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AIR LAWS AND TREATIES
OF THE WORLD

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Senator WARREN G. MAGNUSON, Chairman
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COMMITTEE ON COMMERCE
UNITED STATES SENATE

VOLUME II

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AIR LAWS AND TREATIES OF THE WORLD

IVORY COAST

Ivory Coast has not yet passed an air law, but applies the French Air Code. See France.

1409

JAMAICA

No. 37

THE COLONIAL AIR NAVIGATION (APPLICATION OF ACTS) ORDER, 1937¹

*Regulations*²

(made under paragraph 9 of the First Schedule to the above Order)

THE AIR NAVIGATION (INVESTIGATION OF ACCIDENTS) REGULATIONS, 1953³

In exercise of the powers conferred upon the Governor by the Colonial Air Navigation (Application of Acts) Order, 1937, and of all other powers enabling him in that behalf, the following Regulations are hereby made:

1. These Regulations may be cited as the Air Navigation (Investigation of Accidents) Regulations, 1953, and shall come into operation on the 1st day of April, 1953.

Interpretation and Application of Regulations

2. (1) In these Regulations, unless the context otherwise requires—

“accident” includes any fortuitous or unexpected event by which the safety of an aircraft or any person is threatened;

“aircraft” includes all balloons (whether captive or free), gliders, airships and flying machines;

“air navigation” includes in relation to any purpose of these Regulations, navigation of an aircraft during the time from which any person boards it with the intention of flight until every such person has disembarked;

“Court of Summary Jurisdiction” means a Resident Magistrate exercising special statutory summary jurisdiction;

“Governor” includes, in relation to any purpose of these Regulations, any person authorized by the Governor for the purpose, and references to a person authorized by the Governor include references to the holder for the time being of any office designated by the Governor;

“Jamaica” means the Island of Jamaica and

¹ The Colonial Air Navigation Order 1961 is in effect in Jamaica.

² Published in the Jamaica Gazette Supplement, proclamations, rules, and regulations, vol. LXXVI, March 31, 1953, No. 17.

³ All references to “Governor” or “Governor in Council” now read “Minister.”

the Dependencies and includes the territorial waters adjacent thereto;

"owner" means, where an aircraft is registered, registered owner;

"substantial damage" includes any damage which necessitates the replacement or extensive repair of any major component.

Law 17 of
1943.

(2) The Interpretation Law, 1943, shall apply to the Interpretation of these Regulations.

3. (1) These Regulations relate to civil aviation only and shall apply to accidents arising out of or in the course of air navigation which occur to any civil aircraft in or over Jamaica, or elsewhere to civil aircraft registered in Jamaica.

(2) The provisions of these Regulations shall not apply to an aircraft belonging to or exclusively employed in the service of Her Majesty.

Notification of Accidents

4. (1) An accident (to which these Regulations apply) shall be notified in accordance with the provisions of paragraph (2) of this Regulation if, between the time when any person boards an aircraft with the intention of flight and such time as all persons have disembarked therefrom—

(a) any person suffers death or serious injury while in or upon the aircraft or by direct contact with the aircraft or anything attached thereto; or

(b) the aircraft receives substantial damage.

(2) Where an accident occurs of which notification is required to be given under paragraph (1) of this regulation, the person in command of the aircraft involved at the time of the accident or if he be killed or incapacitated then the next senior uninjured officer of the aircraft (if any), or if there is no uninjured officer then the owner, operator, hirer, or other person on whose behalf he was in command of the aircraft, as the case may be, shall forthwith send notice thereof, by the quickest means of communication available to the Inspector of Accidents, and if the accident occurs in or over Jamaica he shall also notify the constable in charge of the nearest police station.

(3) The notice shall be sent as soon as possible, and if the accident occurs in or over Jamaica, within twenty-four hours after the occurrence of the accident, unless the person whose duty it is to send the notice proves that it was not possible to send it within that time.

(4) In every case the notice shall state as far as possible—

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

(b) the name of the owner, operator and hirer, if any, of the aircraft;

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

(d) the date, Greenwich Mean Time, and the local time of the accident;

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

(f) the position of the aircraft with reference to some easily defined geographical point;

(g) the number of persons (if any)—

(i) killed;

(ii) seriously injured as a result of the accident;

(h) the nature of the accident so far as is known;

(i) brief particulars of damage to the aircraft.

(5) Upon receipt of such notice the Inspector of Accidents shall with the least possible delay send a copy thereof to the Governor.

(6) Where an accident to which these Regulations apply occurs, whether in or over Jamaica or elsewhere, the owner, operator or hirer of the aircraft shall, if so required by notice in writing from either the Governor or the Inspector of Accidents send to the Inspector of Accidents within such time as may be specified in the notice, such information with respect thereto as may be required by the notice.

(7) In the case of an accident occurring in or over Jamaica to an aircraft registered outside Jamaica the Governor shall forward the information provided under paragraph (4) of this regulation to the State of Registration of the aircraft concerned with the least possible delay and by the quickest means of communication available, at the same time indicating to what extent an inquiry or investigation will be carried out.

Removal of damaged aircraft

5. (1) Where an accident occurs in or over Jamaica of which notification is required to be given under regulation 4 of these Regulations, no person other than an authorized person shall have access to the aircraft involved in the accident and the aircraft shall not, except under the authority of the Inspector of Accidents or some other person authorized by the Inspector of Accidents for that purpose, be removed or otherwise interfered with:

Provided that—

(i) the aircraft may be removed or interfered with so far as may be necessary for the purpose of extricating persons or animals involved, removing any mails carried by the aircraft, preventing destruction by fire or other cause, or preventing any danger or obstruction to the public or to air navigation or to other transport;

(ii) goods or passengers' baggage may be removed from the aircraft under the supervision of a constable, but if the aircraft has come from a place outside Jamaica, shall not be removed from the vicinity of the aircraft except on clearance by or with the consent of an officer of Customs and Excise;

(iii) if an aircraft is wrecked on the water, the aircraft or any contents thereof may be removed to such extent as may be necessary for bringing it or them to a place of safety.

(2) In this regulation the expression "authorized person" means any person authorized by the Inspector of Accidents either generally or specially to have access to any aircraft involved in an accident and includes any constable or any officer of Customs and Excise.

Inspector's Investigation

6. (1) For the purposes of carrying out investigations into the causes and circumstances of accidents to which these Regulations apply, the Governor shall appoint, generally or in any special case, a fit person to be an Inspector of Accidents.

(2) The Governor may cause an investigation to be carried out by an Inspector of Accidents of any accident to which these Regulations apply, whether or not such accident is one whereof notification is required to be given under regulation 4 of these Regulations.

(3) Public notice that such investigation is taking place shall be given in such manner as the Governor may think fit and 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 a time to be specified in the notice.

7. With respect to any investigation by an Inspector of Accidents, the provisions of the subjoined paragraphs shall have effect—

(1) The Inspector of Accidents by whom the Investigation is made (in this regulation referred to as "the Inspector") shall have power—

(a) by summons under his hand to call before him and examine all such persons as he thinks fit, to require such persons to answer any questions or furnish any information or produce any books, papers, documents, and articles which the Inspector may consider relevant, and to retain any such books, papers, documents and articles until the completion of the investigation:

(b) to take statements from all such persons as he thinks fit and to require any such person to make and sign a declaration of the truth of the statement made by him;

(c) to have access to and examine any aircraft involved in the accident, and the place where the accident occurred, and for that purpose to require any such aircraft or any part or equipment thereof to be preserved unaltered pending examination;

(d) to examine, remove, test, take measures for the preservation of, or otherwise deal with the aircraft or any part thereof or anything contained therein;

(e) to enter and inspect any place or building the entry of inspection whereof appears to the Inspector to be requisite for the purpose of the investigation;

(f) to take measures for the preservation of evidence.

(2) The investigation shall be held in private.

(3) Where it appears to the Inspector that in order to resolve any conflict of evidence or that for any other reason it is expedient so to do, he may permit any person to appear before him and call evidence and examine witnesses.

(4) Where it appears to the Inspector that any degree of responsibility for the accident may be attributed to any person, and if it appears to the Inspector to be practicable so to do, that person or, if he be deceased, his legal personal representatives shall be given notice that blame may be attributed to him and be permitted to make a statement or give evidence and to produce witnesses and to examine any witnesses from whose evidence it appears that he may be blameworthy.

(5) The Attorney General may intervene at any stage of an investigation in order to make representations or to examine witnesses if it appears to him expedient so to do in the public interest.

(6) Every person summoned by the Inspector as a witness in accordance with this regulation may be allowed such expenses as the Governor in Executive Council may from time to time determine.

(7) Where an accident has occurred in or over Jamaica to an aircraft registered in any country other than Jamaica, the Governor may authorize an investigator appointed by the duly competent authority of that other country to carry out an investigation, and in that event the Governor shall, so far as he is able, facilitate inquiries by the investigator so appointed.

8. Upon the completion of an investigation, the Inspector of Accidents authorised to make the inquiry shall make a report to the Governor. He shall state the circumstances of the case and his conclusions as to the cause of the accident, adding any observations and recom-

mendations which he thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future. He shall also state to what extent effect has been given to the provisions of paragraph (4) of regulation 7 of these Regulations. The Governor may cause the whole or any part of such report to be made public in such manner as he thinks fit.

Public Inquiries

9. (1) Where it appears to the Governor that it is expedient to hold a Public Inquiry into the causes and circumstances of an accident to which these Regulations apply, he may direct that a Public Inquiry be held by a Commissioner appointed by him, and in any such case any investigation being carried out by an Inspector of Accidents relating to the accident shall be discontinued.

(2) The Commissioner (hereinafter called "the Court") shall be a member of the Bar of England or a Solicitor of the Supreme Court of Judicature of Jamaica of not less than ten years standing in either case. The Court shall be assisted by not less than two Assessors possessing aeronautical, engineering or other special skill or knowledge, one of whom may be an Inspector of Accidents. The Assessors shall be appointed by the Governor.

(3) Where the Governor has directed a Public Inquiry to be held, he shall remit the case to the Attorney General, and thereafter the preparation and presentation of the case shall be presented under the direction of the Attorney General; the Inspector of Accidents shall render such assistance to the Court and to the Attorney General as is in his power and for that purpose shall have the powers conferred by paragraph (1) of regulation 7 of these Regulations on an Inspector of Accidents with respect to an investigation conducted by him.

(4) Every Public Inquiry held under these Regulations shall be conducted in such manner, that, if a charge is made against any person, that person shall have an opportunity of making a defence.

(5) When a Public Inquiry has been ordered the Attorney General may cause a notice, to be called a notice of enquiry, to be served upon the owner, operator, hirer and person in command of any aircraft involved in the accident, as well as upon any person who, in his opinion, ought to be served with such notice. The notice shall contain a statement of the questions which on the information then in the possession of the Attorney General he intends to raise on the hearing of the inquiry, and the Attorney General may, at any time before the hearing of the inquiry, by a subsequent notice amend, add to, or omit any of the questions specified in the notice of inquiry.

(6) The Attorney General, the owner, the operator, the hirer, the person in command and any other person upon

whom a notice of inquiry has been served, shall be deemed to be parties to the proceedings.

(8) The Court shall have, for the purposes of the inquiry, all the powers of a Court of Summary Jurisdiction, 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 entry or inspection whereof appears to the Court requisite for the purposes of the inquiry;

(b) by summons require the attendance as witnesses of all such persons as the Court thinks fit to call and examine, and require such person to answer any questions or furnish any information or produce any books, papers, documents and articles which the Court may consider relevant;

(c) administer the oath to any such witness, or require any such witness to make and sign a declaration of the truth of the statements made by him in his examination.

(9) The Assessors shall have the same powers of entry and inspection as the Court.

(10) Affidavits and statutory declarations may, by permission of the Court and saving all just exceptions, be used as evidence at the hearing.

(11) At the time and place appointed for holding the inquiry the Court may proceed with the inquiry whether the parties, upon whom a notice of inquiry has been served, or any of them are present or not.

(12) The Court shall hold the inquiry in open Court save to the extent to which the Court is of opinion that in the interest of justice or in the public interest any part of the evidence, or any argument relating thereto, should be heard in camera.

(13) The proceedings on the inquiry shall commence with the production and examination of witnesses on behalf of the Attorney General. These witnesses, after being examined on behalf of the Attorney General may be cross-examined by the parties in such order as the Court may direct, and may then be re-examined on behalf of the Attorney General. Questions asked and documents tendered as evidence in the course of the examination of these witnesses shall not be open to objection merely on the ground that they do or may raise questions which are not contained in or which vary from the questions specified in the notice of inquiry or subsequent notices referred to in paragraph (4) of this regulation.

(14) When the examination of the witnesses produced on behalf of the Attorney General has been concluded, the Attorney General shall state the questions in reference to the accident and the conduct of persons connected with the accident upon which the opinion of the Court is desired. In framing the questions for the opinion of the Court, the Attorney General shall make such modifi-

cations in, additions to or omissions from the questions in the notice of inquiry or subsequent notices referred to in paragraph (5) of this regulation, as, having regard to the evidence which has been given, the Attorney General or the Court may think fit.

(15) After the questions for the opinion of the Court have been stated, the Court shall proceed to hear the parties to the proceedings upon and determine the questions so stated. Each party to the proceedings shall be entitled to address the Court and produce witnesses or recall any of the witnesses who have already been examined for further examination and generally adduce evidence. The parties shall be heard and their witnesses examined, cross-examined and re-examined in such order as the Court shall direct. Further witnesses may also be produced and examined on behalf of the Attorney General and may be cross-examined by the parties and re-examined on behalf of the Attorney General.

(16) When the whole of the evidence in relation to the questions for the opinion of the Court has been concluded any of the parties who desires so to do may address the Court upon the evidence and the Court may be addressed in reply upon the whole case on behalf of the Attorney General.

(17) The Court may adjourn the inquiry from time to time and from place to place, and where an adjournment is asked for by any party to the inquiry, the Court may impose such terms as to payment of costs or otherwise as it may think just as a condition of granting the adjournment.

(18) The Court shall make a report to the Governor stating fully the circumstances of the case and the opinion of the Court touching the causes of the accident and adding any observations and recommendations which the Court thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future, including a recommendation for the cancellation, suspension or endorsement of any licence, certificate or other document.

(19) Each Assessor shall either sign the report with or without reservations, or state in writing his dissent therefrom and his reasons for such dissent, and such reservations or dissent and reasons (if any) shall be forwarded to the Governor with the report. The Governor, shall, unless there are good reasons to the contrary, cause any such report and reservations or dissent and reasons (if any) to be made public wholly or in part in such manner as he thinks fit.

Cap. 445.

(20) Every person attending as a witness before the Court shall be allowed such expenses as may be allowed under the provisions of the Witnesses' Expenses Law to a witness attending at any legal proceeding: Provided that, in the case of any party to the proceedings or any

person in the employment of such a party, any such expenses may be disallowed if the Court, in its discretion, so directs.

(21) The Court may order the costs and expenses of the inquiry, or any part thereof, to be paid by any party, if it finds that the accident was due to the act or default or negligence of that party or of any person in the employment of that party; and any such order shall, on the application of any person entitled to the benefit thereof, be enforced by a Court of Summary Jurisdiction as if the costs and expenses were a fine imposed by that Court, but, subject to any such order, such costs and expenses shall be defrayed from General Revenue.

(22) Any notice, summons or other document issued under this regulation, may be served by sending the same by registered post to the last known address of the person to be served.

(23) The service of any notice, summons or other document may be proved by the oath or affidavit of the person by whom it was served.

(24) The Commissioner and Assessors appointed under this regulation may be paid such remuneration and allowances (if any) as the Governor in Executive Council may direct.

Rehearing of Public Inquiries

10. (1) The Governor may, in any case where a Public Inquiry has been held, direct a rehearing of the inquiry either generally or as to any part thereof and shall do so—

(a) if new and important evidence which could not be produced at the inquiry has been discovered; or

(b) if for any other reason there is in his opinion ground for suspecting that a miscarriage of justice has occurred.

(2) If the Governor directs any inquiry to be reheard, he may order that the inquiry shall be reheard either by the Court by whom the inquiry was heard in the first instance or by some other person appointed by him to hold the rehearing.

(3) Any rehearing shall be subject to and conducted in accordance with the provisions of these Regulations relating to the holding of Public Inquiries.

General

11. Where an Inspector's Investigation or a Public Inquiry relates to an accident which has occurred in or over Jamaica to an aircraft registered in any country other than the United Kingdom, an accredited representative of the country in which the aircraft is registered, or of any country which has, on request, furnished informa-

tion in connection with the accident, may take part in the investigation or in the inquiry as the case may be; and he may be accompanied by such technical and other advisers as may be considered necessary by the authorities of the country by which he is appointed.

12. (1) A person shall not obstruct or impede the Court or an Inspector of Accidents or an Assessor or any person acting under the authority of the Governor in the exercise of any powers or duties under these Regulations;

(2) A person shall not without reasonable excuse (proof whereof shall lie on him) fail after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the Court holding a Public Inquiry or an Inspector of Accidents holding an Investigation under these Regulations.

Cap. 322.

13. Nothing in these Regulations shall limit the powers of any Receiver of Wreck under the Wreck and Salvage Law or of any authority under any Order in Council made under the Air Navigation Acts, 1920-1947, to cancel, suspend or endorse any licence or certificate or any validation thereof.

14. (1) Any person contravening or failing to comply with these Regulations or any provisions thereof shall be liable on summary conviction thereof to a fine not exceeding Fifty Pounds, or to imprisonment with or without hard labour for a term not exceeding three months.

(2) In this regulation "summary conviction" means—

(a) where the offence occurs in the Island of Jamaica conviction before a Resident Magistrate exercising special statutory summary jurisdiction;

(b) where the offence occurs in the Turks and Caicos Islands conviction before the Magistrate exercising special statutory summary jurisdiction;

(c) where the offence occurs in the Cayman Islands conviction before a Justice of the Peace exercising statutory summary jurisdiction.

Given under my hand at King's House, Jamaica this twenty-fourth day of March, 1953.

No., 102

THE CIVIL AVIATION ACT, 1949¹ AND THE COLONIAL CIVIL AVIATION (APPLICATION OF ACT) ORDER, 1952

THE AIR TRANSPORT (LICENSING OF AIR SERVICES) REGULATIONS, 1953 * * *

In exercise of the powers conferred upon the Governor by section 13 of the Civil Aviation Act, 1949, as extended

¹ Published in the Jamaica Gazette Supplement, proclamations, rules, and regulations, vol. LXXVI, July 17, 1953, No. 50.

² All references to "Governor" or "Governor in Council" read "Minister."

to Jamaica (including Turks and Caicos Islands and the Cayman Islands) by the Colonial Civil Aviation (Application of Act) Order, 1952, the following Regulations are, with the approval of the Secretary of State for the Colonies, hereby made:—

1—(1) These Regulations may be cited as the Air Transport (Licensing of Air Services) Regulations, 1953, and shall come into force on the 17th day of July, 1953.

Short title
and Com-
mencement.

(2) The Air Transport (Licensing of Air Services) Regulations, 1953, published in the Jamaica Gazette Supplement Proclamations, Rules and Regulations dated the 6th day of February, 1953, are hereby cancelled.

Cancellations.

Amendment Gaz. 20. Mar. 27, 1952.

“(3) Anything which has been done before the coming into force of these Regulations in purported exercise of any such powers as are contained in the Regulations cancelled under paragraph (2) of this regulation, and which would have been lawfully done if these Regulations had come into operation on the 1st day of April, 1953, shall be deemed to have been lawfully done.”

PART I

Interpretation

Interpretation.

2. In these Regulations and the Schedule thereto unless the context otherwise requires—

“air service” means any service performed by any aircraft for hire or reward:

Provided that a member of a club carried in any aircraft belonging to the club for the purposes of instruction shall not, if the instructor is also a member of the club, be deemed to be carried for hire or reward, notwithstanding that payment is made for such instruction or carriage;

“the Colony” means the island of Jamaica, the Turks and Caicos Islands and the Cayman Islands;

“the Convention on International Civil Aviation” and “the International Air Services Transit Agreement” mean respectively the Convention and the Agreement so styled which were signed at Chicago on behalf of the Government of the United Kingdom on the 7th December, 1944.

“the Director of Civil Aviation” means the person for the time being lawfully discharging in the Colony the functions of the office of Director of Civil Aviation;

“licence” means a licence granted under regulation 6 of these Regulations;

“the Licensing Authority” means the Air Transport Licensing Authority constituted by regulation 5 of these Regulations;

“permit” means a permit granted under regulation 24 of these Regulations;

“provisional licence” means a licence granted under regulation 14 or 15 of these Regulations;

“Schedule” means the Schedule to these Regulations;

“scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereto are available to members of the public from time to time seeking to take advantage of them;

“the two Corporations” means the British Overseas Airways Corporation and the British European Airways Corporation.

PART II

Licences for Scheduled Journeys

Application
of Part II
of these
Regulations.

Licence
required
for use of
aircraft on
scheduled
journeys
for hire
on reward.

3. This part of these Regulations shall not apply to the carriage of passengers, mail, or cargo by air for hire or reward upon journeys other than scheduled journeys.

4—(1) Subject to the provisions of these Regulations, it shall not be lawful for any person to use any aircraft for the carriage in the Colony of passengers, mail or cargo for hire or reward upon any scheduled journey between two places of which at least one is in the Colony, except under and in accordance with the provisions of a licence or a provisional licence granted by the Licensing Authority hereinafter specified.

(2) Any person who uses any aircraft in contravention of the provisions of this Regulation shall be guilty of an offence triable summarily by a Resident Magistrate or on indictment before a Circuit Court, and on conviction thereof shall be liable—

(a) in the case of a first offence to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment;

(b) in the case of a second or subsequent offence on summary conviction by a Resident Magistrate to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment;

(c) in the case of a second or subsequent offence where such offence is tried on indictment, to a penalty not exceeding five thousand pounds or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) The provisions of this Regulation shall not apply in respect of the aircraft of any State, which is a party to the International Air Services Transit Agreement, which fly across the Colony without landing or land in the Colony in accordance with the provisions of that Agreement.

Air Transport
Licensing
Authority.

5—(1) The Licensing Authority for the purposes of this part of these Regulations shall consist of such number of members, not being less than three, as the Governor in Executive Council may from time to time determine, and shall be known as "the Air Transport Licensing Authority".

(2) Every member of the Licensing Authority shall be appointed by the Governor in Executive Council and, unless he shall earlier resign his office by writing under his hand addressed to the Governor in Executive Council, shall hold office for such term as the Governor in Executive Council shall at the time of making the appointment determine but shall be eligible for re-appointment from time to time on the expiration of his term of office. The Governor in Executive Council shall nominate one of the members to be Chairman.

(3) The Governor in Executive Council may from time to time appoint deputy members to act in the place of members who are ill or absent. Such deputy members may be appointed either for a specified term or to act in the place of a specified member during his illness or absence.

(4) The Governor in Executive Council may remove any member or deputy member from his office for inability or misbehaviour.

(5) (a) Where the Governor in Executive Council proposes to appoint a person to be a member or deputy member of the Licensing Authority, he shall, before making the appointment, require that person to declare whether he has any, and if so what, financial interest in any undertaking—

(i) which provides transport for passengers or goods; or

(ii) which owns or operates aerodromes; or

(iii) which manufactures aircraft, aircraft engines or accessories; or

(iv) which supplies aircraft fuel or lubricants

(b) If any member or deputy member of the Licensing Authority acquires any such financial interest, he shall, within four weeks after so doing, give notice thereof in writing to the Governor in Executive Council specifying the interest so acquired, and the Governor in Executive Council after taking the matter into consideration may, if he thinks fit, declare that the member or deputy member has vacated his office and the seat of such member or deputy member shall thereupon become vacant.

(6) (a) The Governor in Executive Council may appoint a person to be Secretary to the Licensing Authority.

(b) The Licensing Authority may appoint such other officers and servants as may, in the opinion of the Governor in Executive Council, be necessary to enable them to discharge their duties.

(c) The number of members which shall form a quorum of the Licensing Authority for the despatch of business and the way in which the Licensing Authority shall determine questions for their decision shall be such as the Governor in Executive Council may from time to time prescribe.

Grant of
Licence.

6—(1) The Licensing Authority may grant to any person applying therefor a licence to carry passengers, mail or cargo by air for hire or reward on such scheduled journeys, and subject to such conditions, as may be specified in the licence.

(2) The Licensing Authority may attach such conditions to any licence as they may think fit, having regard to the nature and circumstances of the applications therefor.

(3) It shall be a condition of every licence—

(a) that the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any other person shall—

(i) refuse booking facilities to any other holder of a licence;

(ii) grant such facilities to such holder only on onerous terms; and

(b) that the holder of the licence shall perform all such reasonable services as the Postmaster General may from time to time require in regard to the conveyance of mails and of any persons who may be in charge thereof upon journeys made under the licence. The remuneration for any such services shall be such as may be from time to time determined by agreement between the Postmaster General and the holder of the licence; and

(c) that any dispute, difference or question which may arise as to the remuneration to be paid to the holder of the licence in respect of such services, or as to the rights, duties or liabilities of the holder of the licence or the Postmaster General hereunder, or otherwise in relation to any of the matters aforesaid, shall in default of agreement be referred to a single arbitrator in pursuance of the provisions of the Arbitration Law or any then subsisting statutory reenactment or modification thereof.

Cap. 437.
Application
for licence.

7—(1) Applications for licences shall be made in the form and manner and shall contain the particulars, prescribed in the Schedule.

(2) Every applicant shall furnish to the Licensing Authority such further information as the Licensing Authority may reasonably require for the discharge of their duties in relation to the application.

Publication
of particulars
of application.

8. The Licensing Authority shall cause to be published, in the manner prescribed in the Schedule, such particulars of any applications for licences received by them as are prescribed in the Schedule.

9. Any Government officer acting on the instructions of the Governor in Executive Council, any person providing transport by air for passengers or goods, or any owner of an aerodrome may, in the form and manner, and within the time, prescribed in the Schedule, make representations or objections with regard to the application for a licence.

Objection to application.

10—(1) The Licensing Authority may, if they think fit, for the purpose of determining applications for licences, hold enquiries in public or private and shall hold an enquiry in public if the applicant, or any person who has duly made any representations or objections, requires the Licensing Authority so to do, by such notice, in such form, as is prescribed in the Schedule.

Inquiries by Licensing Authority.

(2) Before holding any such enquiry the Licensing Authority shall give to the applicant and to any person who has duly made representations or objections with regard to the application, such notice, in such form, as is prescribed in the Schedule and shall give the applicant and any such person an opportunity of being heard at the enquiry.

11. Where an application is made to the Licensing Authority for a licence to remain in force for a period not exceeding thirty days and they are satisfied that it is in the public interest that the application should be determined with expedition, they may determine the application and grant a licence accordingly; and the provisions of this Part of these Regulations as to the publication of particulars of applications, the making of objections and representations, and the holding of enquiries at the instance of the applicant or an objector shall not in that case apply.

Power of Licensing Authority to determine application, in certain cases, without publication of particulars.

12. In exercising their discretion to grant, or to refuse, a licence and their discretion to attach conditions to any licence the Licensing Authority shall have regard to the co-ordination and development of air services generally with the object of ensuring the most effective service to the public while avoiding uneconomical overlapping, and generally to the interests of the public including those of persons requiring or likely to require facilities for air transport as well as those of persons providing such facilities. In particular the Licensing Authority shall have regard to the following matters—

Matters to be considered by Licensing Authority.

(a) the existence of other air services in the area through which the proposed services are to be operated;

(b) the demand for air transport in that area;

(c) the degree of efficiency and regularity of the air services if any, already provided in that area, whether by the applicant or by other operators;

(d) the period for which such services have been operated by the applicant or by other operators;

(e) the extent to which it is probable that the applicant will be able to provide a satisfactory serv-

ice in respect of safety, continuity, regularity of operation, frequency, punctuality, reasonableness of charges, and general efficiency;

(f) the financial resources of the applicant;

(g) the type of aircraft proposed to be used;

(h) the remuneration and general conditions of employment of aircrew and other personnel employed by the applicant.

and the Licensing Authority shall take into consideration any objections or representations duly made in accordance with the provisions of these Regulations.

Duration of
Licence.

13. The Licensing Authority may grant licences to remain in force for such period, not exceeding five years, as they may in each case determine, commencing on the date on which the license is expressed to take effect: Provided that if, on the date of the expiration of a licence, an applicant to the Licensing Authority is pending for the grant of a new licence in substitution for an existing licence held by the applicant, the existing licence shall continue in force until the application is granted or refused.

Provisional
licence
pending deter-
mination of
application.

14. The Licensing Authority may, if they think fit, pending the determination of an application for a licence, grant to the applicant a provisional licence which shall remain in force until the application is determined.

Provisional
licence to
continue
operation of
air service.

15. Where a person has, within one month of the date when the provisions of these Regulations as to applications for licence come into operation, duly applied for a licence authorising him to perform such journeys as may be necessary to enable him to continue to operate any air service and satisfies the Licensing Authority that he was immediately before that date operating that service the Licensing Authority shall grant to the applicant a provisional licence authorising him to continue to operate that service and such provisional licence shall remain in force—

(a) if the application is granted, until the date from which the licence is expressed to take effect; or

(b) if the application is refused, for a period of three months from the date of the decision of the Licensing Authority.

Publication
of particulars
of decisions.

16. The Licensing Authority shall cause to be published in the manner prescribed in the Schedule such particulars of their decisions on applications for licences and of their decisions to revoke or suspend a licence as are prescribed in the Schedule.

Power to
revoke or
suspend a
licence.

17—(1) Subject to the provisions of paragraph (2) of this Regulation, the Licensing Authority may revoke or suspend a licence—

(a) if the holder of the licence has, since the licence was granted, been convicted of an offence against Regulation 4 or Regulation 23 of these Regulations; or

(b) where the holder of the licence is a body corporate, if any officer of that body corporate has, since the licence was granted, been convicted, in his capacity as such officer, of an offence against regulation 4 or regulation 23 of these Regulations; or

(c) if the holder of the licence has failed to comply with any condition subject to which the licence was granted.

(2) Before revoking or suspending any licence under sub-paragraph (c) of paragraph (1) of this Regulation, the Licensing Authority—

(a) shall give to the holder of the licence such notice as is prescribed in the Schedule, specifying the grounds upon which it is proposed to revoke or suspend the licence; and

(b) shall hold a public enquiry, if the holder of the licence, by such notice in such form as is prescribed in the Schedule, require them so to do, and the Licensing Authority shall not revoke or suspend the Licence unless they are satisfied that, owing to the frequency of the failure on the part of the holder to comply with conditions or to the failure having been wilful, the licence shall be revoked or suspended.

(3) The expression "officer" in sub-paragraph (b) of paragraph (1) of this Regulation means a Director, General Manager, Secretary or other similar officer and includes any person who, with the authority of the body corporate, acts as such officer.

18. A licence may at any time be surrendered by the holder to the Licensing Authority for cancellation. If, during the currency of a licence, the holder applies to the Licensing Authority for a new licence in substitution for the current licence, he shall, if a new licence is granted, surrender the current licence for cancellation on the date from which the new licence is expressed to take effect.

19—(1) There shall be paid to the Accountant General—

(a) in respect of every licence, a fee of ten pounds in respect of each year, or part of a year, of the term for which the licence is expressed to remain in force.

(b) in respect of every provisional licence granted under Regulation 14 or Regulation 15 of these Regulations, a fee of two pounds.

(2) No refund of any fee paid in respect of the grant of a licence shall be made, whether on the surrender of the licence or otherwise, save where a licence is surrendered before its normal date of expiry upon the grant of a new licence authorising a service over the same route, in which case there shall be refunded the sum of ten pounds for each full year of the unexpired period of the licence, but the holder shall in addition to the normal fee for the new licence pay the special additional fee of two pounds.

Surrender
of licence.

Fee for
Licence.

Holder of
licence to
make a
monthly
return.

20—(1) Every holder of a licence shall make a monthly return in writing to the Licensing Authority giving, in respect of the month to which the return relates, the particulars set out in the Schedule with regard to all air services authorised by the licence.

(2) Such return shall be sent to the Licensing Authority not later than two months after the expiration of the month to which the return relates.

Annual
report by
Licensing
Authority.

21. The Licensing Authority shall make an annual report to the Governor in Executive Council as to the exercise of their functions during the year.

PART III

Permits for Journeys other than Scheduled Journeys

Application
of Part III
of these
Regulations.

22. This part of these Regulations shall not apply to the carriage of passengers, mail or cargo by air for hire or reward on scheduled journeys.

Permit
required
for use of
aircraft on
non-scheduled
journeys.

23—(1) Subject to the provisions of these Regulations, it shall not be lawful for any person to use any aircraft for the provision in the Colony of any air service except under, and in accordance with the conditions of a permit granted by the Director of Civil Aviation.

(2) Any person who uses any aircraft in contravention of the provisions of this Regulation shall be guilty of an offence triable summarily by a Resident Magistrate or on indictment before a Circuit Court, and on conviction thereof shall be liable—

(a) in the case of a first offence to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment;

(b) in the case of a second or subsequent offence on summary conviction by a Resident Magistrate to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment;

(c) in the case of a second or subsequent offence where such offence is tried on indictment, to a penalty not exceeding two thousand pounds or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) The provisions of this Regulation shall not apply in respect of any journey performed on the authority of Article 5 of the Convention on International Civil Aviation if the aircraft performing the journey flies across the Colony without landing or lands in the Colony for non-traffic purposes only, but shall apply in respect of any such journey if the aircraft performing the journey takes on or discharges passengers, cargo or mail in the Colony.

Grant of
permit.

24—(1) The Director of Civil Aviation may grant to any person applying therefor a permit to use aircraft for

the provision in the Colony of such air services (other than such a service as is referred to in paragraph (1) of Regulation 4 of these Regulations) for such period and on such conditions as may be specified in the permit.

(2) The Director of Civil Aviation may attach such conditions to any permit as he may think fit having regard to the nature and circumstances of the application therefor.

25. Applications for permits shall be made in such form, and shall contain such information as the Director of Civil Aviation may from time to time require.

Application
for permit.

26—(1) The Director of Civil Aviation may revoke or suspend any permit—

Power to
revoke or
suspend a
permit.

(a) if the holder of the permit has, since the permit was granted, been convicted of an offence against Regulation 4 or Regulation 23 of these Regulations; or

(b) where the holder of the permit is a body corporate, if any officer of that body corporate has, since the permit was granted, been convicted, in his capacity as such officer, of an offence against Regulation 4 or Regulation 23 of these Regulations; or

(c) if the holder of the permit has failed to comply with any condition subject to which the permit was granted.

(2) The expression "officer" in sub-paragraph (b) of paragraph (1) of this Regulation means a Director, General Manager, Secretary or other similar officer and includes any person who, with the authority of the body corporate, acts as such officer.

PART IV

General Provisions

27. It shall be a condition of every licence or permit that the requirements of any law or instrument having the force of law, for the time being in force in the Colony, relating to air navigation or air transport shall be complied with at all times during the currency of the licence or permit in connection with all journeys made under the licence or permit.

Compliance
with enact-
ments relating
to air naviga-
tion for the
time being in
force to be a
condition of
every licence
or permit.

28. A licence or permit shall not be capable of being transferred or assigned: Provided that in the event of the death, incapacity, bankruptcy, sequestration or liquidation of the holder of a licence or permit, or the appointment of a receiver or manager or trustee in relation to the business of the holder of a licence or permit, the person for the time being carrying on that business shall, if within fourteen days of his commencing so to do, he makes application to the Licensing Authority or the Director of Civil Aviation, as the case may be, for a new licence or permit, be entitled to provide the air services authorised by the existing licence or permit subject to the conditions thereof, until the application is determined.

Licence or
permit not
transferable.

Information received by Licensing Authority or Director of Civil Aviation as to financial resources of applicant, to be treated as confidential.

Construction of expression "provisional licence."

No right to continuance of benefits of licence or permit.

Procedure in case of offences.

29. Nothing in these Regulations shall require the disclosure by any applicant for a licence or permit to any person other than the Licensing Authority or the Director of Civil Aviation, as the case may be of, information as to the financial resources of the applicant, and any such information received by the Licensing Authority or the Director of Civil Aviation from any such applicant shall be treated as confidential.

29A. Any references to a licence in paragraphs (2) and (3) of Regulation 6, Regulations 20, 27, 28 and 30 of these Regulations shall be construed as including references to a provisional licence.

30. Nothing in these Regulations shall confer upon the holder of a licence or permit or upon any other person any right to the continuance of any benefits arising from the provisions of these Regulations or from any licence or permit granted thereunder or from any conditions attached to any such licence or permit.

31—(1) No proceedings for an offence against these Regulations shall be instituted except with the consent of the Attorney General.

(2) Where an offence against these Regulations has been committed by a body corporate, every person who, at the time of the commission of the offence was a Director, General Manager, Secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(3) In the application of these Regulations to the Turks and Caicos Islands for the words "a Circuit Court" and "a Resident Magistrate" wherever they occur the words "the Supreme Court" and "the Magistrate" shall respectively be substituted.

(4) In the application of these Regulations to the Cayman Islands for the words "a Circuit Court" and "a Resident Magistrate" wherever they occur the words "the Grand Court" and "two Justices of the Peace" shall respectively be substituted.

PART V

Exemptions

Exemptions from requirements of Regulations.

32. Subject to the provisions of paragraph 3 of regulation 23 of these Regulations nothing in these Regulations shall apply to—

(a) either of the two Corporations in respect of such journeys, and on such routes, as the Governor in Executive Council may from time to time specify ;

(b) any air transport operator, whose principal place of business is in country other than—

(i) the United Kingdom; or

(ii) a territory for whose foreign relations Her Majesty's Government in the United Kingdom is responsible.

in respect of journeys performed by such operator in accordance with the provisions of any agreement for the time being in force between the Government of that country and Her Majesty's Government in the United Kingdom.

SCHEDULE

1. Every application for a licence shall be made through the Director of Civil Aviation to the Licensing Authority in the form as set out in Form No. 1 in the Appendix to this Schedule.

2. The Licensing Authority shall, within fourteen days of the receipt of an application for a licence, cause to be published in the manner prescribed in paragraph 10 of this Schedule, a notice containing particulars of the application as set out in Form No. 2 in the Appendix of this Schedule and shall in such notice specify—

(a) a day being not less than fourteen days nor more than twenty-one days after the date of the first publication of the notice by which any representations or objections with regard to the application must be made to the Licensing Authority; and

(b) a further day being not less than seven nor more than fourteen days after the day above mentioned by which any notice requiring the holding of an enquiry in public for the purpose of determining such application must be given to the Licensing Authority.

3. Any representations or objections with regard to an application for a licence shall be made in duplicate to the Licensing Authority on or before the day specified for such purpose in the notice published with regard to that application in accordance with the provisions of paragraph 2 of this Schedule in the form as set out in Form No. 3 in the Appendix to this Schedule and shall contain the specific grounds upon which it is based and any special conditions which it may be desired should be attached to the licence, if granted.

4. Forthwith upon the receipt of any representations or objections the Licensing Authority shall cause the duplicate copy thereof to be delivered to the applicant in respect of whose application such representations or objections have been made.

5. A notice requiring the holding of an enquiry in public for the purpose of determining any application for

a license shall be in the form as set out in Form No. 4 in the Appendix to this Schedule and shall be given, in the case of the applicant, within seven days of the delivery to him of the duplicate copy of the representations or objections as the case may be, and, in the case of a person who has duly made any representations or objections on or before the day specified for such purpose in the notice published with regard to the application in accordance with the provisions of paragraph 2 of this Schedule.

6. In cases where for the purposes of determining an application for a licence an enquiry in public or in private is to be held by the Licensing Authority, the notice to be given by the Licensing Authority to the applicant and to any person who has duly made representations or objections with regard to the application shall be not less than seven days notice in writing in the form as set out in Form No. 5 in the Appendix to this Schedule.

7—(1) In any case in which it is proposed to revoke or suspend a licence, notice of such intention shall be sent to the holder of the licence in the form as set out in Form No. 6 in the Appendix to this Schedule.

(2) Any such notice shall be accompanied by a blank copy of Form No. 7 in the Appendix to this Schedule: Provided that no proceedings shall be vitiated by reason only of failure to comply with the provisions of this sub-paragraph.

(3) If the holder of a licence to whom a notice specified in sub-paragraph (1) of this paragraph has been sent requires a public enquiry to be held he shall give notice to the Licensing Authority in the form as set out in Form No. 7 in the Appendix to this Schedule.

8. Particulars of the decisions of the Licensing Authority.

(a) on applications for licences; and

(b) to revoke or suspend a licence,

shall be published by notice in the form as set out in Form No. 8 in the Appendix to this Schedule and in the manner prescribed in paragraph 10 hereof: Provided that no reasons for any decision shall be published unless the Licensing Authority shall otherwise direct.

9. The monthly return to be made to the Licensing Authority by the holder of a licence shall be in the form as set out in Form No. 9 in the Appendix to this Schedule and shall contain such particulars as are therein indicated and such further particulars as may from time to time be required by the Air Transport Licensing Authority.

10. Publication under this Schedule shall be by notice published in at least two issues of a newspaper circulating in the Colony at an interval of not less than one week and twice in the Gazette.

THE AIRPORTS LAW, 1959
(Law 8 of 1959)¹

THE AIRPORTS REGULATIONS, 1959
(November 2, 1959)

In exercise of the powers conferred upon the Minister by section 4 of the Airports Law, 1959, the following Regulations are hereby made:

1. These Regulations may be cited as the Airports Regulations, 1959, and shall come into operation on the commencement of the Law.

2. In these Regulations—

“authorised officer” means, in relation to any of the powers of an authorised officer under these Regulations, a person authorised in writing by the Minister to exercise such power.

“traffic sign” includes any speed limit sign, any mark on the surface of a roadway, any signal, whether an automatic electric signal or otherwise, warning sign post, direction post and sign or other device for the guidance or direction of persons using the roadways in an airport, which the Minister causes or permits to be placed on or near any such roadway.

3. Within an airport the following acts are prohibited—

(i) obstructing or interfering with the proper use of the airport;

(ii) obstructing any person acting in the execution of his duty in relation to the airport;

(iii) remaining on the airport after having been required by a constable or an authorised officer to leave it;

(iv) allowing any vehicle or animal to be on the airport after being required by an authorised officer to remove it or after its presence on the airport has been forbidden by an authorised officer or on his directions;

(v) boarding or attempting to board any aircraft without the authority of the person in charge of it;

(vi) tampering or interfering with any aircraft or anything used in connection with an aircraft;

(vii) smoking in or otherwise bringing or lighting any naked light into or in—

(a) any place where any such act is prohibited by notice; or

(b) any place within fifty feet of an aircraft or a store of liquid fuel or explosives;

(viii) any act causing or tending to cause an outbreak of fire;

(ix) throwing, leaving or dropping anything capable of causing injury to any person or property;

(x) climbing any wall, fence, barrier, railing or post;

(xi) wilfully giving a false fire or ambulance alarm;

(xii) failure to place an aircraft in the place and position appointed by an airport official for that purpose;

(xiii) failure properly to moor or otherwise secure any stationary aircraft which is not in a hangar;

¹ Published in the Jamaica Gazette Supplement, proclamation, rules, and regulations, vol. LXXXII, November 2, 1959, No. 134, Proclamation No. 61/1959.

(xiv) failure to comply with the "rules of the road" contained in the Schedule to these Regulations;

(xv) driving or placing a vehicle carelessly or dangerously or without due consideration for persons using the airport;

(xvi) failure by the driver of a vehicle to stop when required by a constable to do so;

(xvii) failure by the driver of a vehicle which is involved in an accident to give his name and address and the name and address of the owner of the vehicle to any person having reasonable grounds for requiring them;

(xviii) failure by the driver of a vehicle forthwith to report to a constable or to the person in charge of the airport any accident in which the vehicle is involved;

(xix) failure by the driver of a vehicle to comply with any direction for the regulation of traffic given by a constable or a traffic sign;

(xx) parking a vehicle elsewhere than in a place provided for that purpose or otherwise than in the manner required by an authorised officer;¹

(xxi) failure by the person in charge of a vehicle to remove it from any parking place when required by an authorised officer to do so;

(xxii) loading or unloading from a vehicle, passengers or goods elsewhere than in a place provided for that purpose;

(xxiii) driving a motor vehicle on any roadway in an airport at a speed greater than thirty miles per hour or such other speed as may be prescribed by a traffic sign;

(xxiv) removing, picking or otherwise damaging any tree, shrub or plant or walking on any flower bed;

(xxv) failure to keep any animal under control;

(xxvi) using any obscene or indecent language;

(xxvii) indecent or disorderly behaviour;

(xxviii) dropping or leaving litter except in a receptacle provided for the purpose;

(xxix) failure to comply with directions given by the Director of Civil Aviation in relation to refuelling of aircraft;

(xxx) disposing of garbage, sewage, waste oil, refuse or other material from aircraft or other sources except in the place and the receptacles provided for that purpose.

4. Within an airport the following acts are prohibited unless the permission of an authorised officer has first been obtained—

(i) entering or leaving the airport otherwise than through a gate or entrance for the time being provided for that purpose;

¹ Amended by the Airports Law, 1959 (Law 8 of 1959) :

THE AIRPORTS (AMENDMENT) REGULATIONS, 1962

In exercise of the powers conferred on the Minister by section 4 of the Airports Law, 1959, the following Regulations are hereby made :

1. These Regulations may be cited as the Airports (Amendment) Regulations, 1962, and shall be read and construed as one with the Airports Regulations, 1959, hereinafter referred to as the principal Regulations.

2. Regulation 3 of the principal Regulations is hereby amended by deleting from paragraph (xx) the word "and" and substituting therefor the words "or otherwise than".

Dated at Kingston this 2nd day of August, 1962.

KENNETH A. JONES,
Minister of Communications and Works.

(ii) entering any part of the airport to which members of the public are not for the time being admitted;

(iii) removing, displacing, damaging, defacing or altering any building, structure or other property, whether movable or immovable (including any notice) forming part of or provided for or in connection with the airport;

(iv) digging soil or cutting or removing turf;

(v) grazing animals;

(vi) selling or distributing anything, offering anything for sale or hire, or making any offer of services including specifically the offering of taxicab services or operating any hackney carriage or other vehicle carrying passengers for hire or reward;

(vii) exhibiting any notice or advertisement except on premises which the person exhibiting it is authorised to occupy and in accordance with the terms of his occupation;

(viii) leaving a vehicle on the airport longer than twenty-four hours or such shorter time as is reasonably necessary for the transaction of the business for the purpose for which it was brought there;

(ix) driving a vehicle elsewhere than in a place provided for the passage or accommodation of such a vehicle;

(x) taking a motor vehicle into a hangar used for the maintenance or storage of aircraft;

(xi) running an aircraft engine in a hangar;

(xii) filling or discharging from any container (including any part of a vehicle) liquid fuel elsewhere than in a place approved for that purpose by the person in charge of the airport;

(xiii) lighting a fire elsewhere than in a place constructed for that purpose and approved by an authorised officer;

(xiv) conducting flight or ground demonstrations;

(xv) taking still, motion or sound pictures for commercial purposes.

5. Any person who does any act prohibited by regulation 3 of these Regulations, or without the permission of an authorised officer does any act prohibited by regulation 4 of these Regulations shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty-five pounds or to imprisonment with or without hard labour for a term not exceeding three months.

THE COLONIAL AIR NAVIGATION ORDERS, 1955-57

THE AIRCRAFT (LANDING PLACES AND FEES) NOTIFICATION, 1960¹

(MARCH 28, 1960)

In accordance with the provisions of Article 54 of the Colonial Air Navigation Orders, 1955-57, and by virtue of section 9 of the Jamaica (Constitution) Order in Council, 1959, it is hereby notified that the

¹ Published in the Jamaica Gazette Supplement, proclamations, rules, and regulations, vol. LXXXIII, March 31, 1960, No. 31.

Palisadoes and Montego Bay Aerodromes are available for use as places of landing or departure by aircraft other than aircraft belonging to or employed in the service of Her Majesty, subject to the following conditions:

(1) There shall be paid—

(a) in respect of every such aircraft (not being a helicopter) landing at either of the said Aerodromes a landing fee in accordance with the following scale—

Weight of the Aircraft	Fee		
	£	s.	d.
Not exceeding 4,000 lb.-----	1	0	0
Exceeding 4,000 lb. but not exceeding 6,000 lb.-----	2	10	0
Exceeding 6,000 lb. but not exceeding 10,000 lb.-----	5	0	0
Exceeding 10,000 lb.-----	5	0	0
			plus 1/9d. per 1,000 lb. or part thereof in excess of 10,000 lb.;

(b) in respect of every such aircraft being a helicopter so landing a landing fee of one-half of the appropriate fee calculated in accordance with the above scale.

(2) (a) Notwithstanding the provisions of the preceding condition—

(i) the Minister may generally or in any particular case, in respect of any type of aircraft using the said aerodromes waive the charges payable as landing fees:

(ii) the owner or operator of any privately owned aircraft which is locally registered shall on application to the Director of Civil Aviation be issued with a landing card at a cost of five pounds and such card may be renewed annually on the payment of an equivalent sum.

