferred by this sub-section shall be exercised in such manner as to cause the least interference with and the least damage to the rights of the owner thereof.

(9) When any person enters into or upon any land in pursuance of sub-section (8), he shall at the time of entering or as soon thereafter as may be practicable pay or tender payment for all necessary damage to be done as aforesaid and in case of dispute as to the sufficiency of the amount so paid or tendered the dispute shall be referred to the concerned Commissioner of the Division whose decision shall be final.

7. **Control of civil aviation activities.-** (1) Subject to the provisions of this Act and rules made thereunder, the Authority shall regulate and control.-

   a. all the civil airports and aerodromes within Pakistan including their planning, construction, operation and maintenance **subject to measures related to environmental protection;**

   b. air routes in Pakistan, in consultation with the Federal Government;

   c. aircraft noise and engine emission pollution while taking of and landing;

d. air transport service, commercial flying and the prohibition on the use of aircraft in such service and commercial flights;

e. manufacture, design, possession, use, acquisition, operation, sale, import and export of aircraft;

f. airspace management;

g. air navigation services including air traffic management communications, navigation and surveillance systems, meteorological services pertaining to aviation activities, search and rescue and aeronautical information service;

h. the issue and maintenance of log-books;

i. issuance of license, 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, certificate, permit, authorization, validation or approval, or of any log book except those falling in purview of the Federal Government;

j. aircraft repair, maintenance and training organizations;

k. aircraft manufacture and/or design organization;

l. imposition of fine in case of breach of any condition as prescribed or specified under this Act;

m. collection of revenue at airports and aerodromes and such other places as the Authority may specify from time to time; and

n. any matter connected thereto or ancillary therewith for the implementation of object and purpose of this Act.

(2) The Authority may, with the approval of the Federal Government, hold negotiations with foreign countries to settle technical matters arising out of bilateral air transport agreements.

(3) Nothing in this section shall entitle the Authority to exercise any 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 Defense Services.

8. **Power to issue license, certificate, permit, authorization or approval.-** (1) Subject to prescribed conditions, unless exempted, no person, other than a

holder of a valid license, certificate, permit, authorization, validation or approval, as the case may be, issued by the Authority may be allowed to.-

a. use aircraft in air transport service, commercial flying or private operations;

b. **use** registration and marking of aircraft;

c. **operate, manage and maintain** aerodromes or airports;

d. operate aircraft repair, maintenance and training organization;

e. operate aircraft manufacture and/or design organization;

f. be engaged or employed in connection with the operation of aircraft and/or **aerodrome or airport;**

g. be engaged or employed in connection with the manufacture, design, repair or maintenance of aircraft organizations;

h. be engaged or employed in connection with air navigation; and

i. carry out any activity as prescribed.

(2) Any person who contravenes or violates this provision shall be liable to pay fine which may extend to five hundred thousand rupees.

9. Power to detain aircraft.- (1) The Authority may detain any aircraft, if in its opinion.-

a. having regard to the nature of an intended flight, the flight of such aircraft would involve danger to persons in the aircraft or to any other person or property; or

b. such detention is necessary to secure compliance with any of the provisions of this Act or the rules or the regulations made thereunder.

(2) The Federal Government may, by notification in the Official Gazette, make rules regulating all matters incidental or subsidiary to the exercise of the powers conferred by sub-section (1).

10. 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.

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

service.

11. **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 [Act XLV of 1860].

12. **Power of the Authority to make regulations.-** The Authority may make regulations not inconsistent with this Act and the rules made thereunder, to provide for all matters for which provision is necessary or expedient for carrying out the purposes of this Act.

Chapter -IV
Powers and Duties of the Director General

13. **Director-General, his duties, functions and powers.-**(1) The Federal Government shall appoint the Director-General who shall be the executive head of the Authority and shall exercise such powers and perform such functions as may be specified under sub-section (6) and (8) of section 6 or delegated to him by the Federal Government or the Authority from time to time.

