

Decree No. 236/PC of July 2, 1954, concerning organization of control of the operation of air transportation companies in the territory of Laos.

Decree No. 237/PC of July 2, 1954, concerning definition of companies authorized to conduct air transportation in the territory of Laos.

Distribution:

Company (1), 1 Copy.

Civil Aeronautics Administration of Laos, 1 Copy.

Comgeplan [Office of General Planning Commissioner], 1 Copy.

Ministry of National Economy, 1 Copy.

Bureau of National Security, 1 Copy.

Bureau of Customs and Collection of Taxes, 1 Copy.

Bureau of Postal Service and Telecommunications, 1 Copy.

Chief of Staff of the Royal Laoian Army, 1 Copy.

- (1) Firm's name and complete address.
- (2) Airfield of departure, intermediate airfield, terminal airfield.
- (3) of passengers
of freight
of passengers and freight
- (4) fixed lines
transportation on request
air taxi
- (5) types of aircraft.

ROYAL DECREE

No. 259 of
September 23, 1955

*fixing jurisdictions in the matter of air navigation and air traffic in
Laos*

WE, SOMDET PHRACHAO SISAVANG VONG, KING OF LAOS

In consideration of the Constitution of the Kingdom of Laos of May 11, 1947, amended September 14, 1949 and March 22, 1952;

In consideration of the Treaty of Friendship and Association of October 22, 1953 between the Kingdom of Laos and the Republic of France;

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 Convention of September 12, 1953 on transfer of Civil Aviation and the Aeronautical Ground Organization to the Royal Government of Laos;

In consideration of the Convention signed on December 7, 1944 at Chicago relative to International Civil Aviation;

In consideration of the Royal Decree No. 372 of December 31, 1953 concerning application of the texts of regulations in the matter of civil and commercial aviation in the territory of Laos;

In consideration of the Royal Decree No. 15 of January 28, 1955 concerning creation of the Air Force;

In consideration of the Royal Decree No. 333/71-CR of September 21, 1954 on the organization of the Army;

In consideration of the Royal Decree No. 40 of February 24, 1955 concerning organization of the control of civil aviation in the territory of Laos;

On the recommendation of the Cabinet Council (Meeting of August 22, 1955);

HEREBY ORDER

Article 1. The responsibility and control of air navigation and air traffic come under the jurisdiction of the Minister of Public Works and Planning, represented by the Director of Civil Aeronautics.

Article 2. In the matter of security of aeronautical navigation and air traffic, the Civil Aeronautics Administration applies the standards and recommendations given by the International Civil Aviation Organization, insofar as national requirements so permit.

Article 3. Military aircraft apply in the territory of the Kingdom the national regulations in force concerning air navigation and air traffic.

The maneuvers of military aircraft for the execution of their particular missions are regulated by texts issued by the Chief of the General Staff of the Laotian Armed Forces, with the consent of the Director of Civil Aeronautics, who is responsible for the security of air navigation and air traffic in the territory of the Kingdom.

Article 4. Authorizations for flight over and landing [in the territory of Laos] for foreign aircraft, civil or military, are issued by the Director of Civil Aeronautics, with the consent of the Department of Foreign Affairs.

The rules to be applied for the travel of French military aircraft are established jointly by the Civil Aeronautics Administration, the General Staff of the Laotian Armed Forces, and the Headquarters of the French Air Force.

Article 5. The Civil Aeronautics Administration and the General Staff of the Laotian Armed Forces will study in common the appropriate measures for assuring search and rescue operations under the best conditions in the event of accidents or incidents in air navigation in the territory of the Kingdom.

Article 6. The Deputy Chairman of the Council, Minister of National Defense and Veterans, the Deputy Chairman of the Council, Minister of Foreign Affairs, and the Minister of Public Works, of Planning, of Transportation and Telecommunications are charged with implementation of the present Order, insofar as each is hereby affected.

ROYAL DECREE

No. 260 of September 23, 1955

Determining Authority to Manage Airports

WE, SOMDET PHRACHAO SISAVANG VONG, KING OF LAOS

In consideration of the Constitution of the Kingdom of Laos of May 11, 1947, amended September 14, 1949 and March 22, 1952;

In consideration of the Treaty of Friendship and Association of October 22, 1953 between the Kingdom of Laos and the Republic of France;

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 Convention of September 12, 1953 on transfer of Civil Aviation and the Aeronautical Ground Organization to the Royal Government of Laos;

In consideration of the Convention signed on December 7, 1944 at Chicago relative to International Civil Aviation;

In consideration of the Royal Decree of the King No. 238-45-CR of August 11, 1953 regulating public administration on National Property;

In consideration of the Royal Decree No. 372 of December 31, 1953 concerning application of the texts of regulations in the matter of civil and commercial aviation in the territory of the Kingdom;

In consideration of the Royal Decree No. 15 of January 28, 1955 concerning creation of the Air Force;

In consideration of the Royal Decree No. 333/71-CR of September 21, 1954 on the organization of the Army;

In consideration of the Royal Decree No. 259 of September 23, 1955 determining authority in the matter of air navigation and air traffic in Laos;

On the recommendation of the Cabinet Council (Meeting of August 22, 1955)

HEREBY ORDER

Article 1. Airports established in the territory of Laos and classified as public property, the management of which is entrusted to the Ministry of Public Works and Planning (Civil Aeronautics Administration) for civilian airports, and to the Minister of National Defense (General Staff of the Laotian Armed Forces) for military airports, are subject to the regulations herein established.

Article 2. Airports open to public air traffic are civilian airports. They retain this nature when they are temporarily to public traffic.

Civilian airports are opened to public air traffic by decree of the Minister of Public Works and Planning.

Civilian airports are definitely closed to air traffic by decree of the Minister of Public Works and Planning.

The temporary closing and reopening of civilian airports to public traffic are announced by the Director of Civil Aeronautics.

Article 3. Military airports are airports not open to public air traffic and reserved for military aircraft.

These airports are forbidden to civil aircraft except in the case of requisition by competent authorities, civilian or military, or in the case of absolute necessity.

Article 4. On the recommendation of the Civil Aeronautics Administration and of the General Staff of the Armed Forces, the Minister of Public Works and Planning, and the Minister of National Defense will determine by joint decision :

(a) the conditions of utilization of civilian airports by military aircraft;

(b) the exploitation in common of the technical facilities at their disposal with the aim of ensuring the security of air navigation and air traffic in the territory of the Kingdom.

Aeronautical ground structure works and installations for the benefit of the Royal Laotian Army and on the civil airports of the Kingdom are carried out with the prior consent of the Civil Aeronautics Administration, which is responsible for these airports.

Article 5. Temporary occupation by requisitioning of airports is permitted under the conditions provided by Article 9 of Decree No. 238-45-CR above-mentioned.

Article 6. The Prime Minister, Chairman of the Council, the Deputy Chairman of the Council, Minister of National Defense and Veterans, the Minister of Public Works, Planning, Transportation and Telecommunications, and the Minister of Finance are charged with implementation of the present decree, insofar as each is hereby affected.

ROYAL DECREE

No. 133 of May 25, 1956

WE, SOMDET PHRACHAO SISAVANG VONG, KING OF LAOS

In consideration of the Constitution of the Kingdom of May 11, 1947, amended September 14, 1949 and March 22, 1952;

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. 76 of March 21, 1956 concerning nomination of the Members of the Royal Government;

In consideration of Law No. 83 of January 19, 1951 relative to application of the texts of preceding regulations to the Constitution of the Kingdom, and promulgated by Royal Decree No. 33 of February 10, 1951;

In consideration of the Royal Decree No. 296 of December 27, 1951 relative to the regulations concerning customs and foreign trade;

In consideration of the Royal Decree of January 22, 1952 concerning creation of customs airports in Indochina, and particularly article 7 thereof;

In consideration of the aggregate of the Decrees of May 10, 1935 and May 14, 1949 modifying the list of customs airports appended to the decree of January 22 referred to above;

In consideration of the Royal Decree No. 101 of April 2, 1952;

On the recommendation of our Minister of Finance and of the National Economy and of Planning;

With the concurrence of the Cabinet (Meeting of March 3, 1956);

HEREBY ORDER

Article 1. The list of customs airports appended to Royal Decree No. 101 of April 2, 1952 is amended as follows:

List of customs airports

	Province	Method and hours of operation of customs service	Remarks
Airports provided with permanent service: Vatay-----	Vientiane-----	0730 to 1100 hours, 1400 to 1700 hours, except Sundays and holidays.	Services provided outside the regulation hours occasion, with respect to the inspection of goods, the payment of fees according to the schedule fixed by the regulations in force.
Airports not provided with permanent service: Seno----- Pakse----- Luang-BG-----	Savannaket----- Champassak----- Luang-Prabang-----	(The agents are not stationed permanently at the airport. They must be requested by telephone at Savannakhet (for Seno), Pakse, and Luang-Prabang.	Services provided at the airport occasion, with respect to the inspection of goods, the payment of fees according to the schedule fixed by the regulations in force.

Article 2. Our Minister of Finance, of the National Economy and Planning, is charged with implementation of the present Decree.

ROYAL DECREE

No. 54

WE, SOMDET PHRACHAO SISAVANG VONG, KING OF LAOS

In consideration of the Constitution of the Kingdom of Laos of May 11, 1947, amended September 14, 1949 and March 22, 1952; In consideration of the Treaty of Friendship and Association of October 22, 1953, between the Kingdom of Laos and the Republic of France;

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. 76 of March 21, 1956 concerning nomination of the members of the Royal Government;

In consideration of the Convention of September 12, 1953 on transfer of Civil Aeronautics and the Aeronautical Ground Organization to the Royal Government of Laos;

In consideration of the Convention signed on December 7, 1944 at Chicago relative to International Civil Aviation, and particularly Appendix 1 thereto;

In consideration of the adherence of the Kingdom of Laos to the International Civil Aviation Organization, dating from July 13, 1955;

In consideration of the Royal Decree No. 372 of December 31, 1953 concerning application of the texts of regulations in the matter of civil and commercial aviation in the territory of Laos;

In consideration of the Royal Decree No. 40 of February 24, 1955 concerning organization of the control of Civil Aviation in the territory of Laos;

In consideration of the Royal Decree No. 259 of September 23, 1955 determining authority in the matter of air navigation and air traffic in the territory of Laos;

With the concurrence of the Cabinet (Meeting of January 28, 1957):

HEREBY ORDER

Article 1. A civil aviation radio navigation license is hereby instituted.

Article 2. The civil aviation radio navigation license is issued in conformity with the standards recommended by Appendix 1 to the OACI [International Civil Aviation Organization Convention].

Article 3. The methods of issuance of the civil aviation radio navigation license are defined by Decree of the Minister of Public Works and of Transportation:

Article 4. The Prime Minister, Chairman of the Council, the Minister of Public Works and of Transportation, and the Minister of Finance are charged with implementation of the present Decree, insofar as each is hereby affected.

ROYAL DECREE

No. 37 of

January 26, 1959

WE, SOMDET PHRACHAO SISAVANG VONG, KING OF LAOS,

In consideration of the Constitution of the Kingdom of Laos of May 11, 1947, amended September 14, 1949, March 22, 1952, and September 29, 1956;

In consideration of the Royal Decree No. 100 of April 2, 1952 concerning reorganization of the Council of Ministers;

In consideration of the Royal Order No. 206 of August 18, 1958 concerning nomination of the Members of the Royal Government;

In consideration of the Convention signed on December 7, 1944 at Chicago relative to International Civil Aviation;

In consideration of the Royal Decree No. 372 of December 31, 1953 concerning application of the texts of regulations in the matter of civil and commercial aviation in the territory of Laos;

In consideration of Law No. 62 of March 23, 1950, promulgated by Royal Decree No. 83 of May 3, 1950 concerning creation of the National Army;

In consideration of Royal Decree No. 15 of January 28, 1955 concerning creation of the Laotian Air Force;

In consideration of Royal Decree No. 40 of February 24, 1955 concerning organization of the control of Civil Aviation in the territory of Laos;

In consideration of Royal Decree No. 259 of September 23, 1955 determining authority in the matter of air navigation and air traffic in the territory of Laos;

On the recommendation of the Council of the Cabinet (meeting of November 10, 1958);

HEREBY DECREE

Article 1. The responsibility for and control of air navigation and traffic come under the authority of the Minister of Public Works and Planning, represented by the Director of Civil Aeronautics.

Article 2. The installation, utilization, and maintenance of the technical materials necessary for functioning of the control of air navigation and traffic are the responsibility:

—of the Civil Aeronautics Administration in civilian areas.

—of the Air Force (Military Aviation) in military areas.

Article 3. In the matter of air navigation and traffic security, the Civil Aeronautics Administration applies the standards and recommendations given by the International Civil Aviation Organization, insofar as national requirements so permit.

Article 4. Military aircraft apply in the territory of the Kingdom the national regulations in force concerning air navigation and air traffic.

The maneuvers of military aircraft for the execution of their particular missions are regulated by texts issued by the Chief of the General Staff of the Laotian Armed Forces, with the consent of the Director of Civil Aeronautics, who is responsible for the security of air navigation and air traffic in the territory of the Kingdom.

Article 5. Authorizations for flight over and landing [in the territory of Laos] for foreign aircraft, civil or military, are issued by the Director of Civil Aeronautics, with the consent of the Department of Foreign Affairs.

Article 6. The Civil Aeronautics Administration and the General Staff of the Laotian Armed Forces will study in common the appropriate measures for assuring search and rescue operations under the best conditions in the event of accidents or incidents in air navigation in the territory of the Kingdom.

Article 7. All orders conflicting with the present Decree are hereby rescinded, and in particular Royal Decree No. 259 dated September 23, 1955 and referred to above.

Article 8. The Prime Minister, Chairman of the Council, Minister of Public Works, Planning and Telecommunications, the Deputy Chairman of the Council, Minister of the Interior and National Defense, and the Minister of Foreign Affairs are charged with implementation of the present Decree, insofar as each is hereby affected.

INTRODUCTORY REPORT

Royal Decree No. 259 of September 23, 1955 determined authority in the matter of air navigation and traffic in Laos, the responsibility and control of which come under the sole authority of the Minister of Public Works, represented by the Director of Civil Aeronautics.

Nevertheless, the technical equipment available to the latter organization does not permit it to assure with all the desirable security the missions with which it is thereby charged.

On the other hand, the Armed Forces (Air Force) could, owing to the American aid, provide the equipment necessary for exercise of control over air navigation and air traffic in the military areas of the Kingdom, on condition that the majority of the areas currently in

use are classified as "military areas", obviously remaining accessible to civil aircraft.

In order to do this, it would be advisable to divide between the Office of Civil Aeronautics on the one hand and the Armed Forces on the other, the responsibility for the installation, utilization, and maintenance of the technical equipment necessary for the functioning of control of air navigation and traffic.

This is the object of the present draft Decree.

Vientiane, November 15, 1958

OFFICE OF THE CHAIRMAN OF THE COUNCIL OF MINISTERS

DECREE OF CHAIRMAN OF COUNCIL OF MINISTERS

No. 206/PC

concerning reorganization of the Civil Aviation Administration of the Kingdom of Laos

THE PRIME MINISTER, CHAIRMAN OF THE COUNCIL

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. 36 of January 24, 1959 concerning nomination of the Members of the Royal Government;

In consideration of the Convention of September 12, 1953 on transfer of Civil Aeronautics and the [Aeronautical] Ground organization to the Royal Government of Laos;

In consideration of the Royal Decree No. 372 of December 31, 1953 concerning application of the texts of regulations in force in the matter of Civil and Commercial Aviation in the territory of Laos;

In consideration of the Convention signed on December 7, 1944 at Chicago relative to International Civil Aviation;

In consideration of Decree No. 14/PC concerning division of the services of the Ministry of Public Works, Planning, Transportation and Telecommunications;

In consideration of Additional Clause No. 62/PC of March 7, 1956 to Article 4 of Decree No. 14/PC of January 18, 1955 attaching the Civil Aeronautics Administration, Civil and Commercial Aviation Section and Air Ground Organization Section, to the Ministry of Public Works;

In consideration of Royal Decree No. 37 of January 26, 1959 determining authority in the matter of security of air navigation and of air traffic;

In consideration of Corrigendum No. 169/PC of May 12, 1959 to Article 4 of Decree No. 264/PC of the Chairman of the Council of Ministers of September 21, 1956 concerning organization of the Ministry of Public Works and Transportation;

On the recommendation of the Secretary of State for Public Works and Transportation;

In consideration of the requirements of the service;

DECREES

Article 1. Reckoning from the date of signing of the present Decree, the Office of Civil Aviation, with a Director at its head, has the following organization:

(A) Administration:

- (a) OACI (International Civil Aviation Organization) Office
- (b) Central Administrative Office
- (c) Secretariat Office
- (d) Air Transportation Office
- (e) Air Navigation Office
- (f) Air Bases Office

(B) Executive Agencies:

- (a) Regional Control Center
- (b) Local Control Center
- (c) Airport Control Center
- (d) Approach Control Center
- (e) Runway Office
- (f) Signal Communication Center
- (g) Search and Rescue Service.

(C) Personnel Training Center (Technical Assistants and Air Traffic Agents):

The Personnel Training Center is headed by a Director assisted by the Heads of the Technical Offices.

The organization and operation of this center will be the subject of a special decree.

Article 2. Duties.

The various duties reserved to each Office of the Civil Aviation Administration are the following:

(I) OACI Office (International Civil Aviation Organization):

- Correspondence
- Recommended standards
- Amendments
- Organization of conferences
- General documentation on aviation
- Liaison with the OACI headquarters at Montreal (Canada).

(II) Central Administrative Office:

(a) Finance Section:

- Budgetary estimates and allocation of funds.
- Disbursement of pay and miscellaneous allowances to personnel.
- Procurement-Storage-Control-Inventory of material-Tax.

— Keeping of audit books.

— Miscellaneous.

(b) Personnel and Organization Section:

- Personnel regulations.
- Personnel administration.
- Personnel files.
- Personnel control.
- Transfers, Promotions, Appointments, Punishment.
- Medical Care, Hospitalization.
- Satég.

- (c) General Facilities:
 - Vehicles, Building Maintenance, Coolies.
 - Caretakers, Drivers, Miscellaneous.
- (III) Secretariat Office:
 - Correspondence.
 - Files.
 - Publications.
 - General Report of Operation of the Administration.
 - Director's Private Correspondence (receipt, forwarding) etc.
- (IV) Air Transportation Office:
 - (a) Flight Section:
 - Accident Investigation.
 - Flying Rules.
 - Aeronautical Information Office.
 - (b) Statistical Section:
 - Compilation.
 - Analysis.
 - Dissemination.
 - General statistics on air transportation of Laos and other member countries of the OACI.
 - (c) Facilitation Section:
 - Study of projects, protocol agreements for frontier formalities.
 - Study of projects, memoranda with customs, health, and police services.
 - Taxes and insurance.
 - (d) Economics Section:
 - Right of flight and flight over areas.
 - Study of projects on air operations.
 - Control of air operations.
 - International negotiation or arrangements for air transportation.
 - Control of airworthiness certificates—Aircraft Registration Certificate—Flight Personnel License.
 - Authorization or cancellation of flight operations.
- (V) Air Bases Office:
 - (a) General Economic and Legal Affairs Section:
 - General regulations on airfields open to air traffic.
 - Establishment of area and airport plans.
 - Studies of projects, memoranda, instructions, recommendations, etc.
 - (b) Property and Maintenance Section:
 - Authorization or cancellation of concessions.
 - Projects of enlargement, expropriation, and organization of the airfields of the Kingdom.
 - Current maintenance of existing installations.
- (VI) Air Navigation Office:
 - (a) Ground and Regional Affairs Section:
 - Maintenance of existing installations—radios.
 - Studies of new visual installations.
 - Air Traffic Service.
 - Aeronautical telecommunications.
 - Firefighting Service.
 - Regional affairs and miscellaneous.

(b) Air Navigation Section:

- Study of laying out of routes or air corridors.
- Limitation of zones of control, danger zones, and air space of the Kingdom.
- Study of new clearings, new approaches, etc.
- Printing of air navigation maps.
- Study course projects for personnel training.
- Supervision and control of implementation of instructions issued on various activities: air transportation, air work, air tourism.

Article 3. Regional representatives of Civil Aviation. The latter will be represented regionally by:

—an airport commander, who will be charged with directing the Air Control Center (both the regional airport and the airport command).

—a Chief Engineer of the Public Works Subdivision, who will be charged with directing the Air Base.

Article 4. All previous orders conflicting with those of the present decree are hereby rescinded.

Article 5. The Secretary of State for Public Works and for Transportation is charged with implementation of the present decree.

No. 235/PC

OFFICE OF THE CHAIRMAN OF THE COUNCIL OF MINISTERS

DECREE OF CHAIRMAN OF COUNCIL OF MINISTERS

THE PRIME MINISTER, CHAIRMAN OF THE COUNCIL

In consideration of the Constitution of the Kingdom;

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. 36 of January 24, 1959 concerning nomination of the Members of the Royal Government of Laos;

In consideration of the Ordinance of December 11, 1936 adapting the provisions of the Law of July 4, 1935 establishing easements called "easements in the interest of Air Navigation," promulgated by decree of January 27, 1937;

In consideration of the Convention signed at Chicago on December 7, 1944 relative to International Civil Aviation, and in particular Appendix 14 thereto (Third Edition, September 1958) defining the international standards and practices recommended in the matter of airports;

In consideration of Decree No. 130/PC of May 30, 1951 regulating the conditions of application of Royal Decree No. 60 of March 8, 1951 relative to the tax base, claims, and collection of direct and assimilated taxes;

In consideration of the Convention of September 12, 1953 on transfer of Civil Aeronautics and the [Aeronautical] Ground Organization to the Royal Government of Laos;

In consideration of the Royal Decree No. 372 of December 31, 1953 concerning application of the texts of regulations in force in the matter of civil and commercial aviation in the territory of Laos;

In consideration of Decree No. 14/PC of January 18, 1955 concerning division of the services of the Ministry of Public Works, Planning, Transportation and Telecommunications;

In consideration of the Royal Decree No. 15 of January 28, 1955 concerning creation of the Laotian Air Force;

In consideration of the Royal Decree No. 260 of September 23, 1955 determining the rules of appropriation, opening, and utilization of the civil and military airports of the Kingdom;

In consideration of Decision No. 129/SGACC of January 17, 1956, Section II, Chapter One, concerning regulation of the application of legislation governing aeronautical easements, consideration being given to the recommended standards and practices established by the OACI;

In consideration of the Additional Clause No. 62/PC of March 7, 1956 to Article 4 of Decree No. 14/PC of January 18, 1955 attaching the Civil Aeronautics Administration, Civil and Commercial Aviation Section and Air Ground Organization Section, to the Ministry of Public Works;

In consideration of the Royal Decree No. 37 of January 26, 1959 determining authority in the matter of security of air navigation and air traffic;

In consideration of Decree No. 178/PC of August 7, concerning institution of a judiciary agency of the Treasury;

In consideration of Corrigendum No. 169/PC of May 12, 1959 to Article 4 of the Chairman of the Council of Ministers Decree No. 264/PC of September 21, 1956 concerning the organization of the Ministry of Public Works and Transportation;

In consideration of the Chairman of the Council of Minister Decree No. 206/PC of June 12, 1959 concerning reorganization of the Civil Aviation Administration of the Kingdom of Laos;

On the recommendation of the Minister of Public Works and Transportation;

With the concurrence of the Cabinet (Meeting of July 3, 1959);

DECREES

SECTION I. GENERAL PROVISIONS

Article 1. The present decree rescinds and replaces French text No. 46-2.235 of October 11, 1946 concerning regulation of the taxes to be collected on the airports of the Kingdom of Laos.

Article 2. The taxes to be collected, listed below, will be collected on all the airports of the Kingdom on and after July 1, 1959:

- landing tax;
- supplementary tax for landing or take-off at night;
- common shelter tax;
- parking tax;
- fees for occupation by third parties of buildings constituting public property;

- fees for utilization of the equipment of airports;
- tax on passengers and freight;
- tax on visitors;

Article 3. The present ministerial decree has the aim of defining the basic principles of these taxes. Subsequent ministerial decrees will establish the tax rates.

SECTION II. THE LANDING TAX

ITEM I. THE LANDING TAX

Article 4. Principle and base of the tax. Every aircraft landing or alighting on water at a national airport (civil, military, or joint) is liable to a tax, subject to the provisions of Article 4. This tax is computed by the ton; the tonnage to be taxed is the maximum weight shown in the airworthiness certificate of the aircraft. Every fraction of a ton is counted as one ton.

Article 5. Landings exempt from the tax. The following are exempt from the tax:

(1) landings made by government aircraft, with the exception of landings made by civil or military government aircraft executing air transportation for payment.

(2) landings due to equipment test flights, on the express condition that these flights present certain characteristics which will be specified by decrees.

(3) landings made by the aircraft of pilot training schools and flying clubs at their "connecting airports", on the condition that these landings be due to:

pilot instruction flights or

flights for the training of non-licensed pilots,

in the course of which no landing at another airport will take place.

Article 6. Definitions. For the purpose of application of the present decree,

"Airport" is understood to mean any airfield or seaplane base intended for the landing or alighting on water of aircraft, whatever be the importance of its installations;

"International air traffic" is understood to mean air traffic, whether regular or not, involving at least landing or taking off in the territory of a foreign country;

"National air traffic or local air traffic" is understood to mean air traffic, whether regular or not, involving the emplaning of passengers, mail, or goods at a point in the national territory for the transportation thereof for remuneration to another point in the national territory;

"National territory" is understood to mean the terrestrial regions and the territorial waters adjacent thereto over which the Kingdom of Laos exercises its sovereignty, its suzerainty, its protection, a mandate, or its trusteeship;

"Private aircraft" is understood to mean every privately owned aircraft used by its owner solely for private purposes or those of pleasure and not to derive profit therefrom by renting or by any other means.

Article 7. Basic schedule. The basic schedule varies in accordance with the nature of the traffic performed by the aircraft: international air traffic, national air traffic, or "local air traffic", private flying.

The information entered in the trip record will determine the nature of the traffic carried out by the aircraft and the schedule to be applied. The trip must be considered in its entirety and not by stages.

If, in the course of a single trip, an aircraft executes international air traffic and local traffic, the basic schedule of international air traffic is the only one applicable.

Article 8. Checking of and payment for landings. Checking of and payment for landings are carried out on arrival, on the occasion of the checking operation, by the surrender of a landing ticket and the affixing of a certification to the trip record. Users who wish to benefit from the exemptions provided in Article 5 of the present decree must give notification in advance of the take-off and immediately prior to departure, to the official charged with the checking.

Article 9. Aircraft participating in an air demonstration. Whatever the type of craft, the basic schedule of private aircraft reduced 50p.100 will be applicable to aircraft participating in an air demonstration.

Authorization for utilization of the airport will be subject to the prior payment of a lump sum computed on the basis of the number of landings scheduled.

Only the aircraft entered in the official list of the participants in the demonstration may benefit from this lump sum payment.

ITEM II. SUPPLEMENTARY TAX FOR LANDING OR TAKE-OFF AT NIGHT

Article 10. Principle of this tax. This contractual tax, separate from the landing tax instituted by Article 4 of the present decree, is collected on take-off as well as on landing or alighting on water and on takeoff, is paid in advance (sic).

Its rates depend on the importance of the ground lighting and signalling installation of the airport.

Payment of it is made by the surrender of a ticket.

Article 11. Definition of landing, alighting on water, or take-off at night. Landings, alightings on water, or take-offs at night are considered to be those which take place during the period of time beginning one-half hour after sunset and ending one-half hour before sunrise.

SECTION III. SHELTER AND PARKING TAX

ITEM I. SHELTER TAX

Article 12. Definition of the shelter tax. This daily tax, applied to transient craft kept in common shelter, is computed on the basis of the ton. The tonnage to be taxed is the "maximum weight shown in the airworthiness certificate."

Each fraction of a ton is counted as one ton.

Each fraction of a period of twenty-four hours is counted as one day.

Article 13. Aircraft exempt from the shelter tax. Only government aircraft, except civil or military aircraft engaging in trans-

portation for payment, have the right to free common shelter, insofar as space is available.

Article 14. Payment by installments. Payment by monthly installments may be granted; they are established by the airport. The monthly installment payment includes a reduction, the amount of which equals the daily tax to which the coefficient twenty is applied.

ITEM II. PARKING TAX

Article 15. Definition of the tax. This tax is due for every aircraft parking on land or water surfaces set aside for this express purpose. The expenses and risks of alighting on water are those of the owner of the aircraft. The first six hours of parking are free.

This daily tax is computed on the basis of the ton.

Every fraction of a ton is counted as one ton.

Every fraction of a period of twenty-four hours is counted as one day.

Payment by monthly installments may be granted; they involve no reduction.

At seaplane bases the mooring of motor boats, barges, other small craft belonging to the users, government aircraft, with the exception of civil or military aircraft engaging in transportation in exchange for payment [sic.]

Article 16. Aircraft exempt from the parking tax. Only government aircraft, except civil or military government aircraft engaging in transportation in exchange for payment, have the right to free parking beyond the six hour, insofar as space as available.

SECTION IV. PROPERTY FEES

Article 17. Occupation of real property by third persons. Definition of these fees. Temporary occupation of the outbuildings of government airports and seaplane bases, buildings, and bare grounds is authorized by prefectorial decree.

These authorizations are granted for a minimum period of one year; they are essentially precarious and revocable.

SECTION V. FEES FOR THE UTILIZATION OF THE EQUIPMENT OF AIRPORTS

Article 18. Principle of these fees. These fees are computed on the basis:

of the appliance used,

of the work performed, expressed in quarters of an hour, kilometers, tons,

of the specialized labor supplied by the airport. If additional labor is furnished by the administration, it will be invoiced by the quarter-hour, with a minimum charge of one-half hour, at a price corresponding to the normal salary of the worker of the category, and augmented by a contractual percentage for general expenses and social charges the rate of which will be established by decree.

Every fraction of a quarter-hour, kilometer, or ton is counted as one quarter-hour, one kilometer, or one ton.

The fees for utilization of the machine tools and portable equipment of each airport will be established by the Minister or his delegate.

SECTION VI. TAX ON PASSENGERS AND FREIGHT

Article 19. Definition of this tax. Every passenger and every commodity emplaned at an airport is liable to a tax equivalent to the extent of utilization of the airport.

SECTION VII. TAX ON VISITORS

Article 20. Within the limits of the airport, access to certain zones reserved for visitors may be subject to the payment of an entrance fee the amount of which will be established for each airport on the recommendation of the airport command, by the Minister or his delegate.

SECTION VIII. MISCELLANEOUS PROVISIONS

Article 21. Requests for installment payment. Every request for installment payment for authorization for temporary occupation should be addressed to the command of the airport, which forwards it to the services concerned. These requests, containing all the information necessary for the drawing up of contracts, will be made on forms issued by the Administration.

Permission for installment payment is issued after approval by the Director of Airports or by the regional Directors of Civil Aviation.

Every request for installment payment or authorization for occupation submitted by an enterprise or an individual who has not paid these taxes, whatever they be, to which aircraft are liable, or who has not conformed to the general or particular regulations of the airports, will be obligatorily rejected.

Article 22. Payment of taxes and fees. The property fees for temporary occupation of real property by third persons, provided in Article 16, Section IV of the present decree, are paid by the holders of the authorizations directly to the collectors for the property.

The shelter taxes, fees for the utilization of equipment, the taxes on passengers and freight, and the taxes on visitors are paid to agents of the Treasury assigned to the airports, it being their duty to transfer the amount collected to the Treasury every two weeks.

Article 23. Prosecution and penalties in case of non-payment or failure to observe regulations.

Cancellation of the installment payment privileges and withdrawal of the occupation authorization or book of landing tickets, subject to two weeks' advance notice, are the penalties provided for every user who does not respect the general or particular instructions of the airport and who does not pay, or pays irregularly, the taxes or fees due from him.

Debtors or those violating regulations will be prosecuted:

in accordance with government procedures for the collection of the shelter taxes, fees for the temporary occupation of public property, and for the utilization of property,

in accordance with the procedure instituted by Royal Decree No. 60 of March 8, 1951 and Decree No. 130/PC of May 30, 1951 for

all the other taxes and fees which do not, because of existing legislation, involve a special method of collection or prosecution.

The temporary or permanent withdrawal of the license of the pilot of an aircraft may, at the same time, be effected as an additional penalty.

Article 24. The Minister of Public Works and Transportation, the Minister of Finance, the Director of Civil Aviation, the Inspector General of Finance, the General Treasurer of the Kingdom, the Director of the Budget and Accounting of the Ministry of Finance, the Director of Public Property, Registration, and Stamp Duty are charged with implementation of the present decree, insofar as each is hereby affected.

ORDINANCE-LAW COVERING LEGISLATION IN REGARD TO AERIAL NAVIGATION

No. 272

August 19, 1959

WE, SOMDET PHRACHAO SISAVANG VONG, KING OF LAOS, in consideration of:

The Constitution of the Kingdom:

Royal Ordinance No. 100, April 2, 1953, on Reorganization of the Council of Ministers;

Royal Ordinance No. 36, January 24, 1959, on Nomination of Members of the Royal Government:

The Chicago Convention on Civil and Commercial Aviation of December 7, 1944:

The Agreement of September 12, 1953 on Transfer of Civil Air Service and Ground Structures to the Kingdom of Laos:

Royal Ordinance No. 372, December 31, 1953, on Regulations for Civil and Commercial Aviation on the Territory of Laos:

The Membership of the Kingdom of Laos in the International Civil Aviation Organization as of July 13, 1955:

Corrigendum No. 169/PC, May 12, 1959, to Article 4 of Presidential Decree No. 264/PC, September 21, 1956, on Organization of the Public Works and Transportation Ministry;

Presidential Decree No. 206/PC, June 18, 1959, on Reorganization of the Directorate of Civil Aviation of the Kingdom of Laos;

Upon Proposal by the Minister of Public Works and Transportation:

After Hearing by the Cabinet Council (meeting of July 3, 1959);

With the Consent of the Permanent Office of the National Assembly in the Session of July 17, 1959, as notified by letter No. 346/—July 18, 1959—from the President of the National Assembly;

ORDAIN

Article 1. The conditions for air traffic and for the utilization of air-fields are subject to the national regulations and to the international agreements to which the Kingdom of Laos is a party.

Article 2. Flights over certain areas of the territory may be prohibited by presidential decree, for military reasons or in the interest of public safety.

Flights over built-up areas are authorized only at such an altitude that landing, beyond the built-up area or on an airfield, shall always be possible in case of engine failure.

Article 3. Every aircraft must be registered. The manner of registration is prescribed by Royal Ordinance. The national registry of the aircraft shall be certified.

Article 4. Public airfields are provided by the State.

Private airfields may be established only with the authorization of the competent administration.

Article 5. The establishment of easements adjacent to an airfield, in the interest of aerial navigation, shall entitle the owner to compensation if he thereby suffers present and real damage.

Article 6. No regular airline service shall be created and operated without a concession when a public service is involved, or without prior authorization of the competent administration when private operation is involved.

Article 7. The owner or lessee of an aircraft shall be considered as the operator thereof. Accordingly, he shall be considered as responsible for the personnel employed by him in the operation of the aircraft.

Article 8. Any person engaged as flying personnel shall be inscribed in a register kept by the services of the Ministry in charge of Civil Aviation. Persons having been sentenced to penal servitude and loss of civil rights may not be so inscribed. Certificates required for flying personnel are prescribed by decree.

Article 9. The manner of application of the present law shall be established by Royal Ordinance and, specifically, by the technical and administrative rules and regulations concerning:

- airfields open to air traffic and the fees for their utilization;
- the legal status of the aircraft;
- telecommunication for aerial navigation;
- air traffic;
- air transportation;
- flying personnel;
- light and private aircraft.

Such regulations shall remain within the frame of the international agreements for air transportation and for civil aviation signed by the Kingdom of Laos.

Article 10. The technical and administrative rules and regulations concerning both civil and military aircraft shall be established after approval by the Ministry of National Defense.

Article 11. Infractions of the laws and regulations governing civil aviation shall be prosecuted before the competent courts. Penalties incurred shall be either fines from ONE HUNDRED KIPS to FIVE HUNDRED THOUSAND KIPS or imprisonment from six days to six months, or both.

Article 12. The regulations for the application of the present law shall prescribe, within the above limits, the amount and/or duration of the penalties provided for the different types of infractions.

Article 13. This ordinance shall become effective as a State Law prior to ratification by the National Assembly.

Article 14. The Prime Minister, President of the Council, Minister of Planning, of Public Works and Transportation, of Public Health, of Social Matters and of Justice, and the Minister of National Defense are charged, each within his sphere of responsibility, with carrying out the provisions of this law.

OFFICE OF THE PRESIDENT

COUNCIL OF MINISTERS

PRESIDENTIAL DECREE

on Safety and Security Regulations for Airfields Open to Civilian Traffic

No. 276/PC

IN CONSIDERATION OF:

Royal Ordinance No. 100, April 2, 1952, on Reorganization of the Council of Ministers;

Royal Ordinance No. 36, January 24, 1959, on Nomination of Members of the Royal Government;

Presidential Decree No. 206, June 12, 1959, on Reorganization of the Directorate of Civil Aviation;

Law No. 133, March 17, 1953, and Royal Ordinance No. 238-45/CR, August 11, 1953, on Legislation and Regulation of the Public and Private National Domain;

Royal Ordinance No. 260, September 23, 1955, on Competence for the Administration of Airfields;

Royal Ordinance No. 40, February 24, 1957, on Organization of the Control of Civil Aviation;

Royal Ordinance No. 37, January 26, 1959, establishing areas of competence in regard to navigation and air traffic;

Presidential Decree No. 302, September 17, 1952, on Direct Collection of Fines (for infractions) of Highway Traffic (Regulations);

Upon proposal by the Minister of Public Works and Transportation;

After hearing by the Cabinet Council (Heeting of August 13, 1959);

It Is Decreed That:

CHAPTER I—INSTRUCTIONS

Article 1. Airfields open to civilian air traffic are a part of the Public Domain of the State and are placed under the control of the Directorate of Civil Aviation, delegated to the latter as a function of the Ministry of Public Works and Transportation, responsible for their administration, maintenance and repair.

The airlines, the national public services, including the Administration of Customs and State Management, the Police, the Public Health, the Postal and Telecommunication Services and the Meteorological Service are required to exercise their respective functions on them.

Article 2. Unless specifically so authorized by the representative of the Directorate of Civil Aviation, any person, animal or vehicle is prohibited from entering upon surfaces reserved for aircraft or in the interior of the installations specified in Chapter III below, as well as in the interior of the installations reserved for the public services.

Article 3. Free access is permitted to the surfaces and the interior of the installations reserved for the public.

Such access may be prohibited—

- for technical or safety reasons;
- during receptions or manifestations;
- to any person either intoxicated or improperly dressed or begging or dangerous to public safety or interfering with officials of the state in the exercise of their duties.

Article 4. Smoking is prohibited:

- 1) in the areas where aircraft are stationed;
- 2) on board aircraft while stationary or moving over the ground;
- 3) in areas specifically so posted.

Article 5. It is prohibited to place or store fuel and combustible matter on the surfaces reserved for aircraft.

Article 6. Except for (authorized) servicing, it is prohibited to handle the propellers, rudders, and, in general, all parts of any aircraft.

Article 7. It is prohibited to simultaneously load and refuel, and/or service, any aircraft.

Article 8. It is prohibited to approach closer than twenty meters to any aircraft which is in the process of being fueled and serviced.

Article 9. Access to loading areas is strictly prohibited to any person except:

agents of the Administration, the airlines and the (public) services in the exercise of their duties;

passengers with tickets during boarding or leaving an aircraft, while under the supervision of agents of the companies responsible for such aircraft;

pilots of private airplanes proceeding to or from administrative offices for the purpose of complying with necessary formalities;

pilots and passengers of private airlines while under the supervision of agents of such companies;

passengers of private airlines equipped with an authorization from the commander of the airfield or while under the supervision of pilots of such airlines;

visitors accompanied by an agent designated by the Administration or equipped with special authorization issued by the commander of the airfield.

Article 10. Any collection, solicitation, distribution of cards, addresses, and prospectus, any canvassing for hotel accommodations, transportation and offers of service, etc., are prohibited within the interior of airfield, except for such organizations properly authorized to do so for purposes of aviation publicity.

Article 11. Personnel of the airlines, warehouses and services operating on the airfield shall carry a personal identification card issued by the Commander of such airfields.

This card shall be presented to authorized agents upon their demand.

Agents of public services on duty shall have access to the airfield upon presentation of their service identification card.

Article 12. Access to the parking areas is reserved exclusively in the following order of priority:

- 1) to cars of passengers and persons accompanying them;
- 2) to cars of airfield users (personnel of the Administration and of the airlines);
- 3) to cars of visitors; under regulations established and posted by the Administration of the Airfield.

Article 13. Persons entering and moving in those parts of the airfield that are open to the public, shall comply with audible, visual, stationary, mobile, and all other signs and indications regularly installed.

Article 14. Police Officers and duly sworn airfield guards may prepare reports (of infractions of regulations). Such reports shall state:

- 1) the full name, duties and address of the guard;
- 2) the date, hour and place where they were prepared;
- 3) the facts which they are intended to establish;
- 4) the full name, age, occupation, address and civil status of the offender;
- 5) the witnesses and, if possible, their statements;
- 6) the list and description of any matter impounded as evidence, and shall be signed by the police officer or airfield guard.

If the perpetrator of the offense is a minor or a servant, they shall state the full name and address of the father or employer.

Specifically, the reports shall state the circumstances which will make it possible to evaluate the damage or loss caused to the State.

Article 15. Police officers and duly sworn airfield guards may request the assistance of the public forces in the control of offenses and infractions which they are charged with determining.

If the perpetrators of such offenses are not known, reports shall be prepared against a person or persons unknown with all the details otherwise required by this decree.

CHAPTER II—CUSTOMS CONTROL ON AIRFIELDS

Article 16. Customs control is applicable to airfields open to civilian aviation and so designated by Royal Ordinance.

Article 17. The installations and orders for customs control on airfields are established for the exercise of the functions of agents of the Administration of Customs and State Management, of the Police and of Public Health.

Article 18. On airfields with customs control, access to the surfaces reserved for aircraft is prohibited during the inspections made by agents of the Administration of Customs and State Management, of the Police, and of Public Health.

Article 19. During the inspection of passengers of an aircraft, there are admitted to the installations of the public services only such passengers as are subject to inspection, together with their luggage, and the authorized personnel of the airlines.

The Administration of Customs and State Management, the Police and of Public Health shall establish, in cooperation with the Directorate of Civil Aviation, the measures suitable for each airfield with

customs control to carry out the provisions of this article. These measures shall be embodied in Ministerial Decrees.

Article 20. Inspection of animals and merchandise transported on private planes is subject to current legislation in the manner established by the Administration of Customs and State Management, of the Police, of Public Health and of Civil and Commercial Aviation.

CHAPTER III—FLIGHT SERVICE AREAS AND INSTALLATIONS

Article 21. The flight service areas reserved for ground movement of aircraft on airfields open to civilian air traffic are as follows:

- the hardstands or parking aprons;
- the taxiways;
- the runways;
- the runway overruns and lateral safety zones.

Article 22. The flight service installations on airfields open to civilian air traffic are as follows:

- the aircraft hangars;
- the aircraft repair shops;
- the fuel and combustible matter storage areas;
- the storage rooms and warehouses for merchandise and/or mail;
- the rooms for the operational services for civilian air traffic and the Meteorological Service.

Article 23. Supervision and control of traffic on flight service areas is exercised exclusively by agents of the Directorate of Civil Aviation or by agents of civilian and military services duly delegated for such duties.

CHAPTER IV—AIRFIELD PERSONNEL

Article 24. All agents of the Public Services on permanent duty on airfields open to civilian air traffic shall wear their uniforms and insignia of their respective duties.

Article 25. Agents of the Directorate of Civil Aviation on permanent duty on airfields open to civilian air traffic are as follows:

- the Commander of the airfield or his assistant(s);
- the technical assistants for navigation and air traffic;
- the technical assistants for navigation and the operation of aerial telecommunication;
- the agents for air traffic;
- the agents for airfield safety and security;
- the airfield firemen.

Article 26. The Airfield Commander is responsible for:

- the administration of the airfield;
- the aerial navigation;
- the safety on the airfield;
- the public order on the airfield.

Article 27. The Airfield Commander is aided in the exercise of his functions by the agents listed in article 25 who are placed directly under his orders.

CHAPTER V

Article 28. Infractions (of regulations) on airfields open to civilian air traffic are subject to legal action and the penalties provided by cur-

rent legislation in the Territory of the Kingdom, including matters affecting customs and state management, public order and public health.

Article 29. Infractions of the provisions of articles 2 to 13, inclusive, of this decree shall be determined by written reports and may be punished by fines collected directly.

However, if animals stray into prohibited areas, the fine shall not be less than one thousand kips. If the offense is repeated, the amount of the fine shall be doubled and the responsible owner shall be sentenced to prison for from one to five days.

Article 30. Offenders shall also be liable for destruction and damage caused to flight service areas and installations.

Article 31. Common law violations committed on airfields open to civilian aviation shall be subject to legal action and the penalties established by current legislation for the Territory of the Kingdom.

Article 32. Infractions of provisions of articles 2 to 13, inclusive, of this decree may be penalized by direct fines which shall be collected by duly authorized agents of the National Police in the manner provided by Presidential Decree No. 302—September 17, 1952.

Article 33. Infractions of provisions of chapter I of this decree shall be subject to fines in the amounts listed below :

- 1) pedestrian traffic in prohibited areas, 300 K.
- 2) vehicular traffic in prohibited areas, 1,000 K.
- 3) straying of animals, 1,000 K.
- 4) infraction of articles 4, 5, 6, 7, 500 K each.
- 5) infraction of articles 8, 9, 10, 300 K each.

Article 34. This decree cancels and voids all prior provisions of regulations relative to safety and security on airfields open to civilian air traffic.

Article 35. The Minister of Public Works and Transportation, the Minister of Finances and National Economics, the Minister of the Interior, the Minister of Justice, the Minister of Public Health, the Minister of Postal and Telecommunication Services are responsible, each within his proper sphere, for carrying out the provisions of this decree.

OFFICE OF PRESIDENT COUNCIL OF MINISTERS

PRESIDENTIAL DECREE

on Compulsory Insurance of Aircraft

No. 284/PC

THE PRIME MINISTER, PRESIDENT OF THE COUNCIL, IN CONSIDERATION OF :

Royal Ordinance No. 100, April 2, 1952, on Reorganization of the Council of Ministers ;

Royal Ordinance No. 36, January 24, 1959, on Nomination of Members of the Royal Government ;

Presidential Decree No. 206/PC on Reorganization of the Directorate of Civil Aviation of the Kingdom of Laos ;

Royal Ordinance No. 40, February 24, 1955, on Organization of Control of Civilian Aircraft ;

Presidential Decree No. 51/PC, February 19, 1955, on Compulsory Insurance for Civilian Aircraft;

Upon proposal by the Minister of Public Works and Transportation;

After hearing by the Cabinet Council (Meeting of July 16, 1959);

DECREES

Article 1. The provisions of this decree cancel and replace those contained in Presidential Decree No. 51/PC—February 19, 1955.

Article 2. Airlines operating over the territory of Laos shall subscribe to one or more insurance policies, covering all risks both related and not related to aerial navigation, with insurance companies (of Laos), or with branches of foreign insurance companies resident in Laos and approved by the Royal Government, in accordance with international laws in force for air transportation.

Article 3. Branches of foreign insurance companies resident in Laos and approved by the Government shall be obligated to care for the victims of accidents. Payment of compensation to victims must be made in Laos.

Article 4. Insurance for each aircraft shall cover specifically:

the aircraft for all risks of flight and all risks on the ground; property belonging to the Administration, the owner of the aircraft, and to third parties;

the crew and the third parties transported (by the aircraft);

the third parties not transported (by the aircraft).

Article 5. Such insurance policies shall cover all risks to the aircraft and to the installations of the airfield open to civilian air traffic, arising either out of the movements of the aircraft (on the ground) or by being stationed (on the airfield) either on the instructions of the owner of the aircraft or of the competent public services.

Article 6. Insurance policies relative to the crew, to third parties transported and to third parties not transported shall cover all risks arising from the movements or from the presence of the aircraft on the airfield.

Article 7. The list of approved insurance companies is established by the Minister of Public Works, with the advice of the Minister of Finance.

Article 8. Foreign companies operating an airline or section of an airline on the territory of Laos are required to indicate and obtain approval of their insurance companies pursuant to article 2 above.

Article 9. Individuals or companies chartering civilian planes, whether imported into the territory of Laos or not, for the purpose of air transportation on the territory of Laos, are responsible for subscribing, for the aircraft so chartered, insurance policies as specified in articles 2 to 5, inclusive, of this decree.

Article 10. Presidential Decree No. 51/PC of February 19, 1955, is and shall remain cancelled to date from this day.

