

BILL

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THE CIVIL AVIATION ACT, 2023

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No.



Sierra Leone

2023

A BILL ENTITLED

THE CIVIL AVIATION ACT, 2023

Short title.

Being an Act to provide for the repeal and replacement of the Civil Aviation Act, 2019 (Act No. 7 of 2019), to provide for an effective aviation safety and security oversight system; to provide for the incorporation of the requirements of the Chicago and Montreal Conventions into domestic law and to provide for other related matters.

[

] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I - PRELIMINARY

Interpretation.

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

“air ticket sales charge” means a charge levied for air travel in Sierra Leone in accordance with section 2 of the Foreign Travel Ticket Tax Act, 1975 (Act No.14 of 1975);

“Attorney-General” means the Attorney General and Minister of Justice;

“Auditor General” means the Auditor General appointed under section 119 of the Constitution of Sierra Leone, 1991;

“Authority” means the Sierra Leone Civil Aviation Authority referred to in section 3;

“balancing test” means the determination by the Supreme Court of Sierra Leone of the impact a disclosure or use of accident and incident investigation records may have on current or future investigations;

“Board” means the Board of Directors of the Authority referred to in section 4;

“Bureau” means the Sierra Leone Aircraft Accident and Serious Incident Investigation Bureau established under section 74;

“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, its Articles which govern the actions of the contracting States in matters of international civil aviation safety directly and the Annexes to the Convention, which set 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;

“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;

“Council” means the Council of the International Civil Aviation Organisation;

“court” means a court of competent jurisdiction;

“crew member” means a person assigned to perform duties on an aircraft during flight;

“Director-General” means the Director-General of the Civil Aviation Authority appointed under section 22;

“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;

“emergency” means a sudden serious event or situation which requires immediate action to avert and or mitigate an aviation disaster;

“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 other than a commercial air transport operation or aerial work operation;

“Government” means the Government of Sierra Leone;

“International Civil Aviation Organization” means the International Civil Aviation Organisation established by the Chicago Convention, as a specialised agency of the United Nations charged with the responsibility of coordinating and regulating international air transport;

“international commercial air transport” means the carriage by aircraft of persons or property for remuneration or hire or the carriage of mail between 2 or more countries;

“Minister” means the Minister responsible for civil aviation; and “Ministry” shall be construed accordingly;

“National Platform” means the National Platform for Disaster Risk Reduction comprising persons from different sectors and areas of training with diverse knowledge and skills brought together to advocate, plan, advise and promote the implementation of the framework for action to prevent or mitigate disaster;

“owner” includes the actual owner of an aircraft;

“passage” includes reasonable landing and stoppage in the course, or for the purposes, of the passage of an aircraft.

Continuation of the Guma Valley Water Company.

“person” means an 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;

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

“state aircraft” means an aircraft owned and operated by the government for non-commercial purpose and those used in the military, customs or police services of Sierra Leone or other state enforcement bodies;

“territory” means the territory of Sierra Leone comprising the land areas and territorial waters adjacent thereto under its sovereignty, suzerainty, protection or mandate.

2. This Act and regulations made under it, shall apply, except where expressly excluded,—

Application.

- (a) in or over any part of Sierra Leone;
- (b) to citizens of Sierra Leone; and
- (c) to persons on, an aircraft—
 - (i) registered in Sierra Leone;
 - (ii) operated by a Sierra Leonean air operator; or
 - (iii) operated by an operator who has his principal place of business or permanent residence in Sierra Leone;

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- (d) to aircrafts and to persons on board an aircraft, for the time being in or over Sierra Leone;
 - (e) to holders of licences and certificates when exercising the privileges associated therewith outside Sierra Leone;
 - (f) to foreign aircrafts in Sierra Leone;
 - (g) to Sierra Leone air navigation and civil aerodromes in Sierra Leone;
 - (h) to air transport services and aerial works in Sierra Leone;
 - (i) to air navigation services in Sierra Leone and on behalf of Sierra Leone; and
 - (j) to aircraft accidents or serious incidents occurring—
 - (i) in or over Sierra Leonean territory or within the corresponding airspace;
 - (ii) in waters which do not fall under the sovereignty of a state when Sierra Leone is the state of registry
 - (iii) in the territory of a contracting state of the International Civil Aviation Organisation which does not intend to conduct an investigation in accordance with Annex 13 of the Convention on International Civil Aviation; and
 - (iv) in the territory of a non-contracting state of the International Civil Aviation Organisation which does not intend to conduct an investigation in accordance with Annex 13 of the Convention on International Civil Aviation.

PART II—THE SIERRA LEONE CIVIL AVIATION AUTHORITY

3. (1) There is hereby continued in existence, the body ^{Continuation} which immediately before the commencement of this Act, was known ^{of Authority.} 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} in which shall be vested, subject to this Act, the control and ^{Authority.} 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) the Financial Secretary, Ministry of Finance

- (e) 3 persons with cognate experience in aviation, appointed by the President subject to the approval of Parliament; and
- (f) the Director-General.

(3) The Chairman and other members referred to in paragraph (e) of subsection (2), shall be appointed by the President on the recommendation of the Minister subject to the approval of Parliament, but a person shall not be appointed Chairman, if he has a financial interest, whether directly or indirectly, in a business or undertaking in civil aviation.

Tenure of members.

5. (1) The Chairman and other members appointed under paragraph (e) of subsection 2 of section 4 shall hold office for a period of 3 years and shall be eligible for re-appointment for a further term of 3 years 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 as often as necessary but shall meet at least once every 3 months 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 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at a 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) A 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 to be placed before a meeting of the Board, this subsection shall not apply to that proposal.

(8) The Board may co-opt a 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.

Disclosure of
interest.

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

7. (1) A member of the Board who has an interest, whether direct or indirect, in a 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 a deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) commits a misconduct and shall be removed from the Board.

Immunity of
members.

8. (1) An action or other proceedings shall not lie or be instituted against a member of the Board or member of a committee of the Board for or in respect of an act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the Board shall not be personally liable for a debt or obligation of the Authority.

Secretary to
the Board.

9. (1) The Board shall, on the recommendation of the Director-General, designate an employee of the Authority as Secretary to the Board who shall perform such functions as may be directed by the Board or the Director-General.

(2) The Secretary shall, in addition to any function that may be assigned to him by the Board or the Director-General, 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) 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 a 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 of the Board appointed under subsection (1), 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, 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 be responsible for— Functions
of Board.

- (a) supervision of the Authority, including overseeing the sound and proper financial management of the Authority;
- (b) provision of 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;
- (c) determine and approve estimates, income and expenditure of the Authority; and
- (d) determine the terms and conditions of employment of the staff of the Authority.

(2) The Board shall approve the organisational structure of the Authority which shall include administrative and technical departments, inspectorate divisions and units necessary for the proper functioning of the Authority in accordance with paragraph (c) of subsection (2) of section 17.

Remuneration
of members.

12. The Chairman and the other members of the Board and a 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.

Filling of
vacancies.

13. (1) Where the Chairman or a member of the Board referred to in paragraph (e) of subsection 2 of section 4 dies, resigns, is removed from office or is absent for a continuous period exceeding 3 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 facilitation, economic and environmental efficiency of civil aviation in Sierra Leone by regulating including, licensing, certifying and authorising 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 aviation facilities; and
- (c) advise Government on the efficient development of the aviation industry.

15. (1) The Authority shall be responsible for civil aviation in Sierra Leone and the implementation and enforcement of this Act and regulations made under it and the obligations of Sierra Leone under the Chicago Convention and other applicable international agreements. Functions of Authority.

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

- (a) be the national competent authority for the implementation and coordination of International Civil Aviation Organisation and other civil aviation matters.
- (b) promote and develop safety and security in civil aviation, including oversight;
- (c) put in place arrangements to train its staff to acceptable standards and competency for the performance of their duties;
- (d) ensure due compliance with the conventions, annexes, protocols, standards and recommended practices of the International Civil Aviation Organisation;

- (e) establish a State Safety Programme and a National Surveillance Programme to achieve an acceptable level of safety in civil aviation;
- (f) 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;
- (g) enter into agreements for co-operative endeavours in the field of civil aviation, aviation safety and security with other contracting states, international and regional organisations;
- (h) enforce the requirements contained in the National Civil Aviation Security Programme;
- (i) license and register aircraft and ensure safety of air navigation and aircraft, including airworthiness;
- (j) 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 and model regulations developed by a Regional Safety Oversight Organisation of which Sierra Leone is a member;

- (k) 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;
- (l) register and de-register—
 - (i) aircrafts;
 - (ii) interests in aircrafts or a part of aircrafts, including the recognition of the validity of certificates or licences of foreign registered aircrafts;
- (m) recognise certificates of airworthiness, certificates of competency, radio licences and other licences issued by other contracting states;
- (n) license and certify civil aviation inspectors, security personnel responsible for screening, special agents, auditors or other properly licensed or certified persons;
- (o) make 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;
- (p) license 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;

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- (q) license and register aircraft so as to ensure airworthiness of aircrafts and safety in air navigation;
 - (r) coordinate and participate in aeronautical search and rescue;
 - (s) license aircraft operations personnel including cockpit and cabin crew, flight and ground engineers, air traffic controllers, flight dispatchers, air traffic service and electronics personnel;
 - (t) train and license persons engaged in—
 - (i) oversight and monitoring;
 - (ii) maintenance, operation and air traffic services;
 - (iii) aviation security;
 - (u) certify, license and authorise aerodromes and air navigational services and providers;
 - (v) regulate, promote and develop air transport operations and services;
 - (w) regulate and co-ordinate civil aviation firefighting services and facilities within Sierra Leone;
 - (x) ensure efficient utilisation of the navigable airspace, including the provision of rules for—
 - (i) safe altitude of flight;

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- (ii) prevention of collision between aircrafts, between aircraft and land or water vehicles and objects, and between aircraft and other airborne objects;
 - (iii) the interception and safeguarding of aircraft;
 - (y) provide facilities and personnel for the regulation of air traffic;
 - (z) levy of charges for services provided by the Authority for the use of the facilities of the Authority and for the issue of licences, permits and certificates;
 - (aa) provide facilities and personnel for the regulation of aviation security;
 - (bb) certify and regulate air travel agencies;
 - (cc) ensure that air operators, aerodrome operators, concessionaires and users of aerodromes abide by the environmental protection laws and regulations including protection from aircraft noise, engine emission, handling of hazardous material, petroleum product seepage, waste management and applying the appropriate sanctions in the event of violation;
 - (dd) regulate the use of aeronautical charts and units of measurement in air and ground operations;
 - (ee) publish and disseminate aeronautical information pertaining to civil aviation;

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- (ff) establish, develop and manage training facilities for the purpose of training of employees in subjects necessary for the proper performance of the Authority;
 - (gg) represent Sierra Leone in matters relating to civil aviation;
 - (hh) advise the Government on matters relating to civil aviation including the execution and implementation of international civil aviation agreements;
 - (ii) receive, coordinate and manage International Civil Aviation Organisation state letters and related matters;
 - (ij) take measures to ensure that aerodrome operators provide adequate level of rescue and firefighting services for the category of aerodrome;
 - (kk) authorise, licence and certify aviation service providers including ground handling service providers, aviation fuel suppliers, catering service providers, cargo and mail delivery service providers and any other allied aviation service providers;
 - (ll) regulate siting, design, construction, operation, maintenance and safety management of aerodromes.
 - (mm) regulate the establishment and use of aerodromes including the control of activities or development of facilities likely to attract wildlife on or in the vicinity of aerodromes;

- (nn) regulate standards in aeronautical meteorological services for the safe conduct of civil aviation operations;
- (oo) require persons engaged in or employed in or in connection with air navigation to supply meteorological information for the purposes of air navigation.
- (pp) grant aircraft radio station licenses,
- (qq) regulate aeronautical radio frequency spectrum utilisation in Sierra Leone;
- (rr) prohibit and regulate the installation of structures, which by virtue of height or position is considered to endanger the safety of air navigation; and
- (ss) perform such other functions as are necessary for the attainment of the objects of the Authority.

(3) The Authority shall by regulation require that a civil aircraft operating under its registry or operated by its air operators to comply with interception orders from other states.

