

PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

CIVIL AVIATION ACT, No. 14 OF 2010

[Certified on 03rd November, 2010]

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Civil Aviation Act, No. 14 of 2010 1

[Certified on 03rd November, 2010]

L.D. – O. 52/2000.

AN ACT TO MAKE PROVISION FOR THE REGULATION, CONTROL AND

MATTERS RELATED TO CIVIL AVIATION; TO GIVE EFFECT TO THE

CONVENTION ON INTERNATIONAL CIVIL AVIATION AND FOR

MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows:—

1. This Act may be cited as the Civil Aviation Act, Short title and

No. 14 of 2010, and shall come into operation on such date date of

operation.

(hereinafter referred to as the “appointed date”) as the

Minister may appoint by Order published in the Gazette.

CHAPTER I

PRELIMINARY

2. The Articles of the Convention relating to safety, Convention to

regularity, efficiency and security of civil aviation as are govern civil

aviation activities

specified in the Schedule to this Act, shall govern all within

activities relating to civil aviation within the territory of Sri Lanka.

Sri Lanka.

3. (1) The provisions of this Act shall apply in respect Application of

of all activities relating to civil aviation within the territory the provisions of

this Act.

of Sri Lanka and in particular, in respect of the following:—

(a) aircraft registered in Sri Lanka and all aviation

personnel licensed under this Act, whether such

personnel are within or outside the territory of

Sri Lanka;

(b) aircraft other than those registered in Sri Lanka and

users of aeronautical services being provided within

the territory of Sri Lanka;

2—PL 005201–4,190 (09/2010)

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(c) the regulation, administration and safety oversight

of activities relating to civil aviation carried out

within the territory of Sri Lanka;

(d) the provision of aeronautical services; and

(e) other matters relating to the safe and orderly

operation and development, including the

economic development of civil air navigation and

air transport.

(2) The provisions of this Act and any regulations and

rules made thereunder, shall not apply in respect of any

aircraft or Aerodrome exclusively used in the service of or

for the purposes of the Armed Forces.

(3) The application of the provisions of this Act in respect

of aircraft in the use of the Government of Sri Lanka shall be

to the extent as may be determined by the Minister, by Order

published in the Gazette.

(4) Notwithstanding the provisions of subsection (2) and

subsection (3) of this section, the provisions of this Act shall

apply in respect of aircraft operated by the Armed Forces

and aircraft in the use of the Government of Sri Lanka, where

such aircraft are engaged in the carriage of passengers or

cargo for hire or for reward.

Responsibilities 4. The Minister shall be responsible for the

of the Minister. development, regulation and control of civil aviation in

Sri Lanka and in the discharge of such responsibilities, the

Minister shall —

(a) make recommendations to the Cabinet of Ministers

in regard to the formulation of a National Aviation

Policy for Sri Lanka;

(b) periodically review and analyse the aforesaid

National Aviation Policy and where necessary

recommend to the Cabinet of Ministers, any

changes to such Policy;

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(c) promulgate regulations for the implementation of

the provisions of this Act and for the fulfillment of

international obligations of Sri Lanka in respect of

the SARPS;

(d) assist and advise the Government to secure by

international agreement or otherwise, the rights for

Sri Lanka in international air traffic and to initiate

and direct negotiations thereon;

(e) establish, develop, maintain and provide

aeronautical services and other facilities and

services relating to civil aviation;

(f) initiate projects, technical researches, studies or

investigations which in the opinion of the Minister

will promote the development of civil aviation

activities in Sri Lanka;

(g) specify the charges, fees and costs to be paid with

respect to the grant of any certificate, licence, permit

or authorization or for the rendering of any services

under the provisions of this Act and the Civil

Aviation Authority of Sri Lanka Act;

(h) issue directions to the Authority as the Minister

may consider necessary to perform any function

relating to civil aviation for which no specific

provisions are made under this Act or the Civil

Aviation Authority of Sri Lanka Act, as the case

may be, or in any regulations or rules made under

those Acts ; and

(i) undertake any other activity or function in relation

to civil aviation as he may consider appropriate, in

concurrence with the Authority.

5. (1) The Minister may delegate all or any of his Minister to

powers, duties or functions under this Act to the Authority delegate his

powers under the

or to the Director General, who shall exercise, perform or

Act.

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discharge such powers, duties or functions, subject to such

directions as may be issued by the Minister.

(2) The Minister may notwithstanding any delegation

under subsection (1), have the power to exercise, perform or

discharge any power, duty or functions delegated under that

subsection.

CHAPTER II

APPOINTMENT OF SERVICE PROVIDERS

Appointment of 6. (1) For the purpose of providing the aeronautical

Service services specified in section 31 of this Act, the Minister in

Providers.

consultation with the Authority may, subject to the

provisions of subsection (3), appoint by Order published in

the Gazette, any person or persons, to be a Service Provider

(hereinafter referred to as “Service Provider”) subject to such

terms and conditions as may be specified in such Order.

(2) The terms and conditions specified in the Order made

under subsection (1) may be amended from time to time by

a subsequent Order made in that behalf by the Minister in

consultation with the Authority. It shall be the duty of a

Service Provider whose terms and conditions are so amended

by such Order, to comply with the same.

(3) The following provisions shall apply in regard to

the appointment of Service Providers by the Minister under

subsection (1) :—

(a) the Statutory Service Provider shall be appointed

as the Service Provider for the purpose of providing

the aeronautical services specified in:—

(i) paragraph (a) of section 31 and for the

provision of aeronautical services specified

in paragraphs (c) and (d) of that section at any

International Aerodrome referred to in

paragraph (a) ; and

(ii) paragraphs (e), (f), (g) and (h) of section 31 ;

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(b) where the Statutory Service Provider consents to

be appointed to provide in respect of any particular

Aerodrome the aeronautical services specified in

paragraph (b) of section 31, appoint such Statutory

Service Provider, as the Service Provider to provide

those aeronautical services and the aeronautical

services specified in paragraphs (c) and (d) of that

section, in respect of those Aerodromes;

(c) appoint any other Service Provider to provide in

respect of any particular Aerodrome the aeronautical

service specified in paragraph (b) of section 31,

other than those in respect of which the Statutory

Service Provider was appointed as the Service

Provider under paragraph (b);

(d) not more than one Service Provider shall be

appointed in respect of a particular Aerodrome, for

the provision of the aeronautical services specified

in paragraphs (c) and (d) of section 31; and

(e) appoint a Service Provider which is a public

corporation or a company in which the Government

holds a majority of shares, for providing the

aeronautical services specified in paragraphs (i),

(j), (k), (l) or (m) of section 31 at any Aerodrome

specified in paragraphs (a) and (b) of that section:

Provided that where a Service Provider

appointed under this paragraph does not consent

to provide the aeronautical services referred to

therein at any Aerodrome specified in paragraph

(a) or (b) of section 31, the Minister may appoint

any other Service Provider to provide the

aeronautical services referred to in this paragraph .

7. (1) A Service Provider being appointed to provide Requirement to

the aeronautical services specified in paragraphs (i), (j), (k), enter into service

agreements.

(l) and (m) of section 31 shall be required, before being so

appointed, to enter into a service agreement or agreements,

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as the case be, with the Service Provider appointed to provide

the aeronautical service specified in paragraph (a) or

paragraph (b), as the case may be, of section 31.

(2) Where a Service Provider or Service Providers, other

than the Statutory Service Provider is appointed to provide

the aeronautical services specified in paragraph (b), of

section of 31, such Sevice Provider or Service Providers

shall be required to enter into a service agreement or

agreements, as the case may be, with the Statutory Service

Provider who is appointed to provide the aeronautical

services specified in paragraphs (e), (f), (g) and (h), where the

nature and scope of the services provided by such Service

Provider or Service Providers as the case may be, has any

direct safety or security impact on the aeronautical service

to be provided by the Statutory Service Provider.

(3) Prior to the appointment of any Service Provider

under section 6 of this Act, the Minister shall decide as to

whether the contents of the applicable service agreement or

agreements referred to in subsections (1) and (2) of this

section, provide for adequate sharing of information, proper

co-ordination of all activities in providing aeronautical

services by the parties to the agreement and the use of

properties, facilities or services in each others possession or

control, so as to ensure a safe, efficient, regular and smooth

operation of aeronautical services within Sri Lanka.

Providing 8. (1) The Authority may by Order published in the

properties to Gazette and subject to such terms and conditions as may be

Service

Providers. specified in such Order, make available where necessary, to

any Service Provider appointed under section 6, any

immovable property or Aerodromes, including such

immovable properties and the Aerodromes transferred to and

vested in the Authority, for the purpose of enabling the Service

Provider to discharge its functions in the provision of such

aeronautical services in respect of which that Service Provider

has been issued with a licence under this Chapter of this Act.

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(2) It shall be the duty of a Service Provider to whom any

property or Aerodromes are made available under subsection

(1), to comply with the terms and conditions stipulated in

the Order and hold and maintain such immovable property

or Aerodromes in good condition.

(3) A Service provider to whom any immovable property

or Aerodromes are made available under subsection (1),

shall not :—

(a) effect any alteration in such property or Aerodrome

or put up any new constructions in such property; or

(b) grant a lease of any such property or Aerodrome to

anyone,

without the prior written approval of the Authority.

9. No person or body of persons shall be appointed as a Prohibition

Service Provider or be entitled to be issued with a licence to against

appointment of

provide aeronautical services under the provisions of this

certain persons

Act, where such person or body of persons poses or is likely as Service

to pose a threat to the public security of Sri Lanka or to Providers etc.

international civil aviation.

10. The provision of aeronautical services shall be in Licences

terms of a licence issued in that behalf by the Authority or required for

providing

the Director General, as the case may be, and a Service

aeronautical

Provider appointed under section 6 shall be eligible to apply services.

for such a licence. Separate licences shall be issued in respect

of each of the categories of aeronautical services specified

in section 31.

11. (1) In terms of the provisions of section 10 of this Issue of licence

Act, a Service Provider may be issued with a licence for for providing

aeronautical

providing aeronautical services in respect of each category

services.

of services as are specified in —

(a) paragraphs (i), (j), (k), (l) and (m) of section 31, by

the Authority ; and

(b) paragraphs (a), (b), (c), (d), (e), (f), (g) and (h) of

section 31, by the Director General.

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(2) The requirements to be fulfilled for the grant of a

licence under subsection (1), the procedure for making an

application, the terms and conditions to be attached to a

licence, information to be furnished by applicants and fees

or any other charges to be paid for the issue of a licence,

shall be as prescribed.

(3) The requirements to be prescribed under subsection

(2) for the issue of a licence to provide aeronautical services

may vary, depending on the scope, the nature or the place

where the particular aeronautical service is being provided.

(4) All licences issued under subsection (1) by the

Authority or the Director General, as the case may be, shall

be valid until or unless suspended or revoked under section

26. An annual licence fee as may be prescribed shall be

imposed on all persons to whom a licence is issued under

subsection (1).

Service 12. (1) Notwithstanding the provisions of section 7 of

Providers to this Act, the Authority may require a Service Provider to

enter into service

agreements with whom a licence to provide any aeronautical service is issued

any holder of a under section 11, to enter into a service agreement with a

licence or person to whom a permit or any licence, other than a licence

permit. to provide any aeronautical service, is issued by the Authority

under this Act, where the Authority is of the view that the

aeronautical services being provided by such Service

Provider under the licence issued to it, is an aeronautical

service which is necessarily required by the person to whom

the licence or permit has been issued, in order to carry out

the activities for which such licence or permit was issued to

such person.

(2) It shall be the duty of each Service Provider to furnish

the Authority with a copy of every service agreement entered

into under subsection (1) of this section. The Authority shall

keep such copy or copies of all service agreements furnished

to it in its custody. The Minister may at any time request

that he be furnished with a copy and it shall be the function

of the Authority to make the same available to the Minister.

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13. (1) The Authority shall classify Aerodromes in Classification of

accordance with such regulations as shall be prescribed for Aerodromes.

that purpose. The regulations to be made by the Minister for

such purpose, shall be based on design, operating conditions,

aeronautical services provided and the scope of the use and

purpose of Aerodromes.

(2) The Authority shall cause to be published in the

Aeronautical Information Publication of Sri Lanka,

particulars of any Aerodromes classified as an International

Aerodrome under subsection (1) and all other Aerodromes

available within the territory of Sri Lanka.

14. (1) Any person who seeks to establish or any licence Establishment of

holder who seeks to expand an Aerodrome, shall prepare in Aerodromes.

accordance with such requirements as shall be prescribed by

the Minister, a Master Plan which shall identify and provide

for :—

(a) the development of physical facilities of the

Aerodrome, both aviation and non-aviation;

(b) the development of land use for areas surrounding

an Aerodrome;

(c) the assessment of the effect the construction and

operation of the Aerodrome will have on the

environment;

(d) access requirements of the Aerodrome; and

(e) security aspects of the Aerodrome and the cost and

financial outlay of the project.

(2) The establishment or expansion, as the case may be,

of an Aerodrome, shall not commence until the Master Plan

in respect of the same has been approved by the Authority.

The Authority shall before it approves a Master Plan, consult

any other statutory authority where it considers such

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consultation appropriate or necessary and whose views and

observations on the proposed establishment or expansion

and its effect on environment and any other factor, needs to

be considered before such Master Plan is approved.

(3) An approval granted under subsection (2), shall be

subject to such terms and conditions and to the payment of

a fee as determined by the Authority. The Authority shall

cause a Notice relating to any approval granted, to be

published in the Gazette.

(4) A copy of the approved Master Plan, other than the

information referred to in paragraph (e) of subsection (1),

shall be kept in the office of the Authority and be made

available to the public for inspection, on payment of a fee as

may be determined by the Authority.

(5) The Authority may from time to time where it considers

necessary or on the request of the person to whom approval

was granted under subsection (2), require a Master Plan to

be reviewed or evaluated and appropriate modifications or

adjustments made thereto, to address any changes that may

have taken place since the approval of such Master Plan.

Master Plan once 15. Notwithstanding anything to the contrary contained

approved need

no further in any other written law, a Master Plan once approved

approval. under section 14 of this Act, shall not be subject to or be

required to be further approved or accepted under any other

written law.

Issue of licences 16. (1) Subject to the provisions of section 13, on and

for Aerodromes.

after the appointed date, no Aerodrome other than the

Aerodromes used exclusively by the Sri Lanka Air Force,

whether owned by the Government or privately owned, shall

be maintained, operated or improved, except in conformity

with a licence issued under subsection (1) of section 11 by

the Director General and subject to the terms and conditions

of such licence.

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(2) For the purpose of issuing a licence referred to in

subsection (1), the operation of an Aerodrome shall include

those activities that secure:—

(a) the take-off and landing of an aircraft and the related

movements of the aircraft on ground;

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

(c) maintenance and improvement of the Aerodrome.

(3) An application for the issue of a licence under

subsection (1) shall be made to the Director General, along

with the prescribed application fee.

(4) The criteria for licensing of Aerodromes shall be based

on the classification of Aerodromes by the Authority under

subsection (1) of section 13.

17. (1) The Authority shall formulate a National Civil National Civil

Aviation

Aviation Security Programme, in accordance with the

Security

relevant SARPS. Programme.

(2) It shall be the duty of a Service Provider to whom a

licence is issued by the Director General for the provision

and maintenance of an Aviation Security Service, to establish

in accordance with the National Civil Aviation Security

Programme formulated by the Authority under subsection

(1), a programme specifying the human and other resources

that shall be used and the procedures that shall be followed

by such Service Provider, for each of the following

purposes:—

(a) preventing, detecting, deterring and responding to

an unlawful interference with aviation at the

Aerodrome or at any other place or location where

aeronautical services are being provided;

(b) responding to an unlawful interference with

aviation against an aircraft or an aircraft in flight ;

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(c) responding to a threat of an unlawful interference

with aviation against an aircraft or an aircraft in

flight ;

(d) preventing unauthorized people from having access

to an aircraft, areas of the Aerodrome or to any other

area where any aeronautical services are being

provided ; and

(e) reporting the occurrence or threat of occurrence of

any unlawful interference with the performance of

the duties of the Service Provider to whom such an

Aerodrome licence has been issued.

Duties of Service 18. (1) A Service Provider who is providing and

Provider maintaining an Aviation Security Service within the limits

providing an

of an Aerodrome or at any other place or location where

Aviation

Security Service. aeronautical services are being provided, shall be required

to provide such services in conformity with the national

security policy of the State, and shall:—

(a) protect and safeguard the property of the

Government of Sri Lanka and of the other users of

such Aerodrome, the safety of persons who enter or

use the Aerodrome and of the aircraft and other

equipments which are within the limits of the

Aerodrome ;

(b) prevent the breach of any law and the occurrence of

any nuisance within the Aerodrome and at any other

place or location where aeronautical services are

being provided;

(c) apprehend any disorderly or suspicious person

within the Aerodrome or at any other place or

location where aeronautical services are being

provided ; and

(d) comply with any directions given to such Service

Provider by the Authority or the Director General,

as the case may be, in relation to safety and security

of the Aerodrome or any place or location where

aeronautical services are being provided, its users

and property within, including an aircraft.

