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The President has given assent to the following Act, adopted by the Parliament, on 04 Srabon 1424/19 July 2017, and now this Act is hereby being published for public information:

Act No. 18 of 2017

to make a new act upon the repeal of Civil Aviation Ordinance, 1960 (Ordinance No. XXXII of 1960), updating the provisions thereof for the implementation of the Convention on International Civil Aviation and for the safety, security and control of civil aviation and other matter ancillary thereto

WHEREAS it is expedient and necessary to make a new law upon the repeal of Civil Aviation Ordinance, 1960 (Ordinance No. XXXII of 1960), updating the provisions thereof for the implementation of the Convention on International Civil Aviation and for the safety, security and control of civil aviation and other matter ancillary thereto

THEREFORE, it is hereby enacted as follows:-

Chapter One
Preliminary

1. **Short title, extent and commencement**.- (1) This Act may be called the Civil Aviation Act, 2017.

(2) It shall extend to whole of Bangladesh, and be applicable for all civil aerodromes and airports, heliports, for all citizens of Bangladesh, for all persons on board in any aircraft registered in Bangladesh, wherever they might be, and for all persons on board in any aircraft in Bangladesh:

Provided that nothing of this Act,-

(a) shall be applicable for state aircraft, aerodrome or airport including those engaged for State activities and for any persons engaged in administering such aircraft, aerodrome or airport or in any works related thereto, unless the Government makes them, by notification in the official Gazette, applicable for such aircraft, aerodrome, airport or persons, with or without modification; or

(b) shall be applicable for a lighthouse to which the Lighthouse Act, 1927 (Act No. XVII of 1927) applies, or shall prejudice or impair the rights or powers of any authority under that Act.

(3) It shall come into force immediately.

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

(1) **"Operator"** means any person engaged in the operation of civil aviation;

(2) **"Landing area"** means that part of maneuver area where in or from aircraft lands or takes off;

(3) **"ICAO"** means International Civil Aviation Organization;

(4) **"Air space violation"** means an act of entering willingly into the air space of Bangladesh without prior permission or approval of the Chairman except for protection and safety of an aircraft;

(5) **"Ancillary equipment"** or **"Appliance"** means the equipment, apparatus, parts, appurtenance or accessories, whatever may be called, which is used for navigation, operation and control of a flying aircraft including parachute and communication equipment and any other mechanism set up or attached with the aircraft while flying, but shall not include any part of an aircraft or aircraft engine or propeller;

(6) **"International commercial Air Transport"** means transportation of passenger, goods or mail by air in consideration of hire or reward between two or more countries;

(7) **"Areal work"** means to operate aircraft for doing some special natured works, that is to use aircraft in agriculture, construction, photo shoot, survey, vigilance and patrol, search and rescue, areal advertisement, etc;

(8) **"Airman"** means a person who -

(a) performs his/her duty as chief of operation of an aircraft or as a pilot or as an aeronautics engineer or as a mechanic or as a member of the crew, or is in charge of navigation of an aircraft;

(b) is in charge of inspection, maintenance, overhauling or repairing of any aircraft, aircraft engine, propeller or appliances; or

(c) performs duty as a flight operation officer;

(9) **"Air operator"** means any person or organization which is, directly or indirectly, or by itself or by lease or under any other arrangement, engaged in commercial air transportation and operation;

(10) **"Air Navigation Order"** or **"ANO"** means an order issued under this Act for administering aeronautical and non-aeronautical activities;

(11) **"Air navigation facilities"** means the facilities used, or designed to be used, for air navigation, and any apparatus or equipment used for transmitting information regarding airport, landing area, light or weather, or for signaling, tracing radio signal, or for radio or other electro-magnetic communication, and also includes any other structure or technique used to give direction for, or to control landing or take off of any flight or aircraft;

(12) **"Authority"** means Civil Aviation Authority established under section 3 of the Civil Aviation Authority Act, 2017 (Act no.03 of 2017);

(13) **"Crew member"** means any person who is, at the time of flight or while flying, assigned with any duty of an aircraft by any operator;

(14) **"Spare part" or "parts"** means any component of aircraft (other than aircraft engine or propeller), aircraft engine(other than propeller), propeller and appliance, which is maintained/preserved for using and fitting in any aircraft, aircraft engine, propeller and appliance but yet not fitted or used in it;

(15) **"Chairman"** means the Chairman of the Authority;

