

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

রবিবার, ফেব্রুয়ারি ৪, ২০১৮

Government of the People's Republic of Bangladesh
Ministry of Civil Aviation and Tourism

NOTIFICATION

Dated the : 16 Magh 1424 BE/29 January 2018 AD

S.R.O. No. 46-Law/2018.—In exercise of the powers conferred by section 49 of the Civil Aviation Act, 2017, the Government is pleased to publish the following English translation of the Act to be called the Authentic English Text of the Act, and it shall be effective from the date on which the Act comes into force under sub-section (3) of section 1 of the Act :

Act No. 18 of 2017

**An Act to repeal and re-enact the Civil Aviation Ordinance, 1960
updating the provisions thereof for the implementation of the
Convention on International Civil Aviation and for the
safety, security and control of civil aviation and the
matters ancillary thereto**

WHEREAS it is expedient and necessary to repeal and re-enact the Civil Aviation Ordinance, 1960 (Ordinance No. XXXII of 1960), updating the provisions thereof for the implementation of the Convention on International Civil Aviation and for the safety, security and control of civil aviation and the matters ancillary thereto;

(১২১৩)
মূল্য : টাকা ২৪.০০

THEREFORE, it is hereby enacted as follows :—

Chapter – I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Civil Aviation Act, 2017.

(2) It shall extend to the whole of Bangladesh, and applies to all civil aerodromes and airports, heliports, all citizens of Bangladesh, persons on board in any aircraft registered in Bangladesh, wherever it may be located, and to all persons on board in any aircraft located in Bangladesh :

Provided that nothing of this Act shall apply—

- (a) to any state aircraft, any aircraft engaged for state activities, any aerodrome or airport established for the use of defense forces, and to any person employed for any work in connection with the operation of such aircraft, aerodrome or airport including the works related thereto, unless the Government, by notification in the *official Gazette*, applies to any such aircraft, aerodrome, airport or person, with or without modification, any of the provisions of this Act; and
- (b) to any lighthouse to which the Lighthouse Act, 1927 (Act No. XVII of 1927) applies, or shall prejudice or impair the rights or powers of any authority under the said Act.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (1) “**operator**” means any person engaged in the operation of civil aviation;
- (2) “**landing area**” means the part of an aerodrome or airport wherein or from where an aircraft lands or takes off;
- (3) “**ICAO**” means the International Civil Aviation Organization;
- (4) “**air space violation**” means an act of entering willingly into the air space of Bangladesh, without permission of proper authority or approval of the chairman, except for safety and security of an aircraft;

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- (5) “**ancillary equipment**” or “**appliance**” means the equipment, apparatus, parts, appurtenance or accessories, whatever it may be called, which is used for navigation, operation and control of an aircraft including parachute and communication equipment and any other mechanism set up or attached with the aircraft while flying, but shall not include an aircraft or aircraft engine or propeller;
 - (6) “**international commercial air transport**” means transportation of passengers, goods or mails by air in consideration of hire or reward between two or more countries;
 - (7) “**aerial work**” means use of aircraft for doing any word of special nature related to agriculture, construction-work, photo shoot, survey, vigilance and patrol, search and rescue or aerial advertisement, etc.;
 - (8) “**airman**” means a person who—
 - (a) performs his duty as chief of operation of an aircraft or as a pilot or as an aeronautics engineer or as a mechanic or as a member of the crew, or is in charge of navigation of an aircraft while flying towards its destination;
 - (b) is in charge of inspection, maintenance, overhauling or repairing of any aircraft, aircraft engine, propeller or appliances; or
 - (c) performs duty as a flight operation officer;
 - (9) “**air operator**” means any person or organization which is, directly or indirectly, or by itself or by lease or under any other arrangement, engaged in commercial air transportation and operation;
 - (10) “**Air Navigation Order**” or “**ANO**” means an order issued under this Act for regulating aeronautical and non-aeronautical activities;
 - (11) “**air navigation facilities**” means the facilities used or designed to be used for air navigation, and any apparatus or equipment used for transmitting information regarding airport, landing area, light or weather, or for signaling, tracing radio signal, or for radio or other electro-magnetic communication, and shall also include any other structure or technique used to give direction for, or to control landing or take-off, of any flight or aircraft;