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(2) In the performance of the duties referred to in

subsection (1), it shall be lawful for any employee of such

Service Provider, to detain any person:—

(a) who commits or is committing an offence under

this Act, the Offences Against Aircraft Act, No. 24

of 1982 or the Suppression of Unlawful Acts of

Violence at Airports Serving International Civil

Aviation Act, No. 31 of 1996 ;

(b) against whom a reasonable suspicion exists that he

is about to commit an offence under this Act, the

Offences Against Aircraft Act, No. 24 of 1982 or

the Suppression of Unlawful Acts of Violence at

Airports Serving International Civil Aviation Act,

No. 31 of 1996 ;

(c) against whom a reasonable suspicion exists that he

had aided and abetted the commission of any

offence under this Act, the Offences Against Aircraft

Act, No. 24 of 1982 or the Suppression of Unlawful

Acts of Violence at Airports Serving International

Civil Aviation Act, No. 31 of 1996 ;

(d) having in his custody or possession without a valid

excuse, any offensive or dangerous weapon or

goods, reasonably suspected to be property stolen

or fraudulently obtained within an Aerodrome or

within any other place or location where

aeronautical services are being provided;

(e) who is committing an offence within the

Aerodrome or any place or location where any

aeronautical services are being provided, being an

offence in respect of which a person may be arrested

without a warrant, under section 32 of the Code of

Criminal Procedure Act, No. 15 of 1979 ;

(f) who is committing theft of or damage to any

property within an Aerodrome;

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(g) who is found within an Aerodrome or at any place

or location where aeronautical services are being

provided, in circumstances which provide reason

to believe that such person has committed or is

about to commit theft of or damage to, any property

belonging to or in the possession of the Government

of Sri Lanka or within the Aerodrome or the place

or location where aeronautical services are being

provided ;

(h) found taking precautions to conceal his presence

under circumstances which afford reason to believe

that he is taking such precaution with a view to

committing a cognizable offence within the

meaning of the Code of Criminal Procedure Act,

No. 15 of 1979 or an offence under this Act, the

Offences Against Aircraft Act, No. 24 of 1982 or

the Suppression of Unlawful Acts of Violence at

Airports Serving International Civil Aviation Act,

No. 31 of 1996 ; or

(i) at the request of the Pilot-in-Command, where such

person was found to have committed an offence

while the aircraft was in flight.

(3) Any person detained under subsection (2) shall unless

released, be forthwith handed over to a police officer to be

dealt with according to law.

Power to search. 19. It shall be lawful for an employee of the Service

Provider providing and maintaining an Aviation Security

Service to search any person, including his belongings or

any conveyance used by such person within the premises of

the Aerodrome or at any other place or location where

aeronautical services are being provided, where there is

reason to believe that such person has committed or is about

to commit a cognizable offence within the meaning of the

Code of Criminal Procedure Act, No. 15 of 1979, or any

offence under this Act, the Offences Against Aircraft Act,

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No. 24 of 1982 or the Suppression of Unlawful Acts of

Violence at Airports Serving International Civil Aviation

Act, No. 31 of 1996:

Provided however that, where it is necessary to cause a

woman to be searched, such search shall be carried out by

another woman, with strict regard to decency.

20. In all cases of fire or any other calamity occurring Action in case of

within an Aerodrome or at any other place or location where fire or any other

calamity.

aeronautical services are being provided, it shall be the duty

of every employee of the Service Provider providing and

maintaining an Aviation Security Service who is on duty

within such Aerodrome or the location or place where the

aeronautical services are being provided, to take all such

necessary steps to protect the persons and property

endangered thereby.

21. (1) A Service Provider providing and maintaining Cadre and

an Aviation Security Service shall be required to obtain a firearms to be

used by the

permit from the Director General pertaining to the number

Service Provider

of employees to be employed by such Service Provider and to be approved

the nature, type and quantity of firearms and ammunition to by the Director

be used in the provision of such service. General.

(2) The Director General shall, prior to the issue of a permit

under subsection (1), obtain the approval for the same from

the Secretary to the Ministry of the Minister in charge of the

subject of Defence and a permit so issued shall be subject to

any requirements pertaining to the safety of civil aviaton

activities, that are imposed by the Director General.

22. No suit or prosecution shall lie against a Service Protection for

Provider providing and maintaining an Aviation Security action taken in

Service or any employee of such Service Provider, the good faith under

this Chapter of

Director General, the Authority or the Government of this Act.

Sri Lanka, in respect of any act which is in good faith done,

or purported to be done or omitted to be done, by such

Service Provider or employee of such Service Provider under

this Act or for the purpose of ensuring the safety or security

of persons or property within or outside an Aerodrome.

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Declaration of 23. (1) The Minister may by Order published in the

Protected Areas. Gazette, declare any land which is adjacent or contiguous

to:—

(a) an Aerodrome, whether such Aerodrome is

maintained for purposes of civil aviation or is

maintained on a joint user basis ;

(b) any location where equipment for the provision of

aeronautical aids are installed ; or

(c) any area in respect of which a Master Plan for the

establishment of an Aerodrome has been approved

under section 14,

to be a protected area (in this Act referred to as the “Protected

Area”) for the purposes of this Act.

(2) An Order under subsection (1) may define the area of

land by setting out the extent, the assessment number or the

metes and bounds of the land or each of the lands which

comprises of such area of land.

(3) The Director General shall issue in respect of any

Service Provider to whom a licence has been issued to provide

aeronautical aids, instructions, directions or procedures

relating to the use of land in a Protected Area, the creation of

Protected Zones within that area to safeguard safe take-off

and landing of aircraft, safety in the airspace for take-off

and approach, the environmental protection and the

protection of civil aviation activities against electronic or

other interference from sources outside the Aerodrome.

(4) The Director-General shall issue instructions,

directives and procedures setting out the requirements to be

complied with in regard to the construction of any buildings

or other structures or the making of alterations to any existing

buildings or other structures within the Protected Area and

in respect of distinct lighting and markings in the

neighbourhood of an Aerodrome or air route.

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(5) Notwithstanding the provisions of any other written

law to the contrary, no person or authority shall issue

permission for the construction of any building or other

structures or for carrying alterations to any existing building

or structure within a Protected Area, except under the

authority of a permit issued by the Director General and

where any building is constructed or any alteration is carried

out without obtaining such a permit, the Authority shall

have the power to have such building or alteration, as the

case may be, demolished at the cost of the owner.

24. (1) Where any land in any Protected Area other than Acquisition of

State land, is required by the Authority for any purpose under land in any

Protected Area.

this Act and the Minister approves the proposed acquisition,

the land proposed to be acquired shall for the purpose of the

application of the Land Acquisition Act, be deemed to be

required for a public purpose and may be acquired under

that Act and transferred to the Authority

(2) Any sum payable for the acquisition of land for the

Authority under the Land Acquisition Act shall be paid out

of the Fund.

25. It shall be lawful for a Service Provider who is issued Issuing

with a licence or permit under this Chapter of this Act, to instructions by

licence holders.

give such instructions, consistent with the provisions of this

Act and subject to any directives that may be issued in that

behalf by the Minister or the Director General, as the case

may be, to all users of the aeronautical service provided by

that Service Provider under such licence. It shall be the duty

of all persons who use such aeronautical service, to comply

with such instructions.

26. (1) A licence issued to a Service Provider under this Suspension and

Chapter of this Act may, with the concurrence of the Minister, revocation of

licences.

be suspended or revoked by the Authority or the Director

General, as the case may be, who issued such licence, on the

ground of:—

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

(i) the terms and conditions of the licence;

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(ii) any provisions of this Act or any regulations

or rules made thereunder; or

(iii) any instructions or directives issued by the

Minister, the Authority or the Director

General, as the case may be;

(b) non-payment of any fees or charges required to be

paid; or

(c) such other reasons as determined by the Authority

or the Director General, as the case may be, that

would affect the smooth operation of the service

provided under the licence or the safety of such

operation.

(2) A suspension under subsection (1) shall not be for a

period of more than three months.

(3) A Service Provider whose licence is suspended or

revoked under subsection (1), may appeal against such

suspension or revocation, to the Secretary to the Ministry of

the Minister, whose decision on such appeal shall be final

and conclusive and shall not be appealed against in any

court or tribunal.

Providing 27. (1) Where a licence for the provision of any

aeronautical

aeronautical services issued to a Service Provider is

services during a

suspension of a suspended, it shall be duty of the Authority during the

licence. period of such suspension, to ensure:—

(a) the continuity of the provision of the aeronautical

services that were being provided by such Service

Provider; and

(b) the continuity of any contractual obligations or

rights arising from any agreements that may have

been entered into by such Service Provider since

the issue of the licence that has being suspended.

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(2) In providing aeronautical services by the Authority

during the period referred to in subsection (1), the Authority

may, without prejudice and notwithstanding anything to

the contrary contained in a contract of employment relating

to the rights and duties of any employee of the Service

Provider whose licence has been suspended, obtain the

services of any such employee and where necessary, the

services of any other Service Provider.

(3) Any payment or charge required to be made for

obtaining the services referred to in subsection (2) shall

be paid by the Authority out of its Fund.

28. (1) Where an aeronautical licence issued to any Providing

Service Provider is revoked under section 26, the Authority aeronautical

services etc. on

shall forthwith inform all other Service Providers of such the revocation

revocation and it shall be the duty of every person who has of a licence.

entered into any agreements or contracts with such Service

Provider, to provide the Authority with details of all such

agreements and the obligations that remain to be fulfilled

under any such agreement by such Service Provider, at the

time of the revocation of the licence.

(2) Where a licence for the provision of any aeronautical

service issued to a Service Provider is revoked and the

Authority is of the opinion that in the national interest and

also in the interest of the aviation industry in Sri Lanka, a

licence should be issued to another Service Provider to

provide those aeronautical services, it shall be the

responsibility of the Authority to:—

(a) ensure the continuity of the provision of such

aeronautical service or services that were being

provided by the Service Provider whose licence is

being revoked, until a new licence is issued for

that purpose to another Service Provider;

(b) make available to any other Service Provider or

Service Providers, as the case may be, to whom a

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new licence or licences may be issued, all the

property that was made available to the Service

Provider whose licence was revoked, to enable such

other Service Provider or Service Providers, as the

case may be, to provide the aeronautical service

or services under the new licence or licences so

issued; and

(c) ensure that the Service Provider or Providers to

whom a new licence or licences are issued, fulfill

all contractual obligations or rights arising from

any agreements that may have been entered into by

the Service Provider whose licence was revoked,

where in the opinion of the Authority, the interest

of the aviation industry warrants the fulfillment of

those obligations.

Effect on 29. During the period of suspension of a licence issued

property to a Service Provider, such Service Provider shall not have

transferred on

access to any property that may have been made available

asuspension or

cancellation of a to such Service Provider under section 8 of this Act, and

licence. where a licence is revoked, all property that has been made

available to such Service Provider under that section, shall

be vested with the Authority and the Authority may make

that property available to any other Service Provider or

Service Providers, as the case may be, to whom a licence was

issued for the provision of such aeronautical service, under

section 28.

Authority to 30. Nothing contained in the preceding provisions of

have power to this Chapter of this Act shall preclude the Authority, with

provide

aeronautical the approval of the Minister, from providing on its own, any

services. category of aeronautical services specified in section 31,

where it considers it expedient or necessary to do so:

Provided however, where such aeronautical service is a

service in respect of which the Director General is required

to issue a licence under this Chapter of this Act, the Authority

shall provide such service only with the concurrence of the

Director General.

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31. For the purposes of this Act “aeronautical services” Definition of

means:— “aeronautical

services”.

(a) the development, operation and maintenance of

Aerodromes classified as an International

Aerodrome, under subsection (1) of section 13;

(b) the development, operation and maintenance of

Aerodromes other than those referred to in

paragraph (a) and the provision of Aerodrome

facilities at such Aerodromes;

(c) the provision and maintenance of search, rescue

and fire fighting services at Aerodromes;

(d) the provision and maintenance of an Aviation

Security Service;

(e) the provision of Air Traffic Services ;

(f) the provision of Aeronautical Information Services;

(g) the provision of Aeronautical Communication

Services;

(h) the provision of aeronautical aids for

communication, navigation or surveillance;

(i) the provision of services relating to the supply of

aviation fuel and lubricant to aircraft;

(j) the provision of assistance or equipment for

dispatch of aircraft on the apron, including aircraft

cleaning services;

(k) the provision of ground handling facilities or

services to aircraft;

(l) the provision of catering services to aircraft; and

(m) the supply of any other service to an aircraft, other

than the services specified above.

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CHAPTER III

REGULATION OF CIVIL AVIATION

Entry by foreign 32. (1) No foreign military or state aircraft may enter

Military or State

the territory of Sri Lanka, without a special permission or

aircraft.

authorization for the same being obtained from the Secretary

to the Ministry of the Minister in charge of the subject of

Defence.

(2) No foreign civil aircraft may enter the territory of

Sri Lanka without a special permission or authorization from

the Director General.

Coordination of 33. For purpose of fulfilling the international

operations in obligations of Sri Lanka regarding the safety, security of

consultation

civil aircraft and interception procedures, the Minister shall

with Minister of

Defence. co-ordinate the operation of state and military aircraft, in

consultation with the Minister in charge of the subject of

Defence.

Special powers 34. (1) In time of an armed conflict whether actual or

in case of imminent or in the case of any national emergency, notice

emergency.

of which has been given in conformity with the requirements

specified in the Convention, the Minister in charge of the

subject of Defence may by general or special order, regulate

or prohibit, either absolutely or subject to such conditions

as may be specified in the Order, the navigation of all or any

descriptions of aircraft in or over the territory of Sri Lanka or

any portion thereof, and may thereafter in consultation with

the Minister, by any subsequent Order, authorize only for

such purpose, the armed forces to take possession of and use

any Aerodrome, landing ground, aircraft, aircraft

manufacturing or maintenance facility together with all

machinery, plant, material or things found therein or thereon,

and for regulating or prohibiting the use, erection, building,

maintenance or establishment of any aerodrome, flying

school or landing ground.

(2) Any person, who suffers direct loss owing to the

operation of an Order made under subsection (1), shall be

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entitled to receive compensation from the Minister in charge

of the subject of Defence from such moneys as may be

provided by Parliament for the purpose. The amount of

compensation to be paid shall in default of agreement

between the parties interested, be fixed by an arbitrator to be

agreed upon between such parties :

Provided however, that no compensation shall be payable

by reason of the operation of a general Order under this

section prohibiting flying over the territory of Sri Lanka or

any part thereof.

35. No person whose performance of duty required of Restrictions on

him as an aviation personnel has an effect on the safety of aviation

personnel.

civil aircraft operations in the State, shall perform such duty

while under the influence of any psychoactive substance by

reason of which human performance is impaired or use any

other substance which might jeopardize the safe performance

of his duties.

36. The Director-General or any person duly authorized Inspection of

aircraft.

by the Director-General, shall have unrestricted access to

any aircraft whilst it is in Sri Lanka, for the purpose of

ensuring that such aircraft is airworthy, that it carries the

required documentation and is being operated in accordance

with the provisions of this Act, or any regulation, rules or

implementing standards issued thereunder.

37. The Director General or any person duly authorized Director General

to prevent a

by the Director General, shall have the power to direct the

flight.

operator or the crew of an aircraft not to operate the aircraft,

in situations where he has sufficient reasons to believe that:—

(a) the aircraft is not airworthy;

(b) the crew is not qualified or is physically or mentally

in capable of operating the flight;

(c) the operation would cause imminent danger to

persons or property; or

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(d) the aircraft does not have an approved dispatch

procedure or is not dispatched in accordance with

approved dispatch procedures,

and shall in such a situation, take all such steps as are

necessary, to detain the aircraft or crew.

Actions to be 38. (1) Where the Director General believes on

taken to prevent reasonable grounds that the operation of any particular

a threat or

aircraft or all aircraft belonging to that class, or the use of

danger to person

or property. any particular aircraft component or any component of

that class or any Aerodromes or the provision of any

aeronautical service, may endanger any person or property

of any person and that prompt action should be taken to

prevent or avert such threat or danger, the Director General

may, notwithstanding anything to the contrary contained in

any licence or permit or certificate issued under this Act:—

(a) suspend, prohibit or impose conditions on the

operation of any specified aircraft or aircraft

belonging to that class or of such Aerodrome or the

provision of such aeronautical service;

(b) suspend, prohibit or impose conditions on the use

of any specified aircraft component or any

components of that class ; or

(c) detain the aircraft or seize the aircraft component

in order to prevent their operation or use.

(2) Any detention or seizure under paragraph (c) of

subsection (1) shall forthwith be notified to the owner or

operator of the aircraft or component or to the Service

Provider, as the case may be.

CHAPTER IV

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft not to 39. An aircraft shall not fly in or over the territory of

fly unless

registered. Sri Lanka, unless it is registered:—

(a) in Sri Lanka ;

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

(c) in a country with which the Government of Sri Lanka

has in force an agreement which provides for the

flight in or over the territory of Sri Lanka, of aircraft

registered in that country.

40. Notwithstanding the provisions of section 39, an Experiment or

aircraft not registered as required by that section may be test flights.

permitted to fly in or over the territory of Sri Lanka under

the authority of a permit issued by the Director General.

Such a permit may be issued for the purpose of or in

connection with enabling an aircraft to be used for any

experimental or test purpose or for any other purpose which

appears to the Director General as being sufficient to permit

such aircraft to fly unregistered, provided that in any such

case, the aircraft shall be flown in accordance with such

conditions or limitations as may be specified in the permit

issued by the Director General.

41. (1) Any aircraft which is not currently registered Registration of

aircrafts.

and entered in an Aircraft Register of any other State shall

be eligible for registration in Sri Lanka, where:—

(a) it is owned by a citizen of Sri Lanka or a body

corporate or a body incorporated by any law of

Sri Lanka, having its principal place of business in

Sri Lanka;

(b) in the case of a State aircraft, the aircraft is fully

owned by the Government of Sri Lanka or any

public corporation; or

(c) in the case of a leased aircraft, if it is exclusively

operated by an operator having its principal place

of business in Sri Lanka and who has a current and

appropriate Air Operator Certificate issued by the

Director-General.