    (2) The Director-General shall receive such salary and allowances and be subject to such conditions of service as may be determined by the Federal Government.

14. **Power to issue directions.-** (1) The Director-General, may by order issue directions from time to time, under the provisions of this Act and rules made thereunder, with respect to any person or persons using any aerodrome or engaged in the aircraft operations, air traffic control, maintenance and operation of aerodrome, communication, navigation, surveillance and air traffic management facilities and safeguarding civil aviation against acts of unlawful interference.

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

    (3) Notwithstanding anything contained in the terms and conditions of any license, certificate, permit, authorization, validation or approval, granted or issued under this Act, the Director General, shall have the power to cancel or suspend, as the case may be, with immediate effect any such license, certificate, permit, authorization, validation or approval, where he has sufficient reason to believe that the holder of such license, certificate, permit, authorization, validation or approval, as the case may be, cause a threat to the

national security or defense of Pakistan or flight security including aircraft or passengers or where there is sufficient reason to suspect that the holder of such license, certificate, permit, authorization, validation or approval is likely to cause a threat to the national security or to the defense of Pakistan or flight security including aircraft or passengers.

(4) Incase of suspension or cancellation under sub section (3) the Director General shall immediately inform the Federal Government in writing regarding the threat or suspicion of threat to national security or to the defense of Pakistan as the case may.

(5) Provided that incase of any suspension or cancellation of a license, certificate, permit, authorization, validation or approval, granted or issued by the Federal Government, such order shall not remain effective after forty eight hours of its issuance except with the concurrence of the Federal Government.

Chapter V
Prohibitions

15. **Prohibition on use of weapon 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 and defense 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 the Authority 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 deem to have committed an offence under this Act, shall be punishable with imprisonment for a term which may extend to ten year, with fine which may extend to one million rupees and forfeiture of his property to the Federal Government.

16. **Prohibition on pilotless aircraft.-** (1) No aircraft capable of being flown without a pilot shall fly, without a pilot in command over the territory of Pakistan, except with a prior approval of the Federal Government as prescribed.

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

(2) Whosoever contravenes or fails to comply with any provision of sub section (1) shall deem to have committed an offence under this Act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred thousand rupees or both.

17. **Flying to cause danger.-** (1) No 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 any provision of sub section (1) shall deem to have committed an offence under this Act, the pilot or the person in control of the aircraft, and, unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five hundred thousand rupees, or with both.

18. **Prohibition or restriction on construction of buildings, structures, planting of trees, etc.-** (1) If the Federal Government is of opinion that it is necessary or expedient for the safety and security of aircraft operations, it may, by notification in the Official Gazette,

a) (i) 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.

(ii) Incase where there is any building, structure or tree on such land, also direct owner or the person having control of such building, structure or tree to demolish such building or structure or, as the case may be, to cut trees within such period as may be specified in the notification.

b) (i) 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.

(ii) Incase where the height or any building or structure or tree on such land is higher than the specified height also 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 in clause (a)(ii) or (b) (ii) of sub section (1) above shall be paid compensation in accordance with the prescribed criteria.

(2) In specifying the radius under clause (a) (i) or clause (b) (i) of sub-section (1) and in specifying the height of any building structure or tree under the said clause (b) (i), the Federal Government shall have regard to;

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 notification 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 or 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 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 notification issued under sub-section (1).

(5) If any person willfully fails to comply with any direction contained in any notification issued under this section, he shall be punishable with imprisonment for a term which may extend to one years or with fine which may extend to five hundred 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 notification issued under sub-section (1), within the period

specified in the notification, then it shall be competent for the Manager of the aerodrome or airport, as the case may be, or any officer authorized by the Federal Government in this behalf, with such assistance as may be required, to demolish such building or structure or cut such tree or reduce height or 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.

