

Volume 25

LAWS OF THE
REPUBLIC OF ZAMBIA

1995 Edition (Revised)

Volume 25

Contents

Chapter 444.	Aviation Act
Chapter 445.	Safety of Civil Aviation Act
Chapter 446.	Air Services Act
Chapter 447.	Carriage by Air Act
Chapter 448.	Limitation of Liability (Passengers in Government Aircraft) Act
Chapter 449.	Tokyo Convention Act
Chapter 450.	Air Passenger Service Charge Act
Chapter 451.	Central African Civil Air Transport Act
Chapter 452.	Vacant
Chapter 453.	Railways Act
Chapter 454.	Tanzania-Zambia Railway Act
Chapter 455.	Zambia Tanzania Pipeline Act
Chapter 456.	Railways (Deviations) Act
Chapter 457.	Nkana-Nchanga Branch Railway Act
Chapter 458.	Rhodesia Railways Act
Chapter 459.	Mashona Railway Company Limited Act
Chapter 460.	Roan Antelope Branch Railway Act

- Chapter 461. Mufulira-Mokambo Railway Act
Chapter 462. Railways Transfer of Statutory Powers Act
Chapter 463. Rhodesia Railways Act, 1949

REPUBLIC OF ZAMBIA

THE AVIATION ACT

CHAPTER 444 OF THE LAWS OF ZAMBIA

CHAPTER 444 THE AVIATION ACTCHAPTER 444

THE AVIATION ACT

ARRANGEMENT OF SECTIONS

PART I GENERALPART I

GENERAL

Section

1. Short title
2. Interpretation
3. Effect given to Convention within Zambia
4. Regulations
5. Special powers in case of emergency
6. Establishment and maintenance of aerodromes by Minister
7. Powers of entry on land
8. Power to erect tents and graze animals
9. Power to construct drains
10. Discharge of storm water on to aerodrome prohibited
11. Licensing and registration of aerodromes
12. Trespass, nuisance and responsibility for damage
13. Inquiries
14. Postal provisions
15. Patent claims against aircraft not protected under Convention
16. Exemption from seizure of certain aircraft on patent claims

17. Detention of aircraft
18. Dangerous flying
19. Offences and penalties
20. Jurisdiction
21. Application
22. Expenses in administering this Part

PART II NATIONAL AIRPORTS CORPORATION LIMITEDPART II

NATIONAL AIRPORTS CORPORATION LIMITED

Section

23. Commencement of Act No. 16 of 1989
24. Interpretation
25. Transfer of designated airports, function, assets and liabilities
26. Functions of Company
27. Power of Company to determine charges, fees, etc.
28. Power to construct drains
29. Registration of property to be transferred by GRZ to Company
30. Agreements, etc., to be assumed by Company
31. Transfer of service of employees
32. Legal proceedings
33. Immunity of Company
34. Regulations relating to airports and Company

CHAPTER 444

AVIATION

An Act to enable effect to be given to the International Convention on Civil Aviation and to make provision for the control, regulation, and orderly development of aviation within Zambia.

[1st July, 1954]Federal Acts
10 of 1954
32 of 1957
25 of 1961

Government Notices

387 of 1963

497 of 1964

Act 57 of 1964

Statutory Instruments

153 of 1965

162 of 1965

Act No.

16 of 1989

13 of 1994

PART I GENERALPART I

GENERAL

1. This Act may be cited as the Aviation Act.

(As amended by G.N. No. 387 of 1963) Short title

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

"aerodrome" means any definite and limited ground or water area used or intended to be used either wholly or in part for the landing and departure of aircraft, and includes any buildings on such ground or water area;

"aircraft" includes all flying machines, aeroplanes, seaplanes, flying boats, and other aircraft designed to be heavier than air, also all airships and balloons and other aircraft designed to be lighter than air;

"Annex" means an Annex to the Convention or an amendment of such Annex adopted in accordance with the provisions of the Convention;

"Convention" means the Convention on International Civil Aviation drawn up at Chicago and signed on behalf of the Government of the United Kingdom on the 7th December, 1944, together with such amendments thereto as may, prior to the 1st December, 1963, have been ratified on behalf of the former Federation of Rhodesia and Nyasaland, or as may be ratified after the said date on behalf of the former Protectorate of Northern Rhodesia or the Republic of Zambia;

"locally registered aircraft" means an aircraft registered in Zambia;

"owner", except where otherwise specially defined, means, in relation to an aircraft or aerodrome, the person in whose name the aircraft or aerodrome is registered, and includes any person who is or has been acting as agent in Zambia for a foreign owner or any person by whom the aircraft or aerodrome is hired at the time;

"proclamation" means any proclamation made and in force under this Act;

"superior police officer" means a police officer of or above the rank of assistant superintendent.

(As amended by No. 25 of 1961, G.N. No. 387 of 1963, G.N. No. 324 of 1964 and S.I. Nos. 64 and 153 of 1965)

3. (1) The Convention is hereby given and shall have effect within Zambia. Effect given to Convention within Zambia

(2) Every amendment to the Convention which may be ratified on behalf of Zambia shall, as soon as may be after such ratification, be laid before the National Assembly.

(3) The Minister may do all such things as he may deem necessary and expedient for giving effect to the Convention, or to any Annex.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

4. (1) The Minister may, by statutory instrument, make regulations relating to all or any of the following matters or things, namely: Regulations

(a) the carrying out of, and giving effect to, the provisions of the Convention and any Annex;

(b) generally for securing the safety, efficiency, and regularity of air navigation and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property and in particular for the detention of aircraft for any of the purposes specified in this paragraph;

(c) prohibiting the flying of any aircraft-

(i) unless there is in force in respect of such aircraft a certificate of airworthiness issued or recognised in accordance with regulations; and

(ii) except upon compliance with such conditions as to maintenance and repair as may be prescribed;

(d) the licensing, registration, inspection, and regulation of aerodromes or other places set apart for the use of aircraft, the scales of charges at licensed aerodromes or at aerodromes established and maintained under the powers of section six, the licensing or certification of persons employed in the inspection or supervision of aircraft, the registers and records to be kept at such aerodromes and the manner in which they shall be kept, prohibiting or regulating the use of unlicensed aerodromes, access to aerodromes, buildings on aerodromes, buildings and installations used for purposes related to air navigation, and places where aircraft have landed, and access to aircraft factories for the purpose of inspecting the work therein carried on;

(e) prohibiting persons, other than persons engaged or employed in the maintenance at unlicensed aerodromes of aircraft not used for or in connection with commercial, industrial, or other gainful purposes, from engaging in or being employed in or in connection with air navigation in such capacities as may be prescribed except in accordance with provisions of regulations;

(f) the manner and conditions of the issue and renewal of any certificate or licence required under this Act or under the Convention, including the examination and tests to be undergone and the form, custody, production, cancellation, suspension, endorsement, and surrender of any such certificate or licence;

(g) the keeping and form of the register of locally registered aircraft;

(h) the conditions under which aircraft may pass, or goods or passengers may be conveyed by aircraft into, within or from Zambia;

(i) prohibiting the carriage by air of goods of such classes as may be prescribed;

(j) the areas within which or the aerodromes at which aircraft coming from any place outside Zambia shall land, and the areas within which or the aerodromes from which aircraft shall depart to any place outside Zambia;

(k) the exemption from any of the provisions of this Act or of the Convention of aircraft flown for experimental purposes, or any other aircraft or any persons, when it appears to the authority prescribed for the purpose unnecessary that such provisions should apply;

(l) the fees to be paid in respect of the grant of any certificate or licence or otherwise for the purposes of this Act or of the Convention;

(m) minimising or preventing interference with the use or effectiveness of radio or electronic apparatus or equipment used in connection with air communication or navigation and prohibiting or regulating the use of such apparatus or equipment and of the display of signs and lights liable to endanger aircraft;

(n) prohibiting or regulating the erection or the coming into existence of any obstruction exceeding a prescribed height within a prescribed distance from any aerodrome and enforcing or regulating the lighting or marking of such obstructions;

(o) the signals which may be made by aircraft and persons carried therein;

(p) requiring persons engaged in, or employed in, or in connection with, air navigation to supply meteorological information for the purposes of air navigation;

(q) measures for preventing aircraft flying over prohibited areas or entering or leaving Zambia in contravention of any provision of this Act;

(r) the prevention of nuisances arising out of air navigation or aircraft factories, aerodromes or other aircraft establishments;

(s) the persons who shall notify accidents involving aircraft or arising out of or in the course of air navigation, the holding of inquiries either into such accidents or into any other matter relating to aircraft or air navigation, the procedure to be followed in notifying accidents and in holding inquiries, the duties, membership and composition of any board appointed to conduct such inquiries, and the appointment and duties of persons to conduct investigations;

(t) prohibiting access to or interference with aircraft to which an accident has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft;

(u) the manner and conditions of recognition of certificates of airworthiness, certificates of competency, and licences issued or recognised by any State which is a party to the Convention, the renewal, extension, or variation of such recognition, and the fees to be paid for such recognition, renewal, extension, or variation;