(2) Where subsequent to it being registered the ownership

of an aircraft registered in Sri Lanka changes, it shall be the

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duty of the holder of the Certificate of Registration issued

under section 42, to forthwith inform the Director General of

such change, and surrender the Certificate of Registration to

the Director General.

Application for 42. (1) An owner or operator of an aircraft eligible to be

and issue of a registered under section 41, may make an application in the

Certificate of

Registration. prescribed form to the Director-General, for registration in

Sri Lanka of such aircraft and the Director-General may,

where he is satisfied on the information contained in the

application, that the aircraft complies with all such

requirements as may be prescribed for that purpose, register

the aircraft.

(2) Where an aircraft is registered in Sri Lanka, the

Director General shall on payment of the prescribed fee,

issue in respect of such aircraft a Certificate of Registration

and assign a mark to enable the identification of the

nationality and a Registration Mark unique to such aircraft.

(3) A Certificate issued under subsection (2) shall

generally be valid for a period not exceeding one year,

provided that the Director General may at his discretion,

issue a Certificate valid for a period more than one year.

(4) Notwithstanding the provisions of subsection (2) of

this section, the Director General may as an interim measure,

issue a Provisional Certificate of Registration in respect of

any aircraft, if such aircraft:—

(a) is to be brought into Sri Lanka for the purpose of

registration; or

(b) is to be used for experimental or test purposes; or

(c) is to be brought into Sri Lanka or is to be used for

any purpose as shall be determined by the Director

General.

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43. (1) The Director-General shall keep and maintain a Civil Aircraft

register called and known as the “Civil Aircraft Register of Register of Sri

Lanka.

Sri Lanka” in which particulars relating to all aircraft

registered in Sri Lanka and any other information as may be

prescribed, shall be entered.

(2) The Civil Aircraft Register of Sri Lanka shall be made

available to the public for inspection, on the payment to the

Authority of a prescribed fee.

(3) Information contained in the Civil Aircraft Register

of Sri Lanka pertaining to any aircraft registered in Sri Lanka,

shall be prima facie evidence of the ownership of such

aircraft , and an extract from such Register duly certified by

the Director General as a true extract, shall be acted upon as

prima facie evidence of the contents contained therein.

44. (1) A Certificate of Registration issued under section Cancellation of

42, may be cancelled by the Director General on any one or Certificate of

Registration.

more of the following grounds:—

(a) failure to inform the Director General of a change

in the ownership of an aircraft, after its registration;

(b) destruction of the registered aircraft or any

destruction being caused to the hull of such aircraft;

or

(c) the Director General has sufficient evidence to

believe that the registration was obtained

fraudulently or by submitting false or incorrect

information.

(2) Where a registration is cancelled on any ground

specified in subsection (1), the Director-General shall cause

all information pertaining to such cancellation to be recorded

in the Civil Aircraft Register of Sri Lanka and the holder of

such Certificate of Registration shall be required forthwith

to surrender such Certificate to the Director General.

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Renewal of 45. A holder of a Certificate of Registration may,

Certificate of

not less than one month prior to the expiry of such

Registration.

Certificate, apply to the Director General for a renewal of

the Certificate in such form as shall be prescribed and the

Director General may, on the payment of the prescribed

renewal fee, renew the Certificate for a further period of one

year or such lesser period as may be determined by the

Director General.

Display of 46. Unless otherwise authorised by the Director-General

nationality and in writing, each aircraft shall carry and display in the

Registration

Mark. prescribed manner, its nationality and Registration Mark.

Use of Sate 47. (1) An aircraft registered in Sri Lanka shall not

Marks and Civil

bear on any part of its exterior surface any advertisement or

Air Ensign.

any sign or lettering, except those permitted under the

provisions of this Act or as required or permitted by the

Director General.

(2) The name and emblem of the operator of the aircraft

and the National Flag of Sri Lanka may be displayed on any

aircraft registered in Sri Lanka, (if its location, size, shape

and colour does not interfere with the easy recognition of

and are not capable of confusion with, the nationality and

Registration Marks of the aircraft) in such manner that they

are distinct and are not likely to create confusion with the

markings used by any Military aircraft or State aircraft, as

the case may be.

(3) The Civil Air Ensign of Sri Lanka shall not be flown,

painted or otherwise displayed on any aircraft, except with

the approval of and subject to such conditions as are

specified by the Director General in writing.

(4) An aircraft shall not without the prior written approval

of the Director General, be parked, moved or housed at any

place other than its principal place of station as indicated in

the Certificate of Registration.

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CHAPTER V

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

48. (1) No person or body of persons shall import, Prohibition on

design, manufacture, assemble, modify, repair, overhaul, manufacture,

assemble &c., of

or maintain or attempt to import, design, manufacture,

aircraft without a

assemble, modify, repair, overhaul or maintain any aircraft permit.

or aircraft engines, propellers, appliances and components,

except under the authority of a permit issued by the Director

General which may be obtained on application made in that

behalf in the prescribed form to the Director General and on

the payment of a prescribed fee.

(2) The Director General shall, on being satisfied as to

the requirements, adequacy and suitability of the equipment,

facilities and material proposed to be used for the type,

design, manufacture, assemble, modification, repair,

overhaul and maintenance and the competency of those

engaged in the work giving instructions therein, issue a

permit to an applicant to import, design, manufacture,

assemble, modify, repair, overhaul and attend to the

maintenance of any aircraft, aircraft engines, propellers,

appliances or components.

(3) A permit issued under subsection (2) shall be subject

to such conditions as may be specified by the Director

General. It shall be duty of the person or body of persons as

the case may be, to whom such permit is issued, to comply

with such conditions.

49. (1) Any person or body of persons who acts in Effect of

violation of the requirements of section 48 shall be guilty violating the

provisions of

of an offence under this Act. section 48.

(2) Where the Director General has reasonable cause to

believe that an offence under this section is being

committed, he or any other officer authorized in writing in

that behalf, may enter the premises where the offence is

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believed to have been committed and seize and take into

custody any aircraft, part of any aircraft or any design, as the

case may be, together with all tools and equipment being

used for the commission of such offence.

(3) Anything seized under subsection (2) shall be kept in

the custody of the Director General and upon conviction of

the accused of the offence, the Court shall make an appropriate

order for their forfeiture or destruction in such manner as the

court shall direct.

(4) In the event of the accused being acquitted of the

offence, the court shall order the immediate release of

anything seized under subsection (2), and the Director

General shall be exempt from liability for any damage caused

to anything so seized while it was in his custody, unless it is

proved that such damage was caused due to his negligence.

(5) The Director General or any officer authorized in

writing in that behalf by the Director General under

subsection (2), shall for the purposes of this section, be

deemed to be “peace officers” within the meaning and for

the purposes of the Code of Criminal Procedure Act, No. 15

of 1979.

Prohibition 50. No aircraft shall fly or attempt to fly in or over the

against flying

territory of Sri Lanka, unless there is in force in respect

over

Sri Lanka thereof a Certificate of Airworthiness, duly issued or rendered

without a valid by the appropriate authority of the country in which

Certificate of such aircraft is registered or where applicable, a Certificate

Airworthiness. issued or rendered valid by the appropriate authority of the

State of the operator and provided that the conditions, if

any, subject to which such Certificate was issued or rendered

valid, are duly complied with and the requirements under

which such Certificate was issued or rendered valid are equal

to or above the minimum standards which may be established

from time to time under the Convention.

Issue of 51. (1) A Certificate of Airworthiness in respect of any

Certificates of aircraft registered in Sri Lanka shall be issued by the Director

Airworthiness.

General in accordance with the prescribed requirements.

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(2) The Director General may notwithstanding the

provisions of subsection (1), permit an aircraft to be flown

within the territory of Sri Lanka without a Certificate of

Airworthiness for the purpose of experiment or test or any

other purpose, provided that in such instance the aircraft

may not be flown otherwise than in accordance with such

conditions or limitations as are specified by the Director

General.

(3) A Certificate of Airworthiness issued under subsection

(1) shall be valid for such period as shall be specified in such

Certificate, which period shall not in any event exceed one

year from the date of issue of such Certificate. A Certificate

so issued may be renewed at the end of its period of validity,

on application being made in that behalf to the Director

General.

(4) Where any defect is found in any aircraft registered in

Sri Lanka, which renders the aircraft unsafe for flight, the

Director General may suspend the Certificate of

Airworthiness until such time as the defect is corrected. The

Director General shall cancel the Certificate of Airworthiness

where an aircraft is deemed permanently not airworthy.

Where a Certificate is cancelled, it shall be the duty of the

holder of such Certificate to immediately hand over the

Certificate to the Director-General.

52. The Director General shall have the power to validate Validation of

for such period not exceeding three months, as may be Certificates of

Airworthiness.

determined by the Director General, a Certificate of

Airworthiness issued by any other country on application

made in that behalf by the owner or operator of such aircraft.

CHAPTER VI

SEARCH AND RESCUE OPERATIONS AND INVESTIGATION INTO

ACCIDENTS AND INCIDENTS

53. The procedures to be followed in the provision and Assistance to

co-ordination of necessary measures of assistance to be given aircrafts in

distress.

to an aircraft in distress shall be as determined by the

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Authority by rules made in that behalf. Such rules shall be

based on the applicable SARPS relating to the same.

Requisitioning of 54. (1) The Minister or any person authorized in that

aircrafts and behalf by the Minister may at any time, in order to facilitate

calling out of

flight crew for any air search or rescue operations, requisition any civil

air search and aircraft from its owner or operator, as the case may be, and

rescue also call out for services of any person whose services may

operations.

become essential to assist in such air search or rescue

operations.

(2) Compensation in respect of requisition of any aircraft

and payment to persons whose services were called out for

under subsection (1), shall be payable at such rate as may be

determined by the Minister, in consultation with the Minister

in charge of the subject of Finance.

(3) Where any air search and rescue operations are

undertaken by the State in connection with any occurrence

which was caused by the negligent or other unlawful act or

omission of any person, the Minister may recover from such

person the whole or any portion of the expenses incurred by

the State in connection with such operations,

notwithstanding the fact that the aircraft concerned is a

foreign aircraft and the services in question were rendered

elsewhere than within the territory of the Republic of

Sri Lanka.

(4) Any person who without lawful reason refuses or fails

to comply with any order or instruction made or given under

subsection (1), shall be guilty of an offence.

Aircraft accident 55. (1) The Authority shall in accordance with such

or incident

regulations as may be prescribed, institute an investigation

investigations.

into any accident or incident arising out of or in the course

of air navigation, where such accident or incident had

occurred within the territory of Sri Lanka or is in respect of

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an aircraft registered in Sri Lanka or an aircraft operated by

an operator of Sri Lanka, for the purpose of :—

(a) determining the facts, conditions and circumstances

relating to the accident or incident and the probable

cause thereof; and

(b) ensuring the prevention of any such similar

accidents or incidents from occurring in the future,

and not for the purpse of apportioning blame or

liability.

(2) The Minister shall in prescribing regulations for

purpose of subsection (1), comply with the applicable SARPS

relating to investigations into aircraft accidents or incidents,

as the case may be.

56. (1) For the purpose of carrying out an investigation Appointment of

under section 55, the Authority may appoint an Aircraft Aircraft Accident

Accident Investigation Board with regard to each such Investigation

Board.

aircraft accident or incident, as the case may be (hereinafter

in this Chapter referred to as the “Board”), consisting of

such number of persons as may be determined by the

Authority, one of whom shall act as its Chief Investigator.

The Authority however shall not appoint as a member of

any Board, a member of the staff of the Authority or any

person who has any connection with the accident or incident

which such Board is required to investigate.

(2) The Authority shall, when appointing a Board under

subsection (1), stipulate the terms and conditions to be

complied with by the members of the Board in conducting

an investigation.

(3) The functions of the Board appointed under subsection

(1) shall cease with the submission to the Authority of the

final report of the Board on such accident or incident which

it was appointed to investigate.

(4) The Authority may arrange for representation to be

made at an investigation carried out in respect of any aircraft

registered in Sri Lanka, by a State in which such accident or

incident occurred.

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Declaration of 57. (1) Every member of the Board shall before entering

Secrecy. upon his duties, sign a declaration pledging himself or herself

to observe strict secrecy in respect all information disclosed

at the investigation and shall by such declaration, pledge

himself or herself, not to divulge any such information

except:—

(a) when required to do so by a court of law;

(b) in the performance of his or her duties as a member

of the Board; or

(c) in order to comply with any provision of this Act or

any regulation or rule made thereunder.

(2) All investigations to be carried out by the Board, shall

be conducted in camera.

Power to 58. (1) The Board in the course of an investigation into

summon and

an accident or incident shall have the power to:—

examine

witnesses and

productions. (a) summon under its Chief Investigator’s hand and

call before it and examine all such persons whom it

considers necessary;

(b) require any person summoned to answer any

question or furnish any information or produce any

books, papers, documents or articles which the

Board may consider relevant and to retain any such

books, papers, documents and articles, until the

completion of the investigation;

(c) take statements from all such persons as it considers

necessary and to require any such person to make

and sign a declaration relating to the truth of the

statement made by him;

(d) have unhampered and unrestricted access to the

aircraft wreckage, flight recorders, air traffic records,

the place where the accident occurred and to any

other relevant material and for that purpose to

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require the aircraft concerned or any part of the

equipment thereof to be preserved unaltered, to

enable a detailed investigation to be made without

delay;

(e) examine, remove, test, take measures for the

preservation of and otherwise deal with the aircraft

or any part thereof or anything contained therein ;

(f) enter and inspect any place or building where it

appears to be requisite for the purposes of the

investigation; and

(g) take all measures necessary for the preservation of

evidence.

(2) An investigation instituted by the Authority under

section 55 shall in no way be considered as being in

derogation of any power which under any other law may

attach to any police, judicial or other investigation, provided

that the Board shall have priority in the examination of the

relevant evidence.

(3) It shall be an offence for any unauthorized person to

remove or keep in his custody any part of an aircraft involved

in an accident or incident or any documents or other articles

thereof, to tamper with other evidence or to remove or keep

in his or her custody any belongings of passengers or

members of the crew or cargo carried in that aircraft.

(4) Where any accident has occurred within the territory

of Sri Lanka to an aircraft registered in a State Party to the

Convention and any person dies or suffers any serious injury

or the aircraft suffers substantial damage, the Authority shall

authorize the accredited representative of the State of

Registry or where applicable, the State of the operator, the

State of design of the aircraft, the State of the manufacture of

the aircraft, the States of which the victims are nationals and

any other State considered appropriate by the Authority, to

participate in the investigation.

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(5) Notwithstanding the provisions of subsection (4), the

Authority may in consultation with the Minister, delegate

the actual performance of the investigation to a duly

authorized investigator or investigators of the State where

such aircraft is registered, or, if applicable, the State of the

Operator or of any other State considered as appropriate by

the Authority, who shall perform such function in accordance

with the provisions of this Chapter of this Act and any

regulations or rules made thereunder and under the

supervision of the Authority. In the event of such delegation

the Authority shall, so far as it is able, facilitate such

investigations.

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

shall:—

(a) disobey a summons issued by the Board ;

(b) refuse to be sworn in or to make an affirmation as a

witness ;

(c) fail to answer any question which he or she is

lawfully required to answer ; or

(d) refuse or fail to produce any documents or part or

component of an aircraft which he or she is lawfully

required to produce.

(7) It shall be an offence to obstruct or impede the Board

or any person acting under the authority of the Board, in the

exercise or performence of any powers or duties under this

Chapter.

Accidents 59. (1) Where any accident occurs outside the territory

outside of Sri Lanka to any aircraft registered in Sri Lanka and any

Sri Lanka.

person dies or suffers serious injury or the aircraft suffers

substantial damage, the Authority shall authorize an

accredited representative to participate in any investigation

or inquiry that may be conducted by the country in which

the accident occurred or may authorize the Board to conduct

an investigation into any matter connected with such

accident.

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(2) Where any accident occurs outside the territory of

Sri Lanka to any aircraft registered in Sri Lanka, and any

person dies or suffers serious injury or the aircraft suffers

substantial damage, the Director General shall furnish any

country which conducts an investigation or inquiry outside

the territory of Sri Lanka, with all information in his

possession that may be relevant to the conduct of such

investigation.

60. (1) On the conclusion of an investigation, the Board Board to prepare

shall prepare a report in such manner as shall be prescribed, a report.

stating the circumstances of the case and the conclusion as

to the probable cause or causes of the accident or incident,

including any observations and recommendations which it

thinks fit to make with a view to the preservation of life and

the avoidance of similar occurrences in the future. The report

shall be submitted to the Authority and the Authority may

cause the whole or any part of such report to be published in

such manner as it thinks fit.

(2) The Authority shall send with the minimum delay,

the draft copy of the final report to such persons and

organizations, as may be prescribed.

(3) At the time of the submission of the report to the

Authority, the Board shall also provide the Authority with

any safety information that came to its knowledge during

the conduct of the investigation, the confidentiality of which

the Board considers should be maintained and the Authority

upon receipt of any such safety information, shall record

and preserve the same in accordance with the State Safety

Programme established under section 116 of this Act.

61. The Authority or the Board shall not make the Authority not to

following records available to any person for any purpose, make available

certain records.

other than for any future investigation relating to an accident

or incident:—

(a) all statements recorded by the Board in the course

of its investigation ;

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(b) all communications between persons involved in

the accident or incident ;

(c) medical or personal information regarding persons

involved in the accident or incident;

(d) cockpit voice recordings, flight data recordings,

recordings from the air traffic control units and

transcripts from such recordings ;

(e) opinions expressed on the analysis of information,

including flight recorder information; and

(f) any records not directly related to the analysis of

the accident or incident investigated.

Members of the 62. The members of the Board appointed under section

Board deemed 56 shall, so long as they are acting as such members, be

to be public

deemed to be public servants within the meaning of the

servants.