(b) Any Aircraft for which such landing card has been issued shall be free of landing charges at the aerodromes aforesaid during the period of the validity of the landing card, except when such aircraft—

(i) not being a locally registered aircraft owned by a flying club in Jamaica and flown in the Island for the purpose of giving instructions in flying, is being used for the carriage of passengers for reward; or

(ii) is being used for the carriage of goods for reward; or

(iii) is being used for aerial work, that is to say, for commercial, industrial or other lucrative purposes.

(c) A landing card shall only be issued in respect of aircraft of a maximum permissible weight not exceeding 4,000 lb.

2. In this Notification any reference to the weight of an aircraft shall be deemed a reference to the maximum permissible weight authorised by the Certificate of Airworthiness of such aircraft.

3. The Aircraft (Landing Places and Fees) Notification, 1958, is hereby cancelled.

4. This Notification may be cited as the Aircraft (Landing Places and Fees) Notification, 1960.

JAPAN

CIVIL AERONAUTICS LAW

Law No. 231 of July 15, 1952 as amended by Law No. 278 of 1952, by Law No. 66 of 1953, by Law No. 151 of 1953, and by Law No. 60 of 1954.¹

Law No. 63 of April 15, 1958, concerning a partial amendment to the Civil Aeronautics Law: Law No. 140 of May 16, 1962, and Law No. 161 of September 15, 1962.

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¹ The translation published by Fujl Kogyo Pub. Co. (Tokyo, 1955) has been edited.

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CHAPTER I—GENERAL PROVISIONS

(Purpose)

Article 1. The purpose of this Law is to promote the development of civil aviation by providing for methods of insuring the safety of navigation of aircraft in conformity with the provisions of the Convention on International Civil Aviation and with the standards, practices and procedures as annexed thereto, and by establishing an order of enterprises operating aircraft.

(Definitions)

Article 2. In this Law, "aircraft" shall mean any airplane, rotorcraft, glider and airship which can be used for air navigation with a person on board and any contrivance usable for air navigation which may be designated by cabinet order.

2. In this Law, "air service" shall mean any operation performed on board (including handling of radio equipment on board and excepting training as aircraft pilot) an aircraft, and certification as provided for by Article 19, to be performed on repaired or remodelled aircraft.

3. In this Law, "airman" shall mean any person who has obtained a competence certification as airman under Article 22, paragraph 1.

4. In this Law, "air navigational aid" shall mean any facility in aid of navigation of aircraft by means of electric wave, light, colour or sign as may be specified by Ordinance of the Ministry of Transportation.

5. In this Law, "landing strip" shall mean a rectangular part of an airdrome, which is provided for the landing (including such area on water) or take-off (including such area on water) of aircraft in definite directions.

6. [As amended by Law No. 90, 1960.] In this Law, "approach area" shall mean an area defined by two connecting points at the shorter side of a landing strip with two points 375 meters (600 meters in the case of a landing strip used for instrument flights, and in the case of a landing strip used as heliport, the length of the distance between the shorter side and the straight line is multiplied by a tangent of 15° plus $\frac{1}{2}$ the length of the shorter side) distant from a point on a straight line crossing at a point 300 meters (not more than 2000 meters if so specified by Ordinance of the Ministry of Transportation for landing strips used as heliports) distant from that side and at right angles with the extension of the center-line of the landing strip in the same direction as the former two points.

7. [As amended by Laws No. 63, 1958 and No. 90, 1960.] In this Law "approach surface" shall mean an area abutting on the shorter side of a landing strip and, as specified by Ordinance of the Ministry of Transportation, sloping upwards at a gradient of more than $\frac{1}{50}$ th from the horizontal plane, the projection of which corresponds with the approach area.

8. [As amended by Law No. 90, 1960.] In this Law, "horizontal surface" shall mean that part of a horizontal plane including a point 45 meters vertically above the airdrome reference point, which is enclosed by a circle described with that point at its center and with a radius of a length of not more than 4,000 meters as specified by an Ordinance of the Ministry of Transportation.

9. [As amended by Laws No. 63, 1958 and No. 90, 1960.] In this Law, "transitional surface" shall mean an area including the slopes of the approach surfaces and the longer sides of the landing strip and sloping upward and outward to the approach surface or landing strip at a gradient of $\frac{1}{4}$ th, (in the case of a heliport, at a gradient of not less than $\frac{1}{4}$ th as specified by Ordinance of the Ministry of Transportation) from the horizontal plane to the intersection with the vertical surface at right angles to the vertical surface including the center-line of the landing strip and within the areas as defined above, such parts as are enclosed by the lines which intersect the areas including the slopes of the approach surfaces and the areas including the longer sides of the landing strip abutting such slopes, the lines of which intersect such areas including horizontal surfaces and the slopes of the approach surfaces or the longer sides of the landing strip.

10. In this Law, "aeronautical light" shall mean any navigational aid in aid of navigation of aircraft by means of light as specified by Ordinance of the Ministry of Transportation.

11. In this Law, "air traffic control area" shall mean any air space on any airway, which is 200 meters or more of height above the land

or water and which may be specified for the safety of air traffic by the Minister of Transportation.

12. In this Law, "air traffic control zone" shall mean any air space above any airdrome for public use and its vicinity, which may be specified for the safety of air traffic on and above such airdrome by the Minister of Transportation.

13. In this Law, "visual rules conditions" shall mean weather conditions equal to or above those which may be stipulated by Ordinance of the Ministry of Transportation taking the visibility and conditions of clouds into consideration.

14. In this Law, "instrument flight rules conditions" shall mean weather conditions other than visual flight rules conditions.

15. In this Law, "instrument flight" shall mean a flight which is performed in sole reliance on flight instruments and without depending upon any visual object outside the aircraft.

16. [Added by Law No. 90, 1960.] In this Law, "instrument flight rule" shall mean a method of flight, as specified by Ordinance of the Ministry of Transportation, which is performed by an aircraft in compliance with instrument flight rules conditions.

17. [Nos. 17, 18, 19, 21 renumbered from Nos. 16, 17, 18, 19, by Law No. 90, 1960.] In this Law, "air transportation" shall mean an enterprise for the transportation of passengers or freight by using aircraft for profit on demand of other persons.

18. In this Law, "scheduled air transportation" shall mean an enterprise for transportation by aircraft navigating on a definite route between one point and any other point and in accordance with a scheduled date and time.

19. In this Law, "non-scheduled air transportation" shall mean air transportation other than scheduled air transportation.

20. In this Law, "enterprise using aircraft" shall mean any enterprise which performs any contract for trips other than the transportation of passengers or freight by using aircraft for profit on demand of other persons.

CHAPTER II—REGISTRATION

(Registration)

Article 3. The Minister of Transportation shall register an aircraft in the Aircraft Register in accordance with the provisions of this Chapter.

(Acquisition of Nationality)

Article 3-(2). An aircraft shall acquire Japanese nationality when registered.

(Contest)

Article 3-(3). No acquisition, loss or change of ownership in any registered airplane and rotorcraft, may be set up against a third person unless the aircraft has been registered.

(Requirement for Registration)

Article 4. An aircraft owned by any one of the following persons shall not be eligible for registration:

- (1) Any person who does not have Japanese nationality;
- (2) Any foreign state or public entity or its equivalent in any foreign state;
- (3) Any juridical person or body established in accordance with the laws and ordinances of any foreign state;

(4) Any juridical person of which the representative is any one of those mentioned in the preceding three items or of which more than one-third of the officers are such persons or more than one-third of voting interests is owned by such persons.

2. An aircraft which has the nationality of any other country shall not be eligible for registration.

(New Registration)

Article 5. Registration of any aircraft not yet registered, hereinafter called "new registration," shall be made upon application of the owner, by entering the following items in the Aircraft Register and by designating and entering registration marks therein:

- (1) Type of aircraft;
- (2) Manufacturer of aircraft;
- (3) Serial number of aircraft;
- (4) Home base of aircraft;
- (5) Full name or title and address of owner;
- (6) Date of registration.

(Issuance of Registration Certificate)

Article 6. The Minister of Transportation shall issue in the case of a new registration, a registration certificate to the applicant.

(Alteration of Registration)

Article 7. If there have been any changes in the items mentioned in Article 5, item (4) or (5) with regard to any newly registered aircraft (hereinafter referred to as "registered aircraft"), the owner shall make application for a change of the registration within a period of not more than 15 days thereafter. However, this shall not apply in a case where an application either for a transfer of the registration in accordance with the provisions of the following Article, or for cancellation of the registration in accordance with the provisions of Article 8 has to be made.

(Transfer of Registration)

Article 7-(2). If there has been a change in the owner of any registered aircraft, the new owner shall make application for transfer of the registration within a period of not more than 15 days thereafter.

(Cancellation of Registration)

Article 8. The owner of a registered aircraft shall apply for cancellation of the registration in the following cases within a period of not more than 15 days thereafter:

(1) If the registered aircraft has been lost or dismantled (excepting dismantling for the purpose of repair, remodeling, transportation or custody):

(2) If the registered aircraft has been missing for more than 2 months:

(3) If the registered aircraft has become ineligible for registration under the provisions of Article 4.

2. In the case of the preceding paragraph, when the owner of a registered aircraft does not apply for cancellation of the registration, the Minister of Transportation shall give notice to the owner to do so within a period of more than 7 days which shall be fixed by him.

3. If the owner of a registered aircraft does not apply, in cases where the notice under the preceding paragraph has been given, for

cancellation of the registration, the Minister of Transportation shall cancel the registration and inform the owner thereof.

(Copy, etc., of Aircraft Register)

Article 8-(2). Any person may request from the Minister of Transportation the delivery of a copy or abstract of the Aircraft Register or permission for inspection of any part of the Aircraft Register in which he has an interest.

(Stamp of Registration Mark)

Article 8-(3). When an airplane or rotorcraft has been newly registered, the Minister of Transportation shall stamp its registration mark on the aircraft.

2. In accordance with the preceding paragraph, the owner of any aircraft shall present the aircraft to the Minister of Transportation on the date designated by the latter in order to obtain the stamp under the said paragraph.

3. No person shall alter indications of registration marks stamped in accordance with the provisions of paragraph 1.

(Compulsory Execution concerning Newly Registered Aeroplane and Rotorcraft)

Article 8-(4). Compulsory execution against any newly registered airplane and rotorcraft, shall be decreed by any local court as a court of jurisdiction.

2. Rules concerning the compulsory execution under the preceding paragraph shall be prescribed by the Supreme Court.

3. The provisions of the preceding two paragraphs shall apply accordingly to the public sale of any newly registered airplane or rotorcraft.

(Delegation to Order)

Article 9. Descriptions of the Aircraft Register, recovery of registration, alteration of registration and other matters concerning registration shall be stipulated by Cabinet Order.

2. Details concerning the certificate of aircraft registration and the stamping of registration mark shall be stipulated by Ordinance of the Ministry of Transportation.

CHAPTER III—SAFETY OF AIRCRAFT

(Airworthiness Certification)

Article 10. Upon application, the Minister of Transportation shall grant an airworthiness certification of any aircraft.

2. No aircraft shall be certified as airworthy under the preceding paragraph unless it has Japanese nationality.

However, this shall not apply to such aircraft as may be designated by Cabinet Order.

3. [As amended by Law No. 63, 1958.] An airworthiness certification shall be granted by designating the purpose of use and operational limits of the aircraft as may be specified by Ordinance of the Ministry of Transportation.

4. In cases where there has been an application under paragraph 1, the Minister of Transportation shall grant an airworthiness certification when he deems the aircraft to be consistent with such technical standards of safety as may be stipulated by Ordinance of the Minister of Transportation after he has made an inspection to ascertain

whether the strength, construction and performance of the aircraft is consistent therewith. However, with regard to aircraft of such type or a type certified under Article 12, paragraph 1, or an imported aircraft or such other aircraft as may be specified by Cabinet Order, a part of the inspection may be omitted.

5. The certification of airworthiness shall be made by issuing an airworthiness certificate to the applicant.

Article 10-(2). Any person who has obtained the approval of the Minister of Transportation for having the qualification and experience as may be stipulated by Ordinance of the Ministry of Transportation (hereinafter referred to as "designated airworthiness inspector") may conduct the airworthiness certification with regard to gliders as may be stipulated by Ordinance of the Ministry of Transportation.

2. The provisions of paragraphs 2 to 5 inclusive of the preceding Article shall apply to the airworthiness certification under the preceding paragraph.

Article 11. No aircraft shall be used for air navigation unless certified as airworthy under Article 10 paragraph 1, or paragraph 1 of the preceding Article. However, this shall not apply in cases where the Minister of Transportation has permitted its use for conducting a test flight, etc.

(Type Certification)

Article 12. Upon application, the Minister of Transportation will make a type certification of the design of the type of an aircraft.

2. In cases where there has been an application under the preceding paragraph, the Minister of Transportation shall grant a type certification under the same paragraph when he deems the strength, construction and performance of the type of the aircraft in the application to be consistent with the standards under Article 10 paragraph 4.

3. The type certification shall be granted by issuing a type certificate to the applicant.

4. When making a type certification under paragraph 1, the Minister of Transportation shall ask in advance the opinion of the Minister of International Trade and Industry.

Article 13. Any person who has obtained a type certification shall, when he intends to alter the design of the aircraft of the said type, obtain an approval of the Minister of Transportation. The same shall apply when the aircraft of a type certified as type is no longer consistent with the standards under the said paragraph, in cases where there has been any alteration in the standards under Article 10 paragraph 4.

2. In cases where there has been an application under the preceding paragraph, the Minister of Transportation shall approve it when the design as applied for is consistent with the standards under Article 10, paragraph 4, after he has made an inspection to ascertain this fact.

3. The provision of paragraph 4 of the preceding paragraph shall apply in cases where the Minister of Transportation intends to grant approval under the preceding paragraph.

(Duration of Airworthiness Certification)

Article 14. The duration of a certification of airworthiness shall be one year. However, with regard to any aircraft used for any transport enterprise, it shall be such period as may be stipulated by the Minister of Transportation.

(Suspension of validity of Certification of Airworthiness, etc.)

Article 14-(2). When the Minister of Transportation deems that the aircraft or aircraft of the same type fails to conform with the standards under Article 10 paragraph 4 (including the case where Article 10-(2) paragraph 2 applies prior to the expiration of the period under the preceding Article, or when he deems that the safety of aircraft may not be secured as a result of inspection under Article 10 paragraph 4, Article 16 paragraph 1, or Article 134 paragraph 2, he may suspend the validity of the certification of airworthiness, or may shorten the term of validity or change the matters designated by the provisions of Article 10 paragraph 3 (including the case where Article 10-(2) paragraph 2 applies) with regard to said aircraft or an aircraft of the same type.

(Invalidation of Certification of Airworthiness)

Article 15. In cases where the registration of a registered aircraft has been cancelled, the certification of airworthiness shall become invalid.

(Inspection after Repair or Remodelling)

Article 16. Any user of an aircraft certified as airworthy, when he intends to repair or remodel the aircraft within such limits as may be stipulated by Ordinance of the Ministry of Transportation (excepting repair or remodeling by using spare parts as spare-parts certified under the next Article), shall not use it for air navigation unless he has undergone and passed an inspection by the Minister of Transportation on the intended change and its performance.

[Added by Law No. 90, 1960]: However, this shall not apply when the repair or alteration is performed on the premises of a person who has obtained the approval of the Minister of Transportation concerning the ability to make repairs or alterations on aircraft consistent with the technical standards specified by Ordinance of the Ministry of Transportation, and when such person confirms that the aircraft complies with the standards specified in Article 10, paragraph 4 in accordance with the provisions of the Ordinance of the Ministry of Transportation.

2. Any user of a glider, which has been certified as airworthy, under Article 10-(2), paragraph 1, may, when he undergoes an inspection, by a designated airworthiness inspector and passes the said inspection in case where repair or remodelling is made with regard to the said glider, may use it for air navigation notwithstanding the provisions of the said paragraph.

3. The Minister of Transportation or the designated airworthiness inspector, when he deems that said aircraft conforms to the standards under Article 10, paragraph 4 (including the case where Article 10-(2), paragraph 2 applies) as a result of inspection under paragraph 1 or the preceding paragraph, may approve its eligibility.

4. [Added by Law No. 90, 1960.] Necessary instructions concerning the approval under the proviso in paragraph 1, shall be provided for in an Ordinance of the Ministry of Transportation.

(Spare Parts Certification)

Article 17. Any user of an aircraft certified as airworthy may obtain a spare-parts-certification by the Minister of Transportation of the aircraft engine, propeller or such other part specially important for securing safety designated by Ordinance of the Ministry of Transportation.

2. The Minister of Transportation, when he deems the strength, construction and performance of the parts to be consistent with the standards under Article 10, paragraph 4, upon application for a spare-parts-certification under the preceding paragraph shall grant a spare-parts-certification.

3. [Added by Law No. 90, 1960.] Any aircraft which has been repaired or altered as to type and has been approved as to conformity with the standards provided for in Article 10, paragraph 4, in accordance with the provisions of the Ordinance of the Ministry of Transportation, at the premises of any person who has obtained the approval of the Minister of Transportation concerning the ability to make repairs or alterations on aircraft under paragraph 1, consistent with the technical standard specified by Ordinance of the Ministry of Transportation, shall be regarded as having a spare-parts certification under paragraph 1.

4. [As amended by Law No. 90, 1960.] To a spare parts certification and approval under the preceding paragraph shall be added a term of validity and a limitation of type of aircraft as to such spare parts.

5. [Added by Law No. 90, 1960.] A spare parts certification and approval under paragraph 3 shall be invalid when a repair or alteration is within the limits specified by Ordinance of the Ministry of Transportation is performed on such spare parts or when such spare parts have been incorporated in an aircraft.

6. [Added by Law No. 90, 1960.] Necessary instructions concerning the designation under paragraph 3 shall be provided for in an Ordinance of the Ministry of Transportation.

(Maintenance of Engine, etc.)

Article 18. Any user of an aircraft certified as airworthy, when he uses the aircraft engine, propeller or such other part important for securing safety as may be designated by Ordinance of the Ministry of Transportation in excess of the hours as may be specified by Ministry of Transportation Ordinance, shall maintain it in accordance with the procedures stipulated by Ministry of Transportation Ordinance.

(Repair or Remodeling of Aircraft)

Article 19. [As amended by Law No. 90, 1960.] No user of an aircraft certified as airworthy, when he has repaired or altered the aircraft (excepting any slight repair specified by Ordinance of the Ministry of Transportation, and excepting repairs or alterations under Article 16, paragraph 1) shall use it for air navigation unless he proves the aircraft to be consistent with the standards under Article 10, paragraph 4, or has it certified. However, this shall not apply in cases where a qualified engineer has certified that the aircraft is safe in accordance with the provisions of an Ordinance of the Ministry of Transportation when maintenance of the aircraft has been performed outside Japan as specified by Ordinance of the Ministry of Transportation and when it is very difficult to ascertain the facts.

(Specified Radio Apparatus)

Article 20. No radio apparatus specified by Ordinance of the Ministry of Transportation (hereinafter referred to as "specified radio apparatus") which is installed in aircraft may be used unless it has undergone and passed an inspection by the Minister of Transporta-

tion. The same shall apply to those with regard to which the term specified by Ministry of Transportation Ordinance has expired after it underwent and passed an inspection.

2. The Minister of Transportation, when he deems the specified radio apparatus to be consistent with the technical standards stipulated by Ministry of Transportation Ordinance, shall approve it as passed.

(Delegation to Order)

Article 21. Matters concerning the form, issuance, reissuance, return and presentation of an airworthiness certificate and type certificate, matters concerning designated airworthiness inspector and other matters relating to airworthiness, type, inspection under the provisions of Article 16, paragraph 1, spare-parts-certification and inspection under the provisions of paragraph 1 of the preceding article, shall be stipulated by Ordinance of the Ministry of Transportation.

CHAPTER IV—AIRMAN

(Competence Certification as Airman and Aircraft Crew Licence)

Article 22. Upon application, the Minister of Transportation shall grant a competence certification as airman to any person who intends to perform air services (hereinafter referred to as "competence certification").

2. Upon application, the Minister of Transportation shall grant an aircraft crew licence to any person who intends to perform air services on board an air aircraft, in addition to the competence certification.

(Certification of Competence)

Article 23. Competence certification shall be granted by issuing a certificate of competence as airman (hereinafter referred to as "certificate of competence") to the applicant.

(Qualifications)

Article 24. Competence certification shall be granted to the following:

- Airline transport pilot;
- Senior commercial pilot;
- Commercial pilot;
- Private pilot;
- First class flight navigator;
- Second class flight navigator;
- Flight engineer;
- First class flight radio operator;
- Second class flight radio operator;
- Third class flight radio operator;
- First class aircraft mechanic;
- Second class aircraft mechanic;
- Third class aircraft mechanic;
- Aircraft shop mechanic.

(Restriction on Competence Certification)

Article 25. The Minister of Transportation may put restrictions, by category of aircraft, on the competence certification for airline transport pilot, senior commercial pilot, commercial pilot, private pilot, flight engineer, first class aircraft mechanic, second class air-

craft mechanic and third class aircraft mechanic provided for in the preceding Article in accordance with the provisions of the Ordinance of the Ministry of Transportation.

2. The Minister of Transportation may put restrictions, by class or type of aircraft, on the competence certification provided for in the preceding paragraph, in accordance with the provisions of the Ordinance of the Ministry of Transportation.

3. [As amended by Law No. 90, 1960.] According to the kind of services engaged in, the Minister of Transportation may put restrictions on the competence certification for qualification as aircraft shop mechanic provided for in the preceding Article, in accordance with the provisions of the Ordinance of the Ministry of Transportation.

(Qualifications for Application)

Article 26. No person shall be qualified to make an application for competence certification unless he is of such age and has the flight and other experience as stipulated by Ordinance of the Ministry of Transportation in regard to the class specified by Article 24 and by category of aircraft under the provisions of paragraph 1 of the preceding Article.

2. Any person who intends to make an application for the competence certification as first class flight radio operator, second class flight radio operator, or third class flight radio operator shall have been licenced as provided for in Article 41 of the Radio Law (Law No. 131 of 1950) for such class under Article 40 of the aforesaid Law as specified by Ordinance of the Ministry of Transportation, in addition to complying with the provisions of the preceding paragraph.

(Causes for Non-eligibility, etc.)

Article 27. No person shall be eligible for an application for competence certification, whose competence certification has been cancelled under the provisions of Article 30, paragraph 1, if two years have not elapsed since the date of cancellation.

2. Within a period of less than two years, the Minister of Transportation may reject an application for competence certification by any person who has committed any dishonest act in the examination under Article 29, paragraph 1.

(Scope of Duties)

Article 28. No person who has not obtained the competence certification (or, for a person who performs air services on board an aircraft, a competence certification as well as an aircraft crew license as described in the "qualifications" column of the attached table) shall perform any act described in the "Scope of Duties" column of said table.

2. No person who is restricted under the provisions of Article 25 with regard to the competence certificate may perform any act described in the "Scope of Duties" column of the attached table except as restricted by category, class or type of aircraft, or kind of services.

3. The provisions of the preceding two paragraphs shall not apply to any person who engages in piloting an aircraft (including operation of the craft and its engine) specified by Ordinance of the Ministry of Transportation, and to any person who engages in the operation, on board, of aircraft of new category, class or type for test flight, etc. upon permission by the Minister of Transportation.

(Conduct of Examination)

Article 29. The Minister of Transportation, when he grants a competence certification, shall hold examinations to judge whether any applicant has knowledge and skill necessary for performing his air services as an airman with competence certification for the class as applied for.

2. Any examination shall be theoretical and practical.

3. No person may take a practical examination unless he has passed a theoretical examination.

4. The Minister of Transportation, when he grants a competence certification to any person who has a qualification certificate for air services issued by a foreign Government, may omit the whole or a part of the examination as stipulated by Ordinance of the Ministry of Transportation, notwithstanding the provision of the preceding three paragraphs.

(Alteration of Restriction of Competence Certification)

Article 29-(2). With regard to the competence certificate in reference to the restriction under Article 25, paragraph 2 or 3, the Minister of Transportation may change said restriction upon receipt of the application by any airman in reference to the competence certification.

2. The provisions of the preceding Article shall apply accordingly to cases where the restriction under the preceding paragraph is changed.

(Cancellation, etc. of Competence Certification)

Article 30. In cases where an airman comes under any one of the following items, the Minister of Transportation may cancel the competence certification or order the suspension of his air service for a period of less than one year:

(1) When he has violated this Law or any provision thereof;

(2) When he has committed an unlawful act or been grossly negligent in performing his duties as airman.

2. When he intends to make a disposition under the preceding paragraph, the Minister of Transportation shall hold a hearing after notifying any person affected by such a disposition of the date and place thereof. At the hearing, any person affected by such a disposition shall be given a chance to express his opinion and to submit evidence.

(Aircraft Crew Licencing)

Article 31. The aircraft crew licence under Article 22, paragraph 2, shall be granted by class as specified in Article 24 (except those for first class aircraft mechanics, second class aircraft mechanics, third class aircraft mechanics and aircraft shop mechanics).

2. The aircraft crew licence shall be granted by issuing an airman licence to the applicant.

Article 32. In cases where an application for aircraft crew licence has been submitted, the Minister of Transportation shall examine whether the applicant satisfies the standards of physical examination stipulated, by classifications under paragraph 1 of the preceding Article, by Ordinance of the Ministry of Transportation, and shall grant an aircraft crew licence to the person who satisfies them.

Article 33. The aircraft crew licence shall be valid for 6 months for the class of airline transport pilot and senior commercial pilot and for one year for other classes.

(Instrument Flight Certification and Training for Pilot's Certification)

Article 34. No person who has obtained a certification of competence as commercial pilot or private pilot shall make an instrument flight by aircraft other than specified by Ordinance of the Ministry of Transportation, unless he has obtained a certification of instrument flight by the Minister of Transportation.

2. Unless he has obtained certification by the Minister of Transportation in reference to the competence as flight instructor classified by aircraft, no person shall give instruction to others in aircraft piloting as specified by Ordinance of the Ministry of Transportation who has not obtained a certification of competence as airline transport pilot, senior commercial pilot, commercial pilot or private pilot with regard to the classification of aircraft.

3. The provisions of Article 26, paragraph 1, Articles 27, 29, and 30, shall apply accordingly to instrument flight certification and flight instructor's certification under the preceding two paragraphs.

(Student Pilot)

Article 35. Notwithstanding the provision of Article 28, any person who has obtained a permission of the Minister of Transportation may engage in piloting an aircraft as student pilot without obtaining a competence certification and aircraft crew licence.

2. In cases where there has been an application for permission under the preceding paragraph, the Minister of Transportation shall grant a permission when he deems the applicant to have the necessary qualifications for student pilot.

3. The permission under paragraph 1 shall be granted by issuing a permit as student pilot to the applicant.

4. The provisions of Article 30 and Article 67, paragraph 1, shall apply accordingly to any person who has obtained a permission under paragraph 1.

(Delegation to Order)

Article 36. Matters relating to the form, issuance, reissuance and return of certificate of competence, airman licence and permit for flight instruction and other matters concerning the competence certification, aircraft crew licence, instrument flight certification, training for pilot's certification, and permission under the preceding Article, and subjects of examination, procedures for undergoing examination and other matters concerning examinations under Article 29, paragraph 1, shall be stipulated by Ordinance of the Ministry of Transportation.

CHAPTER V—AIRWAYS, AIRDROMES AND AIR NAVIGATIONAL AIDS

(Designation of Airway)

Article 37. The Minister of Transportation shall designate as airways paths through the air space suitable for the navigation of aircraft.

2. The designation of airways under the preceding paragraph shall be made by notifying the location and extent of the air space.

(Establishment of Airdromes or Air Navigational Aid)

Article 38. Any person other than the Minister of Transportation, when he intends to operate an airdrome or an air navigational aid specified by Cabinet Order, shall obtain permission from the Minister of Transportation.

2. Any person who intends to apply for permission under the preceding paragraph shall submit a written application describing, with regard to the facility, a plan for operation including the location, structure, etc., plan for administration, scheduled date of completion and other matters specified by Ordinance of the Ministry of Transportation.

3. In cases where there has been an application for permission for the establishment of an airdrome, the Minister of Transportation shall notify the location and size of the airdrome, landing strip, approach area, approach surface, horizontal surface, transitional surface, scheduled commencement date of use and other matters specified by Ordinance of the Ministry of Transportation and post a notice thereof at the site.

4. Terms and conditions may be attached to permission under paragraph 1 and they shall be subject to change.

(Examination of Application)

Article 39. In cases where there has been an application under the preceding Article, the Minister of Transportation shall examine whether the application complies with each of the following items:

(1) The plan for establishment of the airdrome or air navigational aid including the location, structure, etc. shall comply with the standards stipulated by Ordinance of the Ministry of Transportation:

(2) The establishment of the airdrome or air navigational aid shall not seriously damage the interest of other persons;

(3) The plan for administration of the airdrome or air navigational aid shall comply with the technical standards provided for in Article 47, paragraph 1;

(4) The applicant shall be capable of establishing and administering the airdrome or air navigational aid;

(5) The applicant shall have ownership and other right of use in any airdrome as to its land or he may obtain them definitely.

2. The Minister of Transportation, when he makes an examination under the preceding paragraph with regard to a permission for the establishment of an airdrome, shall hold a public hearing and give any person who is interested in the establishment of the airdrome a chance to express his opinion on the establishment of the airdrome.

(Notification, etc., of Airdrome for Public Use)

Article 40. The Minister of Transportation, when he has given permission for the establishment of an airdrome for public use, shall notify the location and size of the airdrome, landing strip, approach area, approach surface, transitional surface, horizontal surface and scheduled commencement date of use, and post a notice thereof at the site. [Added by Law No. 90, 1960.] The same shall apply in the case of an alteration (except under the provisions of Article 43, paragraph 1) as to matters notified and posted after commencement of use.

(Completion of Airdrome Construction Work)

Article 41. Any person who has obtained a permission to establish an airdrome in accordance with the provision of Article 38, paragraph 1 (hereinafter referred to as "operator of an airdrome") shall complete the work by the scheduled date of completion described in the application for permission. However, when he has obtained a permission of the Minister of Transportation in cases where the work can not be completed by the scheduled date of completion owing to

force majeure or for other unavoidable reasons, he shall complete the work by the date designated by the Minister of Transportation, if possible.

(Completion Inspection)

Article 42. The operator of any airdrome or any person who has obtained a permission to provide any air navigational aid in accordance with the provisions of Article 38, paragraph 1 (hereinafter referred to as "operator of air navigational aid") shall, when the work on the facility as permitted has been completed, submit, without delay, to an inspection by the Minister of Transportation.

2. The Minister of Transportation shall approve the facility when, upon inspection, he deems it conforming to the plan for such establishment as described in the application.

3. The operator of any airdrome or the operator of any air navigational aid shall, in cases where it has been approved after an inspection under paragraph 1, fix without delay the commencement date of use and report it to the Minister of Transportation.

4. The operator of any airdrome or the operator of any air navigational aid shall not put the facility to use unless and until the commencement date of use reported in accordance with the provisions of the preceding paragraph.

(Alteration of Airdrome or Air Navigational Aid)

Article 43. The operator of any airdrome or the operator of any air navigational aid shall obtain a permission of the Minister of Transportation when he intends to make alterations to the facility, which are especially important for securing air safety as stipulated by Ordinance of the Ministry of Transportation.

[Added by Law No. 90, 1960]: (including when he intends to make alterations in the points marking an airdrome)

2. The provisions of Article 38, paragraphs 2 to 4 inclusive, Article 39, and the preceding Article shall apply accordingly to the preceding paragraph. However, the provisions of Article 38 paragraph 3, Article 39 paragraph 2 and Article 40, shall apply accordingly only when any alteration in the size, approach area or transitional area of an airdrome is made.

(Suspension or Discontinuance of Use)

Article 44. The operator of any airdrome, when he intends to suspend or discontinue the use of the airdrome, shall obtain a permission of the Minister of Transportation.

2. The Minister of Transportation, in cases where there has been an application for permission under the preceding paragraph, shall permit the suspension or discontinuance of an airdrome, unless he deems it clearly against the public interest.

3. There may be added a term to the permission for discontinuance of use under paragraph 1.

4. The operator of any airdrome, the suspension of use of which has been permitted in accordance with the provision of paragraph 1, shall submit to an inspection by the Minister of Transportation when he intends to recommence the use of the airdrome.

5. The provisions of Article 42 paragraphs 2 to 4 inclusive shall apply accordingly to the case of re-commencement of use under the preceding paragraph.

Article 45. The operator of any air navigational aid, when he intends to suspend or discontinue the use of the air navigational aid,

shall report to the Minister of Transportation not later than, at the latest, seven days prior thereto.

2. The provisions of paragraphs 4 and 5 of the preceding Article shall apply accordingly to the case of re-commencement of the suspended use of the air navigational aid.

(Notification of Airdrome or Air Navigational Aid)

Article 46. When the operator of an airdrome or of an air navigational aid has made a report under Article 42, paragraph 3, the Minister of Transportation shall notify the name, location of the facility, outline of installations and other items as specified by Ordinance of the Ministry of Transportation. The same shall apply in cases where there has been any change in notified items, or where the use of the facility has been suspended, recommenced or discontinued.

(Administration of Airdrome or Air Navigational Aid)

Article 47. The operator of any airdrome or the operator of any air navigational aid shall administer the facility in accordance with technical standards as stipulated by Ordinance of the Ministry of Transportation.

2. The Minister of Transportation shall conduct periodical inspections of the facility in accordance with the provision of the Cabinet Order in order to ensure that the airdrome or air navigational aid under the preceding paragraph be administered in accordance with the standards of the same paragraph.

(Cancellation of Permission, etc.)

Article 48. The Minister of Transportation may cancel the permission for operation of an airdrome or air navigational aid or order the suspension of use for whole or part of an airdrome within a certain period in the following cases. However, with regard to the case of items (2) to (5) inclusive, the Minister of Transportation may cancel the permission for operation only when he has ordered the operator of an airdrome or the operator of an air navigational aid to take necessary measures within a reasonable period to make the facility comply with the plan described in the application or the standards under Article 39, paragraph 1, item 1, or to administer said facility in accordance with the technical standards under paragraph 1 of the preceding Article and the operator of the air navigational aid has not obeyed such order within the period:

(1) when the work is not completed by the scheduled date of completion described in the application under Article 38, paragraph 2 (the designated date when permitted in accordance with the provisions of the proviso of Article 41) without reasonable causes;

(2) when said facility is deemed, after an inspection under Article 42, paragraph 1 (including its application under Article 43, paragraph 2), inconsistent with the plan for operation or alternation described in the application:

(3) when, after an inspection under Article 42, paragraph 1, which applies in Article 44, paragraph 5, or Article 45, paragraph 2, said facility is deemed inconsistent with the plan described in the application:

(4) when the administration of the airdrome or air navigational aid is deemed inconsistent with the technical standards under paragraph 1 of the preceding Article:

(5) when the location, structure, etc. of an airdrome fails to comply with the standards under Article 39, paragraph 1, item 1;

(6) when the operator has violated the conditions attached to the permission.

(Restriction, etc. of Object)

Article 49. No person shall install, plant or leave any structure, plant or other object which is projecting above the approach or transitional surface as shown by the notification, after notification under Article 40 (including where Article 43, paragraph 2 applies) of any airdrome for public use has been made. [As amended by Law No. 90, 1960 to read as follows:] However, the same shall not apply in cases where the provisional object and others specified by Ordinance of the Ministry of Transportation are installed or remain with the approval of the operator (except those relating to approach and transitional surfaces) and where such object is removed by the scheduled commencement date of use.

2. The operator of an airdrome may request the owner of, and other persons having authority over, any object installed, planted or left in violation of preceding paragraph (including plants which have grown up to project above the approach or transitional surface), to remove the object.

3. [Amended by Law No. 90, 1960.] The operator of an airdrome may request the owner of, and persons who have authority over, the object existing at the time of the notification under paragraph 1, which projects above the approach or transitional surface (including plants existing at the time of notification which have grown to project above the approach, transitional or horizontal surface and structures existing at the time of notification which now project above such surfaces to due such construction work) to eliminate such portion of the object as projects above the approach or transitional surface, but he shall pay compensation for damages as may normally be caused thereby, in accordance with the provisions of a Cabinet Order.

4. The owner of any object or any land on which such object mentioned in the preceding paragraph exists may request the operator of an airdrome to purchase the object or land, when, by the removal of the object mentioned in the same paragraph, it has become extremely difficult to make use of the object or land for the purpose for which it has hitherto been utilized.

5. The amount of damages to be compensated for under paragraph 3, and conditions for the purchase and price, etc. under the preceding paragraph, shall be decided after consultation between the persons concerned. The Minister of Transportation shall decide in cases where consultation has not led or cannot lead to an agreement.

6. [As amended by Law No. 140, May 16, 1962.] Any person who is dissatisfied with the amount of damages and the purchase price decided upon under the preceding paragraph may bring a suit for an increase or decrease of the amount within 3 months from the day when he has received a notification of the decision.

7. The operator of the airdrome or the owner of any object or land or any other person in authority shall be a defendant in a suit under the preceding paragraph.

8. [Added by Law No. 161, Sept. 15, 1942.] In the case of an objection to the decision mentioned in paragraph 5, the objection to the conditions for the purchase shall not be the cause of the objection to the said decision.

Article 50. [As amended by Law No. 90, 1960, and Law No. 161, Sept. 15, 1962.] The operator of an airdrome for public use in accordance with the provision of a Cabinet Order, shall compensate the owner of any land and other person having authority over it, for damages as may normally be caused by the limitation of utilization under the provision of item (1) of the preceding paragraph with regard to the land (only in cases where the distance from the approach or transitional surface is less than 10 meters) corresponding to the projection surface of the approach, transitional or horizontal surface as a result of the operation of said airdrome or the alteration of any facilities under Article 43, paragraph 1.

2. By the limitation of the utilization under the provision of paragraph 1 of the preceding Article, when it has become extremely difficult to make use of the land for the purpose for which it has hitherto been utilized, the owner of the land under the preceding paragraph may request the operator of an airdrome to purchase the land in accordance with the provision of a Cabinet Order, except in any case under paragraph 4 of the same Article.

3. The provisions of paragraphs 5 to 8 inclusive, of the preceding Article shall apply to any case under the preceding two items.

(Installation of Aeronautical Obstruction Light)

Article 51. [As amended by Law No. 90, 1960.] The owner of any structure with a height of 60 meters or more from the ground or water shall install aeronautical obstruction lights on such objects in accordance with the provisions of an Ordinance of the Ministry of Transportation. However, this shall not apply when there is an exception granted by the Minister of Transportation.

2. The operator of an airdrome shall install aeronautical obstruction lights on all structures (except those on which aeronautical obstruction lights must be installed in accordance with the provisions of the preceding paragraph) which have been designated by Ordinance of the Ministry of Transportation and which exists in an area which corresponds to the approach, transitional or horizontal surfaces of such airdrome as provided by Ordinance of the Ministry of Transportation.

3. In accordance with the provisions of an Ordinance of the Ministry of Transportation the Minister of Transportation shall install aeronautical obstruction lights on structures other than those specified in the preceding paragraph, which clearly impede the safety of navigation of aircraft.

4. The owner of, or person occupying any structures under the preceding two paragraphs may not reject the installation of aeronautical obstruction lights by the operator of an airdrome or the Ministry of Transportation.

5. Any person who installs aeronautical obstruction lights under order of the Minister of Transportation or under the provision of paragraph 1 or 2, shall maintain them in such manner as may be stipulated by Ordinance of the Ministry of Transportation.

6. When the Minister of Transportation finds that any person who has installed aeronautical obstruction lights under paragraphs 1 and 2 does not maintain them in compliance with the Ordinance of the Ministry of Transportation, he may order such person to take the necessary steps to correct or improve such facilities.

Article 51-(2). [Added by Law No. 90, 1960] Any person who

erects any chimney, iron tower, or other structure as specified by Ordinance of the Ministry of Transportation, which is in fact difficult to perceive by day from an aircraft and which is sixty or more meters in height, shall install a day marker on such structure in accordance with the provisions of the Ordinance of the Ministry of Transportation.

2. The Ministry of Transportation shall install day markers on structures other than those which must install day markers under the preceding paragraph, when they seriously impede the flight safety of aircraft, as provided by Ordinance of the Ministry of Transportation.

3. Paragraphs 4 to 6 inclusive of the preceding article shall apply to day markers.

(Restriction of Similar Light)

Article 52. No person shall install any lights that may impede the clear view of any aeronautical light or that may be mistaken for any aeronautical light (hereinafter referred to as "similar light").

2. The Minister of Transportation may order the operator of any similar light to shelter such light within a specified period or to take other measures in order to permit a clear view of any aeronautical obstruction light, and to prevent that they be mistaken for any aeronautical obstruction light.

3. When, in the case of the preceding paragraph, any similar light exists at the time of installation of any aeronautical light, the cost incurred by the measures under the same paragraph shall be borne by the operator of the aeronautical light.

(Prohibition of Staining, etc.)

Article 53. [As amended by Law No. 90, 1960.] No person shall stain or damage a runway, taxiway or other important installation or aid to air navigation on an airdrome as may be specified by Ordinance of the Ministry of Transportation or commit any other act which may endanger their proper operation.

2. No person shall throw any object against an aircraft on an airdrome or commit any other act that may be specified by Ordinance of the Ministry of Transportation which may endanger the safety of aircraft operation.

3. No person shall enter a landing strip, taxiway, apron or hangar without permission.

(Fees for Use)

Article 54. The operator of any airdrome or the operator of any air navigational aid, when he intends to fix the fee of use with regard to any airdrome or any air navigational aid for public use, shall obtain approval of the Minister of Transportation. The same shall apply in cases where the said operator intends to alter the fee.

(Operations Manual)

Article 54-(2). [Added by Law No. 90, 1960.] The operator of any airdrome shall provide an operations manual relating to matters of conditions of public use of the airdrome and management of other business, in accordance with the Ordinance of the Ministry of Transportation and he post it so that it may be easily seen by users.

2. The operator of any airdrome as specified in the preceding paragraph shall obtain the approval of the Minister of Transportation for such operations manual or for any changes therein.

(Succession to Status of Operator of an Airdrome, etc.)

Article 55. Any person who intends to take over the operation of an airdrome or of an air navigational aid under this Law shall not do so

except in the case of paragraph 3, unless such person has obtained a permission of the Minister of Transportation.

2. The provisions of Article 39, paragraph 1, item (4), shall apply to granting permission under the preceding paragraph.

3. In cases where the operator of an airdrome or the operator of an air navigational aid has died, the heir (or the one who has been designated after consultation to succeed to the status, when there are two or more heirs) shall succeed the status of the deceased under the provision of this Law.

4. The heir under the preceding paragraph, when he has succeeded to the status of the deceased under the provisions of this Law, shall report to that effect without delay to the Minister of Transportation.

(Operation or Administration of Airdromes, etc., by the Minister of Transportation.)

Article 56. The Minister of Transportation, when he operates any airdrome or navigational aid or makes any alteration to the facilities thereof, shall comply with the standards under Article 39 paragraph 1 items (1), (2) and (5).

2. The provisions of Article 38, paragraph 3, Article 39, paragraph 2, Article 40, Article 46, Article 49, Article 50 and Article 51, paragraph 1, shall apply in cases where the Minister of Transportation operates any airdrome or air navigational aid or makes any alteration to the facilities thereof. However, the provisions of Article 39, paragraph 2 shall not apply in case where the site of the airdrome has previously been lawfully used for landing or takeoff of any aircraft and there has not been any structure, plant or other materials with a height above the approach surface or transitional surface of said airdrome.

3. The provisions of Article 47, paragraph 1, and Article 51, paragraph 4 (only in so far as they relate to aeronautical obstruction lights under paragraph 1 of the same Article) shall apply in cases where the Minister of Transportation administers airdromes or air navigational aids.

(Exception of First Class Airport, etc.)

Article 56-(2). [As amended by Law No. 90, 1960.] The Minister of Transportation may designate extension approach or conical surfaces or outside horizontal surfaces on first and second class airports as specified by Cabinet Order.

2. An extension approach surface shall be an area comprised by the outside base of the approach surface on the plane including the approach surface extended upward and outward from the slope of the approach surface in a straight line parallel to said base to a horizontal distance of 15,000 meters from the inside base of the approach surface.

3. A conical surface shall be a conical area abutting the outer edge of the horizontal surface and its intersection with the vertical surface including the reference point of the airport which shall not have less than 1/50th outward and upward to the horizontal plane and which shall have a gradient specified by Ordinance of the Ministry of Transportation. Its reflecting plane shall be enclosed by a circle drawn horizontally from the reference point as center with a radius of not more than 16,500 meters as specified by Ordinance of the Ministry of Transportation, and which shall be limited to an area necessary for safety of landing and taking off of aircraft.

4. An outside horizontal surface shall be a horizontal area which includes the upper edge of the conical surface specified in the preceding

paragraph and its reflecting plane shall be enclosed by a circle drawn horizontally from the reference point of the airport as center with a radius of not more than 24,000 meters as specified by Ordinance of the Ministry of Transportation (except the part when the reflecting plane corresponds to the reflecting point of the horizontal or conical surface) and which shall be limited to an area necessary for the landing and taking off of aircraft.

Article 56-(3). [Added by Law No. 90, 1960.] When he makes a designation under paragraph 1 of the preceding article or makes changes in a designated area, the Minister of Transportation shall ascertain that there is no damage to the interests of landowners and other persons in the vicinity of the airdrome.

2. Article 38, paragraph 3, Article 39, paragraph 2, and Article 40 shall apply when a designation under paragraph 1 of the preceding article has been made or any alteration has been added to designated matters.

Article 56-(4). [Added by Law No. 90, 1960, and amended by Law No. 161, Sept. 15, 1962.] Except for actual construction work of buildings of which notification has been made, no person shall install, plant, or leave any structure, planting or other object which projects above the extension approach surface, conical surface, or outside horizontal surface (as to the areas in which these reflecting surfaces correspond to each other, the lowest surfaces) as shown in the notification under Article 40 as applied under paragraph 2 of the preceding article with regard to an airport specified in Article 56-(2), paragraph 1.

2. The proviso in Article 49, paragraph 1, shall apply to conical and outside horizontal surfaces.

3. Article 49, paragraph 2 shall apply to objects which violate paragraph 1, and paragraphs 3 to 8 of the same article shall apply to existing objects in case of notification under paragraph 1 when they project above the extension approach, the conical, or the outside horizontal surfaces.

(Designation, etc., of Facilities for Public Use)

Article 56-5. [Re-designate Article 56-5 by Law No. 90, 1960.] When he deems it necessary to promote the public interest, the Minister of Transportation may designate a landing strip and other facilities as facilities for public use with regard to an airdrome operated by the Defense Forces.

2. The designation under the preceding paragraph shall be made by the notification of name and location of the installation, outline of facilities and other matters specified by Ordinance of the Ministry of Transportation.

3. When any change has been made in the notification under the preceding paragraph with regard to the facilities in reference to the designation under paragraph 1, the Minister of Transportation shall, without delay, give notice of the matters in reference to the said change.

4. When he has cancelled the designation under paragraph 1, the Minister of Transportation shall give notice to that effect without delay.

5. When he intends to make a designation under paragraph 1, or to cancel the designation under the preceding paragraph, the Minister of Transportation shall negotiate with the Director of the Defense Department.

6. When the designation under paragraph 1 has been made, the Director of the Defense Department shall provide the facilities for public use. However, the same shall not apply in cases where there are unavoidable causes.

7. The Director of the Defense Department shall not discriminate against any specified users with regard to the conditions of the use of facilities in reference to the designation under paragraph 1.

CHAPTER VI—OPERATION OF AIRCRAFT

(Display of Nationality Mark, etc.)

Article 57. No aircraft shall be used for air navigation unless the nationality mark, registration mark and the owner's name or title are displayed on the aircraft in accordance with the provisions of an Ordinance of the Ministry of Transportation.

However, the same shall not apply where permitted by the proviso of Article 11.

(Aircraft Logbook)

Article 58. All aircraft shall carry a flight logbook of such form as may be specified by Ministry of Transportation Ordinance.

2. Any user of an aircraft, who has used the aircraft for air navigation, or repaired or remodeled it, shall enter without delay in the aircraft logbook such items as may be specified by Ordinance of the Ministry of Transportation.

3. The provisions of the preceding two paragraphs shall not apply where permitted by the proviso of Article 11.

(Documents to be carried in Aircraft)

Article 59. No aircraft (excepting aircraft specified by Ordinance of the Ministry of Transportation) shall be used for air navigation unless it carries the following documents. However, the same shall not apply in cases where permitted by the Minister of Transportation in accordance with the proviso of Article 11. They are:

- (1) A registration certificate;
- (2) An airworthiness certificate;
- (3) A flight logbook.

(4) [Added by Law No. 90, 1960.] Other documents necessary for the safety of air navigation as specified by Ordinance of the Ministry of Transportation.

(Compulsory Radio Equipment)

Article 60. No aircraft shall be used for air navigation in the following cases unless equipped with radio equipment as specified by Ordinance of the Ministry of Transportation:

- (1) When it is used for air transportation (except when specified by Ordinance of the Ministry of Transportation);
- (2) When it is making a flight under instrument flight rule conditions in an air traffic control area or zone;
- (3) When it is making a flight over areas made publicly known by the Minister of Transportation, in which search or rescue is difficult.

