

55. Period of validity of certificates of airworthiness.—A certificate of airworthiness shall be valid for a period of one year from the date on which the flying machine was passed for the issue of the certificate:

Provided that, in the case of damage to the flying machine such as renders it unsafe for flight, or of failure to carry out the inspection prescribed in these rules, or of failure to carry out any compulsory modification directed by the Central Government, or of incorporation of any modification which has not been approved by the Central Government, the certificate shall cease to be valid until the flying machine has been repaired or modified as the case may be and inspected and certified as required by these rules.

56. Renewal of certificates of airworthiness.—The Central Government may renew any certificate of airworthiness for such further period (not exceeding one year at a time) as it may think fit, and may for this purpose require the flying machine to be overhauled, inspected and certified in accordance with rule 57, and in addition may require the flying machine to be inspected by a person authorized in this behalf by the Central Government or tested in flight, or to be so inspected and so tested, and the owner of the aircraft shall give all necessary facilities for such inspection and test.

57. Periodical overhaul.—Every flying machine required by these rules to be provided with a certificate of airworthiness, and every engine of such flying machine shall be periodically overhauled and after every such overhaul, and after the completion of any repairs to or modification of the flying machine or engine, the flying machine shall be inspected and certified in accordance with the provisions of Section E of Schedule III by the appropriate person licensed under rule 61.

58. Modifications.—(1) If at any time the Central Government considers modifications to a flying machine, in respect of which a certificate of airworthiness is in force, to be necessary for safety, it may require such modifications to be carried out as a condition of the certificate of airworthiness remaining in force.

Such modifications may be notified in a general notice to aircraft owners and aircraft maintenance engineers or in a special notice to the owner of a particular aircraft.

(2) If modifications (including changes of equipment or its installation) which affect the safety of the flying machine are carried out in a flying machine in respect of which a certificate of airworthiness is in force, then, until the modifications have been approved by the Central Government, the flying machine shall not fly except in so far as under these rules it might fly if it had no certificate of airworthiness.

(3) Any such modifications shall be carried out by methods approved by the Central Government and shall be inspected by the appropriate person licensed under rule 61, who shall certify the modification in the form and manner laid down in Section E of Schedule III.

59. Maintenance standards and accessories.—The Central Government may in respect of any aircraft or class of aircraft which is certified as airworthy under these rules and in respect of any technical accessories or equipment used in connection with the operation of

such aircraft, prescribe conditions for the technical operation, maintenance and use of such aircraft, accessories or equipment.

60. Daily inspection.—(1) A public transport flying machine effecting public transport shall not commence any flight unless it has, within the preceding 24 hours, been inspected and certified as safe for flight in accordance with these rules by the appropriate person licensed under rule 61:

Provided that if any such flying machine not carrying passengers for remuneration on a regular scheduled air service is absent from its usual station, whether by reason of delay or otherwise, for a longer period than 24 hours, it may proceed on its journey if, at the time of commencement of a flight, it has not performed more than 12 hours' flying and a period of more than four days has not intervened, since it was last so inspected and certified:

Provided further that no such flying machine shall commence any flight, if, since such inspection, it has suffered any damage or revealed any defect which would render the machine unsafe for flight and which could not, in accordance with ordinary aeronautical practice, be remedied by the pilot or crew.

(2) The certificate required by sub-rule (1) shall be given in the form and manner specified in Section D of Schedule III.

(3) The pilot or commander of every flying machine shall before commencing any flight satisfy himself that—

(a) having regard to the performance of the aircraft, the extent to which it is loaded, and the prevailing conditions, sufficient length of run is available to effect a safe take-off and the line of flight in the take-off direction is not obstructed, and that

(b) the flying machine is safe for flight according to the circumstances of the flight as laid down in Section D of Schedule III.

61. Licensing of Aircraft Maintenance Engineers.—(1) For the purpose of rules 57, 58 and 60 the Central Government may grant licences to persons to act in the capacity of Aircraft Maintenance Engineers, and to sign in connection with the construction, repair, overhaul and maintenance of aircraft such certificates as may be prescribed or required under these rules.

(2) The categories and privileges in respect of which licences for aircraft maintenance engineers may be granted, shall be as follows—

(a) Category A (applicable to aircraft, excluding engines) in respect of—

(i) Certification as to fitness for flight of an aircraft for which a certificate of airworthiness is about to be issued.

(ii) Certification as to the safety for flight of public transport aircraft.

(iii) Certification in the log book of work done under approved maintenance schedules.

(iv) Certification in the log book of repairs approved as minor repairs.

(v) Certification in the log book of modifications approved as minor modifications.

(vi) Certification in the log book of replacement of approved components and parts.

(b) Category B (applicable to aircraft, excluding engines) in respect of—

(i) Certification in the log book of aircraft after overhaul, except that the overhaul, repair or modification of the engine(s), instruments, automatic pilots, variable pitch propellers, or electrical equipment shall have been previously certified by a firm approved for the purpose or by an aircraft maintenance engineer appropriately licensed.

(ii) Certification in the log book of approved repairs.

(iii) Certification in the log book of approved modifications.

(iv) Certification in the log book of the replacement of approved components and parts.

(v) Certification of the construction of components and parts and the materials used therefor, unless it is stated in the licence that this duty is excluded.

(c) Category C (applicable to engines) in respect of—

(i) Certification as to fitness for flight of engines including propellers fitted in an aircraft for which a certificate of airworthiness is about to be issued.

(ii) Certification as to the safety for flight of engines including propellers fitted in public transport aircraft.

(iii) Certification in the log book of work done under approved maintenance schedules.

(iv) Certification in the log book of the embodiment of approved modifications and the replacement of approved components and parts, provided that the work has not involved dismantling the engines other than to obtain access to pistons, cylinders and valve-operating gear.

(d) Category D (applicable to engines only) in respect of—

(i) Certification in the log book of engines after overhaul and test except that the overhaul, repair or modification of magnetos and other ignition equipment shall have been previously certified by a firm approved for the purpose or by an aircraft maintenance engineer licensed for the purpose in Category X.

(ii) Certification in the log book of approved repairs.

(iii) Certification in the log book of approved modifications.

(iv) Certification in the log book of replacement of approved components and parts.

(v) Certification of the construction of components and parts and the materials used therefor, unless it is stated in the licence that this duty is excluded.

(e) Category X in respect of—

(i) Certification in the log book of the installation and components and parts.

(ii) Certification of overhauls, repairs, modifications or replacements and tests thereof of aircraft engine ignition apparatus.

(iii) Certification in the log book of the overhaul, repair, modification, tests, and installation of variable pitch propellers and of replacements thereto.

(iv) Certification of the overhaul, repair, modification, test, and installation of aircraft and engine instruments, and of replacements thereto.

(v) Certification of the overhaul, repair, modification, test, and installation of electrical equipment and of replacements thereto.

(vi) Certification of the overhaul, repair, modification, test, and installation of automatic pilots and of replacements thereto.

(3) An applicant for an aircraft maintenance engineer's licence shall not be less than 21 years of age.

(4) An applicant shall possess experience appropriate to the category of the licence or extension of the licence required, as laid down in Section 'F' of Schedule III. This experience shall include experience of having worked at least for three months on the type of aircraft or engine or accessory for which he has applied for the grant or extension of his licence during the period of twelve months preceding the date of his application. The applicant shall prove to the satisfaction of the Director General that he has acquired the prescribed experience:

Provided that no such experience shall be necessary in the case of an applicant who proves to the satisfaction of the Director General that within the twelve months preceding the date of his application he has satisfactorily completed an approved course of training notified in this behalf by the Director General in the Official Gazette.

(5) An applicant for the grant or the extension of an aircraft maintenance engineers licence shall be required to undergo tests which may consist of—

- (a) Written Examination,
- (b) Oral Examination, and
- (c) Practical tests as appropriate.

(6) An applicant who fails in any of the above tests will not be permitted to appear again for such tests for a period of three months or such other period as may be intimated to the applicant by the Director General.

(7) Licences shall remain valid, unless cancelled or suspended, for the period specified therein, subject to a maximum period of twelve months in each case, and may thereafter be renewed by the Central Government for a similar period on application provided that during the twenty-four months preceding the date of application for the renewal of the licence, the holder has been engaged for periods totalling at least six months on aeronautical engineering duties, either in practical maintenance or repair or overhaul or in a supervisory capacity or as a member of the operating crew of aircraft, failing which the applicant shall be required to undergo some or all of the tests laid down in sub-rule (5).

(8) An Aircraft Maintenance Engineer licensed in a particular category shall, subject to the provisions of sub-rule (9), be competent to deal with the matters specified in sub-rule (2) in respect of the category in which he is licensed.

(9) A licence granted under this rule shall specify the type or types of aircraft, aero-engines, instruments, accessories or equipment which the licensee is competent to deal with, and may contain restric-

tions limiting his competence to deal with any particular class of work, and the Central Government may at any time vary such specifications or restrictions.

(10) Without prejudice to the provisions of sub-rule (3) of rule 19, the Central Government may, after such inquiry as it may deem fit, cancel, suspend or endorse any licence granted under this rule where it is satisfied that—

(a) the holder of such licence has performed work, or granted a certificate in respect of work which has not been performed in a careful and competent manner, or

(b) the holder of such licence has signed a certificate in respect of any matter which he is not licensed to deal with, or

(c) it is undesirable for any other reason that the holder of such licence should continue to exercise the functions of an aircraft maintenance engineer.

(11) The Central Government may withhold the grant or renewal of a licence if for any reason it considers it desirable to do so.

62. Fees.—(1) The following fees shall be payable in respect of the issue or renewal of certificates of airworthiness and aircraft maintenance engineer's licence and duplicate certificates and licences, and the inspection, tests and examinations, required by this Part.

Certificates of Airworthiness

AERODYNES

(a) Issue or renewal of certificate, including such inspections as may be required by the Central Government:

	Rs.
Maximum permissible weight of 2,500 lbs. or less-----	75
Maximum permissible weight over 2,500 lbs. but not more than 5,000 lbs.--	150
Maximum permissible weight over 5,000 lbs. but not more than 10,000 lbs.--	200
Maximum permissible weight over 10,000 lbs. but not more than 20,000 lbs.--	300
Maximum permissible weight over 20,000 lbs. but not more than 50,000 lbs.--	600
Maximum permissible weight over 50,000 lbs-----	1,000
(b) Issue of certificate without inspection (Rule 50)-----	25
(c) Issue of duplicate certificate-----	10

Aircraft Maintenance Engineer's Licence

For the licence—

Issue, renewal or issue of duplicate licence----- 10

For each separate technical examination—

When required, before issue, renewal or extension—

(i) One Category----- 25

(ii) Two Categories----- 35

(iii) Each Additional Category----- 15

(iv) Additions of types of aircraft, engines, instruments, accessories, or equipment to those already endorsed on the licence for each category in which additions are required----- 15

(2) An application for a licence or certificate or for the renewal or extension of a licence or certificate shall be accompanied by a Treasury Receipt or a money order for the sum necessary to cover all the fees payable but when, for any reason, the licence or certificate is not issued, renewed or extended, the Central Government may refund to the applicant such proportion of the sum paid as represents the cost of any examination or inspection not carried out or any licence or certificate not issued.

Part VII. Radio-Telegraph Apparatus.

63. Aircraft for which apparatus is obligatory.—Every public transport aircraft registered in India, which is capable, according to its certificate of airworthiness, of carrying ten or more persons including the crew, shall, when used in international air navigation or on a regular air transport service operating in India, be equipped with radio-telegraph apparatus of a type approved by the Central Government capable of sending and receiving communications by radio-telegraphy or radio-telephony, and installed, bonded and screened in a manner approved by the Central Government.

64. Suspension of rules.—The application of the rules in this Part may be suspended when owing to the lack of radio-telegraph organizations available for air traffic in a particular region the employment of radio-telegraph apparatus on board aircraft would serve no useful purpose.

Part VII.—Air-route Beacons, Aerodrome Lights and False Lights

65. Air-route beacons and aerodrome lights.—(1) No air-route beacon or aerodrome light shall be established or maintained within India nor shall the character of the light exhibited therefrom be altered, except with the approval in writing of the Central Government, and subject to such conditions as it may prescribe.

(2) No person shall willfully or negligently injure or interfere with any air-route beacon or aerodrome light, established or maintained with the approval of the Central Government, or any light exhibited therefrom.

66. False lights.—(1) Whenever in India any light is exhibited—

(a) in the neighbourhood of an aerodrome or an air-route beacon so as to be liable to be mistaken for an aerodrome light or an air-route beacon; or

(b) which by reason of its liability to be mistaken for an aerodrome light or an air-route beacon is calculated to endanger the safety of aircraft; or

(c) which, being in the neighbourhood of an aerodrome, is liable by reason of its glare to endanger the safety of aircraft arriving at or departing from the aerodrome,

the Central Government may serve a notice upon the owner or person in possession of the place where the light is exhibited or upon the person having charge of the light, directing that owner or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or for effectual screening the light and for preventing for the future the exhibition of any similar light.

(2) The notice may be served either personally or by post, or by affixing the same in some conspicuous place near to the light to which the notice relates.

(3) An owner or person on whom a notice under sub-rule (1) has been served shall, in the absence of reasonable cause, the burden of proving which shall be upon him, comply with the directions contained in the notice.

(4) If any owner or person on whom a notice under this rule is served, neglects for a period of seven days to extinguish or effectually to screen the light mentioned in the notice, the Central Government

may enter upon the place where the light is and forthwith extinguish the same, doing no unnecessary damage.

67. (As amended by Indian Aircraft (Amendment) Rules, 1961)

Log Books.—(1) The following log books shall be kept in respect of aircraft registered in India, namely—

(a) a journey log book;

(b) an aircraft log book;

(c) for an aircraft, fitted with an engine, an engine log book and if fitted with more than one engine, a separate log book for each engine;

(d) for an aircraft fitted with a variable pitch propeller, a variable pitch propeller log book and if fitted with more than one such propeller a separate log book for each propeller;

(e) for an aircraft for which carriage of radio apparatus is prescribed by these rules, a radio apparatus log book.

(2) The journey log book shall be issued by the Director General. Other log books shall be in such form as may be prescribed or approved by the Director General.

(3) Entries in the Journey log book in respect of each journey shall be currently made by the crew and the pilot-in-command of the aircraft shall ensure that such entries are made in accordance with the requirements of this rule.

(4) Entries in the aircraft, engine and variable pitch propeller log books (other than the entries made by the constructor thereof) shall be made and signed by an appropriately licensed Aircraft Maintenance Engineer or an inspector approved by the Director General except that in the case of a private aircraft, the entries may be made by the owner or the pilot of the aircraft.

(5) Entries in the Radio apparatus log book shall be made and signed by a licensed radio maintenance engineer or by a person approved by the Director General.

(6) Entries in the aircraft, engine, variable pitch propeller and radio apparatus log books shall be made within 48 hours of the return of the aircraft to its normal base, or when the aircraft is already at its base, within 48 hours of the completion of the work.

(7) Entries in any log book shall be made in a form and manner as may be prescribed by the Director General. All entries and signatures in the log books shall be made in ink or indelible pencil.

(8)(a) The aircraft log books shall be preserved until such time as the aircraft is permanently withdrawn from use and its Certificate of Registration is cancelled by the Director General: Provided that in the case of an aircraft meeting with an accident resulting in damage beyond economical repairs the aircraft log book shall be preserved for a period of two years after the date of the accident.

(b) The engine and propeller log books shall be preserved for a period of one year after the engine and propeller are permanently withdrawn from use.

(c) Other log books shall be preserved for two years from the date of the last entry therein.

(9) Where log books in respect of aircraft, engines or variable pitch propellers or radio apparatus are not kept in the manner and form prescribed in this rule, the aircraft shall be deemed as not being

maintained in an airworthy condition for the purpose of rule 15 of these rules.

(10) No person shall destroy, mutilate, alter or render illegible any log book or any entry made therein, or wilfully make or procure or assist in the making of any false or fraudulent entry in or omission from any log book.

Explanation.—For the purpose of this rule, the “Constructor” is a person or a firm which carries out any construction, overhaul, repair, modification or replacement.

Part X.—Investigation of Accidents

68. Notification of accidents.—(1) An accident in which an aircraft is involved shall be notified in accordance with the provisions of sub-rules (3), (4) and (5) of this rule if between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked—

(a) any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or

(b) the aircraft receives substantial damage.

(2) The term “substantial damage” used in sub-rule (1) shall include any damage which necessitates the replacement or extensive repair of any major component.

(3) Where an accident occurs which has to be notified under sub-rule (1), the person in command of the aircraft or, if he be killed or incapacitated, the owner, the operator, the hirer or other person on whose behalf he was in command of the aircraft, as the case may be, shall—

(a) send notice thereof to the Director-General, and

(b) give information to the District Magistrate and the Officer-in-charge of the nearest Police Station.

(4) The notice and information shall be sent as soon as possible and by the quickest means available and in any case within 24 hours after the occurrence of the accident.

(5) The notice to the Director-General shall contain the following information namely—

(i) the type, nationality and registration marks of aircraft;

(ii) the name of the owner, operator and hirer of the aircraft;

(iii) the name of the person in command of the aircraft;

(iv) the names and description of the crew of the aircraft;

(v) the nature and purpose of the flight;

(vi) the date and time of the accident;

(vii) the place where the accident occurred;

(viii) the last point of departure and the next point of intended landing of the aircraft;

(ix) the nature of the accident;

(x) the number and description of the persons killed and injured as a result of the accident; and

(xi) the extent of known damage to the aircraft.

69. Report on accidents.—The person in command or the owner of the aircraft which has been involved in an accident, whether or not it is required to be notified under rule 68(1), shall, if so required by the

Director-General, submit to him a written report on such accident in such form as he may prescribe.

70. Removal and preservation of damaged aircraft.—(1) In the case of an accident which requires to be notified under rule 68 or 69, or in any other case in which the Director-General gives notice to the owner or other person in charge of the aircraft to this effect, the aircraft shall not, except under the authority of the Director-General, be removed or otherwise interfered with:

Provided that, subject to compliance with the provisions of rule 61 of the India Aircraft Rules, 1920, in so far as they may be applicable—

(i) If the aircraft is wrecked on water, the aircraft or any parts or contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety;

(ii) the aircraft or any parts or contents thereof may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals dead or alive, of preventing the destruction of the aircraft and its contents by fire or other cause or of preventing any damage or obstruction to the public or to air navigation or to other transport;

(iii) goods shall not be removed from the aircraft except under the supervision, and with the concurrence of an officer of the Civil Aviation Department;

(iv) passengers' and crews' personal luggage may be removed from the aircraft under the supervision of an Officer of Police Department, a Magistrate or an Officer of the Civil Aviation Department; and

(v) mails may be removed under the supervision of an Officer of the Police Department, a Magistrate, an Officer of the Civil Aviation Department or an Officer of the Posts & Telegraphs Department.

(2) The Director-General may, for the purposes of any investigation or inquiry under these rules, authorize any person to take measures for the preservation of any aircraft involved in an accident, and such person may thereupon have access to examine or otherwise deal with the aircraft.

(3) The owner of the aircraft or his nominated representative shall have the right to be present during any examination or other action taken under sub-rules (1) and (2), provided that the Director-General shall not be bound to postpone any action which he may consider necessary under this rule by reason of the absence of the owner or his representative.

71. Inspector's investigation.—(1) The Director-General may order the investigation of any accident involving an aircraft, whether such accident is required to be notified under rule 68 or not, and may by general or special order, appoint any person (hereinafter referred to as an "Inspector of Accidents") for the purpose of carrying out such investigation.

(2) The investigation referred to in sub-rule (1) shall be held in private.

(3) The investigation shall be conducted in such a manner that if a charge is made or likely to be made against any person and if it appears to the Inspector of Accidents to be practicable so to do that

person shall be given notice that blame may be attributed to him; and thereupon he may be given a reasonable opportunity of being present and making any statement or giving any evidence and producing witnesses on his behalf and examining any witnesses from whose evidence it appears that blame may be attributed to him.

(4) A public notice that such investigation is taking place may be given by the Director-General in such manner as he may think fit and every such public notice shall state that any person who may desire to make representation concerning the circumstances or causes of the accident may do so in writing within the time specified in the notice.

(5) The Inspector of Accidents shall take a report to the Director-General stating all relevant facts with regard to the accident and his conclusions with regard to the causes of the accident, and adding any observations and recommendations which he may think fit to make with a view to preservation of life and avoidance of similar accidents in future.

(6) The Director-General shall forward the report of the Inspector of Accidents to the Central Government with such comments as the Director-General may think fit to make, and the Central Government may, at its discretion, make the whole or part of any such report public in such manner as it may consider fit.

72. Power of Inspector of Accidents.—For the purpose of such investigation an Inspector of Accidents shall have power—

(a) by summons under his hand to require the attendance of any person whom he thinks fit to call before him and examine for such purpose and to require answers or returns to any inquiries he thinks fit to make;

(b) to require any such person to make and to sign a declaration regarding the true nature of the statements made by him;

(c) to require and enforce the production of all books, papers, documents and articles which he may consider necessary for the investigation, and to retain any such books, papers, documents and articles until completion of the investigation; and

(d) to have access to and examine any aircraft involved in the accident, the place where the accident occurred or any other place, the entry upon and examination of which appears to the Inspector necessary for the purpose of the investigation.

73. Inspector's fee.—When a person other than an officer of Government is appointed an Inspector of Accidents he may be granted such fee and expenses as may be determined by the Central Government.

74. Committee of Inquiry.—(1) The Central Government may, at its discretion, appoint a Committee of Inquiry composed of two or more persons to hold an inquiry into an accident in which an aircraft is involved, and such a Committee shall have the same powers as an Inspector of Accidents under rule 72.

(2) The Committee of Inquiry may at its discretion hold the inquiry in public or in private.

(3) The Inquiry shall be conducted in such a manner that if a charge is made or likely to be made against any person, that person, shall be given notice that blame may be attributed to him and thereupon he may be given a reasonable opportunity of being present

and making any statement or giving any evidence and producing witnesses on his behalf and examining any witness from whose evidence it appears that blame may be attributed to him.

(4) A public notice that an inquiry is taking place may be given by the Central Government in such manner as it may think fit and every such notice shall state that any person who may desire to make representations concerning the circumstances or causes of the accident may do so in writing within the time specified in the notice.

(5) The Committee of Inquiry shall make a report to the Central Government stating all relevant facts with regard to the accidents and its conclusions with regard to the causes of the accident, and adding any observation and recommendation which it may think fit to make with a view to preservation of life and avoidance of similar accidents in future.

(6) The Central Government may cause the whole or part of any such report of the Committee of Inquiry to be made public in such manner as it may think fit.

(7) When a person other than an officer of Government is appointed as a member of the Committee of Inquiry he may be granted such fee and expenses as may be determined by the Central Government.

(8) Every person summoned by the Committee of Inquiry as a witness in accordance with these rules shall be allowed such expenses as the Central Government may from time to time determine.

75. Formal Investigation.—Where it appears to the Central Government that it is expedient to hold a formal investigation of an accident, it may, whether or not an investigation or an inquiry has been made under rule 71 or 74, by order direct a formal investigation to be held; and with respect to any such formal investigation the following provisions shall apply namely—

(1) The Central Government shall appoint a competent person (hereinafter referred to as "the Court"), to hold the investigation, and may appoint one or more persons possessing legal, aeronautical, engineering, or other special knowledge to act as assessors, it may also direct that the Court and the assessors shall receive such remuneration as it may determine.

(2) The Court shall hold the investigation in open court in such manner and under such conditions as the Court may think most effectual for ascertaining the causes and circumstances of the accident and for enabling the Court to make the report hereinafter mentioned.

(3) (i) The Court shall have, for the purpose of the investigation, all the powers of a Civil Court under the Court Code of Civil Procedure, 1908, and without prejudice to those powers the Court may—

(a) enter and inspect, or authorise any person to enter and inspect any place or building, the entry or inspection whereof appears to the Court requisite for the purposes of the investigation: and

(b) enforce the attendance of witnesses and compel the production of documents and material objects: and every person required by the Court to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

(ii) The assessors shall have the same powers of entry and inspection as the Court.

(4) The investigation shall be conducted in such manner that, if a charge is made or likely to be made against any person, that person shall have an opportunity of being present and of making any statement or giving any evidence and producing witnesses on his behalf.

(5) Every person attending as a witness before the Court shall be allowed such expenses as the Court may consider reasonable:

Provided that, in the case of the owner or hirer of any aircraft concerned in the accident and of any person in his employment or of any other person concerned in the accident, any such expenses may be disallowed if the Court, in its discretion, so directs.

(6) The Court shall make a report to the Central Government stating its findings as to the causes of the accident and the circumstances thereof and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and avoidance of similar accidents in future, including, a recommendation for the cancellation, suspension or endorsement of any licence or certificate issued under these rules.

(7) The assessors (if any) shall either sign the report, with or without reservations, or state in writing their dissent therefrom and their reasons for such dissent, and such reservations or dissent and reasons (if any) shall be forwarded to the Central Government with the report. The Central Government may cause any such report and reservations or dissent and reasons (if any) to be made public, wholly or in part, in such manner as it thinks fit.

76. Obstruction of proceedings.—(1) No person shall obstruct or impede the Court or a member of the Committee of Inquiry or an Inspector of Accidents or an assessor or any person acting in the exercise of any powers or duties under the rules in this Part.

(2) No person shall without reasonable excuse (the burden of proving which shall lie on him) fail to comply with any summons or requisition of a Court or a Committee of Inquiry or an Inspector of Accidents holding an investigation or an Inquiry under the rules in this Part.

77. Accident to aircraft registered in a foreign State.—Where an investigation by an Inspector of Accidents or an inquiry by a Committee of Inquiry or a formal investigation by a Court relates to an accident which has occurred in or over India to an aircraft registered in a country other than India, an accredited representative of the country in which the aircraft is registered, and of any other country which has on request furnished information in connection with the accident, may participate in the investigation, inquiry or formal investigation as the case may be; he may be accompanied by such technical or other advisers as may be considered necessary by the authorities of the country by which he is appointed.

77-A. Saving.—Nothing in this Part shall limit the power of the Central Government with regard to the cancellation, suspension or endorsement of any license or certificate issued under these rules.

Part XI.—Aerodromes.

78. Government aerodromes.—A Government aerodrome shall not be open to use by any member of the public save to such extent, if any,

and subject to such conditions as the Central Government may determine.

79. Places other than Government aerodromes.—A place in India other than a Government aerodrome shall not be used as a regular place of landing and departure by a scheduled air transport service or for a series of landings and departures by any aircraft carrying passengers for hire or reward unless—

(a) it has been licensed for the purpose, and save in accordance with the conditions prescribed in such a licence; or

(b) it has been approved by the Director-General, subject to such conditions as he may deem fit to impose, for the purpose of giving joy-rides for hire or reward.

80. Licensed aerodromes.—An aerodrome shall be licensed by the Central Government in one of the following categories, namely—

(a) for public use;

(b) for private use: that is to say, for use by the licensee and by individuals specifically authorized by the licensee.

81. Public aerodromes. (As amended by India Aircraft (Amendment) Rule, 1962).—Every aerodrome which is licensed for public use or which is open to public use by aircraft registered in India upon payment of charges shall, to the same extent and upon the same conditions, be open to use by aircraft possessing the nationality of a contracting State. Every such aerodrome shall, at all reasonable times, be open to use by any aircraft in the service of the Central Government.

82. Tariff charges.—(1) At every aerodrome referred to in rule 81 there shall be exhibited in a conspicuous place a single tariff of charges, including charges for landing and length of stay, and such tariff shall be applicable alike to all aircraft whether registered in India or in any other contracting State.

(2) In the case of Government aerodromes, the charges mentioned in sub-rule (1) shall not exceed those specified in, and shall be leviable in accordance with the provisions contained in Section B of Schedule V to these Rules.

(2a) Nothing in sub-rule (2) shall apply to the payment of any charge in respect of any space in or outside a hangar at a Government civil aerodrome leased out by the Central Government to any person for the purpose of housing or parking an aircraft or for any other purpose approved by the Director-General and where any such space is leased out, it shall be subject to payment of such charges as may be determined by the Central Government and also subject to such terms and conditions of the lease as may be agreed upon between the Central Government and such person.

(3) In the case of licensed public aerodromes other than Government aerodromes, the charges mentioned in sub-rule (1) shall, if they exceed the rates specified in Section B of Schedule V to these rules, require the approval of the Central Government.

83. (As amended by Indian Aircraft (Amendment) Rules, 1962) Qualifications of licensee.—A licence for an aerodrome shall not be granted to any person or corporation other than—

(a) a citizen of India, or

(b) a company or a corporation registered and having its principal place of business in India.

84. Period of validity of licence.—An aerodrome licence may be granted for any period not exceeding twelve months, and on each occasion of renewal may be renewed for any period not exceeding twelve months.

85. Classification of aerodromes.—An aerodrome may be licensed for all types of aircraft or for certain specified types or classes of aircraft and the license may specify the conditions on which the aerodrome may be used.

86. Conditions governing the grant of licence.—(1) A licence shall not be granted in respect of any place which does not satisfy the requirements specified in Part A of Schedule V.

(2) While a license is in force no alterations to the landing area or to the buildings or other structures on the aerodrome which may affect the safety of aircraft shall be undertaken save with the previous approval of the Central Government. Application for such approval shall be addressed to the Director-General of Civil Aviation in India and shall be accompanied by full particulars with plans of any such alterations including alterations to surrounding obstructions which may affect the safety of aircraft.

(3) The necessary approval may be granted or withheld and if granted may be granted subject to such conditions (including conditions involving a revision of the original conditions of licence) as the Central Government may think fit.

(4) If any alteration of the nature referred to in sub-rule (2) is undertaken without the previous approval of the Central Government the licence may be cancelled.

(5) The licensee shall maintain the aerodrome in a fit state for use by aircraft and adequately marked to the satisfaction of the Central Government during the whole period of the currency of the licence where this exceeds a period of three months and shall, if the aerodrome becomes unserviceable, immediately notify the Director-General of Civil Aviation in India by telegraph.

87. Fees.—The fees chargeable for the grant or renewal of a licence for an aerodrome shall be—

	Rs.
(1) When the licence is granted or renewed for a period not exceeding three months-----	15
(2) When the licence is granted or renewed for a period exceeding three months but not exceeding six months-----	20
(3) When the licence is granted or renewed for a period exceeding six months but not exceeding 12 months-----	30

Provided that if, in the opinion of the Central Government, it is necessary or expedient before the grant or renewal of the licence, for the aerodrome in question to be inspected by an officer of Government or other person authorized by the Director-General of Civil Aviation in India, an additional fee of Rs. 30 shall be chargeable for the inspection and the applicant shall also be required to pay the travelling expenses of the inspecting officer.

Part XII.—(Rules 88 to 133).

Deleted.

Part XII-A.—Regulatory Provisions.

133A. The Director-General may, through Notices to Airmen, Aeronautical Information Publications, Information Circulars, and

Notices to Aircraft Owners and Maintenance Engineers, issue special directions not inconsistent with the Indian Aircraft Act, 1934 or these rules, relating to the operation, use, possession, maintenance or navigation of aircraft flying in or over India or of aircraft registered in India.

Part XIII.—Air Transport Services

134. Air Transport Services.—(1) Except as provided in the Air Corporations Act, 1953 (27 of 1953) it shall not be lawful for any person other than the Corporation or their associates to operate any Scheduled air transport service from, to, in, or across India.

(2) The Central Government may permit any air transport undertaking of which the principal place of business is in any country outside India to operate an air transport service from, to, or across India in accordance with the terms of any agreement for the time being in force between the Government of India and the Government of that country, or, where there is no such agreement, of a temporary authorisation by the Government of India.

(3) No air transport service, other than a Scheduled air transport service or an air transport service, to which the provisions of sub-rule (1) or (2) apply, shall be operated except with the special permission of the Central Government and subject to such terms and conditions as it may think fit to impose in each case.

Rules 135, 135A, 135B, 135C, 135E, 135F, 136, 137, 138, 139 and 139A shall be omitted.

140. Minimum requirements to be complied with.—Any Scheduled air transport service operated by the Corporation shall comply with the safety requirements with respect to air routes, aircraft and aircrew prescribed in Schedule VIII to these rules.

140A. Director General's sanction to introduction of any new routes or alteration in any existing routes of Scheduled air transport services.—Before operating a Scheduled air transport service on a new route or making a substantial alteration in, or effecting the discontinuance of, any of the existing routes of such services, or introducing a new time-table for such service, the Corporation shall obtain the concurrence of the Director-General, in so far as such operation or, as the case may be, such discontinuance affects, or is likely to affect, the air route or aerodrome facilities, and give at least three days' previous notice to the Director-General before the date proposed for the operation of the new route or for the substantial alteration of an existing route or for the introduction of a new time-table or, as the case may be, for the discontinuance of an existing route.

140B. Operations Manual.—(1) An Operations Manual in the form approved by the Director-General, shall be maintained by the Corporation.

(2) The Operations Manual shall, in addition to any other relevant information, contain the following that is to say:—

(a) instructions outlining the responsibilities of operations personnel pertaining to the conduct of flight operations,

(b) the flight crew for each stage of all routes to be flown including the designation of the succession of command,

(c) in-flight procedure,

(d) emergency flight procedure,

(e) the minimum safe flight altitude for each route to be flown,
 (f) the circumstances in which a radio listening watch is to be maintained,

(g) a list of the navigational equipments to be carried.

(3) A copy of the Operations Manual, or such part of the Manual as may be prescribed by the Director-General, shall be carried in all aircraft of the Corporation engaged in Scheduled air transport services.

140C. Route Guides.—All aircraft of the Corporation engaged in Scheduled air transport services shall carry a Route Guide, which shall be in addition to any other relevant information, contain the following that is to say—

(a) communication facilities, navigation aids and a list of aerodromes, available on the route to be flown,

(b) instrument 'let down' procedure for aerodromes on the route or, those likely to be used as 'alternates'.

(c) meteorological minima for each of the aerodromes on the route to be flown and that are likely to be used as regular or alternate aerodromes, and

(d) specific instructions for computation of the quantities of fuel and oil to be carried on each route, having regard to all circumstances of the operation, including the possibility of the failure of one or more engines of the aircraft.

Rules 141, 142, 143, 144, 145, 146, 147, 147A, 148, 148A, 148B, 149, 150, 151 and 152 shall be omitted.

153. Carriage of mails.—The Corporation shall cause to be carried by its Scheduled air transport services such mails as may from time to time be required to be carried from one place to another by the Director-General, Posts and Telegraphs, or any person authorised by him in this behalf.

Rules 154 and 155 shall be omitted.

Schedules VII and IX shall be omitted.

Part XIV.—General

156. Inspection.—Any person authorized by the Central Government by special or general order in writing in this behalf may—

(a) at all reasonable times enter any place to which access is necessary for the purpose of exercising his powers or carrying out his duties under these rules;

(b) at all times during working hours enter that portion of any factory or place in which aircraft or parts of aircraft or aero-engines or parts of aero-engines are being manufactured, overhauled, repaired or assembled and inspect any such factory or place, aircraft, aero-engines or parts and any drawings relating to such aircraft, aero-engines or parts;

(c) at any time inspect any flying machine which is required by these rules to be certified as airworthy or in respect of which a certificate of airworthiness is in force;

(d) enter, inspect and search any aircraft for the purpose of securing compliance with any of these rules.

157. Forgery, etc., of documents.—No person shall fraudulently lend any licence or certificate issued under these rules or allow it to be used by any other person.

158. Foreign military aircraft.—No person shall fly or land, or assist in flying or landing, any foreign military aircraft over or in India except on or with the invitation or permission in writing of the Central Government and on such conditions as may be specified in the invitation or permission.

159. Obstruction of authorized persons.—No person shall voluntarily obstruct any person acting in the exercise of his powers or in the discharge of his duties under these rules.

160. General power to exempt.—The Central Government may by general or special order in writing exempt any aircraft or class of aircraft or any person or class of persons from the operation of these rules, either wholly or partially, subject to such conditions, if any, as may be specified in such order.

161. Penalties.—(1) Any person contravening any of these rules shall, where no punishment is provided for such contravention in the Indian Aircraft Act, 1934 (XXII of 1934), be punishable to the extent laid down in Schedule VI to these rules.

It shall be a defence to any proceedings for contravention of or failure to comply with these rules if the contravention or failure is proved to have been due to accident, stress of weather or other unavoidable cause; and it shall be a defence to any proceedings under these rules against the owner, hirer, operator, pilot or commander of an aircraft that the alleged contravention took place without his actual fault or privity.

[Schedules omitted.]



CHAPTER III.

THE INDIAN AIRCRAFT RULES, 1920 (PART IX).

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- Rule 64 Extent of the application.

CHAPTER III

Part IX.—Rules as to Aircraft Arriving in or Departing from India.

53. Customs aerodromes and Customs Officers.—The Central Government may for the purposes of this Part—

(a) by notification in the *Official Gazette* declare any aerodrome in India to be a customs aerodrome, and

(b) appoint persons to be Chief Customs officers and Customs collectors, and define the areas within which each such person shall exercise the powers and perform the duties conferred and imposed upon him hereunder.

54. Arrival and departure.—(1) No person in charge of an aircraft entering India shall cause it to be landed in India for the first time in any journey except at a customs aerodrome, unless the aircraft is compelled to land before arriving at a customs aerodrome by accident, stress of weather or other unavoidable cause.

(2) No person in charge of an aircraft shall fly the same or allow it to be flown to a place outside India save from a customs aerodrome unless compelled to land after departure from customs aerodrome by accident, stress of weather or other unavoidable cause.

55. Import and export of goods.—(1) No person in any aircraft entering or departing from India shall carry or allow to be carried in the aircraft any goods of which the import or export by sea or by land is prohibited by or under any law for the time being in force.

(2) No person in any aircraft entering India shall break or alter any seal placed upon any part of the aircraft or upon any goods therein by an officer of customs at the aerodrome at which such aircraft departed for India.

56. Procedure on arrival in India.—(1) The person in charge of any aircraft arriving at a customs aerodrome from a place outside India, shall, on landing forthwith cause the aircraft to be taken to the examination station at that aerodrome or, if, owing to circumstances over which he has no control, he is unable so to do, shall deliver the documents required by sub-rule (2), and thereafter remove all goods carried in the aircraft to the examination station in the presence of a Customs-collector or some person duly authorized by the Customs-collector in that behalf.

(2) Within twenty-four hours after the landing at any customs aerodrome of an aircraft from a place outside India, the person in charge thereof shall—

(a) deliver to the Customs-Collector his journey log book and a manifest, list of passengers and their baggage and declaration of the goods and stores on board the aircraft signed by the proper officer of customs at the aerodrome from which he departed for India; and

(b) land at such aerodrome for examination all passengers and their baggage carried in such aircraft, and produce, and, if required to do so, unload all goods in such aircraft for examination.

57. The person in charge of an aircraft proceeding to any place outside India shall deliver to the Customs-Collector at the customs aerodrome of departure his journey log book, and, if the aircraft carries any goods, a manifest and declaration in duplicate in such form as may be approved by the Chief Customs Officer declaring the goods and stores on such aircraft, and shall truly state therein the particulars required by such form. The journey log book and, if the aircraft carries any goods, one copy of the manifest and declaration will be signed by the Customs-Collector and returned to the person in charge of the aircraft and such documents when so signed and returned shall constitute the necessary authority for the aircraft to proceed to its destination.

58. Unloading of goods on import.—(1) No person importing goods shall land the goods at any place in India other than a customs aerodrome, or shall, save as provided in sub-rule (1) of rule 56, unload the goods from any aircraft except at an examination station, or shall unload the goods except between such hours as the Chief Customs Authority by general or special order directs, or shall remove the goods from an examination station unless the same have first been duly entered in the manner provided in this rule and produced to the Customs-Collector and duly passed by him.

(2) No person shall remove from any aircraft any goods imported therein until the authority of the Customs-Collector has been obtained.

(3) Any person importing goods shall deliver to the Customs-Collector at the customs aerodrome of importation a Bill of Entry of such goods in the manner provided in Section 29 of the Sea Customs Act, 1878 (VIII of 1878), and shall truly furnish therein the several particulars required in a bill of entry under that section, and shall pay to such Collector duties thereon as if such goods were chargeable to duties under that Act.

(4) All goods imported into a customs aerodrome shall be duly entered and unloaded within seven days from the time of the arrival of such aircraft at that aerodrome or within such further period as the Customs-Collector or Chief Customs Officer may allow.

(5) All goods imported which have not been examined and passed by the Customs-Collector shall be stored in a transit shed at the customs aerodrome, and no person shall remove such goods from the transit shed before they have been examined and passed by such Collector.

For the purpose of this rule, the word "goods" shall be deemed to include aircraft imported by flight in so far as the provisions of the rule are applicable thereto.

(6) (a) No customs duty shall be levied on an aircraft not registered in India which is brought into India for the purpose of a flight to or across India, which it is not intended to register in India and which it is intended to remove from India within six months from the date of entry, provided that the person in charge makes a written declaration to that effect to the Customs-Collector on arrival.

(b) In the case of an aircraft in respect of which such a declaration has been made and which is not removed from India within six months the duty leviable in respect of it shall be paid to the Customs Collector before the aircraft is again flown.

(7) A full refund of the customs duty, if any, paid on the import of an aircraft by air into India shall be granted if the same is exported by air within six months of the date of its arrival:

Provided—

(a) that the claim for such refund is made at the time of export from a customs aerodrome;

(b) that the identity of the aircraft is established to the satisfaction of the Customs-Collector; and

(c) that payment is demanded within six months from the date of export.

59. Procedure on export.—(1) The exporter of any goods shall deliver to the Customs-Collector at the customs aerodrome of departure a shipping bill in the manner provided in Section 29 of the Sea Customs Act, 1878 (VIII of 1878), and shall truly furnish therein the several particulars required in a shipping bill under that section, and shall pay to such Collector duties thereon as if such goods were chargeable to duties under that Act, and such bill when signed by the Customs-Collector shall be the clearance and authority for the exportation of such goods.

(2) No person shall without the consent of the Customs-Collector unload from any aircraft any goods loaded thereon for export which have been cleared under sub-rule (1), or open, alter, or break any lock, mark or seal placed by any Customs-Collector on any goods in any aircraft about to depart from India.

60. Prohibition of signals in certain cases.—No person shall, for the purpose of evading, or assisting the evasion of, the provisions of this Part make any signal from an aircraft entering or leaving India.

61. Forced landings.—If any aircraft arriving from a place outside India is forced to land at any place in India other than a customs aerodrome, or if any aircraft is so forced to land after departure from

a customs aerodrome for a foreign destination, the procedures hereinafter specified shall be adopted.

(2) (a) If the place of landing is a Government aerodrome the person in charge of the aircraft shall forthwith report the arrival of the aircraft and the place whence it came to the Aerodrome Officer in charge of the aerodrome and shall not allow any goods to be unloaded therefrom or any Passenger or member of the crew thereof to leave the aerodrome, without the consent of such Aerodrome Officer or a Customs-Collector or a Police Officer.

(b) If the place of landing is not a Government aerodrome, the person in charge of the aircraft shall forthwith report to a Customs-Collector or a Police Officer and shall on demand produce to such Collector or Officer the Journey Log Book pertaining to the aircraft, and shall not allow any goods to be unloaded therefrom without the consent of such Customs-Collector or Police Officer, and no passenger or member of the crew thereof shall leave the immediate vicinity without the consent of such Collector or Officer.

(c) If the locality is one in which no Customs-Collector or Police Officer is available, no passenger, or member of the crew of the aircraft shall leave the immediate vicinity, nor shall any goods be unloaded, without the consent of the person in charge of the aircraft. The latter shall make in his Journey Log Book a full statement of the action taken, and shall forthwith report the occurrence to the Customs-Collector and the Aerodrome Officer at the nearest customs aerodrome.

62. Examination.—(1) The person in charge of any aircraft shall permit any Customs-Collector or other officer authorized in this behalf by the Customs-Collector at any time to board and examine the aircraft and any goods laden thereon.

(2) The importer or exporter of any goods shall produce such goods to the Customs-Collector at the customs aerodrome of importation or exportation, as the case may be, and permit him to examine such goods.

63. Provisions of Act VIII of 1878 to be deemed to apply to import and export.—All persons importing or exporting or concerned in importing or exporting goods or passengers into or from India, and all persons in charge of aircraft arriving in or departing from India, shall, so far as may be observed, comply with and be bound by the provisions of the Sea Customs Act, 1878 (VIII of 1878), as if any reference in such provisions to ships or vessels and the masters or captains thereof and to the loading and unloading of goods thereon or therefrom, included references to aircraft and the persons in charge thereof, and to the loading or unloading of goods thereon or therefrom, and as if references in such provisions to a port of quay included references to a customs aerodrome or an examination station.

64. These rules extend to the whole of India.

CHAPTER IV.

THE INDIAN AIRCRAFT (PUBLIC HEALTH) RULES, 1954.

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- I. Personal Declaration of Origin and Health (For passengers on aircraft).
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III. International Certificate of Vaccination or Revaccination against Yellow
Fever.
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CHAPTER IV.

MINISTRY OF HEALTH.

NOTIFICATION.

New Delhi, the 17th October, 1955.

S.R.O. 2218.—In exercise of the powers conferred by section 8A of the Indian Aircraft Act, 1934 (XXII of 1934), and in suppression of the “Indian Aircraft (Public Health) Rules, 1946” published with the notification of the Government of India in the Ministry of Health No. F. 14–2/46–P.H.(II), dated the 30th September, 1946, the Central Government hereby makes the following rules, the same having been previously published as required by section 14 of the said Act, namely:

THE INDIAN AIRCRAFT (PUBLIC HEALTH) RULES, 1954.

Part I.—Introductory.

1. These Rules may be called the Indian Aircraft (Public Health) Rules, 1954.

2. In these Rules, unless there is anything repugnant in the subject or context:

(1) “airport” means an airport designated by the State in whose territory it is situated as an airport of entry or departure for international traffic;

Explanation.—In India an "Airport" corresponds to an aerodrome declared under rule 53 of the Indian Aircraft Rules, 1920, to be a customs aerodrome.

(2) "arrival" means arrival at an airport;

(3) "baggage" means the personal effects of a traveller or of a member of the crew;

(4) "Commander" means the pilot in command or other person in charge of an aircraft;

(5) "crew" means the personnel of an aircraft who are employed for duties on board;

(6) "day" means an interval of twenty-four hours;

(7) "direct transit area" means a special area established in connection with an airport, approved by the Health Officer concerned and under his direct supervision, for accommodating direct transit traffic and, in particular, for accommodating in segregation, passengers and crews breaking their voyage without leaving the airport;

(8) "Health Officer" means in respect of an airport in India any person appointed by the Central Government to be the Health Officer of the airport, and includes an Additional, Deputy or Assistant Health Officer appointed by the Central Government to perform the functions of a Health Officer;

(8-A) "Infected aircraft" means an aircraft which under rule 9(1), 16, 20(1), 24, or 30(1) is regarded as an aircraft infected with an infectious disease;

(9) "Infected area" in relation to a quarantinable or other infectious disease means any area outside India, declared by the Central Government, by notification in the official Gazette, to be infected with such a disease;

(10) "infected person" means a person who is suffering from a quarantinable or other infectious disease, or who is believed to be infected with such a disease;

(11) "infectious disease" means in addition to quarantinable diseases, a disease, declared by the Central Government by notification in the official Gazette to be an infectious disease;

(12) "International voyage" means—

(a) in the case of an aircraft, a voyage between airports in the territories of more than one State or a voyage between airports in the territory or territories of the same State if the aircraft has relations with the territory of any other State on its voyage but only as regards those relations;

(b) in the case of a person, a voyage involving entry into the territory of a State other than the territory of the State in which that person commences his voyage;

(13) "Isolation", when applied to a person or group of persons, means the separation of that person or group of persons from other persons, except the health staff on duty, in such a manner as to prevent the spread of infection;

(13-A) "mainland" means the territory of India excluding the Andaman and Nicobar Islands;

(14) "medical examination" includes visit to and inspection of an aircraft and the preliminary examination of persons on board;

(15) "period of incubation" means (a) in respect of a quarantinable disease mentioned below, the period specified against it:

Yellow fever.....	6 days.
Plague.....	6 days.
Cholera.....	5 days.
Smallpox.....	14 days.
Typhus.....	14 days.
Relapsing fever.....	8 days.

and, (b) in respect of other infectious diseases such period as may be declared by the Central Government by notification in the official Gazette to be the period of incubation of that disease;

(16) "quarantinable diseases" means yellow fever, plague, cholera, smallpox, typhus and relapsing fever:

(17) "relapsing fever" means louse-borne relapsing fever;

(18) "suspect" means a person who is considered by the Health officer as having been exposed to infection by a quarantinable or an infectious disease and is considered capable of spreading that disease;

(18-A) "suspected aircraft" means an aircraft which under rule 9(2), 20(2) or 30(2) is regarded as an aircraft suspected of infection from an infectious disease:

(19) "typhus" means louse-borne typhus;

(20) "valid certificate", when applied to vaccination, means a certificate conforming with the requirements and the model laid down in Schedules III, IV and V to these Rules. In the case of certificates of vaccination against cholera and smallpox issued in India, the approved stamp to be affixed thereon shall be such as has been approved by the Central Government and the stamp shall be affixed on the certificates by only those persons who are authorised, either by designation or by name, for this purpose by the Central Government. In the case of certificates of vaccination against yellow fever issued in India, the vaccination centres shall be approved by the Central Government.

