

# AIR NAVIGATION ACT

**AN ACT TO GIVE EFFECT TO CERTAIN INTERNATIONAL CONVENTIONS RELATING TO AIR NAVIGATION AND CARRIAGE BY AIR, TO MAKE PROVISION FOR THE GENERAL REGULATION AND CONTROL OF AIR NAVIGATION, AND FOR PURPOSES CONNECTED THEREWITH OR INCIDENTAL THERETO.**

(18<sup>th</sup> May, 1951)

**Act Nos:**

**15 of 1950,**

**2 of 1952,**

**42 of 1964,**

**2 of 1982,**

**11 of 1983,**

**14 of 1987,**

**55 of 1992.**

1. This Act may be cited as the Air Navigation Act.

**Short title**

2. (1) Regulations may be made under this Act empowering the Minister by Order to grant exemption from any of the provisions of this Act to such classes or description of aircraft or persons as may be prescribed in the regulations or to any aircraft or person belonging to any such prescribed class or description of aircraft or persons, to such extent or subject to such terms, conditions or restrictions as may be so prescribed.

**Power to grant**

**Exemption from operation of Act.**

(2) The Minister may, on the occurrence of any public emergency, by Order exempt any aircraft or person or class or description of aircraft or persons from any of the provisions of this Act to such extent or subject to such terms, conditions or restrictions as may appear to him to be necessary in the public interest, notwithstanding that he is not empowered to do so by regulations referred to in subsection (1).

(3) Every Order made by the Minister in pursuance of the regulations referred to in subsection (1) or the powers conferred by subsection (2) shall be as valid and effectual as though it were herein enacted.

# PART I

## AIR NAVIGATION

3.(1) Regulations may be made under this Act providing for all such matters as the authority empowered to make such regulations may deem requisite or expedient –

(a) for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention ; or

(b) generally for regulating air navigation.

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations may be made under this Act for or with respect to all or any of the following matters. :-

(a) the registration of aircraft in Sri Lanka;

(b) the prohibition of aircraft from flying unless certificates of airworthiness issued or validated under the regulations are in force with respect to them and except upon compliance with such conditions as to maintenance and repair as may be specified in the regulations ;

(c) the licensing, inspection, regulation and control of aerodromes and the prohibition or regulation of the use of unlicensed aerodromes;

(d) the access to aerodromes and places where aircraft have landed, the access to aircraft factories for the purpose of inspecting work therein carried

**Power to give effect to Chicago Convention and to regulate air navigation.**

on in relation to aircraft or parts thereof, and the prohibition of trespassing on aerodromes;

(e) the prohibition of the engagement or employment of persons in or (except in the maintenance at unlicensed aerodromes of aircraft not used for or in connexion with commercial, industrial or other gainful purposes) in connexion with, air navigation in such capacities as may be specified in the regulations except in accordance with provisions in that behalf contained in the regulations, and the licensing of those employed at licensed aerodromes in the inspection or supervision of aircraft;

(f) the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving Sri Lanka may fly, and the conditions under which aircraft may fly from one part of Sri Lanka to another;

(g) the conditions under which passengers and goods may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes and the prohibition of the carriage by air of goods of such classes as may be specified in the regulations;

(h) the minimization or prevention of the interference with the use or effectiveness of apparatus used in connexion with air navigation, and the prohibition or regulation of the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;

(i) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, the prevention of aircraft from endangering other persons and property and, in particular, the detention of aircraft for any of the purposes specified in this paragraph;

(j) the supply of meteorological information for the purposes of air navigation by persons engaged in, or employed in or in connexion with, such navigation;

(k) the Regulation of the making of signals and other communications by or to aircraft and persons carried therein;

(l) the regulation of the use of the civil air ensign and any other ensign established by the Minister for purposes connected with air navigation;

(m) the prohibition of the flying of aircraft over such areas in Sri Lanka as may be specified in the regulations;

(n) the application, adaptation or modification of the enactments relating to customs in relation to aerodromes and to aircraft and to persons and property carried therein and the prevention of smuggling by air;

(o) the manner and conditions of the issue, validation, renewal, extension

or variation of any certificate, licence or other document required by the regulations (including the examinations and tests to be undergone), and the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;

(p) the regulation of the charges that may be made for the use of aerodromes and for services provided at such aerodromes;

(pp) the regulation of the charges that may be made from over-flying aircraft for the use of air navigation services or facilities provided by any Governmental Authority or Airport in Sri Lanka;

(q) prescribing the fees to be paid in respect of the issue, validation, renewal, extension, or variation of any certificate, licence or other document or the undergoing of any examination or test required by the regulations and in respect of any other matters for which it appears to the authority empowered to make the regulations to be expedient for the purposes of the regulations to charge fees;

(r) the regulation and control of the conditions under which noise and vibration may be caused by aircraft on aerodromes and the application of the provisions of section 4 to any aerodrome as respects which provision as to noise and vibration caused by aircraft is so made.

(3) Regulations referred to in paragraph (m) of subsection (2) may, for the purpose of securing compliance with any provision thereof, provide for the taking of such steps (including firing on aircraft) as may be specified in the regulations.

4. No action shall lie in respect of any nuisance by reason only of the noise and vibration caused by aircraft on an aerodrome to which this section applies by virtue of any regulations made under this Act, so long as the provisions of such regulations are duly complied with.

**Nuisance caused by aircraft on aerodromes.**

5. (1) Save as otherwise provided in section 6, where it is alleged by any person interested that a foreign aircraft making a passage through or over Sri Lanka infringes in itself or in any part of it any invention, design or model which is entitled to protection in Sri Lanka, it shall be lawful, subject to and in accordance with rules made as hereinafter provided, to detain such aircraft until the owner thereof deposits or secures in respect of the alleged infringement a sum (in this section referred to as "the deposited sum"), and thereupon the aircraft shall not, during the continuance or in the course of the passage, be subject to any lien, arrest, detention or prohibition, whether by order of a court or otherwise, in respect of or on account of the alleged infringement.

(2) The deposited sum shall be such a sum as may be agreed upon between the parties interested, or in default of agreement shall be fixed by the Minister or some person duly authorized by the Minister in that behalf, and payment thereof shall be made or secured to him in such manner as he shall approve. The deposited sum shall be dealt with by such court and in accordance with such procedure as may be prescribed by rules made by the Supreme Court for that purpose as well as for the purpose of providing generally for carrying this section into effect.

(3) For the purposes of this section and of section 6, the expression "owner" includes the actual owner of an aircraft, and any person claiming through or under him, and the expression "passage" includes all reasonable landings and stoppages in the course or for the purpose of a passage.

**Infringement of patents.**

6. (1) Notwithstanding anything in section 5 of this Act or any other written law, any lawful entry into Sri Lanka, with or without landings, of an aircraft to which this section applies shall not entail any seizure or detention of the aircraft or any proceedings being brought against the owner or operator thereof or any other interference therewith by or on behalf of any person in Sri Lanka, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.

(2) Notwithstanding anything in section 5 of this Act or any other

**Exemption of aircraft and parts thereof from seizure, &c., on patent claims.**

written law, the importation into, and storage in, Sri Lanka of spare parts and spare equipment for an aircraft to which this section applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in Sri Lanka on the ground that the spare parts or spare equipment or their installation is or are an infringement of any patent, design or model;

Provided, however, that the preceding provisions of this subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in Sri Lanka or are exported from Sri Lanka for sale or distribution.

(3) This section applies to an aircraft registered in any country or territory in the case of which there is for the time being in force a declaration made by the Minister, with a view to the fulfilment of the provisions of the Chicago Convention, that the benefits of those provisions apply to that country or territory, and to such other aircraft as the Minister may by Order specify.

7. (1) In time of war, whether actual or imminent, or of great national emergency, the Minister in charge of the subject of Defence may by general or special Order regulate or prohibit, either absolutely or subject to such conditions as may be contained in the Order, the navigation of all or any descriptions of aircraft over Sri Lanka or any portion thereof, or the territorial waters adjacent thereto; and may, by the same or any subsequent Order, provide for taking possession of and using for the purposes of the naval, military or air forces of the Republic any aerodrome or landing ground, or any aircraft, machinery, plant, material or things found therein or there on, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, flying school or landing ground, or any class or description thereof.

