



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

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## **CIVIL AVIATION AUTHORITY OF SRI LANKA ACT, No. 34 OF 2002**

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**[Certified on 18th December, 2002]**

*Printed on the Order of Government*

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Published as a Supplement to Part II of the **Gazette of the Democratic Socialist  
Republic of Sri Lanka** of December 20, 2002

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PRINTED AT THE DEPARTMENT OF GOVERNMENT PRINTING, SRI LANKA

TO BE PURCHASED AT THE GOVERNMENT PUBLICATIONS BUREAU, COLOMBO 01.

**Price : Rs. 15.00**

**Postage : Rs. 6.75**

*Civil Aviation Authority of Sri Lanka*  
*Act, No. 34 of 2002*

[Certified on 18th December 2002]

L.D.—O. 6/2000.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE CIVIL AVIATION AUTHORITY OF SRI LANKA ; FOR THE TRANSFER OF ALL PROPERTY, CONTRACTS, RIGHTS AND LIABILITIES OF THE DEPARTMENT OF CIVIL AVIATION TO THE CIVIL AVIATION AUTHORITY OF SRI LANKA ; FOR THE APPOINTMENT OF THE DIRECTOR-GENERAL OF CIVIL AVIATION ; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

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

1. This Act may be cited as the Civil Aviation Authority of Sri Lanka Act, No. 34 of 2002, and shall come into operation on such date as the Minister may appoint by Order published in the Gazette (hereinafter referred to as the “appointed date”).

Short title and date of operation.

PART I

ESTABLISHMENT AND CONSTITUTION OF THE CIVIL AVIATION AUTHORITY OF SRI LANKA

2. (1) There shall be established an authority called the Civil Aviation Authority of Sri Lanka (hereinafter referred to as the “Authority”).

Establishment of the Civil Aviation Authority of Sri Lanka.

(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. (1) The Authority shall consist of the following members :—

Constitution of the Authority.

- (a) the Secretary to the Ministry of the Minister in charge of the subject of Defence ;
- (b) a representative of the Ministry of the Minister in charge of the subject of Finance, nominated by that Minister ;

(c) five persons appointed by the Minister of whom not less than two shall have considerable experience or knowledge in the field of civil aviation ; and

(d) the Director-General.

(2) The Minister shall appoint one of the members of the Authority, to be its Chairman and one other member to be its Vice-Chairman.

(3) The Minister shall in appointing a member under paragraph (c) of subsection (1), satisfy himself that such member has no financial or other interest in any airline or aviation related business that is likely to prejudicially affect the discharge of his or her functions as such member, and further shall also satisfy himself from time to time that such member has no such interest.

(4) The Chairman may by written authority, authorize any member of the Authority to perform any of the functions conferred upon him as Chairman.

(5) The provisions of the First Schedule to this Act, shall apply to and in relation to the members of the Authority, its meetings and the seal of the Authority.

Members to disclose any interest in any decision to be made by the Authority.

4. A member of the Authority who is directly or indirectly interested in any decision that is to be taken on any transaction or project of the Authority, shall disclose the nature of such interest at the meeting of the Authority where such decision is being taken. The disclosure shall be recorded in the minutes of the meeting and such member shall not thereafter take part in any deliberation or decision of the Authority with regard to that transaction or project.

Prohibition from certain undertakings for a limited period.

5. The Director-General shall not undertake any employment or assignment (contractual or otherwise) for a period of one year after ceasing to hold office as a member of the Authority with any entity in the aviation industry which has been subjected to regulatory control by the Authority during the tenure of his office as such member.

6. (1) The Authority may appoint from among its own members or from among persons as it may deem fit such number of committees it considers appropriate for the purpose of assisting it in the exercise of its powers under this Act.

Appointment of  
Committees.

(2) The Authority may, subject to such terms and conditions as it may deem fit, delegate to any such committee constituted under subsection (1), all or any of its powers and any power so delegated may be exercised by such committee in the name and on behalf of the Authority.

(3) Notwithstanding the delegation of all or any of its powers to a committee under subsection (2), the Authority may exercise any power so delegated.

## PART II

### POWERS, FUNCTIONS AND DUTIES OF THE AUTHORITY

7. The Authority shall, in a manner consistent with the obligations of Sri Lanka under the Convention, exercise, perform and discharge the following powers, functions and duties—

Powers, functions  
and duties of the  
Authority.

