

SENATE OF PAKISTAN
House of the Federation



REPORT OF THE SENATE STANDING COMMITTEE ON AVIATION

REPORT OF THE SENATE STANDING COMMITTEE ON AVIATION ON "THE BILL TO CONSOLIDATE AND AMEND THE LAW FOR BETTER REGULATION AND CONTROL OF CIVIL AVIATION AND TO CONFER CERTAIN DUTIES AND POWERS ON THE PAKISTAN CIVIL AVIATION AUTHORITY [THE PAKISTAN CIVIL AVIATION BILL, 2023]" INTRODUCED BY KHAWAJA SAAD RAFIQUE, MINISTER OF AVIATION, IN THE SENATE SITTING HELD ON 30TH JULY, 2023.

PRESENTED BY

Senator Hidayat Ullah
Chairman

Senate Standing Committee on Aviation

SENATE SECRETARIAT

**REPORT OF THE SENATE STANDING COMMITTEE ON AVIATION ON
"THE BILL TO CONSOLIDATE AND AMEND THE LAW FOR BETTER
REGULATION AND CONTROL OF CIVIL AVIATION AND TO CONFER
CERTAIN DUTIES AND POWERS ON THE PAKISTAN CIVIL AVIATION
AUTHORITY [THE PAKISTAN CIVIL AVIATION BILL, 2023]"
INTRODUCED BY KHAWAJA SAAD RAFIQUE, MINISTER OF AVIATION,
IN THE SENATE SITTING HELD ON 30TH JULY, 2023.**

I, Senator Hidayat Ullah, Chairman Standing Committee on Aviation, have the honor to present, on behalf of Committee, this report on "The bill to consolidate and amend the law for better regulation and control of civil aviation and to confer certain duties and powers on the Pakistan Civil Aviation Authority [The Pakistan Civil Aviation Bill, 2023]" referred by the House in its Sitting held on 30TH July, 2023, to the Committee for consideration and report.

2. The composition of the Committee is as under:-

| | | |
|----|-------------------------------------|-------------------|
| 1 | Senator Hidayat Ullah | Chairman |
| 2 | Senator Syed Muzafar Hussain Shah | Member |
| 3 | Senator Syed Muhammad Sabir Shah | Member |
| 4 | Senator Faisal Saleem Rahman | Member |
| 5 | Senator Mian Raza Rabbani | Member |
| 6 | Senator Sherry Rehman | Member |
| 7 | Senator Aon Abbas | Member |
| 8 | Senator Dr. Zarqa Suharwardy Taimur | Member |
| 9 | Senator Mohsin Aziz | Member |
| 10 | Senator Saleem Mandviwala | Member |
| 11 | Senator Afnan Ullah Khan | Member |
| 12 | Senator Dilawar Khan | Member |
| 13 | Minister for Aviation Division | Ex-Officio Member |

3. The Committee took up discussion on the Bill at 'Annex-B' in its meeting held on 1st August, 2023.

4. The following members of the Committee attended the meeting on 1st August, 2023:

| | | |
|-------|-----------------------------|----------|
| i. | Senator Hidayat Ullah | Chairman |
| ii. | Senator Afnan Ullah Khan | Member |
| iii. | Senator Saleem Mandviwala | Member |
| iv. | Senator Sherry Rehman | Member |
| v. | Senator Umer Farooq | Member |
| vi. | Senator Muhammad Sabir Shah | Member |
| vii. | Senator Mohsin Aziz | Member |
| viii. | Senator Taj Haider | Mover |

5. The meeting started with the recitation from the Holy Quran. The hon'ble Chairman of the Committee, Senator Hidayat Ullah welcomed all participants and expressed his gratitude for making it convenient to attend the meeting. Thereafter, the proceedings started.

6. The Committee deliberated upon the Bill titled "The bill to consolidate and amend the law for better-regulation and control of civil aviation and to confer certain duties and powers on the Pakistan Civil Aviation Authority [The Pakistan Civil Aviation Bill, 2023]" Clause by Clause. There was a consensus among the Committee members about bifurcation of Civil Aviation of Pakistan into two entities; one responsible for regulations of civil aviation activities in Pakistan; whereas, the other responsible for provision of civil aviation services and development of aviation infrastructure in Pakistan as per international practice.

6. Senator Saleem Mandviwalla and Senator Taj Haider proposed a number of amendments in the Bill. The amendments were related to Appointment of Director General; Training of officials involved in aircraft handling; Name of the Ministry; Timeline for Security Clearance; and, maximum limit of administrative penalties. The Committee thoroughly deliberated upon on those amendments and unanimously agreed to incorporate the amendments in the Bill.

7. The Committee also discussed the amendments proposed in clause 6 and 64 by Senators Sana Jamali, Kauda Babar, Danesh Kumar, Prince Ahmed Umer Ahmedzai, Mohammad Abdul Qadir and Naseeb Ullah Bazai in the Pakistan Civil Aviation Bill 2023. The amendments were related to inclusion of Four Private Members instead of three. Regarding Clause 64, it was proposed that license for operation of domestic flights shall be granted within thirty days after application for grant of license. After deliberation and discussions, the Committee approved clause 6 as proposed by the movers, whereas, in clause 64 the period for grant of license was decided as one twenty days after application for grant of license instead of thirty days.


8. After discussion, the Chairman Committee Senator Hidayat Ullah put the bill to vote. With the amendments, proposed by the members and mover, the bill was passed unanimously. Thus, the Committee recommended that "The bill to

consolidate and amend the law for better regulation and control of civil aviation and to confer certain duties and powers on the Pakistan Civil Aviation Authority [The Pakistan Civil Aviation Bill, 2023] " as reported by the Committee may be passed by the Senate of Pakistan. The Committee also gave approval for presentation of this report to the house.

9. The bill as reported by the Committee is at Annex 'A', and the bill as introduced in the Senate is at Annex 'B'.



(Syed Khurram Hussain Naqvi)
Secretary Committee



(Senator Hidayat Ullah)
Chairman

[AS REPORTED BY THE COMMITTEE]

A
Bill

to consolidate and amend the law for better regulation and control of civil aviation and to confer certain duties and powers on the Pakistan Civil Aviation Authority

WHEREAS it is expedient to consolidate and amend the law for better regulation and control of civil aviation and to confer certain duties and powers on the Pakistan Civil Aviation Authority, and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows —

CHAPTER I
PRELIMINARY

1. **Short title, extent, application and commencement.**— (1) This Act may be called the Pakistan Civil Aviation Act, 2023.
- (2) It extends to the whole of Pakistan.
- (3) It shall also apply to —
 - (a) all airports in Pakistan and the persons employed at or in relation to the operation of, or provision of one or more aviation services at such airports;
 - (b) every person entering into or while being at an airport or any other aviation facility in Pakistan;
 - (c) every aircraft, including an aircraft registered outside Pakistan, in or over Pakistan, the pilot-in-command, crew, and the passengers boarding onto or on board such aircraft;
 - (d) every aircraft registered in Pakistan while being outside Pakistan, the pilot-in-command, crew and the passengers on board such aircraft;
 - (e) every holder of an aviation document exercising any privilege accorded by that document in or outside Pakistan;
 - (f) every other service and facility kept for, or engaged in or in relation to the operation of aircraft in Pakistan including those relating to safe navigation, search and rescue of aircraft, ground handling, handling of baggage, mail and cargo, training of pilots, cabin crew, and the design, manufacture, repair and maintenance of aircraft, and every person employed at or in relation to such service or facility; and
 - (g) every aeronautical product in Pakistan.
- (4) Nothing in this Act shall apply to —
 - (a) an airport owned by, or operated, or kept for the exclusive use of any of the armed forces of Pakistan and persons employed at or in relation to such airport;
 - (b) an aircraft owned by, or operated, or kept for the exclusive use of any of the armed forces of Pakistan and the persons employed at or in relation to such aircraft;
 - (c) a facility for the manufacture, design and repair of an aircraft owned, operated or kept for the exclusive use of any of the armed forces of Pakistan and the persons employed at or in relation to such facility;
 - (d) any aeronautical product owned by or kept for the exclusive use of any of the armed forces of Pakistan; and
 - (e) a lighthouse to which the Lighthouse Act, 1927 (Act XVII of 1927), applies, or prejudice or affect any right or power exercisable by any authority

under that Act.

(5) The Federal Government may, by notification in the Official Gazette, direct that this Act, or any provisions thereof which it may specify in the notification, shall come into force on such date as it may appoint in this behalf and if no such date is appointed within one hundred and eighty days from the date of notification of the Act, it shall come into force at once on the expiry of this period.

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

- (a) "Act" means the Pakistan Civil Aviation Act, 2023;
- (b) "aeronautical product" means anything or part of an aircraft or anything or part that is intended to be installed in or fitted or supplied to an aircraft and includes fuel and other similar consumable items necessary for the operation of the aircraft;
- (c) "Air Navigation Order" means an order issued by the Director General under section 148;
- (d) "air navigation service" means the services and aids for communicating with and guiding, controlling and surveilling an aircraft for safe navigation during all phases of its flight and include air traffic and aeronautical information management services, charting and cartographic services, flight procedure design services and other incidental and consequential services;
- (e) "air service" means the use of aircraft for the transport of passengers, mail, cargo, or for other proposes;
- (f) "aircraft" means any machine which can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth's surface, and includes a balloon, whether captive or free, airship, kite, glider, any other flying machine and an unmanned aircraft;
- (g) "airport" includes an aerodrome, airstrip, airfield, heliport and any other facility set apart or commonly used or intended to be used, either wholly or partly, for affording facilities for the landing and departure of aircraft as well as any runway, taxiway, building, shed, hanger, vessel, pier, parking areas and any other structure or facility appertaining to the airport in relation to the landing and departure of an aircraft, embarkation and disembarkation of passengers, loading and unloading and handling of passenger baggage, cargo and mail;
- (h) "airport manager" means the officer in-charge of an airport appointed in writing by the owner or operator of the airport;
- (i) "Airports Security Force" means the Airports Security Force established under the Pakistan Airports Security Force Act, 1975 (LXXVII of 1975);
- (j) "Authority" means the Pakistan Civil Aviation Authority;
- (k) "authorized person" means a person designated as authorized person by the Director General under section 93;
- (l) "aviation document" means a licence, permit, certificate, authorization, approval or any other document issued under this Act to or in respect of any person, aircraft, airport, air service, aviation service or aeronautical product;
- (m) "aviation facility" means any facility or premises used for, or kept aside for or in relation to the operation of aircraft and provision of air and air navigation services, and includes an airport, hanger, fuel storage area and a facility for the training and certification of pilots and crew and persons

- involved in design, manufacturing maintenance of aircraft;
- (n) "aviation security" means safeguarding civil aviation from unlawful interference;
 - (o) "aviation service" means any service, equipment or facility used or kept for, or in relation to civil aviation and includes—
 - (i) services in relation to the operation of airports;
 - (ii) air navigation services;
 - (iii) aviation meteorological services;
 - (iv) aviation security services including the aviation security services provided by the Airports Security Force;
 - (v) services in relation to border management, customs and control of contra band or harmful substances at the airports;
 - (vi) aviation training services; and
 - (vii) services in relation to the provision of aeronautical products and procedures;
 - (p) "Board" means the Board of the Authority;
 - (q) "chairperson" in relation to the Board, civil aviation security committee or air transport facilitation committee respectively means the chairperson of the Board, civil aviation security committee and air transport facilitation committee;
 - (r) "civil aviation" means use of aircraft for transport of passengers, goods and mail and for other non-military uses;
 - (s) "Collector" means the Collector of the district appointed under the law relating to land revenue;
 - (t) "Convention" means the Convention on International Civil Aviation signed at Chicago on seventh day of December, 1944; and **such other conventions to which Pakistan is a signatory**;
 - (u) "crew" includes any person assigned to duty on an aircraft during flight by the owner or operator;
 - (v) "Director General" means the Director General of the Authority;
 - (w) "Federal Government" means the Government of Pakistan;
 - (x) "Federal Investigation Agency" means the Federal Investigation Agency established under the Federal Investigation Agency Act, 1974 (VIII of 1975),
 - (y) "ICAO" means International Civil Aviation Organization established under the Convention;
 - (z) "inspector" means an officer of the Authority designated as inspector by the Director General under section 93;
 - (aa) "medical assessor" means a qualified and experienced medical assessor appointed by the Director General under section 93;
 - (bb) "member of a committee" means member of a committee of the Board; (cc) "member" means a member of the Board;
 - (dd) "meteorological services" means the provision of weather information and forecasts to support safe and efficient navigation of aircraft;
 - (ee) "Minister" means the Minister in-charge of the **Ministry of Aviation**;
 - (ff) "operator" means a person who causes or permits the aircraft to fly, be used, or be in any place, whether or not the person is present with the aircraft, or a person who operates an airport;
 - (gg) "Pakistan Airport Authority" means the Pakistan Airport Authority established under the Pakistan Airport Authority Act, 2023 (xxx of 2023);
 - (hh) "pilot-in-command" means the pilot designated by the operator, as being in

- command and charged with the safe conduct of a flight;
- (ii) "prescribed" means prescribed by the rules or regulations;
- (jj) "Prime Minister" means the Prime Minister of Pakistan;
- (kk) "private member" means a member mentioned at clause (f) of subsection (1) of section 6;
- (ll) "privilege" means the activity which the holder of an aviation document is authorized to undertake under that document;
- (mm) "regulations" means the regulations made under the Act;
- (nn) "rules" mean the rules made under the Act;
- (oo) "Secretary of the Board" means the Secretary of the Board;
- (pp) "Secretary" means the Secretary to the Government of Pakistan incharge of the Ministry of Aviation; and,
- (qq) "service provider" means a person providing an aviation service.

CHAPTER II PAKISTAN CIVIL AVIATION AUTHORITY

3. **Establishment of the Authority.**— (1) The Pakistan Civil Aviation Authority established under the Pakistan Civil Aviation Ordinance, 1982 (XXX of 1982) shall continue and be deemed to be the Authority established for the purpose of this Act.

(2) The Authority shall be a body corporate, having perpetual succession with the power, subject to the provisions of this Act and the rules, to acquire, hold and dispose of property, and to enter into contract, and shall by the said name sue and be sued.

4. **Functions and powers of the Authority.**— (1) Subject to this Act, the Authority shall control and regulate civil aviation and the provision of aviation services, and take measures as are necessary or incidental to the safe, secure and orderly growth of civil aviation in Pakistan.

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

- (a) control and regulate civil aviation and the provision of aviation services in Pakistan generally and particularly in respect of the following matters, namely —
 - (i) the development, operation and maintenance of airports and the facilities and services as are necessary for, or incidental to the convenience, safety and security of aircraft, passengers and other persons using the airports;
 - (ii) the operation of all aircrafts in or over Pakistan and the operation of all aircrafts registered in Pakistan while being outside Pakistan;
 - (iii) management of Pakistan's airspace;
 - (iv) the design, manufacture, repair, maintenance, import and export of aircraft and their parts;
 - (v) the carriage of dangerous goods by an aircraft, and prohibition or restriction of the carriage in an aircraft of any specified article or substance or technology;
 - (vi) the provision of aviation security, air navigation, meteorological, aircraft search and rescue services and every other service used or kept for, or in relation to the operation of aircraft;
 - (vii) all facilities engaged in, or in relation to the above;
 - (viii) all persons engaged in, or in relation to the above; and (ix) the

- protection of environment.
 - (b) take measures as are necessary or incidental to the protection and promotion of the interests of passengers and users of airports in respect of the prices charged for, and the quality and variety of services provided;
 - (c) designate areas over which no aircraft shall fly, either absolutely or at specified times, or subject to such conditions and exceptions as may be specified;
 - (d) encourage, promote, facilitate and assist in the development of civil aviation and aviation services in Pakistan;
 - (e) levy and collect rent, rate, fee, fine and other charges authorized under this Act, rules or regulations;
 - (f) issue warnings, reports, and guidance, and to comment on any matter relating to the civil aviation;
 - (g) as and when so required, advise the Federal Government, Minister and the Secretary on matters relating to civil aviation including those relating to bilateral air service agreements and Pakistan's obligations under any international treaty, convention, engagement or agreement connected with or ancillary to the purpose of this Act;
 - (h) secure compliance with the provisions of this Act, rules and regulations, and other instructions and requirements, and the standards prescribed under this Act through continuous oversight, inspections, audits and tests;
 - (i) affect Pakistan's obligations under any international treaty, convention, engagement or agreement connected with or ancillary to the purpose of this Act to which Pakistan is a signatory;
 - (j) perform any other function or duty conferred on it under any other law for the time being in force; and
 - (k) carry out its duties and functions in a cost effective and efficient manner.
- (3) The Authority may —
- (a) plan, prepare and execute schemes for the construction, development, operation, maintenance, repair and redoing of its buildings, facilities and other assets as well as for the development of civil aviation and aviation services in Pakistan in general;
 - (b) train its officers, staff and other persons for the purpose of this Act and establish and maintain such facilities as are, in its view, necessary to this end;
 - (c) provide expert services in relation to any duty or function imposed upon it under this Act;
 - (d) enter into contracts for the purchase and supply of goods and services or any other contract as may be necessary for the proper discharge of any function, duty or power imposed or conferred upon it under this Act;
 - (e) acquire by purchase, lease, exchange or otherwise any land or other moveable or immovable property or any interest in such land or property for the purpose of this Act;
 - (f) pledge any property vested in it, including any immovable property transferred to it under this Act, to raise finances for the acquisition of any capital asset or development of any infrastructure for the purpose of the Act; and
 - (g) permit the use of any land, building, facility, premises or other property owned by or vested in it on rent, lease, licence, concession or through such other mean or instrument as it deems fit.
- (4) In carrying out its duties and functions, the Authority shall ensure that—

- (a) the enforcement of the Act, rules and regulations is done in a transparent, accountable, proportionate and consistent manner;
 - (b) the regulatory activities are targeted only at cases in which an action is needed; and
 - (c) the officers, servants and other persons in the service of the Authority and other persons responsible for undertaking inspections, tests and audits for the purpose of the Act are, at all times, qualified and trained as per the appropriate standards.
- (5) In the conduct of its business, the Authority shall ensure that its revenue is not less than sufficient for making provision for meeting its expenses, taking one year with another.
- (6) The Authority shall be the appropriate authority responsible for coordination with the ICAO on behalf of Pakistan for the purpose of this Act.
- (7) Subject to the provisions of this Act, rules and regulations, the Authority may exercise such powers and take all such measures as may be necessary, or incidental to, the exercise of any powers or the discharge of any duty or function conferred or imposed on it by this Act or for carrying out the purpose of the Act.

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

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

- (a) The Secretary, who shall also be the Chairperson of the Board;
- (b) The Vice Chief of Air Staff, Pakistan Air Force;
- (c) The Director General;
- (d) The Secretary to the Government of Pakistan in-charge of the Finance Division or a senior officer of the Division nominated by him;
- (e) The Secretary to the Government of Pakistan in-charge of the Planning Division or a senior officer of the Division nominated by him; and
- (f) Not more than four private members, appointed by the Prime Minister in such manner as may be prescribed by the rules from among the persons having special knowledge and experience in civil aviation, business and industry, commercial or financial matters, public administration, law or any other subject related to one or more functions and duties of the Authority.

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

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

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

- (a) holds, for the time being, a political office;
- (b) has not attained the age of forty years; .
- (c) has been convicted and sentenced to imprisonment for an offence involving moral turpitude;

- (d) is an undischarged insolvent;
- (e) is of unsound mind and stands so declared by a competent court;
- (f) has been removed or dismissed from a public office or from an office of a body corporate or the entity owned or controlled by any government in Pakistan;
- (g) is involved directly or indirectly in an activity for the purpose of gain in or in relation to an aviation service, undertaking or business or holds an office or employment in or in relation to an aviation service, undertaking or business; or
- (h) holds directly or indirectly, any share or other pecuniary interest, tangible or intangible, in any business, licence, certificate, permit, authorization, inspection or contract, or any other interest in the Authority as is likely to affect prejudicially the discharge of his functions as a member.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) the Director General, who shall also be its head;
- (b) three most senior officers of the Authority;
- (c) a senior officer of the Finance Division nominated by the Secretary to the Government of the Pakistan in-charge of the Finance Division; and
- (d) such other officers of the Authority as the Board may appoint generally or specifically in relation to the nature of the action to be taken or matter to be discussed or decided by the executive committee.

(2) Subject to the Act, rules and regulations, the executive committee shall —

- (a) perform such functions and duties and exercise such powers in matters relating to the administration and affairs of the Authority as may be delegated to it by the Board; and
- (b) where in its opinion any matter which is not delegated to it under clause (a) requires an immediate action to prevent injury or loss to the Authority and it is improbable to timely obtain approval of the Board for this purpose, take such action and report it for approval of the Board in the next meeting.

(3) The procedure of the executive committee generally and in particular, with respect to the holding of meetings, the notice to be given of such meetings, proceedings at the meetings, the recording and keeping of minutes and the custody, production and inspection of minutes shall be such as may be prescribed by the regulations.

(4) Until the regulations are made in this behalf, the Director General may, by circular to the members, regulate the procedure of the executive committee.

10. The Director General.— (1) The Prime Minister may, in the manner prescribed by the rules, appoint —

- (a) an officer in the service of Pakistan,
- (b) an officer of the Authority, or
- (c) any other person having an experience of ten years in Civil Aviation or regulatory enforcement as the Director General for a term of three years from the date of assumption of office and where the Prime Minister considers it so appropriate, he may extend the term of the Director General for a period not exceeding two years and where the Prime Minister considers it so appropriate, he may extend the term of the Director General for a period not exceeding two years.

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

(3) The Director General shall be the executive head of the Authority and apart from day-to-day administration of the Authority and exercising powers and undertaking functions or

- (c) undertake functions and duties and exercise powers as are specifically imposed or conferred upon him under this Act, rules or regulations and any other law for the time being in force; and
 - (d) exercise all powers of an inspector or authorized person under this Act.
- (4) While undertaking his functions and duties and exercising his powers, the Director General shall.—
- (a) act independently;
 - (b) exercise his powers in a transparent, accountable, proportionate and consistent manner; and
 - (c) ensure that the regulatory activities are targeted only at cases in which an action is needed.
- (5) In the absence or inability of the Director General to perform his functions, the Chairperson may appoint a senior officer of the Authority to discharge the functions and exercise the powers of the Director General or inability for a term which shall not exceed ninety days.

11. Resignation by the Director General.— (1) The Director General may, by notice in writing to the Prime Minister, resign from his office.

(2) Such resignation shall take effect from the date of its acceptance by the Prime Minister.

12. Removal of the Director General.— The Prime Minister may, after providing the Director General an opportunity of being heard, either personally or through an officer authorized by him in this behalf, remove the Director General from office if he —

- (a) has failed to discharge, or has become incapable of discharging, his duties effectively under this Act;
- (b) has been convicted of an offence involving moral turpitude and sentenced to imprisonment; or
- (c) has knowingly acquired or continues to hold, directly or indirectly, any share or other pecuniary interest, tangible or intangible, in any business, licence, certificate, permit, inspection, or contract, or any other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as the Director General.
- (d) is guilty of misconduct; or
- (e) has abused his office in a manner that renders his continuation in office detrimental to public interest.

13. Duty to avoid conflict of interest.— (1) Before assuming his office, every member shall tender a certificate under his hand that he does not hold, or will not acquire any share or other pecuniary interest, tangible or intangible, in any business, licence, certificate, permit, inspection or contract, or any other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions and duties as member.

(2) Where it comes to the notice of a member that in relation to any matter which is to be considered or decided by the Board or a committee he has professionally acted on behalf of any person having any share or interest in that matter, or any of his immediate relatives, or his employer or employee would receive or have a reasonable expectation of receiving, a direct or indirect pecuniary or other benefit, share or interest or would suffer or have a reasonable expectation of suffering a direct or indirect pecuniary or some other detriment, he shall immediately inform the Secretary of the Board.

(3) The Secretary of the Board shall record every such disclosure in the minutes of the meeting of the Board or the committee and, after the disclosure, that member shall abstain from taking part in the meeting or any other deliberation of the Board or the committee with respect to that matter.

(4) For the purpose of determining whether there is a quorum where a member abstains from meeting in terms of this section, that member shall be treated as being present at that meeting notwithstanding that he cannot vote or has withdrawn from the meeting in respect of the matter in question.

14. Delegation of powers by the Board.—(1) The Board may, by general or special order, delegate to the executive committee, the Director General or any other officer of the Authority any of its functions, duties or powers under this Act, subject to such conditions as it deems fit.

(2) Every delegation of functions, duties or powers under this section shall be in writing, revocable at any time by the Board, but no such delegation shall prevent the Board from undertaking the function or duty or exercise of the power so delegated.

(3) Notwithstanding the provisions of sub-section (1), the Board shall not delegate its following functions, duties and powers —

- (a) making of regulations;
- (b) approval of budget, audited accounts and reports of the Authority;
- (c) approval of a plan of schemes drawn up under section 30;
- (d) approval of plans for the investment of funds of the Authority;
- (e) the rate at which fees and other charges authorized under this Act, rules or regulations shall be levied and collected by the Authority;
- (f) arrangements that one or more functions or duties undertaken by the Authority are carried out on its behalf otherwise than through its officers, servants, experts and other employees;
- (g) acquisition of an immoveable property by purchase, lease, exchange or any interest in immoveable property for the purpose of this Act;
- (h) pledging or mortgaging any movable or immoveable property vested in the Authority to raise finances for the acquisition of any capital asset or development of infrastructure for the purpose of this Act;
- (i) creation of a position of an officer, servant, expert or other person in the Authority;
- (j) constitution of any committee of the Board in terms of section 8 and the appointment of officers of the Authority as members of the executive committee of the Authority in terms of sub-section (1) of section 9;
- (k) any policy matter and where there is a question as to whether a matter is a matter of policy or otherwise, the decision of the Minister shall be final; and
- (l) any other function, duty or power of the Board which the Board is barred from delegating under the rules.

(4) The Board shall not delegate any function, duty and power to the Director General or any other officer of the Authority that it has delegated to the executive committee and in the like manner, any function, duty and power which is delegated to the Director General shall not be delegated to any other officer of the Authority.

15. Delegation of powers by the Director General.—(1) The Director General may, by general or special order, delegate to one or more suitably qualified and skilled officers of the Authority any of the function, duty or power imposed or conferred upon him under this Act subject to such conditions as he deems fit.

(2) Every delegation of functions, duties or powers under this section shall be in writing, revocable at any time by the Director General, but no such delegation shall prevent him from undertaking the function or duty or exercise of the power so delegated.

(3) Notwithstanding the provisions of sub-section (1), the Director General shall not

delegate upon any other officer of the Authority any function, duty or power delegated to him by the Board, and any power conferred upon him under this Act in relation to —

- (a) the designation of inspectors, authorized persons and medical assessors;
- (b) the grant, renewal, suspension, revocation or varying of an aviation document or air service licence;
- (c) imposition of one or more conditions on an aviation document or air service licence;
- (d) prohibition of the exercise of privileges of an aviation document;
- (e) the registration of aircraft and unmanned aircraft;
- (f) compliance notices in terms of section 97;
- (g) prohibition of exercise of privilege in terms of section 98;
- (h) prohibition of an aircraft from flying in term of section 99;
- (i) detention of an aircraft and seizure of an aeronautical product in terms of section 100;
- (j) closure of or putting any condition on operation of an aviation facility in terms of section 101;
- (k) taking of and deciding appeals;
- (l) compounding of offences under this Act; and
- (m) administrative penalties in terms of section 125;

16. Recruitment of officers and staff.— (1) The Authority may appoint such officers, servants, experts and other persons as it may consider necessary for the due discharge of its functions and duties under this Act.

(2) The Authority shall, by regulations, prescribe the procedure for the appointment of its officers, servants, experts and other persons, and the terms and conditions of their service.

17. Members and other officers of the Authority to be public servants.— The members, members of the committees, Director General, officers, servants, experts and other persons in the service of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act, rules or regulations, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

CHAPTER III LAND AND OTHER PROPERTIES

18. Acquisition of land for the Authority.— (1) The acquisition of any land or any interest in land for the Authority for the discharge of any of its functions under this Act shall be deemed to be an acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894 (I of 1894), and the provisions of the said Act shall apply to all such proceedings.

(2) The Director General or any officer of the Authority authorized by him for this purpose, may enter upon and survey any land, erect pillars for the determination of intended lines of works, drill bore holes, excavate land and do all other acts which may be necessary for the preparation of any scheme or in relation to discharge of any function or duty by the Authority, but if the affected land does not vest in the Authority, the power conferred by this sub-section shall be exercised in such manner as to cause least interference with and least damage to the rights of the owner or occupant thereof.

(3) Where the Director General or an officer authorized by him enters into or upon any land in pursuance of sub-section (2), he shall at the time of entering or as soon thereafter as may be practicable, pay or tender payment for all damage done to the land and in case of dispute as to the sufficiency of the amount so paid or tendered, the dispute shall be referred to the Collector of the district whose decision shall be final.

19. Restriction on sale of immovable property.— The Authority shall not sell or otherwise transfer the title of any of its immovable property without prior approval of the Federal Government.

20. Lease or concession of properties.— (1) The Authority may grant any person the right to use the whole or any part of any property vested in it, including lands, buildings and structures and other facilities thereon or appertaining thereto, for such time and subject to such conditions as it deems fit.

(2) The Authority shall not grant lease or concession under sub-section (1) without the previous approval of the Federal Government if the rent or return to be received from it exceeds such sum of money, or the term for which it is likely to remain effective exceeds such duration, or it involves any other condition as may be prescribed by the Federal Government through a notification in the official Gazette.

CHAPTER IV FINANCIAL PROVISIONS

21. Fees and other charges leviable by the Authority.— (1) The Authority may levy and collect fees and other charges in relation to —

- (a) the grant, renewal, varying, validation or endorsement of a licence or an aviation document under this Act, the rules or regulations;
- (b) registration of airports and aircraft;
- (c) the exercise of aviation safety and security oversight duties;
- (d) surveillance, inspections, audits and tests undertaken by the Authority for the purpose of this Act;
- (e) to the use of any land, building, facility, premises or other property of the Authority in terms of section 20;
- (f) any other matter for which a fee or charge is leviable under the Act, rules or regulations; and
- (g) any other facility or service provided by the Authority for the purpose of the Act.

(2) The Authority may receive such portion of fee for the provision of air navigation services by the Pakistan Airport Authority as the Federal Government may from time to time decide through a notification published in the official Gazette.

22. Recovery of sums due to the Authority.— In addition to such other means as may be prescribed by the rules, the Collector of the district shall, on an application of the officer so authorized by the Director General, recover any sum due to the Authority as fine, fee, charge, rent or on any other account under this Act and any arrear of such fine, fee, charges, rent or account as the arrears of land revenue.

23. Grants and gifts to the Authority.— (1) The Federal Government may —

- (a) pay any sum to the Authority as grant; and
- (b) provide any capital that may be required by the Authority on such terms and conditions as the Federal Government may determine.

(2) The Authority may receive moneys and things as grant, gift and donation from any person, organization or institution for the purpose of this Act.

24. Borrowing by the Authority.— (1) The Federal Government may pay any sum to the Authority by way of loan on such terms and conditions as the Federal Government may determine.

(2) The Authority may also, with the previous general or special approval of the Federal Government, borrow money from a bank or any other source or means including by way of issuance of bonds, debentures or such other instruments, for the due discharge any of its functions and duties.

(3) Subject to such limits as the Federal Government may impose, the Authority may borrow temporarily by way of overdraft or otherwise such amounts as it may require for the due discharge of its functions and duties.

25. Fund of the Authority.— (1) The Authority shall establish a fund that shall vest in it.

(2) The following sums shall be forthwith credited to the fund —

- (a) all sums received or collected by the Authority as fee, levy, charge, grant, donation, contribution, loan, profit, interest or dividend;
- (b) all fees and other sums received in relation to aviation documents and registration of airports, aircraft and other facilities under this Act, the rules or regulations;
- (c) all fees paid in relation to filing of an appeal in terms of Chapter XIII;
- (d) all administrative penalties imposed by the Director General;
- (e) all sums received by way of compounding of offences;
- (f) the sums received by pledging of or by way of the use of any land, building, facility, premises or other property vested in the Authority on rent, lease, concession or through such other mean or instrument;
- (g) any fee received by way of provision of expert service by the Authority; and
- (h) any other fee, charge or other sum received or collected by the Authority under this Act, rules or regulations.

(3) All payments of the Authority shall be made from the fund.

(4) The Authority may spend sums from the fund to meet expenses in relation to the due discharge of its functions and duties and also for the purpose of this Act.

26. Reserve account of the Authority.— (1) The Authority may set apart any amount from the fund as a reserve account for the purpose of—

- (a) expanding or improving existing facilities or services or creating new facilities or services;
- (b) providing against any temporary decrease of revenue or increase of expenditure from transient causes; or
- (c) meeting expenditure incidental to unforeseen reasons, or from loss or damage of property, accident or for meeting any liability arising out of any act in the discharge of its functions.

(2) Without prejudice to the power of the Authority to establish specific reserves account for one or more specific purposes, the Authority may also establish a general reserve account.

27. Investment of surplus moneys.— (1) The Authority may, by way of one or more of the following means, invest any sum of money from the fund, that cannot immediately be applied —

- (a) deposits in a scheduled bank or other public financial institutions subject to such conditions as may be specified by the Federal Government;
- (b) investment in the securities of the Federal Government;
- (c) investment in equity and shares subscribed by the Authority; and

(d) such other manner as may be prescribed by the rules.

(2) Any sum received by the Authority as profit, interest, dividend, return or on any other account against the money invested under sub-section (1) shall forthwith be credited to the fund.

28. Financial year.— (1) The financial year of the Authority shall comprise of twelve months beginning with the first day of July and ending on the thirtieth day of June of the following calendar year.

(2) The first financial year shall consist of the period commencing on the date of the establishment of the Authority and ending on the thirtieth day of June immediately following the establishment of the Authority.

29. Budget.— (1) The Director General shall, well before the commencement of a financial year and in the manner as may be prescribed by the rules, prepare annual budget of the Authority and place it before the Board for approval.

(2) The budget shall include a statement showing estimate of sums likely to be received by the Authority and the sums required to meet recurrent and capital expenditure during the next financial year and actual income and expenditure of the Authority during the outgoing financial year or during any past period.

30. Annual plan of schemes.— (1) The Director General shall, well before the commencement of a financial year and in the manner as may be prescribed by the rules, prepare a plan of schemes to be undertaken in the next financial year in relation to one or more functions and duties of the Authority together with an estimate of sums of money required to meet the capital and revenue expenditure for their execution and place it before the Board for approval.