Part II.—Aircraft Arriving.

General Provisions.

3. (1) The Commander of an aircraft, which is on its way to India from any place outside India, shall send to the officer in charge of the airport, where he proposes to land in India, a health report stating—

(a) whether any person on board the aircraft is suffering from any illness, and, if so, what its signs and symptoms are, giving, if possible, the name of the illness, and

(b) whether at any time during the voyage there has occurred on board any case, or suspected case, of a quarantinable or any other infectious disease, and if so what that case was.

(2) The report referred to in sub-rule (1) shall be sent—

(a) if the aircraft is not equipped with wireless, by means of a cablegram from the last place of landing before entering India, and

(b) if the aircraft is equipped with wireless, by means of a wireless message, when it is not less than two hours out from the airport in India, where it is proposed to land the aircraft.

(3) The Health Officer of an airport may, if authorised by the general or special orders of the Central Government, grant *pratique*

by radio to an aircraft when, on the basis of information contained in the health report received from it prior to its arrival, he is of the opinion that its arrival will not result in the introduction or spread of a quarantinable or any other infectious disease.

4. The Central Government may, by notification in the official Gazette, direct that aircraft shall, on entering India from any place outside India, land only at such airport or airports as may be specified in the notification.

5. (1) If for any reasons beyond the control of the Commander, an aircraft lands elsewhere than at an airport, or at an airport specified under rule 4, it shall proceed as soon as possible, without discharging any passenger, crew or cargo to an airport specified under rule 4 or, where no such airport is specified, to a conveniently situated airport.

(2) If it is impracticable for the aircraft to comply with the provisions of sub-rule (1), the Commander shall forthwith notify the Health Officer of the nearest airport and also the nearest Magistrate, Officer in charge of a Police Station or Government medical officer, who shall take such measures to prevent the spread of infection, in accordance with the provisions of these Rules, as he may consider necessary or expedient. The Commander shall prevent any cargo being removed from, or any passenger or member of the crew leaving the vicinity of, the aircraft except to such extent as may be necessary to conform to, or to facilitate the measures taken under this sub-rule. The Commander may take such emergency measures as may be necessary for the health and safety of passengers and crew. On arrival at the airport referred to in sub-rule (1) the Commander shall report the relevant facts to the Health Officer of that airport.

6. (1) The Commander of an aircraft coming from any place outside India or his authorised agent shall—

(a) arrange for all persons on an international voyage on board to complete a Personal Declaration of Origin and Health in the form shown in Schedule I to these Rules; and

(b) complete and deliver to the Health Officer of the airport a copy of that part of the Aircraft General Declaration which contains the health information specified in Schedule II to these Rules.

(2) The Health Officer shall have the right to demand if he considers it necessary, and on such a demand having been made it shall be incumbent on the Commander or his authorised agent to produce the aircraft journey log book. The Commander or his authorised agent shall also supply any further information required by the Health Officer as to health conditions on board during the voyage.

7. When an infected or suspected aircraft coming from a place outside India, or a healthy aircraft coming from a yellow fever infected area arrives at an airport, the Health Officer may, until such time as the appropriate measures prescribed in the case of such aircraft have been taken, require that the passengers and crew of such aircraft shall not go beyond such limits within the airport as may be specified by him.

8. The Health Officer of an airport may, whenever he considers it desirable, subject to medical examination, inspect any aircraft and its passengers and crew on its arrival at the airport. The further sanitary measures which may be applied to the aircraft shall be deter-

mined by the conditions which existed on board during the voyage or which exist at the time of the medical examination, without prejudice to the measures which are permitted by these Rules to be applied to the aircraft if it arrives from an infected area.

Special provisions relating to quarantinable Diseases.

A. Yellow Fever

9. (1) An aircraft shall be regarded as infected with yellow fever—

(i) if it has a case of yellow fever on board, or

(ii) if there has been on board a case of yellow fever and, subsequent to the occurrence of that case, all the measures specified in sub-rule (1) of rule 13 have not been taken to the satisfaction of the Health Officer before arriving in India.

(2) An aircraft shall be regarded as suspected of yellow fever infection if it has started from or alighted in an airport in a yellow fever infected area and has not been disinfected immediately before the departure from that airport under the control of the Health authority of the airport or in another airport subsequent to such starting or alighting and has not obtained a certificate of disinfection from such officer or body as may be approved from time to time by the Government of India for this purpose stating that the aircraft after leaving or alighting in the yellow fever infected area and before arriving in India has been disinfected in accordance with the procedure prescribed in Schedule VI to these Rules, or recommended by the World Health Organisation, or if live mosquitoes are found on board.

(3) Any other aircraft shall be regarded as healthy.

10. (1) Where an aircraft, having started from, or during the course of the voyage alighted in, a yellow fever infected area, is on its way to India, the report referred to in sub-rule (1) of rule 3 shall also state—

(a) the date of departure of the aircraft from the yellow fever infected area, and

(b) whether the aircraft has been disinfected immediately before or since leaving the yellow fever infected area and, if so, the place at which, and the authority by which, it was disinfected.

(2) Where an aircraft has on board any persons coming from a yellow fever infected area, the report referred to in sub-rule (1) of rule 3 shall also state the number of such persons, the dates of their respective departure from such area, and the dates on which each of such persons has been vaccinated against yellow fever.

11. No person shall bring into India an aircraft which has started from, or alighted in, an airport situated in a yellow fever infected area unless it has been disinfected immediately before departure from that airport under the control of the Health authority of that airport in accordance with the procedures prescribed in Schedule VI to these Rules.

12. Any aircraft which, having started from or alighted in an airport situated in a yellow fever infected area, attempts to enter India without having been disinfected immediately before departure from that airport under the control of the Health authority of the airport

in accordance with the procedure prescribed in Schedule VI to these rules may be refused entry.

13. (1) On the arrival of an aircraft infected with yellow fever or suspected of yellow fever infection—

- (i) the aircraft and cargo shall be disinsected,
- (ii) all infected persons shall be disembarked and isolated for such period as the Health Officer may consider necessary,
- (iii) all persons on board shall be medically examined either before disembarkation or under such arrangements as may be made by the Health Officer to reduce to a minimum the risk of spread of infection, and
- (iv) any passenger or member of the crew who disembarks and is not in possession of a valid certificate of vaccination against yellow fever shall be isolated until his certificate becomes valid, or until a period of not more than nine days reckoned from the date of last possible exposure to infection has elapsed, whichever occurs first:

Provided that persons on an international voyage proceeding to an airport in a yellow fever receptive area at which the means for securing segregation provided for in Article 34 of the International Sanitary Regulations do not yet exist shall be disembarked by the Health Officer and isolated for the period specified in clause (iv).

Explanation.—(1) Yellow fever receptive area means an area in which yellow fever does not exist but where conditions would permit its development if introduced.

(2) The aircraft shall cease to be regarded as infected or suspected when the measures required by the Health Officer in accordance with sub-rule (1) of this rule have been effectively carried out, and it shall thereupon be given free pratique.

14. (1) On the arrival of a healthy aircraft coming from a yellow fever infected area—

- (i) the aircraft and cargo may be disinsected:

Provided that, when the aircraft on its voyage over the yellow fever infected areas has landed only at a sanitary airport which is not itself a yellow fever infected area, the aircraft may not be disinsected unless a person, other than a person in possession of valid certificate of vaccination against yellow fever, from the surrounding yellow fever infected areas has boarded the aircraft and the aircraft reached India within a period during which such a person is likely to spread yellow fever infection.

(ii) all persons on board shall be medically examined either before disembarkation or under such arrangements as may be made by this Health Officer to reduce to a minimum the risk of spread of infection; and

(iii) any passenger or member of the crew who has come in transit through any airport situated in a yellow fever infected area and who is unable to produce a valid certificate of vaccination against yellow fever shall be isolated until his certificate becomes valid, or until a period of not more than nine days reckoned from the date of the last possible exposure to infection has elapsed, whichever occurs first:

Provided that, if the airport situated in the yellow fever infected area is a sanitary airport equipped with a direct transit

area and if the Health Officer is satisfied with the passenger or member of the crew during the period of his entire stay in the airport remained within the direct transit area, the Health Officer may exempt such passenger or member of the crew from isolation.

(2) On the arrival of a healthy aircraft which, although not coming from a yellow fever infected area, has on board a person who has come from such an area and is unable to produce a valid certificate of vaccination against yellow fever the aircraft and cargo may be disinfected.

(3) Any person who has come from a yellow fever infected area and is unable to produce a valid certificate of vaccination against yellow fever shall be isolated until his certificate becomes valid, or until a period of not more than nine days reckoned from the date of last possible exposure to infection has elapsed, whichever occurs first. A person who boards an aircraft in a sanitary airport, which itself is not a yellow fever infected area, shall be treated as a person who has come from a yellow fever infected area unless he is able to prove to the satisfaction of the Health Officer that he has not come from such an area.

Explanation.—(1) Sanitary airport referred to in the proviso to clauses (i) and (iii) of sub-rule (1) and in sub-rule (3) means an airport which is equipped in accordance with the provisions of paragraph 2 of Article 19 and paragraph 3 of Article 20 of the International Sanitary Regulations and which may be approved from time to time by the Central Government for this purpose.

(2) A person shall be regarded as coming from a yellow fever infected area unless the Health Officer is satisfied, by reference to the Personal Declaration of Origin and Health, that he has not been in such an area within nine days of arrival in India.

15. All isolation prescribed by sub-rule (1) of rule 13 and by sub-rules (1) and (3) of rule 14 shall be carried out in such manner as to preclude the access of mosquitoes to the persons under isolation.

B. Plague

16. (1) An aircraft shall be regarded as infected with plague—

(i) if it has a case of human plague on board, or

(ii) if there has been a case of human plague on board and subsequent to the occurrence of that case all the measures prescribed in rule 17 have not been taken, or

(iii) if a plague infected rodent is found on board.

(2) Even when coming from a plague infected area or having on board a person coming from such an area, an aircraft shall be regarded as healthy if, on medical examination, the Health Officer is satisfied that conditions specified in sub-rule (1) of this rule do not exist.

17. (1) On the arrival of an aircraft, infected with plague—

(i) the aircraft and all persons on board shall be medically examined by the Health Officer;

(ii) all infected persons on board shall be disembarked and isolated for such period as the Health Officer may consider necessary;

(iii) Suspects on board may be disinfected and, if necessary, placed under surveillance for a period of not more than six days reckoned from the date of arrival;

(iv) the Health Officer may disinfect and, if necessary, disinfect—

(a) any baggage of any infected person or suspect, and

(b) any other article such as used bedding or linen, and any part of the aircraft, which is considered to be contaminated;

(v) if a rodent which has died of plague is found on board the aircraft, the aircraft shall be deratted, if necessary in quarantine.

(vi) any unloading shall be carried out under the control of the Health Officer, who will take all measures which in his opinion are necessary to prevent the infection of the staff engaged on this work and may, for that purpose, subject the staff to surveillance for a period not exceeding six days from the time they have ceased to work at the unloading of the aircraft.

(2) An aircraft shall cease to be regarded as infected when the measures required by the Health Officer in accordance with sub-rule (1) of this rule have been effectively carried out. The aircraft shall thereupon be given free pratique.

18. A healthy aircraft shall be given free pratique but, if it has come from a plague infected area, the Health Officer may place under surveillance any suspect, who disembarks, for a period of not more than six days reckoned from the date on which the aircraft left the plague infected area.

19. In exceptional circumstances of an epidemiological nature, when the Health Officer suspects the presence of rodents on board, he may derat the aircraft.

C. Cholera

20. (1) An aircraft shall be regarded as infected with cholera if it has a case of cholera on board.

(2) An aircraft shall be regarded as suspected of cholera infection if a case of cholera has occurred on board during the voyage but the case has previously been disembarked.

(3) Even when coming from a cholera infected area or having on board a person coming from a cholera infected area, an aircraft shall be regarded as healthy, if, on medical examination, the Health Officer is satisfied that no case of cholera has occurred on board during the voyage.

21. (1) On the arrival of an aircraft infected with cholera—

(i) the aircraft and all persons on board shall be medically examined by the Health Officer;

(ii) all infected persons shall be disembarked and isolated for such period as the Health Officer may consider necessary;

(iii) other persons, who disembark, may be placed under isolation for a period of not more than five days reckoned from the date of disembarkation provided that any person who produces a valid certificate of vaccination against cholera may be placed only under surveillance for a like period;

(iv) the Health Officer may disinfect—

(a) any baggage of any infected person or suspect, and

(b) any other article such as used bedding, or linen, and any part of the aircraft, which is considered to be contaminated;

(v) if, in the opinion of the Health Officer, any water carried on board is contaminated, he shall cause it to be emptied out after it has been disinfected and to be replaced, after disinfection of the containers, by a supply of wholesome drinking water;

(vi) the Health Officer may require human dejecta, waste water, waste matter and any matter which is considered to be contaminated to be disinfected before they are discharged from the aircraft or unloaded;

(vii) (a) the Health Officer may prohibit the unloading of, or may remove, any fish, shellfish, fruit or vegetables to be consumed uncooked or beverages, unless such food or beverages are in sealed containers and he has no reason to believe that they are contaminated:

Provided that if any such food or beverage forms part of the cargo in a freight compartment of the aircraft only the Health Officer for the airport at which such food or beverage is to be unloaded may exercise the power to remove it:

Provided further that any such food or beverage shall be removed by the Health Officer if the Commander of the aircraft so desires.

(b) if any such food or beverage is removed, arrangements shall be made by the Health Officer for its safe disposal.

(viii) any unloading shall be carried out under the control of the Health Officer, who shall take all measures which, in his opinion, are necessary to prevent the infection of the staff engaged on this work and may, for that purpose, subject the staff to surveillance for a period not exceeding five days from the time they ceased to work at the unloading of the aircraft.

(2) An aircraft shall cease to be regarded as infected when the measures required by the Health Officer in accordance with sub-rule (1) of this rule have been effectively carried out. The aircraft shall thereupon be given free pratique.

22. (A) On the arrival of an aircraft suspected of cholera infection—

(1) the aircraft and all persons on board shall be medically examined by the Health Officer; and

(2) (i) any person who disembarks and who within five days of arrival has been in a cholera infected area may,

(a) if he is in possession of a valid certificate of vaccination against cholera, be placed under surveillance for a period not exceeding five days reckoned from the time of the last exposure to infection;

(b) if he is not in possession of such a certificate, be placed in isolation for a like period;

(ii) any other passenger or member of the crew who disembarks may be placed under surveillance for a period not exceeding five days reckoned from the date of arrival.

(3) all or any of the measures specified in clauses (iv) to (vii) of sub-rule (1) of rule 21, and not already taken, may be taken at the discretion of the Health Officer.

(B) An aircraft shall cease to be regarded as suspected when the measures required by the Health Officer in accordance with sub-rule (A) of this rule have been effectively carried out. The aircraft shall thereupon be given free pratique.

23. On arrival, a healthy aircraft shall be given free pratique but, if it has come from a cholera infected area, the measures specified in clause (vii) of sub-rule (1) of rule 21 and in sub-clause (i) of clause (2) of sub-rule (A) of rule 22 may be taken at the discretion of the Health Officer.

D. Smallpox

24. (1) An aircraft shall be regarded as infected with smallpox—

(i) if it has a case of smallpox on board, or

(ii) if a case of smallpox has occurred on board during the voyage.

(2) Any other aircraft shall be regarded as healthy even though there may be suspects on board, but any suspect on disembarking may be subjected to the measures provided for in rule 25.

25. (1) On the arrival of an aircraft infected with smallpox—

(i) the aircraft and all persons on board shall be medically examined by the Health Officer;

(ii) all infected persons shall be disembarked and isolated for such period as the Health Officer may consider necessary;

(iii) other persons who disembark and who in the opinion of the Health Officer are not sufficiently protected by vaccination or by a previous attack of smallpox—

(a) if they are willing to be vaccinated, or in the case of minors if their guardians or those in charge of them consent to their vaccination, may be subjected to vaccination free of charge, and also to isolation or surveillance for a period not exceeding fourteen days reckoned from the time of the last exposure to infection, and

(b) if they are not willing to be vaccinated, or in the case of minors if their guardians or those in charge of them do not consent to their vaccination, shall be subjected to isolation or surveillance for the aforesaid period;

(iv) the Health Officer shall disinfect—

(a) any baggage of any infected person, and

(b) any other baggage or article such as used bedding or linen, and any part of the aircraft, which is considered to be contaminated.

(2) An aircraft shall continue to be regarded as infected until every infected person has been removed and until the measures required by the Health Officer in accordance with sub-rule (1) of this rule have been effectively carried out. The aircraft shall thereupon be given free pratique.

26. On arrival, a healthy aircraft, even when it has come from a smallpox infected area, shall be given free pratique but the measures specified in clause (i) of sub-rule (1) of rule 25 shall be taken and the measures specified in clause (iii) of that sub-rule may be taken by the Health Officer.

27. (1) The Health Officer may require any person on an international voyage who does not show sufficient evidence of protection

by a previous attack of smallpox to possess, on arrival, a certificate of vaccination against smallpox. Any such person who cannot produce such a certificate may be vaccinated; if he refuses to be vaccinated he may be placed under surveillance for not more than fourteen days, reckoned from the date of his departure from the last territory visited before arrival.

(2) A person on an international voyage who during a period of fourteen days before his arrival has visited a smallpox infected area and who, in the opinion of the Health Officer, is not sufficiently protected by vaccination or by a previous attack of smallpox, may be required to be vaccinated, or may be placed under surveillance, or may be vaccinated and then placed under surveillance; if he refuses to be vaccinated, he may be isolated. The period of surveillance or isolation shall not be more than fourteen days, reckoned from the date of his departure from the infected area.

Explanation.—For the purposes of clause (iii) of sub-rule (1) of rule 25 and sub-rule (2) of rule 27 a valid certificate of vaccination against smallpox shall be considered as evidence of sufficient protection.

E. Typhus and Relapsing Fever

28. On the arrival of an aircraft having on board a person who is suffering from or is believed to be infected with typhus or relapsing fever—

(1) the aircraft and all persons on board shall be medically examined by the Health Officer;

(2) all infected persons shall be disembarked and isolated for such period as the Health Officer may consider necessary, and disinfected;

(3) any suspect may be disinfected; and

(4) the accommodation occupied by the infected person and by any suspect, together with the clothes they are wearing, their baggage and any other article which in the opinion of the Health Officer is likely to spread typhus or relapsing fever may be disinfected and, if necessary, disinfected.

29. A person on an international voyage, who has left a typhus infected area within the previous fourteen days or a relapsing fever infected area within previous eight days, may, if the Health Officer considers it necessary, be disinfected and put under surveillance for a period of not more than fourteen days in the case of typhus and not more than eight days in the case of relapsing fever, reckoned from the date of disinfecting. The clothes which such person is wearing, his baggage and any other article which in the opinion of the Health Officer is likely to spread typhus or relapsing fever may be disinfected and, if necessary, disinfected.

Special Provisions relating to Other Infectious Diseases

30. (1) An aircraft shall be regarded as infected with an infectious disease other than quarantinable diseases—

(i) if it has a case of any such infectious diseases on board, or

(ii) if there has been a case of any such infectious disease on board and subsequent to the occurrence of that case all the measures prescribed in rule 31 of these Rules have not been taken.

(2) An aircraft shall be regarded as suspected of infection from an infectious disease other than quarantinable diseases if it has on board any person who within the incubation period in respect of such infectious disease has been in contact with a case of that disease or has been otherwise exposed to infection from that disease.

31. On the arrival of an aircraft infected with an infectious disease other than quarantinable disease—

(1) the aircraft and all persons on board shall be medically examined by the Health Officer;

(2) any infected person—

(i) who, not being a direct transit passenger, disembarks, or

(ii) who, being a direct transit passenger, leaves the airport otherwise than in the manner prescribed in rule 38, may be isolated for such period as the Health Officer may consider necessary;

(3) persons who have been exposed to infection may, if they disembark, be placed under surveillance for a period not exceeding the incubation period of the infectious disease to which they have been exposed, such period being reckoned from the time of the last exposure to infection;

(4) any parts of the aircraft and any goods or personal effects on board which, in the opinion of the Health Officer, are contaminated may be disinfected.

32. On the arrival of an aircraft suspected of infection from an infectious disease—

(1) the measures specified in sub-rule (1) of rule 31 shall be taken; and

(2) the measures specified in sub-rules (3) and (4) of rule 31 not already taken may be taken at the discretion of the Health Officer.

33. Except in case of an emergency constituting a grave danger to public health, an aircraft shall not on account of an infectious disease other than quarantinable diseases be prevented by the Health Officer of an airport from discharging or loading cargo or stores, or taking on fuel or water.

Part III—Aircraft Departing.

General.

34. The provisions of this Part shall apply to all aircraft leaving India on an international voyage.

35. The Health Officer shall not permit any person to board any aircraft leaving the main land for any place in the Andaman and Nicobar Islands unless such person produces a valid certificate of vaccination against smallpox and cholera:

Provided that the Health Officer may, if acting on general or special instructions of the Central Government, exempt, any particular person from the operation of this rule:

Provided further that the Health Officer shall, before the aircraft leaves the airport, furnish to the Commander of the aircraft a certificate giving all relevant details of persons exempted under the first proviso.

36. (1) The Health Officer shall, when brought to his notice, prohibit the embarkation on any aircraft of—

(a) any person showing symptoms of any quarantinable disease, and

(b) any person whom the Health Officer considers likely to transmit infection because of his close contact with a person showing symptoms of a quarantinable disease:

Provided that nothing in this sub-rule shall apply when a person suffering from a quarantinable disease is to be transported in an aircraft specially adapted or allocated for the purpose:

Provided further that a person on an international voyage who on arrival is placed under surveillance may be allowed to continue his voyage in which case the Health Officer shall record this fact in the Aircraft General Declaration.

(2) The Health Officer shall take all practicable measures to prevent the introduction on board an aircraft of possible agents of infection or vectors of a quarantinable disease.

37. Subject to the special provisions relating to yellow fever prescribed in Part II of these Rules, passengers and crew from a healthy aircraft who are in transit through India and who remain in the direct transit area of an airport or, if the airport is not yet provided with such an area, who submit to the measures for segregation prescribed by the Health Officer in order to prevent the spread of disease, shall not be subjected to any sanitary measure other than medical examination. If such persons are obliged to leave the airport at which they disembark solely in order to continue their voyage from another airport in the vicinity of the first airport, no such measure shall be applied to them if the transfer is made under the control of the Health Officer concerned.

38. Where there is an epidemic of pulmonary plague in an airport, every suspect shall, before departure on an international voyage, be placed in isolation for a period of six days reckoned from the date of the last exposure to infection.

39. When typhus or relapsing fever exists in an airport, a person on an international voyage whom the Health Officer considers is liable to spread typhus or relapsing fever, shall be disinfected. The clothes which such person is wearing, his baggage, and any other article likely to spread syphus or relapsing fever shall be disinfected and if necessary, disinfected.

Special Rules relating to Pilgrim Aircraft.

40. No person shall be permitted by the Health Officer to embark on an aircraft with a view to proceeding by air to the Hedjaz unless such persons produce valid certificates of vaccination against cholera and smallpox.

Part IV.—Special Provisions relating to the Carriage of Dead Bodies and Cremated Remains.

41. No person shall bring into India any dead body or human remains of persons who may have died of yellow fever, plague,

anthrax, glanders or such other diseases as may be notified by the Central Government for this purpose:

Provided that nothing in this rule shall apply to properly cremated ashes of dead bodies or human remains.

42. The dead body or human remains of a person who may have died of a disease other than those specified in rule 41 may be brought into India subject to the provisions of rules 43 to 47.

43. The consignee as well as the air transport service shall give to the Health Officer of the airport of arrival advance intimation, of at least 48 hours, of the importation of the dead body or human remains or ashes of cremated bodies:

Provided that nothing in this rule or in rules 44 to 47 shall apply to the dead body of a person who dies during flight before arrival of the aircraft in India. The Commander of the aircraft shall send, if the aircraft is equipped with wireless, a radio report to the Health Officer of the aircraft, where he proposes to land in India, regarding the occurrence and, if possible, cause of death. On landing of the aircraft no passenger or member of the crew shall disembark until appropriate sanitary measures have been taken by the Health Officer of the airport.

44. Applications to bring dead bodies or human remains or ashes of cremated bodies to India shall be made to the Indian Diplomatic representatives in countries where such representatives are functioning or, where there is no such representative, to the Health Officer of the airport at which the dead body is to be landed.

45. (1) If the dead body or human remains have been properly cremated, the cremated ashes shall be placed in an urn or casket having an outer packing of suitable material.

(2) In the case of uncremated remains, the following procedure shall be adopted—

(a) A corpse which has not been buried should be enclosed in a shell of zinc or other equally suitable metal with all joints so soldered as to seal them hermetically and prevent the escape of noxious gases or fluids. The shell should be enclosed in a stoutly built teak or other hard wood coffin and the coffin should be enclosed in a zinc or tin-lined wooden packing case filled with saw-dust impregnated with carbolic powder.

(b) Where a coffin has been exhumed and proves on examination to be intact, sound and free from offensive odour, it should be enclosed in a hermetically sealed zinc or tin-lined wooden packing case filled with saw-dust impregnated with carbolic powder.

(c) Where a coffin has been exhumed and is not intact, sound and free from odour, its contents should be dealt with in accordance with the requirements of clause (a) above.

46. A certificate issued by a responsible Municipal or Governmental authority of the country from where the package containing the dead body, or human remains or ashes of cremated bodies, as the case may be, is imported and endorsed by the Indian Diplomatic Representatives, if any, in that country shall accompany the package. The certificate shall give the full name of the deceased, his age at the time of death and the place, date and cause of death and shall indicate that the pack-

age conforms to and has been sealed in accordance with the specifications prescribed in rule 45.

47. The package containing the dead body or human remains or ashes of cremated bodies shall not be opened during its transit and shall be in a sound sealed condition at the time of arrival. It shall not be removed from the precincts of the airport until the Health Officer has permitted in writing its removal. After the Health Officer has accorded this permission, the consignee shall remove and dispose of the package in accordance with the general or special instructions which may be issued by the local authorities, Governmental and/or Municipal, in this behalf.

48. For the transmission of dead body or human remains and ashes of cremated bodies from India to any place outside India, the prior written permission of the competent authority of the country of destination as also of the District Magistrate for the place of death shall be obtained. The requirements laid down by the country of destination with regard to the import of dead bodies, human remains or ashes of cremated bodies into its territory shall be complied with by the consignor. In case no such conditions have been prescribed, the provisions of rule 45 shall be complied with and the package shall bear an inscription to the effect that it contains infected material and should be handled with care.

49. Subject to the provision of rule 41, a package containing a dead body or human remains or ashes of cremated remains, which is in transit through India shall not be subjected to any restrictions if it has been packed and sealed in the manner prescribed in rule 45 or in a manner which, in the opinion of the Health Officer, is considered to be equally satisfactory.

Part V—Miscellaneous.

50. The sanitary measures permitted by these Rules are the maximum measures applicable to international traffic.

51. Sanitary measures and health formalities shall be initiated forthwith, completed without delay, and applied without discrimination.

52. Any sanitary measures, other than medical examination, which has been applied to an aircraft at a previous airport shall not be repeated unless—

(a) after the departure of the aircraft from the airport where the measures were applied, an incident of epidemiological significance calling for a further application of any such measure has occurred either in that airport or on board the aircraft; or

(b) the Health Officer has reason to believe that the individual measure so applied was not substantially effective.

53. The Commander of an aircraft coming from a place outside India and proceeding to a place outside India may, if he so desires, notify the Health Officer of the airport in India where the aircraft first arrives, that he does not wish to submit to any of the provisions, except the special provisions relating to yellow fever, prescribed in Part II of these Rules; and the aircraft shall thereupon be at liberty to continue its voyage, without such submission, provided that it shall not during its voyage land anywhere else in India except for the purpose of taking on fuel, water and stores in quarantine.

54. The Health Officer shall, when so requested, issue free of charge to the Commander of an aircraft a certificate specifying the measures applied to the aircraft, the parts thereof treated, the methods employed and reasons why the measures have been applied. This information shall, on request be entered in the Aircraft General Declaration.

55. The Health Officer shall, when so requested, issue free of charge—

(a) to any traveller a certificate specifying the date of his arrival or departure and the measures applied to him and his baggage;

(b) to the consignor, the consignee, and the carrier, or their respective agents, a certificate specifying the measures applied to any goods.

56. When any person is required under these Rules to be disembarked and isolated for any period, the Health Officer may remove, or cause to be removed, that person to a hospital or other place approved by the Health Officer and detain him therein for that period. Persons who are under isolation for a disease other than yellow fever may, however, in exceptional circumstances at the discretion of the Health Officer, be allowed to continue their voyage before the expiry of the isolation period.

57. (1) Whenever surveillance is required or permitted by these Rules, isolation shall not be substituted for surveillance unless the Health Officer of the airport where the suspect arrives or any other health authority to whom he is required to report during the period of surveillance considers the risk of transmission of the infection by the suspect to be exceptionally serious.

(2) Apart from the provisions relating to quarantinable diseases in Part II of these Rules, the Health Officer may place under surveillance any suspect on an international voyage arriving from an infected area. Such surveillance may be continued until the end of the appropriate period of incubation specified in rule 2(15).

58. A person under surveillance shall not be isolated and shall be permitted to move about freely. The Health Officer may require such a person to report to him, if necessary, at specified intervals during the period of surveillance. The Health Officer may also subject such a person to medical investigation and make any enquiries which are necessary for ascertaining his state of health. Rectal swabbing shall not be done, but a person showing symptoms indicative of cholera may be required to submit to stool examination.

59. When the person under surveillance departs for another place, he shall inform the Health Officer who shall immediately inform the health authority for the place to which the person is proceeding. On arrival the person shall report to that health authority who may apply the measures provided for in rule 58.

60. Every person shall comply with all directions lawfully given and all conditions lawfully imposed by the Health Officer in pursuance of these Rules and shall give that Officer all reasonable facilities for the discharge of any duty imposed on him by these Rules.

61. The Health Officer, may whenever he considers it desirable, refuse entry into the airport to any person, other than a person proceeding on an international voyage, or remove or cause to be removed

from the premises of the airport any person who, in his opinion, is likely to spread any quarantinable or other infectious disease.

62. (1) Disinfection, disinsection, deratting and other sanitary operations shall be so carried out as—

(a) not to cause undue discomfort to any person or injury to his health;

(b) not to produce any deleterious effect on the structure of an aircraft or on its operating equipment;

(c) to avoid all risk of fire.

(2) In carrying out such operations on goods, baggage and other articles, every precaution shall be taken to avoid any damage.

63. (1) Goods shall be submitted to sanitary measures provided for in these Rules only when the Health Officer has reason to believe that they may have become contaminated by the infection of a quarantinable disease or may serve as a vehicle for the spread of any such disease.

(2) Apart from the measures provided for a special provisions relating to cholera, goods, other than live animals, in transit, without transshipment shall not be subjected to any sanitary measures or detained at any airport.

64. Except in the case of an infected person or suspect, baggage may be disinfected or disinsected only in the case of a person carrying infective material or insect vectors of a quarantinable disease.

65. (1) Mail, newspapers, books, and other printed matter shall not be subject to any sanitary measure.

(2) Postal parcels may be subjected to sanitary measures only if they contain—

(a) any of the foods referred to in sub-rule (7) of rule 21 of these Rules, which the Health Officer has reason to believe comes from a cholera infected area; or

(b) linen, wearing apparel, or bedding, which has been used or soiled and to which the provisions of Parts II and III of these Rules are applicable.

66. No sanitary document other than those provided for in these Rules, shall be required by the Health Officer.

67. (1) No charge shall be made by the Health Officer of an airport for—

(a) any medical examination provided for in these Rules or any supplementary examination, bacteriological or otherwise which may be required to ascertain the state of health of the person examined;

(b) any vaccination of a person on arrival and any certificate thereof.

(2) Charges for applying the measures provided for in these Rules, other than the measures referred to in sub-rule (1) of this rule, shall conform with the tariff for such charges as may be fixed from time to time by the Central Government. These charges shall be moderate and not exceed the actual cost of the service rendered, and they shall be levied without distinction as to the nationality, domicile or residence of the person concerned or as to the nationality, flag, registry or ownership of the aircraft. In particular there shall be no distinction made between national and foreign persons and aircraft.

(3) The tariff, and any amendment thereto, shall be published in the official Gazette at least ten days in advance of the levy thereunder.

(4) If any person or member of the crew refuses or fails to pay any charges due from him, then, without prejudice to any proceedings that may be taken against him, such charges shall be recoverable from the owner of the aircraft on which such person or member of the crew arrives.

68. The Commander of an aircraft shall, during the stay of the aircraft in an airport, take such precautions as the Health Officer may specify in order to prevent rodents gaining access to the aircraft.

69. A vaccination document issued by the Armed Forces to an active member of the Armed Forces shall be accepted in lieu of an international certificate in the form shown in Schedules III, IV, or V if—

(a) it embodies medical information substantially the same as that required by such form; and

(b) it contains a statement in English or in French recording the nature and date of the vaccination and to the effect that it is issued in accordance with Article 99 of the International Sanitary Regulations.

Part VI—Offences and Penalties.

70. No person shall throw or let fall from any aircraft any matter capable of producing an outbreak of a quarantinable or an infectious or any other epidemic disease.

71. Whoever contravenes any provision of these Rules, or disobeys, or fails to comply with, any order given in pursuance of these Rules, shall be punishable with imprisonment for a term not exceeding three months or with fine which may extend to one thousand rupees or with both.

CHAPTER V.

THE INDIAN CARRIAGE BY AIR ACT, 1934 (XX OF 1934).

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CHAPTER V.

ACT No. XX OF 1934.

(PASSED BY THE INDIAN LEGISLATURE)

(Received the assent of the Governor General on the 19th August, 1934)

An Act to give effect to a Convention for the unification of certain rules relating to international carriage by air.

Whereas a Convention for the unification of certain rules relating to international carriage by air (hereinafter referred to as the Convention) was, on the 12th day of October 1929, signed at Warsaw:

And whereas it is expedient that India should accede to the Convention and should make provision for giving effect to the said Convention;

And whereas it is also expedient to make provision for applying the rules contained in the Convention (subject to exceptions, adaptations and modifications) to carriage by air which is not international carriage within the meaning of the Convention:

It is hereby enacted as follows:

1. Short title, extent and commencement.—(1) This Act may be called the Indian Carriage by Air Act, 1934.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. Application of the Convention to India.—(1) The rules contained in the First Schedule, being the provisions of the Convention

relating to the rights and liabilities of carriers, passengers, consignors, consignees and other persons, shall, subject to the provisions of this Act, have the force of law in India in relation to any carriage by air to which those rules apply, irrespective of the nationality of the aircraft performing the carriage.

(2) The Central Government may, by notification in the official Gazette, certify who are the High Contracting Parties to the Convention, in respect of what territories they are parties, and to what extent they have availed themselves of the Additional Protocol to the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

(3) Any reference in the First Schedule to the territory of any High Contracting Party to the Convention shall be construed as reference to all the territories in respect of which he is a party.

(3-A) Any reference in the First Schedule to agents of the carrier shall be construed as including a reference to servants of the carrier.

(4) Notwithstanding anything contained in the Indian Fatal Accidents Act, 1855 (XIII of 1855), or any other enactment or rule of law in force in any part of India, the rules contained in the First Schedule shall, in all cases to which those rules apply, determine the liability of a carrier in respect of the death of a passenger, and the rules contained in the Second Schedule shall determine the persons by whom and for whose benefit and the manner in which such liability may be enforced.

(5) Any sum in francs mentioned in rule 22 of the First Schedule shall, for the purpose of any action against a carrier, be converted into rupees at the rate of exchange prevailing on the date on which the amount of damages to be paid by the carrier is ascertained by the Court.

3. Provisions regarding suits against High Contracting Parties who undertake carriage by air.—(1) Every High Contracting Party to the Convention who has not availed himself of the provisions of the Additional Protocol thereto shall, for the purposes of any suit brought in a Court of India in accordance with the provisions of rule 28 of the First Schedule to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that Court and to be a person for the purposes of the Code of Civil Procedure, 1908 (V of 1908).

(2) The High Court may make rules of procedure providing for all matters which may be expedient to enable such suits to be instituted and carried on.

(3) Nothing in this section shall authorize any Court to attach or sell any property of a High Contracting Party to the Convention.

4. Application of Act to carriage by air which is not international.—The Central Government may, by notification in the official Gazette, apply the rules contained in the First Schedule and any provision of section 2 to such carriage by air, not being international carriage by air as defined in the First Schedule, as may be specified in the notification, subject however to such exceptions, adaptations and modifications if any, as may be so specified.

THE AIR CORPORATIONS ACT, 1953³**No. 27 of 1953****ARRANGEMENT OF SECTIONS****CHAPTER I. PRELIMINARY****SECTIONS****Sections**

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³ Ministry of Law, Acts of Parliament 1953. p. 143-144.

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THE SCHEDULE⁴

THE AIR CORPORATIONS ACT, 1953

No. 27 of 1953

[28th May, 1953]

An Act to provide for the establishment of Air Corporations, to facilitate the acquisition by the Air Corporations of undertakings belonging to certain existing air companies and generally to make further and better provisions for the operation of air transport services.

Be it enacted by Parliament as follows:—

CHAPTER I. PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Air Corporations Act, 1953.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires—

(i) “aircraft” means any machine which can derive support in the atmosphere from reactions of the air and includes balloons whether fixed or free, airships, kites, gliders and flying machines;

(ii) “air transport service” means a service for the transport by air of persons, mails or any other thing, animate or inanimate, for any kind of remuneration whatsoever, whether such service consists of a single flight or a series of flights;

(iii) “associate” in relation to either of the corporations means any subsidiary of the corporation or any person with whom the corporation has made an agreement in accordance with clause (h) of subsection (2) of section 7;

(iv) “Corporations” means “Indian Airlines” and “Air-India international” established under section 3, and “Corporation” means either of the Corporations;

(v) the expression “existing air companies” means the Air India Ltd., the Air Services of India Ltd., the Airways (India) Ltd., the Bharat Airways Ltd., the Deccan Airways Ltd., the Himalayan Aviation Ltd., the Indian National Airways Ltd., the Kalinga Airlines and the Air India International Ltd., and “existing air company” means any of the existing air companies;

(vi) “prescribed” means prescribed by rules made under this Act;

⁴ Schedule omitted.

(vii) "regulations" means regulations made by either of the corporations under section 45;

(viii) "Scheduled air transport service" means an air transport service undertaken between the same two or more places and operated according to a published time table or with flights so regular or frequent that they constitute a recognizably systematic series, each flight being open to use by members of the public;

(ix) "Tribunal" means the Tribunal constituted under section 25.

CHAPTER II. CONSTITUTION AND FUNCTIONS OF THE CORPORATIONS

3. Incorporation of the Corporations.—(1) With effect from such data as the Central Government may, by notification in the Official Gazette appoint, there shall be established two Corporations to be known as "Indian Airlines" and "Air-India International".

(2) Each of the Corporations aforesaid shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and hold property, and may by its name sue and be sued.

4. Constitution of the Corporations.—(1) Each of the Corporations shall consist of not less than five but not more than nine members appointed by the Central Government and one of the members shall be appointed by the Central Government to be the Chairman of the Corporation:

Provided that—

(a) the same person may be appointed to be the Chairman of both the Corporations or Chairman of one and member of the other;

(b) the same persons may be appointed to be members of both the Corporations.

(2) Before appointing a person to be a member of either of the Corporations, the Central Government shall satisfy itself that that person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member of the Corporation and the Central Government shall also satisfy itself from time to time with respect to every member of the Corporation that he has no such interest; and any person who is, or whom the Central Government proposes to appoint and who has consented to be a member of the Corporation shall, whenever required by the Central Government so to do, furnish to it such information as the Central Government considers necessary for the performance of its duties under this sub-section.

(3) A member of either of the Corporations who is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation, or in any contract made or proposed to be made by an associate of the Corporation which is brought up for consideration by the Corporation, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Corporation; and the disclosure shall be recorded in the minutes of the Corporation, and the member shall not take any part after the disclosure in any deliberation or decision of the Corporation with respect to that contract.

(4) During the temporary absence of the Chairman of either of the Corporations, the Central Government may appoint another person, whether a member of the Corporation or not, to act as the Chairman.

(5) Save as otherwise provided in this section, nothing contained in this Act shall be deemed to disqualify the General Manager of either of the Corporations from being appointed to be a member thereof.

5. Conditions of service of members.—(1) The Chairman and other members of each of the Corporations shall ordinarily be entitled to hold office for the period specified in the order of appointment, unless the appointment is terminated earlier by the Central Government:

Provided that any member may at any time by notice in writing addressed to the Central Government resign his office.

(2) Subject to the previous approval of the Central Government, each of the Corporations shall pay to every member thereof in respect of his office as such, such remuneration by way of allowances, fees or otherwise as may be determined by the Corporation, and to the Chairman in respect of his office as such, such remuneration, whether in addition to the remuneration to which he may be entitled in respect of his office as a member or otherwise, as it may similarly determine.

6. Vacancy in Corporation not to invalidate proceedings.—No act or proceeding of either of the Corporations shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Corporation.

7. Functions of the Corporations.—(1) Subject to the rules, if any, made by the Central Government in this behalf, it shall be the function of each of the Corporations to provide safe, efficient, adequate, economical and properly co-ordinated air transport services, whether internal or international or both, and the Corporation shall so exercise their powers as to secure that the air transport services are developed to the best advantage and, in particular, so exercise those powers as to secure that the services are provided at reasonable charges.

(2) Without prejudice to the generality of the powers conferred by subsection (1), each of the Corporations shall, in particular, have power—

(a) to operate any air transport service, or any flight by aircraft for a commercial or other purpose, and to carry out all forms of aerial work:

(b) to provide for the instruction and training in matters connected with aircraft or flight by aircraft of persons employed, or desirous of being employed, either by the Corporation or by any other person:

(c) with the previous approval of the Central Government, to promote any organization outside India for the purpose of engaging in any activity of a kind which the Corporation has power to carry on:

(d) to acquire, hold or dispose of any property, whether movable or immovable, or any air transport undertaking:

(e) to repair, overhaul, reconstruct, assemble or recondition aircraft, vehicles or other machines and parts, accessories and instruments there or therefor and also to manufacture such parts, accessories and instruments, whether the aircraft, vehicles or other machines are owned by the Corporation or by any other person:

(f) to enter into and perform all such contracts as are calculated to further the efficient performance of its duties and the exercise of its powers under this Act;

(g) to perform any functions as agent or contractor in relation to an air transport service operated by any other person;

(h) with the previous approval of the Central Government, to enter into agreements with any person engaged in air transportation with a view to enabling such person to provide air transport services on behalf of or in association with the Corporation;

(i) with the previous approval of the Central Government, to determine and levy fares and freight rates and other charges for or in respect of the carriage of passengers and goods on air transport services operated by it;

(j) to take such steps as are calculated to extend the air transport services provided by the Corporation, whether within or without India, including the development of feeder services and the improvement of the types of aircraft used in air transport services;

(k) to take such steps as are calculated to promote the interests of the Corporation or to improve the services the Corporation may provide, including provision of catering, rest-rooms, goods-sheds, warehouses and transport by land or water in connection with any air transport service or any other amenity or facility;

(l) to take all such steps as may be necessary or convenient for, or may be incidental to, the exercise of any power, or the discharge of any function or duty conferred or imposed on it by this Act.

(3) Nothing contained in this section shall be construed as—

(a) authorising the disregard by the Corporation of any law for the time being in force, or

(b) authorising any person to institute any proceeding in respect of a duty or liability to which either of the Corporations or its employees would not otherwise be subject.

8. Appointment of officers and other employees of the Corporations.—(1) For the purpose of enabling it efficiently to discharge its functions under this Act, each of the Corporations shall appoint a General Manager and, subject to such rules as may be prescribed in this behalf, may also appoint such number of other officers and employees as it may think necessary.

Provided that the appointment of the General Manager and such other categories of officers as may be specified after consultation with the Chairman in such rules shall be subject to the approval of the Central Government.

(2) Subject to the provisions of section 20, every person employed by each of the Corporations shall be subject to such conditions of service and shall be entitled to such remuneration and privileges as may be determined by regulations made by the Corporation by which he is employed.

(3) Neither the General Manager nor such other employee of either of the Corporations as may be specified in this behalf by the Central Government shall, during his service in the Corporation, be employed in any capacity whatsoever or directly or indirectly have any interest in any air transport undertaking other than an undertaking of either

of the Corporations, or in any other undertaking which is interested in any contract with either of the Corporations.

9. Corporations to act on business principles.—In carrying out any of the duties vested in it by this Act, each of the Corporations shall act so far as may be on business principles.

CHAPTER III. FINANCE, ACCOUNTS AND AUDIT

10. Capital of the Corporations.—(1) All non-recurring expenditure incurred by the Central Government for, or in connection with, each of the Corporations up to the date of establishment of that Corporation and declared to be capital expenditure by that Government, shall be treated as capital provided by the Central Government to that Corporation.

(2) The Central Government may provide any further capital that may be required by either of the Corporations for the carrying on of the business of the Corporation or for any purpose connected therewith on such terms and conditions as the Central Government may determine.

(3) Each of the Corporations may, with the consent of the Central Government, or in accordance with the terms of any general authority given to it by the Central Government—

(a) borrow money for all or any of the purposes of the Corporation, and

(b) secure the payment of any money borrowed by it or any interest thereon by the issue of bonds, debentures, debenture-stock or any mortgage or charge or other security on the undertaking of the Corporation or any part of it or on any of its properties.

11. Vesting of properties in the Corporations.—All properties, assets and funds owned or acquired by the Central Government for the purpose of Indian Airlines or, as the case may be, Air India International before the establishment of those Corporations shall, on such establishment, vest in the Corporation concerned.

12. Funds of the Corporations.—(1) Each of the Corporations shall have its own funds and all receipts of the Corporation shall be carried thereto and all payments for the Corporation shall be made therefrom.

(2) Each of the Corporations may keep in current account with any scheduled bank as defined in section 2 of the Reserve Bank of India Act, 1934 (II of 1934) or in any other bank approved by the Central Government in this behalf a sum of money not exceeding such amount as may be prescribed, but any moneys in excess of the said sum shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such manner as may be approved by the Central Government.

13. Powers of the Corporations in regard to expenditure.—Each of the Corporations shall have power, subject to the provisions of this Act, to spend such sums as it thinks fit on objects or for purposes authorised by this Act and such sum shall be treated as expenditure out of the funds of that Corporation.

14. Corporation to assume obligations of Central Government in respect of certain matters.—All obligations incurred, all contracts entered into and all matters and things engaged to be done by, with, or

for the Central Government for any of the purposes of this Act before the establishment of either of the Corporations shall be deemed to have been incurred, entered into or engaged to be done by, with or for Indian Airlines or, as the case may be, Air India International according as the obligations, contracts, matters and things relate to the purposes of the former Corporation or the latter.

15. Accounts and audit.—(1) The Corporations shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the profit and loss account and the balance sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Corporations shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Corporations to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Corporations shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Corporations.

(4) The accounts of the Corporations as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER IV. ACQUISITION OF UNDERTAKINGS OF EXISTING AIR COMPANIES

16. Undertakings of existing air companies to vest in the Corporation.—On such date as the Central Government may, by notification in the Official Gazette, appoint (hereinafter referred to as “the appointed date”), there shall be transferred to and vest in—

(a) Indian Airlines, the undertakings of all the existing air companies (other than Air India International Ltd.), and

(b) Air India International, the undertaking of the Air India International Ltd.

