

TITLE III. CRIMINAL PROVISIONS

Art. 111. Any person who remains or enters on any land prohibited by the general regulations and ordinances concerning airdromes affected with a public service, or permits cattle, carriage, pack or riding animals to remain thereon, shall be subject to the penalties provided for in this matter by the Criminal Code and, in addition, may be deprived of any right to damages in the case of an accident.

The provisions of Articles 83 and 86 shall be applicable to this article.

Art. 112. Violations of the regulations concerning aeronautical restrictions of clearance and marking established in the interest of air navigation shall be punished by a fine of from 50,000 to 1,500,000 CFA.

In the case of repetition, violations shall be punished by a fine of from 100,000 to 3,000,000 CFA, and by imprisonment of from ten days to three months, or by only one of these penalties.

Art. 113. On request of the Public Ministry, acting at the request of the Minister concerned, the court that has cognizance of the case shall, under the penalty of 1,000 to 10,000 CFA for each day of delay, impose on the persons who violate these provisions, a time limit to remove or modify the structures subject to restrictions or to provide markings thereon.

When such time period is not observed, the penalty imposed shall be due from the expiration of said time limit until the day when the situation has been effectively remedied.

When the matter has not been remedied within one year from the expiration of the time limit, the court may, on request of the Public Ministry acting under the same conditions, collect, once or several times, the amount of the penalty, even exceeding the maximum provided above.

The court may decree return of part of the penalties when the matter has been remedied and the person liable shows that he had been prevented by circumstances beyond his control to observe the time limit imposed. When at the expiration of the time limit set in the judgment the matter has not been remedied, the administration may do the work at the expense and risk of the persons liable therefor.

The penalties shall be collected by the revenue agents of the Treasury.

There shall be a judgment against the persons subject to civil liability for removal of the structures subject to the restriction or to the establishment and maintenance of the marking provided for in Article 106.

In case of non-compliance within the time limit imposed on them for such purpose by the court, the Administration shall have the right to proceed on its own at their expense, risk and peril, and to recover from them all expenses it has incurred.

BOOK III. AIR TRANSPORTATION

Art. 114. Air transportation means the transportation by aircraft of passengers, mail and goods from one point to another.