(v) authorising or requiring the cancellation, suspension, endorsement, or surrender of any licence or certificate granted under this Act where it appears on an investigation that the licence ought to be cancelled, suspended, endorsed, or surrendered, and authorising or requiring the production of any such licence for the purpose of being dealt with;

(w) prohibiting or regulating, for the purpose of ensuring the safe operation of aircraft, the use in aircraft or aero engines of spare parts, instruments, accessories, or other materials which do not conform to prescribed specifications or standards of quality or manufacture;

(x) establishing and regulating the use of the civil air ensign;

(y) for the purpose of ensuring the safe operation of aircraft or minimising or preventing interference with the use or effectiveness of any aerodrome or any radio or electronic apparatus or equipment which has been installed as a communication or navigation aid, prohibiting or regulating-

(i) prospecting or mining on any aerodrome;

(ii) prospecting or mining on or the entry of persons upon any definite and limited ground on which any such apparatus or equipment has been installed;

(z) prohibiting or regulating the emission or causing of smoke in any area within forty thousand feet from the boundary of any aerodrome. For the purpose of this paragraph, "smoke" includes soot, ash, grit, gritty particles, dust and any other substance whatsoever which obscures visibility;

(aa) prohibiting or regulating the parking of vehicles on any aerodrome;

(bb) the fees to be paid in respect of parking of vehicles on any aerodrome;

and generally for the better carrying out of the objects and purposes of this Act, the generality of this provision not being limited by the particular matter provided in the preceding paragraphs of this subsection.

(2) Different regulations may be made for different classes of aircraft, aerodromes, persons, or property, and for different parts of Zambia, but regulations shall as far as is practicable be so framed as not to discriminate in like circumstances between aircraft registered in Zambia and operated for hire and reward.

(3) Regulations made under this section may prescribe penalties for the contravention thereof or failure to comply therewith, may prescribe the mode of enforcing such penalties, and may also impose different penalties in case of a second or subsequent contravention or non-compliance, but no such penalty shall exceed the penalties mentioned in section nineteen.

(As amended by No. 25 of 1961, G.N. No. 387 of 1963 and S.I. Nos. 153 and 162 of 1965)

5. (1) Whenever it appears to the Minister necessary or desirable in the public interest to exercise the powers conferred by this section, the Minister may-Special powers in case of emergency

(a) by statutory notice declare that Zambia or any portion of Zambia shall be a restricted area for the purposes of this section;

(b) in the notice referred to in paragraph (a) or in a like notice or otherwise issue orders and instructions in respect of any restricted area or part thereof-

(i) regulating, restricting or prohibiting the navigation of all or any description of aircraft;

(ii) regulating, restricting, or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, flying school or landing ground, or any class or description thereof;

(c) assign to any person in respect of any restricted area any of the powers set forth in paragraph (b).

(2) Any person to whom is assigned the duty of carrying out and giving effect to orders and instructions issued under this section is hereby empowered to take all steps which are reasonable and necessary to secure compliance therewith, and no action for damages or compensation shall lie against the Government or any such person for any loss or damage sustained on account of such steps having been taken, nor, save as is otherwise in this section provided, shall any compensation be payable by reason of the operation of any order or instruction issued under this section.

(3) Any person who refuses or, without good and proper cause, fails to comply with any order or instruction made or issued under or by virtue of this section, or who obstructs any person charged with the duty of carrying out and giving effect to any such order or instruction, shall be guilty of an offence and liable to a fine not exceeding fifteen thousand penalty units, or to imprisonment for one year without the option of a fine, or to both.

(As amended by No. 25 of 1961, G.N. No. 387 of 1963 and Act No. 13 of 1994)

6. The Minister may, out of moneys to be appropriated by Parliament for the purpose, establish and maintain aerodromes and provide and maintain roads and approaches thereto and apparatus and equipment (including radio and electronic apparatus and equipment) therefor, and may for the purpose acquire land and interests in and rights to and over land.

(As amended by No. 25 of 1961, G.N. No. 387 of 1963 and S.I. No. 153 of 1965) Establishment and maintenance of aerodromes by Minister

7. (1) In the exercise of the powers conferred by section six, and subject to the provisions of subsections (2) and (3), any person duly authorised thereto by the Director of Roads authorised by S.I. No. 303 of 1965.*Minister, or by any public officer deputed by the Minister to grant such authority on his behalf, shall at all times have the power-

* Director of Roads authorised by S.I. No. 303 of 1965. Powers of entry on land

(a) to enter upon any land or part thereof and conduct such examinations and surveys as are necessary for the purpose of determining its suitability for the establishment or extension of an aerodrome, approaches thereto, or for the installation of apparatus or equipment therefor;

(b) to take for the construction, extension or maintenance of an aerodrome materials from any land which is not included in any township which has been approved by the competent authority under the Town and Country Planning Act, subject to the condition that no damage is done to any permanent improvements on such land.

*Director of Roads authorised by S.I. No. 303 of 1965.Cap. 283

(2) The powers conferred under this section shall not be exercised without previous notice to the owner or occupier of the land or the owner of the materials. If the whereabouts of an owner or occupier to whom notice must be given in terms of this subsection are unknown, the publication of a notice in three consecutive issues of the Gazette and in three consecutive editions of a newspaper circulating in the district where such land is situated stating the action proposed to be taken shall be deemed to be a sufficient notice to such owner or occupier for the purposes of this subsection.

(3) Reasonable compensation shall be paid to any person who suffers loss or damage through the exercise of the powers conferred by this section in such amount as may be agreed between such person and the Minister.

(4) In the event of any dispute arising under the provisions of subsection (3), such dispute shall be determined in accordance with the provisions of the Arbitration Act and for that purpose the parties shall be deemed to be parties to a submission in which the reference is to two arbitrators.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)Cap. 40

8. (1) Any Director of Roads authorised by S.I. No. 303 of 1965.*person duly authorised in terms of section seven may, in the discharge of his duties under such section, place his vehicles, erect tents, huts, or temporary buildings on any site convenient to him, and graze for such period as may be necessary on all adjoining natural and unenclosed pasture lands such animals as are used by him in the exercise of his duties, subject to the conditions set out in subsection (2).

* Director of Roads authorised by S.I. No. 303 of 1965.Power to erect tents and graze animals

(2) (a) Before exercising the rights conferred under this section, such person shall give reasonable notice to the owner or occupier of such land, but if the whereabouts of such owner or occupier are unknown, the publication of a notice in three consecutive issues of the Gazette and in three consecutive editions of a newspaper circulating in the district where such land is situated stating the action proposed to be taken shall be deemed to be a sufficient notice to such owner or occupier for the purposes of this paragraph.

(b) No tents, huts, or other temporary buildings shall be erected within five hundred yards of any dwelling-house.

(c) If the owner or occupier of such land to whom notice has been given in terms of paragraph (a) objects to any site chosen for the erection of tents, huts, or other temporary buildings, the matter shall be referred to a magistrate of the district, who may make such order thereon as he may deem just and reasonable.

(As amended by G.N. No. 387 of 1963)

*Director of Roads authorised by S.I. No. 303 of 1965.

9. (1) The *Powers delegated to Director of Roads by S.I. No. 304 of 1965.*Minister shall have power to construct such drains as may be necessary for the purpose of leading storm water, which would otherwise naturally gather or impinge on an aerodrome or any radio or electronic apparatus or equipment which has been installed as a communication or navigation aid, to its nearest natural drainage.

*Powers delegated to Director of Roads by S.I. No. 304 of 1965. Power to construct drains

(2) If as a result of the construction of any such drain such storm water causes damage to any property, the Minister shall pay reasonable compensation to any person aggrieved. In the event of any dispute as to the cause of such damage or the amount of compensation, the matter shall be referred to arbitration in accordance with the provisions of subsection (4) of section seven.

(As amended by No. 25 of 1961)

10. The owner or occupier of any land adjoining any aerodrome or any radio or electronic apparatus or equipment which has been installed as a communication or navigation aid shall not cause or permit storm water to discharge from drains, or contour ridges constructed on such land, on to such aerodrome or such apparatus or equipment.

(As amended by No. 25 of 1961) Discharge of storm water on to aerodrome prohibited

11. (1) No place or building shall be used as a public aerodrome unless it has been registered and licensed under this Act or approved by a prescribed authority. Licensing and registration of aerodromes

(2) For the purposes of this section, "public aerodrome" means any aerodrome at which charges are levied for the landing or housing of aircraft, or at which aircraft carrying passengers or goods for hire land or depart:

Provided that a prescribed authority may, in such special circumstances and subject to such conditions or limitations as it may think fit, temporarily exempt any such aerodrome from this classification as a public aerodrome.