(16) **"General aviation"** means operating any aircraft for any purpose other than commercial aviation or areal work;

(17) **"Prescribed"** means prescribed by ANO;

(18) **"Navigable air space"** means the air space above the least flight altitude prescribed by rule, and also includes the air space which is required for ensuring safe landing and take-off of an aircraft;

(19) **"Acts of unlawful interference"** means to commit or try to commit any act which breaches protection and safety of civil aviation and which is not confined only in the following acts, such as:-

(a) unlawfully taking over command of an aircraft;

(b) committing damage to any aircraft while in service;

(c) making anybody hostage in any aerodrome or in an aircraft;

(d) forcefully trespassing in any aircraft, airport or in any aeronautical establishment;

(e) using arms or dangerous machine or material in any aircraft or airport for terrorist activities;

(f) using any aircraft while in service for the purpose of killing and causing grievous hurt to human body or damage to property and environment;

(g) providing false information for jeopardizing the safety of an aircraft, whether in flight or in land, its passengers and the persons engaged in crew service or the people staying in the airport or in any establishment of civil aviation;

(20) **"Propeller"** includes all parts of propeller and other ancillary and supplementary equipments thereof;

(21) **"Foreign air operator"** means any operator holding air operator certificate issued by any country, who operates or desires to operate aircrafts in the territorial air space of that other country;

(22) **"Rule"** means rule made under this Act;

(23) **"Dangerous goods"** means any material or substance which may cause harm to, or is risky for, health, safety, property or environment and which is included in the list of dangerous goods set out in the technical instructions of ICAO or has been classified in accordance with such instructions;

(24) **"Aircraft"** means any machine which can derive support in the atmosphere from reactions of the air, not against the surface, and includes balloons, whether captive or free, airship, kites, drone, gliders and flying machines;

(25) **"Aircraft engine"** means an engine which is used to operate aircraft or desired to use for operating aircraft; and includes all parts of it except propeller and other ancillary and supplementary equipments thereof;

(26) **"Aerodrome"** means any specified area of land or water used, either wholly or in part, for landing or arrival, take off or departure and movement on land of aircraft, and also includes any building, establishment/structure and machines;

(27) **"Aircraft hijack"** means to detain or take over or attempts to detain or take over any aircraft with bad intention by using force and through terrorist activity or any kind of intimidation;

(28) **"Air transport services"** means any service provided for the purpose of transporting passengers, goods, mails and other things by air;

(29) **"Airport"** means an aerodrome at which sufficient facilities have been developed considering the importance to civil aviation;

(30) **"Aircraft navigation"** means any act which includes aircraft piloting or flying;

(31) **"Civil aircraft"** means any aircraft other than state aircraft;

(32) **"Civil aviation"** means general or commercial aviation, or operating any civil aircraft for the purpose of any areal work;

(33) **"Commercial Air Transport"** means the aircraft used for carriage by air of any passenger, cargo, mail or other related activities in consideration of hire or reward;

(34) **"Person"** includes any firm, partnership, corporation, company, association, society, joint-stock company, organization and trustee and their representatives;

(35) **"State aircraft"** means the aircraft used for the military, customs and discipline force or the Government of Bangladesh;

(36) **"Chicago Convention"** means the Convention on International Civil Aviation signed in 1944;

(37) **"Annexure to Chicago Convention"** means the instruments issued by ICAO containing standard and recommendations applicable to civil aviation;

(38) **"Certificate", "Licences" or "Permit"** means a certificate, licence or permit issued by Chairman under this Act;

(39) **"Service provider"** means an institution that provides aviation service;

(40) **"Screening"** means use of any machine or machine like thing which can detect or find arms, explosives or dangerous tools, material or thing used for unlawful act to create obstacles;

(41) **"Heliport"** means an aerodrome or a specific area made on any structure used or intended to be used, either wholly or in part, for affording facilities for landing, take off and movement on land of any helicopter.

Chapter Two

Certificate, Licence, Permit, etc.

3. **Licence or certificate for aerodrome or airport**.- (1) Without a licence and as the case may be, a certificate, no aerodrome or airport shall be operated.

(2) Subject to such manner and conditions as may be prescribed, every application for a licence or as the case may be, a certificate for aerodrome or airport is to be made to the Chairman.

(3) Upon receipt of application under subsection (2), if the Chairman is satisfied that the relevant aerodrome or the airport has met the prescribed conditions, he shall issue the licence or, as the case may be, the certificate for it.