(2) An Order under this section may make, for the purposes of the Order, such provision as regulations under this Act may make by virtue of paragraph (m) of subsection (2) of section 3.

**Special powers in case of emergency.**

(3) Any person who suffers direct injury or loss, owing to the operation of an Order of the Minister under this section, shall be entitled to receive compensation from the Minister in charge of the subject of Defence from such moneys as may be provided by Parliament for the purpose, the amount thereof to be fixed, in default of agreement between the parties interested, by an arbitrator to be agreed upon between such parties or failing such agreement to be appointed by the Chief Justice :

Provided, however, that no compensation shall be payable by reason of the operation of a general Order under this section prohibiting flying in Sri Lanka or any part thereof.

8. (1)(a)The Minister shall have power on behalf of the Government to establish and maintain aerodromes (including power to provide and maintain roads and approaches, buildings and other accommodation and apparatus and equipment for such aerodromes). Where the Minister certifies that any land is required for that purpose, the Minister in charge of the administration of the Land Acquisition Act may direct that Order be taken under that Act for the acquisition of the land on behalf of the Government, and for determining the compensation to be paid to the parties interested in accordance with the provisions of that Act :

Provided, however, that the preceding provisions the subsection shall not be construed as authorizing the Minister to act otherwise than for the purposes of civil aviation.

(b) Where a direction is given by the Minister under paragraph (a) of this subsection for the acquisition of any land, all the provisions of the Land Acquisition Act shall apply in all respects in like manner as though the land were required for a public purpose.

(2) For the avoidance of doubts it is hereby declared that one of the purposes for which the Minister is empowered by this section to acquire land is the purpose of securing that the land adjacent to the site of an aerodrome which the Minister has established or is about to establish, shall not be used in such manner as to cause interference with, or danger or damage to, aircraft at, approaching or leaving the aerodrome.

**Establishment of aerodromes.**

9.(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight or the ordinary incidents of the flight of aircraft over any property at a height above the ground which, having regard to wind, weather, and all the circumstances of the case is reasonable, so long as the provisions of this Act and any regulations or orders made thereunder are duly complied with; but where material damage or loss is caused by an aircraft in flight, taking off, or landing, or by any person in any such aircraft, or by an article or person falling from any such aircraft, to any person or property on land or water, damages shall be recoverable from the owner of the aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his wilful act, neglect or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the same was suffered:

Provided that where material damage or loss is caused as aforesaid in circumstances in which-

(a) some person other than the owner of the aircraft would under any other law having effect in Sri Lanka be liable to pay damages in respect of such damage or loss ; and

(b) such damages are recoverable and recovered from the owner of the aircraft by virtue only of the provisions of this section,

the owner shall be entitled to be indemnified by that other person in respect of the damages so recovered from the owner.

(2) Where any aircraft has been bona fide demised, let, or hired out for a period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let, or hired out.

**Trespass, nuisance, and responsibility for damage.**



10. (1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft, and also the owner thereof, unless such owner proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall each be guilty of an offence under this Act.

(2) For the purposes of this section, the expression "owner", in relation to an aircraft, includes any person by whom the aircraft is hired at the time of the offence.

(3) The provisions of this section shall be in addition to and not a substitution for any general safety or other provisions prescribed by any order or regulations made under this Act.

**Penalty for dangerous flying.**

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

The preceding provisions of this subsection shall have effect notwithstanding that the aircraft concerned is a foreign aircraft, and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters\* adjacent to any part of Sri Lanka.

(2) The Minister may make regulations directing that the provisions of any law for the time being in force in Sri Lanka which relate to wreck, to salvage of life or property or to the duty of rendering assistance to vessels in distress shall, with such exceptions, adaptations and modifications, if any, as may be specified in the regulations, apply in relation to aircraft as those provisions apply in relation to vessels.

(3) For the purposes of this section, any provisions of any law for the

**Wreck and salvage**

time being in force in Sri Lanka which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck.

12. (1) Regulations may be made under this Act providing for the investigation of any accident arising out of or in the course of air navigation and occurring in or over Sri Lanka or the territorial waters\* adjacent thereto, or elsewhere to Sri Lanka aircraft.

(2) Without prejudice to the generality of the powers conferred by subsection (1), regulations referred to in that subsection may contain provisions-

(a) requiring notice to be given of any such accidents as aforesaid in such manner and by such persons as may be specified in the regulations ;

(b) applying, with or without modification, for the purpose of investigations held with respect to any such accidents the provisions of any law for the time being in force in Sri Lanka relating to the investigation of deaths and accidents ;

(c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorizing any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with any such aircraft ;

(d) authorizing or requiring the cancellation, suspension, endorsement, or surrender of any licence or certificate granted in Sri Lanka under this Act or any order or regulations made thereunder, or the withdrawal or suspension of any validation conferred in Sri Lanka of a licence granted by a duly competent authority elsewhere, where it appears on an investigation that the licence or certificate ought to be cancelled, suspended, endorsed, or surrendered, or the validation withdrawn or suspended, as the case may be ; and for the production of any such licence or certificate for the purpose of being so dealt with;

Provided that nothing in this section shall limit the powers of any authority relating to wrecks and salvage under the Merchant Shipping Act.

**Power to provide for investigation into accidents.**

13.(1) If the Minister is satisfied, with respect to any building, structure or erection in the vicinity of any aerodrome that, in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building, structure, or erection, he may by order authorize (subject to any conditions specified in the order) the proprietor of the aerodrome, and any person acting under the proprietor's instructions-

(a) to execute, install, maintain, operate, and, as occasion requires, to repair and alter, such works and apparatus as may be necessary for enabling such warning to be given in the manner specified in the order ; and

(b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order ;

Provided that no such order shall be made in relation to any building, structure or erection if it appears to the Minister that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid of the presence of the building, structure or erection.

(2) The Minister shall, before making any such order as aforesaid, cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order any of the place where copies of the draft order may be obtained free of charge, and take into consideration any representations with respect to the order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order ; and at the end of that period the order may, subject to the provisions of this section, be made with such modifications, if any, of the original draft as the Minister thinks proper.

(3)(a)Every such order as aforesaid shall provide-

(i) that, except in a case of emergency, no works shall be executed on any land in pursuance of the order, unless, at least fourteen days previously, the proprietor of the aerodrome to which the order relates has served, in the manner prescribed by the order, on the occupier of that land, and on every other person known by the proprietor to have an interest therein, a written

**ndication of presence of obstructions near aerodromes.**

notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be prescribed by or in accordance with the order; and

(ii) that if, within fourteen days after service of the said notice on any person having such an interest, the proprietor of the aerodrome receives a written intimation of objection on the part of that person to the proposals contained in the notice, being an intimation which specified the grounds of objection, then, unless and except in so far as the objection is withdrawn, no steps shall be taken in pursuance of the notice without the specific sanction of the Minister,

and shall also provide for requiring the proprietor of the aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any damage or loss which that person may suffer in consequence of the order as may, in default of agreement between the parties interested, be determined from time to time by a single arbitrator appointed by the Chief Justice, and, for the purposes of this subsection, any expenses reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expenses incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as are attributable to the operation of the order shall be deemed to be loss or damage suffered in consequence of the order.

(b) Any compensation due under paragraph (a) of this subsection from the proprietor of any aerodrome which is established or maintained by or on behalf of the Government shall be payable out of such moneys as may be provided for the purpose by Parliament.

(4) The ownership of anything shall not be taken to be affected by reason only that it is placed or affixed to any land in pursuance of such an order as aforesaid; and (subject to the provisions of the next following subsection) so long as any such order in respect of an aerodrome is in force, no person shall, except with the consent of the proprietor of the aerodrome, wilfully interfere with any works or things which, to the knowledge of that person, are works or things, executed or placed in, on or over any land in pursuance of the order.

(5) Nothing in this section shall operate, in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose

of repairing, altering, demolishing or removing the building, structure or erection, provided that-

- (a) notice of the doing of that work is given as soon as may be to the proprietor of the aerodrome ; and
- (b) the giving of warning of the presence of the building, structure or erection in the manner provided by any order under this section in force in relation thereto is not interrupted.