(2) The Director General shall, without unnecessary delay, submit to the Secretary the plan of schemes approved by the Board, who shall then inform the Minister.

31. Maintenance of accounts.— The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance-sheet in such form as may be directed by the Federal Government in consultation with the Auditor General of Pakistan.

32. Audit and submission of certified accounts.— (1) The accounts of the Authority shall be audited every year by the Auditor General of Pakistan.

(2) The accounts of the Authority certified by the Auditor General of Pakistan together with a copy of the audit report shall be sent to the Authority and the Authority shall in turn submit certified accounts and audit report together with its comments to the Secretary who shall inform the Minister.

(3) The Board may, and if so directed by the Minister shall, cause the accounts of the Authority audited by a firm of chartered accountants for any period or in relation to any particular transaction in the manner as may be prescribed by the rules.

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

34. Exemption from taxes.— Notwithstanding anything contained in the Income Tax Act, 2001 (XLIX of 2001) or any other law relating to income tax, super tax, sales tax on services or property tax, the Authority shall be exempted from paying any such tax on its income, services, profits or gains or property.

CHAPTER V AVIATION DOCUMENTS

35. No person to operate an aircraft etc. without a valid aviation document.—

(1) No person shall operate an airport, aircraft or an air service, provide any aviation service or do any other thing for which he is required to obtain and hold a valid aviation document under this Act, rules or regulations.

(2) The holder of every aviation document and any person who has or is likely to have control over the exercise of any privilege of that document shall, at all times —

- (a) possess all the required qualifications;
- (b) obtain and retain, all required medical certifications;
- (c) remain a fit and proper person in terms of section 37;
- (d) pay a periodical fee in such amount and at such interval as may be determined by the Board; and
- (e) obtain and retain every certification and continue to meet every other requirement prescribed under this Act, rules or regulations.

(3) In the course of operating an aircraft, providing an aviation service or doing any other thing for which it was obtained, the holder or the person who has or is likely to have control over the exercise of its privilege, shall keep the aviation document on his person or otherwise readily available for inspection.

36. Grant and renewal of aviation documents.— (1) An application for the grant or renewal of an aviation document shall be made to the Director General in such form and in such manner as may be prescribed by the rules.

(2) No application shall be considered by the Director General unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulations.

(3) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(4) Where the application falls within a category of applications requiring background security check of the applicant, the Director General shall have a background security check done and make a determination in terms of section 89.

After having considered it, the Director General shall, grant the application if he is satisfied that all things in respect of which the aviation document is sought meet the relevant prescribed requirements; and —

- (a) the applicant and any other person who will have or is likely to have control over the exercise of the privileges under the document—
 - (i) . holds the qualification and experience as may be prescribed by the rules or regulations, or holds any equivalent recognized foreign qualification or certification that are acceptable to the Director General;
 - (ii) . is, as determined in accordance with section 37, a fit and proper person to have such control or to hold the document;
 - (iii) . is, as determined in accordance with sub-section (4), not a threat to aviation security; and
 - (iv) . meets all other relevant requirements as may be prescribed by the rules or regulations;
- (b) it is not contrary to the interests of the good public policy, aviation safety or security that the aviation document is granted or renewed.

(6) Subject to this Act, rules and regulations, an aviation document may be issued by the Director General for such period and subject to such conditions as he considers appropriate in each case.

(7) Before rejecting an application, the Director General shall give to the applicant a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to the Director General, which shall in no case be less than thirty days following the day on which the notice is issued.

37. **Need to satisfy fit and proper person test to hold privileges.**— (1) Every holder of an aviation document and any person who has or is likely to have control over the exercise of the privileges under an aviation document shall continue to satisfy the fit and proper person test in relation to that document.

(2) This section shall not apply in relation to an aviation document if it is in a class of documents specified in the rules.

38. **Fit and proper person test.**— (1) For the purpose of determining whether a person is a fit and proper person for the grant of an aviation document, the Director General shall, having regard to the nature and importance of the privileges to be exercised by him, consider, among other things, the following matters —

- (a) the person's related skills, qualifications and experience;
- (b) the person's history of compliance with air transport safety and security requirements, whether inside or outside Pakistan;
- (c) the person's knowledge of applicable provisions of this Act, rules, regulations and any other regulatory requirement;
- (d) any history of the use of drugs or alcohol or physical or mental health problems or serious behavioural problems faced by the person; and
- (e) any evidence that the person was involved in the commission of an offence in relation to aviation safety or security, or has contravened or failed to comply with any provisions of this Act, rules or regulations and any other regulatory requirement within or outside Pakistan whether such offence, contravention or failure was committed prior to the coming into force of this Act.

(2) For the purpose of determining whether a person is a fit and proper person, the Director General may—

- (a) seek and receive any information, including medical reports, that the Director General thinks fit;
- (b) require the person to undertake a test, examination or re-examination by a medical assessor if the Director General believes on reasonable grounds that he may be unable to safely exercise the privileges or the medical information submitted by him needs verification; and
- (c) consider information obtained from any source.

(3) Subsection (1) shall also apply to a body corporate *mutatis mutandis* and the clauses (d) and (e) shall be read as if these refer only to the officers of the body corporate.

39. **Powers of the Director General to take examinations etc.**— For the purpose of granting or renewing an aviation document, or to determine as if the holder continues to be a fit and proper person to hold it, the Director General may set, conduct, and administer such examination or test including a test to assess applicant's knowledge, competency, skill, experience and aptitude in relation to the nature and requirements of the document as he considers to be necessary or convenient.

40. **Requirement of good medical condition to exercise certain privileges.**—

(1) Where the exercise of any privilege of an aviation document requires the holder to be in a fit

and proper medical and psychological state, the holder and any person who has or is likely to have control over the exercise of the privileges of that document shall obtain and continue to retain appropriate current medical certificate issued by a medical assessor to this effect.

(2) A medical certificate shall be of such class as the Director General may determine in view of the standard of medical and psychological fitness required for the due discharge of a privilege or a class of privileges.

(3) The holder and any person who has or is likely to have control over the exercise of the privileges of such aviation document shall not exercise any privilege if he knows or has reasonable ground to suspect that due to his medical or psychological condition such privilege can no longer be exercised safely.

41. **Suspension etc. of aviation documents.**— (1) The Director General may suspend, in whole or in part, or impose one or more conditions on an aviation document if he considers that it is necessary to do so —

- (a) in the interests of aviation safety and security;
- (b) to secure compliance with any provision of this Act, rules or regulations;
- (c) as the holder of the document has failed to comply with any of its conditions or requirements;
- (d) as the holder has obtained the document while he was disqualified for holding it, or on the basis of an information which he knew to be false;
- (e) as the holder had failed to disclose any information that he knew to be materially relevant to the exercise of powers of the Director General under section 36; and
- (f) as the privileges conferred or the duties imposed upon the holder, have been, or are being, carried out in a careless, unsafe, insecure or incompetent manner.

(2) Without prejudice to the provision of subsection (1), the Director General may also —

- (a) suspend an aviation document relating to the use of an aircraft or an aeronautical product, or impose one or more conditions, if he considers that there is a reasonable doubt about the airworthiness of the aircraft or the quality or safety of the aeronautical product;
- (b) suspend an aviation document relating to the provision of an aviation service, or impose one or more conditions, if he considers that there is reasonable doubt about the quality or safety of the service; or
- (c) suspend an aviation document for which any fee, charge, or levy payable under this Act, rules or regulations is not paid by the fixed date.

(4) The suspension of an aviation document and any condition imposed under this section shall expire thirty working days after the date on which it was affected or imposed unless, the Director General, before the expiry of this period, extends the suspension or the condition further for a reasonable specified period or until corrective action, if any, determined in terms of section 97 is taken by the holder of the document.

(5) Unless the Director General considers that it is necessary to immediately suspend an aviation document or to immediately impose a condition in the interest of aviation safety or security or to ensure compliance with any provision of this Act, rules or regulation, the Director General shall not suspend a document or impose a condition unless he has given to the holder of the document a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to the Director General, which shall in no case be less than thirty days following the day on which the notice is issued.

(6) Every person whose aviation document has been suspended or made subject to a

condition under this section shall, immediately surrender it before the Director General for appropriate endorsement.

42. Revocation etc. of aviation documents.— (1) Where, after an inspection, inquiry or investigation, the Director General considers that it is necessary to do so for one or more reasons mentioned at sub-section (1) and (2) of section 41, he may revoke in whole or in part, or impose one or more permanent conditions on an aviation document.

(2) The Director General shall not revoke in whole or in part, or impose one or more permanent conditions on an aviation document unless he has given to the holder of the document a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to the Director General, which shall in no case be less than thirty days following the day on which the notice is issued.

(3) Every person whose aviation document has been revoked or made subject to any permanent condition under this section shall, immediately surrender it before the Director General for appropriate endorsement.

43. Matters to be considered for suspending or revoking an aviation document etc.— (1) The Director General shall, among other things, have regards to the following matters when determining as to whether an aviation document may be suspended or revoked in whole or in part, or whether a condition shall be imposed permanently—

- (a) the history of document holder's compliance with the provisions of this Act, rules and regulations and aviation safety and security requirements within or outside Pakistan in general;
- (b) any prosecution, conviction or sentencing of the document holder under this Act, or an offence relating to aviation safety or security under any other law within or outside Pakistan, whether such offence was committed, or prosecution, was initiated and conviction or sentencing was announced prior to the coming into force of this Act; and
- (c) the history of suspension or revocation of the aviation document or any other aviation document held by the holder or imposition of any condition on such document or the other document, and if so, the instances of and reasons for such suspension, revocation or imposition of conditions whether these were affected or imposed prior to the coming into force of this Act.

(2) For the purpose of this section, the Director General may—

- (a) seek and receive any information that he thinks fit; and
- (b) consider the information obtained from any source.

44. Additional powers to revoke or amend an aviation document.— (1) Upon a written request of the holder of an aviation document, the Director General may—

- (a) amend that document in the manner requested; or
- (b) revoke that document.

(2) The Director General may also do any of the following—

- (a) amend any aviation document to reflect the fact that any privilege or duty for which the document has been granted is no longer being carried out, or is no longer able to be carried out, by the holder;
- (b) revoke any aviation document if the holder is not carrying out, or is unable to or unlikely to carry out, any of the privileges or duties for which the document has been granted; and
- (c) amend any aviation document to correct any typographical error or obvious mistake in the document.

(3) Before taking any action under sub-section (2), the Director General shall give to the holder of aviation document a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to the Director General, which shall in no case be less than thirty days following the date on which the notice is issued.

(4) When the holder of an aviation document is notified that specified action is proposed under this section, he shall immediately surrender it before the Director General.

45. Recognition of an aviation document issued outside Pakistan.—(1) The Director General shall recognize the validity and privileges of an aviation document issued or rendered valid by a contracting State of the ICAO in which the aircraft is registered or operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement, provided that the requirements under which aviation document were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to the Convention.

(2) The recognition contemplated in sub-section (1) includes the recognition of certificates of airworthiness, crew licences and radio licences issued, renewed or rendered valid by the State in which the aircraft or the operator is registered.

46. Register of Aviation Documents.—(1) The Director General shall maintain a register to be called the Register of Aviation Documents in such form and in such manner as may be prescribed by the rules.

(2) The Director General shall cause to be entered in the said register the details and history of every aviation document issued under this Act.

(3) The Director General shall update the register as and when any change or error in the information on the register comes to, or is brought to his notice.

CHAPTER VI REGULATION OF AIRCRAFT

47. Requirement to have aircraft registered.—(1) No aircraft shall fly, from to, within, or over Pakistan unless it is registered in Pakistan, a contracting State of the ICAO or any other State this is party to an agreement with Pakistan providing for each other's acceptance of registration of aircraft.

(2) Any aircraft which is not currently registered and entered in an aircraft register of any other State shall be eligible for registration in Pakistan, if —

- (a) it is owned by a citizen of Pakistan;
- (b) it is a leased aircraft exclusively operated by an operator having its principal place of business in Pakistan and who has a current and appropriate Air Operator Certificate issued by the Director General;
- (c) it is owned by a body corporate or a body incorporated under the laws of Pakistan, having its principal place of business in Pakistan with majority of voting rights and share holdings held by citizen of Pakistan; or
- (d) it is an aircraft owned by the Federal Government, the government of any province of Pakistan or any office, authority, company or other body which is owned or controlled by any of such governments.

(3) An application for registration of an aircraft in Pakistan shall be made to the Director General in such form and in such manner as may be prescribed by the rules.

(4) No such application shall be considered by the Director General unless it is complete and accompanied by receipt of payment of such fee as may be prescribed by the regulations.

(5) The Director General may, in accordance with any requirements of the rules, either accept or decline an application to register an aircraft.

(6) Where the Director General accepts the application, he may register the aircraft and issue a certificate of registration in such form as may be prescribed by the rules.

(7) No aircraft shall be registered, or remain registered in Pakistan if it is registered in any other State.

(8) Notwithstanding other provisions of this section, an un-registered aircraft may be permitted to fly in or over Pakistan under the authority of a permit issued by the Director General for—

- (a) enabling an aircraft to be used for any experimental or test; or
 - (b) any other purpose which appears to the Director General as being sufficient to permit such aircraft to fly unregistered.
- (9) Any aircraft flying in pursuance of sub-section (8) shall—
- (a) be flown in accordance with such conditions or limitations as may be specified in the permit; and
 - (b) be deemed to be registered in Pakistan for the said purpose.

48. Registration of unmanned aircraft.— (1) No person shall possess an unmanned aircraft of such weight, type and specification as the Federal Government may, from time to time, specify by a notification in the official Gazette unless it is registered with the Authority.

(2) Any person who intends to possess an unmanned aircraft of such weight, type and specification as the Federal Government may, from time to time, specify by a notification in the official Gazette unless it is registered with the Authority shall apply to the Director General for registration in such form and in such manner as may be prescribed by the rules.

(3) No application shall be considered by the Director General unless it is complete and accompanied by receipt of payment of such fee as may be prescribed by the regulations.

(4) No unmanned aircraft shall be registered, or remain registered in Pakistan if it is registered in any other State.

(5) The Director General may, in accordance with any requirements of the rules, either accept or decline an application to register an unmanned aircraft.

49. Revocation etc. of Certificate of Registration.— (1) The Director General may, vary a certificate of registration of an aircraft if

- (a) the ownership of the aircraft is transferred to another person;
- (b) the operator of the aircraft is changed; and
- (c) the owner of the aircraft, holder of the certificate of registration or any other person so authorized by any of them makes a request for any variation in the certificate for any reason.

(2) The Director General may, subject to meeting the prescribed requirements, revoke the certificate of registration of an aircraft if—

- (a) the owner of the aircraft or holder of certificate of registration fails to bring to his notice any change in the ownership of the aircraft, after its registration;
- (b) the registered aircraft is destroyed or permanently withdrawn from use;
- (c) the registered aircraft is transferred to the aircraft register of another State;
- (d) the Director General has sufficient evidence to believe that the registration of the aircraft was obtained fraudulently or by submitting false or incorrect information; or
- (e) the owner of the registered aircraft or holder of certificate of registration

applies for cancellation of certificate of registration.

(3) The Director General shall not revoke a certificate of registration unless he has given to the owner of the aircraft or holder of certificate of registration a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to him, which shall in no case be less than forty-five days following the day on which the notice is issued.

(4) Where registration of an aircraft is revoke, the Director-General shall cause all information pertaining to such revocation to be recorded in the Civil Aircraft Register of Pakistan.

(5) Where a certificate of registration is varied or revoked, the owner of the aircraft or holder of certificate of registration shall immediately surrender the certificate to the Director General for appropriate endorsement.

50. Civil Aircraft Register of Pakistan.—(1) The Director General shall maintain a register to be called the Civil Aircraft Register of Pakistan in such form and in such manner as may be prescribed by the rules.

(2) The Director General shall cause to be entered in the register the details of every aircraft for which a certificate of registration has been issued by him under section 47.

(3) The Director General shall update the register as and when any change or error in the information borne on the register comes to, or is brought to his notice.

(4) Information pertaining to any aircraft contained in the register shall be *prima facie* evidence of the ownership of such aircraft, and an extract thereof duly certified by the Director General as a true extract, shall be acted upon as *prima facie* evidence of its contents.

51. Aircraft to have a certificate of airworthiness.—(1) An aircraft registered in Pakistan shall not fly in or over Pakistan, unless there is, relating to that aircraft, a current certificate of airworthiness, duly issued or validated by the Director General.

(2) An aircraft registered in a State other than Pakistan shall not fly in or over Pakistan, unless there is, relating to that aircraft, a current Certificate of Airworthiness issued or rendered valid by the appropriate authority of the State in which the aircraft is registered or where applicable, a Certificate issued or rendered valid by the appropriate authority of the State of the operator and provided that the conditions, if any, subject to which such Certificate was issued or rendered valid, are 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.

(3) The Director General may issue a certificate of airworthiness in respect of any aircraft registered in Pakistan in such form and manner and on payment of such fee as may be prescribed by the rules.

(4) It shall be the duty of every owner and operator of the aircraft to maintain it in an airworthy condition.

(5) Notwithstanding other provisions of this section, the Director General may permit an aircraft to be flown in or over Pakistan 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.

52. Regulation of airspace.—(1) The Authority shall regulate the use of Pakistan's airspace in the interest of safety, security, efficiency and regularity of the air service.

(2) It shall be the duty of every pilot-in-command, owner and operator of the aircraft in or over Pakistan to comply with the provisions of this Act, rules and regulations.

53. Interception orders.—(1) If an aircraft registered in Pakistan or operated by an

operator licenced in Pakistan is in or over a State other than Pakistan, it shall comply with any interception order issued by that State under the Convention.

(2) Any aircraft, when in or over Pakistan fails to satisfy its purpose of flight, such aircraft may be intercepted and directed to land at any specified airport under the Convention.

(3) Upon interception, sufficient measures shall be taken to protect and secure the lives of person on board.

54. Maintenance of aircraft.—(1) It shall be the duty of every owner or operator of an aircraft to maintain the aircraft in an airworthy condition.

(2) If the Director General, an inspector or authorized person is of the view that an aircraft has not undergone or passed mandatory maintenance checks or is otherwise not in an airworthy condition, he may refuse permission for such aircraft to take off from any place in Pakistan.

55. General duties of the pilot-in-command of aircraft.—(1) A pilot-incommand of an aircraft shall, among other things, be responsible for —

- (a) the safe operation of the aircraft;
- (b) the safety and well-being of all passengers and crew; and
- (c) the safety of the cargo and mail carried.

(2) Subject to the provisions of section 56, the pilot-in-command shall at all times comply with all relevant requirements of this Act, rules and regulations.

(3) The pilot-in-command shall have the final authority to control the aircraft while in command; and for the maintenance of discipline by all persons on board the aircraft.

56. Duties of the pilot-in-command during emergency.—(1) In the event of an emergency whether arising during a flight or otherwise, the pilot-in-command may breach any provision of this Act, rules or regulations or any other law for the time being in force, if he is satisfied that —

- (a) the emergency involves a danger to life or property;
- (b) the extent of the breach goes only as far as is necessary to deal with the emergency;
- (c) there is no other reasonable means of alleviating, avoiding, or assisting with the emergency; and
- (d) the degree of danger involved in complying with the provision is clearly greater than the degree of danger involved in deviating from it.

(2) If the pilot-in-command breaches any provision of this Act, rules or regulation or any other law for the time being in force under this section, he shall —

- (a) immediately notify the relevant air traffic control service of the breach;
- (b) as soon as may be practicable, notify the Director General of the breach and the circumstances that necessitated it; and
- (c) submit a written report in respect of the breach where so directed by the Director General.

(3) In the event of an emergency not arising during a flight, nothing in this section shall permit —

- (a) the operation of an aircraft that is not registered in Pakistan or elsewhere;
- (b) the breach of any requirement as to the airworthiness of an aircraft; or
- (c) the operation of an aircraft by a person who is not lawfully entitled to operate that aircraft.

57. Powers of the pilot-in-command to deal with in flight disturbance etc.—

(1) Where the pilot-in-command of an aircraft in flight considers, on reasonable grounds, that

any person on board the aircraft—

- (a) has done or is about to do any act, which endangers or is likely to endanger the safety of the aircraft, the safety of persons, property, mail or cargo, or the good order and discipline on board the aircraft; or
- (b) has committed any act which constitutes a serious offence under the law in force in the State where the aircraft is registered

he may take such measures, including the restraint of that person, as may be necessary to protect the aircraft, persons or property on board the aircraft, or to maintain good order and discipline or to enable him to disembark or deliver that person in accordance with sub-section (5).

(2) For the purpose of this section, the pilot-in-command may require or authorise the assistance of other crew members and may request or authorise, the assistance of any passenger to restrain such person.

(3) Any crew member or passenger may, without authorisation of the commander, take in respect of such person any reasonable preventive measures which he believes are immediately necessary.

(4) Any restraint imposed on a person under this section may not be continued after the aircraft has ceased to be in flight unless—

- (a) for the purposes of disembarking or delivering such person under restraint to the appropriate authorities; or
 - (b) the person under restraint has agreed to continue the journey under restraint on board that aircraft.
- (5) The pilot-in-command of an aircraft may—
- (a) disembark that person in any State in which that aircraft may be; or
 - (b) deliver that person to a police officer or a border management officer in Pakistan or any other contracting State of the ICAO.

58. Identification of pilot-in-command.— (1) If the Director General has reasons to believe that the pilot-in-command of an aircraft has committed an offence under this Act, he may—

- (a) inform the operator of the aircraft or the holder of the certificate of registration for the aircraft of the alleged offence; and
- (b) require that person to give all information in his possession or any information which can reasonably be obtained by him that may lead to the identification of pilot-in-command by a specified date.

(2) If the owner, operator or holder of the certificate of registration of the aircraft does not tender the required information by the specified date, the Director General may proceed against him, among other things, in terms of section 125.

59. Nuisance or trespass by flight over property not to attract legal action.—

(1) No suit or other legal action shall be attracted in respect of nuisance or trespass, by reason only of the flight of aircraft over any property at a height above the ground that, having regard to wind, weather, and all the circumstances of the case, is reasonable, as long as the provisions of this Act, rules and regulations are complied with.

(2) No action for nuisance may be brought in respect of the noise or vibration caused by aircraft or aircraft engines on an airport if the noise or vibration is of a kind specified in the rules, as long as the provisions of the rules are complied with.

CHAPTER VII AIR SERVICE LICENCES

60. Licence required to operate air service.— (1) No air service shall operate

between any two or more places, of which one place is in Pakistan, without —

- (a) an air service licence issued under this Chapter; and
- (b) such other aviation document as may be required under the rules or regulations.

(2) Every air service shall operate in accordance with and subject to the conditions of the air service licence and the aforesaid aviation document.

(3) Nothing in this section shall apply to a foreign operator who is permitted to operate a scheduled flight to or from Pakistan under the terms of any agreement entered into by Pakistan with another State.

61. Types of air service licences.— (1) An air service licence may be in respect of the use of, or in relation to the use of one or more aircraft for —

- (a) the general public service performed on a fixed schedule and specified air route against specified fare;
- (b) undertaking specified journey not being a regular scheduled flight;
- (c) provision of one or more specialized services;
- (d) the training of pilots;
- (e) operations otherwise for hire or reward; and
- (f) the provision of any other service as the Federal Government may, from time to time, by a notification in the official Gazette determine.

(2) An air service may serve routes connecting two or more places, all of which are in Pakistan, or two or more places of which one is in Pakistan, or both.

(3) The type of air service in respect of which an air service licence is issued and other terms and conditions on which it is issued, shall be given on the licence.

(4) Subject to this Act and the rules, an air service licence shall permit the holder to operate the authorized air service with the prescribed category of aircraft.

62. Application for the grant of an air service licence.— (1) Every application for the grant of an air service licence shall be made to the Director General in such form and in such manner as may be prescribed by the rules.

(2) There shall be no bar to two or more persons acting together either as operator or intended operator to jointly apply for air service licence under this section.

(3) No application shall be considered unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulations.

(4) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(5) If he is not the authority to grant the air service licence applied for, the Director General shall submit the application before the appropriate licensing authority for consideration as soon as it is complete.

63. Authorities for grant of air service licence.— (1) The authority for the grant, renewal or varying the type or terms and conditions of an air service licence shall be as given in the First Schedule.

(2) The Federal Government may, by notification in the official Gazette, amend the First Schedule by way of addition, deletion or substitution of an entry in it.

64. Consideration of application.— (1) As soon as may be but not later than sixty days of the receipt of the application, the licensing authority shall —

- (a) invite views of the Director General, if the authority in the case is not the Director General himself, in respect of the matters listed at subsections (2)

- and (3);
- (b) if so required, invite —
 - (i) . views from any other public office in respect of any matter listed at sub-section (2);
 - (ii) . any additional information from the applicant;
 - (iii) . any additional information from any other relevant person; and
- (c) direct the Director General to obtain background security check of the applicant in terms of section 89.

(2) An air service licence may be granted if after having heard the Director General, applicant and any other person including the person who has objected to or intends to offer any views on the application, the licensing authority is satisfied that, among other things —

- (a) the application is acceptable in view of the purpose of this Act;
- (b) the applicant will operate the air service in a safe, secure and reliable manner;
- (c) the applicant has, or will subsequently secure sufficient financial resources and operational capacity to operate the air service;
- (d) the applicant is insured, or will subsequently secure insurance against liability, as prescribed in relation to the type of air service mentioned in the application and in respect of claims of the prescribed nature or class;
- (e) the applicant, if he is a natural person, is a resident of Pakistan, and if it is a juristic person, is incorporated in Pakistan;
- (f) the applicant, if he is a natural person, has majority share in the air service and if it is a juristic person, majority voting rights are held by the residents of Pakistan; and
- (g) the applicant has effective control over the air service.

(3) For the purpose of determining as to whether the applicant shall be granted the type of licence applied for, the licensing authority shall consider, among other things, the following matters —

- (a) the substantive nature of the intended flights;
- (b) the destinations to which the intended flights shall be operated;
- (c) the manner in which the flights are intended to be operated, including the regularity and frequency of the flights; and
- (d) the manner in which the intended flights are open to use by members of the public.

(4) The air service licence may be issued in a form prescribed by the regulations and may, among other things, specify —

- (a) the date on which it will take effect;
- (b) the type of air service allowed;
- (c) the category of aircraft allowed for the air service;
- (d) whether the licence is a temporary licence and if so, the date on which it will expire;
- (e) the date before which the air service shall commence; and
- (f) any other terms and conditions of the licence.

(5) For the purpose of this section, the licensing authority may—

- (a) seek and receive any information that he thinks fit; and
- (b) consider information obtained from any source.

(6) Subject to the provisions of this Act, every application received under this section shall be decided in one hundred and twenty days after its receipt.

65. Duration of licence.—(1) A licence for air service shall —

- (a) take effect on the date stated in the licence; and
 - (b) subject to the payment of such periodical fee as may be prescribed by the regulations, remain valid until it is revoked under this Act.
- (2) Notwithstanding the provisions of sub-section (1), a licensing authority may, for the reasons to be recorded, grant a licence for an initial period of not less than five years.
- (3) A licence issued in terms of sub-section (2) shall continue in effect beyond the date of its expiry if —
- (a) an application for renewal is made to the licensing authority sixty days prior to the date of expiry of the licence; or
 - (b) such application is not decided before the date of expiry of the licence

66. Renewal of licence.— (1) An application for renewal of an air service licence shall be submitted to the Director General not less than sixty days prior to the date of its expiry.

(2) No application shall be considered unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulations.

(3) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(4) If he is not the authority to grant the air service licence applied for, the Director General shall submit the application before the appropriate licensing authority for consideration as soon as it is complete.

(5) Where the licensing authority after having considered the matters listed at sub-section (2) and (3) of section 64 and the views of the Director General, applicant and any other persons including the person who has objected to or intends to offer any views on the application, is satisfied that a licence may be renewed, he may do so.

(6) A licence renewed under this section shall —

- (a) take effect from the date of expiry of the licence which is renewed; and
- (b) remain valid until it is revoked under this Act.

(7) Notwithstanding other provisions of this section, the licensing authority may, on good cause shown and for the reasons to be recorded—

- (a) take and consider an application at any time before the expiry of the air service licence; or
- (b) renew a licence for a period of five years.

67. Variation in terms and conditions of licence.— (1) An application seeking variation in type of air service or terms and conditions of the licence shall be submitted to the Director General.

(2) No application shall be considered unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulations.

(3) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(4) If he is not the authority to grant the air service licence applied for, the Director General shall submit the application before the appropriate licensing authority for consideration as soon as it is complete.

(5) Where the licensing authority, after having heard the Director General, applicant and any other person including the person who has objected to or intends to offer any views on the application, and having considered the matters listed at sub-sections (2) and

(3) of section 64, is satisfied that the licence may be varied, he may do one or all of the following things —

- (a) alter the terms and condition of the licence;

- (b) alter the type of air service to be provided under the licence;
 - (c) revoke any of the terms and conditions of the licence;
 - (d) add any new terms or conditions to the licence;
 - (e) alter or add to the route or routes to be operated; or
 - (f) increase the capacity of the air service to be provided.
- (6) The person or operator whose licence has been varied shall immediately surrender it to the Director General for appropriate endorsement.

68. Suspension or revocation of licence.— (1) The appropriate licensing authority may suspend a licence for such period that he thinks fit, or revoke a licence if —

- (a) the licensee has failed to comply with any provision of this Act, rules or regulation;
- (b) the service authorised under the licence is not commenced on the date specified in the licence;
- (c) the service authorised by the licence has not been or is not being carried on in conformity with the terms and conditions of the licence; or
- (d) the service authorised by the licence has been terminated.

(2) The licensing authority shall not suspend or revoke a licence unless he has given to the licensee a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to him, which shall in no case be less than forty-five days following the day on which the notice is issued.

(3) The licensing authority shall, among other things, have regards to the following matters when determining as to whether suspend or revoke a licence —

- (a) the extent to which contravention of relevant provision of this Act, rules or regulations has affected aviation safety and security;
- (b) the history of licensee's compliance with the provisions of this Act, rules and regulations and and aviation safety and security requirements in general;
- (c) any prosecution, conviction or sentencing of the licensee under this Act, or an offence relating to aviation safety or security under any other law within or outside Pakistan, whether such offence was committed, or the prosecution was initiated and conviction or sentencing was announced prior to the coming into force of this Act; and
- (d) the history of suspension or revocation of the licence or any other aviation document held by the licensee or imposition of any condition on such licence or document, and if so, the instances of and the reasons for such suspension, revocation or imposition of conditions whether these were affected or imposed prior to the coming into force of this Act.

(4) For the purpose of this section, the licensing authority may—

- (a) seek and receive any information that he thinks fit; and
- (b) consider information obtained from any source.

(5) The person or operator whose licence has been suspended or revoked shall immediately surrender it to the Director General for appropriate endorsement.

CHAPTER VIII REGULATION OF AIRPORTS

69. Categorization of airports.— (1) The Board shall, in such manner as may be prescribed by the rules, categorize each airport based on, among other things —

- (a) its capacity to handle passengers;
 - (b) the category and number of aircraft that can take-off or land at the airport; and
 - (c) the availability and standard of services provided at the airport.
- (2) The Board shall after such inquiry as may be necessary, categorize all airports existing at the coming into force of this Act.

70. Permission to establish an airport.— (1) A person interested in establishing an airport of any category referred to at section 69 shall first apply to the Director General in such form and in such manner as may be prescribed by the rules.

(2) No application shall be considered unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulation.

(3) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(4) The Director General shall forthwith submit every complete application to the Board for consideration.

(5) As soon as may be but not later than ninety days of the receipt of the application, the Board shall —

- (a) invite views of the Director General on matters listed at sub-section (6) and such other matter as they consider relevant;
- (b) if so required, invite —
 - (i) views from any other relevant public office in respect of any matter listed at sub-section (6);
 - (ii) any additional information from the applicant; or
 - (iii) any additional information from any other relevant person; and
- (c) direct the Director General to obtain background security check of the applicant in terms of section 89.

(6) The Board may recommend to the Federal Government that permission for the establishment of an airport may be granted if, after having heard the Director General, applicant and any person who has objected to or intends to offer any views on the application, they are satisfied that, among other things —

- (a) the application is acceptable in view of the purpose of this Act;
- (b) the proposed airport complies with the standards in relation to efficient, safe and secure operation of aircraft, and provision of facilities for the convenience of passengers and other users of the airport prescribed by the rules in respect of the category to which the application relates;
- (c) the owner of the airport has, or will subsequently secure, sufficient financial resources and operational capacity to establish and operate the proposed airport;
- (d) the owner of the airport is insured, or will subsequently secure insurance against liability, as prescribed in relation to the category of the airport applied for and in respect of claims of the prescribed nature or class;
- (e) the owner of the airport, if he is a natural person, is a resident of Pakistan, and if it is a juristic person, is incorporated in Pakistan;
- (f) the owner of the airport, if he is a natural person, has majority share in the proposed airport and if it is a juristic person, majority of voting rights are held by residents of Pakistan;
- (g) the owner of the airport has and will maintain effective control over the proposed airport; and
- (h) any other matter that is prescribed by the rules.

(7) The Federal Government may, on the recommendation of the Board, permit the establishment of an airport subject to such terms and conditions as it may determine.

71. No airport to operate without registration.— (1) No person shall operate an airport or allow landing and take-off of an aircraft at any place unless it is registered as an airport under this Act, except when —

- (a) such operation of airport or, as the case may be, landing or take-off is allowed under the rules; and
- (b) unless such rules are prescribed, the operation of airport, landing or take-off is allowed by the Board.

(2) Every existing airport shall be registered not later than twenty-four months of the coming into force of this Act.

(3) Except in the event of an emergency, the operator of an airport shall not allow landing or take off of an aircraft not permitted to land or take off from the airport under the conditions of registration or category assigned to such airport.

72. Application for registration.— (1) Every application for the registration of an airport shall be made to the Director General in such form and in such manner as may be prescribed by the rules.

(2) No application shall be considered unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulations.

(3) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(4) The Director General shall submit the application before the Board for consideration as soon as it is complete.

73. Registration of an airport.— (1) As soon as may be but not later than ninety days of the receipt of the application for registration of an airport, the Board shall —

- (a) invite views of the Director General on matters listed at sub-section (2) and such other matter as they consider appropriate; and
- (b) if so required, invite —
 - (i) views from any other public office in respect of any matter listed at sub-section (2) which pertains to that office; and
 - (ii) any additional information from the applicant; or
 - (iii) any additional information from any other relevant person.

