

ACT

THE CIVIL AVIATION ACT, 2017

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PART I—PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires—

"accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which—

- (a) a person is fatally or seriously injured as a result of -
 - (i) being in the aircraft,
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - (iii) direct exposure to jet blast, except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or
- (b) the aircraft sustains damage or structural failure which—
 - (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and

- (ii) would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennae, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

- (c) the aircraft is missing or is completely inaccessible;

"aerial work" means an aircraft operation in which an aircraft is used for specialised services including agriculture, construction, photography, surveying, observation and patrol, search and rescue, or aerial advertisement;

"aerodrome" or "airport" means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircrafts;

"Aeronautical Information Circular" means the Aeronautical Information Circular including amendment published by the Aeronautical Information Publication;

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface. The term "aircraft," when used in this Act or in regulations issued under this Act, shall refer to civil aircraft only, and will not include state or public aircraft;

"aircraft engine" means any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers;

"aircraft piracy" means any actual or attempted seizure or exercise of control, by force or violence, or by any other form of intimidation, with wrongful intent, of an aircraft;

"airman" means any individual -

- (a) who engages, as the person in command or as pilot, mechanic, or member of the crew, or who navigates an aircraft while the aircraft is underway;
- (b) in charge of the inspection, maintenance, overhauling, or repair of aircraft, and any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances; or
- (c) who serves in the capacity of flight operations officer;

"air navigation facility" means any facility used in, available for use in, or designed for use in aid of air navigation, including airports, landing areas, lights, any apparatus or equipment for disseminating weather information, for signalling, for radio directional finding, or for radio or other electromagnetic communication and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft;

"air navigation services" includes -

- (a) communication services, whether ground-to-air or ground-to-ground, provided for the safety and regularity of aircraft;
- (b) navigation services; that is to say, electronic, visual or other aids to navigation;
- (c) air traffic services provided for the safety of aircraft;
- (d) meteorological services provided for the safety and regularity of aircraft; and
- (e) rescue and firefighting services provided for the safety of aircraft;

"Air Operator" means a person, organization or enterprise engaged in or offering to engage in an aircraft operation, whether directly or indirectly or by a lease or any other arrangement;

"Air Operator Certificate" means a certificate authorizing an operator to carry out specified commercial air transport operations;

"airport charges" means charges payable to an aerodrome authority for the use, or for services provided at an aerodrome;

"Annexes to the Chicago Convention" means the documents issued by the International Civil Aviation Organization containing the Standards and Recommended Practices applicable to civil aviation;

"appliances" means any instruments, equipment, apparatus, parts, appurtenances, or accessories, of

whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes, communication equipment and any other mechanism installed in or attached to aircraft during flight), and which are not part of an aircraft, aircraft engine, or propeller;

"approved maintenance organization" means an organization approved by a Contracting State, in accordance with the requirements of Part I of Chapter 8 - Aeroplane Maintenance of Annex 6 of the Chicago Convention, to perform maintenance of aircraft or parts thereof and operating under supervision approved by that State;

"Approved Training Organisation" means an organization approved by and operating under the supervision of a contracting state in accordance with the requirements of annex 1 to perform approved training;

"Attorney-General" means the Attorney General and Minister of Justice;

"authorised officer or person" means a person authorised by the Authority either generally or in relation to a particular case, or the holder for the time being of any office designated as such by the Authority;

"Authority" means the Sierra Leone Civil Aviation Authority continued in existence by section 3;

"Board" means the Board of Directors of the Authority established by section 4;

"cargo" means any property carried on an aircraft, other than mail, stores and accompanied or mishandled baggage;

"Chairman" means the Chairman of the Board;

"Chicago Convention" means the Convention on International Civil Aviation concluded in Chicago, U.S.A. on the 7th December in 1944, and came into effect in 1947. The Articles of the Chicago Convention govern the actions of the contracting States in matters of international civil aviation safety directly and through the Annexes to the Convention, which set forth International Civil Aviation Organisation Standards and Recommended Practices;

"citizen of Sierra Leone" means -

- (a) an individual who is a citizen of Sierra Leone;
- (b) a partnership of which each member is a citizen of Sierra Leone; or
- (c) a corporation or association registered under the laws of Sierra Leone;

"civil aircraft" means an aircraft, other than a State or public aircraft;

"civil aviation" means the operation of a civil aircraft for the purpose of general aviation operations, aerial work or commercial air transport operations;

"commercial air transport operation" means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

"Contracting State" means a Contracting State to the Chicago Convention;

"court" means a court of competent jurisdiction;

"crew member" means a person assigned to perform duties on an aircraft during flight time;

"dangerous goods" mean articles or substances which are capable of posing significant risks to health, safety or property when transported by air;

"Director-General" means the Director-General of the Civil Aviation Authority appointed under this Act;

"domestic commercial air transport" means the carriage by aircraft of persons or property for remuneration or hire or the carriage of mail within Sierra Leone;

"flight crew member" means a licensed crew member charged with duties essential to the operation of an aircraft during flight time;

"foreign air operator" means any operator, not being a Sierra Leone air operator, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of Sierra Leone, whether on a scheduled or charter basis;

"general aviation operation" means an aircraft operation of a civil aircraft for other than a commercial air transport operation or aerial work operation;

"Government" means the Government of Sierra Leone;

"ground handling agent" means an independent contractor which provides services for an aircraft that has landed at an airport;

"ground handling charges" means charges paid by the aircraft operator to a ground handling agent for servicing the aircraft on the ground;

"ground handling concession" means the portion of ground handling charges paid to the Airports Authority by a ground handling agent;

"International Civil Aviation Organization" means the International Civil Aviation Organization established by the Chicago Convention, as a specialized agency of the United Nations charged with coordinating and regulating international air travel;

"incident" means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

"international commercial air transport" means the carriage by aircraft of persons or property for remuneration or hire or the carriage of mail between any two or more countries;

"Minister" means the Minister responsible for Civil Aviation; and "Ministry" shall be construed accordingly;

"navigable airspace" means the airspace above the minimum altitudes of flight prescribed by regulations under this Act and includes airspace needed to ensure safety in the take-off and landing of aircraft;

"navigation of aircraft" means a function which includes the piloting of aircraft;

"occurrence" means an incident involving an aircraft as a result of which -

- (a) a person is killed or injured;
- (b) a property is damaged or destroyed;
- (c) the safety of person or property is threatened and includes an accident;

"operator" means-

- (a) a person, organization or enterprise engaged in or offering to engage in an aircraft operation;
- (b) any person who causes or authorises the operation of aircraft, whether with or without the control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of this Act;

"owner" in relation to an aircraft or airport, means the person in whose name the aircraft or airport is registered or to whom the aircraft or airport has been demised, leased or hired for a period exceeding fourteen days;

"person" means any individual, firm, partnership, corporation, company, association, joint stock association or other incorporated body of persons, and includes any trustee, receiver, assignee, or other similar representative of these entities;

"propeller" means all parts, appurtenances, and accessories of a propeller;

"public aircraft" means an aircraft used exclusively in the service of any government or of any political jurisdiction thereof, including the Government of Sierra Leone but not including any government owned aircraft engaged in operations which meet the definition of commercial air transport operations;

"screening" means the application of technical or other means which are intended to detect weapons, explosives or other dangerous devices which may be used to commit an act of unlawful interference;

"security" means a means by which the introduction of weapons, explosives or articles likely to be utilized to commit an act of unlawful interference can be prevented;

"security programme" means measures adopted to safeguard international civil aviation against acts of unlawful interference;

"Sierra Leone Airports Authority" means the Sierra Leone Airports Authority established by the Sierra Leone Airports Authority Act, 1988 (Act No. 8 of 1988)

"spare parts" means any parts, appurtenances, and accessories of aircraft (other than aircraft engine and propeller), of aircraft engine (other than propeller), of a propeller, and of appliance, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto;

"special aircraft jurisdiction of Sierra Leone" includes a civil aircraft of Sierra Leone and any other aircraft within the jurisdiction of Sierra Leone while the aircraft is in flight, which is from the moment when

all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or, in case of a forced landing, until the competent authorities take over the responsibility of the aircraft and the persons and property aboard.

"state aircraft" means an aircraft in the military, customs or police services of Sierra Leone or any other state, as the case may be;

"validation" means the written acceptance of an action of the civil aviation authority of another country in lieu of an action that this Act assigns to the Director-General, confirming through examination and provision of objective evidence that the particular requirements for a specific intended use are fulfilled;

Application. **2.** This Act and any regulations made under it apply, except where expressly excluded under this Act or regulations -

- (a) in or over any part of Sierra Leone;
- (b) to citizens of Sierra Leone;
- (c) to, and to persons on, aircraft registered in Sierra Leone or operated by a Sierra Leonean air operator or aircraft operated by an air operator who has his principal place of business or permanent residence in Sierra Leone, wherever they may be; and
- (d) to, and to persons on an aircraft, for the time being in or over Sierra Leone.

PART II - CONTINUATION OF SIERRA LEONE CIVIL AVIATION AUTHORITY

3. (1) Subject to this Act, there is hereby continued in Continuation of Authority. existence, the body which immediately before the commencement of this Act, was known as the Sierra Leone Civil Aviation Authority.

(2) The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Authority shall have a common seal, the use of which shall be authenticated by the signatures of—

- (a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and
- (b) the Director-General or some other person authorised by the Board in that behalf.

4. (1) The governing body of the Authority shall be a Board Board of Authority. in which shall be vested, subject to this Act, the control and supervision of the Authority.

(2) The Board shall consist of a Chairman and the following other members—

- (a) the Permanent Secretary, Ministry of Transport and Aviation;
- (b) the Director-General, Ministry of Foreign Affairs;
- (c) the Solicitor-General;

- (d) 4 persons with cognate experience in aviation, at least one of whom shall be a woman, appointed by the President subject to the approval of Parliament; and
- (e) the Director-General of the Authority, who shall be Secretary to the Board.

(3) The Chairman and other members referred to in paragraph (d) of subsection 2 of section 4, shall be appointed by the President on the recommendation of the Minister subject to the approval of Parliament, but no person shall be appointed Chairman, if he has any financial interest, whether directly or indirectly, in any business or undertaking in civil aviation.

Tenure of members.

5. (1) The Chairman and other members appointed under paragraph (d) of subsection 2 of section 4 shall hold office for a period of 3 years and shall be eligible for re-appointment once only.

(2) A person shall cease to be a member of the Board on any of the following grounds-

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
- (e) if he fails to attend three consecutive meetings of the Board without reasonable cause;
- (f) if he resigns his office by written notice to the Minister.

6. (1) The Board shall meet for the dispatch of its business at least once every month at the offices of the Authority and at such time as the Chairman may determine. ^{Meetings of Board.}

(2) The Chairman shall preside at every meeting of the Board, and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of 5 members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within five days of his receipt of the notice referred to in subsection (3).

(5) The quorum at any meeting of the Board shall be 5.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) Any proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of interest.

7. (1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Board.

Immunity of members of Board.

8. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) No member of the Board shall be personally liable for any debt or obligation of the Authority.

Secretary to the Board.

9. (1) The Authority shall have a Secretary to the Board who shall also be a legal practitioner and shall have been qualified to practice for a period of not less than seven years.

(2) The Secretary shall, in addition to any function that may be assigned to him by the Board, be responsible for -

- (a) taking the minutes of the meetings of the Board;
- (b) keeping the official seal and records of all decisions of the Board;
- (c) keeping records of legal transactions of the Authority; and
- (d) the performance of such other functions as the Board or the Director-General, may from time to time assign to him.

(3) The Secretary shall, unless under exceptional circumstances in which the Board otherwise directs, in writing, attend all meetings of the Board, but shall not have a right to vote on any matter before the Board.

10. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine. Committees of Board.

(2) A committee shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Director-General, and performing such functions as the Board may determine.

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

11. (1) Subject to this Act, the Board shall have the control and supervision of the Authority, including overseeing the sound and proper financial management of the Authority. Functions of Board.

(2) It shall also be the responsibility of the Board to provide such policy guidance and advice as will secure the efficient implementation of the functions of the Authority and enhance the overall performance of the Authority.

12. The Chairman and the other members of the Board and any person co-opted by the Board under subsection (8) of section 6 shall be paid such remuneration; fees and allowances approved by the Minister and shall be reimbursed by the Authority for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine. Remuneration of members.