4. **Registration of aircraft**.- (1) No aircraft shall be allowed to be operated in Bangladesh unless it is registered under this Act .

(2) Subject to such manner and conditions as may be prescribed, every application for the registration of an aircraft is to be made to the Chairman.

(3) Upon receipt of application under subsection (2), if the Chairman is satisfied that prescribed conditions are met, he shall register the aircraft and issue a registration certificate.

(4) An aircraft registered under this Act shall be regarded as a Bangladeshi aircraft:

(5) The provisions of this section shall not applicable for an aircraft registered under the law of any foreign country.

5. **Airman licence or certificate**.- (1) No person shall, without an airman licence and certificate, as the case may be, act as an airman.

(2) Subject to such manner and conditions as may be prescribed, every application for an airman licence or as the case may be, an airman certificate is to be made to the Chairman.

(3) Upon receipt of application under subsection (2), if the Chairman is satisfied that the applicant has met the prescribed conditions, he shall issue the airman licence or, as the case may be, the airman certificate for him.

(4) The Chairman may stipulate such restrictions as he thinks fit, for issuing an airman licence and certificate, as the case may be, to a foreign national, in case of any application by any foreign national for airman licence or certificate following the procedure and conditions for such licence or certificate.

6. **Airworthiness certificate**.- (1) No registered aircraft shall be operated in Bangladesh without an airworthiness certificate.

(2) Subject to such manner and conditions as may be prescribed, every application for an airworthiness certificate is to be made to the Chairman.

(3) Upon receipt of application under subsection (2), if the Chairman is satisfied that the relevant aircraft has met the prescribed conditions, he shall issue the airworthiness certificate for it.

7. **Air operator certificate**.- (1) No one shall be engaged in operating a commercial flight without obtaining an Air Operator Certificate.

(2) Subject to such manner and conditions as may be prescribed, every application for an air operator certificate is to be made to the Chairman.

(3) Upon receipt of application under subsection (2), if the Chairman is satisfied that the applicant has met the prescribed conditions, he shall issue the air operator certificate to the applicant.

8. **Certificate for training institute and aircraft maintenance organization**.- (1) No one shall run a Training Organization or an Aircraft Maintenance Organization relating to civil aviation without a certificate.

(2) Subject to such manner and conditions as may be prescribed, every application for a certificate for a training institute or an aircraft maintenance organization is to be made to the Chairman.

(3) Upon receipt of application under subsection (2), if the Chairman is satisfied that the relevant training institute or aircraft maintenance organization has met the prescribed conditions, he shall issue the certificate for it.

(4) The Chairman shall, in a prescribed manner, establish a rating method for the training institutes or aircraft maintenance organizations.

9. **Permit for a foreign air operator for commercial flying**.- (1) Without a permit, no foreign air operator shall provide any commercial air transport services in Bangladesh.

Provided that in case of schedule operation by any foreign air operator in Bangladesh it is mandatory to have a bilateral Air Services Agreement between the respective country and Bangladesh.

(2) Every application for a permit for a foreign operator is to be made in a prescribed manner to the Chairman.

(3) Upon receipt of application under subsection (2), if the Chairman is satisfied that the relevant foreign air operator has met the prescribed conditions, he shall issue the permit to him.

(4) If a foreign air operator desires to provide civil aviation services in Bangladesh, it shall require to appoint, as its sole sales agent, an entity which is registered in Bangladesh and is hundred percent owned by a Bangladeshi citizen.

(5) Despite anything contained in any other law for the time being in force, if any dispute arises between any foreign air operator and its sole sales agent, aircraft operation by such foreign air operator shall not, on the ground of such dispute, be stopped, and if necessary, the foreign air operator may, temporarily appoint new sole sales agent subject to the compliance of subject (4).

10. **Manner of making applications for certificate, licence or permit and issuance thereof**.- The manner, terms and condition, and fees for making applications for a licence, certificate, registration certificate or permit and the issuance thereof under this Act shall be prescribed by ANOs issued in accordance with the relevant annexure to Chicago Convention and with other applicable international norms and practices:

Provided that for determining fees, prior approval from the Government needs to be taken.

11.**Suspension or cancelation, etc of licence, certificate or permit**.- (1) Subject to other provisions of this section, if any licensee or certificate or permit holder violates any provisions of this Act or rule or ANO or any condition of such licence, certificate or permit, the Chairman may,-

(a) suspend, revoke or cancel the relevant licence, certificate or permit, or impose restrictions in a prescribed manner on the licensee or certificate or permit holder;
(b) impose a fine not exceeding Taka 50 (fifty) lac or lodge a case under section 24 of this Act.

