

Print | Close

**AIRPORTS AUTHORITY**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN AIRPORTS AUTHORITY OF SRI LANKA, TO SPECIFY THE POWERS AND FUNCTIONS OF SUCH AUTHORITY AND TO MAKE PROVISION FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Act Nos,  
46 of 1979

[1<sup>st</sup> August, 1979]

Short title. 1. This Act may be cited as the Airports Authority Act.

**PART I**

**ESTABLISHMENT OF THE AIRPORTS AUTHORITY AND ITS CONSTITUTION**

Establishment of the Airports Authority. 2.

- (1) There shall be established a body called the Airports Authority of Sri Lanka (in this Act referred to as the " Authority ").
- (2) The Authority shall by the name assigned to it by subsection (1) be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.
- (3) The application of the seal of the Authority shall be authenticated by the signature of the secretary of the Authority or some other person, authorized by the Authority, either generally or specially, to act for that purpose.
- (4) Any document purporting to be a document duly executed under the seal of the Authority shall be received in evidence in any court, tribunal or other institution and shall, unless the contrary is proved, be deemed to be a document so executed.

Constitution of the Authority. 3.

- (1) The Authority shall consist of five members appointed by the Minister.
- (2) The Minister shall appoint one of the members of the Authority to be the Chairman of the Authority.
- (3) The members of the Authority shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, air transport, other forms of transport, industry, commercial or financial matters, administration, the organization of workers or the representation of the interests of air travellers.
- (4) Before appointing a person to be a member of the Authority the Minister shall satisfy himself that such person has no financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Authority. The Minister shall also satisfy himself from time to time that no member of the Authority has any such interest. Any person who is, or whom the Minister proposes to appoint to be, a member of the Authority shall, whenever requested by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by him of his duties under this subsection.
- (5) A Member of Parliament or of any local authority shall not be eligible for appointment or to continue in office as a member of the Authority.

*Now repealed by A. NAV. (CSP. NAV) Act. No. 2 / 1982.*

Term of office of members. 4.

- 4. Every member shall, unless he is earlier removed from or otherwise vacates or is disqualified from continuing to hold office, hold office for a period of three years: Provided that a member appointed in place of a member shall, unless he is earlier removed from or otherwise vacates or is disqualified from continuing to hold office, hold office for the unexpired period of the term of office of the member whom he succeeds.

Resignation, removal and reappointment of members. 5.

- (1) A Member may at any time resign his office by a letter addressed to the Minister.
- (2) Where a member is temporarily unable to discharge the duties of his office on account of ill-health, absence from Sri Lanka or any other cause, the Minister may appoint some other person to act in his place.
- (3) Where the Minister is satisfied that a member of the Authority .

- (a) has been absent from meetings of the Authority for a period longer than five consecutive months without the permission of the Authority, or
- (b) has become bankrupt or made an arrangement with his creditors, or
- (c) is incapacitated by physical or mental illness, or
- (d) is otherwise unable or unfit to discharge the functions of a member,

he may declare the office of such member to be vacant and take steps to appoint another member in his place.

(4) The Minister may, if he thinks it expedient to do so, remove a member from office without assigning any reason.

(5) A member of the Authority shall unless he is removed from office or is disqualified be eligible for reappointment

Remuneration of members.

6. The members of the Authority may be remunerated in such manner and at such rates as the Minister may, in consultation with the Minister in charge of the subject of Finance, determine.

PART II

PROCEEDINGS OF THE AUTHORITY

Rules for the regulation of procedure and transaction of business.

7. The Authority may make rules not inconsistent with the provisions of this Act for the regulation of procedure and the transaction of business at meetings.

Validity of proceedings.

8. The validity of any proceedings of the Authority shall not be affected by any vacancy among the members or by any defect in the appointment of any member.

Quorum.

9. The quorum for any meeting of the Authority shall be three members.

Meetings of the Authority.

10.

(1) The Chairman of the Authority shall preside at every meeting of the Authority at which he is present. In the absence of the Chairman at any meeting of the Authority any member elected by the members present shall preside at such meeting.