Filling of vacancies.

13. (1) Where the Chairman or a member of the Board referred to in paragraph (d) of subsection 2 of section 4 dies, resigns, is removed from office or is absent for a continuous period exceeding three months or is by reason of illness unable to perform the functions of his office for a continuous period of 6 months—

- (a) the members of the Board shall, as the case may be, elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) in the case of the member, the Chairman shall, subject to this Act, have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III—OBJECTS, FUNCTIONS AND POWERS OF SIERRA LEONE CIVIL AVIATION AUTHORITY

Object of Authority

14. The object of the Authority is to promote safety, security and efficiency of civil aviation in Sierra Leone by licencing and regulating civil aviation in accordance with the obligations of Sierra Leone under the Chicago Convention and other applicable international agreements in order to -

- (a) meet international and domestic demands for air transportation and cargo services in Sierra Leone;
- (b) provide oversight in the operation and maintenance of aerodromes and related facilities for aviation; and
- (c) advise Government on the efficient development of the aviation industry.

15. (1) The Authority shall be responsible for the implementation and enforcement of this Act and regulations made under it. Functions of Authority.

(2) Without prejudice to the generality of subsection (1), the Authority shall have responsibility for –

- (a) promotion and development of safety in aviation, including oversight in aircraft operation, air navigation facilities and services, air traffic control, meteorological services and facilities to combat hazards to air navigation;
- (b) ensure due compliance with the Conventions, Annexes, Protocols, Standards and Recommended Practices of the International Civil Aviation Organisation;
- (c) develop guidelines and guidance for the implementation of a safety management system that requires operators and stakeholders in the aviation sector to incorporate safety management systems in their operational activities;
- (d) enter into agreements for co-operative endeavours in the field of civil aviation, aviation safety and security with other international and regional contracting States;
- (e) establish a State Safety Programme and a National Surveillance Programme to achieve an acceptable level of safety in the operation of aircrafts, aerodromes, air traffic control and aircraft maintenance;

- (f) enforce the requirements contained in the National Civil Aviation Security Programme;
- (g) licensing and registering of aircraft and ensuring safety of air navigation and aircraft, including airworthiness;
- (h) collaborate in securing to the highest degree practicable uniformity in regulations, standards and procedures in relation to aircraft, personnel, airways and auxiliary services in order to facilitate and improve air navigation by adopting and amending where practicable, the Standards and Recommended Practices and Technical Guidelines issued by the International Civil Aviation Organisation to contracting States;
- (i) enter into mutual agreements in the event of lease, charter or interchange of an aircraft for the transfer of all or part of the safety oversight responsibilities in respect of the aircraft to ensure continuous surveillance of the registered aircraft to the State of the operator;
- (j) registering and de-registering of aircrafts;
- (k) registering and de-registering interests in an aircraft or a part of an aircraft including the recognition of the validity of a certificate of license of a foreign registered aircraft;
- (l) recognizing certificates of airworthiness, certificates of competency, radio licences and other licences issued by other contracting States;

- (m) licence and certify civil aviation inspectors, security personnel responsible for screening, special agents, auditors or other properly licensed or certified persons;
- (n) making regulations with respect to security measures for the purpose of safeguarding civil aviation against acts of criminal violence, air piracy, the introduction of unauthorised weapons, explosives or incendiary devices onto an aircraft;
- (o) the licensing of air transport subject to relevant rules and Directives in force for the economic regulation of airports, airlines, airport catering, ground handling service operators, aviation freight forwarders and other providers of air transport services;
- (p) licensing and registration of aircraft so as to ensure airworthiness of aircrafts and safety in air navigation;
- (q) the provision of services and facilities in relation to the prevention and investigation of aircraft accidents and incidents including the coordination of search and rescue operations;
- (r) the licensing of aircraft operations personnel including cockpit and cabin crew, flight and ground engineers, air traffic controllers, flight dispatchers, air traffic service and electronics personnel;
- (s) training and licensing of persons engaged in–

- (i) training of oversight and monitoring personnel;
- (ii) persons engaged in maintenance, operation and air traffic services;
- (t) certification of aerodromes and licensing of construction, operation, maintenance and management of navigational aids;
- (u) regulation, promotion and development of air transport operations and services;
- (v) regulation and co-ordination of civil aviation firefighting services and facilities within Sierra Leone;
- (w) ensuring efficient utilisation of the navigable airspace, including the provision of rules for-
 - (i) safe altitude of flight;
 - (iii) prevention of collision between aircrafts, between aircraft and land or water vehicles and objects, and between aircraft and other airborne objects;
- (x) provision of facilities and personnel for the regulation of air traffic;
- (y) levying charges for services provided by the Authority or for the use of the facilities of the Authority and for the issue of licences, permits and certificates;
- (z) certification and regulation of air travel agencies;

- (aa) provision of environmental protection from aircraft noise and engine emissions;
- (bb) regulation of the use of aeronautical charts and units of measurement in air and ground operations;
- (cc) the publication and dissemination of information pertaining to including civil aviation bye-laws;
- (dd) establishment, development and management of training facilities for the purpose of training employees in subjects necessary for the proper performance of the Authority;
- (ee) representing Sierra Leone in matters relating to civil aviation;
- (ff) advising the Government on matters relating to civil aviation including the execution and implementation of international civil aviation agreements;
- (gg) performing such other functions as are necessary for the attainment of the object of the Authority.

16. (1) The Authority shall have, for the performance of its Power of Authority functions under this Act, the power to -

- (a) receive any gifts, grants, donations or endowments made to it or any other monies in respect of it and to make legitimate disbursement thereof in accordance with the provisions of this Act;

- (b) invest any monies not immediately required for its purposes in the manner provided in this Act or any other written law;
- (c) delegate the performance of its duties and functions to other persons, in accordance with a written contract in this regard;
- (d) establish subsidiaries and enter into such joint ventures, partnerships and other associations with public or private institutions as it may consider necessary to enable it to conduct its affairs, perform its functions and discharge its duties;
- (e) acquire, hire, hold, lease out, dispose of all types of assets or property including land:

Provided that the Authority shall not sell, let or otherwise dispose of any buildings, land or other assets vested in it except with the consent of and subject to any conditions that may be imposed by the Government.
- (f) let or hire plant, machinery, equipment or assets acquired or required by the Authority, as the case may be; and
- (g) appoint a body or bodies to advise it in relation to the performance of its functions.

Powers of Director-General.

17. (1) The Director-General shall have power to perform such acts, including the conduct of investigations, to issue and amend orders, rules, regulations and procedures pursuant to and in accordance with this Act.

(2) Notwithstanding the generality of subsection (1), the Director-General shall have power to-

- (a) publish all reports, orders, decisions, rules, and regulations issued under this Act in such form and manner as may be best adapted for public information and use;
- (b) take evidence, issue subpoenas, and take depositions in the conduct of any public hearings or investigations Authorized by this Act,

18. (1) The Director General shall have power in the performance of his functions under this Act - Power to obtain information.

- (a) by notice in writing, to require any air operator or any aviation service provider to furnish in such form and manner and within such time as may be specified in the notice, periodical or other information, estimates or returns concerning such matters as may be specified in that notice;
- (b) to interview any air operator or any aviation service provider and require such operator to furnish such particulars as the Director General may require; and
- (c) by notice in writing, to require any air operator or any aviation service provider to complete a form contained in the notice with particulars relating to any matter specified in the notice and to return it in such manner and within such time as may be specified.

(2) A notice referred to in subsection (1) –

- (a) may be served by delivering it to the operator or service provider to whom it is addressed

or by sending it by registered post to the last known address of such operator or service provider;

- (b) shall state that it is served in exercise of the powers conferred by this section and shall include a general statement of the purpose for which the information, estimates, returns or particulars are required.

(3) When a request to furnish information, estimates, returns or particulars under this Act is made, the information, estimates, returns or particulars shall be furnished by a person specifically authorised for the purpose by the air operator or service provider concerned;

(4) Subject to this section, every air operator or service provider shall, to the best of his knowledge and belief, answer when so required, all questions put to him orally or in writing by the Director-General or an officer of the Authority authorised in that behalf, not later than the date specified in the notice.

(5) No return or other commercially sensitive information collected by the Authority under this section shall, be disclosed to any person, unless authorised under subsection (7).

(6) The return or other information referred to in subsection (5) may, subject to the directions of the Director-General, be disclosed—

- (a) to any person if required for the performance of that person's functions under this Act;
- (c) if required by any law or as evidence in any court of law.

(7) An air operator or service provider who -

- (a) fails to answer a question put to him as required under this Act or furnishes an answer to such a question which is false or misleading in any material respect, knowing the answer to be false or misleading; or

- (b) wilfully obstructs the Director-General or any officer or employee of the Authority in the performance of any of its functions under this Act,

commits an offence and shall be liable on conviction to a fine not exceeding five thousand United States dollars or equivalent in Leones, or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

(8) Any officer or employee of the Authority who, in the course of his performance of any function under this Act -

- (a) wilfully discloses any return or other information obtained in the course of his performance of such function to a person not authorised to receive that information;

- (b) uses information obtained in the course of his performance of such function for the purpose of speculating in any stock, bond or other security or any goods or services, before its release is authorised by the Director-General; or

- (c) otherwise contravenes this section,

commits an offence and shall be liable on conviction to a fine not exceeding five thousand United States dollars or equivalent in Leones, or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

Power to issue compliance orders.

19. (1) The Director-General shall have power to issue written orders to any person or organisation, where the circumstances so warrant -

- (a) directing compliance within such time as may be specified, with the terms and conditions of any licence or certificate issued by the Authority; or
- (b) requiring the doing of anything which in the opinion of the Director-General is reasonably necessary to ensure compliance with any provision of this Act.

(2) Any person or organisation aggrieved by any order issued under subsection (1) may appeal to the High Court which may modify the order as the justice of the case may require.

(3) For the purpose of investigating whether the terms and conditions of any licence or certificate issued by the Authority or any relevant provisions of this Act are being or have been complied with, it shall be lawful for any inspector of the Authority authorised in that behalf and acting in accordance with this Act in relation to the International Civil Aviation Organisation Standards and Recommended Practices relating thereto, to -

- (a) enter the premises of any air operator or other holder of the licence or certificate;
- (b) board any aircraft;
- (c) seize any document or property of any air operator or other holder of the licence or certificate;
- (d) interview any employee of any air operator or other holder of the licence or certificate; or

- (e) require the attendance of and question any person referred to in paragraphs (a), (c) and (d) for the purposes of the investigation.

(4) Any person aggrieved by any finding of the investigation conducted under subsection (3) may lodge an objection with the Authority which shall give the objector the opportunity to be heard concerning his grievance before action is taken to apply the prescribed penalty for non-compliance.

(5) Any person who obstructs an inspector of the Authority in the performance of his function under subsection (3), commits an offence and shall be liable on conviction to a fine not exceeding five thousand United States dollars or equivalent in Leones, or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

20. (1) Whenever the Director-General is of the opinion that an emergency requiring immediate action exists with respect to safety in civil aviation, the Director-General shall, either upon complaint or the Director-General's initiative without complaint, if the Director-General so orders, without answer or other form of pleading by the interested person or persons, and with or without notice, hearing, or the making or filing of a report, to make such just and reasonable orders, rules, or regulations as may be essential in the interest of safety in civil aviation to meet such emergency; provided that the Director-General shall immediately thereafter initiate action relating to the matter giving rise to any such order, rule, or regulation.

Emergency orders.

(2) Where an emergency order is issued by the Director-General under subsection (1), it shall be the duty of every person subject to this Act, to observe and comply with that order, as long as it shall remain in effect.

Power to grant exemptions.

21. (1) The Director-General may grant exemptions from the requirements of observing any rule set forth in this Act or in its aviation safety regulations if the Director-General finds such action would be in the public interest.

(2) The Director-General shall issue regulations governing the application for and approval of exemptions.

(3) The Director-General shall publish any exemption actions taken as appropriate.

(4) Except as provided in subsections (1), (2) and (3), the Director-General shall not grant exemptions from the requirements of this Act.

PART IV - ADMINISTRATIVE PROVISIONS

Appointment of Director-General.