(2) The Board may register an airport if, after having heard the Director General, applicant and any other person who has objected to or intends to offer any views on the application, they are satisfied that, among other things —

- (a) the application is acceptable in view of the purpose of this Act;
- (b) the airport complies with the standards in relation to efficient, safe and secure operations, and provision of facilities for the convenience of passengers, aircraft and other users of the airport prescribed by the rules in respect of the category to which the application relates;
- (c) all the conditions mentioned at sub-section (6) of section 70 have been fully complied with.

(3) A certificate of registration of airport may be issued in a form prescribed by the regulations and may, among other things, specify —

- (a) the location and name of the airport;
- (b) the category of the airport;

- (c) date before which the airport shall commence services; and
- (d) other terms and conditions of registration.
- (4) For the purpose of this section, the Board may—
 - (a) seek and receive any information that he thinks fit; and
 - (b) consider information obtained from any source.

74. Provision of information on material change.— (1) It shall be the duty of the owner of every registered airport to immediately bring to the notice of the Director General any change or any proposed change in —

- (a) the area, structures and facilities at the airport;
- (b) the operator of the airport;
- (c) ownership of the airport; and
- (d) respect of such other matter as the Board may from time to time determine.

(2) The Director General shall, as soon as may be, submit this information before the Board along with his views on it, and the Board may —

- (a) seek further information from the owner that may be necessary; or
- (b) pass any such direction to the owner as they consider necessary or incidental to securing compliance of this Act, the rules or regulations or in the interest of safety and security.

75. Permission for material changes in or closure of airport.— (1) No owner of an airport shall, without prior permission of the Board —

- (a) make or cause to be made any change in the runway, terminal building or other buildings and structures appertaining to operation of the airport or provision of services and facilities for convenience of passengers, aircraft or other user;
- (b) make or cause to be made any material changes in the layout of the airport;
- (c) transfer ownership of, or effective control over the airport to any other person; or
- (d) appoint an airport operator or transfer airport operations to a different operator.

(2) On an application, the Board may allow the owner to make any or all of the requested changes if, after having heard the Director General, applicant and any other person who has objected to or intends to offer any views on the application, they are satisfied that, among other things —

- (a) the application is acceptable in view of the purpose of this Act;
- (b) the airport will continue to comply with the standards in relation to the efficient, safe and secure operations, and provision of facilities for the convenience of passengers, aircraft and other users of the airport prescribed by the rules; and
- (c) all the conditions mentioned at sub-section (6) of section 70 and the terms and conditions of certificate of registration shall remain complied with.

(3) No airport shall be closed except with the prior permission of the Minister.

76. Suspension or revocation of registration.— (1) The Board may suspend for a specified period or until a specified requirement is met or revoke the registration of an airport if—

- (a) by a written notice, the owner of the airport or the operator requests the Board to do so; or
- (b) the Board is satisfied that—
 - (i) the airport operations have remained closed for more than

- ninety days due to any cause attributable to the owner or operator;
 - (ii) . the owner or operator of the airport has committed any material violation of the Act, rules or regulations which has rendered the operation of the airport unsafe or insecure;
 - (iii) . the owner or operator of the airport has not complied with any term or condition of the registration despite notice; or
 - (iv) . any fee, charge, or levy payable under this Act, rules or regulations is not paid by the owner or operator by the fixed date despite three notices served with an interval of not less than thirty days.

(2) The Board shall not suspend or revoke any registration unless it has given to the owner of the airport a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to the Board, which shall in no case be less than sixty days following the day on which the notice is issued.

(3) The Board shall, among other things, have regards to the following matters when determining as to whether to suspend or revoke the registration of an airport —

- (a) the extent to which contravention of the Act, rules or regulations has affected aviation safety or security;
- (b) the history of owner or operator's compliance with the provisions of this Act, rules and regulations and aviation safety and security requirements in general whether within or outside Pakistan;
- (c) any prosecution, conviction or sentencing of the owner or operator of the airport or airport operator under this Act, or an offence relating to aviation safety or security under any other law within or outside Pakistan, whether such offence was committed, or prosecution, was initiated and conviction or sentencing was announced before the coming into force of this Act; and
- (d) the history of suspension or revocation of the registration or any other aviation document held by the owner or operator of the airport or imposition of any condition on such document, and if so, the instances of and the reasons for such suspension, revocation or imposition of conditions whether these were affected or imposed before the coming into force of this Act.

(4) For the purpose of this section, the Board may—

- (a) seek and receive any information that it thinks fit; and
- (b) consider information obtained from any source.

(5) If a certificate of registration is suspended or revoked under this section, the owner of the airport shall forthwith surrender it to the Director General for appropriate endorsement.

77. Land acquisition for airports.—(1) On an application by a person who has been permitted to establish an airport under section 70, or the owner of an airport registered under section 73, the Board may allow that the acquisition of any land for the establishment of, or as the case may be, extension or redoing of the airport, shall be deemed as land acquisition for public purpose under the Land Acquisition Act, 1894 (I of 1894).

(2) After such approval —

- (a) the provision of section 18 shall apply *mutatis mutandis* to the aforesaid land; and
- (b) the person or owner referred to in sub-section (1) may approach the respective Provincial Government for requisite land acquisition under the Land Acquisition Act, 1894 (I of 1894).

(3) Any land acquired for the establishment, extension or redoing of an airport under

the Land Acquisition Act, 1894 (I of 1894) under this section shall revert to the Authority and vest in it —

- (a) free of any cost, if such land is not used for the establishment, extension or redoing of the airport despite a lapse of seven years from the date of completion of the acquisition;
 - (b) free of any cost if it is put to the aforesaid use but later the airport, any of its part or facility established on it remains in disuse for a continuous period of five years despite notice; and
 - (c) on payment of such compensation agreed to by the Board, which shall in no case be more than the cost paid for its acquisition, if it is put to the aforesaid use but later the airport, any part or facility established on it is abandoned by the owner or operator after twenty years of the date of bringing it to that use.
- (4) The Authority may use the land reverted to it under sub-section (3) for any of its purposes or transfer it to the Federal Government free from any encumbrance.
- (5) Nothing in this section shall apply to the Pakistan Airport Authority or any airport owned, acquired by, transferred to, or vested in it.

78. Airport bylaws.— (1) Subject to this Act, the rules and regulation, an operator of an airport other than the Pakistan Airports Authority may, with the approval of the Board, issue bylaws for the safe and secure operations of the airport.

- (2) The bylaws may, among other things, provide for the following—
- (a) the better management and development of the airport;
 - (b) effectively carrying out the functions and powers by the operator of the airport;
 - (c) protecting property used in connection with the airport from damage or injury;
 - (d) specifying precautions to be taken to protect people or property from accidents or damage;
 - (e) regulating within the airport vehicular and pedestrian traffic, or the provision and use of places for the parking of vehicles;
 - (f) determining the time, terms and conditions on which the passengers and other persons may enter or be in the airport;
 - (g) schedule of charges for the services rendered at the airport or for the use of any airport facility; and
 - (h) receiving, storage, return and disposal of the lost property.
- (3) The bylaws approved by the Board shall be published in the official Gazette and placed on the website of the Authority for general information.

79. Prohibition and regulation of certain construction etc.— (1) If the Federal Government is of opinion that it is necessary or expedient in the interest of safety and security of operation of aircraft, it may, by notification in the official Gazette direct that —

- (a) no building or structure shall be constructed or erected, and no tree shall be planted on any land within such radius of the airport not exceeding fifteen kilometers, as may be specified in the notification; and
 - (b) no building or structure higher than such height as may be specified in the notification shall be constructed or erected, or any tree, which is likely to grow or ordinarily grows taller than such height as may be specified in the notification, shall be planted, on any land within such radius of the airport, not exceeding fifteen kilometers, as may be specified in the notification.
- (2) In specifying the radius and the height of any building, structure or tree under sub-

section (1), the Federal Government shall have regard to —

- (a) the nature of requirement for the safety of aircraft operations;
- (b) the nature of the aircraft operating, landing or taking off, or likely to be operated, landing or taking off at or from the airport; and
- (c) the international standards and recommended practice in relation to the operations, landing and taking off of the aircraft.

(3) Where any notification has been issued under sub-section (1) the respective building control authority shall —

- (a) abstain from granting permission for the construction of a building or erection of a structure in disregard to the provision of the notification; and
- (b) abide by any direction issued by the Director General under sub-section (4)

(4) If the Director General considers it necessary to do so in the interest of securing compliance with the notification, he may —

- (a) direct the respective building control authority not to grant permission for the construction of a building, or erection of a structure which is likely to contravene one or more provisions of the notification, or to cancel any such permission issued by them;
- (b) direct the owner or person in-charge of the said building, structure or tree to do or not to do one or more things by a specified date or for a specified duration; and
- (c) direct the respective building control authority and the airport manager to take one or more specified measures including removal of the whole or a part of the building or structure or cutting of the tree, if the owner or person in-charge fails to comply with the aforesaid directions.

(5) On the request of the airport manager, an officer of the Federal Investigation Agency, Airports Security Force or of the local police to whom this request is directed, shall, without unreasonable delay, render assistance for the purpose of this section.

(6) The Director General shall not pass a direction under sub-section 4 unless he has given to the owner or person in-charge of the building, structure or tree a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission before him, which shall in no case be less than fifteen days following the day on which the notice is issued.

80. Register of Airports of Pakistan.— (1) The Director General shall maintain a register to be called the Register of Airports of Pakistan in such form and in such manner as may be prescribed by the rules.

(2) The register shall, among other things, contain —

- (a) the name and category of all registered airports in Pakistan;
- (b) a brief history of every such airport;
- (c) details of the runway, terminal building and other appertaining buildings and facilities available at every such airport;
- (d) the history of airport owner's and operator's compliance with this Act, rules and regulations and with the requirements of aviation safety and security in general;
- (e) any other information prescribed by the rules; and
- (f) any information which the Board considers, from time to time, necessary for inclusion in the register.

(3) The Director General shall update the register as and when any change or error in the information on the register comes to, or is brought to his notice.

CHAPTER IX AVIATION SECURITY

- 81. National Civil Aviation Security Policy and Programme.**— (1) As soon as may be, but not later than one hundred and eighty days of the coming into force of this Act —
- (a) the Secretary shall draw a national aviation security policy; and
 - (b) the Director General shall draw a programme for bringing the policy into effect.
- (2) The policy and programme —
- (a) shall be consistent with Pakistan's obligations under the Convention; and
 - (b) shall respectively be approved by the Federal Government and the Minister.
- (3) It shall be the duty of every operator and aviation service provider to comply with, at all times, the provisions of the policy and the programme.

- 82. National Civil Aviation Security Committee.**— (1) There shall be a national civil aviation security committee to—
- (a) advise on the national civil aviation security policy;
 - (b) review, recommend and implement measures for the effectiveness of aviation security measures and procedures; and
 - (c) provide for the coordination and diligent implementation of the national civil aviation security program.
- (2) The committee shall comprise of the following members —
- (a) The Secretary to the Government of Pakistan in-charge of the Ministry of Aviation who shall also be the Chairperson of the committee;
 - (b) The Secretary to the Government of Pakistan in-charge of the Ministry of Interior or a senior officer of the Ministry nominated by him;
 - (c) The Secretary to the Government of Pakistan in-charge of the Ministry of Defence or a senior officer of the Ministry nominated by him;
 - (d) The Director General;
 - (e) The Director General, Pakistan Airport Authority;
 - (f) The Director General, Airport Security Force; and
 - (g) Not more than seven senior officers of the Federal Government dealing in border management, customs, control of harmful and contraband substances at the airports, law enforcement, security and intelligence collection and sharing.
- (3) The committee shall meet as often as the Chairperson deems expedient but not less than two times in every calendar year.
- (4) The committee may invite any other person having special knowledge of a matter to be discussed in any of its meeting.
- (5) The Director General shall designate officers of the Authority to assist the committee in its work.

- 83. Security plans of certain operators and service providers.**— (1) It shall be the duty of the following to establish, maintain and implement an effective and written internal security plan —
- (a) every owner or operator of an airport;
 - (b) every operator of an air service; and
 - (c) any other service provider designated by the Secretary on the recommendation of the Director General.

(2) Every such plan shall be consistent with and supplement the national civil aviation security policy and the programme.

(3) Every operator and service provider referred to in sub-section (1) shall submit his plan to the National Aviation Security Committee by a specified date.

(4) After due consideration, the National Aviation Security Committee may either accept or return the plan to the operator or service provider for improvement and resubmission by a specified date.

84. Security designation of airports etc.— (1) The Secretary may, with the approval of the Minister —

(a) designate a security classification to each airport in Pakistan in view of, among other things, its importance, passenger traffic, type of services offered and the perceived threats; and

(b) designate a security classification to each aid or facility used or kept for the provision of air navigation services or any other service in relation to the operation of aircraft that is not located within an airport, in view of, among other things, its importance, types of services offered and the perceived threats.

(2) Before designating security classification to any airport, aid or facility under this section, the Secretary shall consult the Director General and the Director Generals of the Pakistan Airports Authority and the Airports Security Force.

(3) Every person carrying out security screening or other duties in relation to the provision of aviation security service at the airport, aid or facility shall be suitably qualified and trained, and certified by the Director General as per the requirements of the national civil aviation security programme.

85. Airside security area.— (1) The Director General may declare, by signs affixed at the perimeter of the area, that an area within any security designated airport or security designated navigation facility is an airside security area.

(2) The Director General may declare, by a sign or signs affixed at the perimeter of the area, that an area within the airside security area is an enhanced security area.

(3) Before making a declaration under this section, the Director General shall consult the Director Generals of the Pakistan Airport Authority and the Airport Security Force.

86. Entry into airside security area.— (1) No person shall enter into or remain in an airside security area or part of an airside security area except the following—

(a) a staff of the Airport Security Force on official duties;

(b) an officer, servant or other person in the service of the Authority authorised by the Director General in relation to his official duties;

(c) an officer, servant or other person in the service of the Pakistan Airport Authority authorized by the Director General of the Pakistan Airport Authority in relation to his official duties; and

(d) an officer, servant or other person in the service of an operator or a service provider in relation to his duties as authorized by the Director General or the Director General of the Pakistan Airport Authority;

(e) any person acting under the authority of the Director General of the Pakistan Airport Authority;

(f) any person authorized by the Secretary.

(2) Any entry into airside security area shall be subject to screening or other appropriate security controls and the provision of evidence of identity and authorization.

(3) If required by the designated staff of the Airports Security Force, a person in an

airside security area or part thereof shall state to him his identity, purpose of his presence and his authorization to enter or remain in it.

(4) Nothing in this section shall apply to—

- (a) a passenger embarking or disembarking directly through a gateway or thoroughfare at an airport approved for that purpose by the airport manager; and
- (b) any other person allowed under the rules.

87. Landside security area.— (1) The Secretary may, with the approval of the Minister, declare, by signs affixed at the perimeter of the area, that an area within any security designated airport or aid or facility is a landside security area if it is necessary to do so —

- (a) in order to respond to a threat to civil aviation;
- (b) to enable Pakistan to be part of a concerted international response to a threat to aviation security; or
- (c) to support the main purpose of this Act.

(2) The Secretary shall consult with the Director General, Director General of the Pakistan Airport Authority and the Director General of the Airports Security Force before making a declaration under this section.

88. Search, seizure and retention of harmful things.— (1) A staff of the Airport Security Force and any other person lawfully authorized for this purpose may, without warrant, search any person, baggage, vehicle, personal effects, cargo or goods, before or after boarding, disembarking, loading or off-loading the aircraft in the interest of preventing any harm to an aircraft, airport or any facility or property, or a passenger or person entering into or in an airport.

(2) A staff of the Airports Security Force and lawfully authorized person may, seize and retain anything found during the search which is or is likely to be harmful to an aircraft, airport or any facility or property, or a passenger or person entering into or in an airport.

(3) Every search under this section shall be conducted with strict regards to decency, and the rights of the person being searched with respect to privacy and dignity.

89. Background security checks.— (1) The Director General may cause to be carried out background security checks of a person who falls within a category of persons specified in this Act, rules or regulations as requiring such check to determine as to whether he poses a threat to aviation security.

(2) For the purpose of determining whether a person poses a threat to aviation security, the Director General may—

- (a) seek and receive any information that he considers relevant; and
- (b) give weight to any information that he considers appropriate in the circumstances.

(3) If the person or entity requested to provide information under sub-section (2) does not provide the information in ninety days, it shall be deemed that the person or entity has no objection to the determination that the person does not pose a threat to aviation security.

(4) If the Director General determines that a person does not pose a threat to aviation security, he shall advise the person of the favourable security check determination.

(5) The Director General may reconsider a previous determination if —

- (a) new information is made available to him; or
- (b) he has reason to suspect that the person may now pose a threat to aviation security.

(6) Subject to this Act, if the Director General determines that a person who falls within the category of persons requiring background security check poses a threat to the aviation

security, he may —

- (a) refuse to grant an aviation document, air service licence, registration or other authorization applied for that person if he is the appropriate authority in this respect;
- (b) suspend or revoke an aviation document, air service licence, registration or other authorization held by that person if he is the appropriate authority in this respect; or
- (c) request any other person having authority to refuse the grant, or to suspend or revoke any aviation document, licence or other authorisation applied for by or granted to that person.

(7) Where the Director General makes a background security check of a person on the direction of any other authority under this Act, rules or regulations, he shall forthwith submit his determination to that authority.

CHAPTER X AIR TRANSPORT FACILITATION

90. Air Transport Facilitation Policy and Programme.— (1) As soon as may be, but not later than one hundred and eighty days of the coming into force of this Act —

- (a) the Secretary shall draw a national air transport facilitation policy; and
- (b) the Director General shall draw a programme for bringing the policy into effect.

(2) The policy and programme

- (a) shall be consistent with Pakistan's obligations under the Convention; and
- (b) shall respectively be approved by the Federal Government and the Minister.

(3) It shall be the duty of every operator and aviation service provider to comply with, at all times, the provisions of the policy and the programme.

91. National Air Transport Facilitation Committee.— (1) There shall be a national air transport facilitation committee to—

- (a) advise on the national air transport facilitation policy;
- (b) recommend and implement measures and procedures for the facilitation of air transport in Pakistan;
- (c) regularly review the level of facilitation at the airports and recommend measures and solutions to facilitation issues;
- (d) ensure that the practices and procedures at the airports are in compliance with this Act, the Pakistan Airport Authority Act, 2023 (xx of 2023) and applicable local and international standards;
- (e) provide for the coordination and diligent implementation of the national air transport facilitation program; and
- (f) coordinate with the national civil aviation security committee.

(2) The committee shall comprise of the following members —

- (a) The Secretary to the Government of Pakistan in-charge of the Ministry of Aviation who shall also be the chairperson of the committee;
- (b) The Member Customs, Federal Board of Revenue;
- (c) The Director General;
- (d) The Director General, Pakistan Airport Authority;
- (e) The Director General, Airport Security Force;
- (f) The Director General, Federal Investigation Agency;
- (g) The Director General, Anti-Narcotics Force; and

- (h) Not more than five representatives of air service operators of various categories.
- (3) The committee shall meet as often as the chairperson deems expedient but not less than two times in every calendar year.
- (4) The committee may invite any other person having special knowledge of a matter to be discussed in any of its meeting.
- (5) The Director General shall designate officers of the Authority to assist the committee in its work.

CHAPTER XI REGULATORY COMPLIANCE

92. General duties of persons, operators and service providers.— (1) Every person, operator and service provider engaged in the provision of an aviation service shall at all times, comply with —

- (a) the provisions of this Act, rules and regulations and every other applicable law; and
- (b) the terms and conditions attached to the aviation document or certificate of registration held by him or under which he is engaged in the provision of an aviation service.

(2) It shall be the duty of every person, operator and service provider to ensure that the activities or functions for which an aviation document or certificate of registration has been issued, are carried out safely, securely and in accordance with the provisions of this Act, rules and regulations and the relevant prescribed aviation safety and security standards and practices.

(3) Every person, operator and service provider holding an aviation document or certificate of registration shall, if required under this Act, rules or regulations—

- (a) establish and follow a management system to secure compliance with the relevant prescribed aviation safety and security standards;
- (b) impart appropriate education, training and skills to, and supervise the persons in his service acting in relation to the provision of an aviation service under the aviation document or certificate of registration; and
- (c) make available sufficient financial and other resources to ensure compliance with the prescribed aviation safety and security standards and the conditions attached to the aviation document or certificate of registration.

93. Designation of inspectors, authorized persons and medical assessors.— (1) The Director General may for the purpose of this Act, designate —

- (a) one or more appropriately qualified, trained and skilled officers in the service of the Authority as the inspectors; and
- (b) if, at any time, sufficient number of appropriately qualified, trained and skilled officers are not available in the Authority, such number of other appropriately qualified, trained and skilled persons not being in the service of the Authority, as the authorized persons.

(2) The Director General shall issue to each inspector and authorized person, a document containing a photograph and stating his full name and a statement indicating that he has been designated in terms of sub-section (1) and empowered to exercise what powers under this Act, rules or regulations.

(3) The Director General may also for the purpose of this Act designate a qualified medical practitioner as medical assessor to evaluate and assess medical conditions of flight safety significance.

(4) The qualifications and other requirements for designation of an officer or person as an inspector or authorized person, or a medical practitioner as a medical assessor shall be such as may be prescribed by the rules.

94. **Power of inspectors and authorized persons to inspect.**— (1) Subject to the conditions of his appointment, an inspector or authorized person may, at any reasonable time, enter any vehicle, aircraft, place or premises used or kept for, or in relation to the provision of an aviation service, and with a view to oversee or secure compliance with this Act —

- (a) inspect such vehicle, aircraft, place or premises;
- (b) take photographs and make sketches, measurements and recordings;
- (c) examine any article, book, note, photograph, paper, document, recording and transcript or other thing found on such vehicle, aircraft, place or premises that he believes, on reasonable grounds, contains any relevant information;
- (d) require the service provider, operator, pilot in-command or any other person who is or appears to be the in-charge of the vehicle, aircraft, place or premises, that the vehicle, aircraft, place or premises and the things placed in it shall not be disturbed for a reasonable period pending examination, testing, inquiry or inspection;
- (e) require the service provider, operator, pilot in-command or any other person who is or appears to be in-charge of the vehicle, aircraft, place or premises to furnish him with such information or documents, returns or other particulars as may be necessary;
- (f) take, remove or retain any article, book, note, photograph, paper, document, recording and transcripts or other thing;
- (g) take a sample of any material, substance or thing for examination; and
- (h) while being on the vehicle, aircraft, place or premises, or at any time thereafter, question any person who is or was on the aircraft, place or premises, either alone or in the presence of any other person, on any matter to which this Act relates.

(2) Where such inspection is an unannounced inspection, the inspector or the authorized person may enter the vehicle, aircraft, place or premises without prior notice.

(3) Before undertaking an inspection under sub-section (1), the inspector or the authorized person shall identify himself and show his authorization to any person requesting it.

(4) If required, it shall be lawful for an officer or other person in the service of the Authority to accompany the inspector or authorized person to render assistance in conducting the inspection.

(5) No information obtained in an inspection which is of a confidential, personal, commercially sensitive or proprietary nature shall be made public or otherwise disclosed to any irrelevant person without prior permission of the person to whom that information relates.

(6) The inspector or authorized person who removes a book, note, record, photograph, paper, document, recording material, substance or any other thing, or takes and retains any sample from the vehicle, aircraft, place or premises being inspected or searched, shall—

- (a) immediately issue a receipt under his signature for it to the owner or person in-charge of the vehicle, aircraft, place or premises from where it is removed; and
- (b) return it to the owner or person in-charge as soon as practicable after it has served the purpose for which it was removed.

(7) The inspector or authorized person may destroy any removed or retained material, substance, thing or sample if—

- (a) it is perishable and has become rotten or has otherwise deteriorated; or

- (b) it is perishable and is likely to become rotten or perish before it can be returned under sub-section (6); or
- (c) it is likely to pose a risk to the public health.

(8) For the purpose of gathering any evidence with a view to prosecute any person for contravention of any provision of this Act or any other law for the time being in force, the inspector or the authorized person shall not exercise any power to enter and search a vehicle, aircraft, place or premises under this section unless he has obtained a warrant permitting any such action from the court that has jurisdiction in the area where the vehicle, aircraft, place or premises are situated.

95. Power of inspectors and authorized persons to call for information etc.—

(1) Subject to the conditions of his appointment, an inspector or authorized person may, with a view to oversee or secure compliance of this Act —

- (a) require the attendance of any person, by summons under his hand, whom he thinks fit to call before him to require answers or returns to any inquiry he thinks fit to make;
- (b) require any such person to make and to sign a declaration regarding the true nature of the statement made by him;
- (c) have access to any article, book, note, photograph, document, recording and transcript or other information, and any other object or thing which he considers necessary and enforce the production of the same by a person who is in or is reasonably expected to be in its possession; and
- (d) where he considers it necessary to do so, retain such article, book, note, photograph, document, recording and transcript or other information, object or thing.

(2) No information obtained under sub-section (1) which is of a confidential, personal, commercially sensitive or proprietary nature may be made public or otherwise disclosed to any irrelevant person without prior permission of the person to whom that information relates.

(3) The inspector or authorized person who retains an article, book, note, record, photograph, document, recording, transcript, object or thing shall—

- (a) issue a receipt under his signature for it to the owner or person in charge;
- (b) return it as soon as practicable after it has served the purpose for which it was retained.

(4) The inspector or authorized person may destroy any retained material, substance, thing or sample if—

- (a) it is perishable and has become rotten or has otherwise deteriorated; or
- (b) it is perishable and is likely to become rotten or perish before it can be returned under sub-section (3); or
- (c) it is likely to pose a risk to the public health.

96. Managing risks arising from the use of drugs or alcohol.— (1) If called upon by the Director General to do so, an operator and service provider shall make appropriate arrangements to manage risks that may arise from the use of drug or alcohol by persons under his employment and engaged in a work that effects the safety or security of the operation of aircraft.

(2) Such arrangements shall, among other things, specify the drugs to be tested and provide for a mechanism for random testing of such persons.

(3) Subject to the conditions of his appointment, an inspector or authorized person may at any time and without prior notice enter into any vehicle, aircraft, place or premises and test and, if so required, draw invasive or other bodily samples of a person engaged at that time in the aforesaid work with or without his consent.

(4) Before taking a test or drawing a sample, the inspector or authorized person shall

take reasonable steps to establish correct identity of the person and hand over to him a paper that sets out the following —

- (a) the statutory power of the inspector or authorized person to carry out the test and draw sample;
- (b) a general description of how the test will be carried out or sample will be drawn and how it will be analyzed; and
- (c) that the person will be informed of the results of the test and approximate date by which such information shall reach him.

(5) As soon as the results of the test are received, the inspector or the authorized person shall send a copy thereof to —

- (a) the tested person;
- (b) the operator or service provider with whom the tested person was employed with at the time when test was taken; and
- (c) the Director General.

(6) On receipt of the results of the test, the Director General may, if he considers it so appropriate, proceed in terms of section 126.

(7) The results of a test obtained under this section shall not be admissible in any criminal proceedings other than that relating to the prosecution of an offence under this Act.

97. Compliance notices.— (1) Subject to the conditions of his appointment, an inspector or an authorized person may, in such form and in such manner as may be prescribed by the rules, serve a compliance notice upon an operator, service provider, holder of an aviation document, or any other person engaged in the provision of an aviation service, who is, in his view responsible to take appropriate corrective action to remove or rectify the condition or conduct that constitutes contravention of any provision of this Act, rules or regulations.

(2) A compliance notice shall, among other things, set out—

- (a) the details of the condition or conduct constituting the contravention;
- (b) any action the operator, service provider, holder of aviation document or other person shall take before a specified date to remove or rectify the condition or conduct constituting the contravention;
- (c) anything which the operator, service provider, holder of aviation document or other person to whom the notice is served may abstain from, and the date till which such direction shall remain in force; and
- (d) the procedure to be followed in making an appeal against the compliance notice before the Director General.

(3) The operator, service provider, holder of the aviation document or other person to whom the notice is served, shall by the date specified in the notice, inform the inspector or the authorized person in writing —

- (a) of any corrective action taken or which will be taken by him;
- (b) reason as to why a corrective action cannot be taken before the specified date;
- (c) reason as to why corrective action to be taken by him is different from the action that was given in the notice; or
- (d) reason as to why no corrective action shall be taken at all.

(4) Where the inspector or the authorized person is of the view that the corrective action taken, or the different corrective action proposed to be taken does not secure compliance with the provisions of this Act, rules or regulations, or the reasons for not taking any corrective action at all given to him are unsatisfactory, he may inform the Director General in writing who may then, if he considers it so appropriate, proceed in terms of section 126 or other provisions of this Act.

(5) Where the inspector or the authorized person is satisfied with the reasons, he may

allow additional period for taking corrective action or a taking of the proposed different corrective action.

(6) A compliance notice shall remain in force until the relevant provisions of the Act, rules or regulations have been complied with and the inspector or authorized person conducting the inspection has issued a compliance certificate in respect of that notice.

98. Power to prohibit exercise of certain privileges.— (1) If it appears to an inspector or authorized person that a holder of an aviation document or the person who has control over the exercise of the privileges of that document is negligent in, or for any reason has become incapable of discharging any privilege of that document, he may make a report to the Director General.

(2) Where the inspector or authorized person has reasonable grounds to believe that the negligence or incapability of the holder of an aviation document or the person who has control over the exercise of the privileges of that document is likely to endanger the safety of an aircraft, person or property and an immediate action is necessary, he may prohibit the holder of aviation document or that person from exercising one or more privileges of such document.

(3) Every prohibition order under sub-section (2) shall remain in force for seven days from the date of prohibition unless this period is extended by the Director General.

(4) The Director General shall not extend the period for which a prohibition order shall remain in force without providing the holder of the document a reasonable opportunity of being heard through a written notice specifying a date by which he may make any submission.

99. Power to prohibit an aircraft from flying.— (1) Subject to conditions of his appointment, an inspector or authorized person may prohibit an aircraft from an intended flight or ground an aircraft if he has reasonable grounds to believe that —

- (a) the aircraft is unsafe or not airworthy;
- (b) the aircraft will be flown under circumstances that will, or are likely to endanger the safety of persons on board the aircraft or to the safety of any person or property on the ground; or
- (c) the aircraft will be flown under circumstances that will constitute a contravention of this Act, rules or regulations; and
- (d) an immediate action is required.

(2) On the request of the owner, operator, or any other person in-charge of the aircraft, the inspector or the authorized person shall promptly provide him the reasons for the prohibition or grounding.

(3) If an aircraft has been prohibited from a flight or grounded under this section, it shall not fly unless the Director General has lifted the prohibition order after having satisfied himself that—

- (a) this Act, rules and regulations are fully complied with; and
- (b) necessary repairs, alterations or other mitigating measures to render the aircraft fit for flight have been affected.

100. Power to detain an aircraft and to seize aeronautical products.— (1) If the Director General has reasonable grounds to believe that the operation or use of an aircraft, or aeronautical product, or any class of aircraft or aeronautical products will, or is likely to endanger the safety of persons and property and an immediate action is required, he may —

- (a) prohibit or impose one or more conditions on the operation of that aircraft or all aircraft of that class;
- (b) prohibit or impose one or more conditions on the use of that aeronautical product or aeronautical products of that class; or
- (c) detain that aircraft or seize that aeronautical product where necessary in order to prevent their operation or use.

(2) On the request of the owner, operator, service provider or any other person in-charge of the aircraft or aeronautical product, the Director General shall —

- (a) promptly provide him the reasons for the prohibition, imposition of one or more conditions or, as the case may be, detention or seizure of the aircraft or aeronautical product; and
- (b) provide him a reasonable opportunity of being heard through a written notice specifying a date by which he may make any submission to the Director General, which shall in no case be less than fifteen days following the date on which the notice is issued.

(3) A detention or seizure order under this section shall remain in force no longer than what the Director General considers necessary in the interest of aviation safety and security.

101. Power to close or to put conditions on the operation of an aviation facility.—

(1) If the Director General has reasonable grounds to believe that the operation of an aviation facility constitutes a contravention of this Act, the rules or regulations, or is likely to endanger the safety or security of an aircraft or person using that facility or any other person or property and an immediate action is required, he may —

- (a) close its operations; or
- (b) impose one or more conditions on its operation in the interest of aviation safety and security.

(2) On the request of the owner, operator, or any other person in-charge of the facility, the Director General shall —

- (a) promptly provide him the reasons for the closure of facility, or imposition of one or more conditions on its operations; and
- (b) provide him a reasonable opportunity of being heard through a written notice specifying a date by which he may make any submission to the Director General, which shall in no case be less than thirty days following the date on which the notice is issued.

(3) An order under sub-section (1) shall remain in force till such time the Director General is satisfied that —

- (a) this Act, rules and regulations are fully complied with; and
- (b) necessary repairs, alterations or mitigating measures to render the facility safe and secure for the aircraft or persons using it or other persons and property have been affected.

102. Power to seize, detain, or destroy an unmanned aircraft.— (1) This section applies only if an officer specifically authorized by the Board in this behalf, has reasonable grounds to believe that a remotely operated aircraft is being or is likely to be operated —

- (a) in a manner that constitutes contravention of this Act;
- (b) in relation to the commission of an offence under any other law; or
- (c) in a manner that is endangering, or is likely to endanger the safety of any person or property.

(2) In a situation where this section applies, the authorized person may do any or all of the following—

- (a) without a warrant and prior notice, enter a vehicle, place or premises and search for the remotely operated aircraft;
- (b) prevent by any means the remotely operated aircraft from taking off;
- (c) take measures to safely land the remotely operated aircraft;
- (d) seize and detain the remotely operated aircraft and anything being used, or that may be used to control that aircraft;

(3) If the authorized officer is satisfied that there is no person onboard the remotely operated aircraft, he may, after informing the Director General, destroy or cause the aircraft to be destroyed if it is necessary to do so to prevent imminent danger to people or property.

(4) An authorized officer may act under sub-section (2) and (3) only to the extent necessary to prevent the contravention or offence from being committed or continued, or to avert the danger to persons or property.

(5) When exercising a power under this section, an authorized officer shall follow the prescribed procedure and any directions or limitations that the Board or the Director General has given for the exercise of such power.

103. Duty to assist inspectors.— (1) It shall be the duty of every operator, service provider and every other person engaged in the provision of an aviation service, to provide all reasonable assistance and support to an inspector or authorized person—

(a) in making an entry, or to carry out an audit, inspection, examination or inquiry and to take a test for the purpose of this Act; and

(b) in the exercise of any other power under this Act, rules and regulations.

(2) On the request of an inspector or authorized person, an officer of the Federal Investigation Agency, Airport Security Force or of the local police to whom this request is directed, shall, without unreasonable delay, render such assistance.