(2) The person presiding at any meeting of the Authority shall, in addition to his own vote, have a casting vote.

Members to disclose interest in contract proposed to be made by the Authority.

11 A member who is directly or indirectly interested in a contract made or proposed to be made by the Authority shall disclose the nature of his interest at a meeting of the Authority and that member shall not take part in any deliberation or decision of the Authority with respect to such contract. Such member shall withdraw from the meeting when such matter comes up for deliberation or decision.

PART III

THE AUTHORITY'S DUTIES, FUNCTIONS AND POWERS

Authority subject to the direction and control of the Minister.

12.

(1) In the exercise, discharge and performance of its powers, functions and duties, the Authority shall be subject to the direction and control of the Minister.

(2) The Minister may give to the Authority general or special directions as to the exercise, discharge and performance by the Authority of its powers, functions and duties in relation to matters which appear to him to affect the national interest.

(3) In time of war, whether actual or imminent, or of national emergency, the Minister may by order require that all or any property or rights of or under the control of the Authority shall be placed at the disposal of the Minister, and while such order is in force the Minister may give to the Authority such directions as he thinks fit and it shall be the duty of the Authority to comply with such directions.

(4) The Minister may give the Authority directions to do a particular thing which it has power to do or 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 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 its being a member of an international organization or a party to an international agreement; or
- (d) in order to attain or 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; or
- (f) in order to prevent or deal with noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation.

(5) Where directions given in pursuance of this section conflict with the requirements of any provision of this Act those requirements shall be disregarded and it shall be the duty of the Authority to comply with such directions and act in terms thereof.

Authority vested with supervision, control and administration of its affairs and business. **13.**

- (1) Subject to the provisions of this Act, the supervision, control and administration of the affairs and business of the Authority shall vest in the Authority.
- (2) The Authority may delegate to any member of the Authority or to any employee of the Authority Any of its powers, functions or duties.
- (3) Every person referred to in subsection (2) shall exercise, discharge or perform the powers, functions or duties delegated to him subject to the direction and control of the Authority.

The Authority's duties. **14.**

- (1) It shall be the duty of the Authority to assume full responsibility for the efficient management of its airports and to provide all services and facilities as are in its opinion required, necessary or desirable for their safe and efficient operation.
- (2) Where the Minister so directs in writing it shall be the duty of the Authority to provide air navigation services at any airport.
- (3) In giving effect to the provisions of subsections (1) and (2), the Authority shall have regard to the development of air transport and to efficiency, economy and safety of operation and shall act strictly in accordance with directions given by the Minister and under his control.

Minister may direct Authority to establish aerodromes. **15.**

The Minister may in writing direct the Authority at any time to establish, acquire or assume the management of any aerodrome in any part of Sri Lanka as may be specified in the direction, and it shall be the duty of the Authority to comply with any such direction.

Authority not to discontinue use of aerodromes. **16.**

The Authority shall not without the written consent of the Minister discontinue the use or divest itself of the management of any aerodrome.

Temporary closure of aerodromes. **17.**

The Authority shall not close temporarily for air traffic any aerodrome except with the written consent of the minister or of the director of civil Aviation.

Authority to provide for consultation. **18.**

In the management and administration of any aerodrome the Authority shall provide for consultation with those whose interests may be affected and shall, in doing so, give effect to any directions given to it by the Minister.

Functions of Authority. **19.**

- (1) Without prejudice to section 14 the Authority shall
  - (a) develop, administer, manage and control the airports and take adequate measures for the prevention of hijacking of aircrafts and against other acts of violence;
  - (b) plan, develop, construct and maintain runways, taxiways, aprons, terminal and ancillary buildings and hangars as are

necessary;