Penal Code.

Re-opening of 63. (1) Notwithstanding the submission of a report under

an investigation. section 60, where subsequent to the completion of the

investigation, certain new evidence pertaining to the

accident or the incident which was investigated has been

discovered, which in the opinion of the Authority would

have had a significant impact or bearing on the outcome of

the investigation that was concluded, the Authority shall

order for such investigation to be re-opened.

(2) Where the Authority order the re-opening of an

investigation under subsection (1), the Authority may, at its

discretion order such investigation to be carried out, either

by the same Board which conducted the initial investigation

or appoint a new Board under section 56 to conduct the

same.

(3) The provision of this Chapter of this Act relating to

the conduct of an investigation into any accident or incident,

shall, mutatis mutandis, apply to and in regard to the conduct

of any re-opened investigation under subsection (1).

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64. The Director-General shall on the basis of the Director-General

findings of an investigation, whether interim or final, take to take remedial

steps.

immediate remedial steps and corrective action which he

considers necessary in the interest of aviation safety,

regularity or efficiency or to prevent similar accidents or

incidents happening in the future.

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

“accident” means an occurrence associated with the

operation of an aircraft which in the case of a manned

aircraft, takes place between the time any person

boards the aircraft with the intention of flight, until

such time as all such persons have disembarked or

in the case of an unmanned aircraft, takes place

between the time the aircraft is ready to move with

the purpose of flight until such time it comes to rest

at the end of the flight and the primary propulsion

system is shut down, and in which:—

(a) a person is fatally or otherwise seriously

injured, as a result of being in the aircraft or

having direct contact with any part of the

aircraft including any part which has become

detached from the aircraft or being exposed

directly to jet blast, as the case may be;

(b) the aircraft sustains damage or structural

failure which adversely affects its structural

strength, performance or flight characteristics

of the aircraft and would under normal

circumstances require a major repair or

replacement of the affected components; or

(c) the aircraft is missing or is completely

inaccessible;

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“accredited representative” means a person

designated by a State to represent such State, for

the purpose of participating in an investigation

conducted by a Board appointed under section 56

of this Act; and

“incident” means an occurrence associated with the

operation of an aircraft other than an accident,

which affects or could affect the safety of such

operation.

CHAPTER VII

AVIATION PERSONNEL AND TRAINING INSTITUTIONS

Regulations to 66. (1) For purpose of ensuring the security and safety

be made for of civil aviation activities, the Minister shall in compliance

obtaining

with the international obligations of Sri Lanka under the

licences etc. by

personnel. Convention, prescribe by regulations the procedure to be

followed for the issue of licences, ratings, certificates of

competency or permits that should be conferred upon all

personnel or institutions involved in or connected with the

carrying on of prescribed civil aviation activities.

(2) Regulations made under subsection (1) shall specify

the activities for which a licence, rating, certificate of

competency or permit should be obtained, the qualifications

and other requirements that should be satisfied, application

procedure, terms and conditions to be complied with, fees to

be paid, privileges to be granted to the holder of any such

licence, rating, certificate of competency or permit, grounds

for amendment, suspension and revocation of such licence,

rating, certificate of competency or permit and for their

renewal.

(3) No person who is required by regulations made under

subsection (1) to obtain a licence, rating, certificate of

competency or permit for the purpose of engaging in any

civil aviation activity as specified therein, shall engage in

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such activity without obtaining an appropriate licence,

rating, certificate of competency or permit, as the case may

be, for the same.

(4) A person shall not engage any other person in any

activity which requires a licence, rating, certificate of

competency or permit under this Chapter of this Act, unless

the person so engaging is satisfied beyond any doubt, that

the person being engaged holds a valid licence, rating,

certificate of competency or permit, as the case may be.

(5) Notwithstanding the provisions of subsection (2),

regulations made under subsection (1) may also provide for

the validation of a licence, rating, certificate of competency

or permit issued by a State Party to the Convention, provided

that the requirements under which such licence, rating,

certificate of competency or permit was issued by such

State Party to the Convention, are equal to or higher

than the requirements specified in the regulations prescribed

for the implementation of Standards for the issue of such

licence, rating, certificate of competency or permit, as the

case may be.

67. Every licence, rating, certificate of competency, and The issue,

permit referred to in section 66, shall be issued by the suspension and

revocation of a

Director General or on his behalf by any other person

licence, rating,

specifically authorized in writing by him and the Director certificates of

General or such other person acting on his behalf shall have competency or

the power to amend, suspend or revoke any such licence, permit.

rating, certificate of competency or permit issued, as the

case may be, for any reason as may be prescribed under that

section.

68. (1) No person who holds a licence, rating, certificate Physical or

of competency or permit issued by the Director General shall mental

impairment.

perform the activities for which such licence, rating,

certificate of competency or permit has been issued, if he

becomes aware of an illness or other physical or mental

impairment suffered by him, including fatigue, that might

jeopardize the safe performance of his duties.

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(2) Where an operator becomes aware of any physical or

mental impairment including fatigue being suffered by any

employee of such operator, which is likely to jeopardize the

safe performance of his duties, it shall be the duty of such

operator to forthwith take all necessary measures to prevent

such employee from continuing to carry on such duties.

(3) A contravention by a person of the provisions of

subsections (1) or (2) of this section shall be an offence

under this Act and be punishable with a fine not exceeding

the equivalent in Sri Lanka rupees of twenty-five thousand

SDR and shall in addition to such punishment, be liable to

have any licence, rating, certificate of competency or permit

issued to such person under this Chapter of this Act, to be

cancelled.

(4) The Director-General shall have the power to issue

directives concerning limitation on duty periods and rest

periods applicable to a holder of any licence, rating,

certificate of competency or permit issued under this Chapter

of this Act, in order to guard against an onset of fatigue and

it shall be the duty of the holder of such licence, rating,

certificate of competency or permit to comply with such

directives. Any employer of the holder of any licence, rating,

certificate of competency or permit who prevents such holder

from complying with any directives so issued, shall be guilty

of an offence.

(5) Wherever the Director General deems it expedient or

necessary, he shall have the power to require any person

who holds any licence, rating, certificate of competency or

permit issued under this Chapter of this Act, to under-go a

medical check-up at any time and it shall be the duty of such

person to comply with such requirement. A refusal to comply

shall be deemed to be an offence under this Act and the

Director-General shall have the power, in addition to any

punishment that may be imposed for such offence by a court,

to cancel any licence, rating certificate of competency or

permit issued to such person by the Director General.

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69. (1) The Director General shall have the authority to Aviation

issue a licence or permit, as the case may be, to any person or Training

Institutions.

institution to provide such training courses in respect of

activities prescribed under section 66 for which a certificate

of competency or a licence or permit is required, where he is

satisfied as to the adequacy of the course content, the

suitability of the training equipment and facilities and the

competency of the instructors.

(2) The qualification of instructors to be employed, the

nature of the equipment and other facilities that should be

available in order to be qualified to be issued with a licence

or permit under subsection (1) to provide training courses

and the fees payable for the issue, renewal and amendment

of such licence or permit, shall be as prescribed.

(3) A licence or permit under subsection (1) shall be issued

for a period not exceeding one year, which may thereafter be

renewed in each case for a further period not exceeding one

year. The Director General may suspend or revoke any licence

or permit issued, for any one or more reasons as may be

prescribed.

CHAPTER VIII

AIRCRAFT OPERATION

70. (1) No aircraft registered in Sri Lanka shall fly within Documents,

or outside the territory of Sri Lanka, unless it carries on equipment,

number and

board a valid Certificate of Registration and a Certificate of

description of

Airworthiness issued under section 42 and section 51 the operating

respectively, of this Act, such minimum equipment and crew.

operating crew and any other documents required to be

carried thereon as prescribed under this Act.

(2) No aircraft other than an aircraft registered in

Sri Lanka, shall fly within the territory of Sri Lanka, unless

it carries on board a valid licence or certificate issued on

registration of that aircraft, minimum equipment and

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operating crew and any other documents required to be

carried therein by the law of the State in which such aircraft

is registered or the State of the operator, or in the absence of

both, as required by Article 29 of the Convention.

(3) The members of the operating crew of every aircraft

referred to in this section shall hold the prescribed certificates

of competency, licences, rating or authority issued or

rendered valid by the State in which such aircraft is registered

or where applicable by the State of the operator.

(4) The Minister shall prescribe the types of log books

required to be maintained and the applicable requirements

relating to their maintenance, in respect of aircraft, engines,

propellers, equipment or personnel involved in the

maintenance and operations of aircraft.

Rules of the Air. 71. (1) The Minister shall in compliance with the relevant

SARPS, prescribe the Rules of the Air, the manner in which

an aircraft may be moved or flown, the lights and other signals

to be shown or made by an aircraft or persons, the lighting

and marking of Aerodromes and any other provisions for

securing the safety of an aircraft in flight and in movement

and safety of person and property on land or water.

(2) It shall be the duty of every Pilot-in-Command of an

aircraft to comply with the Rules of the Air prescribed by the

Minister under subsection (1).

(3) Every aircraft registered in Sri Lanka on an

international flight, wheresoever such aircraft may be, shall

observe the Rules of the Air that are in force in that country

and while flying over the high seas or areas of undetermined

sovereignty, the Rules of the Air to be observed shall be

those established under the Convention.

(4) A Pilot-in-Command of an aircraft registered in

Sri Lanka who fails to observe the Rules of the Air as required

under subsection (2) and (3) of this section, shall, in addition

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to any penalty that may be imposed for such violation, be

also liable to have the licence issued to him by the Director

General under section 67 suspended or cancelled, as the

case may be.

72. (1) Without prejudice to the provisions of section Actions by a

71, a Pilot-in-Command shall— Pilot-in-

Command in an

emergency.

(a) be responsible for the safe operation of the aircraft

in flight, safety and well being of all the passengers

and crew and safety of the cargo being carried;

(b) have the final authority to control the aircraft while

in command and maintain discipline among all

persons on board; and

(c) subject to the provisions of subsection (2), be

responsible for compliance with all relevant

requirements imposed under this Act, any

regulations or rules made thereunder and the

implementing standards relating to aircraft

operations.

(2) Notwithstanding the provisions of subsection (1), a

Pilot-in-Command may in an emergency, deviate from

complying with any provisions of this Act or any regulations

or rules made thereunder or any implementing standards

relating to aircraft operations, where he is satisfied that:—

(a) the emergency involves a danger to life or property;

(b) the deviation is necessary in order to deal with the

emergency situation;

(c) there are no reasonable means available for

alleviating or avoiding the emergency; and

(d) the degree of danger involved in complying with

the requirements of this Act or any regulations or

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rules made thereunder or any implementing

standards relating to air craft operations, is

manifestly greater in degree than the danger

involved in deviating from them.

(3) Where a Pilot-in-Command in an emergency deviates

from any requirements under subsection (2), he shall:—

(a) forthwith notify the relevant air traffic control of

such deviation; and

(b) notify the Director General as soon as practicable

of such deviation and where required by the

Director-General, submit a written report relating

to his actions.

(4) In the event of any national emergency, calamity,

crisis or disaster and for the sole purpose of rescuing lives or

property or providing relief to the parties affected or is likely

to be affected from such an event, the Director General shall

in so far as the same is necessary for dealing with such

emergency, calamity, crisis or disaster, have the power to

suspend temporarily the application of one or more

requirements imposed by of this Act or any regulations, rules

or implementing standard made thereunder or any directives

issued thereunder. The Director General shall in respect of

each such occasion that any such temporary suspension has

been effected, submit a written report to the Minister which

shall contain a detailed account of the suspension in question.

The Minister shall cause such report to be tabled in

Parliament.

Air Operator 73. (1) No aircraft registered in Sri Lanka or any aircraft

Certificate. used by an operator licensed under this Act shall, on the

basis of any lease, charter, interchange or similar

arrangement, be operated other than under and in accordance

with the terms of an Air Operator Certificate issued by the

Director General to the owner or operator of such aircraft.

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(2) Commercial air transport operations into or out of

Sri Lanka performed by a foreign air operator, shall be in

accordance with the terms of a Foreign Air Operator

Certificate issued by the Director General to such foreign air

operator. In issuing such a Certificate, the Director General

shall ensure that such foreign air operator has been issued

with a valid Air Operator Certificate or as equivalent in the

country in which such foreign operator is carrying on

business and further that adequate provision has been made

by the authority who issued such Air Operator Certificate, to

ensure that the foreign air operator conforms to and complies

with the standards, practices and procedures set out in the

Convention and the Annexes to the Convention.

(3) An Air Operator Certificate or a Foreign Air Operator

Certificate referred to in subsection (1) or (2), shall not be

issued by the Director General, where an operator or owner

of an aircraft or a foreign air operator, as the case may be,

who applies for an Air Operator Certificate or a Foreign Air

Operator Certificate, as the case may be, poses or is likely to

pose a threat to the national security of Sri Lanka or to

international civil aviation.

(4) The Director General shall on the payment of a

prescribed fee, process an application made under subsection

(1) or subsection (2), as the case may be, and shall for that

purpose conduct such investigation as he may consider

necessary, in accordance with such regulations as may be

prescribed, giving effect to the applicable standards and

any associated requirements.

(5) Every Air Operator Certificate and Foreign Air

Operator Certificate issued under this section, shall be subject

to the operations specifications specified in the Certificate

issued and to such terms and conditions as may be prescribed.

It shall be the obligation of the holder of such Certificate to

ensure that operations are carried out in strict conformity

with the operations specifications specified and such terms

and conditions prescribed, and that such operations do not

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breach any requirements imposed under the provisions of

this Act or any regulations, rules, implementing standards

or directives issued thereunder or any obligations imposed

upon Sri Lanka under any agreement entered into with any

other country.

(6) An Air Operator Certificate or a Foreign Air Operator

Certificate shall be valid for a period not exceeding one

year from the date of its issue and may be renewed for a

further period not exceeding one year in each case, provided

that the requirements imposed for the holding such Certificate

is maintained to the satisfaction of the Director General.

(7) An operation of an aircraft, without a valid Air

Operator Certificate or a foreign Air Operator Certificate, as

the case may be, issued under this section or in contravention

of any terms or conditions of any such Certificate issued,

shall be subject to a fine not exceeding the equivalent in Sri

Lanka Rupees of ten thousand SDR or per each day of the

infraction.

Importation of 74. No person shall be granted approval by the Director

aircraft. General for the importation of an aircraft, unless:—

(a) the Director General is satisfied that the aircraft to

be imported shall be operated under an Air Operator

Certificate issued under section 73 of this Act; and

(b) the person concerned complies with such

requirements as may be prescribed for that purpose.

Liability 75. (1) Every holder of an Air Operator Certificate or a

insurance. Foreign Air Operator Certificate, as the case may be,

operating within Sri Lanka or internationally, to, from or

through Sri Lanka, shall keep in force at all times a liability

insurance adequately covering his liability for death or

bodily injury to passengers which may be caused by an

accident and for the loss of or damage to baggage, cargo or

mail, due to any event during the period of carriage and for

the delay in the carriage of passengers, baggage, cargo or

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mail. Such person shall also be required to have a valid and

adequate insurance policy covering his liability for damage

that may be caused by the aircraft to third parties, on the

surface or in the air.

(2) In determining the adequacy of the liability insurance

cover referred to in subsection (1), a holder of an Air

Operator Certificate or a Foreign Air Operator Certificate, as

the case may be, shall take into consideration whether:—

(a) the insurance provides a comprehensive cover for

actual and potential obligation of the person

insured, in respect of all of his proposed activities;

(b) the insurer is authorized to effect such insurance

under the laws of the country where the aircraft is

registered or the country where the insurer has his

residence or the principal place of business and

whose financial responsibility has been verified;

and

(c) the insurance provides comprehensive cover for

obligations that may arise due to death, bodily

injury or damage to property caused by the aircraft

to third parties on surface or in the air.

(3) The Director General shall determine the minimum

limits of insurance cover that is required to be obtained,

depending on the nature and scope of operations being

carried on by the holder of the relevant Certificate.

76. (1) The Director General may where he considers it Amendment,

appropriate and upon a request made in that behalf by a suspension and

revocation of

holder of a Certificate and on the payment of the prescribed Air Operator

fee, amend an Air Operator Certificate or a Foreign Air Certificates.

Operator Certificate, as the case may be, issued to such holder,

varying the privileges or limitations granted under such

Certificate.

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(2)The Director General shall have the power to suspend

or revoke at anytime, any Air Operator Certificate or a

Foreign Air Operator Certificate, as the case may be, issued

by him if the conditions under which the Certificate was

issued changes or if the holder fails to comply with the

operations specifications specified in the Certificate issued,

any conditions prescribed under subsection (5) of section

73, the requirements imposed by sections 75 or any other

requirements imposed under the provisions of this Act or

any regulations, rules, implementing standards or directives,

made or issued thereunder.

Aircraft 77. (1) An aircraft which is registered in a State party to

operated under the Convention other than Sri Lanka, may be operated in

an agreement

Sri Lanka under an agreement for the lease, charter or

for lease, charter

or interchange interchange of the aircraft or any other similar arrangement,

of aircraft. provided that an agreement has been reached with regard to

the transfer of functions and duties relating to safety over-

sight and its operations, between the aeronautical authority

of the State with which such aircraft is registered and the

Director General pursuant to Article 83 bis to the

Convention, and the application of the provisions of this

Act or any regulations or rules made thereunder shall be to

the extent specified in such agreement.

(2) The Director General may, where he considers it

feasible and subject to the approval of the Authority, agree

with the aviation authorities of any other State Party to the

Convention, for the transfer of the functions and duties

relating to safety oversight of an aircraft registered in

Sri Lanka, which is to be operated by an operator of such

other State Party, pursuant to an agreement for the lease,

charter or interchange of the aircraft or any other similar

arrangement and the nature and scope of the duties and

functions so transferred to such other State Party, shall be to

the extent mentioned in such agreement.