22. (1) The Authority shall have a Director-General who shall be appointed by the President, on the recommendation of the Minister, subject to the approval of Parliament.

(2) A person shall not be qualified for appointment as Director-General under subsection (1), unless he has considerable knowledge and experience in aviation, administration, industry or engineering and has such other qualifications and proven ability in other fields as may be relevant for the functions of the authority.

Functions of Director-General.

23. (1) The Director-General shall be responsible to the Board for the performance of the following functions—

- (a) exercise of all powers and the discharge of all duties of the Authority including—
 - (i) control over all personnel and activities of the Authority;

- (ii) issuance of orders, directives, instructions or circulars to address specific technical matters;

- (b) to provide overall leadership in the general operations and efficient administration of the affairs or activities of the Authority;

- (c) to initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the operations of the Authority;

- (d) to monitor and supervise the preparation of the annual budgets and reports of the Authority for the review and approval of the Board;

- (e) to oversee the work and discipline of the other staff of the Authority; and

- (f) to carry out such other functions as may be assigned by the Board or necessary for the purposes of the Authority.

(2) The Authority shall also, subject to such terms and conditions as the Board shall determine, have two Deputy Director-Generals, one of whom shall be responsible for administration and the other for technical operations.

24. (1) The Director-General may, in writing and subject to this Act, delegate any function of the Director-General to— Power to delegate.

- (a) an officer, an employee or an administrative unit under the Director-General;

- (b) a Regional Safety Oversight Organisation;
- (c) an air operator, an aerial work operator, a general aviation operator, a maintenance facility or to any other qualified person; or
- (d) any properly qualified private person, subject to such regulation, supervision and review as may be prescribed:

Provided, however, the Director-General shall ensure that such functions are not delegated in such a way that air operators, aerial work or general aviation operators and maintenance facilities, in effect, regulate themselves.

(2) The Director General may delegate his safety oversight powers to assigned inspectors and other staff of the Authority.

(3) The Director General shall establish the credentials of the safety inspectors of the Authority.

(4) The Director General is not absolved from the ultimate responsibility for a function delegated under subsection (1) and (2).

25. The Director General shall, in the exercise of his functions and powers under this Act, consider the following, among other things, as being in the public interest—

- (a) the promotion, encouragement, and development of safety in civil aviation;
- (b) the regulation of civil aviation in such manner as to best promote safety, security, facilitation and economics of air transport;
- (c) enhancing public knowledge, awareness and understanding of the regulated sectors; and

Public interest.

- (d) taking into account the need to protect and preserve the environment.

26. (1) The Authority shall have, in addition to the Director-General 2 Deputy Director-Generals, one of whom shall be responsible for administration and the other for technical operations, an Internal-Auditor and such other officers and staff including the inspectors, as the Board may consider necessary for the efficient performance of the functions of the Authority under this Act.

Other staff of Authority.

(2) The Deputy Directors-Generals, Internal-Auditor and such other officers and staff of the Authority shall be appointed by the Board subject to such terms and conditions as the Board shall determine.

(3) The Authority may delegate to the Director-General the power for the appointment of such grade or categories of staff as the Authority may require.

27. Public Officers may, at the instance of the Authority, be seconded or otherwise render assistance to the Authority but the Authority may request the withdrawal of any such seconded staff who is unable to carry out assigned functions in a manner satisfactory to the Authority.

Secondment of public officers.

28. No action or other proceeding shall be brought or instituted against the Authority, Board members, Director-General, and staff of the Authority in respect of anything done in pursuance of and or execution of any of the provisions of this Act.

Protection of officers and staff.

29. A member of the Board, Director-General, or employee of the Authority shall be indemnified by the Authority against any civil proceeding brought against them arising from the lawful discharge of any of the functions or the exercise of any of the powers conferred on the Authority under this Act.

Indemnity of officers.

Limitation of
action against
Authority.

30. (1) Notwithstanding anything contained in any other law, no suit shall lie against the Authority, Board members, Director-General or any other employee of the Authority, in the execution of any public duty under this Act or any law or in respect of any alleged negligence or default in execution of any public duty under this Act or such law, unless it is commenced within 1 year next after the act, negligence, or default complained of, or in the case of continuance of damage or injury, within 1 year after the ceasing thereof.

(2) No suit shall be commenced against the Authority, Board members, Director-General or staff of the Authority before the expiration of a period of 1 month after written notice of intention to commence the suit shall have been served upon the Authority by the intending plaintiff or his agent; and the notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the plaintiff and the relief sought.

Cooperation
with other
agencies.

31. The Director-General shall have the power to use, the available services, equipment, personnel, and facilities of other agencies of Sierra Leone with their consent, on a reimbursable basis when appropriate, and on a similar basis to co-operate with those agencies in the establishment and use of services, equipment, and facilities of the Authority.

PART V - FINANCIAL PROVISIONS

Funds of
Authority.

32. (1) The activities of the Authority shall be financed by fund consisting of—

- (a) any moneys appropriated from time to time by Parliament for the purposes of the Authority;
- (b) a safety charge on all air tickets and freight charges;
- (c) all fees and funds in respect of services provided by the Authority and accruing from the grant of—

- (i) Air travel organizers licence;
- (ii) air transport licences, permits and certificates (issue and renewal);
- (iii) Air Operator Certificate;
- (iv) calibration of navigation aids where applicable;
- (v) personnel licences;
- (vi) 70 percent of the air ticket and cargo sales charge;
- (vii) aircraft maintenance organization approval;
- (viii) aircraft registration and certification;
- (ix) certificate of airworthiness (issue and renewal);
- (x) rentage of property, plant and equipment, where applicable;
- (xi) medical examination fees, where applicable;
- (xii) sale of information and publications;
- (xiii) contract registration fees;
- (xiv) any licence, certificates, permits, contracts or leases issued under this Act;

- (xiv) registration of legal instruments and interests;
- (xv) Aerodrome, Heliport and Helipad Operating License,
- (xvi) aviation height clearance [obstruction evaluations],
- (xvii) Aviation Training Organizations; and
- (xviii) registration of agencies;
- (d) all fines payable for violation of civil aviation regulations, rules and orders;
- (e) all sums accruing to the Authority by way of gifts, endowments, bequest, grant or other contributions by persons and organisations for the purposes of the Authority;
- (e) returns on investments;
- (f) 3% of monthly income generated by the Sierra Leone Airports Authority after deducting operations and maintenance costs excluding staff related costs, finance and accounting costs;
- (g) all other sums which may, from time to time, accrue to the Authority.

(2) The funds of the Authority shall be applied only for the purposes of the approved budget of the Authority.

Investments
of funds.

33. Any moneys of the Authority not immediately required for meeting any obligation or the discharge of any function of the Authority may, with the approval of the Board, be invested to the best advantage of the Authority.

34. (1) The Director-General shall, not later than one month before the end of each financial year, prepare and submit to the Board for its approval, estimates of the income and expenditure of the Authority for the next ensuing financial year and may at any time before the end of each financial year, prepare and submit to the Board for approval any estimates supplementary to the estimates for that financial year.

Estimates of
income and
expenditure
of Authority.

(2) No expenditure shall be made out of the funds of the Authority unless that expenditure is part of the expenditure approved by the Board under subsection (1).

35. (1) The Authority shall keep proper books of account and other records in relation to the activities, property and finances of the Authority in a form approved by the Auditor-General, and shall prepare in respect of each financial year of the Authority a financial statement which shall include -

Accounts and
audit of
Authority.

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds;

(2) The accounts of the Authority kept under subsection (1) shall, not later than three months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanation thereon as he may think fit.

(4) The Authority shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the Authority.

(5) The Auditor-General or the auditor appointed by him shall submit to the Authority a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to—

- (a) any irregularities in the accounts;
- (b) any matters that are likely to adversely affect the operations of the Authority; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Authority.

Financial year of Authority.

36. The financial year of the Authority shall be the same as the financial year of the Government.

Annual report.

37. (1) The Authority shall, within four months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes.

(2) The annual report shall include the accounts and annual financial statement prepared under section 35 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within two months after he has received the report.

Internal audit.

38. (1) The Authority shall have an internal auditor who shall be responsible to the Board.

(2) The internal auditor shall at the end of every three months, submit a report on the audit of the books and records of account of the Authority in respect of that period to the Board through the Director-General.

(3) The internal auditor shall forward copies of the report to the Board, the Internal Audit Committee and to the Minister.

PART VI - AIRSPACE CONTROL AND FACILITIES

39. (1) The Director-General shall develop, plan for, and formulate policy with respect to use of the navigable airspace of Sierra Leone. ^{Use of airspace.}

(2) The Director-General may assign by rule, regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as the Director-General may find necessary to ensure the safety of aircraft and the efficient utilisation of such airspace.

(3) The authority of the Director-General under this subsection (2) shall be exercised only in that airspace for which air traffic control responsibility has not been assigned to a foreign country by international agreement or other arrangement.

40. (1) The Director -General shall, as may be deemed necessary in the opinion of the Director- General and in the interests of aviation safety, air traffic issue rules and regulations relating to - ^{Regulation of air traffic.}

- (a) flight of aircraft;
- (b) navigation, protection, and identification of aircraft;
- (c) protection of persons and property on the ground; and
- (d) the efficient utilisation of the navigable airspace, including rules -
 - (i) regulating safe altitude of flight;
 - (ii) for the prevention of collision between aircrafts, between aircraft and land or

water vehicles and objects and between aircraft and airborne objects.

(2) The Director-General shall provide, as required in the interest of aviation safety, the necessary facilities and personnel for the regulation and protection of air traffic.

(3) The authority granted to the Director-General under this Section shall be exercised only in that airspace for which air traffic control responsibility has not been assigned to a foreign country by international agreement or other arrangement.

(4) In exercising the authority granted, and discharging the duties imposed by this Act, the Director-General shall give full consideration to the requirements of national defence, of commercial and general aviation and to the public right of transit through the navigable airspace.

Training school.

41. (1) The Director-General may conduct a school or schools for the purpose of training employees of the Authority and other persons engaged in the aviation industry in those subjects necessary for the proper performance of all authorised functions of the Authority.

(2) The Director-General may authorise attendance at courses given in such schools by employees of the Authority and other persons engaged in the aviation industry.

(3) The Director-General shall, where appropriate, require payment of appropriate fees to offset the costs of training provided by such school or schools.

Flight Safety Standards Inspectorate.

42. (1) The Director-General shall establish and maintain a Flight Safety Standards Inspectorate to assist in carrying out the responsibilities of the Director-General's office for licensing, certification and on-going inspections of aircraft, airmen, air operators, aerodromes, air navigation and other service providers.

(2) The Director-General shall, as required in the interest of aviation safety, provide the necessary facilities and personnel for the efficient and effective implementation of the Flight Safety Standards Inspectorate for the performance of their function.

(3) The following Departments shall be included in the Flight Safety Standards Inspectorate—

- (a) airworthiness;
- (b) flight operations;
- (c) personnel licensing;
- (d) aviation medical; and
- (e) aerodrome and air Navigation.

43. The Director-General shall, in the discharge of certification and inspection responsibilities, validate the actions of the Civil Aviation Authority of another State in lieu of taking the specific action, with the following restrictions –

- (a) for actions on airman or airworthiness certificates, the other State must be a signatory to the Chicago Convention and be fulfilling their obligations under the Chicago Convention with respect to the issuance and currency of these certificates.
- (b) for actions applicable to Air Operators, the Director-General must exercise discretion and require supporting documents and the Director-General shall ensure that, when validation is based on the actions of another Civil Aviation Authority, there is no information to indicate that State does not meet their obligations under the Chicago Convention regarding certification and on-going validation of their air operators.

Right of access for inspection.

44. (1) The Director General shall have free and unobstructed access to all civil aviation personnel, documents, aircraft, aviation facilities, to inspect aircraft, aircraft manufacturers and maintenance facilities or organisations, training facilities (including simulators), and other appliances designed for use in air transportation, as may be necessary to enable the Director-General to determine the issuance or granting of a certificate of registration or approval to such aircraft, aircraft manufacturer and maintenance facility or organisation and other applicable appliances.

(2) The Director-General shall have free and unobstructed access to civil aircraft wherever they are operated within Sierra Leone for the purposes of ensuring that those aircraft are airworthy and being operated in accordance with this Act, regulations issued under this Act relating to applicable International Civil Aviation Organisation Annexes.