104. Transfer of regulatory responsibility to a foreign aeronautical authority.— Notwithstanding any other provision of this Act, on the recommendation of the Director General, the Secretary may, by agreement with an appropriate foreign aeronautical authority—

(a) transfer to the aeronautical authority of the State of a foreign operator operating an aircraft registered in Pakistan, as the case may require, all or part of the responsibility that the Authority or the Director General has under this Act towards that aircraft;

(b) vest in the Authority or the Director General, as the case may require, all or part of the responsibility under this Act towards an aircraft registered outside Pakistan but operated by a Pakistani operator; and

(c) with the approval of the Minister, grant any exemption from one or more provisions of this Act in relation to the exercise of power under this section.

105. Compliance with Rules of the Air.— (1) Every aircraft while being in or over Pakistan, comply with this Act, rules and regulations.

(2) Every aircraft registered in Pakistan, shall —

(a) while navigating over the high seas, be operated in a manner that complies, without any exception, with the rules of the air prescribed under the Convention; and

(b) while being in or over another State be operated in a manner that complies with the rules of the air in force in that State.

106. International air service no excuse for exemption from application of the Act.— No aircraft shall be exempted from any provision of this Act, the rules or regulation merely because it is being used in connection with a scheduled international air service or a non-scheduled commercial international flight under a licence granted under this Act.

CHAPTER XII AVIATION RECORDS

107. Civil aviation records.— (1) The Director General shall keep a correct, updated and secure record, to be called the civil aviation records, comprising the following documents —

- (a) all current and expired aviation documents;
- (b) the Register of Aviation Documents, Civil Aircraft Register of Pakistan and Register of Airports of Pakistan;
- (c) all air service agreements arrived at between Pakistan and other States, accompanying memoranda of understanding and formal correspondence and diplomatic notes;
- (d) every notification concerning an aircraft accident or incident;
- (e) every notification in relation to the designation of inspectors and authorized persons and their particulars;
- (f) every notification of delegation of powers by the Board and the Director General under this Act;
- (g) every order exempting the application of any provision of this Act, rules, regulations and Air Navigation Orders; and
- (h) any other document or any class of documents that the Board or the Federal Government may, from time to time, direct to be the part of the civil aviation records.

(2) The Director General shall cause all documents kept in the civil aviation records to be available for inspection by the public and obtaining a copy on payment of such fee as the Board may, from time to time determine, during usual working hours except such record or class of records which are withheld from inspection by the Secretary on the recommendation of the Director General.

108. Duty of the Authority to provide certain information.— (1) The Director General shall make such arrangements as are necessary or convenient to the provision of following information or records developed or held by the Authority —

- (a) aeronautical information, data and studies;
- (b) safety assessments; and
- (c) any instructions relating to the safety, regularity, and efficiency of air navigation.

(2) Any person may, with the permission of Director General obtain information or records mentioned at sub-section (1) on payment of such fee as the Board may, from time to time, determine.

CHAPTER XIII INTERNAL APPEALS

109. Appeal against decisions of an inspector or authorized person.— (1) Any person aggrieved by a decision of an inspector or authorized person, or an order of an authorized person, may appeal before the Director General.

(2) No appeal shall be heard by the Director General unless —

- (a) it is filed within thirty days of the receipt of the decision;
- (b) is accompanied by the receipt of payment of such fee as may be prescribed by the regulations; and
- (c) is filed in such manner and in such form as may be prescribed by the rules.

(3) The Director General shall not later than thirty days of the receipt of the appeal,

either confirm, vary or set aside the decision appealed against or pass such other order as he considers fair and equitable.

(4) While deciding the appeal, the Director General shall, among other things, afford the appellant, the inspector or authorized person making the decision and any other relevant person a reasonable opportunity —

- (a) to make representations and offer views;
- (b) to present and dispute information, documents and arguments; and
- (c) to appear in person.

(5) Notwithstanding the provisions of sub-section (2), the Director General may on good cause shown condone the limitation of filing the appeal within thirty days of the receipt of written copy of the decision.

(6) Unless otherwise ordered by the Director General, mere filing of an appeal shall not suspend the decision of the inspector or authorised person appealed against.

110. Appeal against decisions pertaining to medical certificate etc.— (1) Any person who has applied for or holds any class of medical certificate, may appeal before the Director General if he is aggrieved by—

- (a) the decision of a medical assessor cancelling his medical certificate;
- (b) the decision of a medical assessor declaring him unfit or temporarily unfit; or
- (c) any endorsement made by a medical assessor on his medical certificate.

(2) No appeal shall be heard by the Director General unless —

- (a) it is filed within thirty days of the receipt of the decision;
- (b) is accompanied by the receipt of payment of such fee as may be prescribed by the regulations; and
- (c) is filed in such manner and in such form as may be prescribed by the rules.

(3) Every appeal shall be considered and decided by the Director General within thirty days of its receipt assisted by at least two medical practitioners appointed by the Secretary, one of whom shall have appropriate experience in aviation medicine.

(4) After considering an appeal, the Director General may, in agreement with the medical practitioners, confirm, vary or set aside the decision or endorsement appealed against or give such other decision as the Director General and the medical practitioners consider fair and equitable.

(5) While deciding the appeal, the Director General and the medical practitioners shall, among other things, afford the appellant, medical assessor and any other relevant person a reasonable opportunity —

- (a) to make representations and offer views;
- (b) to present and dispute information, documents and arguments; and
- (c) to appear in person.

(6) Notwithstanding the provision of sub-section (2), the Director General may on good cause shown condone the limitation of filing the appeal within thirty days of the receipt of written copy of the decision or endorsement.

(7) Unless otherwise ordered by the Director General, mere filing of an appeal shall not suspend the decision or endorsement of the designated medical examiner appealed against.

111. Appeal against orders of the Director General.— (1) Any person who is aggrieved with any order of the Director General passed in relation to the following matters may file an appeal before the Secretary —

- (a) the grant, renewal, suspension or revocation of, or imposing of a condition on an aviation document;
- (b) registration of an aircraft;

- (c) appointment of an inspector or authorized person;
 - (d) prohibition of the exercise of any privilege of an aviation document;
 - (e) preventing an aircraft from flying, detention or seizure of an aircraft or aeronautical product, or the closure of or imposing of a condition on the operation of an aviation facility;
 - (f) security determination of a person;
 - (g) an appeal under section 109 or 110;
 - (h) an administrative penalty imposed in terms of section 125; or
 - (i) exercise of any other power conferred upon him under this Act, rules or regulations for the enforcement of aviation safety and security.
- (2) No appeal shall be heard by the Secretary unless —
- (a) it is filed within thirty days of the receipt of the decision;
 - (b) is accompanied by the receipt of payment of such fee as may be prescribed by the regulations; and
 - (c) is filed in such manner and in such form as may be prescribed by the rules.
- (3) The Secretary shall not later than sixty days of the receipt of the appeal, either confirm, vary or set aside the decision appealed against or pass such other order as he considers fair and equitable.
- (4) While deciding the appeal, the Secretary shall, among other things, afford the appellant, the Director General and any other relevant person a reasonable opportunity —
- (a) to make representations and offer views;
 - (b) to present and dispute information, documents and arguments; and
 - (c) to appear in person.
- (5) Notwithstanding the provisions of sub-section (2), the Secretary may on good cause shown condone the limitation of filing the appeal within thirty days of the receipt of written copy of the order.
- (6) Unless otherwise ordered by the Secretary, mere filing of an appeal shall not suspend the decision appealed against.

112. Refund of fee for filing an appeal.— The Director General or the Secretary

- (a) shall refund the fee paid for the filing of appeal to the appellant in full if the decision, order or endorsement appealed against is set aside; and
- (b) may or may not refund any part of the fee to the appellant if the decision, order or endorsement appealed against is varied or confirmed.

CHAPTER XIV OFFENCES AND PENALTIES

113. Operating an aircraft in controlled airspace without authorization.— The pilot-in-command of an aircraft who willfully operates an aircraft in a controlled airspace of a restricted area knowing that he does not hold appropriate authorization to operate the aircraft in that airspace or area, shall be punished with imprisonment for a term which may extend to six months, or a fine which may extend to one hundred thousand rupees, or with both.

114. Endangering an aircraft etc. by holder of an aviation document.— Whoever, being the holder of an aviation document, in respect of the service, thing or activity to which that document relates to, does, or omits to do anything or permits or fails to stop anything that endangers or is likely to endanger the safety of an aircraft, other person or property, shall be punished with imprisonment for a term which may extend to one year, or with fine which may

extend to five hundred thousand rupees, or with both.

115. Acting without necessary aviation document.— Whoever does any act in relation to the operations, maintenance, or service of an aircraft, airport, or aeronautical product, or provides any aviation service for which an aviation document is required under this Act, without holding a valid aviation document, shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred thousand rupees, or with both.

116. Violence or interference on board an aircraft.— Whoever being on board an aircraft —

- (a) behaves in a violent or dangerous manner;
- (b) assaults or threats to assault, or intimidates the aircraft crew or any other person that is likely to endanger the safety of that aircraft; or
- (c) willfully interferes with or obstructs the performance of duty by the pilot-in-command or the aircraft crew;

shall be punished with imprisonment for a term which may extend to five years, or with fine which may extend to five hundred thousand rupees, or with both.

117. Disorderly or indecent conduct on board an aircraft.— Whoever being on board an aircraft presents disorderly or indecent conduct, or is in a state of intoxication, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both.

118. Causing interruption to the flight of an aircraft.— Whoever willfully and knowingly —

- (a) damages, interferes with or disrupts any aid or facility for the provision of air navigation service or any other service in a manner that endangers or is likely to endanger the safety of an aircraft;
- (b) contaminates aviation fuel to jeopardise the operation of an aircraft;
- (c) destroys or seriously damages the facilities of an airport;
- (d) communicates any information which he knows to be false and thereby endangering the safety of an aircraft in service;
- (e) disrupts or interferes with the provision of services at the airport through the use of any device, substance or weapon in a manner that endangers or is likely to endanger the safety of passengers, aircraft and other users of the airport; or
- (f) performs any other act that jeopardises or is likely to jeopardise the operation of an aircraft;

shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine which may extend to five hundred thousand rupees, or with both.

119. Willfully destroying or damaging an aircraft.— Whoever—

- (a) willfully destroys an aircraft in service or willfully causes damage to such an aircraft, which renders it incapable of flight or causes damage to it, which is likely to endanger its safety; or
- (b) willfully places on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft or to cause damage to it, render it incapable of flight or endanger its safety

shall be punished with imprisonment of either description for a term which may extend to fifteen years or with fine which may extend to one million rupees, or with both.

120. Illegal practices in relation to cargo, baggage etc.— Whoever, while being inside an airport and without due authority —

- (a) tampers with, opens, damages, destroys or interferes with the conveyance of cargo, baggage, mail or other goods;
- (b) makes away with such cargo, baggage, mail or other goods;
- (c) detains or keeps any cargo, baggage, mail or other goods which ought to be delivered to another person;
- (d) detains or keeps any cargo, baggage, mail or other goods found by him or any other person, which ought to be delivered to another person; or
- (e) by false pretence or misstatement induces any person to deliver or dispose of such cargo, baggage, mail or other goods to him or to any other person who is not the intended addressee or recipient thereof;

shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both.

121. Penalty for failure to comply with directions for control of height etc. of buildings etc.— (1) Whoever willfully or negligently fails to comply with any direction contained in a notification issued under section 79, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one million rupees, or with both.

(2) Without prejudice to the provisions of sub-section (1), whoever fails to demolish any building or structure or cut any tree or fails to reduce the height of a building, structure or tree when directed to do so by the Director General under the said section within the period specified by him, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to two million rupees, or with both.

122. Operating an aircraft in dangerous manner.— Where any aircraft is flown in such manner as may cause unnecessary danger to any person or property, whether on land or water, the pilot-in-command and the operator or owner of that aircraft, unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be punished with imprisonment for a term which may extend to six months, or with a fine which may extend to one million rupees, or with both.

123. Punishment for contravention of rules or regulations.— Where any rule or regulation provides that a contravention thereof shall be punishable, a person contravening that rule or regulation shall be punished with simple imprisonment for a term which may extend to three months or fine which may extend to one hundred thousand rupees, or with both.

124. Penalties provided to be in addition to penalties under other laws.— The punishment, fine and penalties provided in this Act are in addition to, and not substituting any, punishment, fine or penalty imposed under any other law for the time being in force.

125. Certain delinquencies to attract administrative penalties.— (1) Where it is brought to his notice that a person mentioned at the third column of the Second Schedule is delinquent in any manner in relation to what has been stated at the second column, the Director General may, after serving him a written notice and recording a summary of appertaining evidence, require that person to pay an administrative penalty which may extend to any amount

mentioned at the fourth column of the Schedule.

(2) Where any rule or regulation provides that a contravention thereof shall attract administrative penalty from the Director General, a person contravening that rule or regulation shall pay a fine which may extend to one hundred thousand rupees and if the contravention continues after the conviction, with an additional fine which may extend to ten thousand rupees for every day during which such contravention continues.

126. Amendments to the Second Schedule.— The Federal Government may, by notification in the official Gazette, amend the Second Schedule by way of addition, deletion or substitution of an entry in it.

127. Offences by holder of aviation document while being outside Pakistan.—

(1) Where the holder of an aviation document, while being outside Pakistan, commits an act or omission in the exercise or purported exercise of any privilege accorded by that document that would constitute an offence if it was committed in Pakistan, shall be deemed to have committed an offence under this Act and may be proceeded against in Pakistan as if that act or omission had occurred within Pakistan.

(2) Sub-section (1) shall not apply if such act or omission was required in order to comply with the law of the foreign State within which that privilege was exercised.

(3) In the like manner, nothing in this section shall be construed to require any person or aircraft to breach or be operated in breach of a law of a foreign State that applies to or in respect of the person or aircraft.

128. Offence on board an aircraft registered in Pakistan while being outside Pakistan.— (1) Any act or omission on board an aircraft registered in Pakistan while it is outside Pakistan that would have constituted an offence if it was to take place on board an aircraft in or over Pakistan, shall constitute that offence for the purpose of this Act.

(2) Any act contemplated in section 116 or 117 committed outside Pakistan on board an aircraft in flight that is not registered in Pakistan shall be deemed to be an offence committed in Pakistan if —

- (a) such aircraft lands in Pakistan with the person who committed any such act still on board;
- (b) such aircraft is leased without crew to a lessee who has his principal place of business or permanent residence in Pakistan;
- (c) the person who committed any such act is present or is apprehended in Pakistan.

129. Offences by bodies corporate.— (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and omissions of a member in connection with his functions of management as if he is a director of the body corporate.

130. Arrest how made.— No person shall be arrested for an offence under this Act unless —

- (a) there is a reason to believe that he will abscond;

- (b) there is a reason to believe that on being let free he will hide, destroy, damage or interfere with any incriminating evidence against him;
- (c) it is necessary to arrest him to prevent continuance of the offence; or
- (d) it is necessary to do so to secure his removal from an aircraft, airport or any other facility, vehicle, equipment or property used for, or in relation to the provision of aviation related service.

131. Cognizance of offences by courts.— (1) No court shall take cognizance of an offence under sections 113 to 120 and 124 of this Act except upon a complaint in writing by the Director General or an officer authorized by him in this behalf.

(2) The Director General shall not make a complaint in relation to an offence under section 116 or 117 unless he receives a written request from the owner, operator or pilot-in-command of the aircraft on board which that offence was committed.

132. Certain offences to be bailable.— All offences under this Act except the offences under section 116, 118, 119 and 121 shall be bailable.

133. Summary trial for certain offences.— A Magistrate of the first class may try any offence other than an offence under section 116, 117, 118 or 119 in a summary manner and may impose any amount of fine under this Act.

134. Compounding of offences.— (1) Subject to the provision of sub-section (2), the Director General may, at any stage, compound any offence under this Act other than the offence under section 116, 118 or 119, provided that the persons accused of the offence deposits such sum of money to the fund of the Authority as may be agreed to by the Director General as penalty which shall in no case be less than fifty thousand rupees or half of the maximum fine provided for that offence under this Act whichever amount is higher.

(2) An offence under this Act shall not be compoundable if the accused has previously been convicted under the Act or his previous offence has been compounded by the Director General.

CHAPTER XV MISCELLANEOUS

135. Exemptions from applicability of Act.— (1) The Federal Government may, on the recommendation of the Board, exempt the application of any one or more provisions of this Act, rules or regulations, to any one or all of the following —

- (a) any person, service provider, operator, or any class of persons, service providers or operators;
- (b) any aircraft or other aeronautical product or any class of aircraft or aeronautical products;
- (c) any aviation service or a class of aviation services; or
- (d) any airport or other aviation facility or a class of aviation facilities.

(2) Such exemption may be subject to such terms and conditions as the Federal Government may impose.

(3) In making a recommendation to the Federal Government, the Board shall have regards to, among other things, the following matters —

- (a) the reasons for the required exemption;
- (b) whether the exemption may lead to any serious or imminent risk to the safety of aircraft, persons, property or aviation safety or security in general;
- (c) if the exemption will lead to the development of civil aviation in Pakistan;

- or
- (d) if the exemption is in the larger public interest.
 - (4) The Federal Government may not grant any exemption for a period longer than one hundred and eighty days.
 - (5) The Minister may, on an application in writing, extend the period of exemption for a further similar period.
 - (6) Every exemption granted under this section shall be published in the official Gazette.

136. Technical standards for civil aviation.— (1) The Director General may issue technical standards for civil aviation on such matters as may be prescribed by the rules or regulations.

(2) The manner in which a technical standard shall be issued, varied or withdrawn, and the procedure to be followed in this respect shall be as prescribed by the rules.

(3) The Director General may incorporate into a technical standard any international aviation standard or any amendment, without stating the text of such standard or amendment, by mere reference to the title, number and year of issue of such standard or amendment or to any other particulars by which such standard or amendment is sufficiently identifiable.

(4) An officer of the Authority designated by the Director General for this purpose shall—

- (a) keep in his office a copy of the complete text of each international aviation standard or each amendment thereof which has been incorporated into any technical standard in accordance with sub-section (2); and
 - (b) on a written request, make such copy available to any interested person on payment of such fee as may be prescribed by the regulations.
- (5) For the purposes of this section, the international aviation standard means—
- (a) any international standard, recommended practice or procedure adopted by the ICAO for the purposes of Article 37 and 45 of the Convention;
 - (b) any standard, rule or requirement prescribed by the law of any other contracting State of the ICAO; or
 - (c) any other technical standard which is contained in a document which in the opinion of the Director General is too voluminous to be published in the normal manner.

137. Complaints to the Authority.— (1) Any person aggrieved from any act or omission of an operator or service provider may complain to the Director General.

(2) The Director General may require the operator or service provider to make a serious effort to address the said grievance within such period as may be specified by the regulations in view of seriousness and complexity of the matter complained against and inform the complainant and the Director General.

(3) Where the information mentioned at sub-section (2) is not received, or the aggrieved person is not satisfied with the effort of the operator or service provider, and the Director General views that the complaint merits further action, he may —

- (a) direct the operator or service provider to take such measures as he considers necessary or incidental to redress the grievance, including payment of a reasonable compensation to the aggrieved person for the act or omission complained against; or
- (b) where the service provider complained against is an agency owned or controlled by the federal or a provincial government, bring the matter to the notice of the head of that agency.

(4) Any person not satisfied with the decision of the Director General under subsection (3) or aggrieved by any act or omission of the Authority may make a complain to the Secretary.

(5) For the purposes of this section, an act or omission of an employee of an operator or service provider shall be deemed to be the act or omission on the part of the operator or service provider.

138. Clerical mistakes and non-material defects not to invalidate notice etc.—

A notice given under this Act shall not be invalid merely because of—

- (a) any defect, irregularity, omission, or want of form in the notice unless it causes or is likely to cause a miscarriage of justice; or
- (b) a failure to use correct name of the person to whom the notice is issued if the notice sufficiently identifies such person.

139. Periodical and annual reports.— (1) The Director General shall keep the Secretary generally informed on the working of the Authority and submit to him reports, returns, statements, estimates, statistics or other information on the matters relating to the functions, duties, activities and affairs of the Authority at such intervals and in such form as the Secretary may direct.

(2) The Director General shall, as soon as may be practicable after the close of every financial year, but not later than the last Friday of the immediately following August, submit to the Minister through the Secretary a report on the degree of compliance with the Act, rules and regulations, the state of aviation safety and security in general, major activities undertaken by the Authority, any direction given to the Authority under sections 142 or 143 and action taken on it by the Authority, statement of accounts of the Authority, and any other aspect of the functions and duties of the Authority during that year as the Minister may specify.

(3) After the approval of the Minister, the Director General shall cause the annual report to be published for general information in the prescribed manner.

140. Act X of 2012 not to apply to the Authority.— The Industrial Relations Act, 2012 (Act X of 2012) or any other law related to industrial relations, shall not apply to or in relation, to the Authority or any officer, servant, expert or other person in the service of the Authority.

141. Indemnity.— (1) No suit, prosecution or other legal proceedings shall lie against the Minister, Secretary, Authority, any member or member of a committee, the Director General, or any officer, servant, expert or any other person employed by or with the permission of the Authority in respect of anything, done or intended to be done in good faith under this Act, rules or regulations or for any damage sustained by anything belonging to or under the control of the Authority.

(2) No member or a member of a committee, the Director General, officer, servant, expert or any other person employed by or with the permission of the Authority shall incur any personal liability for any loss or damage caused by any act or omission in good faith in the conduct of the affairs of the Authority, or performance of its functions, or exercise of its powers under this Act, rules or regulations.

142. Power of the Federal Government to issue directions.— As and when it considers it to be necessary or expedient, the Federal Government may, by notification in the official Gazette, issue directions to the Authority on matters of policy and such directions shall be binding on it and where a question arises as to whether any matter is a matter of policy or not, the decision thereon by the Federal Government shall be final.

143. Other directions to the Authority.— (1) The Secretary may, with the approval of the Minister, require the Authority by an order in writing to do or not to do what is mentioned in the order where it is necessary or expedient to so order —

- (a) in the interest of national security;
- (b) in the interest of Pakistan's relations with another state or territory; or
- (c) to discharge or facilitate the discharge of an international obligation of Pakistan.

(2) The Secretary shall consult the Director General before passing an order under this section.

144. Duty not to disclose information.— (1) Except as provided in this Act, rules or regulations, or if so required under any other law or when so authorized by the Board —

- (a) no member, or member of a committee, the Director General or any other officer, servant, expert or other person in the service of the Authority attending a meeting of the Board, or any of its committees, shall disclose any information obtained by him in the course of that meeting; and
- (b) the Director General, other officer, servant, expert or other person in the service of the Authority who has access to any information or document relating to the affairs of the Authority shall not disclose that information or document.

(2) A member, or member of a committee, the Director General, officer, servant, expert or other person in the service of the Authority who contravenes any provision of subsection (1) shall be guilty of misconduct under this Act or any other applicable law relating to his conduct or discipline.

145. Power to make rules to affect certain international obligations.— The Federal Government may, by notification in the official Gazette, make such rules as appear it to be necessary for carrying out the provisions of—

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

146. Power to make rules.— (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for one or more of the following matters, that is to say —

- (a) the authorities by which any of the powers conferred by or under this Act are to be exercised;
- (b) the regulation of air services and the prohibition of the use of aircraft in such services;
- (c) the licensing, registration, inspection and regulation of the airports, the

- conditions under which airports may be maintained, and the fees which may be charged for the use of, and for services provided at, such airports;
- (d) conduct of persons at airports or in the vicinity of airports;
 - (e) the inspection and control of the manufacture, repair and maintenance of aircraft and of places where aircraft are manufactured, repaired or kept;
 - (f) the licensing of persons employed in the operation, manufacture, repair or maintenance of aircraft and at airports;
 - (g) the registration and marking of aircraft;
 - (h) the conditions under which an aircraft may be flown, or may carry passengers, goods, mails, and other things, or may be used for industrial purposes, and the certificates, licences or documents to be carried by aircraft;
 - (i) the inspection or supervision of aircraft for the purpose of enforcing the provisions of the Act and the rules, and the facilities to be provided for such inspection or supervisions;
 - (j) the conditions subject to which persons may be engaged or employed in, or in connection with, air navigation services;
 - (k) the conditions under which, and the airports to or from which aircraft entering or leaving Pakistan may fly, and the conditions under which aircraft may fly over Pakistan or from one place in Pakistan to another;
 - (l) the prohibition of flight by aircraft over any specified area, either absolutely or at specified times, or subject to specified conditions and exceptions;
 - (m) the control and regulation of air-route beacons, airport lights, and lights at or in the neighborhood of airports and on or in the neighborhood of air routes;
 - (n) the formulation and observance of uniform standards in respect of obstruction clearances for areas adjoining the landing area at airports;
 - (o) the installation, maintenance and removal of lights on private property in the neighborhood of airports and on or in the neighborhood of air-routes, by the owners or occupiers of such property;
 - (p) the measures to be taken for securing obstruction clearances at airports, for the safety, efficiency and regularity of air navigation and the safety of aircraft, passengers, goods, mails and other things carried therein, and for preventing aircraft from endangering other persons and property;
 - (q) the regulation and making of signals and communications by or to aircraft, and by or to persons carried therein;
 - (r) the prohibition or regulation of carriage in aircraft of any specified article or substance;
 - (s) the issue and maintenance of log books;
 - (t) the manner in which and the conditions subject to which any licence, certificate or permit may be issued under the Act or the rules, the examination and tests to be undergone in connection therewith, and the form, custody, production, endorsement, cancellation, suspension or surrender of any such licence, certificate, permit or of any log-book;
 - (u) the fees to be charged in connection with any inspection, examination, test, licence, certificate or permit, made, issued, or renewed under the Act or the rules;
 - (v) the recognition, for the purposes of this Act, of licences, certificates and other documents issued elsewhere than in Pakistan relating to aircraft or to the qualifications of persons employed in the operation, manufacture,

- repair or maintenance of aircraft;
- (w) the supply, for purposes of air navigation, of metrological information by persons engaged or employed in connection with air navigation;
- (x) the regulation of the use of the civil air ensign and any other ensign established by the Federal Government in connection with air navigation; and
- (y) any matter subsidiary or incidental to the matters referred to in this sub-section.

147. Power of the Authority to make regulations.— The Board may make regulations, not inconsistent with this Act and the rules, to provide for all internal matters and for which provision is necessary or expedient for carrying out the purposes of the Act.

148. Air Navigation Orders.— The Director General may, by notification in the official Gazette, issue an Air Navigations Order not inconsistent with this Act, rules and regulations, to provide for any matter and for which provision is necessary or expedient for carrying out the purposes of the Act.

149. Requirement of continuous review of rules etc.— (1) The Director General shall cause the rules, regulations and Air Navigation Orders to be reviewed continuously in the interest of development of air transport and the efficiency, economy and safety of operations and to secure their conformity to the requirements of any relevant international treaty, convention, engagement or agreement to which Pakistan is a signatory.

(2) The Director General shall meaningfully consult the persons interested in or affected or likely to be affected by the review of the rules, regulations or Air Navigation Orders under this section.

(3) The Director General shall submit a biannual report to the Minister, Secretary and the Board on the rules, regulations and Airport Orders reviewed during the period of the report, the persons consulted during such review, any Air Navigation Order or part thereof updated or improved and recommendation, if any, for updating or affecting any improvement in the rules or regulations for the purposes mentioned in sub-section (1).

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

151. Act to override other laws.— (1) The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law.

(2) The regulatory and control function under this Act shall be exercised in such a manner that it does not abridge or limit the powers the Airport Security Force, Federal Investigation Agency, customs and all other lawfully authorized persons working at an airport or elsewhere for or in relation to the operation of aircraft, which stand conferred on them by, or as the case may be, are required to be performed by them respectively under the Airport Security Force Act, 1975 (LXXVII of 1975), Federal Investigation Agency Act, 1974 (VIII of 1975) or any other law for the time being in force.

152. Repeal of Ordinance XXXII of 1960 and Ordinance XXX of 1982.— On the coming into force of this Act and the Pakistan Airports Authority Act, 2023, the Civil Aviation Ordinance, 1960 (XXXII of 1960) and the Pakistan Civil Aviation Ordinance, 1982 (XXX of

1982) shall be repealed.

153. Savings.— (1) Notwithstanding the repeal of Civil Aviation Ordinance, 1960 (XXXII of 1960) and the Pakistan Civil Aviation Ordinance, 1982 (XXX of 1982), anything done or any action taken or purported to have been done or taken under any of these laws shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the Act, and shall, if in force or valid on the date of coming into force of the Act, continue in force, unless amended, modified, altered, revised, rescinded, repealed, withdrawn, renewed, reissued, suspended, dismissed, removed, revoked, or lapsed, as the case may be, under the corresponding provisions of the Act.

(2) The rights, liabilities and contracts of the Pakistan Civil Aviation Authority established under the repealed Ordinance of 1982 shall be deemed to be rights, liabilities and contracts of the Pakistan Civil Aviation Authority established under this Act, and for all intents and purposes the Pakistan Civil Aviation Authority established under this Act shall be successor-in-interest for the Pakistan Civil Aviation Authority established under the repealed Ordinance of 1982.

(3) Any registration, licence, certificate or permission granted by the Pakistan Civil Aviation Authority established under the repealed Ordinance of 1982 shall be deemed to be granted by the Pakistan Civil Aviation Authority established under this Act.

(4) Any officer, servant, expert, employee or other person appointed by the Pakistan Civil Aviation Authority established under the repealed Ordinance of 1982 shall be deemed to be appointed as the officer, servant, expert, employee of the Pakistan Civil Aviation Authority established under this Act on the same terms and conditions as existed before such repeal.

(5) Subject to this Act, the rules and regulations made under any of the repealed Ordinances of 1960 and 1982 or any Air Navigation Order issued under them shall remain enforce until rules, regulations or Air Navigation Order are made on the same subject under the Act.\

FIRST SCHEDULE

[see section 63]

Authority for Grant, Renewal or Varying of Air Service Licence

| Sr. | Description of Air Service Licence | Name, Class or Category | Authority for the Grant, Renewal or Varying Licence |
|-----|---|--|---|
| 1 | General public service performed on a fixed schedule and specified air route against specified fair | Regular Public Transport For the carriage of passengers and cargo on specified domestic or international or both routes | Minister |
| 2 | General public service performed on a fixed schedule and specified air route against specified fair | Tourism Promotion and Regional Integration For the carriage of passengers and cargo on specified domestic routes | Minister |
| 3 | Undertaking specified journey not being a regular scheduled flight | Charter Class II For international and domestic operations | Minister |
| 4 | Undertaking specified journey not being a regular scheduled flight | Charter Class II For domestic operations | Director General |
| 5 | Undertaking specified journey not being a regular scheduled flight | Charter Class I For international and domestic operations | Director General |
| 6 | Undertaking specified journey not being a regular scheduled flight | Charter Class I For domestic operations | Director General |
| 7 | Flight operations for provision of one or more specialized services | Aerial Works Class II For international and domestic operations | Director General |
| 8 | Flight operations for provision of one or more specialized services | Aerial Works Class II For domestic operations | Director General |
| 9 | Flight operations for provision of one or more specialized services | Aerial Works Class I For international and domestic operations | Director General |
| 10 | Flight operations for provision of one or more specialized services | Aerial Works Class I For domestic operations | Director General |
| 11 | Flight operations for pilots training | Flying School Class II | Director General |
| 12 | Flight operations for pilots | Flying School | Director General |

| Sr. | Description of Air Service Licence | Name, Class or Category | Authority for the Grant, Renewal or Varying Licence |
|-----|--|--|---|
| | training | Class I | |
| 13 | Facility for training in relation to operation of aircraft | Ground School | Director General |
| 14 | Flight operations otherwise for hire or reward | Private Air Operations International, Class I | Director General |
| 15 | Flight operations otherwise for hire or reward | Private Air Operations Domestic, Class I | Director General |
| 16 | Flight operations otherwise for hire or reward | Private Air Operations Domestic and International Class II | Director General |
| 17 | Flight operations for recreational activities | Recreational Activities | Director General |

SECOND SCHEDULE

[see section 126]

Acts Attracting Administrative Penalties

| Ser | Delinquency attracting administrative penalty | Person(s) liable for administrative penalty | Maximum limit of administrative penalty |
|-----|--|--|--|
| 1 | Operating an aircraft in careless manner | Pilot-in-command | Upto Rupees two million if the delinquent is a juristic person, rupees three hundred thousand if the delinquent is a natural person |
| 2 | Communicating false information affecting safety | Person providing false information | Upto Rupees seventy-five thousand |
| 3 | Failure to notify breach of the Act, rules, regulations or orders in an emergency situation by an aircraft | Pilot-in-command | Upto Rupees two hundred thousand if the delinquent is a juristic person, rupees fifty thousand if the delinquent is a natural person |
| 4 | Failing to disclose information relevant to granting or holding of aviation document | Person applying for or holder of aviation document | Upto Rupees one million if the delinquent is a juristic person, rupees two hundred thousand if the delinquent is a natural person |
| 5 | Exercising privileges of aviation document without required medical certificate | Holder of aviation document | Upto Rupees one hundred thousand |

| Ser | Delinquency attracting administrative penalty | Person(s) liable for administrative penalty | Maximum limit of administrative penalty |
|-----|---|---|---|
| 6 | Exercising privilege of aviation document having knowledge or suspicion that due to medical or psychological condition such privilege can no longer be exercised safely | Holder of aviation document | Upto Rupees fifty thousand |
| 7 | Failure to surrender aviation document when required by the Act or otherwise by the Director General | Holder of aviation document | Upto Rupees five hundred thousand if the delinquent is a juristic person, rupees one hundred thousand if the delinquent is a natural person |
| 8 | Failure to provide inspector or authorised person with correct name, residential address, and date of birth or other information when asked | Person asked | Upto Rupees twenty-five thousand |
| 9 | Mutilating, adding or rendering illegible any log book, or any entry made therein for procurement of an aviation document | Holder of aviation document | Upto Rupees five hundred thousand if the delinquent is a juristic person, rupees one hundred thousand if the delinquent is a natural person |

| Ser | Delinquency attracting administrative penalty | Person(s) liable for administrative penalty | Maximum limit of administrative penalty |
|-----|--|--|--|
| 10 | Failure to provide information that leads to identification of pilot-in-command of an aircraft | Pilot-in-command's employer, operator or holder of certificate of registration of aircraft | Upto Rupees two hundred thousand if the delinquent is a juristic person, rupees fifty thousand if the delinquent is a natural person |
| 11 | Failure to assist an inspector or authorised person when asked for the purpose of this Act | Pilot-in-command, any operator or holder of certificate or aviation document who fails to provide assistance | Upto Rupees one million if the delinquent is a juristic person, rupees one hundred thousand if the delinquent is a natural person |
| 12 | Being in security area without being searched or when not authorised | Person | Upto Rupees ten thousand |
| 13 | Operating an air service without licence | Operator | Upto Rupees five million and rupees five hundred thousand for each day if the violation continues after imposition of penalty |
| 14 | Operating an aircraft without registration or a valid aviation document | Operator | Upto Rupees one million and rupees fifty thousand for each day if the violation continues after imposition of penalty |
| 15 | Disruptive conduct | Person showing | Upto Rupees fifty thousand |

| Ser | Delinquency attracting administrative penalty | Person(s) liable for administrative penalty | Maximum limit of administrative penalty |
|-----|---|---|--|
| | towards crew member on board an aircraft | disruptive conduct | |
| 16 | Being intoxicated while on board an aircraft | Intoxicated person | Upto Rupees five hundred thousand |
| 17 | Smoking or smoking electronic cigarette on board an aircraft despite instructions from pilot-in-command or crew | Smoker | Upto Rupees fifty thousand |
| 18 | Non-compliance of the commands given by a pilot-in-command to a passenger onboard an aircraft | Non-complying passenger | Upto Rupees fifty thousand thousand |
| 19 | Operating an airport without registration | Owner or operator | Upto Rupees ten million and rupees five hundred thousand for each day if the violation continues after imposition of penalty |
| 20 | Making material change in an airport without authorisation | Owner or operator | Upto Rupees on million and rupees one hundred thousand for each day if the violation continues after |

| Ser | Delinquency attracting administrative penalty | Person(s) liable for administrative penalty | Maximum limit of administrative penalty imposition of penalty |
|-----|--|---|---|
| 21 | For any other violation of any other provision of this Act for which no specific punishment or administrative penalty has been given | | Upto Rupees five hundred thousand if the delinquent is a juristic person, rupees fifty thousand if the delinquent is a natural person |

STATEMENT OF OBJECTS AND REASONS

Considering the sensitivity of operations and involvement of strategic asset i.e. Airspace, the role of Civil Aviation in Pakistan shall be bifurcated into two entities: one responsible for regulations of civil aviation activities in Pakistan; whereas, the other shall be responsible for provision of civil aviation services and development of aviation infrastructure in Pakistan. Pakistan Civil Aviation Authority (PCAA) shall be entrusted with regulatory functions; whereas, the Pakistan Airports Authority (PAA) shall be entrusted with commercial and operational aspects of airports.