- (c) establish warehouses at the airports for the storage and processing of goods, including refrigeration and special handling;
- (d) establish warehouses for purposes of customs bonding and storage of goods and merchandise of every description that have been seized, confiscated or otherwise held by the Government;
- (e) provide facilities for the search of passengers' baggage and effects;
- (f) provide for postal, currency exchange, insurance, telephone and other communication facilities for the use of passengers and other persons at the airports ;
- (g) establish and maintain restaurants, cocktail bars and snack bars at the airports;
- (h) maintain rest-rooms, toilets and other facilities at the airports;
- (i) establish and maintain hotels near airports;
- (j) establish and maintain cinemas at or near airports for the use of bona fide passengers and guests ;
- (k) provide facilities for receiving, handling, storage or transhipment of passengers' baggage and effects;
- (l) provide facilities for receiving, handling and transhipment of cargo of every description;
- (m) provide security arrangements for the safety of passengers' baggage and cargo;
- (n) provide facilities, for quarantine of persons, animals and plants ;
- (o) make arrangements for passenger facilities at the airports, including florists, fruiterers, chemists, travellers' requisites, hair dressers, portorage and left luggage halls ;
- (p) provide full banking facilities ;
- (q) regulate and control the plying of vehicles and the entry into and exit from airports of passengers and visitors, having due regard to the protocol functions of the Government;
- (r) provide facilities for the reception and handling of special visitors;
- (s) provide necessary transport facilities for passengers travelling to or from the airports;
- (t) provide and maintain special areas for passengers, visitors to the airports, baggage and cargo ;
- (u) establish and manage duty-free areas for incoming and outgoing passengers and let rooms and areas for the setting up of sales outlets and for the storage of merchandise ;
- (v) establish and manage heliports ;
- (w) provide adequate facilities for the exercise of the regulatory powers of the Government, including customs, immigration, health and security checks or may by itself exercise such regulatory powers of customs, immigration and health, where the Minister, with the concurrence of the Ministers in charge of the subjects of Customs, Immigration and Health, respectively, so directs;
- (x) provide accommodation for all persons engaged in performing regulatory functions of the Government;
- (y) provide adequate and efficient fire-fighting and safety equipment and personnel and carry out regular drills and exercises and other checks of all firearms and security equipment;
- (z) collect prescribed fees, rents and taxes.

(2) The Authority shall exercise and discharge the powers and functions set out in paragraphs (b), (v), (w) and (y) of subsection (1) strictly in accordance with directions given by the Minister and under his control.

Duty in the event of an accident.

**20.** The Authority shall in the event of an accident to aircraft or interference or damage to navigational aids immediately bring such matter to the notice of the Director of Civil Aviation and act only on his instructions. No attempt shall be made by the Authority to move the damaged aircraft or to effect repairs to it or to navigational aids except on written instructions from the Director of Civil Aviation.

power of the  
Authority.

21.

(1) For the purpose of discharging its functions under this Act the Authority may

(a) acquire and hold any movable or immovable property and dispose of any movable or immovable property acquired or held by it so, however, that no such immovable property shall be so disposed of without the prior approval of the Minister;

(b) approve or assent to or prohibit the construction of any building within the area of its authority, having due regard to safety to aircraft and navigational facilities. The Authority may also having regard to the foregoing considerations order demolition or modification of any building within the area of its authority and, where such order is not complied with for a period of twenty-one days after notice in writing of such order has been given to the owner or occupier of the building, the Authority may demolish or modify such building;

(c) approve or assent to or prohibit the use of any light or illumination on any building or premises, which in the opinion of such Authority constitutes a hazard to navigational facilities or to aircraft using any airport under its authority. The Authority may order the removal or modification of any existing light or illumination and remove or cause to be removed any light or illumination that is not so removed or modified ; provided that notice in writing of such order has been given to the occupier or owner of any building or premises by the Authority and the order has not been complied with for a period of seven days after such notice;

(d) take all necessary steps to prevent unlawful interference with navigational aids and facilities and communication systems;

(e) provide any services that may be required of the Authority to salvage any wreck at the cost of the person requesting such service and, whether requested or not, to remove any aircraft, vehicle, goods or persons from its airport after any accident, provided that the Authority shall be entitled to charge for such service according to prescribed rates. The powers herein described shall not be exercised except in consultation with the Director of Civil Aviation ;