13A(1) The Minister may, by Order published in the Gazette, declare any area of land which is adjacent or contiguous to an aerodrome, whether such aerodrome is maintained for the purposes of civil aviation or is maintained on a joint user basis, to be an area to which regulations made under subsection (3) shall be applicable.

(2) An Order made under subsection (1) may define the area of land by setting out the extent, the assessment number or the metes and bounds of the land or each of the lands comprised in the area.

(3) Regulations may be made under this Act for securing the safe and efficient use for aviation purposes of any area of land in respect of which an Order has been made by the Minister under subsection (1). Such regulations may provide for -

- (a) the regulation or prohibition of the construction, erection or installation of any buildings, structures, masts, poles or objects of natural growth upon any such area;
- (b) the total or partial demolition of any buildings or structures within any such area ;
- (c) the restriction of the height of trees upon any land within such area or the cutting down or reduction in height of any trees within any such area ;
- (d) the extinction of any private right of way over land within such area;
- (e) the restriction of the installation of cables, mains, pipes or other apparatus upon, across, under or over any land within such area;

**Power to exercise control over land in the interest of aviation**

(f) the authorization of entry upon private lands for the purpose of giving effect to the provisions of any regulation made under the preceding paragraphs of this subsection ;

(g) the giving of notice in the Gazette and in one or more newspapers by the Director of Civil Aviation of regulations which are proposed to be made under the preceding paragraphs of this subsection and which will adversely affect any lands, buildings or structures and calling for objections by the owners of, or persons interested in, such lands, buildings or structures against the making of such regulations;

(h) the inquiry into objections, made by owners or other persons in pursuance of any regulation under paragraph (g) of this subsection, by the Director of Civil Aviation or any officer appointed by him ;

(i) the preferring of appeals to the Secretary to the Ministry charged with the subject or function of Air Navigation from decisions made on objections inquired into by the Director of Civil Aviation or other officer appointed by him ;

(j) the payment of compensation for any loss or damage suffered by any person having any interest in any building or structure which is partially or totally demolished in consequence of any regulation made under paragraph (b) of this subsection

## **PART II**

# **ADDITIONAL PROVISIONS APPLICABLE TO CIVIL AVIATION**

14.(1) Regulations may be made under this Act-

(a) requiring any person-

(i) who carries on the business of carrying passengers or goods in aircraft for hire or reward on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations; or

(ii) who is the holder of a licence in respect of a customs aerodrome,

to furnish to such authorities as may be specified in the regulations such information relating to the use of aircraft for the purpose of the said business and to the persons employed in connection with that use, or, as the case may be, relating to the use of the aerodrome and to the persons employed in aircraft arriving thereat or departing there from, as may be prescribed by the regulations;

(b) requiring the owner, or the pilot or other person in charge, of any aircraft arriving at, or departing from, any customs aerodrome to furnish to the holder of the licence in respect of that aerodrome such information as may be necessary to enable the holder of the said licence to comply with such of the provisions of the regulations as relate to him;

(c) prescribing the time at which, and the form and manner in which, any information required under the regulations is to be furnished :

Provided, however, that a person carrying on such a business as is mentioned in sub-paragraph (i) of paragraph (a) of this subsection shall not be required to furnish information relating to the use of aircraft on journeys wholly outside Sri Lanka, or relating to persons exclusively employed outside Sri Lanka, unless the person carrying on the business is either a citizen of Sri Lanka or a body corporate incorporated under the law of Sri Lanka.

(2) (a) No information with respect to any particular undertaking which has

**Information as to air transport undertakings and use of customs aerodromes.**

been obtained by virtue of regulations referred to in this section shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of such regulations, and if any person discloses any such information in contravention of this subsection he shall be guilty of an offence under this Act.

(b) Nothing in paragraph (a) of this subsection shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of that paragraph, or of any regulations referred to in this section or for the purpose of any report of any such proceedings, but, save as aforesaid, the restriction imposed by that paragraph shall, in relation to any legal proceedings (including arbitration), extend so as to prohibit and prevent any person who is in possession of any such information so obtained from disclosing, and from being required by any court or arbitrator to disclose that information (whether as a witness or otherwise) except with consent of the person carrying on the undertaking to which the information relates

15.(1) Regulations may be made under this Act-

(a) for securing that aircraft shall not be used in Sri Lanka by any person-

(i) for flying, while carrying passengers or goods for hire or reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations ; or

(ii) for such flying undertaken for the purpose of any trade or business as may be so specified, except under the authority of, and in accordance with, a licence granted to the said person by the licensing authority specified in the regulations ;

(b) as to the circumstances in which a licence under the regulations may or shall be granted, refused, revoked or suspended, and in particular, as to the matters to which the licensing authority specified in the regulations is to have regard in deciding whether to grant or refuse such a licence ;

(c) as to appeals from the licensing authority by persons interested in the grant, refusal, revocation or suspension of any licence under the regulations ;

**Licensing of air transport and commercial flying**



(d) as to the conditions which may be attached to such a licence, (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached;

(e) as to the information to be furnished by an applicant for, or the holder of, such a licence to such authorities as may be specified in regulations ;

(f) for prescribing the fees to be paid in respect of the grant of any licence under the regulations,

and such regulations may make different provision as respects different classes of aircraft and different classes of licences.

(2) Nothing in this section shall be taken to affect the power under section 3 of giving effect by regulations to any provision or amendment of the Chicago Convention, being a provision or amendment which authorizes the imposition of restrictions on the use of foreign aircraft.

## **PART III**

# **CARRIAGE BY AIR**

16. (1) The Articles contained in the First Schedule, being the provisions of the Warsaw Convention, shall, so far as they relate to the rights and liabilities of carriers, passengers, consignors, consignees and other persons and subject to the provisions of this section, have the force of law in Sri Lanka in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage.

(2) The Minister may, by Order from time to time published in the Gazette, certify who are the High Contracting Parties to the Warsaw Convention, in respect of what territories they are respectively parties and to what extent they have availed themselves of the provisions of the additional Protocol to the Convention, and any such Order shall, except in so far as it has been superseded by a subsequent Order, be conclusive evidence of the matters so certified.

(3) Any reference in the First Schedule to the territory of any High Contracting Party shall be construed as a reference to the territories subject to his sovereignty, suzerainty, mandate or authority, in respect of which he is a party.

(4) Any liability imposed by Article 17 of the First Schedule on a carrier in respect of the death of a passenger shall be in substitution for any liability of the carrier in respect of the death of that passenger under any law, whether statutory or otherwise, for the time being in force in Sri Lanka, and the provisions of the Second Schedule shall have effect with respect to the persons by and for whose benefit the liability so imposed is enforceable and with respect to the manner in which it may be enforced.

(5) Any sum in francs mentioned in Article 22 of the First Schedule shall, for the purposes of any action against a carrier, be converted into rupees at the rate of exchange prevailing on the date on which the amount of any damages to be paid by the carrier is ascertained by the court.

**Provisions of Warsaw Convention to have force of law.**

<p>17. (1) Every High Contracting Party to the Warsaw Convention who has not availed himself of the provisions of the additional Protocol thereto shall, for the purposes of any suit brought in a court in Sri Lanka in accordance with the provisions of Article 28 of the First Schedule to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that court, and accordingly any such suit may be maintained in that court. Rules to be made or deemed to have been made for that purpose under the Constitution may provide for the manner in which any such suit is to be commenced or carried on.</p> <p>(2) Nothing in the preceding provisions of this section shall be deemed or construed to authorize any court to attach or sell any property of a High Contracting Party to the Warsaw Convention.</p>	<p><b>Actions against High Contracting Parties who undertake carriage by air.</b></p>
<p>18. The Minister may, by Order published in the Gazette, apply the provisions of the First Schedule and any provision of section 16 to such carriage by air, not being international carriage by air as defined in that Schedule, as may be specified in the Order, subject however to such exceptions, adaptations and modifications, if any, as may be so specified.</p>	<p><b>Application of section 16 and First Schedule to carriage by air Which is not international.</b></p>
<p>19. For the purposes of this Part of this Act and the First and Second Schedules, the expression " Warsaw Convention " or " Convention " means the convention for the unification of certain rules relating to international carriage by air which was signed at Warsaw on 12th October, 1929, and any other convention or agreement amending that Convention.</p>	<p><b>Definition of Warsaw Convention.</b></p>
<p><b>PART IV</b></p> <p><b>ADMINISTRATION</b></p>	

20.(1) There may be appointed, for the purposes of this Act-

(a) a person, by name or by office to be or to act as, Director-General of Civil Aviation;

(b) one or more persons, by name or by office, to be or to act as, Directors of Civil Aviation ; and

(c) such other officers, servants and agents as may be necessary for carrying out or giving effect to the provisions of this Act.