2. The existing institutional arrangement and legal instruments envisages regulatory as well as service provider roles being performed by a single entity which tantamount to infringement upon the regulatory functions being performed by the regulatory authority. To improve services, enhance efficiency at airports and to comply with the Standard and Recommended Practices (SARPs) of international Civil Aviation Organization (ICAO), an institutional arrangement is needed to create separate authorities for civil aviation regulations and services provision.

3. The Pakistan Civil Aviation Bill, 2023 envisages establishment of Separate civil aviation regulatory body.

4. The Bill is designed to achieve the aforesaid purpose.

Minister for Aviation

[AS INTRODUCED IN THE SENATE]

A
Bill

to consolidate and amend the law for better regulation and control of civil aviation and to confer certain duties and powers on the Pakistan Civil Aviation Authority

WHEREAS it is expedient to consolidate and amend the law for better regulation and control of civil aviation and to confer certain duties and powers on the Pakistan Civil Aviation Authority, and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows —

CHAPTER I
PRELIMINARY

1. **Short title, extent, application and commencement.**— (1) This Act may be called the Pakistan Civil Aviation Act, 2023.
- (2) It extends to the whole of Pakistan.
- (3) It shall also apply to —
 - (a) all airports in Pakistan and the persons employed at or in relation to the operation of, or provision of one or more aviation services at such airports;
 - (b) every person entering into or while being at an airport or any other aviation facility in Pakistan;
 - (c) every aircraft, including an aircraft registered outside Pakistan, in or over Pakistan, the pilot-in-command, crew, and the passengers boarding onto or on board such aircraft;
 - (d) every aircraft registered in Pakistan while being outside Pakistan, the pilot-in-command, crew and the passengers on board such aircraft;
 - (e) every holder of an aviation document exercising any privilege accorded by that document in or outside Pakistan;
 - (f) every other service and facility kept for, or engaged in or in relation to the operation of aircraft in Pakistan including those relating to safe navigation, search and rescue of aircraft, ground handling, handling of baggage, mail and cargo, training of pilots, cabin crew, and the design, manufacture, repair and maintenance of aircraft, and every person employed at or in relation to such service or facility; and
 - (g) every aeronautical product in Pakistan.
- (4) Nothing in this Act shall apply to —
 - (a) an airport owned by, or operated, or kept for the exclusive use of any of the armed forces of Pakistan and persons employed at or in relation to such airport;
 - (b) an aircraft owned by, or operated, or kept for the exclusive use of any of the armed forces of Pakistan and the persons employed at or in relation to such aircraft;
 - (c) a facility for the manufacture, design and repair of an aircraft owned, operated or kept for the exclusive use of any of the armed forces of Pakistan and the persons employed at or in relation to such facility;
 - (d) any aeronautical product owned by or kept for the exclusive use of any of the armed forces of Pakistan; and
 - (e) a lighthouse to which the Lighthouse Act, 1927 (Act XVII of 1927), applies, or prejudice or affect any right or power exercisable by any authority

under that Act.

(5) The Federal Government may, by notification in the Official Gazette, direct that this Act, or any provisions thereof which it may specify in the notification, shall come into force on such date as it may appoint in this behalf and if no such date is appointed within one hundred and eighty days from the date of notification of the Act, it shall come into force at once on the expiry of this period.

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

- (a) “Act” means the Pakistan Civil Aviation Act, 2023;
- (b) “aeronautical product” means anything or part of an aircraft or anything or part that is intended to be installed in or fitted or supplied to an aircraft and includes fuel and other similar consumable items necessary for the operation of the aircraft;
- (c) “Air Navigation Order” means an order issued by the Director General under section 148;
- (d) “air navigation service” means the services and aids for communicating with and guiding, controlling and surveilling an aircraft for safe navigation during all phases of its flight and include air traffic and aeronautical information management services, charting and cartographic services, flight procedure design services and other incidental and consequential services;
- (e) “air service” means the use of aircraft for the transport of passengers, mail, cargo, or for other proposes;
- (f) “aircraft” means any machine which can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface, and includes a balloon, whether captive or free, airship, kite, glider, any other flying machine and an unmanned aircraft;
- (g) “airport” includes an aerodrome, airstrip, airfield, heliport and any other facility set apart or commonly used or intended to be used, either wholly or partly, for affording facilities for the landing and departure of aircraft as well as any runway, taxiway, building, shed, hanger, vessel, pier, parking areas and any other structure or facility appertaining to the airport in relation to the landing and departure of an aircraft, embarkation and disembarkation of passengers, loading and unloading and handling of passenger baggage, cargo and mail;
- (h) “airport manager” means the officer in-charge of an airport appointed in writing by the owner or operator of the airport;
- (i) “Airports Security Force” means the Airports Security Force established under the Pakistan Airports Security Force Act, 1975 (LXXVII of 1975);
- (j) “Authority” means the Pakistan Civil Aviation Authority;
- (k) “authorized person” means a person designated as authorized person by the Director General under section 93;
- (l) “aviation document” means a licence, permit, certificate, authorization, approval or any other document issued under this Act to or in respect of any person, aircraft, airport, air service, aviation service or aeronautical product;
- (m) “aviation facility” means any facility or premises used for, or kept aside for or in relation to the operation of aircraft and provision of air and air navigation services, and includes an airport, hanger, fuel storage area and a facility for the training and certification of pilots and crew and persons

- involved in design, manufacturing maintenance of aircraft;
- (n) "aviation security" means safeguarding civil aviation from unlawful interference;
- (o) "aviation service" means any service, equipment or facility used or kept for, or in relation to civil aviation and includes—
 - (i) . services in relation to the operation of airports;
 - (ii) . air navigation services;
 - (iii) . aviation meteorological services;
 - (iv) . aviation security services including the aviation security services provided by the Airports Security Force;
 - (v) . services in relation to border management, customs and control of contra band or harmful substances at the airports;
 - (vi) . aviation training services; and
 - (vii) . services in relation to the provision of aeronautical products and procedures;
- (p) "Board" means the Board of the Authority;
- (q) "chairperson" in relation to the Board, civil aviation security committee or air transport facilitation committee respectively means the chairperson of the Board, civil aviation security committee and air transport facilitation committee;
- (r) "civil aviation" means use of aircraft for transport of passengers, goods and mail and for other non-military uses;
- (s) "Collector" means the Collector of the district appointed under the law relating to land revenue;
- (t) "Convention" means the Convention on International Civil Aviation signed at Chicago on seventh day of December, 1944; and such other conventions to which Pakistan is a signatory;
- (u) "crew" includes any person assigned to duty on an aircraft during flight by the owner or operator;
- (v) "Director General" means the Director General of the Authority;
- (w) "Federal Government" means the Government of Pakistan;
- (x) "Federal Investigation Agency" means the Federal Investigation Agency established under the Federal Investigation Agency Act, 1974 (VIII of 1975),
- (y) "ICAO" means International Civil Aviation Organization established under the Convention;
- (z) "inspector" means an officer of the Authority designated as inspector by the Director General under section 93;
- (aa) "medical assessor" means a qualified and experienced medical assessor appointed by the Director General under section 93;
- (bb) "member of a committee" means member of a committee of the Board; (cc) "member" means a member of the Board;
- (dd) "meteorological services" means the provision of weather information and forecasts to support safe and efficient navigation of aircraft;
- (ee) "Minister" means the Minister in-charge of the Ministry of Aviation;
- (ff) "operator" means a person who causes or permits the aircraft to fly, be used, or be in any place, whether or not the person is present with the aircraft, or a person who operates an airport;
- (gg) "Pakistan Airport Authority" means the Pakistan Airport Authority established under the Pakistan Airport Authority Act, 2023 (xxx of 2023);
- (hh) "pilot-in-command" means the pilot designated by the operator, as being in

- command and charged with the safe conduct of a flight;
- (ii) "prescribed" means prescribed by the rules or regulations;
- (jj) "Prime Minister" means the Prime Minister of Pakistan;
- (kk) "private member" means a member mentioned at clause (f) of subsection (1) of section 6;
- (ll) "privilege" means the activity which the holder of an aviation document is authorized to undertake under that document;
- (mm) "regulations" means the regulations made under the Act;
- (nn) "rules" mean the rules made under the Act;
- (oo) "Secretary of the Board" means the Secretary of the Board;
- (pp) "Secretary" means the Secretary to the Government of Pakistan incharge of the Ministry of Aviation; and,
- (qq) "service provider" means a person providing an aviation service.

CHAPTER II PAKISTAN CIVIL AVIATION AUTHORITY

3. **Establishment of the Authority.**— (1) The Pakistan Civil Aviation Authority established under the Pakistan Civil Aviation Ordinance, 1982 (XXX of 1982) shall continue and be deemed to be the Authority established for the purpose of this Act.

(2) The Authority shall be a body corporate, having perpetual succession with the power, subject to the provisions of this Act and the rules, to acquire, hold and dispose of property, and to enter into contract, and shall by the said name sue and be sued.

4. **Functions and powers of the Authority.**— (1) Subject to this Act, the Authority shall control and regulate civil aviation and the provision of aviation services, and take measures as are necessary or incidental to the safe, secure and orderly growth of civil aviation in Pakistan.

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

- (a) control and regulate civil aviation and the provision of aviation services in Pakistan generally and particularly in respect of the following matters, namely —
 - (i) the development, operation and maintenance of airports and the facilities and services as are necessary for, or incidental to the convenience, safety and security of aircraft, passengers and other persons using the airports;
 - (ii) the operation of all aircrafts in or over Pakistan and the operation of all aircrafts registered in Pakistan while being outside Pakistan;
 - (iii) management of Pakistan's airspace;
 - (iv) the design, manufacture, repair, maintenance, import and export of aircraft and their parts;
 - (v) the carriage of dangerous goods by an aircraft, and prohibition or restriction of the carriage in an aircraft of any specified article or substance or technology;
 - (vi) the provision of aviation security, air navigation, meteorological, aircraft search and rescue services and every other service used or kept for, or in relation to the operation of aircraft;
 - (vii) all facilities engaged in, or in relation to the above;
 - (viii) all persons engaged in, or in relation to the above; and (ix) the

- protection of environment.
- (b) take measures as are necessary or incidental to the protection and promotion of the interests of passengers and users of airports in respect of the prices charged for, and the quality and variety of services provided;
 - (c) designate areas over which no aircraft shall fly, either absolutely or at specified times, or subject to such conditions and exceptions as may be specified;
 - (d) encourage, promote, facilitate and assist in the development of civil aviation and aviation services in Pakistan;
 - (e) levy and collect rent, rate, fee, fine and other charges authorized under this Act, rules or regulations;
 - (f) issue warnings, reports, and guidance, and to comment on any matter relating to the civil aviation;
 - (g) as and when so required, advise the Federal Government, Minister and the Secretary on matters relating to civil aviation including those relating to bilateral air service agreements and Pakistan's obligations under any international treaty, convention, engagement or agreement connected with or ancillary to the purpose of this Act;
 - (h) secure compliance with the provisions of this Act, rules and regulations, and other instructions and requirements, and the standards prescribed under this Act through continuous oversight, inspections, audits and tests;
 - (i) affect Pakistan's obligations under any international treaty, convention, engagement or agreement connected with or ancillary to the purpose of this Act to which Pakistan is a signatory;
 - (j) perform any other function or duty conferred on it under any other law for the time being in force; and
 - (k) carry out its duties and functions in a cost effective and efficient manner.
- (3) The Authority may —
- (a) plan, prepare and execute schemes for the construction, development, operation, maintenance, repair and redoing of its buildings, facilities and other assets as well as for the development of civil aviation and aviation services in Pakistan in general;
 - (b) train its officers, staff and other persons for the purpose of this Act and establish and maintain such facilities as are, in its view, necessary to this end;
 - (c) provide expert services in relation to any duty or function imposed upon it under this Act;
 - (d) enter into contracts for the purchase and supply of goods and services or any other contract as may be necessary for the proper discharge of any function, duty or power imposed or conferred upon it under this Act;
 - (e) acquire by purchase, lease, exchange or otherwise any land or other moveable or immovable property or any interest in such land or property for the purpose of this Act;
 - (f) pledge any property vested in it, including any immovable property transferred to it under this Act, to raise finances for the acquisition of any capital asset or development of any infrastructure for the purpose of the Act; and
 - (g) permit the use of any land, building, facility, premises or other property owned by or vested in it on rent, lease, licence, concession or through such other mean or instrument as it deems fit.
- (4) In carrying out its duties and functions, the Authority shall ensure that—

- (a) the enforcement of the Act, rules and regulations is done in a transparent, accountable, proportionate and consistent manner;
 - (b) the regulatory activities are targeted only at cases in which an action is needed; and
 - (c) the officers, servants and other persons in the service of the Authority and other persons responsible for undertaking inspections, tests and audits for the purpose of the Act are, at all times, qualified and trained as per the appropriate standards.
- (5) In the conduct of its business, the Authority shall ensure that its revenue is not less than sufficient for making provision for meeting its expenses, taking one year with another.
- (6) The Authority shall be the appropriate authority responsible for coordination with the ICAO on behalf of Pakistan for the purpose of this Act.
- (7) Subject to the provisions of this Act, rules and regulations, the Authority may exercise such powers and take all such measures as may be necessary, or incidental to, the exercise of any powers or the discharge of any duty or function conferred or imposed on it by this Act or for carrying out the purpose of the Act.

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

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

- (a) The Secretary, who shall also be the Chairperson of the Board;
 - (b) The Vice Chief of Air Staff, Pakistan Air Force;
 - (c) The Director General;
 - (d) The Secretary to the Government of Pakistan in-charge of the Finance Division or a senior officer of the Division nominated by him;
 - (e) The Secretary to the Government of Pakistan in-charge of the Planning Division or a senior officer of the Division nominated by him; and
 - (f) Not more than **four private members**, appointed by the Prime Minister in such manner as may be prescribed by the rules from among the persons having special knowledge and experience in civil aviation, business and industry, commercial or financial matters, public administration, law or any other subject related to one or more functions and duties of the Authority.
- (2) The Board may appoint a senior officer of the Authority as the Secretary of the Board for a term of three years from the date of assumption of office, which the Board may extend for two other similar terms.
- (3) The Chairperson or, in his absence, a member authorized by him in this behalf and three other members including one private member shall constitute a quorum for a meeting of the Board.
- (4) A person shall be disqualified for being appointed as a private member if he
- (a) holds, for the time being, a political office;
 - (b) has not attained the age of forty years;
 - (c) has been convicted and sentenced to imprisonment for an offence involving moral turpitude;

- (d) is an undischarged insolvent;
- (e) is of unsound mind and stands so declared by a competent court;
- (f) has been removed or dismissed from a public office or from an office of a body corporate or the entity owned or controlled by any government in Pakistan;
- (g) is involved directly or indirectly in an activity for the purpose of gain in or in relation to an aviation service, undertaking or business or holds an office or employment in or in relation to an aviation service, undertaking or business; or
- (h) holds directly or indirectly, any share or other pecuniary interest, tangible or intangible, in any business, licence, certificate, permit, authorization, inspection or contract, or any other interest in the Authority as is likely to affect prejudicially the discharge of his functions as a member.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) the Director General, who shall also be its head;
- (b) three most senior officers of the Authority;
- (c) a senior officer of the Finance Division nominated by the Secretary to the Government of the Pakistan in-charge of the Finance Division; and
- (d) such other officers of the Authority as the Board may appoint generally or specifically in relation to the nature of the action to be taken or matter to be discussed or decided by the executive committee.

(2) Subject to the Act, rules and regulations, the executive committee shall —

- (a) perform such functions and duties and exercise such powers in matters relating to the administration and affairs of the Authority as may be delegated to it by the Board; and
- (b) where in its opinion any matter which is not delegated to it under clause (a) requires an immediate action to prevent injury or loss to the Authority and it is improbable to timely obtain approval of the Board for this purpose, take such action and report it for approval of the Board in the next meeting.

(3) The procedure of the executive committee generally and in particular, with respect to the holding of meetings, the notice to be given of such meetings, proceedings at the meetings, the recording and keeping of minutes and the custody, production and inspection of minutes shall be such as may be prescribed by the regulations.

(4) Until the regulations are made in this behalf, the Director General may, by circular to the members, regulate the procedure of the executive committee.

10. **The Director General.**— (1) The Prime Minister may, in the manner prescribed by the rules, appoint an officer in the service of Pakistan or an officer of the Authority or any other person having an experience of ten years in the Civil Aviation or regulatory enforcement and where the Prime Minister considers it so appropriate, he may extend the term of the Director General for a period not exceeding two years.

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

(3) The Director General shall be the executive head of the Authority and apart from day-to-day administration of the Authority and exercising powers and undertaking functions or duties delegated upon him by the Board in terms of section 14, he shall —

- (a) continuously take and oversee the measures that are necessary or incidental to the enforcement of this Act;
- (b) issue warnings, reports, or guidance on any matter relating to civil aviation in Pakistan;

- (c) undertake functions and duties and exercise powers as are specifically imposed or conferred upon him under this Act, rules or regulations and any other law for the time being in force; and
 - (d) exercise all powers of an inspector or authorized person under this Act.
- (4) While undertaking his functions and duties and exercising his powers, the Director General shall —
- (a) act independently;
 - (b) exercise his powers in a transparent, accountable, proportionate and consistent manner; and
 - (c) ensure that the regulatory activities are targeted only at cases in which an action is needed.
- (5) In the absence or inability of the Director General to perform his functions, the Chairperson may appoint a senior officer of the Authority to discharge the functions and exercise the powers of the Director General or inability for a term which shall not exceed ninety days.

11. Resignation by the Director General.— (1) The Director General may, by notice in writing to the Prime Minister, resign from his office.

(2) Such resignation shall take effect from the date of its acceptance by the Prime Minister.

12. Removal of the Director General.— The Prime Minister may, after providing the Director General an opportunity of being heard, either personally or through an officer authorized by him in this behalf, remove the Director General from office if he —

- (a) has failed to discharge, or has become incapable of discharging, his duties effectively under this Act;
- (b) has been convicted of an offence involving moral turpitude and sentenced to imprisonment; or
- (c) has knowingly acquired or continues to hold, directly or indirectly, any share or other pecuniary interest, tangible or intangible, in any business, licence, certificate, permit, inspection, or contract, or any other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as the Director General.
- (d) is guilty of misconduct; or
- (e) has abused his office in a manner that renders his continuation in office detrimental to public interest.

13. Duty to avoid conflict of interest.— (1) Before assuming his office, every member shall tender a certificate under his hand that he does not hold, or will not acquire any share or other pecuniary interest, tangible or intangible, in any business, licence, certificate, permit, inspection or contract, or any other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions and duties as member.

(2) Where it comes to the notice of a member that in relation to any matter which is to be considered or decided by the Board or a committee he has professionally acted on behalf of any person having any share or interest in that matter, or any of his immediate relatives, or his employer or employee would receive or have a reasonable expectation of receiving, a direct or indirect pecuniary or other benefit, share or interest or would suffer or have a reasonable expectation of suffering a direct or indirect pecuniary or some other detriment, he shall immediately inform the Secretary of the Board.

(3) The Secretary of the Board shall record every such disclosure in the minutes of the meeting of the Board or the committee and, after the disclosure, that member shall abstain from taking part in the meeting or any other deliberation of the Board or the committee with respect to that matter.

(4) For the purpose of determining whether there is a quorum where a member abstains from meeting in terms of this section, that member shall be treated as being present at that meeting notwithstanding that he cannot vote or has withdrawn from the meeting in respect of the matter in question.

14. Delegation of powers by the Board.— (1) The Board may, by general or special order, delegate to the executive committee, the Director General or any other officer of the Authority any of its functions, duties or powers under this Act, subject to such conditions as it deems fit.

(2) Every delegation of functions, duties or powers under this section shall be in writing, revocable at any time by the Board, but no such delegation shall prevent the Board from undertaking the function or duty or exercise of the power so delegated.

(3) Notwithstanding the provisions of sub-section (1), the Board shall not delegate its following functions, duties and powers —

- (a) making of regulations;
- (b) approval of budget, audited accounts and reports of the Authority;
- (c) approval of a plan of schemes drawn up under section 30;
- (d) approval of plans for the investment of funds of the Authority;
- (e) the rate at which fees and other charges authorized under this Act, rules or regulations shall be levied and collected by the Authority;
- (f) arrangements that one or more functions or duties undertaken by the Authority are carried out on its behalf otherwise than through its officers, servants, experts and other employees;
- (g) acquisition of an immoveable property by purchase, lease, exchange or any interest in immoveable property for the purpose of this Act;
- (h) pledging or mortgaging any movable or immovable property vested in the Authority to raise finances for the acquisition of any capital asset or development of infrastructure for the purpose of this Act;
- (i) creation of a position of an officer, servant, expert or other person in the Authority;
- (j) constitution of any committee of the Board in terms of section 8 and the appointment of officers of the Authority as members of the executive committee of the Authority in terms of sub-section (1) of section 9;
- (k) any policy matter and where there is a question as to whether a matter is a matter of policy or otherwise, the decision of the Minister shall be final; and
- (l) any other function, duty or power of the Board which the Board is barred from delegating under the rules.

(4) The Board shall not delegate any function, duty and power to the Director General or any other officer of the Authority that it has delegated to the executive committee and in the like manner, any function, duty and power which is delegated to the Director General shall not be delegated to any other officer of the Authority.

15. Delegation of powers by the Director General.— (1) The Director General may, by general or special order, delegate to one or more suitably qualified and skilled officers of the Authority any of the function, duty or power imposed or conferred upon him under this Act subject to such conditions as he deems fit.

(2) Every delegation of functions, duties or powers under this section shall be in writing, revocable at any time by the Director General, but no such delegation shall prevent him from undertaking the function or duty or exercise of the power so delegated.

(3) Notwithstanding the provisions of sub-section (1), the Director General shall not

delegate upon any other officer of the Authority any function, duty or power delegated to him by the Board, and any power conferred upon him under this Act in relation to —

- (a) the designation of inspectors, authorized persons and medical assessors;
- (b) the grant, renewal, suspension, revocation or varying of an aviation document or air service licence;
- (c) imposition of one or more conditions on an aviation document or air service licence;
- (d) prohibition of the exercise of privileges of an aviation document;
- (e) the registration of aircraft and unmanned aircraft;
- (f) compliance notices in terms of section 97;
- (g) prohibition of exercise of privilege in terms of section 98;
- (h) prohibition of an aircraft from flying in term of section 99;
- (i) detention of an aircraft and seizure of an aeronautical product in terms of section 100;
- (j) closure of or putting any condition on operation of an aviation facility in terms of section 101;
- (k) taking of and deciding appeals;
- (l) compounding of offences under this Act; and
- (m) administrative penalties in terms of section 125;

16. **Recruitment of officers and staff.**— (1) The Authority may appoint such officers, servants, experts and other persons as it may consider necessary for the due discharge of its functions and duties under this Act.

(2) The Authority shall, by regulations, prescribe the procedure for the appointment of its officers, servants, experts and other persons, and the terms and conditions of their service.

17. **Members and other officers of the Authority to be public servants.**— The members, members of the committees, Director General, officers, servants, experts and other persons in the service of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act, rules or regulations, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

CHAPTER III LAND AND OTHER PROPERTIES

18. **Acquisition of land for the Authority.**— (1) The acquisition of any land or any interest in land for the Authority for the discharge of any of its functions under this Act shall be deemed to be an acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894 (I of 1894), and the provisions of the said Act shall apply to all such proceedings.

(2) The Director General or any officer of the Authority authorized by him for this purpose, may enter upon and survey any land, erect pillars for the determination of intended lines of works, drill bore holes, excavate land and do all other acts which may be necessary for the preparation of any scheme or in relation to discharge of any function or duty by the Authority, but if the affected land does not vest in the Authority, the power conferred by this sub-section shall be exercised in such manner as to cause least interference with and least damage to the rights of the owner or occupant thereof.

(3) Where the Director General or an officer authorized by him enters into or upon any land in pursuance of sub-section (2), he shall at the time of entering or as soon thereafter as may be practicable, pay or tender payment for all damage done to the land and in case of dispute as to the sufficiency of the amount so paid or tendered, the dispute shall be referred to the Collector of the district whose decision shall be final.

19. **Restriction on sale of immovable property.**— The Authority shall not sell or otherwise transfer the title of any of its immovable property without prior approval of the Federal Government.

20. **Lease or concession of properties.**— (1) The Authority may grant any person the right to use the whole or any part of any property vested in it, including lands, buildings and structures and other facilities thereon or appertaining thereto, for such time and subject to such conditions as it deems fit.

(2) The Authority shall not grant lease or concession under sub-section (1) without the previous approval of the Federal Government if the rent or return to be received from it exceeds such sum of money, or the term for which it is likely to remain effective exceeds such duration, or it involves any other condition as may be prescribed by the Federal Government through a notification in the official Gazette.

CHAPTER IV FINANCIAL PROVISIONS

21. **Fees and other charges leviable by the Authority.**— (1) The Authority may levy and collect fees and other charges in relation to —

- (a) the grant, renewal, varying, validation or endorsement of a licence or an aviation document under this Act, the rules or regulations;
- (b) registration of airports and aircraft;
- (c) the exercise of aviation safety and security oversight duties;
- (d) surveillance, inspections, audits and tests undertaken by the Authority for the purpose of this Act;
- (e) to the use of any land, building, facility, premises or other property of the Authority in terms of section 20;
- (f) any other matter for which a fee or charge is leviable under the Act, rules or regulations; and
- (g) any other facility or service provided by the Authority for the purpose of the Act.

(2) The Authority may receive such portion of fee for the provision of air navigation services by the Pakistan Airport Authority as the Federal Government may from time to time decide through a notification published in the official Gazette.

22. **Recovery of sums due to the Authority.**— In addition to such other means as may be prescribed by the rules, the Collector of the district shall, on an application of the officer so authorized by the Director General, recover any sum due to the Authority as fine, fee, charge, rent or on any other account under this Act and any arrear of such fine, fee, charges, rent or account as the arrears of land revenue.

23. **Grants and gifts to the Authority.**— (1) The Federal Government may —

- (a) pay any sum to the Authority as grant; and
- (b) provide any capital that may be required by the Authority on such terms and conditions as the Federal Government may determine.

(2) The Authority may receive moneys and things as grant, gift and donation from any person, organization or institution for the purpose of this Act.

24. **Borrowing by the Authority.**— (1) The Federal Government may pay any sum to the Authority by way of loan on such terms and conditions as the Federal Government may determine.

(2) The Authority may also, with the previous general or special approval of the Federal Government, borrow money from a bank or any other source or means including by way of issuance of bonds, debentures or such other instruments, for the due discharge any of its functions and duties.

(3) Subject to such limits as the Federal Government may impose, the Authority may borrow temporarily by way of overdraft or otherwise such amounts as it may require for the due discharge of its functions and duties.

25. Fund of the Authority.— (1) The Authority shall establish a fund that shall vest in it.

(2) The following sums shall be forthwith credited to the fund —

- (a) all sums received or collected by the Authority as fee, levy, charge, grant, donation, contribution, loan, profit, interest or dividend;
- (b) all fees and other sums received in relation to aviation documents and registration of airports, aircraft and other facilities under this Act, the rules or regulations;
- (c) all fees paid in relation to filing of an appeal in terms of Chapter XIII;
- (d) all administrative penalties imposed by the Director General;
- (e) all sums received by way of compounding of offences;
- (f) the sums received by pledging of or by way of the use of any land, building, facility, premises or other property vested in the Authority on rent, lease, concession or through such other mean or instrument;
- (g) any fee received by way of provision of expert service by the Authority; and
- (h) any other fee, charge or other sum received or collected by the Authority under this Act, rules or regulations.

(3) All payments of the Authority shall be made from the fund.

(4) The Authority may spend sums from the fund to meet expenses in relation to the due discharge of its functions and duties and also for the purpose of this Act.

26. Reserve account of the Authority.— (1) The Authority may set apart any amount from the fund as a reserve account for the purpose of—

- (a) expanding or improving existing facilities or services or creating new facilities or services;
- (b) providing against any temporary decrease of revenue or increase of expenditure from transient causes; or
- (c) meeting expenditure incidental to unforeseen reasons, or from loss or damage of property, accident or for meeting any liability arising out of any act in the discharge of its functions.

(2) Without prejudice to the power of the Authority to establish specific reserves account for one or more specific purposes, the Authority may also establish a general reserve account.

27. Investment of surplus moneys.— (1) The Authority may, by way of one or more of the following means, invest any sum of money from the fund, that cannot immediately be applied —

- (a) deposits in a scheduled bank or other public financial institutions subject to such conditions as may be specified by the Federal Government;
- (b) investment in the securities of the Federal Government;
- (c) investment in equity and shares subscribed by the Authority; and

(d) such other manner as may be prescribed by the rules.
(2) Any sum received by the Authority as profit, interest, dividend, return or on any other account against the money invested under sub-section (1) shall forthwith be credited to the fund.

28. Financial year.— (1) The financial year of the Authority shall comprise of twelve months beginning with the first day of July and ending on the thirtieth day of June of the following calendar year.

(2) The first financial year shall consist of the period commencing on the date of the establishment of the Authority and ending on the thirtieth day of June immediately following the establishment of the Authority.

29. Budget.— (1) The Director General shall, well before the commencement of a financial year and in the manner as may be prescribed by the rules, prepare annual budget of the Authority and place it before the Board for approval.

(2) The budget shall include a statement showing estimate of sums likely to be received by the Authority and the sums required to meet recurrent and capital expenditure during the next financial year and actual income and expenditure of the Authority during the outgoing financial year or during any past period.

30. Annual plan of schemes.— (1) The Director General shall, well before the commencement of a financial year and in the manner as may be prescribed by the rules, prepare a plan of schemes to be undertaken in the next financial year in relation to one or more functions and duties of the Authority together with an estimate of sums of money required to meet the capital and revenue expenditure for their execution and place it before the Board for approval.

(2) The Director General shall, without unnecessary delay, submit to the Secretary the plan of schemes approved by the Board, who shall then inform the Minister.

31. Maintenance of accounts.— The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance-sheet in such form as may be directed by the Federal Government in consultation with the Auditor General of Pakistan.

32. Audit and submission of certified accounts.— (1) The accounts of the Authority shall be audited every year by the Auditor General of Pakistan.

(2) The accounts of the Authority certified by the Auditor General of Pakistan together with a copy of the audit report shall be sent to the Authority and the Authority shall in turn submit certified accounts and audit report together with its comments to the Secretary who shall inform the Minister.

(3) The Board may, and if so directed by the Minister shall, cause the accounts of the Authority audited by a firm of chartered accountants for any period or in relation to any particular transaction in the manner as may be prescribed by the rules.

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

34. Exemption from taxes.— Notwithstanding anything contained in the Income Tax Act, 2001 (XLIX of 2001) or any other law relating to income tax, super tax, sales tax on services or property tax, the Authority shall be exempted from paying any such tax on its income, services, profits or gains or property.

CHAPTER V AVIATION DOCUMENTS

35. No person to operate an aircraft etc. without a valid aviation document.—

(1) No person shall operate an airport, aircraft or an air service, provide any aviation service or do any other thing for which he is required to obtain and hold a valid aviation document under this Act, rules or regulations.

(2) The holder of every aviation document and any person who has or is likely to have control over the exercise of any privilege of that document shall, at all times —

- (a) possess all the required qualifications;
- (b) obtain and retain, all required medical certifications;
- (c) remain a fit and proper person in terms of section 37;
- (d) pay a periodical fee in such amount and at such interval as may be determined by the Board; and
- (e) obtain and retain every certification and continue to meet every other requirement prescribed under this Act, rules or regulations.

(3) In the course of operating an aircraft, providing an aviation service or doing any other thing for which it was obtained, the holder or the person who has or is likely to have control over the exercise of its privilege, shall keep the aviation document on his person or otherwise readily available for inspection.

36. **Grant and renewal of aviation documents.**— (1) An application for the grant or renewal of an aviation document shall be made to the Director General in such form and in such manner as may be prescribed by the rules.

(2) No application shall be considered by the Director General unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulations.

(3) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(4) Where the application falls within a category of applications requiring background security check of the applicant, the Director General shall have a background security check done and make a determination in terms of section 89.