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- (12) “**Authority**” means the Civil Aviation Authority established under section 3 of the Civil Aviation Authority Act, 2017 (Act No. 3 of 2017);
- (13) “**crew member**” means any person who is, at the time of flight or while flying, assigned with any duty of an aircraft by any operator;
- (14) “**spare parts**” or “**parts**” means any component of aircraft, aircraft engine, propeller and appliance, which is maintained for using and fitting in any aircraft, aircraft engine, propeller and appliance but yet not fitted or used in it;
- (15) “**Chairman**” means the Chairman of the Authority;
- (16) “**general aviation**” means operating any general aircraft for any purpose other than commercial aviation or aerial work;
- (17) “**prescribed**” means prescribed by ANO;
- (18) “**navigable or aircraft flyable air space**” means the air space above the least flight altitude prescribed by rules, and also includes the air space which is required for ensuring safe landing and take-off of an aircraft;
- (19) “**acts of unlawful interference**” means any act which breaches protection and safety of civil aviation and shall also include the following acts, namely :—
- (a) unlawfully taking over command of an aircraft;
 - (b) committing damage to an aircraft;
 - (c) making anybody hostage in any aerodrome or in any aircraft;
 - (d) forcefully trespassing in any aircraft, airport or in any aeronautical establishment;
 - (e) using arms or dangerous machine of material in any aircraft or airport for terrorist activities;
 - (f) using any aircraft for the purpose of killing and causing grievous hurt to human body or damage to property and environment;
 - (g) providing false information for jeopardizing the safety of an aircraft, whether in flight or in land, its passengers and the persons engaged in crew service or the people staying in the airport or in any establishment of civil aviation;

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- (20) “**propeller**” includes spare parts of propeller and ancillary and supplementary equipments thereof;
 - (21) “**foreign air operator**” means any operator to whom air operator certificate is issued by any country for operating aircrafts in the territorial air space of any other country;
 - (22) “**rules**” means rules made under this Act;
 - (23) “**dangerous goods**” means any material or substance which may cause harm to, or is risky for, health, property or environment or may breach safety thereof, and which is included or classified in the list of dangerous goods set out in the technical instructions of ICAO;
 - (24) “**aircraft**” means any machine which can fly deriving support in the atmosphere from reactions of the air, not against the surface, and shall also include balloons, whether captive or free, airship, kites, drone, gliders and flying machines;
 - (25) “**aircraft engine**” means an engine which is used to operate an aircraft of desired to use for operating an aircraft and shall also include all spare parts of an aircraft, except propeller, and ancillary and supplementary equipments thereof;
 - (26) “**aerodrome**” means any specified area of land or water used, either wholly or in part, for landing or arrival, take-off or departure and surface movement of aircraft, and shall also include any building, establishment and machines thereon or appertaining thereto;
 - (27) “**aircraft hijack**” means to detain or take over or attempts to detain or take over any aircraft with bad intention by using force and through terrorist activity or any kind of intimidation;
 - (28) “**air transport services**” means any service provided for the purpose of transporting passengers, goods, mails and other things by air;
 - (29) “**airport**” means an aerodrome at which sufficient facilities have been developed considering the importance of civil aviation;

- (30) “**aircraft navigation**” includes aircraft piloting or operating;
- (31) “**civil aircraft**” means any aircraft other than state aircraft ;
- (32) “**civil aviation**” means any general or commercial aviation, or operation of any civil aircraft for the purpose of any aerial work ;
- (33) “**commercial air transport**” means transportation of passengers, goods or mails, or conducting any other activities by an aircraft in consideration of hire or reward ;
- (34) “**person**” includes any firm, partnership business, corporation, company, association, society, joint-stock company, organization and trustee and the representatives thereof ;
- (35) “**state aircraft**” means the aircraft used for the disciplined force, customs and the Government of Bangladesh ;
- (36) “**Chicago Convention**” means the Convention on International Civil Aviation, 1944 ;
- (37) “**Annexes to Chicago Convention**” means the instruments issued by ICAO containing standard and recommendations applicable to civil aviation ;
- (38) “**certificate**”, “**licence**” or “**Permit**” means a certificate, licence or permit issued under this Act by the Chairman ;
- (39) “**service Provider**” means any institution which provides aviation service ;
- (40) “**screening**” means use of any machine or machine-like-thing which can detect or find arms, explosives or tools, materials or things ; and
- (41) “**heliport**” means an aerodrome or a specific area made on any structure used or intended to be used, either wholly or in part, for affording facilities for landing, take off and movement on land of any helicopter.

Chapter II

Certificate, Licence, Permit, etc.

3. Licence and certificate for airport or aerodrome.—(1) No airport or aerodrome shall be operated without a licence and a certificate, as the case may be.

(2) For obtaining a licence and a certificate, as the case may be, for airport or aerodrome, an application shall have to be made to the Chairman in such manner and subject to such conditions as may be prescribed.

(3) Upon receipt of an application under sub-section (2), if the Chairman is satisfied that the relevant airport or aerodrome has met the prescribed conditions, he shall issue a licence and a certificate, as the case may be, to it.