(Safety Equipment)

Article 61. No aircraft specified by Ordinance of the Ministry of Transportation shall be used for air navigation unless equipped with parachutes, life jackets, emergency signal lights and other emergency equipment specified by Ordinance of the Ministry of Transportation.

(Equipment in Case of Special Flights)

Article 62. No aircraft which is not equipped with a de-icing equipment, outside thermometer, oxygen apparatus, navigation instruments and other special equipment for the safety of air navigation specified by Ordinance of the Ministry of Transportation may make a high altitude flight or a flight in the clouds or other special flights specified by Ordinance of the Ministry of Transportation.

(Fuel of Aircraft)

Article 63. When it is used for air transportation, no aircraft shall take off or fly under instrument flight rules conditions, or expect to make a flight under instrument flight rules conditions on the way, unless it carries such amount of fuel as may be specified by Ordinance of the Ministry of Transportation.

(Aircraft Lights)

Article 64. When navigating or parking by night (between sunset and sunrise) or stopping at any airdrome used for night flight operations, all aircraft shall be marked with lights in accordance with the provisions of Ordinance of the Ministry of Transportation.

(Persons by whom Aircraft to be manned)

Article 65. All aircraft shall be manned by an airman who can pilot it in accordance with the provisions of Article 28.

2. Any aircraft which is described in the "Aircraft" column of the following table shall be manned by an airman, in addition to the airman under the preceding paragraph, who can perform acts described in the "Duties" column of the said table in accordance with the provisions of Article 28.

Aircraft

Duties

Any aircraft which comes under any one of the following items:

Piloting of aircraft.

(1) An aircraft for which, in light of its construction, two persons are required for handling the retractable landing gear, flaps and other parts;

(2) An aircraft used for air transportation of passengers, which makes a flight under instrument flight rule conditions.

(3) An aircraft used for air transportation of passengers, which makes flights of more than five hours.

Any aircraft which comes under any one of the following:

Handling of aircraft engine and airframe performed on board (excepting controlling of piloting system).

(1) An aircraft equipped with four or more engines and having a maximum take-off weight of 35,000 kilograms;

(2) An aircraft, for handling the aircraft engine or airframe of which, in light of its construction, only a pilot (any person who engages in piloting an aircraft is not sufficient).

Article 66. Any aircraft described in the "Aircraft" column of the following table shall be manned by airmen, in addition to the pilot under the preceding Article, who may perform acts described in the "Duties" column of the said table in accordance with the provisions of Article 28.

Aircraft

Duties

An aircraft which is to be equipped with radio apparatus (excepting those specified by Ordinance of the Ministry of Transportation) in accordance with the provision of Article 60.	Handling of the radio apparatus mentioned in the left-side column.
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An aircraft which makes a non-stop flight over a distance of more than 550 kilometers.	Determination of the position and course of aircraft and calculation of air-navigational data.
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2. Notwithstanding the provisions of the preceding paragraph, where the performance of his own duties is not hindered by any person performing the respective duties of any other airman as stated in the "Duties" column of the table of the said paragraph, there need not be an airman prescribed by the said paragraph.

(Documents to be carried by Airman)

Article 67. Any airman, when he performs his air service, shall carry a certificate of competence.

2. Any aircraft crew member (any airman who engages, on board, in the operation of aircraft) shall, when he performs his air service, carry an airman's licence in addition to certificate of competence.

(Standards of Crew Assignment)

Article 68. No person who engages in air transportation shall have the aircraft crew member of any aircraft which he uses, engage in the operation of aircraft, except as conforming with the assignment of such crew member to be prepared in accordance with the standards specified by Ordinance of the Ministry of Transportation.

(Recent Flight Experience)

Article 69. No aircraft crew member shall engage in the operation of an aircraft which is used for air transportation, or make an instrument or night flight, or conduct training for piloting under Article 34 paragraph 2, unless he has specified flight experience within a specified period as stipulated by Ordinance of the Ministry of Transportation.

(Intoxicating Liquor, etc.)

Article 70. No aircraft crew member shall perform his air service while there is danger of their being unable to perform a normal operation of the aircraft under the influence of an intoxicant or narcotic and other chemicals.

(Physical Deficiencies)

Article 71. No aircraft crew member who does not satisfy the standards for physical examination under Article 32 shall perform air service, even if within the duration of the aircraft licence under Article 33.

(Route Qualification of Pilot-in-Command)

Article 72. [As amended by Law No. 90, 1960.] A pilot-in-command of an aircraft used for scheduled air transportation shall obtain an approval of the Minister of Transportation with respect to possession of piloting experience of aircraft over the pertinent route and knowledge of the pertinent route as may be stipulated by Ordinance of the Ministry of Transportation.

2. The Minister of Transportation shall, in accordance with the provisions of Ordinance of the Ministry of Transportation, examine periodically whether such person who obtained an approval under the preceding paragraph possesses the said experience and knowledge provided for in the same paragraph.

3. When the Minister of Transportation, as a result of the preceding examination, deems that the person who obtained an approval under paragraph 1, does not possess the foregoing experience and knowledge, he shall cancel the approval.

(Power of Pilot-in-Command)

Article 73. The pilot-in-command shall direct and supervise all persons who perform duties on board the aircraft.

(Confirmation before Departure)

Article 73-2. [Added by Law No. 90, 1960.] A pilot-in-command may not have the aircraft take off unless he has ascertained that the aircraft is airworthy and has been maintained for proper operation in accordance with the Ordinance of the Ministry of Transportation.

(Measures in Case of Danger)

Article 74. When there has occurred any danger, or when he deems there may be any danger to the aircraft or to passengers, the pilot-in-command may order the passengers in the aircraft to take measures to leave the aircraft or take other measures necessary for safety.

Article 75. In cases where there is any urgent danger to the aircraft while it is navigating, the pilot-in-command shall use every means necessary for rescuing the passengers and preventing injury to persons or property on the land or water, and shall not leave the aircraft which he directs unless he has made the passengers and other persons on board the aircraft leave it.

(Obligation to Report)

Article 76. When there has occurred any of the following accidents, the pilot-in-command shall report to that effect to the Minister of Transportation in accordance with the provisions of Ordinance of the Ministry of Transportation.

However, when the pilot-in-command is unable to report, the operator of the aircraft shall report:

(1) A crash or collision of, or fire in an aircraft, or other aircraft accident:

(2) An injury or death to any person, or damage to, or destruction of, any object caused by the aircraft;

(3) A death or loss of any person on board the aircraft.

(4) [Added by Law No. 90, 1960.] Other accidents relating to aircraft as specified by Ordinance of the Ministry of Transportation.

2. When he has learned that any accident mentioned in item (1) of the preceding paragraph has occurred to any other aircraft, the pilot-in-command shall report to that effect to the Minister of Transportation in accordance with the provisions of Ordinance of the Ministry

of Transportation except when he has learned it by wireless telegram or telephone.

3. [Added by Law No. 90, 1960.] When he has personal knowledge of any malfunction of aids to air navigation during a flight or otherwise as specified by Ordinance of the Ministry of Transportation as affecting safety of aircraft operation, the pilot-in-command shall report to the Ministry of Transportation in accordance with the Ordinance of the Ministry of Transportation except when he has acquired such knowledge by other means.

(Aircraft Dispatcher)

Article 77. Unless the pilot-in-command of the aircraft has obtained clearance from an aircraft dispatcher provided by the scheduled air transport operator under Article 102, paragraph 1, no aircraft used for scheduled air transportation shall take off or alter the flight plan.

Article 78. Any aircraft dispatcher under the preceding Article shall pass a competence test as aircraft dispatcher by the Minister of Transportation.

2. A competence test as aircraft dispatcher will be made for the purpose of judging whether an applicant has such knowledge and such competence with regard to aircraft, air navigational aid, radio communications and meteorology as is necessary for performing his duties under the preceding paragraph.

3. No person shall be permitted to take a competence test as aircraft dispatcher unless he is of such age and has such experience with regard to the operation of aircraft as may be stipulated by Ordinance of the Ministry of Transportation.

4. The provisions of Articles 27, 29, and 30, shall apply to a competence test as aircraft dispatcher.

5. The procedures of application for competence test as aircraft dispatcher and other matters shall be stipulated by Ordinance of the Ministry of Transportation.

(Place for Landing and Takeoff)

Article 79. No aircraft (excepting aircraft specified by Ordinance of the Ministry of Transportation shall take off or land, on land at places other than airdromes, or on water at places specified by Ordinance of the Ministry of Transportation. However, the same shall not apply in cases where there are any unavoidable reasons or where permitted by the Minister of Transportation.

(Prohibited Area)

Article 80. No aircraft shall make a flight over an area in which there may be danger to the flight of aircraft, which may be designated by Ordinance of the Ministry of Transportation. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Minimum Safe Altitude)

Article 81. Except when it takes off or lands, taking into consideration the safety of persons or property on land or water and the safety of aircraft, no aircraft shall make a flight at an altitude less than that stipulated by Ordinance of the Ministry of Transportation. However, the same shall not apply in cases where permitted by the Minister of Transportation.

Article 81-(2). [Added by Law No. 90, 1960.] The three preceding articles shall not apply to flight made for purposes of search and rescue

in cases of air accidents, maritime disasters or other accidents specified by Ordinance of the Ministry of Transportation.

(Cruising Altitude)

Article 82. When it is flying at an altitude of 900 meters or more above the land or water under visual flight rule conditions, or at an altitude of 300 meters or more under instrument flight rule conditions, any aircraft shall cruise at an altitude as specified by Ordinance of the Ministry of Transportation.

(Prevention of Collision)

Article 83. [As amended by Law No. 90, 1960.] Any aircraft shall navigate in accordance with the course, path, speed and other methods of navigation as may be specified by Ordinance of the Ministry of Transportation for the purpose of preventing collisions with other aircraft or ships and insuring safety of taking-off or landing of the aircraft on the airdrome. However, in case where the aircraft is on water, it shall be determined in accordance with provisions of the Law concerning Prevention of Collisions at Sea.

(Formation Flight)

Article 84. No aircraft used for air transportation shall make a formation flight unless permitted by the Minister of Transportation.

2. When making a formation flight, the pilot-in-command of aircraft shall make arrangements, prior to such a flight, as to the method of formation, the method of signs between aircraft and such other matters specified by Ordinance of the Ministry of Transportation.

(Prohibition of Reckless Operation)

Article 85. No aircraft shall make a flight, "buzz" or dive at low altitude without any operational necessity, or shall be piloted in a manner annoying to other persons.

(Prohibition of Carriage of Explosives, etc.)

Article 86. Explosives or other articles of easily combustible nature or articles which are liable to injure persons or damage property as specified by Ordinance of the Ministry of Transportation shall not be carried by aircraft.

2. No person shall put into aircraft any articles described in the preceding paragraph.

Article 86-(2). [Added by Law No. 90, 1960.] When there is reason to suspect that articles, baggage or personal effects carried by passengers or objects loaded or about to be loaded on an aircraft may contain articles specified in paragraph 1 of the preceding article because of their shape weight, or for other reasons, the air carrier may refuse to transport such objects or their being loaded on an aircraft and request the consignor or shipper to unload such objects or he may unload them himself. However, he may unload such objects himself only when the consignor or shipper of the object is not available.

2. When the Minister of Transportation deems it urgent for the safety of air navigation, he may order measures to be taken under the preceding paragraph against any person engaged in air transportation.

(Pilotless Aircraft)

Article 87. Notwithstanding the provisions of Article 65 and 66, any aircraft having an apparatus which enables it to fly without being manned by a pilot may, when permitted by the Minister of Transportation, make a flight without being manned by an air crew provided for by these provisions.

2. In granting a permission under the preceding paragraph, the Minister of Transportation may put restrictions to the methods of flight with regard to the aircraft when he deems it necessary for preventing any danger occurring to other aircraft.

(Towing of Object)

Article 88. Towing of objects by aircraft shall be conducted in accordance with safety standards as stipulated by Ordinance of the Ministry of Transportation.

(Jettisoning of Object)

Article 89. No person shall jettison any object from an aircraft. However, the same shall not apply in cases where there is no danger of causing injury or damage to persons or property on land or water and where he has reported it to the Minister of Transportation.

(Parachute Jumping)

Article 90. No persons other than those who have obtained a permission of the Minister of Transportation shall make a parachute descent from an aircraft.

(Acrobatic Flight)

Article 91. [As amended by Law No. 90, 1960.] No aircraft shall perform loops, rolls and other acrobatic flights except in an air area other than the following air areas and at an altitude higher than that stipulated by Ordinance of the Ministry of Transportation, and with a visibility of more than 5 kilometers (8 kilometers in case the altitude is more than 7,300 meters). However, the same shall not apply in case where permitted by the Minister of Transportation:

- (1) Within a congested area of persons or houses;
- (2) Within an airway;
- (3) Within an air traffic control zone.

(Performance of Training for Student Pilot)

Article 92. Any person who has obtained a permission under Article 35, paragraph 1 shall, when he intends to get flight training, conduct it under the supervision of a person certified as instructor under Article 34, paragraph 2.

The same shall apply in cases where any person who has a competence certification as airline transport pilot, senior commercial pilot, commercial pilot or private pilot, trains for piloting of any kind of aircraft other than that defined with regard to the competence certification.

(Places of Training, etc. for Aircraft Piloting)

Article 93. No training for aircraft piloting under the preceding Article and no flight for the purpose of testing aircraft shall be conducted in an air traffic control area or air traffic control zone. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Flight under Visual Flight Rule Conditions)

Article 94. No aircraft shall make an instrument flight under visual flight rule conditions.

(Instrument Flight Rules)

Article 94-(2). [Added by Law No. 90, 1960.] All aircraft shall fly under instrument flight rules under instrument flight rule conditions or under conditions specified by the Minister of Transportation on notification from an air traffic control area or zone. However, this

shall not apply in cases where permitted by the Minister of Transportation.

(Flight under Instrument Flight Rules Conditions)

Article 95. No aircraft shall make a flight under instrument flight rule conditions unless piloted by a person who has obtained a certification of competence as airline transport pilot or senior commercial pilot, or person or private pilot and has obtained a certification of instrument flight. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Air Traffic Instructions)

Article 96. Any aircraft shall navigate in an air traffic control area or air traffic control zone in accordance with instructions which are given by the Minister of Transportation with regard to the order, time or method of takeoff or landing, or method of flight in consideration of the safety of air traffic.

[Added by Law No. 90, 1960.] 2. Any person engaged in a business relating to an airdrome designated by the Minister of Transportation under Article 2, paragraph 12 (including any person engaged in a business relating to work on airdromes specified by Ordinance of the Ministry of Transportation) shall comply with the instructions of the Minister of Transportation in regard to safety of air traffic on airdromes.

(Flight Plan and Approval therefor)

Article 97. Any aircraft shall, prior to takeoff from an airdrome within an air traffic control zone or prior to entering an air traffic control area or air traffic control zone under instrument flight rule conditions, obtain the approval of a flight plan by the Minister of Transportation, in accordance with the provisions of an Ordinance of the Ministry of Transportation. The same shall apply in cases where there is an intention to alter the approved flight plan.

2. Any aircraft which makes a flight under instrument flight conditions (excepting the case under the preceding paragraph) or makes a flight under visual flight conditions (excepting the case stipulated in an Ordinance of the Ministry of Transportation), shall file the flight plan with the Minister of Transportation as may be stipulated by Ordinance of the Ministry of Transportation.

3. Any aircraft which has obtained an approval of the flight plan or has notified the flight plan in accordance with the provisions under paragraph 1 of the preceding paragraph, shall be navigated in accordance with the flight plan besides the instructions of the Ministry of Transportation. However, the same shall not apply in cases where it navigates in accordance with the methods stipulated by the Ordinance of the Ministry of Transportation when the radio equipment is out of order.

4. Any aircraft which has obtained an approval of the flight plan or has notified the flight plan in accordance with the provisions under paragraph 1 or paragraph 2, shall, while it is navigating in an air traffic control area or air traffic control zone, receive instructions on air traffic which are issued by the Minister of Transportation and report to him the location of the aircraft, flight conditions and other matters as may be specified by Ordinance of the Ministry of Transportation in accordance with the methods as may be stipulated by Ordinances of the Ministry of Transportation.

(Notification of Arrival)

Article 98. The pilot-in-command of an aircraft, who has obtained an approval of his flight plan in accordance with the preceding Article or who has notified the flight plan, shall, when the aircraft has completed the flight described in the flight plan, report without delay to the Ministry of Transportation to that effect.

(Provision of Information)

Article 99. [As amended by Law No. 90, 1960.] The Minister of Transportation shall provide information needed for the operation of aircraft to aircraft crews, in accordance with the Ordinance of the Ministry of Transportation.

CHAPTER VII—AIR TRANSPORTATION, ETC.

(Licence)

Article 100. An person who intends to engage in scheduled air transportation shall obtain for each route a license from the Minister of Transportation.

2. Any person who intends to obtain a license under the preceding paragraph shall submit an application to the Minister of Transportation, describing a business program (a program for the operation of aircraft and the maintenance necessary therefor), estimate of income and expenses of business, scheduled commencement date for operation and other matters as may be stipulated by Ordinance of the Ministry of Transportation.

3. The Minister of Transportation may request the applicant to submit a copy of the commercial register and other necessary documents in addition to those prescribed in the preceding paragraph.

(Licencing Standards)

Article 101. In cases where there has been an application under the preceding Article, the Minister of Transportation shall examine whether it conforms to each of the following:

(1) The opening of the business shall meet the needs of the public:

(2) The opening of the business shall not make the supply excessive over the demand of air transportation on the route;

[As amended by Law No. 90, 1960.]

(3) The business program shall be suitable from the viewpoint of air safety:

(4) The applicant shall be able to perform the business properly:

(5) The applicant shall not come under any of the following:

1) Any person who comes under any item of Article 4, paragraph 1:

2) [As amended by Law No. 90, 1960.] Any person whose license for scheduled air transportation, non-scheduled air transportation, freight forwarding, or aircraft-using enterprise was cancelled, and less than two years have passed since the date of such cancellation;

3) Any person who has been sentenced to a penalty heavier than imprisonment for violation of any provision of this Law, and less than two years have passed after he completed the sentence or it has been canceled;

4) Any juridical person whose officer or officers come under any of the provisions of 2) or 3).

2. When he deems the application conforming to the standards mentioned in the preceding paragraph and after an examination under the provision of the same paragraph, the Minister of Transportation shall issue a licence for scheduled air transportation.

(Inspection prior to Operation)

Article 102. No person who has obtained a license under Article 100, paragraph 1 (hereinafter referred to as "scheduled air transport enterprise") shall begin operation unless he has undergone and passed an inspection of aircraft and other facilities used for the licenced enterprise by the Minister of Transportation.

2. The Minister of Transportation shall consider any scheduled air transport enterprise to be eligible when he has found after an inspection under the preceding paragraph that it is capable of conducting the services with the facilities in accordance with this Law and the business program.

(Obligation to commence Operation)

Article 103. Any scheduled air transport enterprise shall commence the operation on the day stated in the application for the license. However, it may commence the operation before the day in cases where the Minister of Transportation has been notified in advance.

2. The Minister of Transportation may postpone the day in accordance with an application, when the operation cannot be inaugurated on the day of the preceding paragraph owing to natural calamity or other unavoidable reasons.

(Approval of Operation and Maintenance Manuals)

Article 104. Any scheduled air transport enterprise shall issue an operation and maintenance manual with regard to the matters concerning the operation and maintenance of aircraft, stipulated by Ordinance of the Ministry of Transportation and obtain an approval of the Minister of Transportation. The same shall apply to the case of any change therein.

2. The Minister of Transportation shall grant an approval under the preceding paragraph when he deems the operation and maintenance manual under the same paragraph conforming to the technical standards stipulated by Ordinance of the Ministry of Transportation.

(Approval of Fares, Rates and Charges)

Article 105. Any scheduled air transport enterprise shall fix fares, rates and charges for passengers and freights (except mails) and obtain an approval of the Minister of Transportation. The same shall apply in the case of any change thereof.

2. When he intends to grant an approval under the preceding paragraph, the Minister of Transportation shall conform to the following standards:

(1) They shall not be in excess of reasonable expenses of the services under efficient management plus a reasonable profit;

(2) The nature of the services provided by the enterprise shall be taken into consideration;

(3) They shall not unfairly discriminate against any specific passenger or consignor;

(4) They shall not make the utilization of the business by passengers and consignors unduly difficult;

(5) They shall not bring about unfair competition with other air transport enterprises.

(Approval of Conditions of Transportation)

Article 106. Any scheduled air transport enterprise shall fix conditions of transportation and obtain an approval of the Minister of Transportation. The same shall apply to the case of any change thereof.

2. When he intends to grant an approval under the preceding paragraph, the Minister of Transportation shall conform to the following standards:

(1) There shall be no danger of impeding the just interest of the public:

(2) There shall be provided for at least receipts of fares and charges to passengers and freights, and matters concerning the enterprise's liability relating to the transportation.

(Notices of Fares, Rates and Charges, etc.)

Article 107. Any scheduled air transport enterprise shall post a notice of the fares, rates and charges and the conditions of transportation visible to the public at the business premises and at other working places.

(Business Program)

Article 108. In performing its business, any scheduled air transport enterprise shall comply with the business program except as due to natural calamity or other unavoidable causes.

2. When he deems any air transport enterprise in violation of the provisions of the preceding paragraph, the Minister of Transportation may order such scheduled air transport enterprise to perform the services in accordance with the business program.

Article 109. When he intends to alter the business program, any scheduled air transport enterprise shall obtain an approval of the Minister of Transportation.

2. The provisions of Article 101 (excepting those coming under paragraph 1, item (5)), shall apply to an approval under the preceding paragraph.

(Agreement concerning Transportation)

Article 110. When it is intended to conclude an agreement concerning through-traffic, fares or other transportation with other transport enterprises, any scheduled air transport enterprise shall obtain an approval of the Minister of Transportation.

The same shall apply in cases where it is intended to make any change therein.

2. The Minister of Transportation shall grant an approval under the preceding paragraph when the agreement promotes the public convenience.

(Exception from Application of the Law concerning the Prohibition of Private Monopoly and the Methods of Preserving Fair Trade)

Article 111. The provisions of the Law concerning the Prohibition of Private Monopoly and the Methods of Preserving Fair Trade (Law No. 54 of 1947) shall not apply to any lawful act effected upon approval under paragraph 1 of the preceding Article. However, the same shall not apply in cases where unfair methods of competition are used or an unreasonable rise of the fares or charges is caused by limiting competition in the specified field of trade.

(Order for Improvement of Business)

Article 112. When he deems that there is any fact by which the public welfare may be adversely affected with regard to the business of any scheduled air transport enterprise, the Minister of Transportation may order the enterprise to do any act mentioned in the following items:

- (1) To alter the business items;
- (2) To alter fares, charges or conditions of transportation;
- (3) To improve aircraft and other facilities;
- (4) To conclude an insurance contract to cover the compensation for damages due to aircraft accidents.

(Utilization of Title, Loan of Business, etc.)

Article 113. No scheduled air transport enterprise shall allow another person to utilize his license for scheduled air transportation.

2. No scheduled air transport enterprise shall allow another person to operate its business in its name whether by loan of the business or by other means.

(Transfer and Taking Over of Business)

Article 114. In cases where any scheduled air transport enterprise transfers the air transport enterprise, the transferee shall succeed the transferor's status under this Law when the transferor and the transferee have obtained an approval of the Minister of Transportation with regard to the transfer and taking over.

2. The provisions of Article 101 shall apply to an approval under the preceding paragraph.

(Amalgamation of Business)

Article 115. In the case of an amalgamation of juridical persons who are scheduled air transport enterprises (excepting when any juridical person who is a scheduled air transport enterprise continues to exist in cases where the juridical person who is a scheduled air transport enterprise amalgamates with any juridical person who is not engaged in a scheduled air transport enterprise), the juridical person who continues to exist or the juridical person established by amalgamation shall succeed to the status of the scheduled air transport enterprise under this Law, when the amalgamation has been approved by the Minister of Transportation before it becomes effective.

2. The provisions of Article 104 shall apply to an approval under the preceding paragraph.

(Inheritance)

Article 116. In the case of the death of the operator of a scheduled air transport enterprise, the heir (an heir who has been designated after consultation as heir to succeed to the enterprise when there are two or more heirs) shall succeed the status of a scheduled air transport enterprise under this Law.

2. When the successor under the preceding paragraph has not applied for the inheritance within sixty days after the death of the deceased, the license for air transportation shall be invalid after expiration of such term. The same shall apply, in cases where an application for approval has been disapproved, on and after the day such disposition has been made.

3. The provisions of Article 101 shall apply to an approval under the preceding paragraph.

(Suspension of Business)

Article 117. Any scheduled air transport enterprise shall, when it intends to suspend its business, obtain a permission of the Minister of Transportation.

2. Except when he deems there is any danger of the public convenience being impeded by suspension, the Minister of Transportation shall grant a permission under the preceding paragraph.

3. The permission for the suspension of business under paragraph 1 shall not be given for a period of more than one year.

(Closure of Business)

Article 118. When it has closed its business, any scheduled air transport enterprise shall report without delay to that effect to the Minister of Transportation.

(Discontinuance of Business and Cancellation of License)

Article 119. When any air transport enterprise comes under any one of the following items, the Minister of Transportation may order to suspend the business for a period of less than six months or cancel the licence:

(1) When any enterprise has violated this Law or any condition attached to any disposition, licence, permission or approval under this Law;

(2) When any enterprise does not perform without just reasons any matter approved in accordance with the provisions of this Chapter.

(Invalidation of Licence)

Article 120. When a scheduled air transport enterprise has come under any item of Article 4, paragraph 1, the licence under Article 100 paragraph 1, shall become invalid.

(Non-scheduled Air Transportation)

Article 121. Any person who intends to engage in non-scheduled air transportation shall obtain a licence from the Minister of Transportation.

2. The provisions of Article 100, paragraphs 2 and 3, and Article 101 (excepting the provisions of paragraph 1, items (1) and (2)), shall apply to a licence under the preceding paragraph.

Article 122. The provisions of Article 102, 104 to 106 inclusive, and Articles 108 to 120 inclusive (excepting those provisions of Article 114, paragraph 2, Article 115, paragraph 2, or Article 116, paragraph 3, which apply to Article 101, paragraph 1, items (1) and (2)), shall apply to non-scheduled air transportation.

In this case "approved" in Article 119 item (2) shall read "licensed or approved".

2. The provisions of Article 30, paragraph 2, shall apply to the case of discontinuance of business or cancellation of license as specified by the provisions of Article 119 which applies to the preceding paragraph.

(Air Freight Forwarding Enterprise)

Article 122-(2). [Added by Law No. 90, 1960.] Any person who intends to engage in an air freight forwarding enterprise shall obtain a license from the Minister of Transportation.

2. Article 100, paragraphs 2 and 3, and Article 103 shall apply to licenses under the preceding paragraph. In such case, "Commencement of operation" in Article 100, paragraph 2 shall read "Commencement of enterprise", and "business program" (A program for the

operation and maintenance of aircraft) shall read "enterprise program as specified by Ordinance of the Ministry of Transportation."

Article 122-(3). [Added by Law No. 90, 1960.] Articles 103 and 105 to 120 inclusive shall apply to air freight forwarding enterprises. In such case, "operation", in Article 103, shall read "enterprise."

2. Article 30, paragraph 2, shall apply in cases of discontinuance or cancellation of a license of an enterprise under Article 119 as applied in the preceding paragraph.

(Aircraft-Using Enterprise)

Article 123. Any person who intends to engage in an aircraft-using enterprise shall obtain a licence from the Minister of Transportation.

2. The provisions of Article 100, paragraphs 2 and 3, and Article 101 (excepting the provisions of paragraph 1, items (1) and (2)), shall apply to a licence under the preceding paragraph.

Article 124. The provisions of Article 102, 108, 109, 112 (except as coming under item (2)), 113 to 116 inclusive, (excepting those provisions of Article 114, paragraph 2, Article 115, paragraph 2, or Article 116, paragraph 3, which apply to Article 101, paragraph 1, items (1) and (2)), Articles 118 to 120 inclusive and Article 122, paragraph 2, shall apply to aircraft using enterprises.

In this case "approved" in Article 119, item (2) shall read "licensed or approved".

2. Any person who has obtained a licence under paragraph 1 of the preceding Article shall report without delay to that effect to the Minister of Transportation when he has suspended his business.

(Conditions attached to Licence, etc)

Article 125. There may be attached conditions or a term to licences, permissions or approvals under this Chapter, and they may be altered.

2. [As amended by Law No. 10, 1960.] The conditions or terms under the preceding paragraph shall be limited to a minimum necessary to promote the public interest, or to secure the practice of matters involved in the license permission or approval and shall not be such as will impose undue burdens upon a scheduled air carrier, a non-scheduled air carrier (any person who has a license under Article 121, paragraph 1), air freight forwarder (any person who has a license under Article 121-(2), paragraph 1), or an aircraft using enterprise (any person who has a license under Article 123, paragraph 1).

CHAPTER VIII—FOREIGN AIRCRAFT

(Flight of Foreign Aircraft)

Article 126. Any aircraft having the nationality of any foreign state which is a Contracting State of the Convention on International Civil Aviation (hereinafter referred to as "Contracting State") (excepting any aircraft which is used for the enterprise of any person who has obtained permission under Article 129, paragraph 1 (hereinafter referred to as "foreign international air transport enterprise"), any aircraft which is used for transportation by any person who has obtained permission under Article 130-(2) and any aircraft which is used by any foreign state, any public entity or its equivalent in any foreign state, shall obtain permission from the Minister of Transportation when it makes a flight as mentioned below without following any air route designated by the Minister of Transportation:

(1) A flight starting outside Japan and arriving inside Japan;

(2) A flight starting inside Japan and arriving outside Japan;
or

(3) A flight across Japan without landing, starting outside Japan and arriving outside Japan.

2. Any aircraft having the nationality of any foreign state other than a Contracting State (excepting any aircraft which is used for the enterprise of any foreign international air transport enterprise and any aircraft which is used for transportation by any person who has obtained permission under Article 130-(2)) and any aircraft, having the nationality of a Contracting State, which is used by any foreign state, any public entity and its equivalent in any foreign state, shall obtain permission from the Minister of Transportation when it makes a flight referred to in any item of the preceding paragraph.

3. Any aircraft which is used in military, customs or police service shall be regarded as "aircraft used by a state" in application of the provisions of the preceding two paragraphs.

4. When requested by the Minister of Transportation in cases where it makes a flight referred to in any item of paragraph 1, any aircraft having the nationality of any foreign state shall land at the designated airdrome without delay.

5. Any aircraft having the nationality of any foreign state, when it makes a flight mentioned in paragraph 1, items 1 or 2, shall land at or take off from the airdrome designated by the Minister of Transportation except when prevented by weather or other unavoidable causes. However, the same shall not apply in cases permitted by the Minister of Transportation.

(Use of Foreign Aircraft Inside Japan)

Article 127. No aircraft having the nationality of any foreign state (excepting any aircraft which is used for the enterprise of any foreign international transport enterprise and any aircraft which is used for transportation by any person who has obtained permission under Article 130-(2)) shall be used for air navigation between points inside Japan. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Prohibition of Carriage of Munitions)

Article 128. Unless permitted by the Minister of Transportation, no aircraft having the nationality of any foreign state shall carry munitions (as specified by Ordinance of the Ministry of Transportation) on a flight referred to in each item of paragraph 1 of Article 126.

(International Air Transport Enterprise by Foreign Nationals)

Article 129. Notwithstanding the provisions of Article 100, paragraph 1, and Article 121, paragraph 1, a person referred to in any item of paragraph 1, Article 4, may, upon permission of the Minister of Transportation, run a business to transport passengers or freight on any flight referred to in Article 126, paragraph 1 (including the one between points within Japan which is performed in continuance thereof) for remuneration on demand of other persons.

2. Any person who intends to obtain permission under the preceding paragraph, shall submit an application to the Minister of Transportation, describing his business program, scheduled commencement date for operation and other matters stipulated by Ministry of Transportation Ordinance.

3. The Minister of Transportation may request the applicant to submit necessary documents in addition to those prescribed in the preceding paragraph.

(Approval of Fares, Rates and Charges)

Article 129-(2). Any foreign international air transport enterprise shall fix fares, rates and charges for passengers and freight (except mail) and obtain approval of the Minister of Transportation. The same shall apply in cases of changes therein.

(Business Program)

Article 129-(3). Any foreign international air transport enterprise, in performing its business, shall comply with the business program except when prevented by weather or other unavoidable causes.

2. Any foreign international air transport enterprise, when it intends to alter its business program, shall obtain approval of the Minister of Transportation.

(Order for Alteration of Business Program, etc.)

Article 129-(4). The Minister of Transportation, when he deems it necessary, may order the foreign international air transport enterprise:

(1) To alter its business program; or

(2) To alter fares, rates or charges.

(Suspension of Business and Cancellation of Permission)

Article 129-(5). The Minister of Transportation may order a foreign international air transport enterprise to suspend business for a period or cancel its permission to operate:

(1) When any foreign international air transport enterprise has violated the provision of this Law, any disposition under this Law or any condition attached to any permission or approval under this Law;

(2) When substantial ownership of stock or shares of any foreign international air transport enterprise or effective control of an air transport enterprise operated by any foreign international air transport enterprise has failed to be vested in the state or its nationals to which the said foreign international air transport enterprise belongs;

(3) When any foreign state or any foreign international air transport enterprise has violated the provisions of such agreement or the said agreement has become invalid in case where there is an agreement between Japan and the said foreign state to which the said foreign international air transport enterprise belongs;

(4) When it is necessary for the public interest, besides those cases listed in the preceding three items.

(Cabotage)

Article 130. No aircraft which is authorized under the proviso of Article 127, and which is used for the business of any foreign international air transport enterprise or which is used for transportation by any person who has obtained permission under the following Article shall be used for transporting passengers or freight for remuneration between points within Japan. However, the same shall not apply in cases where permitted by the Minister of Transportation.

(Transportation of Passengers, etc. Taking off or Landing Inside Japan)

Article 130-(2). Any aircraft having the nationality of any foreign state (excepting any aircraft which is used for the enterprise of any foreign international air transport enterprise) shall obtain permis-

sion from the Minister of Transportation, when it engages in the transportation for remuneration of passengers or freight, for taking off or landing inside Japan by a flight referred to in Article 126, paragraph 1, item 1 (including a flight between points within Japan which is made in continuance thereof) or by a flight referred to in item 2 of the same paragraph (including a flight between points within Japan which is made in continuance thereof).

(Recognition of Certificates, etc.)

Article 131. Any certification, license and other authorization which has been granted for the airworthiness of the following aircraft and for the qualifications as aircraft crew of the aircraft by any foreign state the nationality of which is possessed by the aircraft, and the certificates of qualification and other documents relating thereto shall, in application of the provisions of Article 11, Article 20, Article 28, paragraph 1 or 2, Article 34, paragraph 1, Article 59, Article 65 to 67 inclusive and Article 95, be regarded as aircraft registration certificate under Article 6, airworthiness certification under Article 10, paragraph 1, airworthiness certificate under paragraph 5 of the same Article, passing of an inspection under Article 20, paragraph 1, competence certification under Article 22, paragraph 1 or aircraft crew license under paragraph 2 of the same Article, competence certificate under Article 23 or airman license under Article 31, paragraph 2, instrument flight certification under Article 34, paragraph 1 in accordance with the provisions of an Ordinance of the Ministry of Transportation:

(1) Any aircraft referred to in Article 126, paragraph 1 or 2 which makes a flight referred to in any item of paragraph 1 of the same Article:

(2) Any aircraft as may be specified by Cabinet Order, which has been authorized under the proviso of Article 127;

(3) Any aircraft which is used for the enterprise of any foreign international air transport enterprise.

(4) Any aircraft which is used for the transportation by any person who has obtained permission under the preceding Article. (Terms and Conditions, etc.)

Article 131-(2). [As amended by Law No. 90, 1960.] Notwithstanding Article 122-(2), paragraph 1, any person referred to in Article 4, paragraph 1, may, with permission from the Minister of Transportation, engage in an air freight forwarding enterprise for transportation of cargo as stated below:

(1) Cargo from a point inside Japan to a point outside Japan;

(2) Cargo from a point outside Japan to a point inside Japan;

(3) Cargo from a point outside Japan to a point outside Japan by way of Japan.

2. Article 129, paragraphs 2 and 3 shall apply to a permission under the preceding article. In such case, the words "commencement of operation" in Article 129, paragraph 2 shall read "commencement of enterprise."

3. Article 129-(2) to 129-(5) inclusive shall apply to any person who has a permission under Article 129, paragraph 1 (hereinafter referred to as "International Foreign Freight Forwarder").

(Terms and Conditions, etc.)

Article 131-(3). [As amended by Law No. 90, 1960.] Terms and conditions may be attached to permissions or approvals under this

Chapter, may be altered, or may be attached to them after they are granted.

CHAPTER IX—MISCELLANEOUS PROVISIONS

(Investigation of Accident)

Article 132. When an accident mentioned in any item of Article 76, paragraph 1, has occurred, the Minister of Transportation shall investigate its cause without delay.

2. For the purpose of investigation under the preceding paragraph, the Minister of Transportation may demand of any user of aircraft or aircraft crew involved in the accident, or of any person who has engaged in rescue service and other persons concerned, to present reports or data, or may have his officials enter on the actual scene to investigate the aircraft or other objects.

3. In the case of the preceding paragraph, such official shall carry with him a card identifying his official status and show the same upon request to the person concerned.

4. The authority under paragraph 2 shall not be construed as given for the search of crime.

(Report on Air Transport Agent, etc.)

Article 133. Any person who intends to act as air transport agent (an enterprise acting for an air transport enterprise in concluding contracts for the transportation by aircraft) or air transport forwarding agency (an enterprise transacting forwarding business for the transportation by aircraft in his own name) shall report to the Minister of Transportation matters as may be specified by Ordinance of the Ministry of Transportation. The same shall apply in cases where he intends to alter any one of the reported matters.

2. Any person who acts as air transport agent or broker shall report to that effect to the Minister of Transportation within thirty days from the day when he has abandoned such business.

(Collection of Report and Entry for Inspection)

Article 134. When it is necessary for the enforcement of this Law, the Minister of Transportation may request any person coming under any one of the following items to submit reports on the repair, remodelling or manufacture of aircraft or apparatus, or the work, administration and use of an airdrome or air navigational aid, or use of aircraft, air service, air transport enterprise, aircraft-using enterprise, air transport agent and air transport forwarding agency:

(1) Any person who repairs, remodels or manufactures aircraft or apparatus;

(2) Any operator of an airdrome or air navigational aid;

(3) Any airman;

(4) Any person who engages in an air transport enterprise or aircraft-using enterprise;

(5) Any person other than mentioned in the preceding item, who uses aircraft;

(6) Any person who operates an air transport agency or forwarding agency.

2. When it is necessary for the enforcement of this Law, the Minister of Transportation may have his officials enter the office, factory or other business premises, airdromes, or any place where an air navigational aid is installed, or any place where a work for airdrome or air navigational aid is performed, or any place where an aircraft is

located, or any aircraft, which belongs to any person under any item of the preceding paragraph, and inspect aircraft, air navigational aids, account books, documents or other matters, or ask questions of any interested person.

3. The provisions of Article 132, paragraphs 3 and 4, shall apply to the case of the preceding paragraph.

(Information)

Article 134-(2). [Added by Law No. 90, 1960.] Any person who sets off rockets, fireworks or other explosives, which may affect the safety of aircraft as specified by Ordinance of the Ministry of Transportation, shall give prior notice to the Minister of Transportation in accordance with the Ordinance of the Ministry of Transportation.

(Payment of Fee)

Article 135. Any person (excluding the State) listed in the left column of the following table shall pay a fee, the amount of which may, within the limit as listed in the right column thereof, be specified by Cabinet Order.

Person responsible for payment	Amount
(1) Any person who requests the delivery of a copy or abstract of Aircraft Register or the offer for perusal of Aircraft Register;	¥50;
(1-2) Any person who applies for an airworthiness certification under Article 10, paragraph 1;	¥81,400;
(2) Any person who applies for a type certification under Article 12, paragraph 1;	¥48,400;
(3) Any person who intends to undergo an inspection on repair or remodeling under Article 16, paragraph 1;	¥8,700;
(4) Any person who applies for a spare-parts-certification under Article 17, paragraph 1;	¥11,300;
(5) Any person who intends to undergo an inspection under Article 20, paragraph 1;	¥8,700;
(6) Any person who applies for a competence certification under Article 22, paragraph 1;	¥500; However, when an aircraft of the Ministry of Transportation is used for a practical examination including the navigation of aircraft, an amount specified by Cabinet Order shall be added to an amount specified by Cabinet Order within the limit of 500 yen;
(7) Any person who applies an aircraft crew licence under Article 22, paragraph 2;	¥300;

Person responsible for payment

Amount

(7-2). Any person who applies for an alteration of restriction with regard to a competence certification under Article 29-(2), paragraph 1;

¥400;

(8) Any person who applies for an instrument flight certification under Article 34, paragraph 1, or an instructor's certification under paragraph 2 of the same Article;

¥400; However, when an aircraft of the Ministry of Transportation is used for a practical examination including the navigation of aircraft, an amount specified by Cabinet Order shall be added to an amount specified by Cabinet Order within the limit of 400 yen;

(9) Any person who intends to obtain a permission for aircraft pilot training under Article 35;

¥300;

(10) Any person who applies for a re-issuance of an aircraft registration certificate, airworthiness certificate, competence certificate, airman licence or a permit for aircraft pilot training;

¥100;

(11) Any person who applies for a permission of the provision of an airdrome or air navigational aid under Article 38, paragraph 1;

¥19,500;

(12) Any person who intends to undergo a completion inspection of an airdrome under Article 42, paragraph 1;

¥75,100;

(13) Any person who intends to undergo a completion inspection of an air navigational aid under Article 42, paragraph 1;

¥30,800; However, when an aircraft of the Ministry of Transportation is used for a test by using aircraft, an amount specified by Cabinet Order shall be added to amount specified by Cabinet Order within the limit of 30,800 yen;

(14) Any person who intends to undergo an inspection under Article 42, paragraph 1 which applies to aerodromes in accordance with the provision of Article 43, paragraph 2;

¥75,100;

Person responsible for payment	Amount
(15) Any person who intends to undergo an inspection under Article 42, paragraph 1 which applies to air navigational aid in accordance with the provision of Article 43, paragraph 2;	¥30,800; However, when an aircraft of the Ministry of Transportation is used for a test by using aircraft, an amount specified by Cabinet Order shall be added to an amount specified by Cabinet Order within the limit of 30,800 yen;
(16) Any person who intends to undergo an inspection under Article 44, paragraph 4;	¥28,700;
(17) Any person who intends to undergo an inspection, under Article 44, paragraph 4 which applies in accordance with the provision of Article 45, paragraph 2;	¥15,600; However, when an aircraft of the Ministry of Transportation is used for a test by using aircraft, an amount specified by Cabinet Order shall be added to an amount specified by Cabinet Order within the limit of 15,600 yen;
(18) Any person who undergoes an inspection of an aerodrome under Article 47, paragraph 2;	¥28,700;
(19) Any person who undergoes an inspection of an air navigational aid under Article 47, paragraph 2;	¥15,600; However, when an aircraft of the Ministry of Transportation is used for a test by using aircraft, an amount specified by Cabinet Order shall be added to an amount specified by Cabinet Order within the limit of 15,600 yen;
(20) Any person who intends to undergo a competence test for aircraft dispatcher under Article 78, paragraph 2.	¥500.

(Inquiry to Transportation Council)

Article 136. The Minister of Transportation, when he intends to make the following dispositions, shall inquire of the Transportation Council under Article 5 of the Ministry of Transportation Establishment Law (Law No. 157 of 1949) and shall do so with due regard to the decisions thereof;

(1) Licensing of scheduled air transportation in accordance with the provisions of Article 100, paragraph 1;

(2) Approval of fares and charges for scheduled air transportation in accordance with the provisions of Article 105, paragraph 1;

(3) Order of alteration of fares, rates and charges for scheduled air transportation in accordance with the provisions of Article 112;

(4) Approval of transfer and taking over of scheduled air transportation in accordance with the provisions of Article 114, paragraph 1;

(5) Approval of amalgamation of juridical persons who are scheduled air transport enterprises in accordance with the provisions of Article 115, paragraph 1;

(6) Cancellation of licence for scheduled air transportation or discontinuance of business in accordance with the provisions of Article 119.

(Delegation of Official Authority)

Article 137. [Added by Law No. 40, 1959, and amended by Law No. 161, Sept. 15, 1962.] In accordance with the Ordinance of the Ministry of Transportation, matters belonging to the jurisdiction of the Minister of Transportation, under the provisions of this Law, may be administered by the Chief of the Aeronautical Aids Office or the Director of the Area Control Center.

2. [Added by Law No. 90, 1960.] In accordance with a Cabinet Order, each of the following matters belonging to the jurisdiction of the Minister of Transportation under the provisions of this Law shall be delegated to the Director of the Defense Department.

(1) Matters specified in the proviso of Article 94-(2), Article 96, paragraph 1, and Article 97, paragraph 1, as related to the air traffic control zone on an airdrome;

(2) Matters specified in Article 96, paragraph 2, as related to an airdrome specified in a Cabinet Order;

(3) Matters specified in Article 97, paragraph 2, as related to aircraft taking off from an airdrome specified in a Cabinet Order;

(4) Matters specified in Article 98, as related to aircraft missing at an airdrome specified in a Cabinet Order.

3. The Minister of Transportation shall have jurisdiction over matters relating to the operation of any business which may be conducted by the Director of the Defense Department in accordance with the delegation under the preceding paragraph.

CHAPTER X—PENAL PROVISIONS

(Penalty for Endangering Air Navigation, etc.)

Article 138. Any person who has caused danger to air navigation by damaging any airdrome facility or air navigational aid or by other means shall be liable to a penal servitude of a definite period of two years or more.

Article 139. Any person who has crashed, overturned or sunk, or destroyed any aircraft in flight shall be liable to a penal servitude for life or of three years or more.

2. The same shall apply to any person who has committed any offence under the preceding Article and thereby crashed, overturned or sunk, or destroyed any aircraft in flight.

Article 140. Any person who has committed any offence under the preceding Article and thereby caused a death to any person shall be liable to the death penalty, or a penal servitude for life or of seven years or more.

Article 141. Any attempted offence under Article 138 and Article 139, paragraph 1 shall be punished.

Article 142. Any person who through negligence has caused danger to air navigation or crashed, overturned or destroyed any aircraft in flight shall be liable to a fine not exceeding 100,000 yen.

2. Any person who, in performing his duties, has committed any offence under the preceding paragraph shall be liable to an imprisonment not exceeding three years or a fine not exceeding 100,000 yen.

(Penalty for Using of Non-Airworthiness-Certified Aircraft, etc.)

Article 143. Any user of aircraft who comes under any one of the following items shall be liable to a penal servitude not exceeding three years or a fine not exceeding 100,000 yen, or both:

(1) When he has used an aircraft for air navigation without it having been airworthiness-certified in violation of the provision of Article 11;

(2) When he has used an aircraft for air navigation without it having undergone or passed an inspection under the provisions of paragraph 1 or 2 of the same Article in a violation of the provisions of the same paragraph;

(3) When he has used an aircraft for air navigation without having made acknowledgement under Article 19 in violation of the provisions of the same Article.

(Penalty for Designated Airworthiness Inspector.)

Article 143-(2). Any designated airworthiness inspector, when he comes under any one of the following items, shall be liable to a penal servitude not exceeding three years or a fine not exceeding 100,000 yen, or both:

[As amended by Law No. 90, 1960.]

(1) When he has granted an airworthiness certificate to an aircraft which fails to conform to the technical standards required by Article 10, paragraph 4;

(2) When he has passed for inspection an aircraft which fails to conform to the standards required by Article 16, paragraph 2.

(Penalty for Non-Display, etc.)

Article 144. Any user of aircraft who has used an aircraft for air navigation without the marks on the aircraft under the provisions of

Article 57 or with false marks shall be liable to a penal servitude not exceeding one year or a fine not exceeding 50,000 yen.

(Penalty for operating Without Specified Airmen, etc.)