19. **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 the Federal Government is of opinion that the issue of all or any of the following orders is expedient, it may, by notification in the Official Gazette;

    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 licenses or certificates issued under this Act or the rules or the regulations made thereunder;

    b. 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 aircraft over the whole or any part of Pakistan;

    c. prohibit or restrict either absolutely or conditionally or regulate, the construction, maintenance or use of any aerodrome or airport, aircraft factory, flying-school or flying club, or place where aircraft are manufactured, designed, repaired or kept, or any class or description thereof; and

    d. direct that any aircraft or class of aircraft or any aerodrome or airport, aircraft factory, flying-school or flying club, or place where aircraft 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 Federal Government 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 (d) 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) Provided that the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.

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

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

(6) The Federal Government 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 disobeys, fails to comply with, or does any act in contravention of an order made under sub-section (1) shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both, and the court by which he is convicted may direct that the aircraft or anything, in respect of which the offence has been committed, or any part of such thing, shall be forfeited to the Federal Government.

20. **Measures for protection of public health.-** If the Federal Government 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 Federal Government may take such measures as it deems necessary to prevent such danger.

Chapter -VI
Offences and Penalties

21. **Contravention of provisions of Act and rules made thereunder.-** (1) Whosoever contravenes or fails to comply with any provision of this Act shall deem to have committed an offence under this Act, where no penalty is expressly provided, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two hundred thousand rupees, or with both.

(2) Whosoever contravenes or fails to comply with any provisions of rules made under the Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred thousand rupees, or with both.

22. 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 officer.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 [Act V of 1898], no Court inferior to that of a Magistrate of the First Class shall try an offence punishable under this Act or rules made thereunder.

23. Power to try offences summarily.- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 [Act V of 1898], or in any other law for the time being in force, rules may provide that, an officer specified therein may try in a summary manner in accordance with the provisions in sections 262 to 265 of the said Code an offence of any breach of, or failure to comply with, any rule for the safety of aircraft, passengers, goods, mails or other things carried therein or for preventing aircraft from endangering other persons or property, or to compound any such offence for a sum not exceeding one lakh rupees.

(2) An officer trying an offence in accordance with the rules made under sub-section (1) shall, for the purpose of the trial, be deemed to be Special Magistrate of the First Class specially empowered under section 14 and 30 of the Code of Criminal Procedure, 1898 [Act V of 1898], and any sentence passed by such officer shall be deemed to be a sentence passed by such Magistrate.

24. Penalty for abetment of offences and attempted offences.- Whosoever abets the commission of any offence under this Act or attempts to commit such offence and in such attempt does any act towards the commission of the offence, shall be liable to the punishment provided for the offence.

25. 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.

Chapter -VII
Finance

26. 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;

d. proceeds of any investment by the Authority; and

e. all other sums received and fees collected by the Authority.

(3) The Authority shall be competent to levy and collect, at such rates and manner as may be specified, by regulations, from time to time.-

a. air route navigation, overflying and airport charges;

b. embarkation charges to be paid by the passengers travelling by air;

c. fees paid in connection with any survey, inspection, examination, test, certificate, license, permit, authorization, approval issued or renewed;

d. fees and charges in respect of commercial exploitation of the Authority's properties, whether movable or immovable including land, building and aircraft;

e. landing, housing, parking and refueling charges;

f. collection of fine and penalty for violation of prescribed and specified conditions; and

g. such fee or charge or sum or surcharge as the Authority may determine from time to time related to the functions under this Act.

(4) The Civil Aviation Authority Fund shall be kept in any of the scheduled banks.

(5) For the purpose of investment under clause (d) of sub section (2), no investment shall be made in any Non Banking Financial Institution, Modaraba, Stock Exchange, Leasing Companies, etc.

(6) Notwithstanding anything contained in any other law in force on the commencement of this Act, all investments along with its proceeds kept in any Non Banking Financial Institution, Investment Modaraba, Stock

Exchange, Leasing Companies, etc. shall immediately be transferred to bank where fund of the Authority have been kept and maintained.

27. **Maintenance of accounts.-** Notwithstanding anything contained in any other law for the time being in force the accounts of the Authority shall be maintained in such form and manner as the Federal Government may determine.