(2) The Director-General of Civil Aviation shall exercise, perform and discharge such powers, duties and functions as may be conferred or imposed upon, or assigned to, him, by this Act or as may be delegated to him by the Minister.

(3) Every Director of Civil Aviation may, subject to the general direction and control of the Director-General of Civil Aviation, exercise, perform and discharge any or all of the powers, duties and functions conferred or imposed on, or assigned to, the Director-General of Civil Aviation by, or under this Act.

**Appointment of Director General of Civil Aviation**

21. The Minister may, for the purposes of civil aviation, generally or specially, delegate to the Director of Civil Aviation any powers (other than the power to make regulations or orders), duties or functions conferred or imposed upon, or vested in the Ministry by or under this Act.

**Delegation of powers by Minister**

21A(1) The Minister may, by Order published in the Gazette, appoint as an Agent of the Government, a company registered under the Companies Ordinance, being a company of which ninety-five per centum of the shares are held by the Government and the balance shares are held by a Corporation or the body or company which operates the national airline, for the following purposes :-

- (a) the development, maintenance and administration on behalf of the Government, of aerodromes and airports;
- (b) the provision of airport and aerodrome facilities at such airports and aerodromes ;
- (c) the provision and maintenance of air navigation services and facilities;
- (d) the provision of fire-fighting services at aerodromes.

(2) Notwithstanding anything in the memorandum and articles of association of the Agent, the Minister may, by Order published in the Gazette, remove any member of the Board of Directors of the Agent from office, where it appears to him that such removal is necessary or expedient for the effective discharge by the Agent of his functions.

(3) The memorandum and articles of association of such Agent shall not be amended except with the prior written approval of the Minister. Any amendment purported to be made without such approval shall have no force or effect in law.

(4) Minister may give to the Agent general or special directions as to the discharge by the Agent of his functions and it shall be the duty of such Agent to comply with such directions.

(5) Without prejudice to the generality of the power conferred on the Minister by subsection (4), the Minister may give the Agent directions to do a particular thing which the Agent has power to do or to refrain from doing a particular thing if he considers it appropriate to give such directions-

- (a) in the interests of national security or
- (b) in connection with any matter appearing to the Minister to affect the

## **Appointment of Agent and the functions of Agent**

relations of the Republic with any other country or territory; or

(c) in order to discharge or facilitate the discharge of an obligation binding on the Republic by virtue of it being a member of an international organization or a party to an international agreement; or

(d) in order to attain or to facilitate the attainment of any other object the attainment of which is in the opinion of the Minister appropriate in view of the fact that the Republic is a member of an international organization or a party to an international agreement ; or

(e) in order to enable the Republic to become a member of an international organization or a party to an international agreement.

(6) In-

(a) Regulating the use of any airport or aerodrome;

(b) allocating, at any such airport or aerodrome, facilities for the use of any Government department,

the Agent shall act after consultation with the Minister.

(7) The Agent shall, in the event of any accident to any aircraft or any interference with, or damage to, any navigational aids, bring such matters to the notice of the Minister.

(8) All movable and immovable property vested in the Director of Civil Aviation and made available to the Agent by the Minister under this Act, shall with effect from January 20, 1982, be deemed to be property held by the Agent for and on behalf of the State and it shall be lawful for the Agent to deal with such property, subject to subsection (9), in any manner whatsoever.

(9) The Agent shall maintain in good order all movable and immovable property which it holds for an on behalf of the State and shall not give such immovable property on lease for any period in excess of a period of ten years without the prior consent in writing of the Secretary to the Ministry of the Minister.

(10) In time of war, whether actual or imminent, or of national emergency, the Minister may by order require that any property made

available to the Agent under subsection (8) be placed at the disposal of the Minister and while such order is in force, the Minister may give to the Agent such directions as he thinks fit, as to the management of such property and it shall be the duty of the Agent to comply with such directions.

(11) All such contracts, obligations and liabilities of the Government relating to air navigation subsisting on the date of the Order under subsection (1) as are declared by the Minister by Order published in the Gazette, shall be deemed with effect from the date of the second-mentioned Order, to be the contracts, obligations and liabilities of the Agent.

(12) Every contract entered into by the Agent after the date of the Order appointing him as such Agent shall, unless there is express provision to the contrary in the terms of such contract, be deemed to be a contract entered into by the Agent on his own behalf and not on behalf of the State and shall be deemed not to bind the State.

(13) No proceeding shall lie against the State in respect of anything done or omitted to be done by the Agent in the discharge or purported discharge of his functions.

(14) Sections 9,10,11 and 12 of the Public Corporations (Financial Control) Act, shall, mutatis mutandis, apply to the audit of the accounts relating to such sums of money as may be provided by Parliament for the capital expenditure of the Agent.

(15) The Minister may, by a notice in writing, require the Agent to furnish him with such information regarding its finances as may be specified in such notice and it shall be the duty of the Agent to comply with the requirements of such notice and the agent shall, at the end of each calendar year, submit to the Minister-

(a) a report of its work during that year; and

(b) a copy of its budget, balance sheet and profit and loss account for that year.

(16) Where the appropriate authority is satisfied that, by reason of the appointment of an Agent under subsection (1), the services of any public

officer (other than an officer in the combined service of the Government who is liable to transfer under the minutes of the service) are no longer required in the Department of Civil Aviation, he may abolish the post held by that public officer;

Provided that the appropriate authority may abolish the post held by any public officer who is an officer of the combined service of the Government and who has served continuously in the Department of Civil Aviation from a date prior to the setting up of that combined service if the appropriate authority is satisfied that by the reason of the appointment of the Agent, the services of that officer are no longer required in that department.

(17) Where the post held by a public officer whose post is abolished under subsection (16) is declared to be pensionable under the Minutes on Pensions such officer shall be eligible to the payment of such pension or gratuity as would have been paid to him under the Minutes on Pensions had he retired from the public service on the ground of abolition of office.

(17A) (a) Where a person to whom this subsection applies is appointed to a post on the staff of the Agent, with effect from a date not later than the date of the Order under subsection (1) appointing such Agent, and serves in such post for a period of not less than the relevant period of service, such post shall be deemed to be a post in the public service declared to be pensionable under the Minutes on Pensions and the service of such person under the agent for the relevant period of service shall, for the purposes of those Minutes, be deemed to be service under the Government.

(b) A person to whom this subsection applies shall at the end of the relevant period of service, be eligible to the award of a pension of such amount as is equal to the pension that would have been awarded to him had he retired from the public service on the ground of abolition of office at the end of the relevant period of service.

(c) "A person to whom this subsection applies" means-

(i) a person who was immediately prior to his appointment to a post on the staff of the Agent, a public servant in the employment of the department of Civil Aviation with less than ten years and not less than eight years pensionable service in the public service and whose post in that department was abolished under subsection (16) ; or

(ii) a person who was, immediately prior to his appointment to a post on the staff of the Agent, an employee in the employment of the Airports Authority of Sri Lanka, established by Airports Authority Act, No. 46 of 1979, by reason of his having exercised the option referred to in section 31 (2) (a) of



that Act, and having, or deemed to be having, less than ten years and not less than eight years pensionable service in the public service.

