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ORDINANCE No. XIII OF 2021

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ORDINANCE

*to consolidate and amend laws relating regulation of civil aviation activities,
and further to confer functions on Pakistan Civil Aviation Authority*

WHEREAS it is expedient to consolidate and re-enact laws relating to powers and functions of the Pakistan Civil Aviation Authority; for development, promotion and regulation of civil aviation activities; to ensure civil aviation safety and security; to give effect to the convention [s], treaties and agreements on international civil aviation;

AND WHEREAS to make provisions for the control and regulation of development, operations and maintenance of aerodromes, airports and related infrastructure; and to control and regulate safe, secure, efficient, adequate, economical and properly coordinated civil air transport service and air navigation services;

NOW WHEREAS to make better provisions for the control and regulation of manufacture, design, possession, use, acquisition, operation, sale, import and export, of aircraft; and to provide for any matters arising out of or connected therewith or ancillary thereto;

AND WHEREAS, the Senate and the National Assembly are not in session and the President of the Islamic Republic of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:

CHAPTER- I

GENERAL

1. **Short title, extent, application and commencement.**—(1) This Ordinance shall be called the Pakistan Civil Aviation Ordinance, 2021.

(2) It extends to the whole of Pakistan.

(3) It shall apply to—

(a) all civil airports and aerodromes within Pakistan;

(b) all citizens of Pakistan and persons on any aircraft registered or operated in Pakistan, wherever such citizen or aircraft may be;

(c) all persons on board any aircraft while in Pakistan; and

(d) all persons carrying on any activity relating to or connected with the purposes of this Act.

Provided that the provisions of this Ordinance shall not in respect of any—

(i) aircraft belonging to or exclusively employed in the naval, military or air force of Pakistan, or persons employed in connection with any such aircraft, unless the Federal Government by notification

in the official Gazette, applies to any such aircraft or person, with or without modification, any of the provisions of this Ordinance or the rules; or

- (ii) lighthouse to which the Lighthouse Act, 1927 (Act XVII of 1927), applies, or prejudice or affect any right or power exercisable by any authority under that Act.

(4) The Federal Government may, by notification in the official Gazette, direct that this Ordinance, or any provisions thereof which it may specify, shall come into force on such date as it may appoint in this behalf.

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

(a) **“accident”** means;

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

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

- (ii) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, (including its cowlings or accessories), or for damage limited to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windcreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike including holes in the radome; and

- (2) an occurrence associated with the operation of air navigation services, management of aerodromes or such other incidents as specified by the Authority;
- (b) **“aerodrome”** means a defined area on land or water including any buildings, installations and equipment; intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
- (c) **“aircraft”** means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface, and includes balloons, whether captive or free, airship, kites, gliders, flying machine and un-manned aerial vehicle;
- (d) **“airport”** means an aerodrome at which facilities have, in the opinion of the Federal Government, been sufficiently developed to be of importance to civil aviation;
- (e) **“airport license”** means a license granted under this Ordinance;
- (f) **“air transport service”** means a service of aircraft for the purpose of effecting public transport of passengers, goods, mails and other things;
- (g) **“Annexes to the Chicago Convention”** means documents issued modified and amended by the International Civil Aviation Organization from time to time, containing the Standards and Recommended Practices applicable to civil aviation;
- (h) **“Authority”** means the Pakistan Civil Aviation Authority established under section 3;
- (i) **“Board”** means the Board referred in section 4;
- (j) **“Chairperson”** means the Chairperson of the Board;
- (k) **“Code”** means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (l) **“commercial flying”** means flying for carriage by air of any passenger, mail or goods for hire or reward and such other flying for the purposes of any trade or business as may be specified by the Authority and **“commercial flight”** shall be construed accordingly;