(3) The Director General may for a period not exceeding

three months and subject to such conditions as may be

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prescribed, waive the requirement imposed under subsection

(1) in respect of an operator who already holds a valid Air

Operator Certificate, provided that the proposed arrangement

in the opinion of the Director General, meets the requirements

in respect of safety.

78. (1) For the purpose of ensuring the safety of air Carriage of

navigation and of persons traveling on board an aircraft, the dangerous

goods.

Minister shall in compliance with the applicable SARPS,

prescribe the requirements to be satisfied for classifications

packing, labeling and marking, handling and carriage of

dangerous goods by air and the fees payable for the grant of

a permit for handling or transporting such dangerous goods

by air.

(2) The Director General shall by directives issued in that

behalf, specify the procedure that should be adhered to in

respect of classification, packing, labeling and marking,

handling and carriage of dangerous goods permitted to be

carried on board an aircraft, emergency procedures,

investigation into accidents or incidents involving

dangerous goods and the training required for persons

involved in handling such consignments of dangerous

goods. The Director General shall also have the power from

time to time, to issue such implementing instructions as

may become necessary for the purpose of giving effect to

any directives issued by him under this subsection or any

requirements prescribed under this section.

(3) Munitions or any other implements of war shall

not be carried by any aircraft within the territory of Sri Lanka

or by any aircraft registered in Sri Lanka, except on the

authority of a permit issued by the Director General for that

purpose.

(4) Any person who fails to comply with the requirements

imposed by this section or any regulations, directives or

implementing instructions issued thereunder, shall be guilty

of an offence under this Act and shall on conviction be

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liable to a fine the equivalent in Sri Lanka Rupees of twenty

five thousand SDR or to imprisonment not exceeding two

years or to both such fine and imprisonment.

Determining air 79. (1) The Authority with the assistance of the Service

routes.

Provider appointed for the provision of Air Traffic Services

shall, in accordance with the applicable SARPS and the

Regional Air Navigation Plan, determine and publish the

air routes and air navigation procedures to be followed by

civil aircraft for their entry, exit, transit or movements within

the Sri Lanka Flight Information Region.

(2) The Authority shall amend the air routes determined

under subsection (1) whenever it becomes necessary, so as

to keep them up to date with any changes that may have

been made to the applicable SARPS or to the design of the

Regional Air Navigation Plan, as the case may be.

Pilotless 80. An aircraft capable of being flown without a pilot

aircrafts. shall not be operated within the territory of Sri Lanka, except

under the authority and in accordance with the terms and

conditions of a special permit issued by the Director General

for that purpose and on the payment of the prescribed fee.

Acrobatic 81. (1) No aircraft shall be acrobatically flown nor shall

flying, flight

any exhibition, competition, formation flying or air show

exhibitions,

competitions be performed within the territory of Sri Lanka, except under

and air shows. the authority of a special permit issued by the Director

General for that purpose and on the payment of the prescribed

fee.

(2) The Director General may issue a permit referred to in

subsection (1), on being satisfied that the flight safety in the

airspace and the safety of the general public and property,

are not endangered by activities in respect of which such

permit is to be issued and may further require the organizers

of any such exhibition, competition, formation flying or air

show, to provide proof of adequate public liability insurance

for any damage that may be caused.

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82. (1) Where an aircraft is flown in such a manner as to Dangerous flight

cause unnecessary danger to any person or property on land operations

or water—

(a) the Pilot-in-Command and the operator of the

aircraft ; or

(b) where there is no operator, the Pilot-in-Command

and the owner of the aircraft,

shall be guilty of an offence under this Act and on conviction

be liable to a fine the equivalent in Sri Lanka Rupees of

twenty five thousand SDR or to imprisonment for a term not

exceeding two years, or to both such fine and imprisonment.

(2) An operator or owner, as the case may be, may where

such operator or owner is able to prove to the satisfaction of

the court that such aircraft was flown in the manner referred

to in subsection (1) without its knowledge or consent, be

exempt from liability for an offence under that subsection.

(3) The provisions of this section shall be in addition to

and not in substitution of any general safety or other

provisions of this Act or any regulations, rules or

implementing standards that may be made or issued under

this Act.

83. Every person who on board an aircraft registered in Offences

Sri Lanka, while on flight, whether within or outside the committed on

board an

territory of Sri Lanka or a foreign aircraft while on flight

aircraft.

within the territory of Sri Lanka—

(a) assault, intimidate, threaten or commit any similar

act against a crew member ;

(b) refuse to follow a lawful instruction given by the

Pilot-in-Command or on his behalf by a crew

member, relating to any matter which affects the

safety or security of the aircraft or its passengers ;

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(c) assaults, intimidate or threatens any passenger ;

(d) engage in smoking in any part or section of the

aircraft ;

(e) intentionally causes damage or destruction to the

aircraft or any part thereof ;

(f) engage in any indecent behavior ;

(g) tampers with a smoke detector or any other safety

device installed on board the aircraft ;

(h) operates any portable electronic device when such

act is prohibited under the law applicable to that

aircraft ; or

(i) removes without the approval of the Pilot-in-

Command, any safety or emergency equipment,

device or document or any other equipment or

device found in the aircraft,

shall be guilty of an offence under this Act and on conviction

be liable to a fine equivalent in Sri Lanka Rupees of twenty-

five thousand SDR or to imprisonment for a term not

exceeding two years or to both such fine and imprisonment.

CHAPTER IX

COMMERCIAL AIR TRANSPORTATION

Airline Licence 84. (1) No person shall engage in domestic or

and Foreign international commercial air transportation based in

Airline Licence.

Sri Lanka, except in accordance with an Airline Licence

issued by the Authority under section 87 in the form

prescribed for that purpose.

(2) No foreign air operator shall engage in any commercial

air transportation to or from Sri Lanka, except in accordance

with a Foreign Airline Licence issued by the Authority under

section 89, in the form prescribed for that purpose.

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85. (1) No aerial work shall be carried on within the Aerial work.

territory of Sri Lanka, except in accordance with a licence

issued for that purpose by the Authority in the prescribed

manner.

(2) Any person who holds an appropriate Air Operator

Certificate and possess such qualifications as determined by

the Authority by rules made in that behalf, shall be eligible

to apply for a licence under subsection (1) to engage in aerial

work.

86. An Airline Licence or a Foreign Airline Licence Privileges,

issued under this Act shall specify the nature and scope of conditions and

limitations

the activities that the air operator is authorized to engage in

attached.

commercial air transportation and shall contain the

privileges, conditions and limitations applicable to the

service to be rendered.

87. (1) The following shall be eligible to obtain an An Airline

Airline Licence for domestic or international commercial air Licence for

domestic or

transportation based in Sri Lanka:— international

commercial air

(a) a citizen of Sri Lanka ; transportation.

(b) a registered body of persons having its principal

place of business in Sri Lanka and in which at least

fifty-one per centum of the share capital is owned

by citizens of Sri Lanka ; or

(c) any person or body of persons approved by the

Cabinet of Ministers.

(2) The Authority may issue an Airline Licence on

application made in that behalf by any person referred to in

subsection (1) and on being satisfied that the applicant

has complied with the requirements determined under

subsection (3).

(3) The Authority shall determine by rules made in that

behalf, the information necessary to be submitted by a person

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applying for an Airline Licence, in order to prove compliance

with the following requirements :—

(a) that the applicant holds a valid Air Operator

Certificate ;

(b) that the proposed domestic commercial air transport

operations are financially secured by actual assets,

bank guarantees or other security for a period not

less than three years from the proposed launching

of the services ;

(c) that adequate and valid liability insurance cover as

determined on the guidelines referred to in

subsection (2) of section 75, is held for any damage

that may arise out of its proposed operations ;

(d) that an effective program drawn in accordance with

the National Aviation Security Programme

formulated by the Authority under section 17, for

protection against unlawful interference with civil

aviation is in place, which has been approved by

the Director General ; and

(e) that the applicant fulfills any other requirements as

may be prescribed for that purpose.

Immovable 88. (1) The Authority may where it considers it

property to be

necessary by Order published in the Gazette and subject to

made available

to a person such terms and conditions as may be specified in such Order,

issued with an make available to any person to whom an Air Line Licnece

Airline Licence. is issued, any immovable property which is in the possession

of the Authority, for the purpose of enabling such licence

holder to provide domestic or international commercial air

transportation in Sri Lanka under such licence.

(2) It shall be the duty of the holder of an Airline Licence

to whom any property is made available under subsection

(1), to comply with the terms and conditions stipulated in

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the Order and hold and maintain such immovable property

in good condition.

(3) The holder of an Airline Licence to whom any

immovable property is made available, shall not—

(a) sell or dispose of any such property; or

(b) except with the prior written approval of the

Authority,:—

(i) effect any alteration in such property or put

up any new constructions in such property;

or

(ii) grant a lease of any such property to any other

person.

89. (1) No Foreign Air Operator shall be issued with a Qualifications

Foreign Airline Licence, unless such Foreign Air for the issue of a

Foreign Airline

Operator— Licence.

(a) has obtained a Foreign Air Operator Certificate from

the Director General ;

(b) has adequate and valid insurance cover as

determined on the guidelines referred to in

subsection (2) of section 75, to cover liability which

may arise from its operations ; and

(c) has in place an effective program drawn in

accordance with the Aviation Security Programme

formulated by the Authority under section 17, for

protection against unlawful interference with civil

aviation.

(2) The Authority may issue a Foreign Air Licence on

application made in that behalf by a Foreign Air Operator

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and upon being satisfied that such applicant has complied

with—

(a) the requirements imposed by subsection (1) ; and

(b) any other requirements that may be specified in the

air service agreement that is entered into between

Sri Lanka and the respective aeronautical authority

of the State of the applicant.

Power to amend 90. (1) Where appropriate, the Authority may upon a

a licence issued

request made in that behalf by the holder of an Aerial Work

under section

85, 87, or 89 of Licence, an Airline Licence or a Foreign Airline licence, as

this Act. the case may be, issued under section 85, 87 or 89 of this

Act, and on the payment of a prescribed fee, amend such

licence.

(2) The Authority may at any time at its own discretion,

where it considers it necessary in the interest of national

security, safety of air navigation or for the purpose of

ensuring fair competition, amend an Aerial Work Licence,

an Airline Licence, or a Foreign Airline Licence, as the case

may be, issued under section 85, 87 or 89 of this Act, by the

incorporation of any additional conditions or limitations to

such licence.

Power to 91. The Authority may at any time suspend or revoke

suspend or an Aerial Work Licence, an Airline Licence, or a Foreign

revoke a licence

Airline Licence, as the case may be, issued under section 85,

issued under

section 85, 87 or 87 or 89 of this Act, on any one or more of the following

89. grounds:—

(a) where the conditions under which the licence was

issued have changed ;

(b) where the licence holder or any aircraft operated by

the licenceholder, fails to comply with any

provisions of this Act or any regulations or rules

made thereunder or any term or condition of the

licence ;

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(c) where the licence holder fails to conform to or

comply with any term or condition of the relevant

agreement or arrangement;

(d) in the case of the holder of a Foreign Airline Licence,

where the Foreign Air Operator Certificate issued

under section 74 of this Act to such holder, is

revoked ; or

(e) where the Authority is directed to suspend or revoke

such licence by the Minister who is of the opinion

that it is necessary or desirable to do so, for the

purpose of preserving or promoting fair competition

in international air transport services.

92. (1) No person other than such person as shall be Maintenance

prescribed for that purpose, shall provide any repair or services to be

provided only

maintenance services to any Airline, except under the

on a permit

authority of a permit issed for the same by the Director issued by

General. Derector

General.

(2) The permit referred to in subsection (1) shall be

obtained on application made to the Director General in the

prescribed form, accompanied by the prescribed fee.

(3) The Director General may, on being satisfied with the

technical competency and ability of the applicant to provide

maintenance services to Airlines, issue a permit, subject to

such terms and conditions as may be specified therein.

(4) A permit issued under this section shall be valid for a

period of one year from the date of its issue and may be

renewed at the end of that period on application made in

that behalf and on the payment of the prescribed renewal

fee.

93. (1) Non-scheduled international air transportation Non- scheduled

may be authorized by the Authority by the issue of a permit, international air

transportation.

upon a written application made in that behalf by an operator

in the manner prescribed, having regard to:—

(a) public interest and in particular to the benefits to

Sri Lanka’s national economy; and

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(b) any adverse effect such authorization may have on

scheduled international air transportation, between

the points of origin and the destination of such

flight.

(2) A permit issued under subsection (1) shall be subject

to such terms and conditions as shall be specified therein

and be valid for a period not more than one year from the

date of its issue. The Authority may renew a permit upon

application made in that behalf and on the payment of the

prescribed renewal fee.

(3) A permit issued under subsection (1) may be suspended

or cancelled, as the case may be, for the violation of any

term or condition specified in such permit.

Protection of 94. (1) The Authority may issue to any holder or category

passengers and

of holders of any licences or permits issued under this Chapter

users of aircraft.

of this Act, directives, instructions or procedures in relation

to conditions of carriage of passengers, baggage, cargo and

mail, and dealing with liability for denied boarding and

other issues, for the purpose of ensuring the protection of

passengers and other users of the aircraft.

(2) It shall be the duty of all persons to whom any directive,

instruction or procedure is issued under subsection (1) to

strictly comply with the same, and any failure to do so shall

be an offence under this Act.

Flight schedules. 95. Every holder of an Airline Licence or a Foreign

Airline Licence shall in the manner prescribed, submit to

the Authority for its approval, the proposed flight schedules

in respect of its operations within Sri Lanka or for the arrival

to and departure from Sri Lanka, as the case may be. In the

case of an aircraft calling in Sri Lanka for non-traffic purposes

or in the case of over-flight, the relevant information shall

be provided in the manner specified by the Authority.

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96. To ensure orderly flow of air traffic, the Authority Allocation of

may issue directives, instructions or procedures for the slots.

allocation of slots to air operators. In issuing directives,

instructions or procedures, preference may be given to

scheduled international air services:

Provided that the Authority shall endavour to ensure

non-discriminatory consideration of all requests.

97. (1) No person shall carry on the business of air Air Transport

Service Licence.

transportation in Sri Lanka, except under the authority of or

otherwise than in accordance with the terms or conditions,

of an Air Transport Service Licence issued in that behalf by

the Authority.

(2) Any person desiring to obtain a licence under

subsection (1), may submit an application for the same

together with the prescribed fee and the Authority may issue

a licence to such person where it is satisfied that the applicant

has complied with the requirements specified in subsection (3).

(3) The requirements that should be satisfied by a person

for the issue of a licence under this section, shall be the

availability of—

(a) adequate infrastructure facilities and staff

requirements;

(b) adequate financial arrangements necessary for

discharging the actual and potential obligations in

respect of the business activities relating to air

transportation; and

(c) bank guarantees or other security necessary to cover

financial commitments to clients.

(4) Notwithstanding the provisions of paragraph (c) of

subsection (3), an operator of an aircraft applying for a licence

under subsection (1), shall not be required to furnish a bank

guarantee or other security, as required under that paragraph.

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Person issued 98. (1) Every person to whom a licence or a permit is

with a permit or issued under section 93 or 97, as the case may be, shall

a licence under

section 93or maintain such records as may be determined by the Authority,

97to maintain and furnish to the Authority such returns or information as

certain records may from time to time be required to be furnished by the

and furnish Authority.

information.

(2) The Authority may revoke a licnece or a permit issued

under sections 93 or 97, as the case may be, where the

Authority is satisfied that the holder of such licence or

permit:—

(a) has ceased to carry on the business in respect of

which the lincence or permit has been issued;

(b) has obtained the licence or permit contrary to the

provisions of this Act or any regulations or rules

made thereunder;

(c) where the licence holder or the permit holder is a

company, that any or all of its principal officers

have been convicted of an offence connected with

the business of the company involving moral

turpitude;

(d) has ceased to comply with the requirements

specified for the issue of such licence or permit; or

(e) has contravened any provisions of this Chapter of

this Act or any regulations or rules made under this

Act.

(3) No revocation of a licence or permit under subsection

(2) shall be made against a person, except after due notice

has been issued to show cause within such period as may be

specified in the notice, why the licence or the permit, as the

case may be, should not be revoked.

(4) The Authority or any officer authorized by the

Authority in writing, may—

(a) for the purpose of ascertaining whether any

provisions of this Act or any regulations or rules

made thereunder are being complied with, enter

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and inspect at all reasonable hours of day or night,

the premises in which the business in respect of

which the licence or the permit, as the case may be,

was issued by the Authority ; and

(b) inspect and take copies of any records or returns

required by this Act or any regulations or rules made

thereunder, to be kept in respect of such business

and of any other records relating to such business.

(5) Where the Authority has reasonable grounds to

believe that any provisions of this Chapter of this Act or any

regulations or rules made thereunder are being violated or

contravened by any person to whom a licence or a permit

has been issued under section 93 or 97, as the case may be,

the Authority may after obtaining a warrant under the hand

of a Magistrate, enter and inspect any premises specified in

such warrant and take into custody any tickets, stocks or

other documents used in connection with the commission

of such offence.

99. (1) Where the Director General is of the opinion Director

that it is necessary to safeguard the general health and well General’s

power to issue

being of persons, property and environment, including

directions to

animals and birds, he shall have the power to issue to an Airlines

Airline, special or general directions on matters pertaining

to health and hygine or on any other matter which is of

national concern, interest or importance.