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

- (a) receive 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 this Act;
- (b) invest 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 that 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 a building, 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 other assets acquired or required by the Authority, as the case maybe; and
 - (g) appoint a body or bodies to advise it in relation to the performance of its functions.
- (2) Notwithstanding subsection (1) the Authority shall—
- (a) promulgate rules and regulations governing the notification and reporting of incidents involving aircrafts at aerodromes;
 - (b) carry out investigations into complaints or occurrences relating to aviation safety and security, after due notice to the persons concerned;

- (c) by order require a person to take such action as may be necessary to prevent further violation of this Act, regulations, rules, orders or directives;
- (d) take necessary steps or corrective actions, including the grounding of an aircraft or sealing premises of an air transport service provider or provider of allied aviation service, in order to implement the findings of accidents and incidents investigations and ensure compliance with this Act and the regulations, rules, orders or directives made under it; and
- (e) implement mandatory punitive and voluntary non-punitive incident and accident reporting system and protect the identity of a person or organisation who offer information towards the performance of its functions under this Act and regulations made under it.

17. (1) The Director-General shall have power to perform such acts, including issuing and amending directives, orders, rules, regulations and procedures and conduct investigations other than aircraft accidents and serious incidents, pursuant to and in accordance with this Act.

Powers of
Director-
General.

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

- (a) publish 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 public hearings or investigations authorised by this Act;

- (c) establish, subject to the approval of the Board, the organisational structure of the Authority which shall include administrative and technical departments, inspectorate divisions and units necessary for the proper functioning of the Authority.
- (d) appoint, subject to the approval of the Board, senior staff of the Authority.
- (e) appoint such other staff as may be necessary for the proper discharge of the functions of the Authority

Power to
obtain
information.

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

- (a) require, by notice in writing, an air operator or an 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 the notice;
- (b) interview an air operator or a aviation service provider and require such operator to furnish such particulars as the Director-General may require; and
- (c) require, by notice in writing, an air operator or an aviation service provider to complete a form contained in the notice with particulars relating to a 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 aviation service provider to whom it is addressed or by sending it by registered post to the last known address of such operator or aviation service provider;
- (b) shall state that it is served in exercise of the powers conferred under 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 is made under subsection (1) it shall be furnished by the air operator or aviation service provider concerned or a person specifically authorised for that purpose.

(4) Subject to this section, an air operator or aviation service provider shall, to the best of his knowledge and belief, answer when so required, 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) A return or other commercially sensitive information collected by the Authority under this section shall not be disclosed to a person, unless authorised under subsection (6).

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

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

(7) An air operator or aviation 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 a material respect, knowing the answer to be false or misleading; or
- (b) wilfully obstructs the Director-General or an officer or employee of the Authority in the performance of his functions under this Act,

commits an offence and shall be liable on conviction to a fine not exceeding 5,000 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) An officer or employee of the Authority who, in the course of his performance of any function under this Act—

- (a) wilfully discloses a 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 a stock, bond or other security or 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 5,000 United States Dollars or equivalent in Leones, or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

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

- (a) directing compliance within such time as may be specified in the terms and conditions of a 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 this Act and regulations made under this Act.

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

(3) For the purpose of investigating whether the terms and conditions of a licence or certificate issued by the Authority or a provision of this Act are being or have been complied with, an inspector of the Authority authorised in that behalf may, in accordance with this Act and the International Civil Aviation Organisation standards and recommended practices relating thereto, -

- (a) enter the premises of an air operator or other holder of the licence or certificate;
- (b) board an aircraft;
- (c) seize a document or property of an air operator or other holder of the licence or certificate issued by the Authority under this Act;
- (d) interview an employee of an air operator or other holder of the licence or certificate issued by the Authority under this Act; or

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

(4) A person aggrieved by a 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) A 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 5,000 United States Dollars or equivalent in Leones, or to imprisonment for a term not exceeding 12 months or to both such fine and imprisonment.

Emergency
orders.

20. (1) The Director-General shall, whenever he is of the opinion that an emergency requiring immediate action exists with respect to safety and security in civil aviation, either—

- (a) upon complaint or the Director-General's initiative without complaint;
- (b) on the Director-General's 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, make such just and reasonable orders, rules or regulations as may be essential in the interest of safety and security in civil aviation to meet such emergency and immediately thereafter initiate action relating to the matter giving rise to such order, rule, or regulation.

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

21. (1) The Director-General may grant exemptions from the requirements of observing an order or rule under this Act or in its aviation safety and security regulations if the Director-General finds such action would be in the public interest. Power to grant exemptions.

(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

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. Appointment of Director-General.

(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 such other fields as may be relevant for the functions of the Authority.

(3) The Director General shall be assisted by 2 Deputy Directors-General referred to in section 26 and any one of them may, in the absence of the Director-General, act as Director General.

23. The Director-General shall be responsible to the Board, for the of performance of the following functions, to— Functions Director-General.

(a) exercise powers and discharge of the duties of the Authority including—

(i) control over personnel and activities of the Authority;

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

- (b) provide overall leadership in the general operations and efficient administration of the affairs or activities of the Authority;
- (c) initiate and maintain high-level contact with interested parties, both local and international, in relevant areas of the operations of the Authority;
- (d) monitor and supervise the preparation of the annual budgets and reports of the Authority for the review and approval of the Board;
- (e) oversee the work and discipline of other staff of the Authority; and
- (f) perform such other functions as may be assigned by the Board or necessary for the purposes of the Authority.

Power to
delegate.

24. (1) The powers conferred on and the functions of the Authority under this Act are vested in the Director-General who may exercise them directly or by delegation.

(2) The Director-General may, in writing and subject to this Act, delegate a function of the Director-General to—

- (a) an inspector or employee in a department under his authority;
- (b) a Regional Safety or Security 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) a 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.

(3) The Director General may delegate his safety management and security oversight powers to assigned aviation safety and aviation security inspectors respectively and other qualified personnel outside of the Authority:

Provided, however, the Director General shall ensure that such functions are not delegated in a way that the inspectors and qualified personnel conduct themselves in a way that there is no perceived or potential conflict of interest.

(4) The Director General shall establish the credentials of the safety and security inspectors of the Authority.

(5) The Director General shall, notwithstanding the power to delegate his functions conferred under this section, bear ultimate responsibility for a function vested in him under this Act.

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—

Public
interest.

- (a) the promotion, encouragement and development of safety and security 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
- (d) taking into account the need to protect and preserve the environment.

Other staff of Authority.

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

(2) The Deputy Directors-General, 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.

Secondment of public officers.

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 a seconded staff who is unable to carry out his functions in a manner satisfactory to the Authority.

Protection of officers and staff.

28. A action or other proceeding shall not be brought or instituted against the Authority, a Board member, Director-General or other staff of the Authority or a person delegated under subsections (2) and (3) of section 24 in respect of anything done in pursuance of and or execution of this Act.

Indemnity of officers.

29. A member of the Board, a Director-General, an employee of the Authority or a person to whom the Director-General has delegated his authority under subsection (2) of section 24 shall be indemnified by the Authority against a civil proceeding brought against him arising from the lawful discharge of the functions or exercise of the powers conferred on the Authority under this Act.

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 a public duty under this Act or in respect of an alleged negligence or default in execution of a public duty under this Act or such law, unless it is commenced within one year next after the act, negligence, or default complained of, or in the case of continuance of damage or injury, within one year after the ceasing thereof.

Limitation of
action against
Authority.

(2) A suit shall not be commenced against the Authority, a Board member, a Director-General or staff of the Authority before the expiration of a period of one month after written notice of intention to commence the suit is 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.

31. The Director-General shall have the power to use, 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.

Cooperation
with other
agencies.

PART V—FINANCIAL PROVISIONS

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

Funds of
Authority.

- (a) monies 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) fees in respect of services provided by the Authority from the issue or renewal of—

-
- (i) air travel organisers licence;
 - (ii) air transport licences, permits and certificates;
 - (iii) air operator certificate;
 - (iv) calibration of navigation aids;
 - (v) personnel licences;
 - (vi) ticket sales charge;
 - (vii) aircraft maintenance organisation approval;
 - (viii) aircraft registration and certification;
 - (ix) certificate of airworthiness;
 - (x) rentage of property, plant and equipment;
 - (xi) medical examination fees;
 - (xii) sale of information and publications;
 - (xiii) contract registration fees;
 - (xiv) other licence, certificates, permits, contracts or leases issued under this Act;
 - (xiv) registration of legal instruments and interests;
 - (xv) aerodrome, heliport and helipad operating licence;

- (xvi) grant and renewal of aviation height clearance approval licence to telecom and other entities;
- (xvii) Aviation Training Organisations; and
- (xviii) registration of agencies;
- (d) fines payable for violation of civil aviation regulations, rules and orders;
- (e) 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;
- (f) returns on investments;
- (g) other sums which may, from time to time, accrue to the Authority.

(2) The funds of the Authority shall be divided as follows—

- (a) 80% for the financing of the activities of the Authority
- (b) 10% to be allocated to the Sierra Leone Aircraft Accident and Incident Investigation Bureau created under section 74 of this Act; and
- (c) 10% to be paid into the consolidated fund for appropriation by Parliament.

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

Investment of funds of Authority. 33. Funds of the Authority, not immediately required for meeting an obligation or the discharge of a function of the Authority may, with the approval of the Board, be invested to the best advantage of the Authority.

Estimates of income and expenditure of Authority. 34. (1) The Director-General shall, not later than one month before the end of the 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 the financial year, prepare and submit to the Board for approval estimates supplementary to the estimates for the financial year.

(2) An expenditure shall not be made out of the funds of the Authority unless that expenditure is part of the expenditure approved by the Board under subsection (1).

Account and audit of Authority. 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—

- (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 3 months after the end of the 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 an auditor appointed by him with all necessary and appropriate facilities for the examination of the account 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) irregularities in the accounts;
- (b) 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.

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

37. (1) The Authority shall, within 4 months after the end of the Financial year, submit to the Minister an annual report on the performance of its functions during that year and on its policy and programmes. Annual report.

(2) An annual report under subsection (1), shall include the accounts and annual financial statement under section 35 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 2 months after he has received the report.

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

(2) The internal auditor shall, at the end of every 3 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

Use of
airspace.

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

(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 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.

(4) Sierra Leone Registered aircraft flying over the high seas shall comply with rules and regulations as established under annex 2 to the Chicago Convention.

(5) Aircraft in distress over Sierra Leone air space shall be provided with all practical measures of assistance and may permit the owners of the aircraft or the State of Registry to do so, as necessitated by the circumstances.

(6) When undertaking search for missing aircraft, the entity responsible for search and rescue shall collaborate and coordinate measures in accordance with annex 12 to the Chicago Convention.

(7) Subject to such conditions as may be prescribed by the appropriate authorities, Sierra Leone shall permit immediate entry into its territory of search and rescue units of other states for the purpose of searching for the site of aircraft accidents and rescuing survivors of such accidents.

40. (1) The Director-General shall, as he may deem necessary, in the interest of aviation safety issue air traffic issue rules and regulations relating to—

Regulation of
air space.

- (a) flight of aircraft;
- (b) navigation, protection, and identification of aircraft;
- (c) protection of persons and property on the ground;
- (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; and
- (e) the interception, safeguarding, direction (including to land) and control of aircraft flying unlawfully above the territory of Sierra Leone.

(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 the airspace for which air traffic control responsibility has not been assigned to a foreign country by international agreement or other arrangement.

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

Authority to enter into cooperative aviation agreement.

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

(2) The Director-General may enter into agreements for co-safety operative endeavours in aviation safety and security with other regional contracting states to the Convention on International Civil Aviation and shall, in co-ordination with ministry responsible for foreign affairs, negotiate, agree to and manage such regional international agreements.

(3) The Director-General may, where appropriate to civil aviation safety and security and the public interest, delegate certain aviation safety and security tasks under the international agreement to citizens of Sierra Leone or to 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 purpose of meeting obligations arising from international and regional cooperative safety and security arrangements.

Bilateral exchange of safety oversight responsibilities.

42. (1) The Authority may pursuant to Article 83 bis of the Convention on International Civil Aviation and bilateral agreement with the aeronautical authorities of another state which has ratified Article 83 bis, transfer to, accept or recognise from that state all or part of their respective functions and duties with respect to registered aircrafts under Article 12 (Rules of the air), Article 30 (Aircraft Radio Equipment), Article 31 (Certificate of Airworthiness), or Article 32(a) (licenses of personnel) of the Convention.