28. **Budget.-** The Authority shall, in respect of each financial year, submit for the approval of the Federal Government by such date and in such form as may be specified by the Federal Government a statement showing the estimated receipts and current and development expenditure and the sums which are likely to be required from the Federal Government during the next financial year.

29. **Audit.-** (1) The accounts of the Authority shall be audited every year by the Auditor-General of Pakistan.

    (2) Copies of the audit report shall be sent to the Authority and the Authority shall forward the report along with its comments to the Federal Government.

    (3) The Authority may, in addition to the audit under sub-section (1), cause to be carried out internal audit of its accounts.

30. **Submission of yearly report, returns, etc.-** (1) The Authority shall submit to the Federal Government, as soon as possible after the end of every financial year but before the last day of September next following, a report on the conduct of its affairs for that year.

    (2) The Federal Government may require the Authority to supply any return, statement estimate, statistics or other information regarding any matter under the control of the Authority or a copy of any document in the charge of the Authority; and the Authority shall comply with every such requisition.

    (3) A copy of the report mentioned in sub-section (1) together with a copy of audit report referred to in section 29 may be placed by the Federal Government before the National Assembly.

31. **Exemption from taxes.-** Notwithstanding anything contained in the Income-tax Ordinance, 2001 [Ordinance XLIX of 2001], or any other law for the time being in force relating to income-tax, super-tax, sales tax on services, property tax the Authority shall be exempted from paying any such taxes as aforesaid on its incomes, profits or gains, property, services, from the date of commencement of this Act.

CHAPTER-VIII
Powers of the Federal Government

32. 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) 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 specified in the notification.

33. Implementation of certain international commitments.- (1) The Federal Government, may by notification in the Official Gazette, make such rules as appear it to be necessary for carrying out the provisions of its international commitments including the following namely.-

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 shall, from time to time, make regulations not inconsistent with the rules made thereunder to implement Annexes to the Chicago Convention under sub section (1) (a).

34. Establishment of Safety and accident investigation board.- (1) The Federal Government may establish, an independent Safety and 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 license or certificate granted or recognized under this Act or the rules or the regulations, if it appears on investigation that the license ought to be so dealt with, and provide for the production of any such license for such purpose.

35. Power of Federal Government to make rules.- (1) The Federal Government may, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers under sub-section (1) the Federal Government, may by notification in the Official Gazette prescribe on one or more of the following matters, namely.-

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 license authorizing the establishment of any such service or flight;

b. the information to be furnished by an applicant for, or the holder of, a license authorizing the establishment of an air transport service to the Authority;

c. the licensing, inspection and regulation of aerodromes and airports, the conditions under which aerodromes or airports may be 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;

d. 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;

e. the registration and marking of aircraft;

f. the conditions under which aircraft may be flown, or may carry passengers, goods, mails and other things, or may be used for industrial purposes, and the certificates, licenses or documents to be carried by aircraft;

g. 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;

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 under which an aircraft may fly.-
    i. from or to an aerodrome or airport while entering or leaving Pakistan or from one place within Pakistan to another; and
    ii. over territories Pakistan.

k. the prohibition of flight by aircraft over any specified area, either absolutely or at specified times, or subject to specified conditions and exceptions;

l. the supply, supervision and control of air-route beacons, aerodrome or airport lights, and lights at or in the neighbourhood of aerodromes or airports and on or in the neighbourhood of air-routes;

m. the formulation and compliance of uniform standards in respect of obstruction clearances for areas adjoining the landing area at aerodromes and airports;

n. the installation and maintenance of lights on private property in the neighbourhood of aerodromes or airports and on or in the neighbourhood of air-routes, by the owners or occupiers of such property, payment by the Authority for such installation and maintenance, and the supervision and control of such installation and maintenance, including the right of access to the property for such

purpose, and the removal of lights, radio and electrical equipment and smoke producing apparatus which may endanger the safety of aircraft in the vicinity of aerodromes or airports;