(2) Without showing cause and giving the licensee or certificate or permit holder an opportunity to being heard, the Chairman shall not suspend, revoke or cancel any licence, certificate or permit, or impose any restriction on the licensee or certificate or permit holder:

Provided that if the Chairman is satisfied that the violation of condition of a licence, certificate or permit is of such nature that it is likely to cause death to a person on board or ground; then he may without showing cause suspend, revoke or cancel the relevant licence, certificate or permit, or impose restrictions on the licensee or certificate or permit holder.

(3) If a licensee or certificate or permit holder is aggrieved by an order made under sub-section (2), he may make a review petition to the Chairman within 30 days from the date of such order.

(4) If a licensee or certificate or permit holder is aggrieved by an order made by the Chairman under sub-section (3), he may prefer an appeal to the Government within 30 days of from the date of such order and the decision of the Government shall be final.

(5) Where a licensee or certificate or permit holder does not pay the fine imposed under sub-section (1), such fine may be realized as public demand under Public Demands Recovery Act, 1908 (Act III of 1908).

(6) The fine realized under this section shall be credited to Government exchequer.

12. Acceptability of the licence, certificate or permit issued by member states to Chicago Convention.- A licence, certificate or permit issued by member states to Chicago Convention shall be acceptable:

Provided that such state requires to abide by the Chicago Convention.

Chapter Three

Safety and Security

13. **General power of the Chairman**.- (1) To give effect to the provisions of this Act, the Chairman may exercise such powers, and discharge such duties as he thinks fit, to promote safety and security of civil aviation.

(2) Upon an allegation or suo moto, if it appears to the Chairman that urgent measures are necessary to be taken; he may, assigning reasons thereof, issue appropriate orders or instructions for safety and security of civil aviation.

14. **Issuance of ANOs, orders, etc to promote safety and security of civil aviation.- (**1) The Chairman may in accordance with the annexure to the Chicago Convention, relevant international norms and practices, issue ANOs, orders and instructions to protect and ensure safety of civil aviation.

(2) Without prejudice to the generality of sub-section (1), the ANOs may include one or more of the following matters, namely:-

(i) establishment of standard to promote safety and security of civil aviation;
(ii) determination of inspection and oversight procedure, and facilities provided thereto for promoting safety and security of civil aviation;
(iii) ensure security of aerodrome and landing area including the vicinity thereof, and other establishments relating to civil aviation;
(iv) search within airport all persons including flight passengers, and their luggage to control unlawful act leading to create obstacles, and for detecting arms, explosives and other devices, and if necessary, to screen all postal parcels, express or courier,, and compliance thereof;
(v) necessary provision for giving protection from aircraft hijacking, aircraft robbery and terrorist activities;
(vi) determination of conduct rules for air operators, and their agents and staffs to search anybody to ensure the protection of person and property of the passengers of domestic and international flights;
(vii) provision for issuance of logbook and its maintenance;
(viii) determination of conditions for civil aviation over Bangladesh or from one place of Bangladesh to another;
(ix) provision for removing obstrucles from aerodrome or airport;

(x) provision for following matters relating to air traffic, namely-

(a) air traffic and airport control;

(b) control of flight;

(c) identification of air navigation facilities and navigation of aircraft;

(d) security of related person and property on ground; and

(f) provisions in respect of safe height of flight including effective use of permissible air space for flight and provisions in respect of prevention of collision between aircraft to aircraft, or aircraft to land-vehicle, water-vehicle or other things and flying objects.

(xi) any other matter relating and safety and security.

15. **Transportation of dangerous goods by air**.- To ensure safe transportation of dangerous goods by aircraft, the Chairman shall ensure the compliance of the annexure to Chicago Convention relating to dangerous goods and the technical instructions of ICAO.

16. A**greement on safety oversight.-** The Chairman may, in accordance with article 83 *bis* of the Chicago Convention, enter into an agreement with a civil aviation authority of any other country on any matter relating to safety oversight on civil aviation:

Provided that no such agreement shall be concluded with a country which has failed to comply with the international obligation on safety oversight on civil aviation.