After having considered it, the Director General shall, grant the application if he is satisfied that all things in respect of which the aviation document is sought meet the relevant prescribed requirements; and —

- (a) the applicant and any other person who will have or is likely to have control over the exercise of the privileges under the document—
 - (i) . holds the qualification and experience as may be prescribed by the rules or regulations, or holds any equivalent recognized foreign qualification or certification that are acceptable to the Director General;
 - (ii) . is, as determined in accordance with section 37, a fit and proper person to have such control or to hold the document;
 - (iii) . is, as determined in accordance with sub-section (4), not a threat to aviation security; and
 - (iv) . meets all other relevant requirements as may be prescribed by the rules or regulations;
- (b) it is not contrary to the interests of the good public policy, aviation safety or security that the aviation document is granted or renewed.

(6) Subject to this Act, rules and regulations, an aviation document may be issued by the Director General for such period and subject to such conditions as he considers appropriate in each case.

(7) Before rejecting an application, the Director General shall give to the applicant a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to the Director General, which shall in no case be less than thirty days following the day on which the notice is issued.

37. **Need to satisfy fit and proper person test to hold privileges.**—(1) Every holder of an aviation document and any person who has or is likely to have control over the exercise of the privileges under an aviation document shall continue to satisfy the fit and proper person test in relation to that document.

(2) This section shall not apply in relation to an aviation document if it is in a class of documents specified in the rules.

38. **Fit and proper person test.**—(1) For the purpose of determining whether a person is a fit and proper person for the grant of an aviation document, the Director General shall, having regard to the nature and importance of the privileges to be exercised by him, consider, among other things, the following matters —

- (a) the person's related skills, qualifications and experience;
- (b) the person's history of compliance with air transport safety and security requirements, whether inside or outside Pakistan;
- (c) the person's knowledge of applicable provisions of this Act, rules, regulations and any other regulatory requirement;
- (d) any history of the use of drugs or alcohol or physical or mental health problems or serious behavioural problems faced by the person: and
- (e) any evidence that the person was involved in the commission of an offence in relation to aviation safety or security, or has contravened or failed to comply with any provisions of this Act, rules or regulations and any other regulatory requirement within or outside Pakistan whether such offence, contravention or failure was committed prior to the coming into force of this Act.

(2) For the purpose of determining whether a person is a fit and proper person, the Director General may—

- (a) seek and receive any information, including medical reports, that the Director General thinks fit;
- (b) require the person to undertake a test, examination or re-examination by a medical assessor if the Director General believes on reasonable grounds that he may be unable to safely exercise the privileges or the medical information submitted by him needs verification; and
- (c) consider information obtained from any source.

(3) Subsection (1) shall also apply to a body corporate *mutatis mutandis* and the clauses (d) and (e) shall be read as if these refer only to the officers of the body corporate.

39. **Powers of the Director General to take examinations etc.**— For the purpose of granting or renewing an aviation document, or to determine as if the holder continues to be a fit and proper person to hold it, the Director General may set, conduct, and administer such examination or test including a test to assess applicant's knowledge, competency, skill, experience and aptitude in relation to the nature and requirements of the document as he considers to be necessary or convenient.

40. **Requirement of good medical condition to exercise certain privileges.**—

(1) Where the exercise of any privilege of an aviation document requires the holder to be in a fit

and proper medical and psychological state, the holder and any person who has or is likely to have control over the exercise of the privileges of that document shall obtain and continue to retain appropriate current medical certificate issued by a medical assessor to this effect.

(2) A medical certificate shall be of such class as the Director General may determine in view of the standard of medical and psychological fitness required for the due discharge of a privilege or a class of privileges.

(3) The holder and any person who has or is likely to have control over the exercise of the privileges of such aviation document shall not exercise any privilege if he knows or has reasonable ground to suspect that due to his medical or psychological condition such privilege can no longer be exercised safely.

41. Suspension etc. of aviation documents.— (1) The Director General may suspend, in whole or in part, or impose one or more conditions on an aviation document if he considers that it is necessary to do so —

- (a) in the interests of aviation safety and security;
- (b) to secure compliance with any provision of this Act, rules or regulations;
- (c) as the holder of the document has failed to comply with any of its conditions or requirements;
- (d) as the holder has obtained the document while he was disqualified for holding it, or on the basis of an information which he knew to be false;
- (e) as the holder had failed to disclose any information that he knew to be materially relevant to the exercise of powers of the Director General under section 36; and
- (f) as the privileges conferred or the duties imposed upon the holder, have been, or are being, carried out in a careless, unsafe, insecure or incompetent manner.

(2) Without prejudice to the provision of subsection (1), the Director General may also —

- (a) suspend an aviation document relating to the use of an aircraft or an aeronautical product, or impose one or more conditions, if he considers that there is a reasonable doubt about the airworthiness of the aircraft or the quality or safety of the aeronautical product;
- (b) suspend an aviation document relating to the provision of an aviation service, or impose one or more conditions, if he considers that there is reasonable doubt about the quality or safety of the service; or
- (c) suspend an aviation document for which any fee, charge, or levy payable under this Act, rules or regulations is not paid by the fixed date.

(4) The suspension of an aviation document and any condition imposed under this section shall expire thirty working days after the date on which it was affected or imposed unless, the Director General, before the expiry of this period, extends the suspension or the condition further for a reasonable specified period or until corrective action, if any, determined in terms of section 97 is taken by the holder of the document.

(5) Unless the Director General considers that it is necessary to immediately suspend an aviation document or to immediately impose a condition in the interest of aviation safety or security or to ensure compliance with any provision of this Act, rules or regulation, the Director General shall not suspend a document or impose a condition unless he has given to the holder of the document a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to the Director General, which shall in no case be less than thirty days following the day on which the notice is issued.

(6) Every person whose aviation document has been suspended or made subject to a

condition under this section shall, immediately surrender it before the Director General for appropriate endorsement.

42. Revocation etc. of aviation documents.—(1) Where, after an inspection, inquiry or investigation, the Director General considers that it is necessary to do so for one or more reasons mentioned at sub-section (1) and (2) of section 41, he may revoke in whole or in part, or impose one or more permanent conditions on an aviation document.

(2) The Director General shall not revoke in whole or in part, or impose one or more permanent conditions on an aviation document unless he has given to the holder of the document a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to the Director General, which shall in no case be less than thirty days following the day on which the notice is issued.

(3) Every person whose aviation document has been revoked or made subject to any permanent condition under this section shall, immediately surrender it before the Director General for appropriate endorsement.

43. Matters to be considered for suspending or revoking an aviation document etc.—(1) The Director General shall, among other things, have regards to the following matters when determining as to whether an aviation document may be suspended or revoked in whole or in part, or whether a condition shall be imposed permanently—

- (a) the history of document holder's compliance with the provisions of this Act, rules and regulations and aviation safety and security requirements within or outside Pakistan in general;
- (b) any prosecution, conviction or sentencing of the document holder under this Act, or an offence relating to aviation safety or security under any other law within or outside Pakistan, whether such offence was committed, or prosecution, was initiated and conviction or sentencing was announced prior to the coming into force of this Act; and
- (c) the history of suspension or revocation of the aviation document or any other aviation document held by the holder or imposition of any condition on such document or the other document, and if so, the instances of and reasons for such suspension, revocation or imposition of conditions whether these were affected or imposed prior to the coming into force of this Act.

(2) For the purpose of this section, the Director General may—

- (a) seek and receive any information that he thinks fit; and
- (b) consider the information obtained from any source.

44. Additional powers to revoke or amend an aviation document.—(1) Upon a written request of the holder of an aviation document, the Director General may—

- (a) amend that document in the manner requested; or
- (b) revoke that document.

(2) The Director General may also do any of the following—

- (a) amend any aviation document to reflect the fact that any privilege or duty for which the document has been granted is no longer being carried out, or is no longer able to be carried out, by the holder;
- (b) revoke any aviation document if the holder is not carrying out, or is unable to or unlikely to carry out, any of the privileges or duties for which the document has been granted; and
- (c) amend any aviation document to correct any typographical error or obvious mistake in the document.

(3) Before taking any action under sub-section (2), the Director General shall give to the holder of aviation document a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to the Director General, which shall in no case be less than thirty days following the date on which the notice is issued.

(4) When the holder of an aviation document is notified that specified action is proposed under this section, he shall immediately surrender it before the Director General.

45. Recognition of an aviation document issued outside Pakistan.— (1) The Director General shall recognize the validity and privileges of an aviation document issued or rendered valid by a contracting State of the ICAO in which the aircraft is registered or operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement, provided that the requirements under which aviation document were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to the Convention.

(2) The recognition contemplated in sub-section (1) includes the recognition of certificates of airworthiness, crew licences and radio licences issued, renewed or rendered valid by the State in which the aircraft or the operator is registered.

46. Register of Aviation Documents.— (1) The Director General shall maintain a register to be called the Register of Aviation Documents in such form and in such manner as may be prescribed by the rules.

(2) The Director General shall cause to be entered in the said register the details and history of every aviation document issued under this Act.

(3) The Director General shall update the register as and when any change or error in the information on the register comes to, or is brought to his notice.

CHAPTER VI REGULATION OF AIRCRAFT

47. Requirement to have aircraft registered.— (1) No aircraft shall fly, from to, within, or over Pakistan unless it is registered in Pakistan, a contracting State of the ICAO or any other State this is party to an agreement with Pakistan providing for each other's acceptance of registration of aircraft.

(2) Any aircraft which is not currently registered and entered in an aircraft register of any other State shall be eligible for registration in Pakistan, if —

- (a) it is owned by a citizen of Pakistan;
- (b) it is a leased aircraft exclusively operated by an operator having its principal place of business in Pakistan and who has a current and appropriate Air Operator Certificate issued by the Director General;
- (c) it is owned by a body corporate or a body incorporated under the laws of Pakistan, having its principal place of business in Pakistan with majority of voting rights and share holdings held by citizen of Pakistan; or
- (d) it is an aircraft owned by the Federal Government, the government of any province of Pakistan or any office, authority, company or other body which is owned or controlled by any of such governments.

(3) An application for registration of an aircraft in Pakistan shall be made to the Director General in such form and in such manner as may be prescribed by the rules.

(4) No such application shall be considered by the Director General unless it is complete and accompanied by receipt of payment of such fee as may be prescribed by the regulations.

(5) The Director General may, in accordance with any requirements of the rules, either accept or decline an application to register an aircraft.

(6) Where the Director General accepts the application, he may register the aircraft and issue a certificate of registration in such form as may be prescribed by the rules.

(7) No aircraft shall be registered, or remain registered in Pakistan if it is registered in any other State.

(8) Notwithstanding other provisions of this section, an un-registered aircraft may be permitted to fly in or over Pakistan under the authority of a permit issued by the Director General for—

- (a) enabling an aircraft to be used for any experimental or test; or
 - (b) any other purpose which appears to the Director General as being sufficient to permit such aircraft to fly unregistered.
- (9) Any aircraft flying in pursuance of sub-section (8) shall—
- (a) be flown in accordance with such conditions or limitations as may be specified in the permit; and
 - (b) be deemed to be registered in Pakistan for the said purpose.

48. Registration of unmanned aircraft.— (1) No person shall possess an unmanned aircraft of such weight, type and specification as the Federal Government may, from time to time, specify by a notification in the official Gazette unless it is registered with the Authority.

(2) Any person who intends to possess an unmanned aircraft of such weight, type and specification as the Federal Government may, from time to time, specify by a notification in the official Gazette unless it is registered with the Authority shall apply to the Director General for registration in such form and in such manner as may be prescribed by the rules.

(3) No application shall be considered by the Director General unless it is complete and accompanied by receipt of payment of such fee as may be prescribed by the regulations.

(4) No unmanned aircraft shall be registered, or remain registered in Pakistan if it is registered in any other State.

(5) The Director General may, in accordance with any requirements of the rules, either accept or decline an application to register an unmanned aircraft.

49. Revocation etc. of Certificate of Registration.— (1) The Director General may, vary a certificate of registration of an aircraft if

- (a) the ownership of the aircraft is transferred to another person;
- (b) the operator of the aircraft is changed; and
- (c) the owner of the aircraft, holder of the certificate of registration or any other person so authorized by any of them makes a request for any variation in the certificate for any reason.

(2) The Director General may, subject to meeting the prescribed requirements, revoke the certificate of registration of an aircraft if—

- (a) the owner of the aircraft or holder of certificate of registration fails to bring to his notice any change in the ownership of the aircraft, after its registration;
- (b) the registered aircraft is destroyed or permanently withdrawn from use;
- (c) the registered aircraft is transferred to the aircraft register of another State;
- (d) the Director General has sufficient evidence to believe that the registration of the aircraft was obtained fraudulently or by submitting false or incorrect information; or
- (e) the owner of the registered aircraft or holder of certificate of registration

applies for cancellation of certificate of registration.

(3) The Director General shall not revoke a certificate of registration unless he has given to the owner of the aircraft or holder of certificate of registration a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to him, which shall in no case be less than forty-five days following the day on which the notice is issued.

(4) Where registration of an aircraft is revoked, the Director-General shall cause all information pertaining to such revocation to be recorded in the Civil Aircraft Register of Pakistan.

(5) Where a certificate of registration is varied or revoked, the owner of the aircraft or holder of certificate of registration shall immediately surrender the certificate to the Director General for appropriate endorsement.

50. Civil Aircraft Register of Pakistan.— (1) The Director General shall maintain a register to be called the Civil Aircraft Register of Pakistan in such form and in such manner as may be prescribed by the rules.

(2) The Director General shall cause to be entered in the register the details of every aircraft for which a certificate of registration has been issued by him under section 47.

(3) The Director General shall update the register as and when any change or error in the information borne on the register comes to, or is brought to his notice.

(4) Information pertaining to any aircraft contained in the register shall be *prima facie* evidence of the ownership of such aircraft, and an extract thereof duly certified by the Director General as a true extract, shall be acted upon as *prima facie* evidence of its contents.

51. Aircraft to have a certificate of airworthiness.— (1) An aircraft registered in Pakistan shall not fly in or over Pakistan, unless there is, relating to that aircraft, a current certificate of airworthiness, duly issued or validated by the Director General.

(2) An aircraft registered in a State other than Pakistan shall not fly in or over Pakistan, unless there is, relating to that aircraft, a current Certificate of Airworthiness issued or rendered valid by the appropriate authority of the State in which the aircraft is registered or where applicable, a Certificate issued or rendered valid by the appropriate authority of the State of the operator and provided that the conditions, if any, subject to which such Certificate was issued or rendered valid, are 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.

(3) The Director General may issue a certificate of airworthiness in respect of any aircraft registered in Pakistan in such form and manner and on payment of such fee as may be prescribed by the rules.

(4) It shall be the duty of every owner and operator of the aircraft to maintain it in an airworthy condition.

(5) Notwithstanding other provisions of this section, the Director General may permit an aircraft to be flown in or over Pakistan 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.

52. Regulation of airspace.— (1) The Authority shall regulate the use of Pakistan's airspace in the interest of safety, security, efficiency and regularity of the air service.

(2) It shall be the duty of every pilot-in-command, owner and operator of the aircraft in or over Pakistan to comply with the provisions of this Act, rules and regulations.

53. Interception orders.— (1) If an aircraft registered in Pakistan or operated by an

operator licenced in Pakistan is in or over a State other than Pakistan, it shall comply with any interception order issued by that State under the Convention.

(2) Any aircraft, when in or over Pakistan fails to satisfy its purpose of flight, such aircraft may be intercepted and directed to land at any specified airport under the Convention.

(3) Upon interception, sufficient measures shall be taken to protect and secure the lives of person on board.

54. Maintenance of aircraft.— (1) It shall be the duty of every owner or operator of an aircraft to maintain the aircraft in an airworthy condition.

(2) If the Director General, an inspector or authorized person is of the view that an aircraft has not undergone or passed mandatory maintenance checks or is otherwise not in an airworthy condition, he may refuse permission for such aircraft to take off from any place in Pakistan.

55. General duties of the pilot-in-command of aircraft.— (1) A pilot-incommand of an aircraft shall, among other things, be responsible for —

- (a) the safe operation of the aircraft;
- (b) the safety and well-being of all passengers and crew; and
- (c) the safety of the cargo and mail carried.

(2) Subject to the provisions of section 56, the pilot-in-command shall at all times comply with all relevant requirements of this Act, rules and regulations.

(3) The pilot-in-command shall have the final authority to control the aircraft while in command; and for the maintenance of discipline by all persons on board the aircraft.

56. Duties of the pilot-in-command during emergency.— (1) In the event of an emergency whether arising during a flight or otherwise, the pilot-in-command may breach any provision of this Act, rules or regulations or any other law for the time being in force, if he is satisfied that —

- (a) the emergency involves a danger to life or property;
- (b) the extent of the breach goes only as far as is necessary to deal with the emergency;
- (c) there is no other reasonable means of alleviating, avoiding, or assisting with the emergency; and
- (d) the degree of danger involved in complying with the provision is clearly greater than the degree of danger involved in deviating from it.

(2) If the pilot-in-command breaches any provision of this Act, rules or regulation or any other law for the time being in force under this section, he shall —

- (a) immediately notify the relevant air traffic control service of the breach;
- (b) as soon as may be practicable, notify the Director General of the breach and the circumstances that necessitated it; and
- (c) submit a written report in respect of the breach where so directed by the Director General.

(3) In the event of an emergency not arising during a flight, nothing in this section shall permit —

- (a) the operation of an aircraft that is not registered in Pakistan or elsewhere;
- (b) the breach of any requirement as to the airworthiness of an aircraft; or
- (c) the operation of an aircraft by a person who is not lawfully entitled to operate that aircraft.

57. Powers of the pilot-in-command to deal with in flight disturbance etc.—

(1) Where the pilot-in-command of an aircraft in flight considers, on reasonable grounds, that

any person on board the aircraft—

- (a) has done or is about to do any act, which endangers or is likely to endanger the safety of the aircraft, the safety of persons, property, mail or cargo, or the good order and discipline on board the aircraft; or
- (b) has committed any act which constitutes a serious offence under the law in force in the State where the aircraft is registered

he may take such measures, including the restraint of that person, as may be necessary to protect the aircraft, persons or property on board the aircraft, or to maintain good order and discipline or to enable him to disembark or deliver that person in accordance with sub-section (5).

(2) For the purpose of this section, the pilot-in-command may require or authorise the assistance of other crew members and may request or authorise, the assistance of any passenger to restrain such person.

(3) Any crew member or passenger may, without authorisation of the commander, take in respect of such person any reasonable preventive measures which he believes are immediately necessary.

(4) Any restraint imposed on a person under this section may not be continued after the aircraft has ceased to be in flight unless—

- (a) for the purposes of disembarking or delivering such person under restraint to the appropriate authorities; or
- (b) the person under restraint has agreed to continue the journey under restraint on board that aircraft.

(5) The pilot-in-command of an aircraft may—

- (a) disembark that person in any State in which that aircraft may be; or
- (b) deliver that person to a police officer or a border management officer in Pakistan or any other contracting State of the ICAO.

58. Identification of pilot-in-command.— (1) If the Director General has reasons to believe that the pilot-in-command of an aircraft has committed an offence under this Act, he may—

- (a) inform the operator of the aircraft or the holder of the certificate of registration for the aircraft of the alleged offence; and
- (b) require that person to give all information in his possession or any information which can reasonably be obtained by him that may lead to the identification of pilot-in-command by a specified date.

(2) If the owner, operator or holder of the certificate of registration of the aircraft does not tender the required information by the specified date, the Director General may proceed against him, among other things, in terms of section 125.

59. Nuisance or trespass by flight over property not to attract legal action.—

(1) No suit or other legal action shall be attracted in respect of nuisance or trespass, by reason only of the flight of aircraft over any property at a height above the ground that, having regard to wind, weather, and all the circumstances of the case, is reasonable, as long as the provisions of this Act, rules and regulations are complied with.

(2) No action for nuisance may be brought in respect of the noise or vibration caused by aircraft or aircraft engines on an airport if the noise or vibration is of a kind specified in the rules, as long as the provisions of the rules are complied with.

CHAPTER VII AIR SERVICE LICENCES

60. Licence required to operate air service.— (1) No air service shall operate

between any two or more places, of which one place is in Pakistan, without —

- (a) an air service licence issued under this Chapter; and
- (b) such other aviation document as may be required under the rules or regulations.

(2) Every air service shall operate in accordance with and subject to the conditions of the air service licence and the aforesaid aviation document.

(3) Nothing in this section shall apply to a foreign operator who is permitted to operate a scheduled flight to or from Pakistan under the terms of any agreement entered into by Pakistan with another State.

61. Types of air service licences.— (1) An air service licence may be in respect of the use of, or in relation to the use of one or more aircraft for —

- (a) the general public service performed on a fixed schedule and specified air route against specified fare;
- (b) undertaking specified journey not being a regular scheduled flight;
- (c) provision of one or more specialized services;
- (d) the training of pilots;
- (e) operations otherwise for hire or reward; and
- (f) the provision of any other service as the Federal Government may, from time to time, by a notification in the official Gazette determine.

(2) An air service may serve routes connecting two or more places, all of which are in Pakistan, or two or more places of which one is in Pakistan, or both.

(3) The type of air service in respect of which an air service licence is issued and other terms and conditions on which it is issued, shall be given on the licence.

(4) Subject to this Act and the rules, an air service licence shall permit the holder to operate the authorized air service with the prescribed category of aircraft.

62. Application for the grant of an air service licence.— (1) Every application for the grant of an air service licence shall be made to the Director General in such form and in such manner as may be prescribed by the rules.

(2) There shall be no bar to two or more persons acting together either as operator or intended operator to jointly apply for air service licence under this section.

(3) No application shall be considered unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulations.

(4) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(5) If he is not the authority to grant the air service licence applied for, the Director General shall submit the application before the appropriate licensing authority for consideration as soon as it is complete.

63. Authorities for grant of air service licence.— (1) The authority for the grant, renewal or varying the type or terms and conditions of an air service licence shall be as given in the First Schedule.

(2) The Federal Government may, by notification in the official Gazette, amend the First Schedule by way of addition, deletion or substitution of an entry in it.

64. Consideration of application.— (1) As soon as may be but not later than sixty days of the receipt of the application, the licensing authority shall —

- (a) invite views of the Director General, if the authority in the case is not the Director General himself, in respect of the matters listed at subsections (2)

and (3);

- (b) if so required, invite —
 - (i) views from any other public office in respect of any matter listed at sub-section (2);
 - (ii) any additional information from the applicant;
 - (iii) any additional information from any other relevant person; and
- (c) direct the Director General to obtain background security check of the applicant in terms of section 89.

(2) An air service licence may be granted if after having heard the Director General, applicant and any other person including the person who has objected to or intends to offer any views on the application, the licensing authority is satisfied that, among other things —

- (a) the application is acceptable in view of the purpose of this Act;
- (b) the applicant will operate the air service in a safe, secure and reliable manner;
- (c) the applicant has, or will subsequently secure sufficient financial resources and operational capacity to operate the air service;
- (d) the applicant is insured, or will subsequently secure insurance against liability, as prescribed in relation to the type of air service mentioned in the application and in respect of claims of the prescribed nature or class;
- (e) the applicant, if he is a natural person, is a resident of Pakistan, and if it is a juristic person, is incorporated in Pakistan;
- (f) the applicant, if he is a natural person, has majority share in the air service and if it is a juristic person, majority voting rights are held by the residents of Pakistan; and
- (g) the applicant has effective control over the air service.

(3) For the purpose of determining as to whether the applicant shall be granted the type of licence applied for, the licensing authority shall consider, among other things, the following matters —

- (a) the substantive nature of the intended flights;
- (b) the destinations to which the intended flights shall be operated;
- (c) the manner in which the flights are intended to be operated, including the regularity and frequency of the flights; and
- (d) the manner in which the intended flights are open to use by members of the public.

(4) The air service licence may be issued in a form prescribed by the regulations and may, among other things, specify —

- (a) the date on which it will take effect;
- (b) the type of air service allowed;
- (c) the category of aircraft allowed for the air service;
- (d) whether the licence is a temporary licence and if so, the date on which it will expire;
- (e) the date before which the air service shall commence; and
- (f) any other terms and conditions of the licence.

(5) For the purpose of this section, the licensing authority may —

- (a) seek and receive any information that he thinks fit; and
- (b) consider information obtained from any source.

(6) Subject to the provisions of this Act, every application received under this section shall be decided in one hundred and twenty days after its receipt.

65. Duration of licence.— (1) A licence for air service shall —

- (a) take effect on the date stated in the licence; and
 - (b) subject to the payment of such periodical fee as may be prescribed by the regulations, remain valid until it is revoked under this Act.
- (2) Notwithstanding the provisions of sub-section (1), a licensing authority may, for the reasons to be recorded, grant a licence for an initial period of not less than five years.
- (3) A licence issued in terms of sub-section (2) shall continue in effect beyond the date of its expiry if —
- (a) an application for renewal is made to the licensing authority sixty days prior to the date of expiry of the licence; or
 - (b) such application is not decided before the date of expiry of the licence

66. Renewal of licence.— (1) An application for renewal of an air service licence shall be submitted to the Director General not less than sixty days prior to the date of its expiry.

(2) No application shall be considered unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulations.

(3) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(4) If he is not the authority to grant the air service licence applied for, the Director General shall submit the application before the appropriate licensing authority for consideration as soon as it is complete.

(5) Where the licensing authority after having considered the matters listed at sub-section (2) and (3) of section 64 and the views of the Director General, applicant and any other persons including the person who has objected to or intends to offer any views on the application, is satisfied that a licence may be renewed, he may do so.

(6) A licence renewed under this section shall —

- (a) take effect from the date of expiry of the licence which is renewed; and
- (b) remain valid until it is revoked under this Act.

(7) Notwithstanding other provisions of this section, the licensing authority may, on good cause shown and for the reasons to be recorded—

- (a) take and consider an application at any time before the expiry of the air service licence; or
- (b) renew a licence for a period of five years.

67. Variation in terms and conditions of licence.— (1) An application seeking variation in type of air service or terms and conditions of the licence shall be submitted to the Director General.

(2) No application shall be considered unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulations.

(3) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(4) If he is not the authority to grant the air service licence applied for, the Director General shall submit the application before the appropriate licensing authority for consideration as soon as it is complete.

(5) Where the licensing authority, after having heard the Director General, applicant and any other person including the person who has objected to or intends to offer any views on the application, and having considered the matters listed at sub-sections (2) and

(3) of section 64, is satisfied that the licence may be varied, he may do one or all of the following things —

- (a) alter the terms and condition of the licence;

- (b) alter the type of air service to be provided under the licence;
 - (c) revoke any of the terms and conditions of the licence;
 - (d) add any new terms or conditions to the licence;
 - (e) alter or add to the route or routes to be operated; or
 - (f) increase the capacity of the air service to be provided.
- (6) The person or operator whose licence has been varied shall immediately surrender it to the Director General for appropriate endorsement.

68. Suspension or revocation of licence.— (1) The appropriate licensing authority may suspend a licence for such period that he thinks fit, or revoke a licence if —

- (a) the licensee has failed to comply with any provision of this Act, rules or regulation;
- (b) the service authorised under the licence is not commenced on the date specified in the licence;
- (c) the service authorised by the licence has not been or is not being carried on in conformity with the terms and conditions of the licence; or
- (d) the service authorised by the licence has been terminated.

(2) The licensing authority shall not suspend or revoke a licence unless he has given to the licensee a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to him, which shall in no case be less than forty-five days following the day on which the notice is issued.

(3) The licensing authority shall, among other things, have regards to the following matters when determining as to whether suspend or revoke a licence —

- (a) the extent to which contravention of relevant provision of this Act, rules or regulations has affected aviation safety and security;
- (b) the history of licensee's compliance with the provisions of this Act, rules and regulations and and aviation safety and security requirements in general;
- (c) any prosecution, conviction or sentencing of the licensee under this Act, or an offence relating to aviation safety or security under any other law within or outside Pakistan, whether such offence was committed, or the prosecution was initiated and conviction or sentencing was announced prior to the coming into force of this Act; and
- (d) the history of suspension or revocation of the licence or any other aviation document held by the licensee or imposition of any condition on such licence or document, and if so, the instances of and the reasons for such suspension, revocation or imposition of conditions whether these were affected or imposed prior to the coming into force of this Act.

(4) For the purpose of this section, the licensing authority may—

- (a) seek and receive any information that he thinks fit; and
- (b) consider information obtained from any source.

(5) The person or operator whose licence has been suspended or revoked shall immediately surrender it to the Director General for appropriate endorsement.

CHAPTER VIII REGULATION OF AIRPORTS

69. Categorization of airports.— (1) The Board shall, in such manner as may be prescribed by the rules, categorize each airport based on, among other things —

- (a) its capacity to handle passengers;
 - (b) the category and number of aircraft that can take-off or land at the airport; and
 - (c) the availability and standard of services provided at the airport.
- (2) The Board shall after such inquiry as may be necessary, categorize all airports existing at the coming into force of this Act.

70. Permission to establish an airport.— (1) A person interested in establishing an airport of any category referred to at section 69 shall first apply to the Director General in such form and in such manner as may be prescribed by the rules.

(2) No application shall be considered unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulation.

(3) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(4) The Director General shall forthwith submit every complete application to the Board for consideration.

(5) As soon as may be but not later than ninety days of the receipt of the application, the Board shall —

- (a) invite views of the Director General on matters listed at sub-section (6) and such other matter as they consider relevant;
- (b) if so required, invite —
 - (i) views from any other relevant public office in respect of any matter listed at sub-section (6);
 - (ii) any additional information from the applicant; or
 - (iii) any additional information from any other relevant person; and
- (c) direct the Director General to obtain background security check of the applicant in terms of section 89.

(6) The Board may recommend to the Federal Government that permission for the establishment of an airport may be granted if, after having heard the Director General, applicant and any person who has objected to or intends to offer any views on the application, they are satisfied that, among other things —

- (a) the application is acceptable in view of the purpose of this Act;
- (b) the proposed airport complies with the standards in relation to efficient, safe and secure operation of aircraft, and provision of facilities for the convenience of passengers and other users of the airport prescribed by the rules in respect of the category to which the application relates;
- (c) the owner of the airport has, or will subsequently secure, sufficient financial resources and operational capacity to establish and operate the proposed airport;
- (d) the owner of the airport is insured, or will subsequently secure insurance against liability, as prescribed in relation to the category of the airport applied for and in respect of claims of the prescribed nature or class;
- (e) the owner of the airport, if he is a natural person, is a resident of Pakistan, and if it is a juristic person, is incorporated in Pakistan;
- (f) the owner of the airport, if he is a natural person, has majority share in the proposed airport and if it is a juristic person, majority of voting rights are held by residents of Pakistan;
- (g) the owner of the airport has and will maintain effective control over the proposed airport; and
- (h) any other matter that is prescribed by the rules.

(7) The Federal Government may, on the recommendation of the Board, permit the establishment of an airport subject to such terms and conditions as it may determine.

71. No airport to operate without registration.— (1) No person shall operate an airport or allow landing and take-off of an aircraft at any place unless it is registered as an airport under this Act, except when —

- (a) such operation of airport or, as the case may be, landing or take-off is allowed under the rules; and
- (b) unless such rules are prescribed, the operation of airport, landing or take-off is allowed by the Board.

(2) Every existing airport shall be registered not later than twenty-four months of the coming into force of this Act.

(3) Except in the event of an emergency, the operator of an airport shall not allow landing or take off of an aircraft not permitted to land or take off from the airport under the conditions of registration or category assigned to such airport.

72. Application for registration.— (1) Every application for the registration of an airport shall be made to the Director General in such form and in such manner as may be prescribed by the rules.

(2) No application shall be considered unless it is complete and accompanied by a receipt of payment of such fee as may be prescribed by the regulations.

(3) As soon as may be, but not later than thirty days of its receipt, the Director General shall make a determination as to whether the application is complete and if it suffers from any defect, require the applicant to supplement or rectify the defect and resubmit it by a given date.

(4) The Director General shall submit the application before the Board for consideration as soon as it is complete.

73. Registration of an airport.— (1) As soon as may be but not later than ninety days of the receipt of the application for registration of an airport, the Board shall —

- (a) invite views of the Director General on matters listed at sub-section (2) and such other matter as they consider appropriate; and
- (b) if so required, invite —
 - (i) views from any other public office in respect of any matter listed at sub-section (2) which pertains to that office; and
 - (ii) any additional information from the applicant; or
 - (iii) any additional information from any other relevant person.

(2) The Board may register an airport if, after having heard the Director General, applicant and any other person who has objected to or intends to offer any views on the application, they are satisfied that, among other things —

- (a) the application is acceptable in view of the purpose of this Act;
- (b) the airport complies with the standards in relation to efficient, safe and secure operations, and provision of facilities for the convenience of passengers, aircraft and other users of the airport prescribed by the rules in respect of the category to which the application relates;
- (c) all the conditions mentioned at sub-section (6) of section 70 have been fully complied with.

(3) A certificate of registration of airport may be issued in a form prescribed by the regulations and may, among other things, specify —

- (a) the location and name of the airport;
- (b) the category of the airport;

- (c) date before which the airport shall commence services; and
- (d) other terms and conditions of registration.
- (4) For the purpose of this section, the Board may—
 - (a) seek and receive any information that he thinks fit; and
 - (b) consider information obtained from any source.

74. Provision of information on material change.— (1) It shall be the duty of the owner of every registered airport to immediately bring to the notice of the Director General any change or any proposed change in —

- (a) the area, structures and facilities at the airport;
- (b) the operator of the airport;
- (c) ownership of the airport; and
- (d) respect of such other matter as the Board may from time to time determine.

(2) The Director General shall, as soon as may be, submit this information before the Board along with his views on it, and the Board may —

- (a) seek further information from the owner that may be necessary; or
- (b) pass any such direction to the owner as they consider necessary or incidental to securing compliance of this Act, the rules or regulations or in the interest of safety and security.

75. Permission for material changes in or closure of airport.— (1) No owner of an airport shall, without prior permission of the Board —

- (a) make or cause to be made any change in the runway, terminal building or other buildings and structures appertaining to operation of the airport or provision of services and facilities for convenience of passengers, aircraft or other user;
- (b) make or cause to be made any material changes in the layout of the airport;
- (c) transfer ownership of, or effective control over the airport to any other person; or
- (d) appoint an airport operator or transfer airport operations to a different operator.

(2) On an application, the Board may allow the owner to make any or all of the requested changes if, after having heard the Director General, applicant and any other person who has objected to or intends to offer any views on the application, they are satisfied that, among other things —

- (a) the application is acceptable in view of the purpose of this Act;
- (b) the airport will continue to comply with the standards in relation to the efficient, safe and secure operations, and provision of facilities for the convenience of passengers, aircraft and other users of the airport prescribed by the rules; and
- (c) all the conditions mentioned at sub-section (6) of section 70 and the terms and conditions of certificate of registration shall remain complied with.