" relevant period of service " in relation to a person to whom this subsection applies, means the period for which such person would have to serve in the public service to complete ten years pensionable service in the public service, had he remained in the public service after the date of his appointment to a post on the staff of the Agent ; and

(18) Where any public officer whose post is abolished under subsection (16) is under a bond or agreement to serve the Government for a specified period, any service by him on the staff of the Agent shall be regarded as service to the Government for the purposes of fulfilling such bond or agreement :

Provided that if any such officer is offered employment on the staff of the agent and he does not accept such offer, he shall be liable, subject to the terms and conditions of such bond or agreement, to pay the Government, in respect of any unfulfilled period of service under such bond or agreement a sum of money computed in accordance with the terms of such bond or agreement.

(19)(a)At the request of the Agent any public officer may, with the consent of such officer and the Secretary to the Ministry of the Minister for the time being in charge of the subject of Civil Aviation and of the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Agent for such period as may be determined by the Agent with like consent, or with like consent be permanently appointed to such staff.

(b) Where a public officer is temporarily appointed to the staff of the Agent the provisions of subsection (2) of section 13 of the Transport Board Law, shall, mutatis mutandis, apply to, and in relation to, such officer.

(c) Where a public officer is permanently appointed to the staff of the Agent the provisions of subsection (3) of section 13 of the Transport Board Law, shall, mutatis mutandis, apply to, and in relation to, such officer.

(20)The Agent shall be exempt from the payment of any customs duty on any capital equipment imported by him for the development of airports or of

air navigation services or facilities

22. Any sums required for the contribution from Sri Lanka for the International Civil Aviation Organization set up under the Chicago Convention and all expenses incurred in the administration of this Act other than expenses incurred by the Agent in the discharge of his functions shall be payable out of such moneys as may be provided for the purpose by Parliament.

**Expenses**

23. (1) All sums paid or recovered by way of fees, charges or fines under this Act shall, subject to subsection (3), be payable into the Consolidated Fund.

**Fees, &c., to be paid in to Consolidated Fund**

(2) The Agent shall collect or recover on behalf of the Government, such fees, rents, taxes or other charges imposed or levied under this Act as may be specified by the Minister by Order published in the Gazette.

(3) The Agent shall retain from and out of the fees, taxes or charges collected or recovered by him on behalf of the Government-

(a) such fee as may be specified by the Minister by Order published in the Gazette, for the services provided by him in the discharge of his functions; and

(b) such other sum which may be required for capital expenditure as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance for the purpose of the development on behalf of the Government of aerodromes or airports, not exceeding fees or charges recovered by him on behalf of the Government in connection with the landing, using or parking of aircraft.

# PART V

## REGULATIONS AND ORDERS

24. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations in respect of all matters for which regulations are required or authorized to be made under this Act.

(3) Notwithstanding anything to the contrary in the preceding provisions of this section, the power to make regulations under section 3(2)(n) of this Act shall be vested in, and exercised only by, the Minister in charge of the subject of Finance.

**Regulations.**

25. Without prejudice to the generality of the powers hereinbefore conferred by this regulations under this Act may-

(a) make different provision with reference to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of Sri Lanka but shall, so far as practicable, be so framed as not to discriminate in like circumstances between aircraft registered in Sri Lanka operated on charter terms by one air transport undertaking and such aircraft so operated by another such undertaking ;

(b) be made applicable to Sri Lanka aircraft wherever they may be ;

(c) prohibit, require or regulate the doing of anything by persons in, or any of the crew of, Sri Lanka aircraft wherever they may be ; or

(d) prohibit, require or regulate the doing of anything in relation to Sri

**Further matters which may be provided for by regulations**

<p>Lanka aircraft by other persons, being citizens of Sri Lanka, wherever they may be.</p>	
<p>26. Any order or regulations made under this Act in relation to aircraft may provide for the detention of aircraft to secure compliance with the order or regulations, as the case may be, or with any provisions of this Act in connection with which the order or regulations is or are made and may make such further provision as appears to the authority empowered to make such order or regulations, as the case may be, to be necessary or expedient for securing such detention.</p>	<p><b>Power to provide for detention of aircraft</b></p>
<p>27. The power to make any order or regulations conferred by any section of this Act shall include power to make provision that any certificate or licence or other document issued or validated, or any direction or permission or authorization given, or any registration effected, under any law which has ceased to have effect as part of the law of Sri Lanka by virtue of any provision of this Act, shall, until revoked or superseded remain in force as though the same has been issued or validated, given or effected under the order or regulations so made, as the case may be and that such order or regulations, as the case may be, shall apply to any such certificate, licence or other document, or direction, permission, authorization or registration.</p>	<p><b>Power to provide for certain transitional matters</b></p>
<p>28. Every regulation made under this Act shall be published in the Gazette and shall come into effect on such date as may be specified therein.</p>	<p><b>Regulations must be published in the Gazette</b></p>
<p>29. Every regulation made under this Act shall, as soon as may be after it comes into effect as provided by section 28, be laid before Parliament; and if a resolution is passed by Parliament, within forty days after the regulation is so laid, that the regulation shall be annulled, the regulation shall with effect from the date of the resolution be void, but without prejudice to anything previously done thereunder. Every regulation which is not so annulled shall be as valid and effectual as though it were herein enacted.</p>	<p><b>Regulations must be laid before Parliament</b></p>

<p>30. The provisions of any law for the time being in force in Sri Lanka relating to the detention of ships may, with the necessary modifications, be applied by the Minister, by Order published in the Gazette, to the detention of aircraft.</p>	<p><b>Power to apply to Aircraft provisions of law relating to detention of ships.</b></p>
<p>31. <i>Regulations or orders may be made by the Minister under this Act and, in the case of regulations, may be submitted to the Senate and the House of Representatives for approval, when this Act becomes law and takes effect as such in accordance with the provisions of section 36 of the Ceylon (Constitution) Order in Council, 1946, and before the 18th day of May, 1951 :</i></p> <p><i>Provided, however, that no such regulation or order shall come into operation before that date.</i></p>	<p><b>Power to make Regulations or orders before commencement of Act.</b></p>
<p><b>PART VI</b></p> <p><b>MISCELLANEOUS</b></p>	
<p>32. (1) Any offence under this Act, and any offence whatever committed on a Sri Lanka aircraft, shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.</p> <p>(2) Rules to be made or deemed to have been made under the Constitution for the purpose may make provision as to the courts in which proceedings may be taken for enforcing any claim under this Act, or any other claim in respect of aircraft, and in particular may provide for conferring jurisdiction in any such proceedings on any court exercising admiralty jurisdiction and applying to such proceedings any rules of practice or procedure applicable to proceedings in admiralty.</p>	<p><b>Jurisdiction.</b></p>

<p>33. (1) Every document purporting to be an Order or other instrument, made of issued by the Minister in pursuance of any provision contained in, or having effect under, this Act, and to be signed by him or on his behalf, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by him..</p> <p>(2) Prima facie evidence of any such instrument as aforesaid may in any legal proceedings be given by the production of a document purporting to be certified to be a true copy of the instrument by, or on behalf of, the Minister.</p>	<p><b>Proof of Instruments made or issued by Minister.</b></p>
<p>34. Any person who-</p> <p>(a) contravenes or fails to comply with any provision of any regulation or order made under this Act ; or</p> <p>(b) obstructs or impedes any person in the exercise of his powers and duties under this Act or under any regulation or order made thereunder,</p> <p>shall be guilty of an offence under this Act.</p>	<p><b>Offences.</b></p>
<p>35. Every person who is guilty of an offence under this Act shall on conviction be liable to a fine not exceeding twenty-five thousand rupees or to imprisonment of either description for a term not exceeding two years, or to both such fine and imprisonment.</p>	<p><b>Penalties</b></p>
<p>36. Where any person is convicted of an offence under this Act, the court by which he is convicted may, in addition to any other penalty that may be imposed for the offence, direct that the aircraft or article, if any, in respect of which the offence was committed, shall be forfeited to the State.</p>	<p><b>Power of court to order forfeiture</b></p>