Article 145. Any user of aircraft, when he comes under any one of the following items, shall be liable to a fine not exceeding 100,000 yen:

(1) When he has used any specified radio apparatus on an aircraft without having undergone or passed an inspection under Article 20, paragraph 1 in violation of the provisions of the same paragraph;

(2) When he has not provided an aircraft logbook in violation of the provisions of Article 58, paragraph 1;

(3) When he has failed to enter in the aircraft logbook items to be entered under the provisions of Article 58, paragraph 2 or made a false entry;

(4) When he has used an aircraft for air navigation without carrying any specified document in violation of the provisions of Article 59;

(5) When he has used an aircraft for air navigation without equipping it with radio equipment in violation of the provisions of Article 60;

(6) When he has used an aircraft for air navigation without equipping it with safety equipment in violation of the provisions of Article 61;

(7) When he has made any special flight without equipping an aircraft with special equipment in violation of the provisions of Article 62;

(8) When he has started an aircraft without carrying specified fuel in violation of the provision of Article 63;

(9) When he has failed to mark an aircraft with lights in violation of the provisions of Article 64;

(10) When he has failed to man an aircraft with specified airmen in violation of the provisions of Article 65, paragraph 1 or 2 or Article 66, paragraph 1;

(11) When he has had an aircraft crew engage in the operation of aircraft in violation of the provisions of Article 68;

(12) When he has failed to make a report under the provisions of the proviso of Article 76, paragraph 1 or made a false report;

(13) When he has carried articles on an aircraft in violation of the provisions of Article 86, paragraph 1;

(14) When he has caused an aircraft to fly in violation of the restrictions on the methods of flight under the provisions of Article 87, paragraph 2;

(15) When he has caused an aircraft to tow any object in violation of the provisions of Article 88;

(16) When he has used an aircraft for air navigation between places within Japan in violation of the provisions of Article 127;

(17) When he has carried munitions under Article 128 in violation of the provisions of the same Article.

(Penalty relating to Provision of Airdrome or Air Navigational Aid, etc.)

Article 146. Any person who comes under any one of the following items shall be liable to a fine not exceeding 300,000 yen:

(1) When he has provided an airdrome without any permission in violation of the provisions of Article 38, paragraph 1;

(2) When he has made an important alteration on an airdrome in violation of the provisions of Article 43, paragraph 1;

(3) When he has violated an order for suspension of use of an airdrome, wholly or partially, under the provisions of Article 48.

Article 147. Any person who has provided an air navigational aid without permission in violation of the provisions of Article 38, paragraph 1, shall be liable to a fine not exceeding 100,000 yen.

2. The same as in the preceding paragraph shall apply to any person who has made especially important alterations on any air navigational aid in violation of the provisions of Article 43, paragraph 1.

Article 148. Any person who falls under any one of the following items shall be liable to a fine not exceeding 100,000 yen:

(1) When he has commenced the use of any airdrome or air navigational aid in violation of the provisions of Article 42, paragraph 4 (including cases where Article 43, paragraph 2 or Article 44, paragraph 5 applies (including cases where Article 45, paragraph 2 applies)):

(2) When he has suspended or discontinued the use of an airdrome without permission in violation of provisions of Article 44, paragraph 1;

(3) When he has suspended or discontinued the use of an air navigational aid without making a report in violation of the provisions of Article 45, paragraph 1.

Article 148-(2). Any operator of an airdrome or an air navigational aid, when he has received any charge of use of any airdrome or an air navigational aid used for public without obtaining an approval under the provisions of Article 54 or without complying with any charge of use which has been approved under the same provisions, shall be liable to a fine not exceeding 50,000 yen.

[Added by Law No. 63, 1958.]

2. The provisions of the preceding paragraph shall apply when the operator of an airdrome has issued an operations manual or made changes therein, in violation of Article 54-(2), paragraph 2, without obtaining the approval required by the same paragraph.

(Penalty for Conducting Air Service without Specified Qualifications, etc.)

Article 149. Any person who comes under any one of the following items shall be liable to a penal servitude of not exceeding one year or a fine not exceeding 30,000 yen:

(1) When he has performed any act described in the "Scope of Duties" of the attached table in violation of the provisions of Article 28, paragraph 1 or 2;

(2) When he has engaged in his duties in violation of the provisions of Article 70.

(Penalty for Not Carrying a Competence Certificate, etc.)

Article 150. Any person who comes under any one of the following items shall be liable to a fine not exceeding 50,000 yen:

(1) When he has presented his aircraft in violation of the provisions of Article 8-(3), paragraph 2;

(1-2) When he has altered the registration marks in violation of the provisions of Article 8-(3), paragraph 3;

(2) [As amended by Law No. 90, 1960.] When he has installed, planted, or left any structure, plant, or other object in

(1-3) When he has made an instrument flight or given instructions in aircraft piloting in violation of the provisions of Article 34, paragraph 1 or 2;

violation of Article 49, paragraph 1 (including the case applied to Article 56, paragraph 2, or Article 56-(4), paragraph 1;

[Paragraph (3) and (3-2), and (5-2) amended by Law No. 63, 1958.]

(3) When he has damaged a runway, docking rail, or facilities of the airdrome or an air navigational aid as may be specified by Ordinance of the Ministry of Transportation or committed such other act as may spoil the function thereof in violation of the provisions of Article 53, paragraph 1.

(3-2) When he has thrown things at an aircraft on the airdrome in violation of the provisions of Article 53, paragraph 2 or committed other act as may be specified by Ordinance of the Ministry of Transportation.

(3-3) When he has entered a landing strip, docking rail, apron or hangar in violation of the provisions of Article 53, paragraph 3.

(4) When he has performed his service without carrying a certificate of competence, airman license or permit for aircraft pilot training in violation of the provisions of Article 67, paragraphs 1 (including where Article 35, paragraph 4 or 2 applies);

(5) When he has engaged in the operation of aircraft or performed an instrument or night flight, or training for piloting in violation of the provisions of Article 69;

(5-2) When he is on board the aircraft for scheduled air transportation as a pilot-in-command without obtaining an approval under the provisions of Article 72.

(6) When he has put the article specified in Article 86, paragraph 1, into any aircraft in violation of the provisions of paragraph 2 of the same Article;

(7) When he has dropped an object from the aircraft in violation of the provisions of Article 89;

(8) When he has made a parachute descent from the aircraft in violation of the provisions of Article 90;

(9) When he has trained for aircraft piloting in violation of the provisions of Article 92;

(10) When he has made a flight for training as aircraft pilot or for the purpose of testing aircraft in an air traffic control area or air traffic control zone in violation of the provisions of Article 93.

(Penalty relating to Duties of Pilot-in-Command, etc.)

Article 151. Any pilot-in-command, who, by abusing his power, compelled any person on board the aircraft to do anything beyond the scope of such person's duty, or has obstructed any person from exercising his right, shall be liable to a penal servitude not exceeding two years.

Article 152. Any pilot-in-command, who has left the aircraft commanded by him in violation of the provisions of Article 75, shall be liable to a penal servitude not exceeding five years.

Article 153. [As amended by Laws No. 63, 1958 and No. 60, 1960.] Any pilot-in-command who comes under any one of the following items, shall be liable for a fine not exceeding 50,000 yen:

- (1) When he takes off in an aircraft in violation of Article 73-(2);
- (2) When he fails to make a report as required in Article 76, paragraphs 1 to 3 inclusive;
- (3) When he takes off in an aircraft or changes the flight plan in violation of Article 77;
- (4) When he makes a formation flight in violation of Article 84, paragraph 2;
- (5) When he fails to make the notification required by Article 98, or makes a false notification.

Article 154. Any airman who comes under any one of the following items shall be liable to a fine not exceeding 50,000 yen:

- (1) When he causes an aircraft to take off or land in violation of the provisions of Article 79;
- (2) When he has operated an aircraft in violation of the provisions of Articles 80 to 83 inclusive;
- (3) When he has made a formation flight in violation of the provisions of Article 84, paragraph 1;
- (4) When he has piloted an aircraft in violation of the provisions of Article 85;

(5) When he has made an acrobatic flight in violation of the provisions of Article 91:

(6) When he has made an instrument flight in violation of the provisions of Article 94:

[Added by Law No. 90, 1960.] (6)-(2) when he has operated an aircraft without complying with the instrument flight rules;

(7) When he has operated an aircraft under instrument flight rule conditions in violation of the provisions of Article 95;

(8) When he has operated an aircraft without complying with the instructions under the provisions of Article 96;

(9) When he has conducted, without approval, such act as is subject to approval under the provisions of Article 97, paragraph 3:

(9-2) When he has operated an aircraft without notifying in violation of the provisions of Article 97, paragraph 2;

(10) When he has operated an aircraft without complying with the flight plan in violation of the provisions of Article 97, paragraph 2;

(11) When he has failed to receive instructions or to make reports under the provisions of Article 97, paragraph 4 or made any false report;

(12) When he has operated an aircraft without permission in violation of the provisions of Article 126, paragraph 1 or 2;

(13) When he has failed to comply with a request of landing under the provisions of Article 126, paragraph 4;

(14) When he has caused an aircraft to land or take off on any airdrome other than those designated by the Minister of Transportation in violation of the provisions of Article 126, paragraph 5.

2. Any aircraft crew other than the pilot-in-command, who falls under any one of each item of the preceding paragraph, shall be punished and the pilot-in-command shall also be liable to the punishment under the same paragraph. However, the same shall not apply to the pilot-in-command in cases where it is proved that due care and supervision has been exercised to avoid the violation by any aircraft crew member other than the pilot-in-command.

(Penalty relating to Business of Air Transport Enterprises, etc.)

Article 155. [As amended by Law No. 90, 1960.] Any person who falls under any one of the following items shall be liable to a fine not exceeding 500,000 yen :

(1) When he has conducted, without license, such act as a subject to a license under the provisions of Article 100, paragraph 1, Article 121, paragraph 1, Article 122-(2), paragraph 1, or Article 123, paragraph 1 ;

(2) When he has allowed another person to utilize his license in violation of the provisions of Article 113, paragraph 1 (including the case where applied under Article 122, paragraph 1, Article 122-(3), paragraph 1, or Article 124, paragraph 1) ;

(3) When he has allowed another person to operate his business in his name in violation of the provisions of Article 113, paragraph 2 (including the case where applied under Article 122, paragraph 1, Article 122-(3), paragraph 1, or Article 124, paragraph 1) ;

(4) When he has conducted, without permission, such act as is subject to permission under the provisions of Article 129, paragraph 1, or Article 131-(2), paragraph 1 ;

(5) When he has used an aircraft under Article 130 for air transportation in violation of the provisions of the same Article ;

(6) When he has conducted without permission such act as subject to permission under the provisions of Article 130-(2) ;

Article 156. Any scheduled air transport enterprise, non-scheduled air transport enterprise or aircraft-using enterprise who has commenced operation without passing an inspection under the provisions of Article 102, paragraph 1 (including the case where applied under Article 122, paragraph 1 or Article 124, paragraph 1) shall be liable to a fine not exceeding 200,000 yen.

Article 157. [As amended by Law No. 90, 1960.] Any scheduled air transport enterprise, non-scheduled air transport enterprise or aircraft-using enterprise, who falls under any one of the following items shall be liable to a fine not exceeding 50,000 yen :

(1) When it has operated and maintained aircraft without complying with the operation and maintenance manual as specified in Article 104, paragraph 1 (including the case where Article 122, paragraph 1 applies) ;

(2) When it has received fares and charges without obtaining an approval, or without having fares and charges approved, under the provisions of Article 105 paragraph 1 (including the case where Article 122-(3), paragraph 1 applies) ;

(3) When it has concluded a transportation contract without complying with conditions of transportation under the provisions of Article 106, paragraph 1 (including the case where Article 122, paragraph 1 or Article 122-(3), paragraph 1 applies) ;

(4) When it has violated any order issued in accordance with the provisions of Article 108, paragraph 2 or Article 112 (including the case where Article 122, paragraph 1, Article 122-(3), paragraph 1, or Article 124, paragraph 1 applies);

(5) When it altered the business program without obtaining an approval under the provisions of Article 109, paragraph (including the case where Article 122, paragraph 1, Article 122-(3) paragraph 1, or Article 124, paragraph 1 applies):

(6) When it has concluded an agreement concerning transportation without obtaining an approval under the provisions of Article 110, paragraph 1 (including the case where Article 122, paragraph 1, or Article 122-(3), paragraph 1 applies):

(7) When he has suspended his business in violation of the provisions of Article 117, paragraph 1 (including the case where Article 122, paragraph 1, or Article 122-(3), paragraph 1 applies):

(8) When he has violated an order for discontinuance of the business under the provisions of Article 119 (including the case where Article 122, paragraph 1, Article 122-(3), paragraph 1, or Article 124, paragraph 1, applies).

Article 157-(2). [As amended by Law No. 90, 1960.] Any foreign international air carrier or foreign international air freight forwarder shall, when he is liable under any one of the following items, be liable to a fine not exceeding 50,000 yen:

(1) When he has received fares or charges without obtaining the approval required by Article 129-(2) (including the case where Article 131, paragraph 3 applies) or where he does not comply with fares and charges approved under the same provisions:

(2) When he has altered a business plan without obtaining the approval required by Article 129-(3), paragraph 2 (including the case where Article 131-(2), paragraph 3 applies):

(3) When he has violated an order issued under Article 129-(4) (including the case where Article 131-(2), paragraph 3, applies), or an order to suspend the business under Article 129-(5) (including the case where Article 131-(2), paragraph 3 applies).

Article 158. Any person who falls under any one of the following items shall be liable to a fine not exceeding 30,000 yen:

(1) When he has refused, obstructed or evaded an inspection under the provisions of Article 47, paragraph 2, Article 132, paragraph 2, or Article 134, paragraph 2;

(2) When he has failed to make a report under the provisions of Article 132, paragraph 2, or Article 134, paragraph 1 or made a false report:

(3) When he has not complied with a request of presentation of data under the provisions of article 132, paragraph 2;

(4) When he has made a false statement to any question under the provisions of Article 134, paragraph 2.

(Dual Punishment)

Article 159. In case the representative of a juridical person or an agent, employee or any other worker of a juridical person or an in-

dividual violates the provisions of Articles 144 to 148-(2) inclusive, Article 150, and Article 155 to the preceding Article inclusive, with regard to the business of the juridical person or its property, not only the offender himself shall be liable to punishment, but said juridical person or individual shall be liable for the fine stipulated in the said Articles. However, the above shall not apply to the juridical person or individual in cases where it is proved that due care and supervision has been exercised by the juridical person or individual over said business or property in order to prevent the aforesaid violations committed by an agent, employee or other worker.

(Non-Criminal Fine)

Article 160. [As amended by Laws No. 63, 1958 and No. 90, 1960.] Any person who falls under any one of the following items shall be liable to a non-criminal fine not exceeding 50,000 yen:

(1) When he has failed to post a notice under the provisions of Article 54-(2), paragraph 1, or Article 107 (including the case where Article 122-(3), paragraph 1 applies) or posted any false notice;

(2) When he has failed to make a report under the provisions of Article 118 (including the case where applied under Article 122, paragraph 1 or Article 124, paragraph 1) or made any false report.

Article 161. Any person who falls under any one of the following items shall be liable to a non-criminal fine not exceeding 30,000 yen:

(1) When he has failed to make application in accordance with the provisions under Article 7, Article 7-(2) or Article 8;

(2) When he has failed to make a report under the provisions or Article 55, paragraph 4 or Article 133 or made any false report.

Article 162. Any person who has violated any provision of any order under the provisions of Article 9, 21 or 36 shall be liable to a fine not exceeding 10,000 yen.

SUPPLEMENTARY PROVISIONS

1. This law shall become effective on the day of its promulgation.

Attached Table (cf. Article 28, p. 15)

<i>Qualifications</i>	<i>Scope of Duties</i>
Airline transport pilot-----	To perform the following actions on board aircraft: (1) Actions which may be performed by any person qualified for senior commercial pilot. (2) Pilotage of aircraft used for air transportation.
Senior commercial pilot-----	To perform the following actions on board aircraft: (1) Actions which may be performed by any person qualified for commercial pilot. (2) Pilotage of aircraft with maximum take-off weight of less than 13,650 kilograms which is used for nonscheduled air transportation.

Attached Table (cf. Article 28, p. 15)—Continued

<i>Qualifications</i>	<i>Scope of Duties</i>
Commercial pilot-----	To perform the following actions on board aircraft: (1) Actions which may be performed by any person qualified for private pilot. (2) Pilotage of aircraft for compensation, which is not operated for compensation. (3) Pilotage of aircraft used for aircraft-using enterprise. (4) Pilotage of aircraft with a maximum take-off weight of less than 5,700 kilograms which is used for nonscheduled air transportation (excepting the operation for the transportation of passengers for compensation under instrument flight rules conditions). (5) Pilotage of aircraft used for air transportation as pilot other than pilot-in-command.
Private pilot-----	To perform the following actions on board aircraft: (1) Pilotage of aircraft without compensation, which is not operated for compensation (only where not carrying any person other than himself). (2) Pilotage as pilot-in-command without compensation of aircraft other than for air transportation or aircraft-using enterprise used by the enterpriser. (3) Pilotage of aircraft which is not operated for compensation as pilot other than pilot-in-command.
First class flight navigator-----	Measurement of the position and course of aircraft and calculation of air navigational data on board aircraft.
Second class flight navigator-----	Measurement of the position and course of aircraft and calculation of air navigational data on board aircraft by means of other than celestial observation (excepting when engaged in duties on board aircraft on a flight over any section of less than 1,300 kilometers, when any land mark or air navigational aid is insufficient for air navigation).
Flight engineer-----	Handling of aircraft engine and airframe (excepting handling of piloting system) on board aircraft.
First class flight radio operator-----	Handling of radio apparatus on board aircraft, which may be performed by any radio man qualified for first class radio operator as provided for by Article 40 of the Radio Law.

Attached Table (cf. Article 28, p. 15)—Continued

<i>Qualifications</i>	<i>Scope of Duties</i>
Second class flight radio operator-----	Handling of radio apparatus on board aircraft, which may be performed by any radio man qualified for second class radio operator as provided for by Article 40 of the Radio Law.
Third class flight radio operator-----	Handling of radio apparatus on board aircraft, which may be performed by any radio man qualified for aeronautical class radio operator as provided for by Article 40 of the Radio Law.
First class aircraft mechanic-----	To perform the actions of acknowledging as provided for by Article 19 with regard to maintained aircraft (excepting major repair of such scope as may be specified by Ministry of Transportation Ordnance).
Second class aircraft mechanic-----	To perform the actions or acknowledging as provided for by Article 19 with regard to maintained aircraft with a maximum take-off weight of less than 15,000 kilograms (excepting major repair of such scope as may be specified by Ministry of Transportation Ordnance).
Third class aircraft mechanic-----	To perform the actions of acknowledging as provided for by Article 19 with regard to maintained aircraft with a maximum take-off weight of less than 2,500 kilograms (excepting major repair of such scope as may be specified by Ministry of Transportation Ordnance).
Aircraft shop mechanic-----	To perform the actions of acknowledging as provided for by Article 19 with regard to maintained or remodeled aircraft.

LAW OF APRIL 15, 1958, CONCERNING A PARTIAL AMENDMENT TO CIVIL AERONAUTICS LAW

A partial amendment to the Civil Aeronautics Law (Law No. 231, 1952) shall be made as follows:

In Article 2, paragraph 7, "angle" shall be read "slope" and paragraph 9 of the same article shall be amended as follows:

9. In this law, "transitional surface" shall mean an area including the hypotenuse of the approach surface and the longer sides of the landing strip, and a slope at a horizontal plane abutting the vertical phase at right angles to the vertical phase including the center-line of the landing strip which is placed a 7:1 upwards and outwards of the approach surface or the landing strip, and a part encircled by a line abutting the hypotenuse of the surface and the longer sides of the landing strip abutting the said hypotenuse and a plane abutting these planes and a plane including horizontal surface, and hypotenuse of the approach surface and the longer sides of the landing strip.

Article 10, paragraph 3, shall be amended as follows: 3. An airworthiness certification shall be granted by designating the purpose of use and operational limits of the aircraft as may be specified by Ordinance of the Ministry of Transportation.

In Article 38, paragraph 2, "and distinction whether it is used for public in the airdrome" shall be added after "other matters specified by Ordinance of the Ministry of Transportation," and in the same article, paragraph 3, "the distinction whether it is used for public shall be added after "location and scope."

In Article 39, paragraph 1, item 3; Article 47, paragraph 1 and Article 48, "the technical standards" shall read "the public safety standards."

Article 53 shall be amended as follows:

(Prohibiting Act)

Article 53. No one shall damage a runway, docking rail or important facilities of the airdrome or an air navigational aid or conduct such other act as may spoil its function as specified by Ordinance of the Ministry of Transportation.

2. No one shall throw things at an aircraft on the airdrome or commit such other act as may spoil the aircraft as may be specified by Ordinance of the Ministry of Transportation.

3. No one shall enter a landing strip, docking rail, apron or hangar without permission.

The following Article shall be added after Article 54:

(Management Regulations)

Article 54-2. The operator of any airdrome shall post a notice that is seen easily with respect to matters concerning concessions or other business operations at the airdrome for public use in accordance with the provisions of Ordinances of the Ministry of Transportation.

2. The operator of any airdrome provided for in the preceding paragraph shall obtain an approval of the Minister of Transportation, when he intends to establish management regulations set forth in the same paragraph or make alterations thereof.

In Article 56, paragraph 2, "Article 49, 50 and Article 51, paragraph 1" shall read "Article 47, paragraph 1; Article 49; Article 50; Article 51, paragraph 1, 3, and 4, and Article 54-2, paragraph 1." Paragraph 3 of the same article shall be deleted.

Article 72 shall be amended as follows:

(Route Qualification of Pilot-in-Command)

Article 72. A pilot-in-command of an aircraft used for scheduled air transportation shall obtain an approval of the Minister of Transportation with respect to possession of piloting experience of aircraft over the pertinent route and knowledge of the pertinent route as may be stipulated by Ordinance of the Ministry of Transportation.

2. The Minister of Transportation shall, in accordance with the provisions of Ordinance of the Ministry of Transportation, examine periodically whether such person who obtained an approval under the preceding paragraph possesses the said experience and knowledge provided for in the same paragraph.

3. When the Minister of Transportation, as a result of the preceding examination, deems that the person who obtained an approval under paragraph 1, does not possess the foregoing experience and knowledge, he shall cancel the approval.

The following article shall be added after Article 73.

(Confirmation Before Departure)

Article 73-2. In accordance with the provisions of the Ordinance of the Ministry of Transportation the pilot-in-command shall not have

the aircraft take off unless he has confirmed that the aircraft does not hinder the navigation and has completed other preparation necessary for operation of the aircraft.

Article 83 shall be amended as follows:

(Prevention of Collision)

Article 83. Any aircraft shall navigate in accordance with the course, path, speed and other methods of navigation as may be specified by Ordinance of the Ministry of Transportation for the purpose of preventing collisions with other aircraft or ships and insuring safety of taking-off or landing of the aircraft on the airdrome. However, in case where the aircraft is on water, it shall be determined in accordance with provisions of the Law concerning Prevention of Collisions at Sea.

Article 99. In accordance with the provisions of Ministry of Transportation, the Minister of Transportation shall provide pilots with necessary information for operation of the aircraft.

The following Article shall be added after Article 134.

(Information)

Article 134-2. Any person who sets off a rocket or fireworks or commits any other act which may obstruct the flight of aircraft as may be specified by Ordinance of the Ministry of Transportation shall inform the Ministry of Transportation of such act in advance, in accordance with the provisions of Ordinance of the Ministry of Transportation.

The table of Article 135, item 1-2 to 10, shall be amended as follows:

1-2. Any person who applies for an airworthiness certification under Article 10, paragraph 1: 124,000 yens; However, in case where an examination is held outside Japan, an amount as specified by Cabinet Order shall be added to an amount as may be specified by Cabinet Order within the limit of 124,000 yens.

2. Any person who applies for a type certification under Article 12, paragraph 1: 67,200 yens.

3. Any person who intends to undergo an inspection on repair or remodeling under Article 16, paragraph 1: 34,700 yens; However, in case where examination is held outside Japan, an amount as specified by Cabinet order shall be added to an amount as may be specified by Cabinet Order within the limit of 34,700 yens.

4. Any person who applies for spare-parts-certification under Article 17, paragraph 1: 16,800 yens; However, in case where an examination is held outside Japan, an amount as specified by Cabinet Order shall be added to an amount as may be specified by Cabinet Order within the limit of 16,800 yens;

5. Any person who intends to undergo an inspection under Article 20, paragraph 1: 8,700 yens; However, in case where an examination is held outside Japan, an amount as specified by Cabinet Order shall be added to an amount as may be specified by Cabinet Order within the limit of 8,700 yens:

6. Any person who applies for a competence certification under Article 22, paragraph 1: 700 yens; However, when an aircraft of the Ministry of Transportation is used for practical examination including the navigation of aircraft, an amount as may be specified by Cab-

inet Order shall be added to an amount as may be specified by Cabinet Order within the limit of 700 yens;

7. Any person who applies for an aircraft crew license under Article 22, paragraph 2: 300 yens;

7-2. Any person who applies for an alteration of restriction with regard to a competence certification under Article 29-2, paragraph 1: 560 yens;

8. Any person who applies for an instrument flight certification under Article 34, paragraph 1 or a training-for-pilotage certification under paragraph 2 of the same Article: 560 yens; However, when an aircraft of the Ministry of Transportation is used for a practical examination including the navigation of aircraft, an amount as may be specified by Cabinet Order shall be added to an amount as may be specified by Cabinet Order within the limit of 560 yens;

9. Any person who intends to obtain permission for aircraft pilotage training under Article 35: 300 yens;

10. Any person who applies for a re-issuance of an aircraft registration certificate, airworthiness certificate, competence certificate, airman licence or a permit for aircraft pilotage training: 140 yens.

In item 20 of the table in Article 135, "500 yens" shall read "700 yens."

The following paragraph shall be added after Article 148-2.

2. The same as in the preceding paragraph shall apply to any operator of an airdrome who has established management regulations or made alterations therein without obtaining approval under the provisions of Article 54-2, paragraph 2, in violation of the same paragraph.

Article 150, item 3 shall be amended as follows:

3. When he has damaged a runway, docking rail, or facilities of the airdrome or an air navigational aid as may be specified by Ordinance of the Ministry of Transportation or committed such other act as may spoil the function thereof in violation of the provisions of Article 53, paragraph 1.

The following two items shall be added after Article 150, paragraph 3.

3-2. When he has thrown things at an aircraft on the airdrome in violation of the provisions of Article 53, paragraph 2 or committed other act as may be specified by Ordinance of the Ministry of Transportation.

3-3. When he has entered a landing strip, docking rail, apron or hangar in violation of the provisions of Article 53, paragraph 3.

The following item shall be added after Article 150, item 5, and item 11 shall be deleted.

5-2. When he is on board the aircraft for scheduled air transportation as a pilot-in-command without obtaining an approval under the provisions of Article 72.

In Article 153, item 1 to item 4 shall read item 2 to 5 and the following item shall be added as item 1 after the same article.

1. When he has an aircraft take off in violation of Article (2).

In Article 160, item 1, "Article 107" shall read "Article 54-2, paragraph 1 or Article 107."

The following item shall be added after Article 161.

3. When he has not made the report in accordance with the provisions of Article 134-2 or has made a false report thereof.

SUPPLEMENTARY PROVISIONS

1. This law shall come into force on the day following three months from the date of its promulgation.

2. The airworthiness certification presently valid under this law shall remain effective after this law takes effect, irrespective of the new provisions of Article 10, paragraph 3.

3. With respect to airdromes for public use at the time when this law takes effect, the operator of such aerodrome may not establish management regulations within three months after this law takes effect, irrespective of the new provisions of Article 54-2, paragraph 1.

4. No person, paragraph 1, may be on board an aircraft for scheduled air transportation as a pilot-in-command within six months after the date of the enforcement of this law without obtaining an approval under the new provisions of Article 72, irrespective of the new provisions of that article.

5. With respect to route qualification of a person on board the aircraft for scheduled air transportation as a pilot-in-command without obtaining an approval under the new provisions of Article 72, paragraph 1, the same paragraph as prior to the amendment shall apply.

LAW No. 90, JUNE 1, 1960

(Date of Enforcement)

Article 1. This Law shall become effective on the 1st day of June, 1960.

(Transitional Provision concerning Heliports)

Article 2. The Minister of Transportation shall make notification without delay after the enforcement of this Law of any approach area, approach surface and transitional surface under the provisions of Article 2, paragraph 6, 7 and 9 of the revised Civil Aeronautics Law (hereinafter referred to as "new law") with regard to heliports existing at the time of enforcement of this Law and post such notifications immediately.

(Transitional Provisions concerning Air Traffic Control Zones)

Article 3. Aerodrome used for public service which exist at the time of enforcement of this Law shall be regarded as aerodromes designated by the Minister of Transportation under the provisions of Article 2, paragraph 12 of the New Law with regard to the application of the same paragraph.

(Transitional Provisions concerning Horizontal Surface)

Article 4. The provisions of Article 49, paragraph 1 of the New Law (including the case where Article 56, paragraph 2 of the New Law applies) shall not apply to the limitation of height with regard to an object which exists at the time of enforcement of this Law and which has come to project above the horizontal surface of an aerodrome for public use prior to the time of enforcement of this Law, after the notification under the provisions of Article 40 of the law before revision (including the case where Article 56, paragraph 2 of the Law before revision applies) (including a plant which exists at the time of enforcement of this Law and has come to project above the horizontal surface after enforcement of this Law and also including a structure which is under construction at the time of enforcement

of this Law and has come to project above the horizontal surface after the enforcement of this Law, due to said construction work).

2. The Minister of Transportation or an operator of an aerodrome may request removal of a part of said object which projects above the horizontal surface by the owner of the object as specified in the preceding paragraph or by any other person who has authority in accordance with Article 49, paragraphs 3 to 7 inclusive.

(Transitional Provisions concerning Aeronautical Obstruction Lights, etc.)

Article 5. The provisions of Article 51, paragraph 1, and Article 51-(2), paragraph 1, of the New Law shall not apply to an object which exists at the time of enforcement of this Law and has a height of not less than 60 meters above the land or water surface (including a plant which exists at the time of enforcement of this Law, and has grown up to a height of not less than 60 meters above the land or water surface, and a structure which is under construction at the time of enforcement of this Law and has come to have a height of not less than 60 meters above the land or water surface due to said construction work).

(Transitional Provisions concerning Air Freight Forwarding Enterprises)

Article 6. Any person who has been engaged in an air freight forwarding enterprise at the time of enforcement of this Law may be engaged in said business continuously for three months from the date of enforcement of this Law, notwithstanding the provisions of Article 122-(2), paragraph 1, of the New Law, without obtaining a license under the same paragraph or an approval under Article 131-(2), paragraph 1.

When said person has made an application for a license, or approval of said business during such period, the same shall apply to the period prior to the day when he has received information as to whether or not he has been granted a license or approval.

(Transitional Provisions concerning Penal Provisions)

Article 7. With regard to application of the penal provisions to an act performed before the enforcement of this Law, the previous provisions shall remain in effect.

(Partial Amendment of the Law relating to the Establishment of the Ministry of Transportation)

Article 8. The Law relating to the Establishment of the Ministry of Transportation (Law No. 157 of 1949) shall be partially amended as follows:

"Air Freight Forwarding Enterprise" shall be added to "Air Transport Enterprise" under Article 4, paragraph 44-(9).

"Air Freight Forwarding Enterprise" shall be added to "Air Transport Enterprise" under Article 28-(2), paragraph 13.

OTHER AIR LAWS IN FORCE IN JAPAN

The following other air laws are in force in Japan:

(1) Amendments to Civil Aeronautics Law, Law No. 40, March 26, 1959, and Law No. 90, June 1, 1960, amended by Law No. 140, May 16, 1962, Law No. 161, September 15, 1962.

(2) Law concerning special case of Civil Aeronautics Law by virtue of provisions of the Agreement under Article VI of the Treaty of

Mutual Cooperation and Security between the United States of America and Japan, regarding facilities and areas and the status of United States forces in Japan, and Agreement regarding the status of the United Nations forces in Japan, Law No. 232, July 1, 1952, as last amended by Law No. 102, June 23, 1960.

(3) Airport Maintenance Law, Law No. 80, April 20, 1956.

(4) Nihon kôkû Kabushiki Kaishahô, Law No. 154, August 1, 1953, as amended by Law No. 82, July 22, 1955, Law No. 84, April 4, 1963.

(5) Aircraft Mortgage Law, Law No. 66, October 1, 1953.

(6) Airways Marking Law, Law No. 99, May 24, 1949.

(7) Civil Aeronautics Enforcement Regulation, Ministry of Transportation, Order No. 56, July 31, 1952, as last amended by Ministry of Transportation Order No. 9, March 30, 1962.

(8) Civil Aeronautics Enforcement Order, Cabinet Order No. 421, September 16, 1952, as last amended by Cabinet Order No. 178, April 30, 1962.

(9) Aircraft Registration Order, Cabinet Order No. 296, October 1, 1953, amended by Cabinet Order No. 383, December 26, 1959.

(10) Aircraft Registration Regulation, Ministry of Transportation Order No. 50, October 1, 1953.

(11) Regulation concerning compulsory attachment of Aircraft, Supreme Court Regulation No. 16, October 1, 1953.

(12) Regulation concerning Judicial Sale of Aircraft, Supreme Court Regulation No. 17, October 1, 1953.

JORDAN

LAW NO. 55, 1953: LAW OF CIVIL AVIATION ¹

Art. 1. This law is to be called Law of Civil Aviation of 1953. It shall be effective from its publication in the Official Gazette.

Art. 2. Definitions:

(Minister) in this law means the Minister of Communications-Civil Aviation, or any person delegated by the Minister to exercise his authority according to this law.

(Treaty) means the convention signed in Chicago on December 7, 1944, according to which it was agreed to adopt some general laws and regulations regarding international civil aviation, or any international treaty amending this Convention or replacing it and recognized by the Jordan Government.

(Contracting Party) means any State which signed that Convention.

(Aircraft) means all balloons, airplanes, dirigibles, or gliders.

(Balloon) means any aircraft which use gases lighter than air for keeping in the air and which has no power of propulsion.

(Airplane) means all air, sea, and water planes and other aircraft which are heavier than air and have propulsive power.

(Dirigible) means aircraft which is lighter than air and has no ties with the land and no mechanical propulsive power though it has machines for controlling direction.

(Military aircraft) means military and Air Force aircraft which belong to the Jordanian R.A.F., and other aircraft piloted by personnel from the King's sea, land, or air forces shall also be considered military aircraft.

(Foreign aircraft) means aircraft which are non-Jordanian whether military or civilian, including those used for transportation of pouches, mail, customs and police.

(Governmental aircraft) means all aircraft used by the State for mail, customs and police.

(Passenger aircraft or freight aircraft) means aircraft used for transporting passengers or freight in exchange for wages or remuneration.

(Crew) means the pilot, navigator, and other crew members working on the aircraft.

(Freight) includes postal bags and animals.

(Wireless Telegraphy) means also wireless telephone.

(Airdrome) means a land or water surface, all or part of which is intended for the landing of aircraft. It includes the buildings thereon and all other installations.

(Customs Airdrome) means any airdrome under the control of the Ministry.

¹ Published in the Official Gazette No. 1135, March 1, 1953.

(Owner of Airdrome) means any persons responsible for managing it.

(Licensed Airdrome) means any airdrome which has a license from the Government.

(Decision) unless otherwise stated, means anything decided according to the provisions of this law or regulations issued by the Minister.

(Prohibited area) means any area declared thus by the Minister.

(Days) means days passed, not only weeks days.

GENERAL PROVISIONS

Art. 3. The Kingdom has complete sovereignty over the airspace above its territories. The territories of the Kingdom include its territorial waters.

Art. 4. No aircraft is allowed to fly over Jordan territories or land thereon unless it has been licensed by the Minister or its right to fly or land in Jordan is recognized by an agreement signed between the Jordanian Government and the State to which the aircraft belongs.

NATIONALITY OF AIRCRAFT

Art. 5. 1. No aircraft may have Jordanian nationality unless they are owned by Jordanian citizens or by companies possessing Jordanian citizenship, provided that the major part of their capital is owned by Jordanian citizens and provided that the President of these companies and two thirds of the shareholders including the President are Jordanian citizens.

2. Foreign aircraft hired by Jordanians and Jordanian companies, may bear the markings of the hiring company during the period of hire provided its original markings remain.

Art. 6. Nationality marks will be given to aircraft to indicate their Jordanian nationality.

Art. 7. Jordanian aircraft lose their nationality in the following cases:

1. if the conditions specified in Article 5 or no longer fulfilled;
2. if they are sold to a foreigner or its owner becomes a foreign national;
3. if they are registered in a foreign country.

Art. 8. No aircraft may fly over Jordan except if it is registered in:

1. a foreign country a party to the convention, or
2. a foreign country which concluded with His Majesty's Government an aviation agreement which is in effect.

Art. 9. Registration of aircraft in the Kingdom is made by the Minister.

Art. 10. Applications for registration shall be submitted to the Minister. The applicant has to supply the Minister with all documents regarding the aircraft, ownership and present the necessary proofs that confirm the application.

Art. 11. The Minister shall open a registration book in which aircraft registered in the Kingdom will be recorded, and which shall include the name of the owner of the aircraft, or the institution which owns it, its serial number and all other details.

Art. 12. The Minister shall issue certificates of registration for such aircraft and assign a registration mark.

Art. 13. No aircraft registered in a foreign country may be registered in the book mentioned in Article 11 except after proof that such aircraft has been cancelled in the foreign register.

Art. 14. The Minister has the right to refuse application for registration of any aircraft in the Kingdom whenever he finds that such registration is not in the public interest.

Art. 15. The Minister has the right to cancel registration of any aircraft registered in the Kingdom if he finds that the ownership of such aircraft differs from the registration, or if its registration is not as required by Article 13, or is against the public interest. In such case the registration shall be deemed cancelled starting from the date selected by the Minister.

Art. 16. In case ownership of an aircraft registered in the Kingdom is transferred, the owner in whose name the aircraft is registered must notify the Minister by letter of this transfer, its date and the registration in his name will be deemed cancelled as from that date.

Art. 17. In implementation of the preceding article, transfer of ownership of an aircraft shall be deemed as having taken place in the following cases:

1. Discontinuation of ownership of the aircraft in the name of the owner in whose name it is registered.

2. Partnership of another person in the ownership of the aircraft registered in the name of the original owner.

3. Discontinuation of ownership of the aircraft according to Article 5.

Art. 18. The certificate of registration of any aircraft shall be deemed cancelled when the aircraft is damaged or lost or not used because of unsuitability. The owner has to notify the Minister of such event.

Art. 19. No aircraft may fly over Jordan unless it is registered and [registration marks are] painted thereon, and the marks showing its nationality are clearly visible. It may not carry the nationality marks and registration of a country in which the aircraft is not registered.

Art. 20. 1. Nationality marks of an aircraft registered in the kingdom will be formed of 2 Roman letters, and the marks of registration will be formed of 3 Roman letters to be assigned by the Minister when the aircraft is registered.

2. The marks of nationality and registration must be painted on aircraft in a clearly visible manner.

3. A fire resisting metal plaque, carrying the name of the owner in whose name the aircraft is registered and his address must be fixed on the side of the main entrance of the aircraft or in any other apparent place.

4. The registration marks and the metal plaque must always be kept in good and clean condition.

Art. 21. An aircraft shall be considered as committing a violation if it does not comply with the conditions specified in the preceding article.

Art. 22. No aircraft which is non-Governmental may carry the marks specially assigned to Government aircraft.

Art. 23. 1. No aircraft may fly or attempt to fly unless:

A. it possesses a certificate of airworthiness in accordance with the laws of the country in which it is registered.

B. it complies with all the conditions mentioned in the certificate of airworthiness.

2. Exceptions from the rules of this article may be made for aircraft registered in the Kingdom and which fly over the Kingdom only for the purpose of training, experiment, examination or any other operation concerned with the machinery of the ship, and which the Minister allows to fly without the airworthiness certificate, provided such flights are made under conditions which the Minister stipulates in a written permission.

Art. 24. The Minister issues certificates to aircraft when he has ascertained that the aircraft complies with the stipulated conditions. He has the right to renew or withdraw the certificates.

Art. 25. In order to ascertain that aircraft comply with all conditions required in the preceding article, the Minister may rely on the reports issued by any person or organization which the Minister authorizes to submit such reports.

Art. 26. No aircraft in the Kingdom shall have the right, if used for commercial transportation purposes, to fly or attempt to fly except after a careful check and after certification that it has been maintained and repaired according to approved maintenance instructions, and that a certificate of airworthiness has been issued showing its flightworthiness.

Art. 27. The airworthiness certificate must be issued in duplicate by qualified aircraft engineers and are effective as from their issuance.

Art. 28. The airworthiness certificate becomes invalid:

1. at the time when maintenance instructions call for the necessity of issuing a new airworthiness certificate.

2. when an aircraft has suffered serious damage even though the airworthiness certificate may still be valid. Serious damage means damage which no member of the aircraft crew can repair.

LICENSES OF THE CREW

Art. 29. No person may perform the duties of pilot, navigator, or engineer or any other duty on an aircraft registered in the Kingdom, except when he has a certificate showing his ability to perform such duties.

Art. 30. No person may perform any duties on an aircraft registered in other countries except when he has a certificate showing his ability to perform such duties.

Art. 31. The Minister has the right to grant, confirm and renew the licenses issued by the competent authorities in foreign countries, subject to such reservations and conditions as he may impose. He has the right to refuse to grant, confirm, or renew any license when the applicant does not fulfill the requirements.

OWNERSHIP OF AIRCRAFT, LEASE, ATTACHMENT, AND SALE

Art. 32. Aircraft are transferable property as regards the laws and regulations of the Kingdom. However, transfer in an aircraft must

be by written document and will not be effective unless it is registered in the register mentioned in Article 11 of this law.

Art. 33. Any transfer of ownership due to death, and any judgment for transfer of ownership must be registered.

Art. 34. If an aircraft is rented for a continuous number of years or for a certain period, its pilot and crew shall remain under the control of its owner unless there was an agreement to the contrary. Such agreement shall not be effective except if the Minister approves it.

Art. 35. The owner of an aircraft rented to another person, whether he is a Jordanian or a foreigner, shall remain responsible for the legal duties in cooperation with the lessee. However, if the lessor registered the lease and the lessee fulfills all necessary conditions for owning a Jordanian aircraft, he shall be solely responsible for the legal duties.

Art. 36. Attachment and sale of aircraft shall take place according to the rules of the law of civil procedure except in the cases mentioned in treaties and international agreements. Any attachment shall be recorded in the register.

[Amends Article 36 of Law No. 55/1953] ² The Chief Justice of the Court, regardless of any request for seizure of an aircraft, and after considering all aspects of the case, may permit an aircraft to remain at the disposal of the operator provided he posts a guarantee or bond, or any other security to ensure the rights of the party requesting seizure.

Art. 37. If a landing strip is damaged due to the crash of a Jordanian or foreign aircraft, the local authorities may invite the internal security forces to detain the aircraft for 72 hours until the Governor or the responsible authority reach the place of the accident and estimate the damage. If there is any violation, the fines and other expenses shall be estimated. The Governor will order immediate payment of the amount unless an appropriate guarantee or bail is offered. If neither the amount is paid nor the guarantee submitted, the aircraft shall be attached until the suit is settled. All expenses incurred shall be paid by the owner.

Art. 38. The Minister has the right to order any aircraft out of service even if it is foreign, when it lacks airworthiness or its pilot has committed a violation of the laws.

AIR TRANSPORTATION

Art. 39. Governmental or foreign aircraft may not fly above, or land on Jordanian territory except by special permission from the Minister, after approval of the Minister of Defense or according to a special agreement.

Art. 40. Foreign civil aircraft may not fly over Jordanian territory or land thereon unless their right to fly is recognized by an international agreement or unless they possess a special or temporary permit from the Minister. Such aircraft shall be accorded the same treatment as the State of origin of such aircrafts accords to Jordanian aircraft.

Art. 41. Scheduled international air services may not be operated except according to international agreements ratified in accordance with established procedures. However, the Cabinet, if recommended

² Added by Law No. 37/1954, Official Gazette No. 1207.

by the Minister, may grant temporary licenses to start and operate international air services.

Art. 42. Commercial air transportation of passengers or freight between any two points inside the Kingdom may not be made except by persons or organizations of Jordanian citizenship. International air routes may be established only after obtaining a license from the Cabinet upon recommendation of the Minister.

Art. 43. No aircraft may fly over private property in such a way as to hinder the owner in using his rights. The Minister will assign the routes which must be followed.

Art. 44. If an accident occurs to a foreign aircraft and it crashes on Jordanian territory, the competent authorities in the Kingdom shall conduct investigations on the causes of the accident. The State whose nationality such aircraft has, shall have the right to send observers to such investigation, provided there is reciprocal treatment.

Art. 45. The Minister may impose a temporary prohibition preventing flight over or near places used for public meetings or related to defense purposes on the request of the Ministers of Defense and the Interior.

In extraordinary circumstances related to defense the Cabinet has the right to impose an instant prohibition to prevent flights over all or part of Jordan.

Such prohibition shall be issued by an order of the Cabinet. Any aircraft which enters the prohibited area must land immediately at the nearest airdrome upon being ordered to do so.

If a prohibition has been issued for a certain area and any aircraft violates that order, it will be detained upon landing at any point inside the Kingdom, its crew will be turned over to military courts to be tried for spying, unless the crew and pilot are able to show reasonable cause why they were obliged to fly over such prohibited areas.

If an aircraft was observed in flight, it must, upon hearing the first warning or warning shots, land at the nearest airdrome, and if it refuses, it will be forced to land.

Art. 46. Unless there is a compelling reason, no aircraft may fly over any city or inhabited place or a public meeting place except at an altitude that enables it to land outside such crowded place if the propulsive power stops for some reason. This altitude must not be less than 500 meters for multi-engined, and 700 meters for single-engined aircraft.

Art. 47. Acrobatic flying and useless dangerous maneuvers of aircraft are prohibited over cities, crowded places, places of public meetings, and over places open to the public on airdromes.

Art. 48. No air parade to which the public is invited may be held except with a special permit from the Minister.

Art. 49. No aircraft may land or fly except on, or from public airdromes or private stations established in a legal manner, except in emergencies.

Upon landing or flying, the pilot must observe the public aviation laws and regulations of the airdrome.

Art. 50. Every aircraft which enters Jordan must land on customs airdromes and leave from these airdromes unless it is licensed to pass over Jordan without landing. If an aircraft in transit has to land due to bad weather conditions or any other emergency, it must land at

the nearest customs airdrome. If an aircraft has to land outside customs airdromes, its pilot must inform the nearest local or customs authority.

Art. 51. If a pilot of an aircraft has to land on private land, the owner of the land may prevent the departure of the ship or its movement until the nearest local authorities arrive and investigate.

DOCUMENTS AND CERTIFICATES

Art. 52. 1. Every aircraft in the Kingdom must carry the following papers:

- a) Flight log;
- b) Certification for transporting passengers or freight for remuneration;
- c) Log for every engine of the aircraft;
- d) Log for every propeller of the aircraft;
- e) Log for the wireless communications if the aircraft is supplied with wireless apparatus.

2. Every member of the crew of any aircraft registered in the Kingdom, and every individual who flies according to the rules of this law, whether for the purpose of obtaining a license, for renewal of a license for training, or for receiving flight instruction, must keep a log for his flying time.

3. The following instructions must be observed as regards the logs mentioned in the preceding paragraphs:

- a) Logs must be organized according to the form decided on or approved by the Minister.
- b) All details must be written in the log in accordance with the form established for the purpose or approved by the Minister.
- c) The Minister decides the conditions, appoints the persons, and sets the time according to which events and facts are recorded and signed in the logs.
- d) Logs must be preserved and kept for three full years after entry of the last event.

Radio logs must be kept for six months.

4. Any aircraft which violates the rules of the first and third paragraphs of this article, and any crew who violates paragraph 2 will be considered as committing an offense.

Art. 53. Every aircraft which lands in a Jordanian from a foreign airdrome or station must carry the following records:

1. Registration certificate
2. Certificate of airworthiness
3. Certificates of the pilot and every member of the crew
4. Certificate of safety
5. Log of the trips made
6. License for wireless apparatus
7. Log of the wireless apparatus
8. List containing the names of passengers which shows the places of departure and destination
9. A statement on the freight which the ship carried.

Art. 54. The pilot of an aircraft must show the legal documents mentioned above upon request by a responsible official either upon landing, or before departure from the Kingdom.

Art. 55. It is prohibited:

- a) that any person falsify a license or a certificate required by this law, or possess such license unlawfully, or assist in falsifying it in an unlawful manner, or
- b) make an untrue statement or help or contribute to the making of such false statement, for obtaining, confirming or renewing any certificate or license, either for himself or for others,
- c) to use unlawfully any license or a false, cancelled, or revoked certificate which he has no right to use, or
- d) to change unlawfully any license or certificate for others or to allow others to use it.

2. No person may intentionally damage any list containing names of passengers, or falsify or blot it out, or unlawfully enter into it any false information.

AIR TRANSPORTATION

Art. 56. The ticket issued to a passenger for a trip shall be deemed a contract and an agreement for transportation. The carrier must give the passenger a ticket that shows the following:

- a) Place and date of issuance
- b) Place of departure and of arrival
- c) Intermediate stops. However, the carrier has the right to change the places of intermediate landings provided that this change will not affect the passenger by depriving him of any international capacity which he might have
- d) Name and address of the carrier or carriers
- e) A statement showing that the transportation is under the rules regarding liability under this law
- f) Amount of the fare charged

2. The absence of a ticket, or the presence of a violation therein, or loss thereof, shall not affect the existence of a contract for transportation or the legality of the contract. Nevertheless, if the carrier accepts a passenger without a ticket, the carrier may not benefit from any provisions of this law which exempt him from liability.

Art. 57. 1. The carrier shall issue tickets for transporting baggage, other than small personal articles which the passenger wants to keep with him.