- (m) **“Court”** means a court of competent jurisdiction, but not interior to the Court of Magistrate First Class;
- (n) **“device”** means any mechanical or electronic equipment, apparatus, tool or thing made or adapted to disrupt or interrupt or obstruct flight operations;
- (o) **“Director General”** means the Director General of the Authority;
- (p) **“Division concerned”** means the Division to which the affairs of the Authority are allocated under the Rules of Business, 1973;
- (q) **“export”** means taking out of Pakistan;
- (r) **“import”** means bringing into Pakistan;
- (s) **“incident”** means an occurrence other than accident, associated with the operation of aircraft which affects or could affect the safety of operations;
- (t) **“landing area”** means the part of the movement area intended for the landing or take off of aircraft;
- (u) **“person”** means any individual, firm, partnership, corporation, company, limited liability company, association of persons, joint stock association, government entity, body politic, and includes any trustee, assignee and receiver or other representative or employees thereof;
- (v) **“prescribed”** means as prescribed by rules or regulation made under this Act;
- (w) **“regulations”** means the regulations made under this Act;
- (x) **“rules”** means the rules made under this Act;
- (y) **“Secretary”** means the Secretary of the Division to which the affairs of the Authority are allocated; and
- (z) **“weapon”** means any firearm, explosives, missile, detonating device, improvised explosive device, precursor chemicals or any inflammable substances, biological weapon, nuclear weapon or any other thing that may cause or likely to cause injury or death to human life or damage to aircraft.

CHAPTER-II

ESTABLISHMENT OF THE AUTHORITY

3. **Establishment of the Authority.**—(1) The existing Pakistan Civil Aviation Authority shall be deemed to be the Authority established for purposes of this Ordinance.

(2) The Authority shall be a body corporate, having perpetual succession and a common seal with power, subject to provisions of this Act, to acquire and hold property, both movable and immovable, and shall sue and be sued by the name assigned to it by sub-section (1).

4. **Management.**—(1) The general direction and administration of the Authority under this Ordinance and its affairs shall vest in a Board which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Authority.

(2) The Board shall consist of the following members, namely;

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| (i) Secretary of the Division to which the affairs of the Authority are allocated | <i>Chairperson</i> |
| (ii) Vice-Chief of Air Staff, Pakistan Air Force | <i>Member</i> |
| (iii) Director General Pakistan Civil Aviation Authority | <i>Member</i> |
| (iv) Member Federal Board of Revenue | <i>Member</i> |
| (v) Officer of BPS 20 and above of the Division to which the affairs of the Authority are allocated | <i>Member</i> |
| (vi) Senior Officer of the Authority | <i>Secretary</i> |

(3) The Federal Government may, by notification in the official Gazette, amend sub-section (2) so as to add any clause thereto, or modify or omit any clause thereof.

(4) The Federal Government may appoint not more than three additional members having technical experience and qualification, for such period as it may determine.

(5) The Board may co-opt not more than three technical members having requisite experience and qualification, for such period as it may determine.

(6) The meetings of the Board shall be held at such times and places and in such manner as may be prescribed by regulations:

Provided that until regulations are made in this behalf, the meetings shall be held as and when convened by the Chairperson.

(7) The Chairperson or, in his absence, a member authorized by him in this behalf and three members shall constitute a quorum for a meeting of the Board.

5. **Executive committee.**—(1) There shall be an Executive Committee of the Authority consisting of the Director General, who shall be its head, and four other members who shall be nominated amongst the senior officers of the Authority.

(2) The Executive Committee shall exercise such administrative, executive, financial and technical powers, as may be delegated by the Authority:

(3) The Executive Committee may, in any extra-ordinary event take immediate action, as it considers necessary, and shall report such action for approval of the Board in its next meeting.

6. **Directorates of the Authority.**—The Authority may establish one or more Directorates, to control and regulate aircraft, aerodromes, airports and civil enclaves; air transport and air navigation in order to ensure safe, secure, efficient, adequate and properly coordinated civil aviation activities within Pakistan.

7. **Recruitment of officers, etc.**—(1) The Authority may, from time to time, appoint such officers, servants, experts and consultants as it may consider necessary for the performance of its functions under this Ordinance.

(2) The Authority shall make regulations for appointment procedures of its officers, servants, experts and consultants, and their terms and conditions of service.