Article 11. The Minister of Finance, the Minister of Public Works and Transportation, the Secretary General of the Office of Council President and the Director of Civil Aviation shall be responsible, each within his own sphere, for carrying out the provisions of this decree.

PRESIDENTIAL DECREE

on Registration of Aircraft

No. 14/PC

January 25, 1960

THE PRIME MINISTER, PRESIDENT OF THE COUNCIL, in consideration of:

Royal Ordinance No. 100, April 2, 1952, on Reorganization of the Council of Ministers;

Royal Ordinance No. 405, January 8, 1960, on Nomination of Members of the Royal Government;

The Chicago Convention on Civil and Commercial Aircraft, December 7, 1944;

The Agreement on Transfer of Civil Air Service and Ground Structures to the Royal Government of Laos, dated September 12, 1953;

Royal Ordinance No. 372, December 31, 1953, on Regulations for Civil and Commercial Aviation within the Territory of Laos;

The Membership of the Kingdom of Laos in the International Civil Aviation Organization as of July 13, 1955;

Corrigendum No. 169/PC, May 12, 1959, to Article 4 of Presidential Decree No. 264/PC, September 21, 1956, on Organization of the Ministry of Public Works and Transportation;

Presidential Decree No. 206/PC, June 12, 1959, on Reorganization of the Directorate of Civil Aviation of the Kingdom of Laos;

Royal Ordinance of October 20, 1952 on the Application of the Decree of March 26, 1938, Regulating the Registration of Boats and River Mortgages;

Article 3 of the Ordinance-Law No. 272, August 19, 1959;

Upon Proposal by the Minister of Public Works and Transportation, of the Plan, of Transportation, and of Telecommunication;

DECREES

CHAPTER I. REGISTRATION RECORD, CERTIFICATE AND MARKINGS

Article 1. A registration record has been established in Laos for the purpose of registering civilian aircraft.

This register is kept, under the supervision of the Minister in charge of civil aviation, by an official designated by the Minister and proposed for such duty by the Director of Civil Aviation.

Registration in the record established the national ownership and identity of the aircraft and is witnessed by the delivery of a certificate to be always carried on board the aircraft when in operation.

Such certificates are prepared as shown in the standard form in the appendix to this decree.

Only such aircraft may be registered which possess a valid certificate of airworthiness issued in Laos.

Foreign certificates of airworthiness may be validated by a procedure for acceptance conferring on such original certificate the same status as a Laotian certificate.

INFORMATION SHOWN ON THE REGISTER AND ON THE REGISTRATION
CERTIFICATE

Article 2. Pursuant to the provisions of Appendix 7 of the International Agreement on Civil Aviation, the register and the certificate shall indicate:

- 1) the registration markings;
- 2) the registration date;
- 3) the description of the aircraft (name of manufacturer, model number and serial number);
- 4) the name and address of the owner;
- 5) the registration number in the register;
- 6) the home airport of the aircraft.

FEES FOR ISSUANCE OF REGISTRATION CERTIFICATES, OF DUPLICATES
THEREOF, AND OF CERTIFIED COPIES OF INFORMATION ENTERED IN THE
REGISTER

Article 3. Registration certificates are delivered upon payment of the various costs and expenses in connection with registration.

Such costs and expenses are at a flat rate and are as follows:

- a) 1,000 Kip for delivery of a registration certificate;
- b) 500 Kip for delivery of a duplicate registration certificate;
- c) 500 Kip for delivery of certified true copies of the information entered in the registration record (per aircraft).

VALIDITY AND CANCELLATION OF REGISTRATION CERTIFICATE

Article 4. The certificate shall be valid only if:

- 1) the indications shown on the certificate agree with the markings of the aircraft which must be in accordance with provisions of articles 6, 7, 8, and 10 of this decree;
- 2) the aircraft is not registered in another state (country).

The registration certificate shall be withdrawn if it is found not to comply with these basic provisions.

ENTRIES IN THE REGISTRATION RECORD

Article 5. Entries to be made in the registration record and on the registration certificate are as follows:

- 1) registration of an aircraft;
- 2) change of ownership;
- 3) inscription of a chattel mortgage on an aircraft;
- 4) leasing of an aircraft;
- 5) report of seizure;
- 6) any changes in the characteristics of the aircraft;
- 7) cancellation of a chattel mortgage, release from seizure and expiration of lease agreement;
- 8) cancellation of registration of an aircraft from the record.

AIRCRAFT REGISTRATION MARKINGS

Article 6. Aircraft shall bear national ownership and registration markings as indicated below:

- a) national ownership (in Laos) shall be represented by the two letters "X W" in front of the registration markings;

b) the registration marking shall consist of a group of three letters and shall be separated from the national marking by a hyphen.

The letters of the registration marking shall be indicated by the official effecting registration upon presentation of a folder prepared in conformity with article 10 below.

POSITION OF NATIONAL AND REGISTRATION MARKINGS

Article 7. National and registration markings shall be painted on the aircraft or affixed in such manner that they will be equally permanent. The markings shall be kept clean and visible at all times. They shall be placed as follows:

I—Lighter-than-air craft

a) *Dirigibles:* Markings placed on dirigibles shall be shown either on the outer cover or the fins.

b) *Spherical Balloons:* Markings placed on spherical balloons shall be shown in two diametrically opposed locations near the median circumference of the balloon.

c) *Non-Spherical Balloons:* Markings of non-spherical balloons shall be shown on both sides, approximately midships and immediately above the rigging or the points of attachment of the suspension cables for the gondola.

d) *Special Cases:* The markings shall be shown in such manner that the aircraft can be easily identified.

II—Heavier-than-air craft

a) *Wings:* Markings shown on the wings of such craft shall not be less than 50 cm in height.

b) *Fuselage (or corresponding structure) and Vertical Stabilizer:* Markings shown on the fuselage (or corresponding structure) of such craft shall not extend beyond the visible contour (from the ground) of the fuselage (or corresponding structure).

The letters shall be as high as possible but in no case less than 15 cm nor more than four-fifths of the average height of the fuselage. Markings shown on the vertical stabilizers of such craft shall leave a border of not less than 5 cm parallel to the edges of the vertical stabilizers.

c) *Special Cases:* If an aircraft has no structural parts corresponding to those indicated under a) and b) above, the size of the markings shall be adequate to permit easy identification of the aircraft.

TYPES OF LETTERING FOR NATIONAL AND REGISTRATION MARKINGS

Article 8. Such letters shall be capital letters in roman type, without ornamentation.

IDENTIFICATION PLATE

Article 9. Every civilian aircraft shall be equipped with a metal identification plate not less than 10 cm wide and 50 cm high, on which shall be engraved the national and registration markings, the full name and address of the owner, and the number and type of the certificate of airworthiness.

The plate shall be affixed to the craft in a location easily visible and near the main point of entry to the craft.

CHAPTER II—REGISTRY OF AN AIRCRAFT AND OTHER ENTRIES IN THE REGISTER

Article 10. Registry in the record is effected upon presentation of a request prepared by the owner of the aircraft and addressed by the latter to the Registration Office.

The request shall indicate the number of the certificate of airworthiness or of the request made for obtaining such certificate or of the validation of such certificate.

The request shall be accompanied by :

a) a document establishing the identity and nationality of the owner: if the latter is a company, proof shall be furnished that the company has complied with the regulations in force in regard to authorization for operating air transportation services or perform other functions in connection with this;

b) a document furnishing proof that the petitioner is actually the owner of the aircraft;

c) a declaration that the aircraft is not registered in another State (country). If the aircraft has already been registered in another foreign country, the request shall be accompanied by a certificate from such country stating that the aircraft has been struck from the registration record of such country;

d) if the aircraft has been manufactured in a foreign country, proof shall be furnished that an import license was obtained and that customs duties and import taxes have been paid.

REGISTRY OF CHANGES IN CHARACTERISTICS OF AN AIRCRAFT

Article 11. Any changes in the characteristics of an aircraft registered in the record shall be reported to the registration office, pursuant to article 2 of this decree, within a maximum period of six months. Together with the date, such changes shall be entered in the register and also shown on the registration certificate.

REGISTRY OF LEASING OF AN AIRCRAFT

Article 12. If the owner of an aircraft desires to enter a contract for lease of such craft in the registration record, he shall address a corresponding request to the registration office, accompanied by the contract for lease. The request shall indicate the date of such contract, the duration of the contract, and the civil status of the lessee.

REGISTRY OF CHANGES IN OWNERSHIP THROUGH DEATH, OF TITLE, DEEDS OR ADJUDICATION TRANSFERRING, CONSTITUTING OR DECLARING OWNERSHIP OR OTHER CLAIMS

Article 13. The provisions of Titles II, III, IV, and V of the decree of March 26, 1938, for boats with a tonnage of not less than 16 tons are applicable to aircraft registered in accordance with the provisions of this decree :

1) Registry of any changes in ownership through death as well as through any title, deeds or adjudication transferring, con-

stituting or declaring ownership or claims other than mortgages shall be made after a request in two copies has been filed with the registration office by the new owner.

2) The request shall be accompanied by a duly certified copy of the document which authorizes the transaction, together with proof of the nationality and identity required by article 10(a).

3) The request shall indicate the type of aircraft, the date and letters of registration and, if it concerns title, deeds, or adjudications, the specifications of article 21-1), -2), -3) of the decree of March 26, 1938.

The requests shall be prepared on special forms furnished by the registration office.

5) [sic] If such changes in registry apply to several aircraft, a separate request shall be prepared for each such aircraft.

6) One of the two copies of the request is returned to the petitioner after having been stamped, by the registering official, as certification that registration has been effected. The other copy shall be kept by the registration office and shall bear the number and date of entry in the registration record specified in articles 19 and 20 below.

7) Requests which are not prepared in the manner specified above shall be refused.

8) When a request has been refused, the official in charge of the registration record shall record such refusal, together with the reason therefor, in the margin of the record.

9) The official in charge of the registration record shall number and initial the pages of each request and shall file such requests as they are received, in the folder of the aircraft to which the entry relates.

10) If ownership is relinquished :

a) the former owner is required to return the registration certificate to the registration office;

b) the request provided for in paragraph 1) shall be made by the new owner within a maximum period of six months from date of sale of the aircraft.

If the new owner does not comply with this procedure within the period required, the aircraft shall be struck from the registration record.

REGISTRY OF CHATTEL MORTGAGE

Article 14. Registry of a chattel mortgage shall be effected in accordance with the provisions of the decree of March 26, 1938. The schedules for registry of the lien shall include;

1) the information required by the decree of March 26, 1938;

2) the list of the flight instruments and accessories which are a part of the aircraft;

3) if one or more propulsion units are included in the lien, those included in the lien shall be listed individually.

Such schedule(s) shall be prepared on request forms furnished by the registration office.

Schedules not prepared in accordance with the above requirements shall be refused. In such case, the official in charge of the registration

record shall note such refusal and the reason therefor in the margin of the register.

If the petitioner has not used the form prescribed by this decree in preparing his request, the official in charge of the registration record shall, however, temporarily file one of the copies in the proper place in the registration record. However, not later than 15 days from date of deposit of the request, he shall notify the petitioner by registered letter to replace the temporary schedule, within a period of fifteen days, by one prepared on the prescribed form.

Upon expiration of this period the temporary schedule shall be returned to the petitioner.

After having been prepared on the proper form, the prescribed form is put in the place of the temporary schedule which is retained by the official in charge of the registration record. Such exchange shall be properly noted in the registration record.

The official in charge of the registration record shall enter on each copy of the schedule filed in the registration office the serial number and date of registration in the record as provided in articles 19 and 20 below.

He shall number the pages of each schedule and file the schedules, as they are received, in the folder of the respective aircraft.

REGISTRY OF SEIZURE

Article 15. Proceedings of seizure shall be registered as prescribed in article V of the decree of March 26, 1938.

CANCELLATION OF REGISTRATION

Article 16. If the aircraft is destroyed or damaged beyond expectation of further utilization on flying service, the owner shall be required to so inform the authorities specified in article 1 above.

Such declaration shall include the place, the date and the general circumstances of the accident. The aircraft shall then be struck from the register. It shall also be struck from the latter if the Minister in charge of Civil and Commercial Aviation receives official or authentic documents proving the destruction of the craft or the disappearance of the owner.

ENTRIES ON THE REGISTRATION CERTIFICATE

Article 17. In support of requests or schedules submitted for registry under the provisions of articles 13 and 14 of this decree, the registration certificate shall be presented for the required entry of either the change of ownership through death or through title deed or adjudication.

The same procedure shall be followed when the cancellation of a chattel mortgage is requested as prescribed in articles 22 and 23 of the decree of March 26, 1938.

For the registry of chattel mortgages, the debtor is required, at his choice, to either join the creditor(s) in presenting the registration certificate or to require the creditors to present the registration certificate in his stead, as the case may be.

DELIVERY OF STATEMENTS OF REGISTERED MORTGAGES OR SEIZURES

Article 18. Any person desiring to obtain a statement of the mortgages or other claims registered against an aircraft or a certificate that no such lien exists shall present a written request to the official in charge of the registration record.

The same procedure shall be followed to obtain a transcript of the proceedings of seizure effected under provisions of the decree of March 26, 1938.

CHAPTER III. CHARACTER AND MANNER OF KEEPING REGISTERS

Article 19. The official in charge of the registration record shall be required to keep:

- 1) one receiving register;
- 2) one register to contain the registrations, the entries of changes in ownership through death, through title deeds or adjudication transferring, constituting or declaring ownership or claims, and the transcriptions of proceedings of seizure.

RECEIVING REGISTER

Article 20. In the receiving register provided by the preceding article, the official in charge of the registration record shall enter all pertinent documents received by him, (including):

All documents produced for recording change of ownership through death, through title deeds or adjudication transferring, constituting or declaring ownership or other claims;

Reports of proceedings of seizure to be recorded;

Instruments or extracts from instruments covering subrogation or priority (of lien), and total or partial cancellation to be recorded;

And, in general, all documents produced pursuant to the decree of March 26, 1938 and of this decree.

Such documents shall receive a serial number and the date of such registration.

The serial number and the date of registration furnish proof of the date and sequence of the entries.

The receiving register shall contain counter-foils. After the documents have been registered, a receipt shall be detached from this register and handed over which shall state:

- 1) the serial number and date of registration affixed to the documents as prescribed in the preceding paragraph;
- 2) the full name of the petitioner;
- 3) the number and character of the documents and the purpose for which they were submitted;
- 4) the make of the aircraft and the date and letters of registration.

The receipt shall be dated and signed by the official in charge of the registration record. This receipt shall be presented to the same official when return of the documents is requested and the latter shall bear a notation that they have been registered.

The register shall be signed on the first and last page, and shall be numbered and initialled on all other pages, by the authority designated in article 1 of this decree.

When a new register book is required after the old one has been filled, the serial numbers of registration in the new book shall begin with the next number subsequent to the last number in the old book.

REGISTRATION AND ENTRY RECORD

Article 21. The registration and entry record prescribed by article 19 shall be a special loose-leaf binder, consisting of a series of folders as explained below.

Such a folder shall be opened for each aircraft for which registration is requested pursuant to article 10 of this decree. The official shall inscribe at the head the serial number and the letters of registration.

Each folder shall consist of three distinct sections:

a) The first section shall show the information prescribed in article 2 of this decree or, if the aircraft is under construction, the information shown in the declaration prepared as prescribed in article 7 of the decree of March 26, 1938. Declarations concerning changes in characteristics, or lease or loss of the aircraft shall be entered in this section.

b) The second section of the folder is reserved for the entries prescribed in articles 12 and 13 of this decree. In this section shall be filed the requests and the schedules of chattel mortgages as provided in the articles mentioned above. Notations of new address, of subrogation and priority (of lien) as well as of total or partial cancellation shall be entered in the appropriate margin of the chattel mortgage schedules.

c) The third section is reserved for filing reports of proceedings for seizure and on the latter shall be entered the number and date of the entry shown in the receiving register.

Any necessary addition or change on one of the entries as provided in paragraph b) above may be effected only on the date and in the manner and conditions in which a new entry shall be made.

INSPECTION OF REGISTERS

Article 22. Each year, during the month of December, the authority designated in article 1 of this decree shall require presentation of the registers prescribed by the preceding articles, shall inspect the manner in which they are kept, shall ascertain that the provisions of this decree have been strictly followed, and shall make a corresponding notation immediately below the last entry in the receiving register.

Article 23. All provisions contrary to this decree are null and void.

Article 24. The Minister of Public Works, of Planning, of Transportation and Telecommunication, the Minister of Finance, of National Economics and of Agriculture, the Minister of Justice, of Religious Faiths, of Sports and Youth are required, each within his sphere, to carry out the provisions of this decree.

PRESIDENTIAL DECREE

on Regulation of Aircraft Traffic and Navigation Within the Airspace of the Kingdom of Laos

THE PRIME MINISTER, PRESIDENT OF COUNCIL, IN CONSIDERATION OF:
The Constitution of the Kingdom;

Royal Ordinance No. 100, April 2, 1952, on Reorganization of the Council of Ministers;

Royal Ordinance No. 405, January 8, 1960, on Nomination of Members of the Royal Government;

The Chicago Convention on Civil and Commercial Aviation of December 7, 1944;

The Agreement on Transfer of Civil Aviation and Ground Structures to the Royal Government, dated September 12, 1953;

Royal Ordinance no. 372, December 31, 1953, on Regulation of Civil and Commercial Aviation within the Territory of Laos;

The Membership of the Kingdom of Laos in the International Civil Aviation Organization as of July 13, 1955;

Corrigendum No. 169/PC, May 12, 1959, to article 4 of Presidential Decree No. 264/PC, May 12, 1956, on Organization of the Ministry of Public Works;

Presidential Decree No. 206/PC, June 12, 1959, on Reorganization of the Directorate of Civil Aviation of the Kingdom of Laos;

Royal Ordinance of October 20, 1952 on the Application of the Decree of March 26, 1938, Regulating the Registration of Boats and River Mortgages;

Article 3 of the Ordinance-Law No. 272, August 19, 1959;

Upon Proposal by the Minister of Public Works, of Planning, of Transportation and Telecommunications;

DECREES

Article 1. Aircraft may fly freely over the territory of Laos. However, foreign aircraft may not fly over the territory of Laos unless the right to do so has been established by a diplomatic agreement or unless it has been so authorized by special and temporary permit.

Article 2. Air traffic includes general traffic and operational military flights.

Article 3. General air traffic is constituted by all flights of civilian aircraft and of aircraft of the State when the latter are engaged on flights of a nature similar to those which precede. General traffic falls within the competency of the Minister in charge of Civil Aviation.

Article 4. Military traffic of operational nature is constituted by such military flights that are not subordinate, for technical or military reasons, to the control of the civilian services for aerial navigation. Military traffic falls within the competency of the Minister of National Defense (Air Staff).

Article 5. The regulations applicable to each of these types of traffic shall be compatible with those which control other types of air traffic.

Article 6. The rules of aerial navigation so defined are applicable to all aircraft that are a part of the general air traffic within the air space in which aerial navigation services are furnished by the Administration of Laos.

Article 7. They are applicable, outside of the Laotian Air Space, as defined in article 6 to all aircraft of Laotian registration, to the extent in which they are compatible with the rules issued by the State (country) which has authorized such aircraft to enter the air space in which it finds itself.

Article 8. The right of aircraft to fly over privately owned land may be exercised only under such conditions as will not infringe on the rights of the owner.

Article 9. Overflights of certain areas of the Laotian Territory may be prohibited by decree for reasons of military necessity or public safety. The location and confines of prohibited areas shall be specified in any such decree.

Any aircraft entering into such a prohibited area shall be required, upon becoming aware of the fact, to give the regulation signal and land on the nearest airfield outside of the prohibited zone.

When a territory is declared to be under martial law and overflights of such territory have been prohibited, any aircraft having trespassed on such prohibition shall be seized upon at any point of the national territory. The occupants of the craft shall be brought before the military courts and charged with espionage unless the pilot can furnish the reasons which induced him to fly over the territory.

If the aircraft is discovered in flight, it shall land at the nearest airfield immediately upon the first summons by warning shots. As soon as such a summons has been received, the aircraft shall immediately reduce speed and descend to a lower altitude and, if it fails to comply, shall be forced to do so.

Article 10. Aircraft shall fly over cities or built-up areas only at such heights that landing shall still be possible, in case of engine failure, beyond such built-up area or on a public airfield.

Article 11. Any acrobatic flights including manoeuvres dangerous or needless for proper control of the craft shall be prohibited above built-up areas or the part of airfields open to the public.

Article 12. Stunting of aircraft at public shows shall take place only after a permit has been issued by competent authority in the manner provided in the regulations on air traffic.

Article 13. Except for circumstances beyond the control of the pilot, aircraft shall not land on or take off from any other point except public airfields or those open to the public or authorized private airfields.

Article 14. In case of a (forced) landing on private property, the owner of the land may not interfere with the take-off or removal of an aircraft which was not ordered to be seized, except as provided in the third paragraph of article 9.

Article 15. Aircraft on international flights shall cross the border by following the prescribed aerial flight path and shall land only on airfields with customs control.

However, certain classes of aircraft, by reason of the nature of their operation, may be administratively authorized to land at airfields with customs control. In that case, such authorization will specify the airfield for landing and take-off, the aerial flight path and the signals to be given in crossing the border.

Article 16. Any aircraft landing on an airfield is subject to the control and inspection of the administrative authorities and the same applies to aircraft landing on private property.

Article 17. Any aircraft at any point of its flight (over the territory) shall comply with the orders of stations and planes of the Customs and the Police, regardless of the manner in which such orders are given.

Article 18. Except in an emergency, freight or any other objects shall not be thrown overboard, except as concerns regulation ballast.

Article 19. Legislation and regulation in force relative to secrecy of radio communications (telephone or telegram) shall be complied with by stationary or mobile radio stations for aerial navigation.

Article 20. Flight rules for general air traffic are established by the regulations for aerial traffic and telecommunications.

The texts of the regulations on which these rules are based shall be prepared by the Ministry of Public Works, Transportation and Telecommunication (Directorate of Civil Aviation).

Article 21. The Minister of Public Works, Transportation and Telecommunications, the Minister of Foreign Affairs, the Minister of the National Defense, the Minister of Justice and the Minister of the Interior are charged, each within his sphere, with carrying out the provisions of this decree.

LEBANON

AVIATION LAW IN LEBANON, PROMULGATED ON 11TH JANUARY 1949 ¹

The House of Deputies has passed and,
The President of the Republic publishes the following Law:

CHAPTER I—AIR SPACE

Article 1.—The State has complete and absolute sovereignty over the air space of its territory.

The air space is that space covering the territory and territorial waters of the State.

Article 2.—No aircraft is allowed to fly over, or land on, Lebanese territory without first having obtained permission from the Minister of Public Works or having acquired the recognised right to do so under an accord concluded between Lebanon and the country to which it belongs.

CHAPTER II—AIRCRAFT

SUB-CHAPTER 1—TYPES OF AIRCRAFT

Article 3.—For the purpose of this Law, every machine capable of taking off and flying shall be deemed an aircraft. This definition includes airships and balloons of all kinds.

Article 4.—Aircraft shall be classified as Governmental and civilian aircraft.

(a) Governmental aircraft are subdivided into military aircraft and civil aircraft.

1) Military aircraft are those belonging to the army and used for national defence. Their military capacity shall be established by their registration certificates.

2) Aircraft belonging to other public services e.g. Gendarmerie, Police, Customs, Public Health etc. shall be considered as Governmental civil aircraft.

(b) Civilian aircraft are subdivided into Commercial and Private.

1) All aircraft used for the transport of goods, passengers and mail against payment shall be considered as commercial aircraft.

2) Every aircraft possessed by an individual or an organisation and used exclusively for the private purposes of its owners shall be considered as a private aircraft.

Article 5.—The Minister of Public Works shall specify marks distinguishing each type of aircraft.

Article 6.—Each type of aircraft shall be subject to the rules specified in this Law and the decrees and decisions issued thereunder or by international conventions.

¹ English text supplied by Lebanese Government.

SUB-CHAPTER 2—NATIONALITY, OWNERSHIP AND REGISTRATION OF
AIRCRAFT

Article 7.—Aircraft shall be classified according to their nationality under two categories: national and foreign aircraft.

Article 8.—Each aircraft must have a nationality and may not be recognised by more than one nation at the same time.

Article 9.—Every aircraft registered in Lebanon shall be considered as a Lebanese aircraft.

Article 10.—The Communications Directorate of the Ministry of Public Works shall keep a register of aircraft. The following conditions must be fulfilled for registration: that the aircraft is not registered in another State; that it should be entirely owned by Lebanese citizens or by a company fulfilling the following conditions:

1) In the case of a private company, (*société en nom collectif*) all partners must be Lebanese.

2) In the case of a partnership (*société en commandite*) all active partners must be Lebanese.

3) In the case of a limited liability company, its nationality must be Lebanese as well as that of the chairman of the board of directors and the majority of the board.

Article 11.—Every aircraft registered in Lebanon must bear:

1) the Roman letters O.D. indicating its Lebanese nationality,

2) the registration mark designated by the Minister of Public Works.

Any aircraft not registered in Lebanon and not bearing the letters and sign above mentioned shall be considered as foreign.

Article 12. A Lebanese aircraft forfeits its nationality in the following cases:

a) when the conditions prescribed by the preceding articles are no longer fulfilled.

b) when its owner's nationality is changed or it is sold to a foreigner.

c) When it is registered in a foreign country.

d) If it is destroyed, lost, or becomes unserviceable.

The aircraft shall be struck off the register in any of the above mentioned cases.

Article 13.—The owner of a Lebanese aircraft must immediately notify the Minister of Public Works of any change provided for by the preceding article. This he shall do by returning the registration certificate of the aircraft. Such a change shall not be considered as valid *vis-à-vis* other states until the aircraft is struck off from the aircraft registration book.

Article 14.—Foreigners residing in Lebanon may register their aircraft in a special register of foreign aircraft if such aircraft are not registered in another country. These planes will be used only within the Lebanese borders. Such aircraft shall be granted the authorisation prescribed under Article 2 and may not be allowed to cross the Lebanese borders.

Such aircraft shall be subject to the provisions of the air navigation regulations and to the conditions of their registration.

Article 15.—All Lebanese aircraft shall be recorded on the special register prescribed by Article 10. Similarly all foreign aircraft shall be recorded on the register mentioned under the preceding article.

There shall be recorded in the register the name and domicile of the owner, the type, name and identification number of the aircraft as well as all specified rights and agreements affecting it. Such rights and agreements shall be valid vis-à-vis others only with effect from the date of their entry in the register.

Article 16.—Applications for registration shall be submitted to the Communications Directorate of the Ministry of Public Works, which will allot registration marks and furnish each with a certificate of registration.

Article 17.—Aircraft shall be regarded as moveable property according to the laws and regulations in force in Lebanon. Transfer of ownership must, however, be effected by a deed which shall not be valid between the contracting parties and vis-à-vis others except after its being recorded in the appropriate public register.

Article 18.—The transfer of ownership of an aircraft whether through inheritance, mutual agreement or for any other reason must be entered in the register. Similarly the new owner must register every legal decision regarding transfer or establishment of ownership.

The transfer of ownership shall only become valid from the date of its entry in the register.

Article 19.—Only registered aircraft may be insured. The insurance policy shall take effect only from the date of its registration. The insurance policy may include a comprehensive cover instead of making the insurance consequent only on the total loss or damage of the aircraft.

Article 20.—Every person acquiring a right to an aircraft in good faith by virtue of an entry in the register shall remain in possession of that right.

SUB-CHAPTER 3—HIRE OF AIRCRAFT

Article 21.—In the event of an aircraft being hired for several consecutive years or for a specified period, its pilot and crew shall continue to be under the management of its owner in the absence of any agreement to the contrary. Such an agreement can be made only with the approval of the Ministry of Public Works.

Article 22.—The owner of an aircraft hired to another person shall remain responsible for the legal obligations and shall jointly be responsible with the lessee for the contraventions of such obligations.

Nevertheless in the event of the lease agreement being recorded in the Register and the lessee fulfilling the legal conditions for acquiring a Lebanese aircraft, the lessee as operator of the aircraft shall alone be responsible for the legal obligations and for their contraventions.

SUB-CHAPTER 4—SEIZURE OF AIRCRAFT

Article 23.—Confiscation and compulsory sale of aircraft shall be carried out in accordance with the rules provided for by the Code of Civil Procedure save in special cases provided for by international treaties and conventions.

Seizure shall be recorded in the special register of aircraft.

Article 24.—In case of damage caused on land through the crash of a foreign aircraft or a Lebanese aircraft whose owner is domiciled abroad, or in the event of a foreigner contravening the provisions of this Law, the local Public Authorities or the officials mentioned in

article 63 of this Law may call on the Public Security Forces to detain the aircraft for 72 hours to enable the Judge of the Peace of the area to visit the spot and determine the extent of damage.

The Judge may then order an immediate deposit of the estimated amount of damages and expenses together with fines in case of contravention. If a deposit or guarantee for the same is not produced he shall order the seizure of the aircraft pending settlement of the case.

Article 25.—The Ministry of Public Works may order the confiscation of any national or foreign aircraft not fulfilling the conditions prescribed by this Law or the decrees and decisions issued for its implementation or if its pilot has infringed such provisions.

Article 26.—Confiscation of aircraft may only be ordered in the cases prescribed by the existing laws and regulations or those subsequently enacted.

CHAPTER III—FLYING

SUB-CHAPTER 1—FLYING RIGHTS

Article 27.—Foreign military aircraft may not fly over or land on Lebanese territory except with an authorization from the Ministry of Public Works after obtaining the consent of the Minister of National Defense save in the cases provided for by international treaties and agreements.

Article 28.—No foreign non-military aircraft may fly over Lebanese territory unless authorised to do so under international convention or possessing a special or a temporary licence issued by the Minister of Public Works in which cases it will receive the same treatment as that accorded to Lebanese aircraft by the State to which that aircraft belongs.

Article 29.—The establishment and exploitation of regular international airlines are subject to a prior authorisation from the Council of Ministers.

Article 30.—Aircraft are not allowed to fly over private property in a way inimical to the rights of the owner. With a view to ensuring public safety the Minister of Public Works shall determine the routes he deems it appropriate for aircraft to follow.

Article 31.—Flying over certain Lebanese areas may be prohibited for military or public security reasons. Such areas shall be determined by a Decision from the Council of Ministers on recommendation of the Minister of National Defence.

In special cases flying may be temporarily forbidden over the whole or part of the Lebanese territory.

Any aircraft entering a forbidden area must, immediately on realising or being warned to that effect, land at the nearest aerodrome outside that zone.

Article 32.—In the event of martial law being proclaimed in any part of the Lebanese territory over which flying is prohibited, any aircraft contravening such prohibition shall be seized immediately after landing in any part of Lebanese territory and all its occupants shall be referred to military courts on the charge of espionage unless the pilot can state the reasons which forced him to fly over that area.

Article 33.—An aircraft committing an infringement must be warned by blank shots. It must immediately decrease speed and de-

scend, landing on the nearest aerodrome, failing which it shall be compelled to do so by force.

Article 34.—Aircraft are forbidden, save in absolute necessity, to fly over a town, a populated spot, a common meeting place such as beaches, race-courses, sporting stadiums, and the like, except at an altitude enabling it to land outside the above places or on a public aerodrome, even in case of engine failure. The altitude in such a case must be over 500 metres for multi-engined aircraft and 700 metres for single-engined aircraft.

Article 35.—Acrobatic flying as well as dangerous and unnecessary manoeuvres are forbidden over towns, populated spots, or the part of aerodromes reserved for the public.

Article 36.—No exhibition flights can be made anywhere unless with a special authorisation of the Minister of Public Works. Such an authorisation shall not exempt the aircraft owners and the exhibition organizers from complying with the regulations relative to the organisation of public spectacles.

SUB-CHAPTER 2—LANDING OF AIRCRAFT

Article 37.—All aircraft whether desirous of landing on Lebanese territory or crossing its borders must follow the recognised routes.

Article 38.—Except in cases of "force majeure" aircraft are not allowed to land or take off except on public aerodromes or on special places established for this purpose.

Pilots must, on arrival at or departure from an aerodrome, comply with the general regulations of aviation and the special regulations of the aerodrome.

Article 39.—Following his landing the pilot of an aircraft or a member of his crew must notify the aerodrome authorities of any accident involving the aircraft and entailing the death of or injury to a person or substantial damage to the aircraft.

A technical investigation shall be carried out to ascertain the causes of the accident independently of any other inquiry carried out by the legal authorities.

Article 40.—Every aircraft entering Lebanese territory must land on a government aerodrome with customs facilities and take off from such an aerodrome on leaving Lebanese territory, unless the aircraft is authorised to pass over Lebanese territory without landing thereon.

Article 41.—If an aircraft is forced to land on Lebanese territory, without authority to do so, as a result of an accident, bad weather or any other reason, it must land on the nearest customs aerodrome on its route.

If an aircraft whether or not authorised is forced to land outside a Customs aerodrome, its pilot must notify the nearest Public or Customs Authorities he can reach.

He must, in either case, give evidence of the reasons which forced him to land.

He may not resume his journey until the Authorities have checked the aircraft's register and declaration of freight if any.

Article 42.—In the event of a pilot being forced to land his aircraft on privately owned land the owner may oppose the departure of the aircraft or its removal from his land till the arrival of the nearest local Authorities for the enforcement of the provisions of article 24.

Article 43.—Customs aerodromes and frontier posts shall be designated by decree.

SUB-CHAPTER 3—AERODROMES

Article 44.—Any plot of land or surface of water especially prepared for taking off and landing of aircraft and destined to serve public or private flying interests shall be deemed an aerodrome.

Article 45.—Any land suited for landing and taking off but not affording the necessary facilities for public use such as hangaring and servicing of aircraft, or acceptance of passengers and freight shall be deemed an air-field.

Article 46.—No private aerodrome or air-field may be established without the approval of the Council of Ministers, with due regard to the international regulations respecting aerodromes.

Article 47.—Applications for authorisation to set up private aerodromes must be accompanied with the following documents:

- 1) A general map on which is indicated the site of the aerodrome in relation to the neighbouring towns.
- 2) A map of the proposed aerodrome and its neighbourhood for a distance of 1,000 metres starting from the aerodrome border, with a scale of not less than 1/1,500.
- 3) A note stating the proposed use of the aerodrome.
- 4) A written consent of the land owner to use his property as an aerodrome.
- 5) The regulations concerning the use of the aerodrome.

Article 48.—The Ministry of Public Works shall institute a technical inquiry and pass it to the Council of Ministers who shall decide whether to accept or reject the application, without being required to give reasons for the rejection.

The Council of Ministers may, at any time, decide the introduction of any necessary repairs on aerodromes or air-fields, at the expense of their owners to make them conform to flying regulations or to protect the public interest.

Article 49.—Owners of private aerodromes must keep a register recording the times of arrival and departure of aircraft and produce that register to the authorised inspectors at their request. They must also permit the latter to inspect aerodromes at any time.

SUB-CHAPTER 4—FLYING REGULATIONS

Article 50.—No aircraft will be allowed to fly in the Lebanese air space unless it is registered and it holds a certificate of serviceability.

Such a certificate is issued in accordance with the technical appendix "E" of the Chicago Convention.

Certificates issued by foreign States may be accepted provided they are approved by the Ministry of Public Works.

Article 51.—Authorisation for flying shall be granted on the following conditions:

- a) Marks of nationality and registration must clearly appear on the aircraft.
- b) The aircraft must have all the necessary equipment required for its particular type of flight.
- c) The members of the crew must have all the qualifications prescribed by the international regulations, laws and conventions

and be in possession of licenses issued by the authorities which registered the aircraft.

The crew shall be held to comprise the pilot, co-pilot mechanics and all other flight personnel.

Article 52.—Permits given to an aircraft and its owner shall be personal and will be rendered invalid in the case of change of ownership. Permits are granted for a limited period or for a fixed journey.

Article 53.—In case of test flights or instructional flights a special authorisation from the Minister of Public Works may be obtained in place of the permit.

Article 54.—Each aircraft prepared for flight must hold the following documents:

- a) Registration certificate.
- b) Certificate of airworthiness.
- c) Pilot and crew licenses for each person according to his rôle.
- d) Licence for installation and use of radio, if any.
- e) Log-book.
- f) List of passengers showing the place of departure and place of destination in the case of aircraft carrying passengers.
- g) Detailed "manifest" of freight in the case of aircraft carrying freight.

Aircraft owners must retain such registers for 3 years after the date of the last entry.

Article 55.—The Pilot and crew of any aircraft engaged in international aviation must hold licences or permits issued in accordance with the technical appendix "E" of the Chicago Convention.

Article 56.—The log-book must contain the following: Date—names and functions of the crew—places of take off and landing—times of take off and landing—number of flying hours—kind of flight—notes and observations signed by the person in charge—visas and a numbered passenger list.

Article 57.—Unless special authority is obtained from the Council of Ministers it is forbidden to carry explosives, military arms and ammunitions, carrier-pigeons, letters included within the Post monopoly and every other article the transport of which may be prohibited by decision of the Council of Ministers.

Article 58.—Every commercial passenger aircraft must carry radio equipment in accordance with the requirements of the International Civil Aviation Organisation.

Article 59.—Aircraft may not use any radiotelegraphic or radio-telephonic or photographic equipment unless with permission of the Minister of Public Works on the approval of the Minister of Posts and Telegraphs.

Article 60.—Every aircraft landing on an aerodrome, airfield or on private land shall be subject to the control and supervision of the Public Authorities.

Article 61.—Every aircraft flying over the Lebanese territory must comply with the orders of the Police posts, Customs posts and Government aircraft, in whatever form such orders may be given.

Article 62.—The regulations relative to the entry and exit of persons, import and export of goods by way of road or sea shall apply to the entry, and exit of persons and import and export of goods by air.

Article 63.—The representatives of the Customs Department, Public Security, Public Health and other officials nominated by the Minis-

ter of Public Works may order any flying aircraft to land. They are empowered, without effecting any prior formalities, to carry out inspection and examination of both the aircraft and its contents and to forbid its flying contrary to the provisions of this Law and the decrees and decisions promulgated thereunder. They shall have in that case the powers of judicial officers.

The above-mentioned representatives may seize the aircraft or any document, person or goods on the aircraft pending the execution of the measures decided upon by the Authorities concerned and the completion of the legal formalities.

CHAPTER IV—AIR TRANSPORT

SUB-CHAPTER 1—TRANSPORT OF FREIGHT

Article 64.—Agreement for transport of freight by air is fulfilled by a bill of lading or receipt specifically mentioning that transport is effected by aircraft.

Article 65.—Before the departure and on the arrival of the aircraft, the pilot must submit to the Customs besides the log-book the following documents:

1) The manifest and declaration prescribed by article 54 if the aircraft is carrying goods.

2) A list of goods carried.

Article 66.—The carrier will be held responsible for the loss or damage of the goods in transport except in the case of force majeure or an original defect in the goods.

Nevertheless, unless the value of the goods is declared the carrier's responsibility shall be limited to the sum of £Leb. 25 per kilogramme.

Article 67.—The carrier may exonerate himself by an explicit clause from responsibility respecting the goods under the preceding article resulting from air hazards or errors committed by the crew. Nevertheless such a clause shall not relieve the carrier of responsibility unless the aircraft is in a condition fit for navigation on its departure and its crew in possession of regular licences. In that case alone, the licences in question shall be considered evidence of non-culpability and make it incumbent on the prejudiced party to prove the contrary.

Article 68.—Any clause intended to exonerate the carrier from responsibility respecting an act done by himself or by any of his staff in connection with the loading, preservation and delivery of the goods shall be null and void. Likewise any clause intended to free the carrier from responsibility for his personal errors shall be null and not binding.

Article 69.—The pilot of an aircraft may order while en route the jettison of loaded goods if the jettison is indispensable for the safety of the aircraft. He must jettison the cheaper goods first when possible. He shall incur no responsibility towards the sender and the consignee for the loss of such goods. Responsibility for damage to the terrain shall remain unaffected.

Article 70.—With due regard to the preceding provisions the regulations of Commercial law shall apply to air transport.

SUB-CHAPTER 2—TRANSPORT OF PASSENGERS

Article 71.—The booking ticket delivered to the passenger is considered as a contract for his transport.

Article 72.—Aircraft must hold a copy of the passengers list to produce at the request of the competent authorities. This, however, does not apply to aircraft overflying the country.

Article 73.—In the case of international transport, the carrier must not accept passengers save after ensuring that they have the necessary permits to land at the destination and intermediate landing places.

The carrier may not exonerate himself by a special clause from responsibility for passengers and any clause of this kind shall be considered as null and void.

SUB-CHAPTER 3—USE OF AIRCRAFT IN CASES OF EMERGENCY

Article 74.—In case of emergencies, e.g. flood, epidemics etc. the Minister of Public Works or the competent authorities may provisionally requisition all aircraft on Lebanese aerodromes of whatever nationality.

CHAPTER V—DAMAGES AND LIABILITIES

Article 75.—Pilots when flying must comply with flying regulations and the designated routes, and with lights and signals and take all necessary precautions to avoid damages.

Article 76.—The public laws and particularly the law relating to contractual obligations shall apply to the responsibility for damage caused by one aircraft to another aircraft while taking off.

The owner or renter, whichever is the case, is legally responsible for the damages caused by his aircraft or the objects falling therefrom, to persons or properties situated on the terrain.

That responsibility may not be extenuated or removed except on proving that the error arose from the person suffering damage.

It is forbidden to throw goods or articles of any kind out of an aircraft save in case of force majeure.

Article 77.—If an aircraft is hired, both the owner and renter shall be jointly responsible to others for the damages caused by the aircraft. Provided, however, that if the lease agreement is recorded in the register the renter alone shall be responsible unless he proves that the error arose from the fault of the owner or that the accident arose from force majeure.

CHAPTER VI—JURISDICTIONS IN AVIATION LITIGATION

SUB-CHAPTER 1—RULES OF COMPETENCE

Article 78.—Cases for determining responsibility may be referred at the plaintiff's option either to the court of the locality where the damage occurred or to that of the defendant's domicile.

If the case relates to damages caused to an aircraft during its journey, the court of the locality where the aircraft lands shall be the appropriate court to consider the case.

SUB-CHAPTER 2—INQUESTS INTO CASES OF INFRINGEMENTS

Article 79.—Inquests into infringements of this Law shall be carried out by every official sworn to this effect representing Police, Gendarmerie, Customs, Public Works or Public Security, each according to his competence.

In compliance with article 57 of this Law the above mentioned Authorities may seize explosives, military arms and ammunitions, carrier pigeons, mail communications, radio-telegraphic and radio-telephonic equipment carried by aircraft without authorisation. These authorities may also seize the above articles even when their transportation is authorised if the aircraft flies over a prohibited area.

Article 80.—The above-mentioned officials are empowered to seize any aircraft the pilot of which does not produce its licence or if its registration mark does not correspond with that of the registration and airworthiness certificates. Such seizures shall last until the aircraft identity is proved or its owner produces a certificate of airworthiness.

Article 81.—A Procès-verbal shall be drawn up and forwarded immediately with the inquest proceedings to the Public Prosecutor of the Court concerned.

CHAPTER VII—PENALTIES

Article 82.—Imprisonment for a period of one week to one month and a fine of 50 to 2,000 Lebanese pounds or either penalty shall be imposed on any aircraft owner committing any of the following contraventions:

- 1) Using or keeping ready for use an aircraft without obtaining registration and airworthiness certificates or without displaying the registration mark prescribed by Articles 6 and 11.

- 2) Using or keeping ready for use an aircraft whose airworthiness certificate he knows to have become invalid.

Article 83.—The same penalties shall be imposed on a pilot for the following contraventions:

- 1) Piloting an aircraft without licence.

- 2) Destroying the flight log-book or entering therein statements he knows to be incorrect.

- 3) Landing on other than the designated aerodromes without a just cause.

- 4) Knowingly piloting an aircraft in any of the cases quoted under the preceding article.

- 5) Flying over any of the places forbidden under article 31.

Article 84.—The penalty prescribed by article 82 shall be doubled when the contraventions quoted in paragraphs (1) of articles 82 and 83 are committed after the rejection or withdrawal of the registration certificate, the airworthiness or the aviation certificate or licence, or when the delinquent has been forbidden to operate an aircraft.

Article 85.—Aircraft pilots contravening the provisions of articles 2, 8, 27, 31, 32, and 33 shall be liable to a fine ranging between £Leb. 100 and £Leb. 2,000 and imprisonment for a period ranging from 15 days to 3 months.

Article 86.—A fine ranging between £Leb. 100 and £Leb. 4,000 and imprisonment for a period of 6 months to 3 years shall be imposed on any aircraft owner, renter or pilot if he applies to it registration marks not corresponding with those specified on its licence, or if he defaces the correct marks or makes them illegible or uses an aircraft with incorrect marks.

The same penalties shall be applicable to any person giving orders for the commission of any such violations.

Article 87.—The penalties set out in article 82 shall be applicable to:

- 1) Anyone contravening the provisions of Article 57.
- 2) Anyone using without licence photographic apparatus over prohibited areas or using articles or apparatus the carrying of which is prohibited.

The Court may order the seizure of the articles mentioned in the preceding 2 paragraphs.

Article 88.—A fine of up to £Leb. 10 and imprisonment up to ten days or either penalty shall be applicable to:

- 1) A pilot who fails to keep all the prescribed registers in his plane.
- 2) A pilot who fails to retain any of the foresaid registers for a period of 3 years after the date of the last entry.
- 3) Anyone contravening any of the provisions of articles 34, 35, 36 and 38 of this Law.

Article 89.—The sentence passed against a pilot convicted under articles 84, 85, 86 may include the penalty of forbidding him to fly any aircraft for a period ranging between 3 months and 3 years.

A convicted pilot deprived of his pilot's licence must deposit his licence within 5 days from the date of the confirmation of the sentence with the Ministry of Public Works for retention during the period of deprivation, failing which he shall be liable to imprisonment for a period from 10 days to one month and a fine from £Leb. 10 to £Leb. 100. This shall not exonerate him from the application of the penalties prescribed by article 84 in the event of his piloting an aircraft during the period for which he is grounded. In that case all the penalties imposed shall be imposed independently.

Article 90.—Anyone entering into an area closed by the regulations or instructions of airport authorities or who allows cattle or beasts to enter, shall be liable to a fine of £Leb. 25 to £Leb. 200 and shall furthermore forfeit any claim to compensation in the event of any accident.

Article 91.—Any contravention of the provisions of the last paragraph of article 76 shall be punishable by a fine of £Leb. 50 to £Leb. 300 and an imprisonment for a period ranging from 10 days to 2 months or either penalty.

Article 92.—Save when it is proved that the immediate landing of and aircraft would endanger its security or that of its passengers, any pilot who fails to land when he knows that his aircraft has caused an accident shall be liable to imprisonment for a period ranging, from 10 days to 2 months and a fine of £Leb. 10 to £Leb. 100.

Article 93.—The provisions of the Penal Code relative to repeated offences and mitigating circumstances shall be applicable to violations of the provisions of this Law, with the exception of the penalties relating to Customs contraventions.

Article 94.—Procedures for the enforcement of this Law shall be formulated by a Decree to be passed by the Council of Ministers.

Article 95.—Decision No. 216 of 17.9.1934 is repealed together with all legal texts conflicting with the provisions of this Law and incompatible with its contents.

Article 96.—This Law shall be published in the Official Journal and notified wherever needed.

LIBERIA

PRELIMINARY

The entire legislation of Liberia passed during the period between 1928 and 1955 was codified in a single *Code of Laws of 1956*, and arranged under 37 titles of special legal topics. This Code was supplemented by a cumulative volume to cover the legislation of the years 1957-1958.¹

The air law of Liberia cannot be found, as a whole, under an independent title²; the legal provisions related to aviation are scattered among numerous titles. In the unofficial compilation entitled "Acts Passed by the Legislature of the Republic of Liberia During the Session 1960-61," the laws enacted April 19, 1961 (pp. 134, 137-138) are also applicable to aviation.

The following is a list of the titles, chapters and paragraphs containing pertinent provisions to air law of Liberia.

LIBERIAN AIR LEGISLATION

- Title 13. Executive Law
 - Chapter 14. Post Office Department
 - Subchapter A. Civil Aviation and Communications Board
 - Chapter 18. Department of Public Works and Utilities
 - Title 31. Public Health and Safety Law
 - Chapter 8. Sanitary Aerial Navigation Act
 - Chapter 9. Formidable Epidemic, Endemic, or Infectious Diseases
 - Chapter 10. Prevention of the Spread of Smallpox
 - Title 35. Revenue and Finance Law
 - Chapter 27. Local Air Travel Tax
 - Chapter 31. Administration: General
 - Chapter 32. Post Regulations
 - Chapter 34. Head Tax
 - Chapter 36. Airports of Entry; Entry of Goods and Persons by Air
 - Title 3. Aliens and Nationality Law
 - Chapter 2. Admission and Deportation of Aliens
 - Title 27. Penal Law
 - Chapter 4. Crimes Affecting Foreign Relations
 - Title 22. Maritime Law
 - Chapter 8. Rules of Navigation
 - Title 36. Transportation and Communications Law
 - Part I. Transportation
 - Chapter 1. Civil Aviation
 - Part II. Communications
 - Chapter 11. Wire Communication
 - Chapter 12. Radio Communication
- Law of April 19, 1961 (p. 134)
Law of April 19, 1961 (p. 137-138)

¹ *Liberian Code of Laws of 1956, Adopted by the Legislature of the Republic of Liberia, March 22, 1956*. Published under Authority of the Legislature of Liberia and President William V. S. Tubman. Ithaca, New York, 1957-1958. 4 v. *Cumulative Supplement through Laws of 1957-1958*. Ithaca, New York, 1960. v. 5.