Chapter Four
Inspection and Detention

17**. Inspection, etc**.- (1) The Chairman or any inspector authorized by him in writing may inspect the following matters, interrogate any person and examine all relevant records and instruments, namely-

(a) as to whether a civil aircraft operates in Bangladesh by an air operator is airworthy;

(b) as to whether the operators or service providers are providing the facilities and conducting their activities in accordance with the provisions of this Act, rule, ANO and applicable annexes to the Chicago Convention;

(c) as to whether the operation of an aircraft registered in Bangladesh is being operated in accordance with the provisions of this Act, rule, ANO and applicable annexes to the Chicago Convention;

(d) as to whether a foreign aircraft in the territory of Bangladesh is being operated in accordance with the provisions of this Act, rule, ANO and applicable annexes to the Chicago Convention; and

(d) as to whether the aircraft, aircraft engine, propeller, appliance or parts used or intended to be used by an operator is suitable for being used safely or is being maintained in safe condition.

(2) No person can restrict or limit the access to and perform the functions mentioned in Sub-section (1);

(3) Upon an inspection under sub-section (1), if it appears to the Chairman or the authorized inspector that-

(a) an operator or service provider is not being conducted in accordance with this Act, rules or ANOs, or applicable annexes to the Chicago Convention; he shall issue directions to such operator and service provider to conduct their activities maintaining minimum standard set out in applicable norms and practices; or

(b) the aircraft, aircraft engine, propeller, appliance or parts used or intended to be used by an operator is not suitable for being used safely or is not being maintained in safe condition; he shall issue directions not to use such aircraft, aircraft engine, propeller and appliance:

Provided that if such aircraft, aircraft engine, propeller and appliance is repairable, it may be used again after repair with prior approval of the Chairman.

18. **To prevent flight and detain aircraft**.- (1) The Chairman may give direction to an operator or airman of an aircraft not to operate it, if-

(a) the aircraft is not airworthy;

(b) the airman in not qualified and not physically and mentally fit for flight;

(c) a severe risk is detected for safety and security.

(2) The Chairman or any other authority approved by the Government may detain any aircraft, if-

(a) it is presumed considering the nature of the expected flight that the flight is dangerous for the passengers on board or for any person or property on ground; or

(b) such detention is necessary for ensuring compliance of this Act, rules, ANOs.

Chapter Five

Investigation of Aircraft Accident, and Salvage

19. Investigation of aircraft accidents and serious incidents.- (1) The Government may form a committee to investigate an accident or serious incident, of the following aircraft in accordance with Annex-13 of the Chicago Convention:

(a) any aircraft flying in or over Bangladesh;

(b) everywhere, in case of aircraft registered in Bangladesh or operated by Bangladeshi operators, or manufactured or designed in Bangladesh;

(2) To carry out the purposes of sub-section (1), the Government may, by a notification in the official Gazette, make rules.

20. **Salvage of aircraft wreckage**.-For salvage of aircraft wreckage laid on or over sea or in tidal waters, or on or over the shores of the sea or tidal waters, the provisions of existing laws including Bangladesh Merchant Shipping Ordinance, 1983 (Ordinance No. XXVI of 1983) shall be applicable mutatis mutandis.

Chapter Six

Protection of public health, Powers of Government in times of war or emergency

21. Protection of public health.- The Government may, by notification in the official Gazette, make rule for the prevention of danger arising to public health by the introduction or spread of any infectious or contagious disease from an aircraft arriving or being at an aerodrome or airport and for the prevention of the conveyance of infection or contagion by means of any aircraft leaving an aerodrome or airport.

22. Emergency powers of Government for protecting public health.- (1) Despite the provision of section 21, if the Government is satisfied that Bangladesh or any part thereof is affected by, or threatened with, an outbreak of any dangerous epidemic disease, and there is a probability of introduction or spread of the disease by an aircraft, the Government may take emergency measures as it deems necessary to prevent such danger.

(2) To carry out the purposes of sub-section (1), the Government may, issue any order, direction or circular for the taking emergency measures.

(3) The order, direction or circular issued under sub-section (2) shall not remain in force for more than 3 (three) months from the date of notification:

Provided that the Government may, if necessary, extent the time for a further period not exceeding 3 (three) months.