- (a) subject to any directions issued by the Minister, regulate civil air operations within the territory of Sri Lanka and the operations of Sri Lanka registered aircrafts outside the territory of Sri Lanka, in accordance with the provisions of this Act or any other written law ;
- (b) assist the Minister in the formulation of the National Aviation Policy of Sri Lanka ;
- (c) prepare an aviation development plan for Sri Lanka in accordance with the National Aviation Policy of Sri Lanka and the directions issued by the Minister in regard to the same ;

- (d) provide the strategic direction for the development of civil aviation and coordinate the activities of all parties involved ;
- (e) develop and promulgate or adopt by reference as appropriate, clear and concise aviation safety requirements and practices and procedures, implement effective enforcement strategies to secure compliance by all persons of the Standards and such aviation safety requirements and practices and procedures ;
- (f) encourage, through comprehensive and timely aviation safety advice and by fostering an awareness within the aviation community of the importance of aviation safety, a greater degree of acceptance by the aviation community of its obligation to maintain high standards of aviation safety ; provide aviation safety education and training for persons involved in civil aviation activities ;
- (g) issue certificates, licences, permits and any other legal authority or document required to be issued by or under the provisions of this Act or any other written law ;
- (h) initiate investigations on aircraft accidents and any other related incidents and arrange for the establishment and provision of search and rescue operations ; conduct inquiries with regard to any flight safety hazards and take remedial action ;
- (i) investigate, examine and report on the operation and development of, commercial air services to and from Sri Lanka and promote the development of air transport generally for the benefit of the public, and for this purpose establish and provide facilities and services for the collection, analysis, publication and dissemination of information relating to air transportation ;

- (j) assist in such manner as may be required by the Minister, with international air services negotiations and consultations and monitor and ensure the proper implementation of the provisions of the air services agreements ;
- (k) provide information relating to air navigation and air transport by means of publications issued by the Authority or by any other means, publish aeronautical maps and charts ; establish air routes and ensure proper provision of the aeronautical information service and the aeronautical telecommunication service ;
- (l) establish, with the approval of the Minister, specific programs for civil aviation in Sri Lanka for the implementation of Standards in matters of facilitation, aviation security, environmental protection, carriage of dangerous goods and any other related field where global harmonization is desirable ;
- (m) co-ordinate, with the International Civil Aviation Organization in the implementation by Sri Lanka of the Standards and the registration of agreements and arrangements, promote Sri Lanka's participation at regional and global aviation organizations and represent or cause to represent Sri Lanka internationally in matters relating to civil aviation with the approval of the Minister ;
- (n) advise the Minister on matters relating to civil aviation and on the adoption and implementation of international aviation agreements, treaties and conventions ;
- (o) own and hold on behalf of the State, any property duly vested and transferred to the Authority ;

- (p) utilize the property of the Authority both movable and immovable in such manner as the Authority may think expedient including the raising of loans by mortgaging such property with the approval of the Minister ;
- (q) engage in any activity, either alone or in conjunction with other civil aviation authorities or international agencies or organizations, for the purpose of promoting and developing civil aviation;
- (r) enter into contracts for the supply of goods, services or materials or for the execution of works or any other contracts as may be necessary for the exercise, performance and discharge of the powers, duties and functions of the Authority ;
- (s) make recommendations to the Minister on the charges and fees to be levied for certificates, licences, permits or any other legal authorities or documents issued or given, and for services provided, by or under the provisions of this Act or any other written law ;
- (t) select and employ personnel necessary to carry out the functions and duties of the Authority and determine and adopt the salaries and terms of conditions of service of the employees of the Authority, including staff welfare schemes and training programs ;
- (u) obtain the services of consultants and advisors, appoint attorneys and agents as shall be necessary to carry out the functions of the Authority ;
- (v) engage qualified personnel as required on contract and provide for their remuneration consistent with industry standards ;
- (w) exercise such other powers as may be necessary for the discharge of its functions and the performance of its duties under this Act and any function or duty assigned to or delegated to the Authority by the Minister by Order made in that behalf ;

- (x) initiate and carry out surveys into any aspect of civil aviation ;
- (y) carry out any duties that may be entrusted or delegated to the Authority under any other written law ; and
- (z) perform such other functions as the Minister may direct from time to time.