12. (1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of an aircraft over any property at a height above the ground, which, having regard to wind, weather and all the circumstances of the case, is reasonable, or the ordinary incidents of such flight, so long as the provisions of this Act and of the Convention are duly complied with. Trespass, nuisance and responsibility for damage

(2) Where material loss or damage is caused to any person or property on land or water by, or by a person in, or an article or person falling from, an aircraft while in flight, taking off or landing, then, unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered, damages in

*Powers delegated to Director of Roads by S.I. No. 304 of 1965.

respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect, or default of the owner of the aircraft:

Provided that where material loss or damage is caused as aforesaid in circumstances in which-

(i) damages are recoverable in respect of the said loss or damage by virtue only of the foregoing provisions of this subsection; and

(ii) a legal liability is created in some person other than the owner to pay damages in respect of the said loss or damage;

the owner shall be entitled to be indemnified by that other person against any claim in respect of the said loss or damage.

13. (1) Any board appointed to conduct any inquiry under the provisions of this Act shall, if the accident occurred or if the matter to be inquired into is situated within Zambia, have power to summon and examine witnesses on oath and to call for the production and grant inspection of books, logs, certificates, licences, and other documents. The provisions of the Subordinate Courts Act and the rules made thereunder shall, mutatis mutandis, apply to procuring the attendance of witnesses, their examination, the production of books and documents and the like, and for that purpose the chairman of such board shall have power to sign such documents as may be necessary for the purpose of the inquiry in the same manner as the magistrate or the clerk of the court has power to do. Any process to be served for purposes of such an inquiry shall be served by the messenger of such court of the district in which the person upon whom service is made resides. Inquiries
Cap. 28

(2) Nothing in this section contained shall be construed as affecting the powers or duties conferred upon coroners or magistrates by the provisions of any written law relating to inquests, but where an accident involving loss of life is inquired into under this section by a coroner or magistrate, or by a board of which a coroner or magistrate is a member, the inquiry held under this Act may be a joint inquiry of the board and inquest of the coroner or magistrate.

(As amended by G.N. No. 387 of 1963)

14. No mails shall be carried by any aircraft without the consent in writing of the Director of Postal Services, and all provisions contained in the Postal Services Act with regard to the despatching, conveying, and delivering of mails and all incidental services relating thereto shall, with such modifications, adaptations and such consequential and supplementary provisions as may by the Minister be declared by statutory notice to be expedient and necessary, apply to the despatching, conveying, and delivering of mails by aircraft.

(As amended by No. 32 of 1957 and G.N. No. 387 of 1963) Postal provisions
Cap. 470

15. (1) Where it is alleged by any person interested that a foreign aircraft, which is not an aircraft to which section sixteen applies, and which is making a passage through or over Zambia, infringes in itself or in any part of it any invention, design, or model which is entitled to protection in Zambia, the High Court may, pending action to be brought, order the detention of such aircraft

until the owner thereof deposits or secures in respect of the alleged infringement a sum, in this section called the deposited sum, and upon such order being complied with the aircraft shall not, during the continuance or in the course of the passage, be subject to further detention in respect of the same course of action. Patent claims against aircraft not protected under Convention

(2) The deposited sum shall be such a sum as may be agreed between the parties interested, or in default of agreement shall be fixed by the Court, and payment thereof shall be made or secured to the applicant in such manner as the parties may agree or the Court may direct. In giving judgment in the action so to be brought by the claimant, the Court shall grant an order as to the disposal of the deposited sum.

(3) For the purposes of this section, "owner" includes the actual owner of an aircraft and any person claiming through or under him, and "passage" includes all landings and stoppages in the course or for the purpose of a flight.

(As amended by G.N. No. 387 of 1963)

16. (1) Any lawful entry into Zambia or any lawful transit across Zambia with or without landing of aircraft to which this section applies shall not entail any seizure or detention of such aircraft, or any proceedings being brought against the owner or operator thereof, or any other interference therewith by or on behalf of any person in Zambia, on the ground that the construction, mechanism, parts, accessories, or operation of such aircraft is or are an infringement of any patent, design, or model. Exemption from seizure of certain aircraft on patent claims

(2) The importation into, and storage in, Zambia of spare parts and spare equipment for aircraft to which this section applies, and the use and installation thereof in the repair of any such aircraft, shall not entail any seizure or detention of such aircraft or of such spare parts or spare equipment, or any proceedings being brought against the owner or operator of such aircraft or the owner of such spare parts or spare equipment, or any other interference with such aircraft by or on

behalf of any person in Zambia on the ground that such spare parts or spare equipment or their installation is or are an infringement of any patent, design, or model:

Provided that this subsection shall not apply in relation to any spare parts or spare equipment which are sold or distributed in Zambia or are exported from Zambia for sale or distribution.

(3) This section applies to aircraft other than aircraft used in military, customs, or police services registered in any country or territory in respect of which there is for the time being in force a declaration made by the President by statutory proclamation with a view to the fulfilment of the provisions of the Convention to which this section relates, that the benefits of these provisions apply to that country or that territory and to such other aircraft as the President may by statutory proclamation specify.

(As amended by G.N. No. 387 of 1963)

17. (1) If the owner, pilot, or person in charge of any aircraft commits any offence under this Act, or if reasonable suspicion exists that such an offence

has been committed or attempted, or is about to be committed or attempted, any customs officer or any superior police officer or any police officer authorised by a superior police officer may, pending the trial of the charge, detain the aircraft from or in respect of which the offence was or is about to be committed. Any person who, knowing of such detention, removes or causes to be removed any aircraft so detained shall be guilty of an offence and shall be liable to a fine not exceeding four hundred kwacha, or to imprisonment for a period not exceeding twelve months without the option of a fine, or to both such fine and such imprisonment:Detention of aircraft

Provided that where recognizances are entered into or security deposited to the satisfaction of the authority having power to demand and receive the same, that authority may, if satisfied that the ends of justice will not thereby be prejudiced, order the release of the aircraft from further detention.

(2) No customs officer authorised to grant clearance to any aircraft shall grant clearance to any aircraft while detained under the provisions of this section.

(As amended by G.N. No. 387 of 1963)

18. (1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft, and also the owner thereof unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be liable on conviction in any subordinate court to a fine not exceeding four hundred kwacha, or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.Dangerous flying

(2) The provisions of this section shall be in addition to and not in derogation of the powers conferred upon the Minister by section four.

(As amended by S.I. No. 153 of 1965)

19. (1) Any person who contravenes or fails to comply with any provision of this Act with which it is his duty to comply shall be guilty of an offence and shall, except where any penalty is specially provided for such contravention or failure, be liable to a fine not exceeding six thousand penalty units, or to imprisonment without the option of a fine for a period not exceeding six months, or to both.Offences and penalties

(2) Where an offence is committed in relation to an aircraft, the operator of the aircraft and the person in command thereof, unless he is also the operator, shall, without prejudice to the liability of any other person, be deemed to have committed such offence, unless he proves that the contravention or failure to comply-

(a) was due to accident, stress of weather, or other unavoidable cause; or

(b) took place without his actual fault or privity.

(3) The penalties provided in this Act shall be in addition to, and not in substitution for, any penalties imposed under the Customs and Excise Act relating to the importation or exportation of goods and to persons entering or leaving Zambia by aircraft.

(As amended by G.N. No. 387 of 1963 and Act No. 13 of 1994)Cap. 322

20. Any offence under this Act and any offence committed on a locally registered aircraft shall, for purposes in relation to jurisdiction of a court to try the offence, be deemed to have been committed in any place where the accused happens to be:Jurisdiction

Provided that if any such offence is committed within Zambia, the offence may be tried by any court having jurisdiction where the offence was committed.

(As amended by G.N. No. 387 of 1963)

21. (1) The provisions of this Act and of the Convention shall, except where expressly excluded under this Act or by proclamation or regulation, apply to-Application

(a) all aircraft whilst in or over any part of Zambia; and

(b) all locally registered aircraft and personnel wherever they may be.

For the purposes of this subsection, the personnel of an aircraft shall be deemed to include the commander or other person in charge of the aircraft, and all other members of the crew of the aircraft.

(2) Such provisions of this Act as may be specified by the Minister by statutory notice shall not apply to aircraft or aerodromes belonging to, or for the time being in use exclusively by, the Defence Force.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

22. Any expenditure incurred in connection with the administration of this Part, and the carrying out and giving effect to the provisions of the Convention, shall be defrayed out of moneys appropriated by Parliament for the purpose.

(As amended by G.N. No. 387 of 1963, S.I. No. 153 of 1965 and Act No. 16 of 1989)Expenses in administering this Part

PART II THE NATIONAL AIRPORTS CORPORATION LIMITEDPART II

THE NATIONAL AIRPORTS CORPORATION LIMITED

23. This Part shall come into operation on 11th September 1989.

(As amended by Act No. 16 of 1989)Commencement
(S.I. 116 of 1989)

24. In this Part unless the context otherwise requires-Interpretation

"appointed date" means the date appointed by the Minister under section twenty-three as the date of commencement of this Part;

"Company" means the National Airports Corporation Limited, a company limited by shares and registered under the Companies Act;Cap. 388

"designated airport" means Lusaka International Airport, Ndola Airport, Livingstone Airport, Mfuwe Airport, and any other airport which the Minister may

designate by statutory instrument;

"designated aerodrome" means any aerodrome designated by the Minister, by statutory instrument, to be owned, managed and administered, by a designated company;

"designated company" means any company designated by the Minister, by statutory instrument, to own, manage and administer any designated aerodrome and to carry out specific functions relating to the aerodromes;

"specific functions" means any function transferred to a designated company by virtue of this Act.