o. the control on transmitting and making of signals and communications by or to an aircraft, and by or to persons carried therein;

p. the measures to be taken 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;

q. the prohibition or restriction on carriage in an aircraft of any specified article or substance or technology;

r. the recognition, for the purposes of this Act, relevant foreign valid licenses and certificates relating to aircraft or to the qualifications of persons employed in the operation, manufacture, design, repair or maintenance of aircraft;

s. the supply of meteorological information by persons engaged or employed in connection with air navigation;

t. the regulation of use of the civil air ensign and any other ensign established by the Federal Government in connection with air navigation;

u. any matter subsidiary therewith or incidental thereto to matters referred to in this sub-section.

(3) The Federal Government may issue licenses or approvals related to the aircraft and personnel as prescribed or may delegate the issuance of such licenses or approvals to the Authority or Director General.

Chapter -IX
Appeals

36. Appeal and representation.- (1) Any person in the service of the Authority if aggrieved by any order or decision, in respect of his terms and conditions of service may, prefer an appeal or representation in accordance with the specified regulations.

(2) Any person aggrieved by any order under the provision of this Act, may prefer an appeal to the competent authority for re-dressal of his grievance. Provided that in case of decision of the Director General appeal shall lie to the

Federal Government.

(3) The Federal Government through Secretary of the concerned Division/ Ministry shall take appropriate action to redress such grievance.

37. **Establishment of special appellate forum**.- (1) On the commencement of this Act, the Federal Government may, by notification in the Official Gazette, establish a special appellate forum to decide matters related to terms and conditions of employees of the Authority.-

    (a) against final decision of appeals and representations; and

    (b) against final orders where no right of appeal is provided .

    (2) The special appellate forum shall be presided by a retired Judge of the High Court or retired Federal Civil Servant equivalent to BPS 22 for duration of three year on such terms and conditions as may be prescribed by the Federal Government.

Chapter -X
Miscellaneous

38. **Delegation of powers.-** (1) The Federal Government may, by notification in the Official Gazette, direct that any power conferred upon it by this Act shall, in such circumstances and subject to such conditions, if any, as may be specified in the notification, be exercised by the Authority or the Director-General or any of its Officer.

    (2) The Authority may, by general or special order, delegate to the Executive Committee, the Director-General or an Officer of the Authority any of its powers, duties or functions under this Act, subject to such conditions as it may think fit to impose.

39. **Act X of 2012 not to apply to Authority.-** The Industrial Relations Act, 2012 [Act X of 2012] or any other law related to industrial relations for the time being in force, shall not apply to or in relation to the Authority or any person in the service of the Authority.

40. **Authority to be deemed to be a local Authority.-** The Authority shall be deemed to be a local authority for the purpose of borrowing money under the Local Authorities Loans Act, 1914 [Act IX of 1914], and the making and execution of any scheme under this Act shall be deemed to be a work which such authority is legally authorized to carry out.

41. **Use of patent.-** The exceptions to patent right under sub-section 5 (b) of

section 30 of the Patents Ordinance, 2000 [LXI of 2000], shall apply to foreign registered aircraft while in Pakistan.

42. **Wreck and salvage.-** (1) The provisions of Part XII of the Merchant Shipping Ordinance, 2001 [Ordinance LII of 2001], relating to wreck and salvage shall apply to an aircraft in, on or over, the sea or in tidal waters, or on or over the shores of the sea or tidal waters as they apply to ships, and the Federal Government may, by notification in the Official Gazette, make such modifications of the said provisions in their application to aircraft as appear to it to be necessary or expedient.

    (2) Any services rendered in assisting or in saving life from, or in saving the cargo or apparel of an aircraft in, on or over, the sea or in tidal waters, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage in cases in which they would have been salvaged had they been rendered in relation to a ship, and where services are rendered by an aircraft to any property or person, salvor shall be entitled to the same reward for those services as he would have been entitled to had the aircraft been a ship.