(f) sell by public auction or private arrangements in compliance with any rules and regulations in that behalf any wreck or aircraft or vehicle or goods of any description or animal or plant or anything capable of being sold to reimburse itself for any damage caused to any property of the Authority or to recover any sum due from the owner thereof in terms of the preceding paragraph;

(g) determine the terms and conditions of employment of its officers and servants;

(h) appoint personnel to maintain order and security in airports;

(i) carry on all such financial, commercial, trading and other operations of business in connexion with the functions of the Authority as the Authority may think fit;

(j) train persons employed by the Authority;

(k) construct all buildings and obtain equipment necessary for the performance of its functions and duties,

(l) make provision for the repair and maintenance of all its buildings and equipment;

(m) maintain its airports to conform to international standards;

(n) establish a provident fund and provide welfare and recreational facilities for persons employed by the Authority;

(o) provide welfare and recreational facilities for staff of Government departments, corporations or institutions, engaged in discharging their duties within the airport;

(p) delegate to any officer of the Authority any such function of the Authority as the Authority may consider necessary so to delegate for the efficient transaction of business;

(q) enter into and perform all such contracts as may be necessary for the performance of the duties and the exercise of the powers

- of the Authority;
- (r) make rules relating to
  - (i) the appointment, promotion, transfer, remuneration, disciplinary control, conduct and the grant of leave to its officers and servants;
  - (ii) the administration of the affairs of the Authority ;
- (s) do anything necessary for, or conducive or incidental to, carrying out the objectives of the Authority.

(2) The Authority shall exercise the powers or functions set out in subsection (1) only in consultation with the Minister.

Authority may charge fees or rent.

**22. The Authority may**

- (1) with the prior approval of the Minister, charge fees or rent-
  - (a) for the landing, using or parking of aircraft or for any other service or facility offered in connection with aircraft operation by any airport or heliport in its charge;
  - (b) for the use and enjoyment by persons of facilities and other services provided by the Authority at any airport or heliport;
- (2) having regard to the instructions that the Minister may give to the Authority from time to time, charge fees or rent from persons who are afforded any facility for carrying on any business at any airport or heliport.

Authority to have lien.

**23. The Authority shall have a lien against any aircraft vehicle or property in respect of which any service has been rendered.**

Rules.

**24.**

(1) The Authority may, in respect of any aerodrome owned or managed by it, make rules for regulating the use and operation of the aerodrome and the conduct of all persons, within the aerodrome, and for such other matters relating to the performance of its functions and in particular rules

- (a) for securing the safety of aircraft, vehicles and persons using the aerodrome and preventing danger to the public arising from the use and operation of the aerodrome ;
- (b) for maintaining security in the aerodrome;
- (c) for preventing theft by persons employed any aerodrome owned or managed by the Authority ;
- (d) for preventing theft from cargo areas designated by the Authority to be used wholly or mainly for the storage or handling of cargo in any aerodrome owned or managed by the Authority.
- (e) for preventing obstruction-within the aerodrome;
- (f) for regulating vehicular traffic anywhere within the aerodrome and in particular for imposing speed limits on vehicles therein and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner as specified in the rules;
- (g) for prohibiting the parking of vehicles and carriages except at places appointed by the Authority ;
- (h) for prohibiting or restricting access to any part of the aerodrome ;
- (i) for preserving order within the aerodrome and preventing damage to property therein;
- (j) for regulating or restricting advertising within the aerodrome ;
- (k) for requiring any person, if so requested by an authorized person, to leave the aerodrome or any particular part of it;
- (l) for restricting the area which is to be taken as constituting the aerodrome for the purpose of the rules ;
- (m) for the purpose of preventing danger to health from aircraft arriving at the airport or departing therefrom;
- (n) for dealing with lost property.

(2) No rule made by the Authority shall have effect until it is confirmed by the Minister and published in the Gazette.