(3) The Director-General shall have free and unobstructed access to civil aircraft registered in Sierra Leone wherever they are operated in the world for the purposes of ensuring that these aircraft are airworthy and are being operated in accordance with this Act, regulations issued under this Act relating to applicable International Civil Aviation Organisation Annexes.

(4) The Director-General shall have free and unobstructed access to Sierra Leone registered aircraft at any place and any time to conduct any tests or inspections in order to determine that those operations are conducted in accordance with this Act, regulations issued under this Act relating to applicable International Civil Aviation Organisation Annexes.

Authority to monitor and enforce compliance with safe transport of dangerous by air regulations.

45. (1) The Director-General shall monitor and enforce compliance with this Act and regulations issued under it relating to the Safe Transportation of Dangerous Goods by Air in Annex 18 to the Chicago Convention and the International Civil Aviation Organisation Technical Instructions for the Safe Transport of Dangerous Goods by Air.

(2) The Director-General shall, in exercise of his authority under subsection (1), vary the application of the Technical Instructions for the Safe Transport of Dangerous Goods by Air to Sierra Leone as he may consider necessary.

46. (1) The Director-General shall encourage international and regional cooperation in the regulation and administration of aviation safety.

Authority to enter into cooperative aviation safety agreements.

(2) The Director-General may enter into agreements for co-operative endeavours in aviation safety with other regional contracting States to the Convention on International Civil Aviation and shall, in co-ordination with Ministry of Foreign Affairs, to negotiate, agree to, and manage any such regional international agreements.

(3) The Director-General may, where appropriate to civil aviation safety and the public interest, further delegate certain aviation safety tasks under the international agreement to citizens of Sierra Leone, citizens of other contracting States or regional bodies with which Sierra Leone has entered into an international or regional agreement.

(4) The Director-General may, subject to the approval of the Board, cause to be implemented from time to time surcharges on ticket sales by international passengers for the purposes of meeting obligations arising from regional cooperative safety arrangements.

47. (1) The Authority may pursuant to Article 83 of the Convention on International Civil Aviation and by bilateral agreement with the aeronautical authorities of another country exchange with that country all or part of their respective functions and duties with respect to registered aircrafts under Article 12 (Rules of the air), Article 31 (Certificate of airworthiness), or Article 32(a) (Licenses of personnel) of the convention:

Bilateral exchange of safety oversight responsibilities.

(2) The Authority shall relinquish responsibility with respect to the functions and duties transferred by the Authority as specified in the bilateral agreement under the articles listed in Sub-

section (1) for the Sierra Leone registered aircraft transferred abroad and accept responsibility with respect to the functions and duties under those articles of the convention, for aircraft registered abroad described in subsection (1) that are transferred to Sierra Leone.

(3) The Authority may predicate in the agreement, the transfer of functions and duties under this subsection on any conditions the Authority deems necessary and prudent, except that the Authority may not transfer responsibilities for Sierra Leone registered aircraft to a country that the Authority determines is not in compliance with its obligation under International Law for safety oversight of Civil aviation.

(4) The Authority, pursuant to agreements entered into under this section, may recognise certificates of airworthiness or personnel licences issued or renewed by the State of the Operator.

(5) The Authority shall notify and inform the International Civil Aviation Organisation and other States concerned of the transfer arrangement of the existence of an agreement.

PART VII - NATIONALITY AND AIRCRAFT OWNERSHIP

Aircraft
registration.

48. (1) Subject to subsections (2) and (3), no aircraft shall fly or operate within Sierra Leone unless -

- (a) it is registered—
 - (i) in Sierra Leone;
 - (ii) in a contracting State of International Civil Aviation Organisation, or
 - (iii) in any State in which Sierra Leone has entered into an agreement with in regard to the registration of aircraft; or
- (b) it bears, in the prescribed manner, the necessary nationality and registration marks.

(2) Notwithstanding subsection (1), where special circumstances exist, the Authority may, subject to such conditions as the Authority may think fit, exempt a foreign registered aircraft from flying or operating within Sierra Leone under subsection (1).

(3) Notwithstanding subsection (1), an aircraft may fly within Sierra Leone, unregistered, if and as long as it is flown for the purpose of, or in connection with any experiment or test, or any other purpose which appears to the satisfaction of the Authority to be valid to permit the aircraft to fly unregistered.

(4) Notwithstanding subsection (1), the Minister may on the recommendations of the Authority, exempt kites, powered parachutes and drones from registration.

(5) An aircraft exempted under subsections (2) or (3) shall carry, in addition to other documents which it may be required to carry under this Act, an exemption registration certificate or any other document, certifying that the aircraft is so exempted and stating any conditions subject to which the exemption was granted.

(6) Any person who contravenes subsection (1) or who flies or operates an aircraft bearing nationality and registration marks purporting to have been registered in a State other than where it has been registered, commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand dollars United States dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years or to both fine and imprisonment.

(7) The Minister may, on the recommendations of the Authority, by statutory instrument, make regulations for the registration of aircraft and the form of nationality and registration marks.

49. (1) The Director-General shall establish and maintain a National Civil Aircraft Register; a system for recording documents which affect title to or any interest in any civil aircraft registered in Sierra Leone and in any aircraft engine, propeller, appliance, or spare part intended for use on any aircraft registered in Sierra Leone.

Recording of
interest in
aircraft.

(2) No document affecting title to or any interest in any aircraft, aircraft engines, propellers, appliances, or spare parts shall be valid, except between the parties thereto, unless it is recorded in the National Civil Aircraft Register.

(3) The validity of any document so recorded in the National Civil Aircraft Register, unless otherwise specified by the parties thereto, shall be determined under the laws of Sierra Leone and the requirements for documents to be recorded shall be specified in regulations issued by the Director-General.

Records of births and deaths in aircraft.

50. (1) The Authority shall, by regulations made under this Act, require any person, as may be specified in the regulations, to keep records of -

- (a) any birth and death occurring in any part of the world in any aircraft registered in Sierra Leone; and
- (b) death, outside Sierra Leone, of any person who, being a traveller on an aircraft registered in Sierra Leone, is killed on the journey in an accident.

(2) The Authority shall keep a record of any returns made to it under subsection (1).

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding twenty-five thousand United States dollars or the equivalent in Leones:

Provided however that proceedings for an offence under this section shall not be instituted except by or with the consent of the Attorney-General.

Exemption from seizure of aircraft on patent claim.

51. (1) A lawful entry into Sierra Leone or a lawful transit across Sierra Leone, with or without landings, of an aircraft shall not entail -

- (a) a seizure or detention of the aircraft;

(b) any proceeding being brought against the owner or operator of the aircraft; or

(c) any other interference with the aircraft,

by or on behalf of a person in Sierra Leone, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of a patent, design or model.

(2) During the importation into and storage in Sierra Leone of spare parts and spare equipment for an aircraft and their use and installation in the repair of an aircraft, there shall not be allowed-

- (a) any seizure or detention of the aircraft or of the spare parts or spare equipment;
- (b) any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment; or
- (c) any other interference with the aircraft spare parts or spare equipment,

by or on behalf of any person in Sierra Leone, on the ground that the spare parts or spare equipment or their use or installation are an infringement of any patent, design or model.

(3) subsection (2) shall not apply in relation to spare parts or spare equipment which are sold or distributed in Sierra Leone or are exported from Sierra Leone for sale or distribution.

52. Where it is alleged by an interested party that a foreign aircraft, other than an aircraft to which section 51 applies, which is making a passage through or over Sierra Leone, infringes in itself or in any part of it any invention, design or model which is entitled to protection in Sierra Leone, it is lawful, subject to and in accordance with Rules of Court, to detain the aircraft until its owner deposits as security in respect of the alleged infringement such sum as may be agreed by the parties (in this section referred to as "the deposited sum")

Patent claims against aircraft not protected under the Chicago Convention.

Detention of
aircraft.

53. (1) The Authority may detain or seize an aircraft which is found to be engaged in an improper or illegal activity or to secure the compliance with this Act or regulations made under it and may make such further provisions as appears to the Authority to be necessary or expedient for securing the detention.

(2) Where default is made in the payment of airport and air navigation charges incurred in respect of an aircraft at an aerodrome, the Authority may, subject to this section, detain, pending payment—

- (a) the aircraft in respect of which the charges were incurred, whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention begins; or
- (b) any other aircraft of which the person in default is the operator at the time when the detention begins.

(3) If the charges are not paid within sixty days of the date when the detention begins, the Authority may sell the aircraft in order to satisfy the charges.

(4) The Authority shall not detain or continue to detain an aircraft under this section by reason of an alleged default in the payment of airport charges if the operator of the aircraft or any other person claiming an interest in the aircraft -

- (a) disputes that the charges, or any part of them, are due; and
- (b) gives to the Authority, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.

(5) The Authority shall not sell an aircraft under this section without leave of the court, and the court shall not grant leave except on proof that—

- (a) a sum is due to the Authority for airport charges;
- (b) default has been made in the payment of the charges; and
- (c) the aircraft which the Authority seeks leave to sell is liable to sale under this section by reason of the default.

(6) Where the Authority intends to apply to sell an aircraft, it shall—

- (a) give notice of the intention to any person whose interests may be affected by the application; and
- (b) afford to any person referred to in paragraph (a), the opportunity of becoming a party to the proceedings on the application.

(7) If the court grants leave under subsection (5), the Authority shall ensure that the aircraft is sold at the best price that can reasonably be obtained.

(8) Failure to comply with subsection (7) though actionable as against the Authority at the suit of a person who suffers loss in consequence of non-compliance, shall not, after the sale has taken place, be a ground for impugning its validity.

(9) The proceedings of a sale under this section shall be applied in payment of—

- (a) the airport or air navigation charges which the court has found to be due;
- (b) any tax or duty, whether of customs or excise, chargeable on imported goods which are brought into Sierra Leone by the aircraft or value added tax;

- (c) the expenses incurred by the Authority in detaining, keeping and selling the aircraft, including expenses incurred in connection with the application to the court; and
- (d) any other charge in respect of the aircraft which is due by virtue of regulations made under this Act.

(10) The surplus, if any, after the payments made under subsection (9), shall be paid to persons whose interests in the aircraft have been divested by reason of the sale.

(11) The power of detention and sale conferred by this section extends to the equipment of the aircraft and any stores for use in connection with its operation, being equipment and stores carried in the aircraft, whether or not they are the property of the operator, and references to the aircraft in sub-sections (2) to (9) include, except where the context otherwise requires, references to the equipment and stores concerned.

(12) The power of detention conferred by this section extends to aircraft documents carried in the aircraft, and the documents may, if the aircraft is sold under this section, be transferred by the Authority to the purchaser.

(13) The power of detention conferred by this section extends to any subsequent occasion when the aircraft is on the aerodrome on which those charges were incurred or on any other aerodrome owned or managed by the Authority.

(14) Nothing in this section shall prejudice any right of the Authority to recover any charges or part of any charges by action in court.

PART VIII – SAFETY REGULATION OF CIVIL AVIATION

54. (1) The Director-General shall promote safety of civil aviation in relation to personnel, aircraft, aerodromes and air navigation services by issuing, prescribing and revising from time to time—

General safety powers and duties.

- (a) directives, rules, instructions, orders and requirements implementing, at a minimum, all standards of this Act and regulations made under it relating to the Annexes to the Chicago Convention;
- (b) Such other reasonable directives, rules, instructions, orders, requirements, or minimum standards governing other practices, methods, and procedures as the Director General may find necessary to provide adequately for safety in civil aviation.

(3) Where the Authority finds it unable to implement a provision of this Act and regulations made under it relating to the Annexes to the Chicago Convention, an acceptable means of compliance shall be instituted by the Authority to ensure that equivalent means of safety is achieved and the International Civil Aviation Organization shall be notified of the differences.

55. (1) The Authority shall establish a State Safety Programme in order to achieve an acceptable level of safety in civil aviation.

State Safety Programme

(2) The Authority shall require as part of the State Safety Programme that operators and service providers implement a Safety Management System.

56. (1) The Director-General shall have the power to direct the owner, operator, pilot in command or other member of the flight operating crew not to fly or operate an aircraft where, in the opinion of the Authority -

Power prevent flight.