**8.** On and after such date as the Minister shall appoint by Order published in the Gazette (hereinafter referred to as the “transfer date”) :—

Transfer and vesting of property &c. in the Authority.

- (a) all movable and immovable property transferred to and vested in the Director-General of Civil Aviation appointed under section 20 of the Air Navigation Act, and which is in his possession on the day immediately preceding the transfer date, shall be transferred to and vest in the Authority with effect from such date ;
- (b) all contracts, leases or tenancy agreements entered into by, with or for the Director-General of Civil Aviation appointed under section 20 of the Air Navigation Act, and subsisting on the day immediately preceding the transfer date, shall with effect from such date be deemed to be contracts, leases or tenancy agreements entered into by, with or for the Authority ; and
- (c) all rights, obligations, interests, debts and liabilities of the Director-General of Civil Aviation appointed under section 20 of the Air Navigation Act, subsisting on the day immediately preceding the transfer date, shall with effect from such date, be deemed to be rights, obligations, interests, debts and liabilities of the Authority.



Transfer of aerodromes and certain buildings and lands specified in the Second and Third Schedules.

**9.** The Minister may by Order published in the Gazette, transfer to and vest in the Authority the Aerodromes specified in the Second Schedule and the aeronautical facilities and the land appertaining thereto specified in the Third Schedule to this Act. Different Orders may be made in respect of the transfer and the vesting of different Aerodromes and the aeronautical facilities and land appertaining thereto as specified in those Schedules.

Authority's right to recover debts and liabilities.

**10.** The Authority shall have the right to recover and receive any moneys that on the day immediately before the transfer date were due and owing to the Director-General of Civil Aviation appointed under section 20 of the Air Navigation Act, for or on account of services provided by such Director-General of Civil Aviation or that would, after the transfer date, have become due to the State if such transfer had not taken place.

### PART III

#### APPOINTMENT AND POWERS AND DUTIES OF THE DIRECTOR GENERAL OF CIVIL AVIATION

Appointment and powers and duties of the Director General of Civil Aviation.

**11.** (1) The Cabinet of Ministers shall on the recommendation of the Minister, appoint a fit and proper person preferably with experience or knowledge in civil aviation to be the Director-General of Civil Aviation (in this Act referred to as the "Director-General") who shall be the chief executive officer of the Authority.

(2) The Director-General, shall be subject to such terms and conditions of employment as shall be determined by the Cabinet of Ministers, and shall carry on all such duties and functions assigned to him by or under this Act or any other written law, and be charged with the general administration of the functions of the Authority.

(3) The Director-General shall not be removed from office except with the approval of the Cabinet of Ministers.

(4) Where the Director-General is temporarily unable to perform the duties of the office due to ill-health, absence from Sri Lanka or for any other cause, the Cabinet of Ministers may, on the recommendation of the Minister, and having regard to the provisions of subsection (1) of this section, appoint a suitable person to act in his place during such period of absence.

## PART IV

### FINANCE

**12.** (1) The Authority shall have its own Fund.

Fund of the  
Authority.

(2) There shall be paid into the Fund of the Authority—

- (a) all such sums of money charged as fees by the Authority or the Director-General as the case may be, for the issue, validation, renewal, extension and variation of any certificate, licence, permit or any other legal authority or document issued under the provisions of this Act or any other written law ;
- (b) all such sums of money received by the Authority or the Director-General as the case may be, by way of charges levied for services provided by the Authority under the provisions of this Act or any other written law ;
- (c) all such sums of money received by the Authority in the exercise, performance and discharge of its powers, functions and duties under the provisions of this Act, or any other written law ;
- (d) all such sums of money as may be voted upon from time to time by Parliament for the use of the Authority ; and
- (e) all such sums of money as may be received by the Authority by way of loans, donations, gifts and grants from any source whatsoever.

(3) There shall be paid out of the Fund of the Authority all such sums of money required to —

- (a) defray expenditure incurred by the Authority in the exercise, performance and discharge of its powers, functions and duties under this Act and any other written law ;
- (b) be paid as contribution from Sri Lanka to the International Civil Aviation Organization set up under the Convention or any other international organization ; and
- (c) defray other expenses which are authorized or required to be paid out of the Fund by any provision of this Act, and any other written law.