17. General effect of vesting of undertakings in the Corporations.—(1) The undertaking of each of the existing air companies which is transferred to and which vests in either of the Corporations under section 16 shall, subject to the provisions of section 22, be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable, including lands, works, workshops, aircraft, cash balances, reserve funds, investments and book debts and all other rights and interests arising out of such property as were immediately before the appointed date in the ownership, possession or power of the existing air company in relation to the undertaking, whether within or without India, and all books of account and documents relating thereto, and, subject to the provisions contained in

section 22, shall also be deemed to include all borrowings, liabilities and obligations of whatever kind then subsisting of the existing air company in relation to the undertaking.

(2) Any lands, works, aircraft, assets or other property vesting in the Corporation under sub-section (1) shall by force of such vesting be freed and discharged from all trusts, obligations, mortgages, charges, liens and other encumbrances affecting it, and any attachment, injunction or any other order of a court restricting the use of such property in any manner shall be deemed to have been withdrawn.

(3) Subject to the other provisions contained in this Act, all contracts and working arrangements which are subsisting immediately before the appointed date and affecting any of the existing air companies shall, in so far as they relate to the undertaking of that company, cease to have effect or be enforceable against that company or any person who was surety or had guaranteed the performance thereof, and shall be of as full force and effect against or in favour of the Corporation in which the undertaking has vested by virtue of this Act and enforceable as fully and effectually as if, instead of the company, the Corporation had been named therein or had been a party thereto.

(4) Subject to the other provisions contained in this Act, any proceeding or cause of action pending or existing immediately before the appointed date by or against any of the existing air companies in relation to its undertaking may as from that date be continued and enforced by or against the Corporation in which it has vested by virtue of this Act as it might have been enforced by or against that company if this Act had not been passed, and shall cease to be enforceable by or against that company, its surety or guarantor.

18. Reservation of scheduled air transport services to the Corporations.—(1) After the appointed date, it shall not be lawful for any person other than the Corporations or their associates to operate any scheduled air transport service from, to, in or across India :

Air Corporations

Provided that nothing in this section shall restrict the right of any person—

(a) for the purpose of any air transport undertaking of which the principal place of business is in any country outside India, to operate an air transport service in accordance with the terms of any agreement for the time being in force between the Government of India and the Government of that country ; or

(b) to carry passengers for the sole purpose of instructing them in flying or on duties of aircrews ; or

(c) to carry passengers or goods for the sole purpose of providing an air ambulance service or a rescue or relief service during any natural calamity ; or

(d) to carry passengers or goods for the sole purpose of providing joy rides consisting of flights operated from and to the same aerodrome or place without any intermediate landing or for the purpose of aerial survey, fire fighting, crop-dusting, locust control or any other aerial work of a similar nature.

(2) Any person who operates a scheduled air transport service in contravention of the provisions of this section shall be liable in respect

of each offence to a fine which may extend to one thousand rupees, or to imprisonment which may extend to three months, or to both.

Explanation.—The operation of each flight shall constitute a separate offence for the purposes of this section.

19. Licences to cease to be valid.—With effect from the appointed date, all licences granted under the Indian Aircraft Act, 1934 (XXII of 1934) or under the rules made thereunder for the operation of scheduled air transport services shall cease to be valid.

20. Provisions respecting officers and employees of existing air companies.—(1) Every officer or other employee of an existing air company (except a director, managing agent, manager or any other person entitled to manage the whole or a substantial part of the business and affairs of the company under a special agreement) employed by that company prior to the first day of July, 1952, and still in its employment immediately before the appointed date shall, in so far as such officer or other employee is employed in connection with the undertaking which has vested in either of the Corporations by virtue of this Act, become as from the appointed date an officer or other employee, as the case may be, of the Corporation in which the undertaking has vested and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension and gratuity and other matters as he would have held the same under the existing air company if its undertaking had not vested in the Corporation and shall continue to do so unless and until his employment in the Corporation is terminated or until his remuneration, terms or conditions are duly altered by the Corporation:

Provided that nothing contained in this section shall apply to any officer or other employee who has, by notice in writing given to the Corporation concerned prior to such date as may be fixed by the Central Government by notification in the Official Gazette, intimated his intention of not becoming an officer or other employee of the Corporation.

(2) Notwithstanding anything contained in sub-section (1), the Central Government may direct either of the Corporations in which the undertaking of any existing air company has vested to take into its employment any officer or other employee who was employed by the existing air company prior to the first day of July, 1952, and who has been discharged from service in that company on or after the said date for reasons which, in the opinion of the Central Government, appear to be inadequate for the purpose, and where the Central Government issues any such direction, the provisions of sub-section (1) shall apply to such officer or other employee as they apply to any officer or other employee referred to therein.

(3) As from the appointed date the trustees of the provident funds and pension funds or pension schemes of each of the existing air companies shall transfer to the Corporation concerned the balances lying to the credit of each of the employees whose services have been transferred to that Corporation by virtue of this Act and also all other balances of the funds or schemes as shall remain after satisfying all demands and liabilities, and thereupon the trustees shall be discharged of the trusts by virtue of this Act.

(4) Notwithstanding anything contained in this Act or in the Indian Companies Act, 1913 (VII of 1913) or in any other law for the time being in force or in any agreement entered into by an existing air company or in the articles of association of any such company, no director, managing agent, manager or any other person entitled to manage the whole or a substantial part of the business and affairs of the company shall be entitled to any compensation against any existing air company or against either of the Corporations for the loss of office or for the premature termination of any contract of management entered into by him with any existing air company and where any existing air company has, after the first day of July, 1952, and before the commencement of this Act, paid to any such person as is referred to in this sub-section any sum by way of compensation to which the person receiving such compensation would not have been entitled if this sub-section were in force at the time of such payment, the existing air company shall be entitled to claim refund of any sum so paid.

21. Duty to deliver up possession of property acquired and documents relating thereto.—(1) Where any property has vested in either of the Corporations under section 16, every person in whose possession or custody or under whose control the property may be, shall deliver up the property to the Corporation concerned forthwith.

(2) Any person who on the appointed date has in his possession or under his control any books, documents or papers relating to any undertaking which has vested in either of the Corporations under this Act and which belong to an existing air company or would have so belonged if its undertaking had not so vested shall be liable to account for the said books, documents and papers to the Corporation in which the undertaking has vested and shall deliver them up to the Corporation or to such person as the Corporation may direct :

Provided that the Corporation shall produce for inspection by such companies or their authorized representatives the books of account and documents as relate to the affairs of the company for any period prior to the appointed date.

(3) Without prejudice to the other provisions contained in this section it shall be lawful for the Corporation and the Central Government to take all necessary steps for securing possession of all properties which have vested in the Corporation under section 16.

22. Duty of existing air companies to supply particulars.—(1) Where the undertaking of an existing air company vests in either of the Corporations under this Act, the existing air company shall, within thirty days from the appointed date or within such further time as the Corporation concerned may allow in any case, supply to the Corporation particulars of book debts and investments belonging to and all liabilities and obligations of the company subsisting immediately before the appointed date, and also of all agreements entered into by the existing air company and in force on the appointed date, including agreements, whether express or implied, relating to leave, pension, gratuity and other terms of service of any officer or other employee of the existing air company, under which by virtue of this Act the Corporations have or will or may have liabilities except such agreements as the Corporation may exclude either generally or in any particular case from the operation of this subsection.

(2) If any existing air company fails to supply to the Corporation concerned particulars of such book debts, liabilities and agreements

within the time allowed to it for the purpose under sub-section (1), nothing contained in this Act shall have effect so as to transfer any such book debts, liabilities and agreements to or to vest the same in the Corporation.

(3) Either Corporation may by notice in writing within a period of ninety days after submission of the particulars referred to in sub-section (1) intimate to the existing air company submitting the particulars that such of the book debts and investments as are specified in the notice are not included in the properties vesting in the Corporation whereupon the compensation provided by section 25 of this Act and the Schedule thereto shall be reduced by the amount of such excluded book debts and investments but the right of such existing air company to recover and retain such excluded book debts shall remain unaffected by this Act.

23. Right of Corporations to disclaim certain agreements.—(1) Where it appears to either of the Corporations that the making of any such agreements as is referred to in section 22 under which the Corporation has or will have or many have liabilities was not reasonably necessary for the purposes of the activities of the existing air company or has not been entered into in good faith, the Corporation may, within six months from the appointed date, apply to the Tribunal for relief from such agreement, and the Tribunal, if satisfied after making such inquiry into the matter as it thinks fit that the agreement was not reasonably necessary for the purposes of the activities of the existing air company or has not been entered into in good faith, may make an order cancelling or varying the agreement on such terms as it may think fit to impose and the agreement shall thereupon have effect accordingly.

(2) All the parties to the agreement which is sought to be cancelled or varied under this section shall be made parties to the proceeding.

24. Transactions resulting in dissipation of assets.—(1) This section shall apply where any existing air company has, after the first day of July 1952, and before the appointed date—

(a) made any payment to any person without consideration or for an inadequate consideration;

(b) sold or disposed of any of its properties or rights without consideration or for an inadequate consideration;

(c) acquired any property or rights for an excessive consideration;

(d) entered into or varied any agreement so as to require an excessive consideration to be paid or given by the company;

(e) entered into any other transaction of such an onerous nature as to cause a loss to or impose a liability on the company exceeding any benefit accruing to the company; or

(f) sold or otherwise transferred any aircraft, equipment, machinery or other property of book value exceeding rupees ten thousand;

and the payment, sale, disposal, acquisition, agreement or variation thereof, or other transaction or transfer, was not reasonably necessary for the purposes of the company or was made with an unreasonable lack of prudence on the part of the company, regard being had in either case to the circumstances at the time.

(2) Either of the Corporations may, in the case of any such existing air company as is referred to in sub-section (1) the undertaking of which has vested in the Corporation under this Act, at any time within six months from the appointed date, apply for relief to the Tribunal in respect of any transaction to which the opinion of the Corporation this section applies, and all parties to the transaction shall, unless the Tribunal otherwise directs, be made parties to the application.

(3) Where the Tribunal is satisfied that a transaction in respect of which an application is made is a transaction to which this section applies, then, unless the Tribunal is also satisfied that the transaction was a proper transaction made in the ordinary course of business regard being had to the circumstances at the time and was not in any way connected with any provision made by this Act or with any anticipation of the making of any such provision, the Tribunal shall make such order against any of the parties to the application as the Tribunal thinks just having regard to the extent to which those parties were respectively responsible for the transaction or benefited from it and all the circumstances of the case.

(4) Where an application is made to the Tribunal under this section in respect of any transaction and the application is determined in favour of the Corporation, the Tribunal shall have exclusive jurisdiction to determine any claims outstanding in respect of the transaction.

25. Compensation to be given for compulsory acquisition of undertaking.—(1) Where the undertaking of any of the existing air companies has vested in either of the Corporations under this Act, compensation shall be given by the Corporation to that company in the manner specified in section 27 and the amount of such compensation shall be determined in accordance with the principles specified in the Schedule to this Act.

(2) Notwithstanding that separate valuations are calculated under the principles specified in the Schedule in respect of the several matters referred to therein, the amount of compensation to be given shall be deemed to be a single compensation to be given for the undertaking as a whole.

(3) The amount of the compensation to be given in accordance with the aforesaid principles shall be determined by the Corporation and if the amount so determined is approved by the Central Government, it shall be offered to the existing air company in full satisfaction of the compensation payable under this Act, and if the amount so offered is not acceptable to the existing air company, it may within such time as may be prescribed for the purpose have the matter referred to a Tribunal constituted for this purpose by the Central Government for decision.

26. Constitution of special Tribunal to determine compensation.—(1) The Tribunal to be constituted under section 25 shall consist of three members appointed by the Central Government, one of whom shall be a person who is or has been a Judge of a High Court or has been a Judge of the Supreme Court.

(2) The Tribunal may for the purpose of deciding any matter under this Act choose one or more persons possessing special knowledge of any matter relating to the case under inquiry to assist it in determining any compensation which is to be given under this Act.

(3) The Tribunal shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents.

(4) The Tribunal shall by a majority of its number regulate its own procedure and decide any matter within its competence and may review its decision in the event of there being a mistake on the face of the record or correct any arithmetical or clerical error therein but subject thereto the decision of the Tribunal on any matter within its jurisdiction shall be final and shall not be called in question in any court.

27. Mode of giving compensation.—(1) When the amount of compensation to be given under this Act to an existing air company has been determined under section 25, the Corporation shall give to the company one or more bonds of the face value of the amount of compensation so determined less such portion thereof as is payable in cash under this section.

(2) Out of the compensation to be given to each of the existing air companies under this Act, there shall be paid in cash—

(a) ten per cent. of the amount of compensation payable to each of such companies (which percentage shall be uniformly applicable to all existing air companies); or

(b) the amount borrowed by any such company from any bank and outstanding on the 31st day of December, 1952, or on the appointed date, whichever amount is less; or

(c) an amount equal to the cash of any such company, including cash in deposit with a bank, which has vested in the Corporation under this Act;

whichever of the amount specified in clauses (a), (b) and (c) is the greatest.

(3) The bonds aforesaid shall be issued by the Corporation with the previous approval of the Central Government and shall be negotiable and shall be redeemed at their face value by the Corporation concerned on the demand of the holder within one hundred and eighty days after the expiry of five years from the date of their issue and the redemption of the bonds and payment of all interest thereon shall be guaranteed by the Central Government.

(4) If within the expiry of the said period of one hundred and eighty days, the holder of any bond fails to require payment of its face value from the Corporation concerned, the bond shall cease to be redeemable at the option of the holder:

Provided that in any case the Corporation may by notice require the holder of the bond to accept its face value in cash at any time whether before or after the expiry of the period of five years aforementioned.

(5) The holder of the bond shall be entitled to receive from the Corporation interest on the bond at three-and-a-half *per cent.* per annum at such intervals as may be prescribed, with effect from the appointed date and until the bond is duly redeemed.

(6) Bonds issued under this section shall, for the purpose of redemption and of computing interest, be deemed to have been issued on the appointed date.

(7) Any bond issued under the provisions of this section shall be deemed to be a security in which a trustee may invest trust monies within the meaning of section 20 of the Indian Trusts Act, 1882 (II of 1882).

28. Winding up of existing company whose undertaking has been acquired.—(1) The Central Government may, on the application of any existing air company or on the application of a majority in number representing three-fourths in value of its members holding ordinary shares, by order in writing, authorise the existing air company the undertaking of which has vested in either of the Corporations, to be wound up voluntarily in accordance with the provisions of the Indian Companies Act, 1913 (VII of 1913) relating to voluntary winding up:

Provided that—

(a) the winding up of the company shall commence on the day on which the Central Government authorises the winding up without the passing by the company of any special or other resolution for winding up: and

(b) the directors of the existing company shall not be under an obligation to make any such statutory declaration as is required by section 207 of the Indian Companies Act, 1913 (VII of 1913); and

(c) the winding up of the company shall be continued by the directors of the existing company in office at the time the Central Government authorises its winding up and they shall be deemed to be joint liquidators for the purpose of the said winding up with power to act by a majority of their number.

(2) For the purposes of winding up the affairs of any existing air company or for any other purpose necessary for enabling it to give effect to the provisions of this Act, the Central Government may, notwithstanding anything contained in this Act, permit the existing air company to occupy, keep in its custody or utilise, as the case may be, for such period as it may allow any office, books, accounts and other documents and the services of any officers or other employees, which have been transferred to either of the Corporations under this Act, on such terms and conditions as may be agreed between the Corporation in which the undertaking has vested and the existing air company, or failing agreement, as may be determined by the Central Government.

29. Authorisation under section 28 may contain certain directions.—Any authorisation granted under section 28 may include a direction requiring an existing air company the voluntary winding up of which has been authorised under that section to distribute its net assets among the various classes of members of the company in such proportion as the Central Government may, having regard to the amount subscribed by each class of such members or having regard to the circumstances relating to the issue of the shares to the various classes of members, specify in the direction, and any such direction shall have effect notwithstanding anything contained in the Indian Companies Act, 1913 (VII of 1913) or in the articles of association or resolution of the company or in any agreement, and every such company shall be bound to comply with any such direction.

CHAPTER V. AIR TRANSPORT COUNCIL

30. Constitution of Air Transport Council.—As soon as may be after the commencement of this Act, the Central Government may cause to be constituted an Air Transport Council consisting of a Chairman and such other number of members not exceeding eleven as the Central Government may appoint thereto:

Provided that amongst the members to be so appointed there shall at least be one person with experience in financial matters and one person who is an employee of either of the Corporations with experience in labour matters.

31. Functions of the Air Transport Council.—(1) It shall be the duty of the Air Transport Council to consider—

(a) at the request of either of the Corporations any matter of the kind referred to in section 38; and

(b) any matter of importance which may be referred to it by the Director General of Civil Aviation or the Director General of Posts and Telegraphs relating to matters of common interest, between either of the Corporations and the Director General of Civil Aviation, or as the case may be, the Director General of Posts and Telegraphs including rates for the carriage of postal articles by air, and to make recommendations thereon to the Central Government.

(2) At the request of the Central Government, the Air Transport Council shall investigate any matter relating to the fares, freight rates or other charges levied by either Corporation in respect of any service or facility provided by the Corporation and of the adequacy of efficiency of such service or facility and shall make recommendations thereon to the Central Government.

(3) The Council shall, if so required by the Central Government, tender advice to that Government in regard to financial and economic analysis accounting, costing and statistical techniques and financial reporting relating to air transport and, in particular, advise in regard to the matters specified in the proviso to sub-section (2) of section 34.

(4) The Central Government, after taking any recommendation made by the Air Transport Council under this section into consideration, may issue such directions in the matter as it thinks fit and such directions shall be binding on the Corporation concerned.

32. Staff of the Council.—The Council shall have a Secretary and such other employees as the Central Government may appoint, and the expenditure on the staff and other charges of the Council shall be borne by the Central Government.

33. Proceedings of the Council.—(1) The Council shall regulate its own procedure.

(2) No proceeding of the Council shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution of, the Council.

CHAPTER VI. CONTROL OF CENTRAL GOVERNMENT

34. Power of Central Government to give directions.—(1) The Central Government may give to either of the Corporations directions as to the exercise and performance by the Corporation of its func-

tions, and the Corporation shall be bound to give effect to any such directions.

(2) The Central Government may, if it is of opinion that it is expedient in the national interest so to do, after consultation with the Corporation concerned, direct either of the Corporations—

(a) to undertake any air transport service or other activity which the Corporation has power to undertake;

(b) to discontinue or make any change in any schedule air transport service or other activity which it is operating or carrying on;

(c) not to undertake any activity which it proposes to do:

Provided that, if, at the direction of the Central Government, the Corporation establishes, alters or continues to maintain an air transport service or other activity and satisfies the Central Government that during the relevant financial year the Corporation has suffered an over-all loss in respect of the operation of all its air transport services and of all its other activities and also that the service or activity so established, altered or continued to be maintained in compliance with the directions of the Central Government as aforesaid has been operated at a loss in any financial year, then the Central Government shall reimburse the Corporation to the extent of the loss relatable to the operation of that particular service or activity.

35. Prior approval of Central Government necessary in certain cases.—Neither Corporation shall, without the previous approval of the Central Government—

(a) undertake any capital expenditure for the purchase or acquisition of any immovable property or aircraft or any other thing at a cost exceeding rupees fifteen lakhs;

(b) enter into a lease of any immovable property for a period exceeding five years; or

(c) in any manner dispose of any property, right or privilege having an original or book value exceeding rupees ten lakhs.

36. Submission of programme of work for each year.—(1) Each of the Corporations shall prepare and submit to the Central Government, not less than three months before the commencement of the financial year of the Corporation a statement showing the programme of operation and development of air transport services to be operated by the Corporation and its associates during the forthcoming financial year and its other activities as well as its financial estimates in respect thereof, including any proposed investment of capital and increase in the strength of its total staff.

(2) If, during any financial year, either of the Corporations engages or proposes to engage in any air transport service or ancillary activity in addition to those specified in the programme previously submitted under sub-section (1) and a substantial alteration of the financial estimates is likely to be involved thereby, the Corporation shall submit to the Central Government for approval a supplementary programme of such service or activity and a supplementary estimate of the expenditure and revenue to be incurred and received by the Corporation in respect thereof during the remainder of that period:

Provided that, to meet any unexpected traffic demand or other special situation, either of the Corporations may undertake any additional service or other ancillary activity not specified in the pro-

gramme submitted under sub-section (1) or sub-section (2) and subsequently submit a report on the matter to the Central Government in the prescribed manner.

37. Submission of Annual Reports to Parliament.—(1) Each of the Corporations shall, as soon as may be after the end of each financial year prepare and submit to the Central Government in such form as may be prescribed a report giving an account of its activities during the previous financial year, and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Corporation during the next financial year.

(2) The Central Government shall cause every such report to be laid before both Houses of Parliament as soon as may be after it is submitted.

CHAPTER VII. MISCELLANEOUS

38. Corporations to act in mutual consultation.—It shall be the duty of each of the Corporations to enter into consultations with the other in matters of common interest to the two Corporations including, in particular, the operation of scheduled air transport services, the routes on which such services should be operated by each of the Corporations, the frequency of such services, the passenger fares and freight rates to be charged, the measures of economy to be adopted, the provision of any services in regard to overhaul and maintenance of aircraft or any other matter falling within the scope of the functions of either of the Corporations, and, generally, in regard to ensuring the fullest co-operation and co-ordination in respect of all such matters.

39. Transfer of scheduled air transport services or assets from one Corporation to the other.—The Central Government may, for the purpose of improving the air transport services provided by either of the Corporations or for effecting better co-ordination in respect of such services, direct that with effect from such date as may be specified in the direction and subject to such conditions as may be similarly specified—

(a) any scheduled air transport service operated by one Corporation shall no longer be operated by that Corporation but shall be operated by the other Corporation, and

(b) any property belonging to one Corporation shall be transferred to the other Corporation.

40. Corporations may delegate their powers.—(1) Each of the Corporations may appoint a Committee or Committees consisting of some or any of its members with or without the addition of any officer or employee of the Corporation and delegate any of the functions and powers of the Corporation to such Committee or Committees and may limit the exercise of such delegated authority to any specified area.

(2) Either of the Corporations may, in relation to any particular matter or class of matters or to any particular area, by general or special order, direct that any of its officers or other employees may also exercise all or any of its powers under this Act (except the powers given to it by this section) to the extent to which the Corporation deems it necessary for the efficient running of its day to day administration.

41. Advisory and Labour Relations Committees.—(1) The Central Government, in consultation with the Corporation concerned, may appoint an Advisory Committee consisting of such number of

persons as it may think fit for the purpose of advising the Corporation in respect of such matters as may be referred to it by the Corporation or as may be prescribed.

(2) Each of the Corporations shall constitute in the prescribed manner a Labour Relations Committee consisting of representatives of the Corporation and of its employees, so however, that the number of representatives of the employees on the Committee shall not be less than the number of representatives of the Corporation, and it shall be the duty of the Labour Relations Committee to advise the Corporation on matters which relate to the welfare of the employees or which are likely to promote and secure amity and good relations between the two.

42. Meetings of the Corporation.—(1) Meetings of the Corporation shall be held at such times and places and, subject to sub-sections (2) and (3), the proceedings of the Corporation shall be conducted in such manner as may be provided by the regulations.

(2) The Chairman or in his absence any person chosen by the members present from amongst themselves shall preside at the meeting.

(3) At a meeting of the Corporation all questions shall be decided by a majority of votes of the members present, and for this purpose, each member shall have one vote and in the case of equality of votes the Chairman or, in his absence, the person presiding at the meeting shall have a second or casting vote.

43. Penalty for wrongful withholding of property.—If a director, managing agent, manager or other officer or employee of an existing air company who wilfully withholds or fails to deliver to the Corporation as required by subsection (2) of section 21 any books, documents or papers which may be in his possession or who wrongfully obtains possession of any property of any such company which has vested in either of the Corporations under this Act or having any such property in his possession wrongfully withholds it from the Corporation or wilfully applies it to purposes other than those expressed in, or authorized by, this Act, shall, on the complaint of the Corporation concerned, be punishable with fine which may extend to one thousand rupees and may be ordered by the Court trying the offence to deliver up or refund within a time to be fixed by the Court any such property improperly obtained or wrongfully withheld or wilfully misapplied or in default to suffer imprisonment which may extend to one year.

44. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, makes rules to give effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

(a) the terms and conditions of service of the General Managers of the two Corporations: and such other categories of officers as may be specified from time to time under sub-section (1) of section 8:

(b) the form in which the budget of the two Corporations shall be prepared and submitted to the Central Government; and the form and the manner in which the accounts of the two Corpo-

rations shall be maintained and in which any returns or statistics shall be furnished or submitted:

(c) the reports which should be submitted by the Corporations and the intervals within which they should be so submitted;

(d) the maintenance of books of account;

(e) the establishment and maintenance of a fund by each of the Corporations for meeting any liability arising out of any act or omission in respect of which the Corporation may incur any liability to any third party;

(f) any provision of depreciation, reserve and other funds;

(g) the prohibition of persons who are directly or indirectly interested in any subsisting contract with either of the Corporations from becoming or being employees of the Corporation;

(h) the powers which may be exercised by either of the Corporations to facilitate the acquisition of any undertaking;

(i) the issue of bonds by either of the Corporations to meet any compensation payable by it under this Act;

(j) the training of the employees of either of the Corporations or other persons and the fees which may in its discretion be charged therefor;

(k) the term of office and other conditions of service of members of the Air Transport Council constituted under section 30;

(l) the prohibition of any interference with any air transport service or with any property of the Corporation or of any interference with or obstruction of any officer or employee of the Corporation in the performance of his duty;

(m) the punishment which shall not exceed imprisonment for three months or fine of rupees one thousand but which may consist of both such imprisonment and fine, in respect of any contravention of the provisions of any rules made under this section.

(3) All rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

45. Power of Corporations to make regulations.—(1) Each of the Corporations may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with this Act or the rules made thereunder for the administration of the affairs of the Corporation and for carrying out its functions.

(2) In particular and without prejudice to the generality of the foregoing power, any such regulations may provide for all or any of the following matters, namely—

(a) the time and place of the meetings of the Corporation and the procedure to be followed for the transaction of business at such meetings;

(b) the terms and conditions of service of officers and other employees of the Corporation other than the General Manager and officers of any other categories referred to in section 44;

(c) the issue of passes by the Corporation to its officers and other employees either free of cost or at concessional rates for travel on its air services and the conditions relating thereto;

(d) the authentication of orders and decisions of the Corporation and the instruments executed by it;

- (e) the grant of refund in respect of any unused tickets and the issue of concessional passes;
- (f) the period after the expiry of which unclaimed goods may be disposed of and the manner of their disposal;
- (g) the conditions governing the carriage of persons or goods on its services.

THE INDIAN AIRCRAFT (AMENDMENT) ACT, 1960 (Act 44 of 1960)¹

(26th November, 1960)

An Act further to amend the Indian Aircraft Act, 1934

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:

1. Short title. This Act may be called the Indian Aircraft (Amendment) Act, 1960.

2. Amendment of section 1. In the Indian Aircraft Act, 1934 (hereinafter referred to as the principal Act), in sub-section (1) of section 1, the word "Indian" shall be omitted.

3. Amendment of section 5. In section 5 of the principal Act, sub-section (3) shall be omitted.

4. Substitution of new section for section 10. For section 10 of the principal Act, the following section shall be substituted, namely—

a. Received the assent of the President on 21-9-1960. Act published in Gaz. of India 22-9-1960. Pt. II, S. 1, Ext. p. 571.

For statement of Objects and Reasons, see Gaz. of India; 2-12-1959, Pt. II, S. 2, Ext. P. 1332 and for Joint Committee Report, see Gaz. of India, 8-2-1960, Pt. II, S. 2, Ext. p. 0/99.

b. Received the assent of the President on 26-11-1960. Act published in Gaz. of India, 29-11-1960. Pt. II, S. 1, Ext. p. 667.

For statement of Objects and Reasons, see Gaz. of India, 25-8-1960, Pt. II, S. 2, Ext. p. 607.

"Penalty for act in contravention of rule made under this Act.

"10. (1) If any person contravenes any provision of any rule made under clause (1) of sub-section (2) of section 5 prohibiting or regulating the carriage in aircraft of arms, explosives or other dangerous goods, or when required under the rules made under that clause to give information in relation to any such goods gives information which is false and which he either knows or believes to be false or does not believe to be true he, and if he is not the owner, the owner also (unless the owner proves that the offence was committed without his knowledge, consent or connivance) shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

"(2) In making any other rule under section 5 or in making any rule under section 7, section 8, section 8A or section 8B, the Central Government may direct that a breach of it shall be punishable with imprisonment for a period which may extend to three months, or with fine which may extend to one thousand rupees, or with both."

5. Amendment of section 13. In section 13 of the principal Act, for the words letters, brackets and figures "Where any person is convicted of an offence punishable under any rule made under clause (i)

¹ *All India Reporter*, vol. 47, 1960, p. 147.

or clause (1) of sub-section (2) of section 5", the words, figures, brackets and letter "Where any person is convicted of an offence punishable under sub-section (1) of section 10 or under any rule made under clause (i) of sub-section (2) of section 5" shall be substituted.

6. Insertion of new section 14A. After section 14 of the principal Act, the following section shall be inserted, namely—

Laying rules before Parliament.

"14A. Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a period of thirty days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

GOVERNMENT OF INDIA

AERONAUTICAL INFORMATION CIRCULAR

5/1962

G.S.R. 1238, dated the 8th September, 1962, issued by the Government of India in the Ministry of Transport and Communications (Departments of Communications and Civil Aviation), published in the Gazette of India, September 15, 1962/Bhadra 24, 1884 (Saka) is appended herewith.

New Delhi,

12 November 1962.

21 Kartika 1884 (Saka).

No 5/1962.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Departments of Communications and Civil Aviation)

NOTIFICATION

New Delhi, the 8th September 1962

G.S.R. 1238.—In exercise of the powers conferred by section 5 of the Indian Aircraft Act, 1934 (22 of 1934), the Central Government hereby makes the following rules further to amend the Indian Aircraft Rules 1937, the same having been previously published as required by section 14 of the said Act, namely—

1. These rules may be called the Indian Aircraft (Amendment) Rules, 1962.

2. In the Indian Aircraft Rules, 1937—

(1) For sub-rule (i) of rule 3, the following sub-rule shall be substituted namely—

“3. Definition and Interpretation.—(1) In these rules, unless there is anything repugnant in the subject or context

(1) “Aerial work aircraft” means an aircraft used for an industrial or commercial purpose or any other remunerative purpose but does not include an aircraft used for public transport;

(2) “aerodrome” means any definite or limited ground or water area intended to be used, either wholly or in part, for the landing or departure of aircraft, and includes all buildings, sheds, vessels, piers and other structures thereon or appertaining thereto;

(a) “aerodrome light” means any light exhibited at an aerodrome for the purpose of assisting the navigation or manoeuvres of an aircraft or of signalling to or from an aircraft;

(4) “Aerodyne” means an aircraft whose support in flight is derived dynamically from the reaction on surfaces in motion relative to the air, and includes all aeroplanes, helicopters, gyroplanes, gliders and kites;

(5) “Aeroplane” means a mechanically driven aerodyne supported by aerodynamic reactions on surfaces remaining fixed under the same conditions of flight;

(6) “Aerostat” means an aircraft supported in the air statically and includes all airships and balloons;

(7) “Aircraft” means any machine which can derive support in the atmosphere from reactions of the air, and includes balloons whether fixed or free, airships, kites, gliders and flying machines;

(8) “Airship” means a mechanically driven aerostat having means of directional control;

(9) “air transport service” means a service for the transport by air of persons, mails or any other thing, animate or inanimate, for any kind of remuneration whatsoever, whether such service consists of a single flight or series of flights;

(10) “Amphibian” means an aeroplane capable normally of taking off from and alighting on either land or a solid platform or water;

(11) “Balloon” means an aerostat not provided with mechanical means of propulsion;

(12) “Class Rating” shall comprise

(a) Single-engine, land;

(b) Single-engine, sea;

(c) Multi-engine, land;

(d) Multi-engine, sea;

(13) “contracting State” means any State which is for the time being a party to the convention on International Civil Aviation concluded at Chicago on December 7, 1944, and any amendment which may be made thereto under the provisions of Article 94 thereof;

(14) “co-pilot” means a licensed pilot serving in any piloting capacity other than as pilot-in-command but excluding a pilot who is on board the aircraft for the sole purpose of receiving flight instruction;

(15) "Corporation" means either of the Corporations established under the Air Corporations Act, 1953 (27 of 1953);

(16) "course" or "heading" means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North (True Magnetic or compass);

(17) "dangerous goods" means any goods, whether explosive or not, which by reason of their nature are likely to endanger the safety of aircraft or persons or things on board the aircraft;

(18) "Director-General" means Director-General of Civil Aviation;

(19) "dual flight time" means flight time during which a person is receiving flight instruction from a pilot on board the aircraft;

(20) "export" means taking out of India;

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

(22) "flight time" means the total flight time from the moment the aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight;

NOTE—Flight time as herein defined is synonymous with the term "block to block" time or "chock to chock" time in general usage which is measured from the time the aircraft moves from the loading point until it stops at the unloading point;

(23) "Flight time in a glider" means the total time occupied in flight, whether being towed or not, from the moment the glider first moves for the purpose of taking off until the moment it comes to rest at the end of the flight;

(24) "flight time in free flight" includes flight time in a glider when it is not being towed;

(25) "flying machine" means a mechanically driven aerodyne, and includes all aeroplanes, helicopters and gyroplanes.

(26) "Glider" means an aerodyne supported in flight by aerodynamic reactions on surfaces remaining fixed under the same conditions of flight and not provided with mechanical means of propulsion;

(27) "Government aerodrome" means an aerodrome which is maintained by or on behalf of the Government;

(28) "Helicopter" means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more power driven rotors on substantially vertical axis.

(29) "Import" means bringing into India;

(30) "instrument time" means the instrument flight time or the instrument ground time;

(31) "instrument flight time" means the time during which a pilot is piloting an aircraft solely by reference to instruments and without external reference points;

(32) "instrument ground time" means the time during which a pilot is practising, on the ground, simulated instru-

ment flight on a mechanical device approved by the Director-General;

(33) "landing area" means that part of an aerodrome reserved for the departing or landing of aircraft;

(34) "making way" an aircraft is said to be "making way" when, under way in the air or on the surface of the water, it has a velocity relative to the air or water respectively.

(35) "military aircraft" includes naval, military and air force aircraft, and every aircraft commanded by a person in naval, military or air force service detailed for the purpose;

(36) "normal flight" means flight comprising climbing, horizontal flight, turning and descending, provided, however, that it does not entail abrupt variations in height, or in the attitude of the aircraft;

(37) "on the surface of the water" an aircraft is deemed to be "on the surface of the water" so long as any portion of it is in contact with the water;

(38) "operator" means a person, organisation or enterprise engaged in or offering to engage in aircraft operation;

(39) "passenger aircraft", "mail aircraft" and "goods aircraft" means aircraft which effect public transport of passengers, mails or goods respectively;

(40) "personnel" in relation to any aircraft means the person in charge, the pilot, the navigator, the engineer, and all other members of the crew;

(41) "petroleum in bulk" means petroleum contained in receptacle exceeding 900 litres in capacity;

(42) "Pilot-in-Command" means the pilot responsible for the operation and safety of the aircraft during flight time;

(43) "Private aircraft" means all aircraft other than aerial work aircraft or public transport aircraft;

(44) "prohibited area" means an area over which the navigation of aircraft is prohibited under rule 12;

(45) "public transport" means all carriage of persons or things effected by aircraft for a remuneration of any nature whatsoever, and all carriage of persons or things effected by aircraft without such remuneration if the carriage is effected by an air transport undertaking;

(46) "public transport aircraft" means an aircraft which effect public transport;

(47) "rating" means an authorisation entered on a licence and forming part thereof, stating special conditions, privileges or limitations pertaining to such licence;

(48) "rendering a licence valid" means the action taken as an alternative to issuing a licence, in accepting a licence issued by any other Contracting State as the equivalent of an Indian licence;

(49) "Scheduled air transport service" shall have the same meaning as in the Air Corporations Act, 1953 (27 of 1953);

(50) "Seaplane" means an aeroplane capable normally of taking off from and alighting solely on water;

(51) "solo flight time" means flight time during which a pilot is the sole occupant of an aircraft;

(52) "State aircraft" includes military aircraft and aircraft exclusively employed in the service of the Government, such as posts, customs, police;

(53) "subsequent aircraft" means an aircraft which is constructed in accordance with the design and specification of a type of aircraft, which has been approved or accepted by the Central Government for the issue of a certificate of airworthiness;

(54) "take off" includes all the successive positions of an aerodyne from the moment it moves from rest until the moment of starting normal flight;

(55) "to land" is the action under normal conditions of making contact with the ground or a solid platform or water by an aircraft equipped for this purpose;

(56) "to pilot" means to manipulate the flight controls of an aircraft during flight time;

(57) "type of aircraft" means all aircraft of the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics;

(58) "type rating" means a rating for each type of aircraft;

(59) "under control" an aircraft is said to be "under control" when it is able to manoeuvre as required by these rules;

(60) "visible" as applied to lights means visible on a dark night with a clear atmosphere.

(2) For rule, 6, the following rules shall be substituted, namely—

"6. Licensing of personnel.—Every aircraft shall carry and be operated by the personnel prescribed in part V and such personnel shall be licensed in the manner prescribed in that part and in Schedule II:

Provided that in the case of an aircraft not registered in India, such personnel shall be licensed in accordance with the regulations in force in the State in which the aircraft is registered:

Provided further that a trainee pilot who is learning to fly may fly without a licence any aircraft of an all-up weight not exceeding 1,500 kgs. if (a) the aircraft is fitted with dual controls, (b) a flight instructor is carried on board, (c) prior notice of the flight is given to the persons in charge of the aerodrome from which the flight is made and (d) no other person is carried on board the aircraft.

6A. Type of Aircraft to be included in rating.—No person shall fly as pilot of an aircraft which is not included or entered in the aircraft rating of the licence, except as provided in rule 6B.

6B. Flights to qualify for extension of a licence.—The holder of a pilot's licence may fly within the Indian territory as pilot of an aircraft of type which is not included in the aircraft rating of his licence for the purpose of qualifying for the inclusion of such type:

Provided that when he is so flying no person shall be carried on board the aircraft unless he is—

(a) a person required by the rules to be carried as a member of the operating crew, or

(b) a person who is flying, with the consent of the operator of the aircraft, for the purpose of being trained as a member of the operating crew, or

(c) a person whose presence may be required on board the aircraft for the purpose of imparting or supervision of training or conducting a flight test, or

(d) a person who may be specially authorized by the Director General:

Provided further that such flights are carried out within 5 nautical miles of a licensed aerodrome or a Government aerodrome, and prior notice of the flight is given to the person in charge of the aerodrome from which the flight is made."

(3) For sub-rule (3) of rule 19, the following sub-rule shall be substituted, namely—

"(3) If the Central Government is satisfied that there is sufficient ground for doing so or, in the case of suspension during investigation that suspension is necessary in the public interest, it may, for reasons to be recorded in writing—

(a) suspend any certificate, rating or licence, or any or all of the privileges of any certificate, rating or licence, for any specified period:

(b) suspend any certificate, rating or licence during the investigation of any matter:

(c) cancel any certificate, rating or licence; or

(d) endorse any adverse remarks on any certificate, rating or licence.

NOTE.—The decision of the Central Government as to whether any ground constitutes sufficient ground for suspension of the certificate, rating or licence in the public interest under this sub-rule shall be final and binding."

(4) In rule 20, for the words and figures, "Rules 5, 6, 7, 12, 15, 17, 19 and 25 shall not apply to gliders", the following shall be substituted, namely—

"Rule 7 shall not apply to gliders."

(5) For rule 28, the following rule shall be substituted, namely—

"28. Minimum age for sole control of aircraft.—No person, being under 16 years of age shall have sole control of a glider in motion and no person under 17 years of age shall have sole control of any other aircraft in motion and no person shall cause or permit any other person to have sole control of an aircraft in motion unless he knows or has reasonable cause to believe, such other person to have attained the age of 16 years in the case of gliders and 17 years in the case of all other aircraft."

(6) For rule 38, the following rule shall be substituted, namely—

"38. Licensing Authority.—The authority by which the licences and ratings specified below may be granted, renewed

or varied shall be the Central Government, which may withhold the grant or renewal of a licence or a rating, if for any reason it considers it desirable to do so—

(a) Student Pilot's Licence (for aeroplanes, helicopters and gliders),

(b) Private Pilot's Licence (for aeroplanes and helicopters),

(c) Commercial Pilot's Licence (for aeroplanes and helicopters),

(d) Senior Commercial Pilot's Licence (for aeroplanes),

(e) Airline Transport Pilot's Licence (for aeroplanes),

Instrument Rating,

(g) Assistant Flight Instructor's Rating (Aeroplanes),

(h) Flight Instructor's Rating (for aeroplanes, helicopters, and gliders),

(i) Glider Pilot's Licence,

(j) Student Navigator's Licence,

(k) Flight Navigator's Licence,

(l) Student Flight Engineer's Licence,

(m) Flight Engineer's Licence,

(n) Flight Radio Telephone Operator's Licence,

(o) Flight Radio Operator's Licence."

(7) After rule 38, the following rule shall be inserted, namely—

38A. Carriage of operating crew.—Subject to the provisions, or rules 6, 6A and 6B, every aircraft registered in India shall comply with such of the following requirements in respect of the personnel which it carries and by which it is operated as are applicable to the aircraft and type of operation concerned, namely—

(1) *Pilot*

(a) *Private Aircraft.*—Every private aircraft shall be flown by a person holding a valid pilot's licence issued in accordance with Schedule II:

Provided that:

(i) a private aircraft shall not be flown by a person holding a Student Pilot's licence;

(ii) a private aircraft shall not be flown by a person holding a Private Pilot's licence for remuneration or hire of any kind;

(iii) a private aircraft carrying passengers at night, shall not be flown by a person holding a Private Pilot's licence, without having a valid Night Rating.

(b) *Public Transport and Aerial Work Aircraft.*—Every public transport or aerial work aircraft (other than a glider) shall be flown by a person holding an appropriate professional pilot's licence, *i.e.*, a Commercial, Senior Commercial or Airline Transport Pilot's licence issued in accordance with Schedule II:

Provided that an aircraft other than a glider which is the property of, or is being used by a duly constituted flying club may be flown by a person holding a Student or Private Pilot's licence for the purpose of receiving instructions or of qualifying for renewal of a licence or for issue of a higher category of licence:

Provided further that an aircraft other than a glider which is the property of or is being used by, a duly constituted flying club flown by a member and carrying a person otherwise than for the purpose of instructing such person in flying shall not for the purpose of this rule, be deemed to be flown for public transport; if however, in respect of such carriage payment is made, either directly or indirectly, to the pilot of the aircraft or the pilot of the aircraft is a paid employee of the flying club, the aircraft shall be deemed to be flown for public transport.

(2) *Flight Instructor or Assistant Flight Instructor.*—(a) Every aircraft which is being used for the purpose of giving dual instruction in piloting shall carry a person holding an appropriate professional pilot's licence, that is, a Commercial, Senior Commercial or Airline Transport Pilot's Licence or a Glider Pilot's Licence, as the case may be, which has an appropriate Flight Instructor's or Assistant Flight Instructor's rating issued in accordance with Schedule II.

(b) No person other than a person having a Flight Instructor's or Assistant Flight Instructor's Rating shall impart instructions in piloting an aircraft.

(3) *Flight Navigator.*—Every public transport aircraft engaged on a flight without landing over a great circle distance of more than 600 nautical miles, shall carry on board a Flight Navigator license in accordance with Schedule II, if the total distance between any two consecutive radio navigational fixing aids located within 30 nautical miles of the route of the proposed flight and capable of being used by the aircraft is more than 600 nautical miles:

Provided that the Director General may require a Flight Navigator to be carried on board an aircraft on any flight.

(4) *Flight Engineer.*—Where a Flight Engineer is required to be carried on board an aircraft as flight crew member under sub-rule (7), he shall be a person holding the appropriate licence in accordance with Schedule II.

(5) *Flight Radio Operator.*—An aircraft which is required to be equipped with radio apparatus in accordance with rule 63 shall carry, in addition to the pilot and whether or not it participates in the international service of public transport, a person holding a Flight Radio Operator's licence, issued in accordance with Schedule II, to operate radio apparatus on such aircraft:

Provided that the Director General may, for such period and subject to such terms and conditions as he may determine, permit the operation of radio apparatus in any aircraft by a person holding a Flight Radio Telephone Operator's licence.

(6) *Flight Radio Telephone Operator*.—An aircraft which is equipped or required to be equipped with radio apparatus in accordance with rule 63 and which communicates by radio telephony, shall carry a person holding a Flight Radio Telephone Operator's licence issued in accordance with Schedule II, to operate radio apparatus on such aircraft.

(7) *Minimum crew for any flight*.—The number and description of the flight crew members operating any flight of an aircraft registered in India shall be:

(a) if a certificate of airworthiness in respect of the aircraft is in force, at least the number and description of persons specified as the minimum operating crew for that aircraft in the certificate of airworthiness;

(b) if no certificate of airworthiness in respect of the aircraft is in force, but a certificate of airworthiness in respect of that aircraft has previously been in force, at least the number and description of persons specified as the minimum operating crew in the certificate of airworthiness last in force of that aircraft;

(c) if no certificate of airworthiness in respect of the aircraft is or has been in force and aircraft is a series aircraft conforming with a prototype or prototype (modified) aircraft in respect of which a certificate of airworthiness has been issued, at least the number and description of persons specified as the minimum operating crew in that certificate of airworthiness;

(d) in all other cases, at least such number and description of persons sufficient to ensure the safety of the aircraft as may be approved by the Director General."

(8) Rule 39 shall be omitted.

(9) For rule 39A, the following rule shall be substituted, namely:

"39A. Disqualification from holding or obtaining a licence.—(1) where the licensing authority is satisfied after giving him an opportunity of being heard, that any person—

(a) is a habitual criminal or is habitually intemperate in the use of alcohol, or is an addict of narcotics, drugs and the like, or

(b) is using, has used or is about to use an aircraft in the commission of a cognizable offence or in contravention of these rules, or

(c) has, by his previous conduct as member of the crew of an aircraft, shown that he is irresponsible or is likely to endanger the safety of the aircraft or any person or thing carried therein, or of other aircraft or persons or things on the ground,

the licensing authority may, for reasons to be recorded in writing, make an order disqualifying that person for a specified period from holding or obtaining a licence.

(2) The Central Government may debar a person permanently or temporarily from holding any licence mentioned in rule 38 if in its opinion it is necessary to do so in the public interest.

(3) Upon the issue of any order under sub-rule (1) or sub-rule (2), the person affected, if he is the holder of a licence, shall forthwith surrender his licence to the licensing authority, if the licence has not already been surrendered. The licensing authority shall keep the licence until the expiry of the period for which the person has been disqualified or debarred or if he has been debarred permanently, for a period of 5 years."

(10) For rule 39B, the following rule shall be substituted, namely:

"39B. Medical standards.—(1) No licence or rating referred to in rule 38, required for any of the personnel of the aircraft shall be issued or renewed unless the applicant undergoes a medical examination with an approved medical authority and satisfies the medical standards as notified by the Director General:

Provided that if in the opinion of the approved medical authority the condition of the applicant is not such as to introduce any hazard either of sudden incapacity or of inability to perform his duties safely during the period of validity of his licence or rating and failure to attain the requirement is capable of being compensated and the Director General has satisfactory evidence that the applicant has already acquired and demonstrated his ability, skill and experience which compensate for his deficiency, the licence or rating may be renewed or endorsed with any special limitation when the safe performance of flight duties is dependant on compliance with such limitations:

Provided further that, in the case of a member of the operating crew of an aircraft engaged in public transport or aerial work who is on duty in the territory of a foreign country where medical centres recognised by the Director General do not exist, the Director General may renew the licence or rating for two consecutive periods of three months each without the candidate having successfully undergone the prescribed medical examination if such candidate produces a medical certificate from a registered practitioner in modern medicine declaring his fitness in accordance with the prescribed medical standards.

(2) The Director General may require a member of any flight crew to undergo a medical examination by any Medical Authority at any time, if, in his opinion, such examination is necessary in the interest or safety of operations."