PART IV  
FINANCE

Grant to the Authority from the

**25. As soon as practicable after the coming into operation of this Act and from time to time**

consolidated Fund.

thereafter there may be granted to the Authority by resolution of Parliament from the Consolidated Fund such sums of money and on such terms as may be determined by the Minister in charge of the subject of Finance in consultation with the Minister.

The Fund of the Authority.

**26.**

- (1) The Authority shall have and maintain its own fund.
- (2) There shall be paid into the Fund of the Authority
  - (a) the annual embarkation tax received by the Authority as may be approved by the Minister;
  - (b) all sums of money received by the Authority in the exercise, discharge and performance of its powers, functions and duties; and
  - (c) all donations, gifts or grants from any source whatsoever.
- (3) There shall be paid out of the Fund all sums of money required to defray any expenditure incurred by the Authority in the exercise, discharge and performance of its powers, functions and duties and all such sums of money as are required to be paid out of such Fund by or under this Act.

Borrowing powers of the Authority.

**27.** The Authority may, with the consent of the Minister in writing or in accordance with the terms of any general authority given by him, borrow by way of overdraft or otherwise, or negotiate or obtain on credit terms such sums as the Authority may require for meeting the obligations of the Authority, or for exercising, discharging and performing its powers, functions and duties under this Act:

Provided, however, that the aggregate of the amounts outstanding in respect of any loans raised by the Authority under this section shall not at any time exceed such amount as may be determined by the Minister.

Application of the provisions of the Public Corporations (Financial Control) Act.

**28.** The provisions of the Public Corporations (Financial Control) Act shall, mutatis mutandis, apply to the financial control and account, of the Authority.

Financial year of the Authority.

**29.** The financial year of the Authority shall be the period of twelve months commencing on the first day of January of each year.

## PART V

### STAFF

Staff of the Authority.

**30.** There may be appointed to the staff of the Authority such officers and servants as the Authority may deem necessary.

Notice required to be given by certain public officers of the Department of Civil Aviation before the appointed date.

**31.**

(1) The provisions of this section shall, apply to every public officer, other than any public officer in a transferable service of the Government, who was employed in the Department of Civil Aviation on the day immediately before the appointed date and the functions of whose office have been vested in or taken over by the Authority.

(2) Every public officer to whom subsection (1) applies and who holds a post declared to be pensionable under the Minutes on Pensions shall, not less than two weeks before such date as may be fixed by the Minister by Order published in the Gazette (hereafter in this section and in section 32 referred to as the "relevant date"), give notice in writing to the Director of Civil Aviation, that such public officer intends on that date

- (a) to leave the public service and to become an employee under the Authority in terms of section 32 (1); or
- (b) to retire from the public service and to become an employee of the Authority in terms of section 32 (2); or
- (c) to retire from the public service and not obtain employment under the Authority.

(3) A notice given to the Director of Civil Aviation under subsection (2) before the relevant date by a public officer referred to in that subsection shall be final.

(4) Every notice given under paragraph (a) or (b) of subsection (2) shall be referred by the Director of Civil Aviation to the Authority. The acceptance of any such notice shall be entirely within the discretion of the Authority whose decision thereon shall be final.

Effect of notice under any of the paragraphs (a) to (c) of section 31 (2). 32.

(1) Any public officer referred to in subsection (1) of section 31 who gives notice under paragraph (a) of subsection (2) of that section before the relevant date and whose notice is accepted by the Authority shall be offered employment under the Authority with effect from that date, and

(a) shall be subject to the same disciplinary control as any other member of the staff of the Authority during the period of his employment under the Authority ;

(b) shall, subject to paragraph (a), be entitled to terms and conditions of service not less favourable as respects remuneration, leave, holiday warrants, and other conditions of service as he was entitled to immediately before the relevant date during the period of his employment under the Department of Civil Aviation ;

(c) shall, so long as he is in the employ of the Authority, be deemed for the purpose of the Minutes on Pensions to continue to hold a post in the public service which has been declared to be pensionable under the said Minutes and shall be eligible for the grant of a pension or gratuity as though his service under the Authority were service under the Government and the Minister in charge of the subject of Public Administration may grant such pension or gratuity in accordance with the terms of the said Minutes ;