(2) Non-compliance with any directions issued under

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

CHAPTER X

OFFENCES AND PENALTIES

100. Any person who fails to comply with a written Failure to

request made by the Authority or the Director General under comply with

written request

the provisions of this Act or of any regulations or rules made or furnishing

threunder or furnishes any false information or return, shall false

be guilty of an offence under this Act and shall on conviction information.

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be liable to a fine not exceeding the equivalent in Sri Lanka

Rupees of ten thousand SDR or to imprisonment not

exceeding two years or to both such fine and imprisonment.

Seizure of an 101. (1) Where the owner or the operator of an aircraft

aircraft. in respect of which any charge or penalty is payable under

this Act, refuses or neglects to pay the same or any part

thereof on demand, the Authority may without prejudice to

any other remedy that may be available under any other law,

seize such aircraft and detain the same until the amount due

is paid in full.

(2) The cost as determined by the Authority for seizing or

detaining an aircraft under subsection (1) shall, be paid by

the owner or the operator of the aircraft and if not paid within

fourteen days, the Authority may cause such aircraft to be

sold to recover the total amount due. Any surplus remaining

shall be paid on demand to the owner, the operator or the

Pilot-in-Command, as the case may be, of the aircraft and

where no demand for such payment is made for a period of

two years, the amount remaining as surplus shall be credited

to the Fund of the Authority.

Violating safety 102. (1) Every person who is engaged in the provision

or security of aeronautical services or operating an aircraft shall be

requirements.

required to conform to the safety and security requirements

currently applicable in relation to the provision of such

aeronautical service or the operation of an aircraft, which

shall be prescribed.

(2) Every person who is required to conform to the safety

and security requirements prescribed under subsection (1)

and fails to so conform, shall be liable to the payment of a

penalty as prescribed, provided such penalty does not exceed

a sum equivalent in Sri Lanka Rupees of ten thousand SDR.

(3) The Director General shall be responsible for the

collection of all penalties imposed under this section and

the monies so collected shall be credited to the Fund.

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(4) The Director General shall at the time of imposing the

penalty referred to in subsection (2), require in writing the

person being penalized to take all measures necessary or

appropriate in order to secure due compliance with the safety

and security measures that were being violated by such

person, within such period of time as shall be specified.

(5) Where a person who is required to take measures to

secure due compliance with any safety and security measures

within the period specified under subsection (4), fails or

neglects to take such measures,the Authority or the Director

General, as the case may be, shall suspend or revoke any

licence issued to such person.

103. Any person who:— Offences.

(a) contravenes or fails to comply with any provision

of this Act or any regulation or rule made

thereunder;

(b) fails to comply with any implementing standard,

direction, directive, procedure or instruction issued

under any provisions of this Act or any regulations

or rules made thereunder; or

(c) obstructs or impedes any person in the exercise of

his powers or duties under this Act or under any

regulation, order, rule, standard or procedure,

shall be guilty of an offence under this Act and on conviction

be liable to a fine not exceeding the equivalent in Sri Lanka

Rupees of twenty-five thousand SDR or to imprisonment for

a term not exceeding two years or to both such fine and

imprisonment.

104. Any person who is guilty of an offence under this Penalties.

Act for which no penalty is expressly provided for by this

Act, shall on conviction be liable to a fine not exceeding the

equivalent in Sri Lanka Rupees of ten thousand SDR or to

imprisonment of either description for a term not exceeding

two years or to both such fine and imprisonment.

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Offence 105. Where an offence under this Act is committed by a

committed by a body of persons, then—

body of persons.

(a) if that body of persons is a body corporate, every

person who at the time of the commission of the

offence was a Director, General Manager, Secretary

or other similar officer of that body ; or

(b) if that body is not a body corporate, every person

who at the time of the commission of the offence

was the President, Manager, Secretary or other

similar officer of that body,

shall be deemed to be guilty of that offence, unless he proves

that such offence was committed without his knowledge or

that he exercised all due diligence to prevent the commission

of such offence.

Proof of 106. (1) Every document purporting to be an order or

documents. other instrument made or issued by the Minister, the

Authority or the Director General, as the case may be, under

this Act or under any regulation or rule made thereunder or

any implementing standards and signed by or on their behalf,

shall be received in evidence and shall, until the contrary

is proved, be deemed to be an order or instrument issued by

the Minister, Authority or the Director General, as the case

may be.

(2) Evidence of any order or instrument as referred to in

subsection (1) may in any legal proceedings, be given by

the production of a document certified to be a true copy of

the order or instrument, by or on behalf of the Minister,

Authority or the Director General, as the case may be.

Offences to be 107. (1) All offences under this Act shall be cognizable

cognizable offences for the purpose of the application of the provisions

offences and

of the Code of Criminal Procedure Act, No. 15 of 1979.

court in which

action for

offences may be (2) No Court shall take cognizance of any offence under

filed. this Act or any regulation or rule made thereunder, except

with the sanction of the Attorney- General.

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(3) Notwithstanding anything to the contrary in the Code

of Criminal Procedure Act, No. 15 of 1979 or any other written

law, an action in respect of any offence committed under

this Act shall, on the determination of the Attorney-General,

be filed in the Magistrates Court of Colombo or upon an

indictment in the High Court of Sri Lanka holden in the

Judicial Zone of Colombo, as the case may be, and on

conviction the Court shall impose the punishment as set out

in this Act, for the commission of that offence.

108. (1) No action shall lie against an owner of an Trespass,

aircraft for trespass or nuisance, by reason only of the flight nuisance, and

responsibility

or any ordinary effects of the flight of such aircraft over any

for damage.

property at a height above the ground, which, having regard

to wind, weather and all the circumstances of the case is

reasonable, so long as the provisions of this Act and any

regulations, rules or implementing standards, directions,

directives, instructions or procedures made, thereunder or

issued have been duly complied with.

(2) Where any material damage or loss is caused by an

aircraft in flight, taking off or landing or by any person in

any such aircraft or by an article or a person falling off from

any such aircraft, to any person or property on land or water,

compensation in respect of such damage or loss shall be

recoverable from the owner of the aircraft without proof of

negligence or intention or other cause of action, as though

the same had been caused by his willful act, neglect or default,

except where the damage or loss was caused by or

contributed to, by the negligence of the person by whom the

same was suffered :

Provided that where the material damage or loss is caused

as aforesaid in circumstances in which:—

(a) some person other than the owner of the aircraft

would under any other law in force in Sri Lanka be

liable to pay compensation in respect of such

damage or loss ; and

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(b) such compensation is recoverable and is recovered

from the owner of the aircraft by virtue only of the

provisions of this section,

the owner shall be entitled to be indemnified by that other

person in respect of the compensation so recovered from the

owner.

(3) Where any aircraft has been let or hired out for a period

exceeding fourteen days to any other person by the owner

thereof and no Pilot-in -Command, navigator or operating

member of the crew of the aircraft is in the employment of the

owner, this section shall be read and construed as though

the reference to the “owner” were a reference to the person

to whom the aircraft has been let or hired out.

CHAPTER XI

GENERAL

Director 109. (1) Notwithstanding anything to the contrary

General’s power contained in any provision of this Act, regulations or rules

to cancel

made thereunder or in the terms and conditions contained in

licences etc, in

certain any licence, certificate, permit, authorization or approval

circumstances. granted or issued under this Act, the Director General, in his

capacity as the designated Government Agent in Sri Lanka

responsible for national civil aviation security, shall have

the power to cancel with immediate effect any such licence,

certificate, permit, authorization or approval granted or

issued, whether the same has been granted or issued by

himself or the Authority, as the case may be, where he has

sufficient reason to believe that the holder of such licence,

certificate, permit, authorization or approval, as the case

may be, poses a threat to the national security or to the

national defence of Sri Lanka or where he was sufficient

reason to suspect that the holder of such licence, certificate,

permit, authorization or approval is likely to pose a threat to

the national security or to the national defence of Sri Lanka.

(2) The provisions of subsection (3) of section 26 and of

section 112 of this Act, shall not apply in respect of any

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cancellation of a licence, certificate, permit, authorization

or approval done under subsection (1).

110. Where a licence, certificate, permit, authorization Changes taking

place in a body

or approval granted or issued under this Act has been granted

corporate or

or issued to a body corporate or a partnership and any change partnership to

takes place in the directorate of such body corporate or in which any

the partnership, should be communicated to the appropriate authority is

granted.

authority who issued such licence, certificate, permit,

authorization or approval, as the case may be, not more than

two weeks after such change takes place.

111. (1) There shall be charged annually from every Service charge

person who is authorized to provide any aeronautical service to be imposed.

or who is engaged in domestic or international commercial

air transportation, on a licence issued under this Act, a service

charge at such rates to be determined by the Minister by

Order published in the Gazette. The service charge imposed

under this subsection shall be in addition, and not in

derogation to the licence fee payable for any licences issued:

Provided however the Minister may exempt any public

corporation or a company in which the Government hold a

majority of shares, which is authorized to provide any

aeronautical service or who is engaged in domestic or

inernational commercial air transportation, from the payment

of the service charge imposed under this subsection.

(2) The service charge imposed under subsection (1) shall

be paid to the Director General, who shall maintain proper

records of all such payments received by him and shall credit

all monies collected to the Fund.

(3) Every person who fails to pay the service charge

required to be paid by such person under this section shall

be guilty of an offence under this Act and on conviction be

liable, in addition to any other punishment that shall be

imposed by court, to a suspension or cancellation, as the

case may be, of any licence or licences issued to that person

under this Act, notwithstanding anything to the contrary

contained in any other provisions of this Act.

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Appeal 112. (1) A person who is aggrieved by any order or

procedure. decision made by the Director General or the Authority, as

the case may be, under this Act or any regulations or rules

made thereunder, may prefer an appeal in writing to the

Secretary to the Ministry of the Minister before the expiry of

thirty working days after the date on which such order or

decision is communicated to that person and the Secretary

shall in dealing with any appeal preferred to him under this

subsection, obtain the observations of the Director General

or the Authority, as the case may be, and after due inquiry,

affirm, vary or annul the order or decision against which the

appeal has been preferred.

(2) The decision of the Secretary to the Ministry of the

Minister upon an appeal preferred under subsection (1), shall

be final and conclusive and shall not be appealed against in

any court or tribunal.

Access to 113. Any person authorized by the Director General

authorized shall at all reasonable times, have access to any place to

persons.

which access is necessary for purpose of exercising and

discharging any powers and functions vested in him under

the provisions of this Act or any regulations or rules made

thereunder and have the authority to examine any documents

found in such place.

Coming into 114. An order or decision made by the Director General

force of any or the Authority as the case may be, under this Act or any

order or

regulations or rules made thereunder. shall come into force

decision of the

Director General on the date on which such order or decision is communicated

or the Authority. to the person concerned and shall, notwithstanding that an

appeal against such order or decision has been preferred to

the Secretary to the Ministry of the Minister under section

112, continue to be in force until a decision is made on the

appeal by the Secretary.

Prohibition 115. (1) A licence, certificate, permit, authorization or

against transfer approval granted or issued under this Act to any person,

of licence & c.

shall not be:—

(a) transferable to any other person ; or

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

(2) Any transfer or use of a licence, certificate, permit,

authorization or approval done in contravention of the

provision of subsection (1), shall be null and void.

116. (1) The Authority shall establish a State Safety Establishment of

Program with a view to integrating diverse and a State Safety

Program and a

multi-disciplinary aviation activities conducted in terms of

Safety Data

this Act or any rules or regulations made thereunder into a Collection and

coherent program, setting out safety indicators, safety targets Processing

to be maintained to achieve an acceptable level of safety, as System.

may be determined by the Authority.

(2) The Authority shall establish and maintain a Safety

Data Collection and Processing System, for the purpose of

protecting all such information that is received by the

Authority or the Director General, as the case may be, in the

course of the exercise and discharge of its or his powers and

function, under this Act and the Civil Aviation Authority of

Sri Lanka Act, as the case may be.

117. (1) The Minister may, taking into consideration Regulations.

the interest of the national economy and the national security

of the State, make regulations in respect of all or any matter

required by this Act to be prescribed and in respect of which

regulations are authorized by this Act to be made.

(2) Without prejudice to the generality of the powers

conferred by subsection (1) and subject to the provisions of

subsections (3) and (4) of this section, regulations may be

made by the Minister for or in respect in all or any of the

following matters :—

(a) carrying out the provisions of the Convention, any

Annex thereto relating to international standards

and recommended practices (being an Annex

adopted in accordance with the Convention and

any amendment to the Convention) ;

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(b) issue of Certificates of Airworthiness and the terms

and conditions subject to which such Certificates

may be issued ;

(c) licencing, inspection, regulation and control of

Aerodromes and the classification of Aerodromes

for the purpose of issue of licences ;

(d) access to Aerodromes and places where aircraft land

and to aircraft factories, for the purpose of

inspection and the prohibition of trespassing on

aerodromes ;

(e) employment of persons in or in connection with

air navigation and the licensing of those employed

at licensed Aerodromes in the inspection or

supervision of aircraft ;

(f) conditions under which aircraft entering or leaving

Sri Lanka may fly and the conditions under which

an aircraft may fly from one part of Sri Lanka to

another part of Sri Lanka ;

(g) conditions under which passengers and goods may

be carried by air and aircraft may be used for other

commercial, industrial or gainful purposes and

specifying goods that are prohibited from being

carried by air ;

(h) prevention of interference with the use or

effectiveness of apparatus used in connection with

air navigation, the prohibition or regulation of the

use of such apparatus and the display of signs and

lights liable to endanger aircraft ;

(i) safety, efficiency and regularity of air navigation,

safety of aircraft and of persons and property carried

therein, the prevention of aircraft from endangering

other persons and property and the detention of

aircraft for any of the purposes specified in this

paragraph ;

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(j) safety oversight of civil aviation and matters

connected therewith ;

(k) payment of compensation to any officer or servant

of the Authority where death or injury is caused as

a direct result of an aircraft accident or incident or

inspection conducted by such officer or servant in

the performance of his or her duties ;

(l) supply of meteorological information for the

purpose of air navigation by persons engaged in or

employed in or in connection with, such air

navigation;

(m) regulation of the making of signals and other

communications by or to aircraft and persons carried

therein ;

(n) regulation of the use of the civil air ensign and any

other ensign established by the Minister for purposes

connected with air navigation ;

(o) prevention of smuggling by air ;

(p) manner and conditions relating to the issue,

validation, renewal, extension or variation of any

certificate, licence, permit or other document

required to be issued under this Act or under any

regulation or rule made thereunder and the form,

custody, production, cancellation, suspension,

endorsement and surrender of any such document ;

(q) regulation of the charges that may be made for the

use of Aerodromes and for services provided at such

Aerodromes ;

(r) regulation of the charges that may be made from

overflying aircraft for the use of air navigation

services or facilities provided by State or any

Aerodrome in Sri Lanka ;

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(s) prescribing the fees to be paid in respect of the

issue, validation, renewal, extension, or variation

of any certificate, licence, permit or other document

or the undergoing of any examination or test

required by this Act or any regulations or rules made

thereunder ;

(t) the regulation and control of the conditions under

which noise and vibration may be caused by aircraft

on Aerodromes ; and

(u) classification of commercial air transportation.

(3) Without prejudice to the generality of the powers

hereinbefore conferred, any regulations made under this Act

may provide for:—

(a) different provisions with reference to different

classes of aircraft, Aerodromes, persons or property

and with respect to different circumstances and

different areas of Sri Lanka but shall, to the extent

that it is practicable, be made so as not to

discriminate in like circumstances between aircraft

registered in Sri Lanka operated on charter terms

by one air transport undertaking and such aircraft

so operated by another such undertaking ;

(b) the application of such regulations in respect of all

aircrafts registered in Sri Lanka, wherever they may

be ;

(c) the prohibition or regulation of carrying on certain

activities by any persons in or members of the crew,

of an aircraft registered in Sri Lanka wherever they

may be ; and

(d) the prohibition or regulation of doing anything in

relation to an aircraft registered in Sri Lanka by any

person other than any personnel authorized under

the provisions of this Act.

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(4) Any regulations made under this Act in relation to

aircraft, may also provide for the detention of an aircraft to

secure compliance with such regulation or with any

provisions of this Act and may make such further provision

as appears to the Minister to be necessary or expedient for

securing such detention.

118. The Minister in charge of the subject of Finance Regulations to

be made by the

may in consultation with the Minister, make regulations for

Minister of

and in respect of all or any of the following matters :— Finance.

(a) the sale of passenger tickets for travel by aircraft

and the booking of passage for travel by aircraft ;

(b) the collection of freight charges on exports by

aircraft ;

(c) the collection of freight charges on imports by

aircraft, where contract for such carriage of freight

is made in Sri Lanka ;

(d) the furnishing of statements or declarations by

holders of licences issued under section 99 that

may become necessary to ensure that the regulations

made under section 117 are complied with,

including such details as to:—

(i) the traffic documents issued during any

month, whether or not any cash collections

were involved in such issue ;

(ii) the total cash collection effected in any

month from sale of passenger tickets and from

freight charges ; and

(iii) refunds granted against air transportation

documents issued in Sri Lanka.

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Gazetting of 119. (1) Every regulation made by the Minister and the

regulations

made under Minister in charge of the subject of Finance, under sections

sections 117 and 117 and 118 of this Act shall be published in the Gazette

118. and shall come into operation on the date of such

publication, or on such later date as may be specified in the

regulation.

(2) Every regulation published under subsection (1) shall,

as soon as convenient after its publication in the Gazette, be

brought before Parliament for approval. Any such regulation

which is not so approved shall deemed to be rescinded as

from the date of its disapproval, but without prejudice to

anything previously done thereunder.

(3) Notification of the date on which any regulation made

by the Minister is so deemed to be rescinded, shall be

published in the Gazette.