(As amended by Act No. 16 of 1989)

25. On and after 11th September 1989 there shall be transferred to, and vested in, the Company-

(a) designated airports;

(b) subject to any conditions which may be imposed by the Minister, those functions which prior to the commencement of this Part were functions exercised by the Government in relation to designated airports; and

(c) all property, rights, liabilities and obligations which immediately before the appointed date were property, rights, liabilities and obligations of the Government relating to designated airports.

(As amended by Act No. 16 of 1989) Transfer of designated airports, functions, assets and liabilities

26. (1) The functions of the Company shall be-Functions of company

(a) functions referred to in paragraph (b) of section twenty-five;

(b) subject to the direction of the Minister, to provide air traffic control service throughout the Republic;

(c) to provide aircraft services at designated airports;

(d) to provide fire and rescue services at designated airports and if directed by the Minister provide fire and rescue services at other airports;

(e) to provide and maintain navigational and telecommunications aids throughout the Republic;

(f) to provide security at designated airports; and

(g) to provide terminal facilities for passengers and cargo at designated airports.

(2) In performing the functions set out in subsection (1) the Company may-

(a) plan, develop, construct and maintain runways taxiways, aprons, terminal and ancillary buildings;

(b) arrange for postal, money exchange, insurance and telephone, facilities

for the use of passengers and other persons at designated airports;

(c) regulate and control the movements of vehicles and the entry and exit of passengers at designated airports; and

(d) do all acts and things as may be necessary or incidental for the performance of its functions under this Part.

(As amended by Act No. 16 of 1989)

27. (1) The Company may, with the approval of the Minister, determine-Power of Company to determine charges, fees, etc.

(a) landing charges, hangar charges, parking charges, other charges and fees for any service rendered by the company to aircraft, passengers and cargo and the public at designated airports; and

(b) overflying charges throughout the Republic.

(2) The charges determined under subsection (1) shall be published in the Gazette.

(3) Notwithstanding subsection (2), the Company may, in relation to special circumstances of any particular case determine the charges and fees applicable to such case in respect of any services to aircraft, passengers, cargo, and the public provided by it and the charges and fees shall have immediate effect in relation to such case:

Provided that such conditions, charges, and fees shall as soon as practicable after such determination, be published in the Gazette.

(4) The Company may determine and charge rentals at designated airports.

(As amended by Act No. 16 of 1989)

28. (1) The Company may construct any drains which may be necessary for the purpose of leading storm water, which would otherwise naturally gather or impinge on any designated airport or any radio or electronic apparatus or equipment which has been installed as a communication or navigation aid, to its nearest natural drainage. Power to construct drains

(2) If as a result of the construction of any such drain such storm water causes damage to any property, the Company shall pay reasonable compensation to any person aggrieved.

(3) In the event of any dispute as to the cause of the damage or the amount of compensation, the matter shall be referred to arbitration in accordance with subsection (4) of section seven.

(As amended by Act No. 16 of 1989)

29. (1) Whenever in pursuance of this Part any property, rights, liabilities or obligations, of the Government are deemed transferred in respect of which transfer a written law provides for registration, the Company shall make an application in writing to the proper officer of the appropriate registration authority for the registration of the transfer. Registration of property to be transferred by GRZ to Company

(2) The officer referred to in subsection (1) shall make such entries in the appropriate register as shall give effect to the transfer and, where appropriate, issue the transferee concerned a certificate of title in respect of the property or make necessary amendments to the register, as the case may be and shall make endorsement on the deeds relating to the title, right or obligation concerned; and no registration fees, stamp duty or other duties shall be payable.

(As amended by Act No. 16 of 1989)

30. (1) On and after the appointed date except as provided in this Part, every deed, bond and agreement (other than an agreement for personal service) to which the Government was a party immediately before the commencement of this Part, relating to designated airports and functions referred to in section twenty-six, whether in writing or not, and whether or not of such nature that rights, liabilities and obligations thereunder could be assigned, shall, unless its subject-matter or terms make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the date of the assignment, as if Agreements, etc., to be assumed by Company

(a) the Company had been a party to them;

(b) for any reference to the Government there was substituted, as respects anything falling to be done, on or after the commencement of this Part, a reference to the Company; and

(c) for any reference to an officer of the Government who is not a party to the deed, bond or agreement and beneficially interested in them there were substituted, as respects anything to be done on or after the commencement of this Part, a reference to such officer of the Company as the Company shall designate.

(2) Subject to subsection (1), documents other than those referred to in that subsection which refer specifically or generally to the Government of the Republic of Zambia shall be construed in accordance with that subsection as far as applicable.

(As amended by Act No. 16 of 1989)

31. (1) Where any person who was in the service of the Government at designated airports or was performing functions referred to in section twenty-six, immediately before the commencement of this Part, voluntarily transfers from that service to the service of the Company, his terms and condition of service with the Company shall be no less favourable than those he enjoyed while in the service of the Government and his previous service with the Government shall be treated as service under the Company for the purposes of determining his rights, to or eligibility for, pension, gratuity, leave or other benefits. Transfer of service of employees

(2) A person to whom subsection (1) applies shall be deemed to have voluntarily transferred his services to the Company unless within three months from the commencement of this Part he gives notice in writing to the Government with a copy to the Company stating his intention not to transfer from the service of the Government.

(As amended by Act No. 16 of 1989)

32. (1) Without prejudice to the other provisions of this Part, where any right, liability or obligation vests in the Company by virtue of the Part, the Company and all other persons shall, as from the commencement of this Part, have the same rights, powers and remedies (and in particular the same rights as to the instituting or defending of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Company. Legal proceedings

(2) Any legal proceedings or application to any authority pending immediately before the commencement of this Part by or against the Government in relation to the assets and functions transferred to the Company may be continued by or against the Company.

(3) After the commencement of this Part, proceedings in respect of any right or obligation which was vested in, held, enjoyed, incurred or suffered by the Government relating to the designated airports and functions transferred to the Company, may be instituted by, or against the Company.

(As amended by Act No. 16 of 1989)

33. No suit, prosecution or other legal proceeding shall lie against the Company or any member or any officer or any employee or any agent of the Company for anything which is in good faith done or intended to be done in pursuance of this Part or of any rule or regulation made thereunder or for damage sustained by any aircraft or vehicle or for loss of life or personal injury in consequence of any defect in any of the designated airports or other things belonging to or under the control of the Company except where such damage, loss, loss of life or injury or personal injury is caused by want of reasonable care, diligence or skill on the part of the Company or any member or any officer or any employee or any agent.

(As amended by Act No. 16 of 1989) Immunity of Company

34. (1) The Minister may, after consultation with the Company, make regulations to provide for matters necessary to give effect to this Part. Regulations relating to designated airports and Company

(2) Without prejudice to the generality of subsection (1) such regulations may-

(a) provide for securing the safety of aircraft, vehicles and persons using designated airports and preventing danger to the public arising from the use and operation of aircraft in the designated airport;

(b) provide for preventing obstruction within designated airports for its normal functioning;

(c) prohibit the parking or waiting of any vehicle or carriage within a designated airport except at places specified by the Company;

(d) prohibit or restrict access to any part of designated airports; and

(e) provide for preserving order within the designated airports and preventing damage to property therein.

(As amended by Act No. 16 of 1989)

SUBSIDIARY LEGISLATION

AVIATION

THE AIR NAVIGATION REGULATIONS CAP. 444

ARRANGEMENT OF REGULATIONS

PART I PRELIMINARY PART I

PRELIMINARY

Regulation

1. Title
2. Interpretation
3. Appointment of officers
4. Aircraft to which these Regulations apply
5. Offences and penalties
6. Application to State aircraft
7. Nationality of aircraft
8. Powers of Director in relation to maintenance, etc., of locally registered aircraft
9. Exemptions

PART II REGISTRATION AND MARKS ON AIRCRAFT PART II

REGISTRATION AND MARKS ON AIRCRAFT

10. Unregistered aircraft not to fly
11. Permission for unregistered aircraft to fly
12. Registration
13. Restrictions on and cancellation of registration
14. Registration void on change of ownership
15. Registration void if aircraft destroyed
16. Aircraft not to fly without appropriate marks
17. Marks on locally registered aircraft
18. Use of State marks

PART III CERTIFICATES OF AIRWORTHINESS PART III

CERTIFICATES OF AIRWORTHINESS

19. Meaning of "aircraft" in Part III
20. Certificate to be in force
21. Issue, renewal and validation of certificates

Regulation

22. Classification of aircraft
23. Restrictions on use of classified aircraft
24. Access to establishments

PART IV INSTRUMENTS, EQUIPMENT AND SAFETY DEVICES FOR AIRCRAFTPART IV

INSTRUMENTS, EQUIPMENT AND SAFETY DEVICES FOR AIRCRAFT

25. Aircraft to which Part IV applies
26. Instruments and equipment: for all flights
27. Instruments and equipment: special circumstances
28. Instruments and equipment: public transport flying machines
29. Instruments and equipment: public transport gliders
30. Instruments and equipment: gliders: special circumstances
31. Instruments and equipment: free balloons
32. Instruments and equipment: captive balloons
33. Approval of instruments, equipment and installation
34. First-aid equipment
35. (Revoked by S.I. No. 212 of 1973)