4. Registration of civil aircraft.—(1) No civil aircraft shall be allowed to be operated in Bangladesh unless it is registered under this Act.

(2) For registration of any civil aircraft, an application shall have to be made to the Chairman in such manner and subject to such conditions as may be prescribed.

(3) Upon receipt of an application under sub-section (2), if the Chairman is satisfied that the prescribed conditions, have been met, he shall register the aircraft and issue a registration certificate to it.

(4) If any civil aircraft is registered under this Act, it shall be recognized as a Bangladeshi aircraft.

(5) The provisions of this section shall not apply to an aircraft which is registered under the law of any foreign country.

5. Airman licence and certificate.—(1) No person shall act as an airman without a licence and a certificate, as the case may be.

(2) For obtaining an airman licence and an airman certificate, as the case may be, an application shall have to be made to the Chairman in such manner and subject to such conditions as may be prescribed.

(3) Upon receipt of an application under sub-section (2), if the Chairman is satisfied that the applicant has met the prescribed conditions, he shall issue the airman licence and the airman certificate, as the case may be, to the applicant.

(4) If any foreign national makes any application, in such manner and subject to such conditions as may be prescribed, to the Chairman for an airman licence and an airman certificate, as the case may be, the Chairman shall issue an airman licence and an airman certificate, as the case may be, to the foreign national stipulating such restrictions as he may think fit.

6. Airworthiness certificate.—(1) No registered civil aircraft shall be operated in Bangladesh without an airworthiness certificate.

(2) For obtaining an airworthiness certificate, an application shall have to be made to the Chairman in such manner and subject to such conditions as may be prescribed.

(3) Upon receipt of an application under sub-section (2), if the Chairman is satisfied that the relevant aircraft has met the prescribed conditions, he shall issue the airworthiness certificate to it.

7. Air operator certificate.—(1) No person shall operate a commercial aircraft without obtaining an air operator certificate.

(2) For obtaining an air operator certificate, an application shall have to be made to the Chairman in such manner and subject to such conditions as may be prescribed.

(3) Upon receipt of an application under sub-section (2), if the Chairman is satisfied that the applicant has met the prescribed conditions, he shall issue an air operator certificate to the applicant.

8. Certificate for training organization or aircraft maintenance organization.—(1) No training organization or aircraft maintenance organization related to civil aviation shall be run without obtaining a certificate.

(2) For obtaining a certificate for a training institute or an aircraft maintenance organization related to civil aviation, an application shall be made to the Chairman in such manner and subject to such conditions as may be prescribed.

(3) Upon receipt of an application under sub-section (2), if the Chairman is satisfied that the relevant training organization or aircraft maintenance organization has met the prescribed conditions, he shall issue a certificate to it.

(4) The Chairman shall cause, in a prescribed manner, to give rating to the training organizations or aircraft maintenance organizations related to civil aviation.

9. Permit for a foreign air operator for commercial air transport.—(1) Without a permit, no foreign air operator shall provide any commercial air transport services in Bangladesh :

Provided that in case of operation of any scheduled flight by any foreign air operator in Bangladesh, it requires to have an agreement on air service between the respective country and Bangladesh.

(2) For obtaining a permit, the foreign operator shall have to make an application to the Chairman in such manner as may be prescribed.

(3) Upon receipt of application under sub-section (2), if the Chairman is satisfied that the relevant foreign air operator has met the prescribed conditions, he shall issue a permit to it.

(4) If a foreign air operator desires to provide commercial air transport services in Bangladesh, it shall require to appoint, as its sole sales agent, an entity which is registered in Bangladesh and hundred percent ownership thereof is owned by a Bangladeshi citizen.

(5) Notwithstanding anything contained in any other law for the time being in force, if any dispute arises between any foreign air operator and its sole sales agent, the air transport service provided by such foreign air operator shall not be stopped, during such dispute, and the foreign air operator may, if necessary, temporarily appoint a new sales agent, subject to compliance of the provision of sub-section (4).

10. Manner of making applications for certificate, licence or permit and issuance thereof.—The manner, terms and conditions and fees for making applications for a licence, certificate, registration certificate or permit under this Act and their issuance, and the matters related to expiry and renewal thereof shall be prescribed by ANO issued in accordance with the relevant Annexes to the Chicago Convention and with other applicable international norms and practices:

Provided that for determining fees, prior approval from the Government shall have to be taken.

11. Suspension, cancelation, etc. of licence, certificate or permit.—(1) Subject to other provisions of this section, if any licensee, or the certificate or permit holder violates any provision of this Act, rules or ANO or any condition of such licence, certificate, registration certificate or permit, the Chairman may—

(a) suspend, revoke or cancel the relevant licence, certificate, registration certificate or permit, or impose restrictions, in such manner as may be prescribed, on the licensee, or on the certificate or permit holder; and

(b) impose fine which may extend to 50 (fifty) lac taka or lodge a case under section 24 of this Act.