Authority to  
maintain accounts.

**13.** The Authority may open and maintain an account or accounts with such bank or banks as it may think appropriate, and such account or accounts shall be operated in accordance with prevailing financial regulations of the Government pertaining to financial transactions of public corporations.

Financial year and  
audit of accounts.

**14.** (1) The financial year of the Authority shall be the calendar year.

(2) the Authority shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other financial transactions of the Authority.

(3) For the purpose of presenting a true and fair view of the financial performance and financial condition of the Authority, the Authority shall prepare the accounts under subsection (2), in accordance with the Sri Lanka Accounting Standards adopted by the Institute of Chartered Accountants of Sri Lanka under the Sri Lanka Accounting and Auditing Standards Act, No. 15 of 1995.

(4) The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall apply to the audit of the accounts of the Authority.

**15.** (1) The Authority shall at the end of each financial year, submit to the Minister an annual report of the activities carried on by the Authority during that financial year, and cause a copy each of the following documents relating to that year to be submitted to the Minister —

Annual Report.

- (a) the Auditor-General's report;
- (b) the audited balance sheet ;
- (c) the audited operating account; and
- (d) the cash flow statement.

(2) The Minister shall lay copies of the documents submitted under subsection (1) before Parliament prior to end of the year immediately following the year to which such report and accounts relates.

**16.** Money's belonging to the Authority may, with the approval of the Minister and with the concurrence of the Minister in charge of the subject of Finance, be invested in Government approved securities.

Investment of funds.

**17.** The Authority may, with the consent of the Minister and the Minister in charge of the subject of Finance in writing and in accordance with the terms of any general authority given, 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, performing and discharging its powers, duties and functions under this Act or any other written law :

Borrowing powers of the Authority.

Provided however, the aggregate of the amount 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.

## PART V

### STAFF OF THE AUTHORITY

Staff of the  
Authority.

**18.** (1) The Authority may appoint such officers and servants as it may consider necessary for the efficient discharge of its functions.

(2) The Authority may, in respect of the officers and servants appointed to the Authority under subsection (1) —

- (a) exercise disciplinary control over or dismiss such officers and servants ;
- (b) fix the rates at which such officers and servants shall be remunerated ;
- (c) determine the terms and conditions of employment of such officers and servants ; and
- (d) establish a staff welfare and social security scheme for the benefit of such officers and servants and make contributions to any such scheme.

(3) The Authority may make rules pertaining to all or any of the matters referred to in subsection (2).

Public officers to  
be appointed to  
the staff of the  
Authority.

**19.** (1) At the request of the Authority any officer in the public service may, with the consent of that officer and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority or with like consent, be permanently appointed to such staff.

(2) Where any officer in the public service is temporarily appointed to the staff of the Authority, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to and in relation to such officer.

(3) Where any officer in the public service is permanently appointed to the staff of the Authority the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, *mutatis mutandis*, apply to and in relation to such officer.

**20.** (1) The Authority may employ any public officer who is in the service of the Department of Civil Aviation (in this section referred to as the “Department”) and who seeks employment with the Authority and the provisions of this section shall apply in respect of such employment.

Public officers in the Department of Civil Aviation to be employed by the Authority.

(2) Every public officer who is serving in the Department who is appointed to the Authority under subsection (1) and who has not less than ten years pensionable service on the last date of his service in the Department shall be deemed to have retired from the public service on that date, and shall be eligible for such a pension under the Minutes on Pensions, as would have been awarded to him had he retired on the ground of abolition of office on that date.

(3) Where a public officer has less than ten years pensionable service and is appointed to the Authority under subsection (1), he shall be deemed to have retired from the public service on the last date of his service in the Department, and he shall be eligible for such a gratuity as would have been awarded to him under the Minutes on Pensions, had he retired on the ground of abolition of office on that date.

(4) (a) Notwithstanding the provisions of subsection (3), where any public officer is appointed to the staff of the Authority under that subsection and serves the Authority for a period of not less than the relevant period of service, his or her service in the Authority for the relevant period of service shall, for the purposes of the Minutes on Pension, be deemed to be pensionable 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 public service on the ground of abolition of office at the end of the relevant period of service.