2. The baggage ticket shall be issued in duplicate, one to be given to the passenger and the other to be kept by the carrier.

3. The baggage ticket must include the following facts:

- a) Place and date of issuance
- b) Place of departure and arrival
- c) Name and address of the carrier or carriers
- d) Number of the passenger ticket
- e) A statement including permission to deliver such goods to the bearer of the ticket
- f) Number and weight of parcels
- g) The fare received for transporting the goods
- h) A statement that transportation is under the rules concerning liability under this Law
- i) The fare received for transporting the goods

4. The absence of a ticket for freight or the presence of a violation therein or loss thereof shall not affect the existence of a contract for

transportation on the legality of the contract, which must be in accordance with the rules of this law.

Nevertheless, if the carrier accepts goods without a freight ticket or if the freight ticket does not include the details mentioned in paragraphs e, f, g of sub-section 3 of this article, then the carrier shall have no right to benefit from any provision of this law which exempts him from liability.

Art. 58. Any carrier of freight shall have the right to ask the shipper to prepare a document called "airway bill" and to deliver it to the carrier. Every shipper shall have the right to demand from the carrier the acceptance of this document.

2. The absence of this document, or the presence of a violation therein, or its loss, shall not affect the existence of a contract for transportation or the legality of that contract.

Art. 59. 1. The airway bill must be prepared in three original copies and be delivered with the goods.

2. On the first copy must be written: "for the carrier", on the second "for the addressee", and this must be signed by the sender and the carrier and be attached to the goods. The third copy shall be signed and given to the shipper by the carrier after accepting the goods.

3. The carrier must sign the document when the goods arrive.

4. Instead of the carrier's signature, a seal may be used, provided the signature of the carrier is printed or in the form of a seal.

5. If the carrier completes the airway bill according to the request of the shipper, he shall be deemed to have done so on behalf of the shipper, unless there is proof to the contrary.

Art. 60. The carrier of goods shall have the right to request the shipper to combine a number of documents for aerial shipping if there is more than one parcel.

Art. 61. The document for aerial shipping must include the following details:

- a) Place and date of preparation
- b) Place of departure and of arrival
- c) Places of stops, on condition that the carrier shall have the right to preserve the right to change the places of stops if there is a need in order not to deprive the carrier of any international capacity he may have
- d) Name and address of the shipper
- e) Name and address of the carrier
- f) Name and address of the addressee
- g) Kinds of goods
- h) Number of parcels, packaging, notations thereon in marks and numbers
- i) Weight, quantity, size, and measurements of goods
- j) Outward conditions of the goods and how wrapped
- k) Cost of transportation, time of payment, place and name of the person
- l) Amount of the value as provided for in paragraph 2 of Article 75
- m) Number of shipping documents
- n) The documents given to the carrier to accompany the airway bill

o) The time set for the transportation and a short remark on the method which must be followed in case there is an agreement in that respect

p) A statement showing that transportation is under the rules concerning liability.

2. If the goods are sent c.o.d., the price of the goods to be collected.

Art. 62. If the carrier accepts goods without completing the airway bill, or if the airway bill does not contain all details, the carrier shall have no right to benefit from any provisions of this law which exempt him from liability.

Art. 63. a) The shipper shall be responsible for the correctness and truth of all details, and statements regarding the goods mentioned in the airway bill.

b) The shipper shall be responsible for all damage that affects the carrier or any other person because of a violation in the details or their incorrectness in the airway bill.

Art. 64. 1. The airway bill shall be considered testimony on the conclusion of the contract and the receipt of goods and conditions of payment.

2. The statements in the airway bill regarding weight of goods, measurements, wrapping, and statements about the number of parcels shall be considered testimony on these matters. Statements about the value of the goods, size, description shall not be considered testimony by the carrier, except if it was checked in his presence and in the presence of the shipper, and there is an explanation on the airway bill.

Art. 65. 1. The shipper shall have the right, subject to carrying out his obligations according to the contract, to withdraw the goods from the airdrome of departure or arrival, or to stop them during the transportation at the place where the aircraft is to land, or to ask for their delivery at the place of arrival or during the trip to a person other than the addressee whose name is mentioned in the airway bill, or request their return to the airdrome of departure. But he may not use this right in a way that damages the interest of the carrier. He shall be liable for all costs and expenses incurred.

2. If the carrier finds it impossible to implement the demands of the shipper, he must inform the shipper immediately.

3. If the carrier complies with the request of the shipper without showing a copy of the airway bill issued to him, the carrier shall be liable for any damage that may result from such compliance regarding any person who lawfully possesses the airway bill. The carrier shall have the right to recover the value of damages from the shipper.

4. The right granted to the shipper shall cease and be void when the right of the addressee starts according to Article 66. Nevertheless, when the addressee abstains from accepting the airway bill or the goods, or when it is difficult to communicate with him, the shipper shall recover the right of ownership and do with the goods as he wishes.

Art. 66. 1. With the exception of all circumstances mentioned in the preceding article, the addressee shall have the right to request the carrier upon the arrival of the goods to surrender to him the airway bill together with the goods after payment of any amounts due according to the contract.

2. The carrier shall inform the addressee of the arrival of the goods, unless otherwise agreed.

3. If the carrier claims that the goods transported have been lost, or if the goods do not arrive seven days from the date on which they should have arrived, the addressee may hold the carrier liable according to the rights given to him under the transportation contract.

Art. 67. The shipper and the addressee may exercise all rights given them according to Articles 65 and 66 of this law in their own name whether they are acting for their own interest or for the interest of a third person provided they carry out their obligations mentioned in the contract.

Art. 68. 1. Articles 65, 66 and 67 shall not affect the relations between the shipper and the addressee or with third persons whose relations arise through the carrier or the addressee.

2. The provisions of the three preceding provisions may not be changed except by an express stipulation in the airway bill.

Art. 69. 1. The shipper shall submit the information and attach to the airway bill all documents necessary for the customs procedures or the law related to importation or to police before the goods may be delivered to the addressee. The shipper shall be liable to the carrier for any damage that may occur due to the lack of such information or documents, or for their insufficiency, or for any other violation except when the damage was caused by a mistake of the carrier, his employees or agents.

2. The carrier may not be forced to ascertain the truth of any information or the documents, or to investigate whether they are sufficient.

Art. 70. The carrier shall be liable for any damage that may occur, such as death of a passenger from personal injuries, if an accident takes place and causes such injury aboard the aircraft or during boarding or leaving the aircraft.

Art. 71. 1. The carrier shall be liable for any damage that may be caused to baggage or registered goods. He shall be liable for their safety and for loss in case of accident causing such damage during the transportation.

2. The carrier shall be liable for the goods during the period in which they are entrusted to him whether on an airdrome or aboard an aircraft or any other place, in case the aircraft lands at any other place.

3. The carrier shall not be liable if the transportation was done on land or on sea or river outside the airdrome, unless the transportation was made according to an air transportation contract or for the purpose of shipping, or delivery, or transportation from one aircraft to another. In such case, any damage shall be considered as having occurred during the air transportation.

Art. 72. The carrier shall be liable for any damage which may be caused by delay occurring during the transportation of passengers or freight by air.

Art. 73. 1. The carrier shall not be liable if it is proved that he and his employees or agents have taken all necessary precautions to avoid any damage or it was most difficult for them to take such precautions.

2. The carrier shall not be held liable for transporting goods or baggage by air if it is proved that the damage has been caused by negligence in piloting the aircraft or in managing it or in crewing it, and that he and his employees and his agents have done all they could to avoid the damage.

Art. 74. If the carrier proves that the damage was caused by the negligence of the complainant or that the complainant was the cause, the court may relieve the carrier from all or part of the liability.

Art. 75. 1. The liability of the carrier for every passenger shall be limited to 825 JDs in case passengers are transported. The carrier and passengers may agree on a special contract that provides for a higher limit than the above amount.

2. The liability of the carrier in transporting baggage, and registered freight shall be limited to 17 JDs for each kilogram unless the shipper, upon delivering the goods to the carrier, has made a special statement on the value upon delivery and paid an additional amount if necessary. In this case, the carrier shall pay upon delivery an amount not more than the value set in the statement unless it is proved that this amount is in fact higher than the real value of the goods. Regarding articles which may remain with the passenger on the aircraft, the liability of the carrier shall be limited to 325 JDs for each passenger.

Art. 76. The existence of a contract which relieves the carrier from liability, or fixes a maximum limit for liability which is higher than the limit mentioned in this law shall be considered unlawful and void. However, the voidance of such contract does not render unlawful and void the whole contract, which shall remain valid under this law.

Art. 77. 1. Damage suits may be filed only in the cases mentioned in Articles 71 and 72.

2. The preceding paragraph shall be in effect in the situations mentioned in Article 70, without thereby affecting or disturbing the rights of persons who may file a suit.

Art. 78. 1. The carrier shall have no right to benefit from the provisions of this law which limit his liability, in case of damage because of an intentional act or a mistake equal to such intentional act.

2. The rules of the preceding paragraph shall apply if the damage occurred because of negligence of any employee or agent of the carrier.

Art. 79. 1. The receipt by the addressee of baggage and freight without any protest shall be considered as a proof that the goods have been delivered to him in good condition and in accordance with the airway bill.

2. In case there is a damage, the addressee must protest to the carrier as soon as he discovers the damage, within a period of three days after receiving the baggage and within seven days after receiving freight. In case of delay, the protest must be submitted within a period of 14 days.

3. The protest must be submitted on the transportation document to a public notary or by telegram and must be sent during the period shown in the preceding paragraph.

4. If the protest is not submitted within these periods, no suit may be brought against the carrier unless there is fraud on his part.

Art. 80. If the person who is liable dies, then the damage suit shall be filed, according to the rules of this law, against his heirs.

Art. 81. The right to sue for compensation shall terminate after the passage of two years starting from the date of arrival at the destination or from the date on which the aircraft ought to have arrived, or from the date on which transportation ended.

Art. 82. 1. If the transportation, which ought to have been performed by several carriers successively, is subject to the definition mentioned in paragraph 3 of Article 71, every carrier who accepts

passengers, baggage, or goods shall be subject to the rules of this law and each shall be considered one of the contracting parties.

2. In transportation of this kind, the passenger or his agent may file suit against the carrier who performed the transportation during which the accident or the delay took place, except in the cases in which the first carrier undertook, by contract, to be liable for the whole transportation.

Art. 83. In case of transporting baggage or freight, the shipper shall have the right to file a suit against the first carrier. The addressee who has the right to receive the goods, may file a suit against the last carrier. In addition, both shall have the right to file suits against the carrier during whose transportation the damage, loss, or delay took place. The carrier shall be held jointly liable to the shipper and the addressee.

Art. 84. Transportation which takes place in part by air, and in part by other means of transportation, shall be subject to the rules of air transportation only.

Art. 85. In transportation by different means, nothing in this law shall prevent the parties from entering certain stipulations in the airway bill regarding the other means of transportation, provided that the rules of this law, as regards air transportation, are observed.

Art. 86. Any provisions in the contract, or other private agreement signed before the occurrence of the damage, which were intended to obviate the rules of this law either in defining the law which ought to be applied or in changing the rules regarding authorities, shall be null and void. Nevertheless, in the case of transportation of goods, certain deviations are permitted, provided they are in accordance with this law.

Art. 87. Nothing in this law shall prevent the carrier from refusing to conclude any contract for transportation, or from drafting certain provisions provided they do not conflict with the rules of this law.

Art. 88. This law shall not apply to international air transportation, conducted on an experimental basis by persons whose profession is aerial shipping, for the purpose of establishing a regular shipping service by air, nor does it apply to transportation being conducted in extraordinary circumstances.

Art. 89. It shall be prohibited to transport arms and war ammunition on any civil aircraft.

DAMAGES AND LIABILITY

Art. 90. Aircraft pilots shall act in accordance with flight regulations and with instructions regarding lights and signals and take all the necessary precautions to avoid damages.

Art. 91. No person shall have authority to perform an act that will cause harm to the safety of an aircraft or to any person on it by disturbing the flight crew.

Art. 92. No insane persons may enter, or be transported on an aircraft. No member of the crew may be in a condition that does not permit him to perform his duties, such as getting intoxicated or using narcotics.

Art. 93. In the certificate of airworthiness of an aircraft, there must be a provision as to places where, and times during which smoking is allowed. In every place inside the aircraft there must be, in a visible place, a placard which shows whether smoking is allowed.

Art. 94. Pilots of aircraft which carry passengers for compensation must not obstruct the doors that lead to the exterior of the aircraft or any other part for use in emergency situations.

Art. 95. The operator of the aircraft shall be liable for all damages which are caused to persons or property on the ground by maneuvers of his aircraft, or the separation of parts of it.

Art. 96. It shall be prohibited to drop any article or anything whatever from an aircraft unless there is an emergency. If something has been dropped and causes damage or harm to persons or property on the ground liability shall be determined according to the preceding article.

Art. 97. If an aircraft is leased, the owner and the operator shall be jointly liable for any damage caused by it. However, if the lease contract has been recorded in the register, the owner shall not be held liable.

AIRDROMES

Art. 98. No one may establish a private airdrome or an air station except with approval of the Minister and after observing the international regulations concerning airdromes.

Art. 99. The application for a license to establish airdromes or air stations shall be submitted to the Minister with the following information:

1. a general map showing the site of the airdrome in relation to the adjoining towns and cities;
2. a general map for the airdrome and adjoining area to a distance of 1000 meters and on a scale not less than 1 to 2500;
3. a note showing how the airdrome will be used;
4. written approval of the landowner that he approves the use of his land;
5. the internal regulation for the operation of such airdrome.

The Minister has the right to ask for any additional information which he may find necessary.

Art. 100. The Minister will conduct a technical investigation and decide whether to grant a license without being responsible for stating any reasons for the refusal. He has the right at any time to ask for any improvement he deems necessary on an airdrome or air station so as to render them more suitable for air traffic, or if it is in the public interest.

Art. 101. The Minister shall issue a list containing the fees and rates which private airdromes licensed for public use may charge for the services rendered to aircraft. He may also determine the conditions which must be observed when collecting these fees and rates. He may replace this list by another or amend it.

Art. 102. The operator of an airdrome must show, in a prominent place, a list of all fees and rates collected for services to aircraft. He may not collect more or less than the amounts on the list.

Art. 103. Any person authorized by the Minister may enter at appropriate times any airdrome and any other place to conduct an inspection, which is necessary for the performance of his duties according to this law.

Art. 104. All military aircraft of his Majesty or used by the military authorities may enter, at appropriate times, any licensed airdrome

Art. 105. Every military aircraft licensed for public use and open

to Jordanian aircraft for payment of fees, shall be considered open for use by all aircraft of the countries which signed agreements.

INVESTIGATION OF ACCIDENTS

Art. 106. The Minister may order an investigation of any accident which occurs to any Jordanian aircraft in the Kingdom, or above it, or in its territorial waters, or anywhere else. The Minister must be informed of any accident.

2. The Minister may prevent any aircraft which has been in an accident from entering Jordan until the investigation of such accident is completed. He may authorize any person to enter such aircraft to investigate or to remove it or undertake any other action needed in regard to it.

3. The Minister may revoke any license or certificate issued according to this law or any of the regulations issued thereunder, if he thinks the results of the investigation require it.

FEES

Art. 107. By a decision he issues after approval of the Cabinet, the Minister determines the fees to be collected for issuing certificates or licenses, or confirming or renewing them, fees for landing on airdromes, or for staying in Jordan, and all other fees. He has the right to change such fees at any time.

PENALTIES

Art. 108. Any owner of any aircraft shall be punished by imprisonment of from one week to one month and fined from 10 to 300 JDs or by both penalties if he:

1. uses an aircraft or permits its use without obtaining a registration certificate and airworthiness certificate, or without affixing the registration marks mentioned in Article 20.

2. uses or permits the use of any aircraft whose airworthiness certificate is no longer valid and he knew that fact.

Art. 109. The above penalties shall be imposed on the pilot of any aircraft who:

1. commands an aircraft without a license or certificate.

2. who destroys the flight log or changes entries therein and falsifies it knowingly.

3. lands his aircraft without justification on airdromes not authorized for landing.

4. pilots an aircraft while committing any of the above violations.

5. flies over one of the prohibited areas mentioned in Article 45.

Art. 110. The penalties mentioned above shall be doubled if the violations are committed after refusal or withdrawal of the registration certificate or the airworthiness certificate or the flight license or after the violator has been prohibited to fly an aircraft.

Art. 111. 1. Any pilot who violates the rules of Articles 4, 39, 40, shall be punished by a fine of from 15 JDs to 300 JDs and by imprisonment of from 15 days to 3 months.

2. Any person who commits any of the crimes mentioned in Article 55 or knowingly uses any faked papers or documents, shall be im-

prisoned from 3 months to one year and fined from 50 JDs to 200 JDs, or be punished by both penalties.

Art. 112. A fine of from 15 JDs to 300 JDs and imprisonment of from 6 months to 3 years shall be imposed on the owner, operator, or pilot of any aircraft if he affixes registration marks not in accordance with the marks assigned to such aircraft, or removes the correct marks, or makes them illegible, or permits others to do so, or uses an aircraft that carries a false mark. The same punishment shall be imposed on any person who orders any one of the above acts.

Art. 113. There shall be punished by one of the penalties mentioned in Article 108 any person who:

1. violates Article 89 of this law.
2. uses cameras above prohibited areas or uses other devices or apparatus whose transportation is prohibited.

The courts may order confiscation of such devices.

Art. 114. There shall be punished by a fine of from 5 to 15 JDs and imprisonment of from one week to 15 days:

1. Any pilot who does not keep on the aircraft the prescribed documents or logs.
2. any owner of an aircraft who does not keep such logs for a period of three years from the last entry.
3. any person who violates Articles 46, 47, 48, 49.

Art. 115. Any pilot of an aircraft which violates Articles 110, 111 and 112, may be prohibited from flying any aircraft for a period ranging from 3 months to 3 years or for life.

The pilot of an aircraft thus sentenced must transmit to the Ministry of Communication, Civil Aviation his certificate for the period of the sentence. If he does not comply, he shall be punished by imprisonment for a period of from 10 days to one month or fined 5 to 25 JDs. Such punishment may be in addition to the penalties mentioned in Article 110 in case he flies an aircraft during the period of prohibition. All penalties will be applied consecutively.

Art. 116. Any person who enters land not open for entry by law, or lets cattle or animals enter, shall be punished by a fine of from 5 to 25 JDs and imprisonment of from 10 to 60 days or by both penalties.

Art. 117. Any violation of Article 96 shall be punished by a fine of from 10 to 50 JDs or by imprisonment of from 10 to 60 days, or by both penalties, even though the jettisoning did not cause any damage. More severe penalties shall be applied if damage results, or a crime is committed.

Art. 118. Except in the case when the landing of an aircraft will expose it to danger, a pilot who knows that he has caused an accident and does not land in order to escape from liability, shall be punished by imprisonment of from one week to 2 months and by a fine of from 5 to 25 JDs, or by one of these penalties.

Art. 119. Any person who violates any other rules of this law shall be punished according to the importance of the violation by a fine of from 5 to 50 JDs or by imprisonment of from one week to 3 months, or by both penalties.

Art. 120. This law abrogates all previous laws regarding civil aviation, whether Jordanian or Palestinian.

Art. 121. The Prime Minister and the Minister of Communications shall enforce application of this law.

KENYA

Kenya has not yet passed any civil aviation law of its own. For applicable law see Uganda.

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KOREA

LAW NO. 591 OF MARCH 7, 1961

CHAPTER I—GENERAL RULES

Article 1. Purpose.—The purpose of this Law is to promote the development of aviation by providing for methods of insuring the safety of navigation of aircraft in conformity with the provisions of the Convention on International Civil Aviation and with the standards, practices and procedures set forth in the annexes thereto, and by establishing order in air transportation enterprises.

Article 2. Definitions.—In this Law, “aircraft” shall mean any airplane, airship, glider or rotorcraft which can be used for civil air navigation with a person on board, or any contrivance usable for air navigation which may be so designated by a State Council decree.

2. In this Law, “air service” shall mean any operation performed on board an aircraft (excluding training as aircraft pilot), including handling of radio equipment, and certification to be performed on repaired or remodelled aircraft, as provided for by Article 19.

3. In this Law, “airman” shall mean any person who has obtained a certificate of competence as an airman under Article 22, paragraph 1.

4. In this Law, “airstrome” shall mean a surface of land or water provided for the landing and taking off of aircraft.

5. In this Law, “landing strip” shall mean a rectangular part of an airstrome, which is provided for the landing or taking off of aircraft (including such an area on water) in defined directions.

6. In this Law, “approach area” shall mean an area defined by connecting two points at the shorter side of a landing strip with two points 375 meters (600 meters in the case of a landing strip used for instrument flight; a distance equal to $\frac{1}{2}$ the width of the threshold multiplied by a 15° tangent in the case of heliports) distant from a point on a straight line crossing at a point 3,000 meters (not exceeding 2,000 meters and the distance specified by an Ordinance of the Ministry of Transportation) distant from that side and at right angles with the extension of the center-line of the landing strip in the same direction as the former two points.

7. In this Law, “approach surface” shall mean an area abutting on the shorter side of a landing strip and sloping upwards at an angle of one-fiftieth from the horizontal plane as specified by an Ordinance of the Ministry of Transportation, the projection of which corresponds with the approach area.

8. In this Law, “horizontal surface” shall mean that part of a horizontal plane including a point 45 meters vertically above the airstrome reference point, which is enclosed by a circle described with that point as its center and with a radius of a length specified by an Ordinance of the Ministry of Transportation.

9. In this Law, "transitional surface" shall mean an area including the hypotenuse of the approach surface and the longer sides of the landing strip, and a slope at a horizontal plane abutting the vertical phase including the center-line of the landing strip which is placed at 7:1 (not less than 4:1 in the case of heliports and slope as specified by an Ordinance of the Ministry of Transportation) upwards and outwards of the approach surface or the landing strip, and a part encircled by a line abutting the hypotenuse of the surface and the longer sides of the landing strip abutting the said hypotenuse and a plane abutting these planes and a plane including the horizontal surface, and the hypotenuse of the approach surface and the longer sides of the landing strip.

10. In this Law, "air navigational aid" shall mean any facility aiding in the navigation of aircraft by means of electric wave, light, color or sign as may be specified by an Ordinance of the Ministry of Transportation.

11. In this Law, "aeronautical light" shall mean any navigational aid assisting in the navigation of aircraft by means of light as specified by an Ordinance of the Ministry of Transportation.

12. In this Law, "air traffic control zone" (hereinafter referred to as control zone) shall mean any air space above any airdrome and its vicinity designated for public use which may be specified for the safety of air traffic on and above such airdrome by the Minister of Transportation.

13. In this Law, "airway" shall mean a path through the airspace displayed on the earth's surface, designated by the Minister of Transportation as suitable for air navigation.

14. In this Law, "air traffic control area" (hereinafter referred to as control area) shall mean any air space on any airway, which is 200 meters or more above land or water and which may be specified for the safety of air traffic by the Minister of Transportation.

15. In this Law, "visual flight rules conditions" shall mean weather conditions equal to or above those which may be stipulated by an Ordinance of the Ministry of Transportation, taking visibility and cloud conditions into consideration.

16. In this Law, "instrument flight rules conditions" shall mean weather conditions other than visual flight rules conditions.

17. In this Law, "instrument flight" shall mean a flight which is performed with sole reliance on flight instruments and without depending upon any visible objects outside the aircraft.

18. In this Law, "air transportation" shall mean an enterprise for the transportation of passengers or freight for profit by using aircraft upon the request of other persons.

19. In this law, "scheduled air transportation" shall mean an enterprise for transportation by aircraft navigating on a definite route between one point and any other point, in accordance with a scheduled date and time.

20. In this Law, "non-scheduled air transportation" shall mean air transportation other than scheduled air transportation.

21. In this Law, "enterprise using aircraft" shall mean any enterprise which performs any contract for trips other than the transportation of passengers or freight by using aircraft, upon the request of other persons and for profit.

22. In this Law, "air transport agency" shall mean any enterprise which acts as an agent to contract for transportation by aircraft.

23. In this Law, "air transportation handling service" shall mean any enterprise which conducts, in its own name, a business acting as intermediary in transportation by aircraft.

CHAPTER II—AIRCRAFT

Article 3. Registration.—The Minister of Transportation shall register an aircraft in the Aircraft Register in accordance with the provisions of this Chapter.

Article 4. Acquisition of Nationality.—An aircraft, when registered, shall acquire the nationality of the Republic of Korea.

Article 5. Acquisition, Loss and Change of Ownership.—Acquisition, loss and change of ownership of an aircraft shall take effect upon the registration thereof.

Article 6. Restriction of Ownership of Aircraft.—Any person who falls under one of the following items shall not be allowed to own an aircraft of the nationality of the Republic of Korea.

(1) Any person who is not a national of the Republic of Korea;

(2) Any foreign state or a public entity of any foreign country;

(3) Any juridical person or organization of any foreign country;

(4) Any juridical person more than one-fourth ($\frac{1}{4}$) of the stock of which is possessed by a person falling under any of the foregoing items;

(5) Any juridical person falling under items 1 through 3 of which more than one-fourth ($\frac{1}{4}$) of the representatives or officers are such persons.

Article 7. Particulars to Register.—Registration of an aircraft shall be made upon the application of the owner who shall state all particulars referred to in the following items in the aircraft register and by affixing the registration mark and then entering it in the aircraft register:

(1) Type of aircraft;

(2) Manufacturer of aircraft;

(3) Serial number of aircraft;

(4) Home base of aircraft;

(5) Name or title and address of owner;

(6) Date of registration.

Article 8. Issuance of Registration Certificate.—The Minister of Transportation shall, if an aircraft is registered, issue a registration certificate to the applicant.

Article 9. Alteration of Registration.—If the particulars stated in Article 7, item 4, in regard to an aircraft are altered, the owner of the aircraft shall make application for a change of registration within 15 days from the day on which such change has occurred.

Article 10. Cancellation of Registration.—The owner of an aircraft shall, in the case of the following items apply for cancellation of the registration within a period of not more than 15 days thereafter.

(1) In cases where an aircraft has been lost or dismantled (except dismantling for the purpose of repair, remodelling, transportation or custody);

(2) In cases where the existence of an aircraft has been unknown for more than 2 months;

(3) In cases where an aircraft is owned by a person included under one of the items of Article 6.

2. If, in the cases mentioned in the foregoing paragraph, the owner of an aircraft does not make application for cancellation of the registration, the Minister of Transportation shall notify the owner to do so within a period of not less than 7 days which shall be fixed by the Minister.

3. If, in the case of paragraph 1, item 3, the owner of an aircraft does not make application for a cancellation of the registration, the Minister of Transportation shall cancel the registration and inform the owner thereof.

Article 11. Copies of Registrations and Register.—Any person may request that the Minister of Transportation deliver a copy or transcript of an aircraft registration, or may request inspection of the aircraft register.

Article 12. Stamping of Registration Mark.—The Minister of Transportation shall, if an aircraft is registered, immediately stamp its registration mark on the aircraft concerned.

2. The owner of any aircraft mentioned in the foregoing paragraph, in order to obtain the stamp, shall present the aircraft concerned to the Minister of Transportation upon the date designated by the latter.

3. No person shall destroy or damage the indication of a registration mark stamped in accordance with the provision of paragraph 1.

Article 13. Certificate of Airworthiness.—The Minister of Transportation shall, upon application, issue a certificate of airworthiness to any aircraft.

2. No aircraft shall be certified as airworthy under the foregoing paragraph unless it has the nationality of the Republic of Korea.

[Added by Law No. 1094, Nov. 30, 1962.] However, this shall not apply to cases where permission has been obtained under the proviso of Article 103.

3. No aircraft shall be used for air navigation unless certified as airworthy. However, this shall not apply in cases where the Minister of Transportation has permitted its use for conducting a test flight, etc.

4. The effective period of a certificate of airworthiness shall be one year. However, the effective period for an aircraft used for air transport service shall be such a period as is determined by the Minister of Transportation.

Article 14. Type Certification.—The Minister of Transportation shall, upon application, make a type certification of the design of an aircraft.

2. Any person who has obtained a type certification shall, when he intends to alter the design of the aircraft of the said type, obtain an approval from the Minister of Transportation.

Article 15. Certification where Standards for Determination of Airworthiness have Changed.—Where the standard for the determination of airworthiness has been changed, and an aircraft which has previously been certified as to type does not meet this new standard, the existing certification shall be subject to the approval of the Minister of Transportation.

Article 16. Maintenance, Modification, and Inspection.—Any user of an aircraft certified as airworthy, who intends to repair or remodel the

aircraft within such limits as may be stipulated by an Ordinance of the Ministry of Transportation (except repair or remodelling by using spare parts as are certified for air navigation in Article 17), shall not use the aircraft for air navigation unless it has undergone and passed an inspection by the Minister of Transportation on the intended change and its performance.

Article 17. Spare Parts Certification.—Any user of an aircraft certified as airworthy may obtain a spare parts certification from the Minister of Transportation for the aircraft engine, propeller or such other part important for securing safety designated by an Ordinance of the Ministry of Transportation.

Article 18. Maintenance of Engine, etc.—Any user of an aircraft certified as airworthy shall not use the aircraft engine, propeller or such other part important for securing safety as may be designated by an Ordinance of the Ministry of Transportation in excess of the hours as may be specified by Ministry of this Transportation Ordinance.

Article 19. Repair or Remodeling of Aircraft.—No user of an aircraft certified as airworthy, when the aircraft has been repaired or remodeled (except for any slight repair specified by an Ordinance of the Ministry of Transportation shall use it for air navigation unless it has been certified as consistent with the inspection standards of airworthiness. However, the same shall not apply in a case where repair of an aircraft has been accomplished in territory outside the Republic of Korea where the repair is difficult to prove or be certified, unless a technical expert having the qualifications specified by an Ordinance of the Ministry of Transportation has certified the safety of the aircraft.

Article 20. Specified Radio Apparatus.—No radio apparatus specified by an Ordinance of the Ministry of Transportation (hereinafter referred to as specified radio apparatus) which is installed in an aircraft may be used unless it has undergone and passed an inspection by the Minister of Transportation. The same shall apply in those cases where the term specified by an Ordinance of the Ministry of Transportation has expired subsequent to a favorable inspection.

Article 21. Delegation to Order.—Particulars to be entered into the aircraft register: revalidation or correction of registration, or any other matters concerning registration, certificate of aircraft registration, stamping of registration marks, standards of procedure for inspection for airworthiness certification, matters concerning the form, issuance, reissuance and return of airworthiness certificate and type certificate, and matters concerning any other kind of certificate, inspection referred to in Article 16, spare parts certification and inspection referred to in the foregoing article, shall be provided for by an Ordinance of the Ministry of Transportation.

CHAPTER III—AIRMAN

Article 22. Certificate of Competence and Aircraft Crew License.—The Minister of Transportation shall grant a certificate of competence as an airman to any person who intends to perform air services.

2. The Minister of Transportation shall grant an aircraft crew license to any person who intends to perform air services on board an aircraft, in addition to the certificate of competence.

3. Any person who is included under one of the following items shall not be permitted to obtain a certificate of competence or aircraft crew license:

(1) A person adjudged bankrupt, incompetent or quasi-incompetent who has not yet been rehabilitated;

(2) A person who has been sentenced to a penalty of not less than imprisonment for violating this Law and that 2 years have not elapsed since the ermination of the execution of the sentence or after the final adjudication of that execution of the sentence be exempt;

(3) A person whose certificate of competence or aircraft crew license has been cancelled in accordance with the provisions of Article 27, and a period of 2 years has not elapsed since the cancellation;

(4) A person who has committed a fraudulent act concerning the examination referred to in Article 26, paragraph 2 and a period of 2 years has not elapsed since the fradulent act was discovered.

Article 23. Qualifications.—A certificate of competence shall be granted in accordance with the following classifications:

- (1) Airline transport pilot;
- (2) Senior commercial pilot;
- (3) Commercial pilot;
- (4) Private pilot;
- (5) First class flight navigator;
- (6) Second class flight navigator;
- (7) Flight engineer;
- (8) First class flight radio operator;
- (9) Second class flight radio operator;
- (10) Third class flight radio operator;
- (11) Air traffic controller;
- (12) First class aircraft mechanic;
- (13) Second class aircraft mechanic;
- (14) Third class aircraft mechanic;
- (15) Aircraft shop mechanic;

Article 24. Restrictions of Certificate of Competence.—The Minister of Transportation may put restrictions, by category, class or type of aircraft on the certificate of competence for airmen, provided for under items 1 through 4, 7 and 12 through 14 of the preceding Article, in accordance with the provisions of an Ordinance of the Ministry of Transportation.

2. Dependent upon the type of services engaged in (such as for airframe, engine, propeller, apparatus and electrical system), the Minister of Transportation may put restrictions on the certificate of competence for qualification as an airman as provided for in item 15 of the preceding Article, in accordance with the provisions of an Ordinance of the Ministry of Transportation.

Article 25. Scope of Duties.—Any person who has not obtained a certificate of competence (or, for a person who performs air services on board an aircraft, a certificate of competence as well as an aircraft crew license as described in the "qualifications" column of the attached table) shall not perform air services. Details of qualifications and the scope of duties are prescribed in the attached table.

2. Any person who is restricted by the provisions set out in the preceding Article referring to a certificate of competence may perform any act described in the "Scope of Duties" column of the attached table except as restricted by category, class or type of aircraft or kind of services.

3. The provisions of the preceding two paragraphs shall not apply to any person who engages in piloting an aircraft (including operation of the craft and its engine) specified by an Ordinance of the Ministry of Transportation, or to any person who engages in the operation, on board, of aircraft of a new category, class or type for test flight, etc. authorized by the Minister of Transportation.

Article 26. Examination Procedure.—The Minister of Transportation, to grant a certificate of competence, shall hold examinations to determine whether an applicant has the required knowledge and skill to perform air services as an airman.

2. Any examination shall be both theoretical and practical.

3. No person may take a practical examination unless he has passed a theoretical examination.

4. The Minister of Transportation, in granting a certificate of competence to any person who has a qualification certificate for air service issued by a foreign government, may omit the whole or a part of the examination as stipulated by an Ordinance of the Ministry of Transportation.

Article 27. Cancellation, etc. of Certificate of Competence or Aircraft Crew License.—In cases where an airman comes under any one of the following, the Minister of Transportation may cancel his certificate of competence or aircraft crew license or order the suspension of his air service for a period of less than one year:

(1) When he has violated this Law or an administrative disposition under this Law;

(2) When he has been sentenced to a punishment more severe than a fine for the violation of this Law;

(3) When he has committed an unlawful act or has been grossly negligent in performing his duties as an airman.

Article 28. Aircraft Crew License.—An aircraft crew license shall be granted as provided for a classification specified in Article 23. However, the same shall not apply to the classifications referred to in items 11 through 15 of Article 23.

2. An aircraft crew certificate shall be valid for six months with respect to the classification of an airline transport pilot and senior commercial pilot, and shall be valid for one year with respect to any other classification.

Article 29. Instrument Flight and Pilot Training Certifications.—No pilot shall make an instrument flight by aircraft other than as specified by Ordinance of the Ministry of Transportation, unless he has obtained a certificate for instrument flight from the Minister of Transportation.

2. Unless he has obtained a certificate for pilot training from the Minister of Transportation, no person shall give instruction to others in aircraft piloting in reference to the competence specified in items 1 through 4 of Article 23.

3. Standards necessary for the training referred to in the preceding paragraph shall be determined by an Ordinance of the Ministry of Transportation.

4. The provisions of Articles 26 and 27 shall apply to the instrument flight or pilot training certificates referred to in paragraphs 1 and 2.

Article 30. Student Pilot Training.—Notwithstanding the provisions of Article 25, any person who has obtained authorization of the Minister of Transportation may engage in piloting an aircraft as a student pilot without obtaining a certificate of competence and aircraft crew license.

2. The provisions of Article 27 shall apply *mutatis mutandis*¹ to the person who has obtained authorization referred to in the preceding paragraph.

Article 31. Delegation to Order.—Matters relating to the form, issuance, reissuance and return of a certificate of competence, airman license and permit for flight instruction and other matters concerning a certificate of competence, aircraft crew license, instrument flight certification, pilot training certificate, and subjects of examination, procedures for undergoing examination and other matters concerning examination under Article 26, paragraph 1, shall be stipulated by an Ordinance of the Ministry of Transportation.

CHAPTER IV—AIRWAYS, AIRDROME AND AIR NAVIGATION AIDS

Article 32. Designation of Airways.—The Minister of Transportation shall designate as airways, air lanes suitable for the navigation of aircraft and shall make public announcement thereof.

Article 33. Installation of Airdrome and Air Navigation Aids.—The Minister of Transportation shall install airdromes or air navigation aids.

2. Any person who desires to install an airdrome or air navigation aid shall obtain authorization from the Minister of Transportation.

3. Matters concerning the installation of air navigation aids shall be provided for by a State Council Decree.

Article 34. Public Announcement of Airdrome for Public Use.—The Minister of Transportation, when he has granted authorization for the installation of an airdrome for public use or has designated an airdrome for public use, shall publicly announce the location, size, landing strips, approach area, approach surface, transitional surface, horizontal surface and scheduled commencement date of use, and post a notice thereof at the site.

Article 35. Inspection upon Completion of Airdrome, etc.—The operator of any airdrome or any person who has obtained authority to provide any air navigation aid shall, when the work on the facility has been completed, submit without delay to an inspection by the Minister of Transportation.

Article 36. Alteration of Airdrome or Air Navigation Aid.—The operator of any airdrome or the operator of any air navigation aid shall obtain authority as stipulated by an Ordinance of the Ministry of Transportation for the purpose of making alterations to the facility

¹ In numerous instances this term "with the necessary changes" appears in this law and in the Japanese air law (vol. 1). The term is omitted hereafter since it does not materially affect the sense of the respective provisions.

which are especially important for maintaining air safety requirements.

2. The provisions of Article 34 and the preceding Article shall apply in the case of the preceding paragraph. However, the provision of Article 34 shall apply only when any alteration in the size, approach surface, horizontal surface or transitional surface of an airdrome is made.

Article 37. Suspension or Discontinuation of Use of an Airdrome or Air Navigation Aid.—The operator of any airdrome, in order to suspend or discontinue the use of an airdrome, shall obtain authorization to do so from the Minister of Transportation.

2. The operator of any airdrome, the use of which has been suspended in accordance with the provisions of the preceding paragraph, shall submit to an inspection by the Minister of Transportation when use of the airdrome is to be resumed.

3. The operator of any air navigation aid, in order to suspend or discontinue the use of an air navigation aid, shall report to the Minister of Transportation no later than 7 days prior thereto.

4. The provision of paragraph 2 shall apply in cases where the use of the air navigational aid which has been suspended is recommended.

Article 38. Administration of Airdrome or Air Navigation Aid.—The operator of any airdrome or the operator of any air navigation aid shall administer the facility in accordance with the technical standards stipulated by an Ordinance of the Ministry of Transportation.

2. The Minister of Transportation shall conduct periodic inspections of a facility in accordance with the provisions of a Decree of the State Council in order to insure that it is being administered in accordance with the standards of the preceding paragraph.

Article 39. Cancellation of Authorization.—The Minister of Transportation may cancel an authorization for the operation of an airdrome or an air navigation aid in the following cases. However, with regard to items 2 to 4 inclusive, the Minister of Transportation may cancel the authorization for operation only when he has ordered the operator of an airdrome or an air navigation aid to take necessary steps within a reasonable time to alter the facility to meet with the technical standards under paragraph 1 of the preceding Article and such order has not been obeyed within the specified period.

(1) When the work is not completed by the scheduled date of completion described in the application without reasonable causes;

(2) When said facility is deemed, after an inspection under Article 35 (including its application under Article 36), to be inconsistent with the plan for operation or alteration as described in the application;

(3) When, after an inspection under Article 37, paragraph 4, said facility is deemed to be inconsistent with the plan described in the application;

(4) When the administration of the airdrome or air navigation aid is deemed to be inconsistent with the technical standards under paragraph 1 of the preceding Article;

(5) When the location, structure, etc. of an airdrome or air navigation aid fails to comply with the facts stated in the application;

(6) When the operator has violated the conditions attached to the authorization.

Article 40. Restriction on the Installation of Obstructions.—No person shall install, plant or leave any structure (excluding the parts relevant to construction work in progress at the time of public notice), plant or other obstacles which project above the approach surface, horizontal or transitional surface (as to the part to which the projected area of said surface corresponds, the lowest surface is to be considered) as shown by the notification, after notification under Article 34 (including where Article 36, paragraph 2 applies) of any airdrome for public use has been made. However, the same shall not apply to such provisional construction or any other obstacles as designated by an Ordinance of the Ministry of Transportation (excluding those approximating the approach surface or transitional surface) which have been installed, abandoned or those obstacles to be removed before the scheduled date of the use of aircraft, with the consent of the operator of the airdrome.

2. The operator of an airdrome may request the owner of, and other persons having authority over, any object installed, planted or left in violation of the preceding paragraph (including plants which have grown up to project above the approach surface, horizontal or transitional surface), to remove the obstacles.

3. The operator of an airdrome may request the owner of, and persons having authority over, obstacles existent at the time of notification under paragraph 1, which project above the approach surface, horizontal or transitional surface (including plants extant at the time of notification which after growth project above the aforementioned surfaces). Also buildings under construction which later project above the surfaces), to eliminate such portion of the object as projects. However, the operator shall pay compensation for damages as may normally be caused by the removal of the object, in accordance with a State Council Decree.

4. The owner of any obstacle, or any land on which such obstacle referred to in the preceding paragraph exists, may request the operator of an airdrome to purchase the object or land, when, by the removal of said obstacle, it becomes extremely difficult to make use of or take profit from, the obstacle or land.

5. When it is impossible to remove the obstacle in accordance with the preceding three paragraphs because of the failure of the parties concerned to reach an agreement, the Minister of Transportation, if he deems it necessary, may order the operator of an airdrome to remove the said obstacle.

6. Under the preceding paragraph, the Minister of Transportation or the operator of an airdrome shall pay compensation for the loss or damage arising from the removal of an obstacle to the owner or occupant. The amount of compensation for loss or damage shall be determined by the Minister of Transportation with the consent of the Aviation Council.

Article 41. Installation of Aeronautical Obstruction Light.—The operator of an airdrome shall install, in accordance with the provisions of an Ordinance of the Ministry of Transportation, aeronautical obstruction lights on objects designated by the said Ordinance (excluding

those objects on which aeronautical obstruction lights are to be installed pursuant to the provision of paragraph 4) which lie within the area corresponding to the projected area of the approach, horizontal or transitional surfaces.

2. In accordance with the provisions of State Council Decree, the Minister of Transportation shall install aeronautical obstruction lights on structures other than those specified in the preceding paragraph and paragraph 4, which clearly impede the safety in navigation of aircraft.

3. The owner of, or person occupying any structure under the preceding two paragraphs may not reject the installation of aeronautical obstruction lights by the operator of an airdrome or the Minister of Transportation. In this case, if any loss or damage is inflicted on the owner or the person occupying any structure, compensation shall be made for such loss or damage in accordance with the provisions of an Ordinance of the Ministry of Transportation.

4. Any person who erects any object more than 60 meters high above the surface of land or water shall install aeronautical obstruction lights or daytime obstruction marks in accordance with the provisions of an Ordinance of the Ministry of Transportation. However, the same shall not apply in cases where authorization of the Minister of Transportation has been granted.

5. The installer of aeronautical obstruction lights and daytime obstruction marks shall maintain the lights and marks concerned in accordance with the provisions of an Ordinance of the Ministry of Transportation.

Article 42. Restriction of Similar Light.—No person shall install any light which may impede the clear view of an aeronautical light or that may be mistaken for an aeronautical light (hereinafter referred to as "similar light").

2. The Minister of Transportation may order the operator to shelter any similar light or to take other measures in order to permit a clear view of an aeronautical obstruction light, and to prevent its being mistaken for an aeronautical obstruction light.

3. When, under the preceding paragraph, any similar light exists at the time of installation of an aeronautical light, the cost incurred by the measures referred to in the same paragraph shall be borne by the operator of the aeronautical light.

Article 43. Prohibiting Act.—No person shall commit an act which may damage a runway, docking rail or any other important facilities of the airdrome or an air navigation aid or any other act which may impair their function as specified by an Ordinance of the Ministry of Transportation.

2. No person shall throw objects at an aircraft on the airdrome or shall commit such other act as to endanger air navigation.

3. No person shall enter a landing strip, docking rail, apron or hangar without authorization.

Article 44. Fees for Use.—The operator of any airdrome or air navigation aid, in order to fix a fee for public use, shall obtain authorization from the Minister of Transportation. The same shall apply in cases where the rate is to be changed.

Article 45. Succession to the Status of Operator of an Airdrome, etc.—Under this law, any person who shall undertake the operation

of an airdrome or air navigation aid shall obtain authorization from the Minister of Transportation. However, the same shall not apply where the operator of an airdrome or air navigation aid is deceased and the heir succeeds to the status of the deceased.

2. Under the proviso of the preceding paragraph, a report to that effect shall be made to the Minister of Transportation.

Article 46. Installation or Administration of an Airdrome, etc. by the Minister of Transportation.—The provisions of Articles 34, 40 and 41, paragraph 1 shall apply where the Minister of Transportation installs any airdrome or air navigation aid or makes alterations of the facilities thereof.

2. The provisions of Article 38, paragraph 1, Article 41, paragraph 5 (with respect to aeronautical obstruction light mentioned in the same article, paragraph 1) and Article 44 shall apply where the Minister of Transportation administers an airdrome or air navigation aid.

Article 47. Delegation to Airdrome Order.—Except for the provisions of this Chapter, any matters necessary for the designation of an airway, installation of an airdrome or air navigation aid, or the examination of an application for modification and airdrome installation work shall be determined by a State Council Decree.

CHAPTER V—OPERATION OF AIRCRAFT

Article 48. Display of Nationality Mark, etc.—No aircraft shall be used for air navigation unless the nationality mark, registration mark and the owner's name or title are displayed on the aircraft in accordance with the provisions of an Ordinance of the Ministry of Transportation. However, the same shall not apply where permitted by the proviso of Article 13, paragraph 3.

Article 49. Compulsory Radio Equipment.—No aircraft shall be used for air navigation in the following cases unless equipped with radio apparatus as specified by an Ordinance of the Ministry of Transportation:

- (1) When it is used for air transportation;
- (2) When it is making a flight under instrument flight rule conditions in a traffic control area or zone;
- (3) When it is making a flight over areas designated and made publicly known by the Minister of Transportation.

Article 50. Aircraft Logbook and Safety Equipment.—All aircraft shall carry a flight logbook of such form as may be specified by an Ordinance of the Ministry of Transportation and when the aircraft has been used for air navigation, or repaired or remodelled, such items as may be specified by an Ordinance of the Ministry of Transportation shall be entered without delay into the aircraft logbook. However, the same shall not apply where permitted by the proviso of Article 13, paragraph 3.

2. No aircraft shall be used for air navigation unless equipped with parachutes, life jackets, emergency signal lights and other emergency equipment as specified by an Ordinance of the Ministry of Transportation.

3. No aircraft (excluding aircraft specified by an Ordinance of the Ministry of Transportation) shall be used for air navigation unless it

carries the following documents. However, the same shall not apply in cases where permitted by the Ministry of Transportation in accordance with the proviso of Article 13, paragraph 3.

- (1) A registration certificate;
- (2) A certificate of airworthiness;
- (3) A flight logbook;
- (4) Any other document specified by an Ordinance of the Ministry of Transportation.

Article 51. Equipment in Case of Special Flights.—Any aircraft which engages in high altitude flights, instrument flights or other special flights shall be equipped with de-icing equipment, outside thermometer, oxygen apparatus, navigation instruments and other special equipment necessary for safety in air navigation.

2. The types of aircraft to be equipped with the apparatus and devices referred to in the foregoing paragraph and any other pertinent matters shall be determined by an Ordinance of the Ministry of Transportation.

Article 52. Aircraft Fuel.—No aircraft used for air transportation shall take off or fly under instrument flight rule conditions, or expect to make a flight under instrument flight rule conditions unless it carries such quantity of fuel as specified by an Ordinance of the Ministry of Transportation.

Article 53. Aircraft Lights.—When navigating at night (between sunset and sunrise), landing on water or stopping at any airdrome used for night flight operations, all aircraft shall be marked with lights in accordance with the provisions of an Ordinance of the Ministry of Transportation.

Article 54. Recent Flight Experience.—No aircraft crew member shall engage in the operation of an aircraft which is used for air transportation, make an instrument or night flight, or conduct pilot training under Article 29, paragraph 2, unless he has the specified flight experience within a specified period as stipulated by an Ordinance of the Ministry of Transportation.

Article 55. Intoxicating Liquor, etc.—No aircraft crew member shall perform his air service while there is danger of his being unable to perform normal operation of the aircraft due to the influence of an intoxicant, narcotic or other chemicals.

2. No aircraft crew member shall drink, take or use beverages or chemicals, etc. referred to in the preceding paragraph during a period of air service duties.

Article 56. Physical Deficiencies.—No aircraft crew member who does not meet the health standards at the time of his physical examination for his license, shall perform air service, even if within the duration of the aircraft license under Article 28, paragraph 2.