- (a) the aircraft is not airworthy;
- (b) the pilot in command or member of the flight operating crew is not qualified or is not physically or mentally capable to operate the aircraft for flight; or
- (c) the operation poses or may cause imminent danger to persons or property on the ground.

(2) The Director General may, subject to subsection (1) take such steps as are necessary to detain such aircraft, pilot in command or member of the flight operating crew of the aircraft.

Right of access.

57. The Director-General or any person authorised by him shall have the right of access to -

- (a) aircraft for the purpose of assessing aircraft airworthiness;
- (b) any aviation facility including aerodromes, aircraft manufacturing organisations, aircraft maintenance organisations, aviation training organisations or other facilities in respect of which a certificate, permit or license is issued under the Act for carrying out any tests or inspections in order to determine that those operations are conducted in accordance with this Act; or
- (c) aircraft operators to conduct any tests or inspections in order to determine whether operations are conducted in accordance with this Act.

Safety assessment for foreign air operators.

58. (1) The Authority shall assess the safety of air transport operations by foreign air operators in Sierra Leone.

(2) The Director-General may make regulations regarding the safety of operations and surveillance of foreign air operators operating in Sierra Leone.

(3) The Director-General or any person authorised by him shall have right of access to search a foreign aircraft without unreasonable delay, on landing or departure and to inspect the certificates and other documents prescribed under this Act and regulations made under it relating to the Chicago Convention for the purposes of ensuring that the aircraft is being operated safely.

(4) The Director-General may, subject to subsection (5) and where necessary, direct the operator or pilot in command of a foreign aircraft operating within Sierra Leone, not to operate an aircraft where it is unsafe to do so or where the aircraft is likely to be operated in an unsafe manner.

(5) The Director-General shall take such steps as are necessary to detain or prevent the flight of such aircraft and to notify the State of registry and the State of the operator as the case may be.

59. (1) The Director-General shall issue airmen licence or certificates or specifying the capacity in which the holders thereof are authorised to serve as airmen in any aircraft. Airmen licence or certificates.

(2) A person who wishes to obtain an airman licence or certificate may file an application with the Director-General.

(3) Where the Director-General, after investigation of an application under subsection (2), finds, that the applicant possesses the proper qualifications for, and is physically able to perform the duties pertaining to the position for which the airman licence or certificate is sought, the Director-General shall issue such licence or certificate.

(4) The Director-General may, in lieu of such a finding, consider prior issuance of an airman licence or certificate by a foreign country that is a member of the International Civil Aviation Organization as satisfactory evidence, in whole or in part, that the airman possesses the qualifications and physical ability to perform the duties pertaining to the position for which the airman licence or certificate is sought.

(5) A licence or certificate issued under this section shall contain such terms, conditions, and tests of physical fitness, and other matters as the Director-General may determine to be necessary to assure safety in civil aviation.

(6) Notwithstanding subsection (4), the Director-General may prohibit or restrict, in such manner as the Director-General shall deem appropriate, the issuance of airman licences or certificates to citizens of a foreign country.

(7) Every airman licence or certificate issued by the Director General under this section shall -

- (a) be numbered and recorded by the Director-General;
- (a) state the name and address of, and contain a description of the person to whom the licence or certificate is issued; and
- (c) be titled with the designation of the authorised airman privileges.

Airworthiness certificate.

60. (1) An aircraft shall not fly or operate in Sierra Leone unless a certificate of airworthiness for that aircraft is -

- (a) issued by the Director-General under this Act if it is an aircraft registered in Sierra Leone;
- (b) issued by a State in which the aircraft is registered; or
- (c) issued by the State of the operator.

(2) Notwithstanding subsection (1), an aircraft may fly within Sierra Leone without a certificate of airworthiness if it is -

- (a) a glider not being used for the commercial air transport of passengers or aerial work other than aerial work which consists of the giving of instructions in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and person receiving the instruction are members;
- (b) a balloon flying on a private flight;
- (c) a kite;
- (d) a powered parachute or drone;
- (e) an aircraft flying in accordance with a permit to fly issued by the Director-General; or
- (f) an aircraft flying in accordance with a special flight permit issued by the Director-General.

(4) Any person who flies or operates an aircraft which does not have a certificate of airworthiness commits an offence and shall be liable on conviction to a fine not exceeding fifty United States dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

61. (1) A person shall not conduct air transport operations unless that person—

Air operator certificate.

- (a) holds an air operator certificate for the type of service operated as may be issued by the Director-General; or

- (b) holds an air operator certificate for the type of service operated as may be issued from another State.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand United States dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

Licensing of pilots, crew, etc.

62. (1) A person shall not act as a pilot or member of a flight operating crew in an aircraft engaged in the operation of an aircraft unless that person -

- (a) holds a licence issued by the Director-General under this Act;
- (b) holds a foreign licence recognised by the Authority; or
- (c) operates a kite or powered parachute or drone exempted in section 48.

(2) A person shall not act as a member of a cabin crew unless he has -

- (a) obtained authorisation from the Authority to exercise the privileges of cabin crew or has otherwise been permitted by the Authority to exercise such privileges; or
- (b) obtained authorisation or permission from another State which has been recognised by the Authority.

(3) A person shall not act as an aircraft maintenance engineer or air traffic controller unless that person holds a licence issued by the Director-General under this Act.

(4) Any person who contravenes subsection (1) and (2) commits an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand dollars United States Dollars or the equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

63. (1) The Director-General shall provide for the examination Approved training and rating and maintenance

(a) approved training organisations giving instruction in air traffic control cabin crew, ground handling and other related fields, as well as flying or in the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy of the course of instruction, the suitability and airworthiness of the aircraft and the equipment used by the school and the competency of the instructors; and

- (b) approved maintenance organisations or shops for the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy and suitability of the equipment, facilities, and materials for, and methods of, repair and overhaul, and the competency of those engaged in the work and of the instructors.

(2) The Director-General may issue, amend, vary, cancel, refuse and suspend certificates for such approved training and maintenance organizations.

64. An application for a certificate issued under this Act shall be in such form, contain such information and be filed and served in such manner as may be prescribed under this Act and shall be under oath or affirmation whenever the Director-General so requires. Forms of application

Airports and air navigation facilities safety standards.

65. (1) The Director-General make or revise, from time to time as necessary, minimum safety standards for the operation of air facilities navigation located in Sierra Leone.

(2) The Director-General may issue airport certificates to, and establish minimum safety standards for the operation of airports, including aerodromes owned or managed by the Authority that serve any scheduled or unscheduled passenger operations of air operator or foreign air operator aircraft.

(3) Any person desiring to operate an airport that is described in this section and that is required by the Director-General, to be certified may file with the Director-General an application for an airport operating certificate.

(4) If the Director-General finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, the Director-General shall issue an airport operating certificate to such person.

(5) An airport operating certificate shall contain such terms, conditions and limitations as are reasonably necessary to assure safety in commercial air transport, the breach of which shall entitle the Authority to suspend or cancel the certificate.

(6) Unless the Director-General determines that it would be contrary to the public interest, the terms, conditions, and limitations contained in a certificate shall include but not be limited to –

- (a) the operation and maintenance of adequate safety equipment, including fire-fighting and rescue equipment capable of rapid access to any portion of the airport used for landing, take off, or surface manoeuvring of aircraft; and

- (b) the condition and maintenance of primary and secondary runways as the Director-General determines to be necessary.

66. No person shall establish a solid waste disposal facility or receives putrescible waste within 5 kilometers of the vicinity of an aerodrome unless the Director-General determines that such an exemption from this requirement would have no adverse impact on aviation facility.

Limitation on construction of refused disposal safety.

67. (1) It shall be the duty of each operator to make or cause to be made, such inspection, maintenance, overhaul, and repair of all equipment used in civil aviation and to ensure that the operations conducted are in accordance with this Act and the regulations, directives and orders of the Director-General issued under this Act.

Duties of air operators and airmen.

(2) It shall be the duty of each holder of an Air Operator Certificate to ensure that the maintenance of aircraft and operations of that air operator are conducted in the public interest and in accordance with the requirements of this Act and the regulations, directives and orders issued under this Act by the Director-General.

(3) Each holder of an airman certificate shall observe and comply with the authority and limitations of that certificate, the requirements of this Act and the rules, regulations, and standard issued under this Act.

(4) Every person performing duties in civil aviation shall observe and comply with the requirements of this Act and the rules, regulations and standards issued under this Act relating to their tasks.

(5) Every person who offers, or accepts, shipment, cargo, or baggage for commercial air transport, whether originating or arriving in international flights to or from Sierra Leone, or for flights within Sierra Leone, shall offer or accept the shipment, cargo, or

baggage in accordance with this Act and regulations made under it relating to the Annex 18 to the Chicago Convention and the International Civil Aviation Organisation Technical Instructions for the Safe Transport of Dangerous Goods by Air.

Inspection
of aircraft.

68. (1) The Director-General shall have the power and duty to –

- (a) make such inspections of aircraft, aircraft engines, propellers, and appliances used by any operator of civil aircraft as may be necessary to determine that the operators are maintaining them in safe condition for the operation in which they are used; and
- (b) advise each operator in the inspection and maintenance of its aircraft, aircraft engines propellers and other equipment and appliances.

(2) Where the Director-General finds that any aircraft, aircraft engine, propeller, or appliance, used or intended to be used by an operator in civil aviation, is not in a condition for safe operation, he shall notify the operator accordingly.

(3) So as not to endanger civil aviation, the aircraft, aircraft engine, propeller or appliance to which subsection (2) applies shall not be used in civil aviation until found by the Authority to be in a condition for safe operation.

Amendment,
modification,
suspension
and revocation
of certificate.

69. (1) The Director-General may, from time to time, for any reason, re-inspect or re-examine any civil aircraft, aircraft engine, propeller, appliance, air operator, school, or repair organisation or shop, or any civil airman holding a certificate issued under this Part.

(2) Where, as a result of a re-inspection or re-examination, or if, as a result of any other investigation made by the Director-General, the Director-General determines that safety in civil aviation or commercial air transport or the public interest requires it, the Director-General may issue an order amending, modifying,

suspending or revoking, in whole or in part any air worthiness certificate, airman certificate, air operator certificate, or certificate for any airport, school or approved maintenance organization issued under this Act.

(3) The Director-General shall, prior to amending, modifying, suspending, or revoking a certificate, inform its holder as to any grounds or reason relied on by the Director-General for the proposed action and, except in an emergency, shall provide the holder an opportunity to respond to those grounds or reasons and be heard as to why the certificate should not be amended, modified, suspended or revoked.

(4) A person whose certificate is affected by any order of the Director-General under this section may appeal against it to the High Court and the Director-General may be a party to such proceedings.

70. (1) It shall be unlawful for any person to –

Prohibitions.

- (a) operate in any civil aircraft for which there is not currently in effect an airworthiness certificate, or in violation of the terms of any such certificate;
- (b) serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller, or appliance used or intended for use in civil aviation without an airman certificate authorizing that person to serve in such capacity, or in violation of any term, condition, or limitation of this certificate, or in violation of any order, rule, or regulation issued under this Act;
- (c) employ for service in connection with any civil aircraft used in civil aviation an airman who does not have an airman certificate authorizing that person to serve in the capacity for which the person is employed;

- (d) operate as an air operator without an air operator certificate, or in violation of the terms of any such certificate;
- (e) operate aircraft in civil aviation in violation of any rule, regulation, or certificate issued by the Director-General under this Act; and
- (f) while holding a certificate issued to a school or approved maintenance organization as provided in this Act, to violate any term, condition, or limitation thereof, to violate any order, rule, or regulation made under this Act relating to the holder of such certificate

(2) The Director-General may, in the public interest, exempt a foreign-registered aircraft and airmen serving on the aircraft under paragraph (a) of subsection (1) but however shall not grant an exemption from observing air traffic regulations.

PART IX—AIRCRAFT ACCIDENTS AND INCIDENTS INVESTIGATIONS

Aircraft
accidents
and incidents.

71. (1) The Minister shall have jurisdiction over—

- (a) the investigation of any accident or incident, arising out of, or in the course of, air navigation and either occurring in or over Sierra Leone or occurring elsewhere to an aircraft registered in Sierra Leone; and
- (b) the collection, evaluation, processing, storing and dissemination of reports of any accident or incident.