(2) The Authority shall relinquish responsibility with respect to the functions and duties transferred by the Authority under subsection (1) for 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 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 may, pursuant to an agreement entered into under this section, recognise certificates and licences issued or rendered valid by the state of an 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.

(6) The Authority shall have the power to exchange with foreign governments through appropriate authorities of the government of Sierra Leone, information pertaining to civil aviation.

PART VII—NATIONALITY AND AIRCRAFT OWNERSHIP

43. (1) Subject to subsections (2) and (3), an aircraft shall not fly or operate within Sierra Leone unless— Aircraft registration.

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

(2) Notwithstanding subsection (1), –

- (a) where special circumstances exist, the Authority may, subject to such conditions as the Authority thinks fit, exempt a foreign registered aircraft from flying or operating within Sierra Leone;
- (b) an unregistered aircraft may fly within Sierra Leone, if and as long as it is flown for the purpose of, or in connection with an 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.
- (c) the Director General may exempt kites, powered parachutes and drones from registration.

(3) An aircraft exempted under subsections (2) 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.

(4) A 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 is liable on conviction to a fine not exceeding 50,000 United States dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years or to both such fine and imprisonment.

Recording of
interest in
aircraft.

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

(2) A document affecting title to or an interest in an aircraft, aircraft engine, propeller, appliance or spare part shall not be valid, unless it is recorded in the National Civil Aircraft Register.

(3) The validity of a document recorded in the National Civil Aircraft Register shall, unless otherwise specified by the parties thereto, 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.

45. (1) The Authority shall, by regulations made under this Act, authorise a person, as may be specified in the regulations, to keep records of—

Records of births and deaths in aircraft.

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

(2) The Authority shall keep a record of 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 25,000 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 and Minister of Justice.

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

Exemption from seizure of aircraft on patent claim.

-
- (a) a seizure or detention of the aircraft;
 - (b) a 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 an infringement of a patent, design or model.

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

- (a) seizure or detention of the aircraft or of the spare parts or equipment;
- (b) proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or equipment; or
- (c) any other interference with the aircraft spare parts or equipment, by or on behalf of a person in Sierra Leone, on the ground that the spare parts or equipment or their use or installation are an infringement of a patent, design or model.

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

(4) A deposit of security shall not be required in connection with an exemption from seizure or detention of the aircraft.

47. (1) Where it is alleged by an interested person that a foreign aircraft, other than an aircraft to which section 46 applies, which is making a passage through or over Sierra Leone, infringes in itself or in a part of it, an invention, design or model which is entitled to protection in Sierra Leone, it shall be lawful, subject to and in accordance with Rules of Court, to detain the aircraft until its owner deposits or secures in respect of the alleged infringement, a sum referred to as "the deposited sum", which shall be such sum as may be agreed between the interested parties or in default of agreement, fixed by the Authority or some person duly authorised on its behalf and shall be made or secured to the Authority in such manner as may be approved by the Authority.

Patent claim
not protected
under Chicago
Convention.

(2) An aircraft in respect of which a deposited sum has been made under subsection (1), shall not, during the continuance or in the course of the passage, be subject to a lien, arrest, detention or prohibition whether by order of a Court or otherwise, in respect of or on account of the alleged infringement.

48. (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.

Detention of
aircraft.

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

- (a) an 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) Where the charges are not paid within 60 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 a person referred to in paragraph (a), an opportunity of becoming a party to the proceedings on the application.

(7) Where 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, it shall not, after the sale has taken place, be a ground for impugning its validity.

(9) A proceeding of a sale under this section shall be applied in payment of—

- (a) airport or air navigation charges which the court has found to be due;
- (b) 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) expenses incurred by the Authority in detaining, keeping and selling an aircraft, including expenses incurred in connection with an 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) A surplus, if any, after the payments made under subsection (9), shall be paid to any person whose interests in the aircraft have been divested by reason of the sale.

(11) The power of detention and sale conferred under this section extends to the equipment of the aircraft and 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.

(12) The power of detention conferred by this section extends to aircraft documents carried in the aircraft and such documents may, if the aircraft is sold in accordance with 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 charges or part of a charge by action in court.

PART VIII—SAFETY REGULATION OF CIVIL AVIATION

General
safety powers
and duties.

49. (1) The Director-General shall promote safety of civil aviation by issuing, prescribing and revising from time to time—

- (a) regulations, directives, rules, instructions, orders and requirements implementing, at a minimum, all standards of this Act and the 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;

(2) The Authority shall, where it is unable to implement a provision of this Act or regulations made under it relating to the Annexes to the Chicago Convention, —

- (a) institute an acceptable means of compliance to ensure that equivalent means of safety is achieved; and

- (b) notify the International Civil Aviation Organisation of the difference.

50. The Authority shall establish—

State Safety Programme.

- (a) a State Safety Programme in accordance with Annex 19 to the Chicago Convention, requiring a civil aviation operator or service provider to implement a Safety Management System;
- (b) a State Safety Programme Coordination Group, chaired by the Authority, that includes the Accident Investigation Bureau and all relevant state entities which shall be responsible for —
 - (i) safety oversight and the coordination of the implementation, monitoring and maintenance of the State Safety Programme;
 - (ii) implementation of safety reporting systems for safety data, safety information and related sources under the State Safety Programme.

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

Power to 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 is under the influence of alcohol or psychoactive substance;

- (c) the operation poses or may cause imminent danger to persons or property on the ground;
- (d) the operator of the aircraft is not in possession of the appropriate authorisation for the aircraft.

(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 to access. 52. The Director General or a person authorised by him shall have unrestricted, unlimited and uninterrupted access, for the performance of his functions and duties, to aviation equipment and facilities including—

- (a) aircraft;
- (b) aerodromes;
- (c) air navigation services facilities;
- (d) hangars;
- (e) approved maintenance organisations;
- (f) workshops;
- (g) ramps;
- (h) fuel storage facilities;
- (i) air operator offices;
- (j) cargo handling areas;
- (k) aviation training organisation facilities;
- (l) aircraft manufacturers and maintenance facilities or organisations;
- (m) training facilities (including simulators);
- (n) any other civil aviation related premises or facilities.

Safety assessment for foreign air operators.

53. (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 a 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), direct an 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 of the aircraft, as the case may be.

54. (1) The Director-General shall issue personnel licences or certificates specifying the capacity in which a holder thereof is authorised to serve. Personnel licence.

(2) A person who wishes to obtain a 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 licence or certificate is sought, issue such licence or certificate.

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

(5) A licence or certificate issued under this section shall contain such terms, conditions, 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 suspend, revoke, prohibit or restrict a licence or certificate in such manner as deemed appropriate.

(7) A personnel licence or certificate issued by the Director-General under subsection (1), shall—

- (a) be numbered and recorded by the Director-General;
- (b) 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 privileges authorised.

(8) The Director General shall prohibit a person from exercising the privileges of an aviation licence, certificate or other documents for just cause.

Airworthiness
a certificate.

55. (1) An aircraft shall not fly or operate in Sierra Leone unless valid certificate of airworthiness for that aircraft is issued by—

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

(3) A person who flies or operates an aircraft which does not have a certificate of airworthiness commits an offence and is liable on conviction to a fine not exceeding 50,000 United States Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

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

Air Operator
Certificate.

- (a) holds an air operator certificate, issued by the Director-General for the type of service operated; or
- (b) holds an air operator certificate, issued from another contracting state, for the type of service operated.

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding 50,000 United States Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

Privileges of licence, certificate and authorisation.

57. (1) A person shall not act as a pilot or member of a flight operating crew in an aircraft or 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 subsection (2) of section 55.

(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 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) A person who contravenes subsection (1), (2), and (3) commits an offence and is liable on conviction to a fine not exceeding 25,000 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.

58. (1) The Director-General shall provide for the examination and training for 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.

Approved
maintenance
and training
organisations.

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

59. 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.

Forms of
application.

60. (1) Sierra Leone shall –

- (a) facilitate the provision of airport, radio services, meteorological services, and other air navigation services in accordance with the standards and practices recommended or established from time to time under the Chicago Convention;
- (b) adopt and put into operation the appropriate standard systems of communications procedure, codes, markings, signals, lighting, and other operational practices and rules which may be recommended from time to time under the Chicago Convention.
- (c) collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards which may be recommended or established from time to time under the Chicago Convention.

Airports and
air
navigation
facilities
safety
standards.

- (d) regulate the installation of structures which by virtue of height or position may be considered dangerous to the safety of air navigation and determine fees and other relevant requirements for the grant of permits for the installation of such structures.

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

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

(4) Where 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, he 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 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—

- (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 necessary.

61. A person shall not establish a solid waste disposal facility or receives putrescible waste within 5 kilometres of the vicinity of an aerodrome unless the Director-General determines that such an exemption from this requirement would have no adverse impact on any aviation facility.

Limitation on construction of refuse disposal.

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

Duties of air operator and personnel.

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

(3) A holder of an air operator certificate shall observe and comply with the authorisation and limitations of that certificate, the requirements of this Act and the rules, regulations, and standards issued by the Director-General under this Act.

(4) A person performing duties in civil aviation shall observe and comply with the requirements of this Act and the rules, regulations and standards issued by the Director-General under this Act.

(5) A 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 Annex 18 to the Chicago Convention and the International Civil Aviation Organisation Technical Instructions for the Safe Transport of Dangerous Goods by Air.

63. (1) The Director-General shall—

Inspection of aircraft.

- (a) make such inspections of aircraft, aircraft engines, propellers, and appliances used by an 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) notify each operator of any finding identified on the inspection of the aircraft, engines, propellers and other equipment and appliances.

(2) Where the Director-General finds that an 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) An aircraft, aircraft engine, propeller or appliance to which subsection (2) applies shall not be used in civil aviation, so as not to endanger civil aviation, until found by the Authority to be in a condition for safe operation.

Amendment,
modification,
suspension
and revoca-
tion of certi-
ficate.

64. (1) The Director-General may, where, as a result of a re-inspection or re-examination, of a civil aircraft, aircraft engine, propeller, appliance, air operator school, or repair organisation or shop, or a person holding a certificate issued under this Act, determines that safety in civil aviation or commercial air transport or the public interest requires it, issue an order amending, modifying, suspending or revoking, in whole or in part an airworthiness certificate, personnel certificate, air operator certificate, or certificate issued under this Act for an airport, school or approved maintenance organisation.

(2) 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.

(3) A person whose certificate is affected by an 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.

65. (1) A person shall not—

Prohibition.

- (a) operate a civil aircraft without an airworthiness certificate, or in violation of the terms and conditions of such certificate;
- (b) serve in a capacity in connection with a civil aircraft, aircraft engine, propeller, or appliance used or intended for use in civil aviation without a certificate authorising that person to serve in such capacity, in violation of a terms and conditions of such certificate, or of an order, rule, or regulation issued under this Act;
- (c) employ for service in connection with a civil aircraft used in civil aviation, a person who does not have an personnel certificate authorising 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 and conditions of such certificate;
- (e) operate aircraft in civil aviation in violation of a rule, regulation, or certificate issued by the Director-General under this Act;
- (f) while holding a certificate issued to a school or approved maintenance organisation under this Act, violate a term, condition, or limitation thereof or an order, rule, or regulation made under this Act relating to the holder of such certificate; and

- (g) perform a duty or function as a member of the crew of an aircraft or maintenance personnel while being under the influence of alcohol or psychoactive substance.

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

Training school.

66. (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 the 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 prescribed fees to offset the costs of training provided by such school or schools.

Validation.

67. The Director-General may, 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, subject to the following restrictions—

- (a) personnel or airworthiness certificates, the other state shall be a signatory to the Chicago Convention and fulfilling their obligations under the Chicago Convention with respect to the issuance and currency of the relevant certificates;
- (b) Air Operators, require supporting documents and information to show that state meet its obligations under the Chicago Convention regarding certification and ongoing validation of their air operators.

68. (1) The Director General or a person authorised by him shall have unlimited, unrestricted and uninterrupted access to inspect aviation equipment and facilities listed in section 52 and aviation documents in accordance with their functions and duties including— Right to access for inspection.