23. Powers of Government in times of war or emergency.- (1) Despite anything contained in any other provisions of this Act, in the event of war or other emergency, or in the interests of public safety or tranquility, the Government may, if it considers necessary, by notification in the official Gazette, issue orders to-

(a) cancel or suspend, subject to such conditions as it may think fit to specify in the notification, any of the certificates, registration certificate, licenses or permits issued under this Act, rule or ANOs;

(b) prohibit or regulate, subject to such conditions as it may think fit to specify in the notification, the flight of any aircraft in or over Bangladesh;

(c) prohibit or regulate subject to such conditions as it may think fit to specify in the notification, the activities or conducts of any aerodrome or airport, aircraft training organization or aircraft maintenance organization; and

(d) direct that any aircraft or aerodrome or airport, aircraft training organization or aircraft maintenance organization, together with any machinery, plant, material or things used for the operation, manufacture, repair or maintenance of aircraft shall be delivered within a time and manner specified in the notification, for being placed at the disposal of the Government, to the authority,

(2) An aerodrome or airport, aircraft training organization or aircraft maintenance organization if suffered loss by reason of any order made under clause (c) of sub-section (1) shall be paid such compensation.

(3) An aerodrome or airport, aircraft training organization or aircraft maintenance organization if suffered loss by reason of any order made under clause (d) of sub-section (1) shall be paid such compensation as may be fixed by mutual agreement with the authority.

(4) where compensation cannot be fixed by an agreement under sub-section (3), the Government shall appoint as arbitrator a person qualified for appointment as Judge of the Supreme Court of Bangladesh, and if necessary, may nominate a person having expert knowledge as to the nature of the loss to assist the arbitrator.

(5) If any expert is nominated by the Government under sub-section (4), the person who suffered loss may nominate a person to represent him.

(6) The Government shall determine the manner and the honourium of the arbitrator or the expert.

(7) An appeal may be preferred to the High Court Division against the decision of the arbitrator.

(8) For an arbitration under this section, no provision of any existing law shall be applicable.

Chapter Seven
Offence and Punishment

24. Punishment for violation of conditions of any certificate, licence or permit.- If any person violates any provision of this Act, rule or ANO made thereunder or any condition of a certificate, registration certificate, licence or permit issued under this Act, it shall constitute an offence, and therefore, he shall be punished with rigorous imprisonment for a period not exceeding five years or with a fine not exceeding one core or with both.

25. **Punishment for forgery of any certificate, licence or permit.-** If any person forges or distorts or attempts to forge or distort any certificate, licence or permit, it shall constitute an offence, and therefore, he shall be punished with rigorous imprisonment for a period not exceeding five years or with a fine not exceeding one core or with both.

26. **Punishment for interfering air navigation.-** If any person

(a) removes or destroys any real light or signal, or interferes the operation or activities thereof, or attempts to do so;

(b) uses a light, signal or communication that seems to be alike or resembles to the real light or signal established under this Act, rule or ANO;

(c) continues to use the light or signal that is similar or resemble to the real light or signal established under this Act, rules or ANO, despite receiving warning or notice from the chairman;

then it shall constitute an offence, and therefore, he shall be punished with not exceeding life imprisonment or with a fine not exceeding five core or with both.

27. **Punishment for non-maintenance of records, submission of false report, etc.-** If any air operator deliberately-

(a) fails or refuse to submit a report necessary to be submitted under this Act, rule or ANO or submit a false report thereof;

(b) fails or refuses to maintain properly any accounts, records or memorandum in a manner determined or approved by the Chairman; or

(c) forges or modifies any report, accounts, records or memorandum;

then it shall constitute an offence, and therefore, the aforesaid air operator shall be punished with rigorous imprisonment for a period not exceeding 3 (three) years or with a fine not exceeding Taka 50 (fifty) lac or with both.

28. **Punishment for refusing to provide or to submit information.-** If any person refuses to place any records or documents retained in his custody that are necessary under this Act, rules or ANOs for an obligatory matter or investigation, or refuses to provide any information relating to such records or

documents, it shall constitute an offence, and therefore, he shall be punished with rigorous imprisonment for a period not exceeding 1 (one) year or with a fine not exceeding Taka 10 (ten) lac or with both.

29. **Punishment for interfering in civil aviation.-** If any person intentionally or recklessly during flight operation, interferes it in a manner that creates a trouble in smooth flight operation and a life risk of any person; then it shall constitute an offence, and therefore, he shall be punished with death or an imprisonment for life and with a fine not exceeding Taka 05 (five) core.

30. **Punishment for taking the parts away from an aircraft in accident.-** If any person intentionally or without permission of the authority takes away any parts of an aircraft in accident or conceals or removes any property or luggage therefore, or refuses to give such parts or property or luggage back; then it shall constitute an offence, and therefore, he shall be punished with rigorous imprisonment for a period not exceeding seven years and with a fine amounting twice the value of the parts taken away.