² "Liberia—There is no Aviation Department, proper, or law on aviation: for a few months past, regulations have been in preparation in order to bring the ICAO Annexes [International Civil Aviation Organization] into force."

Eugen Pepin. Development of the National Legislature on Aviation Since the Chicago Convention. *The Journal of Air Law and Commerce*, v. 24, Winter 1957, No. 1, p. 16.

TITLE 13. EXECUTIVE LAW

CHAPTER 14. POST OFFICE DEPARTMENT

§ 211. *Duties of Postmaster General.*—The Postmaster General shall have the general supervision of the Post Office Department and shall execute all laws relating to the postal service. He shall be charged with the following specific duties:

* * * * *

(k) To act as chairman of the Civil Aviation and Communication Board.

* * * * *

SUBCHAPTER A. CIVIL AVIATION AND COMMUNICATIONS BOARD

§ 230. *Creation in Post Office Department; jurisdiction.*—There is hereby created in the Post Office Department a Civil Aviation and Communications Board, which shall have jurisdiction over civil aviation and wire communications.

§ 231. *Personnel of Board.*—The Board shall consist of the Postmaster General who shall act as Chairman, the Commissioner of Communications and Aeronautics, the Director General of the National Public Health Service, and not more than two advisers who shall be technicians having knowledge, training, and experience in aeronautics.

§ 232. *Meetings.*—The Civil Aviation and Communications Board shall meet quarterly in the Post Office Department for the transaction of business; but the Postmaster General may call a special meeting at any time when there is business requiring immediate attention.

§ 233. *Powers.*—Subject to the power of the President to provide by regulation for the application to air navigation of the laws and regulations relating to customs and immigration, and the power of the Director General of the National Public Health Service to issue regulations relating to health and sanitation as applied to aircraft and airports of entry, the Board shall have power to draft rules and regulations controlling civil aviation and wire communications; provided that such rules and regulations shall not conflict with the international conventions controlling civil aviation and wire communications to which Liberia is a signatory.

§ 234. *Costs of operation.*—The costs of operation of the Civil Aviation and Communications shall be provided for in the annual budget of the Post Office Department.

* * * * *

CHAPTER 18. DEPARTMENT OF PUBLIC WORKS AND UTILITIES

§ 400. *Secretary of Public Works and Utilities.*—The Department of Public Works and Utilities shall be administered by a Secretary of Public Works and Utilities, who shall be appointed by the President by and with the advice and consent of the Senate. The Secretary of Public Works and Utilities shall be charged with the direction and supervision of all business relating to the following subjects:

* * * * *

(c) To control and direct electrical power stations, water supply, transportation, except civil aviation and navigation regulated by the

Maritime Law, city planning and drafting of building ordinances in cities, alignments and levees, and sanitary engineering;

* * * * *

TITLE 31. PUBLIC HEALTH AND SAFETY LAW

CHAPTER 8. SANITARY AERIAL NAVIGATION ACT

§ 120. *Title of Act.*—This Chapter shall be cited as the Sanitary Aerial Navigation Act.

§ 121. *Certificates of inoculation for arriving passengers.*—Passengers arriving in the Republic by aircraft shall produce a certificate of inoculation against smallpox, yellow fever, and any other infectious diseases specified by the International Aerial Convention. Such certificates shall be in conformity with the requirements of that Convention.

§ 122. *Certificates of inoculation for departing passengers.*—Passengers leaving the country by aircraft shall be inoculated by a qualified physician against smallpox, yellow fever, and any other infectious diseases specified by the International Aerial Convention. A certificate of inoculation signed by the physician and certified by the National Public Health Service must be produced before the passenger is allowed a ticket and permitted to board the plane.

§ 123. *Observation of passengers and crew members.*—Passengers and members of the crew of an aircraft arriving in the Republic and infected with infectious disease or suspected of being so infected shall be put under observation in accordance with regulations.

§ 124. *Sanitary Aerodromes.*—Sanitary aerodromes or other facilities for the purpose of diagnosis and treatment of infectious diseases among air passengers shall be established at all airports of entry. Attached to each such aerodrome shall be a physician appointed by the National Public Health Service.

§ 125. *Duty of commander of aircraft on arrival.*—The commander of an aircraft on arrival of the craft at an airport in Liberia shall make to the competent authority a true declaration of any disease which has occurred on board during the flight just completed and produce for inspection all declarations of health and other certificates concerning the state of health at all ports at which the craft landed.

§ 126. *Director General may apply statutes and rules to aircraft.*—For the purpose of preventing the introduction of infectious diseases into the Republic the Director General with the approval of the President may apply with or without modifications any particular provisions of Chapter 7 of this Title to persons, animals, articles or things entering or introduced into or departing or removed from the Republic by means of aircraft.

Any rules made by the Director General under the provisions of Chapter 7 of this Title may be applied with or without modifications to aircraft and airports and to persons, animals, articles or things entering or introduced into or departing or removed from the Republic by means of aircraft.

§ 127. *Penalties for violation of chapter.*—Any violation of the provisions of this Chapter shall be punishable by a fine not exceeding five hundred dollars.

Any violation of the provisions of a proclamation or rule issued under this Chapter shall, except as otherwise expressly provided by law, be liable to a fine not exceeding one hundred fifty dollars or to imprisonment for not exceeding three months or to both such fine and imprisonment.

CHAPTER 9. FORMIDABLE EPIDEMIC, ENDEMIC OR INFECTIOUS DISEASES

§ 141. *Power of Director General to make rules.*—Whenever any part of the Republic appears to be threatened by any formidable epidemic, endemic or infectious disease, the Director General may declare such part an infected area and may make rules for all or any of the following:

* * * * *

(j) For the destruction of mosquitoes, the means and precautions to be taken in respect to aircraft arriving at or departing from the Republic and for preventing mosquitoes from passing from aircraft to land or from land to aircraft, and the better prevention of the danger of spreading infection by mosquitoes;

* * * * *

CHAPTER 10. PREVENTION OF THE SPREAD OF SMALLPOX

§ 172. *Rule-making power of the Director General.*—The Director General with the approval of the President may make rules:

* * * * *

(g) Concerning the application and enforcement of the provisions of this Chapter to persons entering the Republic, whether by land, water or air, and requiring where deemed necessary, the vaccination or revaccination of any persons before entering.

TITLE 35. REVENUE AND FINANCE LAW

CHAPTER 27. LOCAL AIR TRAVEL TAX

§ 670. *Local air travel tax: subjects; rates.*—From and after the passage of this act a tax (hereinafter sometimes referred to as the "local air travel tax") shall be and hereby is levied and imposed on every passenger embarking at any Liberian airfield on a commercial flight to any destination in Liberia, said tax to be at the rate set forth below in this section:

On every full fare passenger.....	\$1. 00
On every half fare passenger.....	. 50
On every one-tenth fare passenger.....	. 10

§ 671. *Collection of tax.*—The local air travel tax shall be collected from each person subject thereto by the airline which operates the plane on which such person embarks at the time of embarkation.

§ 672. *Penalty.*—Any airline which fails to collect the local air travel tax from every person subject thereto in accordance with the provisions of section 671 above shall be subject to a fine of one hundred dollars for the first offense and of five hundred dollars for a subsequent offense, such fines to be recoverable in summary proceedings

before the Revenue Court for the jurisdiction in which the offense is alleged to have been committed.

§ 673. *Regulations.*—The Secretary of the Treasury shall promulgate regulations, in accordance with the provisions of section 36 of the Executive Law, for the more effective enforcement of this Chapter.

§ 674. *Use of proceeds.*—All revenues collected under the provisions of this Chapter shall be held in a special account, to be known as the "Local Air Travel Tax Account," and shall be used and expended exclusively for the construction and maintenance of airfields in Liberia.

TITLE 35. REVENUE AND FINANCE LAW

CHAPTER 31. ADMINISTRATION: GENERAL

§ 801. *Collectors of Customs.*

3. *Sub-Collectors.* Sub-Collectors shall be in charge of sub-ports, including airports, and shall exercise the powers and perform the duties of Collectors at such sub-ports; but they shall be subject to the general supervision of the Collectors of the ports to which the sub-ports are attached, and shall render reports and accounts to them.

* * * * *

§ 804. *Tally Officers.*

1. *Duties.* The duties of a Tally Officer shall be as follows:

* * * * *

(d) To superintend loading and unloading cargo to or from aircraft when so required.

CHAPTER 32. PORT REGULATIONS

§ 853. *Definition of port.*—Every port of entry is also a port of delivery. When used in this Chapter, "port" and "port of entry" shall mean seaport of entry and delivery unless the content shall require a different interpretation; provided, however, that the Customs Law shall be applicable to airports of entry as provided in section 1031.

§ 854. *Extent of ports of entry.*—Except as otherwise provided in section 920(a), permanent ports of entry in municipal districts, cities, and commonwealth districts shall be limited to the corporate boundaries of such municipalities; all other seaports of entry shall in no case extend more than two miles toward the interior from the harbor; provided, however, that the President is authorized to extend the limits of any existing port of entry to include any airport of entry established under the provisions of section 1030 below.

CHAPTER 34. HEAD TAX

§ 990. *Tax to be levied on persons leaving Liberia: exceptions.*—Every citizen or resident alien sixteen years of age or older who leaves the Republic of Liberia shall pay a head tax of four dollars prior to his departure. The tax shall be paid to the Collector of Customs at the port of departure, who shall issue his official receipt therefor. This tax shall not apply to (a) Liberians employed as seamen or seagoing laborers on vessels engaged in foreign trade, who shall be subject to the provisions of section 992 below; and (b) persons who cross

the border from time to time in the interest of trade, provided that each such person obtains from the District Commissioner, County Commissioner, or Superintendent of the district, county, or territory in which he resides a written permit for departure from the Republic.

§ 991. *Responsibility of transportation company.*—It shall be unlawful for any transportation company (as defined in section 551 above) to issue or sell a steamship ticket or furnish transportation from any port of this Republic to any foreign port or airport to any person subject to the provisions of this Chapter unless such person exhibits an official receipt, issued by the Collector of Customs at the port of departure, as evidence of payment of the tax. Any transportation company which violates the provisions of this section shall be subject to a fine of fifty dollars.

CHAPTER 36. AIRPORTS OF ENTRY: ENTRY OF GOODS AND PERSONS BY AIR

§ 1030. *Airports of entry defined, established.*—The President is authorized to designate such places as he deems necessary as airports of entry.

The President is further authorized to extend the limits of any seaport of entry to include any airport of entry established under the provisions of this section.

§ 1031. *Rules of navigation and Customs Law may be made applicable to air navigation and airports of entry.*—The President is authorized to regulate the application to air navigation of the existing laws and rules and regulations relating to the entry and clearance of vessels and the administration of customs to such extent and upon such conditions as he deems necessary.

Rules and regulations relating to the administration of customs which apply to air navigation and airports of entry shall have the full force and effect of law when issued with the approval of the President.

Violation of such laws, rules, or regulations shall be punished according to the penalties established therein.

§ 1032. *Aircraft from foreign country to land at airports of entry only.*—Except in the case of emergency or forced landing, aircraft entering Liberia from any foreign country shall land at airports of entry only unless permission has been secured from the Civil Aviation and Communications Board to land elsewhere. In the latter case, the owner of such aircraft shall be responsible for the payment of fees and other expenses of the official or officials designated to supervise such landing.

§ 1033. *Supervision of airports.*—Airports of entry which have been designated sub-ports shall be under the immediate administrative jurisdiction of sub-Collectors of Customs; provided, however, that Collectors of ports whose limits include such airports shall have general jurisdiction over the whole area to consider appeals from decisions of the sub-Collectors and to receive operating reports and accounts.

§ 1034. *Report of arrival: documents.*—The person in charge of any aircraft which arrives in Liberia from a foreign country shall immediately report such arrival to the Customs Officer in charge of the airport and deliver to him the following documents:

- (a) Manifest of cargo to be landed;

(b) Health certificate (if required by Liberian regulations);

(c) List of passengers.

§ 1035. *Requirements for passengers.*—Passengers entering the Republic of Liberia shall present themselves, together with their passports and baggage, for examination to the Customs official in charge before leaving the airport.

§ 1036. *Report of forced landing.*—If an aircraft from a foreign country makes a forced landing in Liberia, it shall be the responsibility of the owner or of the pilot of the aircraft to transport all passengers, mail, cargo, and baggage to the nearest port of entry or customs station for the required examinations and disposition by Customs, postal, and immigration officials.

§ 1037. *Unloading of cargo and baggage.*—All cargo and baggage imported and brought into the Republic of Liberia by aircraft shall be unladen in the presence of the Customs officer in charge of the airport, and it shall remain in his custody or in bond pending the payment of duty and issuance of a bill of entry. The provisions of Customs Notice No. 1-1907, Instructions to officers of customs 1906, part 6, and Customs Circular Notice No. C-2, February 13, 1941, shall be enforced.

§ 1038. *Export of produce and goods.*—Produce and other goods shall be laden in aircraft for export under the supervision of the Customs officer in charge of the airport; provided, however, that until an airport has the necessary facilities to properly handle through all stages produce and other goods shipped from this Republic by aircraft, exporters may enter and declare such produce and goods at the most convenient port of entry, and a copy of export entry shall be presented to the sub-Collector in charge of the airport in fulfillment of the requirements for final shipment.

§ 1039. *Clearance of aircraft departing from Liberia.*—Except when granted special permission, all aircraft departing from Liberia shall clear from an airport of entry or from a seaport of entry and shall be subject to the regulations governing ocean-going vessels. The pilot shall be required to deliver the following documents to the Customs officer in charge of the airport before the latter may issue a certificate of clearance:

(a) Manifest with export declaration of all cargo received on board; and

(b) A correct list of passengers embarked.

§ 1040. *Fees.*—The following schedule of fees shall be in effect at airports (fees to be paid to the sub-Collector in charge except as otherwise noted):

(a) For supervising landing or departure of aircraft on Sundays, legal holidays, or outside official hours. (Per aircraft)-----	\$5.00
(provided, however, that if more than one aircraft is supervised in one day, only one fee may be charged.)	
(b) For bill of health for each aircraft requesting same-----	2.40
(c) For certificate of goods landed-----	1.20
(d) For certificate of examination of contents of packages, per package-----	1.20
(e) For certificate of packages lost in transit-----	1.20
(f) For services of Tally Officer-----	same conditions and fees as for services of Tally Officer on ocean going vessel.

§ 1041. *Exemption for military aircraft.*—Military aircraft engaged in no civilian or commercial activity which land in Liberia by permission of the government of the Republic of Liberia shall not be subject to the provisions of this Chapter nor to the administrative provisions of the Customs Law and Customs Regulations made applicable to aircraft.

TITLE 3. ALIENS AND NATIONALITY LAW

CHAPTER 2. ADMISSION AND DEPORTATION OF ALIENS

§ 47. *Duties of transportation company as to excluded alien.*—It shall be unlawful for any master, commanding officer, purser, person in charge, agent, owner, or consignee of any vessel or aircraft (a) to refuse to receive any excluded alien ordered deported back on board of such vessel or aircraft or another vessel or aircraft owned or operated by the same person; (b) to fail to detain any alien on board any such vessel or at the airport of arrival of the aircraft when required by this Chapter or if so ordered by an immigration officer, or to fail or refuse to deliver him for medical or other inspection, as and when so ordered by such officer; (c) to refuse or fail to remove any excluded alien from Liberia to the country whence he came; (d) to fail to pay the cost of his maintenance while being detained as required by this Chapter; (e) to take any fee, deposit, or consideration on a contingent basis to be kept in case the alien is landed or returned in case he is excluded; or (f) knowingly to bring to Liberia any alien excluded or arrested and deported under any provision of law until such alien be lawfully entitled to reapply for admission to Liberia.

Any violation of the foregoing provisions or of any other provision of this Chapter by any master, commanding officer, purser, person in charge, agent, owner or consignee of any vessel or aircraft shall be punishable by a fine of three thousand dollars. No such vessel or aircraft shall have clearance from any port of Liberia while any such fine is unpaid or while the question of liability to pay any such fine is being determined, nor shall any such fine be remitted or refunded, except that clearance may be granted prior to the determination of such question upon the deposit with the Collector of Customs of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such fine.

If the vessel or aircraft by which any alien who has been ordered deported under this section arrived, has left Liberia and it is impracticable to deport the alien within a reasonable time by another vessel or aircraft owned by the same person, the costs of deportation may be paid from the appropriation for the administration of the Bureau of Immigration and recovered from any owner, agent, or consignee of the vessel or aircraft.

TITLE 27. PENAL LAW

CHAPTER 4. CRIMES AFFECTING FOREIGN RELATIONS

§ 72. *Arming vessels or aircraft against people at peace with the Republic.*—Whoever within the territory or jurisdiction of the Republic of Liberia, fits out and arms, or attempts to fit out and arm, or

procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming of any vessel, or aircraft, with intent that such vessel or aircraft shall be employed in the service of any foreign government, prince, state, colony, district or people, to cause or commit hostilities against the subjects, citizens or property of any foreign prince, state, colony, district or people, with whom the Republic of Liberia is at peace, or whoever issues or delivers a commission, within the territory or jurisdiction of the Republic of Liberia for any vessel that she may be so employed, is punishable by a fine of not more than five thousand dollars, and by imprisonment for not more than three years.

Every such vessel or aircraft, together with all equipment, materials, arms, ammunition and stores which may have been procured for the building and equipment thereof shall be forfeited, one-fourth to the use of the informer and the remainder to the use of the Republic of Liberia.

§ 73. *Augmenting force of foreign vessel of war or aircraft.*—Whoever within the territory or jurisdiction of the Republic of Liberia, increases or augments or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting the force of any aircraft, ship of war, cruiser or other armed vessel, which at the time of her arrival in the Republic of Liberia was an aircraft or a ship of war, or cruiser, or armed vessel in the service of any foreign government, prince, state, colony, district or people, or belonging to the subjects or citizens of any such government, prince, state, colony, district or people, with whom the Republic of Liberia is at peace, by adding to the number of the guns of such vessel or aircraft, or by changing those on board for guns of a larger calibre, or by adding thereto any equipment solely applicable to war, is punishable by a fine of not more than five thousand dollars, and by imprisonment for not more than six months.

* * * * *

§ 382. *Stowaways.*—Whoever steals or attempts to steal passage as a stowaway on any vessel, ship, or other craft either entering or leaving a port of entry is punishable in the port of discovery or, if discovered between ports, in the next Liberian port at which the vessel touches, by a fine not exceeding one hundred dollars.

TITLE 22. MARITIME LAW

CHAPTER 8. RULES OF NAVIGATION

§ 200. *Regulations for preventing collisions.*—The Regulations for Preventing Collisions at Sea, 1948, as approved by the International Conference on Safety of Life at Sea, 1948, held at London, England from April 23 to June 10, 1948, and such changes therein as in the future shall be made by an International Convention to which the Republic of Liberia subscribes, shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith Republic of Liberia; and shall be followed by all Liberian vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels except as provided in Rule 30 of the foregoing regulations; and the foregoing regulations shall have effect as if specifically enacted by statute and fully set forth herein.

TITLE 36. TRANSPORTATION AND COMMUNICATIONS
LAW

PART I. TRANSPORTATION

CHAPTER 1. CIVIL AVIATION

[Compiler's Note: In the official *Liberian Code of Laws of 1956*, this Chapter (§§ 1-49) is reserved until such time as legislature on the subject is enacted]

PART II. COMMUNICATIONS

CHAPTER 11. WIRE COMMUNICATION

§ 130. *Licensing*.—No person shall establish, install or operate any submarine cable, telegraph, or telephone station in any place or on board any ship within the Republic or its waters except in accordance with a license granted for that purpose by the Civil Aviation and Communications Board: provided, however, that the Postmaster General, as Chairman of the Civil Aviation and Communications Board, may in case of an emergency, grant permission to ships or planes within the Republic or its territorial waters to operate a cable, telegraph or telephone station temporarily without a license. Every license granted under this section shall be in such form and for such periods as the Board may determine; and any such license may include two or more stations, places, or ships. A violation of this section shall be a misdemeanor and punishable by a fine of not less than fifty nor more than five hundred dollars and confiscation of all apparatus.

CHAPTER 12. RADIO COMMUNICATION

§ 160. *Licensing of radio transmission*.—No person shall establish, install, or operate any apparatus for transmission of radio messages in any place or on board any ship within the Republic or its waters except in accordance with a license granted for that purpose by the Civil Aviation and Communications Board: provided, however, that the Postmaster General, as Chairman of the Civil Aviation Communications Board, may in case of an emergency, grant permission to ships or planes within the Republic or its territorial waters, to operate apparatus to transmit radio messages temporarily without a license. Every license granted under this section shall be in such form and for such periods as the Board may determine, and any such license may include two or more stations, places, or ships. A violation of this than fifty dollars nor more than five hundred dollars and confiscation of all apparatus.

§ 161. *Sending apparatus limited to certain frequencies*.—No person shall use any apparatus for radio communication or experimentation within the Republic when such apparatus radiates energy at any frequency from 60,000 kilocycles to 1000 kilocycles or from 600 kilocycles to 429 kilocycles: nor shall any person import or have in his possession any apparatus for radio communication or experimentation capable of radiating energy at the frequencies above stated; provided, that the Civil Aviation and Communications Board may permit the importa-

tion of such apparatus and may formally license such apparatus when it is satisfactorily shown that it will not be used within the prohibited range of kilocycles.

§ 162. *Receiving apparatus limited to certain frequencies.*—No person shall use any apparatus to receive radio telegraph or radio telephone signals within the frequencies specified in the foregoing sections; nor shall any person import or have and maintain any apparatus which is capable of receiving radio telegraph or radio telephone signals within the frequencies specified in the foregoing section; provided however, that the Civil Aviation and Communications Board may permit the importation of such apparatus and formally license such apparatus in its discretion when it is for some specific necessity and the receiving apparatus so permitted will not be used for the purpose of violating the secrecy of the Government station messages.

§ 163. *Radio stations near Government stations prohibited.*—No person shall establish any station for radio communication or experimentation within a radius of five nautical miles of any Government radio station, even though such station uses apparatus which does not operate on frequencies prohibited by the provisions of section 161 or 162 of this Title.

§ 164. *Radio communication by foreign ships at ports of entry.*—It shall be unlawful for any person to use or operate any apparatus for radio communication on a foreign ship in the territorial waters of the Republic when such ship is at any port of entry of the Republic where the Liberian Government operates a radio station, provided that a message may be directed by such a ship to or through the Government radio station.

An Act To Amend the Revenue and Finance Law With Respect to the Realty Lease Tax

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

Section 1. Section 650 of the Revenue and Finance Laws is hereby amended to read as follows:

§ 650. *Tax imposed on leases of realty.*—A tax (sometimes hereinafter referred to as the "realty lease tax" of ten percent of the annual rental is hereby levied and imposed on all prime leases of realty, whether oral or written, presently existing or hereinafter concluded.

Section 2. This act shall take effect immediately and be published in hand-bills.

Any law to the contrary notwithstanding.

Approved, June 8, 1961.

An Act To Amend the Revenue and Finance Law To Require the Payment of an Annual Fee of \$500.00 by All Alien Owners of Airlines or Their Agents for Operating Aircrafts To and From James Spriggs Payne Airfield

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

Section 1. The Revenue and Finance Law is hereby amended by adding thereto two new sections to be Sections 1045 and 1046 respectively, to read as follows:

§ 1045. *Alien owners of airlines operated to and from James Sprigg Payne Airfield to pay annual fee.*—There shall be paid by all alien owners of airlines or their agents, an annual fee of five hundred dollars for the operation of aircrafts to and from James Spriggs Payne Airfield.

§ 1046. *Penalty for failure to pay annual fee.*—Any alien owner of an airline or his agent who fails to pay the annual fee required in Section 1045 of this Chapter by January 31 of each and every year shall be subject to a fine of not less than fifty dollars nor more than three hundred dollars, and all business operations of such airline shall be suspended until such annual fee and the fine imposed are paid.

NOTE.—Acts passed by the Legislature of the Republic of Liberia Session 1960–61. See introductory note.

Section 2. This act shall take effect immediately and be published in hand-bills.

Any law to the contrary notwithstanding.

Approved, April 19, 1961.

An Act To Amend the Revenue and Finance Law To Require Owners of Airlines Who Have Erected Hangars Within the Vicinity of James Spriggs Payne Airfield for Private Use To Pay an Annual Rental of \$300.00 and To Require All Agents and Owners of Aircrafts Operating To and From James Spriggs Payne Airfield Who Have Not Erected Hangars To Pay an Annual Fee of \$100.00 for Each Aircraft

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

Section 1. The Revenue and Finance Law is hereby amended by adding thereto three new sections to be Sections 1042, 1043 and 1044 respectively, to read as follows:

§ 1042. *Airline owners of hangars at James Spriggs Payne Airfield to pay annual rental.*—There shall be collected an annual rental of three hundred dollars from all airline owners who have erected or who may hereafter erect hangars for private use within the vicinity of James Spriggs Payne Airfield upon the authority of the Secretary of Public Works and Utilities.

§ 1043. *Owners of aircrafts operated to and from James Spriggs Payne Airfield to pay annual fee.*—There shall be paid by all owners or their agents, who have not erected hangars at James Spriggs Payne Airfield, an annual fee of one hundred dollars for each aircraft operated to and from James Spriggs Payne Airfield.

§ 1044. *Penalty for failure to pay annual fee or rental.*—Any airline owner or his agent who fails to pay the annual rental as required in Section 1042 of this Chapter, or any aircraft owner or his agent who fails to pay the annual fee as required in section 1043 of this Chapter, at a time to be determined by the Secretary of the Treasury shall be subject to a fine of not less than fifty dollars or more than three hundred dollars, and all business operations of such airline or aircraft owners shall be suspended until such annual fee or rental and the fine imposed are paid.

Section 2. This act shall take effect immediately and be published in hand-bills.

All acts or parts of acts in conflict herewith are hereby repealed.
Approved, April 19, 1961.

NOTE.—Acts passed by the Legislature of the Republic of Liberia
Sessions 1960–61.

CIVIL AERONAUTICS AND COMMUNICATIONS BOARD, POST OFFICE
DEPARTMENT, REPUBLIC OF LIBERIA

CIVIL AIR REGULATIONS

Approved by the President of Liberia April 20, 1956.
Effective June 15, 1956.

1. *General.*

1. Effective June 15, 1956 the operation of all aircraft within the boundaries of the Republic of Liberia shall be governed by the following Civil Air Regulations. In general the Civil Air Regulations conform to the current pertinent annexes of the International Civil Aviation Organization. In addition they contain regulations established by the Civil Aeronautics and Communications Board of the Republic of Liberia.

1.2 The word "Government" when used in these regulations shall mean the Liberian Government.

The word "Person" when used in these regulations shall be construed to include within its meaning any individual, firm, corporation or association.

The abbreviation ICAO when used in these regulations shall mean the International Civil Aviation Organization.

The abbreviation "C. A. C. B." when used in these regulations shall mean the Civil Aeronautics and Communications Board of the Republic of Liberia.

2. *Registration of Aircraft.*

2.1 All aircraft operated in the Republic of Liberia will be registered with the C. A. C. B., in the Post Office Department of the Government.

2.2 The Certificate of Registration, when issued, shall be valid until change of ownership of the aircraft.

3. *Airworthiness of Aircraft.*

3.1 All aircraft will be inspected for airworthiness by inspectors designated by the C. A. C. B., at intervals not exceeding twelve months.

3. A Certificate of Airworthiness will be issued by the C. A. C. B., after satisfactory inspection by the designated inspectors.

3.3 A Certificate of Airworthiness may be revoked at any time at the discretion of the C. A. C. B.

3.4 All damages to aircraft will be reported to the C. A. C. B., for review of the Certificate of Airworthiness.

4. *Pilot Certification.*

4.1. All Pilot's operating aircraft in Liberia shall register details of their pilot qualification with the C. A. C. B.

4.2. A Certificate of Permit will be issued to each pilot found qualified by the C. A. C. B.

4.3. The Certificate of Permit will be valid for a twelve month period and is liable to be withdrawn, revoked or suspended at any time at the discretion of the C. A. C. B.

5. *General Rules.*

5.1. *Protection of Persons and Property.*

5.1.1. *Negligent or reckless operation of aircraft.*—An aircraft shall not be operated in a negligent or reckless manner so as to endanger life or property of others.

5.1.2. *Minimum safe heights.*—Except when necessary for taking off or landing an aircraft shall not be flown:

a) Over the congested areas of cities, towns or other settlements or over an open air assembly of persons, unless at such a height as will permit, in the event of an emergency arising, a landing to be made without undue hazard to persons or property on the surface; this height shall not be less than 1,000 feet above the highest obstacle within a radius of 2,000 feet of the aircraft.

b) Elsewhere than as specified in 5.1.2. a), at a height less than 500 feet above the ground or water.

5.1.3. *Dropping objects.*—Nothing shall be dropped from an aircraft in flight that might create a hazard to persons or property.

5.1.4. *Acrobatic Flight.*—No aircraft shall be flown acrobatically so as to constitute a hazard to air traffic.

5.1.4.1. Unless authorised by the appropriate authority no aircraft shall be flown acrobatically over congested areas of cities, towns or settlements, or over an open air assembly of persons.

5.2. *Avoiding of collisions.*

5.2.1. *Proximity.*

5.2.1.1. An aircraft shall not be operated in such a proximity to other aircraft as to create a collision hazard.

5.2.1.2. Aircraft shall not be flown in formation except by prearrangement.

5.2.2. *Right of way.*—The aircraft that has the right of way shall maintain its heading and speed, but nothing in these regulations shall relieve the pilot of the responsibility of taking such action as will avert collision. An aircraft that is obliged by the following rules to keep out of the way of another shall avoid passing over or under the other, or crossing ahead of it unless passing well clear.

5.2.2.1. *Approaching head-on.*—When two aircraft are approaching head-on or approximately so and there is danger of collision each aircraft shall alter its heading to the right.

5.2.2.2. *Converging.*—When two aircraft are converging at approximately the same altitude, the aircraft that has the other on its right shall give way.

5.2.2.3. *Overtaking.*—An aircraft that is being overtaken has the right of way and the overtaking aircraft whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft, by altering its heading to the right.

5.2.2.4. *Landing.*

5.2.2.4.1. An aircraft in flight, or operating on the ground shall give way to other aircraft landing or on the final approach to land.

5.2.2.4.2. When two or more aircraft are approaching an aerodrome for the purpose of landing, aircraft at the higher altitude shall give way to the aircraft at the lower altitude, but the latter shall not take advantage of this rule to out-run in front of another which is on final approach to land, or to overtake that aircraft.

5.2.2.4.3. *Emergency Landing*.—An aircraft that is aware that another aircraft is compelled to land shall give way to that aircraft.

5.2.2.5. *Taking-off*.—An aircraft about to take-off shall not attempt to do so until there is no apparent risk of collision with other aircraft.

5.2.3. *Operation on and in the vicinity of an aerodrome*.

5.2.3.1. An aircraft operated on or in the vicinity of an aerodrome shall:

a) Observe other aerodrome traffic for the avoiding of collision;

b) Conform with or avoid the pattern of traffic formed by other aircraft in operation;

c) Make all turns to the left when approaching for a landing and after taking off, unless otherwise instructed;

d) Land and take-off into wind unless safety or air traffic considerations determine that a different direction is preferable.

5.2.4. *Control of Aerodrome Traffic*.

5.2.4.1. When an aerodrome control tower is in operation at an aerodrome traffic shall:

a) Maintain a continuous listening watch on the appropriate radio frequency of the aerodrome control tower, or if this is not possible, keep a watch for such instructions as may be issued by visual signals, and

b) Obtain, either by radio or visual signal prior authorisation for any manoeuvre preparatory to or associated with taxiing, landing or take-off.

6. *Rules and the Air*.

6.1. *Applicability of the Rules of the Air*.

6.1.1. *Territorial application of the Rules of the Air*.—The Rules of the Air shall apply to aircraft bearing the nationality and registration marks of the Republic of Liberia, wherever they may be, or to the extent that they do not conflict with the rules published by the State having jurisdiction over the territory overflown.

6.1.2. *Choice of the Rules*.—The operation of an aircraft either in flight or on the manoeuvring area of an aerodrome shall be in flight, either with;

a) the visual flight rules; or

b) the instrument flight rules.

6.1.3. Responsibility for compliance with the Rules of the Air.

6.1.3.1. *Responsibility of the pilot-in-command*.—The pilot-in-command of an aircraft shall, whether manipulating the controls or not, be responsible for the operation of the aircraft in accordance with the rules of the air, except that he may depart from these rules in circumstances that render such departure absolutely necessary in the interests of safety.

6.1.3.2. *Authority of the pilot-in-command of aircraft*.—The pilot-in-command of an aircraft shall have final authority as to disposition of the aircraft while he is in command.

7. *Visual Flight Rules.*

7.1. VFR flights shall be conducted so that the aircraft is flown at all times in conditions of visibility and distance from cloud equal to or greater than those specified below:

a) When on the ground a VFR flight shall not be commenced unless the surface visibility is 3 miles and the cloud base 1,000 feet except that an aircraft fitted with a functioning radio receiver and guarding the appropriate radio frequency may depart when the visibility is 1 mile and the cloud base 500 feet.

b) When in the air a VFR flight shall not be continued if the flight visibility falls below 3 miles and the aircraft is unable to maintain at least 2,000 feet horizontally and 500 feet vertically from cloud except that an aircraft fitted with a functioning radio receiver and guarding the appropriate radio frequency may continue in flight when the visibility decreases to 1 mile and the cloud base to 500 feet.

c) Notwithstanding the above rules, all flights operating within designated controlled air spaces within the Republic of Liberia shall not operate when the visibility is less than 3 miles and the cloud base below 1,000 feet.

8. *Instrument Flight Rules.*

8.1. *Rules applicable to all IFR flights.*

8.1.1. Instrument Flight Rules are to be adopted when the weather conditions are such that a flight in compliance with the Visual Flight Rules is not possible.

8.1.2. An aircraft shall not be flown on an IFR flight unless a continuous listening watch is maintained on the appropriate radio frequency of, and two way communication can be established with, the appropriate air traffic control unit.

8.1.3. Except when climbing or descending an IFR flight shall be flown at a quadrantal cruising level appropriate to its magnetic track as indicated below:

a) From 000° to 089° odd altitude e.g. 1000/3000 ft. etc.

b) From 090° to 179° odd altitude plus 500 ft. e.g. 1500/3500

c) From 180° to 269° even altitude e.g. 2000/4000 ft. etc.

d) From 270° to 359° even altitude plus 500 ft. e.g. 2500/4500

8.1.4. When an aircraft decides to change from compliance with Instrument Flight Rules to compliance with Visual Flight Rules the appropriate air traffic control unit shall be notified.

8.1.5. Roberts Field is designated the appropriate air traffic control unit for Liberia and in conjunction with the Dakar Control Centre handle all IFR Flights plans and necessary clearances, and have positive authority over all light aircraft movements in the area.

9. *Designation of Control Areas.*

9.1. According to Appendix 1 of these regulations a control zone shall be said to exist centred on Roberts Field and having a radius of 10 miles and extending sea level to an altitude of 4,000 feet.

10. *Information Concerning a Proposed Flight.*

10.1. *Flight Movements Book.*—A Flight Movement Book will be located at Roberts Field and Spriggs Payne Field, Monrovia, and at such other airfields within the Republic of Liberia as may be desig-

nated by the C.A.C.B. All pilots departing from these airfields will enter details of their proposed flight for the subsequent information of following traffic. This information will be filed irrespective of whether the flight is being operated in accordance with the Visual or Instrument flight rules.

10.2. *Flight Plans*.—Aircraft departing from Roberts Field under Instrument flight conditions will file an I.C.A.O. flight plan with the air traffic control unit. Aircraft departing from aerodromes other than Roberts Field under Instrument flight conditions will contact Roberts Radio on the appropriate frequency and file a verbal flight plan of their proposed flight. No deviation of the filed flight plan is to be made while an aircraft is in flight without prior clearance from the appropriate air traffic control unit.

APPENDIX ONE, AIR TRAFFIC CONTROL

ROBERTS FIELD, LIBERIA

1. *General*

To implement the Civil Air Regulations as established by the C.A.C.B. of the Republic of Liberia the following procedures are to be adopted by all aircraft operating on and in the vicinity of Robertsfield and the pertinent rules are to be considered as an integral part of the Civil Air Regulations.

2. *Control Zone*

2.1 A Control Zone shall be said to exist having a radius of ten miles centered on Robertsfield extending from sea level to 4000 feet.

2.2 Aircraft on take-off and climb will set an altimeter setting for Robertsfield and on penetration of the transition altitude of 4000 feet will set standard altimeter setting (1013.2 mbs.-29.92 ins.) to conform with the procedure for enroute traffic in the Dakar Flight Information Region.

2.3 Aircraft on approach and landing will be given the Robertsfield altimeter setting, but vertical displacement of aircraft on approach will be controlled with reference to Flight Levels (1013.2 mbs.-29.92 ins.) until reaching the transition altitude, when altimeters will be set to Robertsfield.

2.4 Instrument Flight Rules will be compulsory in the Roberts Control Zone when visibility drops to 3 miles with a cloud base of 1000 feet. However a departure, in accordance with the rules for a special VFW flight, may be made below these limits when traffic conditions permit, as further exemplified below.

3. *Aerodrome Control Service*

3.1 *Responsibilities*

3.1.1 The aerodrome control tower will be responsible for issuing information and instruction to aircraft under its control to achieve, a safe, orderly and expeditious flow of air traffic on and in the vicinity of the aerodrome and to prevent collision between:

- a. Aircraft flying in the traffic circuit around the aerodrome.
- b. Aircraft operating on the manoeuvring area.
- c. Aircraft landing and taking off.
- d. Aircraft and vehicles operating on the manoeuvring area.
- e. Aircraft and obstructions on the manoeuvring area.

3.1.2 The aerodrome control tower will be responsible for alerting the safety service and shall immediately report any failure or irregularity of operation of any apparatus, light or other device established at the aerodrome for the guidance of aerodrome traffic and pilot-in-command of aircraft.

3.2 Responsibilities with regard to weather conditions.

3.2.1 When the weather conditions are below those required for VFR flight, an aircraft without radio equipment will not be allowed to depart without special permission and clearance with regard to other known traffic.

3.2.2 Aircraft on a IFR flight plan will be notified to Dakar Control prior to take off and separation arranged between it and other IFR traffic in, or about to enter the Roberts Control Zone.

3.2.3 The Control centres at Dakar and Accra are to be notified when instrument flight rules are in force in the Roberts Control Zone.

3.2.4 All operations will be notified when Instrument flight rules are in force and the reason for taking such action.

3.2.5 The amber flashing light (to be installed on, or in the vicinities of the control tower) will be switched on to indicate to airport personnel and private owners of aircraft that Instrument flight rules are in force and that all tentative aircraft movements must be cleared with the control tower.

3.3. Special VFR flight.

When weather conditions are below those required for a VFR departure. An aircraft without radio may be cleared to depart providing no traffic on an Instrument flight plan is operating in, or expected to enter the Roberts Control Zone during such an aircrafts departure. The aircraft files a flight plan giving complete flight details and maintains VFR below cloud.

3.4 Separation of traffic under IFR condition.

3.4.1 Aircraft operating under IFR conditions shall not be authorised to commence final descent for landing until the first or preceding aircraft has reported that it is able to complete its approach without encountering IFR conditions, or is in communication with and is sighted by the aerodrome control tower and a reasonable assurance exists that a normal landing can be accomplished.

3.4.2 Aircraft holding over Roberts will if necessary be stacked in accordance with standard procedure over the Roberts Range, a vertical displacement of 1,000 feet being maintained at all times. The first aircraft in the holding stack is to be held at an altitude of not less than 4,000 feet until cleared to commence approach for landing.

3.5 Departing aircraft—Separation

3.5.1 If an arriving aircraft is to make a complete instrument approach a departing aircraft may take off in a direction which is different by at least 45 from the reciprocal of direction of approach after the arriving aircraft has started a procedure turn leading to final approach, providing the take off will be made at least three minutes before the arriving aircraft is estimated over the airfield boundary.

3.6 Critical position of aircraft in traffic and taxi circuit

3.6.1 Aerodrome tower operators shall maintain a continuous watch on all visible flight operations on and in the vicinity of the aerodrome, including aircraft, vehicles and personnel on the manoeuvring area,

and shall control such traffic in accordance with procedures set forth and applicable traffic rules.

3.6.2 The following positions of aircraft in the traffic circuit are the positions where the aircraft normally receive aerodrome control tower instructions, whether these are given by light signals or radio. The aircraft should be watched closely as they approach these positions so that proper instructions may be issued without delay. Where practicable all instructions should be issued without waiting for the aircraft to initiate the call (see appendix TWO for diagram).

Position 1. Aircraft initiate call to taxi for departing flight. Runway in use information and taxi instruction given here.

Position 2. If there is conflicting traffic the departing aircraft will be held at this point. Motors of the aircraft will normally be run-up at this point.

Position 3. Take off clearance is issued here, if not practicable at position 2.

Position 4. Clearance to land is issued here.

Position 5. Clearance to taxi to the ramp is given here.

3.7 *Selection of runway in use.*

3.7.1 The term runway in use shall be used to indicate the runway that a particular time is considered by the aerodrome control tower to be the most suitable for use by the types of aircraft expected to land or take-off at the aerodrome.

3.7.2 Normally an aircraft will take off and land into wind unless safety or air traffic conditions determine that a different direction is preferable. In selecting the runway in use, however, the aerodrome control tower shall take into consideration, besides surface wind speed and direction, other relevant factors such as the aerodrome traffic pattern, the length of the runway and the landing aids available.

3.8 *Essential traffic information.*

3.8.1 When operating under visual flight rules it is the responsibility of the pilot in command to avoid collision with other aircraft. However due to the restricted space on and around the manoeuvring areas it is often essential that traffic information be issued to aid the pilot to avoid collision between aircraft. Essential local traffic will be considered to consist of traffic operating on and in the vicinity of the aerodrome that might constitute a hazard to the aircraft concerned.

3.8.2 Essential ground traffic shall include any aircraft, vehicle or personnel on or near the manoeuvring area, which might constitute a hazard to the operation of the aircraft concerned.

3.8.3 Essential local traffic shall be described so as to facilitate recognition by the pilot in command of the aircraft and shall be issued, when in the judgment of the tower operator, such information is necessary in the interests of safety, or when requested by the aircraft.

3.9 *Information on aerodrome conditions.*

3.9.1 Essential information on aerodrome conditions is information necessary to safety in operation of aircraft, which pertains to the manoeuvring area of any facilities usually associated therewith. For example the following conditions shall be included as essential aerodrome information to all aircraft.

a. Construction work, along or near the runway in use.

b. Rough portions of the manoeuvring area, whether marked or not.

- c. Key maintenance apparatus or workmen in or near any portion of the manoeuvring area that the aircraft may use.
- d. Slippery conditions of the runways or taxiways.
- e. Failure or irregular operation of any airport lighting system.
- f. Any other pertinent information.

3.9.2 Essential information on aerodrome conditions shall be given to every aircraft concerned, either directly or indirectly, in sufficient time for it to make proper use of such information.

3.10 *Control of Taxiing Aircraft*

3.10.1 The importance of issuing definite, concise instructions to taxiing aircraft cannot be over-emphasized. The visibility problem in an aeroplane is most acute when taxiing. Very few aircraft have forward vision for several yards directly in front of the aircraft and the pilot must depend to a large degree upon aerodrome control towers to issue the necessary instructions which will assist in determining the proper taxi route and will prevent collision with aircraft or other objects.

3.10.2 The pilot should also be warned of parked aircraft or other objects along or near the taxiing route.

3.11 *Control of other than Air Traffic on the manoeuvring area*

3.11.1 The movement of persons or vehicles on the manoeuvring area which may interfere with aerodrome traffic shall not be permitted unless permission has been granted for such movement by the aerodrome control tower.

3.12 *Control of traffic in the traffic circuit*

Sufficient separation shall be effected between aircraft in flight in the traffic circuit to allow for the safe spacing of arriving and departing aircraft.

The clearance to enter the traffic circuit is issued to an aircraft whenever it is desired that the aircraft approach the landing area in accordance with the current traffic circuit, and the traffic conditions are such that a clearance authorizing the actual landing is not feasible. In connection with the clearance to enter the traffic circuit, information is to be given concerning the landing direction and runway in use so that the pilot in command may plan his entry into the circuit.

The clearance to enter the traffic circuit should not be confused with the clearance to land, since the former is issued when the aircraft is some distance from the aerodrome and traffic conditions will not permit the issuance of a landing.

If an aircraft enters the circuit without proper authorization it will be permitted to land if its actions indicate that it so desires, if circumstances warrant, a tower operator may ask an aircraft with whom he is in contact to give way so as to remove as soon as possible the hazard introduced by such unauthorized operation.

In cases of emergency it may be necessary, in the interests of safety for an aircraft to enter the traffic circuit, and effect a landing without proper authorization. Tower operators should recognize the possibilities of emergency action and render all assistance possible.

AIR TRAFFIC CONTROL, APPENDIX THREE

SPECIAL RULE, LIGHT AIRCRAFT OPERATION

During periods of traffic congestion at Roberts Field a white horizontal landing "T" positioned in the vicinity of the Control Tower shall indicate the direction designated for landing and take-off.

When the landing "T" is displayed all Light Aircraft must conform to the direction indicated for take-off and landing.

At other times when the landing "T" is not displayed Light Aircraft may select a runway for take-off and landing which in the opinion of the pilot is most suitable.

APPENDIX FOUR, ENFORCEMENT OF RULES

1. *Penalties*

1.1 Any person who knowingly or willfully violates any rule or regulation prescribed in these regulations, or any order or instruction issued by the government or airport controller authorized herein, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500, or imprisoned not more than six months or both.

1.2 In addition, the C.A.C.B. may withdraw, suspend, or revoke any license, permit, or document, issued under these above regulations from any person who knowingly or willfully violates any rule or regulation prescribed herein or any order or instruction issued by the Liberian Government.

LIBYA

CIVIL AVIATION LAW ¹

No. 47 of September 23, 1956

The Senate and the House of Representatives have passed the following Law, which,

We, IDRIS THE FIRST, King of the United Kingdom of Libya have sanctioned and do hereby promulgate

CIVIL AVIATION LAW

PART I

PRELIMINARY PROVISIONS

Article 1

All matters relating to civil aviation in Libya shall be under the supervision of the Minister of Communications who shall exercise his powers in accordance with this Law and the provisions of the Chicago Convention and any other international convention or agreement relating to civil aviation to which Libya is or becomes a party.

Administration

Article 2

(1) In this Law:

"Chicago Convention" means the Convention on International Civil Aviation concluded at Chicago on the seventh day of December one thousand nine hundred and forty-four and includes the standards and recommended practices adopted by the International Civil Aviation Organization in pursuance of Article 37 of that Convention;

"Contracting State" means a State which is a party to the Chicago Convention.

"Minister" means the Minister of Communications;

"Person" means any body, company, airline or any natural person or other juridicial person.

(2) Unless it is otherwise provided, a technical term or expression relating to air navigation which is defined in the Chicago Convention or the Schedule to this Law shall have the same meaning in this Law and any reg-

Interpretation

¹ The Official Gazette of the United Kingdom of Libya, No. 20, Oct. 15, 1956, Vol. VI. Official translation from the Arabic supplied by Libyan Government.

ulations or instructions made or given thereunder as it has in the like context in that Convention or Schedule.

Article 3

Delegations

The Minister and the appropriate authority in the Province may delegate any of their powers and functions under this Law except the power to make regulations and orders respectively, and thus may at any time revoke such delegation.

Article 4

Power to make regulations

The Minister may make regulations:

(a) for the purpose of carrying out the Chicago Convention and any other international convention or agreement relating to civil aviation to which Libya is or becomes a party;

(b) In respect of air-lines and agreements relating thereto; and

(c) prescribing in accordance with Article 38 (12) of the Constitution all matters with respect to aircraft and air navigation, the construction of airports, the regulation of air traffic and the administration of airports.

PART II

NATIONALITY AND REGISTRATION ANNEX

Article 5

Nationality of aircraft

(1) An aircraft shall be deemed to possess the nationality of the State in which it is registered.