8. **Members, officers etc., to be public servants.**—The Director General, members, officers, servants, experts and consultants of the Authority, shall, when acting or purporting to act in pursuance of any of the provisions of this Act or the rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

CHAPTER-III

POWERS AND REGULATORY CONTROL OF AUTHORITY

9. **Powers and functions of the Authority.**—(1) Subject to the provisions of this Act, the Authority shall have the responsibility for controlling, regulating and supervising all matters related to civil aviation activities within Pakistan.

(2) Without prejudice to the generality of the foregoing powers and function under sub-section (1), shall be responsible for—

- (a) control and regulate the safety and security of civil aviation activities including the establishment and enforcement of standard sand to exercise safety regulatory oversight of the civil aviation activities and operators within Pakistan;
- (b) regulation of civil air transport services and operations within the territory of Pakistan in accordance with the provisions of this Ordinance;
- (c) control and regulation of manufacturing, design, possession, use, acquisition, operation, sale, import and export of aircraft; including repair, maintenance and training organizations;
- (d) control and regulation of development, operation, maintenance of all airports and aerodrome within Pakistan;
- (e) control and regulation of air navigation services and facilities;
- (f) control and regulation of search and rescue services to air craft in distress;
- (g) issuance of certificates, licences, permits and any other authorization or document required to be issued by or under the provisions of this Ordinance;
- (h) development of air routes and airways in Pakistan, in consultation with the Division concerned;
- (i) encouragement, promotion, facilitation and assistance in the development and improvement of civil aviation capabilities, skills and services in Pakistan;
- (j) to ensure that the provisions of this Ordinance, rules and regulations made thereunder are administered, enforced, given effect to, carried out and complied with; and
- (k) to perform any other functions that are incidental or consequential to any of its functions under this Ordinance.

- (3) The Authority may,
- (a) carry out all activities in connection with the performance of its functions;
 - (b) seek assistance from any government agency, authorities, company or corporation, or person whether local or foreign for the purpose of this Ordinance;
 - (c) own and hold on behalf of the Federal Government, any property both movable or immovable duly vested and transferred to the Authority under this Ordinance; utilize in such manner as it may think expedient including the raising of loans by mortgaging such property with the approval of the Federal Government;
 - (d) enter into contracts for the supply of goods, services or materials or for the execution of works as may be necessary for, performance of functions of the Authority under this Ordinance;
 - (e) initiate and carry out study, surveys, research and development into regulatory aspect of civil aviation; and to promote education and training in connected matters;
 - (f) hold negotiations with foreign countries to settle technical matters arising out of bilateral air transport agreements with the approval of the Federal Government;
 - (g) advise the Federal Government on all matters relating to civil aviation;
 - (h) imposition of line in case of breach of any condition as prescribed or specified for holder of any license, certificate, permit, authorization, validation or approval under this Act;
 - (i) any matter connected thereto or ancillary therewith for the implementation of object and purpose of this Ordinance.

(4) Nothing in this section shall entitle the Authority to exercise any regulatory power in respect of such works, airports, aerodromes, airfields and things connected therewith as are owned by the Federal Government and established for the exclusive use of Defence Services.

10. Regulation of civil aviation activities.—(1) In exercise of the power conferred under this Act, the Authority shall ensure that—