PART V INSPECTION, OVERHAUL, REPAIR AND MODIFICATION OF AIRCRAFTPART V

INSPECTION, OVERHAUL, REPAIR AND MODIFICATION OF AIRCRAFT

36. Aircraft to which Part V applies: inspection by authorised persons
37. Approval of modifications
38. Requirements for overhauls, repairs, replacements and approved modifications
39. Certification of overhauls, repairs, replacements and approved modifications

40. Work by private owners

PART VI WEIGHING OF AIRCRAFTPART VI

WEIGHING OF AIRCRAFT

41. Aircraft to which Part VI applies

42. Weighing

43. Weight schedules

Regulation

44. Weights to be affixed

45. Alterations of weight schedules

PART VII CERTIFICATES OF MAINTENANCEPART VII

CERTIFICATES OF MAINTENANCE

46. Certification of public transport aircraft

47. Inspection of public transport aircraft for issue of certificate

48. Form of certificates

49. Certificates in ink or indelible pencil

PART VIII SAFETY PRECAUTIONSPART VIII

SAFETY PRECAUTIONS

50. Precautionary action to be taken by person in command

51. Exemption of training aircraft

52. Weight and performance requirements for public transport aircraft

53. Measurement of distances for assessing performance

54. Loading and load sheets

55. Flights over water

56. Miscellaneous

PART IX NAVIGATIONAL RESTRICTIONS, MANAGEMENT OF AIRCRAFT AND SAFETY
PROVISIONSPART IX

NAVIGATIONAL RESTRICTIONS, MANAGEMENT OF AIRCRAFT AND SAFETY PROVISIONS

57. Specified areas

58. Power to restrict flying

- 59. Carriage of munitions of war forbidden
- 60. Carriage of dangerous goods
- 61. Restrictions on captive balloons, kites and moored airships
- 62. Imperilling safety of aircraft
- 63. Drunkenness
- 64. Smoking
- 65. Notices in aircraft

Regulation

- 66. Exists in aircraft
- 67. Persons not to be carried in certain parts of aircraft
- 68. Towing
- 69. Control of aircraft by young persons
- 70. Special signals and other communications

PART X OPERATIONAL TRAINING AND OPERATIONS MANUALPART X

OPERATIONAL TRAINING AND OPERATIONS MANUAL

71. Training of operating crew, Operations Manual and aerodrome meteorological minima

PART XI OPERATING CREWPART XI

OPERATING CREW

- 72. Holding of licences
- 73. Operating crew to be carried
- 74. Duty time limitations for flight crews
- 75. Crediting of flight time

PART XII LOG BOOKS AND DOCUMENTSPART XII

LOG BOOKS AND DOCUMENTS

- 76. Log books for aircraft
- 77. Log books
- 78. Flying log books
- 79. Entries in log books

80. Documents to be carried in aircraft
81. General provisions
82. Production of documents
83. Powers of Director as to cancellation, etc., of documents
84. Forgery, etc., of documents

PART XIII RADIOCOMMUNICATION AND TELECOMMUNICATIONS SERVICEPART XIII

RADIOCOMMUNICATION AND TELECOMMUNICATIONS SERVICE

85. Aircraft to carry radio apparatus
86. Types of apparatus: modification: carriage of licensed operators

Regulation

87. Operation of aircraft station
88. Laws relating to radiotelegraphy and radiotelephony
89. Definition
- 89A. Telecommunication Service Charges

PART XIV PERSONNEL LICENSING REQUIREMENTSPART XIV

PERSONNEL LICENSING REQUIREMENTS

90. General provisions
91. Exemptions
92. Flying instruction
93. Privileges of instrument rating
94. Qualifying conditions for towing rating
95. Practice flights
96. Qualifying flights for licence extensions
97. Requirements
98. Student pilot
99. Private pilot
100. Commercial pilot
101. Senior commercial pilot
102. Airline transport pilot

- 103. Commercial pilot (soaring gliders)
- 104. Commercial pilot (trailing gliders)
- 105. Instrument rating requirements
- 106. Assistant instructor's rating
- 107. Instructor's rating
- 108. Instructor's rating (towed gliders)
- 109. Towing rating requirements
- 110. Age of applicant and period of licence for flight navigator
- 111. Age of applicant and period of licence for flight engineer
- 112. Age of applicant and period of licence for cabin attendant's licence
- 113. Age of applicant and period of licence for flight radiotelephony operator
- 113A. Age of applicant and period of licence for Air Traffic Controller's licence

Regulation

- 113B. Age of applicant and period of licence for Aeronautical Station Operator's licence
- 114. Medical requirements
- 115. Age of applicant and period of licence for Licensing and duties of aircraft maintenance engineers
- 115A. Age of applicant and period of licence for Telecommunication and Navigation Aids engineer's Licence

PART XV AERODROMESPART XV

AERODROMES

- 116. Licensing of aerodromes
- 117. Authorisation by Director
- 118. Charges at and accessibility of aerodromes
- 119. Use of Government and designated aerodromes
- 120. Passenger aerodromes
- 121. Noise on aerodromes
- 122. Prohibition of entry on aerodromes

PART XVI INVESTIGATION OF ACCIDENTSPART XVI

INVESTIGATION OF ACCIDENTS

- 123. Application of Part XVI
- 124. Interpretation of terms in Part XVI
- 125. Notification of accidents
- 126. Interference with aircraft
- 127. Appointment of inspectors
- 128. Boards of inquiry
- 129. Powers of boards of inquiry
- 130. Remuneration and costs
- 131. Reports of boards of inquiry

PART XVII GENERAL AND SUPPLEMENTARYPART XVII

GENERAL AND SUPPLEMENTARY

- 132. Civil Air Ensign
 - 133. Stowaways
 - 134. Power to prevent flights
- Regulation
- 135. Powers of authorised persons and police officers
 - 136. Obstruction of authorised persons
 - 137. Department not liable
 - 138. Changes of address
 - 139. Statistical returns
 - 140. Prescribed fees

FIRST SCHEDULE-Nationality and registration marks

SECOND SCHEDULE-Standards of fitness and medical examinations

THIRD SCHEDULE-Prescribed fees

FOURTH SCHEDULE-Certification of inspections, overhauls, repairs, replacements and modifications

FIFTH SCHEDULE-Prescribed forms

SECTION 4-THE AIR NAVIGATION REGULATIONS

Regulations by the Minister Federal Government Notices

246 of 1954

641 of 1954

151 of 1957

269 of 1957

130 of 1962

71 of 1963

Government Notices

387 of 1963

497 of 1964

Statutory Instruments

153 of 1965

221 of 1968

345 of 1969

212 of 1973

33 of 1984

48 of 1985

113 of 1986

66 of 1987

174 of 1987

175 of 1987

98 of 1988

177 of 1989

87 of 1991

63 of 1991

7 of 1991

130 of 1994

Act No.

13 of 1994

PART I PRELIMINARYPART I

PRELIMINARY

1. These Regulations may be cited as the Air Navigation Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"aerial work aircraft" means an aircraft of any class other than a public transport aircraft which is flown for remuneration payable to the operator of such aircraft in respect of the flight or in respect of the purpose for which the flight is carried out;

"aeroplane" means a flying machine supported in flight by fixed wings;

"airship" means an aircraft having gas lighter than air as a means of support, which has means of propulsion and means of directional control;

"approved" means approved by the Director;

"authorised person" means any member of the inspection staff appointed in terms of regulation 3 or any person acting under the instructions of the Director;

"balloon" means an aircraft having gas lighter than air as a means of support

which has no means of propulsion;

"captive balloon" means any balloon moored to or towed from the ground or water;

"certificate of airworthiness" includes any flight manual or performance schedule relating to and required to be carried with the certificate under the law of the country in which the certificate is issued;

"certificate of maintenance" means a certificate of maintenance issued in terms of regulation 8 or Part VII;

"class", in relation to flying machines, means either single-engine land, or single-engine sea, or multi-engine land, or multi-engine sea flying machines;

"contracting State" means any State which is a party to the Convention;

"controlling authority", in relation to a Government aerodrome, means-

(a) the Director;

(b) the officer appointed to be the Commander of the Air Force under the provisions of section one hundred and sixty-five of the Defence Act; or Cap. 106

(c) the officer in control of such aerodromes;

as the case may be;

"description", in relation to aircraft, refers to-

(a) the purpose for which an aircraft is, or intended to be, flown; and

(b) any physical characteristics of an aircraft (including its weight and its engines, instruments, equipment and apparatus) which may be material for the purpose with respect to which the expression is used;

"designated aerodrome" means any public aerodrome operated by a Commercial enterprise registered by the Registrar of Companies in Zambia;