Article 57. Pilot-in-Command.—A pilot-in-command of an aircraft used for scheduled air transportation shall have piloting experience over the pertinent routes and shall have knowledge of those routes concerned.

2. The pilot-in-command shall direct and supervise the crew of an aircraft.

3. When there is an emergency, or when he deems there may be danger to the aircraft or to a passenger, the pilot-in-command may

order the passengers in the aircraft to take measures to leave the aircraft or take such other measures as necessary for purposes of safety.

4. Where an aircraft is in immediate danger while navigating, the pilot-in-command shall use every means necessary for rescuing passengers and preventing injury to persons or property on land or water, and shall not leave command of the aircraft unless the passengers and other persons on board the aircraft have left it by his direction.

5. When any of the following accidents occur, the pilot-in-command shall report to the Minister of Transportation in accordance with the provision of an Ordinance of the Ministry of Transportation. However, when the pilot-in-command is unable to report, the operator of the aircraft shall report:

(1) A crash or collision, or fire in an aircraft, or other aircraft accident;

(2) The injury or death of any person, or damage to, or destruction of any object, caused by the aircraft;

(3) The death or loss of any person on board the aircraft.

6. When he has learned that any accident mentioned in item (1) of the preceding paragraph has occurred to any other aircraft, the pilot-in-command shall report to the Minister of Transportation in accordance with the provisions of an Ordinance of the Ministry of Transportation. However, the same shall not apply where such information has been received by wireless telegram or telephone.

Article 58. Aircraft Dispatchers.—Any operator of scheduled air transportation shall appoint an aircraft dispatcher.

2. Unless the pilot-in-command of the aircraft used for scheduled air transportation has obtained clearance from an aircraft dispatcher, he shall not take off, on or alter a flight plan.

3. Any aircraft dispatcher shall pass a competence test as aircraft dispatcher given by the Minister of Transportation.

4. The provisions of Article 22, paragraph 3, and Articles 26 and 27 shall apply to the aircraft dispatcher.

Article 59. Place for Landing and Take-off.—No aircraft (except aircraft specified by an Ordinance of the Ministry of Transportation) shall take off or land at places other than airdromes, or on water other than at places specified by an Ordinance of the Ministry of Transportation. However, the same shall not apply in cases where there are any unavoidable reasons or where authorized by the Minister of Transportation.

Article 60. Prohibited Area.—No aircraft shall make a flight over an area in which there may be danger to the flight of an aircraft. However, the same shall not apply in cases where permitted by the Ministry of Transportation.

2. The prohibited area shall be determined by an Ordinance of the Ministry of Transportation.

Article 61. Minimum Safe Altitude.—Except when it takes off or lands, taking into consideration the safety of persons or property on land or water and the safety of the aircraft, no aircraft shall make a flight at an altitude less than that stipulated by an Ordinance of the Ministry of Transportation. However, the same shall not apply in cases where authorized by the Minister of Transportation.

Article 62. Cruising Altitude.—When flying at an altitude of 900 meters or more above the land or water under visual flight rule con-

ditions, or at an altitude of 300 meters or more under instrument flight rule conditions, any aircraft shall cruise at an altitude specified by an Ordinance of the Ministry of Transportation.

Article 63. Prevention of Collisions.—An aircraft shall navigate in accordance with the methods stipulated by an Ordinance of the Ministry of Transportation with regard to course and speed for the purpose of preventing collisions with other aircraft.

Article 64. Formation Flight.—No aircraft used for air transportation shall make a formation flight unless authorized by the Ministry of Transportation.

2. When making a formation flight, the pilot-in-command of an aircraft shall make arrangements, prior to such a flight, as to the pilot-in-command of aircraft formation, the method of signs between aircraft and such other matters as specified by an Ordinance of the Ministry of Transportation.

Article 65. Prohibition of Reckless Operation.—No aircraft shall make a flight, "buzz" or dive at low altitude without any operational necessity, or shall be piloted in a manner annoying to other persons.

Article 66. Prohibition of Carrying of Explosives, etc.—Explosives or other articles of an easily combustible nature or articles which are liable to injure persons or damage property as specified by an Ordinance of the Ministry of Transportation shall not be carried by an aircraft.

2. In order to confirm whether there are any articles falling under the preceding paragraph, any operator of air transportation shall have the designated personnel inspect such articles prior to acceptance for transportation.

3. No person shall put into an aircraft, fire-arms or any articles described in the preceding paragraph. However, the same shall not apply where the performance of specific duties require such articles in accordance with the provisions of an Ordinance of the Ministry of Transportation.

4. A person who desires to carry fire-arms pursuant to the proviso of the foregoing paragraph shall ask the pilot-in-command to keep it for him before going aboard and shall have it returned at his destination.

5. A police officer dispatched to an airdrome may, in order to confirm whether a passenger is aboard an aircraft with articles referred to in the foregoing paragraph, search or inspect the passenger's body or belongings.

Article 67. Pilotless Aircraft.—Any aircraft having apparatus which enables it to fly without being manned by a pilot, may, only when permitted by the Minister of Transportation, make a flight without being manned by an air crew.

2. In granting authorization under the preceding paragraph, the Minister of Transportation may put restrictions on the methods of flight with regard to the aircraft when he deems it necessary for preventing danger to other aircraft.

Article 68. Towing of Objects.—Towing of objects by aircraft shall be conducted in accordance with the safety standards stipulated by an Ordinance of the Ministry of Transportation.

Article 69. Jettisoning of Objects.—No person shall jettison from an aircraft any object which may cause injury or damage to persons or property on land or water.

2. Any person who desires to jettison any object from an aircraft shall obtain the permission of the Minister of Transportation.

Article 70. Parachute Jumping.—No persons other than those who have obtained authorization from the Minister of Transportation shall make a parachute descent from an aircraft.

Article 71. Acrobatic Flight.—No aircraft shall perform loops, rolls and other acrobatic flights except in an air area other than the following air areas. However, the same shall not apply where the authorization of the Minister has been granted.

- (1) Within a congested area of houses or persons;
- (2) Within an airway;
- (3) Within a control zone;
- (4) In an air space lower than the altitude designated by an Ordinance of the Ministry of Transportation.

2. No aircraft shall perform loops, rolls and other acrobatic flights lower than a flight visibility of 5 kilometers.

Article 72. Student Pilot Training, etc.—Any person who has obtained authorization under Article 30, paragraph 1, in order to receive flight training, shall receive it under the supervision of a person certified as an instructor under Article 29, paragraph 2.

2. No training for aircraft piloting under the preceding Article, and no flight for the purpose of testing aircraft, shall be conducted in a control area or control zone. However, the same shall not apply in cases where authorized by the Minister of Transportation.

Article 73. Flight under Visual Flight Rule Conditions.—No aircraft shall make an instrument flight under visual flight rule conditions.

Article 74. Flight under Instrument Flight Rule Conditions.—No aircraft shall make a flight under instrument flight rule conditions unless piloted by a person who has obtained a certificate of competence as an airline transport pilot, senior commercial pilot or private pilot. However, the same shall not apply in cases where authorized by the Minister of Transportation.

Article 75. Air Traffic Instructions.—Any aircraft shall navigate in a control area or control zone in compliance with the instructions for the order, time of take-off or landing, or method of flight, as directed by the Minister of Transportation.

Article 76. Flight Plan and Approval Thereof.—Any aircraft shall, prior to take-off from an airdrome within a control zone, or prior to entering a control area or control zone under instrument flight rule conditions, file a flight plan with the Minister of Transportation and obtain approval thereof in accordance with the provisions of an Ordinance of the Ministry of Transportation. The same shall apply in cases where there is an intention to alter the approved flight plan.

2. Any aircraft which makes a flight except under the preceding paragraph, shall file its flight plan with the Minister of Transportation as may be stipulated by an Ordinance of the Ministry of Transportation.

3. Any aircraft which has obtained an approval of its flight plan or has given notification of its flight plan in accordance with the provisions of paragraph 1 of this Article shall be navigated in accordance with the flight plan. However, when the radio equipment is out of

order, it shall navigate in accordance with the methods stipulated by an Ordinance of the Ministry of Transportation.

4. Any aircraft which has obtained an approval of its flight plan in accordance with the provisions of paragraph 1, or has given notification of its flight plan in accordance with the provision of paragraph 2, shall, while it is navigating in a control area or control zone, receive instructions on air traffic which are issued by the Minister of Transportation and report to him the location of the aircraft, flight conditions and other matters in accordance with the methods as may be stipulated by an Ordinance of the Ministry of Transportation.

Article 77. Notification of Arrival.—The pilot-in-command of an aircraft, who has obtained an approval of his flight plan in accordance with the preceding Article, or who has given notification of the flight plan, shall, when the aircraft has completed the flight described in the flight plan, report without delay to the Ministry of Transportation to that effect.

Article 78. Furnishing Information.—The Minister of Transportation shall provide aircraft crew members with information necessary for the operation of the aircraft.

Article 79. Delegation to Order.—An aircraft shall be manned by pilots and such other airmen as are necessary for safety in navigation and operation of the aircraft.

2. Any airman, during air service, shall carry a certificate of competence, and any aircraft crew member shall, when performing air service, carry an airman's license in addition to a certificate of competence.

3. Any person who engages in air transportation shall fix the standards of working hours for aircraft crew members and obtain the approval of the Minister of Transportation.

4. Matters necessary for implementing the preceding three paragraphs and testing the competence of aircraft dispatchers shall be determined by an Ordinance of the Ministry of Transportation.

CHAPTER VI—AIR TRANSPORTATION, ETC.

Article 80. License.—Any person to engage in scheduled air transportation shall obtain a license for each route from the Ministry of Transportation.

Article 81. Licensing Standards.—In cases where there has been an application under the preceding Article, the Minister of Transportation shall examine the application to determine if it conforms to each of the following:

(1) The granting of the license shall meet the needs of the public;

(2) The granting of the license shall not make the supply in excess of the demand for air transportation on the route;

(3) The operations shall be suitable from the viewpoint of air safety;

(4) The applicant shall be able to perform the operations properly;

(5) The applicant shall not come under any of the following:

1) Any person who comes under an item of Article 6, paragraph 1;

2) Any person whose license for scheduled air transportation or aircraft-using enterprise was cancelled, and less than two years have passed since the date of such cancellation;

3) Any person who has been sentenced to a penalty more severe than imprisonment for violation of any provision of this Law, and less than two years have passed after he completed the sentence or it has been cancelled;

4) Any person adjudged bankrupt, incompetent or quasi-incompetent who has not yet been rehabilitated;

5) Any juridical person whose officer or officers come under any of the provisions of sub-items 2) through 4).

Article 82. Obligation to Commence Operations and Inspection.—Any scheduled air transportation operator shall begin operations on the day stated in the application for the license. However, the same shall not apply in cases where the date is postponed with the approval of the Minister of Transportation because of a natural calamity or other unavoidable causes.

2. No person who has obtained a license under Article 80 shall begin operations unless the aircraft, and the other facilities used for the licensed enterprise, have undergone and passed an inspection by the Minister of Transportation.

Article 83. Approval of Operation and Maintenance Manuals.—Any scheduled air transport operator shall issue an aircraft operation and maintenance manual as stipulated by an Ordinance of the Ministry of Transportation and obtain the approval of the Minister of Transportation. The same shall apply in case of any change therein.

Article 84. Approval of Fares, Rates and Charges.—Any scheduled air transport operator shall fix fares, rates and charges for passengers and freight (except mails) and obtain the approval of the Minister of Transportation. The same shall apply to any change therein.

Article 85. Approval of Conditions of Transportation.—Any scheduled air transportation operator shall fix the conditions of transportation and obtain the approval of the Minister of Transportation. The same shall apply to the case of any change thereof.

Article 86. Notice of Fares, Rates and Charges, etc.—Any scheduled air transportation operator shall post a notice of the fares, rates and charges and the conditions of transportation so that it will be visible to the public on the business premises and at other working places.

Article 87. Business Program.—In performing its business, any scheduled air transportation operator shall comply with its schedule except in the case of a natural calamity or other unavoidable causes.

2. In order to establish or change the schedule referred to in the preceding paragraph, any scheduled air transportation operator shall obtain an approval from the Minister of Transportation.

3. The provision of Article 81 (excluding those related to item 5) shall apply to the approval referred to in the preceding paragraph.

Article 88. Agreement Concerning Transportation.—The approval of the Ministry of Transportation shall be obtained when any scheduled air transportation operator desires to enter into an agreement concerning through-traffic, fares or other transportation matters with other transportation enterprises. The same shall apply where any change therein is contemplated.

Article 89. Order for Improvement of Business.—When he deems that there is any instance in which the business of a scheduled air transportation operator may adversely affect the public welfare, the Minister of Transportation may order the enterprise to perform any of the acts referred to in the following items:

- (1) Change of business items;
- (2) Change of fares, charges or conditions of transportation;
- (3) Improvement of aircraft and other facilities;
- (4) Conclusion of an insurance contract to cover compensation for damages due to aircraft accidents.

Article 90. Utilization of Title, Loan of Business, etc.—No scheduled air transportation operator shall allow another person to utilize his license for scheduled air transportation.

2. No scheduled air transportation operator shall allow another person to operate his business in his name whether by loan of the business or by other means.

Article 91. Transfer and Taking Over of Business.—In cases where any scheduled air transportation operator transfers the air transportation enterprise, he shall obtain an approval from the Minister of Transportation.

2. If, in the case of the foregoing paragraph, the transferee does not conform to the standards referred to in Article 81, the Minister of Transportation shall not approve such transfer.

Article 92. Amalgamation of Business.—If any scheduled air transportation operator desires to operate by amalgamation with another scheduled air transportation service enterpriser or business enterpriser, he shall obtain the approval of the Minister of Transportation.

2. The provisions of Article 81 shall apply to the approval referred to in the foregoing paragraph.

Article 93. Inheritance.—In the case of the death of a scheduled air transportation operator, the heir shall succeed to the status of the deceased in accordance with the order of succession referred in Article 1,000 of the Civil Code.

2. When there are two or more heirs, the person to succeed to the status of the scheduled air transportation operator shall be determined by agreement.

3. In the cases of the foregoing two paragraphs, the person who has succeeded to the status of the scheduled air transportation operator shall file a report thereof with the Minister of Transportation within sixty days from the day on which such change has occurred.

Article 94. Suspension of Business.—Any scheduled air transportation operator shall, when he intends to suspend his business, obtain authorization to do so from the Minister of Transportation.

2. Authorization for the suspension of business under the preceding paragraph shall not be given for a period of more than six months.

Article 95. Cessation of Business.—When he has ceased to operate his business, any scheduled air transportation operator shall report without delay to that effect to the Minister of Transportation.

Article 96. Discontinuation of Business and Cancellation of License.—When any air transport operator comes under any one of the following, the Minister of Transportation may order the suspen-

sion of the business for a period of less than six months or may cancel the license:

(1) When an operator has violated this Law or any condition attached to any disposition, license, authorization or approval under this Law;

(2) When an operator, without just reasons, fails to perform any action approved in accordance with the provisions of this Chapter;

(3) When an operator has failed to report a violation of the provision of Article 93, paragraph 3;

(4) When, in the case of Article 93, paragraph 2, there is strong reason to believe that the scheduled air transportation enterprise is unable to continue because of a division of inherited property or for any other reason.

2. When the Minister of Transportation discovers that an officer of a scheduled air transportation enterprise, which is a juridical person, falls under the provisions of Article 81, item 5, sub-item 5, he shall order that such officer be replaced.

Article 97. Invalidation of License.—When a scheduled air transportation operator comes under any item of Article 6, paragraph 1, his license shall become invalid.

Article 98. Non-Scheduled Air Transportation.—Any person who intends to engage in non-scheduled air transportation shall obtain a license from the Minister of Transportation.

2. The provisions of Article 81 (excluding those related to items 1 and 2) shall apply to the license referred to in the foregoing paragraph.

3. The provisions of Articles 82 through 85, Articles 87 through 97 (excluding those related to the application of Article 81, items 1 and 2, in Article 91, paragraph 2 and Article 92, paragraph 2) shall apply to non-scheduled air transportation.

Article 99. Aircraft-Using Enterprise.—Any person who intends to engage in aircraft-using enterprise shall obtain a license from the Minister of Transportation.

2. The provisions of Article 82, Article 87, Articles 89 (excluding those related to item 2) through 93 (excluding those related to the application of Article 81, items 1 and 2 in Article 91, paragraph 2, Article 92, paragraph 2), Articles 95 through 97 shall apply to an aircraft-using enterprise.

3. When a person who has obtained a license under paragraph 1 has suspended his business, he shall without delay report to the Minister of Transportation.

Article 100. Conditions Attached to License, etc.—There may be conditions or terms attached to a license, authorization or approval under this Chapter, and they may be altered.

2. The conditions or terms under the preceding paragraph shall be limited to a minimum necessary to promote the public interest, or to secure the practice of matters involved in the license, authorization or approval and shall not be such as will impose undue burdens upon the air transportation operator or aircraft-using operator.

Article 101. Delegation to Order.—Matters concerning the licensing procedure, entering of license applications and attached documents for scheduled air transportation; non-scheduled air transportation and aircraft-using enterprise; the commencement of operation; standards for approval of fares, rates and charges; and conditions of transporta-

tion for scheduled air transportation shall be determined by a State Council Decree.

CHAPTER VII—FOREIGN AIRCRAFT

Article 102. Flight of Foreign Aircraft.—Any aircraft having the nationality of any foreign state which is a Contracting State of the Convention on International Civil Aviation (except any aircraft used for the enterprise of foreign international air transportation pursuant to the provisions of Article 105) shall obtain permission from the Minister of Transportation when it makes a flight as referred to in any of the following. However, the same shall not apply in cases where it makes a flight only along airways designated by the Ministry of Transportation.

(1) A flight starting outside Korea and arriving inside Korea;

(2) A flight starting inside Korea and arriving outside Korea;

(3) A flight across Korea without landing, starting outside Korea and arriving outside Korea.

2. Any aircraft having the nationality of a Contracting State of the Convention on International Civil Aviation, which is used by any foreign state, any public entity and its equivalent in any foreign state and any aircraft having the nationality of any foreign state other than a Contracting State, shall obtain authorization from the Minister of Transportation when it makes a flight referred to in the preceding paragraph.

3. Any aircraft which is used in military, customs or police service shall be regarded as "aircraft used by a state" in application to the provisions of the preceding two paragraphs.

4. When requested by the Minister of Transportation, in cases where it makes a flight referred to in paragraph 1, any aircraft referred to in paragraphs 1 and 2 shall land at the designated airdrome without delay.

Article 103. Use of Foreign Aircraft Inside Korea.—No aircraft having the nationality of any foreign state shall be used for air navigation between points inside Korea.

[Added by Law No. 1094, Nov. 30, 1962.] However, this shall not apply to cases where permission of the Minister of Transportation has been obtained.

Article 104. Prohibition of carriage of munitions.—Unless permitted by the Minister of Transportation, no aircraft having the nationality of any foreign state shall carry munitions as specified by Ordinance of the Ministry of Transportation on a flight referred to in any item of Article 102, paragraph 1.

Article 105. International Air Transport Enterprise by Foreign Nationals.—Notwithstanding the provisions of Article 80 and Article 98, paragraph 1, a person referred to in Article 6, paragraph 1, may, upon authorization by the Minister of Transportation, operate a business to transport passengers or freight on any flight referred to in [any item of] Article 102, paragraph 1 (including the one between points within Korea, which is performed in continuance thereof) for remuneration on demand of other persons. However, such authorization as may be granted will not hinder the development of international aviation routes conducted by a Korean air transportation enterprise. The frequency of flights and the type of aircraft may also be restricted.

2. Any aircraft used for an international air transportation enterprise by foreign nationals, referred to in the preceding paragraph, shall

not be used for transporting passengers or freight between points within Korea for remuneration.

3. Any person who intends to obtain authorization under paragraph 1 shall submit an application to the Minister of Transportation describing his business program, scheduled commencement date for operation and other matters stipulated by an Ordinance of the Ministry of Transportation.

4. The Minister of Transportation may request the applicant to submit other necessary documents in addition to those prescribed in the preceding paragraph.

Article 106. Approval of Fares, Rates and Charges.—Any foreign international air transportation enterprise shall fix fares, rates and charges for passengers and freight (except mail) and obtain the approval of the Minister of Transportation. The same shall apply in cases of changes thereof.

Article 107. Business Program.—Any foreign international air transportation enterprise shall comply with its schedule except when prevented by weather or other unavoidable causes.

Article 108. Order for Alteration of Business Program, etc.—The Minister of Transportation, when he deems it necessary, may order the foreign international air transportation enterprise to:

- (1) Alter its schedule;
- (2) Alter fares, rates or charges.

Article 109. Suspension of Business and Cancellation of Authorization.—The Minister of Transportation may order a foreign international air transportation enterprise to suspend business for a period or cancel its authority to operate:

- (1) When it has violated the provisions of this Law, any order or disposition under this Law or any condition attached to any permission or approval under this Law;

- (2) When he has failed to carry out, without justifiable reason, matters for which authorization or approval was obtained;

- (3) When the ownership of the majority of stock or shares, or effective control of an air transportation enterprise has failed to be vested in the state or its nationals to which the said foreign international transportation enterprise belongs;

- (4) When, in a case where there is an agreement between Korea and any foreign state to which the said foreign air transportation enterprise belongs, the said agreement becomes invalid or the said foreign state or foreign air transportation enterprise has violated the provisions of such agreement;

- (5) When there exists any obvious reason why it might be detrimental to the security of the Republic of Korea and might cause danger and harm to social welfare and order.

Article 110. Conditions of Authorization, etc.—Conditions and terms may be attached to authorizations or approvals under this Chapter or may be altered.

Article 111. Recognition of Certificates, etc.—Any certification, license and other authorization which has been granted for the airworthiness of the following aircraft and for the qualifications of its crew by any foreign state, the nationality of which is possessed by the aircraft, shall be regarded to have been effected by this Law.

- (1) Any aircraft of a foreign nationality which makes a flight referred to in any item of Article 102, paragraph 1;

- (2) Any aircraft used for any international air transportation enterprise pursuant to the provisions of Article 105.

CHAPTER VIII—AVIATION COUNCIL

Article 112. Purpose.—An Aviation Council shall be established in order to deliberate important policies concerning civil aviation and matters related to aeronautics.

Article 113. Organization, etc.—The Aviation Council shall be composed of not less than ten and not more than twenty members, and these members shall be commissioned by the Prime Minister.

2. Matters necessary for the organization of the Council, commission of its members and operation of the Council shall be provided for by a State Council Decree.

CHAPTER IX—MISCELLANEOUS PROVISIONS

Article 114. Investigation of Accidents.—When an accident referred to in Article 57, paragraph 5, has occurred, the Minister of Transportation shall investigate its cause without delay.

2. For the purpose of investigation under the preceding paragraph, the Minister of Transportation may demand of any user of aircraft or aircraft crew involved in the accident, or of any person who has engaged in rescue service and other persons concerned, reports or data, and may have his officials enter on the actual scene to investigate the aircraft or other objects.

3. Under the preceding paragraph, such official shall carry with him a card identifying his official status and he shall show the same upon request.

Article 115. Report on Air Transportation Agent, etc.—Any person who intends to act as an air transportation agent or air transportation forwarding agency shall report to the Minister of Transportation matters as may be specified by an Ordinance of the Ministry of Transportation. The same shall apply in cases where matters previously reported are to be changed.

2. Any person who acts as an air transportation agent or air transportation forwarding agent shall report to that effect to the Minister of Transportation within thirty days from the day when he has closed such business.

Article 116. Request for a Report and Inspection.—When it is necessary for the enforcement of this Law, the Minister of Transportation may request any person coming under any one of the following to submit reports on the repair, remodelling or manufacture of aircraft or apparatus, or the work, administration and use of an airdrome or navigational aid, or use of an aircraft, air service, air transportation enterprise, aircraft-using enterprise, air transportation agent and air transportation forwarding agency:

- (1) Any person who repairs, remodels or manufactures aircraft or apparatus;
- (2) Any operator of an airdrome or air navigation aid;
- (3) Any airman;
- (4) Any person who engages in an air transportation enterprise or aircraft-using enterprise;
- (5) Any person other than those referred to in the preceding item, who uses aircraft;
- (6) Any person who operates an air transportation agency or forwarding agency.

2. When it is necessary for the enforcement of this Law, the Minister of Transportation may have his officials enter the office, factory or other business premises, airdrome, or any place where an air navigation aid is installed, where work for an airdrome or an air navigation aid is performed, where an aircraft is located, of any aircraft which belongs to any person under any item of the preceding paragraph, and inspect the aircraft, air navigation aids, account books, documents or other matters, or ask questions of any interested person.

3. The provisions of Article 114, paragraph 3, shall apply to the preceding paragraph.

Article 117. Payment of Fees.—Any person applies for licenses or certificates as stipulated in this Law, or who wishes to have an approval, examination or inspection, or who applies for renewal of a certificate, license or permit, shall pay a fee as specified by the provisions of a State Council Decree.

CHAPTER X—PENAL PROVISIONS

Article 118. Penalty for Endangering Air Navigation, etc.—Any person who has inflicted danger to air navigation by damaging any airdrome, facility or air navigation aid, or by other means, shall be punished by penal servitude for a limited term of not less than two years.

Article 119. Any person who has crashed, overturned or sunk, or destroyed any aircraft in flight shall be punished by death, penal servitude for life or for not less than five years.

2. The same shall apply to any person who has committed any offense under the preceding Article and thereby has crashed, overturned or sunk, or destroyed any aircraft in flight.

Article 120. Any person who has committed any offense under the preceding Article and thereby caused death to any person shall be punished by death, penal servitude for life or for not less than seven years.

Article 121. Any attempted offense under Article 118 and Article 119, paragraph 1 shall be punished.

Article 122. Any person who through negligence has endangered air navigation or crashed, overturned or destroyed any aircraft in flight shall be punished by penal servitude for not more than one year or a fine of not more than 500,000 hwan.

2. Any person who, in performing his duties or through grave negligence, has committed any offense under the preceding paragraph shall be punished by limited penal servitude or imprisonment for not less than one year or a fine of not more than 1,000,000 hwan.

Article 123. Penalty for Using Aircraft not Certified for Airworthiness, etc.—Any person who has committed an act falling under any one of the following shall be punished by penal servitude for not more than three years or fined not more than 500,000 hwan;

(1) When he has used an aircraft for air navigation without its having been certified for air worthiness in violation of the provision of Article 13;

(2) When he has used an aircraft for air navigation without its having undergone or passed an inspection in violation of the provisions of Article 16;

(3) When he has used an aircraft for air navigation without having made acknowledgement under Article 19.

Article 124. Penalty for Non-Display, etc.—Any user of an aircraft which does not bear the marks of registration as stipulated by the provisions of Article 48, or with false marks, shall be punished by penal servitude for not more than one year or a fine of not more than 500,000 hwan.

Article 125. Penalty for Operating without Qualified Airmen, etc.—Any user of an aircraft, operating an aircraft with an airman without qualifications as specified under this Law or when such user has failed to man an aircraft with qualified airmen in accordance with this Law, shall be punished by penal servitude for not more than one year or a fine of not more than 500,000 hwan.

2. Any user of aircraft, who has violated the provisions of Article 20, Articles 49 to 53 inclusive, Article 57, paragraph 5, Article 66, paragraph 3, Article 68, Article 103 or Article 104 or has failed to file a report pursuant to the proviso of Article 57, paragraph 5, or has filed a false report, or has caused an aircraft to fly in violation of the restrictions on the methods of flight under the provisions of Article 67, paragraph 2, shall be fined not more than 1,000,000 hwan.

Article 126. Illegal use of an Aircraft.—The operator or the manager of an airdrome or air navigation aid, included under any one of the following shall be fined not more than 1,000,000 hwan.

(1) When he was provided an airdrome without authorization in violation of the provisions of Article 33;

(2) When he has used an airdrome without undergoing and passing an inspection pursuant to the provision of Article 35;

(3) When he has made especially important alterations of an airdrome in violation of the provisions of Article 36, paragraph 1;

(4) When he has suspended or discontinued the use of an airdrome without obtaining authorization pursuant to the provisions of Article 37, paragraph 1, or used an airdrome for which authorization has been cancelled under the provisions of Article 39.

Article 127. Any person who has provided an air navigation aid without authorization in violation of the provisions of Article 33, shall be fined not more than 500,000 hwan.

2. The same shall apply to any person who has made especially important alterations of any air navigation aid in violation of the provisions of Article 36, paragraph 1.

Article 128. Any person who has violated the provisions of Article 37, paragraph 2 or 3 shall be punished by a fine of not more than 500,000 hwan.

Article 129. Penalty for Conducting Air Service without Qualifications, etc.—Any person without the qualifications for an airman stipulated by his Law, who engages in air service, shall be punished by penal servitude for not more than one year or a fine of not more than 500,000 hwan.

2. When any person has violated an order for the suspension of operation in violation of Article 27 or has engaged in air service in violation of the qualification requirements outlined in the Attached List, or has committed an act in violation of the provision of Article 55, he shall be subject to the penalty set forth in the preceding paragraph.

Article 130. Instrument Flight by Unqualified Persons.—Any person who has violated the provisions of Article 29, paragraph 1 or 2, Article 40, paragraph 1, Article 43 or 54, Article 66, paragraph 2 or 3, Article 69, 70 or 72 shall be punished by a fine not exceeding 300,000 hwan.

Article 131. Penalty Relating to Duties of Pilot-in-Command.—Any pilot-in-command, who, by abusing his power compelled any person on board the aircraft to do something beyond the scope of such person's duty, or has prevented any person from exercising his right, shall be punished by penal servitude for not less than one year and not more than ten years.

2. Any pilot-in-command who has, through violence, committed any crime referred to in the preceding paragraph, shall be punished by penal servitude for not less than three years.

Article 132. Any pilot-in-command (including any person acting as the pilot-in-command) who has violated the provision of Article 57, paragraph 4, shall be punished by penal servitude for not more than five years.

Article 133. Any pilot-in-command (or person acting as pilot-in-command) who has violated the provisions of Article 58 or Article 64, paragraph 2, or has failed to file, report or notify pursuant to Article 57, paragraph 6 or Article 77, or has filed a false report or notification, shall be punished by a fine not exceeding 300,000 hwan.

Article 134. Any aircraft crew who has violated the provisions of Articles 59 through 63, Article 64, paragraph 1, Articles 65, 71, 73, 74, Article 76, paragraph 2 or Article 101, paragraphs 1 and 2, or has flown in violation of the instructions pursuant to Article 76, paragraph 1, or has failed to comply or file notifications pursuant to Article 76, paragraph 4, or has filed false notifications, or has failed to comply with requests pursuant to Article 102, paragraph 4, shall be punished by a fine not exceeding 300,000 hwan.

2. Any member of an aircraft crew other than the pilot-in-command who has committed a crime falling under the preceding paragraph, shall be punished and the pilot-in-command shall also be subject to penalty under the same paragraph. However, the same shall not apply in cases where it is proved that due care and supervision had been exercised in his effort to avoid the said violation.

Article 135. Penalty Relating to Business of Air Transportation Enterprise, etc.—Any person who has operated an air transportation enterprise without obtaining a license or authorization pursuant to Article 80, Article 98, paragraph 1, Article 99, paragraph 1, or Article 105, paragraph 1, shall be punished by penal servitude for not more than one year or by a fine not exceeding 3,000,000 hwan.

2. Any air transportation enterprise or aircraft-using enterprise which has violated the provisions of Article 90, shall be punished by a fine not exceeding 3,000,000 hwan.

3. Any foreign air transportation operator who has violated the restrictions on the frequency of flights or the type of aircraft specified under Article 105, paragraph 1, proviso, shall be punished by a fine not exceeding 500,000 hwan.

Article 136. Any scheduled air transportation operator, nonscheduled air transportation operator or aircraft-using operator who has commenced operation without having undergone and passed an in-

spection under the provision of Article 82 (including the case of the application referred to in Article 98, paragraph 3, or Article 99, paragraph 2), shall be punished by a fine not exceeding 1,000,000 hwan.

Article 137. Any foreign transportation operator included under one of the following shall be punished by a fine not exceeding 300,000 hwan.

(1) When he has received charges and fares which were not authorized pursuant to Article 106;

(2) When he has changed his schedule without authorization pursuant to Article 107;

(3) When he has violated an order pursuant to Article 108 or an order suspending operation pursuant to Article 109.

Article 138. Any scheduled air transportation operator, non-scheduled air transport operator or aircraft-using operator included under one of the following items shall be punished by a fine not exceeding 300,000 hwan.

(1) When he has operated or maintained an aircraft without complying with the operation and maintenance manual as provided for in Article 83 (including the case of the application referred to in Article 98, paragraph 3);

(2) When he has received fares and charges without obtaining prior authorization pursuant to Article 84 (including the case of the application referred to in Article 98, paragraph 3);

(3) When he has concluded a transportation contract without complying with the approved business program as provided for in Article 85 (including the case of the application referred to in Article 98, paragraph 3);

(4) When he has violated the provision of Article 87, paragraph 1, or has drawn up or altered the business program without obtaining prior authorization pursuant to the same article, paragraph 2 (including the case of the application referred to in Article 98, paragraph 3 or Article 99, paragraph 2);

(5) When he has violated an order pursuant to Article 89 (including the case of the application referred to in Article 98, paragraph 3 or Article 99, paragraph 2);

(6) When he has concluded an agreement relating to transportation without obtaining prior authorization pursuant to Article 88 (including the case of the application referred to in Article 98, paragraph 3);

(7) When he has suspended its business in violation of Article 94, paragraph 1 (including the case of the application referred to in Article 98, paragraph 3);

(8) When he has violated an order for discontinuation of business pursuant to Article 96 (including the case of the application referred to in Article 98, paragraph 3 or Article 99, paragraph 2).

Article 139. Penalty for Evading Inspection.—Any person who falls under one of the following shall be punished by a fine not exceeding 200,000 hwan.

(1) Any person who has refused, obstructed or evaded an inspection under Article 38, paragraph 2, Article 114, paragraph 2 or Article 116, paragraph 2;

(2) Any person who has failed to file a report under Article 114, paragraph 2 or Article 116, paragraph 1 or has filed a false report;

(3) Any person who has not complied with a demand to submit data pursuant to Article 114, paragraph 2, or who has made a false statement pursuant to Article 116, paragraph 2.

Article 140. Dual Penalty.—In case the representative of a juridical person or an agent, employee or any other worker for a juridical person, or an individual violates the provisions of Articles 124 through 128, Article 130, Article 135 through the preceding article, with regard to the business of the juridical person or its property, not only the offender himself shall be liable to penalty, but said juridical person or individual shall be liable for the fine stipulated in the said article. However, the above shall not apply to the juridical person or individual in cases where it is proved that due care and supervision had been exercised by the juridical person or individual over said business or property in order to prevent the aforesaid violations.

Article 141. Non-Criminal Fines.—Any person who has neglected to post information under Article 86, or who has posted false information, or who has failed to file a report under Article 95 (including the case of the application referred to in Article 98, paragraph 3 or Article 99, paragraph 2), or who has filed a false report, shall be subject to the payment of a non-criminal fine not exceeding 200,000 hwan.

Article 142. Any person who has failed to file a report pursuant to Article 45, paragraph 2, or Article 115, or who has filed a false report and who has not obtained approval pursuant to Article 44 or who has received charges without complying with those authorized, shall be subject to the payment of a non-criminal fine not exceeding 200,000 hwan.

Article 143. A person who has failed to make a report as referred to in Articles 9 and 10, or who has used an aircraft without having affixed the stamp referred to in Article 12, or who has altered an approved design without obtaining approval as referred to in Article 14, paragraph 2, or who has failed to obtain the approval referred to in Article 15, or who has violated the provision of Article 18, or who has violated the provisions of Article 41, paragraphs 1, 4 and 5, or who has violated the order referred to in Article 42, paragraph 2, or who has failed to file a report under Article 115, shall be subject to the payment of a non-criminal fine not exceeding 100,000 hwan.

ADDENDUM

The prior Aviation Law is hereby repealed.

2. The owner of an aircraft registered in accordance with the former laws and decrees relating to aviation (hereinafter referred to as the old laws and decrees) shall register the aircraft in accordance with this Law within thirty days from the effective date of this Law, and the certificate of airworthiness of the aircraft issued pursuant to the old laws and decrees shall be deemed as a certificate of airworthiness issued in accordance with this Law.

3. Any person who has obtained a certificate of competence or aircraft crew license in accordance with the old laws and decrees shall be deemed to have obtained a certificate of competence or aircraft crew

license in accordance with this Law. It is provided, however, that previously approved airmen licenses, the titles of which have been changed by this Law in regard to classification, shall be provided for by a State Council Decree.

4. Any person who has obtained a license for an aircraft-using enterprise in accordance with the old laws and decrees shall be deemed to have obtained a license for air transportation in accordance with this Law. It is provided, however, that the classification of a license, the title of which is changed by this Law in regard to classification of license, shall be provided for by a State Council Decree.

5. Fares, rates and charges for passengers and freight of an air transportation enterprise authorized by the old laws and decrees shall be deemed as fares, rates and charges authorized by this Law.

6. This Law shall become effective three months after the date of its promulgation.

Attached Table

<i>Qualifications</i>	<i>Scope of Duties</i>
Airline Transport Pilot-----	To perform actions on board aircraft mentioned in any one of the following: (1) Actions which may be performed by any person qualified as a senior commercial pilot. (2) Pilotage of aircraft used for air transportation.
Senior Commercial Pilot-----	To perform the actions on board aircraft mentioned in any one of the following: (1) Actions which may be performed by any person qualified as a commercial pilot. (2) Pilotage of aircraft with maximum take-off weight of less than 13,650 kilograms which is used for nonscheduled air transportation.
Commercial Pilot-----	To perform the actions on board aircraft mentioned in any one of the following: (1) Actions which may be performed by any person qualified as a private pilot. (2) Pilotage of aircraft for compensation which is not operated for compensation. (3) Pilotage of aircraft used for an aircraft-using enterprise. (4) Pilotage of aircraft with a maximum take-off weight of less than 5,700 kilograms which is used for nonscheduled air transportation (except operation for the transportation of passengers for compensation under flight rule conditions). (5) Pilotage of aircraft used for air transportation as pilot other than pilot-in-command.

Attached Table—Continued

<i>Qualifications</i>	<i>Scope of Duties</i>
Private Pilot-----	To perform actions on board aircraft mentioned in any one of the following: (1) Pilotage of aircraft without compensation which is not operated for compensation (except when not carrying any person other than himself). (2) Piloting as pilot-in-command, without compensation, of aircraft used for other than air transportation or aircraft-using enterprise by the enterprise. (3) Piloting, as other than pilot-in-command of an aircraft which is not operated for compensation.
First Class Flight Navigator-----	Measurement of the position and course of aircraft and calculation of air navigation data on board aircraft.
Second Class Flight : Navigator-----	Measurement of the position and course of aircraft and calculation of air navigation data on board aircraft by means of other than celestial observation (except when engaged in duties on board aircraft on a flight over any section of less than 1,300 kilometers, when any land mark or navigation aid is insufficient for air navigation).
Flight Engineer-----	Handling of aircraft engine and air-frame (except handling of piloting system) on board aircraft.
First Class Flight : Radio Operator-----	Handling of radio apparatus on board aircraft, which may be performed by any radio man qualified as a first class radio operator.
Second Class Flight : Radio Operator-----	Handling of radio apparatus on board aircraft which may be performed by any radio man qualified as a second class radio operator.
Third Class Flight : Radio Operator-----	Handling of radio apparatus on board aircraft which may be performed by any radio man qualified as a third class radio operator.
Air Traffic Controller-----	Controlling air traffic to maintain safety, speed or order of flight.
First Class : Aircraft Mechanic-----	To perform actions provided for by Article 19 with regard to maintained aircraft (except repair of such scope as may be specified by an Ordinance of the Ministry of Transportation).

Attached Table—Continued

<i>Qualifications</i>	<i>Scope of Duties</i>
Second Class:	
Aircraft Mechanic-----	To perform actions provided for by Article 19 with regard to maintained aircraft with a maximum take-off weight of less than 15,000 kilograms (except repair of such scope as may be specified by an Ordinance of the Ministry of Transportation).
Third Class:	
Aircraft Mechanic-----	To perform actions provided for by Article 19 with regard to maintained aircraft with a maximum take-off weight of less than 2,500 kilograms (except repair of such scope as may be specified by an Ordinance of the Ministry of Transportation).
Aircraft Shop Mechanic-----	To perform actions provided for by Article 19 with regard to maintained or remodelled aircraft.

KUWAIT

Decree No. (30) 1960

THE KUWAIT AIR NAVIGATION REGULATIONS

We, Abdulla Al Salim Al Sabah, the Emir of Kuwait, on presentation to Us by the President of Civil Aviation Department and the agreement of the Supreme Council, have decreed as follows:

ARTICLE I

The Air Navigation Regulations attached to this Decree shall be applied.

ARTICLE II

The President of the Civil Aviation Department shall put this Decree into force with effect from its publication in the Official Gazette.

EMIR OF KUWAIT

ABDULLA AL SALIM AL SABAH

Signed on the 30th Thil Hijjah 1379 A. H.
24th day of June 1960.

KUWAIT AIR NAVIGATION REGULATIONS 1960

1. (a) Air aircraft other than an aircraft registered in the territories of Kuwait shall not fly over or land in the territories of Kuwait except under an authorisation granted by His Highness the Emir.

(b) An aircraft other than a Kuwait registered aircraft shall not take on board or discharge any passengers or cargo at any place within the territories of Kuwait, being passengers or cargo carried or to be carried for hire or reward except with the permission of the Kuwait Civil Air Administration hereinafter referred to as "the Administration" granted on behalf of His Highness the Emir to the operator of the aircraft in accordance with any conditions and limitations to which such permission may be subject.

2. Aircraft when flying over, landing in or operating from the territories of Kuwait shall comply with the following Regulations.

PART I. REGISTRATION AND MARKING OF AIRCRAFT

3. Aircraft to be registered

An aircraft shall not fly over the territories of Kuwait unless it registered in

- (a) Kuwait.
- (b) a Contracting State; or
- (c) Some other country in relation to which there is in force an agreement between the Government of His Highness the Emir and

the Government of that country which makes provision for the flight over the territory of Kuwait of aircraft registered in that country.

4. Registration of aircraft

(1) The administration shall on behalf of His Highness the Emir be the authority for the registration of aircraft owned by Kuwait subjects and or operated by them from Kuwait.

(2) Application for the registration of an aircraft as above shall be made in writing to the Administration, and shall include or be accompanied by such particulars and evidence relating to the aircraft and the ownership thereof as are necessary to enable the Administration to determine whether the aircraft may properly be registered on the Kuwait register and to issue the certificate referred to in subparagraph (5) of this Regulation.

(3) An aircraft shall not be registered or continue to be registered under this Regulation if it appears to the Administration that:

(a) The aircraft is registered in some other country; or

(b) That such aircraft is not owned wholly by persons qualified to be owners of aircraft in accordance with paragraph (4) below; or

(c) It would be injurious to the public interest for the aircraft to be or to continue to be registered under this Regulation.

(4) The following persons shall be qualified to be the owner of an aircraft registered under this Regulation:

(a) Kuwait subjects.

(b) other subjects whose equipment is fully operated by Kuwait subjects and subject to the approval of H.H. Government.

(c) Bodies corporate established under the laws of Kuwait and having their principal place of business in Kuwait.

(5) Upon receiving an application for the registration of an aircraft under this Regulation and being satisfied that the aircraft may properly be so registered, the Administration shall register the aircraft, wherever it may be, and shall furnish to the person in whose name the aircraft is registered (hereinafter referred as "the registered owner") a certificate of registration, which shall include the following particulars:

(a) The number of the certificate;

(b) The nationality mark of the aircraft, and the registration mark assigned to it by the Administration;

(c) The name of the manufacturer of the aircraft and the manufacturer's designation thereof.

(d) The serial number of the aircraft;

(e) The name and address of the registered owner;

(f) The date on which the certificate was issued.

(6) The registered owner of the aircraft shall forthwith notify the Administration in writing of:

(a) Any change in the particulars which were furnished to the Administration upon application being made for the registration of the aircraft;

(b) The destruction of the aircraft.

(17) If the registered owner of the aircraft shall cease (otherwise than by reason of his death) to be the owner thereof or if the aircraft

is destroyed, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Administration for cancellation.

(8) The Administration may require the certificate of registration to be returned to them by the registered owner of the aircraft for cancellation if it appears to the Administration that:

(a) Any of the particulars furnished to him upon application being made for the registration of the aircraft did not at the time of such application correspond or no longer correspond with the facts relating to the aircraft or its ownership;

(b) That the aircraft ought to cease to be registered in Kuwait by reason of the provisions of paragraph (3) of this Regulation.

(9) The fee chargeable in respect of the issue of a certificate of registration of an aircraft shall be Rs. 15/-.

5. Nationality and registration marks

(1) An aircraft shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in Kuwait shall comply with the First Schedule to these Regulations.

PART II. AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

6. Certificate of airworthiness to be in force

(1) An aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered, and any conditions or limitations subject to which the certificate was issued or rendered valid are complied with: Provided that the foregoing prohibition shall not apply to flights, beginning and ending in the territories of Kuwait without passing over the territory of any other country, of an aircraft flying solely for the purpose of experiment or test if it flies in accordance with the following conditions:

(a) The aircraft shall be an aircraft in respect of which a valid certificate of airworthiness or validation has previously been in force.

(b) The aircraft shall fly only for the purpose of enabling the aircraft to:

(i) Qualify for the renewal or validation of a certificate of airworthiness, after an application has been made for such renewal or validation, as the case may be; or

(ii) Proceed to or from a place at which any inspection test or weighing of the aircraft is to take place for a purpose referred to in sub-paragraph (i).

(c) The aircraft and its engines shall be certified as fit for flight by the holder of a licence as an aircraft maintenance engineer issued under legal authority, and entitled in accordance with the provisions of the Second Schedule to these Regulations so to certify.

(d) The aircraft shall carry a flight crew comprising not less than the number and description of persons specified in any cer-

tificate of airworthiness which has previously been in force in respect of the aircraft, or is or has previously been in force in respect of any other aircraft of identical design.

(e) The aircraft shall not carry any cargo or passengers.

(f) The aircraft shall not fly over a congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off from or land at an aerodrome in the territories of Kuwait.

(2) In the case of an aircraft registered in Kuwait the certificate of airworthiness referred to in paragraph (1) of this Regulation shall be a certificate rendered valid in accordance with the provisions of Regulation 7.

7. Validation of certificates of airworthiness

(1) The Administration shall designate an Air Registration Expert (hereinafter referred to as "the Registration Expert").

(2) The Administration may on the recommendation of the Registration Expert and subject to such conditions as the Expert may think fit, issue a certificate rendering valid for the purposes of these Regulations a certificate of airworthiness issued in respect of any aircraft by an authority empowered in that behalf by the law of any Contracting State.

(3) The Administration may, on the recommendation of the Registration Expert and subject to such conditions as he thinks fit, renew the certificates of validation issued under paragraph (2) of this regulation.

(4) Any breach of a condition or limitation of a certificate of airworthiness or validation shall render the certificate invalid so long as the breach continues.

8. Certification of maintenance

(1) An aircraft registered in Kuwait shall not fly for the purpose of public transport unless:

(a) The aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with maintenance schedules approved by the Administration on the recommendation of the Registration Expert in relation to that aircraft.

(b) There are in force in respect of that aircraft certificates (hereinafter referred to as "certificates of maintenance") issued in accordance with the provisions of this Regulation and certifying that the maintenance work as aforesaid has been carried out in accordance with such maintenance schedules.

(2) Every certificate of maintenance shall come into force upon being issued and shall cease to be in force upon the expiration of the period of its validity in elapsed time or flying time, whichever may be the earlier, as specified in the relevant maintenance schedule, and the period of validity of the certificate shall be recorded in the certificate at that time when it is issued.

(3) A certificate of maintenance may be issued only by the holder of a valid licence granted under legal authority, as an aircraft maintenance engineer or aircraft radio maintenance engineer of the appropriate category in accordance with the Second Schedule to these Regulations, and with an appropriate rating included in the licence,

and rendered valid by the administration in accordance with Regulation 10.

(4) Certificates of maintenance shall be issued in duplicate. One of the duplicates shall be carried in the aircraft during the period of its validity in accordance with the requirements of paragraph (2) of the Regulation 45 and the other shall, during such period, be kept by the operator of the aircraft elsewhere than in the aircraft.

(5) On the termination of every flight or, in the case of a number of flights beginning and ending at the same aerodrome on the same day, on the termination of the last of such flights, the commander of the aircraft shall enter on the relevant certificate of maintenance, or in a document kept with that certificate, particulars of:

(a) The duration the flight in hours and minutes; and

(b) Any defect in any part of the aircraft or its equipment.

Every such entry shall be signed and dated by the commander of the aircraft. Upon the rectification, while the certificate of maintenance is in force, of any such defect, the person supervising the work shall enter on the certificate particulars of the work, and shall sign and date the entry.