- (a) the regulation of air transport services and commercial flying, and the prohibition of the use of aircraft in such services and in commercial flights except under the authority of, and in accordance with, a license authorizing the establishment of any such service or flight;
- (b) the registration and marking of aircraft in Pakistan;
- (c) the imposition of conditions under which an aircraft may be allowed to fly from or to an aerodrome or airport while entering, or leaving Pakistan or from one place within Pakistan to another; and over territories in Pakistan including conditions related to airworthiness, maintenance and repair, of such aircraft;
- (d) the prohibition of flight by aircraft over any prescribed area, either absolutely or at specified times, or subject to specified conditions and exceptions;
- (e) the inspection or supervision of aircraft for the purpose of enforcing the provisions of this Ordinance and the facilities to be provided for such inspection or supervision;
- (f) the licensing, inspection and regulation of aerodromes and airports, the conditions under which aerodromes or airports may be developed, operated, managed, maintained and for services provided at, such aerodromes or airports, prohibition on the use of un-licensed aerodromes or airports, and the regulation of conduct of persons in the vicinity of aerodromes or airports;
- (g) the inspection and control of the manufacture, design, repair and maintenance of aircraft and of places where such aircraft are manufactured, designed, repaired or kept;
- (h) the conditions on persons that may be engaged or employed in, or in connection with, air navigation, aerodromes and airports;
- (i) the conditions subject to which persons may be employed in the operation, manufacture, design, repair or maintenance of aircraft, training organizations;
- (j) the conditions for acquisition, sale, import and export of aircraft;
- (k) the regulation and control of air-route beacons, aerodrome or airport lights, and lights at or in the neighbourhood of aerodromes or airports and on or in the neighbourhood of air-routes; and installation and maintenance of lights on private property in the neighbourhood of aerodromes or airports and on or in the neighbourhood of air-routes;

- (l) the regulation of transmission and making of signals and communications by or to an aircraft, and by or to persons carried therein;
- (m) the regulation of measures for securing the requirements of obstruction clearances at aerodromes and airports, for the safety or security, efficiency and regularity of air navigation, and for preventing aircraft from endangering other persons and property, the formulation and compliance of uniform standards in respect of obstruction clearances for areas adjoining the landing area at aerodromes and airports;
- (n) the prohibition or restriction on carriage in an aircraft of any specified article or substance or technology;
- (o) the regulation and recognition, for the purposes of this Ordinance, relevant foreign valid licenses and certificates relating to aircraft or to the qualifications of persons employed in the operation, manufacture, design, repair or maintenance of aircraft;
- (p) the regulation of use of the civil air ensign and any other ensign established in connection with air navigation;
- (q) the regulation related to establishment, construction and design of civil airports, aerodromes, whether public or private, within Pakistan subject to measures related to conservation of energy and environmental protection;
- (r) the regulation of air routes in Pakistan, in consultation with the Division concerned;
- (s) the certification, inspection and regulation of air navigation services including air traffic management communications, navigation and surveillance systems, meteorological services pertaining to aviation activities, search and rescue and aeronautical information services;
- (t) the control of airspace management;
- (u) the regulation for issuance and maintenance of log-books;
- (v) the issuance of license, certificate, permit, authorization, validation and approval; conduct examination and test in connection therewith, and the form, custody, production, endorsement, cancellation, suspension, or surrender of any such license except those issued with the approval of the Division concerned, certificate, logbook, permit, authorization, validation or approval;

- (w) the economic oversight, consumer protection and regulation of aspects such as air fare, tariff and charges for air transport services, airports and aerodromes; and
- (x) any matter connected thereto or ancillary therewith for the implementation of object and purpose of this Ordinance.

11. Power to issue licence, certificate, permit, authorization or approval.—Subject to the prescribed conditions, the Authority may issue, renew or validate licence to all persons performing functions related to or connected with civil aviation activities under the provision of this Act.

12. Power to issue licence for airport, aerodrome, etc.,—Subject to prescribed conditions, the Authority may issue and renew a licence to establish, maintain and operate an airport, aerodrome, airstrip, etc:

Provided that all notified civil airports and aerodromes within ninety days after the commencement of this Ordinance shall apply for, the issuance of licence for the purpose specified in sub section (1), on such conditions as may be prescribed.

13. Cancellation or suspension of licence, certificate, permit, authorization, etc.—If any person contravenes any of the provisions of this Act, the rules and regulations, or has consistently failed to comply with the terms and conditions of licence, certificate, permit, authorization, validation or approval as the case may be, the Authority may, suspend or cancel or revoke the licence, certificate, permit, authorization, validation or approval:

Provided that before taking any action for cancellation or revocation, the Authority shall issue a notice to person under suspension likely to be affected thereby and by providing an opportunity of being heard.