(2) Notwithstanding any provision under this Act or any other enactment, where an accident or incident involves a state aircraft and a civil aircraft, or a civil aircraft at an aerodrome used principally

for state aircraft or occurs while a state aircraft was on or in the course of taking off from an aerodrome used for purposes of civil aviation this Act shall apply.

(3) The Minister may by statutory instrument, make regulations for—

- (a) provision of facilities and services in support of the investigation of accidents and incidents;
- (b) notices to be given of any accident or incidents to or by such persons as may be prescribed;
- (c) investigation of any accident or incident arising out of or in the course of air navigation and either occurring in or over Sierra Leone or occurring elsewhere to aircraft registered in Sierra Leone;
- (d) participation of any persons authorised for that purpose in accordance with any investigation held under this Act and regulations made under it relating to the requirements of Annex 13 to the Chicago Convention by the competent authorities of any other State;
- (e) investigation of any incident other than one to which paragraph (d) applies for the purpose of securing any information, article or other material which it is the duty of Sierra Leone to furnish to any other State under this Act and regulations made under it relating to the requirements of Annex 13 to the Chicago Convention;

- (f) prohibiting, pending investigation, access to or interference with aircraft to which an accident or incident has occurred and authorising any person, so far as may be necessary for the purposes of an investigation, or for the purpose of determining whether an investigation should be held, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft;
- (g) enabling a person in charge of an investigation or other inquiry to grant immunity to any person giving evidence in the course of such investigation or inquiry from prosecution for offences disclosed by or arising from such evidence;
- (h) providing for any other matters arising from this Act and regulations made under it relating to Annex 13 to the Chicago Convention; and
- (i) the conduct of public inquiries into accidents and incidents.

Establishment
Directorate
of Accident
Investigation.

72. (1) There is established, a Accident Investigation of Directorate which shall be responsible for the investigation of accident and incidents.

(2) The Directorate of Accident Investigation shall be headed by the Director of Accident Investigation who shall be appointed by the Minister on such terms and conditions as may be specified in the instrument of appointment.

(3) The Directorate of Accident Investigation may, with the approval of the Minister, incur such expenses as necessary to discharge the functions of the Directorate.

73. There shall be a Director of Accident Investigation shall be responsible for—

Functions of
Director of
Accident
Investigation.

- (a) the direction, control and administration of the Directorate;
- (b) determining, in the event of an occurrence of an accident or incident, whether or not an investigation shall be carried out;
- (c) submitting reports to the Minister of any accident or incident investigation;
- (d) issuing notices to the appropriate persons following the occurrence of an accident or incident; and
- (e) any other function conferred upon him by the Minister or under any other law.

74. (1) The Director shall, with the approval of the Minister, appoint on a full-time or part-time basis for the purposes of conducting accident and incident investigations such number of Accident Investigators and other support personnel as may be necessary to discharge the functions of the Directorate.

Accident
Investigators.

(2) An Accident Investigator shall be a person properly trained in the investigation of aircraft accidents and incidents.

75. The Director and Accident Investigators shall, for purposes of investigating an accident or incident -

Powers of
investigation.

- (a) have access to —
 - (i) the site of the accident or incident as well as to the aircraft involved in the accident or incident, parts of such aircraft, its contents or its wreckage and to any flight recorders and other recording relating to the flight;

- (ii) the results of the medical examination of the bodies of victims or of tests made on samples taken from the bodies of victims;
 - (iii) the results of medical examinations of the persons involved in the operation of the aircraft or of tests made on samples taken from such persons; and
 - (iv) any relevant information or records held by the owner, the operator or the manufacturer of the aircraft and by the owner or operator of an aerodrome or air navigation installation or the civil aviation authorities.
- (b) have power to —
- (i) summon and examine all such persons as he thinks fit and to require such persons to answer any question or furnish any information or produce any books, papers, documents and articles which the Accident Investigator may consider relevant and to retain any such books, papers, documents and articles until the completion of the investigation;
 - (ii) take statements from all such persons as he thinks fit and to require any such person to make and sign a declaration as to the truthfulness of the statement made by him;

- (iii) enter and inspect any place, building or aircraft the entry or inspection whereof appears to the Accident Investigator to be requisite for the purposes of the investigation,
- (iv) require the medical examination of the bodies of victims,
- (v) require the persons involved in the operation of an aircraft to submit to a medical examination;
- (vi) examine, remove, test, take measures for the preservation of or otherwise deal with any aircraft involved in an accident or incident for the purposes of the investigation, and
- (vii) take such measures for the preservation of evidence as he considers appropriate.

76. (1) On completion of an investigation into an accident or incident the Director shall prepare a report of the investigation and submit it to the Minister. Report of investigation.

(2) The Director shall, prior to submitting a final report to the Minister, provide a copy of the draft report or a relevant part thereof on a confidential basis to the civil aviation authorities, operator of the aircraft involved in the accident or incident, the owner or operator of the aerodrome at which the accident or incident occurred where applicable, and to any other person who has a direct interest or whose reputation is likely to be adversely affected by the report and consider any representations that may be made to him by or on behalf of any such persons.

77. The Minister shall determine whether a report or a part of it shall be made public and shall cause such report to be published in such form and manner as he thinks fit. Publication of report.

Privilege.

78. (1) The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents and not to apportion liability or blame.

(2) The report or any part of it shall not be admissible as evidence in any legal, disciplinary or other proceedings.

(3) The following shall not be made available to any person unless the High Court determines that their disclosure outweighs the adverse domestic and international impact such action may have on that or any future investigations -

- (a) statements taken from persons by the accident investigators in the course of their investigation;
- (b) communications between persons having been involved in the operation of the aircraft;
- (c) medical or private information regarding persons involved in the accident or incident;
- (d) cockpit voice recordings and transcripts from such recordings; and
- (e) opinions expressed in the analysis of information, including flight recorder information.

(4) An Accident Investigator shall not be compelled to appear as a witness, and the opinion of the Accident Investigator shall not be admissible in any legal, disciplinary or other proceedings relating to an accident or incident investigation.

79. Any person who contravenes this Act or regulations made under this Act or without lawful excuse wilfully resists or otherwise obstructs an Accident Investigator in the execution of his powers and duties under this Act or the regulations or knowingly gives false or misleading information to any inspector or investigator under this Act or makes a report of an accident or incident knowing that such report is false or misleading commits an offence and is liable to a fine not exceeding twenty-five thousand United States dollars or equivalent in Leone or to imprisonment to a term not exceeding 10 years, or to both such fine and imprisonment.

80. The Minister may, where he considers it necessary in the public interest, institute a public inquiry into an accident or incident and such inquiry shall not, unless in the opinion of the Minister exceptional circumstances require, be conducted until such time as a report has been submitted to the Minister after completion of an investigation.

PART X – AIR OPERATORS ECONOMIC REGULATION

81. (1) A person shall not provide air services unless the person -

- (a) holds a licence issued by the Director-General for that purpose under this Act;
- (b) obtains from the Authority, an operating authorisation in the case of foreign air operators designated under any air service agreement to which Sierra Leone is a party;
- (c) obtains from the Authority, an approval for use of a foreign registered aircraft by a Sierra Leone licensed air operator; or
- (d) obtains from the Authority, an operating permit for the carrying out of aerial work in Sierra Leone by a foreign based operator.

(2) The Authority may issue an air service licence to an applicant only if the applicant—

- (a) complies with regulations and other requirements of the Authority, including the filing of an insurance policy or self-insurance plan approved by the Authority, sufficient to pay, for bodily injury to, or death of, an individual or for loss of, or damage to, property resulting from the operation or maintenance of the aircraft under the certificate; and
- (b) is found to be fit, willing, and able to perform properly the transportation covered by the application and to conform to this Act and the rules, regulations, and the standards of the Authority prescribed under this Act.

(3) The provisions of subsection (2) are continuing requirements for an air operator with respect to the transportation authorised by the Authority and the licence shall not remain in effect unless the air operator complies with those requirements.

(4) Any person who undertakes any of the activities specified under this section without a licence, an authorisation, approval or permit commits an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand United States dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

Aerial work

82. (1) A person shall not perform aerial work on a flight for hire or permit reward unless the person holds a permit issued under this Act.

(2) Any person who performs aerial work on a flight without a permit commits an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

83. (1) A person shall operate an aircraft on authorised air routes and airways. Air routes and air-ways.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand dollars or the equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

84. (1) A person shall not engage in or carry out the of aircraft, aircraft components or aircraft materials or the manufacture of parts for maintenance the purpose of maintenance or associated training activities without a certificate of approval issued by the Authority under this Act. Certification of aircraft maintenance organisations.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

85. (1) A person shall not operate or hold out as an aviation organisation without an aviation training certificate issued by the Authority under this Act. Certification of aviation training organisations.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

86. (1) A licence issued under this Part shall specify the terminal points and intermediate points, if any, between which the air operator is authorised to engage in commercial air transport and the service to be rendered. Terms and conditions of licence.

(2) There shall be attached to the statement of the privileges granted by the licence, or any amendment to it, such reasonable terms, conditions, and limitations as the public interest may require the breach of which shall entitle the Authority to suspend or revoke the licence.

(3) A licence issued under this section to engage in international commercial air transport on a scheduled, non-scheduled or charter basis shall designate the terminal and intermediate points only in so far as the Authority shall deem practicable, and otherwise shall designate only the general route or routes to be followed.

Foreign air operators to be licensed.

87. (1) No foreign air operator shall engage in commercial air transport within Sierra Leone unless there is in force an air service licence issued by the Authority for the purpose.

(2) Application for a licence shall be made in writing to the Authority but addressed to the Director-General and shall be in such form and contain such information as the Authority shall require.

(3) The Authority shall issue a licence if it finds that -

- (a) the applicant is fit, willing, and able properly to perform international commercial air transport and to conform to the provisions of this Act and the rules, regulations, and standards of the Authority prescribed pursuant to this Act;
- (b) the applicant is qualified, and has been designated by its government, to perform international commercial air transport under the terms of an agreement with Sierra Leone;
- (c) the transportation will be in the public interest; and

- (d) complies with regulations or orders of the Authority governing the filing of an insurance policy or self-insurance plan approved by the Minister which is sufficient to pay, for bodily injury to, or death of, an individual or for loss of, or damage to, property, resulting from the operation or maintenance of the aircraft under the licence.

(4) The provisions of paragraph (c) of subsection (3) are continuing requirements for an air operator with respect to the transportation authorised by the Authority and the licence shall not remain in effect unless the foreign air operator complies with such requirements.

88. (1) The Authority may alter, amend, modify, any licence, in whole or in part, for failure to comply with any requirement of this Act or any rule, regulation or standards prescribed under it or any term, condition or limitation of the licence.

Power of Authority to modify, suspend or revoke licence.

(2) A person who has an interest in a licence altered, amended, modified, suspended, or revoked under subsection (1), may file with the Authority, a protest or memorandum in support of or in opposition to the alteration, amendment, modification, suspension, or revocation of a licence.

PART XI – ESTABLISHMENT AND MANAGEMENT OF AERODROMES

89. (1) The Government or any person or other Authority may—

Establishment of aerodromes.

- (a) establish and maintain aerodromes; and
- (b) provide and maintain in connection with aerodromes, roads, approaches, apparatus, equipment and buildings and other accommodation, in accordance with this Act.

(2) The Government or any person or other authority may, for the purpose of exercising the powers conferred by subsection (1), acquire land or any right in or over land by agreement or in accordance with any law in force relating to the acquisition of land for public purposes.

Private
aerodromes.

90. (1) A person shall not establish a private aerodrome unless that person holds a certificate issued for that purpose under this Act.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

Public use of
aerodromes.

91. (1) A person shall not establish an aerodrome for public use unless an aerodrome certificate for that aerodrome has been issued by the Authority under this Act.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding twenty-five thousand dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

Environmental
factors to be
considered in
establishing
aerodromes.

92. The Government or any person or other authority shall, in establishing aerodromes under section 91, have regard to the need to minimise so far as reasonably practicable –

- (a) any adverse effect on the environment; and
- (b) any disturbance to the public, from noise, vibrations, atmospheric pollution or any other cause attributable to the use of aircraft for the purpose of civil aviation.

Power to
certify
aerodromes.