<p>37. All offences under this Act shall be cognizable offences for the purpose of the application of the provisions of the Code of Criminal Procedure Act, notwithstanding anything contained in the First Schedule of that Act, and shall be triable summarily by a Magistrate.</p>	<p><b>Offences to be cognizable and to be triable by Magistrates</b></p>
<p>38.(1) In this Act, unless the context otherwise requires-</p> <p>" aerodrome " means any definite or limited ground or water area intended to be used, either wholly or partly, for the landing or departure of air craft and all buildings, sheds, vessels, piers, and other structures thereon or appertaining thereto;</p> <p>" Agent " means an Agent appointed under section 21A;</p> <p>" aircraft " means any machine that can derive support in the atmosphere from the reactions of the air ;</p> <p>" air navigation services " means navigational aids and navigational facilities ;</p> <p>" airport " means an aerodrome at which facilities are provided for the shelter, servicing or repair of aircraft, for receiving or discharging passengers or cargo, and includes a heliport ;</p> <p>" air traffic control " means a service provided for the purpose of-</p> <p>(a) preventing collisions-</p> <p>(i) between aircraft, and</p> <p>(ii) on the manoeuvring area between aircraft and obstructions ; and</p> <p>(b) expediting and maintaining an orderly flow of air traffic;</p>	<p><b>Interpretation</b></p>

“airship” means any power-driven lighter-than-air aircraft ;

" balloon " means a non-power-driven lighter-than-air aircraft ;

"Chicago Convention" means the Convention on International Civil Aviation which was signed at Chicago on the 7th day of December, 1944, as amended by any subsequent convention or agreement ;

" citizen of Sri Lanka " means a citizen of Sri Lanka under any law for the time being in force ;

"crew", in relation to an aircraft, includes any person having duties on board in connection with the flying or the safety of the flight of the aircraft or employed on board in any way in the service of the aircraft, the passengers or the cargo ;

"customs aerodrome" means an aerodrome for the time being appointed as a place of landing and departure of aircraft for the purposes of the law relating to customs;

" damage or loss " includes, in relation to persons, loss of life and personal injury ;

" flying machine " includes all aeroplanes, seaplanes, flying boats, or other aircraft heavier than air and having means of propulsion;

" foreign aircraft " means aircraft not registered in Sri Lanka under this Act;

" glider " means a non-power-driven heavier-than-air aircraft deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight ;

" land " includes land covered with water and any in or over land ;



" licensed aerodrome " means an aerodrome licensed under regulations made under this Act ;

" national airline " means the air line for the time being designated as the national carrier of Sri Lanka ;

" navigational aids " means visual and non-visual navigation aids along an air route, visual and non-visual aids to approach and landing at aerodromes and includes communication services, meteorological services and the air traffic control services ;

" navigational facilities " means facilities provided to permit safe navigation of aircraft and includes visual and non-visual navigation aids ;

" proprietor of the aerodrome " means, in relation to any premises used or appropriated for use as an aerodrome, the person carrying on or entitled to carry on the business of an aerodrome in those premises, or, in the case of an aerodrome which is established or maintained by or on behalf of the Government, the officer in charge of the aerodrome ;

" Schedule " means a Schedule to this Act ;

" Sri Lanka aircraft " means aircraft registered in Sri Lanka under this Act.

(2) Any reference in this Act to goods or articles shall be construed as including a reference to mails or animals, and any reference in this Act to any country or territory shall, unless the context otherwise requires, be construed as including a reference to the territorial waters, if any, adjacent to that country or territory.

(3) In this Act, the expression " purposes of civil aviation " includes all purposes connected with air navigation, except purposes of the defence of Sri Lanka by air.

<p>(4) Any reference in the First Schedule to agents shall be construed as including a reference to servants.</p>	
<p>40. The Air Navigation Regulations, 1938, and the Air Navigation (Customs) Regulations, 1983, shall continue in force as though they were regulations made under this Act and may be amended or rescinded by regulations so made.</p>	<p><b>Savings of certain Regulations</b></p>
<p>41. The provisions of this Act or of any orders or regulations made thereunder shall not apply to any aircraft or aerodrome exclusively employed or used in the service or for the purposes of the Armed Forces of the Republic ;</p> <p>Provided that the Minister in charge of the subject of Defence may, by Order published in the Gazette, apply, with or without modification, any such provisions to any such aircraft or aerodrome.</p>	<p><b>Non application of the Act and the orders and regulations made thereunder.</b></p>

**The following provisions are reproduced from Air Navigation (Special Provisions) Act No: 55 of 1992**

- section numbers are not changed -

# “PART VII”

## WARSAW –HAGUE CARRIAGE BY AIR CONVENTION

6. (1) The Articles contained in the Schedule to the Act, being the provisions of the Convention known as “The Warsaw Convention as amended at the Hague” (in this Part of this Act referred to as “the Convention”) shall in so far as they relate to the rights and liabilities of carriers, passengers, consignors, consignees and other persons and subject to the provisions of this Part of this Act have the force of law in Sri Lanka in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage.

(2). The Minister may, by Order from time to time published in the Gazette certify who are the High Contracting Parties to the Convention, in respect of what territories they are respectively parties and to what extent they have availed themselves of the provisions of the Additional Protocol to the Convention, and any such Order, shall ,except in so far as it has been superseded by a subsequent Order, be conclusive evidence of the matters so certified.

(3) Any liability imposed by Article 17 of the Convention on a carrier in respect of the death of a passenger shall be in substitution for any liability of the carrier in respect of the death of that passenger under any law, whether statutory or otherwise ,for the time being in force in Sri Lanka,and the provisions of the Second Schedule to the Air Navigation Act shall have effect with respect to, the persons by, and for whose benefit the liability so imposed is enforceable and with respect to the manner in which it may be enforced.

(4) The Minister may, with the approval of the Minister in charge of the subject of Finance, from time to time, by Order published in the Gazette specify the respective amounts which for the purposes of Article 22 of the

**Provisions of Warsaw Convention as amended at the Hague to apply to Sri Lanka.**

Convention are to be taken as equivalent to the sums expressed in francs in that Article.

7. Every High Contracting Party to the Convention who has not availed himself of the Provisions of the additional Protocol thereto shall, for the purpose of any suit brought in a court in Sri Lanka in accordance with the provisions of Article 28 of the Convention to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that court, and accordingly any such suit may be maintained in that court. Rules made or deemed to have been made for that purpose under Article 136 of the Constitution may provide for the manner in which any such suit is to be commenced or carried on.

8. (1) The provisions of the Schedule to this Act shall apply to such carriage by air, not being international carriage by air as defined therein, subject to the following modifications:-

- (a) by the omission of the word “international” in Article 1 (1) thereof;
- (b) by the deletion of Articles 1 (2) , 1 (3) ,2 (2) ,28, and 34 thereof;
- (c) by the omission of Chapter II thereof and the Additional Protocol thereto;
- (d) by the omission in Article 26 (1) thereof, of the words commencing from “and “ to the end of that paragraph ;
- (e) by the omission in Article 32 thereof of the words commencing from “if” to the end of that paragraph.

(2) Nothing in Part III of the Air Navigation Act shall apply in respect of any carriage by air to which the Convention applies.

**applicability to domestic carriage**

**“PART VIII”**

**AIR TRANSPORTATION**

9. (1) The Minister may, by Order published in the Gazette declare that, with effect from such date as may be specified in the Order (hereinafter in this Part of this Act referred to as the “appointed date”) no person shall carry on the business of air transportation in Sri Lanka except under the authority of or otherwise that in accordance with, the terms or conditions, of a licence issued in that behalf by the Director –General of Civil Aviation appointed under the Air Navigation Act (hereinafter in this Part of this Act referred to as “the Director –General of Civil Aviation “) on application made therefor and on payment of the prescribed fee.

In this Part of this Act “business of air transportation” means making available, as the operator of an aircraft or as principal or agent, accommodation for the carriage of persons or cargo or mail, on flights by aircraft (whether registered in Sri Lanka or not) in any part of the world, including flights to and from Sri Lanka.

(2) No licence shall be issued under subsection (1) to any person, unless such person-

a) satisfies the Director –General of Civil Aviation that-

(i) he is capable of carrying on the business of air transportation and has a licence or registration, for the time being in force, issued under the Ceylon Tourist Board Act, No. 10 of 1966, to carry on business as a travel agent; and

(ii) His resources and the financial arrangements made by him are adequate for discharging his actual and potential obligations in respect of the business activities relating to air transportation, if any, in which he is presently engaged and in which he may be expected to engage in ,if he is issued the licence.

