



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**AIR NAVIGATION (SPECIAL PROVISIONS)
ACT, No. 2 OF 1982**

[Certified on 20th January, 1982]

Printed on the Orders of the Government

**Published as a Supplement to Part II of the Gazette of the Democratic
Socialist Republic of Sri Lanka of January 22, 1982.**

TO BE PURCHASED AT THE GOVT. PUBLICATIONS BUREAU, COLOMBO

PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

Price : 65 cents

Postage : 50 cents

Air Navigation (Special Provisions)
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L.D.—O. 43/81

AN ACT TO AMEND THE AIR NAVIGATION ACT ; TO REPEAL THE AIRPORTS AUTHORITY ACT, NO. 46 OF 1979 ; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. (1) This Act may be cited as the Air Navigation (Special Provisions) Act, No. 2 of 1982.

Short
title
and date of
operation.

(2) (a) The provisions of this section and Part I of this Act shall come into operation on the date of enactment of this Act.

(b) The provisions of Part II of this Act shall come into operation on such date (hereinafter in that Part of this Act referred to as the “appointed date”) as the Minister may appoint by Order published in the *Gazette*.

PART I

2. Section 20 of the Air Navigation Act, (hereafter in this Part referred to as the “principal enactment”) is hereby amended in paragraph (b) of subsection (1) of that section, by the substitution for the words “such other officers and servants as may be”, of the words “such other officers, servants and agents as may be”.

Amendment
of
section 20
of Chapter
365.

3. The following new section is hereby inserted immediately after section 21, and shall have effect as section 21A, of the principal enactment :—

Insertion
of new
section 21A
in the
principal
enactment.

“Appoint-
ment of
Agent and
the functions
of Agent.

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) The 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 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) The Minister may, for the purpose of enabling the Agent to discharge his functions, make available to such Agent, on such terms and conditions as may be determined by him, the use and control of any such immovable and movable property as is vested in the Director of Civil Aviation.

(9) The Agent shall maintain in good order all immovable and movable property made available to him under subsection (8) and shall not alter or change any such

property or dispose of any interest therein or construct any runways, taxiways, aprons, buildings and hangars thereon without the prior written approval 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 12, 13, 14 and 15 of the Finance Act, No. 38 of 1971, 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.

(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, other than a public officer to whom subsections (16) and (17) apply, 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, No. 19 of 1978, 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, No. 19 of 1978, 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."

4. Section 22 of the principal enactment is hereby amended by the substitution for the words "of this Act", of the words "of this Act other than expenses incurred by the Agent in the discharge of his functions".

Amendment
of section 22
of the
principal
enactment.

5. Section 23 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement
of section
23 of the
principal
enactment.

"Fees, &c. to
be paid into
Consolidated
Fund.

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.

(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, as fees for the services provided by him in the discharge of his functions, such part of the fees, taxes or charges collected or recovered by him on behalf of the Government as is specified by the Minister by Order published in the Gazette and shall remit the balance to the Consolidated Fund."

6. Section 38 of the principal enactment is hereby amended in subsection (1) of that section as follows:—

Amendment
of section 38
of the
principal
enactment.

(i) by the insertion, immediately after the definition of "aerodrome", of the following new definition:—

"Agent" means an Agent appointed under section 21A;

(ii) by the insertion, immediately after the definition of "aircraft" of the following new definitions:—

"air navigation services" means 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;’;

(iii) by the insertion, immediately after the definition of “licensed aerodrome”, of the following new definitions:—

“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.’

PART II

7. The Airports Authority Act, No. 46 of 1979, is hereby repealed.

In this section and in section 8 the “Airports Authority” means the Airports Authority established by Act No. 46 of 1979.

8. (a) All property immovable and movable in the possession and control of the Airports Authority on the day immediately preceding the appointed date shall be transferred to and vest in, the Director of Civil Aviation;

(b) all debts, obligations and liabilities incurred, and all contracts, deeds, agreements and other instruments executed, or entered into, and all

Repeal of
Act No. 46
of 1979.

Transitional
provisions.

matters and things engaged to be done, by or with, the Airports Authority prior to the appointed date and subsisting on the day immediately preceding the appointed date shall be deemed to have been incurred, executed, entered into or engaged to be done, as the case may be, by or with the Agent appointed under section 21A of the Air Navigation Act ;

- (c) all actions and other proceedings instituted by or against the Airports Authority and pending on the day immediately preceding the appointed date shall be deemed to be actions and proceedings instituted by or against the Agent appointed under section 21A of the Air Navigation Act and every such action or proceeding may be proceeded with and enforced accordingly ;
- (d) all officers and other employees in the service of the Airports Authority on the day immediately preceding the appointed date shall cease to be employees of the Airports Authority and shall, if not offered employment under the Agent appointed under section 21A of the Air Navigation Act, be eligible for payment of such compensation and gratuity as may be determined by the Minister having regard to the past services of the employees and other matters relevant to the determination of such compensation and gratuity.

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