(6) Every certificate of maintenance and every such document as aforesaid shall be preserved by the operator of the aircraft with the appropriate log book for a period six months following the expiry of the period of validity of the certificate and for such further period as the Administration on the recommendation of the Registration Expert may require in any particular case.

9. Overhaul, repair & modification of aircraft

(1) An aircraft registered in Kuwait being an aircraft in respect of which a certificate of airworthiness rendered valid under Regulation 7 is in force, shall not fly if any part of the aircraft or its equipment, whether essential for airworthiness or provided in compliance with the Fourth Schedule, including in the case of public transport aircraft radio apparatus provided for use therein whether or not such apparatus is provided in compliance with the Sixth Schedule, has been overhauled, replaced, repaired or modified unless there is in force a certificate that the overhaul, replacement, repair or modification has been carried out in accordance with the requirements of the Administration on the recommendation of the Registration Expert or in a manner approved by him.

Provided that if a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at such a place that it is not reasonably practicable:

(a) For the repair or replacement to be carried out in such a manner that the certificate can be issued: or

(b) For such a certificate to be issued while the aircraft is at that place.

The aircraft may fly to a place where such a certificate can be issued, if the commander of the aircraft is satisfied that it is fit to fly on that flight.

(2) The certificate required in paragraph (1) or this Regulation may be issued only by:

(a) The holder of a licence granted or rendered valid under legal authority as an aircraft maintenance engineer or aircraft

radio maintenance engineer of the appropriate category in accordance with the Second Schedule to these regulations, with appropriate ratings included in the licence and rendered valid by the Administration: or

(b) Any firm or body corporate approved by the Administration on the recommendation of the Registration Expert.

(3) The certificate shall identify the aircraft and the repair or replacement to which it relates and include particulars of the work done. If the aircraft to which the certificate relates is a public transport aircraft or an aerial work aircraft, the certificate shall be preserved with the appropriate log book. In the case of any other aircraft the certificate shall be preserved by the operator of the aircraft for a period of two years.

10. Validation of maintenance engineers licenses

The Administration may issue a certificate rendering valid for the purposes of these Regulations any licence as an aircraft maintenance engineer or aircraft radio maintenance engineer granted or rendered valid under legal authority.

11. Technical log books

(1) The following log books shall be kept in respect of every public transport aircraft and aerial work aircraft registered in Kuwait:—

(a) An aircraft log book; and

(b) A separate log book in respect of each engine fitted to the aircraft; and

(c) A separate log book in respect of each variable pitch propeller fitted to the aircraft.

The log books shall contain the particulars specified in the Third Schedule to these Regulations.

(2) Each entry in the log book shall be made as soon as is practicable after the occurrence to which it relates, but in no event more than seven days after the return of the aircraft to its base.

(3) Every entry in a log book maintained in compliance with this Regulation shall be written in ink or in delible pencil.

(4) Entries in a log book may refer to other documents, which shall be clearly identified, and any other documents so referred to shall be deemed, for the purposes of these regulations to be part of the log book.

(5) Every log book shall be preserved by the operator of the aircraft until a date two years after the aircraft has been destroyed or has been permanently withdrawn from use.

12. Equipment of aircraft not radio equipment

(1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with these regulations.

(2) In the case of aircraft registered in Kuwait the equipment required to be provided (in addition to any other equipment necessary for the airworthiness of the aircraft) shall be that specified in such parts of the Fourth Schedule to these regulations as are applicable in the circumstances and shall comply with the provisions of that schedule. The equipment, except that specified in paragraph 3 of the said

Schedule shall be of a type approved by the Administration on the recommendation of the Registration Expert.

(3) The equipment carried in compliance with this Regulation shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the persons for whose use it is intended.

(4) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft.

(5) All equipment installed or carried in an aircraft, whether or not compliance with this Regulation, shall be so installed or stowed or kept stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

13. Radio equipment of aircraft

(1) An aircraft shall not fly unless it is so equipped with radio apparatus as to comply with the law of the country in which the aircraft is registered and to enable communications to be made, and the aircraft to be navigated, in accordance with the provisions of these Regulations.

(2) In the case of aircraft registered in Kuwait the aircraft shall be equipped with radio apparatus in accordance with the Fifth Schedule to these Regulations.

(3) The radio apparatus provided in compliance with this Regulation in an aircraft registered in Kuwait shall always be maintained in serviceable condition.

(4) All radio apparatus installed in an aircraft registered in Kuwait (whether or not in compliance with these Regulations) shall be of a type approved by the Administration on the recommendation of the Registration Expert in relation to the purpose for which it is to be used, and shall be installed in a manner approved by him. Neither the apparatus nor the manner in which it is installed shall be modified except with the approval of the Administration on the recommendation of the Registration Expert.

14. Aircraft weight schedule

(1) Every aircraft in respect of which a certificate of airworthiness rendered valid under these Regulations is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Administration on the recommendation of the Registration Expert may require in the case of that aircraft.

(2) Upon the aircraft being weighed the operator of the aircraft shall prepare a weight schedule showing the difference (if any) between the weight of the aircraft empty upon such weighing and the position of its centre of gravity at that time, and the weight of the aircraft empty as shown in the certificate of airworthiness and the position of its centre of gravity as determined for the purposes of that certificate, together with particulars of the changes in the aircraft and its equipment which have caused such difference.

(3) The weight schedule shall be preserved by the operator of the aircraft until the expiry of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this Regulation.

15. Notices in aircraft

Notices indicating that smoking is prohibited shall be exhibited in every aircraft registered in Kuwait in accordance with any conditions with regard to smoking which may be imposed by the certificate of airworthiness relating to the aircraft.

16. Exits in aircraft

(1) In every public transport aircraft registered in Kuwait, every means of exit from the aircraft and from every passenger compartment therein shall be kept free of any obstruction and shall not, when the aircraft is in flight, be fastened by locking or otherwise so as to hinder the immediate use thereof in an emergency.

(2) The position of every such means of exit, being a means of exit provided for use in an emergency, shall be clearly marked inside with the words "Emergency Exit" and with instructions as to how the means of exit can be opened; if the emergency exit is designed to be opened from the outside, the aircraft shall be marked outside in like manner.

17. Access and inspection for airworthiness purposes

The Administration on the recommendation of the Registration Expert may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary for the purpose of this Part of these Regulations and any person authorised to do so in writing by the Administration may, for such purposes, go upon any premises at any reasonable time to inspect any part of or material for an aircraft or its equipment, or any documents relating thereto.

18. Fees

Details of fees to be charged for the renewal of certificate of airworthiness and for the approval of equipment, etc. shall be notified by the Administration.

PART III. AIRCRAFT CREW AND LICENSING

19. Composition of flight crew of aircraft

(1) No aircraft shall fly over the territories of Kuwait unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in Kuwait shall carry a flight crew of at least the number and description specified in the certificate of airworthiness.

(3) An aircraft registered in Kuwait and flying for the purpose of public transport with a maximum total weight authorised of more than 22,500 lb shall carry not less than two pilots as members of the flight crew thereof.

(4) An aircraft registered in Kuwait engaged in a flight for the purpose of public transport shall carry a duly licensed flight navigator as a member of the flight crew in addition to the members thereof whose carriage is required under paragraph (2) of this Regulation when carrying out any flight:

(a) The proposed route of which as planned prior to take-

off exceeds a great circle distance of 500 nautical miles when measured along either:

(i) The route as intended to be flown if conditions permit, or

(ii) That route as it may be varied by any diversion planned prior to take-off as an alternative for adoption if necessary in the course of the flight, from the point of take-off to, in case (i), the point of first intended landing or, in case (ii), the point of first landing specified for the purpose of any such diversion; and

(b) In the course of which the aircraft in following any route planned or varied as aforesaid will fly over any part of an area specified in the Sixth Schedule to these Regulations.

(5) An aircraft registered in Kuwait which is required by the provisions of Regulation 13 to be equipped with radio communication apparatus shall carry a flight radio operator as a member of the flight crew, who shall not, if he is required to operate radiotelegraph apparatus, be the same person as a person performing other duties in compliance with this Regulation.

(6) If it appears to them to be an expedient to do so in the interests of safety, the Administration may direct any particular operator that the aircraft operated by him shall not fly in such circumstances as the Administration may specify unless they carry such additional members of the flight crew as he may specify in the direction.

(7) An aircraft registered in Kuwait carrying twenty or more passengers on a flight for the purpose of public transport shall carry as a member of the crew a steward who shall perform such duties in the interest of the safety of passengers as may be assigned to him by the operator or commander of the aircraft, but who shall not act as a pilot, flight navigator, flight engineer or flight radio operator of the aircraft.

20. Members of flight crew-licences

(1) Subject to the provisions of this Regulation, a person shall not:

(a) Act as a member of the flight crew required by or under these Regulations to be carried in an aircraft registered in Kuwait; or

(b) undertake the duties of a pilot additional to the members of the flight crew so required, unless he is the holder of an appropriate licence granted under the law of any Contracting State and validated by the Administration.

(2) A person shall not act as a member of the flight crew in an aircraft registered outside Kuwait flying over the territories of Kuwait unless he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered.

(3) Notwithstanding the provisions of paragraph (1) of this Regulation, a person may act as the pilot of an aircraft registered in Kuwait for the purpose of becoming qualified for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating thereon, without being the holder of an appropriate licence, if the following conditions are complied with:

(a) no other person shall be carried in the aircraft except a person carried as a member of the flight crew in compliance with these Regulations, or, if the pilot in command of the aircraft is the holder of an appropriate licence, any person carried for the purpose of being trained as a member of the flight crew of an aircraft;

(b) he shall not be the pilot in command of the aircraft unless within the period of six months immediately preceding he was either the holder of a pilot's licence (other than a student pilot's licence) rendered valid by these regulations and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify.

(4) An appropriate licence for the purposes of this Regulation means a licence which entitles the holder to perform the duties which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

21. Student pilot's licences

(1) No person may fly as a student pilot in charge of a flying machine without a valid Student Pilot's Licence issued by an authorised person in accordance with the provisions of this Regulation.

(2)(i) Application for a Student Pilot's Licence shall be submitted on a form supplied for the purpose and shall contain the following particulars:

- a) Applicant's full name;
- b) His permanent address;
- c) His nationality;
- d) The date and place of his birth;
- e) A statement of any previous application by him for any licence to pilot a flying machine;

f) A declaration by him that since the date of the medical examination referred to hereinafter the applicant has not suffered from any physical defect or disability or from any disease.

(ii) Each application for a Student Pilot's licence shall be accompanied by a certificate, in triplicate, of medical fitness to hold such a licence signed by a Medical Officer appointed for the purpose by the Public Health Department of Kuwait.

(3) The authorised person on being satisfied that the applicant is not less than 17 years of age and is a fit and proper person to hold a licence may, on payment of a fee of Rs.5/- grant him a Student Pilot's Licence for such period as he thinks fit which period shall be endorsed on the licence.

(4) Applications for renewal of licences shall be made in the same manner as prescribed in paragraph (2) and no renewal may be made until the authorised person has satisfied himself that the provisions of paragraph (3) have been completed with.

(5) The holder of a Student Pilot's Licence may, when circumstances allow, fly as a pilot in charge of an aeroplane for the purpose of qualifying himself for a Private Pilot's Licence provided that:

(a) He flies at all times under the orders of a person holding an instructor's rating as required by Regulation 24, who shall ensure that the student does not undertake manoeuvres beyond his capacity, and obeys the instructions given by such instructor;

- (b) He does not carry passengers;
- (c) He does not fly outside Kuwait and its territorial waters except with the express written permission of an authorised person;
- (d) All flights shall begin and end at the same aerodrome except in cases of emergency involving the safety of the aircraft or its occupants. The instructor however may authorise intermediate landings on any flight for the purpose of giving the student practice in cross country flights.

22. Validation of licences to members of flight crew

(1) The Administration may issue a certificate (hereinafter referred to as a validation) rendering valid for the purpose of these Regulations licences of any of the following classes granted under the law of any Contracting State.

- Private pilot's licence (flying machines),
- Commercial pilot's licence (flying machines),
- Senior commercial pilot's licence (flying machines),
- Airline transport pilot's licence (flying machines),
- Flight navigator's licence,
- Flight engineer's licence,
- Flight radiotelephony operator's general licence,
- Flight radiotelephony operator's restricted licence,
- Flight radiotelegraphy operator's licence,
- Flight radiotelegraphy operator's temporary licence.

(2) A licence of any class granted under the legal authority shall entitle the holder to perform the duties specified in respect of that licence in Part I of the said Seventh Schedule under the heading "privileges".

Provided that a person shall not be entitled to perform the duties to which his licence relates if he knows or has reason to believe that his physical condition (including his sight and hearing) renders him temporarily or permanently unfit to perform such duties.

(3) A rating of any of the classes specified in Part II of the said Seventh Schedule shall be deemed to form part of the licence and shall entitle the holder to perform such duties as are specified in Part II of the said Schedule in respect of that rating.

(4) Every holder of a licence rendered valid under this Regulation who suffers:

(a) Any personal injury in the course of the duties to which his licence relates; or

(b) Any other personal injury involving incapacity for work; or

(c) Any illness involving incapacity for work throughout a period of twenty days or more,

shall notify the Administration and the competent authority of the State under the law which the licence is granted of such injury or illness in writing. Such notice shall be given as soon as possible in the case of injury, and as soon as the period of twenty days has elapsed in the case of illness.

(5) A licence rendered valid under this Part of these Regulations shall be deemed to be suspended upon the occurrence of such an injury, or the elapse of such period of illness as is referred to in paragraph

(4) of this Regulation: the suspension of the licence shall cease:

(i) Upon the holder being medically examined under arrangements made by the competent authority of the State under the law of which the licence is granted and pronounced fit to resume his duties under the licence; or

(ii) Upon the competent authority as aforesaid exempting the holder from the requirement of a medical examination, subject to such conditions as the competent authority as aforesaid may think fit.

23. Personal flying log book

Every member of the flight crew of an aircraft registered in Kuwait shall keep a personal flying log book in which the following particulars shall be recorded:

The name and address of the holder.

Particulars of holder's licence (if any) to act as member of the flight crew of an aircraft.

The name and address of employer (if any).

Particulars of all flights made as a member of the flight crew of aircraft, including:

(a) The date, time, duration and places of arrival and departure of each flight;

(b) The type and registration marks of the aircraft;

(c) The capacity in which the holder acted in flight;

(d) Particulars of any special conditions under which the flight was conducted, including night flying and instrument flying;

(e) Particulars of any test or examination undertaken whilst in flight.

24. Instruction in flying

(1) A person shall not give any instruction in flying or any direction to fly to any person flying or about to fly a flying machine for the purpose of becoming qualified for:

(a) The grant of a pilot's licence; or

(b) The inclusion in a pilot's licence of an aircraft rating entitling the holder of the licence to act as the pilot of a multi-engined flying machine if he has not been previously so entitled, or a seaplane if he has not been previously so entitled, or a helicopter if he has not been previously so entitled; or

(c) The inclusion or variation of any rating, other than an aircraft rating, in a pilot's licence, unless:

(i) The person giving the instruction holds a licence, rendered valid under these regulations entitling him to act as pilot in command of the aircraft for the purpose and in the conditions under which instruction is to be given; and

(ii) If payment is made for the instruction, such licence entitles the holder to act as pilot in command of an aircraft flying for the purposes of public transport; and

(iii) Such licence includes a rating entitling the holder, in accordance with the relative privileges specified in the Seventh Schedule to these Regulations, to give such instruction in flying;

Provided that sub-paragraph (ii) of this paragraph shall not apply if the aircraft is owned, or is operated under arrangements entered into, by a flying club of which both the person giving and the person receiving the instruction are members.

(2) For the purpose of this Regulation payment shall be deemed to be made for instruction if any reward is given or promised by any person to any other person in consideration of the flight being made or of the instruction being given or if the instruction is given by a person employed for reward primarily for the purpose of giving such instruction.

25. Fees

Fee chargeable for the validation or renewal of a validation of any of the licences set out in Regulation 22 shall be Rs.5 for each such validation or renewal.

PART IV. OPERATION OF AIRCRAFT

26. Operations manual

(1) This Regulation shall apply to public transport aircraft registered in Kuwait except aircraft used for the time being solely for:

(a) The purpose of training persons to perform duties in an aircraft; or

(b) Local pleasure flights beginning and ending at the same aerodrome with no intermediate landing elsewhere.

(2) The operator of every aircraft to which this Regulation applies shall cause an operations manual to be prepared which shall include such information and instructions as are necessary, in addition to the particulars in the certificate of airworthiness in force in respect of the aircraft, to enable his operating staff to perform their duties in relation to the conduct of the intended flights of the aircraft and in particular information and instructions relating to the matters specified in Part A of the Eighth Schedule to these Regulations. The operations manual shall be revised or replaced from time to time so as always to be kept up to date and a copy thereof shall be furnished or made available to each member of the operating staff.

(3) The operator of the aircraft shall, if the Administration shall so require, furnish the Administration with a copy of the whole of the operations manual for the time being in effect, or of such parts thereof as the Administration may specify.

(4) For the purposes of this Regulation and the Eighth Schedule to these Regulations "operating staff" means the servants and agents employed by the operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner.

27. Public transport operators responsibilities

(1) Before an aircraft registered in Kuwait engages on a flight for the purpose of public transport, the operator of the aircraft shall:

(a) Designate a pilot to be the commander of the aircraft for the flight;

(b) Satisfy himself that the aerodrome at which it is intended to land and any alternate aerodrome are suitable for the purpose and in particular are adequately manned and equipped to enable the aircraft to land and take off safely;

(c) Satisfy himself that the aeronautical radio stations and navigational aids serving the intended route or any planned diver-

sion therefrom are adequate for the safe navigation of the aircraft: and

(2) The operator of an aircraft registered in Kuwait shall not permit any person to be a member of the crew thereof during any flight for the purpose of public transport (except for the sole purpose of training persons to perform duties in aircraft) unless such persons has had the training, experience, practice and periodical tests specified in Part B of the Eighth Schedule to these Regulations, and unless the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose. The operator shall maintain the records specified in Part B of the said Schedule.

27A. Prevention of excessive fatigue of flight crew

The operator of an aircraft registered in Kuwait and the flight crew thereof shall comply with the provisions for the prevention of excessive fatigue of flight crew laid down in the Ninth Schedule to these Regulations.

28. Loading of public transport aircraft

(1) This Regulation shall apply to public transport aircraft registered in Kuwait except:

(a) Aircraft of which the maximum total weight authorised does not exceed 2,500 lb.;

(b) Aircraft used for time being solely for:

(i) The purpose of training persons to perform duties in aircraft: or

(ii) Local pleasure flights beginning and ending at the same aerodrome with no intermediate landing elsewhere.

(2) The operator of every aircraft to which this Regulation applies shall designate a person to be responsible for the loading of the aircraft before each flight for the purpose of public transport and shall furnish to such person written instructions relating to the distribution and securing of the load so as to ensure:

(i) That the load may safely be carried on the flight, and

(ii) That any conditions subject to which the certificate of airworthiness relating to the aircraft was issued or rendered valid, being conditions relating to the loading of the aircraft, are complied with.

(3) The person so designated shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the requirements in Part I of the Tenth Schedule to these Regulations and shall (unless he is himself the commander of the aircraft) submit the load sheet to the commander for examination. Provided that, if the load and the distribution and securing thereof upon the next intended flight are to be unchanged from the previous flight, this paragraph shall be deemed to be complied with if the commander of the aircraft makes and signs an endorsement to that effect upon the load sheet relating to the previous flight, indicating the date of the endorsement the place of departure and the next intended place of destination.

(4) One copy of the load sheet shall be carried in the aircraft until the flights to which it relates have been completed and one copy shall be preserved by the operator until the expiration of a period of six months thereafter, and shall not be carried in the aircraft.

29. Public transport aircraft operating conditions

(1) An aircraft shall not fly for the purpose of public transport, except for the sole purpose of training persons to perform duties in aircraft, unless the requirements in respect of its weight and related performance in Part II of the Tenth Schedule are complied with.

(2) The requirement in respect of weather minima for take-off, approach to landing in Part III of the Tenth Schedule shall be complied with in respect of every aircraft to which Regulation 26 applies.

(3) (i) A flying machine registered in Kuwait flying over water for the purpose of public transport shall fly, except as may be necessary for the purpose of take off or landing, at such an altitude as would enable the aircraft

(a) If it has one engine only, in the event of the failure of that engine.

(b) If it has more than one engine, in the event of the failure of any one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness, performance schedule or flight manual relating to the aircraft,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(ii) The assessment of the ability of a public transport flying machine to comply with paragraph (i) of this Regulation shall be based on the information as to its performance contained in the certificate of airworthiness, performance schedule or flight manual relating to the aircraft. In the event of the information given therein being insufficient for that purpose or in the event of no such documents having been issued or rendered valid, such assessment shall be based on the best information available to the pilot of the aircraft.

30. Aircraft not registered in Kuwait-weather minima

(1) An aircraft other than an aircraft on the Kuwait register shall not fly over territories of Kuwait for the purpose of public transport unless the operator thereof shall have furnished to the Administration such particulars as he may from time to time have required relating to the weather minima specified by the operator in relation to aerodromes in Kuwait for the purpose of limiting their use by the aircraft for take-off or landing, including any instruction given by the operator in relation to such weather minima.

(2) The aircraft shall not take-off or land at an aerodrome in Kuwait in weather conditions less favourable than the minima so specified in relation to that aerodrome, or in contravention of the instructions referred to in paragraph (1) of this Regulation.

31. Preflight action by commander of aircraft

The commander of an aircraft registered in Kuwait shall satisfy himself before the aircraft takes off—

(a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available, and an alternative course of action in case the flight cannot be completed as planned;

(b) that the equipment (including radio apparatus) required by or under these Regulations to be carried is carried and is in a fit condition for use;

(c) that the aircraft is in every way fit for the intended flight, and, in the case of a flight for the purpose of public transport, that the certificates of maintenance required by these Regulations are in force and will not cease to be in force during the intended flight;

(d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;

(e) that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of public transport, that the instructions in the operations manual or other instructions to the crew relating to fuel, oil and engine coolant have been complied with;

(f) that, having regard to the performance of the aircraft in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter, and making a safe landing at the place of intended destination;

(g) that any pre-flight check system established by the operator in the operations manual or otherwise has been complied with.

32. Pilots to remain at controls

The commander of an aircraft registered in Kuwait shall cause one pilot to remain at the controls and be properly secured in his seat at all times while the aircraft is in flight. If the aircraft is required by these Regulations to carry two pilots, both pilots shall remain at the controls, and shall be properly secured in their seats, during take-off and landing.

33. Public transport of passengers duties of commander

(1) This Regulation applies to flights for the purpose of the public transport of passengers by aircraft registered in Kuwait.

(2) In relation to every flight to which this Regulation applies the commander of the aircraft shall—

(a) before the aircraft takes off ensure that all passengers are made familiar with the position and method of use of safety belts, safety harness, emergency exits and all other devices required by or under these Regulations and intended for use by passengers individually in case of an emergency occurring to the aircraft, and with the position of all other devices required by or under these Regulations and intended for use by passengers collectively in case of such an emergency;

Provided that, in relation to life jackets and other equipment designed to enable persons to survive in or on the water, this requirement may be complied with at any time before the aircraft reaches a point beyond gliding distance from land.

(b) if the aircraft is not a flying boat take all reasonable steps to ensure that before the aircraft reaches a point more than 30 minutes flying time, determined in the manner specified in the

Fourth Schedule paragraph 2(d) from the nearest shore, all passengers are made familiar with the position, and given practical demonstration of the method of use, of the life jackets and other equipment required by or under these Regulations and designed for use by passengers individually in order to enable them to survive in or on the water;

(c) if the aircraft is a flying boat, ensure that all passengers are made familiar with the position and given a practical demonstration of the method of use, as aforesaid, before the aircraft takes off;

(d) before the aircraft takes off and before it lands, take all reasonable steps to ensure that the crew of the aircraft are secured in their seats and that the steward, if any, is secured in a seat in a position which will enable him to assist passengers. If the aircraft is required under paragraph (7) of Regulation 19 to carry a steward, that position shall be in a passengers compartment;

(e) before the aircraft takes off, or lands, and when, by reason of turbulent air or any emergency occurring during flight he considers the precaution necessary, take all reasonable steps to ensure that all passengers are properly secured by safety belts or safety harness;

(f) in any emergency, take all reasonable steps to ensure that all passengers are instructed in the appropriate emergency action which they should take;

(g) except in a case where a pressure greater than 700 millibars is maintained in all passenger and crew compartments throughout the flight take all reasonable steps to ensure that, before the aircraft reaches an altitude of over 13,000 ft above mean sea level, the method of use of the oxygen provided in the aircraft in compliance with Regulation 12 is demonstrated to every passenger; that on reaching such altitude every passenger is recommended to use oxygen and that, during the whole time in which the aircraft is flying at an altitude exceeding 13,000 feet above mean sea level, oxygen is used by every member of the crew of the aircraft.

34. Operation of radio in aircraft

(1) The radio station in an aircraft shall not be operated whether or not the aircraft is in flight, except in accordance with the conditions of the license issued in respect of that station under the law of the country in which the aircraft is registered, and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Whenever an aircraft is in flight in such circumstances that it is required by or under these Regulations to be equipped with radio communication apparatus, a continuous radio watch shall be maintained on such frequency as is for the time being in use for the purpose of sending messages to that aircraft by the air-ground control radio station serving the airspace in which the aircraft is flying. Provided that radio watch may be discontinued during such period as may be approved for that purpose by a signal received from that station.

(3) The radio station in an aircraft shall not be operated so as to cause avoidable interference with, or otherwise to impair the ef-

iciency of, aeronautical telecommunications, and in particular emission shall not be made except as follows:

(a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;

(b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;

(c) messages and signals relating to the flight of the aircraft in accordance with general international aeronautical practice;

(d) such public correspondence messages as may be permitted by or under the aircraft radio station license referred to in paragraph (1) of this Regulation.

(4) In every aircraft which is equipped with radio communication apparatus a telecommunication log book shall be kept in which the following entries shall be made—

(a) the identification of the aircraft radio station;

(b) the date and time of the beginning and end of every radio watch maintained in the aircraft and of the frequency on which it was maintained;

(c) the date and time, and particulars of all messages and signals sent or received, including in particular details of any distress traffic sent or received;

(d) particulars of any action taken upon the receipt of a distress signal or message;

(e) particulars of any failure or interruption of radio communications and the cause thereof.

The flight radio operator maintaining radio watch shall sign the entries in the telecommunication log book indicating the times at which he began and ended the maintenance of such watch.

Provided that a telecommunication log book shall not be required to be kept in respect of communication by radiotelephony with an aeronautical radio station.

(5) The telecommunication log book shall be preserved by the operator of the aircraft until a date six months after the date of the last entry therein.

35. Towing and picking up of persons and articles

(1) Subject to the provisions of this Regulation, an aircraft in flight shall not, by means external to the aircraft, tow any article, or pick up or raise any person, animal or article, unless the certificate of airworthiness or validation in force in respect of that aircraft includes an express provision that the aircraft may be used for that purpose.

(2) An aircraft in flight shall not tow any article, at night or when flight visibility is less than one mile.

(3) Nothing in this Regulation shall—

(a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes or any signal, apparatus or article required or permitted by or under these Regulations to be towed or displayed by an aircraft in flight;

(b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life.

36. Dropping of persons and articles

(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Articles, animals and persons (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying within the territories of Kuwait.

Provided that this paragraph shall not apply to the descent of persons by parachute from an aircraft in emergency, nor to the dropping of articles by, or with the authority of, the commander of the aircraft in the following circumstances:

(a) the dropping of articles for the purpose of saving life;

(b) the jettisoning, in case of emergency, of fuel or other article in the aircraft;

(c) the dropping of material for agricultural, public health or similar purposes, if the certificate of airworthiness in force in respect of the aircraft includes an express provision that the aircraft may be so used;

(d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of these Regulations;

(e) the dropping, in a place appointed for that purpose by the person in charge of an aerodrome, of banners or similar articles used in towing;

(f) the dropping of persons or articles in accordance with a special permission in writing granted by the Administration and subject to any conditions or limitations imposed in such permission.

(3) For the purposes of this Regulation dropping includes projecting and lowering.

37. Carriage of munitions of war

(1) An aircraft shall not carry any munitions of war.

(2) It shall be unlawful for any person to load or cause to be loaded on board an aircraft, or to deliver or cause to be delivered for loading thereon, any goods which he knows or has reason to believe or suspect to be munitions of war.

(3) For the purposes of this Regulation "munitions of war" means such weapons and ammunition as are designed for use in warfare.

38. Carriage of dangerous goods

(1) Dangerous goods shall not be carried in an aircraft except as follows:

(a) goods carried with the written permission of the Administration, and in accordance with any conditions to which such permission may be subject;

(b) goods carried in an aircraft with the consent of the operator thereof for the purpose of ensuring the proper navigation or safety of the aircraft or the well-being of any person on board;

(c) goods permitted to be carried under the laws of the country in which the aircraft is registered, if there is in force in relation to such country an agreement between the Government of His Highness the Emir and the government of that country permit-

ting the carriage of dangerous goods within Kuwait in aircraft registered in that country.

(2) Dangerous goods permitted by or under this Regulation to be carried in an aircraft shall not be loaded in the aircraft as cargo to be carried therein unless the consignor of the goods has clearly marked the goods or the container in which they are contained with a label or stencil indicating the identity of the goods and the nature of the danger to which they give rise, and has furnished the operator of the aircraft with a consignment note stating such identity and danger. The operator shall notify the commander of the aircraft of the identity and dangerous nature of the goods, and of the weight or quantity thereof, before the goods are taken on board the aircraft.

(3) It shall be unlawful for any person to load or cause to be loaded on board an aircraft, or to deliver or cause to be delivered for loading thereon, any goods which he knows or has reason to believe or suspect to be dangerous goods the carriage of which is prohibited by this Regulation.

(4) The provisions of this Regulation shall be additional to and not in derogation from the provisions of Regulation 37 of these Regulations.

39. Method of carriage of persons

Except with a special permission in writing granted by the Administration and subject to any conditions or limitations imposed in such permission, a person shall not be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft. A person shall not be in or on any object towed by or attached to an aircraft in flight.

Provided that a person may have temporary access to—

(a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person or goods in the aircraft:

(b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

40. Imperilling safety of aircraft

A person shall not wilfully or negligently act in a manner likely to imperil the safety of an aircraft or of any person therein.

41. Negligent flying of aircraft

A person shall not wilfully or negligently cause or permit an aircraft to imperil the safety of any person or property.

42. Drunkenness in aircraft

(1) A person shall not enter any aircraft when drunk, or become drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be in a condition in which his capacity so to act is impaired by reason of his having taken any intoxicating liquor or having taken or used any sedative, narcotic or stimulant drug or preparation.

43. Smoking in aircraft

A person shall not smoke in any compartment of an aircraft registered in Kuwait at a time when smoking is prohibited in that compartment by a notice exhibited in accordance with Regulation 15.

44. Authority of commander of aircraft

Every person in an aircraft registered in Kuwait shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

PART V. DOCUMENTS

45. Documents to be carried

(1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in Kuwait shall, when in flight, carry documents in accordance with the eleventh schedule to these regulations provided that, if the flight begins and ends at the same aerodrome and does not include passage over the territory of any country other than Kuwait the documents may be kept at the aerodrome instead of being carried in the aircraft.

46. Production of documents

(1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person:

(a) the certificates of registration and airworthiness in force in respect of the aircraft;

(b) the licences of its flight crews;

(c) such other documents, in the case of an aircraft registered in Kuwait as the aircraft is required by Regulation 45 of these regulations to carry when in flight, or in the case of an aircraft not so registered, such documents as correspond thereto, being documents which the aircraft is required to carry under the law of the country in which it is registered.

(2) The operator of an aircraft registered in Kuwait shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person being documents which are required, by or under these Regulations, to be in force or to be carried or preserved:

(a) the documents referred to in the Eleventh Schedule to these Regulations as Documents, A, B, G and K;

(b) in the case of a public transport aircraft or aerial work aircraft, the documents so referred to as Documents D, E and F and the records relating to the flight crew required by paragraph 8 of Section II of the Ninth Schedule to these Regulations to be maintained;

(c) the aircraft log book, engine log books and variable pitch propeller log books required under these regulations to be kept;

(d) the weight schedule.

(3) The holder of a licence granted or rendered valid under these regulations shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.

(4) Every person required by Regulation 23 of these Regulations to keep a personal flying log book shall cause it to be produced within a reasonable time after being requested to do so by an authorised person within two years after the date of the last entry therein.

47. Cancellation suspension, endorsement and variation documents

(1) The Administration may if they think fit provisionally suspend any validation or other document granted by them under these Regulations, pending investigation of the case. The Administration may, on sufficient ground being shown to their satisfaction after due enquiry, cancel, suspend or vary any such validation or other document.

(2) The holder or any person having the possession or custody of any validation or other document which has been cancelled, suspended or varied under these Regulations shall surrender it to the Administration within a reasonable time after being required to do so by them.

48. Offences in relation to documents

(1) A person shall not with intent to deceive:

(a) forge, alter, assist in forging or altering, or procure to be forged or altered, any certificate, licence or other document issued or required by or under these Regulations; or

(b) use any such certificate, licence or other document which has been forged, altered, cancelled or suspended or to which he is not entitled; or

(c) lend any certificate, licence or other document issued or required by or under these Regulations to, or allow it to be used by, any other person: or

(d) make, assist in making, or procure to be made, any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence or other document.

(2) A person shall not wilfully mutilate, alter or render illegible any log book or other record required by or under these Regulations to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under these regulations to be preserved. All entries in such log books and records shall be made in ink or indelible pencil and pages shall not be removed from any such log book.

(3) A person shall not wilfully or negligently make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(4) A person shall not purport to issue any certificate of maintenance or other certificate unless he is authorised to do so under these Regulations.

(5) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART VI. CONTROL OF AIR TRAFFIC

49. Rules of the Air and Air Traffic Control

(1) Subject to the provisions of paragraph (2) of this Regulation the Rules of the Air and Air Traffic Control contained in the Twelfth Schedule shall not be contravened.

(2) It shall be lawful for the Rules of the Air and Air Traffic Control to be departed from by any person or aircraft to the extent necessary for avoiding immediate danger and for complying with the law of any country within which the aircraft then is.

(3) If any departure from the Rules of the Air and Air Traffic Control is made by an aircraft for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within ten days thereof to the competent authority of the State in whose territory the departure was made, or if the departure was made over the high seas, to the Administration.

(4) Nothing in the Rules of the Air and Air Traffic Control shall exonerate any person from the consequences of any neglect of any precautions required by ordinary aviation practice or by the special circumstances by the case.

PART VII. AERODROMES

50. Restrictions of landing places

An aircraft shall not use as a place of landing or departure in the territories of Kuwait any place other than an aerodrome or aerodromes at Kuwait.

Provided that this prohibition shall not apply to a landing due to accident, stress of weather or other unavoidable cause.

51. Use of aerodromes

Every aircraft making use of the aerodrome or aerodromes at Kuwait shall comply with the requirement of the controlling authority at that aerodrome respecting such use.

52. Application of laws and regulations in force in Kuwait

Subject to the provisions of these Regulations, the laws and regulations for the time being in force in Kuwait concerning the entry into and the departure from the territories of Kuwait, of persons by sea and land and concerning the importation into and the exportation from the territories of Kuwait of goods by sea and land shall apply respectively to the entry and departure of persons and the importation and exportation of goods by air.

53. Notification of time of arrival for purposes of Customs Public Health and Police Administrations

Prior notice of the time of the intended arrival of an aircraft from abroad at any Kuwait aerodrome and of departure of an aircraft for abroad from any Kuwait aerodrome shall be given to the Customs, Public Health and Police Administration of Kuwait.

54. Application of Public Health Regulations

Every aircraft, and the persons on board, shall immediately on landing in the territories of Kuwait from abroad and prior to depar-

ture from those territories for abroad, submit to the sanitary formalities laid down by the Public Health Administration of Kuwait.

55. *Passports*

Persons on board an aircraft in the territories of Kuwait shall be in the possession of valid national passports or equivalent documents and shall produce them on demand to any authorized person. Through passengers not breaking journey will not require transit visas. Passengers breaking journey, or leaving the aerodrome will need visas issued by, or on behalf of the Responsible Quarters.

PART VIII. GENERAL

56. *Power to prevent aircraft flying in contravention of the regulations or while unfit for flight*

(1) If it appears to an authorised person that any aircraft is intended or likely to be flown:

(a) in such circumstances that the flight would be in contravention of the provisions, or any provision, of Regulations 1,3,5,6,19, 20,21,37 or of the conditions governing the use of aerodromes at Kuwait: or

(b) in such circumstances that the flight would be in contravention of any other provision of these Regulations and be a cause of danger to persons in the aircraft or goods carried for hire or reward therein or to other persons or property on land or water or in the air: or

(c) while in a condition unfit for flight, whether the flight would otherwise be in contravention of any provision of these Regulations or of the aforesaid conditions or not;

such authorised person may give such instructions and take such steps by way of detention or otherwise as appear to him necessary in order to prevent the flight.

(2) For the purposes of paragraph (1) of this Regulation the aircraft may be inspected by an authorised person.

(3) If any person contravenes any instructions given under paragraph (1) of this Regulation, he shall be deemed to have contravened these Regulations and if any aircraft flies in contravention of any such instructions, or notwithstanding any steps taken by way of detention or otherwise in order to prevent the flight, it shall be deemed to have failed to comply with these Regulations.

57. *Right of access to aerodromes and other places*

Any person authorized in writing by the Administration shall have the right of access at all reasonable times by day or night:

(a) to any aerodrome for the purpose of inspecting the aerodrome.

(b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which he has power to demand under these Regulations, and for the purpose of detaining any aircraft under the provisions of these Regulations, and

(c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which he has power to demand under these Regulations and for the purpose of detaining the aircraft under the provisions of these Regulations.

58. *Obstruction of authorised persons*

No person shall obstruct or impede any person acting in exercise of his powers or the performance of his duties under these Regulations.

59. *Penalties*

(1) If any aircraft fails to comply with these Regulations or if any act is committed in or in respect of, the aircraft in contravention of these Regulations, the operator and commander of the aircraft shall be deemed to have contravened these Regulations, unless he proves that the contravention or default :

(a) was due to accident, stress of weather or other unavoidable cause; or

(b) took place without his actual fault or privity.

(2) Any person who contravenes or fails to comply with these Regulations shall be guilty of an offence, and, without prejudice to any other or higher penalty which may be imposed in respect of the same act of omission under any other law or regulation, shall be liable, on conviction, to imprisonment for a period not exceeding six months or to a fine not exceeding 1000 rupees or to both such imprisonment and fine.

60. *Application of Regulations*

These Regulations apply to :

- (a) all aircraft registered in Kuwait wherever they may be,
- (b) all other aircraft when within Kuwait.

61. *Interpretation*

In these Regulations unless the context otherwise requires :

“Aerial Work” means any purpose other than the carriage of persons or goods, for which an aircraft is flown, if hire or reward is given or promised in respect of the flight or the purposes of the flight;

“Aerial work aircraft” means an aircraft flying or intended by the operator to fly, for the purpose of aerial work;

“Aerobatic manoeuvres” includes loops, spin rolls, bunts, aileron turns, stall turns and any other similar manoeuvres;

“Aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft;

“Aerodrome traffic zone” in relation to any aerodrome means the airspace extending from aerodrome level to a height of 2,000 feet over the area comprising the aerodrome and the surrounding land or water within a distance of 3,000 yards of its boundaries.

“Aeronautical Radio station” means a radio station on land or aboard ship providing a service for aircraft radio stations;

“Aeroplane” means a flying machine supported in flight by fixed wings;

“Aircraft radio station” means a radio station on board an aircraft;

“Air-ground Control radio station” means an aeronautical radio station having primary responsibility for handling communications pertaining to the operation and control of aircraft in a given area.

“Air traffic control unit” means a person or body of persons appointed by the Administration or by any other person maintaining an aerodrome to provide air traffic control service;

"Air transport undertaking" means a person whose usual business, includes the carriage of persons or goods by air for hire or reward;

"Alternate aerodrome" means an aerodrome selected prior to take-off to which a flight may proceed when landing at the intended destination becomes inadvisable;

"Authorised person" means a person authorised in writing by the Administration for any purpose under these Regulations;

"Certificate of airworthiness" includes any validation thereof and any flight manual or performance schedule relating to the Certificate of Airworthiness and issued, approved or rendered valid under the law of the country in which the aircraft is registered;

"Commander" in relation to an aircraft means the member of the flight crew designated as commander by the operator of the aircraft or failing such person, the person who is for the time being the pilot in charge of the aircraft;

"Competent Authority" means in relation to Kuwait the Civil Air Administration, and in relation to any other country the authority responsible under the law of the country for promoting the safety of civil aviation.

"Contracting State" means any State which is a party to the Convention;

"Control Area" means airspace which has been notified as such, and which extends from a notified altitude above mean sea level;

"Controlled airspace" means control areas and control zones;

"Control Zone" means airspace which has been notified or such and which extends upwards from the surface;

"The Convention" means the Convention of International Civil Aviation signed at Chicago on the seventh day of December, nineteen hundred and forty-four; and in respect of which Kuwait's instrument of adherence was deposited on May 17th, 1960.

"Co-pilot" in relation to an aircraft means a pilot who in performing his duties as such is subject to the supervision of another pilot carried in the aircraft;

"Crew" Every person employed or engaged in an aircraft in flight on the business of the aircraft shall be deemed to be a member of the crew thereof;

"Dangerous goods" means any explosive substance and any other goods (whether explosive or not) which by reason of their nature are liable to endanger the safety of the aircraft or of persons on board the aircraft;

"Duty" includes any function undertaken or performed, whether or not in pursuance of a legal obligation;

"Flight" An aircraft shall be deemed to be in flight from the moment when, after the embarkation of its crew for the purpose of taking off it first moves under its own power, until the moment when it next comes to rest after landing and the expressions "a flight" and "to fly" shall be construed accordingly;

"Flight Crew" The flight crew of an aircraft shall consist of those members of the crew who respectively undertake the duties of pilot, flight navigator, flight engineer and flight radio operator;

"Flight Information Region" means airspace notified as such, as being a region within which flight information and alerting services are provided;

"Flying Machine" means an aircraft heavier than air and having means of mechanical propulsion;

"General Classification of Aircraft". The expressions appearing in the General Classification of Aircraft set forth in the Thirteenth Schedule to these Regulations shall have the meanings therein indicated;

"Glider" means an aircraft heavier than air not fixed to the ground and having no means of mechanical propulsion, but having means of directional control;

"Goods" includes mails and animals;

"Helicopter" means a flying machine supported in flight by rotating wings;

"Kite" means a non-mechanically driven aircraft, heavier than air, moored to or towed from the ground or water;

"land" and "landing" in relation to aircraft include alighting on the water;

"Licence" includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

"Modification" includes any change in the type of engines, or of the components, instruments, accessories, equipment or apparatus of an aircraft or its engines or any part of such engines, components, instruments, accessories, equipment or apparatus;

"Nautical Mile" means a distance of 6,080 feet;

"Operator" in relation to an aircraft means the person entitled for the time being to fly the aircraft, or, if that person is the servant or agent of another person and is acting in the course of his employment such other person;

"Pilot in command" means a person who for the time being is in charge of the piloting of an aircraft, without being under the direction of any other pilot in the aircraft;

"Private flying" means flying for any purposes other than public transport or aerial work;

"Privilege" means a right conferred by a licence entitling the holder of the licence to perform any function to which the licence relates;

"Public transport." For the purposes of these regulations an aircraft in flight shall be deemed to fly for the purpose of public transport if:

(a) hire or reward is given or promised for the carriage of persons or goods in the aircraft; or

(b) hire or reward is given or promised for the right to fly the aircraft; or

(c) persons or goods are carried gratuitously in the aircraft by an air transport undertaking,

Provided that:

(1) for the purpose of Part III and Part IV of these Regulations, hire or reward shall not be deemed to be given or promised by reason of a payment being made or promised to a flying club by a member thereof;

(2) for the purpose of Part III and Part IV of these Regulations an aircraft shall not be deemed to fly for the purpose of public transport solely by reason of hire or reward being given or promised for the right to fly the aircraft;

(3) Paragraph (c) shall not apply if the aircraft carried only:

(i) persons in the employment of the undertaking (including, in the case of a body corporate, its Directors and, in the case of an Airway Corporation, members of the Corporation);

(ii) if the undertaking is a flying club, members of the club;

(iii) goods intended to be used by any such person as aforesaid, or by the undertaking;

"Public Transport aircraft" means an aircraft flying or intended by the operator of the aircraft to fly, for the purpose of public transport;

"Radio" is to be interpreted as a general term applied to the use of electro-magnetic waves of frequencies between ten kilocycles a second and three million megacycles a second;

"Radio apparatus" includes all apparatus, including any ancillary equipment, for sending and receiving by means of radio;

"Radio Navigation apparatus" means radio apparatus designed to assist the navigation of aircraft;

"Rating" means an entry in a licence specifying a privilege or limiting the effect of a privilege;

"Repair" in relation to any part of an aircraft or of its equipment includes replacement;

"Schedule journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such a manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of it and does not include a journey made for any of the following purposes:

(a) the carriage of passengers for the sole purpose of instructing them in flying or the duties of flight crews;

(b) the carriage of passengers or goods for the sole purpose of providing an air ambulance or rescue service;

(c) the carriage, in accordance with arrangements approved by the Administration as being in the public interest, of a party of passengers and their baggage (if any) upon a series of three or more journeys organised as a tour for the common enjoyment of those passengers;

"Steward" means a member of the crew of an aircraft other than a member of the flight crew, charged with duties concerned with the safety of passengers in flight and in emergency and includes stewardess;

"Surface" means the surface of the ground or water and includes any person or thing on the ground or water;

"Territories of Kuwait" means the territories of His Highness the Ruler of Kuwait together with their territorial waters;

"Schedules" shall be the technical schedules approved by the Kuwait Government at the date of issue of these Regulations and to be made available in printed form at the Civil Aviation Department.

LAOS

LAW TO PROVIDE CONTINUITY OF LEGISLATION ENACTED PRIOR TO CONSTITUTION.¹

WE, SOMDET PHRACHAO SISAVANG VONG, KING OF LAOS

In consideration of the Constitution of the Kingdom of Laos of May 11, 1947 and its amendments as published on September 14, 1949;

In consideration of the French-Laotian General Convention and the Annexed Conventions of July 19, 1949 and February 8, 1950;

In consideration of the Royal Decree No. — of June 14, 1950 pertaining to the reorganization of the Council of Hosana Luang and determining the competencies of the Ministries of the Kingdom;

In consideration of the Royal Decree of February 12, 1950 pertaining to the appointment of the members of the Royal Government;

In consideration of the Law No. 83 of January 19, 1951 pertaining to the validity of regulations issued prior to the publication of the Constitution of the Kingdom;

And upon deliberation and adoption on the part of the National Assembly;

And upon hearing the Council of the King;

ORDER

Article 1. Throughout the entire territory of the Kingdom of Laos, the Law No. 83 of January 19, 1951, pertaining to the validity of regulations issued prior to the publication of the Constitution of the Kingdom, is made public.

Article 2. Our Prime Minister is responsible for the execution of this Decree.

Luang-Prabang, February 10, 1951.

Law No. 83 of January 19, 1951 pertaining to the validity of regulations issued prior to the publication of the Constitution of the Kingdom, made public pursuant to the Royal Decree No. 33 of February 10, 1951.

Only Article. As a temporary measure, the regulations of any kind which have been applied in the territory of the Kingdom, in accordance with the Law, before the Constitution of the Kingdom was made public, will continue to be valid. In their application, the transfers of competencies carried out pursuant to the General Convention of July 19, 1949 and of the Interstate Conventions of December 26, 1950

¹ English text supplied by the Government of Laos.

will have to be taken into account. This applies to all the matters that have not yet been regulated by legislative or administrative action taken in accordance with the conditions laid down in the Constitutional Law No. 39 of March 8, 1949.

CUSTOMS AIRPORTS AND HYDROPLANE PORTS

ROYAL DECREE

No. 101

WE, SOMDET PHRACHAO SISAVANG VONG, KING OF LAOS

In consideration of the Constitution of the Kingdom of May 11, 1947 as amended by the National Congress on September 14, 1949;

In consideration of the General Franco-Laotian Convention of July 19, 1949 as supplemented by the Convention-Annexes of February 6, 1950, and the Interstate Conventions of December 26, 1950;

In consideration of the Royal Decree No. 132 of June 14, 1950 pertaining to the reorganization of the Council of Hosanam-Luang;

In consideration of the Royal Decree No. 286 of November 23, 1951 pertaining to the appointment of the Members of the Government;

In consideration of the Law No. 83 of January 19, 1951 pertaining to the validity of the regulations issued prior to the publication of the Constitution of the Kingdom pursuant to the Royal Decree No. 33 of February 10, 1951;

In consideration of the Royal Decree No. 296 of December 27, 1951 pertaining to the Regulations concerning the Customs and the Foreign Trade;

In consideration of the Administrative Order of January 23, 1942 pertaining to the creation of a customs airport in Indochina, and notably of its Article 7;

In consideration of the combined text of the Administrative Orders of May 10, 1935 and May 14, 1949 amending the list of the customs airports as appearing in the Appendix of the Administrative Order of January 22 [1942], mentioned above;

In consideration of the letter No. 533/AC/ECO of January 31, 1951 of the Commissar of the French Republic in Laos,

On the motion of Our Minister of Finance;

ORDER

Article 1. Article 7 of the Administrative Order of January 22, 1932 is amended as follows, in regard to Laos;

New Article: The Laotian airports with customs service will be determined by the its list annexed hereto.