(3) An operator of an aircraft applying for a licence under subsection (1) shall not be required to furnish a bank guarantee under paragraph (b) of

**Director-General of Civil Aviation to issue licences.**

subsection (2)

(4) No licence issued under this Act shall be transferable and any transfer made in contravention of this prohibition shall be null and void.

(5) Every person carrying on business of air transportation under a licence issued under subsection (1) shall maintain such records as may be prescribed, and shall furnish to the Director-General of Civil Aviation such returns, information or explanation as he may from time to time be required to furnish by the Director –General of Civil Aviation for the purposes of this Part of this Act.

10. (1) The Director –General of Civil Aviation, may, by order, revoke a licence issued by him under subsection (1) of section 9 if he is satisfied that the holder of the licence.

(a) has ceased to carry on the business in respect of which the licence has been issued ;or

(b) has improperly obtained the licence contrary to the provisions of this Act; or

(c) is a company, any of the principal officers of which have been convicted of an offence connected with the business of the company and involving moral turpitude; or

(d) has ceased to possess any qualification required by subsection (2) of section 9 for the issue of such licence;

(e) has contravened any of the provisions of this Part of this Act.

(2) No order under subsection (1) shall be made against a person except after notice to him, to show cause within such period as may be specified in the notice, why such order should not be made.

(3) Any person against whom an order is made under subsection (1) may prefer an appeal in writing to the Secretary before the expiry of ten days after the date on which such order is communicated to that person by the Director-General of Civil Aviation, and such Secretary may in dealing with

**Power of the  
Director-General of  
Civil Aviation to  
revoke a licence.**

any appeal preferred to him under this subsection, affirm, vary or annul the order against which the appeal has been preferred.

(4) An order under subsection (1) revoking a licence issued to a person shall come into force on the date on which such order is communicated to that person by the Director-General of Civil Aviation and shall continue to be in force notwithstanding that an appeal against such order has been preferred to the Secretary.

(5) The decision of the Secretary upon an appeal preferred to him under subsection (3) shall be final and conclusive and shall not be called in question in any court or tribunal.

11. (1) The Director-General of Civil Aviation or any officer authorized by him in writing under his hand ,may

(a) for the purpose of ascertaining whether the provisions of this Part of this Act or any regulations made thereunder are being complied ,enter ,with the permission of the licence holder and inspect, at all reasonable hours of the day or night, the premises in which the business of air transportation is being carried on under the authority of a licence issued under subsection (1) of section 9;

(b) Inspect and take copies of any records or returns required by or under this Part of this Act to be kept in respect of such business and of any other records relating to such business.

(2) Where the Director –General of Civil Aviation has reasonable grounds to believe that the provisions of this Part of this Act or regulations made thereunder are being contravened, he may, after obtaining a warrant under hand of a Magistrate, enter and inspect any premises specified in such warrant and take into custody, any ticket stocks or other documents used in connection with the commission of an offence under this Part of this Act.

**Power to enter and inspect premises**

12. Any person who-

- (a) carries on the business of air transportation in contravention of section 9;
- (b) resists or obstructs the Director-General of Civil Aviation or any person authorized by him in the exercise by such Director –General or such person, of the powers conferred on him by section 11;
- (c) fails to maintain any such records as he is required to maintain under section 9 (5);
- (d) fails to furnish any such return, information or explanation as he is required to furnish under section 9 (5);
- (e) knowingly makes any false or incorrect statement in any such record, return, information or explanation;
- (f) fails to comply with any other provision of this Part of this Act or any regulation made thereunder.

Shall be guilty of an offence under this Part of this Act.

(2) When an offence under this Part of this Act is committed by a body of persons, then -

- (a) if that body of persons is a body corporate, every person who at the time of the commission of the offence was a director, general manager, secretary or other similar officer of that body corporate ; or
- (b) if that body of persons is a firm, every person who at the time of the commission of the offence was a partner of that firm,

shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions and in all the circumstances.

(3) Every person who is guilty of an offence under this Act, shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty thousand rupees or to imprisonment of either description for a period not exceeding one year or to both such fine and imprisonment.

**Offences and penalties.**



(4) Where any person carrying on business of air transportation under the authority of a licence issued under subsection (1) of section 9 is convicted by a court of competent jurisdiction of any offence under this Part of this Act and no appeal against such conviction is preferred or the conviction is confirmed in appeal, the Director-General of Civil Aviation may without notice revoke such licence under this subsection and such revocation shall be final and conclusive and shall not be called in question in any court or tribunal.

13. (1) The Minister in consultation with the Minister in charge of the subject of Tourism, may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Part of this Act and in particular in respect of all or any of the following matters:

- (a) the period for which and the terms and conditions subject to which, licences may be issued under sub section (1) of section 9 ;
- (b) the mode and manner in which applications for licences under subsection (1) of section 9 may be made and disposed of ;
- (c) any matter which is required by this Part of this Act to be prescribed or in respect of which regulations are required to be made by this Part of this Act;
- (d) the standards to be observed by holders of licence issued under subsection (1) section 9.

(2) The Minister in charge of the subject of Finance may in consultation with the Minister in charge of the subject of Civil Aviation and the Minister in charge of the subject of Tourism, make regulations under this Part of this Act for any in respect of all or nay of the following matters :-

- (a) the sale of passenger tickets for travel by aircraft and the bookings of passages for travel by aircraft;
- (b) the collection of freight charges on exports by aircraft;
- (c) the collection of freight charges on imports by aircraft where contract for such carriage of freight is made in Sri Lanka;
- (d) the furnishing of all such statements or declarations by holders of licences issued under subsection (1) of section 9 as may be necessary to ensure that the regulations made under this section are complied with, including such details as to -

**Regulations.**

- i. the traffic documents issued during any month whether or not any cash collections were involved in such issue;
- ii. the total of cash collections effected in any month from sale of passenger tickets and from freight charges ;
- iii. refunds granted against air transportation documents issued in Sri Lanka.

(3) Every regulation made under subsection (1) or subsection (2) shall be published in the *Gazette* and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.

(4) Every regulation made under subsection (1) or subsection (2) shall as soon as convenient after its publication in the *Gazette* be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of disapproval but without prejudice to anything previously done thereunder. Notification of the date on which a regulation is deemed to be rescinded shall be published in the *Gazette*.

**“PART IX”**

**SECURITY OF AIRPORTS AND AIRCRAFT**

14. The purposes to which this Part of the Act applies shall be the protection against the acts, which affect the safety and security of -

- (a) Aircraft and of persons or property on board aircraft;
- (b) Airports and of such persons or property as are at any time present in any part of an airport or of property which forms part of an airport; and
- (c) any navigation installations which do not form part of an airport.

**Security of aircrafts  
airports &c.**

15. (1) The Director-General of Civil Aviation appointed under the Air Navigation Act (hereinafter in this Part of this Act referred to as " the Director-General of Civil Aviation") may, by notice in writing served on any person who is the operator of one or more aircrafts registered or operating in Sri Lanka or the Agent managing any Airport in Sri Lanka require such person or Agent to inform the Director-General of Civil Aviation within a period not exceeding four weeks from the date of the notice, of the measures of a description specified in the notice, which are being taken in respect of the aircraft registered or operating in Sri Lanka of which he is the operator or in respect of that airport, as the case may be, for the purposes referred to in section 14.

(2) Any person who -

(a) refuses or without reasonable excuse, fails to comply with a requirement imposed on him by a notice under subsection (1) ; or

(b) in furnishing any information in compliance with any such requirement, makes a statement which he knows is false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence under this Act and shall upon conviction after summary trial before a Magistrate be liable to a fine not exceeding fifty thousand rupees.

**Director General of Civil Aviation to issue notice on operators of aircraft and the Agent**

16. (1) For the purposes referred to in section 14 the Director-General of Civil Aviation may give a direction in writing to the operator of any one or more aircrafts registered or operating in Sri Lanka or to the Agent in respect of any airport in Sri Lanka managed by him, requiring the operator or the Agent as the case may be-

(a) not to cause or permit any person or property to go or be taken, on board any aircraft to which the direction relates or to come or be brought into proximity to any such aircraft, unless such searches of those persons or that property as are specified in the direction have been carried out by authorized security personnel;

(b) not to cause or permit any such aircraft to fly unless such searches of the aircraft as are specified in the direction have been carried out by authorized security personnel.