    (3) The provisions of sub-section (2) shall have effect notwithstanding that the aircraft concerned is a foreign aircraft and that the services in question are rendered beyond the limits of the territorial waters of Pakistan.

43. **Liability of the Federal Government to be limited.-** The liability of the Federal Government to the creditors of the Authority shall be limited to the extent of grants made by it and the loans raised by the Authority with the sanction of the Federal Government.

44. **Bar to certain suits.-** No suit shall be brought in any civil court in respect of trespass or nuisance by reason only that such civil aircraft in flight over any property, is at a reasonable height above the ground having regard to wind, weather and all other the circumstances including the ordinary incidents of such flight.

45. **Winding-up of the Authority.-** No provision of any law relating to the winding-up of bodies corporate shall apply to the Authority and the Authority shall not be wound up except by order of the Federal Government and in such manner as the Federal Government may direct.

46. **Indemnity.-** No suit, prosecution or other legal proceedings shall lie against the Authority, the Director-General, or any member, officer, servant, expert or consultant of the Authority in respect of anything, done or intended to be done in good faith under this Act.

47. **Continuance of funds, investment, assets and liabilities of the Civil Aviation Authority.-** (1) All funds, investment, assets and undertakings,

including lands, buildings, airports and aerodromes, works, machinery, apparatus, equipment, material and plants, records vested in the Authority, shall continue to remain vested in or belonged to the Authority, and all liabilities in respect of the said funds, investment, assets and undertaking shall deem to be the liability of the Authority.

(2) The Federal Government Lands and Buildings (Recovery of Possession) Ordinance, [Ordinance LIV of 1965] 1965 shall apply to lands and buildings vesting in the Authority and for the purpose of such application shall have effect as if reference therein to the Federal Government included a reference to the Authority.

(3) The Authority logo, insignia, stationary, printed forms, and online communication shall continue to be utilized, unless specified otherwise by the Authority.

48. **Continuance of rules, regulations, etc. in force.-** (1) All existing rules, regulations, notifications, orders, aeronautical publications, notices to airmen, permits, directions, approvals, or exemptions, license, certificate, actions taken, deeds, contracts, working arrangements, document or agreement made, fee directed, charges levied, direction given, proceedings taken or instrument executed or issued, decision taken and acts done by the Authority which were in force and in effect before the commencement of this Act, shall continue to be in force unless modified, rescinded, altered, revised or amended by the competent authority pursuant to any provision of this Act.

(2) All liabilities incurred by the Authority in connection with, or for the purpose of, the Authority, shall deemed to have been made or incurred by the Authority and have effect accordingly.

49. **Continuance in the service of existing employees.-** Subject to the provisions of this Act, any person who immediately before the commencement of this Act has been in the service of Authority, shall continue to be in the service of Authority, on the same terms and conditions as were applicable to him, unless modified or amended under the provisions of this Act.

50. **Repeal of laws and savings.-** (1) Subject to the provisions of sub section (2), the Civil Aviation Ordinance, 1960 [Ordinance XXXII of 1960] and the Pakistan Civil Aviation Authority Ordinance, 1982 [Ordinance XXX of 1982], specified thereof in so far as they extend to, and operate as part of the laws of Pakistan or any part thereof, are hereby repealed.

(2) Notwithstanding the repeal of any enactment by sub-section (1).-

a. any notifications, rules, regulations, orders, aeronautical publications, notices to airmen, permits, directions, approvals, or exemptions issued ,made, prescribed, granted under or in pursuance of any such

enactment hereby repealed shall be deemed to have been issued ,made, prescribed, granted under the corresponding provision of this Act, shall continue in force until amended, repealed, modified under the provisions of this Act;

b. any member, officer, servants, staff, experts and consultants, appointed under or in pursuance of any such enactment hereby repealed and shall be deemed to have been, appointed, as the case may be, under the corresponding provision of this Act;

c. any document referring to any enactment hereby repealed shall be construed as referring, as far as may be, to this Act, or to the corresponding provision of this Act;