(c) or the purposes of this subsection “relevant period of service” means the period which a 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 the staff of the Authority.

(5) Notwithstanding the preceding provisions of this section and anything to the contrary in any other written law, where a public officer of the Department becomes an employee of the Authority under this section —

- (a) if such officer is eligible for a pension he shall not be paid such pension during the period of his employment with the Authority ;
- (b) if such officer is eligible for a gratuity under the provisions of section 2A (1) (i) of the Minutes on Pensions, such gratuity shall not be paid to him during the period of his employment with the Authority but shall be credited on the first day of his employment in the Authority or the date on which he becomes eligible to a pension, as the case may be, to his account, in a welfare and social security scheme established under paragraph (d) of subsection (2) of section 18 of this Act, and in the event of such amount not being credited to the account on such day or date interest on such amount at the rate of ten *per centum* per annum from the first day of the employment in the Authority or from the date on which he becomes eligible to a pension, as the case may be, to the date of crediting such amount in such account, shall be added to such amount when it is credited to such account ;

For the purpose of computation of the period “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 last date of his employment with the Authority; and

- (c) if such officer is eligible for the receipt of any sum of money under the Public Service Provident Fund Ordinance, such sum shall not be paid to him, but shall be credited to his account in an approved fund of the Authority.

(6) Notwithstanding the provisions of subsection (3) of this section, a person referred to therein in the event of becoming eligible to the payment of a pension, shall not be entitled to the payment of a gratuity under that subsection.

## PART VI

### OFFENCES AND PENALTIES

**21.** (1) Every person who wilfully removes, destroys or damages any property belonging to the Authority or hinders or prevents such property being used or operated in the manner in which it is intended to be used or operated, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding in Sri Lankan rupees the equivalent of ten thousand SDR or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

Damage to property of the Authority to be an offence.

(2) In any prosecution for an offence under subsection (1), the court may on application being made in that behalf by the Authority, in addition to the penalty referred to in subsection (1), order for the payment by the accused to the Authority such amount as may be determined in the order, as compensation for damages caused.



Hindering or obstructing an officer or servant to be an offence.

**22.** Every person who obstructs or hinders any officer or servant of the Authority acting in the discharge of his duties under the provisions of this Act or any regulations or rules made thereunder, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding the equivalent in Sri Lankan rupees of ten thousand SDR or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

Failure to furnish information.

**23.** Any person who fails to comply with a written request made under subsection (1) of section 32 or furnishes any false information or return shall be guilty of an offence under this Act, and shall on conviction be liable to a fine not exceeding the equivalent in Sri Lankan rupees of ten thousand SDR or to imprisonment not exceeding two months or to both such fine and imprisonment.

Recovering for damages done to property of the Authority.

**24.** (1) In every case where any damage is caused to any property of the Authority by any aircraft or by any person employed in or about an aircraft, the cost of making good the damage shall be recovered by the Authority from the owner, operator or the person in charge of the aircraft, either jointly or severally or jointly and severally.

(2) In the process of recovering damages as referred to in subsection (1), the Authority may, where necessary, detain such aircraft until the cost of making good the damage done has been paid to the Authority, or any security as determined by the Authority as being sufficient to cover the cost has been given for the amount due.

(3) The Authority may, where it considers appropriate, waive in whole or in part any of the charges or fees payable in respect of any aircraft, detained under subsection (2).

General penalty.

**25.** (1) Any person who contravenes or fails to comply with any provisions of this Act or any regulation or rule made thereunder shall be guilty of an offence under this Act.

(2) Any person guilty of an offence under subsection (1) for which no penalty is expressly provided for by this Act, shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding in Sri Lankan rupees the equivalent of ten thousand SDR or to imprisonment of either description for a term not exceeding two months or to both such fine and imprisonment.

**26.** The Authority may, having regard to the circumstances in which an offence was committed, compound any offence under this Act, for a sum not exceeding one third of the maximum fine imposable for such offence, and where any prosecution has been entered against any such offender, the Authority shall compound such offence at anytime before judgment is entered after having obtained the consent of court.

Compounding  
of offences.

**27.** Where an offence under this Act, or any regulations or rules made thereunder is committed by a body of persons, then —

Offences  
committed by a  
body of persons.