**Director General of Civil Aviation to issue directions**

(2) Any person who fails to comply with any direction given to him under this subsection shall be guilty of an offence under this Act and shall be liable upon conviction after summary trial before a Magistrate to a fine not exceeding fifty thousand rupees.

(3) For the purposes referred to in section 14, the Director-General of Civil Aviation may give a direction in writing to the Manager of an airport requiring him to allow the search of such airport including searches -

(a) Of the airport or any part of it ;

(b) Of any aircraft which at the time when the direction is given or at any subsequent time is in any part of the airport ; and

(c) Of persons or property (other than aircraft) which may at any such time be in any part of the airport.

(4) Where a direction given under this section to the Manager of an airport is for the time being in force, then if an authorised security personnel has reasonable cause to suspect that a dangerous article is in or may be brought into any part of the airport, he may, by virtue of this subsection and without a warrant, search any part of the airport or any aircraft, vehicle, goods or other movable property of any description which, or any person who, is for the time being in any part of such airport , and for that purpose

(a) May enter any building in such airport or enter upon any land in the airport, if need by by force; and

(b) May stop and detain any such aircraft, after obtaining the concurrence of the Manager of the airport.

(c) May stop and detain such vehicle, goods, property or person and detain it or him so long as it is necessary for a proper search and in accordance with the law

(5) Any person who -

(a) Refuses or fails to comply with a direction given to him under subsection (3) ; or

(b) Obstructs or impedes a person acting in the exercise of a power conferred on him by subsection (4),

shall be guilty of an offence and shall be liable on conviction after summary

trial before a Magistrate for a fine not exceeding ten thousand rupees or to imprisonment of either description for a term not exceeding two years or both such fine and imprisonment.

(6) It shall be an offence for any person without lawful authority or reasonable excuse (the proof of which shall be on him) to have with him any dangerous article-

(a) in any aircraft registered in Sri Lanka, whether at a time when the aircraft is in Sri Lanka or not; or

(b) in any other aircraft at a time when it is in, or in flight over, Sri Lanka; or

(c) in any part of an airport in Sri Lanka or at the entrance to an airport; or

(d) in any air navigation installation in Sri Lanka which does not form part of an airport.

(7) For the purposes of this section, the words "dangerous article" means -

(a) any firearm or any article having the appearance of being a firearm, whether capable of being discharged or not;

(b) any explosive, any article manufactured or adapted (whether in the form of a grenade or otherwise so as to have the appearance of being an explosive) whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is, or contains, an explosive; and

(c) any article made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property or intended by the person having it with him for such use, whether by him or any other person.

(8) Every person guilty of an offence under subsection (6) shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding three years.

<p>17. The Agent shall, for the purposes set out in to section 15 maintain an Airport Security Service (hereinafter referred to as the " Security Service") within the limits of any airport which is administered by him on behalf of the Government of Sri Lanka.</p>	<p><b>The Agent to maintain airport security service.</b></p>
<p>18. It shall be the duty of every member of the Security Service maintained under section 17-</p> <p>(a) to protect and safeguard the property of the Government of Sri Lanka and of the Agent and to reasonably ensure the safety of persons who enter or use the airport and where so directed, of the aircraft and other equipment which are within the limits of airport;</p> <p>(b) to use his best endeavours and ability to prevent all breaches of law and nuisances within the airport;</p> <p>(c) to apprehend any disorderly and suspicious person within the airport;</p> <p>(d) to do any other thing which is necessary or which is required or ordered by the Agent to protect and safeguard the property of the Government of Sri Lanka or the Agent and the persons who enter or use the airport;</p> <p>(e) to otherwise assist in the compliance with any direction given to the Agent by the Director-General of Civil Aviation in relation to safety and security of the airport, it s users and property within including aircraft.</p>	<p><b>Duties of the member of the Security Service.</b></p>
<p>19. (1) It shall be lawful for any member of the Security Service maintained under section 17 to detain within the limits of the airport-</p> <p>(a) any person who commits or is committing an offence under this Part of this Act or under the Offences Against Aircraft Act, No. 24 of 1992;</p> <p>(b) any person against whom reasonable suspicion exists that he is about to commit an offence under this Part of this Act, or the Offences Against Aircraft Act, No. 24 of 1982;</p> <p>(c) any person against whom a reasonable suspicion exists that he had aided any abetted the commission of any offence under this Part of this Act or the Offences Against Aircraft Act, No. 24 of 1982 ;</p> <p>(d) any person having in his custody or possession, without lawful excuse, any offensive or dangerous weapon;</p>	<p><b>Powers of the member of the Security Service.</b></p>

(e) any person in possession of goods reasonably suspected to be property stolen or fraudulently obtained :

Provided, however that where there is reason to believe that such person has acted or is acting in contravention of any of the provisions of the Customs Ordinance, such person shall be handed over forthwith to a customs officer to be dealt with in accordance with the provisions of that Ordinance;

(f) any person who is committing an offence with the airport being an offence in respect of which a person may be arrested without a warrant, under section 32 of the Code of Criminal Procedure Act, No. 15 of 1979 ;

(g) any person who is committing theft of or damage to, any property belonging to or in the possession of the Government of Sri Lanka or the Agent ;

(h) any person who is found within the airport in circumstances which provide reason to believe that such person has committed, or is about to commit theft of, or damage to, any property belonging to, or in the possession of the Government of Sri Lanka or the Agent ;

(i) any person found taking precautions to conceal his presence under circumstance which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979 or an offence under this Part of this Act or the Offences Against Aircraft Act, No. 24 of 1982.

(2) Any person detained under subsection (1) shall unless released, be forthwith handed over to a police officer to be dealt with according to law.

20. It shall be lawful for any member of the Security service maintained under section 17 to search any person including his belongings or any conveyance used by such person within the premises of the airport when he has reason to believe that such person has committed a cognizable offence within the meaning of the Code of Criminal Procedure Act, No. 15 of 1979, or any offence under this part of this Act or the Offences Against Aircraft Act, No. 24 of 1982 or is about to commit such offence :

Provided, however, that where it is necessary to cause a woman to be searched, such search shall be made by another woman with strict regard to decency.

**Powers of any member of the Security Service to search.**

<p>21. In all cases of fire or any other calamity occurring within an airport, every member of the Security Service maintained under section 17 on duty within such airport, shall take steps to protect the persons and property endangered thereby.</p>	<p><b>Steps to be taken case of fire.</b></p>
<p>22. No suit or prosecution shall lie against a member of the Security Service, maintained under section 17 the Agent or the Government of Sri Lanka in respect of any act which is in good faith done, or purported to be done or omitted to be done, by a member of such Security Service, under this Part of this Act or in respect of the safety or security of persons or property within or outside an airport.</p>	<p><b>Protection for action taken in good faith under this Part of this Act.</b></p>
<p>23. The cadre of the Security service maintained under section 17 and the nature, type and quantity of firearms and ammunition of the use of such service and which may be carried by any member thereof shall have the prior approval of the Secretary.</p>	<p><b>The cadre &amp;c., of the Security Service to be approved by the Secretary</b></p>
<p>24. In this Part of this Act, unless the context otherwise requires -</p> <p>"Agent" has the same meaning as in the Air Navigation Act ;</p> <p>"airport " has the same meaning as in the Air Navigation Act ;</p> <p>"authorised security personnel " means a member of the Security Services maintained by Agent under section 17 and includes any member of the Armed Forces or Police Force who is performing, or is called upon to perform, his duties within the airport;</p> <p>"Manager of the airport" means the Manager appointed by the Agent in respect of an airport or the person acting as Manager of the airport ;</p> <p>"operator " in relation to an aircraft, means the person for the time being having the management of the aircraft ; and</p> <p>" Secretary " means the Secretary to the Ministry of the Minister in charge of the subject of Civil Aviation.</p>	<p><b>Interpretation.</b></p>



25. In the event of an inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

**Sinhala text to prevail  
in case of  
inconsistency.**