(d) in respect of him, the Authority shall pay out of the funds of the Authority to the Deputy Secretary to the Treasury to be credited to the Consolidated Fund for every complete month of service during which he is in the employ of the Authority such sum of the salary received by him in the post he holds in the service of the Authority as the Minister in charge of the subject of Public Administration may determine;

(e) shall, notwithstanding anything in the Widows' and Orphans' Pension Fund Ordinance, be deemed to be a public officer within the meaning of that Ordinance and for the purpose of the application of the provisions thereof so long as he remains in the employ of the Authority ; and

(f) may, at any time during the period of his employment under the Authority, opt to be appointed to the staff of the Authority in terms of subsection (2) hereof and when such option is exercised

(i) he shall be eligible for such an award under the Minutes on Pensions as might have been made to him if he had been retired from the public service on the ground of ill health on the date of his appointment to the staff of the Authority in accordance with this section ; and the amount of any such award made under those Minutes shall not be paid to him unless his employment on the staff of the Authority is terminated by retirement on account of age or ill health or by the abolition of the office held by him on such staff or on any other ground approved by the Minister in charge of the subject of Public Administration; and

(ii) in the event of his death after being appointed to the staff of the Authority in accordance with this section, such an award as might have been made in respect of him under those Minutes if he had died immediately before his appointment to the staff of the Authority may be made in respect of him.

(2) Any public officer referred to in subsection (2) of section 31 who gives notice under paragraph (b) of that subsection before the relevant date

(a) shall be deemed to have retired from the public service on the relevant date;

(b) shall be offered employment by the Authority on such terms and conditions as may be agreed upon by such officer and the Authority ;

Provided, however, that such terms and conditions shall be not less favourable than the terms and conditions on which such

officer was employed immediately before the relevant date;  
(c) shall be eligible for such pension or gratuity under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date ;

(d) if he is eligible for a pension and does not exercise the option under section 2A (1) (i) of the Minutes on Pensions, he shall not be paid the pension during the period of his employment under the Authority;

(e) if he is eligible for a pension and elects to draw a gratuity in partial commutation of one-fourth part of his pension in accordance with the provisions of section 2 A (1) (i) of the Minutes on Pensions

(i) such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Authority established under this Act;

(ii) the remaining three-fourths part of the pension payable to him under the said Minutes shall not be paid to him during the period of his employment by the Authority; and

(iii) for the purposes of the computation of the period of " ten years from the date of his retirement" referred to in section 2A (1) (ii) of the said Minutes, the date of his retirement shall be deemed to be the day following the last date of his employment under the Authority; and

(f) if he is eligible for a gratuity and not a pension under the Minutes on Pensions such gratuity shall not be paid to him but shall be credited to his account in a provident fund of the Authority established under this Act.

(3) Any public officer referred to in subsection (2) of section 31 who gives notice under paragraph (c) of that subsection before the relevant date shall be deemed to have retired from the public service on that date and shall be eligible for such pension or gratuity under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date:

Provided, however, that if he is under a bond or agreement to serve the Government for a specified period of service he shall be liable to be called upon to pay such sum of money as may be determined by the Government in respect of the unfulfilled portion of such service.

(4) Any public officer whose notice under paragraph (a) or (b) of subsection (2) of section 31 is not accepted by the Authority shall be deemed to have retired from the public service on the relevant date and shall be eligible for such pension or gratuity under the Minutes on Pensions as would have been awarded to him had he retired from the public service on the ground of abolition of office on that date.

Appointment of public officers, other than those to whom section 31 applies, to the staff of the Authority. **33.**

(1) At the request of the Authority any public officer, other than an officer to whom section 31 applies, may with the consent of the person who for the time being has the power to appoint such officer be temporarily appointed to the staff of the Authority for such period as may be determined by such Authority with like consent, or be permanently appointed to such staff.