(2) Without showing cause and giving the licensee or the certificate or permit holder an opportunity of being heard, no licence, certificate or permit shall be suspended, revoked or canceled, or no restriction on the licensee or the certificate or permit holder be imposed under sub-section (1):

Provided that if the Chairman is satisfied that the violation of condition of a licence, certificate or permit is of such nature that it is likely to cause death to a person on board or ground, then he may, without showing cause, suspend, revoke or cancel the relevant licence, certificate or permit, or impose restrictions on the licensee or the certificate or permit holder.

(3) If any licensee or the certificate or permit holder is aggrieved by an order made under sub-section(1), he may make a review petition to the Chairman within 30 (thirty) days from the date of such order.

(4) If a licensee or certificate or permit holder is aggrieved by an order made by the Chairman under sub-section (3), he may prefer an appeal to the Government within 30 (thirty) days from the date of such order and in such case, the decision of the Government shall be final.

(5) Where a licensee, or the certificate or permit holder does not pay the fine imposed under sub-section (1), such fine may be realized as public demand under the Public Demands Recovery Act, 1913 (Act No. III of 1913).

(6) The fine realized under this section shall be credited to Government Treasury.

12. Acceptability of the license, certificate or permit issued by the member states to Chicago Convention.—The Chairman may, in accordance with the prescribed manner, accept any license, certificate or permit issued by any member state to the Chicago Convention :

Provided that the concerned state shall have to be a complier of the Chicago Convention.

Chapter III

Safety and Security

13. General power of the Chairman.—(1) For the purposes of giving effect to the provisions of this Act and for promoting safety and security of civil aviation, the Chairman may exercise such powers and discharge such duties as he may think fit in exercising powers and discharging duties conferred upon him.

(2) If it appears to the Chairman, sue moto or on the basis of a complaint, that urgent measures need to be taken for safety and security of civil aviation, he may, on reasons to be recorded, issue such orders or instructions as he may think appropriate.

14. Issuance of ANO, order, etc. to promote safety and security of civil aviation.—(1) The Chairman may, in accordance with the annexes to the Chicago Convention and applicable international norms and practices, issue and amend any ANO, order and instruction to promote safety and security of civil aviation.

(2) Without prejudice to the generality of sub-section (1), ANO may include one or more of the following matters, namely :—

- (a) determination of standard to promote safety and security of civil aviation;
- (b) determination of inspection and oversight procedure, and facilities provided thereto for promoting safety and security of civil aviation;
- (c) ensuring security of an aerodrome and landing area including the vicinity thereof, and other establishments related to civil aviation;
- (d) provisions related to search, within airport, all persons concerned including flight passengers and their luggage for controlling unlawful act leading to create obstacles, and to detect arms, explosives and other devices and, if necessary, to screen all postal parcels, express or courier, and compliance thereof;
- (e) necessary provisions for giving protection from aircraft hijacking, aircraft robbery or terrorist activities;
- (f) determination of code of conduct for air operators and their agents and staffs to search anybody for ensuring safety of the passengers and property in domestic and international commercial air transport;
- (g) provisions for issuance of logbook and maintenance thereof;
- (h) determination of conditions for aviation, over Bangladesh, or from one place to another place in Bangladesh;
- (i) provisions for removing obstacles form aerodrome of airport;
- (j) provisions for the following matters related to air traffic, namely :—
 - (i) traffic control in air and airport;
 - (ii) control of flight;

- (iii) safety and identification of air navigation facilities and aircraft navigation;
- (iv) safety of relevant persons and property on ground; and
- (v) safe height of flight including effective use of permissible air space for flight and prevention of collision between aircraft to aircraft, or aircraft to land-vehicle, or aircraft to water-vehicle or aircraft to other things and flying objects; and
- (k) any other matter related to safety and security.

15. Transportation of dangerous goods by air.—In case of safe transportation of dangerous goods by aircraft, the Chairman shall ensure the compliance of the Annexes to the Chicago Convention related to dangerous goods and the technical instructions of ICAO.

16. Agreement of safety oversight.—The Chairman may, in accordance with article 83 bis of the Chicago Convention, enter into an agreement with a civil aviation authority of any other country on any matter relating to safety oversight on civil aviation :

Provided that no such agreement shall be made with a country which has failed to comply with the international obligations on safety oversight on civil aviation.