(11) For rule 41, the following rule shall be substituted, namely:

"41. Proof of competency.—Applications for licences and ratings shall produce proof of having acquired the flying experience and having passed satisfactorily the tests and examinations specified in Schedule II in respect of the licence or rating concerned:

Provided that a person who is a qualified pilot from the Indian Air Force and who produces satisfactory evidence to show that he possesses the necessary flying experience, com-

petency and standards of physical fitness as required under these rules may be exempted from all or any of the flying tests and from medical or other technical examinations (a) by the Director General, in respect of the issue of Private Pilot's and Commercial Pilot's licence, and (b) by the Central Government, in respect of the issue of the Senior Commercial and Airline Transport Pilot's Licences:

Provided further that a person to whom a licence of a particular class has been issued by the competent authority in a contracting State may be exempted by the Director General from all or any of the flying tests or technical examinations required for issue of a licence if his flying experience and competency are not less than the flying experience and competency laid down in Schedule II in respect of the corresponding licence under these rules. If he is the holder of a current licence, he may be further exempted from medical examination for the period for which his licence is current:

Provided further that in the case of a licence issued under any of the preceding provisions, only such type or types of aircraft shall be entered in the aircraft rating of the licence as in the opinion of the Director General the applicant has sufficient and satisfactory experience and competency to fly:

Provided further that the Director General may, on examination of the syllabi, determine the relative equivalence of technical examinations for granting exemptions to applicants from passing the examinations required under Schedule II:

Provided further that the Director-General may require any candidate, training establishment or operator to produce for examination all relevant training records, including the syllabi, certificates, mark-sheets, flight-test reports assessments, etc., in respect of the candidate who has undergone a course of training, examination or flight-test, etc., with such training establishment or operator."

(12) After rule 41, the following rule shall be inserted, namely:

"41A. Checks, Tests and Examinations.—(1) The Director General may conduct examinations specified in Schedule II, may fix examination centres within India, appoint invigilators and lay down the procedure for conducting the examinations.

(2) The Director General may appoint Examiners for carrying out flying tests and technical examinations required under Schedule II and may also appoint a Board to conduct oral examinations when necessary.

(3) The Director General may determine the manner in which the proficiency checks shall be carried out and may approve check pilots and examinees for this purpose. He may require their reports to be submitted to him in respect of any flying test on any aircraft for which an aircraft rating is desired on a licence or which is entered in the aircraft rating of the licence and the renewal of which is desired or for checking proficiency at any time in respect of any aircraft included in the aircraft rating of the licence.

(4) The Director General may debar permanently or temporarily a candidate from any flying test or examination if, in his opinion, the applicant has adopted unfair means during the test or examination.

(5) The Director General may declare any flying test or examination conducted by a Check Pilot or any Examiner or a Board, null and void, if in the opinion of the Director General the test or the examination has not been carried out to his satisfaction, and require the tests or examination to be carried out again by another Check Pilot or Examiner or a Board. The Director General may also take such action against the check Pilot or examiner as he may deem fit under rule 19.

(6) If a licence holder or a candidate for a licence or rating has failed in any flying test subsequent to any flying test successfully undergone by him for issue or renewal of the licence or rating, the previous test as far as it is affected by the subsequent flying test in which he has failed, will be considered invalid from the date of the subsequent test and the privileges accruing as a result of such earlier test shall be deemed to have been withdrawn.

(7) Detailed syllabi for the technical examinations for the issue of flight crew licences and ratings shall be laid down by the Director General."

(13) For rule 42, the following rule shall be substituted, namely:

"42. Licences and their renewal.—The licences and ratings mentioned in Rule 38 may be issued or renewed for any period not exceeding the period specified in Schedule II in respect of each licence or rating:

Provided that if, on the date of application for renewal, the licence or rating had expired for the periods specified below, the applicant may be required to qualify in or complete the examinations and tests specified against them and such other examinations and tests as the Director-General may consider necessary to demonstrate the applicant's competency to hold that licence or rating—

(a) for a period exceeding 2 years but not exceeding 3 years. Air Regulations and tests of skill,

(b) for a period exceeding 3 years. All examinations and tests required for the issue of the licence or rating:

Provided further that the Director General may, before the renewal of a licence or a rating, require an applicant to satisfy all or any of the requirements for the issue of licence or a rating of the same class, if, in the opinion of the Director-General, the competency of the applicant is below the standard required for the licence or rating;

Provided further that, in the case of a pilot or a flight engineer, the Director General may, when renewing a licence or a rating, delete any type of aircraft entered in the aircraft

rating if he is satisfied that the holder of the licence does not have reasonable recent flying experience or does not possess the required standard of competency on that type of aircraft.

(2) The holder of a licence shall not exercise the privileges of his licence without being declared fit after a fresh medical examination in the event of his having—

(a) a sickness or injury involving incapacity for a period of fifteen days or more for the work for which he is licensed; or

(b) an injury sustained in any accident occurring during the exercise of the privileges of his licence or otherwise and which is likely to cause incapacity or impair his efficiency in the discharge of his duties.

The licence holder or his employer shall immediately notify all the relevant details of the sickness or injury to the Director General.

(3) The licence of a person disqualified under sub-rule (2) shall be deemed to be invalid until the holder passes a fresh medical examination.

(4) The holder of a licence shall not exercise the privileges of his licence during any period when he is aware that his physical condition has deteriorated below the standard required for that category of licence.

(14) Rule 43 shall be omitted.

(15) For rule 47, the following rule shall be substituted, namely:

“47. Minimum age for holding a Licence.—The minimum age of a person who is otherwise qualified and to whom a licence may be granted shall be as laid down in Schedule II.

(16) For rule 48, the following rule shall be substituted, namely:

“48. Fees and other Charges.—(1) The following fees shall be paid for the issue, renewal, validation or re-validation of licences and ratings or the issue of duplicate licences and for the tests and examinations laid down in these rules for such licences and ratings:

Description of Licence/ rating	Fee for Technical examinations	Fee for issue, validation renewal or re-validation and issue of duplicates
	Rs.	Rs.
1. Student pilot's licence.....	10/-	5/-
2. Private pilot's licence.....	10/-	5/-
3. Commercial pilot's licence.....	20/-	10/-
4. Senior Commercial Pilot's Licence.....	30/-	10/-
5. Airline Transport Pilot's Licence.....	30/-	10/-
6. Instrument Rating.....	15/-	5/-
7. Assistant Flight Instructor's Rating.....	10/-	5/-
8. Flight Instructor's Rating.....	15/-	5/-
9. Extension of aircraft rating for each type.....	5/-	5/-
10. Glider Pilot's Licence.....	5/-	5/-
11. Student Navigator's Licence.....	30/-	5/-
12. Flight Navigator's Licence.....	30/-	10/-
13. Student Flight Engineer's Licence.....	30/-	5/-
14. Flight Engineer's Licence.....	30/-	10/-
15. Flight Radio Telephone Operator's Licence (Provisional).....	10/-	5/-
16. Flight Radio Telephone Operator's Licence.....	10/-	10/-
17. Flight Radio Operator's Licence—Provisional.....	20/-	5/-
18. Flight Radio Operator's Licence.....	20/-	10/-

(2) For all the flying tests, the candidate shall be required to provide the aircraft and bear all charges in respect of the flight. If a Government examiner is carried on board, during the flying tests, a fee at the rate of Rs. 10/- per hour or part of an hour so flown, shall be paid to the Central Government.

(3) The fees for the medical examinations conducted by the official Medical Board shall be paid in the manner as prescribed and notified by the Director General.

(4) Every application for technical examination or the issue, validation, renewal or re-validation of licences and ratings or the issue of duplicate licences and rating shall be paid in the manner prescribed and notified by the Director General.

(5) When in any case the licence or rating is not issued, validated, renewed or re-validated or a duplicate licence or rating is not issued, the Central Government may order the refund to the applicant of a proportionate part of the sum paid as fees."

(17) Sub-rule (10) of rule 67 shall be omitted.

(18) After rule 67, the following rules shall be inserted, namely:

"67A. Log Books of Flight Crew Personnel and logging of Flight time.—(1) Every member of the Flight Crew licensed under these rules shall maintain a personal log book, in the form prescribed by the Director General, and all flight times shall be logged therein.

(2) All entries in log books shall be made in ink.

(3) Log books shall be preserved for not less than 5 years after the date of the last entry therein.

(4) Every member of the Flight Crew shall certify the accuracy of the entries in his log book with respect to flight time at least at the end of each calendar month. The Pilot-in-command during dual instruction shall certify entries with respect to flight time during such dual instruction. At the end of every quarter in a year, that is at the end of March, June, September and December, log books shall be certified for correctness of entries therein.

(a) by competent authorities, such as, the Operations Manager, Deputy Operations Manager, or Chief Pilot of the Company or Corporation concerned, in the case of professional pilots,

(b) by the Chief Flying Instructor, in the case of members of the Club, and

(c) by Aerodrome Officers, Assistant Aerodrome Officers or such other officers as may be designated by the Director General, in the case of all other persons.

(5) Flight time during which a pilot is under dual instruction shall be entered in his log book as "dual" and the pilot giving instruction shall make entries in the log book of the pilot under instruction showing the nature of the instruction given.

(6) Flight time spent in performing under supervision of a pilot-in-command the duties and functions of a pilot-in-command may be logged as pilot-in-command provided the person is entitled and authorised to fly in command of that type of aeroplane by virtue of the ratings and privileges of his pilot's licence. In all other cases, such flight time shall be logged as co-pilot with appropriate indication in the remarks column.

(7) The holder of a Student Pilot's licence may log as pilot-in-command only that portion of the flight time during which he is the sole occupant of an aircraft provided that, in the case of an aircraft which requires more than one pilot in accordance with sub-rule (7) of rule 38A and rule 6B, he may log as Pilot-in-Command that portion of the flight time during which he acts as pilot-in-command of the aircraft.

(8) The holder of a Private Pilot's licence may log as pilot-in-command only the flight time during which he acts as pilot-in-command.

(9) The holder of a Commercial, Senior Commercial or Airline Transport Pilot's licence may log as pilot-in-command the flight time during which he acts as pilot-in-command. He shall log as co-pilot the flight time during which he acts as co-pilot.

(10) A Flight Instructor may log as pilot-in-command the flight time during which he acts as an Instructor but the log entries shall indicate in the remarks column that the flight time was flown as an Instructor.

(11) Instrument flight time may be logged by the pilot manipulating the controls of an aircraft in flight only when the aircraft is flown solely by reference to instruments, either under actual or simulated instrument flight conditions. Over-the-top flying shall not be logged as instrument flying time.

(12) Instrument ground time may be logged in full by the pilot while flying solely by reference to instruments, in any recognized synthetic device which simulates instrument flight conditions.

(13) A pilot who acts as Examiner or Check Pilot may log as pilot-in-command the flight time during which he so acts, provided he is entitled and authorised to fly in command of that type of flying machine by virtue of the ratings and privileges of his pilot's licence.

(14) A Flight Navigator shall log the flight time as a Flight Navigator during which he is engaged in actual navigational duties. Flight time during which a Flight Navigator performs actual navigational duties under supervision of a licensed Flight Navigator shall be logged as a Flight Navigator with the indication "under supervision" in the remarks column.

(15) A Flight Engineer shall log the flight time as a Flight Engineer during which he is engaged in actual Flight Engineer's duties. Flight time during which a Flight Engineer performs actual Flight Engineer's duties under supervision of a licensed Flight Engineer shall be logged as a Flight Engi-

neer with indication "under supervision" in the remarks column.

(16) A Flight Radio Telephone Operator/a Flight Radio Operator shall log the flight time as Flight Radio Telephone Operator/Flight Radio Operator as the case may be, during which he actually performs the duties of a Flight Radio Telephone Operator/Flight Radio Operator.

67B. No person shall destroy, mutilate, alter or render illegible any entry made, or wilfully make or procure or assist in the making of any false or fraudulent entry in or omission from any log book referred to in rules 67 and 67-A."

(19) For Schedule II, the following Schedule shall be substituted, namely :

SCHEDULE II (*See* Rule 7 and Part V)

SECTION A. GENERAL

1. (a) The evidence normally required as proof of flying experience shall consist of the production of a personal log book certified by the appropriate authority specified in sub-rule (4) of rule 67A, or of a certified extract therefrom in the form which may be prescribed by the Director General. Such flying experience shall be to the satisfaction of the Director General.

(b) Flying experience required for issue of Private Pilot's and Commercial Pilot's Licences shall be acquired under the supervision of a Flight Instructor and shall be on aircraft having valid Certificates of Airworthiness, maintained in accordance with rules 57 to 60 of the Indian Aircraft Rules, 1937, and entered in the Aircraft Rating of Pilot's licence currently held by him.

2. The evidence of air navigation experience required in para. 1(b) of section O of this Schedule must be produced in the form of personnel log book, certified by a specified authority, or a certified extract therefrom in the prescribed form and navigation logs, charts, and working of astronomical observations. Such air navigation experience shall be to the satisfaction of the Director General.

3. Flight by night for the purpose of this Schedule, except where otherwise stated, means flight performed between the period of one hour after sunset and one hour before sunrise.

4. A cross country flight for the purpose of this Schedule except sections B and C and where otherwise stated means a flight of not less than 100 nautical miles from the aerodrome from which the flight started, whether over land or sea.

5. The flying tests prescribed in this schedule may be carried out in any order. In each flying test, unless otherwise specified, an approved examiner shall be on board the aircraft. A barograph shall be carried on all flying tests, carried out in gliders, helicopters and single-engined aircraft, unless exempted by the Director General.

6. The technical and other examinations together with other requirements for a licence or rating under this Schedule, must be completed within a period of two years immediately preceding the date of application for license or rating unless otherwise specified.

7. Notwithstanding what has been stated in paragraph 6, the Technical examinations in aircraft and engines for inclusion of a type of aircraft in the aircraft rating of a licence under this Schedule shall have been completed within a period of 12 months immediately preceding the date of application.

8. An applicant who fails to pass in any subject of the Technical examinations specified in paragraph 1 under "knowledge" of relevant sections of this Schedule, in three attempts will be required to take the whole examination again.

9. An applicant who fails in any subject of the technical examinations specified in this Schedule, shall not be permitted to appear for re-examination within a period of three months or such lesser period as may be specified by the Director General.

10. The candidate shall, on demand by the Examiners, furnish, before each test, proof of identity.

11. (a) Application for issue/validation/renewal or revalidation of a license and/or rating shall be made either to the Director General of Civil Aviation, New Delhi or to any other authority designated by him on a prescribed form.

(b) Such applications for the issue of license or rating shall be accompanied by—

(i) three unmounted photographs, a size 3 cms x 4 cms of the applicant's head (uncovered) and shoulders in front view;

(ii) necessary medical certificates, and examiner's reports where these have not been sent direct;

(iii) treasury receipt for the repayment of the prescribed fee;

(iv) proof of age and any other particulars and information as required by the Director General.

SECTION B. STUDENT PILOTS LICENSE

(For Aeroplanes, Helicopters or Gliders)

1. Requirements for issue of Licence.—An applicant for a Student Pilot's License shall satisfy the following requirements—

(a) *Age.*—He shall be not less than 16 years of age on the date of application if he is an applicant for a Student Pilot's License for Gliders and not less than 17 years on that date in other cases;

(b) *Medical Fitness.*—He shall produce on a prescribed proforma a certificate of physical fitness from a registered medical practitioner after undergoing a medical examination, during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General under rule 39 B;

(c) *Knowledge.*—He shall pass an oral examination in the following subjects unless he has held a pilot's license of a higher order:—

(i) *Air Regulations.*—including flight rules and air traffic control practices and procedures mainly pertaining to local and cross-country flights under visual Flight Rules;

(ii) *Air Navigation.*—elementary principles of air navigation, including elementary knowledge of aeronautical maps, magnetism, magnetic compasses, simple navigational instruments and simple flight planning;

(iii) *Aviation, Meteorology.*—elementary knowledge of meteorology;

(iv) *Aircraft and Engines*.—including elementary knowledge of aerodynamics and theory of flight, aircraft, engines, instruments and operating limitations pertaining to the type of aircraft concerned.

NOTE.—1. The examination shall be conducted by a Board constituted and approved by the Director General.

2. A candidate who has passed the examinations mentioned in sub-clauses (i) and (iv) will be deemed to satisfy the requirements in respect of knowledge for the issue of this license.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the license. The license shall be valid for a period not exceeding 12 months from the date of medical examination. The license shall lapse on the holder obtaining a pilot's license of a higher order for the same category of aircraft.

3. Renewal.—The licence may be renewed for a period not exceeding 12 months from the date of a fresh medical examination, subject to the total validity of the license not exceeding 24 months from the date of issue.

4. Aircraft Rating.—The licence shall indicate the class and the type of aeroplanes or helicopters or gliders the holder is entitled to fly. Only those types of aircraft may be entered in respect of which the candidate has passed the examination in Aircraft and Engines mentioned in paragraph 1(c):

Provided that in respect of aeroplanes, aircraft rating shall not include types of aeroplanes having an all-up weight exceeding 1,500 kgs. except where a student pilot has previously held a higher order of pilot's license for aeroplanes having aircraft rating on that type.

5. Privileges.—Subject to the validity of endorsements and ratings in the license the holder of a Student Pilot's License is entitled to fly within Indian territory only, as pilot-in-command of any aeroplane, helicopter or glider entered in the aircraft rating of his license:

Provided that—

(a) he shall fly at all times under the authority and supervision of a Flight Instructor or an Approved Examiner;

(b) he shall fly under Visual Flight Rules only;

(c) he shall not carry passengers, animals and goods or fly for hire, reward or remuneration of any kind;

(d) he shall not undertake cross-country flights unless he has a minimum of 10 hours of solo flight time and has passed the examinations mentioned in sub-clauses (ii) and (iii) of clause (c) of paragraph 1.

NOTE.—Cross-country flight in this section means a flight to a point beyond a radius of 15 nautical miles from the aerodrome of departure.

SECTION C. PRIVATE PILOTS LICENSE (AEROPLANES)

1. Requirements for Issue of Licence.—An applicant for a Private Pilot's License shall satisfy the following requirements:

(a) *Age.*—He shall be not less than 17 years of age on the date of application:

(b) *Medical Fitness.*—He shall produce on a prescribed proforma a certificate of physical fitness from a registered medical practitioner after undergoing a medical examination during which he shall have

established his medical fitness on the basis of compliance with the requirements as notified by the Director General under Rule 39 B;

(c) *Knowledge*.—He shall pass a written examination in the following subjects—

(i) *Air Regulations*.—including flight rules, air traffic control practices and procedures and regulations concerning operations of private aircraft;

(ii) *Air Navigation*.—elementary principles, including elementary knowledge and use of aeronautical maps and charts, time, magnetic compasses, simple navigational instruments, radio aids, visual and D. R. Navigation and simple flight planning.

(iii) *Aviation Meteorology*.—elementary aviation meteorology including significance of aerodrome meteorological observations and warnings; elementary knowledge in reading meteorological charts and of meteorological procedures relating to cross-country flights; salient features of Indian climatology;

(iv) *Aircraft and Engines*.—Including elementary knowledge of aerodynamics and theory of flight, aircraft, engine, instruments, operating limitations, handling, care and preflight inspection. The examination shall also include questions pertaining to the class and the type of aeroplane for which an aircraft rating is desired;

(v) *Seamanship*.—Important abbreviations used in Admiralty charts; Regulations for preventing collisions at sea; lights to be carried by ships and seaplanes; Uniform system of Buoyage; Meaning of High Water (HW), Low Water (LW), Mean High Water Springs (MHWS), Mean High Water Neaps (MHWN), Mean Low Water Springs (MLWS), Mean Low Water Neaps (MLWN) and chart Datum—applicable only to aircraft rating to include amphibians and seaplanes.

(d) *Experience*.—He shall produce evidence of having satisfactorily completed as a pilot of an aeroplane not less than 40 hours of flight time, dual and solo which shall include—

(i) not less than 20 hours of solo flight time;

(ii) not less than 5 hours of cross-country flight time, as the sole occupant of an aeroplane, including a round-trip flight to an aerodrome not less than 75 nautical miles distance from the point of departure and including not less than 2 full-stop landings at different points along the route;

(iii) not less than 10 hours of solo flight time completed within a period of 12 months immediately preceding the date of application for the licence and must include the cross-country flight time mentioned in clause (ii).

NOTE.—1. "Cross-country flight for purposes of sub-clause (ii) means a flight to a point beyond a radius of 40 nautical miles from the aerodrome of departure."

2. Flight time required under sub-clauses (ii) and (iii) may be included in the total solo flight time indicated in clause (i).

(e) *Skill*.—He shall have demonstrated his competency to the satisfaction of the Examiner by undergoing the following flying tests on the type of aeroplane to which the application for licence relates within a period of 6 months immediately preceding the date of such application—

The Flying Test shall include preflight inspection and ground handling of aeroplanes; take-offs, climb and general flying; descent and glide; stalling, spinning and recovery; landing and emergency manoeuvres including simulated engine failure on take-off, etc.;

For multi-engine aeroplanes the test shall include all manoeuvres used in normal flight with symmetric and asymmetric power; approach, landings and overshoot with one or more engines inoperative.

NOTE.—Stalling and spinning shall be carried out only on the types of aeroplanes approved and from the minimum altitude laid down by the Director General.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the license. The license shall be valid for a period not exceeding 24 months from the date of medical examination, if the applicant is below 38 years of age and not exceeding 12 months from the date of medical examination if the applicant is 38 years of age or above except where an applicant is medically examined for the renewal of his license during 30 days immediately preceding the date of expiry of the license, full period of validity, as applicable, may be allowed from the date of expiry.

3. Renewal.—The licence may be renewed on receipt of satisfactory evidence of the applicant—

(a) having undergone a medical examination in accordance with clause (b) of paragraph 1;

(b) having satisfactorily completed not less than 5 hours of flight time as Pilot-in-Command within a period of 12 months immediately preceding the date of application for renewal or in lieu thereof, having satisfactorily completed the flying tests as laid down in para 1(c) above within the same period.

4. Ratings:

(a) *Aircraft Rating.*—The license shall indicate the class and the types of aeroplanes the holder is entitled to fly. An open rating for all conventional types of aeroplanes having an all-up weight not exceeding 1,500 kgs. may also be granted, if he has completed not less than 250 hours of flight time as Pilot-in-Command and has at least four different types of aeroplanes entered in the aircraft rating of his licence;

(b) *Night Rating.*—Night Rating entitles the holder to carry passengers at night. Conditions for the issue of this rating are detailed below—

(i) He must have completed not less than 50 hours of flight time as Pilot-in-Command, and as sole manipulator of the controls, including not less than 5 hours by night, which must include a minimum of 5 take-offs and 5 landings carried out within the preceding 6 months of the date of application;

(ii) He must have completed a dual cross-country flight by night of at least 75 nautical miles with an intermediate landing before he can be permitted to undertake solo cross-country flights by night.

(iii) He must have completed not less than 5 hours of dual instructions in instrument flying, which may include not more than 2½ hours on an approved synthetic flight trainer.

NOTE.—Night rating is valid only when the holder has within a period of 6 months immediately preceding the intended flight carried out 5 take-offs and 5 landings by night as Pilot-in-Command.

(c) *Instrument Rating*.—Instrument Rating entitles the holder to fly under Instrument Flight Rules. The standard of medical fitness and the conditions for the issue of this rating are laid down in Section G.

5. Extension of Aircraft Rating.—For extension of the Aircraft Rating to include an additional type of aeroplane, an applicant shall be required to produce evidence of having passed a written examination in aircraft and engines, as mentioned in clause (c) of paragraph 1 and of having satisfactorily completed the flying tests as laid down in clause (e) of that paragraph, in respect of the type of aeroplane for which extension of Aircraft Rating is desired. The flying test shall have been completed within a period of 6 months immediately preceding the date of application for extension of the Aircraft Rating.

6. Privileges.—Subject to the validity of endorsements and ratings in the license, the privileges of the holder of a Private Pilot's license, shall be to act, but not for remuneration, as Pilot-in-Command or as Co-pilot of any aeroplane, which is entered in the Aircraft Rating of his licence and carry passengers therein, provided that no flight is undertaken for hire or remuneration of any kind whatsoever and provided further that passengers are carried by night only with a valid night rating and no flight is undertaken under Instrument Flight Rules without a current instrument rating.

SECTION D. COMMERCIAL PILOT'S LICENCE (AEROPLANES)

1. Requirements for Issue of Licence.—An applicant for a Commercial Pilot's License shall satisfy the following requirements:

(a) *Age*.—He shall be not less than 18 years of age on the date of application:

(b) *Medical Fitness*.—He shall produce on a prescribed proforma a certificate of physical fitness from an approved Medical Board after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements, as notified by the Director General under Rule 39B:

(c) *Knowledge*.—He shall pass a written examination in the following subjects—

(i) *Air Regulations*.—including general flight rules, air traffic control practices and procedures and regulations concerning operations of aircraft, aerodromes, search and rescue; rules concerning air transit, customs and health; and knowledge of communications and navigation facilities;

(ii) *Air Navigation*.—elementary knowledge of theoretical and practical air navigation including knowledge and use of aeronautical maps and charts, simple projections, time, magnetism, compasses, navigational instruments, radio and radar aids, visual and D.R. navigation, plotting and flight planning;

(iii) *Aviation Meteorology*.—elementary aviation meteorology including significance of aerodrome meteorological observations and warnings; basic knowledge of aviation weather codes and plotting; elementary synoptic meteorology including simple inter-

pretation of weather charts; elementary knowledge of Indian climatology and of meteorological procedures relating to aviation.

(iv) *Aircraft and Engines*—including elementary knowledge of aerodynamics and theory of flights; general principles and elementary knowledge of design, construction, maintenance and operation of aircraft, engine and instruments; ancillary systems (*e.g.* fuels, hydraulic, etc. etc.) and emergency systems, installations and equipment; basic knowledge of fuel and lubricants; loading of aircraft, weight distribution and its effect on flight characteristics; operating limitations, handling care and preflight inspection. The examination shall also include questions pertaining to the class and the type of aeroplane for which an aircraft rating is desired;

(v) *Signals (Practical)*—Transmission and interpretation of aural and visual signals;

(vi) *Seamanship*—important abbreviations use in Admiralty charts; Regulations for preventing collisions at sea; lights to be carried by ships and seaplanes; Uniform system of Buoyage; A general knowledge of Tides; Meaning of High Water (HW), Low Water (LW), Mean High Water Springs (MHWS), Mean High Water Neaps (HMWN), Mean Low Water Springs (MLWS), Mean Low Water Neaps (MLWN) and chart Datum applicable to aircraft rating to include amphibians and seaplanes.

(d) *Experience*.—He shall produce evidence of having satisfactorily completed as a pilot of an aeroplane within a period of 3 years immediately preceding the date of application for licence not less than 250 hours of flight time, which shall include:—

(i) not less than 150 hours of flight time as Pilot-in-Command of which not less than 50 hours shall have been completed within a period of 12 months immediately preceding the date of application for licence;

(ii) not less than 5 hours of cross-country flight time as dual and 25 hours of cross-country flight time as Pilot-in-Command including one flight of not less than 300 nautical miles in the course of which not less than 2 full stop landings at different points shall be made;

(iii) not less than 10 hours of instrument time of which not more than 5 hours may be on an approved synthetic flight trainer;

(iv) not less than 5 hours of flight time by night including a minimum of 10 take-offs and 10 landings as Pilot-in-Command and as sole manipulator of controls carried out within 6 months immediately preceding the date of application for licence.

(e) *Other Requirements*.—He shall be in possession of a current Certificate of Competency for operation of radio telephony apparatus on board an aircraft as issued by the Ministry of Transport and Communications under the Indian Wireless Telegraphy (Commercial Radio Operators Certificates of Proficiency and licence to operate Wireless Telegraphy) Rules, 1954.

(f) *Skill*.—He shall have demonstrated his competency to the satisfaction of the Examiner by undergoing the following flying tests on the type of aeroplane to which the application for licence relates within a period of 6 months immediately preceding the date of application—

(i) General Flying Test by Day shall include preflight inspection

tion and ground handling of aeroplanes; take-offs, climb and general flying; descent and glide; stalling, spinning and recovery; landings and emergency manoeuvres including simulated engine failure on take-off;

For multi-engine aeroplanes the test shall also include at maximum landing weight all manoeuvres used in normal flight with symmetric and asymmetric power; approach, landings and overshoot with one or more engines inoperative

NOTE.—(1) Stalling and spinning shall be carried out only on the types of aeroplanes approved and from the minimum altitude laid down by the Director General.

(2) Exercise on engine failure on take-off may not be carried out for aeroplanes having an all-up weight exceeding 5,700 kgs.

(ii) General Flying Test by Night shall include take-offs, landings, general flying and emergency manoeuvres;

For Multi-engine aeroplanes the test shall also include at maximum landing weight all manoeuvres used in normal flight including use of asymmetric power; landing and overshoot with one or more engines inoperative;

(iii) Cross-Country Flying Test by Day shall consist of a flight on a stipulated route of not less than 250 nautical miles, and in the course of which at least one full stop landing on a designated aerodrome along the route shall be made;

(iv) Cross-Country Flying Test by Night shall consist of a flight on a stipulated route of not less than 120 nautical miles, returning to the place of departure without landing elsewhere.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the licence. The licence shall be valid for a period not exceeding 12 months from the date of medical examination, if the applicant is below 38 years of age and not exceeding 6 months from the date of successful examination, if the applicant is 38 years of age and above, except when an applicant is medically examined for the renewal of his licence during 30 days immediately preceding the date of expiry of the licence, full period of validity, as applicable, may be allowed from the date of expiry.

3. Renewal.—The licence may be renewed on receipt of satisfactory evidence of the applicant—

(a) having undergone a medical examination in accordance with para. 1(b) above;

(b) having satisfactorily completed not less than 10 hours of flight time within a period of 6 months immediately preceding the date of application for renewal or in lieu thereof—

having satisfactorily completed the general flying tests by day and night as laid down in clause (f) of paragraph 1 within the same period;

(c) having a current Certificate of Competency for operation of radio telephony apparatus on board an aircraft as issued by the Ministry of Transport and Communications under the Indian Wireless Telegraphy (Commercial Radio Operators Certificates of Proficiency and licence to operate Wireless Telegraphy) Rules 1954.

4. Ratings:

(a) *Aircraft Rating*.—The licence shall indicate the class and the types of aeroplanes the holder is entitled to fly. An open rating for all conventional types of aeroplanes having an all-up weight not exceeding 1,500 kgs. may also be granted if he has completed not less than 1,000 hours of flight time including not less than 500 hours as Pilot-in-Command, and has at least 4 different types of aeroplanes entered in the aircraft rating of his licence;

(b) *Instructor's Rating*.—Instructor's Rating entitles the holder to impart flying instructions. The privileges and conditions for the issue of these ratings are laid down in Sections H and I;

(c) *Instrument Rating*.—Instrument Rating entitles the holder to fly under Instrument Flight Rules. Conditions for the issue of this rating are laid down in Section G.

5. Extension of Aircraft Rating.—For extension of the aircraft rating to include an additional type of aeroplane an applicant shall be required to produce evidence of having passed a written examination in aircraft and engines as mentioned in clause (c) of paragraph 1, and of having satisfactorily completed the general flying tests by day and by night as laid down in clause (f) of that paragraph in respect of the type of aeroplane for which the extension of aircraft rating is desired. The flying tests shall have been completed within a period of 6 months immediately preceding the date of application for extension of the aircraft rating.

6. Privileges.—Subject to the validity of endorsements and ratings in the licence, the privileges of the holder of a Commercial Pilot's licence shall be—

(a) to exercise all the privileges of a Private Pilot;

(b) to act as Pilot-in-Command of any aeroplane having an all-up weight not exceeding 5,700 kgs. and which is entered in the aircraft rating of his licence, provided that when passengers are to be carried at night he shall have carried out within a period of 6 months immediately preceding the intended flight not less than 10 take-offs and 10 landings by night as Pilot-in-Command.

(c) to act as Co-Pilot of any aeroplane, where a Co-Pilot is required to be carried and which is entered in the aircraft rating of his licence:

Provided that for all flights under Instrument Flight Rules either as Pilot-in-Command or as Co-Pilot, he shall be required to have a current Instrument Rating:

Provided further that for all flights as Co-Pilot on transport aeroplanes having an all-up weight exceeding 5,700 kgs. he shall have carried out within the preceding 6 months of the intended flight appropriate proficiency checks in respect of that type of aircraft as required by the Director General.

SECTION E. SENIOR COMMERCIAL PILOT'S LICENCE (AEROPLANES)

1. Requirements for Issue of Licence.—An applicant for a Senior Commercial Pilot's Licence shall satisfy the following requirements:

(a) *Age*.—He shall be not less than 21 years of age on the date of application;

(b) *Medical Fitness*.—He shall produce on a prescribed proforma a certificate of physical fitness from an approved Medical Board after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General under Rule 39B;

(c) *Knowledge*.—He shall pass oral and written examinations in the following subjects—

(i) *Air Regulations*—including general flight rules, air traffic control practices and procedures and regulations concerning operation of aircraft: search and rescue; rules concerning air-transit, customs and health; knowledge of aerodromes; flight information regions, control zones and airways, communication and navigational facilities, International Conventions of Air Navigation, International conferences and agreements;

(ii) *Air Navigation*—knowledge of theoretical and practical air navigation including knowledge of aeronautical maps and charts, projections time magnetism, compasses, navigational instruments, radio and radar aids, visual and D.R. navigation, plotting and flight planning; elementary knowledge of astro-navigation and use of Nautical tables and Air Almanac;

(iii) *Aviation Meteorology*—intermediate aviation meteorology with special emphasis on aviation hazards; knowledge of aviation weather codes and plotting; aircraft observation procedures; synoptic meteorology including simple analysis and interpretation of weather charts; elementary world climatology; detailed knowledge of Indian climatology and of meteorological procedures relating to aviation;

(iv) *Aircraft and Engines*—including elementary knowledge of aerodynamics and theory of flight; general principles and elementary knowledge of design, construction, maintenance and operation of aircraft, engine and instruments; ancillary systems (e.g. fuels, hydraulic, electrical, etc.) and emergency systems, installations and equipment; basic knowledge of fuel and lubricants; loading of aircraft and weight distribution and its effect on flight characteristics; operating limitations and handling, care and pre-flight inspection. The examination shall also include questions pertaining to the class and the type of aeroplane for which an aircraft rating is desired.

(v) *Signals (Practical)*—transmission and interpretation of aural and visual signals:

(vi) *Seamanship*—Important abbreviations used in Admiralty charts: Regulations for preventing collisions at sea; lights to be carried by ships and seaplanes: Uniform system of Buoyage:

A general knowledge of Tides: Meaning of High Water (HW), Low Water (LW), Mean High Water Springs (MHWS), Mean High Water Neaps (MHWN), Mean Low Water Springs (MLWS), Mean Low Water Neaps (MLWN) and chart Datum—applicable to aircraft rating to include amphibians and seaplanes.

(d) *Experience*.—He shall produce evidence of having satisfactorily completed as a pilot of an aeroplane within a period of 5 years immediately preceding the date of application for licence, not less than 1,250 hours of flight time, which shall include:

(i) not less than 200 hours as Pilot-in-Command for 150 hours as a Pilot-in-Command and 100 hours as a co-pilot performing under supervision of a Pilot-in-Command, the duties and functions of a Pilot-in-Command, provided at least 100 hours shall be of cross-country flight time including not less than 25 hours by night, and shall also include 10 take-offs and 10 landings by night;

(ii) not less than 500 hours of total cross-country flight time;

(iii) not less than 50 hours of flight time by night;

(iv) not less than 50 hours of instrument time under actual or simulated conditions of which not less than 25 hours shall be in actual flight.

(v) not less than 150 hours of flight time completed within a period of 12 months immediately preceding the date of application for the licence.

(e) *Other Requirements*.—He shall be—

(i) the holder of or shall have held a Commercial Pilot's Licence;

(ii) in possession of a current Certificate of Competency for operation of radio telephony apparatus on board an aircraft as issued by the Ministry of Transport and Communications under the Indian Wireless Telegraphy (Commercial Radio Operators Certificate of Proficiency and licence to operate Wireless Telegraphy) Rules, 1954.

(f) *Skill*.—He shall have demonstrated his competency to the satisfaction of the Examiner by undergoing the following flying tests on the type of aeroplane to which the application for licence relates within a period of 6 months immediately preceding the date of application:

(i) *General Flying Test by Day*—shall include preflight inspection and ground handling of aeroplanes; take-offs, climb and general flying; manoeuvres at slow speed; steep turns; descent and glide; stalling, spinning and recovery; landings and emergency manoeuvres including simulated engine failure on take-off:

For multi-engine aeroplanes the test shall also include at maximum landing weight all manoeuvres used in normal flight with symmetric and asymmetric power; approach, landings and overshoot with one or more engines inoperative.

NOTE.—(1) Stalling and spinning shall be carried out only on the types of aeroplanes approved and from the minimum altitude laid down by the Director General:

(2) Exercise on engine failure on take-off may not be carried out on aeroplanes having an all-up weight exceeding 20,000 kgs.

(ii) *General Flying Tests by Night*—shall include take-offs, landings, general flying and emergencies:

For multi-engine aeroplanes the test shall also include at maximum landing weight all manoeuvres used in normal flight including use of asymmetric power; landing and overshoot with one or more engines inoperative.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the licence. The licence shall be valid for a period not exceeding 6 months from the date of medical examination except when an applicant is medically examined for the renewal of his licence during 30 days immediately preceding the date of expiry of the licence, full period of validity may be allowed from the date of expiry.

3. Renewal.—The license may be renewed on receipt of satisfactory evidence of the applicant—

(a) having undergone a medical examination in accordance with clause (b) of paragraph 1;

(b) having satisfactorily completed not less than 10 hours of flight time as Pilot-in-Command (50 per cent of flight time as a Co-Pilot may be counted towards requirement of flight time as Pilot-in-Command) within a period of 6 months immediately preceding the date of application for renewal or in lieu thereof; having satisfactorily completed the general flying tests by day and by night as laid down in clause (f) of paragraph 1;

(c) having a current Certificate of Competency for operation of radio telephony apparatus on board and aircraft as issued by the Ministry of Transport and Communications under the Indian Wireless Telegraphy (Commercial Radio Operators Certificate of Proficiency and licence to operate Wireless Telegraphy) Rules 1954.

4. Ratings:

(a) *Aircraft Rating.*—The licence shall indicate the class and the types of aeroplanes the holder is entitled to fly. An open rating for all conventional types of aeroplanes having an all-up weight not exceeding 2,500 kgs. may also be granted if he has completed not less than 3,000 hours of flight time including not less than 1,000 hours as Pilot-in-Command and has at least 4 different types of aeroplanes entered in the aircraft rating of his licence.

(b) *Instructor's Ratings.*—Instructor's Rating entitles the holder to impart flying instructions. The privileges and conditions for the issue of the ratings are laid down in Sections H and I;

(c) *Instrument Rating.*—Instrument rating entitles the holder to fly under Instrument Flight Rules. The conditions for issue of this rating are laid down in Section G.

5. Extension of Aircraft Rating.—For extension of the Aircraft Rating to include an additional type of aeroplane, an applicant shall be required to produce evidence of having passed a written examination in aircraft and engines as mentioned in clause (c) of paragraph 1 and of having satisfactorily completed the general flying tests by day and by night as laid down in clause (f) of that paragraph in respect of the type of aeroplane for which the extension of the aircraft rating is desired. The flying tests shall have been completed with a period of 6 months immediately preceding the date of application for extension of the aircraft rating.

6. Privileges.—Subject to the endorsement and ratings in the licence, the privileges of the holder of a Senior Commercial Pilot's Licence shall be—

(a) to exercise all the privileges of a Private and a Commercial Pilot;

(b) to act as Pilot-in-Command of any passenger carrying aeroplane having an all-up weight not exceeding 14,000 kgs. and of any aeroplane not carrying passengers and having an all-up weight not exceeding 20,000 kgs.;

(c) to act as Co-Pilot of any aeroplane when a Co-Pilot is required to be carried:

Provided that type of aeroplane is entered in the Aircraft Rating of his licence:

Provided further that he shall not act as Pilot-in-Command of an aeroplane having an all-up weight exceeding 5,700 kgs. unless he has completed on that type of aeroplane not less than 300 hours of flight time as a Co-Pilot including not less than 100 hours of flight time as a Co-Pilot performing under the supervision of a Check Pilot the duties and functions of a Pilot-in-Command and has demonstrated his competency to fly as a Pilot-in-Command to the satisfaction of the Director General:

Provided that for all flights under Instrument Flight Rules either as Pilot-in-Command or as Co-Pilot, he shall have a current instrument rating:

Provided further that for all flights as Pilot-in-Command or as Co-Pilot, on transport aeroplanes having an all-up weight exceeding 5,700 kgs., he shall have undergone satisfactorily within the preceding 6 months of the intended flight appropriate proficiency checks in respect of that type of aircraft as required by the Director General.

SECTION F. AIRLINE TRANSPORT PILOT'S LICENCE (AEROPLANE)

1. Requirements for Issue of Licence.—An applicant for an Airline Transport Pilot's licence shall satisfy the following requirements:

(a) *Age*.—He shall be not less than 21 years of age on the date of application;

(b) *Medical Fitness*.—He shall produce on a prescribed proforma a certificate of physical fitness from an approved medical board after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General under Rule 39B;

(c) *Knowledge*.—He shall pass an oral and written examination in the following subjects:

(i) *Air Regulations*: including general flight rules, air traffic control practices and procedures and regulations concerning operation of aircraft; search and rescue, rules concerning air-transit, customs and health, knowledge of aerodromes, flight information regions, control zones and airways communications and navigational facilities; International Conventions of Air Navigation, and International conferences and agreements;

(ii) *Air Navigation*: knowledge of theoretical and practical air navigation including knowledge of aeronautical maps and charts, projections, time, magnetism, compasses, navigational instruments, radio and radar aids visual and D.R. navigation, plotting and flight planning elementary knowledge of astro-navigation and use of nautical tables and Air Almanacs;

(iii) *Aviation Meteorology*: intermediate aviation meteorology with special emphasis on aviation hazards; knowledge of aviation weather codes and plotting; aircraft observation procedures; synoptic meteorology including simple analysis and interpretation of weather charts; elementary word climatology; detailed knowledge of Indian climatology and of meteorological procedures relating to aviation;

(iv) *Aircraft and Engines*: including elementary knowledge of aerodynamics and theory of flight, general principles and ele-

mentary knowledge of design, construction, maintenance and operation of aircraft, engine and instruments; ancillary system (e.g. fuel, hydraulic, electrical etc., etc.) and emergency systems installations and equipment; basic knowledge of fuel and lubricants; loading of aircraft and weight distribution and its effect on flight characteristics; operating limitations and handling care and preflight inspection. The examination shall also include questions pertaining to the class and the type of aeroplane for which an aircraft rating is desired;

(v) *Signals (Practical)*: Transmission and interpretation of aural and visual signals;

(vi) *Seamanship*: Important abbreviations used in Admiralty charts; Regulations for preventing collisions at sea; lights to be carried by ships and seaplanes; Uniform system of Buoyage; A general knowledge of Tides; Meaning of High Water (HW), Low Water (LW), Mean High Water Springs (MHWS), Mean High Water Neaps (MHWN), Mean Low Water Springs (MLWS), Mean Low Water Neaps (MLWN) and chart Datum-applicable to aircraft rating to include amphibians and seaplanes.

(d) *Experience*.—He shall produce evidence of having satisfactorily completed as a pilot of an aeroplane within a period of 5 years, immediately preceding the date of application for licence, not less than 2,150 hours of flight time which shall include:

(i) not less than 500 hours of flight time as Pilot-in-Command or as Co-Pilot performing under supervision of a Check-Pilot, the duties and functions of a Pilot-in-Command, provided at least 200 hours out of these shall be of cross-country flight time, including not less than 50 hours of flight time by night;

(ii) not less than 1000 hours of total cross-country flight time;

(iii) not less than 100 hours of flight time by night;

(iv) not less than 100 hours of instrument time under actual or simulated instrument conditions, of which not less than 50 hours shall be in actual flight;

(v) not less than 150 hours of flight time completed within a period of 12 months immediately preceding the date of application for licence.

(e) *Other Requirements*:

(i) He shall be a holder of a Commercial or a Senior Commercial Pilot's licence;

(ii) He shall have a current instrument rating;

(iii) He shall be in possession of a current certificate of competency for operation of radio telephony apparatus on board an aircraft as issued by the Ministry of Transport and Communications under the Indian Wireless Telegraphy (Commercial Radio Operators Certificate or proficiency and licence to operate Wireless Telegraphy) Rules, 1954.

(f) *Skill*.—He shall have demonstrated his competency to the satisfaction of the Examiner by undergoing the following flying tests on the type of aeroplane to which the application for licence relates within a period of 6 months immediately preceding the date of such application:

(i) *General Flying Test by Day*: shall include preflight inspection and ground handling of aeroplanes; take-offs, climb

general flying; manoeuvres at slow speed; steep turns; descent and glide; stalling; spinning and recovery; landings and emergency manoeuvres including simulated engine failure on take-offs;

For Multi-engine Aeroplanes: the test shall also include at maximum landing weight all manoeuvres used in normal flight with symmetric and asymmetric power; approach, landings and overshoot with one or more engine inoperative.

NOTE.—Stalling and spinning shall be carried out only on the types of aeroplanes approved and from the minimum altitude laid down by the Director General.

(ii) *General Flying Test by Night:* shall include take-offs, landings, general flying and emergencies;

For Multi-engine Aeroplanes: the test shall also include at maximum landing weight all manoeuvres used in normal flight including use of asymmetric power; landing and overshoot with one or more engines inoperative.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the licence. The licence shall be valid for a period not exceeding 6 months from the date of medical examination except when an applicant is medically examined for the renewal of his licence during 30 days immediately preceding the date of expiry of the licence, full period of validity may be allowed from the date of expiry.

3. Renewal.—The licence may be renewed on receipt of satisfactory evidence of the applicant—

(a) having undergone a medical examination in accordance with clause (b) of paragraph 1;

(b) having satisfactorily completed not less than 10 hours of flight time as Pilot-in-Command (50 per cent of flight time as a Co-pilot may be counted towards this requirement of flight time as Pilot-in-Command) within a period of 6 months immediately preceding the date of application for renewal or in lieu thereof; having satisfactorily completed the flying tests by day and by night as laid down in clause (f) of paragraph 1 within the same period;

(c) having a current certificate of competency for operation of radio telephony apparatus on board an aircraft as issued by the Ministry of Transport and Communications under the Indian Wireless Telegraphy (Commercial Radio Operator's Certificate of proficiency and licence to operate Wireless Telegraphy) Rules, 1954.

4. Ratings.

(a) *Aircraft Rating.*—The licence shall indicate the class and the types of aeroplanes the holder is entitled to fly. An open rating for all conventional types of aeroplanes having an all-up weight not exceeding 5,700 kgs. may also be granted if he has completed not less than 1,000 hours of flight time as a Pilot-in-Command on any aeroplane having an all-up weight of 14,000 kgs. or above;

(b) *Instructor's Ratings.*—Instructor's Rating entitles the holder to impart flying instructions. The privileges and conditions for the issue of this rating are laid down in Sections II & I.

(c) *Instrument Rating.*—No separate instrument rating is provided for in the licence. The privileges of instrument rating are included in the privileges of this licence provided that the instrument rating flight

tests have been carried out to the satisfaction of the Director General within a period of 12 months immediately preceding the intended flight under Instrument Flight Rules.

5. Extension of Aircraft Rating.—For extension of the aircraft rating to include an additional type of aeroplane, an applicant shall be required to produce evidence of having passed a written examination in aircraft and engines as mentioned in clause (c) of paragraph 1 and having satisfactorily completed the general flying tests by day and by night as laid down in clause (f) of that paragraph in respect of the type of aeroplane for which the extension of aircraft rating is desired. The flying tests shall have been completed within a period of 6 months immediately preceding the date of application for extension of aircraft rating.