(3) No airport shall be closed except with the prior permission of the Minister.

76. Suspension or revocation of registration.— (1) The Board may suspend for a specified period or until a specified requirement is met or revoke the registration of an airport if—

- (a) by a written notice, the owner of the airport or the operator requests the Board to do so; or
- (b) the Board is satisfied that—
 - (i) the airport operations have remained closed for more than

- (2) The Board shall not suspend or revoke any registration unless it has given to the owner of the airport a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission to the Board, which shall in no case be less than sixty days following the day on which the notice is issued.

- (a) the extent to which contravention of the Act, rules or regulations has affected aviation safety or security;
- (b) the history of owner or operator's compliance with the provisions of this Act, rules and regulations and aviation safety and security requirements in general whether within or outside Pakistan;
- (c) any prosecution, conviction or sentencing of the owner or operator of the airport or airport operator under this Act, or an offence relating to aviation safety or security under any other law within or outside Pakistan, whether such offence was committed, or prosecution, was initiated and conviction or sentencing was announced before the coming into force of this Act; and
- (d) the history of suspension or revocation of the registration or any other aviation document held by the owner or operator of the airport or imposition of any condition on such document, and if so, the instances of and the reasons for such suspension, revocation or imposition of conditions whether these were affected or imposed before the coming into force of this Act.

- (a) seek and receive any information that it thinks fit; and
- (b) consider information obtained from any source.

77. Land acquisition for airports.—(1) On an application by a person who has been permitted to establish an airport under section 70, or the owner of an airport registered under section 73, the Board may allow that the acquisition of any land for the establishment of, or as the case may be, extension or redoing of the airport, shall be deemed as land acquisition for public purpose under the Land Acquisition Act, 1894 (I of 1894).

- (a) the provision of section 18 shall apply *mutatis mutandis* to the aforesaid land; and
- (b) the person or owner referred to in sub-section (1) may approach the respective Provincial Government for requisite land acquisition under the Land Acquisition Act, 1894 (I of 1894).

31

the Land Acquisition Act, 1894 (I of 1894) under this section shall revert to the Authority and vest in it —

- (a) free of any cost, if such land is not used for the establishment, extension or redoing of the airport despite a lapse of seven years from the date of completion of the acquisition;
 - (b) free of any cost if it is put to the aforesaid use but later the airport, any of its part or facility established on it remains in disuse for a continuous period of five years despite notice; and
 - (c) on payment of such compensation agreed to by the Board, which shall in no case be more than the cost paid for its acquisition, if it is put to the aforesaid use but later the airport, any part or facility established on it is abandoned by the owner or operator after twenty years of the date of bringing it to that use.
- (4) The Authority may use the land reverted to it under sub-section (3) for any of its purposes or transfer it to the Federal Government free from any encumbrance.
- (5) Nothing in this section shall apply to the Pakistan Airport Authority or any airport owned, acquired by, transferred to, or vested in it.

78. Airport bylaws.— (1) Subject to this Act, the rules and regulation, an operator of an airport other than the Pakistan Airports Authority may, with the approval of the Board, issue bylaws for the safe and secure operations of the airport.

- (2) The bylaws may, among other things, provide for the following—
- (a) the better management and development of the airport;
 - (b) effectively carrying out the functions and powers by the operator of the airport;
 - (c) protecting property used in connection with the airport from damage or injury;
 - (d) specifying precautions to be taken to protect people or property from accidents or damage;
 - (e) regulating within the airport vehicular and pedestrian traffic, or the provision and use of places for the parking of vehicles;
 - (f) determining the time, terms and conditions on which the passengers and other persons may enter or be in the airport;
 - (g) schedule of charges for the services rendered at the airport or for the use of any airport facility; and
 - (h) receiving, storage, return and disposal of the lost property.
- (3) The bylaws approved by the Board shall be published in the official Gazette and placed on the website of the Authority for general information.

79. Prohibition and regulation of certain construction etc.— (1) If the Federal Government is of opinion that it is necessary or expedient in the interest of safety and security of operation of aircraft, it may, by notification in the official Gazette direct that —

- (a) no building or structure shall be constructed or erected, and no tree shall be planted on any land within such radius of the airport not exceeding fifteen kilometers, as may be specified in the notification; and
 - (b) no building or structure higher than such height as may be specified in the notification shall be constructed or erected, or any tree, which is likely to grow or ordinarily grows taller than such height as may be specified in the notification, shall be planted, on any land within such radius of the airport, not exceeding fifteen kilometers, as may be specified in the notification.
- (2) In specifying the radius and the height of any building, structure or tree under sub-

section (1), the Federal Government shall have regard to —

- (a) the nature of requirement for the safety of aircraft operations;
- (b) the nature of the aircraft operating, landing or taking off, or likely to be operated, landing or taking off at or from the airport; and
- (c) the international standards and recommended practice in relation to the operations, landing and taking off of the aircraft.

(3) Where any notification has been issued under sub-section (1) the respective building control authority shall —

- (a) abstain from granting permission for the construction of a building or erection of a structure in disregard to the provision of the notification; and
- (b) abide by any direction issued by the Director General under sub-section (4)

(4) If the Director General considers it necessary to do so in the interest of securing compliance with the notification, he may —

- (a) direct the respective building control authority not to grant permission for the construction of a building, or erection of a structure which is likely to contravene one or more provisions of the notification, or to cancel any such permission issued by them;
- (b) direct the owner or person in-charge of the said building, structure or tree to do or not to do one or more things by a specified date or for a specified duration; and
- (c) direct the respective building control authority and the airport manager to take one or more specified measures including removal of the whole or a part of the building or structure or cutting of the tree, if the owner or person in-charge fails to comply with the aforesaid directions.

(5) On the request of the airport manager, an officer of the Federal Investigation Agency, Airports Security Force or of the local police to whom this request is directed, shall, without unreasonable delay, render assistance for the purpose of this section.

(6) The Director General shall not pass a direction under sub-section 4 unless he has given to the owner or person in-charge of the building, structure or tree a reasonable opportunity of being heard through a written notice mentioning the grounds of the proposed action and specifying a date by which he may make any submission before him, which shall in no case be less than fifteen days following the day on which the notice is issued.

80. Register of Airports of Pakistan.— (1) The Director General shall maintain a register to be called the Register of Airports of Pakistan in such form and in such manner as may be prescribed by the rules.

(2) The register shall, among other things, contain —

- (a) the name and category of all registered airports in Pakistan;
- (b) a brief history of every such airport;
- (c) details of the runway, terminal building and other appertaining buildings and facilities available at every such airport;
- (d) the history of airport owner's and operator's compliance with this Act, rules and regulations and with the requirements of aviation safety and security in general;
- (e) any other information prescribed by the rules; and
- (f) any information which the Board considers, from time to time, necessary for inclusion in the register.

(3) The Director General shall update the register as and when any change or error in the information on the register comes to, or is brought to his notice.

CHAPTER IX AVIATION SECURITY

- 81. National Civil Aviation Security Policy and Programme.**— (1) As soon as may be, but not later than one hundred and eighty days of the coming into force of this Act —
- (a) the Secretary shall draw a national aviation security policy; and
 - (b) the Director General shall draw a programme for bringing the policy into effect.
- (2) The policy and programme —
- (a) shall be consistent with Pakistan's obligations under the Convention; and
 - (b) shall respectively be approved by the Federal Government and the Minister.
- (3) It shall be the duty of every operator and aviation service provider to comply with, at all times, the provisions of the policy and the programme.

- 82. National Civil Aviation Security Committee.**— (1) There shall be a national civil aviation security committee to—
- (a) advise on the national civil aviation security policy;
 - (b) review, recommend and implement measures for the effectiveness of aviation security measures and procedures; and
 - (c) provide for the coordination and diligent implementation of the national civil aviation security program.
- (2) The committee shall comprise of the following members —
- (a) The Secretary to the Government of Pakistan in-charge of the Ministry of Aviation who shall also be the Chairperson of the committee;
 - (b) The Secretary to the Government of Pakistan in-charge of the Ministry of Interior or a senior officer of the Ministry nominated by him;
 - (c) The Secretary to the Government of Pakistan in-charge of the Ministry of Defence or a senior officer of the Ministry nominated by him;
 - (d) The Director General;
 - (e) The Director General, Pakistan Airport Authority;
 - (f) The Director General, Airport Security Force; and
 - (g) Not more than seven senior officers of the Federal Government dealing in border management, customs, control of harmful and contraband substances at the airports, law enforcement, security and intelligence collection and sharing.
- (3) The committee shall meet as often as the Chairperson deems expedient but not less than two times in every calendar year.
- (4) The committee may invite any other person having special knowledge of a matter to be discussed in any of its meeting.
- (5) The Director General shall designate officers of the Authority to assist the committee in its work.

- 83. Security plans of certain operators and service providers.**— (1) It shall be the duty of the following to establish, maintain and implement an effective and written internal security plan —
- (a) every owner or operator of an airport;
 - (b) every operator of an air service; and
 - (c) any other service provider designated by the Secretary on the recommendation of the Director General.

(2) Every such plan shall be consistent with and supplement the national civil aviation security policy and the programme.

(3) Every operator and service provider referred to in sub-section (1) shall submit his plan to the National Aviation Security Committee by a specified date.

(4) After due consideration, the National Aviation Security Committee may either accept or return the plan to the operator or service provider for improvement and resubmission by a specified date.

84. Security designation of airports etc.—(1) The Secretary may, with the approval of the Minister —

(a) designate a security classification to each airport in Pakistan in view of, among other things, its importance, passenger traffic, type of services offered and the perceived threats; and

(b) designate a security classification to each aid or facility used or kept for the provision of air navigation services or any other service in relation to the operation of aircraft that is not located within an airport, in view of, among other things, its importance, types of services offered and the perceived threats.

(2) Before designating security classification to any airport, aid or facility under this section, the Secretary shall consult the Director General and the Director Generals of the Pakistan Airports Authority and the Airports Security Force.

(3) Every person carrying out security screening or other duties in relation to the provision of aviation security service at the airport, aid or facility shall be suitably qualified and trained, and certified by the Director General as per the requirements of the national civil aviation security programme.

85. Airside security area.—(1) The Director General may declare, by signs affixed at the perimeter of the area, that an area within any security designated airport or security designated navigation facility is an airside security area.

(2) The Director General may declare, by a sign or signs affixed at the perimeter of the area, that an area within the airside security area is an enhanced security area.

(3) Before making a declaration under this section, the Director General shall consult the Director Generals of the Pakistan Airport Authority and the Airport Security Force.

86. Entry into airside security area.—(1) No person shall enter into or remain in an airside security area or part of an airside security area except the following—

(a) a staff of the Airport Security Force on official duties;

(b) an officer, servant or other person in the service of the Authority authorised by the Director General in relation to his official duties;

(c) an officer, servant or other person in the service of the Pakistan Airport Authority authorized by the Director General of the Pakistan Airport Authority in relation to his official duties; and

(d) an officer, servant or other person in the service of an operator or a service provider in relation to his duties as authorized by the Director General or the Director General of the Pakistan Airport Authority;

(e) any person acting under the authority of the Director General of the Pakistan Airport Authority;

(f) any person authorized by the Secretary.

(2) Any entry into airside security area shall be subject to screening or other appropriate security controls and the provision of evidence of identity and authorization.

(3) If required by the designated staff of the Airports Security Force, a person in an

airside security area or part thereof shall state to him his identity, purpose of his presence and his authorization to enter or remain in it.

- (4) Nothing in this section shall apply to—
- (a) a passenger embarking or disembarking directly through a gateway or thoroughfare at an airport approved for that purpose by the airport manager; and
 - (b) any other person allowed under the rules.

87. Landside security area.— (1) The Secretary may, with the approval of the Minister, declare, by signs affixed at the perimeter of the area, that an area within any security designated airport or aid or facility is a landside security area if it is necessary to do so —

- (a) in order to respond to a threat to civil aviation;
- (b) to enable Pakistan to be part of a concerted international response to a threat to aviation security; or
- (c) to support the main purpose of this Act.

(2) The Secretary shall consult with the Director General, Director General of the Pakistan Airport Authority and the Director General of the Airports Security Force before making a declaration under this section.

88. Search, seizure and retention of harmful things.— (1) A staff of the Airport Security Force and any other person lawfully authorized for this purpose may, without warrant, search any person, baggage, vehicle, personal effects, cargo or goods, before or after boarding, disembarking, loading or off-loading the aircraft in the interest of preventing any harm to an aircraft, airport or any facility or property, or a passenger or person entering into or in an airport.

(2) A staff of the Airports Security Force and lawfully authorized person may, seize and retain anything found during the search which is or is likely to be harmful to an aircraft, airport or any facility or property, or a passenger or person entering into or in an airport.

(3) Every search under this section shall be conducted with strict regards to decency, and the rights of the person being searched with respect to privacy and dignity.

89. Background security checks.— (1) The Director General may cause to be carried out background security checks of a person who falls within a category of persons specified in this Act, rules or regulations as requiring such check to determine as to whether he poses a threat to aviation security.

(2) For the purpose of determining whether a person poses a threat to aviation security, the Director General may—

- (a) seek and receive any information that he considers relevant; and
- (b) give weight to any information that he considers appropriate in the circumstances.

(3) If the person or entity requested to provide information under sub-section (2) does not provide the information in ninety days, it shall be deemed that the person or entity has no objection to the determination that the person does not pose a threat to aviation security.

(4) If the Director General determines that a person does not pose a threat to aviation security, he shall advise the person of the favourable security check determination.

(5) The Director General may reconsider a previous determination if —

- (a) new information is made available to him; or
- (b) he has reason to suspect that the person may now pose a threat to aviation security.

(6) Subject to this Act, if the Director General determines that a person who falls within the category of persons requiring background security check poses a threat to the aviation

security, he may —

- (a) refuse to grant an aviation document, air service licence, registration or other authorization applied for that person if he is the appropriate authority in this respect;
- (b) suspend or revoke an aviation document, air service licence, registration or other authorization held by that person if he is the appropriate authority in this respect; or
- (c) request any other person having authority to refuse the grant, or to suspend or revoke any aviation document, licence or other authorisation applied for by or granted to that person.

(7) Where the Director General makes a background security check of a person on the direction of any other authority under this Act, rules or regulations, he shall forthwith submit his determination to that authority.

CHAPTER X AIR TRANSPORT FACILITATION

90. Air Transport Facilitation Policy and Programme.— (1) As soon as may be, but not later than one hundred and eighty days of the coming into force of this Act —

- (a) the Secretary shall draw a national air transport facilitation policy; and
- (b) the Director General shall draw a programme for bringing the policy into effect.

(2) The policy and programme

- (a) shall be consistent with Pakistan's obligations under the Convention; and
- (b) shall respectively be approved by the Federal Government and the Minister.

(3) It shall be the duty of every operator and aviation service provider to comply with, at all times, the provisions of the policy and the programme.

91. National Air Transport Facilitation Committee.— (1) There shall be a national air transport facilitation committee to—

- (a) advise on the national air transport facilitation policy;
- (b) recommend and implement measures and procedures for the facilitation of air transport in Pakistan;
- (c) regularly review the level of facilitation at the airports and recommend measures and solutions to facilitation issues;
- (d) ensure that the practices and procedures at the airports are in compliance with this Act, the Pakistan Airport Authority Act, 2023 (xx of 2023) and applicable local and international standards;
- (e) provide for the coordination and diligent implementation of the national air transport facilitation program; and
- (f) coordinate with the national civil aviation security committee.

(2) The committee shall comprise of the following members —

- (a) The Secretary to the Government of Pakistan in-charge of the Ministry of Aviation who shall also be the chairperson of the committee;
- (b) The Member Customs, Federal Board of Revenue;
- (c) The Director General;
- (d) The Director General, Pakistan Airport Authority;
- (e) The Director General, Airport Security Force;
- (f) The Director General, Federal Investigation Agency;
- (g) The Director General, Anti-Narcotics Force; and

- (h) Not more than five representatives of air service operators of various categories.
- (3) The committee shall meet as often as the chairperson deems expedient but not less than two times in every calendar year.
- (4) The committee may invite any other person having special knowledge of a matter to be discussed in any of its meeting.
- (5) The Director General shall designate officers of the Authority to assist the committee in its work.

CHAPTER XI REGULATORY COMPLIANCE

92. General duties of persons, operators and service providers.— (1) Every person, operator and service provider engaged in the provision of an aviation service shall at all times, comply with —

- (a) the provisions of this Act, rules and regulations and every other applicable law; and
- (b) the terms and conditions attached to the aviation document or certificate of registration held by him or under which he is engaged in the provision of an aviation service.

(2) It shall be the duty of every person, operator and service provider to ensure that the activities or functions for which an aviation document or certificate of registration has been issued, are carried out safely, securely and in accordance with the provisions of this Act, rules and regulations and the relevant prescribed aviation safety and security standards and practices.

(3) Every person, operator and service provider holding an aviation document or certificate of registration shall, if required under this Act, rules or regulations—

- (a) establish and follow a management system to secure compliance with the relevant prescribed aviation safety and security standards;
- (b) impart appropriate education, training and skills to, and supervise the persons in his service acting in relation to the provision of an aviation service under the aviation document or certificate of registration; and
- (c) make available sufficient financial and other resources to ensure compliance with the prescribed aviation safety and security standards and the conditions attached to the aviation document or certificate of registration.

93. Designation of inspectors, authorized persons and medical assessors.— (1) The Director General may for the purpose of this Act, designate —

- (a) one or more appropriately qualified, trained and skilled officers in the service of the Authority as the inspectors; and
- (b) if, at any time, sufficient number of appropriately qualified, trained and skilled officers are not available in the Authority, such number of other appropriately qualified, trained and skilled persons not being in the service of the Authority, as the authorized persons.

(2) The Director General shall issue to each inspector and authorized person, a document containing a photograph and stating his full name and a statement indicating that he has been designated in terms of sub-section (1) and empowered to exercise what powers under this Act, rules or regulations.

(3) The Director General may also for the purpose of this Act designate a qualified medical practitioner as medical assessor to evaluate and assess medical conditions of flight safety significance.

(4) The qualifications and other requirements for designation of an officer or person as an inspector or authorized person, or a medical practitioner as a medical assessor shall be such as may be prescribed by the rules.

94. **Power of inspectors and authorized persons to inspect.**— (1) Subject to the conditions of his appointment, an inspector or authorized person may, at any reasonable time, enter any vehicle, aircraft, place or premises used or kept for, or in relation to the provision of an aviation service, and with a view to oversee or secure compliance with this Act —

- (a) inspect such vehicle, aircraft, place or premises;
- (b) take photographs and make sketches, measurements and recordings;
- (c) examine any article, book, note, photograph, paper, document, recording and transcript or other thing found on such vehicle, aircraft, place or premises that he believes, on reasonable grounds, contains any relevant information;
- (d) require the service provider, operator, pilot in-command or any other person who is or appears to be the in-charge of the vehicle, aircraft, place or premises, that the vehicle, aircraft, place or premises and the things placed in it shall not be disturbed for a reasonable period pending examination, testing, inquiry or inspection;
- (e) require the service provider, operator, pilot in-command or any other person who is or appears to be in-charge of the vehicle, aircraft, place or premises to furnish him with such information or documents, returns or other particulars as may be necessary;
- (f) take, remove or retain any article, book, note, photograph, paper, document, recording and transcripts or other thing;
- (g) take a sample of any material, substance or thing for examination; and
- (h) while being on the vehicle, aircraft, place or premises, or at any time thereafter, question any person who is or was on the aircraft, place or premises, either alone or in the presence of any other person, on any matter to which this Act relates.

(2) Where such inspection is an unannounced inspection, the inspector or the authorized person may enter the vehicle, aircraft, place or premises without prior notice.

(3) Before undertaking an inspection under sub-section (1), the inspector or the authorized person shall identify himself and show his authorization to any person requesting it.

(4) If required, it shall be lawful for an officer or other person in the service of the Authority to accompany the inspector or authorized person to render assistance in conducting the inspection.

(5) No information obtained in an inspection which is of a confidential, personal, commercially sensitive or proprietary nature shall be made public or otherwise disclosed to any irrelevant person without prior permission of the person to whom that information relates.

(6) The inspector or authorized person who removes a book, note, record, photograph, paper, document, recording material, substance or any other thing, or takes and retains any sample from the vehicle, aircraft, place or premises being inspected or searched, shall—

- (a) immediately issue a receipt under his signature for it to the owner or person in-charge of the vehicle, aircraft, place or premises from where it is removed; and
- (b) return it to the owner or person in-charge as soon as practicable after it has served the purpose for which it was removed.

(7) The inspector or authorized person may destroy any removed or retained material, substance, thing or sample if—

- (a) it is perishable and has become rotten or has otherwise deteriorated; or

(b) it is perishable and is likely to become rotten or perish before it can be returned under sub-section (6); or

(c) it is likely to pose a risk to the public health.

(8) For the purpose of gathering any evidence with a view to prosecute any person for contravention of any provision of this Act or any other law for the time being in force, the inspector or the authorized person shall not exercise any power to enter and search a vehicle, aircraft, place or premises under this section unless he has obtained a warrant permitting any such action from the court that has jurisdiction in the area where the vehicle, aircraft, place or premises are situated.

95. Power of inspectors and authorized persons to call for information etc.—

(1) Subject to the conditions of his appointment, an inspector or authorized person may, with a view to oversee or secure compliance of this Act —

(a) require the attendance of any person, by summons under his hand, whom he thinks fit to call before him to require answers or returns to any inquiry he thinks fit to make;

(b) require any such person to make and to sign a declaration regarding the true nature of the statement made by him;

(c) have access to any article, book, note, photograph, document, recording and transcript or other information, and any other object or thing which he considers necessary and enforce the production of the same by a person who is in or is reasonably expected to be in its possession; and

(d) where he considers it necessary to do so, retain such article, book, note, photograph, document, recording and transcript or other information, object or thing.

(2) No information obtained under sub-section (1) which is of a confidential, personal, commercially sensitive or proprietary nature may be made public or otherwise disclosed to any irrelevant person without prior permission of the person to whom that information relates.

(3) The inspector or authorized person who retains an article, book, note, record, photograph, document, recording, transcript, object or thing shall—

(a) issue a receipt under his signature for it to the owner or person in charge;

(b) return it as soon as practicable after it has served the purpose for which it was retained.

(4) The inspector or authorized person may destroy any retained material, substance, thing or sample if—

(a) it is perishable and has become rotten or has otherwise deteriorated; or

(b) it is perishable and is likely to become rotten or perish before it can be returned under sub-section (3); or

(c) it is likely to pose a risk to the public health.

96. Managing risks arising from the use of drugs or alcohol.— (1) If called upon by the Director General to do so, an operator and service provider shall make appropriate arrangements to manage risks that may arise from the use of drug or alcohol by persons under his employment and engaged in a work that effects the safety or security of the operation of aircraft.

(2) Such arrangements shall, among other things, specify the drugs to be tested and provide for a mechanism for random testing of such persons.

(3) Subject to the conditions of his appointment, an inspector or authorized person may at any time and without prior notice enter into any vehicle, aircraft, place or premises and test and, if so required, draw invasive or other bodily samples of a person engaged at that time in the aforesaid work with or without his consent.

(4) Before taking a test or drawing a sample, the inspector or authorized person shall

take reasonable steps to establish correct identity of the person and hand over to him a paper that sets out the following —

- (a) the statutory power of the inspector or authorized person to carry out the test and draw sample;
 - (b) a general description of how the test will be carried out or sample will be drawn and how it will be analyzed; and,
 - (c) that the person will be informed of the results of the test and approximate date by which such information shall reach him.
- (5) As soon as the results of the test are received, the inspector or the authorized person shall send a copy thereof to —
- (a) the tested person;
 - (b) the operator or service provider with whom the tested person was employed with at the time when test was taken; and
 - (c) the Director General.
- (6) On receipt of the results of the test, the Director General may, if he considers it so appropriate, proceed in terms of section 126.
- (7) The results of a test obtained under this section shall not be admissible in any criminal proceedings other than that relating to the prosecution of an offence under this Act.

97. Compliance notices.— (1) Subject to the conditions of his appointment, an inspector or an authorized person may, in such form and in such manner as may be prescribed by the rules, serve a compliance notice upon an operator, service provider, holder of an aviation document, or any other person engaged in the provision of an aviation service, who is, in his view responsible to take appropriate corrective action to remove or rectify the condition or conduct that constitutes contravention of any provision of this Act, rules or regulations.

- (2) A compliance notice shall, among other things, set out—
- (a) the details of the condition or conduct constituting the contravention;
 - (b) any action the operator, service provider, holder of aviation document or other person shall take before a specified date to remove or rectify the condition or conduct constituting the contravention;
 - (c) anything which the operator, service provider, holder of aviation document or other person to whom the notice is served may abstain from, and the date till which such direction shall remain in force; and
 - (d) the procedure to be followed in making an appeal against the compliance notice before the Director General.
- (3) The operator, service provider, holder of the aviation document or other person to whom the notice is served, shall by the date specified in the notice, inform the inspector or the authorized person in writing —
- (a) of any corrective action taken or which will be taken by him;
 - (b) reason as to why a corrective action cannot be taken before the specified date;
 - (c) reason as to why corrective action to be taken by him is different from the action that was given in the notice; or
 - (d) reason as to why no corrective action shall be taken at all.
- (4) Where the inspector or the authorized person is of the view that the corrective action taken, or the different corrective action proposed to be taken does not secure compliance with the provisions of this Act, rules or regulations, or the reasons for not taking any corrective action at all given to him are unsatisfactory, he may inform the Director General in writing who may then, if he considers it so appropriate, proceed in terms of section 126 or other provisions of this Act.
- (5) Where the inspector or the authorized person is satisfied with the reasons, he may

allow additional period for taking corrective action or a taking of the proposed different corrective action.

(6) . A compliance notice shall remain in force until the relevant provisions of the Act, rules or regulations have been complied with and the inspector or authorized person conducting the inspection has issued a compliance certificate in respect of that notice.

98. Power to prohibit exercise of certain privileges.— (1) If it appears to an inspector or authorized person that a holder of an aviation document or the person who has control over the exercise of the privileges of that document is negligent in, or for any reason has become incapable of discharging any privilege of that document, he may make a report to the Director General.

(2) Where the inspector or authorized person has reasonable grounds to believe that the negligence or incapability of the holder of an aviation document or the person who has control over the exercise of the privileges of that document is likely to endanger the safety of an aircraft, person or property and an immediate action is necessary, he may prohibit the holder of aviation document or that person from exercising one or more privileges of such document.

(3) Every prohibition order under sub-section (2) shall remain in force for seven days from the date of prohibition unless this period is extended by the Director General.

(4) The Director General shall not extend the period for which a prohibition order shall remain in force without providing the holder of the document a reasonable opportunity of being heard through a written notice specifying a date by which he may make any submission.

99. Power to prohibit an aircraft from flying.— (1) Subject to conditions of his appointment, an inspector or authorized person may prohibit an aircraft from an intended flight or ground an aircraft if he has reasonable grounds to believe that —

- (a) the aircraft is unsafe or not airworthy;
- (b) the aircraft will be flown under circumstances that will, or are likely to endanger the safety of persons on board the aircraft or to the safety of any person or property on the ground; or
- (c) the aircraft will be flown under circumstances that will constitute a contravention of this Act, rules or regulations; and
- (d) an immediate action is required.

(2) On the request of the owner, operator, or any other person in-charge of the aircraft, the inspector or the authorized person shall promptly provide him the reasons for the prohibition or grounding.

(3) If an aircraft has been prohibited from a flight or grounded under this section, it shall not fly unless the Director General has lifted the prohibition order after having satisfied himself that—

- (a) this Act, rules and regulations are fully complied with; and
- (b) necessary repairs, alterations or other mitigating measures to render the aircraft fit for flight have been affected.

100. Power to detain an aircraft and to seize aeronautical products.— (1) If the Director General has reasonable grounds to believe that the operation or use of an aircraft, or aeronautical product, or any class of aircraft or aeronautical products will, or is likely to endanger the safety of persons and property and an immediate action is required, he may —

- (a) prohibit or impose one or more conditions on the operation of that aircraft or all aircraft of that class;
- (b) prohibit or impose one or more conditions on the use of that aeronautical product or aeronautical products of that class; or
- (c) detain that aircraft or seize that aeronautical product where necessary in order to prevent their operation or use.

(2) On the request of the owner, operator, service provider or any other person in-charge of the aircraft or aeronautical product, the Director General shall —

- (a) promptly provide him the reasons for the prohibition, imposition of one or more conditions or, as the case may be, detention or seizure of the aircraft or aeronautical product; and
- (b) provide him a reasonable opportunity of being heard through a written notice specifying a date by which he may make any submission to the Director General, which shall in no case be less than fifteen days following the date on which the notice is issued.

(3) A detention or seizure order under this section shall remain in force no longer than what the Director General considers necessary in the interest of aviation safety and security.

101. Power to close or to put conditions on the operation of an aviation facility.—

(1) If the Director General has reasonable grounds to believe that the operation of an aviation facility constitutes a contravention of this Act, the rules or regulations, or is likely to endanger the safety or security of an aircraft or person using that facility or any other person or property and an immediate action is required, he may —

- (a) close its operations; or
- (b) impose one or more conditions on its operation in the interest of aviation safety and security.

(2) On the request of the owner, operator, or any other person in-charge of the facility, the Director General shall —

- (a) promptly provide him the reasons for the closure of facility, or imposition of one or more conditions on its operations; and
- (b) provide him a reasonable opportunity of being heard through a written notice specifying a date by which he may make any submission to the Director General, which shall in no case be less than thirty days following the date on which the notice is issued.

(3) An order under sub-section (1) shall remain in force till such time the Director General is satisfied that —

- (a) this Act, rules and regulations are fully complied with; and
- (b) necessary repairs, alterations or mitigating measures to render the facility safe and secure for the aircraft or persons using it or other persons and property have been affected.

102. Power to seize, detain, or destroy an unmanned aircraft.— (1) This section applies only if an officer specifically authorized by the Board in this behalf, has reasonable grounds to believe that a remotely operated aircraft is being or is likely to be operated —

- (a) in a manner that constitutes contravention of this Act;
- (b) in relation to the commission of an offence under any other law; or
- (c) in a manner that is endangering, or is likely to endanger the safety of any person or property

(2) In a situation where this section applies, the authorized person may do any or all of the following—

- (a) without a warrant and prior notice, enter a vehicle, place or premises and search for the remotely operated aircraft;
- (b) prevent by any means the remotely operated aircraft from taking off;
- (c) take measures to safely land the remotely operated aircraft;
- (d) seize and detain the remotely operated aircraft and anything being used, or that may be used to control that aircraft;

(3) If the authorized officer is satisfied that there is no person onboard the remotely operated aircraft, he may, after informing the Director General, destroy or cause the aircraft to be destroyed if it is necessary to do so to prevent imminent danger to people or property.

(4) An authorized officer may act under sub-section (2) and (3) only to the extent necessary to prevent the contravention or offence from being committed or continued, or to avert the danger to persons or property.

(5) When exercising a power under this section, an authorized officer shall follow the prescribed procedure and any directions or limitations that the Board or the Director General has given for the exercise of such power.

103. Duty to assist inspectors.— (1) It shall be the duty of every operator, service provider and every other person engaged in the provision of an aviation service to provide all reasonable assistance and support to an inspector or authorized person—

(a) in making an entry, or to carry out an audit, inspection, examination or inquiry and to take a test for the purpose of this Act; and

(b) in the exercise of any other power under this Act, rules and regulations.

(2) On the request of an inspector or authorized person, an officer of the Federal Investigation Agency, Airport Security Force or of the local police to whom this request is directed, shall, without unreasonable delay, render such assistance.

104. Transfer of regulatory responsibility to a foreign aeronautical authority.— Notwithstanding any other provision of this Act, on the recommendation of the Director General, the Secretary may, by agreement with an appropriate foreign aeronautical authority—

(a) transfer to the aeronautical authority of the State of a foreign operator operating an aircraft registered in Pakistan, as the case may require, all or part of the responsibility that the Authority or the Director General has under this Act towards that aircraft;

(b) vest in the Authority or the Director General, as the case may require, all or part of the responsibility under this Act towards an aircraft registered outside Pakistan but operated by a Pakistani operator; and

(c) with the approval of the Minister, grant any exemption from one or more provisions of this Act in relation to the exercise of power under this section.

105. Compliance with Rules of the Air.— (1) Every aircraft while being in or over Pakistan, comply with this Act, rules and regulations.

(2) Every aircraft registered in Pakistan, shall —

(a) while navigating over the high seas, be operated in a manner that complies, without any exception, with the rules of the air prescribed under the Convention; and

(b) while being in or over another State be operated in a manner that complies with the rules of the air in force in that State.

106. International air service no excuse for exemption from application of the Act.— No aircraft shall be exempted from any provision of this Act, the rules or regulation merely because it is being used in connection with a scheduled international air service or a non-scheduled commercial international flight under a licence granted under this Act.

CHAPTER XII AVIATION RECORDS

107. Civil aviation records.— (1) The Director General shall keep a correct, updated and secure record, to be called the civil aviation records, comprising the following documents —

- (a) all current and expired aviation documents;
- (b) the Register of Aviation Documents, Civil Aircraft Register of Pakistan and Register of Airports of Pakistan;
- (c) all air service agreements arrived at between Pakistan and other States, accompanying memoranda of understanding and formal correspondence and diplomatic notes;
- (d) every notification concerning an aircraft accident or incident;
- (e) every notification in relation to the designation of inspectors and authorized persons and their particulars;
- (f) every notification of delegation of powers by the Board and the Director General under this Act;
- (g) every order exempting the application of any provision of this Act, rules, regulations and Air Navigation Orders; and
- (h) any other document or any class of documents that the Board or the Federal Government may, from time to time, direct to be the part of the civil aviation records.

(2) The Director General shall cause all documents kept in the civil aviation records to be available for inspection by the public and obtaining a copy on payment of such fee as the Board may, from time to time determine, during usual working hours except such record or class of records which are withheld from inspection by the Secretary on the recommendation of the Director General.

108. Duty of the Authority to provide certain information.— (1) The Director General shall make such arrangements as are necessary or convenient to the provision of following information or records developed or held by the Authority —

- (a) aeronautical information, data and studies;
- (b) safety assessments; and
- (c) any instructions relating to the safety, regularity, and efficiency of air navigation.

(2) Any person may, with the permission of Director General obtain information or records mentioned at sub-section (1) on payment of such fee as the Board may, from time to time, determine.

CHAPTER XIII INTERNAL APPEALS

109. Appeal against decisions of an inspector or authorized person.— (1) Any person aggrieved by a decision of an inspector or authorized person, or an order of an authorized person, may appeal before the Director General.