- (a) manuals;
- (b) certificates, approvals, authorisations, permits;
- (c) procedures;
- (d) technical files;
- (e) personnel files;
- (f) personnel licences; and
- (g) other related documents.

(2) The Director-General or a person authorised by him shall have unlimited and unrestricted access to a civil aircraft registered in Sierra Leone wherever they are operated in the world in order to—

- (a) ensure that the aircraft is airworthy and is operated in accordance with this Act, regulations issued under this Act relating to applicable International Civil Aviation Organisation Annexes;
- (b) determine that its operations are conducted in accordance with this Act, regulations issued under this Act relating to applicable International Civil Aviation Organisation Annexes.
- (c) enter and inspect security procedure.

(3) The Director-General or a person authorised by him shall have unlimited and unrestricted access to land, facility or building in Sierra Leone or land outside an airport occupied for business purposes connected with an airport or aircraft operator, including handling, for the purpose of conducting quality control activities.

(4) The Director-General or a person authorised by him shall have unlimited and unrestricted access to require an aircraft operator, airport manager or occupier of land outside the airport used for business purposes connected with the airport to provide information relevant to an audit, inspection, survey, test or investigation.

(5) The Director-General or a person authorised by him shall have unlimited and unrestricted access to relevant security documentation and records.

(6) The Director-General or a person authorised by him shall have unlimited and unrestricted access to interview a person for the purpose of assessing the standard of security or the implementation of security procedures.

Document to
be carried on
board aircraft.

69. (1) An aircraft engaged in international air navigation or domestic operations wherever it is registered shall carry on board the following certificates and documents—

- (a) certificate of registration;
- (b) certificate of airworthiness;
- (c) appropriate licenses for each member of the crew;
- (d) journey log book;
- (e) aircraft radio station licences, if the aircraft is equipped with radio apparatus;

- (f) list of names, place of embarkation and destination of passengers for passengers flight;
- (g) cargo manifest and detailed declaration of cargo;
- (h) certified true copy of air operator certificate;
- (i) operations specifications,
- (j) environmental protection certificate or aircraft noise certificate;
- (k) certificate of insurance: and
- (l) any other document that maybe required from time to time by orders or regulations issue by the Director General.

(2) The Authority may waive the requirement of paragraph (d) if the relevant information is available in the aircraft technical log.

(3) An air operator shall ensure that all entries in the journey log book are made concurrently and are permanent in nature.

70. (1) The Authority shall monitor and enforce compliance with the provisions of Annex 18 to the Chicago Convention and the International Civil Aviation Organisation Doc 9284, Technical Instructions for the safe transport of Dangerous Goods by Air. Transportation of dangerous goods by air.

(2) In exercise of his authority under subsection (1), the Director-General may vary the application of the Technical Instructions for the Safe Transport of Dangerous Goods by Air on behalf of Sierra Leone and submit variations to the Technical Instructions on behalf of Sierra Leone where necessary.

Certification
of aircraft
maintenance
organisations.

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

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 25,000 United States Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

Certification
of aviation
training
organisations.

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

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding 25,000 United States Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

PART IX—AIRCRAFT ACCIDENTS AND SERIOUS INCIDENTS INVESTIGATIONS

Application
of this Part.

73. (1) This Part applies in respect of aircraft accidents and serious incidents, as well as any other occurrences including emergencies which may have aviation safety implications—

- (a) in or over Sierra Leone;
- (b) when Sierra Leone is the state of registry;
- (c) the location of the accident or the serious incident cannot definitely be established as being in the territory of any other state; or
- (d) the accident or the serious incident occurred in the territory of a non-contracting state

which does not intend to conduct an investigation in accordance with International Civil Aviation Organisation Annex 13 to the Chicago Convention.

(2) The Bureau shall ensure that its investigation procedures and practices are compatible with the Convention on International Civil Aviation, and the Standards and Recommended Practices contained in International Civil Aviation Organisation Annex 13 to the Chicago Convention.

(3) Notwithstanding anything contained in this Act or any other enactment, this Act shall apply where an accident or serious incident involves a state aircraft and a civil aircraft, 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.

74. (1) There is hereby established the Sierra Leone Aircraft Accident and Incident Investigation Bureau which—

Establishment
of Sierra
Leone
Aircraft
Accident and
Incident
Investigation
Bureau.

- (a) shall be a body corporate with the power to sue and be sued in its corporate name, except for matters associated with accident reports;
- (b) may acquire, hold and dispose of property whether movable or immovable;
- (c) shall be functionally independent from other Sierra Leone aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation;
- (d) shall not receive nor seek instructions in the conduct of an investigation;

- (e) shall have unrestricted access to and control over the information related to its investigations;
- (f) shall have unhampered access to and control over the scene or site of accident, to protect the aircraft or wreckage and all relevant materials as well as the accident site against access by unauthorised persons, pilfering or deterioration, including flight recorders and ATS records, and shall have unrestricted control over them to ensure that a detailed examination of relevant materials or evidence can be made without delay by authorised personnel, participating in the investigation;
- (g) shall be headed by a Commissioner of Accident Investigation who shall be appointed by the President on the recommendation of the Minister responsible for aviation;

(2) The Minister shall facilitate cooperation between the Bureau, judicial authorities and other entities to ensure that the conduct of investigations is—

- (a) in accordance with International Civil Aviation Organisation Annex 13 to the Chicago Convention; and
- (b) not impeded by administrative or judicial investigations or proceedings.

(3) Notwithstanding the generality of subsection (2), the Minister may, by statutory instrument, make Regulations for the conduct of accident and serious incident investigations in accordance with International Civil Aviation Organisation Annex 13 to the Chicago Convention.

Funds of
Bureau.

75. (1) The activities of the Bureau shall be financed with sufficient and supplementary funds consisting of —

- (a) subventions and budgetary allocations from the Government;
- (b) sums accruing to the Bureau by way of gifts, endowments, bequests, grants, or other contributions by persons and organisations, provided that the terms and conditions attached to a gift, endowment, bequest, or grant are not inconsistent with the functions of the Bureau;
- (c) funds provided in respect of the monies accruing to the Bureau under paragraph (b) of subsection (2) of section 32;
- (d) foreign aid and assistance; and
- (e) all other sums which may, from time to time, accrue to the Bureau from any lawful source.

(2) The Government shall ensure supplementary funds are readily available in the case of a major accident or justified need to enable the fulfilment of the obligations of the Bureau under this Act.

76. (1) The state shall establish a coordinated family assistance plan to provide the most appropriate and timely assistance possible to aircraft accident victims and their families.

Aircraft
accident
victims and
families.

(2) The National Disaster Management Agency shall coordinate with the Authority and the Bureau the necessary assistance to aircraft accident victims and their families with air operators, airport operators and any other interested third party.

(3) The National Platform shall coordinate support within Sierra Leone and with other states for the development, preparation and implementation of the family assistance plan under subsection (1).

77. (1) The sole objective of an aircraft accident or serious incident investigation conducted under this Act shall be the prevention of accidents and serious incidents and not to apportion blame or liability.

Objectives of
investigations.

(2) Investigations under subsection (1) shall be conducted separate from investigations conducted for the purposes of establishing blame or civil or criminal liability.

(3) Investigations shall include—

- (a) the gathering, recording and analysis of relevant information of an accident or serious incident;
- (b) the protection of certain accident and serious incident investigation records in accordance with section 91;
- (c) if appropriate, the issuance of safety recommendations;
- (d) if possible, the determination of the causes and or contributing factors; and
- (e) as appropriate, the completion of the final report.

(4) A finding, cause or contributing factor determined under this Act shall not be construed as assigning fault or determining civil or criminal liability.

(5) A safety recommendation made under this Act shall not be construed as assigning fault or determining civil or criminal liability.

Functions of
Bureau.

78. (1) The Bureau duly authorised or accredited person or investigator shall be solely responsible for a civil aircraft accident and serious incident investigation and in exercise of his functions shall—

- (a) institute an investigation into the circumstances of a serious incident when the aircraft is of a maximum mass of over 2,250kg and may delegate the whole or a part of an

investigation to another state or a regional accident and serious incident investigation organisation by mutual arrangement and consent;

- (b) institute an investigation into the circumstances of an accident and be responsible for the conduct of the investigation and may delegate the whole or a part of the investigation to another state or a regional accident and serious incident investigation organisation by mutual arrangement and consent;
- (c) ensure due compliance with International Civil Aviation Organisation Annex 13 to the Chicago Convention and Protocols, Technical Instructions, Guidance and Procedures from the International Civil Aviation Organisation in respect of the investigation of aircraft accidents and serious incidents;
- (d) conduct interviews, take statements from witnesses and such other persons as deemed fit and require such witnesses or persons to make and sign a declaration as to the truthfulness of the statement made by them;
- (e) coordinate and supervise relevant agencies or parties to an investigation;
- (f) facilitate the exchange of knowledge, information, and relevant personnel of accident investigation agencies of International Civil Aviation Organisation and other member states;
- (g) advise the Minister on matters relating to civil aviation accident investigations and prevention;

-
- (h) create specialised departments for the purpose of carrying out its functions;
 - (i) establish and maintain a standard, functional, up-to-date laboratories, workshops, hangars, office equipment, investigators equipment, means of communication and transportation or such other facilities, necessary for the carrying out of its duties;
 - (j) approve, design, and coordinate constant training for skills acquisition for staff of the Bureau in line with global development in aviation accident investigation and prevention;
 - (k) undertake activities or actions relevant, or related to accident investigation and improvement of safety in the aviation industry;
 - (l) develop and approve directives, orders, circulars, and other publications.
 - (m) enter into arrangements with other organisations to facilitate the conduct of investigations.
 - (n) provide relevant, timely and validated information to the families and the accident survivors regarding the progress of the investigation;
 - (o) establish Safety data collection and processing systems, with protection measures to enable the sharing and exchange of information, as required under Annex 19 to the Chicago Convention, requiring a civil aviation operator or service provider to implement a Safety Management System;
 - (p) coordinate and ensure the implementation of State Safety Programme activities related to the Bureau.

79. (1) The Bureau shall—

Powers of
Bureau.

- (a) have unfettered independence and authority in the conduct of investigations, consistent with the provisions of International Civil Aviation Organisation Annex 13 to the Chicago Convention;
- (b) have unrestricted access to all evidential material without delay and shall not be impeded by administrative or judicial investigations or proceedings;
- (c) be functionally independent from other state aviation authorities and other entities that could interfere with the conduct or objectivity of an investigation.
- (d) have unhampered access to and control over the scene or site of accident, to protect the aircraft or wreckage and all relevant materials as well as the accident site against access by unauthorised persons, pilfering or deterioration, including flight recorders and ATS records, and shall have unrestricted control over them to ensure that a detailed examination of relevant materials or evidence can be made without delay by authorized personnel, participating in the investigation.

80. (1) The Bureau shall be headed by the Commissioner who shall be appointed by the President on the recommendation of the Minister on such terms and conditions as may be specified in the instrument of appointment.

Appointment
of Com-
missioner.

(2) The Commissioner shall be appointed for a period of 5 years and shall be eligible for reappointment.

(3) A person shall not be appointed Commissioner under subsection (1), unless he has—

- (a) experience in aviation industry with a sound knowledge of the provisions of International Civil Aviation Organisation Annex 13 to the Chicago Convention;
- (b) been trained and qualified in aircraft accident investigation; or
- (c) been involved in accident or serious incident investigation.

Functions of
Commissioner.

81. (1) The Commissioner is responsible for the day-to-day administration of the affairs of the Bureau.

(2) Without prejudice to the generality of subsection (1), the Commissioner shall—

- (a) report on the administrative activities of the Bureau to the Minister.
- (b) establish and maintain a database of accidents and serious incidents in accordance with the International Civil Aviation Organisation Accident and Incident Data Reporting System.

(3) The Commissioner may delegate a function to an officer of the Bureau but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Powers of
Commissioner.