6. Privileges.—Subject to the validity of endorsements and ratings in the licence, the privileges of the holder of an Airline Transport Pilot's Licence shall be—

(a) to exercise the privileges of a Private, a Commercial and a Senior Commercial Pilot;

(b) to exercise the privileges of the holder of an instrument rating, provided that he shall not exercise these privileges at any time unless he has satisfactorily completed the instrument rating flight tests within a period of 12 months immediately preceding the date of intended flight under Instrument Flight Rules;

(c) to act as a Pilot-in-Command or as a Co-pilot of any aeroplane where a Co-pilot is required to be carried and which is entered in the aircraft rating of his licence;

Provided that he shall not act as a Pilot-in-Command of any aeroplane having an all-up weight exceeding 5,700 kgs. unless he has completed on that type of aeroplane not less than 300 hours of flight time as a Co-Pilot and not less than 100 hours of flight time as Co-Pilot performing under supervision of a Check-Pilot, the duties and functions of a Pilot-in-Command and has demonstrated his competency to fly as a Pilot-in-Command to the satisfaction of the Director General;

Provided further that for all flights as Pilot-in-Command or as Co-Pilot on a transport aeroplane having an all-up weight exceeding 5,700 kgs., he shall have undergone satisfactorily within the preceding six months of the intended flight appropriate proficiency checks in respect of that type of aircraft as required by the Director General.

SECTION G. INSTRUMENT RATING

1. Requirements for Issue of Rating.—An applicant for an Instrument Rating shall satisfy the following requirements:

(a) *Medical Fitness.*—He shall produce on a prescribed proforma a certificate of physical fitness from an approved Medical Board after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General under Rule 39B;

(b) *Knowledge.*—He shall pass oral and written examination in the following subjects:

(i) *Air Regulations.*—including flight rules, air traffic control practices and procedures and regulations concerning operation of

aircraft during Instrument Flight Rules: Aerodromes, search and rescue, rules concerning air-transit customs and health and knowledge of communications and navigational facilities:

(ii) *Air Navigation*.—elementary knowledge of theoretical and practical air navigation including knowledge and use of aeronautical maps and charts, simple projections, time, magnetism, compasses, navigational and instruments, radio and radar aids, visual and D.R. navigation, plotting and flight planning;

(iii) *Aviation Meteorology*.—elementary aviation meteorology including significance of aerodrome meteorological observations and warnings; basic knowledge of aviation weather codes and plotting; elementary synoptic meteorology including simple interpretation of weather charts; elementary knowledge of Indian climatology and of meteorological procedures relating to aviation;

(iv) *Signals (Practical)*.—transmission and interpretation of aural and visual signals;

(c) *Experience*.—He shall produce evidence of having satisfactorily completed as a pilot of an aeroplane

(i) not less than 150 hours of flight time as a Pilot-in-Command including not less than 50 hours of cross-country flight time;

(ii) not less than 40 hours of instrument time, of which not more than 20 hours shall be instrument ground time. A minimum of 5 hours of instrument time shall have been completed within a period of 6 months immediately preceding the date of application for the Instrument Rating;

(d) *Other Requirements*.—He shall be—

(i) a holder of a current pilot's licence for aeroplanes;

(ii) In possession of a current Certificate of Competency for operation of radio telephony apparatus on board an aircraft as issued by the Ministry of Transport and Communications under the Indian Wireless Telegraphy (Commercial Radio Operators Certificate of proficiency and licence to operate Wireless Telegraphy) Rules, 1954.

(e) *Skill*.—He shall have demonstrated to the satisfaction of the Examiner his competency to fly an aeroplane solely with the aid of instrument using full and limited instrument panel by undergoing the following flying test within a period of 6 months, immediately preceding the date of application for this rating:

Instrument Rating Flying Test shall include preflight action, all normal in-flight manoeuvres, recovery from unusual attitudes, airways and air traffic procedures, instrument approach procedures including descent through cloud using stipulated radar aids, missed approach, overshoot and emergencies;

For Multi-engine Aeroplanes the test shall also include manoeuvres carried out on asymmetric power with one or more engines inoperative and emergencies.

NOTE.—Stalling and spinning shall be carried out only on the types of aeroplanes approved and from the minimum altitude laid down by the Director General.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the rating. The Instrument Rating shall be valid for a period not exceeding 12 months from the date of the satis-

factory completion of Instrument Rating Flight tests as laid down in clause (c) of paragraph 1, except when Instrument Rating Flight tests are completed during 30 days immediately preceding the date of expiry of the rating, full period of validity may be allowed from the date of expiry.

3. Renewal.—Instrument Rating may be renewed on receipt of satisfactory evidence of the applicant—

(a) having satisfactorily completed not less than 10 hours of instrument flight time during the preceding 12 months.

Out of the total 10 hours of instrument flying experience so required, not more than 5 hours may be carried out on an approved synthetic flight trainer;

(b) having satisfactorily carried out at least two instrument approach procedures on different aerodromes under the supervision of a Check Pilot either during actual or simulated instrument flying conditions;

(c) having satisfactorily completed the Instrument Rating Flight tests as laid down in clause (e) of paragraph 1; and

(d) having a current Certificate of Competency for operation of radio telephony apparatus on board an aircraft as issued by the Ministry of Transport and Communications under the Indian Wireless Telegraphy (Commercial Radio Operations Certificate of proficiency and license to operate Wireless Telegraphy) Rules, 1954.

NOTE.—Only that part of the flight test in clause (c) may be permitted to be carried out on an approved synthetic flight trainer which pertains to checking of candidates' knowledge of procedures.

4. Extension of instrument rating.—For extension of Instrument Rating to include an additional type of aeroplane, an applicant shall be required to produce evidence of having satisfactorily completed the flight tests as laid down in clause (e) of paragraph 1 in respect of the type of aeroplane for which the extension of Instrument Rating is desired. The flying tests shall have been completed within a period of 6 months immediately preceding the date of application for extension of Instrument Rating.

5. Privileges.—The privileges of the holder of an Instrument Rating shall be to fly under the Instrument Flying Rules the types of aeroplanes on which he has demonstrated his competency in accordance with clause (e) of paragraph 1.

SECTION H. ASSISTANT FLIGHT INSTRUCTOR'S RATING

(Aeroplanes)

1. Requirements for issue of rating.—An applicant for an Assistant Flight Instructor's Rating shall satisfy the following requirements:

(a) *Age.*—He shall be not less than 20 years of age on the date of application;

(b) *Knowledge.*—He shall pass an oral examination in the following subjects:

(i) *Air Regulations.*—including general flight rules, air traffic control practices and procedures and regulation concerning opera-

tion of aircraft; communication and navigation facilities, aerodromes, search and rescue; rules concerning air transit, customs and health.

(ii) *Air Navigation*.—elementary knowledge of theoretical and practical air navigation including knowledge and use of aeronautical maps and charts, simple projections, time, magnetism, compasses, navigational instruments, radio and radar aids, visual and D.R. navigation, plotting and flight planning.

(iii) *Aviation Meteorology*.—elementary aviation meteorology including significance of aerodrome meteorological observations and warnings; basic knowledge of aviation weather codes and plotings; elementary synoptic meteorology including simple interpretation of weather charts; elementary knowledge of Indian climatology and of meteorological procedures relating to aviation.

(iv) *Aircraft & Engines*.—including elementary knowledge of aerodynamics and theory of flight; general principles and elementary knowledge of design, construction, maintenance and operation of aircraft, engine and instruments; ancillary systems (e.g. fuel, hydraulic, etc.) and emergency system installation and equipment; basic knowledge of fuel and lubricants; loading of aircraft; weight distribution and its effect on flight characteristics; operating limitations and handling, care and preflight inspection.

NOTE.—The examination shall be conducted by a Board constituted and approved by the Director General.

(c) *Experience*.—He shall produce evidence of having satisfactorily completed as pilot of an aeroplane within a period of 5 years immediately preceding the date of application for this rating:

(i) not less than 300 hours of flight time as a Pilot-in-Command of aeroplane of which not less than 50 hours shall have been completed within a period of 12 months immediately preceding the date of application; and

(ii) not less than 10 hours flying training as an Instructor under an approved Flight Instructor;

(d) *Other requirements*.—He shall be holder of a current professional pilot licence;

(e) *Skill*.—He shall have demonstrated his competency as an Assistant Flight Instructor to the satisfaction of an Examiner by undergoing the following flying tests within a period of 6 months immediately preceding the date of application for this rating. The aircraft used for the test should be fitted with dual controls:

The Flying Tests shall include preflight briefing; preflight inspection and ground handling of aeroplanes, take-offs, climb and general flying; descent and glide; stalling, spinning and recovery; landings, emergency manoeuvres including simulated engine failure on take-offs and de-briefing;

For multi-engine Aeroplanes.—The test shall also include at maximum landing weight all manoeuvres used in normal flight with symmetric and asymmetric power: approach, landings and overshoot with one or more engines inoperative.

NOTE.—Stalling and spinning shall be carried out only on the types of aeroplanes approved and from the minimum altitude laid down by the Director General.

2. Validity.—The period of validity shall commence from the date of issue or renewal of this rating. This rating shall be valid for a period not exceeding 12 months from the date of the successful completion of the flying tests as laid down in clause (e) of paragraph 1, except when the flying tests are carried out during 30 days immediately preceding the date of expiry of the rating, the full period of validity may be allowed from the date of expiry.

3. Renewal.—The Assistant Flight Instructor's Rating may be renewed on receipt of evidence of the applicant having satisfactorily completed the flying tests as laid down in clause (e) of paragraph 1 within a period of 6 months immediately preceding the date of application for renewal.

4. Privileges.—Subject to the validity of endorsements and rating in his Pilot's licence of which this Assistant Instructor's Rating forms a part and also to any endorsement on this rating, the privileges of the holder of an Assistant Flight Instructor's Rating shall be to impart instructions during flight by day only and under the authority and supervision of a Flight Instructor, on all types of aeroplanes having all-up-weight not exceeding 1,500 kgs. and which are entered in the Aircraft Rating of his licence, provided that he shall not authorise any Student Pilot to undertake his first solo flight and shall not give instructions on aerobatics and night flying.

SECTION I. FLIGHT INSTRUCTOR'S RATING

(Aeroplanes)

1. Requirements for issue of rating.—An applicant for a Flight Instructor's Rating shall satisfy the following requirements:

(a) *Age.*—He shall be not less than 21 years of age on the date of application.

(b) *Knowledge.*—He shall pass a written and or oral examination in the following subjects:—

(i) *Air Regulations.*—including flight rules, air traffic control practices and procedures and regulations concerning operation of aircraft; search and rescue; rules concerning air-transit, customs and health; knowledge of aerodromes, flight information regions, control zones and airways, communications and navigational facilities, International Conventions of Air Navigation and international conferences and agreements.

(ii) *Air Navigation.*—Knowledge of theoretical and practical air navigation including knowledge of aeronautical maps and charts, projections, time, magnetism, compasses, navigational instruments, radio and radar aids, visual and D.R. navigation, plotting and flight planning, and elementary knowledge of astro-navigation.

(iii) *Aviation Meteorology.*—intermediate aviation meteorology with special emphasis on aviation hazards; knowledge of aviation weather codes and plotting; aircraft observation procedures; synoptic meteorology including simple analysis and interpretation of weather charts; elementary world climatology; detailed knowledge of Indian climatology and of meteorological procedures relating to aviation.

(iv) *Aircraft & Engines*.—including elementary knowledge of aerodynamics and theory of flight; general principles and elementary knowledge of design, construction, maintenance and operation of aircraft, engine and instrument; ancillary system (*e.g.* fuel, hydraulic, electrical, etc.) and emergency systems, installations and equipment; basic knowledge of fuel and lubricants; loading of aircraft and weight distribution and its effect on flight characteristics; operating limitation and handling, care and pre-flight inspection. The examination shall also include questions pertaining to the class and the type of aeroplane for which an aircraft rating is desired if the all-up-weight of the aeroplane is in excess of 5,700 kgs.

(v) *Signals (Practical)*.—transmission and interpretation of aural and visual signals.

(iv) *Seamanship*.—Important abbreviations used in Admiralty charts, Regulations for preventing collisions at sea; lights to be carried by ships and seaplanes; Uniform system of Buoyage; A general knowledge of Tides; Meaning of High Water (HW), Low Water (LW), Mean High Water Springs (MHWS), Mean High Water Neaps (MHWN) and chart Datum applicable to aircraft rating to include amphibians and seaplanes.

NOTE.—The oral examination shall be conducted by a board constituted and approved by the Director General.

(c) *Experience*.—He shall produce evidence of having satisfactorily completed within a period of 5 years immediately preceding the date of the application for this rating:

(i) not less than 500 hours of flight time as Pilot-in-Command of an aeroplane including not less than (a) 20 hours by night during which at least 20 take-offs and 20 landings have been carried out. (b) 100 hours of flight time satisfactorily completed in the capacity of an Assistant Flight Instructor;

(ii) an approved Flight Instructor's Course.

(d) *Other Requirements*.—He shall be—

(i) the holder of current professional pilot's licence;

(ii) the holder of a current Instrument Rating.

(e) *Skill*.—He shall have demonstrated his competency as a Flight Instructor to the satisfaction of an Approved Examiner by undergoing satisfactorily the following flying tests, by day and by night, within a period of 6 months immediately preceding the date of the application for this rating. The aircraft used for the test shall be fitted with dual controls:

(i) *General Flying Test by Day*.—shall include preflight briefing; preflight inspection and ground handling of aeroplane; take-offs, climb and general flying; manoeuvres at slow speed, steep turns; descent and glide; stalling, spinning and recovery; landings; emergency manoeuvres including simulated engine failure on take-offs and debriefing:

For Multi-engine Aeroplanes.—The test shall also include at maximum landing weight all manoeuvres used in normal flight with symmetric and asymmetric power: approach, landings and overshoot with one or more engines inoperative.

NOTE.—Stalling and spinning shall be carried out only on the types of aeroplanes approved and from the minimum altitude laid down by the Director General.

(ii) *General Flying Test by Night*.—shall include preflight briefing, takeoffs, landings, general flying, emergencies and debriefing, etc.;

For Multi-engine Aeroplanes—the test shall also include at maximum landing weight all manoeuvres used in normal flight including use of asymmetric power; landing and overshoot with one or more engines inoperative.

2. Validity.—The period of validity shall commence from the date of issue or renewal of this rating. The rating shall be valid for a period not exceeding 12 months from the date of medical examination undergone for issue or renewal of the Pilot's license in which this rating is entered, except when the said medical examination is completed during 30 days immediately preceding the date of expiry of the rating, full period of validity may be allowed from the date of expiry.

3. Renewal.—The Flight Instructor's Rating may be renewed on receipt of satisfactory evidence of the applicant—

(a) having undergone a medical examination in accordance with the renewal requirements of the licence on which this rating is entered;

(b) having satisfactorily completed not less than 20 hours of flight time as a Flight Instructor within a period of 12 months immediately preceding the date of application for renewal or in lieu thereof; having satisfactorily completed the flying tests as laid down in clause (e) of paragraph 1 within a period of 6 months immediately preceding the date of application for renewal.

4. Aircraft Rating.—The rating shall indicate the class and the types of aeroplanes on which the holder is entitled to impart instructions.

5. Extension of Aircraft Rating.—For extension of aircraft rating to include additional types of aeroplanes having an all-up-weight exceeding 5,700 kgs., the applicant shall be required to produce evidence of:

(i) having obtained appropriate aircraft rating for that type on his professional pilot's licence;

(ii) having satisfactorily completed not less than 500 hours of flight time as Pilot-in-Command; and

(iii) having satisfactorily completed the flying tests as laid down in clause (e) of paragraph 1 on the type desired to be included in this rating.

NOTE.—Requirements mentioned in clauses (ii) and (iii) may be varied by the Director General under special circumstances in the case of an experienced Flight Instructor who has successfully completed any special course approved by the Director General.

6. Privileges.—Subject to the validity of endorsements and ratings in Pilot's licence of which this Flight Instructor's rating forms a part and also any endorsement on this rating, the privileges of the holder of a Flight Instructor's Rating shall be—

(i) to impart flying instructions on any aeroplane having an all-up-weight not exceeding 5,700 kgs. and which is entered in

the aircraft rating of his licence and also on any aeroplane having an all-up-weight exceeding 5,700 kgs. and which is entered in his instructor's rating;

(ii) to supervise and authorise Solo flights by student pilots and supervise flying instructions imparted by Assistant Flight Instructors.

SECTION J. GLIDER PILOT'S LICENCE

1. Requirements for issue of licence.—An applicant for a Glider Pilot's licence shall satisfy the following requirements:

(a) *Age*.—He shall be not less than 16 years of age on the date of application;

(b) *Medical Fitness*.—He shall produce on a prescribed proforma a certificate of physical fitness from a registered medical practitioner after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General under Rule 39B;

(c) *Knowledge*.—He shall pass an oral examination in the following subjects:

(i) *Air Regulations*.—including flight rules and air traffic control practices and procedures and regulations concerning operation of glider;

(ii) *Air Navigation*.—elementary principles including elementary knowledge and use of aeronautical maps and charts, time, magnetism, compasses, navigational instruments fitted in gliders and visual navigation;

(iii) *Aviation Meteorology*.—elementary aviation meteorology including significance of aerodrome meteorological observations and warnings; elementary knowledge in reading meteorological charts and of meteorological procedures relating to cross-country flights; salient features of Indian climatology;

(iv) *Aircraft & Instruments*.—including knowledge of aerodynamics and theory of flight; aircraft instruments; operating limitations, handling, care and preflight. The examination shall also include questions pertaining to the particular type of glider.

NOTE.—The examination shall be conducted by a Board constituted and approved by the Director General.

(d) *Experience*.—He shall produce evidence of having satisfactorily completed as pilot of a glider not less than 10 hours of flight time of which not less than 5 hours shall be of solo flight time and not less than 75 take-offs and landings of which not less than 25 solo take-offs and landings in a glider shall have been completed within a period of 6 months immediately preceding the date of application for licence;

(e) *Skill*.—He shall have demonstrated his competency to the satisfaction of the Examiner by undergoing the following flying tests on the type of glider to which the application for licence relates and within a period of 6 months immediately preceding the date of application:

The Flying Tests shall include a preflight inspection, checks and ground handling of a glider take-off, climb release of cable, turns, stalling, spinning and recovery; soaring landing and emergencies.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the licence. The licence shall be valid for a period not exceeding 24 months from the date of medical examination, if the applicant is below 38 years of age and not exceeding 12 months from the date of successful medical examination, if the applicant is 38 years of age or above except when an applicant is medically examined for the renewal of his licence during 30 days immediately preceding the date of expiry of the licence, full period of validity, as applicable, may be allowed from the date of expiry.

3. Renewal.—The licence may be renewed on receipt of satisfactory evidence of the applicant—

(a) having undergone a medical examination in accordance with clause (b) of paragraph 1;

(b) having satisfactorily completed not less than 3 hours of flight time or 20 take-offs and landings as Pilot-in-Command of a glider within a period of 6 months immediately preceding the date of application for renewal or in lieu thereof having satisfactorily completed the flying tests as laid down in clause (e) of paragraph 1 within the same period.

4. Ratings.—

(a) *Aircraft Rating.*—The licence shall indicate the type of gliders the holder is entitled to fly. An open rating to fly all gliders having an all-up weight not exceeding 600 kgs. may also be granted to a glider pilot who has satisfactorily completed on a glider not less than 50 hours of flight as Pilot-in-Command in free flight including not less than 200 take-offs and landings as sole manipulator of the controls;

(b) *Aero-tow Rating.*—Aero-tow Rating entitles the holder to carry passengers in gliders in aero-tow flights. An Aero-tow Rating may be given if a glider pilot has satisfactorily completed in a glider not less than 10 aero-tow flights, of a total duration of not less than 2 hours as pilot of a glider provided that no solo aero-tow flights are undertaken, unless at least 5 dual aero-tow flights have been carried out with a qualified Instructor on board and a satisfactory report obtained;

(c) *Instructor's Rating.*—Instructor's Rating entitles the holder to impart instructions on gliders. Conditions for issue of this rating are laid down in Section L.

5. Extension of Aircraft Rating.—For extension of Aircraft Rating to include an additional type of glider, the applicant shall be required to produce evidence of having satisfactorily carried out on that type of glider not less than 3 take-offs and landings as Pilot-in-Command and as sole manipulator of the controls; having passed an oral examination in aircraft and instruments as mentioned in clause (c) of paragraph 1 and having satisfactorily completed the flying tests as laid down in clause (e) of paragraph 1 in respect of the types of the glider for which the Aircraft Rating is desired. The flying test shall have been completed within a period of 6 months immediately preceding the date of application for extension of the Aircraft Rating.

6. Privileges.—Subject to the validity of endorsements and ratings in the licence, the privileges of the holder of a Glider Pilot's licence shall be to act as Pilot-in-Command of any glider and to carry passengers therein, under Visual Flight Rules provided that for all aero-tow flights he shall hold an Aero-Tow Rating.

Notes:

1. The privileges granted under this section shall be exercised only when the method of launching is any one of the following:

Winch-launching,
Auto-launching, or
Launching by aero-tow.

2. If any unconventional method of launching, such as rockets, catapults, etc., is adopted, the privilege to fly in command and to carry passengers shall be exercised only after he has completed an approved course of training and a flying test to the satisfaction of the Director General.

SECTION K. FLIGHT INSTRUCTORS RATING

(Glanders)

1. Requirements for issue of Rating.—An applicant for a Flight Instructor's Rating on Glider Pilot's licence shall satisfy the following requirements:

(a) *Age*.—He shall be not less than 19 years of age on the date of application;

(b) *Knowledge*.—He shall pass a written and/or oral examination in the following subjects—

(i) *Air Regulations*.—including general flight rules, air traffic control practices and procedures and regulations concerning operation of gliders;

(ii) *Air Navigation*.—elementary principles including elementary knowledge and use of aeronautical maps and charts; time, magnetism, compasses, navigational instruments fitted in gliders; and the principle of triangle of velocities and visual navigation;

(iii) *Aviation Meteorology*.—elementary aviation meteorology including significance of aerodrome meteorological observations and warnings; basic knowledge of aviation weather codes and plotting; elementary synoptic meteorology including simple interpretation of weather charts; elementary knowledge of Indian climatology and of meteorological procedure relating to aviation;

(iv) *Aircraft & Instruments*.—including knowledge of aerodynamics and theory of flight, general principles and elementary knowledge of design, construction, maintenance and operation of gliders; operating limitations; handling, care and pre-flight inspection;

(c) *Experience*.—He shall produce evidence of having satisfactorily completed as a pilot of a glider—

(i) not less than 50 hours of flight time as Pilot-in-Command including not less than 250 take-offs and landings provided that a person who has satisfactorily completed not less than 200 hours of flight time as Pilot-in-Command on an aeroplane shall be required to complete on a glider not less than 20 hours of flight time as Pilot-in-Command including not less than 100 take-offs and landings;

(ii) not less than 2 solo flights of not less than 2 hours duration each;

(iii) not less than 1 solo triangular cross-country flight of not less than 30 nautical miles distance in which no side of the triangle is less than 10 nautical miles;

(d) *Other Requirements*.—He shall have:

(i) An Aero-tow Rating;

(ii) Satisfactorily completed a Glider Instructor's Course approved by the Director General;

(e) *Skill*.—He shall demonstrate his competency as a Glider Pilot Instructor to the satisfaction of an Examiner by undergoing the following flying tests by day within a period of 6 months immediately preceding the date of application for the rating:

The Flying Tests.—Shall include preflight briefing, preflight inspection, checks and ground handling of gliders, take-offs, climb and general flying; descent and glide; stalling, spinning and recovery, soaring landings, emergency manoeuvres and debriefing.

2. Validity.—The period of validity shall commence from the date of issue or renewal of Instructor's Rating. The Rating shall be valid for a period not exceeding 12 months.

3. Renewal.—The Instructor's Rating may be renewed on receipt of evidence of the applicant having satisfactorily completed on a glider not less than 10 hours of flight time as an Instructor within a period of 12 months immediately preceding the date of application for renewal or in lieu thereof having satisfactorily completed the flying tests as laid down in clause (e) of paragraph 1 within the same period.

4. Privileges.—Subject to the validity of endorsements and ratings in the Glider Pilot's licence, the privileges of the holder of an Instructor's Rating shall be—

(a) to impart flying instructions on all gliders entered in the aircraft rating of the Glider Pilot's licence;

(b) to supervise and authorise solo flights by student Glider Pilots.

SECTION L. PRIVATE HELICOPTER PILOT'S LICENCE

1. Requirements for issue of licence.—An applicant for a Private Helicopter Pilot's licence shall satisfy the following requirements—

(a) *Age*.—He shall be not less than 17 years of age on the date of application;

(b) *Medical Fitness*.—He shall produce on a prescribed proforma a certificate of physical fitness from a registered medical practitioner after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General under Rule 39B;

(c) *Knowledge*.—He shall pass a written examination in the following subjects—

(i) *Air Regulations*—including flight rules, air traffic control practices and procedures and regulations concerning operation of aircraft;

(ii) *Air Navigation*—elementary principles including elementary knowledge and use of aeronautical maps and charts, time, magnetic compasses, simple navigational instruments, radio aids, visual and D.R. Navigation and simple flight planning;

(iii) *Aviation Meteorology*—elementary aviation, meteorology including significance of aerodrome meteorological observations and warnings; elementary knowledge in reading meteorological charts and of meteorological procedures relating to cross-country flights; salient features of Indian climatology;

(iv) *Aircraft and Engines*—including elementary knowledge of aerodynamics and theory of flight with particular reference to rotary wing aircraft, engines instruments and handling, care and preflight inspection. The examination shall also include questions pertaining to the class and the type of helicopter for which an aircraft rating is desired.

(v) *Seamanship*—important abbreviations used in Admiralty charts; Regulations for preventing collisions at sea; lights to be carried by ships and seaplanes; Uniform system of Buoyage; Meaning of High Water (HW), Low Water (LW), Mean High Water Springs (MHWS), Mean High Water Neaps (MHWN), Mean Low Water Springs (MLWS), Mean Low Water Neaps (MLWN) and chart datum applicable only to aircraft ratings to include amphibians and seaplanes;

(d) *Experience*.—He shall produce evidence of having satisfactorily completed as a pilot on a helicopter not less than 40 hours of flight time, dual and solo which shall include—

(i) not less than 15 hours of solo flight time, of which not less than 10 hours shall have been completed within a period of 12 months immediately preceding the date of application;

(ii) not less than 5 hours of cross-country flight time as the sole occupant of helicopter, including a round-trip flight to an aerodrome not less than 25 nautical miles distance from the point of departure and including a landing at the aerodrome. This flight time may be included in the flight time required under sub-clause (i) :

Provided that a person who has satisfactorily completed not less than 300 hours of flight time as Pilot-in-Command of an aeroplane shall be required to complete on a helicopter not less than 20 hours of total flight time, dual and solo which shall include not less than 10 hours of solo flight time completed within a period of 12 months immediately preceding the date of application for a licence;

(e) *Skill*.—He shall have demonstrated his competency to the satisfaction of the Examiner by undergoing the following flying tests by day on the type of helicopter to which the application for licence relates and within a period not exceeding 6 months immediately preceding the date of application :

The Flying Tests shall include preflight inspection, ground handling, take-offs, circuits and landing patterns, general flying turns, hovering, etc.; all normal and emergency manoeuvres appropriate to the type of helicopter used.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the licence. The licence shall be valid for a period not exceeding 24 months from the date of medical examination, if

the applicant is below 38 years of age and not exceeding 12 months from the date of successful medical examination, if the applicant is 38 years of age or above except when an applicant is medically examined for the renewal of his licence during 30 days immediately preceding the date of expiry of the licence, full period of validity, as applicable, may be allowed from the date of expiry.

3. Renewal.—The licence may be renewed on receipt of satisfactory evidence of the applicant—

(a) having undergone a medical examination in accordance with clause (b) of paragraph 1;

(b) having satisfactorily completed not less than 5 hours of flight time as Pilot-in-Command of a helicopter within a period of 6 months immediately preceding the date of application for renewal or in lieu thereof having satisfactorily completed the flying tests as laid down in clause (e) of paragraph 1 within the same period.

4. Ratings:

(a) *Aircraft rating.*—The licence shall indicate the class and the types of helicopter the holder is entitled to fly;

(b) *Night Rating.*—Night Rating entitles the holder to carry passengers at night. Conditions for the issue of this rating are as follows—

(i) He must have completed not less than 50 hours of flight time as Pilot-in-Command of a helicopter and as sole manipulator of the controls, including not less than 10 take-offs and 10 landing patterns by night within a period of 6 months immediately preceding the date of application;

(ii) He must have completed not less than 5 hours of dual instructions in night flying.

NOTE.—Night rating is valid only when the holder has within a period of 6 months immediately preceding the intended flight carried out 5 take-offs and 5 landing patterns by night as Pilot-in-Command of a helicopter.

5. Extension of Aircraft Rating.—For extension of the Aircraft Rating to include an additional type of helicopter, an applicant shall be required to produce evidence of having passed a written examination in aircraft and engines as mentioned in clause (c) of paragraph 1 and having satisfactorily completed the flying tests as laid down in clause (e) of that paragraph on the type of helicopter for which extension of aircraft rating is desired. The flying test shall have been completed within a period of 6 months immediately preceding the date of application for extension of the aircraft rating.

6. Privileges.—Subject to the validity of endorsements and ratings in the licence, the privileges of the holder of a Private Helicopter Pilot's licence shall be to act, but not for remuneration as Pilot-in-Command or as a Co-Pilot of any helicopter which is entered in the aircraft rating of his licence and carry passengers therein:

Provided that no flight is undertaken for hire or remuneration of any kind whatsoever:

Provided further that passengers are carried by night only with a valid night rating:

Provided further that all flights are undertaken under Visual Flight Rules.

SECTION M. COMMERCIAL HELICOPTER PILOT'S LICENCE

1. Requirements for issue of licence.—An applicant for a Commercial Helicopter Pilot's licence shall satisfy the following requirements—

(a) *Age*.—He shall be not less than 18 years of age on the date of application;

(b) *Medical Fitness*.—He shall produce on a prescribed proforma a certificate of physical fitness from an approved Medical Board after under-going a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General under Rule 39B;

(c) *Knowledge*.—He shall pass a written examination in the following subjects—

(i) *Air Regulations*.—including general flight rules, air traffic control practices and procedures and regulations concerning operation of aircraft; Knowledge of communication and navigation facilities; aerodromes, search and rescue; rules concerning air transit, customs and health;

(ii) *Air Navigation*.—elementary knowledge of theoretical and practical air navigation including knowledge and use of aeronautical maps and charts, simple projections, time, magnetism, compasses, navigational instruments, radio and radar aids, visual and D.R. navigation, plotting and flight planning;

(iii) *Aviation Meteorology*.—elementary aviation meteorology including significance of aerodrome meteorological observations and warnings, basic knowledge of aviation weather codes and plotting; elementary synoptic meteorology including simple interpretation of weather charts; elementary knowledge of Indian climatology and of meteorological procedures relating to aviation;

(iv) *Aircraft and Engines*.—including elementary knowledge of aerodynamics and theory of flight with particular reference to rotary wing aircraft, general principles and elementary knowledge of design construction, maintenance and operation of aircraft, engine and instruments; ancillary systems (*e.g.* fuel, hydraulic, etc.) and emergency systems, installation and equipment; basic knowledge of fuel and lubricants; loading of aircraft, weight distribution and its effect on flight characteristics; operating limitations, handling, care and pre-flight inspection. The examination shall also include questions pertaining to the class and the type of helicopter for which a helicopter rating is desired.

(v) *Signals (Practical)*.—transmission and interpretation of aural and visual signals;

(vi) *Seamanship*.—important abbreviations used in Admiralty charts, Regulations for preventing collisions at sea; lights to be carried by ships and seaplanes; Uniform system of Buoyage; A general knowledge of Tides; Meaning of High Water (HW), Low Water (LW), Mean High Water Springs (MHWS), Mean High Water Neaps (MHWN),

Mean Low Water Springs (MLWS), Mean Low Water Neaps (MLWN) and chart Datum applicable to aircraft rating to include amphibians and seaplanes;

(d) *Experience*.—He shall produce evidence of having satisfactorily completed as a pilot of a helicopter not less than 100 hours of flight time which shall include—

(i) not less than 50 hours of flight time as Pilot-in-Command of a helicopter;

(ii) not less than 10 hours of cross-country flight time as Pilot-in-Command of a helicopter;

(iii) not less than 10 hours of flight time as Pilot-in-Command of a helicopter within a period of 6 months immediately preceding the date of application for licence; out of which not less than five hours of flight time by night as Pilot-in-Command of a helicopter which shall include not less than ten take-offs and ten landing patterns by night;

Provided that a person who is the holder of professional pilot's licence and who has satisfactorily completed not less than 500 hours of flight time as Pilot-in-Command in an aeroplane shall be required to complete on a helicopter not less than 30 hours of flight time dual and solo, including not less than 20 hours of flight time, as Pilot-in-Command which shall include not less than 5 hours of cross-country flight time not less than 10 take-offs and 10 landing patterns by night and not less than 5 hours of flight time within a period of 6 months immediately preceding the date of application for licence;

(e) *Skill*.—He shall have demonstrated his competency to the satisfaction of an Examiner by undergoing the following flying tests by day and by night on the type of helicopter to which an application for licence relates within a period of six months immediately preceding the date of such application:

The Flying Tests.—shall include preflight inspection, ground handling, take-offs, circuits and landing patterns, general flying turns, hovering, etc., all normal and emergency manoeuvres appropriate to the type of helicopter used.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the licence. The licence shall be valid for a period not exceeding 12 months from the date of medical examination if the applicant is below 38 years of age and not exceeding 6 months from the date of successful medical examination if the applicant is 38 years of age and above, except when an applicant is medically examined for the renewal of his licence during 30 days immediately preceding the date of expiry of the licence, full period of validity, as applicable may be allowed from the date of expiry.

3. Renewal.—The licence may be renewed on receipt of satisfactory evidence of the applicant:

(a) having undergone a medical examination in accordance with clause (b) of paragraph 1;

(b) having satisfactorily completed not less than 5 hours of flight time as Pilot-in-Command of a helicopter within a period of 6 months immediately preceding the date of application for renewal or in lieu thereof having satisfactorily completed the

flying tests as laid down in clause (e) of paragraph 1 within the same period.

4. Ratings:

(a) *Aircraft Rating*.—The licence shall indicate the class and the types of helicopters the holder is entitled to fly.

(b) *Instructor's Rating*.—Instructor's Rating entitles the holder to impart flying instruction on types of helicopter entered in the rating. Conditions for the issue of this rating are as follows—

(i) He must have completed not less than 200 hours of flight time as Pilot-in-Command of a helicopter including not less than 20 hours of flight time by night; and

(ii) He must have undergone an approved course of training if required by the Director General.

5. **Extension of Aircraft Rating**.—For extension of the aircraft rating to include an additional type of helicopter, an applicant shall be required to produce evidence of having passed a written examination in aircraft and engines as mentioned in clause (c) of paragraph 1 and having satisfactorily completed the flying tests as laid down in clause (e) of paragraph 1 in respect of the type of helicopter for which the aircraft rating is desired. The flying test shall have been completed within a period of 6 months immediately preceding the date of application for extension of the aircraft rating.

6. **Privileges**.—Subject to the validity of endorsements and ratings in the licences, the privileges of the holder of a Commercial Helicopter Pilot's licence, shall be to act as Pilot-in-Command or Co-pilot of any helicopter which is entered in the aircraft rating of his licence:

Provided that when passengers are to be carried at night, he shall have carried out within a period of 6 months immediately preceding the intended flight not less than 5 take-offs and 5 landing patterns by night as Pilot-in-Command of a helicopter.

Provided further that he shall not fly under Instrument Flight Rules.

Provided further that he shall have undergone satisfactorily appropriate proficiency checks within the preceding 6 months of any intended flight carrying passengers in respect of such types of helicopters entered in the aircraft rating of his license and specified by the Director General.

SECTION N. STUDENT NAVIGATOR'S LICENCE

1. **Requirements for Issue of Licence**.—An applicant for a Student Navigator's License shall satisfy the following requirements—

(a) *Age*.—He shall be not less than 20 years of age on the date of application;

(b) *Medical Fitness*.—He shall produce on a prescribed proforma a certificate of physical fitness from an approved Medical Board after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General under Rule 39B;

(c) *Knowledge*.—He shall pass a written examination with oral and practical tests in the following subjects—

(i) *Air Regulations*.—including general flight rules, air traffic control practices and procedures and regulations concerning operation of aircraft: search and rescue, rules concerning air-transit, customs and health; knowledge of aerodromes, flight information regions, control zones, airways, communication and navigational facilities; International Conventions of Air Navigation and international conferences and agreements.

(ii) *Air Navigation*.—including the form of the Earth, Maps and Charts—Definitions, units and formulae used in air navigation: projections, aeronautical maps and charts—their construction, properties and use;

Flight Navigation.—preflight planning and en route flight planning: keeping of navigation log, navigation by dead reckoning, by use of aeronautical maps by radio/radar and celestial observations; methods of pressure pattern navigation, grid navigation and navigation in higher latitudes and polar regions, tides and searches;

Instruments.—Magnetism: principles of construction and operation including calibration and use of instruments and compasses and the errors to which they are subject and where applicable the methods of correction;

Radio/Radar.—Knowledge and use of facilities, equipment and installations including procedures in current use for air navigation;

Astronomical Navigation.—Celestial sphere, definitions, movement of heavenly bodies and their selection and identification for the purpose of observation and reduction of sights; Use of aeronautical tables and air almanacs; Use of astro-navigation instruments and their errors;

(iii) *Aviation Meteorology*.—intermediate aviation meteorology with special emphasis on atmospheric pressure, density, altimetry and upper wind circulations; knowledge of aviation weather codes and plotting; aircraft observation procedures: synoptic meteorology including simple analysis and interpretation of weather charts; principles of aerologation; elementary world climatology; detailed knowledge of Indian climatology and of meteorological procedures relating to aviation.

(iv) *Signals (Practical)*.—transmission and interpretation of aural and visual signals.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the licence. The Licence shall be valid for a period not exceeding 12 months from the date of a medical examination, except when a candidate has been medically examined during 30 days immediately preceding the date of expiry of the licence, full period of validity may be allowed from the date of expiry. The total period of validity in any case shall not exceed 24 months from the date of commencement of the examination referred to in clause (c) or paragraph 1.

3. Renewal.—The Licence may be renewed on receipt of satisfactory evidence of the applicant having undergone a medical examination in accordance with clause (b) of paragraph 1 and subject to satisfactory exercise of privileges.

4. Privileges.—The privileges of the holder of a Student Navigator's Licence shall be to act as a Navigator on any flight, where a flight navigator is required to be carried in accordance with rule 38A provided that he shall so act at all times under the direct supervision of a licensed Flight Navigator and solely for the purposes of gaining practical experience in navigation to qualify for a Flight Navigator's Licence.

SECTION O. FLIGHT NAVIGATOR'S LICENCE

1. Requirements for issue of licence.—An applicant for a Flight Navigator's Licence shall satisfy the following requirements—

(a) *Age.*—He shall be not less than 21 years of age on the date of application;

(b) *Medical Fitness.*—He shall produce on a prescribed proforma a certificate of physical fitness from an approved Medical Board, after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements, as notified by the Director General under rule 39B;

(c) *Knowledge.*—He shall pass a written examination with oral practical tests in the following subjects—

(i) *Air Regulations.*—including general flight rules, air traffic control practices and procedures and regulations concerning operation of aircraft, search and rescue, rules concerning air-transit, customs and health; knowledge of aerodromes, flight information regions, control zones, airways, communication and navigational facilities; international Conventions of Air Navigation and international conferences and agreements;

(ii) *Air Navigation.*—including

The Form of the Earth, Maps and Charts.—Definitions, units and formulae used in air navigation; projections, aeronautical maps and charts—their construction, properties and use;

Flight Navigation.—Preflight planning and *en route* flight planning; keeping of navigation log; navigation by dead reckoning, by use of aeronautical maps, by radio/radar and celestial observations; methods of pressure pattern navigation, grid navigation and navigation in higher latitudes and polar regions; tides and searches;

Instruments.—Magnetism; principles of construction and operation including calibration and use of instruments and compasses and the errors to which they are subject and where applicable the methods of correction;

Radio/Radar.—Knowledge and use of facilities, equipment and installations including procedures in current use for air navigation;

Astronomical Navigation.—Celestial sphere, definitions, movement of heavenly bodies and their selection and identification for the purpose of observation and reduction of sights; Use of aeronautical tables and air almanacs; Use of astro-navigation instruments and their errors;

(iii) *Aviation Meteorology*.—intermediate aviation meteorology with special emphasis on atmospheric pressure density, altimetry and upper wind circulations; knowledge of aviation weather codes and plotting; aircraft observation procedures, synoptic meteorology including simple analysis and interpretation of weather charts; principles of aerologation; elementary world climatology; detailed knowledge of Indian climatology and of meteorological procedures relating to aviation;

(iv) *Signals (Practical)*.—transmission and interpretation of aural and visual signals;

(d) *Experience*.—He shall produce evidence of having satisfactorily completed within a period of 2 years immediately preceding the date of application the following air navigation experience as a Navigator—

(i) not less than 200 hours of cross-country flight time of which not less than 100 hours including 50 hours by night shall have been completed on flights of not less than 1,000 nautical miles without landing or of at least 5 hours duration each during which he shall have navigated an aircraft by the use of dead reckoning, radio bearing and such other aids as may be available to him and shall have made 50 astronomical observations of heavenly bodies including not less than 25 by night and that he shall have appropriately and satisfactorily used the results of those observations in navigating an aircraft. Out of this flight time of 100 hours, not less than 50 hours including not less than 15 hours by night shall have been completed and out of these 50 astronomical observations, not less than 15 by day and 10 by night shall have been made within a period of 12 months immediately preceding the date of application for licence;

(ii) the remainder of 200 hours as mentioned in sub-clause (i) shall have been completed on flights of not less than 3 hours duration each;

Provided that a pilot who has satisfactorily completed as a pilot-navigator on flights of not less than 3 hours duration each, at least 300 hours including not less than 50 hours by night shall not be required to produce evidence of experience required under this clause;

(e) *Skill*.—He shall demonstrate in flight by day and by night within a period of six months immediately preceding the date of application that he is competent to navigate an aircraft by dead reckoning, celestial and radio/radar observations.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the licence. The Licence may be valid for a period not exceeding 12 months from the date of a medical examination, except when a candidate has been medically examined during 30 days immediately preceding the date of expiry of the licence, full period of validity may be allowed from the date of the expiry.

3. Renewal.—The licence may be renewed on receipt of satisfactory evidence of applicant:

(a) having undergone a medical examination in accordance with clause (b) of paragraph 1;

(b) having completed as a Flight Navigator not less than 20 hours of flight time during which he shall have navigated an aircraft by the use of dead reckoning, radio bearings and such other aids as are available to him and shall have made 10 astronomical observations of heavenly bodies and having appropriately and satisfactorily used the results of those observations in navigating an aircraft within a period of 12 months immediately preceding the date of application for renewal, or in lieu thereof; having satisfactorily completed the tests as laid down in clause (c) of paragraph 1 within the same period.

4. Privileges.—The privileges of the holder of a Flight Navigator's licence shall be to act as a Flight Navigator on any flight where a Flight Navigator is required to be carried in accordance with rule 38A.

SECTION P. STUDENT FLIGHT ENGINEER'S LICENCE

1. Requirements for the issue of licence.—An applicant for a Student Flight Engineer's Licence shall satisfy the following requirements—

(a) *Age.*—He shall be not less than 21 years of age on the date of application;

(b) *Medical Fitness.*—He shall produce on a prescribed proforma a certificate of physical fitness from an approved Medical Board after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements as notified by the Director General under rule 39B;

(c) *Knowledge.*—He shall pass a written examination in the following subjects—

(i) *Regulations and Procedure.*—including rules, regulations and procedure in force so far as duties of Flight Engineers are concerned;

(ii) *Aircraft and Engines.*—including elementary knowledge of aerodynamics and theory of flight, general principles of construction, maintenance and functioning of airframes, power plants and installed equipment on aircraft (fuel hydraulic and electrical systems, etc.), normally requiring a Flight Engineer, type of fuel, refuelling procedure, preparation of reports illustrated by sketches if necessary describing replacement or repair required in the case of damage.

NOTE.—A candidate possessing AME's licence with appropriate aircraft rating may be exempted from the whole or part of the written examination at the discretion of the Director General.

(d) *Experience.*—He shall produce evidence of having satisfactorily completed:

a minimum of 3 years practical experience to the satisfaction of the Director General in maintenance and repair of aircraft and engines out of which 12 months shall have been in the maintenance and repair of multi-engine aircraft having engines rated at not less than 800 B.H.P. each; out of these 12 months, not less than 3 months shall have been spent on maintenance and repair of the type of aircraft which is desired to be included in the aircraft rating of his licence, within a

period of 2 years immediately preceding the date of application;

or

an approved course of training of at least two years duration in maintenance, repair and overhaul of aircraft and engines, out of which at least 6 months shall be in the maintenance and repair of multi-engine aircraft having engines rated at not less than 800 B.H.P. each; out of these 6 months not less than 3 months shall have been spent on maintenance and repair of the type of aircraft which is desired to be included in the aircraft rating of his licence within a period of 2 years immediately preceding the date of application;

or

not less than 200 hours of experience as Pilot-in-Command of a multi-engine aircraft with an all-up-weight of not less than 14,000 kgs, of any other multi-engine aircraft having a Flight Engineer's Station and in addition, he shall have spent not less than 3 months on maintenance and repair of the type of aircraft which is desired to be included in the aircraft rating of his licence within a period of two years immediately preceding the date of his application.

2. Validity.—The period of validity shall commence from the date of issue or renewal of the licence. The licence shall be valid for a period not exceeding 12 months from the date of medical examination.

3. Renewal.—Licence may be renewed for a period not exceeding 12 months from the date of a successful medical examination subject to the total validity of the licence not exceeding 24 months from the date of issue.

4. Aircraft Rating.—Licence shall indicate the types of aircraft on which the holder is entitled to fly in the capacity of a Student Flight Engineer.

5. Extension of Aircraft Rating.—For extension of the aircraft rating to include an additional type of aircraft an applicant shall be required to produce evidence of having passed a written examination in aircraft and engines as mentioned in clause (c) of paragraph 1 pertaining to the aircraft for which the extension of aircraft rating is desired and of having a minimum experience to the satisfaction of the Director General of not less than 3 months on maintenance and repair of the same type of aircraft during a period of 2 years immediately preceding the date of application.

6. Privileges.—Subject to the validity of endorsements and rating in the licence the privileges of the holder of a Student Flight Engineer's licence shall be to act as a Student Flight Engineer of any type of aircraft entered in aircraft rating of his licence, and which has at separate Flight Engineers' Station provided that—

(a) he shall so act at all times under the personal supervision of a Flight Engineer and solely for the purpose of gaining flight experience required for obtaining a Flight Engineers' licence;

(b) he shall not act as a Student Flight Engineer of a transport aircraft carrying passengers, unless he has satisfactorily completed a course of training for a minimum of 10 hours on local

training flights or non-passenger carrying flights during which he shall have carried out not less than 10 take-offs and 10 landings and he has been certified fit by an Examiner to operate as a Student Flight Engineer on the type of transport aircraft carrying passengers. Out of the 10 hours stipulated as training experience, not more than 5 hours shall be on an approved synthetic device. Landings carried out on synthetic device shall not count towards the 10 landings referred to above.

SECTION Q. FLIGHT ENGINEER'S LICENCE

1. Requirements for Issue of licence.—An applicant for a Flight Engineer's licence shall satisfy the following requirements:

(a) *Age*.—He shall be not less than 21 years of age on the date of application:

(b) *Medical Fitness*.—He shall produce on a prescribed proforma a certificate of physical fitness from an approved Medical Board after undergoing a medical examination during which he shall have established his medical fitness, on the basis of compliance with the requirements as notified by the Director General under Rule 39-B:

(c) *Knowledge*.—He shall pass a written examination in the following subjects:

(i) *Regulations and Procedure*.—Including rules, regulations and procedure in so far as the duties of flight engineers are concerned:

(ii) *Aircraft and Engines*.—Various terms and definitions used in the operation of aircraft, general knowledge of aircraft operation, detailed knowledge of manuals of the type of aircraft to which the application relates: methods of effecting in flight minor repairs, replacements and adjustments: aircraft performances with respect to speed limitations and the procedure to be followed in case of emergency particularly in the event of fire in air or power plant failure: flight planning based on loading and performance charts, fuel consumption and engine power curves, control of power output and mathematical computations involved: General knowledge of varying meteorological conditions and their effect on power-plant operation and aircraft loading and C.G. computations:

(d) *Experience*.—An applicant shall produce evidence of having completed within a period of 12 months immediately preceding the date of the application for licence 50 hours' of flying experience. Out of this flying experience not more than 10 hours shall have been obtained on an approved synthetic flight trainer:

(e) *Skill*.—He shall have demonstrated his competency as a Flight Engineer to the satisfaction of an Examiner by undergoing the following tests on the type of aircraft to which the application for licence relates within a period not exceeding 6 months immediately preceding the date of such application:

The flight tests shall include handling care and pre-flight inspection: practical knowledge of emergency procedures and the ability to take appropriate action in the event of engine failure occurring particularly on take-offs and landings.