Power to issue 120. (1) The Director-General shall have the power to

implementing issue whenever he considers it necessary or appropriate to

standards.

do so, such implementing standards for the purpose of giving

effect to any of the provisions of this Act, including the

Articles of the Convention specified in the Schedule to this

Act or any regulations or rules made thereunder.

(2) It shall be the duty of all persons in respect of whom

any implementing standards are issued under subsection (1),

to comply with the same.

Director General 121. The Director General shall have the power to issue

to issue general

to all operators and licence holders providing aeronautical

or special

directions. services, such general or special directions in regard to any

matter connected with or relating to the maintenance of

public safety and welfare of the citizens of Sri Lanka and it

shall be the duty of all such operators and licence holders, as

the case may be, to comply with such directions.

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122. (1) The Authority may make rules in respect of all Rules.

or any of the matters in respect of which rules are authorized

or required by this Act to be made.

(2) No rule made by the Authority under subsection (1)

shall have effect until it has been approved by the Minister,

and notification of such approval is published in the Gazette.

123. The equivalent in Sri Lanka Rupees of SDR for Equivalent of

SDR in rupees.

purpose of imposing a fine for an offence committed under

this Act, shall be made on the basis of the value of the rupee

determined in terms of SDR, for the date preceding the date

of the commission of the the offence in respect of which

such fine is being imposed.

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

required—

“aerial work” means aircraft operations in which an

aircraft is used for purposes of agriculture,

construction, photography, surveying, observation

and patrol, search and rescue operations, aerial

advertisement, broadcasting or communication,

production of air turbulence, flying training, flower

dropping and emergency operations ;

“Aerodrome” means any defined land or water area

intended to be used, whether wholly or partly, for

the landing and departure of aircraft and all

buildings, sheds, vessels, piers and other structures

standing thereon or appertaining thereto ;

“Air Navigation Act” means the Air Navigation Act

(Chapter 365) and includes the Air Navigation

(Special Provisions) Act, No. 55 of 1992 ;

“air navigation services” means navigational aids and

navigational facilities;

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“air traffic control” means a service provided for the

purpose of—

(a) preventing collisions:—

(i) between aircrafts ;

(ii) on the manoeuveing area between aircrafts

and obstructions; and

(b) expediting and maintaining an orderly flow of

air traffic ;

“aircraft” means any machine that can derive support

in the atmosphere from the aerodynamic reactions

of the air, other than the reactions of the air against

the earth’s surface ;

“Authority” means the Civil Aviation Authority of Sri

Lanka, established by the Civil Aviation Authority

of Sri Lanka Act, No. 34 of 2002;

“authorized security personnel” means a member of

the Security Services maintained by a Service

Provider to whom a licence is issued by the Director

General for the provision and maintenance of an

aviation security service and includes any member

of the Armed Forces or Police Force, who is

performing or is called upon to perform duties

within the airport ;

“business of air transportation” means the making

available (as the operator of an aircraft or as a

principal or agent) of any accommodation for the

carriage of persons, cargo or mail, on flight by

aircraft (whether registered in Sri Lanka or not) in

any part of the world, including flights to and from

the territory of Sri Lanka ;

“Civil Aviation Authority of Sri Lanka Act” means

the Civil Aviation Authority of Sri Lanka Act, No.

34 of 2002 ;

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“Convention” means the Convention on International

Civil Aviation which was signed at Chicago on the

7th day of December, 1944, as amended by any

subsequent Convention or Agreement and includes

any Annex attached to such Convention ;

“dangerous goods” means any substances or articles

which are capable of posing a risk to health, safety,

property or the environment and which are shown

in the list of dangerous goods specified in the

Technical Instructions issued by International Civil

Aviation Organization or which are classified as

dangerous goods, according to such Technical

Instructions ;

“Director General” means the Director General of Civil

Aviation appointed under section 11 of the Civil

Aviation Authority of Sri Lanka Act, No. 34 of 2002 ;

“foreign aircraft” means an aircraft which is not

registered in Sri Lanka under this Act ;

“Fund” means the Fund of the Authority established

by section 12 of the Civil Aviation Authority of

Sri Lanka Act ;

“ground handling services” means services necessary

for an aircraft’s arrival at and departing from an

Aerodrome, other than air traffic services ;

“military aircraft” means an aircraft used or operated

for or on behalf of a State for purposes other than

the carriage of passengers or cargo for hire or reward;

“National Aviation Policy” means the National Policy

on Aviation formulated and adopted by the Cabinet

of Ministers ;

“navigational aids” means visual and non-visual-

navigational aids along an air route, visual and non-

visual aids to approaching and landing at

Aerodromes and includes communication services,

meteorological services and air traffic control

services ;

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“navigational facilities” means facilities provided to

permit safe navigation of aircraft and includes visual

and non-visual navigational aids ;

“operator” means a person, organization or an

enterprise engaged in or offering to engage in

aircraft operations and includes any person who

causes or authorizes the operation of an aircraft,

whether with or without the control (in the capacity

of a owner, lessee, or otherwise) of the aircraft ;

“operator of the Aerodrome” means, in relation to any

premises used or appropriated for use as an

Aerodrome, the person maintaining or operating or

is authorized to maintain and operate an Aerodrome

in those premises or in the case of an Aerodrome

which is established or maintained by or on behalf

of the Government, the Service Provider so

appointed for that purpose ;

“Regional Air Navigation Plan” means a plan of routes,

facilities and services agreed to by Governments at

any Regional Air Navigation Conference and

approved by the Council of the International Civil

Aviation Organization ;

“SARPS”means Standards and Recommended

Practices adopted by the Council of the

International Civil Aviation Organization under

Article 37 of the Convention ;

“SDR” means Special Drawing Rights defined by the

International Monetary Fund ;

“standards” means:—

(a) international standards adopted by the Council

of the International Civil Aviation Organization

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under Article 37 of the Convention and to which

Sri Lanka has not filed differences under Article

38 of the Convention ; and

(b) the Recommended Practices adopted by the

Council of the International Civil Aviation

Organization under Article 37 of the Convention

and which have been duly implemented in

Sri Lanka;

“State Party to the Convention” means a State that

has ratified or has adhered to the Convention ;

“territory of Sri Lanka” means the land area, internal

waters and the territorial waters of Sri Lanka and

includes the air space above such areas.

(2) Any reference in this Act to “goods or articles” shall

be construed as including a reference to mail or to animals

and any reference in this Act to any “country or territory”

shall, unless the context otherwise requires, be construed as

including a reference to the territorial waters, if any, adjacent

to that country or territory.

(3) In this Act, the expression “purposes of civil aviation”

includes all purposes connected with air navigation, except

any purpose connected to the defence of Sri Lanka by air.

125. In the event of any inconsistency between the Sinhala text to

Sinhala and Tamil texts of this Act, the Sinhala text shall prevail in case

of inconsistency.

prevail.

126. (1) The provisions of:— Repeal and

savings

provisions.

(a) the Air Navigation Act, (Chapter 365), other than

the provisions contained in Part III of that Act; and

(b) the Air Navigation (Special Provisions) Act, No. 55

of 1992, other than Part II of that Act, are hereby

repealed.

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(2) Notwithstanding the repeal of the provisions referred

to in subsection (1):—

(a) all activities connected with the provision of

aeronautical services that are being carried on by

the Agent by virtue of the powers vested in such

Agent under the repealed provisions, shall be

continued to be carried on by such Agent until it is

issued with such appropriate licences in its capacity

as the Statutory Service Provider under subsection

(1) of section 127 ;

(b) every regulation or Order made under any of the

repealed provisions and in force on the appointed

date, in so far as such regulation or Order is not

inconsistent with the provisions of this Act, shall

be deemed to be a regulation or Order made under

this Act and may be amended or rescinded by any

regulation or Order made under this Act ;

(c) every licence or Certificate issued or rendered valid

under any repealed provisions or any regulation

made there under and in force on the appointed

date, shall be deemed to be a licence or Certificate

issued under this Act and shall be valid and effectual

until the expiry of the period for which such licence

or Certificate was issued or was rendered valid ;

(d) every approval granted and every designation,

authorization or appointment made, directives,

circulars, manuals, instructions and any other

publications issued, boards or any other bodies

established, under any regulation made under any

of the repealed provisions, shall be deemed to be

granted, made or issued under this Act and shall,

unless otherwise cancelled or rendered invalid,

continue to be in force ; and

(e) every decree, order or award entered or made in

favour of or against Department of Civil Aviation

by any Court or tribunal or other body in any action,

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matter, proceeding or thing shall, with effect from

the appointed date, be deemed to be a decree, order

or award entered or made in favour of or against the

Authority and may be enforced accordingly.

127. (1) Notwithstanding the provisions of section 6 of Provisions

relating to the

this Act, the Agent appointed under section 21A of the Air

Agent appointed

Navigation Act (Chapter 365), shall, on and after the under section

appointed date, be deemed to be a Service Provider (in this 21A of the Air

Act referred to as the “Statutory Service Provider”) for the Navigation Act,

purposes of this Act and shall be issued with all the relevant (Chapter 365).

licences required to be issued under this Act, to enable such

Statutory Service Provider to provide the aeronautical

services such Agent was engaged in providing as on such

appointed date. The provisions of this Act pertaining to the

requirements imposed on those to whom a licence is issued

under this Act, shall apply to and in respect of all licences

issued to such Statutory Service Provider.

(2) The Minister shall cause an Order pertaining to the

appointment of the Statutory Service Provider to be

published in the Gazette.

(3) The issue of any licences to the Statutory Service

Provider under subsection (1) of this section, shall not in

any way affect or prejudice any duty cast on such Statutory

Service Provider to fulfill any obligations that may have

been imposed upon such Statutory Service Provider in its

capacity as the Agent appointed under section 21A of the

Air Navigation Act (Chapter 365), prior to the appointed

date.

128. On the issue of the licences to the Statutory Service Withholding of

Provider under subsection (1) of section 127 of this Act, the properties by the

Statutory

Authority shall grant permission in writing to the Statutory

Service

Service Provider to withhold any immovable properties that Provider.

were in its possession in its capacity as Agent as on the

appointed date, to enable such Statutory Service Provider

to provide any aeronautical service or any other service

which is connected with or incidental to the provision of

such aeronautical service.

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SCHEDULE [Section 2]

ARTICLES OF THE CONVENTION RELATING TO SAFETY,

REGULARITY, EFFICIENCY AND SECURITY OF

CIVIL AVIATION

ARTICLE 1 - SOVEREIGNTY

The Contracting States recognize that every State has complete

and exclusive sovereignty over the airspace above its territory.

ARTICLE 2 - TERRITORY

For the purposes of this Convention the territory of a State shall be

deemed to be the land areas and territorial waters adjacent thereto

under the sovereignty, suzerainty, protection or mandate of such

State.

ARTICLE 3 - CIVIL AND STATE AIRCRAFTS

(a) This Convention shall be applicable only to civil aircraft,

and shall not be applicable to state aircraft.

(b) Aircraft used in military, customs and police services shall

be deemed to be state aircraft;

(c) No state aircraft of a Contracting State shall fly over the

territory of another State or land thereon without

authorization by special agreement or otherwise, and in

accordance with the terms thereof.

(d) The Contracting State undertake, when issuing regulations

for their state aircraft, that they will have due regard for the

safety of navigation of civil aircraft.

ARTICLE 3 bis

(a) The Contracting States recognize that every State must refrain

from resorting to the use of weapons against civil aircraft

in flight and that, in case of interception, the lives of persons

on board and the safety of aircraft must not be endangered.

This provision shall not be interpreted as modifying in any

way the rights and obligations of States set forth in the

Charter of the United Nations;

(b) The Contracting States recognize that every State, in the

exercise of its sovereignty, is entitled to require the landing

at some designated airport of a civil aircraft flying above

its territory without authority or if there are reasonable

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grounds to conclude that it is being used for any purpose

inconsistent with the aims of this Convention; it may also

give such aircraft any other instructions to put an end to

such violations. For this purpose, the Contracting States

may resort to any appropriate means consistent with relevant

rules of international law, including the relevant provisions

of this Convention, specifically paragraph (a) of this Article.

Each Contracting State agrees to publish its regulations in

force regarding the interception of civil aircraft;

(c) Every civil aircraft shall comply with an order given in

conformity with paragraph (b) of this Article. To this end

each Contracting State shall establish all necessary provisions

in its national laws or regulations to make such compliance

mandatory for any civil aircraft registered in that State or

operated by an operator who has his principal place of

business or permanent residence in that State. Each

Contracting State shall make any violation of such applicable

laws or regulations punishable by severe penalties and shall

submit the case to its competent authorities in accordance

with its laws or regulations;

(d) Each Contracting State shall take appropriate measures to

prohibit the deliberate use of any civil aircraft registered in

that State or operated by an operator who has his principal

place of business or permanent residence in that State for

any purpose inconsistent with the aims of this Convention.

This provision shall not affect paragraph (a) or derogate

from paragraphs (b) and (c) of this Article.

ARTICLE 4 - MISUSE OF CIVIL AVIATION

Each Contracting State agrees not to use civil aviation for any

purpose inconsistent with the aims of this Convention.

ARTICLE 5 - RIGHT OF NON-SCHEDULED FLIGHT

Each Contracting State agrees that all aircraft of the other

Contracting States, being aircraft not engaged in scheduled international

air services, shall have the right, subject to the observance of the

terms of this Convention, to make flights into or in transit non-stop

across its territory and to make stops for non-traffic purposes without

the necessity of obtaining prior permission, and subject to the right of

the State flown over to require landing. Each Contracting State

nevertheless reserves the right, for reasons of safety of flight, to

require aircraft desiring to proceed over regions which are inaccessible

or without adequate air navigation facilities, to follow prescribed

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routes or to obtain special permission for such flights. Such aircraft,

if engaged in the carriage of passengers, cargo or mail for remuneration

or hire on other than scheduled international air services, shall also,

subject to the provisions of Article 7, have the privilege of taking on

or discharging passengers, cargo or mail, subject to the right of any

State where such embarkation or discharge takes place, to impose

such regulations, conditions or limitations as it may consider desirable.

ARTICLE 6 - SCHEDULED AIR SERVICES

No scheduled international air service may be operated over or

into the territory of a Contracting State, except with the special

permission or other authorization of that State, and in accordance

with the terms of such permission or authorization.

ARTICLE 7 - CABOTAGE

Each Contracting State shall have the right to refuse permission to

aircraft of any other Contracting States to take on in its territory

passengers, mail and cargo carried for remuneration or hire and

destined for another point within its territory. Each Contracting State

undertakes not to enter into any arrangements, which specifically

grant any such privilege on an exclusive basis to any other State or an

airline of any other State, and not to obtain any such exclusive privilege

from any other State.

ARTICLE 8 - PILOTLESS AIRCRAFT

No aircraft capable of being flown without a pilot shall be flown

without a pilot over the territory of a Contracting State without special

authorization by that State and in accordance with the terms of such

authorization. Each Contracting State undertakes to insure that the

flight of such aircraft without a pilot in regions open to civil aircraft,

shall be so controlled as to obviate danger to civil aircraft.

ARTICLE 9 - PROHIBITED AREAS

(a) Each contracting State may, for reasons of military necessity

or public safety, restrict or prohibit uniformly the aircraft

of other States from flying over certain areas of its territory,

provided that no distinction in this respect is made between

the aircraft of the State whose territory is involved or

engaged in scheduled international airline services, and the

aircraft of the other Contracting States likewise engaged.

Such prohibited areas shall be of reasonable extent and

location so as not to interfere unnecessarily with air

navigation. Descriptions of such prohibited areas in the

territory of a Contracting State, as well as any subsequent

alterations therein, shall be communicated as soon as

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possible to the other Contracting States and to the

International Civil Aviation Organization.

(b) Each Contracting State reserves also the right, in exceptional

circumstances or during a period of emergency, or in the

interest of public safety, and with immediate effect,

temporarily to restrict or prohibit flying over the whole or

any part of its territory, on condition that such restriction

or prohibition shall be applicable without distinction of

nationality, to aircraft of all other States.

(c) Each Contracting State, under such regulations as it may

prescribe, may require any aircraft entering the areas

contemplate in subparagraphs (a) or (b) above to effect a

landing as soon as practicable thereafter, at some designated

airport within its territory.

ARTICLE 10 - LANDING AT CUSTOMS AIRPORT

Except in a case where, under the terms of this Convention or a

special authorization, aircraft are permitted to cross the territory of a

Contracting State without landing, every aircraft which enters the

territory of a Contracting State shall, if the regulations of that State so

require, land at an airport designated by that State for the purpose of

customs and other examination. On departure from the territory of a

Contracting State, such aircraft shall depart from a similarly designated

customs airport. Particulars of all designated customs airports shall be

published by the State and transmitted to the International Civil

Aviation Organization established under Part II of this Convention,

for communication to all other contracting States.

ARTICLE 11 - APPLICABILITY OF AIR REGULATIONS

Subject to the provisions of this Convention, the laws and

regulations of a Contracting State relating to the admission to or

departure from its territory aircraft engaged in international air

navigation or to the operation and navigation of such aircraft while

within its territory, shall be applied to the aircraft of all Contracting

States without distinction as to nationality, and shall be complied with

by such aircraft upon entering or departing from or while within the

territory of that State.

ARTICLE 12 - RULES OF THE AIR

Each Contracting State undertakes to adopt measures to insure

that every aircraft flying over or maneuvering within its territory and

that every aircraft carrying its nationality mark, wherever such aircraft

may be, shall comply with the rules and regulations relating to the

flight and maneuver of aircraft there in force. Each Contracting State

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undertakes to keep its own regulations in these respects uniform to

the greatest possible extent, with those established from time to time

under this Convention. Over the high seas, the rules in force shall be

those established under this Convention. Each Contracting State

undertakes to insure the prosecution of all persons violating the

regulations applicable.