Chapter IV

Inspection and Detention

17. Inspection, etc.—(1) The Chairman or any Inspector authorized by him may make inspection on the following matters and examine relevant records and instruments, and at the time of such inspection and examination, may interrogate any person concerned therewith, namely :—

- (a) as to whether a civil aircraft operated in Bangladesh by an air operator is airworthy;
- (b) as to whether the facilities provided by any operator of service provider and installations and activities thereof are being operated in accordance with the provisions of this Act, rules, ANO and applicable Annexes to the Chicago Convention;

- (c) as to whether the operation of an aircraft registered in Bangladesh is being operated in accordance with the provisions of this Act, rules, ANO and applicable Annexes to the Chicago Convention;
- (d) as to whether a foreign aircraft in the territory of Bangladesh is being operated in accordance with the provisions of this Act, rules ANO and applicable Annexes to the Chicago Convention; and
- (e) as to whether the aircraft, aircraft engine, propeller or appliance used or intended to be used by an operator is suitable for being used safely or is being maintained in safe condition.

(2) No person shall restrict, or limit the access anywhere, to perform the functions at the time of inspection and examination of records and instruments under sub-section (1).

(3) Upon an inspection or examination under sub-section (1), if it appears to the Chairman or the authorized inspector that—

- (a) an operator or service provider is not operated in accordance with this Act, rules or ANO, or applicable Annexes to the Chicago Convention, he shall issue directions to such operator or service provider to conduct its activities maintaining minimum standard set out in applicable norms and practices; or
- (b) the aircraft, aircraft engine, propeller or appliance used or intended to be used in civil aviation by an operator is not suitable for being used safely or is not being maintained in safe condition, he shall issue directions to use such aircraft, aircraft engine, propeller or appliance :

provided that if such aircraft, aircraft engine, propeller or appliance is repairable, it may be used again after necessary repairing with prior approval of the Chairman.

18. To prevent flight and detain aircraft.—(1) The Chairman may give direction to an operator or airman not to operate any flight on any of the following grounds, namely :—

- (a) the aircraft is not airworthy;
- (b) the airman is not physically and mentally fit for flight; or
- (c) a severe risk is detected in the aircraft for safety and security.

(2) The Chairman or any authority approved by the Government may detain any aircraft on any of the following grounds, namely :—

- (a) it is presumed, considering the nature of the expected flight, that the flight is dangerous for the passengers on board or for any person or property on ground; or
- (b) such detention is necessary for ensuring compliance of this Act, rules or ANO.

Chapter V

Investigation of Aircraft Accident, salvage of aircraft wreckage

19. Investigation of aircraft accident and serious incident.—(1) The Government may, in accordance with annex-13 to the Chicago convention, form a committee for proper investigation of an accident and serious incident arising out of the following aircrafts, namely :—

- (a) in or over Bangladesh, any aircraft;
- (b) anywhere out of Bangladesh, any aircraft registered in Bangladesh, or operated by Bangladeshi operator, or manufactured or designed in Bangladesh.

(2) For the purposes of sub-section (1), the Government may, by a notification in the official Gazette, make rules.

20. Salvage of aircraft wreckage.—The provisions of the laws in force as well as the Bangladesh merchant Shipping Ordinance, 1983 (Ordinance No. XXVI of 1983) shall, with necessary adaptation, be applicable to the salvage of aircraft wreckage laid on or over sea or in tidal waters, or on or over the shores of the sea or tidal waters.

Chapter VI

Protection of Public Health and Special Powers of Government in times of War or Emergency

21. Protection of Public Health.—For the protection of public health, the Government may, by notification in the official Gazette, make rules to prevent any infectious or contagious diseases to be introduced or spread, or likely to be introduced or spread from any aircraft arriving, or being at, or leaving any aerodrome or airport.

22. Emergency measures for protecting public Health.—(1)

Notwithstanding the provision of section 21, if the Government is satisfied that Bangladesh or any part thereof is threatened with an outbreak of any dangerous epidemic disease, and there is an apprehension of affection or introduction or spread of such disease by an aircraft, the Government may take any kind of emergency measures for the protection of public health.

(2) for the purposes of sub-section (1), the Government may issue any order, direction or circular for taking emergency measures.

(3) The order, direction or circular issued under sub-section (2) shall have effect for 3 (three) months from the date of notification:

Provided that the Government may, if necessary, extend the time for a further period not exceeding 3 (three) months.