2. Validity.—The period of validity shall commence from the date of issue or renewal of a licence. The licence shall be valid for a period not exceeding 12 months from the date of medical examination, except when an applicant has been medically examined during thirty days immediately preceding the date of expiry of the licence full period of validity may be allowed from the date of expiry.

3. Renewal.—The licence may be renewed on receipt of satisfactory evidence of an applicant :

(a) having undergone a successful medical examination in accordance with clause (b) of paragraph 1 above;

(b) having satisfactorily completed not less than 20 hours of flight time as a Flight Engineer within a period of 6 months immediately preceding the date of application for renewal or in lieu thereof; having completed flight tests as laid down in clause (c) of paragraph 1 within the same period.

4. Aircraft Rating.—The licence shall indicate the types of aeroplanes the holder is entitled to fly in the capacity of a Flight Engineer.

5. Extension of Aircraft Rating.—For extension of aircraft rating to include an additional type of aircraft, an applicant shall be required to produce evidence of—

(a) having completed to the satisfaction of the Director General, a minimum experience of not less than 3 months on maintenance and repair of aircraft desired to be included in the aircraft rating of the licence within a period of 2 years immediately preceding the date of application :

(b) having passed a written examination in aircraft and engines as mentioned in clause (c) of paragraph 1 :

(c) having successfully completed the flight tests as laid down in clause (e) of paragraph 1 in respect of the type of the aircraft for which the aircraft rating is desired within a period of 6 months immediately preceding the date of application for extension of Aircraft Rating.

6. Privileges.—Subject to the endorsements and ratings in the licence the privileges of the holder of a Flight Engineer's licence shall be to act as a Flight Engineer in any aircraft of a type specified in the Aircraft Rating of this licence.

SECTION R. FLIGHT RADIO TELEPHONE OPERATOR'S LICENCE

1. Requirements for issue of licence.—An applicant for a Flight Radio Telephone Operator's Licence shall satisfy the following requirements—

(a) *Age.*—He shall be not less than 18 years of age on the date of application :

(b) *Medical fitness.*—He shall produce on a prescribed pro forma a certificate of physical fitness from either a registered medical practitioner or an approved medical board after undergoing a medical examination during which he shall have established his medical fitness, on the basis of compliance with the requirements as notified by the Director General under rule 39-B;

(c) *Knowledge.*—

(i) *Technical Qualifications*.—He shall produce a valid Radio Telephone Operator's (Restricted or General) Certificate endorsed for Aeromobile Service issued or recognised by the Central Government under the Indian Wireless Telegraphy Rules, 1954;

(ii) *Other Requirement*.—He may be required to pass, at the discretion of the Director General a test to establish his knowledge of the current Aeromobile radio-telephone operating practices and procedures, standards and recommended practices pertaining to air traffic control communication as promulgated by the Director General from time to time.

(d) *Experience*.—He shall produce satisfactory evidence of having completed not less than 2 months satisfactory experience as a Flight Radio Telephone Operator and obtained at least 10 hours' experience in flight during the preceeding 12 months in an aircraft equipped with radio apparatus in accordance with rule 63;

Provided that an applicant who has not had the experience as required above may be granted a provisional licence for a period not exceeding one year in order to enable him to obtain the necessary experience;

Provided further that an applicant who is a licensed flight crew will not be required to produce evidence of experience.

(e) *Skill*.—He may, if so necessary, be subjected to a flight check as provided under rule 12(3) of the Indian Wireless Telegraphy Rules, 1954, to establish his competency as a Flight Radio Telephone Operator.

2. Validity.—The period of validity shall commence from the date of issue or renewal of licence. The licence shall be valid for a period not exceeding 12 months from the date of medical examination except where an applicant is medically examined during 30 days preceding the date of expiry of licence full period of validity may be allowed from the date of expiry subject to the validity of the Radio Telephone Operator's (Restricted or General) Certificate issued under the Indian Wireless Telegraphy Rules, 1954.

3. Renewal.—A licence will be renewed on production of satisfactory evidence of—

(a) having undergone a medical examination in accordance with clause (b) of paragraph 1;

(b) having a current Radio Telephone Operator's (Restricted or General) Certificate (Aeromobile Service) issued or recognised by the Central Government under the Indian Wireless Telegraphy Rules, 1954.

4. Privileges.—Subject to the endorsements in the licence, the privileges of the holder of a Flight Radio Telephone Operator's licence shall be to act as a Flight Radio Telephone Operator on any aircraft equipped with radio apparatus in accordance with rule 63, except that the holder of a provisional licence shall at all times operate under the supervision of a person holding a Flight Radio Operator's or Flight Radio Telephone Operator's licence.

SECTION S. FLIGHT RADIO OPERATOR'S LICENCE

1. Requirements for issue of licence.—An applicant for a Flight Radio Operator's Licence shall satisfy the following requirements—

(a) *Age*.—He shall be not less than 18 years of age on the date of application;

(b) *Medical fitness*.—He shall produce on a prescribed proforma a certificate of physical fitness from an approved medical board, after undergoing a medical examination during which he shall have established his medical fitness on the basis of compliance with the requirements, as notified by the Director General under Rule 39-B;

(c) *Knowledge*.—

(i) *Technical Qualifications*.—He shall produce a valid First Class Radio Telegraph Operator's Certificate endorsed for Aeromobile Service issued or recognised by the Central Government under the Indian Wireless Telegraphy Rules, 1954:

(ii) *Other Requirement*.—He may be required to pass, at the discretion of the Director General, a test to establish his knowledge of the current aeromobile radio telegraph/telephone operating practices and procedures, standards and recommended practices pertaining to air traffic control communication as promulgated by the Director General from time to time;

(d) *Experience*.—He shall produce satisfactory evidence of having completed not less than 4 months satisfactory experience as a Flight Radio Operator and obtained at least 25 hours' experience in flight during the preceding 12 months in an aircraft equipped with radio apparatus in accordance with Rule 63:

Provided that an applicant who has not had the experience as required may be granted a provisional licence for a period not exceeding one year in order to enable him to obtain the necessary experience:

(e) *Skill*.—He may, if so necessary, be subjected to a flight check as provided under rule 12(3) of the Indian Wireless Telegraphy Rules, 1954 to establish his competency as a Flight Radio Operator.

2. Validity.—The period of validity shall commence from the date of issue or renewal of licence. The licence shall be valid for a period not exceeding 12 months from the date of medical examination except where an applicant is medically examined during 30 days preceding the date of expiry of the licence, full period of validity may be allowed from the date of expiry subject to the validity of the First Class Radio Telegraph Operator's Certificate issued under the Indian Wireless Telegraphy Rules, 1954.

3. Renewal.—A licence will be renewed on production of satisfactory evidence of—

(a) having undergone a medical examination in accordance with clause (b) of paragraph 1:

(b) having a current First Class Radio Telegraph Operator's Certificate (Aeromobile Service) issued or recognised by the Central Government under the Indian Wireless Telegraphy Rules, 1954.

4. **Privileges.**—Subject to the endorsements in the licence, the privileges of the holder of a Flight Radio Operator's licence shall be to act as a Flight Radio Operator on any aircraft equipped with radio apparatus in accordance with Rule 63, except that the holder of a provisional licence shall at all times operate under the supervision of a person holding a Flight Radio Operator's licence.

20. In Schedule VI in the entry in the 2nd Column against S. No. 6 Log Books, for the figures "67", the following shall be substituted, namely—

"67, 67A".

[No. F. 10-A/67-61/AR/AM(6) :]

New Delhi, the 8th September 1962

G.S.R. 1239.—The Indian Aircraft Rules, 1937, have been revised to bring the rules pertaining to personnel licensing in India in line with the minimum standards prescribed in Annex 1 (Personnel Licensing) of the Convention on International Civil Aviation. Draft amendments to Indian Aircraft Rules were published in the Gazette of India dated the 16th July 1960. After giving due consideration to comments received thereon from interested persons and organisations the amendments have been finalised by the Government of India and are being published in the Gazette of India dated the 15th September 1962. Government have decided that these amended rules will be brought into force with effect from 8th September, 1962. From this date, all flight crew licences shall be issued in accordance with the revised rules.

2. (a) In exercise of the powers conferred by rule 160 of the Indian Aircraft Rules, 1937, the Central Government hereby exempts the holders of the various types of current aircrew licences, namely, Private Pilots' Licence, (A Licence), pilots' "A-1" Licence, Pilots' "B" Licence, Pilot Instructors' Licence, First Class Navigators' Licence, Second Class Navigators' License, Instrument Rating Certificate, Flight Engineers' Permit, Flight Radio Telephone operators' Licence, Flight Radio Operators' Licence, on the 7th September, for a period of 12 months *i.e.* upto the 7th September, 1963 from the relevant provisions of the Indian Aircraft Rules as amended [*vide* this Ministry's notification No. 10-A/67-61/AR/AN(6), dated 8th September 1962] to enable them to get their licences converted to the appropriate new flight crew licences, subject to the conditions specified in this notification.

(b) Glider pilots, pilot trainees or any other category of aircrew who, under the present rules, are not required to be in possession of a licence or are not governed by the present rules, are permitted to continue to operate as such upto 7th March, 1963.

3. Only current licences will be accepted for conversion and requests received for conversion after 7th September, 1963, will not be entertained. All the existing licences/rating/permit mentioned in para. 2 above will be invalid on or after 8th September, 1963.

4. Details of requirements in regard to examinations, flight tests, technical knowledge, etc., for conversion of the existing air crew licences/rating/permit to the appropriate new licences are prescribed in Appendix 'A' to this Notification.

5. Copies of syllabi for the supplementary examinations, where applicable can be obtained from the Director General of Civil Aviation, New Delhi.

6. The fees for the examination shall be as laid down in Appendix 'B.'

7. Requests for conversion of flight crew licences/rating/permit should be sent to the Director General of Civil Aviation, Talkatora Road, New Delhi, along with the necessary documents and certificates as given in Appendix 'A'.

[No. 10A/67-61 PLAR 1937(71).]

APPENDIX A

Conversion of existing aircrew licences to new licences under revised Indian Aircraft Rules

[All references to rules are to the Indian Aircraft Rules only, as revised—*vide* Government of India Notification No. 10-A/67-61/AR/AN (6), dated the 8th September, 1962.]

1. Issue of Private Pilot's Licence in exchange for Pilot's 'A' Licence.—The applicant shall submit the following documents and certificates:

- (a) His current Pilot's 'A' licence which will be cancelled;
- (b) A medical fitness certificate as required in accordance with Section C, Schedule II of Indian Aircraft Rules;
- (c) Result sheets showing that the applicant has passed a supplementary oral examination in the following subjects:

Supplementary Examination No. 1

- (i) Air Navigation
- (ii) Aviation Meteorology
- (iii) Aircraft & Engine (for aircraft Rating)
- (iv) Seamanship (if applicable).

The syllabus and standard of the examination will be in accordance with Section C of Schedule II of Indian Aircraft Rules.

NOTE.—Applicants who have passed relevant examinations for the issue of Pilot's 'A-1' or 'B' licence may be exempted from examination for items (i), (ii), and (iii), and those who have passed First or Second Class Navigator's licence examinations in the relevant subjects may be exempted from items (i) and (ii). Applicants having more than 75 hours of cross-country flying experience as a Pilot-in-Command may also be exempted from items (i) and (ii).

(d) A certificate of experience as required in Section C of Schedule II of Indian Aircraft Rules along with the applicant's log book duly certified;

(e) A treasury receipt for Rs. 5 towards fees;

(f) Three copies of recent unmounted photograph size 3×4 cms. of applicant's head (uncovered) and shoulders in front view.

The photographs should be signed on the reverse;

NOTE 1.—Aircraft rating will be issued only in respect of those aeroplanes endorsed on his Pilot's 'A' licence and which he has flown

as Pilot-in-Command within the preceding 12 months. Proof of having so flown an aircraft will have to be furnished;

2. All other requirements as applicable for issue of night rating and instrument rating will be in accordance with paras. 4(b) and (c) of Section C of Schedule II of Indian Aircraft Rules.

2. Issue of Commercial Pilot's licence in exchange for the Indian 'B' licence.—The applicant shall submit the following documents and certificates:

- (a) His current Pilot's 'B' licence, which will be cancelled;
- (b) His current certificate of competency as specified in para. 1(e) of Section D, Schedule II of Indian Aircraft Rules which will be returned;
- (c) Result sheets showing that the applicant has passed his supplementary oral and practical examination in the following subjects:

Supplementary Examination No. 2

- (i) Radio/Radar Aids.
- (ii) Signals (Practical)
- (iii) Seamanship (if applicable).

The syllabus and the standard of the examination will be in accordance with Section D of Schedule II of Indian Aircraft Rules.

(d) A certificate of experience as required in para. 1(d) of Section D of Schedule II of Indian Aircraft Rules along with applicant's log book duly certified;

(e) A treasury receipt for Rs. 10 towards the fees;

(f) Three copies of recent unmounted photograph size 3×4 cms. of applicant's head (uncovered) and shoulders in front view. The photographs should be signed on the reverse.

NOTE 1.—Aircraft Rating will be issued subject to the limit as stated in para. 6 of Section D of Schedule II of Indian Aircraft Rules for types which are endorsed on his 'B' licence and which have been flown by him as a Pilot-in-Command or a co-pilot during the preceding 12 months. Proof of having so flown an aircraft will have to be furnished;

2. All other requirements as applicable for issue of various ratings will be in accordance with para. 4 of Section D of Schedule II of Indian Aircraft Rules.

3. Issue of Senior Commercial Pilot's licence in exchange for the Indian Commercial Pilot's 'B' licence.—The applicant shall submit the following documents and certificates—

(a) His current Commercial Pilot's 'B' licence, which will be cancelled;

(b) His current certificate of competency as specified in para. 1(e) of Section E of Schedule II of Indian Aircraft Rules, which will be returned;

(c) (i) His Second Class Navigator's licence or result sheets showing his having passed in all subjects for the issue of such a licence within the preceding 2 years;

(ii) Result sheets showing that the applicant has passed a supplementary oral examination in the following subjects:

Supplementary Examination No. 3.

- (1) Radio-Radar Aids
- (2) Seamanship (if applicable)

NOTE.—Applicants who have passed only in some of the subjects for issue of Second Class Navigator's licence will be required to pass the remaining subjects in the regular examination for the issue of Senior Commercial Pilot's licence including the paper on Radio and Radar aids. The applicant should have passed all examinations including Second Class Navigator's licence subjects within the preceding 2 years.

(d) A certificate of experience as required in para. 1(d) of Section E of Schedule II of Indian Aircraft Rules along with the applicant's log book duly certified.

(e) A treasury receipt for Rs. 10 towards fees;

(f) Three copies of recent unmounted photograph size 3×4 cms. of applicant's head (uncovered) and shoulders in front view. The photographs should be signed on the reverse.

NOTE 1.—Aircraft rating will only be issued subject to the limits as stated in para. 6 of Section E of Schedule II of Indian Aircraft Rules for types which are endorsed on his 'B' licence and which have been flown by him as a Pilot-in-Command or a co-pilot during the preceding 12 months. Proof of having so flown an aircraft will have to be furnished;

2. All other requirements as applicable for issue of various ratings will be in accordance with para. 4 of Section E of Schedule II of Indian Aircraft Rules.

4. Issue of Airlines Transport Pilot's licence in exchange for the Indian Pilot's 'B' Licence.—The applicant shall submit the following documents and certificates:

- (a) His current Pilot's 'B' Licence, which will be cancelled;
- (b) His current certificate of competency as specified in para. 1(e) of Section F of Schedule II of Indian Aircraft Rules which will be returned;
- (c) His current Instrument Rating Certificate, which will be cancelled;
- (d) (i) His Second Class Navigator's Licence or result sheets showing his having passed in all the subjects for issue of such a licence within the preceding 2 years;
- (ii) Result sheets showing that the applicant have passed the supplementary examination in the following subjects.

Supplementary Examination No. 4

- (1) Radio/Radar Aids
- (2) Flight Operations—including:
 - Celestial Navigation
 - Navigation in high latitudes
 - Grid Navigation
 - Pressure pattern flying
 - Flight Navigation
- (3) Seamanship (if applicable).

NOTE.—Applicants who have passed only in some of the subjects for issue of Second Class Navigator's Licence will be required to pass in

the remaining subjects in the regular examination for issue of Airline Transport Pilot's Licence, including the paper on Radio and Radar aids. The applicant should have passed all examinations including Second Class Navigator's Licence subjects within the preceding 2 years.

(e) A certificate of experience as required in para. 1(d) of Section F of Schedule II of Indian Aircraft Rules along with the applicant's log book duly certified;

(f) A treasury receipt for Rs. 10 towards fees;

(g) Three copies of recent unmounted photograph size 3×4 cms. of applicant's head (uncovered) and shoulders in front view. The photographs should be signed on the reverse.

NOTE 1.—Aircraft Rating will only be issued subject to the limits as stated in para. 6 of Section F of Schedule II of Indian Aircraft Rules for types which are endorsed on his 'B' licence and which have been flown by him as a Pilot-in-Command or as a co-pilot during the preceding 12 months. Proof of having so flown an aircraft will have to be furnished.

2. All other requirements for issue of various ratings will be in accordance with para. 4 of Section F of Schedule II of Indian Aircraft Rules.

5. Issue of Instrument Rating in exchange for the Instrument Rating Certificate.—The applicant shall submit his Current Instrument Rating Certificate which will be cancelled.

Extension of Instrument rating will be in accordance with provisions contained in para. 4 of Section G of Schedule II of Indian Aircraft Rules.

6. Issue of Flight Instructor's Rating to those having Pilot Instructor's Licence.—The applicant shall submit the following documents and certificates:

(a) His current Pilot Instructor's licence which will be cancelled;

(b) A certificate of the experience as specified for this Rating in para. 1(e) of Section I of Schedule II of Indian Aircraft Rules along with certified log book;

(c) A Current Instrument Rating Certificate;

(d) Proof of having successfully undergone the Test of Skill as laid down in para. 1(e) of Section I of Schedule II of Indian Aircraft Rules conducted by an examiner approved by the Director General of Civil Aviation.

NOTE.—Age shall be as laid down for this Rating in para. 1(a) of Section I of Schedule II of Indian Aircraft Rules.

7. Issue of Private Helicopter Pilot's Licence in exchange for the Private Pilot's 'A' Licence with Helicopter endorsement.—The applicant shall submit the following documents and certificates:

(a) His current Pilot's 'A' Licence with Helicopter endorsement which will be cancelled;

(b) Medical Fitness Certificate as required in accordance with Section L of Schedule II of Indian Aircraft Rules;

(c) Result sheets showing that the applicant has passed a supplementary oral examination in the following subjects:

Supplementary Examination No. 1

- (i) Air Navigation
- (ii) Aviation Meteorology
- (iii) Aircraft and Engines (for aircraft rating)
- (iv) Seamanship (if applicable)

The syllabus and standard of the examination will be in accordance with Section L of Schedule II of Indian Aircraft Rules.

NOTE.—Applicants who have passed relevant examinations for the issue of Pilot's 'A-1' or 'B' licences may be exempted from examination for items (i), (ii) and (iii) and those who have passed First or Second Class Navigator's Licence examinations in the relevant subjects may be exempted from items (i) and (ii). Applicants having more than 50 hours of cross-country flying experience as a Pilot-in-Command may be exempted from items (i) and (ii).

(d) A certificate of experience as required in Section L Schedule II of Indian Aircraft Rules along with the applicant's log book duly certified;

(e) A treasury receipt for Rs. 5 towards the fees;

(f) Three copies of recent unmounted photograph size 3×4 cms. of applicant's head (uncovered) and shoulders in front view.

The photographs should be signed on the reverse.

NOTE 1.—Aircraft rating will be issued only in respect of those helicopters endorsed on his pilot's 'A' licence and which he has flown as a Pilot-in-Command within the preceding 12 months.

2. All other requirements as applicable for issue of night rating will be in accordance with para. 4(b) of Section L of Schedule II of Indian Aircraft Rules.

8. Issue of Commercial Helicopter Pilot's Licence in exchange for the Indian Pilot's 'B' Licence with Helicopter endorsement.—

The applicant shall submit the following documents and certificates:

(a) His current Pilot's 'B' Licence with Helicopter endorsement which will be cancelled;

(b) Result sheets showing that the applicant has passed a supplementary oral and practical examination in the following subjects:

Supplementary Examination No. 2

- (i) Radio/Radar Aids
- (ii) Signals (Practical)
- (iii) Seamanship (if applicable).

(c) A certificate of experience as laid down for this licence in para. 1(d) of Section M of Schedule II of Indian Aircraft Rules along with applicant's log book duly certified;

(d) A treasury receipt for Rs. 10 towards the fees;

(e) Three copies of recent unmounted photograph size 3×4 cms. of applicant's head (uncovered) and shoulders in front view. The photographs should be signed on the reverse.

NOTE 1.—Aircraft rating will be issued only in respect of those helicopters endorsed on his pilot's 'B' licence and which he has flown as a Pilot-in-Command within the preceding twelve months.

2. All other requirements as applicable for various ratings will be in accordance with para. 4 of Section M of Schedule II of Indian Aircraft Rules.

9. Issue of Flight Navigator's Licence to those having Indian First Class Navigator's Licence.—The applicant shall submit the following documents and certificates:

(a) His Current First Class Navigator's Licence which will be cancelled;

(b) A certificate of the experience as specified for this licence in Section O Schedule II of Indian Aircraft Rules;

(c) A certificate from an approved examiner for having successfully undergone the tests as laid down for this licence in Section O Schedule II of Indian Aircraft Rules;

(d) A treasury receipt for Rs. 10 towards the fees;

(e) Three copies of recent unmounted photograph size 3×4 cms. of applicant's head (uncovered) and shoulders in front view. The photographs should be signed on the reverse.

NOTE.—Candidates having Indian First Class Navigator's Licence issued on the basis of U.K. or U.S.A. Flight Navigator's licence may not be required to submit certificates under sub-paras. (b) and (c) above.

10. Issue of Flight Engineers' Licence to those having Indian Flight Engineers' Permit.—The applicant shall submit the following documents and certificates:

(a) Current Flight Engineers Permit, which will be cancelled.

(b) A treasury receipt for Rs. 10 towards fees.

(c) Three copies of recent unmounted photograph size 3×4 cms. of applicant's head (uncovered) and shoulders in front view. The photographs should be signed on the reverse.

11. Issue of Flight Radio Telephone Operator's Licence in exchange for the Indian Flight Radio Telephone Operator's Licence.—The applicant shall submit the following documents and certificates:

(a) His Current Indian Flight Radio Telephone Operators' Licence which will be cancelled;

(b) A treasury receipt for Rs. 5 towards fees;

(c) Three copies of recent unmounted photograph size 3×4 cms. of applicant's head (uncovered) and shoulders in front view. The photographs should be signed on the reverse.

12. Issue of Flight Radio Operator's Licence to those having Indian Flight Radio Operator's Licence.—The applicant shall submit the following documents and certificates:

(a) His Current Flight Radio Operator's Licence which will be cancelled;

(b) A treasury receipt for Rs. 10 towards the fees;

(c) Three copies of recent unmounted photograph size 3×4 cms. of applicant's head (uncovered) and shoulders in front view. The photographs should be signed on the reverse.

APPENDIX B

Fees for Oral/Practical Written examination for conversion of existing aircrew licenses to new flight-crew licenses issued in accordance with the revised licensing rules.

Examination	Fees
	Rs.
Supplementary Examination No. 1 for issue of Private Pilot's licence.....	5/-
Supplementary Examination No. 2 for issue of Commercial Pilot's licence.....	10/-
Supplementary Examination No. 3 for issue of Senior Commercial Pilot's licence.....	10/-
Supplementary Examination No. 4 for issue of Airline Transport Pilot's licence.....	15/-

[No. 10-A/67-61 Pt AR 1937(71).]
K. GOPALAKRISHNAN, Dy. Secy.

INDONESIA

AVIATION ACT (No. 83/1958)¹

CHAPTER I—DEFINITIONS

For the purposes of this Act, the following terms shall mean—

a) *air navigation*: the use of aircraft in the air space of the Republic of Indonesia;

b) *aircraft*: every contrivance that derives support in the atmosphere from the reactions of the air;

c) *aerodromes*: parts of the Indonesian territory designated by the Minister for the take-off and landing of aircraft;

d) *to build*: to construct buildings and other structures or creating obstructions including mounds of soil, materials to grow plants, or boats or other floating objects;

crew of the aircraft: the commander and others who are on duty and engaged in the navigation of the aircraft during the flight;

foreign territory: territories outside the territory of the Republic of Indonesia, including the high seas;

The Minister: The Minister of Air Communications.

CHAPTER II—AIR NAVIGATION

Art. 2. Air navigation shall be prohibited unless the aircraft has Indonesian nationality; foreign aircraft may only perform air navigation with the consent of the Government or under the terms of an international agreement.

Art. 3. 1) Aircraft departing for, or arriving from foreign territories may only do so from the international aerodrome as provided hereafter in Article 14.

2) Except for *force majeure* no aircraft mentioned in paragraph 1, may land on aerodromes other than the above mentioned international aerodromes.

Art. 4. The Minister may restrict or prohibit air navigation by certain types of aircraft.

Art. 5. 1) The Minister alone, or in concert with the Minister of Defense, may prohibit the use of the airspace above a part of the territory of the Republic of Indonesia without distinction between Indonesian and foreign aircraft.

2) The prohibition mentioned in paragraph 1 above and the revocation of such a prohibition shall be published in the *Lembaran Negara* (statute book).

Art. 6. 1) It shall be prohibited to hold air displays or aviation contests without permission from the Minister, or to organize air displays or aviation contests not in accordance with the provisions stipulated in the Minister's permission.

¹ (Published in *Lembaran Negara* (statute book) No. 159 of 1958).

2) Moreover, air displays or aviation contests held above a military aerodrome require permission from the Minister of Defense.

Art. 7. It shall be prohibited to perform air navigation in such a way that public order or safety is jeopardized or endangered.

Art. 8. 1) The transportation of passengers and or cargo for remuneration between points within the Indonesian territory or between points in Indonesian territory and points in foreign territories may only be performed with a permit from the Minister.

2) The permit mentioned in paragraph 1 above is granted only on compliance with certain requirements.

CHAPTER III. REGISTRATION AND NATIONALITY OF AIRCRAFT

Art. 9. 1) Any aircraft used to perform air navigation shall have a nationality mark and registration mark. The above-mentioned marks shall be determined by the Minister.

2) The nationality mark and the registration mark of military aircraft shall be determined by the Minister of Defense.

Art. 10. 1) For the purpose of registration of aircraft, a register shall be maintained by the Minister under the name *Daftar Pesawat Udara* (aircraft register)

2) The registration of military aircraft shall be maintained by the Minister of Defense.

3) It shall be prohibited to use marks on a civil aircraft which may give the impression that it is a military aircraft.

Art. 11. 1) Aircraft registered in the *Daftar Pesawat Udara* (aircraft register) mentioned in Article [10], shall have Indonesian nationality.

2) The registration certificate of the *Daftar Pesawat Udara* (aircraft register) issued in Indonesia or in foreign countries by the competent authorities shall determine the nationality of the aircraft.

Art. 12. 1) Aircraft owned by a foreigner may not be legally registered in Indonesia.

2) Any registration not in accordance with the above-mentioned provision of paragraph 1 shall be void.

CHAPTER IV—AIRWORTHINESS CERTIFICATE AND FLIGHT LICENSE

Art. 13. 1) Aircraft without a certificate of airworthiness, and persons without a proper flight license are prohibited to perform air navigation.

2) The requirements for airworthiness certificates and flight licenses shall be determined by, or on behalf of the Minister.

3) The requirements mentioned in paragraph 2 above for military aircraft shall be determined by the Minister of Defense.

CHAPTER V—AERODROMES

Art. 14. 1) The Minister shall determine the requirements for construction, reconstruction, management and use of aerodromes; and in the designation of aerodromes he shall designate certain aerodromes for international air traffic.

2) For military aerodromes, the above-mentioned jurisdiction shall be exercised by the Minister of Defense.

Art. 15. 1) It shall be prohibited—

- a) to build or to own buildings on, or in the vicinity of an aerodrome;
- b) to graze cattle on an aerodrome;
- c) to dig or make holes or tunnels on an aerodrome;
- d) to enter aerodromes without a proper permission;
- e) to endanger air navigation in any manner.

2) The Minister, in his discretion, may authorize exceptions to the prohibitions stipulated in paragraph 1, subparagraphs a), b), and c) above.

Art. 16. 1) It shall be prohibited—

- a) to use any part of the territory of the Republic of Indonesia as an aerodrome without its being designated as an aerodrome;
- b) to use any part of the territory of the Republic of Indonesia which is designated as an aerodrome, not in accordance with the provisions stipulated in said designations.

2) The term “for the use of air navigation” shall mean—

- a) to equip a part of the territory of the Republic of Indonesia for take-off and landing of aircraft;
- b) the repetition of landing on, and taking off from a part of the territory of the Republic of Indonesia;
- c) landing on or taking off from a part of the territory of the Republic of Indonesia with the intention to repeat it.

3) The Minister, in his discretion, may authorize exceptions to the prohibitions stipulated in paragraph 1.

CHAPTER VI—INVESTIGATION, PROSECUTION AND PENALTIES

Art. 17. In addition to the officials charged with the investigation of crimes and the officials of the immigration and customs authorities, the Minister shall designate special investigating authorities for the purpose of assuring compliance with the provisions of this Act or regulations issued thereunder.

Art. 18. 1) The investigating authorities mentioned in Article 17 above shall have the right—

- a) to enter aerodromes and buildings including factories, workshops etc., which are located in the vicinity of any aerodrome, for the purpose of assuring compliance with the provisions of this Act;

- b) upon the written order of the Minister, to remove or cause to be removed, to destroy or cause to be destroyed, to prevent or cause to be prevented, to restore or cause to be restored to its original condition any structures, obstructions, or objects unauthorized under the terms of this Act or regulations issued thereunder.

All costs incidental to actions taken in removal, destruction, prevention or restoration authorized by this article are to be charged to the violators;

- c) to prohibit or prevent the taking off of aircraft, to search an aircraft, its cargo and the passengers on board for the purpose of assuring compliance with the provisions of this Act.

2) The investigating authorities mentioned in paragraph 1 above, shall make no disclosure about any matter they discover in executing the Minister's order, except to inform confidentially the authorities authorized by law.

Art. 19. 1) Any person who violates Articles 2, 4, 5, 6, 7, 8, 9, 13, 15, and 16 above shall be subject to detention for a period not exceeding six months or a fine of not more than ten thousand *Rupiah*.

2) The punishment mentioned in paragraph 1 above shall be applicable to the owner or the operator of an aircraft who violates, or causes to be violated the provisions in the articles mentioned in paragraph 1 above.

Art. 20. 1) Any person who violates any provisions of the implementing regulations issued hereunder shall be subject to detention for a period not exceeding three months or a fine of not more than 5,000 *Rupiah*.

2) The punishment mentioned in paragraph 1 above, shall be applicable to the owner or the operator who violates, or causes to be violated the provisions in paragraph 1, mentioned above.

Art. 21. If a violation of the articles mentioned in Articles 19 and 20 is committed by a corporate entity or other legal person, the allegation and the punishment shall be against its officers.

Art. 22. 1) Any crew member of an aircraft who is punished for the violation of Articles 4, 5 or 7, may be subject to suspension of his flight license.

2) In applying the provision mentioned in paragraph 1 above, the flight license of such crew member shall be void from the time when suspension takes place.

3) The provision in paragraph 2 shall apply to flight licenses issued by authorities in foreign countries and recognized as valid flight licenses under Indonesian law.

Art. 23. 1) Any person who violates Article 10, paragraph 3, of this Act, shall be subject to imprisonment for a period not exceeding three months or a fine of not more than 10,000 *rupiah*.

2) The owner or the operator of any aircraft who commits, or causes to be committed any acts mentioned in Article 10, paragraph 3, shall be subject to the same punishment.

Art. 24. 1) Any person who willfully violates the provisions of Article 18, paragraph 2, shall be subject to imprisonment for a period not exceeding six months or a fine of not more than 10,000 *rupiah*.

In addition to the penalty mentioned in this article, the court may suspend the right of the violator from serving in any government office or position.

2) Any person who negligently violates the provisions of Article 18, paragraph 2, shall be subject to detention not exceeding three months or a fine of not more than 5,000 *rupiah*.

Art. 25. 1) The offenses mentioned in Articles 19 and 20 shall be considered misdemeanors.

2) The offenses mentioned in Articles 23 and 24 shall be considered felonies.

CHAPTER VII—AVIATION BOARD

Art. 26. 1) An Aviation Board shall be established to assist the government in the field of aviation.

2) Every decision of a general character concerning aviation shall be made by the government after obtaining the advice of the Aviation Board.

3) The members of the Aviation Board shall consist of the Prime Minister as chairman, and other Ministers and authorities from the various fields which are particularly concerned with aviation.

4) The organization and the functions of the Aviation Board shall be specified in implementing regulations issued by the Government (*Peraturan Pemerintah*).

CHAPTER VIII—TRANSITIONAL PROVISIONS

Art. 27. The provisions of other regulations shall remain in full force and effect to the extent that they are not inconsistent with the provisions of this Act.

FINAL PROVISIONS

Art. 28. This Act may be cited as the Aviation Act.

IRAN

CIVIL AVIATION ACT

Approved on 19 July 1949¹

ARTICLE 1

The word aircraft, used in this Act, represents a means of transport which can derive its support in the atmosphere from the reaction of the air.

ARTICLE 2

This Act relates to civil aircraft and does not cover military aircraft.

ARTICLE 3

The Government has absolute and exclusive sovereignty over the air space above its territory and territorial waters.

ARTICLE 4

For the creation and promotion of civil aviation the Government shall:

(a) encourage and develop civil aviation organisations in order to provide for the needs of internal and external air transportation of passengers, cargo and or mail;

(b) organise internal air-routes so that all parts of the country may benefit from the advantages of air transportation, establish such airports as are needed, and provide the ground equipment required to insure the safety of flight;

(c) help Iranian aviation organisations to establish a non-monopolistic basis the air services required;

(d) foster air communication with foreign countries on a reciprocal basis for the purpose of developing and strengthening the social and economic relations of Iran with those countries.

ARTICLE 5

For the enforcement of this Act an independent Administration, to be known as the Department General of Civil Aviation, shall be established in the Ministry of Roads. The Department General of Civil Aviation shall be managed by a Director General who shall have the rank of Under-Secretary of State to the Minister of Roads, and shall be appointed for a period of three years by an Imperial Firman on a submission by the Council of Ministers. On the expiry of this period his appointment may be renewed in the same manner. The Depart-

¹ English text supplied by Iranian Government.

ment General of Civil Aviation shall act independently under the supervision of the Minister of Roads, but according to relevant administrative, financial and personnel regulations; and its organization shall be determined by Decree of the Council of Ministers. The principal duties of the Department General of Civil Aviation shall be as follows:

(a) creation of airports, establishment and operation of meteorological services, and special radio, telegraphic and telephonic communications for the regulation of aircraft movements and safety of flight, and, in general, any kind of assistance necessary for the development of civil aviation and safety of flight;

(b) supervision of civil aviation activities according to aviation regulations which are to be formulated for the purpose of preventing danger, avoiding harmful competition between air operators, and safeguarding public interest;

(c) training of civil aviation personnel by appropriate means;

(d) encouragement of industries connected with civil aviation;

(e) conduct of scientific and technical studies and research into matters relating to civil aviation;

(f) drafting of aviation agreements and conventions with foreign states, which are to be submitted by the Government to Parliament for ratification; and also attendance at international aviation conferences and participation in international aviation organisations, with the approval of the Council of Ministers.

ARTICLE 6

A board called the Civil Aviation Board shall be established in the Ministry of Roads. It shall be composed of seven members, selected for a period of three years, as follows:

two high ranking civil aviation officials, appointed by the Minister of Roads; one high ranking Judge, appointed by the Minister of Justice; one senior officer of the Imperial Iranian Air Force, appointed by the Minister of War; one high ranking official of the Ministry of Commerce and Industries appointed by the Minister of Commerce and Industries; one high ranking official of the Ministry of the Interior, appointed by the Minister of the Interior; and one representative of the Chamber of Commerce, appointed by the Chamber of Commerce.

The duties of the Civil Aviation Board shall be as follows:

(a) to study and advise on civil aviation problems referred to it by the Minister of Roads or by one of the members of the Board;

(b) in accordance with Articles 17 and 18 of the present Act, to advise on the issue, revocation, or temporary suspension of operating certificates, and the limitation of the rights mentioned in any operating certificate;

(c) to approve equitable tariffs for transportation by air of passengers and cargo.

Note: The Statute of the Civil Aviation Board, including procedure for the holding of sessions, reference of matters to the Board, investigation of such matters, issue of decisions and other questions relating to the functioning of the Board, shall be prepared by the Board and put into force as soon as it has been approved by the Council of Ministers.

ARTICLE 7

An Iranian aircraft is free to fly in Iran, provided it complies with the laws and regulations of the country.

ARTICLE 8

A foreign aircraft may, as long as it complies with the laws and regulations of the country, fly over or land in Iran and take up or put down passengers, cargo and or mail, provided that prior specific authorization has been obtained from the Imperial Government of Iran, or that authorization has been granted under an air agreement and that the government whose nationality the aircraft possesses has granted the same rights to Iranian aircraft.

ARTICLE 9

Commercial transportation by air of passengers, cargo and/or mail from one point to another in the country is reserved exclusively to Iranian aircraft.

ARTICLE 10

After approval of the Council of Ministers, the Department General of Civil Aviation may, for reasons of military necessity or public safety, prohibit or restrict, or subject to special conditions, the flight of Iranian and/or foreign aircraft over certain areas of Iranian territory.

ARTICLE 11

An aircraft shall be deemed to possess Iranian nationality when it is registered in the Aircraft Register kept in the Department General of Civil Aviation.

The conditions for registration are as follows:

a) the aircraft must not be registered in any other country, and if previously so registered its registration in that country must have been cancelled;

b) the aircraft must belong to Iranian nationals, either persons or companies;

c) if the owner of an aircraft is a company, the majority of the company's capital must belong to Iranian nationals and the registered office of the company must be in Iran. In companies whose capital is in the form of shares or parts of shares of equal value, the shares must be nominative. After registration, an Iranian certificate of nationality and registration shall be granted, and nationality and registration marks shall be allocated to the aircraft.

ARTICLE 12

If an Iranian-registered aircraft is subsequently registered in another country, or if there is a change of ownership or the owner dies or changes his nationality, or if one of the conditions necessary for the registration mentioned in Article 11 of the present Act no longer exists, the registration of the aircraft and also the certificate of nationality and registration shall be deemed cancelled as from the date of such occurrence.

ARTICLE 13

An aircraft registered in the Aircraft Register may be flown provided it has a valid certificate of airworthiness.

ARTICLE 14

No person may pilot an aircraft or, as a member of the crew, participate or assist in any way in operating the aircraft, nor can any person act as a flying instructor, unless he holds an appropriate and valid license.

ARTICLE 15

The Department General of Civil Aviation is the only authority empowered to issue any permit relating to civil aviation or aircraft certificate, or license for aeronautical personnel, or operating certificate.

ARTICLE 16

The Department General of Civil Aviation may, in cases of contravention of any one of the provisions of the present Act or its executory regulations and irrespective of penal proceedings, revoke or temporarily suspend any kind of permit or license or certificate, or limit the rights contained therein. It can also prohibit the flight of an aircraft in any circumstance where such a flight would involve danger to persons on board or persons or animals on the ground, or damage to movable or immovable property.

ARTICLE 17

Any person, natural or legal, desiring to undertake commercial air transportation of persons and/or cargo in Iran, must be an Iranian national and must have previously obtained an operating certificate from the Department General of Civil Aviation. This certificate will be granted only if the Civil Aviation Board is satisfied that the proposed undertaking is in the country's interest and is a public necessity, and when the said board is satisfied that the applicant is capable of performing such undertaking in the proper manner.

If the applicant is a company, the conditions required for aircraft registration mentioned in Article 11 of the present Act are compulsory in addition to the above conditions required for the issue of an operating certificate.

For any other kind of commercial flight and also for the establishment and operation of schools for the instruction or training of aeronautical personnel, the conditions mentioned in this Article are compulsory, but instead of an operating certificate a permit must have been previously obtained from the Department General of Civil Aviation.

ARTICLE 18

When any one of the conditions necessary for the issue of any kind of operating certificate no longer exists, or the holder of such a certificate fails to comply with any one of its provisions, the Department General of Civil Aviation may, on the recommendation of the Civil

Aviation Board which will take into consideration the gravity of the contravention or its recurrence, revoke or temporarily suspend the operating certificate, or limit the rights granted therein.

ARTICLE 19

Whenever the Department General of Civil Aviation requires land or building in connection with the construction of airports or for civil aviation purposes, it can take action under "The Construction and Widening of Roadways and Streets Act" approved on 23rd Aban 1312 shamsi.

ARTICLE 20

The Department General of Civil Aviation may use freely any public or private property, either land, building or structure, for the installation of air-navigation facilities necessary for the safety of flight, and has the right of entry to the said land, building or structure for the purpose of installing, operating or maintaining the said facilities, provided that it does not prevent the normal use of such property by the occupier.

If as a result of the installation, operation or maintenance of the said facilities, any damage is caused, compensation for such damage must be made by the Department General of Civil Aviation.

ARTICLE 21

The Government may, upon the proposal of the Department of Civil Aviation, prohibit or restrict by decree, the erection of any building or other obstacle within a specified distance from the limits of an airport or air-navigation facility, unless the erection of such building or obstacle does not create danger to aircraft in flight and has been approved by the Department General of Civil Aviation. If damage is caused to any person directly and solely as the result of this prohibition or restriction, compensation for such damage must be made by the Department General of Civil Aviation.

If any building or obstacle liable to be prohibited or restricted according to this Article, existed in the vicinity of a civil airport or air-navigation facility prior to the enforcement of the present Act, the Government may remove or restrict it according to Article 19 of the present Act.

ARTICLE 22

Regulations for the enforcement of the present Act and relating to the flight of Iranian and foreign civil aircraft, safety of flight, airports, nationality and registration of aircraft, airworthiness of aircraft, licenses of aviation personnel and technicians, institutions for the instruction and training of aeronautical personnel, aircraft factories and maintenance organizations, air transport, aviation accidents, telecommunications, temporary suspension or revocation of permits, licenses, or certificates and detention of aircraft shall be prepared by the Department General of Civil Aviation and put into force as soon as they are approved by the Council of Ministers.

ARTICLE 23

Any person who, with the intention of causing danger to an aircraft or to persons on board, exhibits a false aviation sign or signal in such a manner that it is likely to be mistaken for a true aviation sign or signal, or who renders an existing aviation sign or signal unserviceable, or who puts obstacles in the way of an aircraft, or who gives wrong information, or who takes any action in order to cause danger to an aircraft or to persons on board, shall be subject to disciplinary imprisonment of not less than 6 months and not more than three years; and if death or injury results he shall also be subject to the penalty laid down for the crime. In such cases the heavier penalty shall be imposed.

ARTICLE 24

Any person who knowingly pilots an aircraft with false nationality and registration marks, or knowingly pilots outside Iran an aircraft with Iranian nationality marks to which it has no right, shall be subject to disciplinary imprisonment of not less than 6 months and not more than 3 years.

ARTICLE 25

Any person who knowingly pilots an aircraft without nationality and registration marks shall be subject to disciplinary imprisonment of not less than 3 months and not more than one year.

ARTICLE 26

Any person who deliberately pilots an aircraft over Iran without authorization when, according to the present Act, the flight of the aircraft in Iran requires prior authorization from the Government, or who deliberately pilots an aircraft over prohibited areas or flies without complying with the limitations fixed or conditions required when, according to the present Act, the flight of aircraft over certain areas of the territory is prohibited, limited or subject to special conditions, shall be subject to a fine of not less than two thousand Rials and not more than twenty thousand Rials, or to disciplinary imprisonment of not less than 2 months and not more than one year, or to both. And if, according to other laws a heavier penalty is prescribed for such an act, the heavier penalty will be imposed.

ARTICLE 27

Any person who, with the intention of undertaking commercial air transportation, carries passengers, cargo and or mail in a foreign aircraft from one point in the country to another, shall be subject to a fine of not less than two thousand Rials and not more than twenty thousand Rials, or to disciplinary imprisonment of not less than two months and not more than one year, or to both.

ARTICLE 28

The following persons shall be subject to a fine of not less than one thousand Rials and not more than ten thousand Rials, or to disciplinary

imprisonment of not less than 2 months and not more than six months, or to both:

- a) any person who engages in commercial air transportation of persons, cargo and or mail without an operating certificate;
- b) any person who engages in any other kind of commercial flight, or establishes and operates a school for training civil aviation personnel without a permit from the Department General of Civil Aviation;
- c) any person who pilots an aircraft or, as a member of the crew, participates or assists in any way in operating an aircraft, or who acts as a flying instructor without the appropriate license;
- d) any person who pilots an aircraft without a certificate of airworthiness, or with one the validity of which has expired.

ARTICLE 29

Juridical relations between persons on board an aircraft flying over Iran are subject to the laws of the country whose nationality the aircraft possesses in questions in which territorial jurisdiction would normally have been competent.

ARTICLE 30

Offences and crimes committed on board an Iranian aircraft abroad shall be dealt with under Iranian penal law whenever the accused is arrested in Iran or the accused of foreign nationality is not extradited by the Iranian Government, or whenever the accused is extradited to Iran as the result of committing that offence or crime.

ARTICLE 31

Offences and crimes committed on board foreign aircraft in flight [shall be] within the competence of Iranian courts only in the following cases:

- a) when the offence or crime is against public order or security;
- b) when the accused or the victim is of Iranian nationality;
- c) when the aircraft lands in Iran following the perpetration of the offence or crime.

The competent court in anyone of the above cases will be that at the place where the aircraft has landed or the accused is arrested.

ARTICLE 32

When an offence or crime is committed on board an aircraft flying over Iran or on board an Iranian aircraft flying abroad, the pilot-in-command of the aircraft shall, according to the provisions of the Penal Procedure Act, carry out preliminary inspections and investigations and collect and secure proofs and evidences of the offence or crime, and, in cases of necessity, may temporarily arrest suspects, examine passengers and crew, and seize objects which may be evidence of the offence or crime.

For the investigation of offences and crimes and preliminary inspection in conformity with this Article, the pilot-in-command of an aircraft is to act as a constable of the Ministry of Justice and is vested

with all the duties assigned to a police commissioner according to Chapter II of the Penal Procedure Act.

ARTICLE 33

After the landing of an aircraft in which, according to Article 32 of the present Act, an offence or a crime has been committed, the pilot-in-command shall make out a written report on the offence or crime and on the preliminary action he has taken, and send it to the Department General of Civil Aviation. Furthermore if the aircraft lands in Iran the pilot-in-command shall immediately inform the public prosecutor in the place where the aircraft has landed or his deputy of the offence or crime, the result of the inspections and investigations, and the actions taken, and shall surrender to the public prosecutor or the investigator the accused or the suspect with any proofs or evidence gathered, and shall then refrain from further action. In the case of an Iranian aircraft landing abroad after an offence or crime has been committed on board, the pilot-in-command shall notify the Iranian consul in the district in which the aircraft has landed and obtain his instructions.

ARTICLE 34

Contraventions of the provisions of the executory regulations of the present Act shall entail a fine of not more than ten thousand Rials and disciplinary imprisonment of not more than two months. The amount of the fine and the term of imprisonment for each contravention shall be fixed by regulations proposed by the Ministries of Justice and Roads and approved by the Council of Ministers.

ARTICLE 35

Offences and crimes mentioned in the present Act shall be dealt with immediately and without consideration of turn both in penal stages and in competent courts.