(2) An aircraft registered under this Law shall be deemed to be a Libyan aircraft.

Article 6

Certificates of registration and aircraft register

(1) Subject to compliance with this Law, the Minister may issue to the owner of an aircraft a certificate of registration.

(2) The wording and arrangement of the certificate of registration shall be in the form adopted in pursuance of the Chicago Convention.

(3) The Minister shall maintain a register of Libyan aircraft and shall record in that register, in relation to each aircraft, the information contained in its certificate of registration.

Article 7

Application for registration

(1) An application for registration under this Part shall be made to the Minister in a form approved by the Minister.

(2) The applicant shall furnish the Minister with such particulars relating to the aircraft and the ownership

and control thereof and with such evidence as to the truth of statements set out in the application as the Minister requires.

Article 8

(1) The Minister shall refuse to register an aircraft under this Law while it is registered in any other State. **Power to refuse registration**

(2) The Minister may refuse to register an aircraft if—

(a) it appears to the Minister to be inexpedient in the public interest that the aircraft should be so registered; or

(b) the owner is not a Libyan national or a corporation substantially owned or effectively controlled by Libyan nationals.

Article 9

(1) Where there is a change in ownership of a Libyan aircraft, the registered owner shall forthwith forward to the Minister— **Change of ownership and destruction of aircraft**

(a) a notification of the change of ownership, setting out the full name and residence of the new owner, and the date of change of ownership; and

(b) the certificate of registration of the aircraft; and the certificate of registration shall then be cancelled and an appropriate entry made in the register.

(2) Upon application by the new owner in the prescribed manner, the Minister may register him as the owner of the aircraft and issue to him a fresh certificate of registration.

(3) Where a Libyan aircraft is destroyed or permanently withdrawn from use the registered owner shall forthwith notify the Minister in writing and the certificate of registration shall then be cancelled and an appropriate entry made in the register.

Article 10

(1) The Minister shall supply to a Contracting State or to the International Civil Aviation Organization, on request, information concerning the registration and ownership of Libyan aircraft and, if requested, shall furnish reports to the International Civil Aviation Organization giving such data as can be made available concerning the ownership and control of Libyan aircraft engaged in international air navigation. **Supply of particulars in register**

(2) The register of Libyan aircraft shall be open to inspection subject to such conditions and the payment of such fee as the Minister directs.

Article 11

(1) The nationality mark for Libyan aircraft shall be the number and letter "A". **Nationality and registration marks**

(2) The registration mark shall be assigned by the Minister and shall consist of a group of three capital letters in Roman characters without ornamentation.

(3) The nationality mark shall precede the registration mark and there shall be a hyphen between those marks.

Article 12

Location etc.
of marks

(1) The nationality and registration marks shall be painted on the aircraft or shall be affixed by any other means ensuring a similar degree of permanence and shall be kept clean and visible at all times.

(2) The location, measurements and type of characters of the nationality and registration marks of Libyan aircraft shall be in conformity with the requirements of the Chicago Convention.

Article 13

Identification
plate

(1) An aircraft shall carry an identification plate inscribed with its nationality and registration marks, and, in the case of Libyan aircraft, such other details as the Minister requires.

(2) The identification plate of a Libyan aircraft, shall be made of fireproof metal or other fireproof material approved by the Minister and shall be secured to the aircraft in a prominent position near the main entrance.

Article 14

Flight by
nonregistered
aircraft

An aircraft shall not fly over Libyan territory unless it is registered and has its nationality and registration marks painted on or affixed to it in accordance with this Part or Article 46 of this Law, or the Minister has approved the flight and the aircraft complies with the conditions of that approval.

PART III

LICENSING OF PERSONNEL AND AIRWORTHINESS

Article 15

Licensing of
flight crew and
maintenance
personnel

(1) The Minister shall determine in relation to Libyan aircraft, the class of licence which must be held by a person to entitle that person to act in any particular capacity—

- (a) as a member of the flight crew; and
- (b) as an aircraft or radio maintenance engineer.

(2) The Minister shall also determine—

- (a) the privileges and restrictions and, where appropriate, ratings attaching to each class of licence; and
- (b) the requirements for issue, continuance in force and renewal of each class of licence, including

theoretical and practical tests and examinations, and physical and medical standards.

(3) The Minister may issue or renew a licence of a class determined under paragraph (1) of this Article on being satisfied that the requirements specified by him have been fulfilled.

(4) The Minister may on the issue or renewal of a particular licence or at any time during the period of its validity impose any special restriction which he considers necessary, and details of that restriction shall be entered in the licence and shall not be removed until the Minister is satisfied that it is no longer required.

Article 16

(1) A certificate of airworthiness in respect of a Libyan aircraft may be issued or renewed by the Minister if he is satisfied that the aircraft complies with the requirements specified by him in respect of design, construction, instruments, equipment, weighing, flying trials and other tests.

**Airworthiness
and
maintenance
of Libyan
aircraft**

(2) The Minister shall determine the conditions under which a certificate of airworthiness shall remain in force, and may require such certificates issued by licensed aircraft and radio maintenance engineers in respect of the repair and maintenance of the aircraft and its equipment as he considers necessary.

(3) A Libyan aircraft shall not fly unless—

(a) there is in force a certificate of airworthiness issued or rendered valid under this Law and the aircraft complies with the conditions of that certificate; or

(b) the Minister has approved the flight for the purpose of experiment or test and the aircraft complies with the conditions of that approval.

Article 17

Where a valid licence, rating or certificate has been issued by the competent authority in a Contracting State, the Minister may, subject to such conditions as he thinks fit, confer on that licence, rating or certificate the same validity as if it has been issued under this Law.

**Validation of
licenses and
certificate**

Article 18

The holder of a licence, rating or certificate issued under this Article shall pay such charges—

(a) for the issue, validation, endorsement or renewal of the licence, rating or certificate; and

(b) for examination and tests held in connection with that issue, validation, endorsement, or renewal as the Minister requires.

**Charges for
issue of
licenses and
certificates**

PART IV

AIR SERVICE OPERATIONS

Article 19

Scheduled air
service
operations

An airline or any other person shall not engage in scheduled air service operation—

- (a) between Libya and places outside Libyan territory;
 - (b) between places within Libyan territory; or
 - (c) over Libyan territory,
- except in accordance with the terms of an agreement between the State of Registry of the aircraft used in the operations and the Government of Libya, or with the approval of the Minister and in accordance with such conditions and restrictions as the Minister requires.

Article 20

Non-scheduled
flights

(1) An aircraft of a Contracting State, not engaged in scheduled international air service operations, may—

- (a) make a non-scheduled flight in transit non-stop across Libyan territory or make stops for non-traffic purposes, provided that the Minister may require the aircraft to land or, for reasons of safety of flight, to follow a prescribed route or obtain special permission for the flight; and
- (b) have the privilege of taking on or discharging passengers, cargo or mail subject to such conditions and restrictions as the Minister requires.

(2) Subject to paragraph (1) of this Article, an aircraft shall not engage in non-scheduled air service operations between places within Libyan territory, except in accordance with the approval of the Minister and subject to such conditions and restrictions as the Minister requires.

Article 21

Carriage and
production of
documents

(1) An aircraft, when flying within Libyan territory, shall carry the following documents—

- (a) its certificate of registration;
- (b) its certificate of airworthiness;
- (c) its maintenance release;
- (d) the licences of the operating crew;
- (e) its journey log;
- (f) its flight manual (if any);
- (g) the licence to use radio apparatus (if any) in the aircraft;
- (h) if it carries passengers, a list of their names and places of embarkation and destination;
- (i) if it carries cargo, the bills of lading and manifests in respect of the cargo; and
- (j) its load sheet (if any).

(2) The Minister may grant an exemption from any of the requirements of paragraph (1) of this Article in respect of an aircraft, other than an aircraft engaged in international air navigation.

(3) The owner or pilot-in-command of an aircraft shall, on demand, produce or cause to be produced for inspection by an officer authorized by the Minister, any or all of the documents required under this Article.

PART V

AERODYNAMICS AND SERVICES

Article 22

(1) Except in emergency, an aircraft shall not land at or take off from any place in Libyan territory unless that place is—

(a) a publicly owned aerodrome; or

(b) a privately owned aerodrome or other place licensed or approved by the Minister.

(2) The Minister may, in relation to the aerodromes and places specified in sub-paragraphs (a) and (b) of paragraph (1) of this Article, issue such directions and instructions as he considers necessary to ensure the safety of air navigation or to give effect to provisions of the Chicago Convention relating to—

(a) communication systems and air navigation aids including ground markings; and

(b) characteristics of airports and landing areas.

(3) The appropriate authority in the Province, subject to this Law and the regulations and instructions made or given thereunder, shall be responsible for the administration of publicly owned aerodromes and may appoint such officers as are necessary for that purpose.

Article 23

(1) The appropriate authority in the Province, subject to this Law and the regulations and instructions made or given thereunder, may make Orders for any one or more of the following purposes—

(a) specifying those parts of an aerodrome where the entry of persons or animals is prohibited or restricted;

(b) the securing of the safety of an aerodrome and of aircraft using it against damage and, in particular, damage by fire;

(c) the restriction of smoking within an aerodrome;

(d) the preservation of order and good conduct and the prevention of nuisances at an aerodrome;

(e) the specification of routes to be followed by vehicles and the regulation of traffic generally within the confines of an aerodrome, including the circum-

Aerodromes

**Aerodrome
orders**

stances in which vehicles, whether unattended or not, may remain stationary; and

(f) generally for the proper management of an aerodrome.

(2) Orders made under this Article shall be clearly displayed at the aerodrome to which they apply, at such places and in such manner suitable for giving information to persons using the aerodrome or likely to be affected by the Orders.

Article 24

Power of authorised officers

(1) Failure to comply with an Order made under the previous Article shall be an offence, and an authorised officer may require an offender to give his name and address and order the offender to leave the aerodrome.

(2) Where an offender fails or refuses to comply with a requirement or order under this Article, an authorised officer may either remove him from the aerodrome by force or arrest him forthwith.

(3) Where an arrest takes place in pursuance of the provisions of this Article, the person so arrested shall as soon as possible be delivered to the appropriate authority to be dealt with according to Law.

(4) In this Article, the expression "authorised officer" means—

(a) a member of the police; or

(b) any person belonging to a class authorised in writing by the appropriate authority in the Province to exercise the powers conferred by this Article.

Article 25

Removal and marking of obstructions

(1) Whenever an object or portion of an object located in the vicinity of an aerodrome—

(a) constitutes, in the opinion of the appropriate authority in the Province, an obstruction or potential hazard to aircraft; or

(b) extends above the approach or transitional surfaces specified in Annex 14 to the Chicago Convention,

the appropriate authority in the Province may authorise a notice to be served upon the owner of the property in which the object is located, directing the owner within such reasonable time as is specified in the notice to remove the object or such portion of it as is specified in the notice, or to install and operate lights on the subject and mark it in accordance with the directions of the appropriate authority.

(2) The owner shall be reimbursed all reasonable expenses and the amount of any actual loss incurred in complying with a notice under this Article.

(3) If an owner, upon whom a notice is served under this Article, fails to comply with the directions in the notice, he shall be guilty of an offence and the appropriate authority in the Province may authorize an officer to enter

the place where the object is and carry out the directions in the notice.

Article 26

(1) The appropriate authority in the Province may, by notice in the Provincial Gazette, prohibit the erection of new constructions within a distance of five miles (eight kilometres) of the boundaries of Idris Airport, Benina Airport, Sebha Airport and such other airports as may be designated which—

**Restrictions
of new
constructions**

(a) might constitute an obstruction or potential hazard to aircraft; or

(b) would extend above the approach or transitional surfaces specified in Annex 14 to the Chicago Convention.

(2) A notice under this Article shall specify the boundaries of the airport to which it relates.

Article 27

Any light in the vicinity of an aerodrome which, in the opinion of the appropriate authority in the Province, might constitute a danger to aircraft, shall be extinguished or so modified in accordance with the directions of the appropriate authority in the Province as to eliminate the source of danger.

**Dangerous
lights**

Article 28

(1) Air Traffic service shall be established in respect of such portions of the airspace and such aerodromes as the Minister determines, having regard to the type of air meteorological conditions and such other factors as may be relevant, and those services shall be maintained and operated in accordance with such instructions on matters within the functions of the air traffic services as the Minister considers necessary to give effect to the Chicago Convention.

**Air traffic
services**

(2) When the Minister determines under paragraph (1) of this Article that air traffic services for aerodrome traffic will be provided at a publicly owned aerodrome, he may make all necessary arrangements with the Provinces to ensure that those services are duly provided, and in that event, such of the instructions referred to in paragraph (1) of this Article as relate to air traffic services for aerodrome traffic shall be notified to the air traffic services personnel through the appropriate Provincial Authority.

(3) In this Article—

“Alerting service” means a service provided to notify appropriate organisations regarding aircraft in need of search and rescue aid to assist those organisations as required;

"Air traffic services" include an air traffic control service and whenever practicable or if required under the Chicago Convention, a flight information service, an air traffic advisory service and an alerting service.

Article 29

Aeronautical information services

(1) The Minister may establish aeronautical information services, as far as practicable in conformity with the Chicago Convention for the purpose of disseminating information necessary for the safety, regularity or efficiency of air navigation, in a form suitable for the operational requirements of—

(a) flight operational personnel, including flight crews and the services responsible for pre-flight information; and

(b) the services responsible for in-flight information.

Article 30

Search and rescue service

The Minister may establish a search and rescue service for the purpose of assisting aircraft which may be in need of search and rescue assistance and shall co-ordinate that service with the search and rescue organisations of neighbouring Contracting States.

Article 31

Charges for use of aerodromes and services

(1) The Minister may determine, after consultation with the appropriate authority in the Province and other interested parties, the tariff of charges for the use of each aerodrome and its associated services.

(2) Until the Minister makes a determination under this Article, the tariff of charges effective prior to the coming into force of this Law shall remain in force.

PART VI

ACCIDENT INQUIRY (ANNEX 13)

Article 32

Definitions

In this Part—

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

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

(b) the aircraft receives substantial damage;

"State of Registry" means the State in which the aircraft is registered.

Article 33

(1) Where an accident occurs to a Libyan aircraft or any other aircraft in Libyan territory the pilot-in-command, or if he is killed or incapacitated, then the owner, operator, hirer or other person on whose behalf he was in command of the aircraft, as the case may be, shall be responsible for notifying to the Minister with the minimum delay and by the quickest means, such of the following information as is immediately available—

**Notification of
authorities**

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

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

(c) name of the pilot-in-command;

(d) date and time of the accident;

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

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

(g) number of persons killed or seriously injured (if any); and

(h) nature of the accident and the extent of damage to the aircraft.

(2) If all the particulars specified in paragraph (1) of this Article are not immediately available, the notification shall so state and a supplementary notice containing the particulars not included in the first notice shall be furnished to the Minister as soon as possible.

(3) If the aircraft to which the accident has occurred is registered in a Contracting State other than Libya, the Minister shall forward to that State the particulars supplied in the notices required under this Article together with advice as to the nature of the inquiry being conducted in respect of the accident.

Article 34

(1) Where an accident occurs to an aircraft in Libyan territory, the aircraft (including the contents and parts thereof) shall be deemed to be in the custody of the Minister for such period as the Minister considers necessary for the purposes of an accident inquiry, and it shall not be removed or otherwise interfered with except with the permission of the Minister.

**Custody of air-
craft involved
in accidents**

(2) Notwithstanding paragraph (1) of this Article, the aircraft may be moved to the extent necessary—

(a) to extricate persons, animals, mails and valuables;

(b) to prevent destruction or damage by fire or other causes; or

(c) to eliminate any danger or obstruction to air navigation, to other transport or to the public.

Article 35

Constitution of
Board of
Inquiry

The Minister may constitute a Board of Inquiry for the purpose of investigating the circumstances of an accident, or where the Minister considers it necessary in the public interest, any other occurrence—

to a Libyan aircraft; or to any other aircraft in Libyan territory.

Article 36

Duties and
powers of
Board of
Inquiry

(1) The Board of Inquiry shall obtain and record all available relevant information and, in the case of an accident, where possible visit the scene of the accident and examine the wreckage.

(2) The Board of Inquiry shall have power to summon and examine witnesses on oath or affirmation and require the production of documents and the like, and for these purposes a member of the Board shall have power to sign a summons or other document necessary for the inquiry in the same manner as an investigating Judge has power to do under the Criminal Procedure Code.

Article 37

Accidents to
aircraft of Con-
tracting States

(1) Where the aircraft to which the accident has occurred is registered in a Contracting State, other than Libya, the Minister shall institute an inquiry into the circumstances of the accident and, subject to such conditions as he considers necessary, an accredited representative of the State of Registry, together with advisers, may participate in the inquiry, and, in that event the Minister shall, so far as he is able, facilitate inquiries by that representative.

(2) Notwithstanding paragraph (1) of this Article, the Minister may delegate the whole or any part of the inquiry to the accredited representative of the State of Registry.

Article 38

Accidents out-
side Libyan
territory

Where an accident which occurred outside Libyan territory is being investigated by a Contracting State other than Libya the Minister shall, on request, furnish that State with any relevant information available to him, including information concerning air safety facilities and services which may have been used by the aircraft prior to the accident, on condition that the State conducting the inquiry, if requested, permits a representative appointed by the Minister to participate in the inquiry.

Article 39

Report on
Inquiry

(1) The Board of Inquiry shall, as soon as practicable after the holding of an inquiry, forward to the Minister a

report of its findings, including a summary of evidence and other essential information on which the findings are based.

(2) If after receipt of the report new and significant evidence becomes available the Minister may re-open the inquiry.

(3) Where the inquiry concerns an accident to an aircraft registered in another Contracting State the Minister shall, as soon as practicable, forward a copy of the report to that State, and relevant extracts from the report to any other State which has, on request, furnished information to the Board of Inquiry.

PART VIII

OFFENCES AND PENALTIES

Article 40

(1) A person shall be guilty of an offence if—

Offences

(a) he contravenes or fails to comply with this Law or any regulation, order or instruction made or given thereunder;

(b) he performs any duty or does any act for which a licence, rating or certificate is required without holding the appropriate licence, rating or certificate; or

(c) he commits any act which is likely to imperil the safety of an aircraft or its passengers or crew, or the safety of persons or property on the surface.

(2) The owner, hirer, operator and pilot-in-command of an aircraft which flies in contravention of this Law or any regulation or instruction made or given thereunder shall be guilty of an offence unless he proves that the contravention occurred without his fault or privity.

(3) It shall be a good defence to any proceedings if the offence is proved to have been due to stress of weather or other unavoidable cause.

Article 41

Unless it is otherwise provided, the penalty for an offence against this Law shall be a fine not exceeding ££. 100 or imprisonment for any period not exceeding six months or both.

Penalties

Article 42

(1) Where it appears to the Minister that an aircraft may be flown in such circumstances that the flight would involve an offence under this Law, the Minister may authorise the detention of the aircraft or require such other action in respect of the aircraft as the Minister considers necessary to render the aircraft fit for flight.

Detention of aircraft

(2) In such cases the aircraft shall not be used until the Minister is satisfied that the flight is in accordance with this Law, or until such other action has been carried

out as the Minister consider necessary to render the aircraft fit for flight.

Article 43

Suspension,
cancellation,
etc. of licenses
and certificates

The Minister may suspend, cancel, vary or endorse any licence, rating or certificate issued or rendered valid in pursuance of this Law whenever he is satisfied that such action is necessary or desirable—

- (a) in the interest of public safety;
- (b) to ensure compliance with the Chicago Convention; or
- (c) to ensure compliance with this Law or any regulation or instruction made or given thereunder.

PART VIII

MISCELLANEOUS

Article 44

Rules of the
air

(1) Aircraft shall comply with the Rules of the Air in the Schedule to this Law.

(2) The Minister may make regulations amending the Schedule to this Law to the extent necessary to give effect to Annex 2 of the Chicago Convention as amended from time to time.

Article 45

Reports of
meteorological
conditions ob-
served in
flight

(1) Subject to paragraph (2) of this Article, the pilot-in-command of an aircraft flying over such routes as the Minister designates shall report in a form and manner approved by the Minister the meteorological conditions observed in flight.

(2) The pilot-in-command shall furnish a report as soon as practicable if—

- (a) he is of the opinion that the meteorological conditions are likely to affect the safety of other aircraft; or
- (b) the meteorological service makes a request either before or during flight for specific information.

(3) Reports furnished under this Article shall be assembled and disseminated in accordance with the requirements of the Minister and the Meteorology Law, 1954.

Article 46

Aircraft of
Contracting
States

An aircraft registered in a Contracting State, other than Libya, shall not fly within Libyan territory unless it complies with the provisions of this Law which are expressed to apply to such aircraft and the requirements of that State in respect of—

- (a) its nationality and registration marks;
- (b) its certificate of airworthiness; and
- (c) the number and description of, and the holding of licences and ratings by the flight crew.

Article 47

An aircraft registered in a non-Contracting State shall not fly within Libyan territory unless the Minister approves the flight and the aircraft complies with such conditions as the Minister considers necessary.

**Aircraft of
non-Contract-
ing States**

Article 48

(1) The Minister shall, in accordance with Article 22 of the Chicago Convention, adopt all practicable measures to facilitate and expedite navigation by aircraft between Libya and the territories of other Contracting States and to prevent unnecessary delays in the clearance of aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine and customs.

**Facilitation of
formalities**

(2) Where an aerodrome has been designated as a customs airport in pursuance of Article 3 (1) of the Customs Law, 1954 the Minister shall transmit to the International Civil Aviation Organisation the particulars of that airport required by the Chicago Convention to be so transmitted.

Article 49

A foreign military aircraft shall not fly over or land in Libyan territory except in accordance with an agreement with the Government of Libya, or with the express permission of the Minister, but an aircraft so flying or landing shall be exempt from the provisions of this Law except to such an extent as is specified in the agreement or permission.

**Foreign
military
aircraft**

Article 50

(1) An aircraft shall not carry munitions or implements of war or dangerous goods except with the permission of and in accordance with the conditions specified by the Minister.

**Carriage of
munitions and
dangerous
goods**

(2) In this Article, "dangerous goods" means any explosive substance and any other goods which by reason of their nature are liable to endanger the safety of aircraft.

Article 51

The Minister may prohibit or impose conditions upon the use of photographic apparatus in aircraft.

**Photographic
apparatus**

Article 52

All laws, subsidiary legislation, orders and notices in operation in any part of Libya prior to the coming into force of this Law shall continue to be effective, except to the extent that they are in conflict with this Law or replaced by regulations or instructions made or given thereunder.

Saving

Article 53

Title and
coming into
force

This Law may be cited as the "Civil Aviation Law, 1956" and shall come into force on the date of its publication in the Official Gazette.

THE SCHEDULE

RULES OF THE AIR (ANNEX 2)

Part I

DEFINITIONS

Rule 1

Definitions

In these Rules—

"Acrobatic flights" means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;

"Aerodrome traffic" means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome;

"Air traffic" means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

"Air traffic control clearance" means an authorisation by a unit of the air traffic control service for an aircraft to proceed under specified conditions;

"Air Traffic control service" means a service provided for preventing collision and expediting and maintaining an orderly flow of air traffic;

"Alternate aerodrome" means an aerodrome specified in the flight plan to which a flight may proceed when it becomes inadvisable to land at the aerodrome of intended landing and where appropriate may be the aerodrome of departure;

"Controlled airspace" means an airspace of defined dimensions within which air traffic control service is provided to IFR flights;

"Control area" means a controlled airspace extending upwards from a specified height above the surface of the earth;

"Control zone" means a controlled airspace extending upwards from the surface of the earth;

"Cruising level" means a level maintained during a significant portion of a flight.

"Danger area" means an area of Libyan territory or the territorial waters adjacent thereto, specified by the Minister in pursuance of Rule 13, within or over which there may exist activities constituting a potential danger to aircraft flying over it;

"Flight plan" means information provided to air traffic service units concerning the intended flight of an aircraft;

"IFR" mean Instruments Flight Rules;

"IFR flight" means a flight conducted in accordance with Instrument Flight Rules;

"IFR weather conditions" means weather conditions in which flight under Visual Flight Rules is not permitted;

"Magnetic track" means the angle measured clockwise from magnetic north to the path followed by an aircraft over the earth;

"Manoeuvring area" means the part of an aerodrome to be used for the take-off and landing of aircraft and for the movement of aircraft associated with take-off and landing;

"Prohibited area" means an area of Libyan territory or the territorial waters adjacent thereto, specified by the Minister in pursuance of Rule 13, over which the flight of aircraft is prohibited;

"Reporting point" means a specified geographical location in relation to which the position of an aircraft may be reported.

"Restricted area" means an area of Libyan territory or the territorial waters adjacent thereto, specified by the Minister in pursuance of Rule 13, over which the flight of aircraft is restricted for other than air traffic control purposes in accordance with conditions specified by the Minister;

"VFR" means Visual Flight Rules;

"VFR flight" means a flight conducted in accordance with Visual Flight Rules;

"VFR weather conditions" means weather conditions in which a flight may be conducted in accordance with Visual Flight Rules;

"Visibility" means the ability, at determined by atmospheric conditions and expressed in units of distance, to see and identify prominent unlighted object by day and prominent lighted objects by night;

"Flight visibility" means the average range of visibility forward from the cockpit of an aircraft in flight;

"Ground visibility" means the visibility at an aerodrome as reported by an accredited observer.

PART II

APPLICABILITY OF THE RULES OF THE AIR

Rule 2

The Rules of the Air shall apply to all aircraft operating within Libya and to Libyan aircraft, wherever they may be: Provided that when a Libyan aircraft is—

Application

(a) within the territory of another State these Rules shall apply only in so far as they do not conflict with the rules of that State; or

(b) over the high seas that aircraft shall comply with the provisions of Annex 2 to the Chicago Convention.

Rule 3

Choice of Rules

(1) Aircraft shall be flown at all times in compliance with the requirement of Part III or these Rules and in addition shall comply with either the Visual Flight Rules in Part IV or the Instrument Flight Rules in Part V of these Rules: Provided that a flight or part of a flight conducted between the hours of sunset and sunrise shall be in accordance with Instrument Flight Rules.

(2) Before commencing a flight, the pilot-in-command shall ascertain whether conditions permit the flight to be conducted in accordance with the Visual Flight Rules or require compliance with the Instrument Flight Rules.

(3) A pilot-in-command may elect to fly in accordance with Instrument Flight Rules in VFR weather conditions or he may be required to do so by the air traffic control service.

Rule 4

Responsibility for compliance with Rules of the Air

(1) The pilot-in-command of an aircraft shall, whether manipulating the controls or not, be responsible for the operation of the aircraft in accordance with the Rules of the Air, except that he may depart from these Rules in circumstances that render such departure absolutely necessary in the interests of safety.

(2) Nothing in these Rules shall be construed so as to make the pilot-in-command solely responsible for avoiding collisions with aircraft during IFR flights and he shall not be held responsible for such collisions unless there is evidence of negligence on his part.

Rule 5

Pre-flight action

Before commencing a flight, the pilot-in-command of an aircraft shall study all available information which might affect the intended operation, and in the case of flights away from the vicinity of an aerodrome, and all IFR flights, shall make a careful study of current weather reports and forecasts, and he shall plan the flight in relation to the information obtained, taking into consideration fuel requirements and an alternative course of action if the flight cannot be completed as planned.

Rule 6

Authority of pilot-in-command

The pilot-in-command of an aircraft shall have final authority as to disposition of the aircraft while he is in command.

Rule 7

Use of intoxicating liquor, narcotics or drugs

A person shall not pilot an aircraft, or act as a flight crew member of an aircraft, while under the influence of intoxicating liquor or any narcotic or drug, by reason of which his capacity so to act is impaired.

PART III

GENERAL FLIGHT RULES

Division 1

PROTECTION OF PERSONS AND PROPERTY

Rule 8

An aircraft shall not be operated in a negligent or reckless manner so as to endanger life or property of others.

Negligent
or reckless
operation of
aircraft

(1) An aircraft shall not fly—

Minimum
safe heights

(a) over the congested area of a city, town or settlement or over an open air assembly of people except at such a height as will permit, in the event of an engine failure, a landing to be made without hazard to persons or property on the surface, but in no case shall the height when over any such area or assembly be less than 1,000 feet (300 metres) above the highest obstacle within a radius of 2,000 feet (600 metres) from the aircraft; or

(b) over any other area at a height less than 500 feet (150 metres) above the ground or water.

(2) The provisions of paragraph 1 of this Rule shall not apply—

(a) to an aircraft which is taking off or landing at a public aerodrome, or other place licensed or approved by the Minister for that purpose, if the aircraft is flying at a height which having regard to all the circumstances of the case is reasonable and in accordance with normal aviation practice; or

(b) to an aircraft which is flying below the prescribed height in accordance with the special permission of the Minister.

Rule 10

Except in emergency, or in accordance with the prior approval of the Minister, the pilot-in-command shall not permit anything to be dropped from an aircraft in flight which might create a hazard to persons or property.

Dropping
objects

Rule 11

Parachute descents, other than emergency descents, shall not be made unless authorised and conducted in accordance with the approval of the Minister.

Parachute
descents

Rule 12

An aircraft shall not be flown acrobatically—

(a) in controlled airspace except with the permission of the air traffic control service;

Acrobatic
flight

(b) over congested areas of cities, towns or settlements or over an open air assembly of persons except with the approval of the Minister; or

(c) anywhere in circumstances which might constitute a hazard to air navigation.

Rule 13

Airspace restrictions

(1) The Minister may for reasons of public safety declare any area of Libyan territory to be a restricted, prohibited or danger area.

(2) The Minister shall notify particulars of a restricted, prohibited or danger area and shall as soon as possible after the declaration communicate to interested Contracting States and the International Civil Aviation Organisation, the extent and location of the area and where appropriate, the nature of the restriction.

(3) An aircraft shall not be flown over a restricted, prohibited or danger area except in accordance with the permission of the Minister and subject to such conditions as he specifies.

Division 2

AVOIDANCE OF COLLISIONS

Rule 14

Proximity

(1) An aircraft shall not be operated in such proximity to other aircraft as to create a collision hazard.

(2) Aircraft shall not be flown in formation except by pre-arrangement.

Rule 15

Right of way

(1) The aircraft that has the right of way shall maintain its heading and speed, but nothing in these Rules shall relieve the pilot-in-command of an aircraft from the responsibility of taking such action as will best avert collision.

(2) An aircraft which is required by the Rules in this Division to keep out of the way of another aircraft shall avoid passing over or under that aircraft, or crossing ahead of it, unless passing well clear.

Rule 16

Approaching head-on

When two aircraft are approaching head-on or approximately so and there is danger of collision, each shall alter its heading to the right.

Rule 17

Converging

When two aircraft are converging at approximately the same altitude, the aircraft that has the other on its right shall give way, except as follows—

(a) power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;

(b) airships shall give way to gliders and balloons;

(c) gliders shall give way to balloons;

(d) power-driven aircraft shall give way to aircraft which are seen to be towing other aircraft or objects.

Rule 18

An aircraft which is being overtaken has the right of way and the overtaking craft, whether climbing, descending or in horizontal flight shall keep out of the way of other aircraft by altering its course to the right, and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from this obligation until it is entirely past and clear.

Overtaking

Rule 19

(1) An aircraft in flight, or operating on the ground or water, shall give way to other aircraft landing or on final approach to land.

Landing

(2) When two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing, aircraft at the higher altitude shall give way to aircraft at the lower altitude, but the latter shall not take advantage of this rule to cut in in front of another which is on final approach to land, or to overtake that aircraft.

(3) Notwithstanding paragraph (2) of this Rule, power-driven heavier-than-air aircraft shall give way to gliders.

(4) An aircraft that is aware that another is compelled to land shall give way to that aircraft.

Rule 20

An aircraft about to take off shall not attempt to do so until there is no apparent risk of collision with other aircraft.

Taking-off

Rule 21

(1) An object shall not be towed by an aircraft except with the permission of the Minister and in accordance with his directions.

Towing of
objects

(2) Nothing in this Rule shall prevent the reasonable use or display from an aircraft in flight of radio aerials, or any signal apparatus, equipment or article.

Rule 22

(1) Between sunset and sunrise, or such other period between sunset and sunrise as the Minister determines, all aircraft in flight or operating on the manoeuvring area of a land or water aerodrome, shall display the appropriate navigation lights specified in Appendix B to Annex 2 of the Chicago Convention.

Lights to be
displayed by
aircraft

(2) An aircraft shall not display any other lights if they are likely to be mistaken for the lights prescribed in paragraph (1) of this Rule.

Rule 23

Simulated
instrument
flights

An aircraft shall not be flown under simulated instrument flight conditions unless—

(a) fully functioning dual controls are installed in the aircraft; and

(b) a competent pilot occupies a control seat to act as safety pilot for the person who is flying under simulated instrument conditions. The safety pilot shall have adequate vision forward and to each side of the aircraft, or a competent observer in communication with the safety pilot shall occupy a position in the aircraft from which this field of vision adequately supplements that of the safety pilot.

Rule 24

Operation on
and in the
vicinity of an
aerodrome

An aircraft operated on or in the vicinity of an aerodrome shall—

(a) observe other aerodrome traffic for the purpose of avoiding collision;

(b) conform with or avoid the pattern of traffic formed by other aircraft in operation;

(c) make all turns to the left, when approaching for a landing and after taking off, unless otherwise instructed; and

(d) subject to Rule 30, land and take off into the wind unless safety or air traffic considerations determine that a different direction is preferable.

Rule 25

Water
operations

(1) Aircraft in flight near the surface of the water shall, in so far as possible, keep clear of all vessels and avoid impeding their navigation.

(2) Notwithstanding anything in these Rules an aircraft operated on the water shall comply with the special rules adopted in Annex 2 of the Chicago Convention relating to water operation and where applicable, the International Regulations for Preventing Collisions at Sea.

Division 3

INFORMATION ON FLIGHTS

Rule 26

Flight plans

(1) Prior to take off from any point within or prior to entering a control area or control zone, and prior to commencing a flight over such routes as the Minister de-

termines, the pilot-in-command shall submit a flight plan to the appropriate unit of the air traffic control service.

(2) The flight plan shall be in a form approved by the Minister and shall contain such particulars as the Minister requires.

(3) The pilot-in-command shall not deviate from a flight plan submitted under this Rule without informing the air traffic control service as soon as practicable.

Rule 27

Where a flight plan has been submitted in respect of a flight the pilot-in-command shall report the arrival of the aircraft to the air traffic control service at the earliest practicable moment after completion of the flight.

Report of
arrival

Division 4

SIGNALS

Rule 28

(1) Signals used for the following purposes—

Signals

(a) to indicate distress or urgency or that an aircraft is about to transmit a message concerning the safety of navigation or give important meteorological warnings;

(b) visual signals to warn an aircraft that it is in the vicinity of a restricted, prohibited or danger area;

(c) light signals directed at a particular aircraft;

(d) ground signals for the control of aerodrome traffic; and

(e) marshalling signals from a signalman to an aircraft on the movement area

shall take the forms and shall have the meanings specified in Appendix A of Annex 2 to the Chicago Convention, and a pilot-in-command upon observing or receiving any such signal shall take such action as may be required by the interpretation of that signal given in that Appendix.

(2) The signals specified in Appendix A of Annex 2 to the Chicago Convention shall be used only for the purpose indicated in that Appendix and no other signals likely to be confused with them shall be used.

Division 5

AIR TRAFFIC CONTROL SERVICE

Rule 29

(1) The pilot-in-command of an aircraft shall be responsible for compliance with air traffic control instructions and air traffic control clearances.

Air traffic
control in-
structions and
clearances

(2) Whenever an aircraft has requested a clearance involving priority, a report explaining the necessity for such priority shall be submitted, if requested by the appropriate air traffic control unit.

Rule 30

Control of
aerodrome
traffic

When an aerodrome control tower is in operation at an aerodrome, an aircraft forming part of the aerodrome traffic shall—

(a) maintain a continuous listening watch on the appropriate radio frequency of the aerodrome control tower, unless under approach control service furnished by another unit of the air traffic control service, or if this is not possible, keep a watch for such instructions as may be issued by visual signals, and

(b) obtain, either by radio or by visual signals, prior authorisation for any manoeuvre preparatory to or associated with taxiing, landing or take-off.

PART IV

VISUAL FLIGHT RULES

Rule 31

VFR flights in
controlled
airspace

(1) When an aircraft is flown in controlled airspace, the requirements of VFR flight shall be as follows—

(a) the aircraft shall be flown with not less than three miles (5 kilometres) flight visibility; and

(b) the aircraft shall not be flown within a distance of 2,000 feet (600 metres) horizontally and 500 feet (150 metres) vertically from any cloud.

(2) Notwithstanding paragraph (1) or this Rule a VFR flight shall not be conducted within a control zone if the ground visibility is less than three miles (5 kilometres) or if the ceiling is less than 1,000 feet (300 metres) at the aerodromes concerned, except with the approval of the appropriate unit of the air traffic control service.

Rule 32

VFR flights
outside con-
trolled airspace

When an aircraft is flown outside controlled airspace the requirements of VFR flight shall be—

(a) if the aircraft is at a height of 700 feet (200 metres) or more from ground or water—the requirements prescribed in paragraph (1) of Rule 31 in respect of VFR flights in controlled airspace; or

(b) if the aircraft is at a height of less than 700 feet (200 metres) from ground or water—not less than one mile (1.5 kilometres) flight visibility and clear of all clouds.

PART V

INSTRUMENT FLIGHT RULES

Rule 33

(1) An aircraft shall not engage in an IFR flight unless it is equipped with such instruments and radio apparatus appropriate to the route to be flown as the Minister requires and approves. IFR flight

(2) Except when necessary for take-off or landing, or with the express approval of the air traffic control service, an aircraft which is unable to comply with the visual flight rules prescribed in Part IV of these Rules shall be flown at a height of at least 1,000 feet (300 metres) above the highest obstacle—located within five miles (8 kilometres) of the estimated position of the aircraft in flight.

Rule 34

Except when climbing or descending, an aircraft engaged in an IFR flight outside controlled airspace shall be flown at a cruising level appropriate to its magnetic track as specified in the following table:

IFR flight
outside con-
trolled airspace

<i>Magnetic track</i>	<i>Cruising level</i>
000°–089° (inclusive) -----	Odd thousands of feet
090°–179° " -----	Odd thousands, plus 500 feet
180°–269° " -----	Even thousands of feet
270°–359° " -----	Even thousands, plus 500 feet

Rule 35

(1) Prior to operating an IFR flight or a portion of an IFR flight in controlled airspace, the pilot-in-command shall obtain an air traffic control clearance.

IFR flights
within con-
trolled airspace

(2) The pilot-in-command shall be responsible for compliance with the requirements of the air traffic control clearance and unless an emergency arises which necessitates immediate action, shall not deviate therefrom except in accordance with the prior approval of the air traffic control service.

Rule 36

The pilot-in-command of an aircraft flying in a control area or a control zone shall not cancel his IFR flight plan unless he is able, and intends, to continue his flight in uninterrupted VFR weather conditions.

Change from
IFR to VFR
flight

Rule 37

The pilot-in-command of an aircraft flying within controlled airspace shall be responsible for ensuring that a continuous listening watch is maintained on the appropriate radio frequency and that the time and altitude of

Radio Com-
munication

passing each reporting point, together with any other required information, including meteorological observations, are reported by radio as soon as possible to the appropriate unit of the air traffic control service.

Rule 38

**Communication
failure**

If a radio failure precludes compliance with Rule 37 the aircraft shall—

(a) if in VFR weather conditions continue to fly in those conditions and land at the most suitable aerodrome; or

(b) if in IFR weather conditions or when weather conditions are such that it is unlikely that the flight can be completed in VFR weather conditions—

(i) proceed according to the current flight plan, maintaining the last acknowledged assigned cruising level for the portion of the route which has received clearance and thereafter at the cruising level indicated in the current flight plan;

(ii) arrange the flight so as to arrive as closely as possible to the estimated time of arrival; and

(iii) commence the descent as closely as possible to the expected approach time last received and acknowledged, or if no approach time has been received and acknowledged, as nearly as possible to the estimated time of arrival specified in the flight plan.

LUXEMBOURG

LAW OF JANUARY 31, 1948, CONCERNING REGULATION OF AIR NAVIGATION ¹

CHAPTER I—GENERAL PROVISIONS

Art. 1. For the application of this law aircraft shall be deemed all machines capable of flying in the atmosphere by the reaction of the air.

Aircraft of the State [shall be deemed] military aircraft or aircraft used in the services of the State, such as police, customs, etc.

Private aircraft [shall be deemed] all aircraft other than aircraft of the State.

Operator of an aircraft [shall be deemed] any person who has the power of disposition over it and who uses it on his own account; in case the name of the operator is not registered in the aviation register or on any other official document, the owner shall be presumed to be the operator unless there is proof to the contrary.

A captain [shall be deemed] any person who is given that authority by the operator or, in his absence, the pilot.

An airdrome [shall be deemed] any center of air traffic, including the installations necessary for such traffic, or any land or water surface equipped, even though only temporarily, for the landing and take-off of aircraft.

Except as otherwise stated, the provisions of this law shall apply only to private aircraft.

Art. 2. Navigation of national aircraft over the territory of the Grand Duchy shall be free, except for the restrictions imposed by this law and those imposed by Grand Ducal decree.

Art. 3. Navigation of foreign aircraft over the territory of the Grand Duchy shall be subject to authorization by the Minister of Transportation.

Such authorization shall not be required for navigation by aircraft registered in States with which pertinent reciprocal agreements have been concluded.

The flight of foreign military aircraft over the territory of the Grand Duchy shall be subject to authorization by the Minister of the Armed Forces.

Art. 4. The flight over all or part of the territory of the Grand Duchy may be prohibited by Grand Ducal decree both to national and foreign aircraft.

Any captain who violates the provisions of the preceding paragraph must land on the nearest Luxembourg customs airdrome or on such airdrome as may be designated.

When he notices that he is flying over a prohibited area, he must give distress signals and land immediately.

¹ Published in *Mémorial*, January 31, 1948, p. 191, *Recueil des Lois*, etc., 1948, p. 22.

If he does not notice it, he must land as soon as he is requested to do so.

Art. 5. Grand Ducal decrees which, in unusual circumstances, may prohibit flight of aircraft over certain areas of the territory or which may provide for other urgent action for immediate application, shall determine the manner of publication such as radio broadcast or posting of notices at airdromes by which, in view of the urgency involved, the parties concerned are notified.

Art. 6. When a route is prescribed for aircraft flying over the territory of the Grand Duchy without a planned landing, such aircraft must follow the prescribed route and, if they are under a duty to do so, they must give recognition signals when passing over points designated for that purpose. If they receive such order, they must land on the nearest customs airdrome.

Art. 7. Grand Ducal decrees shall provide for all regulations concerning air navigation and particularly those regarding aircraft, their flight personnel, air navigation and air traffic, public property and services established for such navigation and traffic, prescribed fees, taxes, levies or dues to which the use of such public property and services is subject. It shall be unlawful in any case to collect an amount of more than 50,000 francs.

Art. 8. Registration of an aircraft operated in conformity with the regulations issued in application of this law shall confer on it Luxembourg nationality.

Art. 9. Births, deaths or disappearances that occur on board a Luxembourg aircraft in flight shall be deemed to occur on the territory of the Grand Duchy.

Formalities regarding the official recordation of births, deaths and disappearances as well as their notification to the Luxembourg authorities shall be established by a Grand Ducal decree.

Art. 10. All legal provisions concerning import, export and transit shipments of goods by land and water shall apply to entering, leaving and transit by air. Regulations specially adapted to air traffic may be issued by Grand Ducal decree.

Aircraft used for a temporary stay on the territory of the Grand Duchy may be admitted on a temporary duty-free licence while the conditions thereof are being determined by the Minister of Finance. The latter shall also determine the conditions under which aircraft used for trips abroad may be re-imported free of duty.

Art. 11. Legal relationships between persons aboard an aircraft in flight shall be deemed to have been established on the territory of the country whose nationality the aircraft has, unless the persons concerned have agreed to apply a specific law.

When the Luxembourg courts have jurisdiction, the court of the place of landing shall have venue.

CHAPTER II—CRIMINAL PROVISIONS

Art. 12. The following shall be punished by imprisonment of from one day to seven days and by a fine of from 50 to 500 francs, or by only one of these penalties:

- (1) Any captain who undertakes a flight without having aboard the documents prescribed by the regulations;

(2) Any captain who violates the regulations concerning the keeping of flight logs or other documents concerning the aircraft;

(3) Any operator of an aircraft who, on demand by the competent authorities, does not produce the flight logs and documents concerning the engines and equipment of an aircraft during the period of time prescribed for the preservation of such documents.

Art. 13. Whoever transports aboard an aircraft photographic or motion picture equipment or makes use of such equipment, in violation of the regulations, orders or instructions lawfully given by the competent officials, shall be punished by the penalties provided for in the preceding article. Such photographic and motion picture equipment shall be confiscated.

Art. 14. Whoever enters or moves about on an airdrome or an area of an airdrome not open to the public or who uses, without authorization, an airdrome for purposes for which it is not intended, shall be punished by imprisonment of from one day to seven days and by a fine of from 50 to 500 francs, or by only one of these penalties.

When the act is committed by breaking and entering, or by means of a false key, or during the night, or with fraudulent intent, or an intent to do harm, or by means of violence or threats, the imprisonment shall be from eight days to one year and the fine from 501 to 10,000 francs.

Art. 15. The following shall be punished by imprisonment of from eight days to one year and by a fine of from 501 to 10,000 francs, or by only one of these penalties:

(1) Any captain who lands on or takes off from an airdrome without prior authorization from the competent authority;

(2) Any captain who undertakes a flight with an aircraft that is not registered or does not have either a license or a certificate of airworthiness, or whose license or certificate of airworthiness has expired;

(3) Any captain who, without obtaining the necessary authorizations, uses an aircraft for commercial transportation of persons or goods, or for aerial work such as flight instruction, photography, publicity or propaganda.

Any operator who knowingly permits such take-off or landing shall be punished by the same penalties.

If there was a passenger on board, the maximum imprisonment shall be increased to three years and the maximum fine to 30,000 francs. The penalty of imprisonment shall always be imposed.

Art. 16. Whoever fraudulently destroys the flight logs or documents or any other document concerning an aircraft before the expiration of the validity of the documents or of the period during which they must be preserved, shall be punished by imprisonment of from eight days to one year and by a fine of from 501 to 10,000 francs, or by only one of these penalties.

Art. 17. Any captain of an aircraft in flight which does not bear the distinctive marks assigned to it, shall be punished by imprisonment of from eight days to one month and by a fine of from 501 to 10,000 francs, or by only one of these penalties.

When the act is unintentional it shall be punished by a fine only.

Any captain who knowingly alters or disguises the distinctive marks assigned to an aircraft or who uses an aircraft whose distinctive marks

have been altered or disguised, shall be punished by imprisonment of from three months to five years and by a fine of 1,000 to 30,000 francs.

The operator of an aircraft who knowingly permits such take-off, shall be punished by the same penalties.

Art. 18. Whoever pilots an aircraft without possessing the warrants and licenses of qualification required by the laws and regulations, shall be punished by imprisonment of from eight days to one year and by a fine of from 501 to 10,000 francs, or by only one of these penalties.

If at the time when the unlawful act was committed, there was a passenger aboard the aircraft, the imprisonment shall not be less than fifteen days and the fine not less than 3,000 francs.

Whoever, in any manner, aids or abets the unlawful act stated in the preceding paragraphs, shall be punished by the same penalties.

Art. 19. Whoever, without authorization from the operator, uses an aircraft or attempts to use it, shall be punished by a fine of from 501 to 10,000 francs and by imprisonment of from eight days to five years.

Art. 20. Any captain who pilots an aircraft despite the withdrawal of his license, shall be punished by imprisonment of from fifteen days to one year and by a fine of from 1,000 to 10,000 francs, or by only one of these penalties.

If, at the time when the unlawful act was committed there was a passenger aboard, the imprisonment shall be not less than three months and the fine not less than 10,000 francs. The penalty of imprisonment shall always be imposed.

Art. 21. Any captain who violates the provisions of the decrees issued under Article 4 of this law shall be punished by imprisonment of from eight days to three years and by a fine of from 501 francs to 30,000 francs, or by only one of these penalties.

In case of escape or refusal to land he shall be sentenced to imprisonment of from six months to five years and a fine of from 10,000 to 30,000 francs.

Art. 22. Any captain who violates the regulations concerning lights and signals or flight of aircraft shall be punished by imprisonment of from eight days to one year and by a fine of from 1,000 to 10,000 francs, or by only one of these penalties.

Art. 23. Any captain who loads or unloads passengers or cargo in violation of the regulations shall be punished by imprisonment of from eight days to one year and by a fine of from 501 to 10,000 francs, or by only one of these penalties.

Art. 24. Any captain who flies over an inhabited area or any other place where there are people at the time of the flight, such as a beach, race track or stadium, at an altitude which is less than that specified in the regulations, shall be punished by imprisonment of from eight days to one year and by a fine of from 501 to 10,000 francs, or by only one of these penalties.