"Director" means the Director of Civil Aviation appointed in terms of regulation 3;

"flying machine" means an aircraft heavier than air and having means of mechanical propulsion;

"free balloon" means a balloon floating freely in the air;

"glider" means an aircraft heavier than air, not fixed to the ground and having no means of mechanical propulsion, but having means of directional control;

"goods" includes mails and animals;

"Government aerodrome" means-

(a) any aerodrome under the control of the Director;

(b) any aerodrome belonging to or under the control of the Defence Force;

"instrument flight rules" bears the meaning assigned to it in the Aviation (Rules of the Air) Regulations;

"kite" means a non-mechanically driven aircraft, heavier than air, moored to or towed from the ground or water;

"land" and "landing", in relation to aircraft, include alighting on water;

"licence" includes any certificate of competency required to be held in connection with any licence by the law of the country in which such licence is granted;

"licensed aerodrome" means any aerodrome licensed in terms of these Regulations;

"military aircraft" includes any naval, military and air force aircraft, and any aircraft commanded by a person in naval, military or air force service detailed for the purpose of commanding such aircraft;

"nautical mile" means a distance of 6,080 feet;

"night" means the hours of darkness from fifteen minutes after sunset until fifteen minutes before sunrise or any other time when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of at least 5,000 yards;

"notified" means shown in any notice to airmen, notice to aircraft owners and aircraft maintenance engineers, or any other circular or publication issued by the Director for the purposes of these Regulations;

"operating crew", in relation to an aircraft, includes pilots, flight navigators, flight engineers, flight radio operators, and flight radiotelephony operators;

"passengers carried for hire or reward" includes persons carried in aircraft for the purpose of instruction in flying for which payment is made:

Provided that, for the purpose of determining whether a pilot is required to hold a licence to fly aircraft carrying passengers or goods for hire or reward, a member of a recognised club, carried in an aircraft belonging to the club for the purpose of instruction or otherwise, shall not, if the pilot is also a member of the same club, be deemed to be a passenger carried for hire or reward, notwithstanding that payment is made in respect of such instruction;

"person in command", in relation to an aircraft, means, if any person other than the pilot in charge is in command, such person, and in any other case, the pilot in charge;

"person in control", in relation to an aerodrome, includes any person having a right to control the aerodrome and, in the case of a licensed aerodrome, the licensee thereof;

"personnel", in relation to an aircraft, includes the operating crew and any other persons having any duties to perform in such aircraft;

"primary airframe structure" means those portions of an aircraft, exclusive of the engines, the failure of which would seriously endanger such aircraft or any persons therein;

"private aircraft" means any aircraft of any class other than a public transport or aerial work aircraft;

"privilege" means any right conferred by a licence entitling the holder of such licence to perform any function to which such licence relates;

"prototype aircraft" means any aircraft in respect of which an application has been made for a certificate of airworthiness and the design of which, in whole or in part, has not previously been investigated in connection with any such application;

"public transport aircraft" means an aircraft of any class-

(a) carrying passengers or goods for hire or reward; or

(b) comprised in a combination of aircraft where an aircraft is towing other aircraft, if any such aircraft, either towing or being towed, is carrying passengers or goods, but does not include any aircraft carrying passengers or goods if the carriage of such passengers or goods-

(i) is not for hire or reward and is not effected by an air transport undertaking; or

(ii) is effected by an air transport undertaking but the passengers are persons in control of or in the employment of such undertaking and the goods are goods belonging to such undertaking;

"qualified instructor" means a person holding a pilot's licence, which includes a rating to act in the capacity of instructor or assistant instructor;

"radio" is to be interpreted as a general term applied to the use of electromagnetic waves of frequencies between 10 kilocycles a second and 3,000,000 megacycles a second;

"radio apparatus" includes all apparatus, including any ancillary equipment, for sending or receiving by means of radio;

"rating" means an entry in a licence specifying a privilege or limiting the effect of a privilege;

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

"second pilot" means a pilot duly licensed under the provisions of these Regulations and performing piloting duties under the direction of the pilot in charge of the aircraft;

"series aircraft" means an aircraft in respect of which an application has been made for a certificate of airworthiness and the design of which is similar in every respect to the design of a prototype aircraft in respect of which a certificate of airworthiness has previously been issued;

"State aircraft" means military aircraft and aircraft used in Customs and police services;

"type", in relation to aircraft or engines, means any design which in the opinion of the Director constitutes a type;

"visual flight rules" bears the meaning assigned to it in the Aviation (Rules of the Air) Regulations.

(As amended by F.G.N. No. 641 of 1954, F.G.N. Nos. 151 and 269 of 1957, S.I. No. 153 of 1965, S.I. No. 221 of 1968 and S.I. No. 87 of 1991)

3. There shall be a Director of Civil Aviation and such other officers as members of the inspection staff as may be necessary for carrying out the provisions of these Regulations. Appointment of officers

4. These Regulations apply (unless the contrary intention appears) to or in relation to-

- (a) all locally registered aircraft and personnel wherever they may be;
- (b) all other aircraft when in or over Zambia and their personnel.

(As amended by G.N. No. of 387 of 1963) Aircraft to which these Regulations apply

5. (1) Save as is provided in sub-regulation (2), any person who contravenes these Regulations or any provision thereof or who, in accordance with the provisions of sub-regulation (4), is deemed to have contravened these Regulations, shall be liable on conviction to a fine not exceeding six thousand penalty units or to imprisonment without the option of a fine for a period not exceeding six months, or to both. Offences and penalties

(2) Any person who contravenes or fails to comply with, or who in accordance with the provisions of sub-regulation (4), is deemed to have contravened or failed to comply with any of the following provisions:

- (a) sub-regulation (3) of regulation 10;
- (b) sub-regulation (7) of regulation 115;
- (c) sub-regulation (10) of regulation 90;
- (d) paragraph (b) (iv) of sub-regulation (5) of regulation 90;
- (e) regulation 80;
- (f) regulation 81;
- (g) regulation 82;
- (h) sub-regulation (2) of regulation 83;
- (i) paragraph (b) of sub-regulation (2) of regulation 118;

shall be liable on conviction to a fine not exceeding one hundred and fifty penalty units or, in the case of a second or subsequent conviction for a like offence, to a fine not exceeding three hundred penalty units.

(3) If any body corporate contravenes or fails to comply with any provision of these Regulations, any person who, at the time of the commission of the offence, was a director, general manager, secretary or other similar officer of such body corporate or was purporting to act in any such capacity, shall be deemed to be guilty of such contravention or default unless he proves that the offence was committed without his consent or connivance, and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his office in that capacity and to all the circumstances.

(4) If an aircraft contravenes or fails to comply with any provision of these Regulations, the operator of the aircraft and the person in command (unless he is also the operator) thereof shall, without prejudice to the liability of any other person under that provision, be deemed to have contravened or failed to comply with such provision unless he proves that the contravention or default-

- (a) was due to accident, stress of weather, or other unfavourable cause; or
- (b) took place without his actual fault or privity.

(As amended by Act No. 13 of 1994)

6. No State aircraft other than a locally registered aircraft shall fly over or, unless it is required to land in terms of regulation 12 of the Aviation (Rules of the Air) Regulations, shall land in Zambia unless-

- (a) such flight or landing has been authorised by the Minister; and
- (b) the aircraft is flown in accordance with the terms and conditions of such authorisation.

(F.G.N. No. 269 of 1957 as amended by G.N. No. 387 of 1963)Application to State aircraft

7. An aircraft shall be deemed to possess the nationality of the State on the register of which it is entered.Nationality of aircraft

8. Notwithstanding anything to the contrary in these Regulations, the Director may, subject to such conditions as he thinks fit, issue a certificate of validation rendering valid for the purposes of these Regulations the maintenance of a locally registered aircraft which is maintained in accordance with the requirements of the law relating to airworthiness of any contracting State specified by the Minister and in such case-

(a) a certificate of maintenance (in such form as may be approved by the Director for the purpose) in respect of the aircraft issued by a person authorised in writing by the Director in that behalf and in accordance with that authority shall be a valid certificate of maintenance for the purposes of these Regulations; and

(b) an aircraft maintenance engineer's licence granted or rendered valid by the duly competent authority under the law of the contracting State specified as aforesaid shall, for the purposes of these Regulations, be a valid maintenance engineer's licence in accordance with the privileges endorsed on the licence and subject to any conditions imposed by the Director.

(S.I. No. 221 of 1968)Powers of Director in relation to maintenance, etc., of

locally registered aircraft

9. The Minister may, by written authority, exempt from the provisions of these Regulations or any of them any government or aircraft or persons or classes of aircraft or persons, and such exemption may in any particular case be subject to any conditions or limitations which in the circumstances of that case may appear to him to be required.