(2) Where a public officer is appointed temporarily to the staff of the Authority the provisions of subsections (3) and (5) of section 26 of the State Industrial Corporations Act, other than paragraph (a) of subsection (3) of section 26, shall, mutatis mutandis, apply to such officer.

(3) Where an officer is permanently appointed to the staff of the Authority the provisions of subsections (4) and (5) of section 26 of that Act shall apply to, and in relation to, such officer.

Protection of members, officers and servants of the Authority for action taken under this Act. **34.** No civil or criminal proceeding shall be instituted against any member of the Authority or against any officer or servant of the Authority appointed for the purposes of this Act for any act which is in good faith done or purported to be done by him under this Act.

Members and employees of the Authority deemed to be public servants.

**35.** All members and employees of the Authority shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.

Authority deemed to be a scheduled institution within the meaning of the Bribery Act.

**36.** The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

## PART VI

### MISCELLANEOUS

Transfer of properly and rights and obligations to the Authority and modification of written law.

**37.** From and after the appointed date

(a) all movable and immovable property of the State managed and controlled by the Director of Civil Aviation on the day immediately preceding the appointed date as may be declared by the Minister by Order published in the Gazette to vest in the Authority with effect from a date to be stipulated in such Order shall accordingly so vest;

(b) all contracts, rights, obligations and liabilities of the State or of the Director of Civil Aviation as may be declared by the Minister by Order published in the Gazette shall be deemed to be the contracts, rights, obligations and liabilities of the Authority.

(c) all written law shall be deemed to be modified to such extent as may be necessary to enable the Authority to exercise, discharge and perform the powers, functions and duties conferred on or assigned to or imposed on such Authority by or under this Act.

Effect of Minister's Order.

**38.** Where The Minister has made an Order in terms of section 37 no other authority shall unless specifically authorized to do so in terms of this Act exercise or purport to exercise any control or power over the airport in question.

Acquisition of land under the Land Acquisition Act for the Authority.

**39.**

(1) Where any land, other than State land, is required for any of the purposes of the Authority and the Minister approves of the proposed acquisition, the land proposed to be acquired shall, for the purpose of the application of the Land Acquisition Act, be deemed to be required for a public purpose and may be acquired under that Act and transferred to the Authority.

(2) Any sum payable for the acquisition of land for the Authority under the Land Acquisition Act shall be paid by the Authority.

Director of civil Aviation be afforded access to airport. Regulations.

**40.** The Director of Civil Aviation and officers and servants authorized by him shall for the performance of their duties at all times be afforded free and unrestricted access to any airport managed or controlled by the Authority.

**41.**

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

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

(3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or upon such later date as may be specified in the regulation.

Rules and regulations to be approved by parliament.

**42.** Every rule made by the Authority under section 24 and every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Every rule or regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval, but Without prejudice to anything previously done thereunder. Every rule or regulation so approved shall be as valid and effectual as though it were herein enacted.

Offences and penalties.

**43.** Every person who contravenes or fails to comply with any of the provisions of this Act or any rule or regulation made thereunder shall be guilty of an offence and shall on conviction by a Magistrate be liable to a fine not exceeding five hundred rupees or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

interpretation.

**44.** In this Act, unless the context otherwise requires-

"aerodrome" means any area of land or water set apart and used or intended to be used for affording facilities for the arrival, departure and movement of aircraft of whatsoever description, including balloons, gliders and helicopters;

"aircraft" means all types of aircraft including aeroplanes, balloons, gliders and helicopters;

"air navigation services" mean and include navigational aids and navigational facilities;

"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;

"air traffic control" means a service provided for the purpose of

(a) preventing collisions

(i) between aircraft, and

(ii) on the manoeuvring area between aircraft and obstructions;  
and

(b) expediting and maintaining an orderly flow of air traffic ;

"appointed date" means the 1st day of August, 1979;

"building" includes any structure or erection;

"heliport " means an area either at ground level or elevated on a structure used or intended to be used for the landing and take-off of helicopters;

"Minister" means the Minister in charge of the subject of Aviation ;

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

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

"prescribed " means prescribed by regulation made under this Act.

Chapter 229

Top