23. Special power of Government in times of war or emergency.—(1)

Notwithstanding anything contained in any other provision of this Act, in the event of war or any other emergency, or in the interest of public safety or tranquility, the Government may, by notification in the official gazette, issue any of the following orders, namely :—

- (a) to cancel or suspend, subject to such conditions and time-limit as may be specified in the notification, any certificate, registration certificate, licence or permit issued under this Act, rules or ANO;
- (b) to prohibit or regulate, subject to such conditions as may be specified in the notification, the flight of any aircraft in or over Bangladesh;
- (c) to prohibit or regulate, subject to such conditions as may be specified in the notification, the activities or conducts of any aerodrome or airport, aircraft training organization or aircraft maintenance organization; or
- (d) to direct that any aerodrome or airport, aircraft training organization or aircraft maintenance organization, or place where aircrafts are manufactured, repaired or kept, together with any machinery, plant, material or things used for the operation, manufacture, repair or maintenance of aircraft shall be delivered to the Authority in such manner and within such time-limit as may be specified in the notification, for being placed at the disposal of the Government.

(2) If any aerodrome or airport, aircraft training organization or aircraft maintenance organization suffers loss by reason of any order made under clause (c) of sub-section (1), it shall be provided with compensation.

(3) The aerodrome or airport, aircraft training organization or aircraft maintenance organization suffered loss by reason of any order made under clause (d) of sub-section (1) shall be entitled to such compensation as may be determined through mutual understanding with the Authority.

(4) Where it is not possible to determine compensation through mutual understanding under sub-section (3), the Government shall, in this behalf, appoint as arbitrator a person qualified for appointment as Judge of the Supreme court, and the Government may, if necessary, nominate a person, having expert knowledge as to the nature of the loss, to assist the arbitrator.

(5) If any expert is nominated by the Government under sub-section (4), the person suffered loss may nominate a person to represent him.

(6) The procedure of arbitration and the honorarium of the arbitrator or the expert shall be determined by the Government.

(7) An appeal shall lie to the High Court Division against the award of the arbitrator.

(8) Nothing in any law for the time being in force shall apply to the arbitrations under this section.

Chapter VII

Offence and Punishment

24. Punishment for violation of this Act, rules, ANO, etc.—If any person violates any provision of this Act, or rules or ANO made or issued there under or any condition of a certificate, registration certificate, licence or permit issued under this Act, it shall be an offence, and therefore, he shall be punished with rigorous imprisonment for a term which may extend to 5 (five) years, or with fine which may extend to Taka 1 (one) crore, or with both.

25. Punishment for forgery of any certificate, licence or permit.—If any person forges or tampers, or attempts to forge or tamper any certificate, registration certificate, licence or permit, it shall be an offence, and therefore, he shall be punished with rigorous imprisonment for a term which may extend to 5 (five) years, or with fine which may extend to Taka 1 (one) crore, or with both.

26. Punishment for interfering aircraft navigation.—If any person—

- (a) removes or destroys any real light or signal of aircraft navigation, or interferes the operation or activities thereof, or attempts to do so;
- (b) uses any light, signal or communication in aircraft navigation that seems to be similar or resembles to the real light or signal established for aircraft navigation under this Act, rules or ANO; or
- (c) continues to use the light or signal that is similar or resembles to the real light or signal established for aircraft navigation under this Act, rules or ANO, despite receiving warning or notice from the Chairman,

then it shall be an offence, and therefore, he shall be punished with imprisonment for a term which may extend to imprisonment for life, or with fine which may extend to Taka 5 (five) crore, or with both.

27. Punishment for non-maintenance of records, submission of false report, etc. by an air operator.—If any air operator intentionally—

- (a) fails to submit, or refuses to submit, a report required to be submitted under this Act, rules or ANO or submits a false report thereof;
- (b) fails to maintain, or refuses to maintain, any accounts, records or memorandum properly in such manner as may be determined or approved by the Chairman; or
- (c) forges or tampers any report, accounts, records or memorandum,

then it shall be an offence, and therefore, the aforesaid air operator shall be punished with rigorous imprisonment for a term which may extend to 3(three) years, or with fine which may extend to Taka 50 (fifty) lac, or with both.

28. Punishment for not placing records or refusing to provide information.—If any person refuses to place any record or document retained in his custody that are necessary under this Act, rules or ANO for an obligatory matter or in the interest of investigation, or refuses to provide any information related to such record or document, it shall be an offence, and therefore, he shall be punished with imprisonment for a term which may extend to 1(one) year, or with fine which may extend to Taka 10(ten) lac, or with both.

29. Punishment for interfering in aviation.—If any person intentionally or recklessly does any act that creates a trouble in smooth flight operation and thereby life of a person faces risk, it shall be an offence, and therefore, he shall be punished with death, or with imprisonment for life, and with fine which may extend to Taka 5 (five) crore.

30. Punishment for taking away parts, etc. from an aircraft to which any accident has occurred.—If any person intentionally, or without permission of the authority, takes away any parts of an aircraft to which any accident has occurred or conceals or removes any property or luggage therefrom, or refuses to give such parts or property or luggage back, it shall be an offence, and therefore, he shall be punished with rigorous imprisonment for a term which may extend to 7 (seven) years, and with fine amounting twice the value of the parts taken away.