82. (1) The Commissioner may, for the purposes of this Act—

- (a) establish policies and procedures to be followed in the conduct of investigations;
- (b) institute investigations into the circumstances of accidents and serious incidents and any other occurrences which may have aviation safety implications;

- (c) delegate the investigation, in whole or in part, to another state or a regional accident and serious incident investigation organisation, when deemed to be appropriate;
- (d) establish the credentials or letters of agreement of the investigation personnel, seconded investigators, experts and other participants specifying their entitlement and obligation in accordance with the implementation regulation or other approved procedure.
- (e) delegate the powers of investigation to the members of an investigation team and provide each member with a certificate of appointment;
- (f) appoint observers and participants required for an investigation;
- (g) facilitate participation of accredited representatives from other states involved;
- (h) establish a process for the timely issuance and publishing of regulations, rules, directives, orders, circulars, publications, guidance materials to the public;
- (i) release of the final report;
- (j) enter into agreements with other stakeholders to facilitate the functions of the Bureau.

(2) The Commissioner may, where—

- (a) he considers it necessary in the public interest and safety lessons to be learnt; or
- (b) a citizen of Sierra Leone is on board an aircraft involved in an accident overseas,

institute an investigation into an incident and such investigation shall not, unless in the opinion of the Commissioner exceptional circumstances required, be conducted until such time as a report has been submitted to the Minister after completion of an investigation.

Appointment
of
Investigator-
in-Charge.

83. (1) The Commissioner shall, for the purposes of carrying out an investigation into an accident or serious incident, shall appoint an Investigator-in-Charge and other persons as investigators.

(2) An investigator-in-charge appointed under subsection (1), shall—

- (a) direct the conduct of an investigation under this Act on behalf of the Commissioner; and
- (b) report to the Commissioner on all investigations, including proposing findings as to causes and contributing factors and safety recommendations related to investigations conducted by the Bureau.

(3) An Investigator-in-Charge shall have unhampered access to and control over the scene or site of accident, to protect the aircraft or wreckage and all relevant materials as well as the accident site against access by unauthorised persons, pilfering or deterioration, including flight recorders and ATS records, and shall have unrestricted control over them to ensure that a detailed examination of relevant materials or evidence can be made without delay by authorised personnel, participating in the investigation.

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

Appointment
of other staff.

84. The Bureau shall recruit such other staff as is necessary for the execution of the functions of the Bureau under this Act.

85. (1) Notwithstanding anything contained in any other Act, a state agency shall not commence an investigation under this Act if the aircraft accident or serious incident has been investigated, is being investigated, or is going to be investigated by the Bureau. ^{Investigation jurisdictions.}

(2) Nothing in subsection (1) shall prevent—

- (a) a state agency of Sierra Leone from commencing an investigation into or continuing to investigate an accident or incident for any purpose other than that of this Act;
- (b) a law enforcement agency in Sierra Leone from investigating an accident or serious incident for any purpose for which it is empowered to conduct investigations.

(3) The Bureau's duly authorised or accredited person's or investigator shall, for the purpose of investigating an accident or incident—

- (a) have unhampered, unlimited and unrestricted access to and control of—
 - (i) the scene or site of the accident or incident as well as the aircraft involved in the accident or incident, parts of such aircraft, its contents or its wreckage, and any flight recorders and other recordings 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 witnesses as deemed fit and to require such witnesses to answer any question or furnish any information or produce any books, papers, documents, and articles which the Accident Investigator may consider relevant and retain any such books, papers, documents, and articles until the completion of the investigation;
 - (ii) conduct interviews take statements from witnesses and all such other persons as deemed fit and to require any such witnesses or persons to make and sign a declaration as to the truthfulness of the statement made by them;
 - (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 including flight and data recorders; and
 - (vii) take such measures for the preservation of evidence as considered appropriate.
- (c) take all reasonable measures to protect the evidence and to maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of the investigation; and
- (d) relinquish control of the accident or serious incident site and release custody of the aircraft, its contents, or parts thereof as soon as they are no longer required by the investigation.

86. An owner, operator, pilot-in-command, crew members, operator of an airport, air traffic controller, or a other person having knowledge of an accident or serious incident shall, subject to this Act and Regulations made under it, report to the Bureau and provide as much information as required by the Bureau as is available as soon as possible and by the quickest means available.

Notification
of accidents
and serious
incidents.

Decision as to extent of investigation.

87. The Commissioner shall, where he is notified of an aircraft accident or serious incident or any other occurrence that may have safety aviation implications, decide on the extent of the investigation required and the procedures to be followed in carrying out the investigation, based on the safety lessons it expects to draw from the investigation for the improvement of safety.

Delegation of investigation.

88. (1) The Bureau shall institute an investigation into the circumstances of a serious incident when the aircraft of a maximum mass of over 2,250kg and may delegate the whole or a part of the investigation to another state or Regional Accident Investigation Organisation by mutual agreement and consent, in any event, the Bureau shall use every means to facilitate the investigation.

(2) The Bureau shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation, but it may delegate the whole or a part of investigation to another state or a Regional Accident Investigation Organisation by mutual agreement and consent, in any event, the Bureau shall use every means to facilitate the investigation.

Duty to avoid conflict of interest.

89. (1) To achieve functional independence of the Bureau and to ensure the credibility of its investigations, members of the Bureau shall avoid actual and or potential conflicts of interest in respect of investigations carried out by the Bureau.

(2) The Bureau may second expert from the Authority or other organisation in the state as investigators provided, however, the Bureau shall ensure that such secondees conduct themselves in such away that there is no perceived or potential conflict of interest.

Preservation of evidence.

90. (1) An owner, operator, and crew members shall, where an aircraft accident or serious incident takes place, to the extent possible, and until otherwise instructed by the Commissioner or except as otherwise required under this Act—

- (a) take reasonable measures to protect the evidence, including documents specified under this Act; and

- (b) maintain safe custody of the aircraft and its contents for such a period as may be necessary for the purposes of an investigation.

(2) Subsection (1) shall not be construed as preventing a person from taking necessary measures to ensure the safety of any person and property.

(3) Where evidence relevant to an accident or serious incident has to be interfered with contrary to subsection (2), the person directing, supervising or arranging the interference shall, to the extent possible in the circumstances, prior to the interference, record the evidence by photograph and other appropriate means available.

91. (1) When conducting an investigation, the Bureau shall ensure the non-disclosure of the following records to the public for purposes other than accident or serious incident investigation, unless the Court determines that their disclosure or use outweighs the likely adverse domestic and international impact such action may have on that or any future investigations—

Protection of
investigation
records.

- (a) cockpit voice recordings and airborne image recordings and any transcripts from such recordings; and
- (b) records in the custody or control of the Bureau including—
 - (i) statements taken from persons by the accident investigation authority in the course of their investigation;
 - (ii) communications between persons having been involved in the operation of the aircraft;
 - (iii) medical or private information regarding persons involved in the accident or incident;

- (iv) recordings and transcripts of recordings from air traffic control units;
- (v) analysis of and opinions about information, including flight recorder information, made by the accident investigation authority and accredited representatives in relation to the accident or incident;
- (vi) the draft final report of an accident or serious incident investigation;
- (vii) any other records or information obtained or generated by the accident investigation authority as part of an accident or incident investigation, that it considers needs to be protected in the same manner as the records listed above.

Administration
balancing
test.

92. (1) Where a request is made for a record listed under section 91 of to be disclosed or used in a criminal, civil, administrative, or disciplinary proceeding, the court shall satisfy itself that a material fact in question in the proceedings cannot be determined without that record, before administering the balancing test.

(2) The court shall be the authority responsible for administering the balancing test under subsection (1) and subsection (1) of section 91.

Investigator
not com-
pellable
witness.

93. An investigator shall not be compellable to appear as a witness and the opinion of the investigator shall not be admissible in a judicial, administrative or disciplinary proceedings related to apportioning blame or liability in an accident case.

94. The Commissioner shall, before releasing the final report on his investigation, send a draft final report to states and organisations that participated in the investigation, inviting their significant and substantiated comments.

Draft final report on investigation.

95. The Commissioner shall, in the interest of accident and seriously incident prevention, make a final report on its investigation publicly available as soon as possible and, if possible, within 12 months.

Final report on investigation.

96. (1) The Commissioner shall, at any stage of the investigation, recommend in a dated transmittal correspondence to the appropriate authorities, including those in other states, any preventive action that it considers necessary to be taken promptly to enhance aviation safety.

Safety recommendations.

(2) The Commissioner shall address, when appropriate, safety recommendations arising out of its investigations in a dated transmittal correspondence to the accident investigation authorities of other states concerned and to the International Civil Aviation Organisation when International Civil Aviation Organisation documents are involved.

97. The Commissioner shall re-open an investigation if new and significant evidence becomes available after the investigation has been closed, where Sierra Leone did not institute the investigation, it shall obtain the consent of the state which instituted the investigation.

Re-opening of investigation.

98. (1) A person shall not circulate, publish or share a draft report or a part thereof, or a document obtained during an investigation of an accident or serious incident, without the express consent of the Bureau, unless such report or document has already been published or released by the Bureau.

Offence.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction, to a fine of not less than 50,000 United States Dollars or equivalent in Leones or to imprisonment to a term of not less than 10 years, or to both such fine and imprisonment.

(3) A person shall not without the written consent of the Commissioner, disclose information obtained during an investigation except for the purpose of the performance of the functions of the Bureau.

(4) A person who contravenes subsection (3) commits an offence and is liable on conviction, to a fine of not less than 10,000 United States Dollars or equivalent in Leones or to imprisonment to a term of not less than 5 years, or to both such fine and imprisonment.

(5) A person who contravenes this Act or regulations made under it or wilfully resists or otherwise obstructs an investigator in the execution of his powers and duties under this Act or regulations made under it or knowingly gives false or misleading information to an investigator under this Act or makes a report of an accident or serious incident knowing that such report is false or misleading commits an offence and is liable on conviction, to a fine of not less than 25,000 United States Dollars or equivalent in Leones or to imprisonment to a term of not less than 10 years, or to both such fine and imprisonment.

PART X—ECONOMIC REGULATIONS

Air transport
licences.

99. (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;

(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) A person who undertakes any of the activities specified under this section without a licence, an authorisation, approval or permit commits an offence and is liable on conviction to a fine not exceeding 25,000 United States Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

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

(2) A person who performs aerial work on a flight without a permit commits an offence and is liable on conviction to a fine not exceeding 25,000 United States Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

Air routes
and airways.

101. (1) A person shall operate an aircraft on authorised air routes and airways.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 25,000 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.

Certification
of aircraft
maintenance
organisations.

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

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 25,000 United States Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

Certification
of aviation
training
organisations.

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

(2) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding 25,000 United States Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

Terms and
conditions of
licence.

104. (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.

(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.

105. (1) A foreign air operator shall not engage in commercial air transport within Sierra Leone unless there is in force an air service licence issued by the Authority for that purpose. Foreign air operators to be licensed.

(2) An 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.

Power of Authority to modify, suspend or revoke licence.

106. (1) The Authority may alter, amend, modify, a 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.

(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.

Charges.

107. (1) The Authority shall, subject to subsection (10), draw up ascheme prescribing charges to be paid to the Authority in respect of services or facilities provided by the Authority.

(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;
- (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) other services related to the operation of aerodromes;
- (j) use or rental of assets of the Authority; and
- (k) any other services related to the functions of the Authority under this Act.

(3) The scheme referred to in subsection (1) shall, before publication in the Action Information Centre under subsection (4), be submitted to the Minister.

(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) Where 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 60 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.

Application
of Montreal
Convention
on Unifica-
tion of Rules.

108. (1) The Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Montreal on 28th May, 1999 and related amendments, shall from the commencement of this Act have the force of law and shall apply to-

- (a) international carriage by air to and from Sierra Leone in relation to carriage by air to which those rules apply; and
- (b) non-international carriage by air within Sierra Leone, irrespective of the nationality of the aircraft performing the carriage and shall, subject to this Act, govern the rights and liabilities of carriers, passenger, consignors, consignees and other persons.

(2) A carrier shall, in the case of an aircraft accident resulting in the death or injury of a passenger, in accordance with the Convention for the Unification of Certain Rules Relating to

International Carriage by Air signed at Montreal on 28th May, 1999, make an advance payment of at least 30,000 United State Dollars within 30 days from the date of the accident, to the passenger who is entitled to claim compensation in order to meet his immediate economic needs.