Art. 25. The following shall be punished by the penalties provided for in the preceding article:

(1) Any captain who needlessly makes a flight or executes a maneuver capable of endangering the persons aboard the aircraft or persons or property on the ground;

(2) Any person who, without authorization, uses an aircraft to execute acrobatic or balancing exercises.

Art. 26. Any person who, above an inhabited area or above a part of an airfield open to the public, executes flights involving dangerous turns or turns not necessary for the proper operation of the aircraft shall be punished by the same penalties.

Art. 27. All persons who, without authorization, organize shows or exhibitions involving turns of aircraft, or dangerous maneuvers, or demonstrations or parachute jumping, or who participate in such shows, exhibitions or demonstrations, shall be punished by a fine of from 1,000 to 30,000 francs and by imprisonment of from eight days to one year, or by only one of these penalties.

Art. 28. The following shall be punished by imprisonment of from eight days to one year and by a fine of from 501 to 10,000 francs, or by only one of these penalties:

(1) Any person who is found aboard an aircraft, without being able to justify his presence by a regular ticket or by the consent of the operator or the captain;

(2) Any person who does not comply, or who refuses to comply with the instructions of the captain or his representative in regard to the safety of the aircraft or of the persons transported;

(3) Any person who enters an aircraft in a state of drunkenness or under the influence of narcotics, or who gets himself into such state during the flight.

In the case of repetition within a period of five years, the penalty of imprisonment shall always be imposed.

Art. 29. Any person who throws or drops an article capable of causing damage to another from an aircraft in flight shall be punished by a fine of from 1,000 to 10,000 francs.

Art. 30. Any person who, without authorization, transports by aircraft or loads on an aircraft with a view to transportation, ammunition or war material, or any other article or matter whose transportation by air is prohibited or subject to restrictions by law, regulation, or instruction, shall be punished by imprisonment of from eight days to one year and by a fine or from 1,000 to 10,000 francs, or by only one of these penalties.

Art. 31. Any person who intentionally impairs the airworthiness and flight safety of an aircraft shall be punished by confinement.

When the person committing the act has caused bodily injury he shall be sentenced to forced labor of from 10 to 15 years.

When such bodily injuries lead to an apparently incurable illness, or to permanent inability to work, or to complete loss of the use of any organ, or to serious mutilation, the penalty shall be forced labor of from 15 to 20 years.

When the act causes the death of a person, the person committing the act shall be punished by death.

Art. 32. Any person who, without intent or for lack of foresight or precaution, commits an act capable of endangering persons aboard an aircraft shall be punished by imprisonment of from eight days to six months and by a fine of from 501 to 3,000 francs, or by only one of these penalties.

When the accident results in bodily injuries, the person committing the act shall be punished by imprisonment of from one month to three years and by a fine of from 501 to 10,000 francs.

When the accident causes a death, the imprisonment shall be from six months to five years and the fine from 1,000 to 10,000 francs.

Art. 33. Violations of Grand Ducal decrees issued in application of this law shall be punished by imprisonment of not more than one year and by a fine of not more than 10,000 francs, or by only one of these penalties.

Violations of decisions of the Minister of Transport may be punished by imprisonment of from one day to seven days and by a fine of from 50 to 500 francs, or by only one of these penalties.

Art. 34. Any person who has been sentenced for a violation specified in this law or in the decrees issued in application thereof, and who commits a further violation of these laws or decrees within a period of five years from the day when he has suffered or been sentenced to the penalty, may be sentenced to a penalty which is twice the maximum specified for the violation.

Art. 35. All provisions of Book I of the Criminal Code shall apply to violations specified in this law and in the decrees issued in application thereof.

However, in the case of a crime, the court may decide whether Article 43 of the Criminal Code should apply.

Art. 36. The penalties provided for in this law may be imposed without thereby affecting the application of penalties provided for in other criminal or fiscal laws.

They may further be imposed without thereby affecting administrative or disciplinary penalties and damages, if any.

Art. 37. Violations committed aboard a Luxembourg aircraft in flight shall be deemed to have been committed in the Grand Duchy and may be prosecuted therein even if the accused cannot be found in the territory of the Grand Duchy.

Jurisdiction to prosecute such violations and violations provided for in this law and the decrees issued in application thereof, shall be in the State's attorney or the prosecutor of the police court at the place where the violation was committed, that of the residence of the accused, that of the place where he may be found and, in their absence, that at Luxembourg.

Articles 5, 6 and 7 of the Code of Criminal Procedure, as amended by the Law of January 18, 1879 and the Grand Ducal decree of May 25, 1944, shall apply to violations committed aboard a foreign aircraft in flight as if the act had been committed outside the territory of the Grand Duchy. However, a person guilty of a felony or crime committed aboard a foreign aircraft in flight may be prosecuted in the Grand Duchy if he or the injured person has Luxembourg nationality or when the aircraft lands in the Grand Duchy after the violation.

Jurisdiction to prosecute violations specified in the preceding paragraph shall be in the State's attorney at the place of residence of the accused, that of the place where the accused may be found, that of the place of landing and, in their absence, the State's attorney of Luxembourg.

CHAPTER III—POLICE PROVISIONS

Art. 38. Any aircraft whose flight papers as prescribed by the regulations are not produced or whose registration markings do not agree with those of the registration certificate may be detained at the expense

and the risk of the operator by the authorities in charge of supervising and policing air navigation until the identity of the aircraft or the operator is determined.

Any aircraft which does not satisfy the regulations on airworthiness or for which the regulation taxes, fees, dues, or charges have not been paid, may also be detained under the conditions specified in the regulations have been satisfied.

Art. 39. Felonies, crimes and misdemeanors specified in this law shall be recorded in official statements drawn up jointly by the officials of the judicial police and the officials of supervision over aviation designated by the Government.

The officials of supervision designated by the Government shall swear the following oath before the district court at their residence:

"I swear loyalty to the Grand Duke, obedience to the Constitution and the laws of the Land—I promise faithfully to fulfill my duties with integrity, care, and impartiality, and to serve well and faithfully the interests of the Grand Duke and of the country. So help me God."

Swearing of the oath shall be recorded and transmitted to the clerk of the two district courts.

Art. 40. The sworn officials shall determine and record in official statements all violations committed on airdromes and installations thereof, and aboard aircraft as well as violation of the laws and regulations concerning air navigation. Such statements shall be *prima facie* evidence unless there is proof to the contrary and shall be transmitted without delay to the States attorney or to the prosecutor at the police court of jurisdiction.

The jurisdiction of such sworn officials shall extend throughout the Grand Duchy.

We enjoin and order that this law be published in the *Mémorial* to be applied and observed by all persons concerned.

OTHER LEGISLATION IN FORCE

Grand Ducal Decree of May 4, 1949, regulating temporary certificates of competency and licenses for pilots of civil aircraft (*Mémorial*, No. 20, 1949, p. 415).

Amended by:

Grand Ducal Decree of August 24, 1956 (*Mémorial*, No. 46, 1956, p. 1015).

Grand Ducal Decree of June 11, 1951 regulating air navigation (*Mémorial*, No. 41, 1951, p. 974).

Grand Ducal Decree of May 22, 1951, concerning landing taxes in Luxembourg airdrome (*Mémorial*, No. 34, 1951, p. 829).

Amended by:

Grand Ducal Decree of July 29, 1957 (*Mémorial* No. 48, 1957, p. 1079).

Grand Ducal Decree of February 9, 1955, concerning custom duties for flights (*Mémorial*, No. 9, 1955, p. 233).



MALAGASY

The following special air laws are in effect in the Republic of Malagasy:

1. Decree 60-474, November 30, 1960, specifying conditions under which aircraft of certain types may land and take off at places other than on airdromes, and take-off conditions for aircraft which make an emergency landing outside an airdrome (*Journal Officiel*, Jan. 10, 1960).
2. Decree 61-008, January 11, 1961, concerning conditions of establishment, operation, use, and control of airdromes (*Journal Officiel*, Jan. 21, 1961).
3. Decree 62-191, May 2, 1962, concerning classification and purpose of airdromes open to public air traffic (*Journal Officiel*, May 12, 1962).
4. Decree 62-501, October 5, 1962, concerning the aircraft register.
5. Decree 62-064, January 30, 1962, concerning licenses and qualifications of flight personnel of civil aircraft (*Journal Officiel*, Feb. 9, 1963).
6. Decree 63-130, February 27, 1963, specifying the powers of the flight commander of civil aircraft.

1707

MALAYSIA*

1. Air Navigation Ordinance, 1952 (Federation of Malaya Ordinance No. 84 of 1952).
2. Air Navigation Aids (Control of Obstruction) Act, 1962 (Federation of Malaya Act No. 30 of 1962).
3. Air Navigation Order, 1953 (Federal Legislative Supplement LN. 583/1953).
4. Air Navigation (Wreck and Salvage) Regulations 1953 (Federal Legislative Supplement LN. 586/1953).
5. Air Navigation (Investigation of Accidents) Regulations, 1953 (Federal Legislative Supplement LN. 584/1953).
6. Air Navigation (Licensing of Air Services) Regulations 1953 (Federal Legislative Supplement LN. 585/1953).
7. Air Navigation (General) Regulations, 1953 (Federal Legislative Supplement LN. 587/1953).
8. Air Navigation (Radio) Regulations, 1953 (Federal Legislative Supplement LN. 588/1953).
9. Landing and Housing Fees Regulations, 1953 (Federal Legislative Supplement LN. 589/1953).
10. Air Navigation (Borneo States) (Restriction) Order, 1964 (Federal Legislative Supplement LN. 58/1964).
11. Air Navigation (States of Malaya and Singapore) (Restriction) Order, 1964 (Federal Legislative Supplement LN. 287/1964).

*Letter of Jan. 23, 1965, from Attorney General of Malaysia contained following information.

MALI

Presumably, Mali has not yet passed any civil aviation law of its own, but still applies the French Air Code.

1711

MAURETANIA

PRELIMINARY

The Minister of Transportation submitted to the Council a draft decree for the implementation of the Code of Civil Aviation, Law 62-137, a translation of which is reproduced below. This implementing decree will contain detailed provisions on all aspects of civil aviation. The draft consists of two parts: 1. air navigation; 2. air services, i.e., transportation, air work, tourism, and sports. Both parts are divided into titles which, in turn, are subdivided into chapters. The titles are as follows:

First part:

Title I—Aircraft

Title II—Flight personnel

Title III—Airdromes

Title IV—Services of aid to air navigation

Title V—Technical flight conditions and rules

Title VI—Investigation of aviation accidents

Second part:

Title I—Definitions and general rules

Title II—Public air carriers

Title III—Air work

Title IV—Private air services

Title V—Aviation clubs and schools

Title VI—Taxes and fees

Title VII—Liability

Title VIII—Final provisions

This decree has been drafted as to conform to the general desire to unify the rules on air transport in Africa, expressed in the Treaty concerning air transportation in Africa, signed at Yaoundé on March 28, 1961. Uniformity of rules among the African States in the aviation field was also a consideration in signing the Convention concerning creation of an Agency for Flight Safety in Africa and Madagascar (ASECNA), signed at St. Louis du Sénégal, on December 12, 1959.

LAW NO. 628-137, OF JULY 3, 1962, CONSTITUTING THE CODE OF CIVIL AVIATION

TITLE 1 GENERAL PROVISIONS

Art. 1. Sovereignty

The Islamic Republic of Mauretania has complete and exclusive sovereignty over all the space above its territory.

The Government of the Islamic Republic of Mauretania exercises its jurisdiction over the space above its territory in accordance with its constitution and with the laws and decrees of the Republic, as well as with international agreements ratified by the Republic.

Any civil aircraft which flies over the national territory, and its crew, passengers and cargo shall be subject to the jurisdiction and orders of the Mauretanian authorities.

Art. 2. Implementing regulations

Regulations concerning air navigation and air services shall be issued by decree in accordance with the general principles established in the articles set forth below.

Art. 3. Aircraft

1) With the exception of military aircraft, all Mauretanian aircraft must be registered in the register and must have a certificate of airworthiness. They must bear markings in accordance with international rules.

2) Aircraft specified in paragraph 1) shall be subject to mortgage, sale and attachment.

Art. 4. Flight personnel

All members of the flight personnel who exercise technical functions must hold valid licenses and certificates.

Art. 5. Airdromes

In general, aircraft may land only on an airdrome of the State, or on a licensed or authorized airdrome.

Art. 6. Aerial servitudes

Aerial servitudes may be imposed in the immediate vicinity of aeronautical installations in order to protect air navigation.

Art. 7. Fees

Fees may be levied for registration and inspection of aircraft for airworthiness, in connection with examinations of the flight personnel, and for use of airdromes and aids to navigation.

Art. 8. Flight rules

Flight conditions and rules shall be established or modified in accordance with international rules and shall be published in aviation information bulletins and notices to air navigators.

Art. 9. Investigations

Any aircraft accident which occurs in Mauretania shall be investigated by the Civil Aviation Service.

Art. 10. Air services

Air services shall include transportation, air work, and private air services.

Art. 11. Authorization for air transport and air work

No person may undertake any air activity for pay, whether it is transportation or air work, without holding an authorization from the Minister of Transportation. The granting and continued validity of such authorization shall be subject to the regulations in regard to technical operating conditions.

Art. 12. Civil liability

Rules of civil liability shall be established in accordance with international conventions in effect in Mauretania.

TITLE II. CRIMINAL PROVISIONS

Art. 13. Criminal liability

Violations of the provisions of this law and implementing regulations shall be punished in accordance with the following articles.

Art. 14. Violations by owners or operators

1) There shall be punished by a fine of from 60,000 to 1,200,000 francs or by imprisonment of from six days to one month or by both penalties, the owner of an aircraft who—

a) puts or leaves in service an aircraft without identification marks;

b) puts or leaves in service any aircraft without registration or airworthiness certificate, or with an airworthiness certificate which is no longer valid; any refusal to issue an airworthiness certificate by the competent authority shall be notified in writing to the person concerned and such notification shall establish a presumption of negligence against him.

2) There shall be punished by a fine of from 60,000 to 1,200,000 francs, the owner of a Mauretanian aircraft who causes such aircraft to be registered in a foreign register without having requested the Civil Aviation Service to strike it from the Mauretanian register.

Art. 15. Violations by a flight commander

1) There shall be punished by a fine of from 60,000 to 1,200,000 francs or by imprisonment of from six days to one month, or by both penalties, any flight commander who—

a) flies an aircraft without registration and airworthiness certificates, or with an airworthiness certificate which is no longer valid;

b) flies an aircraft without registration marks;

c) flies an aircraft without a valid Mauretanian license or a foreign license validated in Mauretania, and the same penalty may be imposed on any member of the flight personnel for a similar violation;

d) flies over prohibited or restricted areas in violation of the provisions of the Code of Civil Aviation;

e) lands outside an airdrome in violation of the provisions of the Code of Civil Aviation;

f) destroys flight logs or makes incorrect notations therein.

2) There shall be punished by a fine of from 120,000 to 600,000 francs, any flight commander who—

a) flies an aircraft while in a condition of drunkenness, and the same penalty may be imposed on any member of the flight personnel;

b) begins a flight without having ascertained that all required safety conditions are met;

c) disobeys the instructions of the flight control services, except in cases where they would inevitably lead to an accident;

d) executes acrobatic or buzzing flight without authorization;

e) throws or drops from an aircraft any objects or substances, without such action being necessary;

f) transports without authorization, munitions, war materiel, or other dangerous articles;

g) violates the provisions concerning the taking of photographs or motion pictures;

h) lands without reason, while on an international flight, on an airdrome which is not open to international traffic;

i) refuses without reason to participate in search and salvage operations;

j) neglects to give immediate notice of an accident.

Art. 16. Additional penalty

The fine against the owner of an aircraft who puts or leaves it in service without valid registration certificate or airworthiness certificate, or against a pilot who flies an aircraft without valid license, may be raised up to 2,400,000 francs and the imprisonment up to two months, when the violations are committed subsequent to refusal or withdrawal of the registration or airworthiness certificate or a license.

Art. 17. Registration marks

Any owner, operator, or pilot who affixes or causes to be affixed to an aircraft any registration marks which do not conform to those on the registration certificate, or who removes or causes to be removed, renders or causes to be rendered illegible any correct marks that have been affixed, shall be punished by a fine of from 120,000 to 2,400,000 francs and by imprisonment of from six months to three years. There shall be punished by the same penalties any person who affixes or causes to be affixed on a private aircraft the markings reserved to aircraft of the State or who use an aircraft bearing such markings.

Art. 18. Violations by public carriers

There shall be punished by a fine of from 120,000 to 1,800,000 francs:

1) any public carrier, scheduled or non-scheduled, who—

without good cause refuses the public access to its transport services;

defaults on the duties prescribed in the operating license or authorization, when, in the opinion of the Director of Civil Aviation, such default does not call for revocation of the license or authorization;

does not provide, in the manner required by the regulations, for maintenance of his aircraft, flight instruments and other necessary equipment to assure safety of operation;

does not follow the routes and use the airdromes specified on the operating permit.

2) Any scheduled public carrier who operates in violation of the flight rates, routes, number and times of flights, approved by the Civil Aviation Service.

3) Any non-scheduled public carrier who—

announces flight schedules or routes;

announces flights according to a certain schedule;

sets flight or cargo rates which may constitute unfair competition with scheduled services;

periodically makes flights between points served by a scheduled carrier, on certain days of the week, and with a frequency which represents a series of scheduled flights.

Art. 19. Violations by enterprises for air work

There shall be punished by a fine of from 120,000 to 1,800,000 francs any enterprise for air work which—

defaults on the duties prescribed in the operating authorization when, in the opinion of the Chief of the Civil Aviation Service, such default does not call for revocation of the authorization;

does not provide, in the manner prescribed by the regulations, for maintenance of its aircraft, flight instruments, and other equipment necessary to assure safety of operation.

Art. 20. Agreements between air carriers

There shall be punished by a fine of from 120,000 to 1,800,000 francs any scheduled or non-scheduled public carrier who does not submit for the approval of the Minister of Transportation such agreements as he may conclude with other carriers or who, after approval, modifies the terms of such agreements.

Art. 21. Foreign carriers

There shall be punished by a fine of from 120,000 to 1,800,000 francs any foreign international air carrier who, during a flight of transit only, unloads or loads on Mauretanian territory passengers or cargo or who, without express authorization, provides domestic services.

Art. 22. Ground personnel

1) There shall be punished by a fine of from 6,000 to 600,000 francs, any member of the technical aeronautical personnel who, by act or omission, endangers the safety of aircraft, airdromes, and other installations for air navigation.

2) There shall be punished by a fine of from 60,000 to 1,200,000 francs or by imprisonment of from six days to one month, or by both penalties, any flight controller who exercises the privileges of his license when it is no longer valid.

Art. 23. Interference with telecommunications

There shall be punished by a fine of from 30,000 to 600,000 francs, any person who interferes with, or hinders aviation radio communications in any manner whatsoever.

Art. 24. Suspension of license

1) The prohibition to fly any aircraft may be imposed by judgment or ordinance for a duration of from three months to three years on any pilot guilty of a violation.

2) When a pilot has been convicted before for any of the same violations, within a period of five years after the first conviction has become final the prohibition to fly an aircraft shall be imposed for a term of three years, and it may be doubled.

3) During the term of the prohibition, the licenses shall remain in the custody of the clerk of the court which has pronounced the sentence, where they must be deposited within five days from the date on which the sentence becomes final, otherwise the convicted persons shall be punished by imprisonment of from six days to one month and by a fine of from 6,000 to 120,000 francs, without thereby affecting the penalties provided for in the case that they fly an aircraft during the time of prohibition.

Art. 25. Aerial servitudes

1) Violations of the provisions of the Code of Civil Aviation and of the ordinances issued by the Minister of Transportation concerning aerial servitudes, of restrictions, and of beacons shall be punished by a fine of from 30,000 to 90,000 francs.

2) In case of repetition, violations shall be punished by a fine of from 60,000 to 180,000 francs or by imprisonment of from six days to three months, or by both penalties.

3) A time period for the removal or modification of structures affected with a servitude or for providing beacons thereon may be set by the court of jurisdiction upon request of the Minister of Transportation under penalty of a fine of from 600 to 6,000 francs for each day of delay.

4) When, at the expiration of the time period the situation has not been remedied, the Minister of Transportation may have the work done *ex officio* at the expense and the risk of the persons responsible therefor.

Art. 26. Presence on airdromes

Whoever is present or enters on any area prohibited by the Code of Civil Aviation or on the areas of airdromes affected with a public service, or permits the presence or entering of cars, cattle or draft, carrying, or riding animals, shall be punishable by a fine of from 3,000 to 6,000 francs and further, may be deprived of all rights to compensation in the case of an accident.

Art. 27. Jettisoning

Any voluntary and unnecessary jettisoning of articles or substances liable to cause damage to persons and property on the ground, shall be prohibited aboard aircraft in flight, and shall be punished by a fine of from 60,000 to 420,000 francs, or imprisonment of from six days to two months, or by both penalties, even if such jettisoning has not caused any damage, and without thereby affecting more severe penalties which may be imposed in the case of a felony or crime.

Art. 28. Customs violations

1) All provisions concerning violations of customs and State monopoly regulations shall be applicable to articles imported or exported by aircraft.

2) Attempted or actual offenses of unlawful importation or exportation outside a customs airport shall mean confiscation of the articles and of the means of transportation without thereby affecting a customs fine of from 12,000 to 24,000 francs, or an additional fine of an amount equal to six times the value of the articles and imprisonment of from one month to one year.

3) All unloading and jettisoning of unauthorized articles during flight except ballast and mail at designated places shall be punished by the fines provided for by the customs law on smuggling and shall be increased in accordance with paragraph 2 of this article.

Art. 29. Temporary admittance and admittance in bond

For articles exported or unloaded for temporary admittance or in bond, or subject to domestic taxes, the exporters shall justify their exportation by presentation, within specified periods, of a valid cus-

toms certificate of destination under penalty of payment of four times the value of the articles.

Art. 30. Right of seizure

Officials of telecommunications lawfully qualified to enforce application of the laws and regulations regarding telecommunications by telegraph and telephone shall have the right to seize any radio-telephone or radiotelegraph apparatus which may be aboard without a special authorization.

The officials enumerated in the following article shall also have the right to seize explosives, weapons, munitions, and other articles whose transportation without authorization is prohibited.

Confiscation of apparatus and articles lawfully seized shall be pronounced by the court which has jurisdiction over the violation.

Art. 31. Reporting officials

1) In addition to the officers and officials of the judicial police, the following shall have the duty to report violations of the provisions of the Code of Civil Aviation:

the engineers of the Civil Aviation service,
the airdrome commanders,
the officers of the Armed Forces in charge of air security,
the customs officers empowered to make reports.

2) Upon completion the reports shall be sent to the court of jurisdiction; they shall be *prima facie* evidence until the contrary is shown.

Art. 32. Jurisdiction

1) The courts given jurisdiction by the law of June 17, 1961, shall have exclusive jurisdiction over violations of the provisions of the Code of Civil Aviation and of any implementing legislation.

2) The same rules as to jurisdiction shall apply to related violations, whoever the person committing them may be, in regard to both criminal and civil liability.

Art. 33. Transmittal of judgments

Copies of judgments relating to violations in matters of aviation shall be transmitted by the courts of jurisdiction to the Civil Aviation Service.

Art. 34. This law shall take effect as a State law.

MEXICO

DECREE AMENDING BOOK FOUR OF THE LAW OF GENERAL MEANS OF COMMUNICATION ¹

The Congress of the United States of Mexico decrees:

Article 1. Book Four of the Law of General Means of Communications is hereby revised, and now reads as follows:

BOOK FOUR—AERONAUTICAL COMMUNICATIONS

CHAPTER I—GENERAL PROVISIONS

Article 306. The space above the Mexican territory shall be subject to national sovereignty.

For the purposes of this Law, the term "Mexican territory" shall include the surface area of the United States of Mexico, territorial waters and adjacent islands in both Oceans, as well as the Island of Guadalupe and the Revillagigedo Islands in the Pacific Ocean.

Article 307. Civil air navigation over Mexican territory shall be governed by the international treaties and conventions which the Mexican Government has signed and ratified according to the Constitution, by this Law and its Regulations, and by all other laws and regulations which are applicable.

Article 308. For the purposes of inspection, supervision and control of civil air navigation, all civil aircraft in Mexican territory or which fly over it, as well as their crew, passengers and goods transported shall be subject exclusively to the jurisdiction of the Federal Executive.

Article 309. The following shall be subject to Mexican law:

I. Events and legal acts which occur on board Mexican aircraft in flight, whether above Mexican territory or over non-territorial seas, as well as those occurring on board Mexican aircraft in flight over foreign territory, unless they be of such nature that they affect the safety or public order of the respective foreign State.

II. Criminal acts which occur on board any aircraft which is over foreign territory, whenever they produce effects or are intended to produce effects on Mexican territory.

The provisions of the Civil Code for the Federal District and Territories in regard to births and deaths on board a Mexican vessel shall be applicable to civil air navigation.

Article 310. The owner, possessor or operator of aircraft shall be jointly liable with the commander or pilot for any violation of this Law and its Regulations resulting from orders given by said owner, possessor or operator.

¹Published in *Diario Oficial* of January 23, 1950, p. 6; errata: D.O., May 11, 1950.

CHAPTER II—CLASSIFICATION, NATIONALITY AND REGISTER OF AIRCRAFT

Article 311. For the purposes of this Law, "aircraft" shall be any vehicle which is capable of supporting itself in the air.

Mexican aircraft shall be classified as State aircraft and civil aircraft. State aircraft shall be those owned by the Federal or State Governments and Municipalities or by local public organizations. All other aircraft shall be considered civil aircraft, whether engaged in public or private service.

Civil aircraft used permanently in the service of the State shall be considered State aircraft.

Article 312. The nationality and register of civil aircraft shall be governed by the following provisions:

I. Aircraft shall have the nationality of the State where they are registered.

II. No aircraft may have more than one registration.

III. The formalities specified in this Law must be complied with to acquire, modify or cancel marks of nationality or registrations of Mexican aircraft.

IV. Aircraft registered in another country may acquire Mexican register after their foreign registration has been cancelled.

V. Aircraft shall acquire Mexican nationality by being registered in the Mexican Aeronautical Register and by obtaining a certificate of registration.

VI. Registration of aircraft in the Mexican Aeronautical Register may be applied for by the owner thereof or by the person who holds title for him.

Once an aircraft has been registered, the respective certificate of registration and of nationality shall be issued, to serve as identification and to prove registration.

Article 313. Only Mexican citizens or Mexican entities having legal status may register in the Mexican Aeronautical Register aircraft to be used for public service of transportation or private services of aerial photography, aerial topography and others of an analogous nature.

Article 314. Cancellation of the registration of aircraft in the Mexican Aeronautical Register shall mean loss of its Mexican nationality.

CHAPTER III—MARKS OF NATIONALITY AND REGISTER

Article 315. All civil aircraft must bear distinctive marks of nationality and registration.

The marks of nationality for Mexican aircraft shall be the letters XA for public service planes; XB for private service planes; and XC for planes belonging to the State.

The Secretariat of Communications shall assign to each aircraft its registration mark which, together with that of its nationality, shall appear on the plane in the form and with the characteristics specified in the respective Regulations.

Mexican aircraft used in international public service of transportation must bear the national insignia, in the regulation form.

CHAPTER IV.—AIRWORTHINESS

Article 316. The Secretariat of Communications will issue a certificate of airworthiness to show that the aircraft has passed the prescribed tests and technical checks to enable it to fly under satisfactory technical conditions of safety.

The obtaining, suspension and cancellation of the certificate of airworthiness shall be subject to the requirements set forth in the Regulations.

Article 317. Unless there be proof to the contrary, it shall be presumed that aircraft with a valid certificate of airworthiness has taken off under flight conditions which are technically satisfactory.

Article 318. Aircraft, engines and parts which are built, repaired or modified may be placed in service without the approval of the Secretariat of Communications, in accordance with the Regulations.

CHAPTER V.—TECHNICAL AVIATION PERSONNEL

Article 319. The technical aviation personnel shall be composed of the members of the flight crew and the ground personnel attached to the service of civil air navigation.

In order to be a member of the technical aviation personnel, it shall be necessary to hold a valid license to perform specific duties, such license having been granted or recognized by the Secretariat of Communications, which may recognize or validate licenses issued abroad by the competent authorities, provided the requirements under which they were issued or declared valid are at least equal to the minimum regulations in force in Mexico for the granting of such licenses.

The requirements as to age, nationality and good conduct for obtaining aeronautical licenses, the qualifications, physical capacity, examinations, experience and skill necessary to obtain such licenses, the capacity granted to the holders and the powers granted by such licenses shall be specified in the respective Regulations, which shall also specify the duration, conditions for renewal, suspension and revocation of such licenses.

Article 320. The Secretariat of Communications may permit that foreign technicians be employed temporarily to act as advisers or instructors of the Mexican aviation personnel whenever, in its opinion, this may be necessary for the performance of, or improvement on an aeronautical service.

CHAPTER VI.—COMMANDER OF THE AIRCRAFT

Article 321. All aircraft to be used in public transport service shall be under the command of a commander appointed by the operator of the service, and shall be chosen among the pilots who form the flight crew.

The commander shall be responsible for the directing, care, order and safety of the aircraft, the crew, the passengers and their baggage, and the freight and mail carried upon his taking charge of the plane for the takeoff. This responsibility shall cease at the end of the flight, when the representative of the company or any competent authority takes charge of the planes, the passengers, the freight, the baggage and the mail.

Article 322. The commander of the plane shall record in the log all incidents which might have legal consequences and which take place during the flight, and make them known to the competent Federal authorities at the first place at which he lands in Mexican territory or to the competent foreign authorities and to the Mexican consul if he lands outside the country.

CHAPTER VII.—OPERATIONS

Article 323. In order to conduct operations in Mexican territory, the owners, possessors or operators of civil aircraft and, in the respective case, commanders and pilots must comply with the following requirements:

I. They must use the type of aircraft required by the respective license or permit, depending on the service for which it is intended.

II. They must operate the aircraft within the limitations of its certificate of airworthiness.

III. They must hold the certificates of registration and airworthiness, the licenses of the aviation personnel and other documents required.

IV. Prior to starting the flight, they must verify that the certificate of airworthiness and licenses of the personnel are in order, and, except in case of emergency, must follow the flight plan to which the operations are subject.

V. They must land only at the airdromes authorized as adequate for the type of aircraft operated and for the service in question, except in cases of emergency.

VI. Their aircraft must be equipped with radio equipment and such rescue equipment, as is specified in the Regulations for each type of aircraft.

VII. They must comply with the provisions of the Regulations in regard to lights and signals for air traffic.

VIII. They must load and unload passengers and cargo from the aircraft in such a manner that they do not obstruct the operations of other aircraft, or interfere with air traffic or traffic on the airdromes.

Article 324. Civil aircraft must not:

I. Fly over zones which have been prohibited to navigation by the Federal Executive.

II. Carry arms, ammunition, explosives and articles which, due to their inherent nature, might be a source of danger, without a permit from the competent authorities.

III. Carry people who are in a state of intoxication or suffering from the effects of drugs, or without a permit from the competent authorities, bodies of dead people, people suffering from contagious diseases or mental cases.

IV. Make acrobatic flights or maneuvers of a dangerous nature over cities and centers of population.

Article 325. Clearance and dispatch of aircraft engaged in public service, as well as of their crew and passengers and baggage, freight and mail, must be effected in the rapid manner provided for in the Regulations.

CHAPTER VIII—AIR TRAFFIC

Article 326. Air traffic shall comply with the following rules:

I. Control of air traffic, meteorological, aeronautical, telecommunications services and aid to air navigation shall be within the jurisdiction of the Secretariat of Communications. To comply with the powers vested in it for such purpose, it shall order all the measures necessary for the greater efficiency and safety of air navigation, for the purpose of protecting human lives and property. It may therefore grant licenses or permits for the rendering of such services, to technical organizations, which shall have the status of auxiliary or allied services of the means of communication and which shall be considered of public interest.

II. All aircraft must use, as an obligatory safety requirement, the control services of air traffic, of aeronautical telecommunications, of meteorological information and of aid to air navigation. Such services shall be put at the disposal of all operations of aircraft on the basis, the conditions and the rates approved by the Secretariat of Communications.

III. The Secretariat of Communications shall order the measures it deems necessary to extend and modernize the system of auxiliary installations to air navigation, and shall exercise care to insure that enterprises rendering public service and licensees of private service comply at all times with the safety requirements established in this Law and its Regulations.

IV. Operations of military aircraft on the airways, in traffic control zones or at civil airdromes shall be subject to the rules on air traffic contained in this Law and its Regulations. Any infringements committed during such operations shall be made known to the Secretariat of National Defense.

CHAPTER IX—CIVIL AIRDROMES

Article 327. A civil airdrome shall be any defined area of land or water which is suitable for the taking off, landing and movement of civil aircraft.

Civil airdromes shall be divided into airdromes for public service and airdromes for private service. The Secretariat of Communications shall establish by declaration which are airdromes for public services and which are for private service, in accordance with the Regulations.

Civil airdromes shall be subject to the control, inspection and supervision of the Secretariat of Communications.

An airport shall be any civil airdrome for public service having adequate facilities and installations for the operations of public service aircraft. Airports shall be classified in categories according to the nature of their facilities and installations.

Airports shall be open to the public for their specified purposes, and services furnished there shall be charged for in accordance with rates previously authorized by the Secretariat of Communications.

All international airports must be declared as such by the Federal Executive, and they must furnish the proper international services and meet the requirements specified in the Regulations.

The Secretariat of Communications shall exercise authority over all airports, through the Commander appointed for the purpose. All authorities acting at international airports shall abide by the terms of the Internal Regulations of International Airports issued by the Executive.

Article 328. A permit by the Secretariat of Communications in accordance with the provisions of Chapter III of Book One, and Articles 331 and 333 of Section III of this Law for a maximum initial term of thirty years, shall be required to build, commercially use, manage and operate airports.

A permit from the Secretariat of Communications shall be required to build and operate private service airdromes. The owners of private service airdromes shall permit its use to any aircraft in an emergency.

The approval and authorization of the Secretariat of Communications shall be required in each case to build any kind of facilities and installations at civil airdromes.

Structures and installations on land adjoining and adjacent to airdromes, within their protective and safety zones, shall be subject to the restrictions specified in the protective Regulations.

The owners and operators of civil airdromes shall allow the use thereof to aircraft of the State free of charge. This shall not apply to aircraft belonging to local public organizations.

CHAPTER X—NATIONAL AIR TRANSPORT

Article 329. Scheduled national public air carriers shall be subject to the following:

a). The obtaining of a license in the manner set forth in Chapter III of Book I and Article 331 of this Law, as well as other applicable provisions:

b). The air routes, frequency of flights, and time-tables previously approved by the Secretariat of Communications;

c). The fee schedule according to rates previously approved by the Secretariat of Communications and duly made known to the public;

d). Permanent accessibility to the public, subject to the provisions of clauses b) and c).

Article 330. Non-scheduled public air carriers shall be subject to the following:

a). The obtaining of a permit in the manner provided for in this Law and other applicable provisions;

b). The carrying out of flights in accordance with agreements with the users of the service, in accordance with this Law and its Regulations;

c). A fee schedule, subject to the provisions of the second paragraph of clause a) of Article 336.

Article 331. In order to obtain a license or permit, as the case may be, for the establishment and operation of a scheduled or non-scheduled public air carrier service the applicants must prove, to the satisfaction of the Secretariat of Communications:

a). That the service satisfies public necessity and convenience;

b). That the applicant has the required capacity and technical and financial means to operate the proposed service;

c). That the applicant comes within the case provided for in Article 12 of this Law;

d). That the other requirements specified in this Law, its Regulations and other applicable laws have been complied with.

Article 332. In order to begin operation of a scheduled or non-scheduled public air carrier, the company in question must furnish proof to the Secretariat of Communications that it has itself or at its disposal, by whatever title or contract:

a). Airdromes which meet the requirements of the service, according to the Regulations:

b). Installations and auxiliary services for air navigation as required by this Law and its Regulations:

c). Flight equipment approved for the service and authorized technical aviation personnel:

d). Flight routes, rates, and schedules, approved by the Secretariat of Communications:

e). The insurance required by this Law:

f). Such other elements as required by the license or permit.

Article 333. Failure to comply at any time with any of the requirements specified in the preceding Article or with the obligations imposed by the respective license or permit, or with the rules of this Law shall be grounds for suspension of the services or forfeiture or revocation of the license or permit, without prejudice to other penalties specified in this Law.

Article 334. The Secretariat of Communications shall fix the term of licenses and of permits in accordance with the following rules:

I. Licenses for scheduled public air carriers shall be granted for an initial maximum period of thirty years. This period shall be determined according to the economic importance of the service of the particular company, the amount of the initial investment and subsequent investments necessary for the growth and improvement of the service, and such other points for forming a judgment as may be required:

II. For permits for non-scheduled public air carriers, the time-limit shall be fixed according to the importance of the company and its initial investment:

III. A public air carrier shall be entitled to extensions of the initial license for additional 10-year periods if, at the expiration of the initial term or of any of the extensions, said licensee furnishes proof of satisfactory fulfillment of all obligations and of having made important improvements in the service.

Article 335. At the expiration of the license or of an extension thereof, the Federal Government may acquire all the property and rights used in the air transportation service of the company in question as well as the company itself. The price shall be fixed by mutual agreement or, in its absence, in the manner set forth in the law.

Article 336. The Secretariat of Communications may:

a). Grant a permit for special public transportation flights; however when such flights are intended to be made between points connected by a scheduled carrier, the permit shall only be granted in the event that the company that has the license for that service is unable to make the flight.

The rates charged for such flights may not be less than those authorized for the respective scheduled service;

b). Authorize flights for exploration purposes and technical studies over unexplored routes, for the purpose of obtaining information

and evidence regarding the establishment of air transportation services. Such authorizations shall be granted for a maximum term of three months, and may not be extended.

CHAPTER XI—INTERNATIONAL AIR TRANSPORT SERVICE

Article 337. International public air carriers shall be classified as:

- a). Scheduled Mexican international carriers.
- b). Non-scheduled Mexican international carriers.
- c). Scheduled foreign international carriers.
- d). Non-scheduled foreign international carriers.

Such service, from or to Mexican Territory, shall be rendered in accordance with the following conditions:

I. *Scheduled Mexican international carriers*, under a license applied for and obtained in the manner set forth in Chapter III of Book I and in Articles 331 and 332 of this Law, and the applicable Regulations;

II. *Non-scheduled Mexican international carriers*, under permits granted by the Secretariat of Communications, which shall be revocable at any time;

III. *Scheduled foreign international carriers*, subject to a permit granted by the Secretariat of Communications containing the same obligations as those imposed on Mexican companies for furnishing scheduled public air transportation;

IV. *Non-scheduled foreign international carriers*, subject to authorization granted in each case by the Secretariat of Communications. Whenever such flights are to be made between points or areas served by a scheduled Mexican international carrier, authorization may only be granted to the foreign carrier if the Mexican carrier is unable to make the flight.

Both licenses and permits shall be in accordance with applicable international treaties or agreements. Permits and authorizations for foreign international carriers shall be subject to reciprocity treatment, and the Secretariat of Communications shall ensure that, in granting such permits and authorizations, the safety of the Nation is not endangered or the rights of Mexican carriers injured.

Article 338. Foreign aircraft must comply with the following requirements in entering and leaving Mexican territory:

I. Follow previously specified air routes and land at the international airports specified by the Secretariat of Communications;

II. Comply with the safety requirements established in this Law and its Regulations as well as the rules of their own country with regard to marks of nationality and register, weight, instruments and safety and rescue equipment, as well as carry a certificate of airworthiness. The crew must also carry the proper licenses and pertinent papers;

III. In the case of foreign aircraft engaged in international public air service which fly in transit over Mexican territory or which land therein without taking on or discharging passengers, freight or mail, prior and timely notice must be given in each case to the Secretariat of Communications. Further, the passage in transit and landing of these planes shall in each case be subject to the provisions concerning customs, population and police.

Article 339. Owners of Mexican civil aircraft who desire to take them abroad, must obtain a permission from the Secretariat of Communications. This rule shall not be applicable to duly authorized companies which operate a Mexican international transportation service.

CHAPTER XII—PRIVATE AIR SERVICES

Article 340. The following shall be deemed aircraft in private service:

- a). Aircraft used for pleasure and private purposes of the owner;
- b). Aircraft engaged in aerial work, such as aerial photography, aerial topography, commercial publicity and other work of a similar nature;
- c). Aircraft engaged in the private service of a company;
- d). Aircraft used for scientific purposes of civil aviation, such as the exterminating of agricultural pests, artificial creation of rain, educational flights and others of a similar nature;
- e). Aircraft belonging to private aeronautical schools.

Article 341. Operations of aircraft in private service shall be subject to the following rules:

I. The obtaining of certificates of registration and airworthiness shall suffice for the operation of aircraft in private service used exclusively for the private purposes or pleasure trips of their owners;

II. Aircraft in private service must be flown by qualified technical flight personnel;

III. The owners of aircraft in private service used for aerial work, the private service of a company, the scientific application of civil aviation or instruction must obtain a permit from the Secretariat of Communications. This permit shall be subject to the following conditions:

a). Aerial photography, aerial topography and work of a similar nature may only be carried out by Mexican companies, and the technical personnel in charge of such work, and the crew of the aircraft must be Mexicans;

b). In the case provided for in clause d) of Article 340, the companies, the flight crew and the personnel in charge of carrying out the work preferably shall be Mexicans;

IV. Aircraft used for private service may in no case undertake public transportation services;

V. The owners or possessors of foreign aircraft for private service, used exclusively for private purposes or pleasure, who wish to fly over Mexican territory or to land therein must give prior and timely notice to the Secretariat of Communications.

The Secretariat of Communications may require the owners or crews of foreign aircraft in private service who wish to fly over Mexican territory or to land therein, to prove in each case that they have complied with the technical requirements relating to licenses and airworthiness in the country where the aircraft are registered.

CHAPTER XIII—LIABILITY FOR DAMAGES

Section One—Damages to passengers

Article 342. Carriers holding licenses and permits for the public air transportation service, both scheduled and non-scheduled, shall be liable for damages caused by such transportation, as follows:

a). For the death and injuries to passengers, or other damage suffered;

b). For destruction of, or damage to passengers' baggage;

c). For delays in transportation.

For the purposes of this Law, it shall be understood that damage has been caused by transportation if it results from events occurring from the moment the passenger boards the plane until he disembarks, whether at the termination of the trip provided for in the transportation contract or in case of forced or accidental landing.

Article 343. In the cases provided for in clause a) of the preceding Article, the carrier must pay to the victim:

I. The sum of \$50,000.00 [pesos] for death or permanent total disability;

II. Up to a maximum of \$20,000.00 [pesos] for injuries causing permanent partial disability;

III. Up to a maximum of \$10,000.00 [pesos] for injuries causing partial temporary disability.

The amount of the damages payable in the cases provided for in clauses II and III of this Article shall be determined in accordance with the table of indemnities contained in the Regulations.

The carrier shall guarantee payment of the damages provided for in this Article at the time it obtains the license or permit, in any of the following forms:

a). By means of insurance obtained from a duly authorized company, in such a way that its liability is covered to the satisfaction of the Secretariat of Communications;

b). By means of a deposit in cash with *Nacional Financiera S.A.* for such amount as will guarantee the risk, in accordance with the provisions of the Regulations.

Without prejudice to the damages mentioned in the preceding paragraphs of this Article, the company shall be in addition, liable to a maximum of \$75,000.00 [pesos] in case of death or permanent total disability up to \$25,000.00 [pesos] for other injuries to a person.

Nevertheless the carrier shall not be granted the benefit of a limitation of liability provided for by this Article if it is proved that the damages were due to fraud of the carrier, its clerks or employees.

Article 344. The indemnity for destruction of or damage to passengers' baggage shall be limited to a maximum of \$100.00 [pesos]. There shall be no limitation as herein established if it is proved that there was fraud or gross negligence on the part of the carrier, its clerks or employees.

Article 345. The carrier must pay compensation to the passenger for any damage caused to him due to delays in transportation. This damage shall be limited to a maximum equal to the agreed price for the transportation.

Article 346. The carrier shall be exempt from liability under this Section in the following cases:

I. In the cases provided for in the penultimate paragraph of Article 343 and in Article 344, if it is proved that the carrier took all reasonable precautions to avoid the damage and the technical measures required by this Law and its Regulations, or that it was impossible for it to take them;

II. In the case provided for in Article 345, if it is proved that the delay was caused by bad weather or salvage operations, or for reasons involving the protection of human life or property:

III. In all cases if it is proved that the damage was due to acts or circumstances caused by the victim or by illegal acts of a third person.

Article 347. The right to receive the compensation provided for in this section and the determination of the amount of the indemnity in the cases provided for in the penultimate paragraph of Article 343 and Articles 344 and 345 shall be subject to the applicable provisions of the Civil Code for the Federal District and Territories.

The right to sue for payment of the indemnities provided for in this section shall terminate after one year, reckoned from the date of the incidents which gave rise to the action or, if none, from the date of starting the trip provided for in the transportation contract.

Article 348. For the purposes of liability, transportation which is made in compliance with an obligation imposed by law shall be deemed the same as that made under a contract for payment.

Damage suffered by individuals or things transported in private service aircraft shall be governed by the provisions of the Civil Code for the Federal District and Territories.

Section Two—Damage to freight and invoiced baggage

Article 349. Carriers holding licenses or permits to engage in public air transportation, whether scheduled or non-scheduled, shall be liable for damage caused to freight and invoiced baggage.

I. For loss or damage suffered from the moment when it is received until the moment when it is delivered to the addressee.

II. For delay in the delivery of freight or invoiced baggage, beyond the period provided for in the transportation contract and pursuant to the provisions of the Regulations.

In the cases mentioned in clause I of this Article, the carrier must pay the following indemnity to the addressee or, lacking one, to the shipper:

a). For loss of, or damage to freight, a maximum of \$20.—[pesos] per kilo gross weight.

b). For delay in delivery of freight, a maximum amount equivalent to the price of the transportation.

c). For loss of, or damage to invoiced baggage, a maximum of \$500.00 for each piece of luggage.

The carrier shall be exempt from the liability mentioned in this section if it proves:

a). That it took all reasonable precautions to avoid the damage as well as the technical measures required under this Law and its Regulations, or that it was impossible for it to do so:

b). That the delay was caused by bad weather or salvage operations or for reasons involving the protection of human life or property;

c). That the damage was due to unlawful acts of a third person.

The limits of liability referred to in this Article shall not be applicable if the freight or invoiced baggage was transported, by agreement between the parties, in accordance with its declared value, in which case the limit of liability shall correspond to such declared value.

In the cases referred to in this Article, the carrier shall guarantee payment of the appropriate indemnity in the manner provided for in the Regulations.

Article 350. The right to receive appropriate indemnity for damage suffered, established in this section, and the fixing of its amount, shall be subject to the applicable provisions of the Civil Code for the Federal District and Territories.

Claims for loss of, or damage to, and delay in the receipt of freight or invoiced baggage shall be made to the carrier within three days following the date of receipt or the date on which it should have been delivered. Failure of duty to file a claim shall prevent the bringing of the respective actions.

The right to bring actions to demand payment of the indemnities established in this section shall lapse in ninety days, reckoned from the date the freight or invoiced baggage should have been delivered.

Section Three—Damages to third persons

Article 351. When the operation of an aircraft or objects which fall from it cause injury to persons or damage to property on the ground, liability shall be created by merely establishing the existence of the damage and its origin.

This liability shall devolve on whoever owns or possesses the aircraft.

For the purposes of this Article, "operation of aircraft" shall be deemed all movement of the same on the ground or in flight under operation of its own engines.

Article 352. The indemnity for damages referred to in the preceding Article shall not exceed the maximum limit for each class of aircraft, in accordance with the following table:

Aircraft not weighing more than 5,000 kilos gross weight-----	\$60, 000
Aircraft not weighing more than 20,000 kilos gross weight-----	150, 000
Aircraft not weighing more than 40,000 kilos gross weight-----	300, 000
Aircraft whose weight exceeds 40,000 kilos gross weight-----	600, 000

When damage is caused to persons and property, the amount of the indemnity to be determined [for the damage] caused to such persons shall not exceed two-thirds of the damage suffered.

When several people are damaged, the indemnity, without exceeding the aforesaid limits, shall be distributed proportionately to the damages suffered.

The owners or possessors of aircraft shall guarantee the payment of the indemnity for which they are liable by taking out insurance with a duly authorized insurance company or by depositing with the *Nacional Financiera S.A.* the amount of their maximum liability. In the case of owners or possessors of two or more aircraft, the insurance or deposit shall be for double the amount, irrespective of the number of aircraft operated.

The insurance or deposit shall be set up within fifteen days following the date on which the license or permit is obtained or the aircraft is registered.