- (2) No appeal shall be heard by the Director General unless —
 - (a) it is filed within thirty days of the receipt of the decision;
 - (b) is accompanied by the receipt of payment of such fee as may be prescribed by the regulations; and
 - (c) is filed in such manner and in such form as may be prescribed by the rules.
- (3) The Director General shall not later than thirty days of the receipt of the appeal,

either confirm, vary or set aside the decision appealed against or pass such other order as he considers fair and equitable.

(4) While deciding the appeal, the Director General shall, among other things, afford the appellant, the inspector or authorized person making the decision and any other relevant person a reasonable opportunity —

- (a) to make representations and offer views;
- (b) to present and dispute information, documents and arguments; and
- (c) to appear in person.

(5) Notwithstanding the provisions of sub-section (2), the Director General may on good cause shown condone the limitation of filing the appeal within thirty days of the receipt of written copy of the decision.

(6) Unless otherwise ordered by the Director General, mere filing of an appeal shall not suspend the decision of the inspector or authorised person appealed against.

110. Appeal against decisions pertaining to medical certificate etc.— (1) Any person who has applied for or holds any class of medical certificate, may appeal before the Director General if he is aggrieved by—

- (a) the decision of a medical assessor cancelling his medical certificate;
- (b) the decision of a medical assessor declaring him unfit or temporarily unfit; or
- (c) any endorsement made by a medical assessor on his medical certificate.

(2) No appeal shall be heard by the Director General unless —

- (a) it is filed within thirty days of the receipt of the decision;
- (b) is accompanied by the receipt of payment of such fee as may be prescribed by the regulations; and
- (c) is filed in such manner and in such form as may be prescribed by the rules.

(3) Every appeal shall be considered and decided by the Director General within thirty days of its receipt assisted by at least two medical practitioners appointed by the Secretary, one of whom shall have appropriate experience in aviation medicine.

(4) After considering an appeal, the Director General may, in agreement with the medical practitioners, confirm, vary or set aside the decision or endorsement appealed against or give such other decision as the Director General and the medical practitioners consider fair and equitable.

(5) While deciding the appeal, the Director General and the medical practitioners shall, among other things, afford the appellant, medical assessor and any other relevant person a reasonable opportunity —

- (a) to make representations and offer views;
- (b) to present and dispute information, documents and arguments; and
- (c) to appear in person.

(6) Notwithstanding the provision of sub-section (2), the Director General may on good cause shown condone the limitation of filing the appeal within thirty days of the receipt of written copy of the decision or endorsement.

(7) Unless otherwise ordered by the Director General, mere filing of an appeal shall not suspend the decision or endorsement of the designated medical examiner appealed against.

111. Appeal against orders of the Director General.— (1) Any person who is aggrieved with any order of the Director General passed in relation to the following matters may file an appeal before the Secretary —

- (a) the grant, renewal, suspension or revocation of, or imposing of a condition on an aviation document;
- (b) registration of an aircraft;

- (c) appointment of an inspector or authorized person;
 - (d) prohibition of the exercise of any privilege of an aviation document;
 - (e) preventing an aircraft from flying, detention or seizure of an aircraft or aeronautical product, or the closure of or imposing of a condition on the operation of an aviation facility;
 - (f) security determination of a person;
 - (g) an appeal under section 109 or 110;
 - (h) an administrative penalty imposed in terms of section 125; or
 - (i) exercise of any other power conferred upon him under this Act, rules or regulations for the enforcement of aviation safety and security.
- (2) No appeal shall be heard by the Secretary unless —
- (a) it is filed within thirty days of the receipt of the decision;
 - (b) is accompanied by the receipt of payment of such fee as may be prescribed by the regulations; and
 - (c) is filed in such manner and in such form as may be prescribed by the rules.
- (3) The Secretary shall not later than sixty days of the receipt of the appeal, either confirm, vary or set aside the decision appealed against or pass such other order as he considers fair and equitable.
- (4) While deciding the appeal, the Secretary shall, among other things, afford the appellant, the Director General and any other relevant person a reasonable opportunity —
- (a) to make representations and offer views;
 - (b) to present and dispute information, documents and arguments; and
 - (c) to appear in person.
- (5) Notwithstanding the provisions of sub-section (2), the Secretary may on good cause shown condone the limitation of filing the appeal within thirty days of the receipt of written copy of the order.
- (6) Unless otherwise ordered by the Secretary, mere filing of an appeal shall not suspend the decision appealed against.

112. Refund of fee for filing an appeal.— The Director General or the Secretary

- (a) shall refund the fee paid for the filing of appeal to the appellant in full if the decision, order or endorsement appealed against is set aside; and
- (b) may or may not refund any part of the fee to the appellant if the decision, order or endorsement appealed against is varied or confirmed.

CHAPTER XIV OFFENCES AND PENALTIES

113. Operating an aircraft in controlled airspace without authorization.— The pilot-in-command of an aircraft who willfully operates an aircraft in a controlled airspace of a restricted area knowing that he does not hold appropriate authorization to operate the aircraft in that airspace or area, shall be punished with imprisonment for a term which may extend to six months, or a fine which may extend to one hundred thousand rupees, or with both.

114. Endangering an aircraft etc. by holder of an aviation document.— Whoever, being the holder of an aviation document, in respect of the service, thing or activity to which that document relates to, does, or omits to do anything or permits or fails to stop anything that endangers or is likely to endanger the safety of an aircraft, other person or property, shall be punished with imprisonment for a term which may extend to one year, or with fine which may

extend to five hundred thousand rupees, or with both.

115. Acting without necessary aviation document.— Whoever does any act in relation to the operations, maintenance, or service of an aircraft, airport, or aeronautical product, or provides any aviation service for which an aviation document is required under this Act, without holding a valid aviation document, shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred thousand rupees, or with both.

116. Violence or interference on board an aircraft.— Whoever being on board an aircraft —

- (a) behaves in a violent or dangerous manner;
- (b) assaults or threats to assault, or intimidates the aircraft crew or any other person that is likely to endanger the safety of that aircraft; or
- (c) willfully interferes with or obstructs the performance of duty by the pilot-in-command or the aircraft crew;

shall be punished with imprisonment for a term which may extend to five years, or with fine which may extend to five hundred thousand rupees, or with both.

117. Disorderly or indecent conduct on board an aircraft.— Whoever being on board an aircraft presents disorderly or indecent conduct, or is in a state of intoxication, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both.

118. Causing interruption to the flight of an aircraft.— Whoever willfully and knowingly —

- (a) damages, interferes with or disrupts any aid or facility for the provision of air navigation service or any other service in a manner that endangers or is likely to endanger the safety of an aircraft;
- (b) contaminates aviation fuel to jeopardise the operation of an aircraft;
- (c) destroys or seriously damages the facilities of an airport;
- (d) communicates any information which he knows to be false and thereby endangering the safety of an aircraft in service;
- (e) disrupts or interferes with the provision of services at the airport through the use of any device, substance or weapon in a manner that endangers or is likely to endanger the safety of passengers, aircraft and other users of the airport; or
- (f) performs any other act that jeopardises or is likely to jeopardise the operation of an aircraft;

shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine which may extend to five hundred thousand rupees, or with both.

119. Willfully destroying or damaging an aircraft.— Whoever—

- (a) willfully destroys an aircraft in service or willfully causes damage to such an aircraft, which renders it incapable of flight or causes damage to it, which is likely to endanger its safety; or
- (b) willfully places on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft or to cause damage to it, render it incapable of flight or endanger its safety

shall be punished with imprisonment of either description for a term which may extend to fifteen years or with fine which may extend to one million rupees, or with both.

120. Illegal practices in relation to cargo, baggage etc.— Whoever, while being inside an airport and without due authority —

- (a) tampers with, opens, damages, destroys or interferes with the conveyance of cargo, baggage, mail or other goods;
- (b) makes away with such cargo, baggage, mail or other goods;
- (c) detains or keeps any cargo, baggage, mail or other goods which ought to be delivered to another person;
- (d) detains or keeps any cargo, baggage, mail or other goods found by him or any other person, which ought to be delivered to another person; or
- (e) by false pretense or misstatement induces any person to deliver or dispose of such cargo, baggage, mail or other goods to him or to any other person who is not the intended addressee or recipient thereof;

shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to one hundred thousand rupees, or with both.

121. Penalty for failure to comply with directions for control of height etc. of buildings etc.— (1) Whoever willfully or negligently fails to comply with any direction contained in a notification issued under section 79, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one million rupees, or with both.

(2) Without prejudice to the provisions of sub-section (1), whoever fails to demolish any building or structure or cut any tree or fails to reduce the height of a building, structure or tree when directed to do so by the Director General under the said section within the period specified by him, shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to two million rupees, or with both.

122. Operating an aircraft in dangerous manner.— Where any aircraft is flown in such manner as may cause unnecessary danger to any person or property, whether on land or water, the pilot-in-command and the operator or owner of that aircraft, unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be punished with imprisonment for a term which may extend to six months, or with a fine which may extend to one million rupees, or with both.

123. Punishment for contravention of rules or regulations.— Where any rule or regulation provides that a contravention thereof shall be punishable, a person contravening that rule or regulation shall be punished with simple imprisonment for a term which may extend to three months or fine which may extend to one hundred thousand rupees, or with both.

124. Penalties provided to be in addition to penalties under other laws.— The punishment, fine and penalties provided in this Act are in addition to, and not substituting any, punishment, fine or penalty imposed under any other law for the time being in force.

125. Certain delinquencies to attract administrative penalties.— (1) Where it is brought to his notice that a person mentioned at the third column of the Second Schedule is delinquent in any manner in relation to what has been stated at the second column, the Director General may, after serving him a written notice and recording a summary of appertaining evidence, require that person to pay an administrative penalty which may extend to any amount

mentioned at the fourth column of the Schedule.

(2) Where any rule or regulation provides that a contravention thereof shall attract administrative penalty from the Director General, a person contravening that rule or regulation shall pay a fine which may extend to one hundred thousand rupees and if the contravention continues after the conviction, with an additional fine which may extend to ten thousand rupees for every day during which such contravention continues.

126. Amendments to the Second Schedule.— The Federal Government may, by notification in the official Gazette, amend the Second Schedule by way of addition, deletion or substitution of an entry in it.

127. Offences by holder of aviation document while being outside Pakistan.—

(1) Where the holder of an aviation document, while being outside Pakistan, commits an act or omission in the exercise or purported exercise of any privilege accorded by that document that would constitute an offence if it was committed in Pakistan, shall be deemed to have committed an offence under this Act and may be proceeded against in Pakistan as if that act or omission had occurred within Pakistan.

(2) Sub-section (1) shall not apply if such act or omission was required in order to comply with the law of the foreign State within which that privilege was exercised.

(3) In the like manner, nothing in this section shall be construed to require any person or aircraft to breach or be operated in breach of a law of a foreign State that applies to or in respect of the person or aircraft.

128. Offence on board an aircraft registered in Pakistan while being outside Pakistan.— (1) Any act or omission on board an aircraft registered in Pakistan while it is outside Pakistan that would have constituted an offence if it was to take place on board an aircraft in or over Pakistan, shall constitute that offence for the purpose of this Act.

(2) Any act contemplated in section 116 or 117 committed outside Pakistan on board an aircraft in flight that is not registered in Pakistan shall be deemed to be an offence committed in Pakistan if —

- (a) such aircraft lands in Pakistan with the person who committed any such act still on board;
- (b) such aircraft is leased without crew to a lessee who has his principal place of business or permanent residence in Pakistan;
- (c) the person who committed any such act is present or is apprehended in Pakistan.

129. Offences by bodies corporate.— (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and omissions of a member in connection with his functions of management as if he is a director of the body corporate.

130. Arrest how made.— No person shall be arrested for an offence under this Act unless —

- (a) there is a reason to believe that he will abscond;

- (b) there is a reason to believe that on being let free he will hide, destroy, damage or interfere with any incriminating evidence against him;
- (c) it is necessary to arrest him to prevent continuance of the offence; or
- (d) it is necessary to do so to secure his removal from an aircraft, airport or any other facility, vehicle, equipment or property used for, or in relation to the provision of aviation related service.

131. Cognizance of offences by courts.— (1) No court shall take cognizance of an offence under sections 113 to 120 and 124 of this Act except upon a complaint in writing by the Director General or an officer authorized by him in this behalf.

(2) The Director General shall not make a complaint in relation to an offence under section 116 or 117 unless he receives a written request from the owner, operator or pilot-in-command of the aircraft on board which that offence was committed.

132. Certain offences to be bailable.— All offences under this Act except the offences under section 116, 118, 119 and 121 shall be bailable.

133. Summary trial for certain offences.— A Magistrate of the first class may try any offence other than an offence under section 116, 117, 118 or 119 in a summary manner and may impose any amount of fine under this Act.

134. Compounding of offences.— (1) Subject to the provision of sub-section (2), the Director General may, at any stage, compound any offence under this Act other than the offence under section 116, 118 or 119, provided that the persons accused of the offence deposits such sum of money to the fund of the Authority as may be agreed to by the Director General as penalty which shall in no case be less than fifty thousand rupees or half of the maximum fine provided for that offence under this Act whichever amount is higher.

(2) An offence under this Act shall not be compoundable if the accused has previously been convicted under the Act or his previous offence has been compounded by the Director General.

CHAPTER XV MISCELLANEOUS

135. Exemptions from applicability of Act.— (1) The Federal Government may, on the recommendation of the Board, exempt the application of any one or more provisions of this Act, rules or regulations, to any one or all of the following —

- (a) any person, service provider, operator, or any class of persons, service providers or operators;
- (b) any aircraft or other aeronautical product or any class of aircraft or aeronautical products;
- (c) any aviation service or a class of aviation services; or
- (d) any airport or other aviation facility or a class of aviation facilities.

(2) Such exemption may be subject to such terms and conditions as the Federal Government may impose.

(3) In making a recommendation to the Federal Government, the Board shall have regards to, among other things, the following matters —

- (a) the reasons for the required exemption;
- (b) whether the exemption may lead to any serious or imminent risk to the safety of aircraft, persons, property or aviation safety or security in general;
- (c) if the exemption will lead to the development of civil aviation in Pakistan;

- or
- (d) if the exemption is in the larger public interest.
- (4) The Federal Government may not grant any exemption for a period longer than one hundred and eighty days.
- (5) The Minister may, on an application in writing, extend the period of exemption for a further similar period.
- (6) Every exemption granted under this section shall be published in the official Gazette.

136. Technical standards for civil aviation.— (1) The Director General may issue technical standards for civil aviation on such matters as may be prescribed by the rules or regulations.

(2) The manner in which a technical standard shall be issued, varied or withdrawn, and the procedure to be followed in this respect shall be as prescribed by the rules.

(3) The Director General may incorporate into a technical standard any international aviation standard or any amendment, without stating the text of such standard or amendment, by mere reference to the title, number and year of issue of such standard or amendment or to any other particulars by which such standard or amendment is sufficiently identifiable.

(4) An officer of the Authority designated by the Director General for this purpose shall—

- (a) keep in his office a copy of the complete text of each international aviation standard or each amendment thereof which has been incorporated into any technical standard in accordance with sub-section (2); and
 - (b) on a written request, make such copy available to any interested person on payment of such fee as may be prescribed by the regulations.
- (5) For the purposes of this section, the international aviation standard means—
- (a) any international standard, recommended practice or procedure adopted by the ICAO for the purposes of Article 37 and 45 of the Convention;
 - (b) any standard, rule or requirement prescribed by the law of any other contracting State of the ICAO; or
 - (c) any other technical standard which is contained in a document which in the opinion of the Director General is too voluminous to be published in the normal manner.

137. Complaints to the Authority.— (1) Any person aggrieved from any act or omission of an operator or service provider may complain to the Director General.

(2) The Director General may require the operator or service provider to make a serious effort to address the said grievance within such period as may be specified by the regulations in view of seriousness and complexity of the matter complained against and inform the complainant and the Director General.

(3) Where the information mentioned at sub-section (2) is not received, or the aggrieved person is not satisfied with the effort of the operator or service provider, and the Director General views that the complaint merits further action, he may —

- (a) direct the operator or service provider to take such measures as he considers necessary or incidental to redress the grievance, including payment of a reasonable compensation to the aggrieved person for the act or omission complained against; or
- (b) where the service provider complained against is an agency owned or controlled by the federal or a provincial government, bring the matter to the notice of the head of that agency.

(4) Any person not satisfied with the decision of the Director General under subsection (3) or aggrieved by any act or omission of the Authority may make a complain to the Secretary.

(5) For the purposes of this section, an act or omission of an employee of an operator or service provider shall be deemed to be the act or omission on the part of the operator or service provider.

138. Clerical mistakes and non-material defects not to invalidate notice etc.—

A notice given under this Act shall not be invalid merely because of—

- (a) any defect, irregularity, omission, or want of form in the notice unless it causes or is likely to cause a miscarriage of justice; or
- (b) a failure to use correct name of the person to whom the notice is issued if the notice sufficiently identifies such person.

139. Periodical and annual reports.— (1) The Director General shall keep the Secretary generally informed on the working of the Authority and submit to him reports, returns, statements, estimates, statistics or other information on the matters relating to the functions, duties, activities and affairs of the Authority at such intervals and in such form as the Secretary may direct.

(2) The Director General shall, as soon as may be practicable after the close of every financial year, but not later than the last Friday of the immediately following August, submit to the Minister through the Secretary a report on the degree of compliance with the Act, rules and regulations, the state of aviation safety and security in general, major activities undertaken by the Authority, any direction given to the Authority under sections 142 or 143 and action taken on it by the Authority, statement of accounts of the Authority, and any other aspect of the functions and duties of the Authority during that year as the Minister may specify.

(3) After the approval of the Minister, the Director General shall cause the annual report to be published for general information in the prescribed manner.

140. Act X of 2012 not to apply to the Authority.— The Industrial Relations Act, 2012 (Act X of 2012) or any other law related to industrial relations, shall not apply to or in relation, to the Authority or any officer, servant, expert or other person in the service of the Authority.

141. Indemnity.— (1) No suit, prosecution or other legal proceedings shall lie against the Minister, Secretary, Authority, any member or member of a committee, the Director General, or any officer, servant, expert or any other person employed by or with the permission of the Authority in respect of anything, done or intended to be done in good faith under this Act, rules or regulations or for any damage sustained by anything belonging to or under the control of the Authority.

(2) No member or a member of a committee, the Director General, officer, servant, expert or any other person employed by or with the permission of the Authority shall incur any personal liability for any loss or damage caused by any act or omission in good faith in the conduct of the affairs of the Authority, or performance of its functions, or exercise of its powers under this Act, rules or regulations.

142. Power of the Federal Government to issue directions.— As and when it considers it to be necessary or expedient, the Federal Government may, by notification in the official Gazette, issue directions to the Authority on matters of policy and such directions shall be binding on it and where a question arises as to whether any matter is a matter of policy or not, the decision thereon by the Federal Government shall be final.

143. **Other directions to the Authority.**— (1) The Secretary may, with the approval of the Minister, require the Authority by an order in writing to do or not to do what is mentioned in the order where it is necessary or expedient to so order —

- (a) in the interest of national security;
- (b) in the interest of Pakistan's relations with another state or territory; or
- (c) to discharge or facilitate the discharge of an international obligation of Pakistan.

(2) The Secretary shall consult the Director General before passing an order under this section.

144. **Duty not to disclose information.**— (1) Except as provided in this Act, rules or regulations, or if so required under any other law or when so authorized by the Board —

- (a) no member, or member of a committee, the Director General or any other officer, servant, expert or other person in the service of the Authority attending a meeting of the Board, or any of its committees, shall disclose any information obtained by him in the course of that meeting; and
- (b) the Director General, other officer, servant, expert or other person in the service of the Authority who has access to any information or document relating to the affairs of the Authority shall not disclose that information or document.

(2) A member, or member of a committee, the Director General, officer, servant, expert or other person in the service of the Authority who contravenes any provision of subsection (1) shall be guilty of misconduct under this Act or any other applicable law relating to his conduct or discipline.

145. **Power to make rules to affect certain international obligations.**— The Federal Government may, by notification in the official Gazette, make such rules as appear it to be necessary for carrying out the provisions of—

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

146. **Power to make rules**— (1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for one or more of the following matters, that is to say —

- (a) the authorities by which any of the powers conferred by or under this Act are to be exercised;
- (b) the regulation of air services and the prohibition of the use of aircraft in such services;
- (c) the licensing, registration, inspection and regulation of the airports, the

- conditions under which airports may be maintained, and the fees which may be charged for the use of, and for services provided at, such airports;
- (d) conduct of persons at airports or in the vicinity of airports;
 - (e) the inspection and control of the manufacture, repair and maintenance of aircraft and of places where aircraft are manufactured, repaired or kept;
 - (f) the licensing of persons employed in the operation, manufacture, repair or maintenance of aircraft and at airports;
 - (g) the registration and marking of aircraft;
 - (h) the conditions under which an aircraft may be flown, or may carry passengers, goods, mails, and other things, or may be used for industrial purposes, and the certificates, licences or documents to be carried by aircraft;
 - (i) the inspection or supervision of aircraft for the purpose of enforcing the provisions of the Act and the rules, and the facilities to be provided for such inspection or supervisions;
 - (j) the conditions subject to which persons may be engaged or employed in, or in connection with, air navigation services;
 - (k) the conditions under which, and the airports to or from which aircraft entering or leaving Pakistan may fly, and the conditions under which aircraft may fly over Pakistan or from one place in Pakistan to another;
 - (l) the prohibition of flight by aircraft over any specified area, either absolutely or at specified times, or subject to specified conditions and exceptions;
 - (m) the control and regulation of air-route beacons, airport lights, and lights at or in the neighborhood of airports and on or in the neighborhood of air routes;
 - (n) the formulation and observance of uniform standards in respect of obstruction clearances for areas adjoining the landing area at airports;
 - (o) the installation, maintenance and removal of lights on private property in the neighborhood of airports and on or in the neighborhood of air-routes, by the owners or occupiers of such property;
 - (p) the measures to be taken for securing obstruction clearances at airports, for the safety, efficiency and regularity of air navigation and the safety of aircraft, passengers, goods, mails and other things carried therein, and for preventing aircraft from endangering other persons and property;
 - (q) the regulation and making of signals and communications by or to aircraft, and by or to persons carried therein;
 - (r) the prohibition or regulation of carriage in aircraft of any specified article or substance;
 - (s) the issue and maintenance of log books;
 - (t) the manner in which and the conditions subject to which any licence, certificate or permit may be issued under the Act or the rules, the examination and tests to be undergone in connection therewith, and the form, custody, production, endorsement, cancellation, suspension or surrender of any such licence, certificate, permit or of any log-book;
 - (u) the fees to be charged in connection with any inspection, examination, test, licence, certificate or permit, made, issued, or renewed under the Act or the rules;
 - (v) the recognition, for the purposes of this Act, of licences, certificates and other documents issued elsewhere than in Pakistan relating to aircraft or to the qualifications of persons employed in the operation, manufacture,

- repair or maintenance of aircraft;
- (w) the supply, for purposes of air navigation, of metrological information by persons engaged or employed in connection with air navigation;
- (x) the regulation of the use of the civil air ensign and any other ensign established by the Federal Government in connection with air navigation; and
- (y) any matter subsidiary or incidental to the matters referred to in this sub-section.

147. Power of the Authority to make regulations.— The Board may make regulations, not inconsistent with this Act and the rules, to provide for all internal matters and for which provision is necessary or expedient for carrying out the purposes of the Act.

148. Air Navigation Orders.— The Director General may, by notification in the official Gazette, issue an Air Navigations Order not inconsistent with this Act, rules and regulations, to provide for any matter and for which provision is necessary or expedient for carrying out the purposes of the Act.

149. Requirement of continuous review of rules etc.— (1) The Director General shall cause the rules, regulations and Air Navigation Orders to be reviewed continuously in the interest of development of air transport and the efficiency, economy and safety of operations and to secure their conformity to the requirements of any relevant international treaty, convention, engagement or agreement to which Pakistan is a signatory.

(2) The Director General shall meaningfully consult the persons interested in or affected or likely to be affected by the review of the rules, regulations or Air Navigation Orders under this section.

(3) The Director General shall submit a biannual report to the Minister, Secretary and the Board on the rules, regulations and Airport Orders reviewed during the period of the report, the persons consulted during such review, any Air Navigation Order or part thereof updated or improved and recommendation, if any, for updating or affecting any improvement in the rules or regulations for the purposes mentioned in sub-section (1).

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

151. Act to override other laws.— (1) The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law.

(2) The regulatory and control function under this Act shall be exercised in such a manner that it does not abridge or limit the powers the Airport Security Force, Federal Investigation Agency, customs and all other lawfully authorized persons working at an airport or elsewhere for or in relation to the operation of aircraft, which stand conferred on them by, or as the case may be, are required to be performed by them respectively under the Airport Security Force Act, 1975 (LXXVII of 1975), Federal Investigation Agency Act, 1974 (VIII of 1975) or any other law for the time being in force.

152. Repeal of Ordinance XXXII of 1960 and Ordinance XXX of 1982.— On the coming into force of this Act and the Pakistan Airports Authority Act, 2023, the Civil Aviation Ordinance, 1960 (XXXII of 1960) and the Pakistan Civil Aviation Ordinance, 1982 (XXX of

1982) shall be repealed.

153. Savings.— (1) Notwithstanding the repeal of Civil Aviation Ordinance, 1960 (XXXII of 1960) and the Pakistan Civil Aviation Ordinance, 1982 (XXX of 1982), anything done or any action taken or purported to have been done or taken under any of these laws shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the Act, and shall, if in force or valid on the date of coming into force of the Act, continue in force, unless amended, modified, altered, revised, rescinded, repealed, withdrawn, renewed, reissued, suspended, dismissed, removed, revoked, or lapsed, as the case may be, under the corresponding provisions of the Act.

(2) The rights, liabilities and contracts of the Pakistan Civil Aviation Authority established under the repealed Ordinance of 1982 shall be deemed to be rights, liabilities and contracts of the Pakistan Civil Aviation Authority established under this Act, and for all intents and purposes the Pakistan Civil Aviation Authority established under this Act shall be successor-in-interest for the Pakistan Civil Aviation Authority established under the repealed Ordinance of 1982.

(3) Any registration, licence, certificate or permission granted by the Pakistan Civil Aviation Authority established under the repealed Ordinance of 1982 shall be deemed to be granted by the Pakistan Civil Aviation Authority established under this Act.

(4) Any officer, servant, expert, employee or other person appointed by the Pakistan Civil Aviation Authority established under the repealed Ordinance of 1982 shall be deemed to be appointed as the officer, servant, expert, employee of the Pakistan Civil Aviation Authority established under this Act on the same terms and conditions as existed before such repeal.

(5) Subject to this Act, the rules and regulations made under any of the repealed Ordinances of 1960 and 1982 or any Air Navigation Order issued under them shall remain enforce until rules, regulations or Air Navigation Order are made on the same subject under the Act.

FIRST SCHEDULE

[see section 63]

Authority for Grant, Renewal or Varying of Air Service Licence

| Sr. | Description of Air Service Licence | Name, Class or Category | Authority for the Grant, Renewal or Varying Licence |
|-----|---|--|---|
| 1 | General public service performed on a fixed schedule and specified air route against specified fair | Regular Public Transport For the carriage of passengers and cargo on specified domestic or international or both routes | Minister |
| 2 | General public service performed on a fixed schedule and specified air route against specified fair | Tourism Promotion and Regional Integration For the carriage of passengers and cargo on specified domestic routes | Minister |
| 3 | Undertaking specified journey not being a regular scheduled flight | Charter Class II For international and domestic operations | Minister |
| 4 | Undertaking specified journey not being a regular scheduled flight | Charter Class II For domestic operations | Director General |
| 5 | Undertaking specified journey not being a regular scheduled flight | Charter Class I For international and domestic operations | Director General |
| 6 | Undertaking specified journey not being a regular scheduled flight | Charter Class I For domestic operations | Director General |
| 7 | Flight operations for provision of one or more specialized services | Aerial Works Class II For international and domestic operations | Director General |
| 8 | Flight operations for provision of one or more specialized services | Aerial Works Class II For domestic operations | Director General |
| 9 | Flight operations for provision of one or more specialized services | Aerial Works Class I For international and domestic operations | Director General |
| 10 | Flight operations for provision of one or more specialized services | Aerial Works Class I For domestic operations | Director General |
| 11 | Flight operations for pilots training | Flying School Class II | Director General |
| 12 | Flight operations for pilots | Flying School | Director General |

| Sr. | Description of Air Service Licence | Name, Class or Category | Authority for the Grant, Renewal or Varying Licence |
|-----|--|--|---|
| | training | Class I | |
| 13 | Facility for training in relation to operation of aircraft | Ground School | Director General |
| 14 | Flight operations otherwise for hire or reward | Private Air Operations International, Class I | Director General |
| 15 | Flight operations otherwise for hire or reward | Private Air Operations Domestic, Class I | Director General |
| 16 | Flight operations otherwise for hire or reward | Private Air Operations Domestic and International Class II | Director General |
| 17 | Flight operations for recreational activities | Recreational Activities | Director General |

SECOND SCHEDULE

[see section 126]

Acts Attracting Administrative Penalties

| Ser | Delinquency attracting administrative penalty | Person(s) liable for administrative penalty | Maximum limit of administrative penalty |
|-----|--|--|--|
| 1 | Operating an aircraft in careless manner | Pilot-in-command | Upto Rupees two million if the delinquent is a juristic person, rupees three hundred thousand if the delinquent is a natural person |
| 2 | Communicating false information affecting safety | Person providing false information | Upto Rupees seventy-five thousand |
| 3 | Failure to notify breach of the Act, rules, regulations or orders in an emergency situation by an aircraft | Pilot-in-command | Upto Rupees two hundred thousand if the delinquent is a juristic person, rupees fifty thousand if the delinquent is a natural person |
| 4 | Failing to disclose information relevant to granting or holding of aviation document | Person applying for or holder of aviation document | Upto Rupees one million if the delinquent is a juristic person, rupees two hundred thousand if the delinquent is a natural person |
| 5 | Exercising privileges of aviation document without required medical certificate | Holder of aviation document | Upto Rupees one hundred thousand |

| Ser | Delinquency attracting administrative penalty | Person(s) liable for administrative penalty | Maximum limit of administrative penalty |
|-----|---|---|---|
| 6 | Exercising privilege of aviation document having knowledge or suspicion that due to medical or psychological condition such privilege can no longer be exercised safely | Holder of aviation document | Upto Rupees fifty thousand |
| 7 | Failure to surrender aviation document when required by the Act or otherwise by the Director General | Holder of aviation document | Upto Rupees five hundred thousand if the delinquent is a juristic person, rupees one hundred thousand if the delinquent is a natural person |
| 8 | Failure to provide inspector or authorised person with correct name, residential address, and date of birth or other information when asked | Person asked | Upto Rupees twenty-five thousand |
| 9 | Mutilating, adding or rendering illegible any log book, or any entry made therein for procurement of an aviation document | Holder of aviation document | Upto Rupees five hundred thousand if the delinquent is a juristic person, rupees one hundred thousand if the delinquent is a natural person |

| Ser | Delinquency attracting administrative penalty | Person(s) liable for administrative penalty | Maximum limit of administrative penalty |
|-----|--|--|--|
| 10 | Failure to provide information that leads to identification of pilot-in-command of an aircraft | Pilot-in-command's employer, operator or holder of certificate of registration of aircraft | Upto Rupees two hundred thousand if the delinquent is a juristic person, rupees fifty thousand if the delinquent is a natural person |
| 11 | Failure to assist an inspector or authorised person when asked for the purpose of this Act | Pilot-in-command, any operator or holder of certificate or aviation document who fails to provide assistance | Upto Rupees one million if the delinquent is a juristic person, rupees one hundred thousand if the delinquent is a natural person |
| 12 | Being in security area without being searched or when not authorised | Person | Upto Rupees ten thousand |
| 13 | Operating an air service without licence | Operator | Upto Rupees five million and rupees five hundred thousand for each day if the violation continues after imposition of penalty |
| 14 | Operating an aircraft without registration or a valid aviation document | Operator | Upto Rupees one million and rupees fifty thousand for each day if the violation continues after imposition of penalty |
| 15 | Disruptive conduct | Person showing | Upto Rupees fifty thousand |

| Ser | Delinquency attracting administrative penalty | Person(s) liable for administrative penalty | Maximum limit of administrative penalty |
|-----|---|---|--|
| | towards crew member on board an aircraft | disruptive conduct | |
| 16 | Being intoxicated while on board an aircraft | Intoxicated person | Upto Rupees five hundred thousand |
| 17 | Smoking or smoking electronic cigarette on board an aircraft despite instructions from pilot-in-command or crew | Smoker | Upto Rupees fifty thousand |
| 18 | Non-compliance of the commands given by a pilot-in-command to a passenger onboard an aircraft | Non-complying passenger | Upto Rupees fifty thousand thousand |
| 19 | Operating an airport without registration | Owner or operator | Upto Rupees ten million and rupees five hundred thousand for each day if the violation continues after imposition of penalty |
| 20 | Making material change in an airport without authorisation | Owner or operator | Upto Rupees on million and rupees one hundred thousand for each day if the violation continues after |

| Ser | Delinquency attracting administrative penalty | Person(s) liable for administrative penalty | Maximum limit of administrative penalty imposition of penalty |
|-----|--|---|---|
| 21 | For any other violation of any other provision of this Act for which no specific punishment or administrative penalty has been given | | Upto Rupees five hundred thousand if the delinquent is a juristic person, rupees fifty thousand if the delinquent is a natural person |

STATEMENT OF OBJECTS AND REASONS

Considering the sensitivity of operations and involvement of strategic asset i.e. Airspace, the role of Civil Aviation in Pakistan shall be bifurcated into two entities: one responsible for regulations of civil aviation activities in Pakistan; whereas, the other shall be responsible for provision of civil aviation services and development of aviation infrastructure in Pakistan. Pakistan Civil Aviation Authority (PCAA) shall be entrusted with regulatory functions; whereas, the Pakistan Airports Authority (PAA) shall be entrusted with commercial and operational aspects of airports.

2. The existing institutional arrangement and legal instruments envisages regulatory as well as service provider roles being performed by a single entity which tantamount to infringement upon the regulatory functions being performed by the regulatory authority. To improve services, enhance efficiency at airports and to comply with the Standard and Recommended Practices (SARPs) of international Civil Aviation Organization (ICAO), an institutional arrangement is needed to create separate authorities for civil aviation regulations and services provision.

3. The Pakistan Civil Aviation Bill, 2023 envisages establishment of Separate civil aviation regulatory body.

4. The Bill is designed to achieve the aforesaid purpose.

Minister for Aviation