- (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 ; or
- (b) if that body is not a body corporate every person who at the time of the commission of the offence was the President, Manager, Secretary or other similar officer of that body,

shall be deemed to be guilty of that offence, unless he proves that such offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

**28.** No court shall take cognizance of any offence under this Act or any regulation or rules made thereunder, except with the sanction of the Attorney-General.

Attorney-  
General's sanction  
being required.

## PART VII

### GENERAL

Declaration of  
secrecy.

**29.** Every member of the Authority and all officers and servants of the Authority shall, before entering upon his duties, sign a declaration pledging to observe strict secrecy in respect of all matters connected with the affairs of the Authority, which has come to his knowledge in the performance or exercise of his duties and powers, and shall by such declaration pledge himself not to disclose any such matter, except—

- (a) when required to do so by a court of law ; or
- (b) for the purpose of exercising or discharging the powers and duties under this Act or any other written law.

Delegation of  
powers.

**30.** (1) The Authority may in writing and subject to such conditions as may be specified therein, delegate to any officer or servant of the Authority any of its powers, functions or duties under this Act or any regulation or rule made thereunder, and any such officer or servant shall exercise, perform or discharge such power, function or duty in the name and on behalf of the Authority.

(2) The Authority may, notwithstanding any delegation made under subsection (1), itself exercise, perform or discharge any power, function or duty so delegated and may at anytime revoke any such delegation.

Directions by the  
Minister.

**31.** (1) The Minister may give from time to time, to the Authority such general or special directions in writing as to the exercise, performance and discharge of its powers, functions and duties and it shall be the duty of the Authority to give effect to such directions.

(2) The Minister may from time to time, direct the Authority to furnish to him in such form as he may require, returns, accounts and any other information with respect to the work of the Authority, and it shall be the duty of the Authority to give effect to such directions.

**32.** (1) For the purpose of enabling the Authority to exercise, perform and discharge its powers, functions and duties under this Act, the Authority or any person authorized in that behalf by the Authority may by notice in writing, require any person to furnish to the Authority or to the person authorized, within such period as shall be specified in such notice, all such returns or information as shall be specified in such notice.

Returns and  
Information.

(2) It shall be the duty of any person who is required to furnish any return or information by a notice issued under subsection (1), to comply with such requirement within the time specified in such notice, except where such person is precluded from making such return or divulging such information under the provisions of any law.

(3) The Authority or any member thereof, the Director-General or any officer or servant of the Authority shall not disclose to any person or use any returns or information acquired under subsection (1), except when required to do so by a court of law or for the purpose of exercising, performing or discharging the powers, functions or duties under this Act, or any other written law.

**33.** The equivalent in Sri Lankan rupees of SDR for purpose of imposing a fine for an offence under Part VI of this Act, shall be made on the basis of the value of the rupee determined in terms of SDR, for the date proceeding the date of the commission of the offence in respect of which such fine is being imposed.

Equivalent of  
SDR in rupees.

**34.** All members of the Authority, the Director-General and the officers and servants of the Authority shall be deemed to be public servants within the meaning of and for the purposes of the Penal Code.

Members deemed  
to be public  
servants.

**35.** 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.

Authority deemed  
to be a Scheduled  
institution.

Acquisition of immovable property under the Land Acquisition Act.

**36.** (1) Where any immovable property is required to be acquired for any specific purpose of the Authority, and the Minister by Order published in the Gazette approves of the proposed acquisition for that purpose, that property shall for the purpose of the application of the Land Acquisition Act, be deemed to be required for a public purpose and may accordingly be acquired under that Act and be transferred to the Authority.

(2) Any sum payable for the acquisition of any immovable property under the Land Acquisition Act for the Authority, shall paid by the Authority.

State property, both movable and immovable to be made available to the Authority.

**37.** (1) Where any immovable property of the State is required for the purpose of the Authority, such purpose shall be deemed to be a purpose for which a special grant or lease of such property may be made under section 6 of the State Lands Ordinance, and accordingly, the provisions of that Ordinance shall apply to a special grant or lease of such property to the Authority.

(2) Where any movable property of the State is required for the purpose of the Authority, the Minister may, by Order published in the Gazette, transfer to and vest in the Authority the possession and use of such movable property.