CHAPTER-IV

APPOINTMENT AND POWERS OF DIRECTOR GENERAL

14. Appointment and term of office of the Director General.—(1) The Federal Government shall appoint the Director General who will be the executive head of The Authority and exercise powers and functions subject to the provisions of this Ordinance, rules, regulations and as delegated by the Federal Government or the Authority from time to time.

(2) Subject to the provisions of this Ordinance, the Director General shall hold office for a term of three (03) years from the date of his appointment or till

attaining the age of sixty years whichever is earlier and shall receive such salary and allowances and be subject to such conditions of service as may be determined by the Federal Government.

(3) The Federal Government, if deem appropriate, may extend the term of initial appointment of the Director General under sub-section (2) for a period up to two years.

15. Resignation by the Director General.—The Director General may resign from the office under this Ordinance:

Provided that the resignation shall not take effect unless accepted by the Federal Government.

16. Removal of the Director General.—(1) Subject to sub-section (2), the Federal Government may remove the Director General from his office.

(2) The Director General may be removed from the office, if—

- (a) the Federal Government is of the opinion that he has failed to discharge, or becomes incapable of discharging, his duties under this Ordinance; or
- (b) has been convicted of an offence involving moral turpitude; or
- (c) has knowingly acquired or continued to hold without the permission in writing of the Federal Government, directly or indirectly or through a partner, any share or interest tangible or intangible in any license, certificate, permit, authorization, inspections, examinations, contract related to aviation industry compromised the regulatory control of the Authority under this Ordinance.

17. Prohibition from certain undertakings for a limited period.—The Director General shall not undertake any employment or assignment contractual or otherwise for a period of one year after ceasing to hold office as Director General of the Authority with any entity in the aviation industry which has been subjected to regulatory control of the Authority during the tenure of his appointment under this Ordinance.

18. Power to issue directions, orders, instructions and circular.—(1) The Director General, may by order in writing issue directions, instructions and circular from time to time, under this Ordinance, rules and regulations made thereunder.

(2) Every direction or instruction or circular issued under sub-section (1) shall be binding on the person or persons for whom such direction or instruction or circular is issued.

(3) Notwithstanding the terms and conditions of any license, certificate, permit, authorization, validation or approval, granted or issued under this Act, the Director General, may suspend, with immediate effect any license, certificate, permit, authorization, validation or approval where there is sufficient reason to believe that the holder of such license, certificate, permit, authorization, validation or approval is likely to cause a threat to the national security or flight safety and or security.

(4) In case of suspension under sub-section (3) the Director General shall immediately inform the controlling Division of the Federal Government in writing regarding the threat or suspicion of threat to national security for appropriate actions by law enforcement agencies in addition to any regulatory measure prescribed under this Ordinance.

19. Power to obtain information.—(1) The Director General or any officer authorized by him that behalf by the Authority may, in writing, obtain any information for the purpose of this Act, rules and regulations made thereunder.

(2) Such information under sub-section (1) shall be provided without any delay to the Director General or authorized officer as the case may be.

20. Power of entry, inspection, etc.—(1) The Director General may authorize any officer or inspectors to enter any airport, aerodrome, radar, control tower, premises, aircraft, aircraft manufacturing unit, aircraft maintenance organization, air transport operator facilities and offices, hangars, workshops, ramps, flying clubs, flight kitchens, cargo and ground handling facilities, fuel storage facilities, vehicle or any aeronautical establishment for the purpose of periodic and random inspections to verify implementation of this Act, rules, regulations and orders made thereunder including specified conditions of the license, certificate, permit, authorization, operating manuals, technical procedures, personnel files and personnel licenses.

(2) In case of any breach of specified conditions or contravention of this Ordinance, rules or regulations made thereunder the matter shall be immediately reported to the Director General for an appropriate action as prescribed.

(3) Provided that in case of any-reported violation of conditions with reference to aircraft operations or airworthiness the inspectors shall have the power to prevent the aircraft from flying unless such violation or breach is rectified or remedied.