93. The Authority shall have the power to certify and grant licences in respect of aerodromes and to establish minimum safety standards for the design, operation and maintenance of, aerodromes

94. (1) The Authority shall ensure that suitable facilities are made available to the relevant Government authorities and agencies at airports for the provision of customs, immigration and health services. Customs,
immigration
and health
services.

(2) The provision of the customs, immigration and health services referred to in subsection (1) shall not be the responsibility of the Authority, but of the appropriate Government authority or agency.

(3) The terms and conditions under which the facilities referred to in subsection (1) shall be made available and shall be determined by agreement between the Authority and the Government authority or agency concerned.

95. (1) Where the Authority is satisfied, with respect to any building or structure in the vicinity of an aerodrome to which this section applies, that in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building or structure, it may by order direct (subject to any conditions specified in the order) that the operator of the aerodrome and any person acting under the operator's instructions – Obstructions
near
aerodromes.

- (a) execute, install, maintain, operate, and as occasion requires repair and alter, such works and apparatus as may be necessary for enabling such warning to be given in the manner specified in the order, and
- (b) that the land be entered or passed over (with or without vehicles) as may be specified in the order:

Provided that, no such order shall be made in relation to any building or structure if it appears to the Authority that there have been made, and are being carried out, satisfactory arrangements.

- (c) that no works shall be executed on any land unless, at least 14 days previously, the operator of the aerodrome to which the order relates has served in the manner specified by the order on the occupier of that land, and on every other person known by the operator to have an interest in the land, a written notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be specified by the order;
- (d) no steps shall be taken in pursuance of the notice under paragraph (c) without the specific authorisation of the Authority, if within 14 days from the service of the notice on any person having such an interest, the operator of the aerodrome receives written objection on the part of that person to the proposals contained in the notice; and
- (e) the operator of the aerodrome to which the order relates shall pay to any person having an interest in any land affected by the order adequate compensation for any loss or damage which that person may suffer in consequence of the order,

and for the purposes of this subsection any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order, shall be deemed to be loss or damage suffered in consequence of the order.

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

(3) A person who contravenes subsection (1), commits an offence and is liable on conviction to imprisonment for a term not less than 6 months or a fine not less than the equivalent of five hundred United States dollars or equivalent in Leones or both such fine and imprisonment; and any person who wilfully obstructs a person in the exercise of any of the powers conferred by such an order as aforesaid shall be guilty of an offence and liable on conviction to imprisonment for a term not less than 6 months or a fine not less than five hundred United States dollars or equivalent in Leones or both such fine and imprisonment.

(4) Nothing in this section shall operate, in relation to any building or structure, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building or structure if-

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

(5) In this section –

- (a) the expression “aerodrome to which this section applies” means-

- (i) an aerodrome under the control of the Minister or of the Minister of responsible for defence , or
 - (ii) any premises which, in pursuance of regulations made under this Act are for the time being licensed as an aerodrome, and
- (b) the expression “operator of the aerodrome” means-
- (i) in the case of such an aerodrome as is mentioned in sub-paragraph (i) of paragraph (a) of this subsection, the person(s) in charge of the aerodrome and
 - (ii) in any other case, the holder of the licence issued in respect of the aerodrome in pursuance of this Act.

Trespassers
on aerodrome.

96. (1) Subject to sub-section (2), any person who trespasses on any land forming part of an aerodrome, or upon which navigational aids or any ancillary facility is situated shall be guilty of an offence and liable on conviction, to imprisonment for a term not less than 1 month or a fine of not less than one hundred United State dollars or equivalent in Leones or both such fine and imprisonment.

(2) No person shall be liable under this section, unless it is proved that at the material time, notices warning trespassers of their liability under this section were posted, so as to be readily seen and read by members of the public, in such position on or near the boundary of the aerodrome or land upon which any navigational aid or ancillary facility is situated as appear to the court to be proper.

97. (1) The Minister may make regulations for the purposes of preventing lands adjacent to or in the vicinity of an aerodrome or aerodrome site from being used or developed in a manner that is, incompatible with –

Restriction
on use of
adjacent land.

- (a) the operation of an aerodrome;
- (b) the safe operation of an aircraft;
- (c) the use or operation of equipment or facilities to provide services relating to aeronautics without causing interference with signals.

(2) The Authority shall monitor the development on land adjacent to or in the vicinity of aerodromes or aerodrome sites in order to ensure compliance with regulations made by the Minister under subsection (1).

98. (1) The Authority shall by regulations prescribe that all passengers and all property intended to be carried in the aircraft hold or cabin in air transport be screened by any appropriate means, including x-ray metal detection or physical search or other procedures or facilities employed or operated by personnel or employees or agents of an air operator or foreign air operator prior to boarding the aircraft for transportation.

Aviation
security.

(2) The Authority may by regulations prescribe such other reasonable rules requiring such practices, methods and procedures as the Authority may consider necessary to protect persons and property aboard aircraft engaged in commercial air transport operation against acts of criminal violence and aircraft piracy.

(3) The Authority shall, to the extent practicable, require uniform procedures for the inspection, detention, and search of persons and property in domestic commercial air transport and international commercial air transport to assure their safety.

Aerodrome
security
programme.

99. (1) No aerodrome operator shall permit his or its aerodrome to be used for the operation of air transport services unless he has the airport security programme approved by the Authority.

(2) Any person who violates an airport security programme approved by the Authority under subsection (1) commits an offence and on conviction shall be liable to a fine of not less than five thousand United State dollars or equivalent in Leones or to a term of imprisonment not exceeding ten years, or to both such fine and imprisonment.

Airline
security
programme.

100. (1) An airline operator shall not operate a transport service to, from or within Sierra Leone unless he has a security programme approved by the Authority.

(2) Any person who violates an airline security programme approved by the Authority under subsection (1) commits an offence and on conviction shall be liable to a fine of not less than five thousand United State dollars or equivalent in Leones or to a term of imprisonment not exceeding ten years, or to both such fine and imprisonment.

Power to
search.

101. The Director-General or an officer of the Authority authorised in that regard by the Director-General may stop and search—

- (a) any vehicle entering or leaving a restricted or prohibited place or area of an airport;
- (b) any person or vehicle entering or leaving any area of an airport, if he has reasonable grounds for suspecting that an offence under this Act has been committed or is about to be committed, or as part of routine procedure.
- (f) any aircraft on the ground or any aerodrome for reasons of safety or security.

PART XII – CHARGES

102. (1) Subject to subsection (10), the Authority shall draw up a scheme prescribing charges to be paid to the Authority in respect of services or facilities provided by the Authority. Charges.

(2) Notwithstanding the generality of subsection (1), the services and facilities that the Authority may charge for, include—

- (a) the issuance, renewal or variation of airworthiness certificates;
- (b) the issuance, renewal or variation of personnel licences;
- (c) aerodrome inspection, certification and licensing;
- (d) inspection of aircraft;
- (f) aircraft registry services;
- (e) air operator's certificates;
- (f) the approval of aircraft maintenance organisations and aviation training organisations;
- (g) noise and environmental pollution;
- (h) air transport licences;
- (i) any other services related to the operation of aerodromes;
- (j) use or rental of any assets of the Authority; and
- (k) any other services related to its functions under this Act.

(3) The scheme referred to in subsection (1) shall be submitted to the Minister for information only before being published in the Action Information Centre in terms of subsection (4).

(4) The scheme referred to in subsection (1) shall be published by the Authority in an Action Information Centre giving the effective date of the coming into force of the scheme.

(5) The Authority may change and revise charges and submit such changes or revisions of the charges to the Minister before publication in the Action Information Centre in accordance with subsection (4).

(6) A charge shall be payable within a period specified by the Authority, and any failure to pay within the specified period may attract a penalty which shall be a percentage prescribed by the Authority and calculated in such manner as may be prescribed by the Authority from the due date for payment until the actual date of payment.

(7) If the total amount due is not paid within the period specified, the Authority may seize the aircraft or other property which is the subject of the amount not paid and the Authority shall retain the aircraft or property until payment is made in full.

(8) If the total amount due remains unpaid for a period of sixty days from the date of the seizure of the aircraft or other property which is the subject of the amount not paid, the Authority may commence legal proceedings to sell the aircraft or property in accordance with such procedure as the Minister may, by statutory instrument, prescribe.

(9) The charge referred to under subsection (6) shall be reasonably related to expenses incurred, or to be incurred, by the Authority in relation to the provision of a service or facility.

(10) Notwithstanding subsection (1), the Authority may determine non aeronautical charges or charges other than regulatory charges through a bidding process.

PART XIII – OFFENCES AND PENALTIES

103. (1) It shall be an offence for any person to— Offences.

- (a) operate in civil aviation, a civil aircraft for which there is not currently in effect an airworthiness certificate, or in contravention of any terms or conditions of the certificate;
- (b) serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use in civil aviation without an airman certificate authorising that person to serve in the capacity, or in contravention of any term, condition, or limitation of the certificate, or in contravention of any order, rule or regulation prescribed under this Act;
- (c) employ for service, in connection with a civil aircraft used in civil aviation, an airman who does not have an airman certificate authorising him to serve in the capacity for which the person is employed;
- (d) operate as an air operator without an air operator certificate, or in contravention of any term or condition of the certificate;
- (e) operate aircraft in civil aviation in contravention of any rule, regulation or certificate issued by the Authority under this Act; and
- (f) while holding a certificate issued to a school or repair organisation or shop as provided in this Act, to contravene any term, condition, or limitation thereof or contravene any order, rule, or regulation made under this Act relating to the holder of such certificate.

(2) The Authority may, on such terms and conditions as it may determine as being in the public interest, exempt a foreign aircraft and airmen serving on the aircraft from subsection (1), but exemption from observing air traffic regulations shall not be granted.

Civil penalties.

104. (1) Any person, other than a person conducting an operation in domestic commercial air transport or international commercial air transport, who violates any provision of this Act or any rule, regulation, or order issued under it shall be subject to a civil penalty not exceeding twenty thousand dollars or equivalent in Leones for each such violation and if any such violation is a continuing one, each day of such violation shall constitute a separate offence.

(2) Any person conducting an operation in domestic commercial air transport or international commercial air transport who violates any provision of this Act or any rule, regulation, or order issued there under shall be subject to a civil penalty not exceeding two hundred thousand dollars or its equivalent in Leones for each such violation. If any such violation is a continuing one, each day of such violation shall constitute a separate offence.

(3) The Director-General shall have power to assess and collect any civil penalty.

(4) In determining the amount of such penalty, the Director-General shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, history of prior offences, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

(5) The Minister may, by statutory instrument, make regulations governing the assessment and application of civil penalties, and shall provide guidance concerning the amounts of penalties applicable to certain violations of this Act or any regulations made under it.

(6) The Minister may, by statutory instrument, make regulations to adjust the amount of civil monetary penalties to reflect inflation, at least every five years.

(7) A civil aircraft involved in violation of this Act and the violation is by the owner or operator of the aircraft, such aircraft shall be subject to a lien for the penalty.

(8) A person who—

(a) with actual knowledge of the facts of the occurrence; or

(b) can be imputed to have actual knowledge as a reasonable person exercising reasonable care in the circumstances, offers or accepts dangerous goods for commercial air transport in contravention of this Act in relation to Annex 18 to the Chicago Convention or the International Civil Aviation Organization Technical Instruction for the Safe Transport of Dangerous Goods by Air contravenes the duty imposed under subsection (5) of section 67 and,

shall be subject to a civil penalty not exceeding ten thousand dollars or equivalent in Leones for the violation of each part of the Act or regulations made under it relating to Annex 18 to the Chicago Convention or the International Civil Aviation Organization Technical Instruction for the Safe Transport of Dangerous Goods by Air.

105. (1) A person who knowingly and wilfully—

(a) forges, counterfeits, alters, or falsely makes any certificate authorised to be issued under this Act, or knowingly uses or attempts to use the certificate; or

General criminal penalties.

- (b) displays or causes to be displayed on an aircraft any mark that is false or misleading as to the nationality or registration of the aircraft,

commits an offence and is liable on conviction to a fine not exceeding five thousand dollars or the equivalent in Leones or imprisonment for a term not exceeding ten years, or to both such fine and imprisonment.