Expenses in suit or prosecution to be paid out of the Fund.

**38.** (1) Any expense incurred by the Authority in any suit or prosecution brought by or against it before any court, shall be paid out of the Fund of the Authority and any costs paid to or recovered by the Authority in any such suit or prosecution shall be credited to the Fund of the Authority.

(2) Expense incurred by any member, the Director-General or any officer or servant of the Authority in any suit or prosecution brought against him or her before any court or tribunal in respect of any act which is done or purported to be done by him or her under the provisions of this Act or any other written law or on the direction of the Authority shall, if

the court hold that such act was done in good faith, be paid out of the Fund of the Authority, unless such expenses are recoverable by him or her in such suit or prosecution.

**39.** (1) The Minister may make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made. Regulations.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may in consultation with the Authority make regulations—

- (a) prescribing guidelines for determining the charges to be made in respect of the different services and facilities that are provided by the Authority ; and
- (b) in respect of any other matters that may become necessary in exercising, performing and discharging the powers, functions and duties of the Authority under section 7.

(3) Every regulations made by the Minister 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 by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any such regulation which is not so approved shall be deemed to be rescinded as from the date of its disapproval, but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the Gazette.

**40.** (1) The Authority may make rules in respect of all or any of the matters in respect of which rules are authorized or required by this Act to be made. Rules.

(2) No rule made by the Authority under subsection (1) shall have effect until it has been approved by the Minister, and notification of such approval is published in the Gazette.

Sinhala text to prevail in case of inconsistency.

**41.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Interpretation.

**42.** In this Act, unless the context otherwise requires –

“Act” means this Act and includes any regulations or rules made thereunder ;

“Aerodrome” means any land or water area intended to be used, whether wholly or partly for the landing and departure of aircrafts and all buildings, sheds, vessels, piers and other structures standing thereon or appertaining thereto ;

“Air Navigation Act” means the Air Navigation Act, (Chapter 365);

“Convention” means the Convention on International Civil Aviation signed in Chicago on December 7, 1944 ;

“SDR” means Special Drawing Right as defined by the International Monetary Fund ; and

“Standards” means Standards adopted by the Council of the International Civil Aviation Organization under Article 37 of the Convention and to which Sri Lanka has not filed a difference under Article 38 of the Convention and the Recommended Practices adopted by the Council of the International Civil Aviation Organization under Article 37 of the Convention which is duly implemented and enforced in Sri Lanka.

**43.** (1) Notwithstanding anything in any other written law to the contrary, the powers, duties and functions under the Air Navigation Act, being exercised, performed and discharged by the Director-General of Civil Aviation appointed under section 20 of that Act, shall, from and after the appointed date, and so long and so long only as such Air Navigation Act is in force, be exercised, performed and discharged by the Director-General of Civil Aviation appointed under section 11 of this Act, and the Director-General of Civil Aviation appointed under section 20 of the Air Navigation Act, shall, from and after such appointed date cease to exercise, perform and discharge those powers, duties and functions.

Director-General's powers, &c., under Air Navigation Act to be exercised by the Director-General appointed under section 11.

(2) From and after the appointed date, the provisions of section 21 of the Air Navigation Act which grants power to the Minister to delegate to the Director-General of Civil Aviation appointed under section 20 of that Act, any power, duty or function conferred or imposed upon or vested in the Minister by or under that Act, shall, so long and so long only as such Act is in force, be read and construed as power granted to the Director-General of Civil Aviation appointed under section 11 of this Act.

FIRST SCHEDULE

[Section 3 (5)]

PROVISIONS RELATING TO THE AUTHORITY AND ITS MEMBERS

1. A person shall be disqualified from being appointed as a member under section 3(1)(c) of this Act, (in this Schedule hereinafter referred to as an "appointed member") or continuing as an appointed member of the Authority—

- (a) if he is, or becomes a member of Parliament, any Provincial Council or any local authority ;
- (b) if he is not, or ceases to be a citizen of Sri Lanka ;
- (c) if he is under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind ;
- (d) if he is serving or has served, a sentence of imprisonment imposed by any court in Sri Lanka or any other country ; or



(e) if he has been declared a bankrupt under any law in force in Sri Lanka or in any other country and is an un-discharged bankrupt.

