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**ISLAMABAD, TUESDAY, AUGUST 8, 2023**

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PART I

**Acts, Ordinances, President's Orders and Regulations  
NATIONAL ASSEMBLY SECRETARIAT**

*Islamabad, the 8th August, 2023*

**No. F. 22(47)/2021-Legis.**—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on the 7th August, 2023 is hereby published for general information:—

ACT NO. XLIX OF 2023

AN

ACT

*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 —

689 (1—101)

*Price: Rs. 155.00*

[1538(2023)/Ex. Gaz.].

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 on to 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)**; “**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 sub-section (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 **aircraft** in or over Pakistan and the operation of all **aircraft** 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;
- 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) 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.

(4) 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.

(5) 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—**

- (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 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.