The Secretariat of Communications shall determine in what cases this obligation must be complied with by foreign owners of aircraft in private service.

The guarantees shall be kept alive for the life of the license, permit or registration.

Individuals and companies that do not guarantee payment of the indemnities specified in this Article shall not enjoy the benefit of a limitation of liability.

Article 353. Both the owner and the possessor of aircraft shall be exempt from the liability established in this section :

I. When the damages are due to the victim's own fault or when they are the result of acts committed by a third person with intent to cause damage to the aircraft, the victims or the property ;

II. When the person operating the aircraft does so without the consent of the owner or possessor. Nevertheless, the latter must prove that, having taken the necessary preventive measures, it was impossible to avoid the unlawful use of the plane; otherwise the owner or possessor shall be jointly liable with the party who caused the damage.

Article 354. In cases of collision of two or more aircraft, the owners or possessors shall be jointly liable for the damages caused to third persons or to property on the ground, each one within the limits established.

Article 355. The right to receive the indemnity for the damages suffered referred to in this section, as well as the fixing of its amount, shall be subject to the provisions of the Civil Code for the Federal District and Territories which are applicable to the case.

The right to bring actions to demand payment of such indemnity shall lapse in one year, reckoned from the date on which the incidents occurred.

Section Four—Miscellaneous Provisions

Article 356. None of the provisions of this Chapter shall prevent the bringing of appropriate criminal actions.

Any clause in transportation contracts inserted to establish lower limits of liability than those provided for in Article 343 of this Law, those provided for in this section shall be null and void. Nullity of such clause shall not imply nullity of the transportation contract.

Nevertheless, the carrier and the passengers may agree on indemnities or guarantees which are higher than those fixed in this Chapter.

Compliance with the provisions of this Law regarding the liability shall release all persons so complying from all civil, contractual or quasicontractual liability.

Liability for damage suffered by the crew, employees or workers in the service of individuals or companies who undertake the operation of civil aircraft shall be governed by the applicable provisions of the Federal Labor Law and other applicable laws.

Article 357. Controversies of a civil nature which arise on account of any accident suffered by aircraft or caused by one shall be determined and decided in accordance with Article 4 of this Law

CHAPTER XIV—ACCIDENTS, SEARCH AND SALVAGE

Article 358. The investigation of accidents suffered by civil aircraft shall be made by the Secretariat of Communications. After

the investigation, which shall include a hearing to the parties in interest, is terminated, the Secretariat shall determine the probable cause of the accident and, in the respective cases, shall levy the penalties and decide what administrative liability is in order. Should there be grounds for such liability, the facts shall be brought to the notice of the competent authorities.

Article 359. Search and salvage operations, in the case of accidents to civil aircraft, shall be of public interest and therefore the authorities, air carriers and private parties shall be under the obligation of taking part in it within the scope of their capabilities and facilities, pursuant to the regulations governing search and salvage operations and the following rules:

I. Search and salvage operations shall in all cases be carried out under the direction and control of the Secretariat of Communications, and the expenses incurred for the rescue of the victims of aviation accidents shall be for account of the carrier operating the aircraft.

II. Any person having knowledge of an aviation accident shall notify the nearest authorities, who are under the obligation of advising the Secretariat of Communications by the quickest possible means. Lacking a commander of the aircraft or competent aeronautical authority, the first authority arriving at the place of the accident shall take responsibility for the aircraft, baggage, freight, and mail and provide whatever is necessary for the protection of and help to the passengers and crew.

III. Aeronautical inspectors, or if there be none, the commander of the nearest airdrome, shall be under the obligation of going personally to the place where the accident has taken place, of taking the necessary measures, and of sending immediately a detailed report to the Secretariat of Communications.

IV. The Secretariat shall establish auxiliary search and salvage centers throughout the country.

V. The owners or possessors of aircraft, or their legal representatives or agents and the pilots in charge of the respective aircraft, shall be under the obligation of notifying the Secretariat of Communications of any accident to their aircraft.

VI. Air carriers shall be under the obligation of furnishing a report to people interested in any accident once they have specific information in regard to any accident to their aircraft or whenever they consider it lost.

Article 360. Aircraft shall be considered lost in the following cases:

I. When the owner or possessor makes such a declaration under oath, subject to verification of the Secretariat of Communications:

II. After three months have elapsed from the date on which the last official or private news were received from the aircraft and its whereabouts are unknown:

In both cases the Secretariat of Communications shall declare the aircraft lost and cancel the registration.

Article 361. The Secretariat of Communications shall declare such aircraft abandoned and, with the assistance of the other competent

authorities, shall determine what should be done with the aircraft and the property in it.

Aircraft shall be considered abandoned :

I. When the owner or possessor so declares to the Secretariat of Communications;

II. When an aircraft remains at an airdrome for a period of ninety days without undertaking any operations and without being under the direct or indirect care of its owner or possessor;

III. When it has no registration number and the name of its owner and the place of its origin are unknown.

CHAPTER XV—ENCUMBRANCES

Article 362. The following may be mortgaged :

I. Aircraft;

II. The entirety of an air carrier in which case the mortgage shall include all licenses or permits and, unless there be a specific stipulation to the contrary, the flight equipment, the navigation aids, the engines, propellers, radio apparatus, instruments, equipment, fuel, lubricants and other movable and immovable property used in the operations and considered as a unit.

A mortgage to which this section refers may only be placed with the prior authorization of the Secretariat of Communications.

Article 363. Engines, propellers, spare parts, radio apparatus, instruments and other equipment may be pledged.

In order that the pledge may be considered as established, it must be actually and legally delivered to the creditor.

In either case the pledge shall take effect against third parties as and from the date when it is recorded in the Mexican Aeronautical Register. A signed copy of the record shall be sent to the Public Registry of Property in the City of Mexico, for such purposes as may be in order.

Article 364. Mortgage and pledge contracts shall contain, in addition to the requirements under the laws applicable to the case, a description of the aircraft and of the equipment mortgaged or pledged, stating marks of nationality and register, name of maker and series number or, if there is none, such data as will unmistakably identify the aircraft and, in the respective case, the other property included in the mortgage or pledge.

Article 365. Tax debts shall have preference over mortgage credits and over those for salvage of the aircraft and those derived from indispensable and extraordinary disbursements for preservation of the aircraft.

In addition to the preference established in this Article, the creditors for the last two reasons shall have the right of attachment.

Article 366. In cases of attachment or any other judicial seizure of aircraft used for public transportation, the authority who has decreed the attachment shall issue the necessary rulings so that the service is not interrupted, and immediately shall make the situation known to the Secretariat of Communications.

CHAPTER XVI—AERONAUTICAL INDUSTRIES, SCHOOLS AND AVIATION CLUBS

Article 367. The following shall be considered of public interest:

I. The establishment of aircraft factories and factories making aircraft engines and parts, and aeronautical shops;

II. Aviation schools and centers of aeronautical research;

III. Aviation clubs and model airplane clubs.

Article 368. The Secretariat of Communications, in agreement with the Secretariat of Commerce, shall grant licenses for the establishment of aircraft, engine and parts' factories.

Licensees shall be under the obligation of submitting their products to the tests demanded by the Secretariat of Communications so that, if approved, they may be given a certificate of approval which will authorize them to make other units of the same type.

Article 369. Aviation schools, when they are private schools, shall operate under a permit which is temporary and revocable by the Secretariat of Communications, and they shall be subject to the inspection and technical supervision of that Secretariat.

Article 370. Aviation and model airplane clubs shall be organized as civil associations, and their activities shall be subject to the inspection and supervision of the Secretariat of Communications, which shall furnish them technical advice whenever they so request.

CHAPTER XVII—MEXICAN AERONAUTICAL REGISTER

Article 371. The Secretariat of Communications shall keep a register to be called "Mexican Aeronautical Register", in which shall be recorded:

I. The title by which the ownership, other property rights or the possession of the following are acquired, alienated, modified, encumbered, extinguished, rented or leased:

a). Mexican aircraft;

b). Civil airdromes;

c). Aeronautical installations, beacons, radio guides, radiogoniometrical stations, radio-beacons and other aids to air navigation;

d). Engines of aircraft;

II. Licenses and permits under which air transportation is performed and the acts and decisions which modify or extinguish them;

III. Licenses of Mexican aviation personnel, renewals, suspensions and cancellations thereof;

The following shall be annotated on the margin of the record:

I. a). The marks of nationality and register of aircraft, modifications and cancellations thereof;

b). Certificates of airworthiness, renewals and cancellations thereof;

c). Insurance policies.

The Regulations of the Mexican Aeronautical Register shall specify: its composition; the formalities to be complied with in regard to records and annotations made; the certifications to be issued, as well as charges payable.

Article 372. The documents which must be recorded in the Mexican Aeronautical Register and are not recorded shall only produce effects among those who execute them and not against any third party, but the latter may avail himself of same insofar as they favor his interests.

However, except as provided for in Article 363, if the registration should also be made in the Public Registry of Property pursuant to Article 6 of this Law, and the applicable provisions of the Civil Code for the Federal District and Territories, the provisions of that Code shall apply.

Article 373. The registration of an aircraft may be cancelled:

- a). At the request, in writing, of the owner of the aircraft or of the holder of the certificate of registration;
- b). By order of the competent authorities;
- c). When the aircraft is destroyed or lost;
- d). When the aircraft no longer fulfills the requirements for airworthiness specified in the Regulations;
- e). At the expiration of the period of registration, whenever the registration is subject to a time limitation;
- f). When the aircraft is abandoned;
- g). For any of the other reasons specified in the Regulations.

Registration of an aircraft which is encumbered cannot be cancelled without the consent of the creditor.

Article II. Articles 555 to 570 inclusive and Article 590 of Book Seven of the Law of General Means of Communications shall be amended as follows:

*Article 555.*¹ A fine of from \$250.—to \$50,000.—(pesos) shall be imposed on the owner, possessor or operator of civil aircraft in the following cases:

I. For allowing aircraft to fly:

- a). Without marks of nationality and registration;
- b). Without a certificate of airworthiness or certificate of registration, or when such documents have expired or are false;
- c). With a crew who lack the respective licenses;
- d). Without the proper safety instruments and auxiliary equipment;
- e). Without making use of the auxiliary installations and services for aerial navigation, except in cases of *force majeure*;

II. For registering aircraft in the Register of some other State without first obtaining the cancellation of the Mexican registration.

III. For altering or modifying the marks of nationality and registration on the aircraft without the authorization of the Secretariat of Communications;

IV. For ordering the commander or pilot of the aircraft to perform acts which constitute a violation of this Law or its Regulations;

V. For bringing foreign aircraft into Mexican territory or taking Mexican aircraft into a foreign country without complying with the requirements specified in the Law;

VI. For failing immediately to notify the Secretariat of Communications of accidents to their aircraft;

VII. For refusing to take part in search and salvage operations;

VIII. For permitting aircraft to obstruct or impede air traffic or circulation on airdromes;

IX. For any violation of the Regulations concerning airdromes.

In the case of a public carrier the minimum penalty shall be \$5,000.—[pesos].

¹ Art. 555. This and the following articles, including Art. 570, were amended by the Decree of Dec. 30, 1949, published in the *Diario Oficial* of January 23, 1950, and took effect 30 days from that date.

Article 556. A fine of from \$50.—to \$50,000.—(pesos) shall be imposed on the pilot or commander of any civil aircraft:

I. For failing to utilize, during the flight of aircraft, the installations, aids to aerial navigation and other auxiliary safety services;

II. For disobedience to the orders or instructions received with regard to air traffic;

III. For flying an aircraft without carrying the respective license, or without the qualifications stated therein, or with a suspended or expired license. The same penalty shall be imposed on the other members of the flight crew who are in a like situation;

IV. For permitting anyone who is not a member of the flight crew to take part in the operations of an aircraft, except in cases of proven *force majeure*;

V. For transporting arms, dangerous articles, or inflammable, explosive or other similar articles, without the proper authorization;

VI. For transporting contagious or mental patients or dead bodies without the proper authorization;

VII. For abandoning the aircraft, the other members of the crew, the passengers, the freight and other property at any place which is not the terminal point of the flight, and without just cause;

VIII. For flying the aircraft while in a state of intoxication. The same penalty shall be imposed on any member of the flight crew who is in a like situation;

IX. For allowing a member of the flight crew to take part in operations of the aircraft while in a state of intoxication;

X. For acts or omissions which, actively or passively, contribute to the act of smuggling;

XI. For flying over prohibited areas;

XII. For starting the flight without verifying whether the certificate of airworthiness, as well as the licenses of the flight crew are in force, and whether the aircraft has the marks of nationality and registration.

XIII. For permitting, without the proper authorization, the use of apparatus for aerial photography and aerial topography on board an aircraft in flight;

XIV. For making acrobatic flights or flying too close to the ground or making exhibition flights over inhabited places;

XV. For jettisoning from an aircraft in flight, or permitting the unnecessary jettisoning of objects or ballast from such aircraft;

XVI. For making demonstration flights, technical test flights or training flights without the proper authorization;

XVII. For refusing to take part in search or salvage operations;

XVIII. For failing to notify the Secretariat of Communications immediately of accidents happening to their aircraft or of other accidents of which they become aware on account of their work;

XIX. In the case of the commander of a foreign civil aircraft which enters the country, for failure to land at the civil airdromes specified in the respective permit or authorization;

XX. In the event of a commander of a foreign civil aircraft, for making or allowing to be made aerial-photographical or aerial-topographical surveys on board an aircraft in flight.

Article 557. A fine of from \$1,000.— to \$50,000.— (pesos) shall be imposed:

1. On Mexican or foreign carriers engaged in scheduled public air transportation;

a). For carrying out operations in violation of the rates, itineraries, frequencies of flight and schedules approved by the Secretariat of Communication;

b). For refusing, without lawful reasons, to allow the public to have free access to the services;

c). For failure to comply with the obligations contained in the respective licenses or permits which, in the opinion of the Secretariat of Communications, does not require a declaration of forfeiture, rescission or revocation;

d). For failure to perform the required maintenance and preservation work on their flight equipment, airdromes, auxiliary installations and other property connected with the safety and efficiency of the service;

e). For failure to follow the air routes and to make use of the airports specified in the respective licenses or permits:

II. On foreign carriers engaged in scheduled or nonscheduled international public transportation:

a). Whenever, while on a trip in transit only, they take on or discharge passengers, freight or mail:

b). For performing service between different points in Mexican territory.

III. On public carriers not engaged in scheduled air traffic and on those which effect special public service for charging rates which are less than those approved for the carrying out of scheduled air transportation.

Article 558. A fine of from \$500.— to \$50,000.— (pesos) shall be imposed on:

I. The owners, possessors or operators of private service aircraft used for aerial-photography, aerial-topography and work of a similar nature who permit such work to be done by, or who do such work utilizing the services of foreigners;

II. The owners, possessors or operators of private service aircraft used for scientific applications of civil aviation who give preference to foreigners over Mexicans for the carrying out of such work.

Article 559. A fine of \$250.— to \$25,000.— (pesos) or six months' to five years' imprisonment shall be imposed on any person who obstructs or restricts in any way, or permits that the landing strips, loading platforms and other traffic places of airdromes are obstructed or restricted.

Article 560. A fine of \$250.— to \$25,000.— (pesos) and six months' to five years' imprisonment shall be imposed on any person who floods or through negligence allows the flooding of all or part of an airdrome.

Article 561. A fine of \$250.— to \$25,000.— (pesos) and six months' to five years' imprisonment shall be imposed on any person who, by means of radio-technical transmissions obstructs, interferes with, or impedes aeronautical radio communication.

Article 562. A fine of from \$50.— to \$5,000.— (pesos) shall be imposed on the members of the technical aviation ground personnel who, by acts and omissions in the carrying out of their duties, endanger or might endanger the safety of aircraft and of airdromes and auxiliary installations.

Article 563. The licenses of technical aviation personnel shall be suspended up to six months in such cases as the Secretariat of Communications deems necessary, for violation of the provisions concerning safety and efficiency.

Article 564. The Secretariat of Communications shall revoke the licenses of aviation personnel whenever they merit it for continued disobedience to orders.

Article 565. Without prejudice to the fines mentioned in Article 556, the following punishment shall be imposed:

I. On the pilot or commander in the cases provided for in Sections I, III, V and IX of said Article, imprisonment for a period not exceeding six months, without prejudice to the suspension mentioned in Article 563;

II. On the pilot, commander or member of the crew in the cases provided for in Sections II, IV, VII, VIII and XVIII of the same Article, imprisonment of from six months to five years and revocation of his license;

III. On the pilot or commander, in the cases provided for in Sections XI and XIV, suspension of his license for a period not exceeding six months.

Article 566. A fine of from \$50.— to \$5,000.— (pesos) and imprisonment for a period not exceeding six months shall be imposed on a commander or pilot of aircraft who makes flights after repairs to the airframe, engines or propellers of the same without the Secretariat of Communications having given its approval in the manner set forth in the Regulations.

Article 567. A fine of from \$50.— to \$5,000.— (pesos) shall be imposed on the owner, possessor or operator of any civil airdrome who:

I. When such airdrome is an airport, fails to furnish services in the manner provided for in the respective licenses and in this Law;

II. Does not permit aircraft to land in emergencies;

III. Does not permit the use, free of charge, of the airdrome to aircraft of the State, as provided for in amended Article 328 (last paragraph) of this Law.

Article 568. Failure to comply with the provisions relating to beacons and safety signals on land and on aircraft by the personnel who have them under their care, shall be punishable by imprisonment for a period not exceeding six months.

Article 569. A fine of from \$50.— to \$5,000.— (pesos) or imprisonment for a period not exceeding six months shall be imposed on any person who refuses to take part in search and salvage operations of aircraft, if so requested by the authorities. A like penalty shall be applicable to any person who, having direct knowledge of an aviation accident, fails to notify immediately the authorities within the Secretariat of Communications who are nearest to the site of the accident.

Article 570. The provisions of the Criminal Code for the Federal District and Territories relating to piracy shall be applicable to air navigation.

Article 590.² Any other violation of this Law or of its Regulations

² Amended by the decree of Dec. 30, 1949, published in the *Diario Oficial* of January 23, 1950, and in force 30 days from that date.

not specifically provided for in this Chapter, shall be punishable, by the Secretariat of Communications, with a fine not exceeding \$50,000.— (pesos).

TRANSITIONAL ARTICLES

Article One. This Decree shall go into force thirty days after its publication in the *Diario Oficial* of the Federation.

Article Two. The other provisions of the Law of General Means of Communications, insofar as they do not conflict with those of this Decree, shall continue to be applicable to aeronautical communications.

Article Three. A period of three months, reckoned from the date when this Decree goes into force, shall be granted for aircraft of the State that lack marks of nationality or which bear the letters XB, to petition the Secretariat of Communications to change such mark for the one provided for in this Decree.

Article Four. A period of six months, reckoned from the date when this Decree goes into force, shall be granted to:

I. Holders of experimental permits, to apply for the respective license. The Secretariat of Communications shall at once cancel the respective permit unless such application is filed within the time limit set in this Article, except in the case that the time limits set in amended Article 347 of the Law of General Means of Communication have not expired. After the application has been filed, the holder of the permit may continue rendering the service until a decision on his application for a license has been made.

II. Holders of special permits and holders of permits granted under Section II of Article 9 of the Law of General Means of Communications, to apply for the permit required according to this Decree. The Secretariat of Communications will proceed to cancel immediately the respective permit unless the application is filed within the time limit specified.

III. Companies or individuals who operate and commercially use airports, in order to apply for the respective license and regularize such operations and commercial use. Nevertheless, they shall be subject to the provisions of this Decree from the date it enters into force.

Article Five. A term of 15 days, reckoned from the date when this Decree enters into force, shall be granted to the owners, possessors or operators of civil aircraft to guarantee compliance with the liability according to Articles 342 to 357 of the Law of General Means of Communications as amended herein.

At the expiration of such time limit, Article 127 of that Law shall cease to be applicable to aeronautical communications.

Article Six. The Executive of the Union will issue the Regulations under this Law, and a minimum of 1,200 hours' flight shall be required to obtain a pilot's license for public transport service.

Article Seven. All provisions which conflict with this Law are hereby repealed.

OTHER LEGISLATION IN FORCE

1. Decree of October 18, 1950 approves the regulation on aerial telecommunication and radio aids for air navigation. (*Diario Oficial*, November 25, 1950)

2. Decree of October 18, 1950 approves the regulation on search and salvage and the investigation of air accidents. (*Diario Oficial*, November 28, 1950)

3. Decree of October 18, 1950 approves the regulation on the Meteorological Aviation Service. Amended by decree of 1953 (*Diario Oficial*, April 10, 1953). (*Diario Oficial*, December 1, 1950)

4. Decree of October 18, 1950 approves the Air Transport Regulation. Decree of February 18, 1953 amends Articles 51 and 52 of the Regulation. (*Diario Oficial*, March 25, 1953). (*Diario Oficial*, February 1, 1951)

5. Decree of 1951 approves the regulation on technical aviation schools. (*Diario Oficial*, October 11, 1951)

6. Decree of 1951 approves the regulation on licensing of technical aviation personnel. (*Diario Oficial*, October 18, 1951)

7. Decree of September 12, 1951 approves the regulation governing the aeronautics registry. (*Diario Oficial*, October 25, 1951)

8. Regulation of civilian airports and airdromes. (*Diario Oficial*, November 15, 1951)

9. Decree of August 6, 1952 establishes the *Dirección de Aeronáutica Civil*. (*Diario Oficial*, September 23, 1952)

10. Decree of February 18, 1953 amends articles 51 and 52 of the Air Transport Regulation. (*Diario Oficial*, March 25, 1953)

11. Decree of October 21, 1953 amends Article 68 of the regulation on civilian airports and airdromes regarding fueling operations. (*Diario Oficial*, March 5, 1954)

12. Decree of 1955 amends Article 39 of the Regulation on Operation of Civilian Aircraft regarding security measures to be taken when gasoline must be dumped during flight. (*Diario Oficial*, September 29, 1955)

13. Decree of May 30, 1956 approves the regulation on licensing of technical aviation personnel. (*Diario Oficial*, December 28, 1957)

14. Decree of February 25, 1958 amends Article 32 of the Air Transport Regulation regarding the use of instruments or visual flight at night. (*Diario Oficial*, April 21, 1958)

15. Decree of April 10, 1958 issues a new schedule of rates charged for landing and other services at official airports. (*Diario Oficial*, August 9, 1958)

16. Appendix No. 6 to the Regulation on Air Traffic in force. This contains procedure on altimetric measures. (*Diario Oficial*, August 31, 1960)

17. Decree of September 22, 1960, amends Articles 143, 144 and 145 of the Regulation on Operation of Civil Aircraft, published November 22, 1950. The amendments deal with crew members on various types of aircraft. (*Diario Oficial*, September 23, 1960)

18. Decree of February 14, 1961, amends the Regulation on licensing of technical personnel in aviation to include provisions on licensing and qualification of helicopter and "agricultural aviation" (crop dusting) pilots, among other measures. (*Diario Oficial*, February 27, 1961.)

19. Decree of March 21, 1961, amends Article 16 of the Regulation on licensing of technical personnel in the field of aviation. (*Diario Oficial*, March 24, 1961.)

20. Regulations of March 13, 1961, approve rates for air transportation on national airlines where reservations are not picked up by the passengers. The percentages refunded on reservations vary with number of hours of notice given before flight time, running from entire price to none, in the latter case where cancellation is made less than one-half hour before flight time, or not made at all. (*Diario Oficial*, April 3, 1961.)

20. Decree of March 14, 1961, amends Article 57 of the Regulation of September 12, 1957, on the Mexican Aeronautical Register. This increases the rates and fees for registration of various documents, proceedings, etc. (*Diario Oficial*, April 19, 1961.)

21. Air Traffic Regulation in force: Appendix No. 7 (*Diario Oficial*, May 25, 1961). (*Diario Oficial*, June 29, 1961 [Reprint].)

22. Decree of May 15, 1961, amends Article 54 of the Regulation on Technical Schools of Aeronautics (*Diario Oficial*, October 11, 1951) concerning a study plan for airplane mechanics. (*Diario Oficial*, May 26, 1961.)

23. Decree of September 28, 1961, adopts a new tariff of payments to be made for the use of landing and other facilities and services of the official airdromes and airports. (*Diario Oficial*, October 16, 1961.)

MOROCCO

Decree No. 2-61-161 of 7 safar 1382 (July 10, 1962) concerning
Regulation of Civil Aviation ¹

PART I. AIR NAVIGATION

TITLE I. AIRCRAFT

CHAPTER I. GENERAL PROVISIONS

Art. 1. Definition. For purposes of this decree, and of the ordinances and other enactments passed in application thereof, an "aircraft" shall be deemed any device capable of staying in the air due to the reactions of the air whether it be lighter or heavier than the air.

However, small scale models used for aviation sport shall not be deemed aircraft.

Art. 2. State aircraft and civil aircraft. Aircraft are divided into State aircraft used exclusively in public service, such as military, customs or police aircraft, and civil aircraft.

Civil aircraft used permanently or temporarily for a public service shall be deemed State aircraft.

Except as otherwise provided, the articles of this decree shall not apply to State aircraft.

CHAPTER II. REGISTRATION OF AIRCRAFT

Art. 3. Register. The Aviation Board, under the authority of the Minister of Public Works, shall maintain the Moroccan register in which must be recorded: a) Moroccan State aircraft except military aircraft, and b) civil aircraft which are the property of Moroccan subjects or organizations which, under the definition of Article 7 of the *dahir* of 9 Ramadan 1331 (August 12, 1913) concerning the status of foreigners, possess Moroccan nationality, or of foreigners domiciled in Morocco or whose aircraft are normally based in Morocco.

Any aircraft registered in accordance with the provisions of this chapter shall acquire Moroccan nationality.

Art. 4. Application for registration. Registration may be applied for at the Aviation Board by the owner of an aircraft.

The following documents must accompany the application:

- a) A document establishing the applicant as owner;
- b) When the applicant is a foreigner, an attestation that he is domiciled in Morocco, or a declaration that he intends to have the aircraft normally based in Morocco;
- c) A copy of a valid airworthiness certificate provided for in Article 14;

¹ Pub. in *Bulletin Officiel* No. 2596, July 27, 1962, p. 947.

d) Further, in the case of an imported aircraft (i) a certificate of payment of customs duties and other fees unless exempt by decree, and (ii) an official attestation that the aircraft is not registered in a foreign register or that such registration has been stricken.

However, when, at the time of application, a lawfully imported aircraft has not been stricken from the foreign register, the Aviation Board may deliver to the owner a temporary flight permit valid until notification is given that the registration has been stricken, but such validity may not exceed 60 days.

Art. 5. Registration. When the conditions specified in Articles 3 and 4 have been fulfilled, the Aviation Board registers the aircraft and issues to the owner a registration certificate in the form established by the international regulation in force.

The register and the registration certificate shall specify:

- a) The date of registration;
- b) The registration marks;
- c) The characteristics of the aircraft (name of manufacturer, category, serial number);
- d) The name and address of the owner;
- e) The home port of the aircraft.

Further, in application of the various provisions of this decree or the ordinances of the Minister of Public Works, other facts are specified on the registration certificate, and the documents relating to each aircraft shall be preserved in the files which complete the register.

The fees for the formalities of registration of aircraft shall be specified by ordinance of the Minister of Public Works.

Art. 6. Changes and removal. Any change in the characteristics of an aircraft and any change in ownership or home port shall be notified without delay to the Aviation Board for recordation on the respective date in the register and a corresponding annotation on the certificate, except that a change in ownership shall give rise to issuance of a new certificate when the new owner fulfills the conditions of Article 3 and makes such a request.

An aircraft shall be stricken from the register at the request of the registered owner who shall return the certificate, or by the authorities in the following cases:

- a) When the conditions specified in Articles 3 and 4 are no longer fulfilled;
- b) When the new owner does not request the transfer of the registration;
- c) In the case when an aircraft is acquired by a foreigner and keeping of the registration has not been requested or must be denied;
- d) When the aircraft is completely destroyed or presumed lost three months after the date when the last news of it has been received.

The registered owner shall be notified of such removal; a removal certificate shall be issued to any person who requests it.

Art. 7. Public access. The register shall be public and any person may obtain a certified copy under the conditions specified by the Aviation Board.

CHAPTER III. MARKS

Art. 8. Nationality and registration marks. Any aircraft must bear the nationality and registration marks which are contained in its registration certificate.

The nationality mark of aircraft registered in the Moroccan register shall consist of the letters CN.

The registration mark of such aircraft shall be separated from the nationality mark by a hyphen and shall consist of a group of three letters assigned to each aircraft by the Aviation Board.

Art. 9. Manner of affixing. Nationality and registration marks shall be painted on the aircraft or affixed in some other manner which ensures the same degree of permanence. The pilot-in-command shall ascertain that the marks are always in good order and always visible.

Further, a fireproof metal plaque must be affixed at a clearly visible place near the main door; on this plaque shall be inscribed the nationality and registration marks and the name and address of the owner.

Art. 10. Placing and size of marks. The placing of the nationality and registration marks of aircraft registered in the Moroccan register, their size, and the type of lettering shall be in accordance with the provisions of the international regulation in force and shall be the subject of an ordinance of the Minister of Public Works.

Art. 11. Other inscriptions. The name of an aircraft, or the name and emblem of the owner may be inscribed on an aircraft, provided their placing, size, the type and color of the letters and signs do not prevent easy identification of the nationality and registration marks or create confusion with such marks.

Unless there is a written authorization from the chairman of the Aviation Board, no publicity or inscription other than those provided for in this chapter may appear on the outside of an aircraft.

CHAPTER IV. AIRWORTHINESS

Art. 12. Conditions of airworthiness. The conditions of airworthiness of aircraft and the equipment necessary for their operation, the nature and number of controls for determining their good flight condition, and the frequency and conditions of thorough tests in order to main such flight condition, shall be determined by ordinances of the Minister of Public Works in consideration of safety requirements and the international regulation in force and in regard of the type of each aircraft, its construction characteristics and the use of which it is intended.

Art. 13. Issuance or validation of the certificate. After a report is made following the airworthiness test of an aircraft by a designated technician or an organization approved by the Minister of Public Works, the chairman of the Aviation Board, at the request of the owner or operator of such aircraft, shall issue or renew an airworthiness certificate when he is satisfied with the justifications presented.

When an aircraft has a valid airworthiness certificate, issued by a foreign State, the chairman of the Aviation Board, at the request of the owner or operator of such aircraft, shall issue a new airworthiness certificate or validate the old one, provided the latter complies with

airworthiness conditions required by the international regulation in force.

Art. 14. Certificate. The airworthiness certificate, in conformity with the model established by the international regulation in force, shall contain the following information: marks, description and category or the aircraft, date of expiration of the certificate, and also periodic statements or mentions attesting that maintenance is kept up by constant checking.

Other technical data concerning the aircraft and particularly the equipment and minimum crew necessary, and maximum hours shall be contained in a flight manual when the keeping of such manual is prescribed.

Art. 15. Aircraft built in Morocco. When an aircraft is built in Morocco, the manufacturer must inform the Minister of Public Works thereof, furnish him with all the documents, plans and designs considered necessary, make all tests required and submit to all controls. When the manufacturer does not submit to this provision, the airworthiness certificate may be denied him.

Art. 16. Changes, repairs, maintenance. No change or repair may be made on a Moroccan aircraft in possession of a valid airworthiness certificate except on the instruction, or with the approval of the chairman of the Aviation Board: such aircraft may not be returned to service before its good flight condition has been duly stated by a qualified person.

Maintenance of aircraft may be made only by persons having a special license, or under the supervision of such persons, with a special authorization from the chairman of the Aviation Board.

The persons or organizations who have the responsibility to certify that an aircraft is flightworthy, must have the qualifications provided for in article 32 of this decree.

Art. 17. Suspension of validity. The chairman of the Aviation Board may suspend the validity of an airworthiness certificate or make its renewal subject to certain conditions when the aircraft does not comply with the required technical conditions or when it is used under conditions which do not comply with those specified in the certificate or when it has suffered serious damage or has been the object of a change which has not been approved, or has not been maintained in accordance with the maintenance manual.

However, during the suspension of the validity of the certificate the chairman of the Aviation Board, within the limits of use prescribed for the safety of the aircraft or persons aboard, may authorize a flight of such aircraft to the place where it may be restored to airworthiness, or consecutive tests in flight.

Art. 18. Non-liability of Morocco. The Moroccan Government assumes no liability for damages to an aircraft and its equipment during checks. If they so desire, it is incumbent upon the owners or operators to insure the aircraft against such damages.

The Moroccan Government further assumes no liability for any damages or faults arising from the materials used, the construction, or maintenance, or from any change in, or repair of an aircraft, from the fact that the checks were made, even if the official or the organization making the check raises no objection.

Art. 19. Costs of checking. The costs of checking airworthiness for issuance or keeping intact the validity of the airworthiness certificate shall be specified by ordinance of the Minister of Public Works, after a report of the Minister of Finance, and they shall be charged to the owners of the aircraft checked.

CHAPTER V. LEGAL STATUS OF AIRCRAFT

Art. 20. Description of aircraft. For purposes of this chapter, an aircraft includes the fuselage, the engines, propellers, radio equipment, and all other equipment necessary for its operation.

Art. 21. Legal nature. Aircraft are personal property subject to the rules of the common law, reserving the special rules enumerated in the following articles.

Art. 22. Mortgage. Aircraft may be mortgaged; the provisions concerning mortgages on ships contained in the *dahir* of 28 jourmada II, 1337 (March 31, 1919) constituting the code of maritime commerce, shall be applicable to mortgages on aircraft.

However, only debts arising from compensation due for salvage of an aircraft and extraordinary expenses indispensable for the preservation of an aircraft shall be privileged.

Art. 23. Sale. Voluntary sale of an aircraft must be by written instrument.

Forced sale of an aircraft shall take place under the procedure provided for forced sale of ships by the *dahir* of 28 jourmada II, 1337 (March 31, 1919) constituting the code of maritime commerce; however, special provisions concerning time periods and notifications may be treated in an ordinance of the Minister of Public Works.

Art. 24. Attachment. Attachment and attachment in execution of aircraft shall be made in accordance with the provisions on ships made by the said *dahir* of 28 jourmada II, 1337 (March 31, 1919).

However, other than under Article 236, there may be no attachment of a foreign aircraft in service on a scheduled airline, or of non-scheduled airliner when it is ready for take-off, provided that the State of registration of the aircraft grants the same treatment on its territory to Moroccan aircraft.

In regard to other aircraft which may be attached, such attachment shall be lifted immediately when a sufficient guarantee is deposited.

Art. 25. Recordation. Any change in ownership in an aircraft by act *inter vivos* or by death, any judgment changing, establishing or declaratory of ownership, any act establishing or extinguishing a mortgage, any rental contract and any court record of attachment or attachment in execution, shall be without effect as to third parties unless there is a recordation in the register.

The recordation formalities shall be specified by ordinance of the Minister of Public Works.

TITLE II. AVIATION PERSONNEL

CHAPTER I. GENERAL PROVISIONS

Art. 26. Categories of personnel. Aviation personnel referred to in this decree includes, on one hand, the flight personnel consisting of the

members of the flight crew and the additional personnel and, on the other hand, the technical ground personnel.

Art. 27. Licenses and qualifications. No one may perform any function as member of the flight crew of a Moroccan aircraft or any technical function such as flight controller, maintenance mechanic, technical operations official, if he does not have a valid license corresponding to his functions.

On such license there may be mention of certain data, called qualifications, granting to the holder certain privileges or subjecting the exercise of the license to certain conditions or restrictions.

Art. 28. Competent authority. The chairman of the Aviation Board issues, renews, or validates licenses and qualifications in accordance with the provisions of this decree and ordinances issued in its application by the Minister of Public Works.

CHAPTER II. LICENSES AND QUALIFICATIONS

Art. 29. Pilots licenses. Licenses which aircraft pilots may hold. are the following:

a) License of student pilot which permits the holder to receive practical flight instruction and to increase his technique to the extent that he is able to get a license of a higher class, or to train with a view to renewal of a pilot's license which is no longer valid;

b) Private aircraft pilot's license which permits the holder to fly any airplane which is not operated for pay; two classes of private aircraft pilot's licenses may be created by ordinance of the Minister of Public Works;

c) Private helicopter pilot's license which permits the holder to fly any helicopter which is not operated for pay;

d) Professional aircraft pilot's license which permits the holder to fly as pilot-in-command of any airplane used for private services or air work or for non-scheduled services on aircraft whose maximum weight does not exceed 5,700 kilograms and as co-pilot of any aircraft used for air transportation;

e) Professional aircraft pilot's license which permits the holder to exercise the privileges of a professional pilot and further to fly as pilot-in-command of any airplane whose maximum weight does not exceed 14,000 kilograms and 20,000 kilograms on condition that the latter does not carry passengers for pay;

f) Professional helicopter pilot's license which permits the holder to fly any helicopter used for pay for services of air work or commercial transportation;

g) Line pilot's license which permits the holder to exercise the privileges of a professional pilot first class and to fly as commander of any airplane in scheduled air transportation;

h) Glider pilot's license which permits the holder, according to the class of his license, to fly a glider with or without passengers.

Art. 30. Qualifications of pilots. The qualifications which may be mentioned on a pilot's license are the following:

a) Qualification of type specifying the type of aircraft used in the examination for the license;

b) Qualification for instrument flight which permits the holder to fly an aircraft under instrument flights rules (I.F.R.) ;

c) Qualification as flight instructor which permits the holder to give flight instruction under the conditions specified by ordinance of the Minister of Public Works ;

d) Qualification for low level flight which permits the holder to do agricultural air work.

Art. 31. Other members of the flight crew. The navigators, flight mechanics, radio navigators who, with the pilots, constitute the flight crew of an aircraft, must hold licenses permitting them to perform their respective functions aboard any aircraft.

The license as radio navigator may be issued only to the holder of an operator's certificate as radiotelegrapher issued by the Postmaster General.

The qualification for radiotelephony may only be issued to a radio navigator who holds a general certificate as radio telephone operator issued by the Postmaster General. The qualifications for radiotelephony mentioned on a radio navigator's license, permits the holder to take care, aboard the aircraft, of the radio communications in the languages which he has proved sufficient knowledge.

Art. 32. Ground personnel. Licenses as flight controller, for which there exist three kinds of qualifications, airdrome control, approach control, and regional control, permit the holder to perform the functions corresponding to the qualification specified.

Licenses as aircraft maintenance mechanic, of which there may be several categories, permit the holders, in the absence of an approved organization, to issue a maintenance notice or flight safety certificate following a minor repair or modification or to attest that an aircraft is airworthy following an overhaul, repair or modification.

Licenses as operations technician permit the holder to be employed within the framework of an approved method of flight supervision.

Art. 33. Additional personnel. No license is required for the additional flight personnel such as stewards or stewardesses who may, however, hold qualifications or certificates such as aid and rescue certificates.

Art. 34. Conditions to be fulfilled and examinations. The conditions of age, physical and mental health, knowledge both theoretical and practical, experience and aptitude which candidates for licenses must fulfill, the qualifications and certificates enumerated in the preceding articles, and the examinations and tests they must take, shall be specified by ordinance of the Minister of Public Works in accordance with the provisions of the international regulation in force.

The various examiners shall be appointed by the Minister of Public Works on the proposal of the chairman of the Aviation Board and, insofar as the physicians are concerned who must determine the physical and mental health of the candidates, after obtaining a report from the Minister of Public Health.

Every candidate must pay an examination fee the amount of which shall be determined by the Minister of Public Works, after obtaining a report from the Minister of Finance.

Art. 35. Issuance and renewal of licenses. The chairman of the Aviation Board shall issue to the candidates who have successfully passed the examinations and tests, a license which, in regard to format,

color, data and annotations, is set up in accordance with the provisions of the international regulation in force and is in Arabic and French.

Licenses are renewed on request presented before the expiration of the validity specified by ordinance of the Minister of Public Works, on condition that the applicant still has the required competence and that his physical and mental health is satisfactory.

The qualifications shall remain valid during the time of validity of the licenses on which they are noted.

Art. 36. Validation. When a license or a qualification has been issued by a competent authority of a foreign State, the chairman of the Aviation Board may either recognize and validate such license or qualification, or issue a new license and mention therein the same qualification if the conditions of their issuance are at least equivalent to the minimum conditions specified in the international regulation in force.

CHAPTER III. FLIGHT COMMANDER

Art. 37. Flight commander. The functions of flight commander are normally exercised by a pilot.

In case of disability, disappearance, or death of the pilot acting as flight commander, command of the aircraft shall be exercised by the other members of the crew in the order in which they appear in the crew list.

The functions, rights, duties, and responsibilities of the pilot-in-command are defined in this decree and the ordinance of application thereof.

CHAPTER IV. DURATION OF WORK DURING FLIGHT

Art. 38. Duration of work. The duration of work of the professional aviation personnel in public transportation and air work shall be specified by ordinance of the Minister of Public Works.

Art. 39. Flight book. Any holder of a license as flight officer must possess a flight book, the model of which is specified by ordinance of the Minister of Public Works, and in which the kind and duration of flights he makes are recorded.

Such book must be submitted to the control services on their demand and to the Aviation Board at the time of issuance, renewal or validation of a license.

For purposes of this article, flight time is the time elapsed from the moment when the aircraft begins to move under its own power for take-off to the moment when it stops at the end of the flight.

TITLE III. AIRDROMES

CHAPTER I. GENERAL PROVISIONS

Art. 40. Definition. For purposes of this decree and all ordinances or other enactments passed in application thereof, an airdrome shall be deemed any given surface on land or water intended in whole or in part for the arrival, departure and maneuvers of aircraft and including, if necessary, buildings, installations and material for the needs of aircraft traffic or service.

Art. 41. Duty. Except in the case of *force majeure* or of aid and salvage operations, aircraft may land or take off only on regularly established airdromes or on land specially authorized for such use.

CHAPTER II. ESTABLISHMENT OF AIRDROMES

Art. 42. State airdromes. The Minister of Public Works shall establish, maintain or modify, in conformance with the provisions of the international regulation in force, airdromes, and aids and facilities necessary for national and international air services.

The procedure for expropriation and temporary occupation shall be applicable to the establishment or enlargement of airdromes.

Art. 43. Airdromes under license. At the request of an owner of land, the Minister of Public Works, after a technical investigation, may issue an airdrome license which permits the use of such land as airdrome.

The license shall contain conditions which the Minister deems necessary to ensure compliance with the provisions of the international regulation in force, and the safety of aircraft using the airdrome.

The owner of an airdrome under license may not modify the maneuvering area without written authorization from the chairman of the Aviation Board.

Art. 44. Authorized airdromes. The chairman of the Aviation Board may authorize, under certain conditions specified in the authorization, the use as airdrome of any other place by aircraft of certain types, or used for certain air services.

Art. 45. Appropriations. A decree issued on the joint proposals of the Ministers of Public Works and of National Defense shall specify the appropriations for State airdromes, and the principal contributor shall be in charge of airdrome control and approach lanes.

Art. 46. Public airdromes. The Minister of Public Works shall designate by ordinance the State airdromes and the airdromes under license which are open to public flight, *i.e.*, which may be used by any aircraft which has the technical characteristics corresponding to the specifications of the airdromes as adopted by the international regulation in force.

However, the use of such airdromes may be subject to restrictions and may even be temporarily prohibited when safety condition or public order so require.

The opening of airdromes for public use, the restrictions or temporary prohibitions shall be dealt with in aviation information bulletins or N.O.T.A.M.'s.

CHAPTER III. AVIATION ENCUMBRANCES

Art. 47. Aviation encumbrances. In order to ensure flight safety there shall be instituted on the limits of airdromes open to public air traffic and on the limits of aids to air navigation, installations of safety and of aviation telecommunications, and along the air routes special encumbrances called "aviation encumbrances."

Art. 48. Restrictions and marking. Aviation encumbrances shall include:

- a) Prohibitory encumbrances including a prohibition to create or the duty to remove obstacles susceptible of constituting a danger to aviation or interfering with the operation of aids to navigation or safety devices established in the interest of air navigation;
- b) Encumbrances to provide beacons including the duty to provide, or to permit the providing of visual or radioelectric de-

vices on certain obstacles or locations which are intended to signal the presence thereof to air navigators or to permit identification thereof.

The manner of establishing the above mentioned encumbrances shall be specified by ordinance of the Minister of Public Works, in conformity with the provisions of the international regulation in force.

Art. 49. Plan for restrictions. For each airdrome or other installation specified in Article 47, a plan for restrictions shall be established by the chairman of the Aviation Board which, after investigation, shall be approved by the President of the Council on the proposal of the Minister of Public Works.

Upon publication of the decree of approval in the *Bulletin Officiel*, the encumbrances shall be in effect as to the property involved.

Within the area specified in the plan for restrictions, there may be ordered the removal or modification of structures, enclosures, plantings or other obstacles dangerous to air traffic and the height of which exceeds that provided for in the plan; the establishment of such restrictive encumbrances shall give rise to a compensation which is proportionate to the damage caused. The procedure on expropriation, if any, shall be applicable.

Within the area specified in the preceding paragraph it shall be prohibited, without written authorization from the Minister of Public Works, to build new structures, to make existing structures higher, to make plantings or installations contrary to the plan for restrictions. Any violation of this provision shall give rise to the penalties provided for in Part III of this decree.

Art. 50. Other encumbrances. Outside the areas under restrictive encumbrances, any installation which, due to its height, may constitute an obstacle or danger to air traffic, shall require a special authorization from the Minister of Public Works who may subject such installation to such conditions of planting, height, and marking as is compatible with the safety of air traffic.

Art. 51. Beacons. By ordinance of the Minister of Public Works there may be prescribed:

- a) Day and night beacons or beacons for day or for night on all obstacles which he deems dangerous to air traffic, including the non-usable parts of the maneuvering area of an airdrome;
- b) The establishment of visual or radioelectric devices of aid to air navigation which he deems useful for the safety of air traffic;
- c) The removal or modification of any visual device susceptible of creating confusion with visual aids to air navigation.

For the installation of beacons specified in the first paragraph of this article, the government has the right to build supports, to enter, to cut trees, to remove branches and to install them on outside walls and roofs.

The cost of installation, operation and maintenance of aviation beacons shall be borne by the State except for transmission lines for electricity or aerial transportation belts, the marking of which shall be at the expense of the operator.

CHAPTER IV. OPERATION

Art. 52. Management. Airdromes established by the State shall be managed by the Aviation Board which also shall have control and

supervision of all other airdromes which are managed in accordance with the terms of the respective license.

Art. 53. International airdromes. The Minister of Public Works, in accord with the Minister of Finance and of the Interior, shall designate by ordinance, among the airdromes open to public air traffic, on one hand, the so-called international airdromes on which are, either permanently or under certain conditions, services of immigration, police, health, agricultural quarantine and customs and, on the other hand, border airdromes where all aircraft not expressly exempted from such duty under this decree must land upon entering Moroccan territory or leaving such territory.

By decree of the President of the Council, free airdromes may also be established on Moroccan territory.

Art. 54. Airdromes with flight control. The Minister of Public Works shall designate by ordinance among the airdromes open to public air traffic such airdromes on which there is a service of flight control and, if necessary, approach control.

On such airdromes the movement of persons and service vehicles in the maneuvering area shall be controlled in order to avoid all risk for them and for aircraft landing, taxiing on the ground, or taking off.

Art. 55. Prohibition of circulation. It is prohibited to anyone and to any vehicle to go on, or be, or to permit cattle or draft, carrying, or riding animals to go on, or to be in the maneuvering area of airdromes open to public air traffic. Violators shall be punished by the penalties provided for in Part III of this decree and they may also be deprived of all rights to compensation for accidents which occurred while they violated the provisions of this article.

Art. 56. Airdrome commander. The Minister of Public Works shall appoint, for each airdrome under the jurisdiction of the Aviation Board and on the proposal of the chairman, an airdrome commander chosen from the flight personnel.

The commander of any airdrome shall have authority over all employees and services on such airdrome dealing with safety, air traffic, technical operations, commercial operations, and maintenance of installations and buildings. In general, he shall have control of all air authorities on the airdrome and shall coordinate all other services located thereon.

On international airdromes and border airdromes the airdrome commander shall coordinate the administrative services of the services of the immigration, customs, health and police which shall remain under the jurisdiction of their respective administration and shall exercise their functions with complete independence.

On airdromes under license open to public air traffic an airdrome commander appointed by the owner or operator of the airdrome shall exercise the functions specified in the second paragraph of this article in regard to the personnel employed on the airdrome.

CHAPTER V. PAYMENTS

Art. 57. Fees and payments. On all airdromes open to public air traffic the following payments and fees may be charged:

Landing fee;

Additional fee for landing or take-off at night;

General shelter fee;
Parking fee;
Payment for occupation of a public building;
Payment for use of tools of the airdrome;
Fee for passengers and freight;
Fee for visitors.

Base scales and rates and reductions and exemptions, if any, shall be determined by decree of the President of the Council on the proposal of the Ministers of Public Works and of Finance.