31. **Punishment for transporting a dangerous goods on or by aircraft.-** If any person intentionally, without following the prescribed conditions, transports or attempts to transport any dangerous goods on or by an aircraft ; then it shall constitute an offence, and therefore, he shall be punished with rigorous imprisonment for a period not exceeding seven years or with a fine not exceeding Taka 50 (fifty) lacs or with both.

32. **Punishment for air space violation.-** If any person intentionally violates the air space of Bangladesh; then it shall constitute an offence, and therefore, he shall be punished with rigorous imprisonment for a period not exceeding seven years but not less than three years or with a fine not exceeding Taka fifty (50) lacs or with both.

33. **Punishment for flying in a dangerous manner.-** If a pilot or an authorized person willingly causes an aircraft to fly in a manner that may cause unnecessary danger to any person or property on ground or water, and unless he proves to the satisfaction that the aircraft was so flown without his actual fault or failure; then it shall constitute an offence, and therefore, he shall be punished with imprisonment for life and with a fine not exceeding Taka 05 (five) core.

34. Forfeiture of aircraft or goods involved in offence.- Any aircraft or article or substance used in the commission of an offence under this Act shall be forfeited to the Government.

35. **Punishment for abetting an offence.-** If a person abets or conspires the commission of an offence under this Act or excites any one to commit an offence and if the offence is committed as a result of such conspiracy or excitement; then it shall constitute an offence, and therefore, the abettor, conspirator or exciter shall be liable for the same punishment as prescribed for the offence committed.

36. **Bar to certain suits.-** No suit shall be filed in any court in respect of trespass or in respect of nuisance by reason only of the flight of aircraft over any property at a height above the ground which having regard to wind, whether and all the circumstances of the case is reasonable, or by reason only of the ordinary incidents of such flight.

37. Application of Code of Criminal Procedure.- The Code of Criminal procedure, 1898 (Act no. V of April 1898) shall be applicable for the investigation, trial, appeal and other related matter of an offence under this Act.

38. Offences done by a company or organization.- (1) If an offence committed by a company or organization under this Act, it will be assumed that the aforesaid offence has been committed by the owner, director, executive officer, manager, secretary, any other officer or employee of the said company or organization who are directly connected with the offence, if he/she/they fails to prove that the offence has been committed without his/her/their knowledge and he tried to prevent the commission of the offence.

(2) If the company or the organization mentioned in sub-section (1) is a legal entity, except the person mentioned in sub-section (1) the company or organization may separately be accused and liable in the same manner as described in aforesaid sub-section. Provided that, only fine shall be imposed following the applicable law.

Explanation: To carry out the purpose of this section, the company or the organization shall mean, any registered or unregistered company or organization, institution, partnership business, society or association constituted by several persons; and government, autonomous or ownership of Government in full or part in any company or organization would be included.

Chapter Eight
Miscellaneous

39. National Recording system.- (1) There shall be a National Recording System to record the documents of title or interest of any aircraft and of any aircraft engine, propeller, appliance or parts intended to be used in any aircraft, registered in Bangladesh, and the documents if not recorded with such system shall not be treated valid.

(2) The documents that require to be recorded and the manner of recording such documents shall be determined by ANO.

40. Delegation of Power.- (1) The Chairman may, if necessary, delegate in writing any of his powers to any member of the authority, officer, inspector or unit.

(2) The Chairman may, if necessary, delegate any of his powers to any person having experience in relevant field.

Provided that such delegation cannot be made to a person for any work in which he has own interest.

41. Responsibility of the operator and service providing organization.- In accordance with this Act, rules, ANOs, instructions and orders, every operator, service provider shall regularly inspect, maintain and repair the equipments and infrastructures in use for civil aviation.

42. Filing to ICAO about the Differences between the Standards of the Chicago Convention and ANOs:- If during the issuance of ANOs under this Act, full compliance with the standards of the related Annex to the Chicago Convention is not possible, the Chairman shall notify ICAO of the said non-compliances in the way as prescribed by ICAO.

43. Use of patent.- The provisions of section 42 of the Patents And Designs Act, 1911 (Act no. XI of 1911 shall apply to the use of an invention on any aircraft not registered in Bangladesh in like manner as they apply to the use of an invention in a foreign vessel.