(3) An advance payment under subsection (2), shall not constitute a recognition of liability and may be off set against any amount subsequently paid as damages by the carrier.

109. (1) A carrier operating air transport services to, from or within Sierra Leone, or aerodrome operator, aviation fuel supplier, or a provider of ground handling services, metrological services, air traffic control services, aircraft maintenance services or such other classes of allied services shall maintain adequate insurance covering its liability under this Act and also its liability towards compensation for damages that may be sustained by third parties for an amount to be specified in regulations made by the Authority.

Air transport
services
insurance.

(2) The absence of an air transport services insurance under subsection (1), shall be sufficient reason for the refusal, suspension or revocation of permission to operate the air transport service or services in Sierra Leone.

(3) A person having a duty to maintain adequate insurance under subsection (1) shall submit quarterly returns to the Authority showing that adequate insurance is maintained and conditions necessary to create an obligation on an insurer to provide indemnity in the event of a loss has been fulfilled.

(4) A carrier operating air transport services to, from or within Sierra Leone, or aerodrome operator, aviation fuel supplier, or any provider of ground services, air traffic control services, aircraft maintenance services, who contravenes subsections (1) and (3), commits an offence and is liable on conviction to a fine of not less 10,000 United States Dollars or its equivalent in Leones and its principal officers shall be liable to imprisonment for a term of not less than 2 years.

PART XI—ESTABLISHMENT AND MANAGEMENT OF
AERODROMES

Establishment of aerodromes. 110. (1) The Minister or a person or other Authority may, in accordance with this Act—

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

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

(3) The Ministry responsible for aviation shall be responsible for public domestic aerodromes, including the management of land use around the vicinity.

Authorisation for establishment of aerodrome. 111. (1) A person shall not establish an aerodrome for non-military purpose unless that person holds an authorisation issued by the Authority for that purpose under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 25,000 United State Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years or to both such fine and imprisonment.

Public aerodrome certificate. 112. (1) An aerodrome used for international civil air transport operations shall be certified in accordance with the requirements prescribed by the Authority.

(2) The operations of an aerodrome other than for international civil air transport operations shall be regulated by established standards issued by the Authority.

(3) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding 25,000 Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years or to both such fine and imprisonment.

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

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 25,000 United States Dollars or equivalent in Leones or to imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

114. The Minister or a person or other authority shall, in establishing aerodromes under paragraph (a) of subsection (1) of section 110, have regard to the need to minimise so far as reasonably practicable— Environmental factors to be considered in establishing aerodromes.

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

115. (1) The Authority shall have the power to certify and regulate aerodromes and to establish minimum safety standards for the design, operations and maintenance of aerodromes. Power to certify aerodromes.

(2) The Authority shall impose operating restrictions or sanctions at a certified or regulated aerodrome, in the event of non-compliance with the regulatory requirement or an unresolved safety deficiency concern.

116. (1) The Authority shall ensure that suitable facilities are made available to 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 under 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 under subsection (1) shall be available and determined by agreement between the Authority and the relevant Government authority or agency.

Obstructions
near
aerodrome.

117. (1) Where the Authority is satisfied, with respect to a building or structure in the vicinity of an aerodrome, that in order to avoid danger to an 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 such conditions as may be specified in the order, that the operator of the aerodrome and a person acting under the operator's instructions—

- (a) to 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;
- (b) that the land be entered or passed over, with or without vehicles, in such manner as may be specified in the order:

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

- (c) that work shall not be performed on land unless, at least 14 days previously, the operator of an 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 work, and the manner in which and the time at which it is proposed to execute them, as may be specified by the order;

- (d) that no steps shall be taken in pursuance of a notice under paragraph (c) without the specific authorisation of the Authority, if within 14 days from the service of the notice on a person having interest in the land, 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 an aerodrome to which the order relates shall pay to a person having an interest in land affected by the order, adequate compensation for loss or damage which that person may suffer in consequence of the order, and any expense reasonably incurred in connection with the lawful removal of an apparatus installed in pursuance of such an order and expense incurred in connection with a repair, alteration, demolition or removal of a building, structure or erection to which such an order relates as is attributable to the operation of the order and 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, land in pursuance of such an order under this section and where an order in respect of an aerodrome is in force, a person shall not, except with the consent of the operator of the aerodrome, wilfully interfere with work or thing executed or placed in, on or over land in pursuance of the order.

(3) A person who contravenes subsection (1), commits an offence and is liable on conviction to a fine not less than the equivalent of 5,000 United States Dollars or equivalent in Leones or imprisonment for a term not less than 6 months or both such fine and imprisonment and a person who wilfully obstructs another person in the exercise of the powers conferred by such an order under this section, commits an offence and is liable on conviction to a fine not less than 5,000 United States Dollars or equivalent in Leones or imprisonment for a term not less than 6 months or both such fine and imprisonment.

(4) Nothing in this section shall operate, in relation to a building or structure, so as to restrict the doing of 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 an aerodrome; and
- (b) the giving of warning of the presence of a building or structure in an order under this section.

Trespass on
aerodrome.

118. (1) Subject to subsection (2), a person who trespasses on land forming part of an aerodrome or upon which navigational aids or an ancillary facility is situated commits an offence and is liable on conviction, to a fine of not less than 100 United States Dollars or equivalent in Leones or imprisonment for a term not less than 1 month or both such fine and imprisonment.

(2) A person shall not be liable under subsection (1), 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 a navigational aid or ancillary facility is situated.

119. (1) The Minister may make regulations for preventing lands adjacent to or in the vicinity of an aerodrome or 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 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).

PART XII—AVIATION SECURITY

120. (1) The Director-General shall prescribe regulations to empower and authorise aviation security inspectors to carry out security oversight activities in an effective and timely manner.

Aviation security.

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

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

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

Aviation
security
policies.

121. The Authority shall—

- (a) develop aviation security policies and requirements consistent with Annex 17;
- (b) issue rules, orders, circulars or directives to require the implementation of immediate security measures; and
- (c) provide oversight for the implementation of aviation security policies and requirements.

National Civil
Aviation
Security
Programme.

122. (1) The Authority shall develop, implement and maintain a National Civil Aviation Security Programme and give effect to the requirements contained therein.

(2) Without prejudice to the generality of subsection (1), the Authority shall—

- (a) require airport operators to develop implement and maintain aviation security programme for every airport;
- (b) require airlines to develop, implement and maintain airline security programme for every airline operating in Sierra Leone;
- (c) conduct constant analysis of the level of threat to civil aviation and initiate such action by airlines, airports, providers of security services and other organisations contributing to the program, as is sufficient to effectively mitigate the perceived level of threat;
- (d) establish, implement and maintain a national civil aviation security training programme for training of personnel involved in or responsible for the National Civil Aviation Security Programme;

- (e) establish, implement and maintain a National Civil Aviation Security Quality Control programme for measuring and ensuring ongoing compliance and effectiveness of the National Civil Aviation Security Programme, national civil aviation security training programme and operator security programme.

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

- (a) a vehicle entering or leaving a restricted or prohibited place or area of an airport;
- (b) a person or vehicle entering or leaving any area of an airport,
- (c) an aircraft on the ground or an aerodrome, 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 safety or security routine procedure.

124. (1) There is hereby established an Advance Passenger Information and Passenger System Passenger Name Record System.

Advanced Passenger Information (API) System and Name Record (PNR) System.

(2) The Authority shall be the coordinating agency on matters relating to Advanced Passenger Information System and Passenger Name Record System in line with internationally recognised standards.

(3) The Authority may, in consultation with relevant agencies, make regulation requiring air operators to submit advanced passenger information and passenger name record prior to departure from or arrival in Sierra Leone.

- (4) Subject to subsection (1), the Authority shall—
- (a) ensure that data collected, used, processed are protected from unauthorised disclosure;
 - (b) take measures to inform individuals about the collection, use, processing and protection of data and related privacy standards.
 - (c) establish appropriate administrative mechanism for the management of advanced passenger information and passenger name record data.

Security
Oversight
Unit.

125. (1) The Authority shall have a Security Oversight Unit to assist in carrying out the responsibilities of the Director General with respect to the regulation of aviation security.

(2) A Security Oversight Unit under subsection (1) shall comprise of Aviation Security Inspectors and other staff who shall, under the supervision and direction of the Director-General, carry out security oversight activities.

(3) The primary objective of the Security Oversight Unit is to ensure—

- (a) protection and safety of passengers, crew, ground personnel and the general public against acts of unlawful interference with civil aviation; and
- (b) rapid response to meet security threat.

(4) The national aviation security inspectors are empowered to—

- (a) issue notices of deficiencies and or recommendations as appropriate;

- (b) enforce corrective actions including immediate rectification of deficiencies;
- (c) apply enforcement measures; and
- (d) enforce relevant national aviation security requirements.

PART XIII—OFFENCES AND PENALTIES

126. (1) A person shall not—

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 a capacity as a personnel in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use in civil aviation without a personnel 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, a personnel who does not have a personnel 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, contravene a term, condition, or limitation thereof or contravene an order, rule, or regulation made under this Act relating to the holder of such certificate,

shall be subject to a civil penalty not exceeding 20,000 United States Dollars or equivalent in Leones for each such violation and if such violation is a continuing one, each day of such violation shall constitute a separate offence.

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

Civil
penalties.

127. (1) A person, other than a person conducting an operation in domestic commercial air transport or international commercial air transport, who violates a provision of this Act, a rule, regulation, or order issued under it shall be subject to a civil penalty not exceeding 20,000 United States Dollars or equivalent in Leones for each such violation and if such violation is a continuing one, each day of such violation shall constitute a separate offence.

(2) A person conducting an operation in domestic commercial air transport or international commercial air transport who violates any provision of this Act, a rule, regulation, or order issued there under shall be subject to a civil penalty not exceeding 20,000 United States Dollars or its equivalent in Leones for each such violation and where 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 a civil penalty.

(4) In determining the amount of a civil penalty, the Director-General shall take into account the nature, circumstances, extent and gravity of the violation committed and, with respect to a 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 violation of this Act or regulations made under it.

(6) The Minister may, by statutory instrument, make regulations to adjust the amount of civil penalties to reflect inflation, at least every 5 years.

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

(8) A person who, with actual knowledge of the facts of the occurrence or 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, shall be subject to a civil penalty not exceeding 10,000 United States 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.

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

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

General
criminal
penalties.

- (b) displays or causes to be displayed on an aircraft a 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 5,000 United States Dollars or the equivalent in Leones or imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

(2) A person who, with intent to interfere with air navigation within Sierra Leone,—

- (a) exhibits within Sierra Leone a light, signal, 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 a true light or signal,

commits an offence and is liable on conviction to a fine not exceeding 20,000 United States Dollars or imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

(3) An air operator, or an officer, agent, employee, or representative of an air operator who, knowingly and wilfully—

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

- (c) mutilates or alters a report, account, record or memorandum; or
- (d) files a false report, account, record or memorandum,

commits an offence and is liable on conviction to a fine not exceeding 10,000 United States Dollars or imprisonment for a term not exceeding 5 years, or to both such fine and imprisonment.

(4) A person who neglects or refuses to attend and testify, or to answer a lawful inquiry, or to produce books, papers, or documents, in obedience to a subpoena or lawful requirement of the Authority or an employee of the Authority authorised in that behalf, commits an offence and is liable on conviction to a fine not exceeding 500 United States Dollars or its equivalent in Leones or imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

129. (1) The Convention on the Suppression of the Unlawful Seizure of Aircrafts signed at the Hague on the 16th day of December 1970 shall from the commencement of this Act have the force of law in Sierra Leone.

Unlawful
seizure of
aircraft.

(2) A person who—

- (a) on board an aircraft in flight, unlawfully and by force or threat of force or by any other form of intimidation, seizes or exercises control of that aircraft, or
- (b) attempts to commit an act referred to in paragraph (a), in relation to an aircraft, or abets the commission of the act,

commits the offence of hijacking shall be liable on conviction to imprisonment for life and to a fine of not less than 50,000 United States Dollars or its equivalent in Leones.

(3) A person who, while committing the offence of hijacking of an aircraft under subsection (2), 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, commits the offence of hijacking shall be liable on conviction to imprisonment for life and to a fine of not less than 50,000 United States Dollars or its equivalent in Leones.