(As amended by F.G.N. No. 151 of 1957) Exemptions

PART II REGISTRATION AND MARKS ON AIRCRAFT PART II

REGISTRATION AND MARKS ON AIRCRAFT

10. (1) No aircraft shall fly within Zambia unless it is registered in—Unregistered aircraft not to fly

(a) a contracting State; or

(b) a country with which a special convention relating to air navigation entered into by or on behalf of the Government is for the time being in force:

Provided that the Director may, in such special circumstances and subject to such conditions or limitations as he may think fit, temporarily exempt from the provisions of this sub-regulation any aircraft not registered in terms of paragraph (a) or (b).

(2) An aircraft registered in a country with which such a special convention as aforesaid is in force shall, in addition to complying with the provisions of these Regulations, also comply with the conditions of that convention.

(3) An aircraft exempted under the proviso to sub-regulation (1) shall carry, in addition to other documents which it is required by these Regulations to carry, a certificate, granted either by the Director or by the competent authority in the country in which the aircraft is registered, certifying that the aircraft is so exempted and stating any conditions or limitations subject to which the exemption was granted.

(4) If any aircraft flies in contravention of sub-regulation (1) and in a manner or in circumstances such that, if the said aircraft had been a locally registered aircraft, an offence against these Regulations would have been committed, the like offence shall be deemed to have been committed in respect of the said aircraft.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

11. (1) Notwithstanding anything in regulation 10 contained, an aircraft may fly within Zambia unregistered if and so long as it is flown for the purpose of or in connection with any experiment or test, or for any other purpose for which it appears to the satisfaction of the Director that the aircraft may be permitted to fly unregistered: Permission for unregistered aircraft to fly

Provided that in any such case the aircraft shall be flown in accordance with the provisions of these Regulations, or as may be specified in a special permission in writing given by the Director.

(2) An aircraft flying in pursuance of the provisions of sub-regulation (1)

shall be deemed to be registered in Zambia for the purposes of these Regulations.

(As amended by G.N. No. 387 of 1963)

12. (1) The registration of aircraft in Zambia shall be carried out by the Director.Registration

(2) Application for registration of an aircraft shall be made to the Director and the applicant shall furnish the Director with such particulars relating to the aircraft and the ownership thereof as he may require in connection with the application and with such evidence as he may require in support thereof.

(3) The register of locally registered aircraft shall show, in respect of each aircraft registered, the person appearing to the Director to be owner for the time being of such aircraft, hereinafter referred to as "registered owner" (which expression shall be deemed to include the personal representative or in the case of a body corporate, the successor of that person) and such further particulars as the Director may fix.

(4) After completion of the registration, the Director shall issue a certificate of registration.

(As amended by G.N. No. 387 of 1963)

13. (1) An aircraft shall not be registered in Zambia-Restrictions on and cancellation of registration

(a) if it appears to the Director that such aircraft is already registered in any other country; or

(b) unless it appears to the Director that such aircraft is owned wholly by persons qualified to be owners of an aircraft registered in Zambia.

(2) The following persons shall be qualified to be owners of a locally registered aircraft:

(a) citizens of Zambia or persons bona fide resident in Zambia or such other persons as the Director may approve; and

(b) bodies corporate-

(i) established under and subject to the law of Zambia; or

(ii) established under and subject to the laws of such other country as the Minister may approve.

(3) If the usual station of an aircraft and its ordinary area of operation are not situated in Zambia and the owner of the aircraft is neither resident nor has his principal place of business in Zambia, the Director may decline to accept an application for registration of the aircraft in Zambia, or, as the case may be, to permit the aircraft to remain registered in Zambia if in his opinion the aircraft could more suitably be registered in some other country.

(4) The Director may decline to accept an application for registration of an aircraft in Zambia if in the circumstances it appears to him to be inexpedient in the public interest that the aircraft should be so registered.

(5) The registration of any locally registered aircraft may be cancelled at any time by the Director as from a date to be specified by him on his being satisfied that the ownership of the aircraft is not as shown on the register, or that such registration is not in conformity with the provisions of subregulation (1), or that the aircraft could more suitably be registered in some other country, or that it is inexpedient in the public interest that the aircraft should remain registered in Zambia, and thereupon the certificate of such registration shall become void as from the specified date.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

14. (1) If there is any change in the ownership of any locally registered aircraft-Registration void on change of ownership

(a) the registered owner shall forthwith notify the Director in writing of the change and the date thereof; and

(b) the registration and the certificate thereof shall become void as from the date of the change.

(2) For the purposes of this regulation, there shall be deemed to be a change in the ownership of an aircraft if-

(a) any registered owner ceases to be an owner; or

(b) any person other than a registered owner becomes owner; or

(c) the aircraft ceases to be owned wholly in conformity with the provisions of sub-regulation (2) of regulation 13.

15. If any locally registered aircraft is destroyed or permanently withdrawn from use, the registered owner shall forthwith notify the Director in writing accordingly and the registration and the certificate thereof shall become void as from the date of the notification.Registration void if aircraft destroyed

16. No aircraft shall fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by the law of that country, and no aircraft shall bear any mark purporting to indicate that it is registered in a country in which it is not registered.Aircraft not to fly without appropriate marks

17. (1) Locally registered aircraft shall bear in the manner prescribed in this regulation the nationality and registration marks described in this regulation.Marks on locally registered aircraft

(2) The nationality mark of the aircraft shall be the figure and capital letter "9J" and the registration mark shall be a group of three capital letters in Roman character assigned by the Director on the registration of the aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

(3) The nationality and registration marks-

(a) shall be painted on the aircraft or shall be affixed thereto by any other means ensuring a similar degree of permanence in the manner provided in the

First Schedule;

(b) shall be inscribed, together with the full name and address of the registered owner of the aircraft, on a fireproof metal plate affixed in a prominent position to the fuselage or car or basket and near the main entrance to the aircraft; and

(c) shall always be kept clean and visible.

(As amended by S.I. No. 153 of 1965)

18. An aircraft other than a State aircraft shall not bear any mark or sign appropriated for use on a State aircraft. Use of State marks

PART III CERTIFICATES OF AIRWORTHINESSPART III

CERTIFICATES OF AIRWORTHINESS

19. In this Part, unless the context otherwise requires-Meaning of "aircraft" in Part III

"aircraft" includes the engines, components, accessories, instruments, equipment and apparatus, and their installations.

20. (1) Subject to the provisions of sub-regulation (2), no aircraft shall fly or attempt to fly unless-Certificate to be in force

(a) there is in force in respect thereof a certificate of airworthiness, duly issued or rendered valid under the law of the country in which the aircraft is registered; and

(b) any conditions on which the certificate was issued or rendered valid are duly complied with.

(2) Sub-regulation (1) shall not apply-

(a) in the case of-

(i) a balloon not carrying passengers for hire or reward; or

(ii) a kite; which is to be flown within Zambia; or

(b) in the case of any locally registered aircraft which is to be flown for the purpose of or in connection with any experiment or test or for any other purpose for which it appears to the satisfaction of the Director that the aircraft may be permitted to fly without a certificate of airworthiness being in force in respect thereof:

Provided that in any such case the aircraft shall be flown in accordance with the conditions specified in a special permission in writing given by the Director or in accordance with the following conditions:

(i) an application for the issue or renewal of a certificate of airworthiness in respect of the aircraft or of a validation of such a certificate or an application for the approval of modifications under regulation 37 shall be made prior to the flight;

(ii) the aircraft shall be a series aircraft;

(iii) the flight shall be carried out only for the purpose of either qualifying for the issue or renewal of a certificate of airworthiness or a validation of such a certificate or obtaining the approval of modifications or for the purpose of testing radio apparatus installed in such aircraft;

(iv) the flight shall take place wholly within 10 nautical miles of the place of departure which shall be a licensed aerodrome, a Government aerodrome or an aerodrome used in connection with an aircraft factory;

(v) the aircraft shall not fly over any town or populous area, over any assembly of persons in the open air, or over any aerodrome where at the time conditions are such as to make the flying of the aircraft dangerous;

(vi) the flight shall not be forbidden by the Director.

(3) Paragraphs (iv) and (v) of the proviso to sub-regulation (2) shall not apply to any locally registered aircraft which is flown for the purpose mentioned in paragraph (b) of sub-regulation (2) if such flight is being made for the purpose of testing the radio apparatus installed in the aircraft, and the aircraft may be flown to and within the vicinity of the radio testing station suitable for the carrying out of the said tests which is nearest to the place of departure.

(As amended by G.N. No. 387 of 1963)

21. (1) A certificate of airworthiness in respect of an aircraft may be issued by the Director if he is satisfied that the aircraft complies with the requirements approved by him in respect of Issue, renewal and validation of certificates

(a) design;

(b) construction, including workmanship and materials;

(c) instruments and equipment;

(d) weighing; and

(e) flying trials and other tests;

and if the aircraft, when fitted with an engine or engines, is fitted with an engine or engines of which an approval in writing has been given by him or under his authority or by the duly competent authority in the country of manufacture of such engine or engines:

Provided that the Director may delegate the power of granting the aforesaid approval to any person or body of persons that he may nominate to do so.

(2) When the Director has issued a certificate of airworthiness in respect of a prototype or prototype (modified) aircraft, he may dispense with all or any of the tests aforesaid in the case of a series aircraft conforming with such prototype or prototype (modified) aircraft.