44. Exemptions, etc.- (1) The Government may, for public interest by notification in the official Gazette, subject to such conditions as may be specified in the notification, exempt any aircraft or class of aircrafts and any person or class of persons from all or any of the provisions of this Act or of the rules.

(2) The Chairman may, for public interest by notification, subject to such conditions as may be specified in the notification, exempt any aircraft or class of aircrafts and any person or class of persons from complying all or any of the conditions of the ANOs.

45. Power to make rules.- (1) The Government may, by a notification published in the official Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice the generality of sub-section (1), the Government may make rules on the following matters, namely-

a) Convention on International Civil Aviation, 1944, Convention on International Recognition of Rights in Aircraft, 1948, Convention on Damage caused by Foreign Aircraft to Third Parties on the Surface, 1952, and any other treaty, agreement or convention between Bangladesh and any other country or any decision taken by any international body relating to civil aviation.
b) regulation of air transport services and commercial flight;
c) determination of conditions under which aerodromes, airports or heliports need to be maintained, controlled and used;
d) regulation of the conduct of a person at aerodromes, air ports or heliports or in the vicinity of thereof;
e) institutions which may draw sketch of, and manufacture aircrafts and marking of aircraft;
f) hire, charter, lease, hypothecation or mortgage of aircraft and control of the manufacture, sale and import-export of any kind or class of aircrafts;
g) determination of the conditions under which aircraft may carry passengers, goods, mails and other things, or aircraft tickets may be sold, or aircrafts may be used for general aviation, areal work and industrial purposes;
h) determination of the aerodromes or airports to or from which, aircraft may enter or leave Bangladesh;
i) prevention of air space violation and the prohibition of flight by an aircraft over any specified area;

j) supply, supervision and control of air-route beacons, aerodrome or airport lights, and lights at or in the neighborhood of aerodromes or airports and on or in the neighborhood of air-routes;
k) formulation and observance of uniform standards in respect of obstruction clearances for areas adjoining the landing area at aerodromes airports or heliports;
l) necessity of taking approval from the appropriate authority by the occupier of the land in building up new infrastructure on or under or outside of the Obstructions Limitation Surfaces, and ensuring compliance thereof;
m) installation and maintenance of lights on private property in the neighborhood of aerodromes, airports or heliports and on or in the neighborhood of air-routes, by the owners or occupiers of such property, and determination of the amount to be paid by the Government for such installation and maintenance, and supervision and control of such installation and maintenance, including the right of access to the property for such purpose;
n) regulation and making of signals and communications by or to aircraft, and by or to persons carried therein;
o) prohibition or regulation of carriage in aircraft of any arms or ammunitions or any other specified firearms, article or substance;
p) supply, for the purposes of air flight, of meteorological information;
q) rules of using flag or banner in respect of civil aviation;
r) formulation of work plan for protection of environment in respect of civil aviation and reduction of carbon emission in that case;
s) protection of consumers' right in case of civil aviation, and provision for providing assistance to the victims of air accident and to his family;
t) security against unlawful demeanor for creating obstacles in civil aviation;
u) any other matters necessary for safety and protection of aircraft.

46. Commencement of rules.- The rules made under this Act shall effect after the expiry of Twenty One (21) days from the date of publication in the official Gazette.

(2) Such provision shall not be applicable for the rules made under section 21, 22 and 23.

47. Power to make ANOS.- Notwithstanding anything contained in any other Act, the Chairman may, by notification in the official Gazette, make ANOs in English consistent with this Act and the rules to carry out the purposes of this Act.

48. Repeal and savings.- (1) As soon as may be after the commencement of this Act, the Civil Aviation Ordinance, 1960 (Ordinance No. XXXII of 1960) shall stand repealed.

(2) Upon such repeal under sub-section (1),-

(a) any act done, any measure taken, any rules made, any order, ANO, circular, notice, certificate, licence, permit or any agreement or document signed under the repealed Ordinance shall be deemed to have done, made, issued, taken or signed under this Act;

(b) any current or pending proceeding shall, as far as possible, be concluded under this Act;

(c) any suits and other legal proceedings instituted before any court if pending shall continue to proceed as if the Ordinance had not been repealed.

49. Publication of Authentic English Text.- After the commencement of this Act, the Government shall, if necessary, publish an authentic English text of this Act by notification in the official Gazette:

Provided that in the event of conflict between the Bengali and the English text, the Bengali text shall prevail.