(2) A person who –

- (a) with intent to interfere with air navigation within Sierra Leone, exhibits within Sierra Leone any light, signals, or communication at such place or in such manner that is likely to be mistaken for a true light or signal established pursuant to this Act, or for a true light or signal in connection with an airport or other air navigation facility, or, after due warning by the Authority, continues to maintain the misleading light or signal; or
- (b) knowingly removes, extinguishes, or interferes with the operation of any true light or signal, commits an offence and is liable on conviction to a fine not exceeding twenty thousand United States dollars or imprisonment for a term not exceeding ten years, or to both such fine and imprisonment.

(3) Any air operator, or any officer, agent, employee, or representative of an air operator, who–

- (a) knowingly and wilfully fails or refuses to make a report to the Authority required by this Act;
- (b) fails or refuses to keep or preserve any accounts, record or memorandum in the form and manner prescribed or approved by the Authority;

- (c) mutilates or alters any report, accounts, record or memorandum; or

- (d) files any false report, account, record or memorandum, commits an offence and is liable on conviction to a fine not exceeding ten thousand dollars or imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

(4) A person who neglects or refuses to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, in obedience to a subpoena or lawful requirement of the Authority or any employee of the Authority authorised in that behalf commits an offence and is liable on conviction to a fine not exceeding five hundred United States dollars or its equivalent in Leones or imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

106. (1) A person who on board an aircraft in flight unlawfully, by force or threat of force or by any other form of intimidation, seizes or exercises control of that aircraft, commits the offence of hijacking of that aircraft. Hijacking.

(2) A person who attempts to commit an act referred to in subsection (1) in relation to an aircraft, or abets the commission of the act, is also deemed to have committed the offence of hijacking of the aircraft.

(3) A person who, while committing the offence of hijacking of an aircraft, commits an act of violence against a passenger or member of the crew of the aircraft, is liable to the punishment imposed under any law for the time being in force in Sierra Leone if the act had been committed in Sierra Leone.

107. (1) A person who, while on board a civil aircraft–

Interference
with crew
members,
etc.

- (a) assaults, intimidates or threatens a crew member, whether physically or verbally, if the assault, intimidation or threat interferes with the performance of the duties of the crew member or flight attendant, including any steward or stewardess of such aircraft or lessens the ability of the crew member to perform those duties; or
- (b) refuses to follow a lawful instruction given by the aircraft commander, or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board the aircraft, or for the purpose of maintaining good order and discipline on board the aircraft.

commits an offence and is liable on conviction to a fine not exceeding two thousand United States dollars or equivalent in Leones or imprisonment for a term not exceeding five years or to both such fine and imprisonment, and if he uses a deadly or dangerous weapon in the commission of the offence, to imprisonment for a term of fourteen years.

(2) A person who while on board a civil aircraft applies any physical violence against a person or sexually assaults a person or molests a child commits an offence and is liable on conviction to a fine not exceeding two thousand United States dollars or equivalent in Leones or imprisonment for a term not exceeding five years or to both such fine and imprisonment, and if he uses a deadly or dangerous weapon in the commission of the offence, to imprisonment for a term of fourteen years.

(3) A person who while on board a civil aircraft—

- (a) assaults, intimidates or threatens another person, whether physically or verbally;

- (b) intentionally causes damage to, or destruction of property; or
- (c) consumes alcoholic beverages or drugs resulting in intoxication,

commits an offence and is liable on conviction to a fine not exceeding two thousand United States dollars or equivalent in Leones or imprisonment for a term not exceeding five years or to both such fine and imprisonment, and if he uses a deadly or dangerous weapon in the commission of the offence, to imprisonment for a term of fourteen years.

108. A person who, while on board a civil aircraft —

- (a) smokes in a lavatory, or smokes elsewhere in a manner likely to endanger the safety of the aircraft;
- (b) tampers with a smoke detector or any other safety-related device on board the aircraft; or
- (c) operates a portable electronic device when such act is prohibited,

Other civil aircraft offences.

commits an offence and is liable on conviction to a fine not exceeding one hundred dollars or equivalent in Leones or imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

109. (1) A person who, while on board, or while attempting to board, an aircraft in, or intended for operation in commercial air transport operation—

Weapon and explosive violations.

- (a) has on or about his person or property a concealed deadly or dangerous weapon, which is, or would be accessible to the person in flight; or

- (b) has on or about his person, or has placed, attempted to place, or attempted to have placed aboard the aircraft any bomb or similar explosive or incendiary device,

commits an offence and is liable on conviction to a fine not exceeding five thousand dollars or its equivalent in Leones or imprisonment for a term not exceeding ten years, or to both such fine and imprisonment.

(2) A person who wilfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, does an act prohibited by subsection (1) commits an offence and is liable on conviction to a fine not exceeding five thousand United States dollars or its equivalent in Leones or imprisonment for a term not exceeding ten years, or to both such fine and imprisonment.

(3) This section does not apply to—

- (a) law enforcement officers of Sierra Leone or of another State as agreed by Sierra Leone, who are authorised or required within their official capacities to carry arms;
- (b) persons who may be authorised by the Director- General to carry deadly or dangerous weapons in commercial air transport; or
- (c) persons transporting weapons contained in baggage which is not accessible to passengers in flight, if the presence of the weapons has been declared to the air operator.

Interference with safe operation of aircraft.

110. (1) Where the commander of an aircraft in flight, wherever the aircraft may be, has reasonable grounds to believe that a person on board the aircraft -

- (a) has done or is about to do any act on the aircraft while it is in flight which jeopardizes or may jeopardize -
- (i) the safety of the aircraft or of persons on board the aircraft, or
- (ii) the good order and discipline on board the aircraft; or
- (b) has done any act which in the opinion of the commander is an offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination,

then, subject to subsection (5), the commander may take such reasonable measures, including restraint of the person, as may be necessary for any of the purposes protecting the safety of the aircraft and persons on board the aircraft.

(2) The commander may take any measure under subsection (1) to-

- (a) protect the safety of the aircraft and persons on board the aircraft;
- (b) maintain good order and discipline on board the aircraft; or
- (c) enable the commander to disembark or deliver that person in accordance with subsection (6).

(3) The commander may require the assistance of other crew members and may request, but not require, the assistance of passengers, or authorise other crew members and passengers to restrain any person whom the commander is entitled to restrain.

(4) A crew member or passenger may also take reasonable preventive measures without any authorization under subsection (3) when he has reasonable grounds to believe that the action is immediately necessary to protect the safety of the aircraft, or of persons or property on board the aircraft.

(5) A restraint imposed on a person on board an aircraft under this section shall be discontinued after the first time, following the restraint, when the aircraft ceases to be in flight, unless before, or as soon as is reasonable practicable after that time, the commander of the aircraft notifies the appropriate authority of the country where the aircraft ceases to be in flight that a person is restrained and the reasons for the restraint.

(6) Where the commander complies with subsection (5), the restraint may continue—

- (a) for any period (including the period of any further flight) between the time the aircraft ceased to be in flight under subsection (5) and the first occasion after that on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (7); or
- (b) if the person under restraint agrees to continue his or her journey under restraint on board the aircraft. (7) Where the commander of an aircraft has reasonable grounds to believe that a person on board the aircraft—

- (a) has done or is about to do any act on the aircraft while it is in flight which jeopardizes or may jeopardise –
 - (i) the safety of the aircraft or of persons on board the aircraft, or
 - (ii) the good order and discipline on board the aircraft, and
 - (iii) it is necessary to do so in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft.

he may disembark that person in any country in which that aircraft may be; or

- (b) has done on the aircraft while in flight any act which in the opinion of the commander is an offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination,

he may deliver that person to the appropriate authority.

- (8) If the commander of an aircraft—
 - (a) disembarks a person in pursuance of paragraph (a) of subsection (7), in the case of a Sierra Leonean registered aircraft, in any country or, in the case of any other aircraft, in Sierra Leone he shall report the facts of and the reasons for, the disembarkation to—

- (i) the appropriate authority in the country of disembarkation, and
 - (ii) the appropriate diplomatic or consular officer of the country of nationality of the person;
- (b) intends to deliver a person in pursuance of paragraph (b) of subsection (7) in Sierra Leone, or in the case of a Sierra Leonean registered aircraft, in any other country, which is a contracting State, he shall before, or as soon as reasonably practicable after landing, give notification of his intention and of the reasons for it—
- (i) to the appropriate authority; and
 - (ii) in either case, to the appropriate diplomatic or consular officer of the country of nationality of that person.

(9) The commander of an aircraft who, without reasonable cause, fails to comply with the requirements of subsection (8) commits an offence and is liable on summary conviction to a fine of one hundred thousand Leones

(10) A person who wilfully and with reckless disregard of the safety of human life, interferes or attempts to interfere with the safe operation of an aircraft in, or intended for operation in, the special aircraft jurisdiction of Sierra Leone, commits an offence and is liable on conviction to a fine not exceeding ten million Leones or imprisonment for a term not exceeding ten years, or to both such fine and imprisonment.

111. A person who imparts or conveys or causes to be imparted or information. conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do an act which is an offence under this Part commits an offence and is liable on conviction to a fine not exceeding two thousand United States dollars or its equivalent in Leones or imprisonment for a term not exceeding five years or to both such fine and imprisonment.

False imprisonment.

112. A person who knowingly and without authority removes, conceals, or withholds any part of a civil aircraft an accident, or any property which was aboard the aircraft at the time of the accident, commits an offence and is liable on conviction to a fine not exceeding five million Leones and to imprisonment for a term not exceeding five years, or to both such fine and involved in imprisonment.

Removing, concealing or withholding part of aircraft involved in accident.

113. A person who wilfully –

Dangerous goods.

- (a) delivers or causes to be delivered to an air operator for commercial air transport; or
- (b) recklessly causes the transportation in commercial air transport or shipment of

any cargo, baggage, or other property in contravention of this Act and regulations made under it relating to Annex 18 of the Chicago Convention and the International Civil Aviation Organization Technical Instruction for the Safe Transport of Dangerous Goods by Air, commits an offence and is liable on conviction to a fine not exceeding five thousand United States dollars or its equivalent in Leones or imprisonment for a term not exceeding five years or to both such fine and imprisonment.

Prosecution
by Attorney-
General.

114. The Attorney-General or the Director of Public Prosecution may institute all necessary proceedings for the enforcement of this Act, or any term, condition or limitation of any permit, certificate or licence issued under this Act and for the punishment of any contravention defined in this Act.

Procedure
for civil
penalties.

115. (1) A civil penalty imposed or assessed under this Act may be collected by proceedings against the person subject to the penalty and, in the case of an aircraft subject to a lien for the penalty, by proceedings against the aircraft.

(2) An aircraft subject to a lien for a civil penalty may be seized by and placed in the custody of the Director-General.

(3) A report of the seizure and the basis for the seizure shall be promptly transmitted to the Attorney General, and the Attorney General shall, where necessary, promptly institute judicial proceedings for the enforcement of the lien against an aircraft seized by the Director-General.

(4) An aircraft shall be released from custody of the Director-General on –

- (a) the payment of the penalty or the amount agreed on in compromise;
- (b) the seizure in pursuance of judicial proceedings for enforcement of the lien; or
- (c) notice by the Attorney-General of failure to institute such proceedings; or
- (d) the deposit of a bond in such amount as the Director-General may prescribe, conditioned on payment of the penalty or the amount agreed on in compromise.

PART XV – MISCELLANEOUS PROVISIONS

116. (1) Sections 59 and 60 of the Sierra Leone Airports Repeals Authority Act, 1988 are hereby repealed.

(2) The Civil Aviation Act, 2008 is hereby repealed.

117. (1) Any regulation, order or other statutory instrument Savings. made under the Civil Aviation Act, 2008 and in force immediately before the commencement of this Act shall continue to be in force with such modifications as are necessary to bring them into conformity with this Act, or until revoked under this Act.

(2) All licences, certificates, orders, rules and other statutory instruments made under the Civil Aviation Act, 2008 shall remain in force until their expiration or are expressly repealed.

118. The Minister may, on the advice of the Authority, by Regulations. statutory instrument, make such regulations, orders and rules, as may be considered necessary or expedient to give effect to and for the better carrying out the objects and purposes of this Act, to provide generally for regulating air navigation and air transport and for carrying out and giving effect to the Chicago Convention and the Annexes thereto and any amendments to the Convention or Annexes.