d. aircraft registration maintained by Civil Aviation Authority, Pakistan under or in pursuance of any enactment hereby repealed shall be deemed to have been registered and maintained under the corresponding provision of this Act or rules and regulations made thereunder;

e. any license, certificate of competency or license of commercial operations, airworthiness certificates, aerodrome licensing and certification, air-operator certificate, radio equipment license or certificate, authorization , concessions or document issued made or granted under or in pursuance of any enactment hereby repealed shall be deemed to have been issued, made or granted under the provisions of this Act, shall continue in force until cancelled, suspended or revoked or lapsed on the date specified in the license or certificate or document;

f. no license or certificate or document cancelled, suspended, revoked, lapsed under or in pursuance of any enactment hereby repealed shall be deemed to have been cancelled, suspended, revoked, lapsed under this Act and shall, unless renewed, reissued in pursuance of the provisions of this Act;

g. exercise of power and functions by the Board, its members, Director General, officer, etc. under or in pursuance of any enactment hereby repealed or otherwise shall have effect as power and functions had been exercised under the corresponding provision of this Act;

h. any constitution of the Board under or in pursuance of any enactment hereby repealed or otherwise shall have effect as constituted, made under the corresponding provision of this Act, shall continue in force until re-constituted under the provisions of this Act;

i. all funds, investment and accounts constituted or maintained under or in pursuance of any enactment hereby repealed by this Act shall be deemed to have been constituted or maintained under the corresponding provision of this Act;

j. all inquiry, proceedings under or in pursuance of any enactment hereby repealed by this Act shall be deemed to have been pending under the corresponding provision of this Act;

k. where any offence has been committed under or in pursuance of any enactment hereby repealed by this Act shall be deemed to have been committed under the corresponding provision of this Act; and

l. anything done, action taken, deed, contracts document or agreement made, fee directed, charges levied, direction given, working arrangements made, proceedings taken or instrument executed or issued, under or in pursuance of any enactment hereby repealed by this Act and any such action, deed, contracts, document or agreement made, fee directed, direction given, proceedings taken or instrument executed shall, if in force at the commencement of this Act, shall continue in force, and have effect as if it were respectively done; taken, commenced, made, directed, given, executed or issued under the corresponding provision of this Act.

(3) The mention of particular matters in this section or in any other section of this Act shall not prejudice the general application of section 6 of the General Clauses Act, 1897 [Act X of 1897], with regard to the effect of repeals.

51. Removal of difficulties.- If any difficulty arises in giving effect to any provision of this Act, the Federal Government may make such order, not inconsistent with the provision of this Act, as may appear to be necessary for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND PURPOSE

On Independence the Civil Aviation affairs were administered by the Federal Government in exercise of the powers conferred under the Aircraft Act, 1934 **[XXII of 1934]**. The promulgation of the Civil Aviation Ordinance, 1960 **[Ordinance XXXII of 1960]** repealed the said Act of 1934. The Ordinance continued to remain in force all these years pursuant to the Constitutional validations from time to time.

Subsequently, the Pakistan Civil Aviation Authority was established in 1982 to control and regulate the affairs of civil aviation activities in Pakistan. The Authority was also established by promulgation an Ordinance, known as the Pakistan Civil Aviation Authority Ordinance, 1982 **[Ordinance XXX of 1982]** and presently in force.

Therefore, it is necessary to enact a legislation to consolidate and amend the above laws on aspects of 'civil aviation activities' and function of the Civil Aviation Authority, as a regulator and service provider, to bring them in conformity with the international civil aviation commitments and obligations.

Further, this enactment will ensure an efficient control and regulation of aerodromes, airports and related infrastructure with a consequence of safe, secure, efficient, adequate, economical and properly coordinated civil air transport service in Pakistan.

To encourage and promote investment in aviation industry by providing better provisions for manufacture, design, possession, use, acquisition, operation, sale, export of aircraft.

The proposed Bill seeks to achieve the above-stated aims and objective with purpose thereof