ARTICLE 13 - ENTRY AND CLEARANCE REGULATIONS

The laws and regulations of a Contracting State as to the admission

to or departure from its territory of passengers, crew or cargo of

aircraft, such as regulations relating to entry, clearance, immigration,

passports, customs and quarantine, shall be complied with by or on

behalf of such passengers, crew or cargo upon entrance into or

departure from, or while within the territory of the State.

ARTICLE 14 - PREVENTION OF SPREAD OF DISEASE

Each Contracting State agrees to take effective measurers to prevent

the spread by means of air navigation of cholera, typhus (epidemic),

smallpox, yellow fever, plague, and such other communicable diseases

as the Contracting States shall from time to time decide to designate,

and to that end Contracting States will keep in close consultation with

the agencies concerned with international regulations relating to

sanitary measures applicable to aircraft. Such consultation shall be

without prejudice to the application of any existing international

convention on the subject, to which the Contracting States may be

parties.

ARTICLE 15 - AIRPORT AND SIMILAR CHARGES

Every airport in a Contracting State which is open to public use by

its national aircraft shall likewise, subject to the provisions of Article

68, be open under uniform conditions to the aircraft of all the other

Contracting States. The like uniform conditions shall apply to the use,

by aircraft of every Contracting State, of all air navigation facilities,

including radio and meteorological services, which may be provided

for public use for the safety and expedition of air navigation. Any

charges that may be imposed or permitted to be imposed by a

Contracting State for the use of such airports and air navigation

facilities by the aircraft of any other Contracting State, shall not be

higher:—

(a) as to aircraft not engaged in scheduled international air

services, than those that would be paid by its national aircraft

of the same class engaged in similar operation; and

(b) as to aircraft engaged in scheduled international air services,

than those that would be paid by its national aircraft engaged

in similar international air services.

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All such charges shall be published and communicated to the

International Civil Aviation Organization :

provided that, upon representation by an interested Contracting

State, the charges imposed for the use of airports and other facilities

shall be subject to review by the Council, which shall report and

make recommendations thereon for the consideration of the State or

States concerned. No fees, dues or other charges shall be imposed by

any Contracting State in respect solely of the right of transit over or

entry into or exit form its territory of any aircraft of a Contacting

State or persons or property thereon.

ARTICLE 16 - SEARCH OF AIRCRAFT

The appropriate authorities of each of the Contracting States shall

have the right, without unreasonable delay, to search aircraft of the

other contracting States on landing or departure and to inspect the

certificates and other documents prescribed by this Convention.

ARTICLE 17 - NATIONALITY OF AIRCRAFT

Aircraft have the nationality of the State in which they are

registered.

ARTICLE 18 - DUAL REGISTRATION

An aircraft cannot be validly registered in more than one State,

but its registration may be changed from one State to another.

ARTICLE 19 - NATIONAL LAWS GOVERNING REGISTRATION

The registration or transfer of registration of aircraft in any

Contracting State, shall be made in accordance with its laws and

regulations.

ARTICLE 20 - DISPLAY OF MARKS

Every aircraft engaged in international air navigation shall bear its

appropriate nationality and registration marks.

ARTICLE 21 - REPORT OF REGISTRATIONS

Each Contracting State undertakes to supply to any other Contracting

State or to the International Civil Aviation Organization, on demand,

information concerning the registration and ownership of any

particular aircraft registered in that State. In addition, each Contracting

State shall furnish reports to the International Civil Aviation

Organization, under such regulations as the latter may prescribe,

giving such pertinent data as can be made available concerning the

ownership and control of aircraft registered in that State and habitually

engaged in international air navigation. The data thus obtained by the

International Civil Aviation Organization shall be made available by

it on request to the other Contracting States.

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ARTICLE 22 - FACILITATION OF FORMALITIES

Each Contracting State agrees to adopt all practicable measures,

through the issuance of special regulations or otherwise, to facilitate

and expedite navigation by aircraft between the territories of

Contracting States and to prevent unnecessary delays to aircraft, crews,

passengers and cargo, especially in the administration of the laws

relating to immigration, quarantine, customs and clearance.

ARTICLE 23 - CUSTOMS AND IMMIGRATION PROCEDURES

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

to establish customs and immigration procedures affecting international

air navigation in accordance with the practices which may be established

or recommended from time to time, pursuant to this Convention.

Nothing in this Convention shall be construed as preventing the

establishment of customs-free airports.

ARTICLE 24 - CUSTOMS DUTY

Aircraft on a flight to, from, or across the territory of another

Contracting State shall be admitted temporarily free of duty, subject

to the customs regulations of the State. Fuel, lubricating oils, spare

parts, regular equipment and aircraft stores on board an aircraft of a

Contracting State, on arrival in the territory of another Contracting

State and retained on board on leaving the territory of that State shall

be exempt from customs duty, inspection fees or similar national or

local duties and charges. This exemption shall not apply to any

quantities or articles unloaded, except in accordance with the customs

regulations of the State, which may require that they shall be kept

under customs supervision.

Spare parts and equipment imported into the territory of a

Contracting State for incorporation in or use on an aircraft of another

Contracting State engaged in international air navigation shall be

admitted free of customs duty, subject to compliance with regulations

of the State concerned, which may provide that the articles shall be

kept under customs supervision and control.

ARTICLE 25 - AIRCRAFT IN DISTRESS

Each Contracting State undertakes to provide such measures of

assistance to aircraft in distress in its territory as it may find practicable,

and to permit, subject to control by its own authorities, the owners of

the aircraft or authorities of the State in which the aircraft is registered,

to provide such measures of assistance as may be necessitated by the

circumstances. Each Contracting State, when undertaking search for

missing aircraft, will collaborate in coordinated measures which may

be recommended from time to time, pursuant to this Convention.

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ARTICLE 26 - INVESTIGATION OF ACCIDENTS

In the event of an accident to an aircraft of a Contracting State

occurring in the territory of another Contracting State and involving

death or serious injury or indicating serious technical defect in the

aircraft or air navigation facilities, the State in which the accident

occurs will institute an inquiry into the circumstances of the accident,

in accordance, so far as its laws permit, with the procedure which may

be recommended by the International Civil Aviation Organization.

The State in which the aircraft is registered shall be given the

opportunity to appoint observers to be present at the inquiry and the

State holding the inquiry shall communicate the report and findings

in the matter to that State.

ARTICLE 27 - EXEMPTION FROM SEIZURE ON PATENT CLAIMS

(a) While engaged in international air navigation, any

authorized entry of aircraft of a Contracting State into the

territory of another Contracting State or authorized transit

across the territory of such State with or without landings,

shall not entail any seizure or detention of the aircraft or

any claim against the owner or operator thereof or any

other interference therewith by or on behalf of such State

or any person therein, on the ground that the construction,

mechanism, parts, accessories or operation of the aircraft is

an infringement of any patent, design, or model duly granted

or registered in the State whose territory is entered by the

aircraft, it being agreed that no deposit of security in

connection with the foregoing exemption from seizure or

detention of the aircraft, shall in any case be required in the

State entered by such aircraft.

(b) The provisions of paragraph (a) of this Article shall also be

applicable to the storage of spare parts and spare equipment

for the aircraft and the right to use and install the same in

the repair of an aircraft of a Contracting State in the territory

of any other Contracting State, provided that any patented

part or equipment so stored shall not be sold or distributed

internally in or exported commercially from the Contracting

State entered by the aircraft.

(c) The benefits of this Article shall apply only to such States

parties to this Convention, as either:—

(1) are parties to the International Convention for the

Protection of Industrial Property and to any

amendments thereof; or

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(2) have enacted patent laws which recognize and give

adequate protection to inventions made by the

nationals of the other States parties to this

Convention.

ARTICLE 28 - AIR NAVIGATION FACILITIES AND STANDARD SYSTEMS

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

to —

(a) provide in its territory, airports, radio services,

meteorological services and other air navigation facilities

to facilitate international air navigation, in accordance with

the standards and practices recommended or established

from time to time, pursuant to this Convention;

(b) adopt and put into operation the appropriate standard

systems of communications procedure, codes, markings,

signals, lighting and other operational practices and rules

which may be recommended or established from time to

time, pursuant to this Convention;

(c) collaborate in international measures to secure the

publication of aeronautical maps and charts in accordance

with standards, which may be recommended or established

from time to time, pursuant to this Convention.

ARTICLE 29 - DOCUMENTS CARRIED IN AIRCRAFT

Every aircraft of a Contracting State, engaged in international

navigation, shall carry the following documents in conformity with

the conditions prescribed in this Convention :—

(a) its certificate of registration ;

(b) its certificate of airworthiness;

(c) the appropriate licenses for each member of the crew;

(d) its journey log book;

(e) if it is equipped with radio apparatus, the aircraft radio

station license;

(f) if it carries passengers, a list of their names and places of

embarkation and destination;

(g) if it carries cargo, a manifest and detailed declarations of

the cargo.

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ARTICLE 30 - AIRCRAFT RADIO EQUIPMENT

(a) Aircraft of each Contracting State may, in or over the

territory of other Contracting States, carry radio transmitting

apparatus only if a license to install and operate such

apparatus has been issued by the appropriate authorities of

the State in which the aircraft is registered. The use of radio

transmitting apparatus in the territory of the Contracting

State whose territory is flown over, shall be in accordance

with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members

of the flight crew who are provided with a special license

for the purposes, issued by the appropriate authorities of

the State in which the aircraft is registered.

ARTICLE 31 - CERTIFICATES OF AIRWORTHINESS

Every aircraft engaged in international navigation shall be provided

with a certificate of airworthiness issued or rendered valid by the

State in which it is registered.

ARTICLE 32 - LICENSES OF PERSONNEL

(a) The pilot of every aircraft and the other members of the

operating crew of every aircraft engaged in international

navigation, shall be provided with certificates of competency

and licenses issued or rendered valid by the State in which

the aircraft is registered.

(b) Each Contracting State reserves the right to refuse to

recognize, for the purpose of flight above its own territory,

certificates of competency and licenses granted to any of

its nationals by another Contracting State.

ARTICLE 33 - RECOGNITION OF CERTIFICATES AND LICENSES

Certificates of airworthiness and certificates of competency and

licenses issued or rendered valid by the Contracting State in which the

aircraft is registered, shall be recognized as valid by the other

Contracting States, provided that the requirements under such

certificates or licenses were issued or rendered valid are equal to or

above the minimum standards which may be established from time to

time, pursuant to this Convention

ARTICLE 34 - JOURNEY LOGBOOKS

There shall be maintained in respect every aircraft engaged in

international navigation, a journey log book in which shall be entered

particulars of the aircraft, its crew and of each journey, in such form

as may be prescribed from time to time, pursuant to this Convention.

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ARTICLE 35 - CARGORESTRICTIONS

(a) No munitions of war or implements of war may be carried

in or above the territory of a State in aircraft engaged in

international navigation, except by permission of such State.

Each State shall determine by regulations what constitutes

munitions of war or implements of war for the purposes of

this Article, giving due consideration, for the purposes of

uniformity, to such recommendations as the International

Civil Aviation Organization may from time to time make.

(b) Each Contracting State reserves the right, for reasons of

public order and safety, to regulate or prohibit the carriage

in or above its territory, of articles other than those

enumerated in paragraph (a):

provided that no distinction is made in this respect

between its national aircraft engaged in international

navigation and the aircraft of the other States so engaged :

and provided further that no restriction shall be imposed

which may interfere with the carriage and use on aircraft of

apparatus necessary for the operation or navigation of the

aircraft or the safety of the personnel or passengers.

ARTICLE 36 - PHOTOGRAPHIC APPARATUS

Each Contracting State may prohibit or regulate the use of

photographic apparatus in aircraft over its territory.

ARTICLE 37 - ADOPTION OF INTERNATIONAL STANDARDS ANDPROCEDURES

Each Contracting State undertakes to collaborate in securing the

highest practicable degree of uniformity in regulations, standards,

procedures, and organization in relation to aircraft, personnel, airways

and auxiliary services in all matters in which such uniformity will

facilitate and improve air navigation. To this end the International

Civil Aviation Organization shall adopt and amend from time to time,

as may be necessary, international standards and recommended

practices and procedures, dealing with —

(a) communications systems and air navigation aids, including

ground marking;

(b) characteristics of airports and landing areas;

(c) rules of the air and air traffic control practices;

(d) licensing of operating and mechanical personnel;

(e) airworthiness of aircraft;

(f) registration and identification of aircraft;

(g) collection and exchange of meteorological information;

(h) log books;

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(i) aeronautical maps and charts;

(j) customs and immigration procedure;

(k) aircraft in distress and investigation of accidents,

and such other matters concerned with the safety, regularity, and

efficiency of air navigation, as may from time to time appear

appropriate.

ARTICLE 38 - DEPARTURES FROM INTERNATIONAL

STANDARDS AND PROCEDURES

Any state which finds it impracticable to comply in all respects

with any such international standards or procedure, or to bring its

own regulations or practices into full accord with any international

standard or procedure after amendment of the latter, or which deems

it necessary to adopt regulations or practices differing in any particular

respect from those established by an international standard, shall give

immediate notification to the International Civil Aviation Organization

of the differences between its own practice and that established by the

international standard. In the case of amendments to international

standards, any State which does not make the appropriate amendments

to its own regulations or practices, shall give notice to the Council

within sixty day of the adoption of the amendment to the international

standard, or indicate the action which it proposes to take. In any such

case the Council shall make immediate notification to all States, of the

difference which exists between one or more features of an

international standard and the corresponding national practice of that

State.

ARTICLE 39 - ENDORSEMENT OF CERTIFICATES AND LICENSES

(a) Any aircraft or part thereof with respect to which there

exists an international standard of airworthiness or

performance, and which failed in any respect to satisfy that

standard at the time of its certification, shall have endorsed

on or attached to its airworthiness certificate, a complete

enumeration of the details in respect of which it so failed.

(b) Any person holding a license who does not satisfy in full

the conditions laid down in the international standard

relating to the class of license or certificate which he holds,

shall have endorsed on or attached to his license a complete

enumeration of the particulars in which he does not satisfy

such conditions.

ARTICLE 40 - VALIDITY OF ENDORSED CERTIFICATES AND LICENSES

No aircraft or personnel having certificates or licenses so endorsed

shall participate in international navigation, except with the permission

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of the State or States whose territory is entered. The registration or use

of any such aircraft, or of any certificated aircraft part, in any State

other than that in which it was originally certificated, shall be at the

discretion of the State into which the aircraft or part is imported.

ARTICLE 41 - RECOGNITION OF EXISTING STANDARDS OF AIRWORTHINESS

The provisions of Articles 37, 38, 39 and 40 shall not apply to

aircraft and aircraft equipment of types of which the prototype is

submitted to the appropriate national authorities for certification,

prior to a date three years after the date of adoption of an international

standard of airworthiness for such equipment.

ARTICLE 42 - RECOGNITION OF EXISTING STANDARDS OF COMPETENCY OF

PERSONNEL

The provisions of Articles 37,38, 39 and 40 shall not apply to

personnel whose licenses are originally issued prior to a date one year

after initial adoption of an international standard of qualification for

such personnel; but they shall in any case apply to all personnel

whose licenses remain valid five years after the date of adoption of

such standard.

ARTICLE 67 - FILE REPORTS WITH COUNCIL

Each Contracting State undertakes that its international airlines

shall, in accordance with requirements laid down by the Council, file

with the Council traffic reports, cost statistics and financial statements

showing among other things, all receipts and the sources thereof.

ARTICLE 68 - DESIGNATION OF ROUTES AND AIRPORTS

Each Contracting State may, subject to the provisions of this

Convention, designate the route to be followed within its territory by

any international air service and the airport, which any such service

may use.

ARTICLE 72 - ACQUISITION OR USE OF LAND

Where land is needed for facilities financed in whole or in part by

the Council at the request of a Contracting State, that State shall either

provide the land itself, retaining title if it wishes, or facilitate the use

of the land by the Council on just and reasonable terms and in

accordance with the laws of the State concerned.

ARTICLE 81 - REGISTRATION OF EXISTING AGREEMENTS

All aeronautical agreements which are in existence on the coming

into force of this Convention, and which are between a Contracting

State and any other State or between an airline of a Contracting State

and any other State or the airline of any other State, shall be forthwith

registered with the Council.

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ARTICLE 83 - REGISTRATION OF NEW ARRANGEMENTS

Subject to the provisions of the preceding Article, any Contracting

State may make arrangements not inconsistent with the provisions of

this Convention. Any such arrangement shall be forthwith registered

with the Council, which shall make it public as soon as possible.

ARTICLE 83 bis

(a) Notwithstanding the provisions of Articles 12, 30, 31 and

32(a), when an aircraft registered in a Contracting State is

operated pursuant to an agreement for the lease, charter or

interchange of the aircraft or any similar arrangement by

an operator who has his principal place of business or, if he

has no such place of business, his permanent residence in

another Contracting State, the State of registry may, by

agreement with such other State, transfer to it all or part of

its functions and duties as State of registry in respect of that

aircraft under Articles 12, 30, 31 and 32(a). The State of

registry shall be relieved of responsibility in respect of the

functions and duties transferred;

(b) The transfer shall not have effect in respect of other

Contracting States, before either the agreement between

States in which it is embodied has been registered with the

Council and made public pursuant to Article 83 or the

existence and scope of the agreement have been directly

communicated to the authorities of the other Contracting

State or States concerned, by a State party to the agreement.

ARTICLE 89 - WAR AND EMERGENCY CONDITIONS

In case of war, the provisions of this Convention shall not affect

the freedom of action of any of the Contracting States affected, whether

as belligerents or as neutrals. The same principle shall apply in the

case of any Contracting State, which declares a state of national

emergency and notifies the fact to the Council.

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