Art. 58. Collection. The fees and payments enumerated in the preceding article shall be collected for the benefit of the State.

However, on an airdrome open to public air traffic which is not operated by the Moroccan State, the President of the Council, on the proposal of the Ministers of Public Works and of Finance, may authorize the collection of certain fees and payments for the benefit of the airdrome operator, in accordance with the scales and rates provided for in paragraph 2 of this article.

CHAPTER VI. INFORMATION CONCERNING AIRDROMES

Art. 59. Aviation information. All information concerning airdromes and their characteristics, aids to air navigation, telecommunications installations, shall be contained in aviation information bulletins and, if necessary, N.O.T.A.M.S.

The classification of airdromes shall be made in accordance with the characteristics defined in the international regulation in force.

TITLE IV. SERVICES AUXILIARY TO AIR NAVIGATION

Art. 60. Auxiliary services. Services auxiliary to air navigation are deemed all services operated to ensure the safety, regularity and efficiency thereof, such as air traffic control, aviation telecommunication, meteorological information, services of aid and salvage and aviation information.

Art. 61. Air traffic services. The Minister of Public Works, shall establish, modify or dissolve the agencies intended to ensure the services of air traffic above Moroccan territory in conformity with the provisions of the international regulation in force; by decree and in conformity with the recommendations of regional aviation conferences, he shall determine the limits of the part of the airspace—region of flight information, region of control, zone of control, routes and air ways—in which the services of flight information, of control and vigilance are ensured.

The limits of the various parts of the airspace, the centers of control or flight information and all other information concerning the various services of air traffic, shall be dealt with in aviation information bulletins (A.I.P.) or N.O.T.A.M.S.

Art. 62. Meteorology. The conditions concerning furnishing by the national meteorological service of meteorological information necessary to ensure reliable, economical, and regular air traffic, shall be specified by ordinance of the Minister of Public Works.

Only observations, predictions and other weather information provided by the above services shall be used in the preparation, performance and control of flight.

Art. 63. Telecommunications. The Minister of Public Works shall take the measures he deems necessary for the establishment of a national network of aviation telecommunications in accord with the Postmaster General, and of aids to air navigation; he shall ascertain that owners and users of civil aircraft comply with the safety rules established by this decree and the ordinances issued for its application.

Any system and equipment of radio-communications and aid to air navigation now existing or to be established shall be under the control of the Aviation Board; the owners of such equipment and the organizations in charge of air transportation must comply with the instructions of the Aviation Board in order to improve, by adequate distribution of existing equipment, the systems of aviation telecommunications and aids to navigation along the national and international air routes.

Art. 64. Search and salvage. The Minister of Public Works, in cooperation with all other Ministries and services concerned, shall provide a search and rescue service in order to assist aircraft in an emergency or involved in an accident or to find aircraft in conformity with the provisions of the international regulation in force.

Aircraft of the carriers and all other aircraft must participate in search and rescue operations within their capacity. If he find it necessary, the chairman of the Aviation Board may requisition all aircraft, vehicles and other craft.

The cost of search and rescue shall be charged to the owner or operator of the aircraft in question.

Art. 65. Aviation information. In conformity with the provision of international regulation in force, the chairman of the Aviation Board shall draft, publish, and keep up to date an aviation information bulletin (A.I.P.) and shall issue notices to air navigators (N.O.T.A.M.)

The Aviation Board shall exchange its aviation information bulletins with those of similar services in interested States and shall distribute the N.O.T.A.Ms. in accordance with the recommendations of the regional aviation conferences.

The location of the international N.O.T.A.M. bureau for Morocco shall be determined by the chairman of the Aviation Board.

Art. 66. Information centers on airdromes. On all international airdromes in Morocco and, if necessary, on other airdromes, aviation information centers shall be established under the control of the chairman of the Aviation Board, with the task of furnishing to the crews and operators all information useful for flight preparation and essential for the safety, regularity and efficiency of air navigation on the trunk routes leading from the airdrome.

TITLE V. CONDITIONS AND RULES OF AIR TRAFFIC

CHAPTER I. CONDITIONS OF AIR TRAFFIC

Art. 67. General conditions. No aircraft may fly over Moroccan territory, land thereon, or take off therefrom, unless it fulfills the following conditions:

Bears the marks of nationality and registration in accordance with chapter III of Title I of Part I of this decree;

Is airworthy in accordance with the provisions of Chapter IV of Title I, of Part I of this decree:

Is flown by flight personnel in possession of valid and appropriate licenses and qualifications;

Is provided with the documents enumerated in Article 68;

Complies with the rules of this decree in regard to flight and maneuvers.

However, the chairman of the Aviation Board may waive certain conditions specified above for an aircraft which makes test or practice flights over Moroccan territory or which is flown to a place for maintenance, overhaul or repair.

Art. 68. Flight documents. Other than under an exemption provided for in paragraph 2 of Article 67, all aircraft in flight must have the following documents:

a) Registration certificate;

b) Airworthiness certificate;

c) Maintenance sheet;

d) Licenses of the flight personnel;

e) Flight log;

f) If applicable, a license for the radio station aboard;

g) If it transports passengers, a list of names showing points of departure and destination;

h) If it transports freight, the airway bills and the manifest.

Art. 69. Flight logs. The flight log which specifies the marks of the aircraft, the name of the manufacturer, the name, nationality and domicile of the owner and the home port, shall show the following for each flight: date, names and functions of each member of the flight crew, place and hour of departure, hours of arrival and departure, hours of arrival and departure at each intermediate stop, duration and nature of the flight (private, airwork, scheduled or non-scheduled transport), incidents or observations, signature of the flight commander, and, if necessary, visas of the authorities of customs, immigration or aviation.

The pilot-in-command shall be responsible for keeping the flight log up to date.

Art. 70. Radio equipment. Any aircraft used for public air transport service and such other aircraft as may be specified by the chairman of the Aviation Board, must be equipped with radio equipment corresponding to the operating conditions of the aircraft. A license permitting installation and use of the equipment is issued by the Postmaster General. Only the holder of a license for radio navigation provided for in Article 31 of this decree may use such equipment.

Communications exchanged with aircraft by radiotelegraph and radiotelephone must be limited to safety and regularity of air traffic. Any private conversation is prohibited except as permitted by ordinance of the Postmaster General in accord with the Minister of Public Works and the Minister of Finance if a fee is involved.

When a Moroccan aircraft makes a flight abroad, its radio equipment must be used in conformity with the regulations of the State overflown.

When it flies over Moroccan territory or lands thereon, any foreign aircraft equipped with radio must have a license issued by the compe-

tent authority of the State where it is registered, and such equipment may only be used by such members of the flight crew who have the appropriate license.

Art. 71. Entry and leaving. Any foreign aircraft arriving on Moroccan territory or leaving it, must land on a border airdrome except when such duty is expressly waived by an article of this decree.

At the arrival or departure of an aircraft at any place, the competent authority and particularly the airdrome commander have the right to visit the aircraft and to inspect the certificates and documents specified in Article 68.

On arriving or leaving Moroccan territory, and during their stay there, all aircraft must comply with the provisions of this decree and all other laws of Morocco, in particular those concerning admittance of crews, passengers and freight, and formalities of immigration, passports, customs and quarantine.

The chairman of the Aviation Board shall specify in the aviation information bulletins the information to be submitted on arrival or departure by the crews and the passengers who must comply with such rules. Passengers may further be required to show their tickets.

Art. 72. Prohibited, restricted, or danger areas. For reasons of military necessity or public order, the Minister of Public Works may declare any part of Moroccan territory a prohibited or restricted area; he may also declare a danger area any region above which certain activities may constitute a danger to air traffic.

No aircraft may fly over a prohibited area. Above restricted or danger areas, and the restrictions and limitations on flight over the latter two kinds shall be dealt with in aviation information bulletins of N.O.T.A.M.S.

When the pilot-in-command notices that the aircraft is over a prohibited area, or above a restricted or danger area, in violation of the prescribed conditions, he must move away, report to the nearest flight control service and land at the airdrome specified by that service.

Art. 73. Flight instruction area. No aircraft may fly over areas designated by the Minister of Public Works as flight instruction or training areas or areas reserved for low level or acrobatic flight.

The limits of such areas shall be specified in aviation information bulletins.

Art. 74. Photography. The Minister of Public Works may prohibit or regulate the transportation and use of photographic equipment on aircraft during flight over all or part of the Moroccan territory.

Vertical photographs may only be taken by the holder of a license or authorization for air work mentioning specifically aerial photography or topographic surveying.

Art. 75. Prohibited transportation. Transportation of munitions or war materiel may not be made by any aircraft over Moroccan territory, nor by any Moroccan aircraft flying to another country, without written authorization from the Minister of Public Works.

Transportation of any other article which may endanger the safety of an aircraft and the persons aboard, must be made in conformity with the instructions of the chairman of the Aviation Board.

CHAPTER II. RULES OF AIR TRAFFIC

Section 1. Preliminary provisions

Art. 76. Scope of application. Any aircraft on Moroccan territory or flying over such territory must observe the rules of air traffic specified in this chapter and the system of lights and signals specified therein.

Moroccan aircraft outside Morocco also must observe such rules and system of lights and signals unless the State over which they fly has other provisions.

Art. 77. Responsibility of the commander. The pilot-flight commander, whether or not he is at the controls, shall be responsible for the direction of the aircraft according to the general rules defined in Articles 78 to 92; subject to contrary instructions by the services of air traffic control, he shall decide, after checking meteorological and other conditions, to fly either under visual flight rules (V.F.R.) or under instrument flight rules (I.F.R.). He may diverge from the various rules only when he considers it absolutely necessary for safety reasons.

The pilot-flight commander shall have the responsibility to comply with the instructions received from the respective services of air traffic control.

No provision of this chapter shall exonerate the pilot-flight commander, any member of the crew, the owner, or lessee of an aircraft from the consequences of negligence in the care and the precautions required in aviation, or particularly in any specific case.

Section 2. Flight preparation

Art. 78. Preparation by the commander. Before leaving on a flight the pilot-flight commander shall take notice of all available and useful information for the flight planned. For a flight beyond the immediate area of the airdrome and for any instrument flight (I.F.R.), he must study the meteorological bulletins and forecasts concerning the route to be followed and the stops, the aids to navigation and the condition of the facilities and airdromes, the rules and procedures of control regarding, the flight planned.

Whenever this decree so provides, the pilot-flight commander shall furnish to the competent agency of air traffic control, all information concerning all or a part of a planned flight, in form of a flight plan, either before departure or during flight.

Art. 79. Flight plan. A flight plan must be deposited prior to any instrument flight (I.F.R.) made within a controlled part of the airspace, on routes or in regions where there is consulting service or in other parts of the airspace where the air traffic services require it.

In order to facilitate the alerting service and search and rescue operations or as a means of identification, the Minister of Public Works may also require deposit of a flight plan before any flight over certain areas, along certain routes or in the case of crossing of borders. Such rule shall be dealt with in an aviation information bulletin or an N.O.T.A.M.

The contents of a flight plan, its establishment, modifications and closure shall be determined by ordinance of the Minister of Public Works.

Section 3. General traffic rules

Art. 80. Prohibitions. It shall be prohibited to fly an aircraft in negligent or imprudent manner which may endanger the aircraft, or persons or property on the ground.

It shall be prohibited to execute acrobatics, when it may lead to danger to airtraffic; without written permission of the chairman of the Aviation Board, no acrobatics may be executed above towns, heavily populated areas and open air meetings of people. An ordinance of the Minister of Public Works shall determine safety rules to be observed in the execution of acrobatics.

It shall be prohibited to any person who is under the influence of alcoholic beverages, of narcotics or drugs to fly an aircraft or to act as crew member.

Art. 81. Minimum altitude. Without authorization from the chairman of the Aviation Board no flight above cities, heavily populated areas, or open air meetings of people may be made except at an altitude which, in case of emergency, permits a landing that does not endanger persons or property on the ground.

Except as provided in paragraph 1 of this Article no aircraft may fly above cities, heavily populated areas, or open air meetings of people at altitudes of less than 500 metres by day, and 1,000 metres at night, and elsewhere at altitudes of less than 250 metres by day and 500 metres at night, such altitudes to be figured above the highest obstacle within a radius of 600 metres around the aircraft.

Such minimum altitudes do not apply: a) to landings and take-offs; b) to cases of *force majeure*; c) to flights for air work made in accordance with a general or special authorization from the chairman of the Aviation Board; d) to training flights above areas designated for that purpose by the chairman of the Aviation Board.

Art. 82. Jettisoning. No object or matter which may endanger persons or property on the ground may be thrown or dropped from an aircraft.

Excepted from this prohibition are: a) ballast of fine sand or water; b) in case of necessity, fuel or other objects which have become dangerous, but the jettisoning must take place above a region where it cannot constitute a danger; c) during salvage operations, provisions and pieces of equipment.

The chairman of the Aviation Board may also authorize and prescribe the necessary safety measures, for the dropping of objects of all kinds, including mail, over inaccessible places or under special circumstances, and the dropping of various products during agricultural air work.

Art. 83. Various operations. The following may be performed only with authorization from the chairman of the Aviation Board and in accordance with specified conditions:

Parachute jumps of persons, except in case of *force majeure*;

Towing of objects;

Lifting of persons or objects on the ground by an aircraft in flight.

Section 4. Prevention of collisions

Art. 84. Necessary vigilance. Necessary vigilance of the flight personnel of an aircraft shall not be relaxed at any time, in order to

disclose any risk of a collision: no provision of this chapter shall represent a dispensation for the pilot-in-command of his duty to take the best possible measure to avoid a collision.

Art. 85. Close distance. No flight maneuver may be executed at such close distance to another aircraft that it may cause the danger of a collision: other than under paragraph 2 below, no aircraft may fly at less than 500 metres horizontally, and 150 metres vertically near another aircraft.

Aircraft shall fly in formation only after advance agreement of the commanders and after notification of the air traffic services, and only by day and under V.M.C. weather conditions.

Art. 86. Right of way. The aircraft which has the right of way shall keep its heading and speed, and the one which must give the right of way, shall avoid passing above or below, or crossing, except at considerable distance.

When two aircraft approach each other head on, or nearly so, and there is danger of a collision, each shall alter its heading to the right.

When two aircraft are on converging courses, at approximately the same altitude, the aircraft which has the other on its right must give the right of way, and it shall be understood that aircraft heavier than air shall give the right of way to those that are lighter than air: dirigibles to gliders and balloons, gliders to balloons, and motor-driven aircraft to aircraft towing other aircraft or objects.

If an aircraft is being passed by another aircraft, it shall have the right of way, and the passing aircraft, whether climbing, descending or flying horizontally, shall give it the right of way of altering its course to the right: this duty shall continue as long as it has not completely passed the other aircraft and left it behind.

In the sense of this paragraph, a passing aircraft shall be one which approaches another aircraft from behind following a trajectory forming an angle of less than 70° with the plane of symmetry of the latter, *i.e.*, in such a relative position to the other aircraft that it would be impossible at night to see any of the forward navigation lights of such aircraft.

Section 5. Traffic on and near airdromes

Art. 87. General rule. Any pilot-flight commander maneuvering an aircraft on or near any airdrome, whether or not this is inside the traffic zone of such airdrome, must:

Watch traffic on the airdrome so as to avoid a collision:

Follow the traffic patterns of the other aircraft which are circling, or stay completely apart:

Make only left turns during a landing approach or after take-off, except on different instructions from the chairman of the Aviation Board in regard to a specific airdrome or received by radio, visual signals or otherwise from the air traffic controller:

Land or take off, as much as feasible, into the wind, except where safety or the necessities of air traffic impose a different direction.

In the sense of this article, the zone of traffic on an airdrome is the airspace of defined dimensions around such airdrome and established with a view to the protection of traffic on the airdrome.

Art. 88. Landing and take-off. An aircraft in flight or manœuvring on the ground or on water must give complete right of way to any aircraft in process of landing or of final approach.

When two heavier-than-air aircraft approach an airdrome for a landing, the one with the greater altitude shall give the right of way to the aircraft with the lower altitude but the latter may not use this rule to fly ahead of another aircraft making a final approach, or to pass it; however, motor-driven aircraft must give the right of way to gliders.

Any aircraft which knows that another aircraft must make an emergency landing shall give it the right of way.

Any aircraft about to take off may not do so when there is an obvious danger of collision with other aircraft.

Art. 89. Controlled airdromes. On airdromes with a control tower in service, the pilot-in-command of an aircraft in the airdrome traffic must:

Constantly listen on the frequencies authorized for communication with air traffic control or, if that is not possible, be ready to receive any instructions which may be transmitted by visual signals, and

By radio or visual signals, obtain prior authorization for any maneuver before or during taxiing, landing, or take-off.

Art. 90. Airdromes and fields without runways. On airdromes or landing fields when there are no runways, or where the taxiing of aircraft is not limited to prepared runways, the pilot-in-command, on landing and take-off, must observe the following rules as much as possible:

On landing or take-off, reasonable room must be left to the right of another aircraft which is landing or taking off:

Taxiing must usually be made in the direction of the landing; however, the landing area may be crossed provided all turns are made to the left and that free room be left for other aircraft landing or taking off.

Art. 91. Suspension of rules in this chapter. The chairman of the Aviation Board may, for certain airdromes or landing fields, suspend, in whole or in part, the application of the rules in this chapter.

Art. 92. Manœuvring on water. Any aircraft in flight, manœuvring near the water surface, landing thereon, or taking off therefrom, must, as much as possible, keep at a distance from all ships and avoid to hamper their navigation.

Any aircraft on water must comply with the International Regulation for the Prevention of Collisions at Sea, annexed to the final act of the London Conference of 1948 for the saving of human life at sea.

Further, the following rules must be observed by all aircraft in regard to other aircraft and ships:

When the aircraft and a ship approach each other, and there is risk of a collision, the aircraft must maneuver with caution considering the circumstances, and particularly the maneuverability of the aircraft or the ship:

When two aircraft or on aircraft and a ship are on converging courses, the aircraft which has another aircraft or a ship on its right must give the right of way and keep at a distance:

When an aircraft approaches another aircraft or a ship head on, or nearly so, it must alter course to the right and keep at a distance:

An aircraft or a ship which has been passed, has the right of way, and the passing aircraft must alter course to the right and keep at a distance.

Section 6. Visual Flight (V.F.R.)

Art. 93. Prohibition. Except with authorization from air traffic control no aircraft on visual flight rules (V.F.R.) may take off from an airdrome located in a control area nor land thereon, or enter the area or flight pattern of an airdrome when the visibility on the ground is below 8 km and the ceiling below 450 m.

Visibility on the ground shall be judged by an accredited ground observer and, in his absence, by the pilot in command on his own responsibility.

Visibility in flight shall be judged from the pilot's seat by the pilot in command, who must consider weather conditions, brightness of the sun, and all other conditions which may limit visibility.

Art. 94. Flight under V.F.R. in a controlled area. Except for paragraph 2 of this article, visual flights may be made in a controlled area when visibility in flight is not below 8 km, provided that the aircraft stays at a distance from clouds which is equal to or more than 1.5 km horizontally and 300 m vertically; however, inside a control area visual flights may be made under different conditions with authorization from the competent air traffic control agency.

Between sundown and sunrise no visual flight may be made in a controlled airspace without express authorization from the chairman of the Aviation Board.

Art. 95. Flight under V.F.R. outside a controlled area. Visual flight may be made outside a controlled area:

a) At an altitude of less than 200 metres above the ground provided that visibility in flight is equal to, or more than 1.5 km and that the aircraft remains outside the clouds and in view of the ground or water; however, a helicopter may fly in such area of the airspace where visibility in flight is less than 1.5 km. but at least equal to 800 m, provided that its speed permits the pilot in command to see any other aircraft or obstacle in good time to avoid a collision: or

b) At an altitude equal to or more than 200 metres above the ground provided that visibility in flight is equal to, or more than 8 km and that the aircraft flies at a distance from the clouds equal to, or more than 1.5 km horizontally and 300 m vertically; when the flight controller authorizes it, a flight under V.F.R. may be made when visibility in flight is less than 8 km but at least 1.5 km.

Any level flight under V.F.R. at an altitude equal to, or more than 900 m above the ground, shall be made at one of the cruising altitudes corresponding to its magnetic course specified in the following table:

Quadrants for cruising altitudes (in metres)

Magnetic course			
From 000° to 089°	From 090° to 179°	From 180° to 269°	From 270° to 359°
	1st Part		
300	450	600	750
900	1,050	1,200	1,350
1,500	1,700	1,850	2,000
2,150	2,300	2,450	2,600
3,750	2,900	3,050	3,200
3,350	3,500	3,650	3,800
3,950	4,100	4,250	4,400
4,550	4,700	4,900	5,050
5,200	5,350	5,500	5,650
5,800	5,960	6,100	6,250
6,400	6,550	6,700	6,850
7,000	7,150	7,300	7,450
7,600	7,750	7,900	8,100
8,250	8,400	8,550	8,700
	2nd Part		
3,950	4,250	4,550	4,900
5,200	5,500	5,800	6,100
6,400	6,700	7,000	7,300
7,600	7,900	8,250	8,550
8,850	9,150	9,450	9,750
10,050	10,350	10,650	10,950
11,300	11,600	11,900	12,200
12,500	12,800	13,100	13,400
13,700	14,000	14,350	14,650
14,905	15,250	15,500	15,850
etc.	etc.	etc.	etc.

Art. 96. I.F.R. following V.F.R. A pilot-in-command who makes a flight under V.F.R. and wants to continue under I.F.R. must:

a) Transmit changes in his flight plan if one has been submitted, or

b) Otherwise, file a flight plan with the competent air traffic controller if the flight is to be made in controlled airspace, on routes or in regions with a consulting service or in such other parts of the airspace as are designated by the control agency; an authorization must also be obtained from that agency before a flight under instrument rules (I.F.R.) in a controlled airspace may be made.

Section 7. Flight Under Instrument Rules (I.F.R.)

Art. 97. Prohibition. A pilot-in-command may make an instrument flight only when his license includes such qualification duly issued or validated by the chairman of the Aviation Board.

An aircraft may not be flown under instrument flight rules when it is not equipped with the instruments prescribed by the chairman of the Aviation Board and with radio navigation equipment suitable for the route to be followed.

Art. 98. Minimum flight altitude. Except with a special authorization from the chairman of the Aviation Board, and except for landing and takeoffs, instrument flights may not be made at an altitude of less than 500 metres above the highest obstacle located within a radius of 8 kilometers from the aircraft in flight.

Any other minimum altitude which may be established by the chairman of the Aviation Board shall be dealt with in aviation information bulletins or N.O.T.A.Ms.

Art. 99. Flight under I.F.R. in controlled space.

In a controlled space:

1) Before making a flight or part of a flight under I.F.R., an authorization must be obtained from the competent air traffic authority after deposit of a flight plan:

2) During a flight under I.F.R.:

No change may be made in the flight plan, except in the cases provided for;

Position reports indicating the time and cruising altitude shall be transmitted to the air traffic controller either when passing above predetermined or specified points, or at prescribed intervals; that agency shall also be notified as soon as the aircraft leaves the respective controlled space or lands.

The appropriate radio frequency must be monitored and it must be possible, when necessary, to establish two-way communication with the competent air traffic controller.

Art. 100. Interruption of radio contact. When radio contact is interrupted, the pilot of an aircraft:

1) When weather conditions permit visual flight, must continue the flight under V.F.R. and land at the nearest airdrome; and

2) When weather conditions do not permit visual flight, must continue the flight in accordance with the flight plan and attempt to reach the airport at which he was supposed to land at a time as close as possible to the time planned.

Art. 101. Flight under I.F.R. outside the controlled space. Except during climbs and descents an aircraft in flight under I.F.R. outside the controlled airspace shall fly at a cruising altitude corresponding to its magnetic course as specified in Article 95.

Art. 102. Following I.F.R. with V.F.R. A pilot who decides to follow a flight under I.F.R. by V.F.R. shall, if he has filed a flight plan, advise the competent air traffic controller that the flight under I.F.R. is discontinued and indicate the changes to be made in the flight plan.

When the pilot is in weather conditions permitting V.F.R., he shall not discontinue his flight under I.F.R. unless he foresees that the flight may continue for such a long time that visual flight conditions may cease to exist and that he has no intention to continue under such conditions.

Art. 103. Simulated flight under I.F.R. A flight under simulated I.F.R. may be made only a) when the aircraft is equipped with dual controls in perfect working order, and b) when the second pilot's seat is occupied by a competent pilot acting as safety pilot and with a sufficient view in all directions or communicating with a flight observer whose field of vision satisfactorily complements that of the pilot.

Section 8. Lights and signals

Art. 104. Regulation lights. Between sundown and sunrise or during any other period between sundown and sunrise which the chairman of the Aviation Board may specify, all aircraft in flight or taxiing

on the maneuvering area of an airdrome, and all aircraft afloat shall show lights in conformity with the international regulation in force. They shall show no other light which may be confused with the regulation lights.

Art. 105. Signals. Signals used for air traffic and their meaning shall be in conformity with the international regulation in force.

Any pilot-in-command shall take all measures necessary to comply with instructions as soon as he notices or receives any such signal.

Signals shall be used only for the purposes provided for, and no other signal which may be confused with them shall be used.

TITLE VI. AIR ACCIDENT INVESTIGATION

Art. 106. Definition. For purposes of this Title, an "air accident" shall be deemed any event connected with the use of a civil aircraft and which occurs between the time when a person boards an aircraft with the intention of making a flight and the time when all persons on the aircraft have left it, and during which time a) one or more persons have been killed or seriously injured due to the fact that they were either on the aircraft or in direct contact with it or with an object fixed thereon; or b) the aircraft suffers serious damage.

Art. 107. Accident in Morocco. Any air accident which occurs on Moroccan territory shall be notified without delay and by the fastest possible means to the Aviation Board. This duty shall be incumbent on the pilot-in-command or on a member of the crew and, in their absence, on the commander of the airdrome nearest the place of the accident or on the local civil or military authority. The judicial authorities in the jurisdiction where the accident occurred, shall also be notified.

The local authority or the airdrome commander, whichever is applicable, shall, as soon as possible, take all measures which are useful to ensure at the respective place a guard over the aircraft and its contents and to preserve the evidence necessary for the investigation, and to avoid all looting or deterioration.

An investigator, appointed by the chairman of the Aviation Board shall, as soon as possible, start a preliminary investigation and, within six days after the accident, send a report to the Aviation Board.

The preliminary information to be transmitted, the conduct of the preliminary investigation, and the form and contents of the report shall be dealt with in an ordinance of the Minister of Public Works.

Art. 108. Investigative Commission. After checking the preliminary report on the accident reveals international implications or if the accident is exceptionally serious, the Minister of Public Works shall set up an investigative commission, and he shall determine the membership and operational methods thereof.

Art. 109. Publication of report. If he deems it useful or necessary, the Minister of Public Works may publish all or part of the preliminary report or of the report of the investigative commission.

Art. 110. Penalties. When it appears from the investigative report that the accident has been caused by a violation of a regulation on air navigation, the Minister of Public Works shall impose the administrative or disciplinary penalties provided for in such cases without thereby affecting possible criminal prosecution and civil damages, if any.

Art. 111. Accident of a foreign aircraft in Morocco. In the case of an accident of a foreign aircraft in Morocco, the Minister of Public Works shall inform the State of registration within the shortest possible time and by the fastest means, and shall transmit all information in his possession which may later be amended if necessary.

When the State of registration makes known its intention to be represented at the investigation and requests that the aircraft, its contents and all evidence be kept intact until the arrival of its representative, the chairman of the Aviation Board shall take all possible measures to satisfy such request, including all facilities of access to the aircraft and its contents and to the evidence. However, when the aircraft and its contents is, in whole or in part, in an area to which the Moroccan Government deems it impossible to permit access, the chairman of the Aviation Board shall take care of their shipment to a place where access may be permitted.

The representative appointed by the State of registration shall participate in the investigation and if the chairman of the Aviation Board deems it desirable such representative may be delegated to handle all or part of the investigation.

A report containing the conclusions of the investigation shall be made as soon as possible by the Minister of Public Works to the State of registration.

Art. 112. Judicial investigation. When a judicial investigation is opened in conformity with the provisions of the *dahir* No. 1-5-268 of Chaabane 1378 (February 10, 1957) which forms the code of criminal procedure, the technical investigator, on request, shall transmit to the judicial authorities all information on the accident in his possession.

Art. 113. Moroccan aircraft in accident outside of Morocco. When a Moroccan aircraft has an accident outside Moroccan territory, the pilot-in-command or, if none, a member of the crew, if one or the other is in a condition to do so, or the owner, operator, or lessee, must immediately advise the Aviation Board or cause it to be advised, without thereby affecting notification of the State where the accident occurred.

When the State where the accident occurred is a member of I.C.A.O., the Minister of Public Works, on being informed of the accident, may appoint a representative accredited to participate in the investigation conducted by such State and may request that the aircraft, its contents and all evidence be kept intact until the arrival of such representative.

When the State where the accident occurred, is not a member of I.C.A.O., the Minister of Public Works shall make an effort to obtain participation of a representative at the investigation.

When the accident occurs on the high seas, or when the place of the accident cannot be established with any certainty, the Minister of Public Works shall appoint an investigator to obtain all possible information and to submit a report thereon.

Art. 114. Exchange of information. For purposes of an investigation conducted in Morocco, the Minister of Public Works may ask any member State of I.C.A.O. for any information it has; such State, in furnishing information, has the right to designate a representative accredited to participate in the investigation and to receive a copy of such parts of the report as may concern him. Also, when a member state of I.C.A.O. during an investigation, asks the Moroccan authori-

ties for information in their possession, the chairman of the Aviation Board shall supply it and he may designate a representative accredited to participate in the investigation.

PART II. AIR SERVICES

TITLE I. DEFINITIONS AND GENERAL RULES

Art. 115. Categories of air services. For the application of this decree, the services which aircraft may furnish fall into one of the following three categories:

Public air transport services, scheduled or non-scheduled, domestic or international:

Air work services;

Private air services.

Art. 116. Public transport. Public air transport services have the purpose of transporting for pay persons, freight or mail.

Public air transport services are deemed to be those which furnish, by a series of flights open to the public, traffic between two or more points, fixed in advance, and following approved routes and in accordance with predetermined and published timetables, or with a frequency and regularity so as to constitute a systematic series.

Non-scheduled public transport air services are deemed to be those which do not have all the characteristics enumerated in the preceding paragraph.

Air transport services, either scheduled or non-scheduled are deemed to be international when they fly in the airspace of two or more States.

Art. 117. Air Work. Air work services shall be deemed all flights made on behalf of another person which have the following purposes: the taking of aerial photographs or motion pictures; topographic air surveys; the dropping of substances or matters for agricultural purposes or public health; all forms of advertising, publicity, or propaganda, such as towing panels, sky writing, loudspeakers on aircraft; educational or scientific purposes, such as exploration of the soil or subsoil, study of hurricanes and cyclones, or the flight of grasshoppers or migratory birds; flight instruction in duly authorized aviation schools, the transport of persons, such as air baptism, during public air shows.

Art. 118. Private air services. Private air services shall be deemed all flights made without pay which have the following purposes: Tourism, air work, agricultural or otherwise, made for the exclusive benefit of the owner of the aircraft; private service of an enterprise, other than a public carrier, or of a person who is the owner of the aircraft used; flight training of pilots with a view to obtaining a higher license.

Art. 119. Enterprises. Public air transport and air work services may be furnished only by enterprises which are duly authorized by the Minister of Public Works.

Private air services other than aviation clubs and aviation schools need no authorization, provided they comply with the provisions of this decree.

A public air carrier shall be deemed any natural or legal person who regularly undertakes transportation for pay by aircraft.

An air work enterprise shall be deemed any natural or legal person who by use of aircraft undertakes air work of various kinds for pay for other persons.

Art. 120. Operators. The following shall be deemed to be operators of aircraft used for any of the services enumerated in Article 115:

The titleholder to an authorization to operate public transport services or air work:

The owner of record in the register of an aircraft who uses it either personally or through agents unless the register mentions the name of an operator:

The lessor of an aircraft who has reserved to himself the technical operation of the aircraft and supervision over the crews over which he retains authority:

The lessee of an aircraft if the lease provides that he assumes all duties of an operator and that he has the right to give orders to the crew throughout the term of the lease:

The lessee of an aircraft without crew who undertakes the technical operation with a crew of his own choice.

Art. 121. Agents. An agent of an operator shall be deemed to be any agent or employee of such operator who acts in the name and on account of such operator, in the course of the exercise of his duties, whether or not this be within the scope of his authority.

Art. 122. Operating authorization. In order to obtain an operating authorization, a public carrier or air work enterprise must furnish to the Minister of Public Works all information concerning the proposed service and must satisfy the conditions imposed by the Minister in regard to technical and financial guarantees for reliable and efficient operation in conformity with the provisions of this decree.

The authorization shall be granted only for a period not exceeding one year and shall be renewable, except in the case of scheduled air carriers who may be granted an authorization or concession for a time fixed by contract; renewal may be refused or may be accompanied by special conditions.

If an enterprise violates the provisions of this decree or of the authorization, or if the public interest requires it, the Minister of Public Works may suspend or withdraw the authorization.

The application for an authorization and the form of authorization shall be dealt with in an ordinance of the Minister of Public Works.

Art. 123. Transfer of services. An enterprise which holds an authorization for public transport or air work may make an agreement with another enterprise for the latter to furnish all or part of the authorized service only when such agreement has been approved by the Minister of Public Works.

Art. 124. Admittance of foreign aircraft. Aircraft registered in a foreign State may exercise any activity for pay in Morocco only under the terms of agreements or conventions concluded between Morocco and the State of registration or under the terms of a special temporary authorization granted by the Minister of Public Works.

In the absence of such agreement, convention or authorization, providing for the kind of activities contemplated, an aircraft registered in a foreign State which wants to enter Morocco, must submit a request for an authorization fifteen days prior to the anticipated date of landing and must obtain such authorization.

As regards aircraft registered in a foreign State which want to enter Morocco for purposes of tourism or other activities not for pay, and all aircraft registered in a foreign State which desire only to fly in transit over Moroccan territory without landing or only to make technical stops, such aircraft must, except for international agreements or authorizations granted under this decree :

a) Give prior notice of intent, either directly to the Aviation Board or through diplomatic channels, at least twenty-four hours prior to departure of the aircraft abroad: such notice must include: marks of nationality and registration, type of aircraft, name of the pilot, names and nationalities of passengers, if any, airdrome for technical landing if any, probable time of arrival: the filing of a flight plan with the air traffic controller shall take place at the same time as the notice; the notice or filing of the flight plan shall obviate the duty to land at a frontier customs airdrome, as provided in Article 71, paragraph 1.

b) Fulfill the conditions specified in Article 67;

c) Comply with the provisions of the Moroccan laws and regulations in regard to customs, immigration, police and health;

d) Be insured against damages to third persons on the ground in accordance with the provisions of Title VI of this Part.

Art. 125. Control. Moroccan public air carriers and enterprises of air work shall be under the control of the Aviation Board in regard to technical and commercial operation and to working conditions.

Such control may be exercised in flight and on the ground by any agent of such Board who has an order of mission, by the chairman of the Aviation Board and by the chief of the civil aviation service.

At the request of the agents in charge of control, such enterprises must inform them as to all documents necessary for the fulfillment of their mission.

The Minister of Public Works may delegate certain control powers to a technical organization duly established to that end.

Art. 126. Requisition. Without thereby affecting the provisions in force, the Government, in case of public calamity or great need, may requisition aircraft of Moroccan public air carriers and enterprises of air work which must make available to the Government their flight crews and ground personnel needed for operation.

TITLE II. PUBLIC AIR CARRIERS

CHAPTER I. DOMESTIC AND INTERNATIONAL TRANSPORT

Art. 127. Domestic transport. Public air transport services between any two points on Moroccan territory shall be furnished by Moroccan carriers.

Art. 128. International transport. International air transport services coming from, or going to Morocco may be furnished by Moroccan or by foreign carriers.

Admittance of foreign carriers on scheduled or non-scheduled international routes shall be authorized by the Minister of Public Works, in accordance with the terms of multilateral or bilateral conventions and agreements concluded by Morocco.

However, foreign carriers whose country of origin has not concluded any aviation agreement with Morocco, may obtain an authorization to operate certain scheduled international routes provided the country of origin of such carriers grants reciprocity to Moroccan carriers and provided further that a new service be not of a nature as to cause ruinous competition to Moroccan carriers.

In the case of non-scheduled foreign services, no authorization shall be granted when the planned service constitutes unfair competition with carriers who supply scheduled air transport services.

Art. 129. Routes. The routes of scheduled public carriers and the points served by non-scheduled air carriers must be approved by the Minister of Public Works.

Scheduled Moroccan carriers shall have a right of preference to make special non-scheduled or charter flights between points on their regular routes.

When a non-scheduled air carrier requests authorization to make flights between points served by a scheduled Moroccan air carrier, authorization shall be granted only when the latter is not able to furnish the same service.

Non-scheduled air carriers shall be prohibited from flying regularly between points served by a scheduled carrier on specified days of the week or with such regularity that such flights may constitute a series of scheduled flights.

Art. 130. Route changes. No scheduled air carrier may change a route or abandon operation of a route or a leg of a route without prior authorization from the Minister of Public Works who may consult the parties concerned.

However, if it is in the public interest, the Minister of Public Works may authorize temporary suspension or changes in air services.

Art. 131. Schedules. Operating schedules of scheduled air carriers which specify time of departure from, and arrival at each terminal point and each intermediate stop, must be approved by the chairman of the Aviation Board; but if, within fourteen days from their submittal to that agency, no objection has been made, operation may be commenced in accordance with such schedules.

Art. 132. Rates. Every scheduled or non-scheduled, domestic or international air carrier must submit its rates for passengers and freight to the Minister of Public Works who, in accord with the Minister of Finance, shall approve them with or without changes or who may prescribe others which he considers more appropriate or more reasonable.

The rates for passengers and freight, thus approved, must be applied by all carriers serving the same route or leg of a route, and no carrier may charge a price which is different from those resulting from the approved rates.

When a Moroccan domestic air carrier does not comply with the provisions of this article the Minister of Public Works may prohibit access to Moroccan airdromes to aircraft of that carrier.

When an international aircarrier does not comply with this provision in regard to rates for international transportation, the difficulty will be solved either by the terms of international agreements in effect, or by the terms of the operating authorization granted to that carrier.

Art. 133. Publication of services. Scheduled air carriers must print, publish and make known to the public their routes, schedules, rates for passengers and freight for their various services, and all conditions specified by the Minister of Public Works for the application thereof.

It shall be prohibited to anyone other than a scheduled air carrier to announce publicly in any manner that he is willing to transport for pay either persons or freight between predetermined points and with fixed schedules.

Art. 134. Aircraft used. All aircraft used by Moroccan air carriers must be registered in Morocco.

However, in a case where, for lack of equipment duly proved, a carrier temporarily has to rent or charter any aircraft registered abroad, the chairman of the Aviation Board must authorize such carrier to use such aircraft; a temporary and renewable flight permit may be granted for six months.

Art. 135. Air Taxis. Carriers which furnish non-scheduled air services by air taxi shall be assimilated to enterprises of air work, provided the aircraft used do not carry more than six passengers or 600 kilograms of freight; however, Article 129, paragraph 4 shall be applicable as well as the penalties provided for in case of violation of that Article.

Rates shall be fixed by agreement between the carrier and the passenger or shipper.

Art. 136. Transport of mail. The Postmaster General shall conclude with air carriers contracts for the transport of mail in accordance with the provisions of the Conventions of the Universal Postal Union.

Art. 137. Statistics. All scheduled and non-scheduled Moroccan air carriers, on certain dates, must furnish the Aviation Board with traffic statistics, hours flown, kilometers flown, passengers and freight carried, and also with information on operating expenses, financial status, receipts and their origin.

Information so furnished and dealing with the situation of the carrier may not be made public.

CHAPTER II. CONTRACTS OF TRANSPORT, LEASE AND RENTAL

Art. 138. Applicable laws. Subject to the provisions of this chapter and of Title VI of Part II of this decree, the rules of the *dahir* of 9 Ramadan 1331 (August 12, 1913) forming the Code of Commerce, concerning transport by land and water, shall apply to transport by air.

Art. 139. Transportation contract. Any public transport by air shall give rise to a contract by which a natural or legal person, called the carrier, undertakes for a price to transport by air from one point to another, persons with or without registered baggage, or articles received from a shipper to be delivered to a person called consignee.

Art. 140. Forms of contract. The air transportation contract for persons shall be shown by issuance of a ticket. The transportation of registered baggage may be shown either on the ticket or by a separate baggage check.

The air transportation contract for goods is shown by an airway bill which must contain the statements required by Article 67 of the

dahir of 9 Ramadan 1331 (August 12, 1913) forming the Code of Commerce.

In the case of international transport of persons, registered baggage or articles, the document which constitutes the transportation contract must indicate at least: the points of departure and destination, and when these two points are in Morocco, a stop abroad, and it must specify that the transport is governed by the Warsaw Convention of October 12, 1929 and amendments thereto.

Until the contrary is shown, the ticket, the baggage check and the airway bill shall be proof of the conclusion and the conditions of the transportation contract. Absence of the document or inaccuracy of statements shall not affect the existence or validity of the transportation contract.

Art. 141. Lease (Affrètement). A lease shall be a contract by which a person called lessor who has disposal of an aircraft, transfers, for pay to another person, called lessee, the use of all or part of the capacity of such aircraft either for a trip or a series of trips, or for a specified time.

When the lessor retains the technical operation of the aircraft and supervision of the crew over whom he retains authority, the lessor shall be deemed the operator of the aircraft and the lessee the carrier, provided that the name of the latter is shown on the various documents which constitute transportation contracts.

When the lessee assumes all duties of an operator under the terms of the lease and has the right to give orders to the crew for the whole time of the lease, the lessee shall be deemed the operator and carrier.

Art. 142. Rental (Location). A rental contract shall be a contract whereby the lessor transfers for pay to another person, called lessee, the use of the total capacity of an aircraft without crew either for a trip, or a series of trips, or a number of kilometres, or for a specified time.

The lessee who assumes the technical operations of the aircraft with a crew of his own choice, shall be deemed the operator of the aircraft and the carrier for all transportation contracts he may make.

Art. 143. Form of contract. Leases and rental contracts must be in writing to be effective against third parties.

When the term of the lease is more than thirty days, the contract must be recorded in the register.

CHAPTER III. TECHNICAL OPERATING CONDITIONS OF PUBLIC AIR TRANSPORT SERVICES

Art. 144. Application of this chapter. The articles of this chapter shall apply to any operator of Moroccan air carriers and the personnel thereof.

Art. 145. Organization of service. Every operator must have an appropriate organization including experienced personnel, shops, equipment and other installations and services, to the extent and at the places specified by the chairman of the Aviation Board, for the maintenance in perfect flight condition of aircraft he uses.

Art. 146. Maintenance manual. Every operator must furnish to the maintenance personnel and constantly keep up to date a manual containing essential information on maintenance methods for the various parts of aircraft, instruments, equipment and accessories, on

making out maintenance tickets, frequency of operations of checking, overhaul and inspection. A copy of the manual shall be submitted to the chairman of the Aviation Board.

The maintenance personnel of the operator shall comply with the rules of the manual.

Art. 147. Instruction of maintenance personnel. Every operator must ascertain that the maintenance personnel receive proper and regular instruction on maintenance methods to be applied particularly when new equipment is put into use; the training program shall be submitted to the chairman of the Aviation Board for approval.

Art. 148. Maintenance statistics. Every operator must keep for all parts of aircraft in service complete statistics indicating total service time, time elapsed since the last overhaul, and time since the last inspection; such statistics, which shall be at the disposal of the chairman of the Aviation Board for inspection, shall be kept for ninety days from the time when the part to which they refer is removed from service.

Art. 149. Operations manual. Every operator must furnish to his operations personnel, as guide, and keep constantly up-to-date, an operations manual containing complete information on making flights, and particularly the following points: instruction indicating the responsibilities of the personnel, membership of the flight crew for each leg of a route, emergency flight procedures, minimum altitudes for safety on each route, minimum weather conditions for each regular, auxiliary or emergency airdrome, conditions of radio reception, necessary navigation equipment, detailed instructions for calculating amounts of fuel and lubricants necessary on each route, route guide, and any other information prescribed by the chairman of the Aviation Board.

The contents of the operations manual are subject to prior approval by the chairman of the Aviation Board.

Each member of the operations personnel employed by an operator must comply in all respects with the instructions pertaining to his functions, as they are provided for in the operations manual.

Art. 150. Flight time records. Every operator must keep up-to-date flight time records for each member of the operations personnel employed by him.

Art. 151. Checking of qualifications of personnel. Every operator of a scheduled air carrier must organize a system of checking, approved by the chairman of the Aviation Board, in order to ensure continued competence of his operations personnel.

Such system shall include two examinations per year at intervals of more than four months.

Art. 152. Qualifications as flight commander for a specific route. An operator may not entrust to a pilot the functions of flight commander of an aircraft used for public transport on a specific route or leg of a route unless the pilot has shown to the operator, or to a pilot qualified for that route and designated by the operator, that he possesses complete knowledge of the terrain, the weather conditions, the installations and facilities for air navigation, the places of facilities for search, and rescue existing along that route, and further, unless he has demonstrated his competence in using the devices of instrument approach on the airdromes which he will have to use.

A pilot who passes the above examinations shall be qualified for twelve months from the date on which he makes a flight as pilot between the farthest points on the route.

Art. 153. Service abroad. Every operator who furnishes a service outside the Moroccan territory must prove that :

His employees, agents and officers know that, when abroad, they must comply with the laws, regulations and procedures of the State where the aircraft are used ;

The pilots know the regulations and procedures in force in the regions they must cross, and particularly those concerning the airdromes and available facilities ;

The other members of the flight crew know the regulations and procedures which apply to the performance of their respective functions aboard an aircraft.

Art. 154. Flight commander. For each flight, the operator shall designate a pilot as flight commander.

The pilot-in-command shall be responsible for the safety of the aircraft, the members of the crew, the persons and flight transported. He shall ensure maintenance of discipline of everyone on board and shall take all measures necessary therefor.

When the pilot-in-command has reasonable grounds to believe that any person has committed a violation on board or when a person, by his acts, endangers the safety of the aircraft, the crew, the passengers or flight, he shall have the right to impose or to cause to be imposed measures of force necessary to ensure such safety. He may deliver such person to the authorities at the first stop together with a report which contains such elements of proof as he has been able to assemble.

The pilot-in-command may prevent the boarding of persons in a physical condition which may prejudice order and safety during the flight ; he may also put such persons off the aircraft.

The pilot-in-command shall record any births or death which occur aboard during flight, and shall mark on the flight log these and all other events.

Art. 155. Control system. The operator shall establish a control system for each type of aircraft and define the operations and maneuvers to be performed by the pilot-in-command and the other members of the crew before and during take-off, during the flight, on landing and in case of emergency.

The pilot-in-command must ascertain the detailed performance of such control system.

Art. 156. Flight preparation and flight plan. The pilot-in-command shall prepare his flight and establish a flight plan in accordance with the provisions of Articles 78 and 79 of this decree.

Art. 157. Checks before each flight. The pilot-in-command shall check before each flight :

That the aircraft is airworthy ;

That it has appropriate instruments and equipment for the planned flight ;

That a maintenance ticket has been issued ;

That the weight of the aircraft is within the prescribed limits and permits safe flight in view of anticipated flight conditions ;

That the cargo is well distributed and secured so as not to endanger flight safety;

That the amounts of fuel and lubricants are sufficient for the planned flight and that the required reserve of fuel and lubricants is carried;

That the required flight personnel is aboard and able to perform their functions;

That the instructions of the traffic controller are observed;

That the maps and plans for the route to be followed are aboard.

No international flight may be made before the pilot in command fills out a ticket of preparation certifying that he has checked all the points specified above. The operator must keep such tickets of preparation for six months.

Art. 158. Fuel and lubricants. No aircraft may begin a flight either inside Morocco or going to, or taking off from Morocco, without carrying fuel and lubricants in an amount sufficient to make the flight in complete safety in conformity with the international regulation in force.

Art. 159. Weight at take-off, in flight, and on landing. The weight of an aircraft at the beginning of the take-off, during flight, or on landing, may not exceed the maxima specified in the airworthiness certificate, or the maxima specified for certain airdromes or routes, when those maxima are less, considering weather conditions, altitude, length and inclination of airdrome runways, or weather conditions and altitudes along the routes.

The weight of an aircraft at take-off, less the weight of fuel to be consumed in flight, may not exceed the above maxima on landing at the airdrome of destination or at an alternate airdrome.

The load of an aircraft in flight must be so distributed that the center of gravity of the aircraft is within the limits specified by the airworthiness certificate.

Art. 160. Minimum weather conditions on airdromes.

The chairman of the Aviation Board shall specify minimum weather conditions for airdromes.

No aircraft may take off from an airdrome when one of the elements constituting the minima is less than specified.