31. Punishment for transporting dangerous goods on or by aircraft.— If any person intentionally, without following the prescribed conditions, transports or attempts to transport any dangerous goods on or by an aircraft, it shall be an offence, and therefore, he shall be punished with rigorous imprisonment for a term which may extend to 7 (seven) years, or with fine which may extend to Taka 50 (fifty) lac, or with both.

32. Punishment for violation of the air space of Bangladesh.— If any person intentionally violates the air space of Bangladesh, it shall be an offence, and therefore, he shall be punished with rigorous imprisonment for a term which may extend to 7 (seven) years, but not less than 3 (three) years, or with fine which may extend to Taka 50 (fifty) lac, or with both.

33. Punishment for flying aircraft in a dangerous manner.—If a pilot or a person in charge of an aircraft intentionally causes an aircraft to fly in a manner that may cause unnecessary danger to any person or property on ground or water, and if he fails to prove that the aircraft was so flown without his actual fault or failure, it shall be an offence, and therefore, he shall be punished with imprisonment for a term which may extend to imprisonment for life, and with fine which may extend to Taka 5 (five) crore.

34. Forfeiture of aircraft, article, etc. involved in offence.—An order may be issued to the effect that the aircraft, article or substance, as the case may be, in respect of which the offence has been committed under this Act, shall be forfeited to the Government.

35. Punishment for abetting an offence.—If any person abets the commission of an offence under this Act, or conspires or instigates any one to commit the offence and if the offence is committed in consequence of such abetment, conspiracy or instigation, it shall be an offence, and therefore, the abettor, conspirator or instigator shall be liable to the punishment provided for the offence.

36. Bar to certain suits.—No suit shall be filed in any court in respect of trespass or in respect of nuisance by reason only of the flight or aircraft over any property at a height above the ground which having regard to weather and all other circumstances of the case is reasonable, or by reason only of the ordinary incidents of such flight.

37. Application of Code of Criminal Procedure.—The Code of Criminal procedure, 1898 (Act No. V of 1898) shall apply to the investigation, trial, appeal and other related matters of an offence under this Act.

38. Offences done by a company or organization.—(1) If any offence committed by a company or organization under this Act, the offence shall be deemed to have been committed by the owner, director, executive officer, manager, secretary, any other officer or employee of the said company or organization, who are directly involved in the offence, unless he can prove that the offence has been committed without his knowledge and he tried his best to prevent the commission of such offence.

(2) If the company or the organization mentioned in sub-section (1) is a legal entity, the company or organization may, besides the person mentioned in the said sub-section, be separately accused and convicted in the same proceeding, but only fine can be imposed upon it according to the relevant provisions.

Explanation : For the purpose of this section, the word “company” or “organization” includes any company or organization, institution, partnership business, society or association of persons, whether incorporated or registered, and shall also include any government institution or autonomous body or any company or organization owned by Government in full or partly.

Chapter VIII

Miscellaneous

39. National recording system.—(1) There shall be a national recording system to record the information about the documents determining the title or interest of any aircraft registered in Bangladesh and any aircraft engine, propeller, appliance or parts intended to be used therein, and if the information of any document is not recorded in such system, it shall not be valid.

(2) The documents which shall have to be included in the national recording system and the manner in which such documents are to be included shall be determined by ANO.

40. Delegation of powers.—(1) The Chairman may, if necessary, delegate in writing any of his powers to any member, officer, inspector or unit of the Authority.

(2) The Chairman may, if necessary, delegate any of his powers to any person having experience in relevant field :

Provided that such powers shall not be delegated to a person for any work in which he has interest.

41. Responsibility of the operator and service provider.—Every operator and service provider shall conduct their activities in accordance with this Act, rules, ANOs, instructions and orders, and shall make or cause to make regular inspection, maintenance and repair of all the infrastructures and equipments which are used for civil aviation.

42. Notifying the ICAO of the differences between the standard of the Chicago Convention and ANO.—In the case of issuing any ANO under this Act, if it is not possible to be complied with the standard of the related Annex to the Chicago Convention in full, the Chairman shall notify of the differences to the ICAO in such manner as may be prescribed by it.

43. Use of patent.—The provisions of section 42 of the Patents and Designs Act, 1911 (Act No. II of 1911) shall, with necessary adaptation, be applicable to the use of an invention on any aircraft not registered in Bangladesh for navigation in Bangladesh.

44. Exemptions, etc.—(1) The Government may, for public interest, by notification in the official Gazette, exempt any aircraft or class of aircrafts and any person or class of persons from all or any of the provisions of this Act or rules, subject to such conditions as may be specified in the notification.