IRAQ

GENERAL CONDITIONS OF CARRIAGE FOR PASSENGER AND BAGGAGE¹

Adopted by Iraqui Airways and by the following Carriers:

Aden Airways Limited.
Air Malta Limited.
Bahamas Airways Limited.
British European Airways Corporation.
British Overseas Airways Corporation.
British West Indian Airways Limited.
Central African Airways Corporation.
Cyprus Airways Limited.
East African Airways Corporation.
Gibraltar Airways Limited.
Hong Kong Airways Limited.
Malta Airways Company Limited.
Qantas Empire Airways Limited.
Tasman Empire Airways Limited.
West African Airways Corporation.

Effective from 1st March, 1951.

GENERAL CONDITIONS OF CARRIAGE FOR PASSENGERS AND BAGGAGE

ARTICLE 1. DEFINITIONS

As used herein:

Baggage which is equivalent to luggage, means such articles, effects and other personal property of a passenger as are necessary or appropriate for wear, use, comfort or convenience in connection with his trip. Unless otherwise specified, it shall include both checked and unchecked baggage.

Baggage Check which is equivalent to luggage ticket, means those portions of the ticket which provide for the carriage of passenger's checked baggage and which are issued by Carrier as a receipt for the passenger's baggage of which Carrier takes sole custody.

Baggage Tag is a document issued by Carrier solely for identification of checked baggage placed in its custody by the passenger, the baggage (strap) tag portion of which is attached by Carrier to a particular article of checked baggage and the baggage (claim) tag portion of which is given to the passenger.

Carriage is equivalent to transportation.

Carrier includes the air carrier or undertaking issuing the ticket and all air carriers that carry the passenger and/or his baggage thereunder, or perform any other services related to such air carriage. For

¹ English text supplied by Government of Iraq.

the purposes of the exemption from and limitation of liability provision set forth or referred to in this tariff or in the ticket. Carrier includes the agents servant, or representatives of any such air carrier.

Checked Baggage which is equivalent to registered luggage is baggage which has been delivered to Carrier and for which Carrier has issued a baggage check and baggage (claim) tag(s).

Circle Trip means travel from one point and return thereto by a continuous, circuitous air route; provided that where no reasonably direct scheduled air service is available between two points, a break in the circle may be travelled by any other means of transportation without prejudice to the circle trip.

Conjunction Ticket means two or more tickets concurrently issued to a passenger and which together constitute a single contract of carriage.

Convention means the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw, October 12, 1929.

Days means full calendar days, including Sundays and legal holidays, provided that for purposes of notification the balance of the day upon which notice is dispatched shall not be counted and when the last day falls on Sunday or a legal holiday such Sunday or legal holiday shall not be counted.

Exchange Order means a document issued by a carrier requesting another carrier to issue tickets or provide services to the person named in such document.

Flight Coupon means a portion of the passenger ticket that indicates particular places between which the coupon is good for carriage.

Gold Francs means French francs consisting of 65½ milligrams of gold at the standard of fineness of nine hundred thousandths.

International Carriage as defined by the Warsaw Convention means any carriage in which according to the contract of carriage the place of departure and the place of destination whether or not there be a break in the carriage or a transshipment are situated either within the territories of two High Contracting parties to the Convention or within the territory of a single High Contracting party if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to the Convention.

Open-Jaw Trip means travel which is essentially of a round trip nature but the outward point of departure and inward point of arrival and/or outward point of arrival and inward point of departure of which are not the same.

Passenger means any person carried or to be carried in an aircraft with the consent of Carrier except members of the crew.

Passenger Coupon means that portion of the passenger ticket constituting the passenger's written evidence of the contract of carriage.

Passenger Ticket means those portions of the ticket issued by Carrier which provide for the carriage of the passenger.

Round Trip which is equivalent to return journey, means (a) travel from one point to another and return by the same air route used outbound whether or not the fares outbound and inbound be the same, or (b) travel from one point to another and return by an air route different from that used outbound, for which the same normal, through, one-way fare is established.

Stopover which is equivalent to a break of journey, means a deliberate interruption of a journey by the passenger, agreed to in advance by Carrier, at a point between the place of departure and the place of final destination.

Tariff is equivalent to the term "Conditions of Carriage".

Ticket means the "Passenger Ticket and Baggage Check", including all flight, passenger and other coupons therein, issued by Carrier, which provide for the carriage of the passenger and his baggage.

Unchecked Baggage which is equivalent to hand luggage, is baggage other than checked baggage.

ARTICLE 2. APPLICABILITY OF TARIFF

Para. 1. General.

This tariff shall apply to all carriage of passengers and baggage, including all services incidental thereto, performed by Carrier; provided, however, that if, according to the contract of carriage made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties to the Convention, or within the territory of a single High Contracting Party to such Convention if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though such Power is not a party to such Convention, such carriage shall be subject to the provisions of such Convention and to this tariff to the extent that this tariff is not inconsistent with the provisions of the Convention.

Para. 2. Gratuitous Carriage.

With respect to gratuitous carriage, Carrier reserves the right to except the application of all or any part of this tariff.

ARTICLE 3. TICKETS

Para. 1. General.

Carrier reserves the right to refuse carriage to any person not in possession of a valid ticket. The passenger throughout his journey must retain the passenger coupon and all flight coupons of the ticket not previously surrendered to Carrier. He must, when required, produce the ticket or surrender any applicable portion to Carrier.

Para. 2. Non-Transferability.

A ticket issued to a person is not transferable. If a ticket is in fact used by any person other than the person to whom it was issued with or without the knowledge and consent of the person to whom it was issued, Carrier will not be liable for the death or injury of such unauthorized person or for the destruction, damage, or delay of such person's baggage or other personal property arising from or in connection with such unauthorized use.

Para. 3. Irregularities and Coupon Sequence.

Carrier will not accept a ticket if any part of it is mutilated or has been altered by other than Carrier, or if it is presented without the passenger coupon and all unused flight coupons. Flight coupons must be used in sequence from the place of departure as shown on the passenger coupon.

Para. 4. Validity.

When validated the ticket is good for carriage from the airport at the place of departure to the airport at the place of destination via the route shown therein and for the period of time specified in Carrier's Regulations; provided that, with respect to a trip involving travel over sections of a route for which different periods of validity apply, the longest period of validity for any such section shall apply to all the sections. Each flight coupon will be accepted for carriage on the date and flight for which accommodation has been reserved; when flight coupons are issued on an "open date" basis, accommodation will be reserved upon application, subject to the availability of space. The place and date of issue are set forth on the flight coupons. If Carrier is unable to provide accommodation or a flight is postponed during the period of validity, or the passenger establishes the fact of his physical inability to travel during the period of validity, such period of validity, will be extended by Carrier until accommodation is available or the passenger is able to travel.

Para. 5. Absence or Loss of Ticket.

When a passenger loses or does not present his ticket or the applicable portion thereof, carriage will not be furnished for that part of the trip covered by such ticket or portion thereof until the passenger purchases another ticket at the current applicable fare for the carriage to be performed.

ARTICLE 4. STOPOVERS

Stopovers within the period of validity of the ticket will be permitted only at scheduled stopping places, when arranged with Carrier in advance and specified on the ticket.

ARTICLE 5. FARES

Para. 1. General.

Applicable fares for carriage governed by this tariff are those duly published by Carrier and in effect on the date of commencement of passage covered by the first flight coupon of the ticket on the lines of Carrier; provided that the applicable fare for tickets, exchange orders or deposit receipts issued prior to the date of announcement of an increase in fare for travel commencing not later than 30 days after the effective date of such increase will be the fair in effect on the date of sale. When the fare collected is not the applicable fare as thus defined the difference will be refunded to or collected from the passenger, as may be appropriate. Such fares apply only to routings published in connection therewith and, unless otherwise specified, take precedence over combined fares published between the same points via the same routing. Unless otherwise specified, fares and charges apply in either direction.

Para. 2. Specification of Routing.

If there is more than one routing at the same fare, the passenger, prior to issuance of the ticket, may specify the routing, and, in respect to any open-date portion of such ticket, may specify optional routings. If no routing is specified, Carrier may determine the routing.

Para. 3. Currency of Payment.

Fares are published in the currency shown in the applicable fares tariff, and are payable in any currency acceptable to Carrier. When payment is made in a currency other than in the currency in which the fare is published, such payment will be made at the rate of exchange established for such purpose by the Carrier. The provisions of this paragraph are subject to applicable exchange laws and government regulations.

ARTICLE 6. INVOLUNTARY REVISED ROUTING

Para. 1. General.

If Carrier cancels a flight, fails to operate according to schedule or is unable to provide previously confirmed space, or the passenger is refused passage or removed in accordance with Article 8, Paragraph I (a) Carrier will at Carrier's option either:

(a) Carry the passenger on the next of its aircraft on which space is available; or

(b) Endorse to another carrier the unused portion of the ticket for purposes of rerouting; or

(c) Reroute the passenger to the destination named on the ticket or applicable portion thereof by its own services or by other means of transportation. If the fare for the revised routing is different from the refund value of the ticket or applicable portion Carrier will require no additional payment from the passenger if the fare for the revised routing is greater, but will refund the difference if the fare for the revised routing is lower; or

(d) Make refund in accordance with the provisions of Article II, Paragraph 4.

Para. 2. Missed Connections.

A carrier that by failure to operate a flight according to schedule causes any passenger thereon to miss an onward connecting flight of another carrier on which space has been reserved for him, will:

(a) Arrange for the carriage of the passenger in accordance with Paragraph I (a), (b) or (c) above; or

(b) Make refund in accordance with the provisions of Article II, Paragraph 4.

ARTICLE 7. RESERVATIONS

Para. 1. General.

A ticket will be valid only for the flight(s) for which reservation(s) shall have been made, and only between the points named on the ticket or applicable flight coupons. A passenger holding an unused open-date ticket or portion thereof or exchange order for onward travel, or who wishes to change his ticketed reservation to another date, shall not be entitled to any preferential right with respect to the obtaining of reservations.

Para. 2. Conditions of Reservation.

Reservations shall be tentative unless and until Carrier has issued a validated ticket, or exchange order, or the passenger has made a deposit in accordance with Paragraph 3 of this Article for the carriage for which space is reserved. Except as provided in Paragraph 3 of this

Article, Carrier reserves the right to cancel a reservation at any time without notice on the failure of the passenger to purchase a ticket for the space reserved.

Para. 3. Deposit.

When a reservation is made more than seven days in advance of the scheduled departure of flight without payment of the applicable fare, Carrier may require a deposit of not less than 25% of such fare. Any balance of fare will be payable not less than seven days before the scheduled departure of flight. Failure to pay the balance of fare by such date may result in cancellation of the reservation with refund to the passenger of the deposit, less any communication expenses, in accordance with Paragraphs 4 and 8 of this Article.

Para. 4. Communications Charges.

The passenger will be charged for any communication expenses paid or incurred by Carrier for telephone, telegraph, radio or cable arising from a special request of the passenger concerning a reservation.

Para. 5. Allocation of Accommodation.

Carrier does not guarantee allocation of any particular space in the aircraft.

Para. 6. Arrival of Passengers at Airports.

The passenger must arrive at the airport by the time fixed by Carrier or, if no time is fixed, sufficiently in advance of flight departure to permit completion of government formalities and departure procedures. If the passenger fails to arrive at such airport or other point of departure by the established time limit or appears improperly documented and not ready to travel, Carrier may cancel the space reserved for him. Departures will not be delayed for passengers who arrive at airports or other points of departure too late in Carrier's opinion for such formalities to be completed before scheduled departure time. Carrier is not liable to the passenger for loss or expense due to passenger's failure to comply with this provision.

Para. 7. Service Charge.

(a) Except as otherwise provided herein, a service charge shall be made in accordance with Carrier's Regulations against any passenger who having failed to give notice of cancellation as prescribed in said Regulations fails to appear for departure, or who fails to arrive at the airport by time fixed by Carrier, and as a consequence thereof does not use the space reserved, or who appears improperly documented and not ready to travel on the flight for which space has been reserved for him.

(b) No service charge or cancellation fee will be levied if the passenger was unable to occupy reserved space for any of the following reasons:

- (1) Flight cancellation by Carrier.
- (2) Lack of ability to provide previously confirmed space.
- (3) Missed connection caused by Carrier.
- (4) Flight delay of Carrier.
- (5) Omission of a scheduled stop by Carrier.
- (6) Cancellation of confirmed space by Carrier, or
- (7) Medical reasons to the satisfaction of Carrier.

Para. 8. Communications Costs upon Cancellation.

Whenever a passenger cancels reservations made for him and such cancellation is not subject to service charge, Carrier will require payment from the passenger of a sum fixed by Carrier, to cover the communications costs of making such reservations and subsequent cancellation thereof.

ARTICLE 8. LIMITATION OF CARRIAGE

Para. 1. Refusal, Cancellation or Removal.

Carrier may refuse to carry, cancel the reserved space of, or remove en route any passenger when, in the exercise of its reasonable discretion, Carrier decides:

- (a) Such action is necessary for reasons of safety;
- (b) Such action is necessary to prevent violation of any applicable laws, regulations or orders of any state or country to be flown from, into, or over;
- (c) The conduct, status, age, or mental or physical condition of the passenger is such as to
 - (1) Render him incapable of caring for himself without special assistance from Carrier;
 - (2) Cause discomfort or make himself objectionable to other passengers;
 - (3) Involve any hazard or risk to himself or to other persons, or to property; or
- (d) The passenger fails to observe the instructions of Carrier.

If question arises of an aircraft being overloaded, Carrier shall decide in its reasonable discretion which passengers or articles shall be carried.

Para. 2. Recourse of Passengers.

The sole recourse of any person so refused carriage or removed en route for any reason specified in the foregoing paragraph shall be recovery of the refund value of the unused portion of his ticket as hereinafter in Article II, Paragraph 4 provided, except that refund to a person described in Paragraph 1(c) (2) and 1(d) above, will be subject to the service charge described in Article 7, Paragraph 7.

Para. 3. Conditional Acceptance for Carriage.

If a passenger, whose status, age or mental or physical condition is such as to involve any hazard or risk to himself is carried, it is on the express condition that Carrier shall not be liable for any injury, illness or disability, or any aggravation or consequence thereof, including death, caused by such status, age, or mental or physical condition.

Para. 4. Accompaniment of Children.

Children under eight years of age must be accompanied during the carriage by a passenger of at least twelve years of age. Children who have attained their eighth but not their twelfth birthday, when traveling alone, must, if required by Carrier, be accompanied to the airport at the time of departure by an adult, and satisfactory assurance must be given to Carrier by such adult that the child will be met at the airport of destination by another adult. Carrier may require satisfactory evidence establishing the child's age.

ARTICLE 9. BAGGAGE

Para. 1. Checked Baggage.

(a) Nothing contained in this tariff shall entitle a passenger to have his baggage checked on a route in respect of which Carrier does not maintain facilities for the checking of baggage and in respect of which there is no requirement of applicable law for such checking.

(b) Upon delivery of checked baggage to Carrier, Carrier will insert in the ticket the number of pieces and weight of such baggage (which act shall constitute the issuance of baggage check); in addition, Carrier shall issue, for identification purposes only, a baggage (claim) tag for each piece of baggage so delivered and covered by the baggage check. All checked baggage must be properly packed in suitcases or similar containers in order to ensure safe carriage with ordinary care in handling. Fragile or perishable articles, money, jewelry, silverware, negotiable papers, securities or other valuables, samples or business documents will not be accepted as checked baggage.

Para. 2. Movement of Baggage.

When deemed practicable by Carrier, checked baggage will be carried in the same aircraft as the passenger. When such carriage is deemed impracticable, Carrier will move the baggage on the next preceding or subsequent flight on which space is available.

Para. 3. Inspection by Carrier.

Carrier has the right, but not the obligation, to verify in the presence of the passenger the contents of his baggage, and in the case of unaccompanied baggage to open and examine such baggage whether or not the passenger is present. The existence or exercise of such right shall not be construed as an agreement, expressed or implied, by Carrier to carry such contents as would otherwise be precluded from carriage.

Para. 4. Dangerous, Damageable or Unsuitable Baggage.

Articles of baggage which are likely to endanger the aircraft, persons or property, or which are likely to be damaged by air carriage, or which are unsuitably packed, or the carriage of which is forbidden by any applicable laws, regulations or orders of any state or country to be flown from into or over, will not be carried. If, in the opinion of Carrier, the weight, size or character of baggage renders it unsuitable for carriage on the aircraft, Carrier, prior to or at any stage of the journey, may refuse to carry the baggage. The following articles will be carried as baggage only with the prior consent of and arrangement with Carrier:

- (a) Firearms;
- (b) Explosives, munitions, corrosives and articles which are easily ignited;
- (c) Liquids; and
- (d) Live animals, including birds and reptiles.

Para. 5. Free Baggage Allowance.

(a) Passengers may carry free of charge baggage to the weight specified in Carrier's Regulations subject to the conditions and limitations therein contained.

(b) The free baggage allowance on every section of a through flight shall be the highest allowance applicable to any section of the flight.

Para. 6. Excess Weight Charges.

Baggage weighing in excess of the free baggage allowance will be charged for at the rate per kilogram published by Carrier.

Para. 7. Collection of Excess Weight Charges.

Excess weight charges will be payable at the point of origin for the entire journey to final destination, except in case of stopover en route, in which case excess weight charges will be payable only to the point of stopover. When carriage is resumed, charges will be payable from the point of stopover to destination or to the next point of stopover. When on an interline journey for which a through excess baggage ticket has been issued there is an increase in the amount of excess baggage carried, Carrier will issue a separate excess baggage ticket for such increase and collect charges to the next stopover point or to destination, as the case may be.

Para. 8. Excess Value Charges.

A passenger may declare a value for baggage in excess of \$100 (U.S. currency), or its equivalent. When such declaration is made, charges for value in excess of \$100 (U.S. Currency) will be in accordance with the excess value charges published by Carrier.

Nothing contained herein shall entitle a passenger to declare such an excess value for baggage in connection with carriage over routes in relation to which such declarations are not accepted by Carrier provided always that there is no requirement of applicable law entitling the passenger to make such a declaration.

Para. 9. Collection of Excess Value Charges.

Excess Value Charges will be payable at the point of origin for the entire journey to final destination; provided that if at stopover en route a passenger declares a higher excess value than that originally declared, additional excess value charges for the increased value from such stopover point to final destination will be payable.

Para. 10. Excess Weight and Value Charges on Reroutings or Cancellations.

When a passenger is rerouted or his carriage cancelled, the provisions which govern the payment of additional fares or the refunding of fares shall likewise govern the payment or the refunding of excess weight and value charges.

Para. 11. Delivery of Checked Baggage by Carrier.

The following provisions shall govern the delivery of checked baggage by Carrier:

(a) Checked baggage will be delivered to the bearer of the baggage check upon return to Carrier of the baggage (claim) tag(s) issued in connection with such baggage. Carrier is under no obligation to ascertain that the bearer of the baggage check and baggage (claim) tag, is entitled to delivery of the baggage and Carrier is not liable for any loss, damage or expense arising out of, or in connection with such delivery of the baggage. Except as otherwise provided in sub-paragraph (c), hereof, delivery will be made at the destination shown in the baggage check;

(b) If the provisions of sub-paragraph (a) above, are not complied with by a person claiming the baggage. Carrier will deliver the baggage only on condition that such person establishes to Carrier's satisfaction his rights thereto, and if required by Carrier, such person shall furnish adequate security to indemnify Carrier for any loss, damage or expense which may be incurred by Carrier as a result of such delivery;

(c) At the request of the bearer of the baggage check and baggage (claim) tag(s), checked baggage will be delivered at the place of departure or an intermediate stopping place against presentation of the baggage check and delivery of the baggage (claim) tag(s), unless precluded by government regulations, or unless time and circumstances do not permit. In delivering baggage at the place of departure or at an intermediate stopping place, Carrier shall be under no obligation to refund any charges paid; and

(d) Acceptance of baggage by the bearer of the baggage check and baggage (claim) tag(s) without written complaint at the time of delivery is presumptive evidence that the baggage has been delivered in good condition and in accordance with the contract of carriage.

ARTICLE 10. SCHEDULES, DELAYS AND CANCELLATIONS OF FLIGHTS

Para. 1. Schedules.

The times shown in timetables or elsewhere are approximate and not guaranteed, and form no part of the contract of carriage. Carrier does not undertake to commence or complete carriage of passengers or baggage within any particular time. Schedules are subject to change without notice and Carrier assumes no responsibility for making connections. Carrier will not be responsible for errors or omissions either in timetables or other representations of schedules. No employee, agent or representative of Carrier is authorized to bind Carrier by any statements or representations as to the dates or times of departure or arrival, or the operation of any flight.

Para. 2. Cancellations.

Carrier may without notice substitute alternate carriers or aircraft and, if it deems advisable, Carrier may, without notice, cancel, terminate, divert postpone or delay any flight or the further right of carriage or traffic accommodation and determine if any departure or landing should be made without any liability except to refund in accordance with Carrier's Regulations the fare and baggage charge for any unused portion of the ticket. Carrier may cancel the right or further right of carriage of the passenger and his baggage upon the refusal of the passenger, after demand by Carrier, to pay the fare or the portion thereof so demanded, or to pay any charge so demanded and assessable with respect to the baggage of the passenger, without being subject to any liability therefor except to refund, in accordance herewith, the unused portion of the fare and baggage charge(s) previously paid, if any.

ARTICLE II. REFUNDS

Para. 1. General.

Except as otherwise provided in Paragraph 6 of this Article, refund by Carrier for an unused ticket or portion thereof or exchange order will be made to the person named as the passenger in such ticket or exchange order, unless at the time of purchase the purchaser designates on the ticket or exchange order another person to whom refund shall be made, in which event refund will be made to persons so designated, and only upon delivery of the passenger coupon and all unused flight coupons of the ticket or the exchange order. A refund made in accordance with this procedure to a person representing himself as the person named or designated in the ticket or exchange order will be deemed a valid refund and Carrier will not be liable to the true passenger for another refund.

Para. 2. Currency.

All refunds will be subject to government laws, rules, regulations or orders of the country in which the ticket was originally purchased and of the country in which the refund is being made. Subject to the foregoing provision, refunds will be made in the currency in which the fare was paid, or, at the option of Carrier, in lawful currency of the country of the carrier making the refund or of the country where the refund is made or in the currency of the country in which the ticket was purchased, in an amount equivalent to the amount due in the currency in which the fare or fares for the flight covered by the ticket as originally issued was collected.

Para. 3. Special Handling by Carrier.

Carrier reserves the right to make all or any individual refunds through the general accounting offices or regional sales or accounting offices, and to require prior written applications for refunds to be prepared by passengers on special forms furnished by Carrier.

Para. 4. Involuntary Refunds.

For the purposes of this paragraph, the term "involuntary refund" shall mean any refund to a passenger who is prevented from using the carriage provided for in his ticket because of cancellation of flight, inability of Carrier to provide previously confirmed space, missed connections, postponement or delay of flight, omission of a scheduled stop, or removal or refusal to carry under conditions prescribed in Article 8, paragraph I. Involuntary refunds will be made as follows:

(a) When no portion of the trip has been made, the amount of refund will be equal to the fare paid:

(b) When a portion of the trip has been made, the amount of refund will be computed as follows:

(1) For one-way tickets, the amount of the published fare from the point of cancellation to the airport of destination shown on the ticket or the difference between the fare paid and the fare for the completed passage, whichever is higher;

(2) For round, circle, or open-jaw trip tickets, the same as (1) above, less any applicable discount;

(3) When only one of the two parts of an excursion ticket has been used, refund will be made in an amount equal to one-half the excursion fare paid by the passenger; and

(c) The service charge provided for in Article 7, Paragraph 7, will not be assessed and any communication expenses paid by the passenger in accordance with Article 7, Paragraph 4, will be refunded, or, if such expense at the time has not been collected by the Carrier, its collection will be waived, except as otherwise provided in Article 8, Paragraph 2, hereof; provided that the passenger will be required to pay for any communications pertaining to his own arrangements necessitated by such involuntary cancellation.

Para. 5. Voluntary Refunds.

For the purpose of this paragraph, the term "voluntary refund" shall mean any refund of a ticket or portion thereof other than an involuntary refund, as described in Paragraph 4 of this Article. Voluntary refunds shall be computed as follows:

(a) If no portion of the ticket has been used, refund will be the full amount of the fare paid, less any applicable service charge and communications expenses; or

(b) If a portion of a ticket has been used, refund will be made in an amount equal to the difference, if any, between the fare paid and the published fare between the points between which the ticket has been used, less any applicable service charge and communications expenses.

Para. 6. Lost Ticket.

The following provisions will govern refund of a lost ticket or unused portion thereof:

(a) The refunds described in sub-paragraph (b), (c), (d) and (e), below, shall be subject to any service charge applicable in accordance with Article 7, Paragraph 7 and to any expenses incurred by Carrier as a result of such loss;

(b) If no portion of the ticket has been used, and the passenger has not purchased a replacement ticket, refund will be the full amount of the fare paid;

(c) If no portion of the ticket has been used, and the passenger has purchased a replacement ticket, the carrier which issued the original ticket will refund to the passenger the fare paid for such replacement ticket;

(d) If a portion of the ticket has been used and the passenger has not purchased a replacement ticket, refund will be made in an amount equal to the difference, if any, between the fare paid and the published fare between the point between which the ticket has actually been used;

(e) If a portion of the ticket has been used, and the passenger has purchased a replacement ticket, the carrier which issued the original ticket will refund the difference, if any, between the value of the used portion of the ticket and the fare paid for such replacement ticket;

(f) If a lost ticket or portion thereof is not found, refund will be made in not less than sixty days after receipt of proof of loss satisfactory to the Carrier; provided that the lost ticket or portion thereof has not been used or previously refunded and provided further, that the passenger agrees, in such forms as may be prescribed by Carrier, to indemnify Carrier for any loss or damage which it may sustain by reason thereof; and

(g) The foregoing provisions shall also apply to lost exchange orders, deposit receipts and excess baggage tickets.

Para. 7. Time Limit for Application.

Application for refunds must be made not later than thirty days after the expiration date of the ticket or exchange order.

Para. 8. Tickets Used as Evidence of Departure.

Carrier reserves the right to refuse to refund a ticket, or the onward or return portion thereof, if the passenger has presented it to government officials or to Carrier upon entry into a country as evidence of his intention to depart therefrom, unless such passenger establishes to the satisfaction of Carrier that he has permission to remain within the country beyond the period of validity of the ticket or that he will depart therefrom by another carrier or conveyance.

ARTICLE 12. GROUND TRANSFER SERVICE

Except as otherwise indicated in Carrier's Regulations, Carrier does not maintain, operate, or provide ground transfer service between airports or between airports and town centres. Except where ground transfer service is directly operated by Carrier, it is agreed that any such service is performed by independent operators who are not, and shall not be deemed to be, agents or servants of Carrier. Anything done by an employee, agent or representative of Carrier in assisting the passenger to make arrangements for such ground transfer service, shall in no way make Carrier liable for the acts or omissions of such an independent operator.

ARTICLE 13. HOTEL ACCOMMODATION AND MEALS

Para. 1. Hotel Accommodation.

The cost of hotel accommodation is not included in passenger fares unless otherwise specified in Carrier's Regulations.

Para. 2. Meals.

Meals aloft, if served, and meals at stations en route, including those at scheduled overnight stopping points on a through flight, will be free of charge, unless otherwise specified in Carrier's Regulations.

Para. 3. Arrangements Made by Carrier.

In making arrangements for hotel or other housing and board accommodation for passengers or for excursion trips on the ground or other similar arrangements whether or not the cost of such arrangements, is for the account of Carrier, Carrier acts only as agent for the passenger and Carrier is not liable for loss, damage, or expense of any nature whatsoever incurred by the passenger as a result of or in connection with the use by the passenger of such accommodation or the denial of the use thereof to the passenger by any other person, company or agency.

ARTICLE 14. TAXES

Any tax or other charge imposed by government authority and collectable from a passenger will be in addition to the published fares and charges.

ARTICLE 15. ADMINISTRATIVE FORMALITIES

Para. 1. Compliance with Regulations.

The passenger shall comply with all laws, regulations, orders, demands, or travel requirements of countries to be flown from, into or over, and with all rules, regulations, and instructions of Carrier. Carrier does not accept liability for the correctness or completeness of information given to the passenger by Carrier in respect thereto.

Para. 2. Passports and Visas.

(a) The passenger must present all exit, entry and other documents required by laws, regulations, orders, demands or requirements of the countries concerned. Carrier is not liable to the passenger for loss or expense due to the passenger's failure to comply with this provision. Carrier reserves the right to refuse carriage to any passenger who has not complied with applicable laws, regulations, orders, demands or requirements or whose documents are not complete.

(b) Subject to applicable laws and regulations, the passenger agrees to pay the applicable fare whenever Carrier, on government order, is required to return a passenger to his point of origin or elsewhere due to the passenger's inadmissibility into a country, whether of transit or of destination. Carrier may apply to the payment of such fares any funds paid by the passenger to Carrier for unused carriage, or any funds of the passenger in the possession of Carrier. The fare collected for carriage to the point of refusal or deportation will not be refunded by Carrier unless the applicable law requires that such fare be refunded.

Para. 3. Customs Inspection.

If required, the passenger must attend inspection of his baggage, checked or unchecked, by customs or other government officials. Carrier accepts no responsibility towards the passenger if the latter fails to observe this condition. If damage is caused to Carrier because of the passenger's failure to observe this condition, the passenger shall indemnify Carrier therefor.

ARTICLE 16. LIABILITY OF CARRIER

Para. 1. Successive Carriers.

Carriage to be performed by several successive carriers shall be deemed to be one undivided carriage, if it has been regarded by the parties as a single operation, whether it has been agreed upon under the form of a single contract (ticket) or of a series of contracts (tickets). Carriage to be performed under the ticket or under the ticket and any conjunction ticket issued in connection therewith by several successive carriers is regarded as a single operation.

Para. 2. Laws and Provisions Applicable.

(a) Carriage in which the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties to the Convention, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority

of another Power, even though that Power is not a party to the Convention, is subject to the rules relating to liability established by the Convention.

(b) To the extent not in conflict with the provisions of sub-paragraph (a) above, all carriage and other services performed by each carrier are subject to:

(1) Applicable laws (including national laws implementing the Convention), government regulations, orders and requirements;

(2) Applicable tariffs, rules, regulations and timetables (but not the times of departure and arrival therein specified) of Carrier.

(c) Carrier's name may be abbreviated in the ticket. For the purpose of the Convention, Carrier's address shall be the airport of departure shown opposite the first abbreviation of Carrier's name in the ticket, and agreed stopping places (which may be altered by Carrier in case of necessity) are those places except the place of departure and the place of destination set forth in the ticket and any conjunction ticket issued therewith or shown in Carrier's timetables as scheduled stopping places on the passenger's route.

Para. 3. Limitation of Liability.

Except as the Convention or other applicable law may otherwise require:

(a) Carrier is not liable for any death, injury, loss or claim of whatsoever nature (hereinafter in this tariff collectively referred to as "damage") arising out of or in connection with carriage or other services performed by Carrier incidental thereto, unless such damage is proved to have been caused by the negligence or wilful fault of Carrier and there has been no contributory negligence of the passenger;

(b) Carrier is not liable for any damage directly or indirectly arising out of compliance with laws, government regulations, orders or requirements or from any cause beyond Carrier's control;

(c) In any event liability of Carrier for death, injury or delay of a passenger shall not exceed 125,000 French gold francs, or its equivalent;

(d) Where the passenger has been offered a choice of rates according to value, any liability of Carrier in respect of baggage and other personal property is limited to its declared value (or its actual value if less) which shall not exceed \$100 (U.S. currency) or its equivalent per passenger, unless a higher valuation is declared in advance and additional charges are paid pursuant to Carrier's Regulations;

(e) In the event of delivery to the passenger of part but not all of his checked baggage the liability of Carrier with respect to the undelivered portion shall be reduced (notwithstanding the value of any part of the baggage or contents thereof) proportionately on the basis of weight;

(f) Carrier is not liable for damage to a passenger's baggage caused by property contained in the passenger's baggage. Any passenger whose property caused damage to another passenger's baggage or to the property of Carrier shall indemnify Carrier for all losses and expenses incurred by carrier as a result thereof;

(g) Under no circumstances will Carrier be liable for damage to unchecked baggage not attributable to the negligence of Carrier. Assistance rendered to the passenger by Carrier's employees in loading, unloading or transhipping unchecked baggage shall be considered as a gratuitous service to the passenger;

(h) Carrier is not liable for damage to, or delay in the delivery of fragile or perishable articles, money, jewelry, silverware, negotiable papers, securities or other valuables, samples, or business documents, which are included in the passenger's baggage whether with or without the knowledge of Carrier;

(i) Carrier may refuse to accept any articles which do not constitute baggage as such term is defined, herein, but if delivered to and received by Carrier, such articles shall be deemed to be within the baggage valuation and limit of liability, and shall be subject to the published rates charges of Carrier;

(j) A carrier in issuing a ticket or checking baggage for carriage exclusively over the lines of others does so only as sales agent;

(k) Carrier shall not be liable in any event for any consequential or special damages arising from carriage subject to this tariff whether or not Carrier had knowledge that such damages might be incurred;

(l) If Carrier's principal place of business is in territory of the British Empire or British Commonwealth of Nations, or in Ireland, or if the law applicable to the contract of carriage is the law of any such territory or any part thereof, it is a condition of the contract of carriage that passengers and baggage are accepted for carriage only upon condition that Carrier shall be under no liability in respect or arising out of the carriage and that passengers renounce for themselves, their representatives and dependents all claims for compensation for injury (fatal or otherwise), loss, damage, or delay, howsoever caused, sustained on board the aircraft, or in the course of any of the operations of flight, embarking or disembarking caused directly or indirectly to passengers or their belongings or to persons who, but for this condition, might have been entitled to claim, and whether caused or occasioned by the act, neglect or default of Carrier, or otherwise howsoever, and that passengers for themselves and their estates will indemnify Carrier against any such claim.

ARTICLE 17. TIME LIMITATIONS ON CLAIMS AND ACTIONS

(a) No action shall be maintained in the case of damage to baggage, or other property unless a written notice of the claim is presented to an office of Carrier within 3 days from the date of receipt thereof, and, in the case of delay or loss, unless such a written notice is so presented within 14 days from the date the baggage or other property is placed or should have been placed at the passenger's disposal as the case may be.

(b) Any rights to damages against Carrier shall be extinguished unless an action is brought within two years after the occurrence of the events giving rise to the claim.

ARTICLE 18. LEGAL AND ADMINISTRATIVE REQUIREMENTS

Carriage by Carrier is subject to applicable laws, government regulations, demands, orders and requirements of the countries to be flown from, into or over, and to all rules, regulations and instructions of Carrier.

No liability shall attach to Carrier if Carrier in good faith reasonably determines that what it understands to be the applicable law, government regulation, demand, order or requirement requires that it refuse and it does refuse to carry a passenger who appears to Carrier not to have complied with such law, government regulation, demand, order or requirement.

Insofar as any provision contained or referred to in the ticket or in this tariff may be contrary to mandatory law, government regulations, orders, or requirements, such provision shall remain applicable to the extent that it is not over-ridden thereby. The invalidity of any provision shall not affect any other part.

ARTICLE 19. MODIFICATION AND WAIVER

No agent, servant or representative of Carrier has authority to alter, modify or waive any provisions of the contract of carriage or of this tariff. This tariff and the published fares and charges are subject to change without notice, except to the extent otherwise provided by applicable law, or government regulation or order: provided, however, that no such change shall apply to a contract of carriage that has already been entered into.

The following Article forms part of the Conditions of Carriage of British European Airways Corporation only and has not been adopted by the other carriers whose names appear on page 1 hereof.

ARTICLE 20. INTERLINE CARRIAGE

If the provisions contained in the Passenger Rules Tariff published by the International Air Transport Association which may be seen on demand are at variance with this Tariff the provisions of such Passenger Rules Tariff shall govern carriage which is or according to the contract is intended to be performed jointly on aircraft belonging to the Carrier and on aircraft belonging to one or more of those Carriers who are shown as Participating Carriers in the said Passenger Rules Tariff.

GENERAL CONDITIONS OF CARRIAGE FOR GOODS

Adopted by Iraqi Airways and by the following Carriers:

Aden Airways Limited.
Air Malta Limited.
Bahamas Airways Limited.
British European Airways Corporation.
British Overseas Airways Corporation.
British West Indian Airways Limited.

Central African Airways Corporation.
Cyprus Airways Limited.
East African Airways Corporation.
Gibraltar Airways Limited.
Hong Kong Airways Limited.
Malta Airways Company Limited.
Qantas Empire Airways Limited.
Tasman Empire Airways Limited.
West African Airways Corporation.

Effective from 1st March, 1951.

GENERAL CONDITIONS OF CARRIAGE FOR GOODS

ARTICLE I. DEFINITIONS

As used herein :

Air waybill is equivalent to the term air consignment note.

Carriage is equivalent to transportation.

Carrier includes the air carrier or undertaking issuing the air waybill and all air carriers that carry the goods under such air waybill, or perform any other services related to such air carriage. For the purposes of the exemption from and limitation of liability provisions set forth or referred to in this tariff or in the air waybill, "Carrier" includes the agents, servants, or representatives of any such air carrier.

City terminal service means the surface carriage of consignments between Carrier's city handling station and the airport of departure or destination, as the case may be.

C.O.D. means an arrangement between the shipper and Carrier whereby the latter, upon delivery of the consignment, is to collect from the consignee the amount indicated on the air waybill as payable to the shipper.

Consignment is equivalent to the term shipment.

Convention means the Convention for the Unification of Certain Rules relating to International Carriage by Air, signed at Warsaw, October 12, 1929.

Customs Consignee is equivalent to the term customs clearance agent.

Days means full calendar days, including Sundays and legal holidays provided that for purposes of notification the balance of the day upon which notice is despatched shall not be counted, and when the last day falls on Sunday or a legal holiday, such Sunday or legal holiday shall not be counted.

Delivery service means the surface carriage of inbound consignments from the airport of destination to the address of the consignee or that of his designated agent or a re-forwarding agent or to the custody of the appropriate government agency when required.

Gold francs means French francs consisting of 65½ milligrams of gold at the standard of fineness of nine hundred thousands.

Pick-up service means the surface carriage of outbound consignments from the shipper's address to the airport of departure.

Shipper is equivalent to the term consignor.

Tariff is equivalent to the term Conditions of Carriage.

ARTICLE 2. APPLICABILITY OF TARIFF

Para. 1. General.

This tariff shall apply to all carriage of goods, including all services incidental thereto, performed by Carrier, provided, however, that if, according to the contract of carriage made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties to the Convention, or within the territory of a single High Contracting Party to such Convention if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though such Power is not a party to such Convention, such carriage shall be subject to the provisions of such Convention and to this tariff to the extent that this tariff is not inconsistent with the provisions of the Convention.

Para. 2. Gratuitous Carriage.

With respect to gratuitous carriage, Carrier reserves the right to except the application of all or any part of this tariff.

ARTICLE 3. EXECUTION OF AIR WAYBILL

Para. 1. Preparation by Shipper.

The shipper shall make out or have made out on his behalf an air waybill in the form, manner and number of copies prescribed by Carrier, and shall deliver such air waybill to Carrier with the goods. However, charges for carriage and other charges, insofar as they have been ascertained, shall be inserted in the air waybill by Carrier. Carrier may require the shipper to make out, or have made out on his behalf, separate air waybill when there is more than one package or when all of the consignment cannot be carried in one aircraft or cannot, without breach of government requirements or regulations of Carrier, be carried on one air waybill.

Para. 2. Apparent Order and Condition of Goods.

If the apparent order and condition of the goods and/or packing is other than good, the shipper shall insert in the air waybill what the apparent order and condition is. However, if the shipper fails to do so, or if such statement is inaccurate. Carrier may insert in the air waybill a statement of the apparent order and condition or note a correction thereon.

Para. 3. Preparation, Completion or Correction by Carrier.

Carrier may, at the request of the shipper, expressed or implied, make out the air waybill, in which event, subject to proof to the contrary, Carrier shall be deemed to have done so on behalf of the shipper. If the air waybill handed over with the goods does not contain all the required particulars, or if it contains any error, Carrier is authorized to complete or correct it to the best of Carrier's ability, without being under any obligation to do so.

Para. 4. Responsibility for Particulars.

The shipper is responsible to Carrier and all other persons for the correctness and completeness of the particulars and statements which he inserts in the air waybill, or which Carrier inserts on his behalf. When Carrier makes out or completes the air waybill on behalf of the shipper pursuant to the provisions of Article 3, Paragraph 3 above, the shipper shall be liable for all damages suffered by Carrier or any other person by reason of the irregularity, incorrectness or incompleteness of said particulars and statements. In the case of consignments to be forwarded C.O.D. it shall be the sole responsibility of the shipper to enter on the air waybill the amount to be collected upon delivery of the consignment and Carrier shall not be liable for failure to collect such amount when not so entered by the shipper.

Para. 5. Alterations.

Air waybill the writing on which has been altered or erased need not be accepted by Carrier.

Para. 6. Right of inspection by Carrier.

Carrier reserves the right to inspect the contents of all consignments whenever doubt exists that contents are not as described by shipper in the air waybill.

ARTICLE 4. CHARGES

Para. 1. General.

(a) Rates and charges for carriage governed by this tariff are those duly published by Carrier and in effect on the date of the issuance of the air waybill by Carrier. Such rates and charges apply only to routing published in connection therewith and, unless otherwise specified, take precedence over combined rates and charges published between the same points via the same routing. Specific commodity rates take precedence over general commodity rates. Unless otherwise specified, rates and charges apply in either direction.

(b) The charge for fractions of a kilogram will be that for the next higher half kilogram, and for fractions of a pound that for the next higher pound.

(c) If the gross weight, measurement, quantity or declared value of the goods exceeds the gross weight, measurement, quantity or declared value on which charges for carriage have been previously computed, the charge on such excess shall be due and payable to Carrier.

Para. 2. Services Not Included in Published Rates and Charges.

Published rates and charges cover the carriage of consignments by air between airports or other landing places at or near the points shown in the published rates and charges. Except as otherwise specifically provided in connection therewith such published rates and charges do not include the following services or charges:

(a) pick-up delivery and city terminal service to and from the airports from which Carrier operates;

(b) storage charges;

(c) insurance charges;

(d) C.O.D. service charges;

(e) advanced charges;

(f) expenses incurred by Carrier in expediting the goods through customs, or incurred by any other person whether acting

as agent for the shipper, the consignee, the owner of the goods, or Carrier;

(g) charges or penalties imposed or collected by government authority;

(h) expenses incurred by Carrier in repairing faulty packing;

(i) charges for carriage of goods forwarded or reforwarded by any other transportation service;

(j) transshipment expenses; or

(k) any other similar services or charges.

Para. 3 Payment of Charges.

(a) Rates and charges are published in the currency shown in the applicable rates, tariffs and are payable in any currency acceptable to Carrier. When payment is made in a currency other than in the currency in which the rates or charges are published, such payment will be made at the rate of exchange established for such purpose by Carrier. The provisions of this paragraph are subject to applicable exchange laws and government regulations.

(b) Full applicable charges, whether prepaid or collect, fees, duties, taxes, charges, advances and payments made or incurred or to be incurred by Carrier and any other sums payable to Carrier, will be deemed fully earned, whether or not the goods are lost or damaged, or fail to arrive at the destination specified in the air waybill. All such charges, sums and advances will be due and payable upon receipt of the goods by Carrier, except that they may be collected by Carrier at any stage of the service performed under the air waybill.

(c) With respect to any charges, expenses or disbursements which cannot be determined at the time when goods are handed over for carriage. Carrier may require the shipper to deposit with Carrier a sum estimated by Carrier to be sufficient to cover such charges, expenses and disbursements. Any balance due from Carrier to the shipper or from the shipper to Carrier in connection with such deposit shall be paid after completion of the contract of carriage and determination of the exact amount of such expenses and disbursements.

(d) The shipper consignee and owner of the goods are jointly and severally liable for the payment of and shall indemnify Carrier against all unpaid charges, advances and disbursements of Carrier, and all costs, expenditures, fines, penalties, loss of time, damages and other sums which Carrier may incur or suffer by reason of the inclusion in the consignment of articles, the carriage of which is prohibited by law or by this tariff, or the illegal, incorrect or insufficient marking, numbering, addressing or packing of packages or description of the goods, or the absence, delay or incorrectness of any export or import licence or any required certificate or document, or any improper customs valuation, or incorrect statement of weight or volume. Carrier shall have a lien on the goods for each of the foregoing and, in the event of non-payment thereof, shall have the right to dispose of the goods at public or private sale, provided that prior to such sale Carrier shall have mailed notice thereof to the shipper or to the consignee at the address stated in the air waybill, and to pay itself out of the proceeds of such sale any and all such amounts. No such sale shall, however, discharge any liability to pay any deficiencies. No such lien or right of sale, and no right of Carrier to collect any of the foregoing

shall be in any way affected, lost or prejudiced by reason of the acknowledgement of payment, if not actually paid, or by reason of the delivery of the goods, or the surrender of possession of the goods.

(e) Carrier shall be under no obligation to incur any expenses or to make any advance in connection with the forwarding or reforwarding of the goods except against prepayment by the shipper.

(f) Except on such routes as may from time to time be specified by Carrier, consignments will be accepted by Carrier with charges either prepaid or to be collected at destination, provided always that Carrier may decline to carry the following on a charges collect basis:

- (i) household goods and personal effects;
- (ii) consignments to persons restrained of their liberty;
- (iii) consignments addressed to government agencies, except when shipped by government agents presenting proper credentials;
- (iv) consignments not equal in commercial value to charges thereon;
- (v) consignments of perishable commodities;
- (vi) consignments to countries where currency or Carrier's regulations do not permit consignments to be delivered on a charges collect basis;
- (vii) consignments of any kind of animals; or
- (viii) consignments of human remains.

(g) Carrier reserves the right to refuse consignments on a charges collect basis to any country where regulations prevent the conversion of funds into other currencies or the transfer of funds to other countries.

Para. 4. Insurance.

At the request of the shipper, and if the appropriate premium is paid and the fact recorded on the face of the air waybill, the goods covered by the air waybill will be insured on behalf of the skipper under an open policy for the amount requested by the shipper as set out on the face thereof and subject to the terms and conditions of such open policy which is available for inspection by the shipper. Claims under such policy must be reported immediately to an officer of Carrier.

ARTICLE 5. ACCEPTABILITY OF GOODS FOR CARRIAGE

Para. 1. Valuation Limit of Consignment.

No consignment having a declared value for carriage in excess of \$100,000 (U.S. currency) or its equivalent, will be accepted for carriage unless special arrangement therefor has been made in advance between the shipper and Carrier.

Para. 2. Valuation Limits for Aircraft.

Carrier may refuse to accept for carriage in one aircraft a consignment or group of consignments, the value of which is in excess of \$50,000 (U.S. currency) or its equivalent. If single consignment exceeds such limits it will be divided between two or more aircraft in the sole discretion of Carrier. If the declared value for carriage of any consignment to be carried on a specified flight in combination with other consignments to be carried on such flight results in an aggregate

value exceeding the above limit, such consignment may not be carried on such flight, but will be carried on the next available flight.

Para. 3. Packing and Marking of Goods.

Goods must be packed so as to ensure safe carriage with ordinary care in handling and so as not to injure or damage any persons, goods or property. Each package shall be legibly and durably marked with the name and full postal address of the shipper and consignee or the marks and numbers appearing on the air waybill.

Para. 4. Goods Acceptable.

Goods, wares, merchandise and products of all kinds and descriptions are acceptable for carriage unless otherwise excluded in this tariff.

Para. 5. Goods Excluded.

No goods the carriage of which is prohibited by any applicable law or regulation, or which in the opinion of Carrier are of a character likely to inconvenience passengers or are dangerous to aircraft, passengers or goods can be accepted for carriage.

Para. 6. Goods Acceptable Only Under Prescribed Conditions.

The goods specified in Carrier's Regulations will be transported by Carrier only when the specific requirements set out in such Regulations are adhered to by the shipper.

Para. 7. Responsibility for Non-Observance of Conditions.

Responsibility for the non-observance of the conditions relating to goods which are not acceptable for carriage or are acceptable only under certain conditions rests upon the shipper and the owner of the goods, who jointly and severally agree to indemnify Carrier for any loss, damage, delay, liability or penalties it may incur because of carriage of any such goods.

ARTICLE 6. CONSIGNMENT IN TRANSIT

Para. 1. Compliance with Government Requirements.