Aircraft may not:

land or make an approach for landing when one of the elements constituting the minima for landing is less than specified for the particular airdrome, except in an emergency;

continue its flight toward the airdrome, landing on which is provided for in the flight plan, unless the most recent weather reports indicate that at the expected time of arrival at the airdrome, or an alternate airdrome, the weather conditions at either airdrome are as good or better than the minima specified.

Art. 161. Icing. No aircraft may take off on a flight during which it may encounter icing conditions unless it has proper anti-icing or de-icing equipment as prescribed by the chairman of the Aviation Board.

Art. 162. Safety tests. Before the pilot-in-command takes his aircraft to the take-off position, he must ascertain that his radio equipment is in good working order.

Immediately after take-off, the pilot-in-command shall:

Test the controls to their limits and make all other tests, to be certain that they function properly;

Ascertain that all doors and openings are fastened;

Test the engine or engines at full throttle, in conformity with the instructions of the manufacturer and test, at that time, the various apparatus connected with the engine;

Test the various flight instruments.

In case any test shows any failure or malfunction, the aircraft may not take off before correction has been made by a duly qualified person.

Art. 163. Pilots at controls. When an engine has been started before flight and until all engines are stopped, a pilot must be at the controls.

When there are two pilots, they must remain at the controls during take-off, landing, and when there is turbulence in flight.

Art. 164. Admittance to cockpit. No one may enter, and the members of the flight crew may not permit anyone to enter the cockpit during flight except with the permission of the pilot-in-command.

However, unless the pilot-in-command thinks that it may endanger the safety of the aircraft, a person duly authorized by the chairman of the Aviation Board may enter for purposes of checking, inspecting or controlling either the aircraft or its equipment, or a member of the flight crew, or a ground installation.

Art. 165. Flight performance. The pilot-in-command must perform the flight in accordance with the provisions of this decree, and particularly the provisions of Title V of Part I.

Art. 166. Weather observations in flight. The pilot-in-command must transmit weather observations made in flight, in the form and at the times specified.

He shall give notice, as soon as possible, of dangerous weather conditions encountered in flight, with all details that may be useful for the safety of the aircraft.

Art. 167. Documents to be supplied. The pilot-in-command of any aircraft going to or coming from Morocco, must show to the competent authorities at the airdrome of entry or exit, the documents specified in the international regulation in force and established in accordance with the provisions thereof.

The Minister of Public Works, in accord with, as the case may be, the Minister of the Interior, the Minister of Finance, the Minister of Public Health, or the Minister of Agriculture, may: a) exempt aircraft specified in paragraph 1 above, from presenting one or the other document or authorize presentation of simplified documents, and b) determine by ordinance what formalities must be fulfilled in regard to admittance and leaving of passengers, baggage and freight.

Art. 168. Flight incidents and failures. At the end of a flight, and in urgent cases during the flight, the pilot-in-command shall signal in the prescribed manner and to the person designated by the chairman of the Aviation Board, any incidents which happened in flight and any failure noticed on the aircraft and the equipment thereof, on airdromes, aids to navigation, and other aviation installations.

Art. 169. Prohibition to transport passengers. When an airdrome is used for tests for private pilot's licenses, for a higher license, for buzzing flights, or for tests of aircraft and engines, it shall be prohibited to transport passengers other than instructors or examiners or inspectors.

TITLE III. AIR WORK

Art. 170. Enterprises. Air work services may be furnished by Moroccan or foreign enterprises which are duly authorized in accordance with Article 122 of this decree.

Art. 171. Aircraft used. Moroccan enterprises must use aircraft registered in Morocco; however, when there is insufficient equipment, they may rent or lease aircraft registered abroad.

Before any use, every aircraft to be used for air work in Morocco must obtain an operating license which is issued by the chairman of the Aviation Board when he considers the aircraft suitable for the planned air work.

The validity of an operating license issued to an aircraft registered in Morocco may be one year. The validity of a license issued to an aircraft registered abroad shall be limited to three months and shall be renewable; however, if such aircraft has a homeport in Morocco for over six months, it must be registered in Morocco, except for special cases.

When, for any reason whatever, the airworthiness certificate of an aircraft which has obtained a license, ceases to be valid, the validity of the license shall also cease.

Art. 172. Prohibition. Aircraft registered abroad and used in Morocco for air work may not be used for any other paid activity while they are in Morocco, and any violation of this provision shall lead to annulment of the operating license.

Art. 173. Personnel. Pilots of aircraft used for certain kinds of air work which necessitate flights at altitudes lower than the minimum stated in Title V of Part I of this decree, must have a license for low level flights, issued by the chairman of the Aviation Board.

Art. 174. Liability. Operators of airwork services shall be financially liable for damages and injuries caused to persons or property on the ground.

Art. 175. Additional rules. An ordinance of the Minister of Public Works, issued in accord with the Minister of Agriculture, shall determine particular rules for agricultural air work, particularly in regard to conditions of issuance of certificates for low level flight, the minimum characteristics of airdromes to be used, and technical conditions of making flights.

TITLE IV. PRIVATE AIR SERVICES

Art. 176. Conditions for flight. Owners and operators of private aircraft as defined in Article 118, other than aviation clubs and aviation schools, do not need a special license to fly in Morocco or above Morocco provided such aircraft are registered in Morocco, their airworthiness certificates and the licenses of the personnel are valid, the flight logs are up to date, and they comply with all provisions concerning flight safety as provided for in this law.

Art. 177. Prohibitions. Private aircraft may not provide any public transport services whatever.

Touring aircraft used in the personal service of their owners may not make commercial air operations.

Aircraft used in the private service of an industrial or commercial enterprise may not make flights between two points in Morocco served

by a scheduled air carrier on specific days of the week and with such frequency that they may represent a series of scheduled flights.

Art. 178. Customs pass (carnet de passage). The Royal Moroccan Federation for Air Sports is empowered to issue to private Moroccan aircraft customs passes valid for the States which accept such passes.

Art. 179. Foreign aircraft. Owners or operators of foreign aircraft used for private services who wish either to land in Morocco or only to make technical stops, must comply with the provisions of Article 124 of this decree.

Owners of private foreign aircraft who wish to stay in Morocco for a certain time for purely travel purposes, may obtain a temporary permit not exceeding six months from the chairman of the Aviation Board.

Any private aircraft in Morocco for more than six months must be registered in the Moroccan register.

TITLE V. AVIATION CLUBS AND AVIATION SCHOOLS

CHAPTER. I. AVIATION CLUBS

Art. 180. Constitution. Aviation clubs are associations established in accordance with the *dahir* No. 1-58-376 of 3 joumada I 1376 (November 15, 1958) regulating the law of associations and the *dahir* No. 1-57-245 of 14 safar 1377 (September 10, 1957) concerning activities of associations, leagues, federations and sport groups.

Art. 181. Approval. Aviation clubs affiliated with the Royal Moroccan Federation of Air Sports may obtain the approval of the Minister of Public Works under a procedure and conditions specified in an ordinance.

Activities of aviation clubs are subject to supervision and control of the Aviation Board.

The approval may be withdrawn at any time when an aviation club does not comply with the regulations.

Art. 182. Subsidies and advantages. Lawfully established and approved aviation clubs may obtain subsidies, advantages and exemptions, particularly of fees and levies on airdromes, for their activities or for certain aviation shows.

Art. 183. Import exemption. There shall be no import tax on aircraft, engines, equipment, parts, materiel, fuel and lubricants intended for the exclusive use of approved aviation clubs.

CHAPTER II. AVIATION SCHOOLS AND TRAINING CENTERS

Art. 184. Approval. Instruction, basic and advanced training, on the ground and in flight of aviation personnel may be given in schools or centers which are approved by the Minister of Public Works upon proof of their technical qualification; such schools and centers must have a technical organization and supervisory personnel which guarantees good instruction by qualified instructors and they must be entitled to use an airdrome.

Aviation clubs may be approved as aviation schools or training centers.

Approved schools and centers shall operate under the control and supervision of the Aviation Board which must, in advance, approve the study and teaching programs.

Art. 185. Instructors. Ground instructors must be approved by the chairman of the Aviation Board if they have been recognized as competent to teach any theoretical subject required to obtain one of the licenses of aviation personnel.

Flight instructors must have the specific qualification required under Article 30 of this decree. If necessary, the chairman of the Aviation Board may approve as free flight instructor a pilot who holds a valid license, but he may only give instruction to the extent of the limits of his own license.

Art. 186. Examinations and tests. The results of examinations and tests passed in the schools and centers approved for issuance of licenses, qualifications and certificates provided for in Title II of part I of this decree, shall be accepted by the chairman of the Aviation Board who, however, has the right to demand a new examination or a new test if he deems it necessary.

Art. 187. Reports. The director of schools and centers must, from time to time, submit reports on their activities to the Aviation Board; accidents must be reported without delay.

Art. 188. Withdrawal of approval. The approval of a school or center, may be withdrawn at any time if irregularities in the teaching, or examinations and tests have been noted.

TITLE VI. LIABILITY

CHAPTER I. LIABILITY OF THE AIR CARRIER

Art. 189. Damage to persons. The air carrier shall be liable for damages and detriments arising from the death, wounds or injury suffered by a person transported, provided that the event which caused the damage occurred aboard an aircraft or during boarding or deplaning operations.

For purposes of this decree, the term "injury" shall include every bodily, organic or functional injury, including any which affects the mental health.

Art. 190. Damages to non-registered baggage. The air carrier shall be liable for damages and detriments resulting from the loss, destruction of, or damage to baggage which remain in the custody of the passenger provided that the event which caused the damage occurred between the time when the person boarded the aircraft and the time when he left it.

Art. 191. Damages to registered baggage and freight. The air carrier shall be liable for damages and detriments resulting from the loss, destruction of, or damage to registered baggage or freight, provided that the event which caused the damage occurred during the time when the baggage was registered as the freight in the custody of the carrier, whether this be at an airdrome or on an aircraft, or at any other place in the case of landing outside an airdrome.

Art. 192. Damages for delay. The air carrier shall also be liable for damages resulting from a delay in the transport by air of persons, baggage and freight.

Art. 193. Case of non-liability. Liability of the air carrier shall be avoided when he proves that he and his agents have taken all measures necessary to avoid the damage or that it had been impossible for them to do so.

Liability of the air carrier may be avoided or reduced when he proves that negligence of the injured person caused the damage or contributed to it.

Acceptance by the consignee of registered baggage or freight without objection shall constitute a presumption, until the contrary is shown, that the baggage or freight were delivered in good condition in accordance with the transportation contract.

Art. 194. Limitation of liability. Except for the provisions of Article 215, liability of the air carrier to each passenger shall be limited to two hundred and fifty thousand units fine weight; however, a higher limitation may be agreed upon between the carrier and the passenger;

Liability of the carrier in regard to baggage kept in the custody of the passengers shall be limited to five thousand units fine weight per person.

Liability of the carrier for registered baggage and freight shall be limited to two hundred and fifty units fine weight per kilogram, except when the value has been declared by the shipper.

A unit fine weight in the sense of this article and Articles 200 and 203 below, shall mean a unit consisting of sixty five and one half milligrams of gold nine hundred thousands fine. Such units may be converted into national currency in round figures, and the conversion shall be made in case of legal proceedings in accordance with the gold value of such money on the day when judgment is pronounced.

Art. 195. Nullity of clause. Except for clauses concerning damages which may result from the nature or an inherent fault of the articles shipped, all other clauses to exonerate the air carrier from liability or to establish a lower limit than that fixed by this decree shall be null and void; the nullity of such clause shall not cause nullity of the transportation contract.

Art. 196. Successive carriers. In the case where an air transport carried out by several successive carriers is deemed by contract between the parties to be a single transport, and each carrier is thus deemed a party to the contract, recourse for damages to persons may be had only against the carrier who carried out the part of the carriage during which the event which caused the damage occurred, except when the first carrier assumed by contract liability for the whole carriage, and recourse for damages to registered baggage or freight may be had, not only against the carrier who carried out the part of the carriage during which the destruction, loss of, or damage to, or delay occurred, but by the shipper against the first carrier and by the consignee against the last one, and all carriers shall be jointly liable to the shipper and the consignee.

CHAPTER II. LIABILITY OF THE OPERATOR TO THIRD PERSONS ON THE GROUND

Art. 197. Liability and reparation. The operator of any aircraft performing any air activity in Morocco or who flies over Morocco shall be liable for damages caused to persons and property of third persons on the ground by an aircraft which he uses personally or

through agents acting in the course of their duties, whether or not this be within the scope of their powers.

Any person who suffers damage on the ground under the conditions specified in this decree shall have a right to reparation if he proves that the damage was caused by an aircraft in flight or by a person or an object falling therefrom. However, there shall be no right to reparation when the damage is not the direct result of the event which caused it or when it results from the mere passage of the aircraft in accordance with the flight rules specified in this decree.

Art. 198. Joint liability. In the case where an operator as charterer or lessee does not have the exclusive use of the aircraft during more than fourteen days, the owner, charterer or lessee shall be jointly liable with the operator for damages occurring during such period.

When the damage is caused by a person using an aircraft without the consent of the operator, and unless the operator proves that he has used due care to avoid such use the operator shall be jointly liable with the unlawful user, under the conditions and within the limits provided for in said decree.

Art. 199. Exceptions. A person who is liable under the terms of this chapter shall not be liable for reparation of the damages:

a) When the damage is the direct result of armed conflict or civil disturbance or when such person has been deprived of the use of the aircraft by an act of the public authority; or

b) When he proves that the damage is due exclusively to the negligence of the person who suffered the damage or of his agents. If such negligence was only partially the cause of the damage, reparation shall be diminished to the extent that the negligence has contributed to the damage. However, if, in the case of negligence of agents, the person who suffered the damage proves that such agents acted beyond the scope of their powers, there shall be neither reduction nor exclusion.

Art. 200. Limits of liability. Except for Article 215 the amount of reparation may not exceed for each aircraft and event:

a) Five hundred thousand units fine weight for an aircraft whose weight is less than, or not more than 1,000 kilograms;

b) Five hundred thousand units fine weight plus four hundred units fine weight per kilogram above 100 kilograms for an aircraft whose weight is above 1,000 kilograms and equal to, or less than 6,000 kilograms;

c) two million five hundred thousand units fine weight plus two hundred and fifty units fine weight per kilogram above 6,000 kilograms for an aircraft whose weight is above 6,000 kilograms and equal to, or less than 20,000 kilograms;

d) Six million units fine weight plus one hundred and fifty units fine weight per kilogram above 20,000 kilograms for an aircraft whose weight is more than 20,000 kilograms and less than, or equal to 50,000 kilograms;

e) Ten million five hundred thousand units fine weight plus one hundred units fine weight per kilogram above 50,000 kilograms for an aircraft whose weight is more than 50,000 kilograms.

By "weight" is meant the maximum weight of the aircraft authorized by the airworthiness certificate for take-off.

Liability in case of death or injury may not exceed five hundred thousand units fine weight per person killed or injured.

CHAPTER III. LIABILITY FOR COLLISION BETWEEN AIRCRAFT

Art. 201. Liability. In case of collision between two or more aircraft in flight:

a) When it is proved that negligence of the operator of one of such aircraft, or of his agents acting in the course of their functions, has caused damages to one or more other aircraft, or has put such aircraft out of commission, or caused damages to persons or property aboard such aircraft, such operator shall be liable for all damages:

b) When the damages are due to negligence of the operators of two or more aircraft, or of their agents, each of them shall be liable to others for the damage suffered by them proportionately to the negligence of which each is guilty in causing the damages.

Art. 202. Compensation paid by other operators. The operator or operators liable for the damages specified in the preceding article shall also be liable for compensation which the operator or operators of the other aircraft concerned had to pay for damages caused by the collision: however, as the result of a recourse action, no operator shall have to make a payment which may result in allocating to him a higher compensation than called for under any of the limits of liability which he may invoke in regard to property or passengers aboard his aircraft.

Art. 203. Limits of liability. Except for the provisions of Article 215, an aircraft operator involved in a collision shall not incur any higher liability than that provided by the following limitations:

a) For the loss of the other aircraft or the damage suffered by such aircraft, the market value before the collision or the cost of repair or replacement, whichever figure is smaller;

b) For putting such aircraft out of commission, 10% of the value retained for such aircraft in paragraph a) above;

c) For the death of persons aboard such other aircraft, for injuries or delay suffered by them, two hundred fifty thousand units fine weight per person;

d) For all articles which each person on board had in his custody, five thousand units fine weight per person;

e) For the destruction, loss of, or damage to all other property on board, including registered baggage and mail, two hundred and fifty units fine weight per kilogram.

Art. 204. Damage caused on the ground by a collision. In case of damages to persons or property on the ground resulting from a collision between two or more aircraft in flight, the operators of such aircraft shall be jointly liable for such damages up to the limits provided for in Article 200, but no operator shall be liable for an amount which is higher than the limit applicable to his aircraft.

Art. 205. Disturbance caused by maneuvers. For purposes of this chapter, damages resulting from a disturbance caused to another aircraft by the maneuvers of an aircraft shall be assimilated to damages caused by a collision.

CHAPTER IV. INSURANCE AND GUARANTEES

Art. 206. Insurance for damages to third persons. Every civil aircraft which furnishes in Morocco any of the air services enumerated in

Article 115 of this decree, or which flies over Moroccan territory, whether it is registered in Morocco or abroad, must be insured for the liability of its operator for damages to third persons on the ground.

For aircraft registered in Morocco such insurance must be taken out with an insurance company, society, or insurer which is approved by the Minister of Finance. For aircraft registered abroad, such insurance must be taken out with an insurance company approved by the State of registration.

Art. 207. Amount of insurance. The insurance amount for reparation of damages to persons and property on the ground may not be less than the limits of liability of the operator specified in Article 200 according to the weight of the aircraft.

Art. 208. Guarantee. In place of insurance taken out in accordance with Article 206, a guarantee furnished by the State of registration or by a bank authorized by the State shall be deemed satisfactory.

Art. 209. Attestation. An attestation of insurance or guarantee established in conformity with an approved model must be presented on any request by an official of the Aviation authority or a Government agency.

Art. 210. Insurance of passengers. In addition to the duty to insure for liability to third person on the ground, public air carriers must also insure for liability to persons transported.

Art. 211. Amount of insurance. The insurance amount for reparation of damages to persons transported may not be less than the limits of liability of the carrier specified in Article 194.

Art. 212. Preference of guarantees. The guarantees and insurances provided for in this decree and intended to guarantee reparation of damages resulting from contractual or non-contractual liability shall have special preference in the payment of the respective compensation.

Art. 213. Insurance in force. The Aviation Board shall ascertain that the insurance prescribed in this chapter remains in force during the whole term of validity of the operating license or authorization.

CHAPTER V. GENERAL RULES

Art. 214. International conventions. Liability of public air carriers, Moroccan or foreign, and liability of all operators of aircraft, in the case of international flights, shall be governed by the international conventions in effect in Morocco.

In the absence of an international convention, liability of the persons specified in the preceding paragraph, in regard to damages or accidents in Morocco, shall be governed by this decree and all other applicable Moroccan laws.

Art. 215. Unlimited liability. The limits of liability specified in articles 194, 200, and 203, shall not apply when it is proved that the damage resulted from an act or omission of the carrier or operator or their agents, which was committed either with intent to cause damage or willfully and in the knowledge that damage probably would result; in the case of agents, it must further be proved that they acted in the exercise of their functions.

The limits of liability specified in Articles 200 and 203, shall not apply when the person who is liable has obtained an aircraft in an

unlawful manner and has used it without the consent of the person who may authorize such use.

Art. 216. Court of jurisdiction. Actions for liability for damages to persons, baggage or freight transported, may be brought before the court either of the domicile of the carrier, or of his main office, or at the place where he has an office at which the contract was made or at the place of destination.

Actions for liability for damages to third persons on the ground or resulting from a collision shall be brought before a court of the State where the act, which caused the damages, occurred.

Art. 217. Representatives. In case of the death of a person who is liable under this Title VI, an action for reparation shall lie against his representatives.

Art. 218. Delay. In case of damages caused to a passenger by delay in the transportation, a claim must be submitted within thirty days from the date on which the delay occurred.

Art. 219. Damages to baggage and freight. In case of damages to registered baggage or freight, the consignee must make a written protest to the carrier upon discovery of the damage, and, at the latest, within a period of seven days for baggage and fourteen days for freight from the date of receipt; in case of delay, such protest must be made within twenty-one days from the date when they were put at the disposal of the consignee.

In the absences of a protest within the periods stated above, no action shall lie against the carrier, except when he committed a fraud.

Art. 220. Statute of limitations. The statute of limitations shall run within two years:

a) For actions for payment of a remuneration due for search, aid, and salvage: the time shall run from the day when the operations are completed:

b) For actions for liability for damages to persons, baggage, and freight transported, and to members of the crew, except as provided for in Article 219; the time shall run from the day on which the aircraft arrived or should have arrived at its destination;

c) For actions for liability for damages to persons or property on the ground: the time shall run from the day on which the act which caused the damage occurred;

d) For damages for liability for damage resulting from a collision: actions in recourse by an operator against other operators may be brought within six additional months from the day when the operator has had the right to recourse.

Art. 221. Suspension or interruption of the statute of limitations. The reasons for suspensions and interruption of the statute of limitations specified in chapter VII of the *dahir* of 9 ramadan 1331 (August 12, 1913) forming the code of obligations and contracts, shall be applicable to actions for liability in matters of civil aviation.

However, no action for liability in matters of civil aviation may be brought after the expiration of three years from the day when the act which caused the damage occurred.

PART III. VIOLATIONS AND PENALTIES

Art. 222. Violations by owners or operators. Any owner of an aircraft shall be punished by a fine of from 1,000 to 20,000 dirhams or by

imprisonment of from six days to one month, or by both penalties, who:

a) Puts or retains in service an aircraft without first obtaining the certificates of registration and airworthiness, or with a certificate of airworthiness which is no longer valid; any refusal of a certificate of airworthiness by the competent authority shall be transmitted in writing to the person concerned and such notification shall establish a presumption of negligence against him;

b) Puts or retains in service an aircraft without identification marks.

A proprietor of a Moroccan aircraft who causes such aircraft to be registered in a foreign register without first requesting the Aviation Board that it be stricken, shall be punished by a fine of from 1,000 to 20,000 dirhams.

Art. 223. Violations by a flight commander. Any pilot-in-command shall be punished by a fine of from 1,000 to 20,000 dirhams, or by imprisonment of from six days to one month, or by both penalties, who:

a) Flies an aircraft without certificate of registration and airworthiness, or with a certificate of airworthiness which is no longer valid;

b) Flies an aircraft without registration marks;

c) Flies an aircraft without the proper license; the same penalty may be imposed on any crew member for a similar violation;

d) Flies over prohibited or restricted areas in violation of the provisions of this decree;

e) Lands outside an airdrome in violation of the provisions of this decree;

f) Destroys the flight logs or makes incorrect notations therein.

Any pilot-in-command shall be punished by a fine of from 200 to 10,000 dirhams who:

a) Flies an aircraft in a state of drunkenness; the same penalty may be imposed on any crew member;

b) Begins a flight without being certain that all required safety conditions are fulfilled;

c) Disobeys the instructions of the traffic controller;

d) Executes acrobatic or low level flights without authorization;

e) Throws or lets fall, without necessity, objects or substances from an aircraft;

f) Transports without authorization munitions, war materiel, and other dangerous articles;

g) Violates the provisions on taking aerial photographs or motion pictures;

h) Lands, without reason, and on an international flight, on an airdrome not open for international service;

i) Refuses, without reason, to participate in search and rescue operations;

j) Neglects to give immediate notice of any accident.

Art. 224. Increase in penalty. The fine against an owner of an aircraft who puts or retains in service an aircraft without certificate

of registration or certificate of airworthiness, or against a pilot who flies an aircraft without a valid license, may be increased to 40,000 dirhams and the imprisonment to two months when the violations are committed after refusal or withdrawal of the certificate of registration or airworthiness, or of the license.

Art. 225. Registration marks. The owner, operator, or pilot who affixes or causes to be affixed on an aircraft any registration marks which are not in conformity with those of the registration certificate, or who omits or causes to be omitted, makes or causes to be made illegible, any marks correctly affixed, shall be punished by a fine of from 2,000 to 40,000 dirhams and by imprisonment of from six months to three years. Any person who affixes or causes to be affixed on a private aircraft the marks reserved to state aircraft or who uses a private aircraft bearing such marks, shall be punished by the same penalties.

Art. 226. Violations by public carriers. Any public carrier, scheduled or non-scheduled, shall be punished by a fine of from 2,000 to 30,000 dirhams who:

a) Refuses, without justification, access of the public to its transport services;

b) Does not comply with the obligations prescribed in the operating license or authorization, when, in the view of the chairman of the Aviation Board, such lack of compliance does not merit revocation of the license or authorization;

c) Does not take care, in the manner provided for in the regulations, of maintenance of his aircraft, flight equipment and other necessities to guarantee safety of operation;

d) Does not follow the routes, and use the airdromes indicated on the operating permit.

Any scheduled public carrier who conducts his operation in violation of rates, routes, frequencies and schedules approved by the Aviation Board.

Any non-scheduled public carrier who:

a) Announces timetables and flight routes;

b) Announces flights with a certain frequency;

c) Makes prices for tickets or freight charges which may constitute ruinous competition to scheduled carriers;

d) Periodically makes flights between points served by a scheduled carrier, on certain days of the week and with a frequency which constitutes a series of scheduled flights.

Art. 227. Violations by air work enterprises. Any air work enterprise shall be punished by a fine of from 2,000 to 30,000 dirhams which:

a) Does not comply with the obligations prescribed in the operating authorization when, in the opinion of the chairman of the Aviation Board, such lack of compliance does not merit revocation of the authorization;

b) Does not take care, in the manner provided for in the regulations, of maintenance of its aircraft, flight equipment and other necessities to guarantee safety of operation.

Art. 228. Agreements between air enterprises. Any scheduled or non-scheduled public carrier who does not submit for the approval of the Minister of Public Works agreements he may have concluded with

other enterprises or who, after approval, modifies the terms of such agreements, shall be punished by a fine of from 2000 to 30,000 dirhams.

Art. 229. Foreign enterprises. Any foreign international air carrier who, during a simple transit flight, unloads or loads persons or freight on Moroccan territory, or who, without express authorization, renders domestic service, shall be punished by a fine of from 2000 to 30,000 dirhams.

Art. 230. Ground personnel. Any member of the technical aviation personnel who, by an act or omission, endangers the safety of aircraft, airdromes or other flight installations shall be punished by a fine of from 100 to 10,000 dirhams.

Art. 231. Interference with telecommunications. Any person who interferes with, or prevents, in any manner, aviation radio communication shall be punished by a fine of from 500 to 10,000 dirhams.

Art. 232. Suspension of license. A prohibition to fly any aircraft may be imposed by judgment or ordinance for a term of from three months to three years against a pilot guilty of a violation.

When a pilot is sentenced for the second time for any of the same violations within five years after the first sentence becomes final, the prohibition to fly an aircraft shall be imposed for a term of three years and may be doubled.

For the term of the prohibition, licenses shall be deposited with the clerk of the court passing the sentence; they must be sent there within five days after the date when the sentence becomes final, otherwise the persons sentenced shall be punished by imprisonment of from six days to one month and by a fine of from 100 to 2000 dirhams, without thereby affecting the penalties provided for the case where they fly an aircraft during the terms of such prohibition.

Art. 233. Aviation restrictions. Violations of the provisions of this decree and the ordinances issued by the Minister of Public Works in regard to aviation restrictions and mounting of beacons, shall be punished by a fine of from 500 to 1,500 dirhams.

In case of repetition, violations shall be punished by a fine of from 1000 to 3000 dirhams or by imprisonment of from ten days to three months, or by both penalties.

A term for removal or alteration of structures subject to a restriction or to provide beacons may be prescribed by the court of jurisdiction on request of the Minister of Public Works, under penalty of a fine of 10 to 100 dirhams for each day of delay.

When, at the expiration of the term the situation has not been remedied, the Minister of Public Works may have the work done *ex officio* at the expense and the risk of the responsible persons.

Art. 234. Presence on airdromes. Whoever is present on or goes into areas prohibited by this decree or areas of airdromes used for public service, or leaves or causes to enter any wagons, draft, burden or riding animals, shall be subject to a fine of from 50 to 100 dirhams and he further may be deprived of all right to compensation in case of accident.

Art. 235. Jettisoning. Any voluntary and unnecessary jettisoning of objects or substances susceptible of causing damage to persons or property on the ground are prohibited from aircraft in flight and will

be punished by a fine of from 1000 to 7000 dirhams or imprisonment of from six days to two months, or by both penalties, even if such jettisoning causes no damage, and without thereby affecting more severe penalties which may be imposed in cases of offenses or crimes.

Art. 236. Customs violations. All provisions governing violations of customs regulations and State monopolies shall be applicable to articles imported or exported by aircraft.

Attempted or actual offenses of contraband importation or exportation outside a customs airdrome shall lead to confiscation of the articles and the means of transportation, without thereby affecting a customs fine of from 200 to 400 dirhams, and an additional fine of six times the value of the articles and imprisonment of from one month to one year.

All releasing or jettisoning of unauthorized articles in flight, except ballast and mail at designated places shall be punished by the penalties provided for in the customs laws concerning contraband and increased in accordance with paragraph 2 of this article.

Art. 237. Temporary admittance and bonding. For articles exported or discharged for temporary admittance or in bond, or exempt from internal taxes, the shippers shall justify their shipment abroad by producing, within the specified period, a valid destination certificate of the customs, on penalty of paying four times the value of the articles.

Art. 238. Right of confiscation. Agents of the Post Office lawfully qualified to enforce the application of the laws and regulations in the field of telecommunications, telegraphy and telephone, shall have the right to confiscate any radiotelegraph or radiotelephone apparatus which may be aboard without special authorization.

The agents listed in Article 239 also shall have the right to confiscate explosives, arms, munitions and other articles the transport of which is prohibited without authorization.

Confiscation of apparatus and articles lawfully seized shall be pronounced by the court which has jurisdiction over the violation.

Art. 239. Reporting agents. In addition to the officers and agents of the judicial police, the following shall be charged with reporting violations of the provisions of this decree:

- a) Engineers and work engineers of the Aviation Board;
- b) Commanders of airdromes;
- c) Officers of the National Defense charged with air safety;
- d) Customs agents who have the right to make reports.

Reports shall be transmitted after their closing to the court of jurisdiction. They shall be *prima facie* evidence.

Art. 240. Jurisdiction. Within the circuit of the Court of Appeals of Rabat, the courts established in the *dahir* of 9 ramadan 1331 (August 12, 1913) shall have sole jurisdiction to adjudge violations of the provisions of this decree and the regulations issued for its application.

The same rules as to jurisdiction shall apply to related violations whoever may commit them, in regard to criminal as well as civil liability.

Art. 241. Notice of judgments. Copies of judgments relating to violations in aviation matters shall be transmitted by the courts of jurisdiction to the Aviation Board.

GENERAL PROVISIONS

Art. 242. Amendments. Changes in this decree which become necessary shall be contained in a decree, issued at the end of each year and entering into force the first of January of the next year.

Any change which must take immediate effect shall be contained in a N.O.T.A.M. which shall have the same force of law as the provisions of this decree and which shall be included in the annual amending decree.

Art. 243. Application. The Ministers of Public Works, of National Defense, of Finance, of Agriculture, of National Education, of Public Health, of the Interior, of Justice, and the Postmaster General, each as far as he is concerned, shall enforce application of this decree.

MUSCAT AND OMAN

The Sultanate of Muscat and Oman applies the civil aviation laws, including the Colonial Air Acts and Orders of the United Kingdom.

1793

NEPAL

CIVIL AVIATION RULES, 1962¹

In exercise of the Power conferred by Section 3 of the Civil Aviation Act, 1958, His Majesty's Government has issued the following Rules:—

CHAPTER 1. PRELIMINARY

1. *Short title and commencement*

- (1) These rules may be called the Civil Aviation Rules 1962.
- (2) These rules shall commence with effect from the date of their publication in the Nepal Gazette.

2. *Definitions*

Unless otherwise specified with reference to the subject or context in these Rules—

(a) Chief Engineer shall mean the Chief Engineer of the Transport Department of His Majesty's Government.

(b) '*Convention*' shall mean the International Civil Aviation Convention signed in Chicago on December 7, 1944.

(c) 'Crew' shall mean the licensed members of an air crew entrusted with the charge of operating an aircraft.

CHAPTER 2. REGISTRATION AND MARKING OF AIRCRAFT

3. *Registration of aircraft*

(1) The Chief Engineer shall maintain an Aircraft Register at his office for the purpose of registering aircraft, and in case any owner of aircraft registers his aircraft, he shall, subject to these Rules, register the same and give him a certificate of such registration.

(2) No aircraft which is already registered in any other country at any time shall be registered under these Rules.

(3) No aircraft other than that belonging to a Nepali citizen or to a corporate body registered or established in the Kingdom of Nepal under Nepali law, having its main office in the kingdom of Nepal, and with more than half of the total members of its Board of Directors Nepali citizens, shall be registered under these Rules without the approval of His Majesty's Government.

(4) An aircraft which has been registered and given certificate therefor under these Rules, shall be registered as Nepali aircraft.

4. *Action to be taken in the event of change of ownership*

(1) In case the ownership of any aircraft changes, the certificate of registration of such aircraft shall be invalid. The seller or transferor of the aircraft shall submit a notice containing the date of such sale or transfer, the name and address of the new owner, as well as

¹ Published in Nepal Gazette, Vol. 12, Issue No. 18, Shrawan 29, 2019 (August 13, 1962). Ministry of Public Works, Communication and Transport.

the certificate of the registration, to the Chief Engineer within fourteen days from the date of such sale or transfer.

(2) If the new owner of an aircraft submits an application, the Chief Engineer may register his name as owner of the aircraft and issue him a certificate of registration.

(3) No owner of any Nepali aircraft shall, without the approval of His Majesty's Government, sell or transfer his aircraft to any person for use outside of the kingdom of Nepal. Any such sale or transfer shall be invalid.

5. *Repeal of registration*

In case any Nepali aircraft is damaged or permanently returned elsewhere so as not to be used inside the kingdom of Nepal, the owner of such aircraft shall submit to the Chief Engineer notice of such damage or return, as well as the certificate of registration. The certificate of registration shall thereafter be cancelled and necessary particulars to this effect shall be noted in the aircraft register.

6. *National markings*

The Nepali national markings of Nepali aircraft in figures and letters shall be IN after which shall be drawn a short line (—), followed by the registration markings of three letters; i.e. IN—AAA. The power to issue such national markings and registration markings shall vest in the Chief Engineer.

On the Royal aircraft the national markings shall be followed by a short line (—) and then by the letters RF with a figure resembling I at the end: e.g. IN—RFI.

7. *Space for inserting markings*

The national markings and registration markings of aircraft shall be inserted in such space and in such form as are specified in the schedule to these Rules.

CHAPTER 3. LICENSE FOR CREW

8. *Classification of license and rating*

(1) Subject to the conditions laid down in these Rules, the Chief Engineer shall have the power to issue the following licenses and ratings and to renew them:

- (a) License for pilot under training.
- (b) License for pilot of private aircraft.
- (c) License for pilot of restricted commercial aircraft.
- (d) License for pilot of commercial aircraft.
- (e) License for senior pilot of commercial aircraft.
- (f) License for pilot of transport aircraft.
- (g) License for flight engineer.
- (h) License for flight radio operator.
- (i) Rating for flight radion telephone operator.
- (j) Instrument rating.

(2) Licenses and Ratings under these Rules shall be issued and renewed for periods not exceeding the following:

- | | |
|---|------------|
| (a) License for pilot under training----- | } 2 years. |
| (b) License for pilot of private aircraft----- | |
| (c) License for pilot of limited aircraft----- | } 1 year. |
| (d) License for pilot of commercial aircraft----- | |

- | | |
|--|-------------|
| (e) License for senior pilot of commercial aircraft..... | } 6 months. |
| (f) License for pilot of transport aircraft..... | |
| (g) License for flight engineer..... | } 1 year. |
| (h) License for flight radio operator..... | |

(3) The period of rating specified in this Rule and included in the license shall remain valid for the period of the license concerned, unless a shorter period has been prescribed therein.

(4) No person shall be granted licenses of any category specified in this Rule, unless he has completed the following age:

- | | |
|--|-------------|
| (a) License for pilot under training..... | } 17 years. |
| (b) License for pilot of private aircraft..... | |
| (c) All other licenses, 21 years. | |

9. *Recognition of license issued by countries signatory to the convention*

(1) The Chief Engineer may grant recognition to any license or rating, issued by authority of any country which has entered into an agreement with the International Civil Aviation Agency. In case the Chief engineer has prescribed any restrictions in the certificate while granting recognition, such license or rating shall remain valid for the remaining period subject to such restrictions.

(2) The validation of such license or rating shall be attached to the license and it shall be treated as a part of such license or rating until the period has expired.

10. *Qualifications for obtaining license and rating*

(1) The knowledge, experience, skill, physical ability and related facilities required to obtain the following licenses and ratings shall be as specified in schedule 2 and 3 of the convention:

- (a) License for pilot under training.
- (b) License for pilot of private aircraft.
- (c) License for pilot of commercial aircraft.
- (d) License for senior pilot of commercial aircraft.
- (e) License for pilot of transport aircraft.
- (f) License for flight engineer.
- (g) License for flight radio operator.
- (h) Instrument rating.

(2) The qualifications and related facilities required to obtain license as pilot of limited commercial aircraft shall be as follows:

(a) *Knowledge*:—Knowledge as prescribed for pilots of private aircraft.

(b) *Experience*:—He should have at least 200 hours flying time of which—

(1) He shall have worked as a pilot-in-command for 100 hours.

(2) He shall have worked as pilot-in-command on cross-country flights for at least 20 hours, with at least one flight covering 300 miles.

(3) He shall have at least 10 hours of instrument type out of which five hours shall have been of instrument flight type.

(c) *Skill*:—He shall have displayed the capacity to make both ordinary and emergency flights of the aircraft of the type for which the license is requested.

(d) *Physical qualifications*.—Physical qualifications shall be as prescribed in respect to the license for the pilot of a prohibited commercial aircraft.

(e) *Facilities*.—The person who has obtained a license as pilot of prohibited commercial aircraft shall:

(1) be entitled to all such facilities as are prescribed in respect to the pilot of private aircraft, and

(2) work only within the kingdom of Nepal as a pilot-in-command of aircraft with a total pay load not exceeding 5,000 lbs. while it is in flight in respect to the operation of non-scheduled air transport flights.

(3) the qualifications and related facilities required to obtain the rating of flight radio telephone operator shall be as follows:

(a) *Knowledge*.—It shall have been certified on the basis of tests that he possesses sufficient knowledge about the following matters:

(i) Civil aviation rules, orders and directives relating to the duties or functions of flight radio telephone operator

(ii) Government recognized information and publications relating to the practice and procedure of radio telephone operation.

(b) *Skill*.—The person concerned shall demonstrate that he has the ability to:

(1) operate and fit controls of aeronautical radio telephone transmitters and receivers.

(2) receive and transmit spoken messages.

(c) *Facilities*.—Persons who have obtained a rating of flight radio telephone operator, may operate radio telephone equipment on aircraft for communication or control purposes on air routes.

11. Exemptions

In case the Chief Engineer, in respect to any applicant who has acquired qualifications for membership of the crew of any aircraft of the Air Force, or has acquired experience and technical knowledge with regard to government-recognized flights in civil aviation, deems it necessary to exempt such applicant from any or all of the conditions pertaining to the license or rating, and in case such person successfully passes a special examination or tests desired by him, the Chief Engineer may exempt such applicant from any or all of the conditions of the license or rating.

CHAPTER 4. AIRWORTHINESS

12. Certificate of airworthiness

(1) In case a certificate of airworthiness has been issued with respect to any aircraft by any authority of any country which has entered into an agreement with the International Civil Aviation Agency, the Chief Engineer, if he is satisfied as to the airworthiness of such aircraft, may issue a certificate recognizing such certificate. In case any restrictions have been prescribed in issuing such certi-

cates, such certificates of airworthiness shall be valid subject to such restrictions.

(2) Unless the standard of airworthiness to be applicable in the kingdom of Nepal has been determined by His Majesty's Government, if the authority who has issued a certificate of airworthiness in any country which has entered into an agreement with His Majesty's Government, has renewed such certificate or extended the term thereof, the Chief Engineer may renew or extend the term of the certificate issued under Sub-rule (1) in respect to such airworthiness certificate for the period for which such certificate was renewed or its term was extended.

(3) The certificate of recognition shall be attached to the airworthiness certificate and it shall be treated as part of the airworthiness certificate unless the term thereof has expired.

13. Repair and maintenance of aircraft

(1) The owner or operator of a Nepali aircraft shall make or cause to be made arrangements for such necessary staff, offices, and equipment as well as facilities for repair and maintenance as may be approved by the Chief Engineer.

(2) In accordance with the directions of the Chief Engineer, the owner or operator of any Nepali aircraft shall maintain a record of all his aircraft and engines, propellers, instruments, equipment and related materials thereof.

(3) The Chief Engineer shall ascertain whether the arrangements made for repair and maintenance under Sub-rule (1) are adequate.

(4) Any person who certifies the aircraft and its engines and the airworthiness of the aircraft and of equipment or instruments to be used during flights, shall be required to possess an Engineer's license for repair and maintenance of aircraft, recognized under these Rules, or the certificate of qualifications prescribed under these Rules.

14. Engineers who repair and maintain aircraft

(1) The Chief Engineer may issue certificates so as to validate the engineer's license for repair and maintenance of aircraft issued by the authority of any country which is a signatory to the International Civil Aviation Convention until the expiration of the period prescribed therein. In case the Chief Engineer has prescribed any restrictions in such certificate, such license shall remain valid subject to the same, until the expiration of the period of validity.

(2) Unless His Majesty's Government has made provisions in respect to issuing engineer's licenses for repair and maintenance of Nepali aircraft, if the authority, who has issued such license in any country which has signed the International Civil Aviation Convention, has renewed or extended the term of such license, the Chief Engineer may renew or extend the term of the certificate of recognition issued under Sub-rule (1) in respect to such license for the period for which such license was renewed or its term extended.

(3) The certificate of recognition shall be attached to such license, and it shall be treated as part of such license until the expiration of the period of its validity.

15. Certificate of merit

(1) The Chief Engineer may issue a certificate of merit to any person who has not obtained an engineer's license, but possesses the

capacity to perform functions or duties relating to aircraft and its engines as well as to the repair and maintenance of aircraft and the equipment or instruments to be used during flights.

(2) The nature and extent of the functions or duties to be performed by the person obtaining the certificate of qualifications to be issued under Sub-rule (1) shall be specified in such certificate.

CHAPTER 5. GENERAL PROVISIONS

16. *Medical board*

(1) His Majesty's Government may form and establish a medical board for the purpose of examining the physical capacity of persons who apply for crew licenses.

(2) The members of this board shall be qualified doctors approved by His Majesty's Government.

(3) Physical examinations shall be conducted in accordance with the standards laid down in chapter 6 of Schedule 1 of the convention, and a report of such physical examination, signed by all the attending members of the board, shall be submitted to the Chief Engineer.

17. *Fees*

In issuing the following licenses, ratings and certificates, and granting recognition under these Rules, the following fees shall be charged:

- | | |
|---|---|
| (a) For crew-license mentioned in this chapter. | Rs. 10.00 for new license.
Rs. 10.00 for renewal.
Rs. 5.00 for recognition. |
| (b) For certificate of airworthiness. | Rs. 30.00 for first recognition.
Rs. 25.00 for renewal. |
| (c) For certificate of registration. | Rs. 200.00 for new certificate.
Rs. 100.00 for transfer. |
| (d) For recognition or engineer's license for repair and maintenance of aircraft. | Rs. 5.00. |
| (e) For certificate of merit----- | Rs. 10.00 |

18. *Operation of aircraft*

(1) No Nepali aircraft shall be operated unless—

(a) The aircraft is registered, and national markings and registration markings are affixed thereon, under these Rules.

(b) It is certified that the aircraft is airworthy, or conditions prescribed in the Airflight Manual have been observed;

(c) All necessary equipment and instruments have been installed in the aircraft which is about to be operated,

(d) The members of the air crew are provided for in the required number and of the required qualifications, and all of them have obtained the required licenses and ratings;

(e) The pilot-in-command is satisfied—

(1) That the total pay-load of the aircraft is safe for the impending flight,

(2) That goods loaded in the aircraft are kept in such a balanced and safe way that the flight will be safe.

(3) That the aircraft carries adequate fuel and oil required for the particular flight as well as reserve fuel and oil in sufficient quantity for other flights,

(4) From all accounts, the aircraft is safe for flight.

(2) No non-Nepali aircraft shall fly over the territory of the kingdom of Nepal, unless it has met the following requirements of the country where it is registered and complies with the directions of the Chief Engineer, if any:

- (a) National and registration markings.
- (b) certificate of airworthiness.
- (c) Number and kind of the air crew in possession of the necessary licenses.
- (d) Other documents required for the flight.

19. Saving

If the certificates provided for in these Rules have been issued or other matters performed before the effective date of these Rules, they shall be deemed to have been provided or performed under these Rules.

Schedule

Markings of aircraft

1. Affixing of markings

The national and registration markings shall be affixed on aircraft in colored letters or in any other manner so as to last permanently. The markings shall always be kept clear and conspicuous.

2. Wings

The markings shall be affixed on the upper and lower surface of the wings. In case the markings cannot be spread throughout the upper surface of the wings, half of the same shall be spread on the left side of the upper surface and half on the left side of the lower surface. The markings, as far as possible, shall be located in the center in such a way that they are at an equal distance from the front and rear sides of the wings. The head of the letters shall be situated on the front side of the wings.

3. Fuselage and vertical surface

The markings shall be put in a visible manner on either side of the fuselage situated between the wings of the aircraft and the surface of its tail, or on the upper half of the vertical surface of the tail. In case the markings are to be put only on the vertical surface of the tail, such markings shall be so put as to be conspicuous and in case they are to be put on the standing portion of the multi-vertical tail, they shall be written on the outer part of the surface.

4. Measurements

(1) The letters and figures in each group of markings shall be of equal size.

(2) The length of the markings shall be 20 inches (50 centimeters).

(3) The markings to be affixed on the fuselage shall not be put so as to be spread to the outer edge of the fuselage.

(4) The markings to be affixed on the surface of the vertical tail shall be located at least at a distance of 2 inches (5 centimeters) from both its edges.

Even though the markings mentioned in part (3) and (4) may be spread to the maximum possible extent, they shall not be required to be longer than 6 inches (15 centimeters) in height.

5. *Shape and script of markings*

(1) The letters shall be plain and in capitals and the numerals shall be in plain Arabic.

(2) The breadth of every letter other than the Roman letter (I) and the Arabic numeral (1) and the length of the hyphen shall be two-thirds of the letters.

(3) Every letter and hyphen shall be printed in a solid line in color which does not get mixed with the color of the background.

(4) Every letter shall be separate from the front or rear letter at a distance of one-fourth of its breadth. For the purpose of this Part, a hyphen also shall be deemed to be a letter.

6. *Aircraft other than airplanes*

In case the spare parts of aircraft other than airplanes (i.e. helicopters) are not similar to those of an airplane, the markings mentioned in this schedule shall be affixed in a conspicuous manner.

ACT No. 22 OF 2015 (ENDING APRIL 12, 1959)—AN ACT TO CONTROL AND REGULATE CIVIL AVIATION¹

Whereas it is expedient to control and regulate civil aviation in order to create an atmosphere conducive to the growth of civil aviation and thus ensure the maximum possible benefit to the nation from air transportation,

Now therefore, His Majesty the King, on the advice of the Council of Ministers, has framed and promulgated this Act.

1. *Short title, extent and commencement*

(1) This Act may be called the Civil Aviation Act of 1959.

(2) This Act shall be applicable throughout the kingdom of Nepal, and shall apply to the following individuals and aircraft:

(a) Every citizen of Nepal, irrespective of his residence;

(b) All aircraft registered in the kingdom of Nepal, and every person therein, irrespective of location.

(3) This Act shall commence with effect from the date prescribed by His Majesty's Government by notification in the Nepal Gazette.

2. *Definitions*

Unless otherwise specified with reference to any subject or context in this Act:

(a) "*Airplane*" shall mean every type of machine capable of flying in the air by means of atmospheric reaction and shall include balloons, airplanes, kites, gliders and flying machines, attached or free flying.

(b) "*Airport*" shall mean a specific or limited area on land or water used wholly or partly for the takeoff and landing of aircraft. This term shall include all buildings, sheds, ships, boats, river-banks and other constructions located in, or relating to such area;

(c) "*Import*" shall mean bringing into the kingdom of Nepal.

(d) "*Export*" shall mean taking outside of the kingdom of Nepal.

¹ Published in Nepal Gazette, Vol. IX, Issue No. 1 (extraordinary), Baisakh 10, 2016 (April 22, 1959). Ministry of Law and Parliamentary Affairs.