2. An appointed member of the Authority shall, unless he vacates office earlier by death, resignation or removal, hold office for a term of three years from the date of his appointment and unless he has been removed from office, be eligible for re appointment.

3. The Minister may, for reasons assigned, remove an appointed member of the Authority from office.

4. An appointed member of the Authority may at any time resign from his office by letter to that effect addressed to the Minister, and such resignation shall take effect upon it being accepted by the Minister in writing.

5. In the event of the vacation of office by death, resignation or removal of an appointed member of the Authority, the Minister may, having regard to the provisions of sections 3 (1) (c) and 3 (3) of this Act, appoint any other person to succeed such member. Any person so appointed in place of such appointed member shall hold office during the unexpired part of the term of office of the member whom he succeeds.

6. Where an appointed member of the Authority by reason of illness, infirmity or absence from Sri Lanka for a period not less than three months, is temporarily unable to perform his duties, it shall be the duty of such member to inform the Minister in writing of such inability. Thereupon, the Minister may having regard to the provisions of sections 3(1)(c) and 3(3) of this Act appoint some other person to act in his place during such period.

7. The members of the Authority may be paid such remuneration in respect of their attendance at meetings out of the Fund of the Authority as the Minister may, in consultation with the Minister in charge of the subject of Finance determine.

8. (1) The Chairman shall, on his own motion or at the request of the chief executive officer of the Authority, call for a meeting of the members.

(2) The Chairman of the Authority shall, if present, preside at every meeting of the Authority. In the absence of the Chairman, from any such meeting, the Vice Chairman, or in the absence of the Vice Chairman any other member nominated by the Chairman shall preside at such meeting.

(3) The quorum for any meeting of the Authority shall be four members.

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

(5) Subject to the provisions of this paragraph, the Authority may regulate the procedure in regard to the meetings of the Authority and the transaction of business at such meetings.

9. No act, decision or proceeding of the Authority shall be deemed to be invalid by reason only of the existence of any vacancy in the membership of the Authority or any defect in the appointment of any member thereof.

10. (1) The seal of the Authority may be determined and devised by the Authority and may be altered in such manner as may be determined by the Authority.

(2) The seal of the Authority shall be in the custody of such person as the Authority may decide from time to time.

(3) The seal of the Authority shall not be affixed to any instrument or document except with the sanction of the Authority and in the presence of two members of the Authority who shall sign the instrument or document in token of their presence.

(4) The Authority shall maintain a register of the instruments and documents to which the seal of the Authority has been affixed.

## SECOND SCHEDULE

[Section (9)]

### AERODROMES

1. Katunayake Airport
2. Ratmalana Airport
3. Palali Airport
4. Ampara Airport
5. Batticaloa Airport
6. Anuradapura Airport
7. Weerawila Airport
8. Puttalam Airport
9. Koggala Airport
10. Sigiriya Airport
11. Katukurunda Airport
12. Vavuniya Airport
13. Trincomalee Airport
14. Hingurakgoda Airport

## THIRD SCHEDULE

[Section 9]

1. The Civil Aviation Training Centre at Kandawala Road, Ratmalana, the buildings and structures thereon and the land appertaining thereto.

2. The Aeronautical Communication Transmission Station at Attidiya, Ratmalana, the buildings and structures thereon and the land appertaining thereto.

3. The Radio Navigational Aid for Bandaranaike International Airport located at Madampella, Gampaha, the buildings and structures thereon and the land appertaining thereto.

4. The Radio Navigation Aid for runway at Bandaranaike International Airport located at Kapungoda, Pamunugama in Gampaha, the buildings and structures thereon and the land appertaining thereto.

5. The Aeronautical Communication Receiving Station at Talangama, Battaramulla, the building and structures thereon and the land appertaining thereto.

6. The Radar Station located at Mount Pidurutalagala, the buildings and structures thereon and the land appertaining thereto.

7. The land at Pidurutalagala, in Nuwara Eliya District where the holiday bungalows for aviation staff have been constructed, including any structures thereon or appertaining thereto.

8. The block of land of 0.125 hectares in extent bearing parcel No. 976, which is situated in Anuradhapura New Town, No. 249 Stage II - Gramasevaka Division, of Nuwaragampalatha East Divisional Secretariat Division of Anuradhapura District.

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