(2) The Chairman may, for public interest, by notification, exempt any aircraft or class of aircrafts and any person or class of persons from compliance of all or any of the conditions of ANO.

45. Power to make rules.—(1) For the purposes of this Act, the Government may by a notification in the official Gazette, make rules.

(2) Without prejudice the generality of sub-section (1), the Government may make rules on the following matters, namely :—

- (a) matters related to implementation of the Convention on International Civil Aviation, 1944, the Convention on International Recognition of Rights in Aircraft, 1948, the Convention on Damage caused by Foreign Aircraft to Third Parties on the Surface, 1952, and any memorandum of understanding, agreement or convention between Bangladesh and any other country or any decision taken by any international body related to civil aviation;
- (b) regulation of air transport services and commercial flight;
- (c) determination of conditions under which aerodromes, airports or heliports need to be maintained, controlled and used;
- (d) regulation of the conduct of a person at aerodromes, airports or heliports or in the vicinity thereof;
- (e) determination of institutions which may draw sketch of, and manufacture aircrafts and marking of aircraft;
- (f) hire, charter, lease, hypothecation or mortgage of aircraft and control of the manufacture, sale and import-export of any kind of class of aircrafts;
- (g) determination of the conditions under which aircraft may carry passengers, goods, mails and other things, or aircraft tickets may be sold, or aircrafts may be used for general aviation, aerial work and industrial purposes;
- (h) determination of the aerodromes or airports to or from which, aircraft may enter into or leave Bangladesh;
- (i) prevention of air space violation and the prohibition of flight by an aircraft over any specified area;
- (j) supply, supervision and control of air-route beacons, or lights of aerodrome, airport or heliport, and lights at or in the neighborhood of aerodromes or airports and on or in the neighborhood of air-routes;
- (k) formulation of uniform standards in respect of obstruction clearances for areas adjoining the landing area at any aerodrome, airport or heliport and removal of risky light, radio, electrical material and smoke creating material from its vicinity;

- (l) manner of taking approval from the appropriate authority by the occupier of the land in building up new infrastructure on or under or outside of the obstructions limitation surfaces, and provisions for necessary measures to be taken for disposal of disputes arising out between such land users and the Authority;
- (m) installation and maintenance of lights on private property in the neighborhood of aerodromes, airports or heliports and on or in the neighborhood of air-routes, by the owners or occupiers of such property, and determination of the amount to be paid by the Government for such installation and maintenance, and supervision and control of such installation and maintenance, including the right of access to the property for such purpose;
- (n) regulation and making of signals and communications by or to aircraft, and by or to persons carried therein;
- (o) prohibition or regulation of carriage in an aircraft of any arms or ammunitions or any other specified firearms, article or substance which may create hazard to civil aviation;
- (p) supply of meteorological information;
- (q) rules of using flag or banner in respect of civil aviation in air route;
- (r) formulation of work plan for reduction of carbon emitted from aircrafts;
- (s) protection of consumers' right in case of civil aviation, and provision for providing assistance to the victims of air accident and to their family;
- (t) security against acts of unlawful interference for creating obstacles in civil aviation; and
- (u) any other provision necessary for safety and security of aircraft.

46. Rules come to have effect.—The rules made under this Act shall have effect after the expiry of 21 (twenty one) days from the date of publication in the official Gazette :

Provided that in the case of the rules made under sections 21, 22 and 23, this provision shall not be applicable.

47. Power to issue ANO.—Notwithstanding anything contained in any other law for the time being in force, for the purposes of this Act, the Chairman may, by notification in the official Gazette, issue any ANO in English, subject to being consistent with this Act and rules.

48. Repeal and savings.—(1) As soon as may be after the commencement of this Act, the Civil Aviation Ordinance, 1960 (Ordinance No. XXXII of 1960) shall stand repealed.

(2) Despite such repeal under sub-section (1),—

- (a) any act done, measures taken, rules made, any order, ANO, circular, or notice issued, certificate, licence or permit given or any agreement entered into or document signed under the said Ordinance shall be deemed to have done, taken, entered, issued, given, made or signed under this Act;
- (b) any proceeding, going on or pending, shall, in so far as possible, be disposed of under this Act; and
- (c) any suit and other legal proceedings instituted before any court shall, if pending, be disposed of in such way as if the said Ordinance had not been repealed.

49. Publication of Authentic English Text.—(1) After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an Authentic English Text of the Bangla Text of this Act.

(2) In the event of conflict between the Bangla Text and the English Text, the Bangla Text shall prevail.

By order of the President

Md. Mofizul Islam Patwary
Deputy Secretary.

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