Any change in the determination of the airports as announced by this list will be fixed by Royal Decree.

Article 2. Our Minister of Finance is responsible for the execution of this Decree.

List of the airports having customs services and of the bases of seaplanes in Laos provided with custom services

	Province	Operating methods and hours of the Customs Services	Comments
1. Airdromes provided with a permanent service.	-----	Non-existent.-----	(1)
2. Airdromes provided with a non-permanent service:			
Vientiane.-----	Vientiane.	{The customs agents do not stay at the airport; they will have to be sent for by telephone.	
Seno.-----	Savannakhet.		
3. Bases of seaplanes provided with a permanent service.	-----	Non-existent.-----	
4. Bases or ports for seaplanes not provided with a permanent service.	-----	do.-----	

¹ The services rendered at the airport will have to be compensated inasmuch as the verification of goods is concerned by the payment of the fees for the work done outside the regular quarters, according to the tariff fixed by the regulations in force.

In the same way, the services rendered outside the normal hours as well as on Sundays and holidays will have to be compensated inasmuch as the verification of goods is concerned, by the payment of the fees for the work done outside the regular hours, according to the tariff fixed by the regulations in force.

Approved to be annexed to the Royal Decree No. 101 of April 2, 1952.

ROYAL DECREE

No. 372

of December 1, 1953

Pertaining to the validity of the regulations concerning civil and commercial aviation within the territory of Laos.

WE, SOMDET PHRACHAO SISAVANG VONG, KING OF LAOS

In consideration of the Constitution of Laos of May 11, 1947 as amended on September 14, 1949 and March 22, 1952;

In consideration of the General Convention of July 19, 1949;

In consideration of the Interstate Convention of December 26, 1950;

In consideration of the Royal Decree No. 100 of April 2 pertaining to the reorganization of the Council of Ministers:

In consideration of the Royal Decree No. 132 of May 8, 1953 pertaining to the appointment of the members of the Royal Government;

In consideration of the Law No. 83 of January 19 [1951] pertaining to the validity of regulations issued prior to the publication of the Constitution;

In consideration of the Transfer Agreement pertaining to Civil Aviation and Landing Fields to the Royal Government of Laos of September 12, 1953;

WE ORDER

Article 1. As a temporary measure, the regulations valid on the day of the transfer of the competencies in the fields of civil and commercial aviation will continue to be valid on the territory of the Kingdom.

Article 2. The Prime Minister, President of the Council, Minister of Public Works, of the Mails and of Telecommunications is responsible for the execution of this Decree.

By order of His Majesty, the King of Laos, the Prime Minister, President of the Council, Minister of Public Works, of the Mails and of Telecommunications.

THE PRESIDENT OF THE COUNCIL OF MINISTERS

No. 236/PC

Requirement for Airlines To Furnish Operation Statistics

ADMINISTRATIVE ORDER

THE PRIME MINISTER AND PRESIDENT OF THE COUNCIL

In consideration of the Royal Decree No. 100 of April 2, 1952 pertaining to the organization of the Council of the Ministers of the Kingdom;

In consideration of the Royal Decree No. 104 of March 12, 1954 pertaining to the appointment of the Members of the Royal Government;

In consideration of the Royal Decree No. 238 of November 7, 1952 pertaining to the organization of the General Planning Commission, particularly of its Articles 17 and 19;

In consideration of the Agreement concerning the Transfer of Civil Aviation and of the Airfields to the Royal Government of Laos of September 12, 1953;

In consideration of the Administrative Order No. 312/PC of September 23, 1953, placing the Civil Aeronautics Service under the authority of the General Planning Commissar;

In consideration of the Administrative Order No. 360/PC of November 23, 1953 pertaining to the appointment of the Delegate of the General Planning Commissar for the Civil Aviation of Laos;

Upon the motion of the General Planning Commissar;

ORDERS

Article 1. In regard to the application of the conditions of the official proceedings of the transfer of the competencies in matters concerned with Civil Aviation, between the Director of Civil Aviation in Indochina on the one hand, and the Director of Civil Aviation in Laos on the other hand, every commercial airline established within the Territory of Laos and doing business there, will have to forward its operational statistics to the Director of Civil Aviation in Laos, in accordance with the rules which that Administration will determine.

Article 2. Every request for commercial airline operation within the territory of Laos implies the knowledge and acceptance of Article 1 of this Administrative Order.

Article 3. The non-compliance with the rules of Articles 1 and 2 will lead to the annulment of the operating licenses that have been granted by the Director of Civil Aviation in Laos since September 12, 1953, or previously, with the approval of the Government of Laos.

Article 4. The Director of the Cabinet of the President of the Council, the General Planning Commissar, the Delegate of the General Planning Commissar for the Civil Aviation of Laos are responsible—each one within his competency—for the execution of this Administrative Order.

Vientiane, July 2, 1954

THE PRESIDENT OF THE COUNCIL OF MINISTERS

No. 237.PC

Requirements to Operate a Domestic Airline

ADMINISTRATIVE ORDER

THE PRIME MINISTER AND PRESIDENT OF THE COUNCIL

In consideration of the Royal Decree No. 100 of April 22, 1952, pertaining to the organization of the Council of Ministers of the Kingdom;

In consideration of the Royal Decree No. 104 of March 18, 1954, pertaining to the appointment of the Members of the Royal Government;

In consideration of the Royal Decree No. 238 of November 7, 1952, pertaining to the organization of the General Planning Commission, particularly of its articles 17 and 19;

In consideration of the Convention regarding the Transfer of Civil Aviation and Landing Fields to the Royal Government of Laos of September 12, 1953;

In consideration of the Administrative Order No. 312/PC of September 23, 1953 which places the Civil Aviation Services under the authority of the General Planning Commission;

In consideration of the Administrative Order No. 360/PC of November 23, 1953 pertaining to the appointment of the Delegate for Civil Aviation of the General Planning Commissar:

Upon the motion of the General Planning Commissar:

ORDERS

Article 1. Any company authorized to operate an internal air transport business in the Territory of Laos must have its organizational seat and its charter in Laos.

Article 2. The Director of the Cabinet of the President of the Council, the General Planning Commissar, the Delegate for Civil Aviation in Laos of the General Planning Commissar, are responsible, according to their respective authorities, for the execution of this Administrative Order.

Vientiane, July 2, 1954

MINISTRY OF PLANNING, PUBLIC WORKS, TRANSPORTATION AND TELECOMMUNICATION—GENERAL PLANNING COMMITTEE—DIRECTOR OF CIVIL AVIATION

Vientiane, December 23, 1954

No. 54-657/DACL/TA

Classification: Air Transport

Regulations of the Air Transport of Dangerous and Contaminated Cargo Within the Territory of Laos

These Regulations abolish and replace the Regulations for the air transport of dangerous and contaminated materials No. 714/DACI/NA-2 of January 16, 1951.

These Regulations for the air transport of dangerous and contaminated materials include:

First Part: General rules.

Second Part: Shipping authorization.

Third Part: Explosive substances.

Fourth Part: Ammunition.

Fifth Part: Inflammable liquids.

First Part

GENERAL RULES

Classification of Materials.

I.1.1. Materials the transport of which is considered dangerous either for reasons of security or of public health cannot be shipped by air, or can be shipped only under certain conditions.

I.2.1. The materials are grouped in six classes which are defined as follows:

Class I:

Substances capable of exploding

Explosive substances

Ammunition

Fireworks

Compressed, liquified or fluid gas, under pressure

Substances that release inflammable gases or facilitate combustion upon contact with water.

Class II: Substances subject to spontaneous inflammation.

Class III: Inflammable substances, inflammable liquids, inflammable solids, substances supporting combustion.

Class IV: Toxic substances.

Class V: Corrosive substances.

Class VI: Contaminated, repulsive or putrescent substances.

NOTE.—These Regulations are concerned solely with the air transport of explosive substances, of ammunition, and of inflammable liquids; they are the substances most frequently shipped in Laos.

Definition [?] of Categories.

Within each class, the materials are divided into four categories:

The category of a material may depend on the way in which it is packed.

The aim of this subdivision is to bring together within the same category all the materials that have transport restrictions of the same kind so as to permit a more rapid explanation of the precautions to be taken, particularly, for loading and shipping.

The categories 1, 2, 3, and 4 are subject to more or less important restrictions.

General Rules Concerning the Stability of the Packing.

I.2.1. The packing of liquids must be water-tight.

The packing of powdery materials must not let these materials seep or pass through.

I.2.2. The packing must be able to resist the pressures that are apt to develop inside that packing.

I.2.3. In the case of a liquid, there must be left a sufficient filling margin so that the interior pressure may not, due to the action of heat and in view of the presence of air, have a chance of affecting the water-tightness.

I.2.4. Except in the case of contrary rulings contained in these Regulations, the closings must be hermetic, strong, and able to resist the pressures that may develop inside the container.

I.2.5. As far as the application of the paragraphs I.2.2., I.2.3., and I.2.4. above is concerned, it must be assumed that the temperature of the package while in transit may reach 50°C.

I.2.6. The materials which make up the packing and the closing must not be subject to deterioration by the contents nor be able to form any harmful combinations with same.

I.2.7. The packing must be able to resist normal shocks as well as those accidental ones that are apt to occur during air transport and handling.

I.2.8. The water-tightness or non-seeping condition and the shock-resistance may be required from two different packings: an inner water-tight packing and an outer shock-resistant packing.

In that case, the inner packings must be carefully steadied and, if need be, solidly held within the outer packing by means of interposition of substances which form a buffer.

Whenever that requirement is set up by these Regulations, in the case of a material the spilling or scattering of which might cause accidents or danger of any kind, the space between the inner packing(s) and the outer packing must be filled with a substance which forms a buffer and which is capable of absorbing, in the case of the breaking of the inner packings, the total contents when these are liquid.

The materials used for steadying and filling must not form any harmful combinations with the contents.

The outer packing must be sufficiently water-tight to retain the substance and the filling and to afford it the time needed to absorb the contents before it flows outside.

I.2.9. Wooden barrels that do not consist of hardwood and are not held together by metal hoops are not considered water-tight.

I.2.10. *All packings must be able to withstand—with its contents—a drop of one meter twenty on a cement floor, without any deterioration or deformation of the outer or inner packing to such an extent that they lose their water-tightness.*

Packages not exceeding 10 kg and containing substances which, whatever their packing may be, are not classified anywhere else but in the fourth category are exempt from that condition, except when they contain explosive materials, ammunition, fireworks, and compressed, liquefied or fluid gases under pressure.

I.2.11. Carboys or demijohns, whenever these Regulations authorize their use, are also exempt from this condition. Their packing must, however, protect them efficiently against shocks and must give sufficient stability.

I.2.12. When their use is authorized, bags must be able to resist that test without opening, puncture, or tearing.

Paper bags are exempt from this provision but will have to stand up during air transport or handling as has been set down in paragraph I.2.7. above.

I.2.13. When the Regulations permit the use of packings of strong cardboard, they will have to be kept solidly closed by fastenings that are sufficiently resistant. They will have to pass the drop-test as indicated above without any deterioration, without any serious deformation, and without the occurrence of breaking or displacement of the inside packages.

I.2.14. Boxes of wood or plywood must have a thickness, reinforcements, and a method of assembling that are sufficient to resist the test of paragraph I.2.10. The plywood boxes must be reinforced, particularly along the edges and in the corners, by means of metal reinforcements.

Precautions to be observed during the loading.

I.3.1. All packages containing dangerous materials must be carefully steadied or stowed: the same rule applies to all the other packages contained in the same aircraft.

I.3.2. One should avoid, as far as it is at all possible:

—placing packages containing dangerous materials belonging to different classes on top of each other.

—placing such packages side by side: these packages should be separated by a space taken up by other packages which are to be carefully steadied or stowed.

Maximum weight of packages.

One should distinguish between:

—packages that are to be rolled,

—packages that can be lifted.

I.4.1 *The weight of packages intended to be carried by hand must not exceed seventy-five kilograms.*

Whenever the weight of these packages exceeds 25 kg, they must be equipped with gripping devices (such as cleats, or handles for boxes) which make easy, shock-free handling possible.

Cardboard boxes must not be used as outer packing except for boxes the gross weight of which does not exceed fifty kilograms.

I.4.2. Those packages that can be rolled by themselves must be equipped with rolling hoops except when the total gross weight does not exceed fifty kilograms.

I.4.3. Beyond the weight limits which are intended to avoid, during the handling, an abnormal effort on the part of the personnel that might cause them to be handled badly and, particularly, might cause

the packages to be dropped, the present Regulations provide, in certain cases, particularly for explosive substances and ammunition, a more rigid limitation intended to limit their live power and, consequently, the risks of explosion in the case of a fall, or to limit the damages in case a package breaks.

Prohibition of loading together in one and the same aircraft.

I.5.1. *It is forbidden to load into one and the same aircraft:*

I.5.2. Explosive substances (mercury fulminate and trinitro-resorcinol of lead) or ammunition (detonators or priming devices), with any other explosive material or any other ammunition.

I.5.3. Explosive substances or ammunition, with:

- substances that, upon contact with water, release inflammable gases or facilitate combustion.
- substances capable of spontaneous inflammation.
- inflammable liquids.
- inflammable solid substances.
- comburent substances.
- toxic substances.
- corrosive substances.

I.5.4. Certain explosive substances (nitrated explosives of the aeronautical series of an acid type) with objects or materials containing lead, either pure or in an alloy, or lead compounds ("minimum," white lead, etc.)

I.5.4. Phosgene (liquified gas) with any other dangerous substance.
[sic]

I.5.5. Carburent substances, with:

- substances capable of spontaneous inflammation.
- inflammable liquids.
- inflammable solid substances.

I.5.6. *One should avoid loading into one and the same aircraft toxic substances or contaminated or putrescible substances together with packages that evidently contain foodstuffs.*

Prohibition or Limitation of Cargo in Aircraft Carrying Passengers.

I.6.1. *It is forbidden to load any dangerous materials of the three first categories into an aircraft which carries passengers.*

I.6.2. *It is likewise forbidden to load any of the dangerous substances of the fourth category that are listed below:*

- explosive substances
- ammunition
- fireworks
- compressed, liquified or fluid gases whenever those gases are toxic
- phosphorus, magnesium
- toxic substances (all substances)
- corrosive substances (all substances), except for batteries, pharmaceutical and drug products
- contaminated, repulsive or putrescible substances (all substances).

I.6.3. The loading of other dangerous substances of the fourth category is permitted provided:

I.6.4. That the total weight of those substances does not exceed:

- 25 kg, for celluloid plates, sheets, pipes or rods, objects manu-

factured from celluloid and not having any special protection, films and raw materials for films.

—50 kg, for the other substances of the fourth category, with the exception of compressed, liquified or fluid gas, under pressure.

—75 kg, for calcium carbide.

I.6.5. That the total weight of the dangerous substances carried in one and the same aircraft does not exceed three hundred kilograms.

I.6.6. When the loading of a dangerous substance into an aircraft carrying passengers is permitted in accordance with the conditions laid down in paragraph I.6.4., then this substance must be kept in a compartment or in a hold which is, at the same time, separated from the passengers and from the motors and, as a matter of fact, from all the parts subject to heating.

I.6.7. Exemptions are granted for the shipping of movie films when the shipments are made under double packing, in metal containers held together solidly by means of a rigid frame acting as a vise, *up to a limit of 100 kg, for passenger planes, and up to 150 kg, for cargo planes.*

These packages must be placed in a store room, and not in the passenger cabin.

Finally, a certificate of the sender is required, to the effect that the films are less than five years old. In any case, the packing conditions mentioned above refer only to the transportation of 35 mm film.

The 16 mm films made of cellulose acetate are not inflammable and, consequently, are not considered dangerous substances; they do not require any special packing.

Measures To Be Taken in Case the Congo Should Not Present Any Longer the Legal Guarantees While It Is in Transit.

When the state of a cargo of dangerous or contaminated materials does not offer any longer, for any reason whatsoever (accident, shock, incident, damage to the packing), the safety guarantees prescribed by these Regulations, then the defects found must be remedied without the slightest delay. If such a discovery is made while the plane is in flight, and if the defects cannot be repaired, then the aircraft must land at the nearest airport either to unload the substance when it can be handled without any danger or to immobilize it in case the unloading is dangerous.

If the state of the cargo can cause a grave danger (risk of explosion, poisoning) following the landing, then it will be removed as far as possible from any building. In such a case, the sender should be advised, as rapidly as possible, by the transport company and asked for his instructions.

In case of urgency (danger, leakage or escape) the captain of the aircraft and the commander of the airport will take the indispensable security measures.

Packages That Are Kept by the Passengers While in Transit.

Passengers who travel in an aircraft are not permitted to carry dangerous materials *on their persons, or in their hand baggage:*

I.7.1. Military personnel and the members of the police force may, when they are on an official trip, carry their cartridges and their explosives in their cartridge belt or knapsack, under the condition that a declaration be made out for the captain of the aircraft.

I.7.2. The travellers may carry their hunting ammunition, up to one hundred cartridges, under the condition that a declaration be made out to the captain of the aircraft.

I.7.3. Personal items and children's toys made of celluloid are permitted.

I.7.4. Officials who are holders of a special requisition may transport, in the interest of the government services and under their responsibility, dangerous materials, up to a maximum of 0.5 kg of substances of the first category, of 1 kg of substances of the second category, of 3 kg of substances of the third and fourth categories.

The names of the dangerous substances transported in that manner must appear in their requisition document.

I.7.5. Members of the medical profession may carry in their bags or in their luggage those dangerous materials that are required for the practice of their profession. The total amount carried in that manner must not exceed a net weight of one kilogram. A declaration must be made out for the captain of the aircraft.

Second Part

TRANSPORTATION PERMITS

2.1. *Requests for transport permits for dangerous substances must be submitted by the transporting agency, i.e., by the Company operating the aircraft in charge of the transport (not by the sender).*

2.2. Each transport must be made the object of a separate request which will have to reach the Director of Civil Aviation of Laos at least 24 hours before the day of the transport.

2.3. Each request must indicate:

- the exact nature of the material(s)
- the total amounts to be transported (weight)
- the number of the trips planned
- the day of the planned trip
- the type and registration of the aircraft
- the airport of departure and the airport of destination.

2.4. **VERY IMPORTANT.** *The Director of Civil Aviation of Laos requires from the transportation company a written stipulation of the insurance company covering the risks due to the presence of the dangerous materials on board the aircraft.*

These stipulations will have to be renewed before the Director of Civil Aviation of Laos when the policies valid at the time have expired.

2.5. The permits for the transportation of dangerous substances by aircraft will be issued by the Director of Civil Aviation of Laos, in accordance with the form attached hereto.

2.6. The permits for the transportation of dangerous substances by aircraft—in the case of international or inter-state flights—that have been issued by the Aviation Authorities of the country of departure are valid on the territory of Laos.

2.7. At those airports in Laos where the Director of Civil Aviation has no representative, the air transportation companies must inform the local military control agency of the execution of any transport of dangerous substances by aircraft.

2.8. At the airports in Laos where there is no control agency, the air transportation firms carry out the transportation of dangerous substances on their own initiative.

2.9. In the cases pursuant to paragraphs 2.7 and 2.8 of these Regulations, the air transportation firms will have to apply *obligatorily* the rules set down by these Regulations, *under their own responsibility*.

Third Part

EXPLOSIVE SUBSTANCES

Listing of substances.

3.1. *First category:*

—Nitrocellulose of any kind, provided it is incompletely gelatinized and either dry or impregnated with less than 25% of an aqueous or alcohol-containing liquid.

—Black powder for hunting, mining or war purposes.

—Military explosives, whether or not loaded in cartridges, with a sodium chlorate, potassium chlorate and ammonium perchlorate ("cheddite").

—Dynamite.

—Mercury fulminate.

—Nitrocellulose powders.

3.1.2. *Second category:*

—Black saltpeter powders, lignite and sodium nitrate mining powders.

—Nitro-explosives belonging to the aromatic series, whether acids or not.

—Photogenic powders and powder mixtures if they are stable.

3.1.3. *Third Category:*

—Safety explosives, i.e., those explosive substances that do not present any danger of mass explosion by combustion or by shocks of the highest intensity that might occur during transit.

Viz:

—Nitrocellulose of any kind provided it is incompletely gelatinized and contains at least 25% of a liquid that may be either ethyl or butyl alcohol.

—Paste of balistite [50% each of nitroglycerin and nitrocellulose] (called: nitroglycerin powder pancakes).

—Dinitrobenzene and similar explosives.

—Explosives with ammonium nitrate base that contain less than 5% of nitroglycerine.

3.1.4. *Fourth category:*

—Crystallized dinitrotoluene, i.e., dinitrotoluene which is not entirely liquid at temperatures exceeding 40° Centigrade.

3.3.2. The packing for nitrated explosives of the aromatic series that are acids must be free from lead or lead compounds in any form whatsoever particularly in the form of paint or varnish.

3.3.3. The cartridges or the dynamite balls must be packed in a first strictly water-tight wrapping of cardboard, wood, zinc, or rubber. The empty spaces between the cartridges will have to be filled thoroughly with oakum, shredded paper, wood shavings, or any other dry, powder-like or soft material that is capable of deadening shocks

and, of absorbing the nitroglycerin which might happen to leak out!

These first wrappings will be contained in a wooden box, or in a box made of plywood having a thickness of no less than 5 mm. They will be safeguarded, in a manner to avoid all shaking, if necessary by means of wood shavings, or of any other dry material, powder-like or soft, as above.

The boxes will be provided with cleats or with lateral non-metallic handles which will make it possible to get hold of them easily.

The gross weight of a box of dynamite must not exceed **THIRTY FIVE** kilograms.

3.3.4. The explosives that have ammonium nitrate base and contain nitroglycerin in a ratio of less than 5% must satisfy the requirements established for the packing of dynamite.

Prohibition of Packing Together in One Package.

A package that contains explosive substances must not contain any other dangerous substances. Moreover, mercury fulminate cannot be packed together with any other substance.

Shipping.

3.4.1. *Labels.*—The packages must have a clearly visible inscription or label on the wrapping, with the wording, depending on the case: "Explosive substance"—"Dynamite".

3.4.2. *Shipping declaration.*—For those explosives that are subject to changes depending on the passage of time or on meteorological circumstances (frost, etc.), particularly for dynamite when the date of manufacture antedates by more than *three* months that of its presentation for shipping, a certificate is required. This certificate must be demanded. This certificate must state specifically that, at the moment when it was delivered to the transporting company, the explosive has not ceased to present the conditions of good quality and of good packing as required for the recently manufactured substance.

General Packing Conditions.

3.2.1. *Wooden barrels.*—The following may be packed in wooden barrels or casks:

- the nitrated explosives belonging to the aromatic series whether acids or not (second category).

- the pastes (third category).

- the dinitrobenzenes and similar explosives (third category).

The barrels or casks must be bound with hoops in such a way that they are sufficiently strong. The barrels will have to have a second inner packing which will consist either of a rubberized bag or a bag made of jute or a similar textile, or of a sheet of strong paper. That second packing must be such that it resists any seepage of powdery contents and any loss of any substance that must be shipped in a humid condition.

The weight of a barrel or cask must not exceed three hundred kilograms.

3.2.2. *Rigorously tight metal barrels.*—Incompletely gelatinized nitrocellulose that contains, at least, 25% of water or 25% of ethyl or butyl-alcohol (third category) may be transported in barrels of galvanized or leaded sheet iron. These barrels must be water-proof and alcohol-proof. They will have to be equipped with a hermetic closure which is able to give way to an internal pressure of one hundred bar.

Their weight must not exceed one hundred and twenty kilograms (except in case of nitrocellulose with an alcohol base in which case the weight limit is extended to three hundred kilograms).

3.2.3. *Boxes*.—Any explosive substance may be packed in metal or wooden boxes that comply with the following rules:

—The weight of a box cannot exceed, under any circumstances, SEVENTY FIVE kilograms, for materials of the first and second category; or one hundred and twenty kilograms for materials of the third and fourth categories.

—The materials will be placed under a double wrapping. The inner wrapping or wrappings which have to rigorously water-tight may consist of a bag (of canvas, rubber, leather, paper or cardboard) or of a wooden or metal box.

Special Packing Rules Applying to Certain Materials.

3.3.1. The packing for black hunting powder, mining powder or military powder must not contain any piece made of iron or of steel.

That certificate is compulsory in the cases of dynamite and mercury fulminate.

Loading.

3.5.1. *Complete prohibition of loading in an aircraft carrying passengers.*

3.5.2. *Arrangement of the packages.*—The barrels and casks must not be placed on one of the floors but must be laid into the aircraft and strongly fastened.

The boxes must be laid flat, with the cover on top.

In all cases, the packages must be laid down and handled with the greatest of care so as to avoid any shock or friction.

3.5.3. *Limitation of the cargo.*—*The cargo of an airplane, as far as explosive substances of the first category are concerned, must not exceed 80% of the normal cargo of the aircraft.*

3.5.4. *Prohibition of loading together.*—It is forbidden to load, into one and the same aircraft:

—Mercury fulminate, with any explosive substances and ammunition of any category.

—An explosive substance of the first category with another explosive substance of the first category.

—Explosive substances with:

—substances that release inflammable gases upon contact with water

—substances capable of spontaneous inflammation

—inflammable liquids and solids

—comburent, toxic, and corrosive substances.

3.5.5. *Exemptions.*—By way of exemption, explosives contained in cartridges, mine detonators and dynamites may be loaded together in one and the same aircraft under the following conditions:

—the packages of explosives contained in the same aircraft must not exceed a gross weight of:

—50 kg for the total amount of the packages containing dynamite and military explosives with a potassium chlorate, sodium chlorate and ammonium perchlorate base.

—100 kg for the total amount of the packages containing black powder and explosives containing a high percentage of ammonium nitrate.

—500 kg for the total amount of the packages containing black saltpeter powder and lignite of sodium nitrate mining powders.

—that the number of detonators must not exceed 1,000, and that the wrappings of these detonators are inclosed in a hermetically sealed and padlocked trunk.

Fire Prevention Measures.

3.6.1. Arrangement of the handling sites and their access.

3.6.2. Fire extinguishers.

3.6.3. Strict prohibition of smoking.

3.6.4. No aircraft containing explosive substances must stop or park within fifty meters of another aircraft already parked.

Any airplance containing explosive substances is forbidden to park near the buildings of the airport terminal and near the places where inflammable liquids are kept.

It is also strictly forbidden to carry out refueling operations of an airplane which contains explosives or which is about to take on a cargo of explosives.

Fourth Part

AMMUNITION

List of Materials.

4.1.1. *First category.*—Devices for military use that have a charge of explosive substances which is located in a covering the bursting action of which produces dangerous bursts, such as shells, explosive grenades without a primer, mines, air bombs without a primer.

4.1.2. *Second category.*—Devices for military use that have a charge of explosive substances located in a covering that cannot cause any dangerous bursts: such as petards, explosive cartridges, shells, shells and ammunition for lighting, incendiary, and smoke-producing purposes.

4.1.3. *Third category.*—Ammunition manufactured with nitro-cellulose or nitroglycerin powders and primed with black powder.

4.1.4. *Fourth category.*—Safety ammunition.

By safety ammunitions, we understand ammunition of such a type that the explosion of one element by itself, under the conditions which it is packed, does not bring about any danger for its immediate environs. Moreover, the conditions of manufacture and packing must be such that the explosion of one of them will communicate itself only partially and incompletely to any nearby ammunition in such a way that it cannot cause the mass explosion of the ammunition contained in the same box.

Viz., cartridges for hand fire arms of any kind, commercial safety ammunition (percussion caps and air gun cartridges).

Packing.

4.2.1. *Boxes.*—Wooden boxes must fulfill the following requirements:

- the thickness of the boards of the outer package cannot be less than 18 mm. for boxes having a gross weight of more than 50 kg; nor less than 10 mm, for boxes having a gross weight of less than 50 kg.

- the weight of a box must not exceed, in any case:

- 150 kg, for ammunition of the third category

- 100 kg, for ammunition of the second category

- 50 kg, for blank shells and for primed "ballasted" grenades.

4.2.2. *Barrels, casks, and drums.*—Only ammunition belonging to the third and fourth categories may be packed in barrels or casks. The barrels or casks must be bound with hoops in such a way that have sufficient strength, and must weigh not more than one hundred kilograms.

Shipping.

4.3.1 *Labeling.*—Visible inscription on the wrappings; indicating "Ammunition".

4.3.2 *Certifcate or affidavit, for safety ammunition.*—Only that ammunition the manufacturers of which have secured a certificate from the Powder Monopoly which attests that they conform to the definition supplied for safety ammunition, can be transported as safety ammunition.

That certificate may, however, be replaced by a declaration of the shipping firm that the ammunition to be shipped conforms with a type recognized as belonging to the category of safety ammunition.

4.3.3. *Shipping as baggage.*—Cartridges for small arms of any kind, primers and air gun cartridges and percussion caps for fire arms may be shipped as baggage and left in the baggage rooms.

This ammunition may be packed in suitcases, trunks, travel bags and closed crates.

One passenger, or one shipper, may not ship more than twenty kilograms of this ammunition.

Cargo.

Cargo consisting of ammunition of all categories must not exceed twenty kilograms (safety ammunition) in any aircraft carrying passengers.

4.4.1. *Limitation of cargo.*—The cargo of an aircraft consisting of ammunition of the first category must not exceed 80% of the normal cargo of the aircraft.

It is prohibited to load, into one and the same aircraft, ammunition and materials capable of spontaneous inflammation (phosphorus, zinc ethyl, various types of rope, linseed oil and resin).

Loading of ammunition and inflammable liquids and solids, or of ammunition and comburent, toxic and corrosive substances in one and the same aircraft is prohibited.

The goods the loading of which together with ammunition is not prohibited, must be destined for the same airport as the ammunition carried.

Fire Prevention Measures.

4.5.1. Arrangement of the handling sites and their access.

4.5.2. Fire extinguishers.

4.5.3. Prohibition of smoking.

Fifth Part

INFLAMMABLE LIQUIDS

List of Materials.

5.1.1. *First category.*—Non-existing.

5.1.2. *Second category.*—Carbon disulphide, acetic aldehyde, ethyl ether, and inflammable liquids containing petroleum ether.

5.1.3. *Third category.*—Ethyl acetate, benzene, gasoline, ethyl and methyl alcohol, acetone.

Hydrocarbons having a flash point of less than or equal to 55° Centigrade (automobile, airplane fuel, mineral oil, synthetic petroleum for lighting purposes, raw petroleum).

The explosion point is the temperature at which the liquid gives off vapors that burst into fire upon contact with a flame.

5.1.4. *Fourth category.*—Nitrobenzene, glycol.

Hydrocarbons the flash point of which is located between 50 and 100° Centigrade.

Tars.

Inflammable liquids of the third category when they are kept in metal containers.

Packing.

The hydrocarbons must be contained :

- either in water-tight and well-closed metal containers,
- or in carboys, or glass or stoneware bottles which must be well corked and well packed in baskets or in solidly woven wicker coverings or in metal, with a shock-absorbing lining. These baskets or coverings must be provided with handles.

- or in packing called “linogomme” packing. That packing consists of glass receptacles which have a textile wrapping and an interlining of wood shavings between the container and the wrapping.

Cargo.

Cargo containing any inflammable liquids is prohibited in an aircraft that carries passengers.

5.2.1. *Prohibition of loading in common.*—The loading, into one and the same aircraft, of inflammable liquids and :

- explosive substances
- ammunition
- comburent substances

is prohibited.

Handling.

Any handling of inflammable liquids near the buildings of the airport is prohibited, with the exception of those liquids which must necessarily be secured by the official control services or the customs authorities to carry out the taxation of the goods.

Fire Prevention Measures.

5.3.1. Arrangement of the handling sites and their access. The environs of those sites must be carefully cleared from vegetation and all combustible waste material must be removed.

5.3.2. Prohibition of smoking.

5.3.3. Fire extinguishers.

ROYAL DECREE

No. 15 of January 28, 1955

Creating, within the Armed Forces an Air Force, as of January 1, 1955

WE, SOMDET PHRACHAO SISAVANG VONG, KING OF LAOS

In consideration of the Constitution of the Kingdom of Laos of May 11, 1947 as amended on September 14, 1949 and March 22, 1952;

In consideration of the Royal Decree No. 100 of April 2, 1952 pertaining to the reorganization of the Council of Ministers;

In consideration of the Royal Decree No. 397 of November 29, 1954 pertaining to the appointment of the Members of the Royal Government;

In consideration of the Law No. 62 of March 23, 1950 as published pursuant to the Royal Decree No. 83 of May 3, 1950, pertaining to the creation of the National Army;

In consideration of the Royal Decree No. 333-71-CR of September 21, 1954 regulating the creation, the dissolution, the suspension and the disbanding of the military personnel of the Laotian Armed Forces;

Upon the motion of the Minister of National Defense;

ORDER

Article 1. Within the Armed Forces, an air force is created as of January 1, 1955.

Article 2. The Air Force includes:

—bases, the number of which will be fixed by order of the Minister of National Defense;

—flight personnel the number of which will likewise be fixed by ministerial order; one of these units will take care of the overall administration of the Air Force;

—a training center for the flight personnel.

Article 3. The Air Force is placed under the command of a staff officer who will assume the title of Commander of the Air Force and who will be directly under the command of the Chief of the General Staff of the Armed Forces.

Article 4. The Minister of National Defense is responsible for the execution of this Royal Decree.

ROYAL DECREE

No. 40 of February 24, 1955

pertaining to the organization of the control of Civil Aviation

WE, SOMDET PHARACHAO SISAVANG VONG, KING OF LAOS

In consideration of the Constitution of the Kingdom of Laos of May 11, 1947 as amended on September 14, 1949 and March 22, 1952;

In consideration of the Treaty of Friendship and Alliance between the Kingdom of Laos and the French Republic of October 22, 1953;

In consideration of the Royal Decree No. 100 of April 2, 1952 pertaining to the organization of the Council of Ministers of the Kingdom;

In consideration of the transfer of the Civil Aviation and of landing fields as of September 12, 1953;

In consideration of the Convention pertaining to International Civil Aviation signed at Chicago on December 7, 1944;

In consideration of the Royal Decree No. 372 of December 11, 1953 pertaining to the validity of the published regulations in the fields of civil and commercial aviation on the Territory of Laos;

Upon the motion of the President of the Council of the Ministers and the Planning Minister ;

And upon hearing the Council of the Cabinet (Session of January 18, 1955)

ORDER

Article 1. The Royal Decree No. 372 of December 31, 1953 cited above is complemented by the following regulations which invalidate and replace the earlier regulations of the same nature.

Article 2. This Decree has as its object the determination of the bases for the control exercised over civil aircraft, over the flight personnel, and over air transport.

In conformity with Article 3 of the Chicago Convention of December 7, 1944, the aircraft used by the military services, the customs or police authorities are considered aircraft of the State and are not subject to this Regulation.

Article 3. The import of civil aircraft into the Territory of the Kingdom is subject to the submission of a prior license, according to Article 17 of the Chicago Convention as cited before. These airplanes will be registered under the conditions provided in the Transfer Agreement pertaining to the competencies in regard to civil aviation of September 12, 1953.

Article 4. The members of the crews responsible for the piloting of a civil aircraft which has been imported onto the Territory of the Kingdom must be holders of patents and licenses of the flight personnel of the civil aviation that correspond to their functions and have been issued by a country which is a member of the International Civil Aviation Organization.

These licenses and patents are validated, for Laos, by the Director of Civil Aviation.

Article 5. Every owner of a civil aircraft must prove that insurance under-written by an approved insurance company covers all the risks concerning the aircraft, the goods transported and the crew as well as all third parties, whether they are passengers or not.

Article 6. The operation of commercial air transports will require an express authorization of the Royal Government.

Article 7. Presidential orders will determine the details of the execution of the Regulations contained in this Decree.

Article 8. Any violation of the regulations of this Decree and of the rules for its execution will be verified by an authentic official report drawn up by the Delegate for Civil Aviation or by any agent who has been specially qualified for that purpose.

Article 9. The Director of Civil Aviation will be empowered, depending on the nature and seriousness of the violation verified, to issue a warning to the violator or to pronounce the temporary or permanent withdrawal of the authorization or validations presented by the violator.

The sanctions applied will be made known to the competent agencies of the State jurisdiction which is competent in regard to the violator, as well as to all other organizations which have a legitimate interest in that information.

These administrative sanctions will be pronounced without prejudice as far as any judicial prosecutions incurred are concerned.

Article 10. The Prime Minister and President of the Council, the Minister of Public Works, of Planning, of Transportation and Telecommunications, and the Minister of Finance are responsible, according to their respective competencies, for the execution of this Decree.

Decree on Importation of Civil Aircraft

No. 49/PC of
February 19, 1955

THE PRESIDENT OF THE MINISTERS COUNCIL

DECREE

THE PRIME MINISTER, PRESIDENT OF THE COUNCIL, GRAND OFFICER OF THE ROYAL ORDER OF THE MILLION ELEPHANTS AND OF THE WHITE PARASOL

In consideration of the Royal Order No. 100 of April 2, 1952 pertaining to the reorganization of the Ministers' Council of the Kingdom;

In consideration of the Royal Order No. 397 of November 29, 1954 pertaining to the appointment of the Members of the Royal Government;

In consideration of the Royal Order No. 288 of November 7, 1952 pertaining to the organization of the General Planning Commission, particularly of Articles 17 and 19;

In consideration of the Decree No. 312/PC of September 23, 1953 which places the Civilian Aeronautics Service under the authority of the General Planning Commission;

In consideration of the Decree No. 360/PC of November 23, 1953 pertaining to the appointment of the Delegate of the General Planning Commission for Civil Aviation in Laos;

In consideration of the Royal Order No. 40 of February 24, 1955 pertaining to the organization of the superintendence of Civilian Aviation, particularly its Article 3;

IN REFERENCE TO the motion made by the General Planning Commissioner;

After hearing the Cabinet (Session of January 18, 1955)

DECREES

Article 1. The import of civilian aircraft into the territory of the Kingdom by residents of that territory, or by companies having their seat within that territory, is authorized by the Director of Civilian Aeronautics in the form given in the Inclosure.

Article 2. In accordance with the regulations of Article 17 of the Chicago International Convention of December 7, 1944 regarding Civilian Aviation, only persons of Laotian or French nationality, or Laotian or French companies can be authorized to import civilian aircraft.

Article 3. Until the time when the Kingdom of Laos joins the International Civilian Aviation Organization, the civilian aircraft

which have been imported into the territory of Laos and have been entered in the French State Register, will be entered in a special matriculation register of the Royal Government of Laos which has been opened at the Planning Department, without any prejudice to the keeping of a special matriculation series of such aircraft on the part of the Office of the High Representative of the French Republic at Laos.

Article 4. Civilian aircraft imported into the territory of Laos is subject to the superintendence of the Civilian Aeronautics Director of Laos, in accordance with the regulations that will be laid down by that Agency.

Article 5. The technical control of civilian aircraft imported into the territory of Laos is within the authority and competence of the Bureau of Veritas Francais.

Article 6. The Minister of Public Works, of Planning, of Transportation, and of Telecommunication, and the Secretary General of the Office of the President of the Council are responsible—each within his own field—for the execution of this Decree.

INCLOSURE TO DECREE No. 49/PC
OF FEBRUARY, 1955

IMPORT LICENSE FOR A CIVILIAN AIRCRAFT

M (I) -----
or the Company (2) -----
is authorized to import into the territory of Laos, the civilian aircraft (3) -----

This aircraft will be used for the purposes of commercial aviation, in accordance with the laws and regulations governing the territory of Laos.

Vientiane, the ----- 19--
The Director of Civilian Aviation

References:

Royal Order No. 288 of November 7, 1952, pertaining to the organization of the General Planning Commission, particularly Articles 17 and 19;

Decree No. 312/PC which places the Civilian Aeronautics Service under the authority of the General Planning Commission;

Royal Order No. 40 of February 24, 1955, pertaining to the organization of the superintendence of Civilian Aviation within the territory of Laos, particularly its Article 3.

Distribution:

— Proprietors of the aircraft,	1
— Civilian Aeronautics Director of Laos,	1
— General Planning Commission,	1
— Director of the National Security Police,	1
— Director of Customs and Excise Taxes,	1
— Chief of the General Staff of the Royal Army,	1
— High Representative of France in Laos (Special Register of Matriculation),	1

- (1) Mr., Mrs. or Miss
Family name, Christian names, and complete address in Laos.
- (2) Complete firm name and complete address of the Company.
- (3) Name and address of the construction firm.
Type and serial number.
If applicable, give the actual matriculation data.

OFFICE OF THE CHAIRMAN OF THE COUNCIL OF MINISTERS

DECREE No. 50/PC

February 19, 1955

On Organization of the Control of Personnel Manning Civil Aircraft

THE PRIME MINISTER, CHAIRMAN OF THE COUNCIL, GRAND OFFICER OF THE ROYAL ORDER OF THE MILLION ELEPHANTS AND THE WHITE PARASOL

In consideration of the Royal Decree No. 100 of April 2, 1952, concerning organization of the Council of Ministers of the Kingdom;

In consideration of the Royal Decree No. 397 of November 29, 1954, concerning nomination of the Members of the Royal Government;

In consideration of the Royal Decree No. 288 of November 7, 1952, concerning organization of the Office of the General Planning Commissioner, particularly articles 17 and 19;

In consideration of the Royal Decree No. Decree No. 312/PC of September 23, 1953, placing the Civil Aeronautics Administration under the authority of the Office of the General Planning Commissioner;

In consideration of the Royal Decree No. 360/PC of November 23, 1953, concerning nomination of the Delegate of the General Planning Commissioner to the Civil Aeronautics Administration of Laos;

In consideration of the Royal Decree No. 40 of February 24, 1955, concerning organization of the control of Civil Aviation, particularly article 4 thereof;

In consideration of the Royal Decree No. 49/PC of February 19, 1955, concerning organization of the control of civil aircraft;

On the recommendation of the General Planning Commissioner;

With the concurrence of the Cabinet Council (Meeting of January 18, 1955);

DECREES

Article 1. The members of crews providing for the piloting of civil aircraft imported to the territory of Laos must be holders of licenses of personnel piloting civil aircraft corresponding to their functions, and issued by a member country of the International Civil Aviation Organization.

Article 2. Personnel piloting civil aircraft and utilizing their licenses in the territory of Laos are subject to the control of the Civil

Aeronautics Administration of Laos, in accordance with the procedures established by this Bureau.

Article 3. Licenses of personnel piloting civil aircraft issued by another member country of the International Civil Aviation Organization will be validated for Laos in the form of an authorization issued by the Director of Civil Aeronautics of Laos.

This authorization will be added to the license. Its terms of validity will in no case exceed that of the license itself. It cannot confer on the holder privileges other than those relating to the license.

Article 4. The Minister of Public Works, of Planning, of Transportation and Telecommunication, and the Secretary General of the Office of the Prime Minister are charged with implementation of the present Decree, insofar as each is hereby affected.

OFFICE OF THE CHAIRMAN OF THE COUNCIL OF MINISTERS

DECREE

No. 51/PC

Prescribing Compulsory Insurance for Civil Aircraft

THE PRIME MINISTER, CHAIRMAN OF THE COUNCIL, GRAND OFFICER OF THE ROYAL ORDER OF THE MILLION ELEPHANTS AND THE WHITE PARASOL

In consideration of the Royal Decree No. 100 of April 2, 1952, concerning reorganization of the Council of Ministers of the Kingdom:

In consideration of the Royal Decree No. 397 of November 29, 1954, concerning nomination of the members of the Royal Government:

In consideration of the Royal Decree No. 288 of November 7, 1952, concerning organization of the Office of the General Planning Commissioner, particularly articles 17 and 19 thereof;

In consideration of the Royal Decree No. 312/PC of September 23, 1953, placing the Civil Aeronautics Administration under the authority of the Office of the General Planning Commissioner;

In consideration of the Royal Decree No. 360/PC of November 23, 1953, concerning nomination of the Delegate of the General Planning Commissioner to the Civil Aeronautics Administration of Laos:

In consideration of the Royal Decree No. 40 of February 24, 1955, concerning organization of the control of civil aircraft;

On recommendation of the General Planning Commissioner;

With the concurrence of the Cabinet Council (Meeting of January 18, 1955);

DECREES

Article 1. Every owner of a civil aircraft must take out, with an approved insurance company, one or more insurance policies covering all risks, whether relating or not to air navigation.

Article 2. The insurance which affects each civil aircraft will cover, in particular:

—the aircraft, for the risks of air navigation and for all risks on the ground;

—the property belonging to the administration, to the owner of the aircraft, and to the third person;

—the crew and third persons transported;

—third persons not transported.

Article 3. The risks incurred by the aircraft and by every installation of the airfields of Laos open to public air traffic, either because of the travel of the aircraft or because it is parked there, must be covered by the insurance policy or policies, on the initiative of the owner or through instructions by the pertinent Public Services.

Article 4. The insurance concerning the crew, the insurance concerning third persons transported, and the insurance concerning third persons not transported must cover all risks incurred because of the travel of the aircraft or because of the presence of the aircraft.

Article 5. The air transportation companies operating in the territory of Laos must take out insurance covering passengers and freight, in conformity with the international laws in force governing air transportation.

Article 6. Persons or companies chartering civil aircraft, imported or not to the territory of Laos, with the aim of utilizing them for air navigation on the territory of Laos, are responsible for taking out the insurance policies indicated Articles 1, 2, 3, 4, and 5 of the present Decree for the aircraft chartered.

Article 7. The Secretary General of the Office of the Prime Minister and the General Planning Commissioner are charged with implementation of the present Decree, insofar as each is hereby affected.

OFFICE OF THE CHAIRMAN OF THE COUNCIL OF MINISTERS

DECREE NO. 52/PC

February 19, 1955

On Authorization for the Operation of Air Transportation

THE PRIME MINISTER, CHAIRMAN OF THE COUNCIL, GRAND OFFICER OF THE ROYAL ORDER OF THE MILLION ELEPHANTS AND THE WHITE PARASOL

In consideration of the Royal Decree No. 100 of April 2, 1952, concerning reorganization of the Council of Ministers;

In consideration of the Royal Decree No. 397 of November 29, 1954, concerning nomination of the Members of the Royal Government;

In consideration of the Royal Decree No. 288 of November 7, 1952, concerning organization of the Office of the General Planning Commissioner, particularly Articles 17 and 19 thereof;

In consideration of the Decree No. 312/PC of September 23, 1953, placing the Civil Aeronautics Administration under the authority of the Office of the General Planning Commissioner;

In consideration of the Decree No. 360/PC of November 23, 1953, concerning nomination of the Delegate of the General Planning Commissioner to the Civil Aeronautics Administration of Laos;

In consideration of the Royal Decree No. 40 of February 24, 1955, concerning organization of the control of Civil Aviation, particularly Article 6 thereof;

In consideration of the Decree No. 49/PC of February 19, 1955, concerning organization of the control of civil aircraft;

On the recommendation of the General Planning Commissioner;

With the concurrence of the Cabinet Council (Meeting of January 18, 1955)

DECREES

Article 1. Authorization to conduct domestic air transportation in the territory of Laos is given by the Director of Civil Aeronautics of Laos, in accordance with the model shown in the appendix to the present Decree.

Article 2. Every company wishing to conduct domestic air transportation in the territory of Laos must forward to the Civil Aeronautics Administration of Laos:

—a copy of the statutes of the company,

—a copy of the legal instrument of registration of the statutes of the company,

—a copy of its insurance policy or policies.

Article 3. Every request for authorization to operate domestic air transportation in the territory of Laos must state:

—the air transportation routes,

—the nature of the air transportation (fixed lines, transportation on request, air taxi),

—the object of air transportation (transportation of passengers, transportation of freight, transportation of passengers and freight),

—the types of aircraft utilized.

Article 4. The maximum rates for domestic air transportation in the territory of Laos are fixed by Decree of the Prime Minister, on the recommendation of the Director of Civil Aeronautics of Laos. These rates are established for each route and for each company.

Article 5. The Secretary General of the Office of the Prime Minister and the General Planning Commissioner are charged with implementation of the present Decree, insofar as each is hereby affected.

References:

Agreement of September 12, 1953, concerning Transfer of Civil Aeronautics and Aeronautical Ground Organization to the Royal Government of Laos.

Royal Decree No. 288 of November 7, 1952, concerning organization of the Office of the General Planning Commissioner, particularly articles 17 and 19 thereof:

Decree No. 312/PC of September 23, 1953, placing the Civil Aeronautics Administration under the authority of the Office of the General Planning Commissioner;

Decree No. 360/PC of November 23, 1953, concerning nomination of the Delegate of the General Planning Commissioner to the Civil Aeronautics Administration of Laos.

Decree No. 52/PC of February 19, 1955, concerning organization of air transportation in the territory of Laos.