The shipper shall comply with all applicable laws, customs and other government regulations of any country to, from, through or over which the goods may be carried, including those relating to the packing, carriage or delivery of the goods, and shall furnish such information and attach such documents to the air waybill as may be necessary to comply with such laws and regulations. Carrier shall not be obligated to inquire into the correctness or sufficiency of such information or documents. Carrier shall not be liable to the shipper or any other person for loss or expense due to shipper's failure to comply with this provision.

Para. 2. Disbursements and Customs Formalities.

Carrier is authorized (but shall be under no obligation) to advance any duties, taxes or charges and to make any disbursements with respect to the goods, and the shipper, owner and consignee shall be jointly and severally liable for the reimbursement thereof. No Carrier shall be under obligation to incur any expense or to make any advance in connection with the forwarding or reforwarding of the goods except against prepayment by the shipper. If it is necessary to make customs

entry of the goods at any place, the goods shall be deemed to be consigned at such place to the person named on the face of the air waybill as customs consignee or, if no such person be named, to the Carrier carrying the goods to such place or to such customs consignee, if any, as such Carrier may designate. For any such purpose a copy of the air waybill, certified by Carrier, shall be deemed an original.

Para. 3. Schedules, Routings and Cancellations.

(a) Times shown in timetables or elsewhere are approximate and not guaranteed and form no part of the contract of carriage. No time is fixed for the commencement or completion of carriage. Carrier assumes no obligation to carry the goods by any specified aircraft or over any particular route or routes, or to make connections at any point according to any particular schedule, and Carrier is hereby authorized to select or deviate from the route or routes of consignment, notwithstanding that the same may be stated on the face of the air waybill. Carrier is not responsible for errors or omissions either in timetables or other representations of schedules. No employee, agent or representative of Carrier is authorized to bind Carrier by any statements or representations of the dates or times of departure or arrival, or of the operation of any flight.

(b) All consignments are accepted subject to the availability of suitable equipment and to available space.

(c) Carrier may without notice substitute alternate carriers or aircraft and if it concludes that it would be advisable so to do, Carrier may, without notice, cancel, terminate, divert, postpone, or delay any flight or the further right of carriage without any liability. Carrier may cancel the carriage of a consignment upon the refusal of the shipper, after demand by Carrier to pay the charges or the portion thereof, so demanded, without being subject to any liability therefor. If any flight is cancelled, postponed or advanced or is terminated at a place other than the place of destination or if the carriage of any consignment is so cancelled, postponed, advanced or terminated, Carrier shall not be under any liability with respect thereto. If the carriage of the consignment or any part thereof is so terminated, delivery thereof by Carrier to any transfer agent for transfer or delivery or the placing of such consignment in storage shall be deemed complete delivery under the air waybill, and Carrier shall be without any further liability with respect thereto, except to mail notice of the disposition of the consignment to the shipper or to the consignee, at the address stated in the air waybill. Carrier may but shall not be obliged to forward the consignment for carriage by any other route or forward the consignment as agent for the shipper or the consignee, for onward carriage by any transportation service on behalf of the shipper or the consignee.

(d) Subject to applicable government laws, regulations and orders, Carrier is authorized to determine the priority of carriage as between consignments and as between consignments and other cargo, mail and passengers, and to decide which articles shall be carried and which articles shall not be carried or shall be removed at any time or place whatsoever and to proceed with any flight without all or any part of the goods in one consignment.

Para. 4. Certain Rights of Carrier over Consignment in Transit.

If in the opinion of Carrier it is necessary to hold the consignment at any place for any purpose, either before, during or after transit, Carrier may, upon mailing notice thereof to the shipper or consignee at the address stated in the air waybill, store the consignment for the account and at the risk and expense of the shipper, consignee and owner of the consignment, or any one of them, in any warehouse or other available place, or with the customs authorities; or Carrier may deliver the consignment to another transportation service for onward carriage to the consignee. The shipper, consignee and owner of the consignment shall be jointly and severally liable for and indemnify Carrier agent any expense or risk so incurred.

ARTICLE 7. SHIPPER'S RIGHT OF DISPOSITION

Para. 1. Shipper's Option.

Subject to his liability to carry out all his obligations under the contract of carriage, the shipper may dispose of the goods either:

(a) by withdrawing them at the airport of departure or of destination.

(b) by stopping them in the course of the journey on any landing.

(c) by calling for them to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the air waybill, or

(d) by requiring them to be returned to the airport of departure; provided that this right of disposition shall not be exercised in such a way as to prejudice Carrier or other shippers.

Para. 2. Payment of Expenses.

The shipper shall be liable for and shall indemnify Carrier against all loss or damage suffered or incurred by Carrier as a result of the by the exercise of his right of disposition.

The shipper shall reimburse Carrier for any expenses occasioned by the exercise of his right of disposition.

Para. 3. Exercise of Right of Disposition.

Every exercise of the right of disposition must be made by the shipper or his designated agent, if any, and must be applicable to the whole consignment. Exercise of the shipper's right to dispose of the goods while in transit is conditional upon production by the shipper or his designated agent of the part of the air waybill which was delivered to the shipper. Instructions as to disposition must be given in writing and in the form prescribed by Carrier.

Para. 4. Carrier's Inability to Comply.

If it is not reasonably practicable to carry out the order of the shipper, Carrier shall so inform him promptly. The cost of so doing attaches to the goods.

Para. 5. Extent of Shipper's Right.

The shipper's right of disposition shall cease at the moment when, after arrival of the goods at the destination, the consignee takes possession or requests delivery of the goods or air waybill. Nevertheless, if

the consignee declines to accept the air waybill or the goods, or if he cannot be communicated with, such right of disposition shall continue to vest in the shipper.

ARTICLE 8. DELIVERY AND FAILURE TO DELIVER

Para. 1. Delivery to Consignee.

(a) Except as otherwise specifically provided in the contract of carriage, delivery of the consignment will be made only to the consignee named on the face of the air waybill. Provided that delivery to the consignee shall be deemed to have been effected when the consignment has been delivered to Customs or other government authorities and Carrier has delivered to the consignee any authorisations from Carrier required to enable the consignee to obtain release of the consignment.

(b) Delivery of the consignment shall be made by Carrier only upon written receipt of the consignee and upon compliance with all other applicable terms and conditions of the air waybill and of this tariff.

Para. 2. Notice of Arrival.

Notice of arrival of the consignment will, in the absence of other instructions be sent to the consignee, and the person to be notified, by ordinary methods; Carrier is not liable for non-receipt or delay in receipt of such notice.

Para. 3. Time and Place of Delivery.

Carrier does not guarantee the carriage or delivery of goods within a definite time.

The consignee must accept delivery of and collect the consignment at the airport of destination, unless delivery service to the address of the consignee has been arranged for between the shipper or consignee and Carrier.

Para. 4. Failure of Consignee to Take Delivery.

(a) If the consignee refuses or fails to take delivery of the consignment after its arrival at the airport of destination or the destination named in the air waybill. Carrier will endeavour to comply with any instructions of the shipper set forth on the face of the air waybill. If no such instructions are so set forth, or if such instructions cannot reasonably be complied with, Carrier, after forwarding to the shipper notice of the failure of the consignee to take delivery, may:

(i) Return the consignment on its own services or on any other transportation service to the airport of departure, there to await instructions of the shipper; or

(ii) After holding the consignment at airport of destination for a period of not less than 30 days, sell such consignment in one or more lots at public or private sale.

(b) The shipper and owner agree to pay all charges and expenses resulting from or in connection with the failure to make delivery of the consignment including, but not limited to, carriage charges incurred in returning the consignment. If the consignment is returned to the airport of departure and the shipper or owner refuses or neglects to make such payments within fifteen days after such return, Carrier may dispose of the consignment or any part thereof

at public or private sale after giving the shipper at the address stated in the air waybill ten days' notice of its intention to do so.

(c) In the event of the sale of the consignment Carrier is authorized to pay to itself and other transportation services out of the proceeds of such sale any and all charges, advances and expenses of Carrier and other transportation services plus costs of sale, holding any surplus subject to the order of the shipper. A sale of any consignment shall, however, not discharge the shipper and/or owner of any liability hereunder to pay any deficiencies.

Para. 5. Disposal of Perishables.

When a consignment containing perishable articles is delayed in the possession of Carrier, is unclaimed or refused at destination, or for other reasons is threatened with deterioration, Carrier may immediately take such steps as it sees fit for the protection of itself and other parties including but not limited to the destruction or abandonment of all or any part of the consignment, the sending of requests for instructions, the storage of the consignment or any part thereof at the risk and cost of the shipper, or the disposition of the consignment or any part thereof at public or private sale without notice. The proceeds of any such sale shall be subject to the payment to Carrier of all accrued charges and expenses.

Para. 6. C.O.D. Consignments.

Consignments may be forwarded C.O.D., subject to the following:

(a) The letters "C.O.D." are legibly marked on each package next to the shipper's and consignee's name and address.

(b) Currency requirements of the country of departure and/or destination; and

(c) The right of Carrier to refuse C.O.D. consignments to any particular country or on any particular route.

ARTICLE 9. PICK-UP, DELIVERY AND CITY TERMINAL SERVICES

Para. 1. Availability of Service.

Pick-up, delivery and city terminal services will be available at the points and subject to the rates and charges established for such services as published in the applicable tariffs of Carrier.

Para. 2. Request for Service.

Pick-up service will be provided when requested by the shipper. Delivery service will be provided if instructions are given by the shipper on the air waybill, or by the consignee.

Para. 3. Consignments for Which Service Unavailable.

Pick-up, delivery and city terminal services will not be provided by Carrier without special arrangement for any consignment which in the opinion of Carrier it is impracticable for Carrier to handle.

Para. 4. Limitations on Service.

Pick-up, delivery and city terminal services will not be provided when in the opinion of Carrier it is impracticable to operate vehicles, or when the address of the sale shipper or consignee is not directly accessible to vehicles, Consignments will not be handled beyond loading platforms or doorways directly accessible to vehicles.

Para. 5. Handling.

Pick-up, delivery and city terminal services will not be provided for pieces which cannot be handled by one man unless advance arrangements have been made, including, where necessary, the furnishing of additional men and equipment by and at the risk and expense of the shipper or consignee.

Para. 6. Hours of Service.

Except by pre-arrangement with Carrier, pick-up and delivery service will be provided only during regular business hours and on regularly scheduled cartage trips.

Para. 7. Tender of Delivery.

Consignments which through no fault of Carrier cannot be delivered on the first tender of delivery to the consignee will be returned to Carrier's terminal and the consignee will be so notified. Further tenders will be made only upon request of the consignee, and an additional charge based on published rates will be made for each subsequent tender of delivery.

ARTICLE 10. FORWARDING AND REFORWARDING

The goods, or packages said to contain the goods, described on the face of the air waybill, are accepted for carriage from their receipt at Carrier's airport office at the place of departure to the airport at the place of destination. If so specifically agreed, the goods, or packages said to contain the goods described in the air waybill, are also accepted for forwarding to the airport of departure and reforwarding beyond the airport of destination. If such forwarding or reforwarding is by carriage operated by Carrier, such carriage shall be upon the same terms as to liability as set forth in Paragraphs 2 and 3 of Article II hereof. In any other event, the issuing carrier and last carrier, respectively, in forwarding and reforwarding the goods, shall do so only as agents of the shipper, owner, or consignee, as the case may be, and Carrier shall not be liable for any damage arising out of such additional carriage unless proved to have been caused by its own negligence or willful fault. The shipper, owner and consignee hereby authorize such carriers to do all things deemed advisable to effect such forwarding and reforwarding, including, but without limitation, selection of means of forwarding or reforwarding and the routes thereof (unless these have been specified by the shipper in the air waybill), execution and acceptance of documents of carriage (which may include provisions exempting or limiting liability) and consigning of goods with no declaration of value, notwithstanding any declaration of value in the air waybill.

ARTICLE 11. LIABILITY OF CARRIER

Para. 1. Successive Carriers.

Carriage to be performed by several successive carriers shall be deemed to be one un-divided carriage, if it has been regarded by the parties as single operation, whether it has been agreed upon the form of a single contract or of a series of contracts. Carriage to be performed under the air waybill by several successive carriers is regarded as a single operation.

Para. 2. Laws and Provisions Applicable

(a) Carriage in which the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties to the Convention, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to the Convention, is subject to the rules relating to liability established by the Convention.

(b) To the extent not in conflict with the provisions of subparagraph (a) above, all carriage and other services performed by each carrier are subject to:

(1) Applicable laws (including national laws implementing the Convention), government regulations, orders and requirements;

(2) Applicable tariffs, rules, regulations and timetables (but not the times of departure and arrival therein specified) of Carrier.

(c) For the purposes of the Convention the agreed stopping places (which may be altered by Carrier in case of necessity) are those places except the place of departure and the place of destination set forth in the Air Waybill or shown in Carrier's timetables as scheduled stopping places for the route.

(d) In the case of carriage subject to the Convention, the shipper acknowledges that he has been given an opportunity to make a special declaration of the value of the goods at delivery and that the sum entered on the face of the air waybill as "Shipper's Declared Value—For Carriage", if in excess of 250 French gold francs or their equivalent per kilogram, constitutes such special declaration of value.

Para. 3. Limitation of Liability.

Except as the Convention or other applicable law may otherwise require:

(a) Carrier is not liable to the shipper or to any other person for any damage, delay or loss of whatsoever nature (hereinafter in this tariff collectively referred to as "damage") arising out of or in connection with the carriage of the goods or other services performed by Carrier incidental thereto, unless such damage is proved to have been caused by the negligence or willful fault of the carrier against whom the claim is made and there has been no contributory negligence of shipper, consignee or other claimant;

(b) Carrier is not liable for any damage directly or indirectly arising out of compliance with laws, government regulations, orders or requirements, or from any cause beyond Carrier's control;

(c) Where the charges for carriage have been based upon a value declared by the shipper, any liability of Carrier shall in no event exceed the shipper's declared value for carriage stated on the face of the air waybill, and in the absence of such declaration by shipper liability of Carrier shall not exceed 250 gold francs, or their equivalent per kilogram of goods destroyed, lost, damaged or delayed; all claims shall be subject to proof of value.

(d) Carrier shall not be liable under any circumstances for damage to or destruction of a consignment caused by or as a result of property contained therein and the shipper, owner and con-

signee, whose property shall cause damage to or destruction of another consignment or of the property of Carrier, shall indemnify Carrier for all losses and expenses incurred by Carrier as a result thereof. Goods which are likely to endanger aircraft, persons or property, may be abandoned or destroyed by Carrier at any time without notice and without any liability therefore attaching to Carrier;

(e) No warranty concerning any aircraft engaged in the carriage or concerning its fitness for the carriage of the goods to which the contract relates is implied in the contract of carriage;

(f) A carrier issuing an air waybill for carriage exclusively over the lines of others does so only as a sales agent;

(g) Carrier shall not be liable in any event for any consequential or special damages arising from carriage subject to this tariff, whether or not Carrier had knowledge that such damages might be incurred.

ARTICLE 12. TIMES LIMITATIONS ON CLAIMS AND ACTIONS

(a) No action shall be maintained in the case of damage to goods unless a written notice, sufficiently describing the goods concerned, the approximate date of the damage, and the details of the claim, is presented to an office of Carrier within seven days from the date of receipt thereof, in the case of delay unless presented within fourteen days from the date the goods are placed at the disposal of the person entitled to delivery, and in the case of loss (including non-delivery) unless presented within one hundred and twenty days from the date of issue of the air waybill.

(b) Any rights to damages against Carrier shall be extinguished unless an action is brought within two years after the occurrence of the events giving rise to the claim.

Carriage by Carrier is subject to applicable laws, government regulations, demands, orders and requirements of the countries to be flown from, into or over, and to all rules, regulations and instructions of the Carrier.

No liability shall attach to Carrier if Carrier in good faith reasonably determines that what it understands to be the applicable law, government regulations, demand, order or requirements requires that it refuse and it does refuse to carry a consignment which appears to Carrier not to comply with such law, government regulation, demand, order or requirement.

ARTICLE 13. LEGAL AND ADMINISTRATIVE REQUIREMENTS

Insofar as any provision contained or referred to in the air waybill or in this tariff may be contrary to mandatory law, government regulations, orders or requirements, such provision shall remain applicable to the extent that it is not over-ridden thereby. The invalidity of any provision shall not affect any other part.

ARTICLE 14. MODIFICATION AND WAIVER

No agent, servant or representative of Carrier has authority to alter, modify or waive any provisions of the contract of carriage or of this tariff. This tariff and the published rates and charges are subject to change without notice, except to the extent otherwise provided by applicable law or government regulation or order; provided, however, that no such change shall apply to a contract of carriage that has already been entered into.

The following Article forms part of the Conditions of Carriage of British European Airways Corporation only and has not been adopted by the other carriers whose names appear on page 17 hereof.

ARTICLE 15. INTERLINE CARRIAGE

If the provisions contained in the Cargo Rules Tariff published by the International Air Transport Association which may be seen on demand at variance with this Tariff the provisions of such Cargo Rules Tariff shall govern carriage which is or according to the contract is intended to be performed jointly on aircraft belonging to Carrier and on aircraft belonging to one or more of those Carriers who are shown as Participating Carriers in the said Cargo Rules Tariff.



IRELAND

Number 40 of 1936.

**AIR NAVIGATION AND TRANSPORT
ACT, 1936.**

AIR NAVIGATION AND TRANSPORT ACT 1936 (No. 40) •

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AN ACT TO MAKE FURTHER AND BETTER PROVISION IN RELATION TO THE REGULATION OF AIR NAVIGATION AND TRANSPORT, AND TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH. [14th August, 1936.]

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT EIREANN AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

1.—This Act may be cited as the Air Navigation and Transport Act, 1936. Short title.

2.—(1) In this Act—

Definitions.

the expression “ the Minister ” means the Minister for Industry and Commerce;

the expression “ the Paris Convention ” means the International Convention relating to the regulation of aerial navigation done at Paris on the 13th day of October, 1919, and includes any amendment to the said Convention which may be made under Article 34 thereof;

the expression “ the Warsaw Convention ” means the International Convention for the unification of certain rules relating to international carriage by air which was signed at Warsaw on the 12th day of October, 1929, and came into force in respect of Saorstát Eireann on the 19th day of December, 1935;

the expression “ the Rome Convention ” means the International Convention for the unification of certain rules relating to damage caused by aircraft to third parties on the surface which was signed at Rome on the 29th day of May, 1933, and includes any amendment to the said Convention to which Saorstát Eireann is a party;

the word " aircraft " includes all balloons, whether fixed or free, kites, gliders, airships and flying machines;

the word " airship " means an aircraft using gas lighter than air as a means of support, and having means of propulsion;

the word " balloon " means an aircraft using gas lighter than air as a means of support and having no means of propulsion;

the word " seaplane " includes a flying boat and any other aircraft designed to manœuvre on the waters;

the expression " State aircraft " means military aircraft and every aircraft exclusively employed in State services, including postal, customs, and police services;

the expression " Saorstát Eireann aircraft " means aircraft registered in Saorstát Eireann;

the expression " foreign aircraft " means aircraft which is registered in a country other than Saorstát Eireann;

the word " goods " includes mails and animals;

the word " aerodrome " means any definite and limited area (including water) intended to be used, either wholly or in part, for or in connection with the landing or departure of aircraft;

the word " land " includes land covered with water, any harbour, any part of the territorial waters of Saorstát Eireann, foreshore, any easement, water-right, fishing right or other of whatsoever kind right in over or in respect of land or water, but does not include land which belongs to Saorstát Eireann by virtue of Article 11 of the Constitution;

the expression " policy of insurance " includes a covering note;

the expression " the Company " means the Company to be formed and registered under Part VIII of this Act;

the expression " subsidiary company " means an air transport company in which more than one half of the issued share capital thereof is held by the Company;

the expression " local authority " means a body which is—

- (a) the council of a county or other borough, or
- (b) the council of a county, or
- (c) the council of an urban district;

the expressions " conservancy authority " and " harbour authority " have the same meanings respectively as in section 742 of the Merchant Shipping Act, 1894;

the word "prescribed" where it occurs in Part II of this Act means prescribed by order made by the Executive Council under the said Part II;

the word "prescribed" (except in Part II of this Act) means prescribed by regulations made by the Minister under this Act.

(2) References in this Act to any country or territory (including Saorstát Eireann) shall, unless the context otherwise requires be construed as including reference to the territorial waters (if any) adjacent to such country or territory.

3.—(1) Subject to the provisions of this section, this Act (except Part III thereof) shall not apply to any State aircraft. Application of Act to State aircraft.

(2) The Executive Council may by order direct that such provisions of this Act (except Part III thereof) or any order or regulations made thereunder as may be specified in such order shall, with or without modifications, apply to State aircraft, and whenever any such order is made and is in force, such of the said provisions as may be specified in such order shall, subject to such modifications (if any) as may be specified therein, have the force of law in Saorstát Eireann.

4.—Nothing in this Act or any order or regulation made thereunder shall prejudice or affect the rights, powers or privileges of any general or local lighthouse authority. Saving for lighthouse authorities.

5.—(1) An order made by the Executive Council under this Act may be made applicable to any aircraft in or over Saorstát Eireann or to Saorstát Eireann aircraft wherever they may be. General provisions in relation to Orders made by the Executive Council.

(2) An order made by the Executive Council under this Act may authorise the Minister to make regulations for carrying out the purposes of such order in respect of such matters and things as may be specified in such order.

(3) An order made by the Executive Council under this Act may contain such incidental, supplementary and consequential provisions as appear to the Executive Council to be necessary or expedient for the purposes of such order.

(4) An order made by the Executive Council under this Act may provide that any breach or contravention of such order shall

be an offence triable summarily and prescribe the punishments which may be inflicted by courts of summary jurisdiction on persons convicted by such courts of any such offence, but so that no such punishment shall exceed imprisonment for a term of six months or a fine of two hundred pounds or both such imprisonment and fine.

(5) The Executive Council may by order under this sub-section revoke or amend any order made by the Executive Council under this Act including an order made under this sub-section.

(6) Every order made by the Executive Council under this Act shall be laid before Dáil Éireann as soon as may be after it is made, and if a resolution annulling such order is passed by Dáil Éireann within the next subsequent twenty-one days on which Dáil Éireann has sat after such order is so laid before Dáil Éireann, such order shall be annulled accordingly but without prejudice to the validity of anything previously done under such order.

6.—The Minister may by order make regulations in relation **Regulations.**
to—

- (a) any matter or thing referred to in this Act (except Part II thereof) as prescribed;
- (b) any matter or thing in respect of which the Minister is authorised, by an order made by the Executive Council under this Act, to make regulations for carrying out the purposes of such order;
- (c) any matter or thing which the Minister is by this Act authorised to prescribe by regulations made under this Act.

7.—The following provisions shall have effect in relation to all **Fees.**
fees payable under this Act, that is to say:—

- (a) such fees shall be collected in money and taken in such manner as the Minister for Finance may from time to time direct, and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance; and
- (b) the Public Offices (Fees) Act, 1879, shall not apply in respect of such fees.

8.—The Air Navigation Act, 1920, is hereby repealed.

Repeal of Air
Navigation Act,
1920.

9.—All expenses incurred by the Minister for Finance in the execution of this Act and all expenses so incurred by the Minister for Justice, the Minister for Local Government and Public Health, the Minister for Posts and Telegraphs, and the Minister, to such extent as may be sanctioned by the Minister for Finance, shall, if not otherwise provided for under this Act, be paid out of moneys provided by the Oireachtas.

Expenses.

PART II.

PROVISIONS IN RELATION TO THE PARIS CONVENTION.

10.—The Executive Council may from time to time make such orders as appear to them necessary or expedient for carrying out the Paris Convention and for giving effect thereto or to any of the provisions thereof, and every such order shall have the force of law in Saorstát Eireann.

Power to give
effect to the Paris
Convention.

11.—The Executive Council may from time to time by order direct that the provisions of the Paris Convention for the time being in force, or any of them, and whether or not those provisions are limited to aircraft of any special description or engaged in any special kind of navigation, shall apply to or in relation to any aircraft in or over Saorstát Eireann and whenever any such order is made such of the said provisions as are specified in such order shall apply to or in relation to any aircraft in or over Saorstát Eireann.

Power to apply
Paris Convention
to internal flying.

12.—Without prejudice to the generality of the powers conferred by the two immediately preceding sections, the Executive Council may by order made under either of the said sections make provision—

Special provisions
which may be
made by Order of
the Executive
Council.

- (a) prescribing the authority by which any of the powers exercisable under the Paris Convention by a contracting State or by any authority therein are to be exercised in Saorstát Eireann;
- (b) for the licensing, inspection, and regulation of aerodromes, for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting the work therein carried on, for prohibiting or regulating the use of unlicensed aerodromes, and for the licensing of personnel employed at aerodromes in the inspection or supervision of aircraft;

- (c) as to the manner and conditions of the issue and renewal of any certificate or licence required by the order or by the Paris Convention, including the examination and tests to be undergone, and the form, custody, production, cancellation, suspension, endorsement and surrender of any such certificate or licence;
- (d) as to the registration of aircraft in Saorstát Éireann;
- (e) as to the conditions under which aircraft may be used for carrying passengers and goods;
- (f) as to the conditions under which aircraft may pass, or passengers or goods may be conveyed by aircraft, into or from Saorstát Éireann or from one part of Saorstát Éireann to another;
- (g) exempting from the provisions of the order or of the Paris Convention, or any of them, aircraft flown for experimental purposes, or any other aircraft or persons where it appears that the same should not apply;
- (h) prescribing the scales of charges at licensed aerodromes;
- (i) appointing any area to be a prohibited area for the purposes of the order;
- (j) prescribing the fees to be paid in respect of the grant of any certificate or licence or otherwise for the purposes of the order or the Paris Convention;
- (k) supplementing the Paris Convention, in such manner as appears necessary or convenient by regulations designed to promote the safety of aircraft and of persons and property carried therein, and to prevent aircraft endangering other persons and property;
- (l) for the control and regulation of aerial lighthouses, lights at or in the neighbourhood of aerodromes and aerial lighthouses and lights which are liable to endanger aircraft;

- (m) regulating the making of signals and other communications by or to aircraft and persons carried therein, and regulating the use of any ensign established for purposes connected with air navigation;

- (n) prescribing any matter or thing referred to in this Part of this Act as prescribed.

13.—If any aircraft flies or attempts to fly over any area appointed as a prohibited area under or by virtue of an order made under this Part of this Act or enters or attempts to enter Saorstát Éireann in contravention of any such order, the following provisions shall have effect that is to say:—

Power to compel compliance when aircraft disobey signals.

- (a) it shall be lawful for any officer designated for the purpose by such order to cause such signal as may be prescribed by such order to be given, and
- (b) if, after such signal has been given, the aircraft fails to respond to such signal by complying with the provisions of such order prescribing the action to be taken on such signal being given, it shall be lawful for such officer to fire at or into such aircraft and to use any and every other means at his disposal to compel compliance:
- (c) no action or other legal proceedings whatsoever, whether civil or criminal, shall be instituted in any court in Saorstát Éireann in respect of the doing of anything authorised to be done by any such officer under this section, whether such thing is done personally or by a person acting in aid of or under the direction of such officer.

14.—Any sums required for the contribution from Saorstát Éireann for the organisation and operations of the International Commission for Air Navigation set up under the Paris Convention, or occasioned by the sending of delegations, shall be paid by the Minister out of moneys provided by the Oireachtas.

Expenses of International Commission for Air Navigation, etc.

15.—Every order and regulation made under Part I of the Air Navigation Act, 1920, and in force at the passing of this Act shall be deemed for the purposes of this Act to be made under this Part of this Act and may accordingly be amended or revoked by an order of the Executive Council, and, until so revoked and subject to any such amendment, shall continue in force.

Continuance of orders and regulations made under Part I of the Air Navigation Act, 1920.

16.—Every certificate and licence granted under the Air Navigation Act, 1920, or under any order or regulations made thereunder and in force at the date of the passing of this Act shall continue in force and shall be deemed, for all purposes, to have been granted under this Act or such order or regulation.

Continuance of existing certificates and licences.

PART III.

CARRIAGE BY AIR.

CHAPTER I.

International Carriage by Air.

17.—(1) The provisions of the Warsaw Convention as set out in the First Schedule to this Act shall, so far as they relate to the rights and liabilities of carriers, passengers, consignors, consignees and other persons, and subject to the provisions of this section and the next following section, have the force of law in Saorstát Eireann in relation to any carriage by air to which the Warsaw Convention applies, irrespective of the nationality of the aircraft performing that carriage.

Warsaw Convention to have the force of law in Saorstát Eireann.

(2) The Executive Council may by order from time to time certify who are the High Contracting Parties to the Warsaw Convention, in respect of what territories they are respectively parties, and to what extent they have availed themselves of the Additional Protocol to the Warsaw Convention, and any such order shall, except in so far as it has been superseded by a subsequent order under this sub-section, be conclusive evidence of the matters so certified.

(3) Any reference in the First Schedule to this Act to the territory of any High Contracting Party to the Warsaw Convention shall be construed as a reference to the territories subject to his sovereignty, suzerainty, mandate or authority, in respect of which he is a party.

(4) Any sum in francs mentioned in Article 22 of the First Schedule to this Act shall, for the purposes of an action against

the carrier, be converted into the currency of Saorstát Eireann at the rate of exchange prevailing on the date on which the amount of any damages to be paid by the carrier is ascertained by the court.

(5) For the purposes of this section references to agents in the First Schedule to this Act shall be construed as including references to servants.

18.—Any liability imposed by Article 17 of the First Schedule to this Act on a carrier in respect of the death of a passenger shall be in substitution for any liability of the carrier in respect of the death of that passenger under any statute or at common law, and the following provisions shall have effect with respect to the persons by and for whose benefit the liability so imposed is enforceable and with respect to the manner in which it may be enforced, that is to say:—

Liability of carrier in the event of the death of a passenger.

- (a) the liability shall be enforceable for the benefit of such members of the passenger's family as sustained damages by reason of his death;
- (b) for the purposes of paragraph (a) of this section:—
 - (i) the expression "member of a family" means wife or husband, parent, stepparent, grandparent, brother, sister, half-brother, half-sister, child, step-child, grandchild,
 - (ii) in deducing any relationship any illegitimate person shall be treated as being, or as having been the legitimate child of his mother and reputed father;
- (c) an action to enforce the liability may be brought by the personal representative of the passenger or by any person for whose benefit the liability is under paragraph (a) of this section, enforceable, but only one action shall be brought in Saorstát Eireann in respect of the death of any one passenger and every such action by whomsoever brought shall be for the benefit of all such persons so entitled as either are resident in Saorstát Eireann or, not being resident there, express a desire to take the benefit of the action;
- (d) the amount which may be recovered in any such action shall not exceed the actual and the prospective loss resulting from such death to the members of the passenger's family;

(e) subject to the provisions of paragraph (f) of this section, the amount recovered in any such action, after deducting any costs not recovered from the defendant, shall be divided between the persons entitled in such proportions as the judge before or by whom such action is tried shall determine and direct;

(f) the court before whom any such action is brought may at any stage of the proceedings make such order as appears to the court to be just and equitable in view of the provisions of the First Schedule to this Act limiting the liability of a carrier and of any proceedings which have been, or are likely to be, commenced outside Saorstát Eireann in respect of the death of the passenger in question.

19.—(1) Every High Contracting Party to the Warsaw Convention who has not availed himself of the provisions of the Additional Protocol thereto shall, for the purposes of any action brought in a Court of Saorstát Eireann in accordance with the provisions of Article 28 of the First Schedule to this Act to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that Court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on.

Actions against
High Contracting
Parties who
undertake
carriage by air.

(2) Nothing in this section shall authorise the issue of execution against the property of any High Contracting Party.

CHAPTER II.

Carriage by air which is not international.

20.—The Executive Council may by order apply the provisions of the First Schedule to this Act and any provision (other than the immediately preceding section) of Chapter I of this Part of this Act to such carriage by air, not being international carriage by air as defined in the said First Schedule, as may be specified in such order, subject however to such exceptions, adaptations and modifications as may be specified in such order, and wherever any such order is made the provisions of the said First Schedule and any provision of the said Chapter I specified in such order shall, subject however to such exceptions, adaptations and modifications (if any) as may be specified in such order,

Application of
Chapter I of this
Part of this Act
to carriage by air
which is not
international.

have the force of law in Saorstát Éireann in relation to any carriage by air, not being international carriage by air as so defined, specified in such order.

PART IV.

LIABILITY IN RESPECT OF DAMAGE CAUSED BY AIRCRAFT TO PERSONS AND PROPERTY ON LAND OR WATER, SURVIVAL OF CAUSES OF ACTION ARISING OUT OF SUCH LIABILITY, LIMITATION OF SUCH LIABILITY, AND COMPULSORY INSURANCE BY OWNERS OF AIRCRAFT AGAINST SUCH LIABILITY.

CHAPTER I.

Liability in Respect of Damage Caused by Aircraft to Persons or Property on Land or Water.

21.—(1) Where material damage or loss is caused to any persons or property on land or water by, or by any person in, or any article or person falling from, an aircraft while in flight, taking off or landing, the following provisions shall have effect, that is to say:—

Liability for damage caused by aircraft to persons or property on land or water.

(a) damages shall be recoverable from the owner of such aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his wilful act, neglect, or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the same was suffered;

(b) where such damage or loss is caused in circumstances in which—

(i) damages are recoverable from such owner in respect of such damage or loss by virtue only of the preceding provisions of this sub-section, and

(ii) a legal liability is created in some person, other than such owner, to pay damages in respect of such damage or loss, such owner shall be entitled to be indemnified by that other person against any claim in respect of such damage or loss.

(2) Where—

- (a) any aircraft has been bona-fide demised, let or hired out for a period exceeding fourteen days to any other person by the owner thereof, and
- (b) no pilot, commander, navigator, or operative member of the crew of such aircraft is in the employment of such owner,

sub-section (1) of this section shall have effect as if for references therein to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

(3) Nothing in this section shall affect the operation of Part III of this Act or any contract for the carriage of passengers or goods by air in so far as the contract provides for determining or limiting the liability of the carrier thereunder.

CHAPTER II

Survival of Causes of Action arising out of Liability in Respect of Damage Caused by Aircraft to Persons and Property on Land or Water, Limitation of such Liability and Compulsory Insurance by Owners of Aircraft against such Liability.

22.—This Chapter of this Part of this Act shall come into operation on such day as may be fixed therefor by order of the Minister.

Commencement of Chapter II of Part IV.

23.—(1) This section applies to every cause of action in respect of loss or damage which, after the commencement of this Chapter of this Part of this Act, is caused to persons or property on land or water, by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off, or landing.

Survival of cause of action in respect of loss or damage caused by aircraft to persons and property on land or water.

(2) Subject to the provisions of this section, on the death of any person after the commencement of this Chapter of this Part of this Act, every cause of action to which this section applies subsisting against, or vested in him, shall survive (as the case may be) against, or for the benefit of his estate.

(3) Where—

- (a) a cause of action to which this section applies survives, by virtue of the immediately preceding sub-section, for the benefit of the estate of a deceased person, and

(b) the death of such person has been caused by the circumstances which gave rise to such cause of action, the damage recoverable for the benefit of his estate shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

(4) No proceedings shall be maintainable in respect of a cause of action which, by virtue of this section, has survived against the estate of a deceased person unless either—

- (a) proceedings against him in respect of such cause of action were pending at the date of his death, or
- (b) such cause of action arises not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his personal representative took out administration.

(5) Where damage has been suffered by reason of any circumstances by reason of which a cause of action to which this section applies would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this section, to have been subsisting against him before his death such cause of action by reason of those circumstances as would have subsisted if he had died after the damage was suffered.

(6) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of the action in respect of which such proceedings are maintainable, shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by contract or promise.

24.—(1) Subject to the provisions of this section, a person or, as the case may be, his estate shall not, in respect of loss or damage which, after the commencement of this Chapter of this Part of this Act, is without any gross negligence or wilful misconduct on his part and without any gross negligence or wilful misconduct (to which he was privy) on the part of his servants or agents, caused on any one occasion to persons or property on land or water by, or by a person in, or an article or person falling from, any one aircraft while in flight, taking off, or landing, be liable to pay by way of damages an amount exceeding in the aggregate—

Limitation of liability for damage caused by aircraft to persons and property on land or water.

- (a) in case such aircraft is an airship, twenty-five thousand pounds, or
- (b) in case such aircraft is a balloon (whether fixed or free), five thousand pounds, or
- (c) in case such aircraft is a glider, one thousand pounds, or
- (d) in any other case—
 - (i) a number of pounds of the currency of Saorstát Eireann equal to the number of pounds avoirdupois constituting the weight of such aircraft fully loaded, or
 - (ii) if the sum ascertained under sub-paragraph (i) of this paragraph is less than five thousand pounds or more than twenty-five thousand pounds, five thousand pounds or twenty-five thousand pounds, as the case may be.

(2) Without prejudice to the operation of the next following sub-section, a person or, as the case may be, his estate shall not be entitled to the benefit of sub-section (1) of this section in relation to any loss or damage, if, at the time of the happening of the event which was the cause of the loss or damage, he was not the owner of the aircraft concerned and was in, or in possession or control of, the aircraft without the authority or permission of the owner thereof.

(3) A person or, as the case may be, his estate shall not be entitled to the benefit of sub-section (1) of this section in relation to any claim made in respect of such loss or damage as is mentioned in the said sub-section (1) unless it is proved—

- (a) that a policy of insurance, issued by an approved aircraft insurer, which, subject to any restrictions or conditions specified therein, insures the owner of the aircraft concerned against all liability which he may incur in respect of such loss or damage, was in force in relation to such aircraft at the time of the happening of the event which was the cause of the loss or damage giving rise to the claim, or
- (b) if the claim is made against the person who at that time was the owner of the aircraft or against his estate, that the aircraft was then in the possession or control of some other person without the authority or permission of the owner, or
- (c) that the owner of the aircraft was at the said time an exempted person within the meaning of this Chapter of this Part of this Act.

(4) Where any person or the estate of any person is alleged to be under any liability in respect of such loss or damage as is mentioned in sub-section (1) of this section, and several claims are made or apprehended in respect of that liability, the said person or his personal representative, as the case may be, may make application to the High Court, and thereupon the court—

- (a) may determine the amount of the liability and, subject to the provisions of the next following sub-section, distribute that amount rateably among the several claimants;
- (b) may stay any proceedings pending in any other court in relation to the same matter; and
- (c) may give such directions as the court thinks proper for the joining of persons interested as parties to the proceedings, for the exclusion of claims which are not brought before the court within a certain time, and for requiring security from the person by whom the application to the court was made.

(5) If, by virtue of this section, the amount of the liability is less than the total amount of the damages which the several claimants would, but for this section, be entitled to recover, the first-mentioned amount shall, as to one-half thereof, be appropriated in the first instance to meeting any claims in respect of loss of life or personal injury, and any part of that amount not so appropriated shall be distributed among the several claimants in proportion to their claims, including any claims in respect of loss of life or personal injury if and so far as they exceed the said appropriation.

(6) Nothing in this section shall be construed as affecting the amount of any compensation payable under the Workmen's Compensation Act, 1934 (No. 9 of 1934).

(7) Nothing in this section shall affect the operation of Part III of this Act or any contract for the carriage of passengers or goods by air in so far as the contract provides for determining or limiting the liability of the carrier thereunder.

(8) The Minister may make regulations prescribing the manner in which the weight of an aircraft fully loaded is to be ascertained for the purposes of this section, and directing that, in the case of an aircraft of any particular class, such document (being a document which purports to show the weight of the aircraft fully loaded) as may be specified in the regulations shall be evidence of that weight.

25.—(1) After the commencement of this Chapter of this Part of this Act, it shall not be lawful for any person to fly, or cause or permit any other person to fly, an aircraft unless—

Obligation of owners of aircraft to be insured against certain third party risks.

(a) there is in force in relation to the flying of such aircraft by such person or such other person, a policy of insurance (in this Chapter of this Part of this Act referred to as an approved policy of insurance) issued by an approved aircraft insurer, which subject to any restrictions or conditions specified therein, insures the owner of such aircraft against all liability which he may incur in respect of loss or damage caused to persons or property on land or water in Saorstát Éireann by, or by any person in, or any article or person falling from, the aircraft while in flight, taking off, or landing; or

(b) the owner of such aircraft is an exempted person within the meaning of this Chapter of this Part of this Act.

(2) If any person acts in contravention of this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds or, at the discretion of the court, imprisonment for any term not exceeding six months or to both such fine and imprisonment.

26.—Where—

(a) any aircraft has been bona-fide demised, let or hired out for a period exceeding fourteen days to any other person by the owner thereof, and

Hirers of aircraft to be treated as owners in certain circumstances.

(b) no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of such owner,

the two immediately preceding sections shall have effect as if for references therein to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

27.—(1) The Minister may from time to time by order declare that a specified person is an approved aircraft insurer for the purposes of this Part of this Act, and whenever any such order is made and in force the person declared thereby to be an approved aircraft insurer for the purposes of this Part of this Act shall be an approved aircraft insurer for that purpose.

(2) The Minister may by order revoke an order made under this section.

28.—A policy of insurance shall be of no effect for the purposes of the preceding provisions of this Chapter of this Part of this Act unless and until there has been issued by the insurer to the insured a certificate (in this Part of this Act referred to as a certificate of insurance) in relation to such policy in such form and containing such particulars as the Minister may require.

29.—(1) In this Chapter of this Part of this Act, the expression "exempted person" means a person—

- (a) who has made and maintained, in respect of any aircraft of which he is the owner, the deposit of the appropriate amount with the Accountant of the Courts of Justice authorised by the next following section to be made by persons who desire to become exempted persons; and
- (b) to whom a certificate (which is for the time being in force) has been granted by the Minister under the next following sub-section in respect of such aircraft.

(2) Where any person who is the owner of any aircraft satisfies the Minister that he has made in respect of such aircraft with the Accountant of the Courts of Justice a deposit of the appropriate amount, the Minister shall issue to such person a certificate (in this Chapter of this Part of this Act referred to as a certificate of security) in such form and containing such particulars as the Minister thinks proper.

(3) Where—

- (a) a certificate of security has been issued to any person by the Minister under this section, and
- (b) either—
 - (i) the amount, stated in a notice of deficiency given to such person by the Accountant of the Courts of

Justice in pursuance of the provisions of this Chapter of this Part of this Act relating to payment of judgment debts out of deposit, has not, within fourteen days after such person has received such notice, been deposited with the Accountant of the Courts of Justice, or

- (ii) the deposit made by such person at the time such certificate was granted has ceased to be maintained,

the Minister shall revoke such certificate.

(4) In this section the expression "the appropriate amount" means in relation to any deposit made with the Accountant of the Courts of Justice—

- (a) in case the person making such deposit is the owner of not more than two aircraft, the sum mentioned in sub-section (1) of the next following section in respect of such aircraft, and
- (b) in case such person is the owner of three or more aircraft, the sum mentioned in sub-section (2) of the next following section in respect of such aircraft.

30.—(1) Any person who is the owner of not more than two aircraft and who desires to become an exempted person may deposit and keep deposited with the Accountant of the Courts of Justice a sum equal to the maximum sum determined in relation to such aircraft by sub-section (1) of section 24 (which relates to limitation of liability for damage caused by aircraft to persons and property on land or water) of this Act. Deposits by exempted persons.

(2) Any person who is the owner of three or more aircraft and who desires to become an exempted person may deposit and keep deposited with the Accountant of the Courts of Justice a sum equal to the aggregate of the two greatest of the several maximum sums determined under sub-section (1) of section 24 of this Act in relation to those aircraft respectively.

(3) The Accountant of the Courts of Justice shall invest every sum deposited with him under this section in such of the securities authorised by law for the investment of funds in the High Court as the person making or maintaining such deposit shall direct, and the income accruing on such securities shall be paid to the said person.

(4) The Accountant of the Courts of Justice shall not accept a deposit under this section save on a warrant of the Minister.

(5) The Minister may by order make rules with respect to applications for warrants for the purposes of this section, the payment of deposits and the investment thereof or dealing therewith, the deposit of stocks, shares, or other securities in lieu of money, the payment of the income from time to time accruing due on any securities in which deposits are for the time being invested, and the withdrawal and transfer of deposits.

31.—(1) In this section—

the word “ deposit ” means a deposit of money or securities in lieu of money made with the Accountant of the Courts of Justice under this Chapter of this Part of this Act by way of qualification for being an exempted person; Payment of judgment debts out of deposit.

the word “ depositor ” means a person who has made a deposit.

(2) Where a person (in this section referred to as a judgment creditor) has recovered judgment in any court against a depositor for a sum to which this section applies the High Court may, on the application in a summary manner of the judgment creditor and if satisfied that the depositor has no goods which can be taken in execution to satisfy such judgment, order the amount of such judgment together with the costs of such order, the application therefor and the proceedings thereunder to be paid to the judgment creditor out of the deposit maintained by such depositor.

(3) Whenever the High Court makes an order under the immediately preceding sub-section in respect of a deposit the Accountant of the Courts of Justice shall pay the money stated in such order to the judgment creditor specified in such order out of such deposit and shall for that purpose sell so much of the investments representing such deposit as is necessary (after defraying the costs of such sale) to enable such money to be paid.

(4) Whenever the Accountant of the Courts of Justice, in pursuance of an order made by a court under this section, pays any money out of or sells any of the investments representing a deposit maintained with him by a depositor in pursuance of this Part of this Act, he shall forthwith calculate and ascertain the market value of so much of the investments representing such deposit as remains unsold and, if such market value together with any uninvested money included in such deposit falls short of the full proper

amount of such deposit, he shall give to the Minister and such depositor notice in writing of such deficiency and of the amount thereof.

(5) If, when a notice of deficiency of deposit is given to a depositor by the Accountant of the Courts of Justice in pursuance of the immediately preceding sub-section such depositor, not more than fourteen days after receiving such notice, deposits with the Accountant of the Courts of Justice a sum equal to the amount of the deficiency stated in such notice, the sum so deposited shall be added to and treated as part of the said deposit and such depositor shall be deemed to have maintained such deposit at its full proper amount.

(6) Whenever a depositor, if an individual, becomes bankrupt or insolvent or dies or, if a corporate body, is wound up or, if a partnership or other unincorporated association, is dissolved, the deposit made by such depositor shall be applicable in the first instance to payment only of the liabilities of the depositor for sums to which this section applies and when all such liabilities of such depositor have been discharged in full shall be applicable as general assets of the depositor.

(7) This section applies to any sum awarded against a depositor as damages in respect of damage or loss caused to persons or property on land or water by, or by a person in, or an article or person falling from, an aircraft, owned by such depositor, while in flight, taking off or landing.

32.—Whenever the High Court is satisfied, on the application made in a summary manner by a depositor or by a person claiming through or under a depositor and after notice to the Minister and after such publication of advertisements as the High Court shall direct, that it is just and expedient that the deposit or part of the deposit made by such depositor should be paid out to the person making such application, the High Court shall order such deposit or such part thereof as may be specified in such order to be paid out to such person either unconditionally or subject to such conditions as the High Court shall think proper to specify in such order, and shall direct the Accountant of the Courts of Justice to do all such things (including the sale of the investments representing such deposit or part of such investments) as appear to the High Court to be necessary or expedient for giving effect to such order.

Release of
deposits.

33.—(1) The Minister may by order make regulations in relation to all or any of the following matters, that is to say:—

Regulations for purposes of Part IV.

- (a) applications for certificates of security;
- (b) the issue of copies or of new certificates in lieu of any such certificates which are lost or destroyed;
- (c) the carrying of documents in aircraft and the production of such documents on demand to such persons as may be specified in such regulations.

(2) If any person acts in contravention (whether by commission or by omission) of any regulations made under this section, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

CHAPTER III.

Provision in relation to the Rome Convention.

34.—This Chapter of this Part of this Act shall come into operation on such day as may be fixed therefor by order of the Minister.

Commencement of Chapter III of Part IV.

35.—(1) The Executive Council may, if it appears to them to be necessary or expedient for them so to do for the purposes of giving effect to the Rome Convention, make an order—

Provision for giving effect to the Rome Convention.

(a) directing either—

(i) that the provisions set out in such order shall, in relation to aircraft registered in any such country (other than Saorstát Éireann) as may be specified in the order, have effect in lieu of the provisions of Chapters I and II of this Part of this Act, or

(ii) that all or any of the provisions of the said Chapters I and II shall, in relation to such aircraft, have effect subject to such modifications, adaptations and exceptions as may be specified in the order; and

(b) making such provisions as appear to the Executive Council to be required for securing that a Saorstát Éireann aircraft shall not leave Saorstát Éireann on a flight to or over any such country, unless there is