(4) The High Court shall have jurisdiction to try offenders under this section where—

- (a) the offence is committed on board an aircraft registered in Sierra Leone;
- (b) the aircraft on board which the offence is committed lands in Sierra Leone with the alleged offender on board;
- (c) the offence is committed on board an aircraft leased without crew to a lessee whose principal place of business is in Sierra Leone or permanent residence is Sierra Leone; and
- (d) the offence is committed on board a non-Sierra Leone registered aircraft while such aircraft is within the territory of Sierra Leone.

Interference
with crew
members, etc.

130. (1) A person who, while on board a civil aircraft—

- (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 a steward or stewardess of such aircraft or lessens the ability of the crew member to perform those duties;

- (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 a person or property on board the aircraft, or for the purpose of maintaining good order and discipline on board the aircraft;
- (c) applies physical violence against a person or sexually assaults a person or molests a child;
- (d) assaults, intimidates or threatens another person, whether physically or verbally;
- (e) intentionally causes damage to, or destruction of property; or
- (f) consumes alcoholic beverages or drugs resulting in intoxication,

commits an offence and is liable on conviction to a fine not exceeding 2,000 United States dollars or equivalent in Leones or imprisonment for a term not exceeding 5 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 14 years.

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

Other civil
aircraft
offences.

- (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,

commits an offence and is liable on conviction to a fine not exceeding 100 United States Dollars or equivalent in Leones or imprisonment for a term not exceeding 1 year, or to both such fine and imprisonment.

Weapon and
explosive
violation.

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

- (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 a bomb or similar explosive or incendiary device,

commits an offence and is liable on conviction to a fine not exceeding 5,000 United States Dollars or its equivalent in Leones or imprisonment for a term not exceeding 10 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 5,000 United States Dollars or its equivalent in Leones or imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

(3) This section shall 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.

133. (1) Where the commander of an aircraft in flight may, where he has reasonable grounds to believe that a person on board the aircraft - Interference with safe operation of aircraft.

- (a) has done or is about to do an act on the aircraft while it is in flight which jeopardises 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; or
- (b) has done an 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, subject to subsection (4), take such reasonable measures, including restraint of the person, as may be necessary, to—
 - (i) protect the safety of the aircraft and persons on board the aircraft;
 - (ii) maintain good order and discipline on board the aircraft; or
 - (iii) enable the commander to disembark or deliver that person in accordance with subsection (6).

(2) The commander may require the assistance of other crewmembers and may request, but not require, the assistance of passengers, or authorise other crew members and passengers to restrain a person under subsection (1).

(3) A crew member or passenger may also take reasonable preventive measures without authorisation under subsection (2) 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.

(4) 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.

(5) Where the commander of an aircraft complies with subsection (4), the restraint may continue—

- (a) for a period (including the period of further flight) between the time the aircraft ceased to be in flight and the first occasion after that on which the commander is able with requisite consent of the appropriate authorities to disembark or deliver the person under restraint; or
- (b) if the person under restraint agrees to continue his journey under restraint on board the aircraft.

(6) Where the commander of an aircraft—

- (a) disembarks a person under paragraph (a) of subsection (5), in the case of a Sierra Leonean registered aircraft, in a 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.

(7) The commander of an aircraft who, without reasonable cause, fails to comply with the requirements of subsection (6) commits an offence and is liable on summary conviction to a fine of 50,000 United States Dollars or its equivalent in Leones.

(8) A person who wilfully and with reckless disregard for 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 100,000 United States Dollars or its equivalent in Leones or imprisonment for a term not exceeding 10 years, or to both such fine and imprisonment.

Unlawful
interference
with civil
aviation.

134. (1) A person who unlawfully and intentionally—

- (a) performs an act of violence against a person on board an aircraft in flight, on ground if that act is likely to endanger the safety and security of that aircraft;
- (b) destroys an aircraft in service or causes damage to the aircraft in a manner that renders it incapable of flight or which is likely to endanger the safety of the aircraft in flight;
- (c) places or causes to be placed on an aircraft in service by any means whatsoever a device or substance that is likely to destroy that aircraft or to cause damage to the aircraft that renders it incapable of flight or that is likely to endanger the safety of the aircraft in flight;
or
- (d) obstructs, interferes with, destroys, steals or causes damage to a communication, or navigation system, surveillance system, instrument, cables or any part of the systems or instruments used in civil aviation;
- (e) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight;
- (f) any disorderly behaviour in and around a civil aviation facility,

commits an offence and is liable on conviction to a fine of not less than 50,000 United States Dollars or its equivalent in Leones and not exceeding 100,000 United States Dollars or its equivalent in Leones or imprisonment for a term not less than 10 years, or to both the fine and imprisonment.

135. A person who imparts or conveys or causes to be imparted or 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 5,000 United States Dollars or its equivalent in Leones or imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

False information.

136. A person who knowingly and without authority removes, conceals, or withholds a part of a civil aircraft involved in an accident, or 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 5,000 United States dollars and to imprisonment for a term not exceeding 5 years, or to both such fine and in imprisonment.

Removing, concealing or with-holding part of aircraft involved in accident.

137. 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 a 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 Organisation Technical Instruction for the Safe Transport of Dangerous Goods by Air, commits an offence and is liable on conviction to a fine not exceeding 5,000 United States Dollars or its equivalent in Leones or imprisonment for a term not exceeding 5 years or to both such fine and imprisonment.

138. The Attorney-General may, at the request of the Director-General, may institute all necessary proceedings for the enforcement of this Act, or any term, condition or limitation of a permit, certificate or licence issued under this Act and for the punishment of contravention of this Act.

Prosecution by Attorney-General.

Procedure for
civil
penalties.

139. (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 a seizure and a 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 a seized aircraft.

(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 a lien;
- (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 XIV—MISCELLANEOUS PROVISIONS

Sovereignty
over airspace
of Sierra
Leone.

140. (1) Sierra Leone has complete and exclusive sovereignty over the airspace above its territory.

(2) A state aircraft of a contracting state shall not fly over the territory of Sierra Leone or land thereon without authorisation and in accordance with the terms of a special agreement.

141. (1) The Authority shall, by statutory instrument, make Regulations regarding the interception of civil aircrafts.

Regulation for safety of navigation of civil aircraft.

(2) Regulations made under subsection (1) shall provide that the lives of persons on board and the safety of a civil aircraft shall not be endangered; in the event of an interception.

(3) A civil aircraft flying above Sierra Leone without authority or if there are reasonable grounds to conclude that it is being used for a purpose inconsistent with the aims of the Chicago Convention may, in accordance with Regulations made under subsection (1), be required to land at some designated airport and instructed put an end to such violation.

(4) The Authority may take appropriate measures consistent with relevant rules of international law, including the relevant provisions of the Chicago Convention, in dealing with a civil aircraft that is required to land under subsection (3).

(5) A Sierra Leone registered aircraft or air operator who has his principal place of business or permanent residence in Sierra Leone shall, in like manner, comply with interception orders given by another contracting state.

(6) A Sierra Leone civil registered aircraft or an aircraft operated by an air operator who has his principal place of business or permanent residence in Sierra Leone shall not be used for a purpose inconsistent with the aims of the Chicago Convention.

142. (1) A person shall not intercept a civil aircraft in the airspace or instruct it to land unless interception is carried out by the Republic of Sierra Leone Armed Forces in the performance of their duties.

Interception of civil aircraft.

(2) The pilot-in-command of a civil aircraft who receives instructions to land from an authorised person shall comply with the instructions.

(3) Interception of a civil aircraft in the airspace of Sierra Leone is limited to determining the identity of the aircraft, unless it is necessary to return the civil aircraft to its planned track, direct it beyond the boundaries of Sierra Leone airspace, guide it away from a prohibited, restricted or danger area or instruct it to land at a designated aerodrome.

Misuse of
civil aviation
prohibited.

143. A person shall not use civil aviation for any purpose inconsistent with the aims of the Convention on International Civil aviation.

Non-
scheduled
flight.

144. (1) An aircraft of another contracting state, being an aircraft not engaged in scheduled international air services, may be permitted to—

- (a) require landing, subject to the observance of the terms of the Chicago Convention, to make flights into or transit non-stop across Sierra Leone; and
- (b) make stops for non-traffic purposes without the necessity of obtaining prior permission.

(2) The right under subsection (1) is reserved, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes or to obtain special permission for such flights.

(3) Regulations, conditions or limitations may be imposed as considered desirable on an aircraft, if engaged in the carriage of passengers, cargo, or mail for remuneration or hire on other than scheduled international air services and shall, subject to the provisions of Article 7 of the Chicago Convention, have the privilege of taking on or discharging passengers, cargo, or mail.

Scheduled air
services.

145. A scheduled international air service shall not be operated over or into Sierra Leone, except with authorisation and in accordance with the terms of a special agreement.

146. (1) Permission may be refused to an aircraft of a contracting state to take passengers, mail or cargo carried for remuneration or hire destined for a point within Sierra Leone. Cabotage.

(2) An arrangement shall not be entered into which specifically grants such privilege on an exclusive basis to another state or an airline of another state or to obtain such exclusive privilege from another state.

147. (1) An aircraft capable of being flown without a pilot shall not be flown over the territory of Sierra Leone without special authorisation and in accordance with the terms of such authorisation. Pilotless aircraft.

(2) Flight of an aircraft without a pilot in regions open to civil aircraft shall be controlled as to obviate danger to civil aircraft.

148. (1) Sierra Leone may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other states from flying over certain areas of its territory, with no distinction between its aircraft, engaged in international scheduled airline services and the aircraft of other contracting states. Prohibited areas.

(2) A prohibited area under subsection (1), shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation and descriptions of a prohibited area and subsequent alterations shall be communicated as soon as possible to the other contracting states and to the International Civil Aviation Organisation.

(3) In exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, it may be temporarily restricted or prohibited to flying over the whole or any part of Sierra Leone, without distinction of prohibition and shall be applicable without distinction of nationality to aircraft of other states.

(4) An aircraft entering a restricted or prohibited area may be required to effect a landing as soon as practicable thereafter at some designated airport within Sierra Leone.

- Landing at customs airport. 149. Except in a case where, under the terms of the Chicago Convention or a special authorisation, an aircraft is permitted to cross Sierra Leone without landing, an aircraft which enters Sierra Leone shall land at an airport designated for the purpose of customs and other examination and depart from a similarly designated customs airport.
- Application of aviation Regulations. 150. The laws and regulations relating to the admission to or departure from Sierra Leone, of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within Sierra Leone shall apply to all aircraft without distinction as to nationality, and shall be complied with by an aircraft upon entering or departing from or while within Sierra Leone.
- Rules of the air. 151. (1) An aircraft flying over or manoeuvring within Sierra Leone and carrying its nationality mark, shall comply with the rules and regulations relating to the flight and manoeuvre of aircraft.
- (2) Rules and regulations relating to the flight and manoeuvre of aircraft shall be uniform, to the greatest possible extent, with those established from time to time under the Chicago Convention and over the high seas, the rules in force shall be those established under the Chicago Convention.
- (3) A person who violates a regulation under subsection (2), commits an offence and is liable on conviction to a fine not exceeding 5,000 United States dollars and to imprisonment for a term not exceeding 5 years, or to both such fine and imprisonment.
- Entry and clearance Regulations. 152. The laws and regulations of Sierra Leone relating to admission to or departure from Sierra Leone of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within Sierra Leone.

153. Effective measures shall be taken to prevent the spread by means of air navigation of cholera, typhus (epidemic) and smallpox, yellow fever, plague, and such other communicable diseases as it shall from time to time decide to designate, and to that end, Sierra Leone will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft and such consultation shall be without prejudice to the application of any existing international convention on this subject to which it is a party.

Prevention of spread of disease.

154. (1) An airport which is open to public use by Sierra Leone registered aircraft shall likewise, subject to the provisions of Article 68 of the Chicago Convention, be open under uniform conditions to the aircraft of other contracting states and the like uniform conditions shall apply to the use, by aircraft of every contracting state, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation.

Airport and related charges.

(2) Charges that may be imposed or permitted to be imposed for the use of such airports and air navigation facilities by an aircraft of another contracting state shall not be higher and an aircraft—

- (a) not engaged in scheduled international air services, shall pay the same as a Sierra Leone registered aircraft of the same class engaged in similar operations;
- (b) engaged in scheduled international air services shall pay the same as Sierra Leone registered aircraft engaged in similar international air services.

(3) Charges imposed for the use of airports and other facilities under subsection (1) shall be published and communicated to the International Civil Aviation Organisation, provided that, upon representation by an interested contracting state, the charges imposed

shall be subject to review by the International Civil Aviation Organisation Council, which shall report and make recommendations thereon for the consideration of Sierra Leone or state concerned and fees, dues or other charges shall not be imposed in respect solely of the right of transit over or entry into or exit from Sierra Leone of an aircraft of a contracting state or persons or property thereon.

Search of
aircraft.

155. The Authority shall have the right, without unreasonable delay, to search an aircraft of another contracting states on landing or departure and to inspect the certificates and other documents prescribed under the Chicago Convention.

Registration
of aircraft.

156. (1) A person who intends to operate an aircraft service in Sierra Leone shall register the aircraft in accordance with the laws of Sierra Leone or under the law of the state of origin of the aircraft.

(2) The Director General may, upon request by an owner, operator of an aircraft or a person who fulfils the requirements for registration of an aircraft, register the aircraft and issue the owner, operator or person with a certificate of registration.

(3) The Director General shall establish and maintain a current register of aircraft registered by Sierra Leone and the information recorded in the certificate of registration.

Sierra Leone
registered
aircraft and
nationality.

157. An aircraft registered under this Act shall carry the Sierra Leone nationality and registration mark assigned to it by the Authority.

Dual
registration
prohibited.

158. An aircraft registered in another state shall not be registered in Sierra Leone, unless that aircraft has been deregistered in that state.

Laws
governing
registration.

159. The registration or transfer of registration of an aircraft shall be made in accordance with this Act and the regulations made under it.

160. An aircraft registered in Sierra Leone, engaged in local and international air navigation, shall bear the appropriate nationality and registration marks. Display of marks.

161. Information concerning the registration and ownership of an aircraft registered in Sierra Leone shall be supplied to another contracting state or to the International Civil Aviation Organisation on demand, in addition, Sierra Leone shall furnish reports to the International Civil Aviation Organisation, giving such pertinent data as can be made available concerning the ownership and control of aircraft in its register and habitually engaged in international air navigation and the data thus obtained by the International Civil Aviation Organisation may be made available by it on request to other contracting states. Report of registration.

162. Practicable measures, through the issuance of special regulations or otherwise, shall be adopted, to facilitate and expedite navigation by aircraft between Sierra Leone and other contracting states, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance. Facilitation of formalities.

163. Customs and immigration procedures affecting international air navigation shall be established, so far as practicable, in accordance with the practices which may be established or recommended from time to time, pursuant to the Chicago Convention. Customs and immigration procedures.

164. (1) An aircraft on a flight to, from, or across the territory of another contracting state shall be admitted temporarily free of duty, subject to the existing customs regulations and fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board an aircraft of a contracting state, on arrival in Sierra Leone and retained on board on leaving the territory and shall be exempt from customs duty, inspection fees or similar national or local duties and charges. Customs duty.

(2) Subsection (1), shall not apply to any quantities or articles unloaded, except in accordance with the existing customs regulations, which may require that they shall be kept under customs supervision.

(3) Spare parts and equipment imported into Sierra Leone for incorporation in or use on an aircraft of another contracting state engaged in international air navigation shall be admitted free of customs duty, subject to compliance with the laws in force, provided that the articles shall be kept under customs supervision and control.

Aircraft in
distress.

165. (1) Sierra Leone shall provide such measures of assistance to an aircraft in distress in its territory as it may find practicable and to permit, subject to control by the relevant authorities, the owners of the aircraft or authorities of the state in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances.

(2) When undertaking search for a missing aircraft, Sierra Leone will collaborate in coordinated measures which may be recommended from time to time pursuant to the Chicago Convention.

Investigation
of accidents.

166. (1) Sierra Leone shall, in the event of an accident to an aircraft of a contracting state occurring in its territory, involving death or serious injury or indicating serious technical defect in the aircraft or air navigation facilities, institute an inquiry into the circumstances of the accident, in accordance, so far as the laws permit, with the procedure which may be recommended by the International Civil Aviation Organisation.

(2) The state in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the report and findings of the inquiry shall be communicated to that state.

Air
navigation
facilities and
standard
systems.

167. (1) Sierra Leone shall, in its territory, so far as practicable—

- (a) provide, airports, radio services, meteorological services and other air navigation facilities, to facilitate international air navigation;
- (b) adopt and put into operation appropriate standard systems of communications procedure, codes, markings, signals, lighting and other operational practices and rules;

- (c) collaborate in international measures to secure the publication of aeronautical maps and charts, in accordance with standards which may be recommended or established from time to time, pursuant to the Chicago Convention.

168. (1) An aircraft, in or over the territory of Sierra Leone may, carry radio transmitting apparatus only if a licence to install and operate such apparatus has been issued by the appropriate authorities of the state in which the aircraft is registered and the use of radio transmitting apparatus shall be in accordance with the applicable laws and regulations.

Aircraft radio equipment.

(2) Radio transmitting apparatus may be used only by members of a flight crew who are provided with a special licence for that purpose, issued by the appropriate authorities of the state in which the aircraft is registered.

169. An aircraft engaged in air navigation shall be provided with a certificate of airworthiness issued or rendered valid by the state in which it is registered.

Certificates of airworthiness.

170. (1) The pilot of an aircraft and the other members of the operating crew engaged in international navigation shall be provided with certificates of competency and licences issued or rendered valid by the state in which the aircraft is registered.

Licences of personnel.

(2) The right to refuse to recognise, for the purpose of flight above Sierra Leone, certificates of competency and licences granted to any of its nationals by another contracting state, is reserved.

171. Certificates of airworthiness and certificates of competency and licences issued or rendered valid by the contracting state in which an aircraft is registered, shall be recognised as valid, provided that the requirements under which such certificates or licences were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to the Chicago Convention.

Recognition of certificates and licences.

- Journey log books. 172. There shall be maintained in respect of every aircraft engaged in air navigation a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time pursuant to the Chicago Convention.
- Cargo restrictions. 173. (1) Munitions of war or implements of war shall not be carried in or above Sierra Leone in an aircraft engaged in international navigation, except by permission and shall, by regulations, determine what constitutes munitions of war or implements of war for the purposes of Article 35 of the Chicago Convention, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organisation may from time to time make.
- (2) Sierra Leone reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage of articles in or above its territory and there shall be no distinction between an aircraft registered in Sierra Leone engaged in international navigation and an aircraft of other states so engaged and no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.
- Photographic apparatus. 174. The use of photographic apparatus in an aircraft may be prohibited or regulated.
- Adoption of international standards and procedures. 175. (1) In matters in which uniformity will facilitate and improve air navigation, there shall be collaboration in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organisation in relation to aircraft, personnel, airways and auxiliary services.
- (2) To this end, as may be necessary, international standards and recommended practices and procedures adopted and amended by International Civil Aviation Organisation shall be adopted and amended from time to time.

176. (1) Immediate notification shall be given to the International Civil Organisation of differences between the practice and that established by international standard, if and when it is impracticable to comply in all respects with international standard or procedure or to bring its own regulations or practices into full accord with an international standard or procedure after amendments of the latter, or it is deemed necessary to adopt regulations or practices differing in any particular respect from those established by international standard.

Departures from international standards and procedures.

(2) In the case of amendments to international standards, if the appropriate amendments to the regulations or practices are made, notice to the Council shall be given within 60 days of the adoption of the amendment to the international standard or indication of the action proposed to be taken.

177. (1) An aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed.

Endorsement of certificates and licences.

(2) A person holding a licence who does not satisfy in full the conditions laid down in the international standard relating to the class of licence or certificate which the person holds shall have endorsed on or attached to his licence a complete enumeration of the particulars in which the person does not satisfy such conditions.

178. (1) An aircraft or personnel having certificates or licences so endorsed shall not participate in international navigation, except with permission.

Validity of endorsed certificates and licences.

(2) The registration or use of an aircraft, or certificate or licence endorsed under subsection(1), shall be at the discretion of the appropriate authority.

- Designation of routes and airports. 179. The route to be followed within Sierra Leone by an international air service and the airports which such service may use, may be designated, subject to the provisions of the Chicago Convention.
- Registration of new arrangements. 180. When arrangements not inconsistent with the provisions of the Chicago Convention are made, they shall be registered with the Council, to be made public as soon as possible.
- Transfer of certain functions and duties. 181. Notwithstanding the provisions of Articles 12, 30, 31 and 32(a) of the Chicago Convention, when a Sierra Leone registered aircraft is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has his principal place of business or, if the person has no such place of business, his permanent residence in another contracting state, it may, by agreement with such other state, transfer to it all or part of its functions and duties as state of registry in respect of that aircraft under Articles 12, 30, 31 and 32 (a).
- Penalty for non-conformity of airline. 182. Where the International Civil Aviation Organisation Council has decided that an airline is not conforming to a final decision rendered, the operation of that airline of a contracting state through the territory of Sierra Leone shall not be allowed.
- Repeals. 183. (1) Sections 59 and 60 of the Sierra Leone Airports Authority Act, 1988 are hereby repealed.
(2) The Civil Aviation Act, 2017 is hereby repealed.
- Savings. 184. A licence or certificate issued or statutory instrument made under the Civil Aviation Act, 2017 shall remain in force until expressly revoked.
- Regulations. 185. The Director-General may, make such regulations, orders and rules, as may be considered necessary or expedient to provide for regulating air navigation and air transport, giving effect to the Chicago Convention and the Annexes thereto and generally, for the better carrying out the objects and purposes of this Act.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to provide for the repeal and replacement of the Civil Aviation Act, 2019 (Act No. 7 of 2019), to provide for an effective aviation safety and security oversight system; to provide for the incorporation of the requirements of the Chicago Convention on International Civil Aviation (1944) into domestic law and to provide for other related matters.

The Bill is divided into 15 parts--

PART I--provides for the interpretation of certain terms and expressions in the Bill and the application of the Act.

PART II--Continuation of Sierra Leone Civil Aviation Authority - deals with the continuation of the Sierra Leone Civil Aviation Authority and the Board of the Authority.

PART III--states the object of Authority and provides for the powers of Authority, the functions and powers of the Director-General including the power to obtain information, issue compliance orders and emergency orders.

PART IV --Administrative provisions - deals with the appointment and functions of Director-General, other staff of the Authority, limitation of action against the Authority and cooperation with other agencies.

PART V--Financial provisions provides for funds of Authority including Account and audit of the Authority.

PART VI—Airspace control and facilities - deals with the use and regulation of airspace.

PART VII—Nationality and aircraft ownership - deals with aircraft registration and related matters.

PART VIII—Safety regulation of civil aviation - include general safety powers and duties, State safety programme, power to prevent flight, right to access, personnel licence, airworthiness certificate, inspection of aircraft, transportation of dangerous goods by air and certification of aircraft maintenance organisations.

PART IX—Aircraft accidents and incidents investigations - deals with matters relating to aircraft accidents and incidents and the establishment and funding of the Sierra Leone Aircraft Accident and Incident Investigation Bureau, appointment of the Commissioner of Aircraft Accident Investigation and Investigator-in-charge and the notification of accidents and incidents.

PART X—Economic regulations - contains provisions relating to air transport licences, aerial work permit, air routes and airways and the terms and conditions of licence of domestic and foreign air operators.

PART XI—Establishment and management of aerodromes - covers the establishment of aerodromes, aerodrome certificates and environmental factors to be considered in establishing aerodromes.

PART XII—Aviation security - deals with aviation security including the establishment of a National Civil Aviation Security Programme and Advanced Passenger Information System.

PART XIII –Aviation security oversight - establishes the Security Oversight Unit and makes the National Civil Aviation Security policy a state requirement.

PART XIV–Offences and penalties- prescribes offences and penalties for the contravention of this Act.

PART XV–MISCELLANEOUS PROVISIONS -contain repeal and saving provisions and the power to make regulations.

Made this 21st day of March, 2023.

KABINEH KALLON,
Minister of Transport and Aviation.