(3) The following provisions shall have effect with respect to a certificate of airworthiness:

(a) such particulars relating to the aircraft in respect of which the certificate is issued as may be determined by the Director shall be specified in the certificate or in a flight manual which may be issued by the Director or by the duly competent authority in the country of manufacture of the aircraft;

(b) the certificate shall be issued on such conditions as the Director may think fit, which shall be specified in the certificate or such flight manual;

(c) the particulars specified in the certificate or such flight manual may from time to time be varied by the Director on sufficient grounds being shown to his satisfaction;

(d) the conditions specified in the certificate or such flight manual may from time to time be varied by the Director if he is satisfied that they may be properly relaxed or that reasonable doubt exists as to whether they afford a sufficient margin of safety;

(e) a flight manual issued as provided by paragraph (a) shall be deemed to form part of the certificate with which it is issued and shall be carried with that certificate.

(4) A certificate of airworthiness issued by the Director shall, subject to the provisions of sub-regulation (7) and of regulation 83, remain in force for such period as may be shown therein but may be renewed as provided in sub-regulation (6).

(5) If a certificate of airworthiness has been duly issued under the laws of any other country in respect of any locally registered aircraft, the Director may issue a validation conferring on that certificate, subject to such conditions and for such period as he may think fit, the same validity as if it had been issued under the provisions of these Regulations or may, if he thinks fit, issue a new certificate of airworthiness in respect of the aircraft under the said provisions.

(6) The Director may from time to time renew a certificate of airworthiness issued or rendered valid or a validation issued in accordance with the provisions of these Regulations on being furnished with such evidence as he may require with respect to the condition of the aircraft to which the certificate or validation relates, and if such validation has been issued he may, if he thinks fit and on being furnished with such evidence, issue a new certificate of airworthiness in respect of the aircraft under the same provisions instead of renewing the validation.

(7) As a condition of the renewal or continuing validity of a certificate of airworthiness or a validation of such a certificate issued under these Regulations, the Director may require that such work as appears to him to be necessary for ensuring the safety of the aircraft shall be carried out within a given period.

(As amended by S.I. No. 153 of 1965)

22. (1) Any aircraft in respect of which a certificate of airworthiness has been issued or validated under the provisions of these Regulations shall be classified as belonging to one or more of the following categories and to one or more of the following subdivisions: Classification of aircraft

(a) Normal Category-

subdivision (a), public transport for passengers;

subdivision (b), public transport for mails;

subdivision (c), public transport for goods;

subdivision (d), private;

subdivision (e), aerial work;

subdivision (h), demonstration;

subdivision (i), crew familiarisation.

(b) Semi-aerobatic Category-

subdivisions (a) to (e) and (h) and (i) as in the Normal Category.

(c) Aerobatic Category-

subdivisions (a) to (e) and (h) and (i) as in the Normal Category.

(d) Special Category-

subdivision (f), racing or record;

subdivision (g), research or experimental;

subdivisions (h) and (i) as in the Normal Category.

(2) (a) If it is desired to have any aircraft classified in subdivision (e), (f), (g), (h) or (i), the particular purposes for which it is proposed to use such aircraft should be quoted on the form of application for the issue or validation of a certificate of airworthiness.

(b) An application for the re-classification of an aircraft should be made in writing and forwarded to the Director. The aircraft may be re-classified if it conforms to the requirements applicable to the proposed classification.

23. (1) Any locally registered aircraft being flown in accordance with a certificate of airworthiness or a validation of such a certificate issued under these Regulations may be used only in such manner and for such purposes as may be specified in that certificate of airworthiness or validation in accordance with the category and subdivisions thereof in which the aircraft is classified. Restrictions on use of classified aircraft

(2) The conditions specified in sub-regulation (1) shall apply in the case of an aircraft registered in any foreign country when being flown in Zambia in accordance with a certificate of airworthiness or validation issued by the country of registration.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

24. If an application has been made for a certificate of airworthiness in respect of an aircraft, any person authorised in writing by the Director shall

at all times during working hours while the aircraft is under construction have the right of access to any place in any establishment to which access is necessary for the purpose of inspecting the manufacture or assembly of any part of the aircraft or any drawings of any part of the aircraft. Access to establishments

PART IV INSTRUMENTS, EQUIPMENT AND SAFETY DEVICES FOR AIRCRAFT PART IV

INSTRUMENTS, EQUIPMENT AND SAFETY DEVICES FOR AIRCRAFT

25. The provisions of this Part shall apply to locally registered aircraft when flying or about to fly. Aircraft to which Part IV applies

26. According to the class and description of the aircraft and the circumstances of the flight, there shall be carried in the aircraft and maintained in a fit condition for immediate use the following instruments and equipment, and the devices to be used and the precautionary measures to be taken for the purpose of securing the safety of the aircraft shall be as prescribed hereunder: Instruments and equipment: for all flights

In flying machines for all flights-

(a) the instruments, equipment and devices required by the Director, or by the duly competent authority in the country of manufacture, for the issue of a certificate of airworthiness in respect of the particular aircraft;

(b) maps or charts to cover the whole route of the proposed flight and any route to which the pilot in charge of the flying machine may reasonably expect to be diverted. Information to which the pilot in charge may need to refer in flight in order to comply with the rules;

(c) first-aid kit, except in the case of private flying machines;

(d) spare electrical fuses for all electrical circuits, the fuses of which can be replaced in flight, consisting of 10 per centum of the number of each rating, or three of each rating, whichever is the greater;

(e) in flying machines designed to manoeuvre on the water, the equipment for making the sound signals specified in regulation 24 of the Aviation (Rules of the Air) Regulations.

(As amended by F.G.N. No. 269 of 1957)

27. The items specified in this regulation and in regulation 28, in so far as they may not be included in the requirements specified in regulation 26, shall also be carried by flying machines in the cases indicated in this regulation or in regulation 28, whichever may be applicable.

(1) In flying machines for flights by night-Instruments and equipment: special circumstances

(a) the equipment for displaying the lights described in regulation 73 and, if the flying machine is designed to manoeuvre on the water, regulation 74 of the Aviation (Rules of the Air) Regulations;

(b) in flying machines not equipped with radiocommunication apparatus, equipment for making the visual signal specified in sub-regulation (2) of

regulation 47 of the Aviation (Rules of the Air) Regulations;

(c) adequate electrical illumination, supplied from the main source of supply in the flying machine, for the instruments and equipment (including maps) the carriage of which is prescribed and the illumination of which is necessary to enable use to be made of them during flight;

(d) turn-and-slip indicator, or a gyroscopic bank and pitch indicator and a gyroscopic direction indicator.

(2) Revoked by S.I. No. 212 of 1973.

(3) Revoked by S.I. No. 212 of 1973.

(4) In flying machines for flights made under Instrument Flight Rules-

(a) turn-and-slip indicator;

(b) gyroscopic bank and pitch indicator;

(c) gyroscopic direction indicator;

(d) two sensitive altimeters adjustable for changes in barometric pressure, one of which may be the altimeter required for the issue of a certificate of airworthiness;

(e) timepiece with a centre seconds hand;

(f) means of indicating that the power supply to the gyroscopic instruments is working satisfactorily;

(g) rate of climb and descent indicator;

(h) in flying machines of which the maximum total weight authorised exceeds 12,500 lb., a means of indicating the outside air temperature;

(i) in flying machines of which the maximum total weight authorised exceeds 12,500 lb., two air speed indicators;

(j) approach chart for each aerodrome specified in the flight plan.

(k) an alternative supply for the static pressure line or lines;

(5) In flying machines for flights involving aerobatic manoeuvres-
safety harness for every seat in use.

(As amended by F.G.N. No. 269 of 1957 and S.I. no. 212 of 1973)

28. In public transport flying machines-

(1) For all flights-Instruments and equipment: public transport flying machines

(a) safety harness for every seat in use by a member of the crew;

(b) safety belt or safety harness for every passenger's seat and means of

indicating to the passengers when they should be fastened;

(c) sensitive altimeter adjustable for changes in barometric pressure, unless the altimeter required for the issue of the certificate of airworthiness meets this condition;

(d) timepiece with a centre seconds hand;

(e) turn-and-slip indicator, or a gyroscopic bank and pitch indicator and a gyroscopic direction indicator;

(f) such other instruments, equipment and supplies as the Director may, at his discretion, require to be carried on flights across notified areas where search and rescue would be especially difficult, or in the particular circumstances of the case.

(2) For flights by night or under Instrument Flight Rules by public transport flying machines the maximum total weight authorised of which exceeds 2,500 lb.-

the equipment specified in paragraph (4) of regulation 27.

(3) For all flights which involve manoeuvres on the water-

(a) lifejacket, or equivalent, equipped with a waterproof torch and whistle for each person on board and stowed in a position easily accessible from the person's seat;

(b) notices displayed in each passenger compartment stating where the lifejackets are situated and instructing passengers how to use them in the event of their being required;

(c) additional flotation equipment, of not less than 20 per centum of the capacity of the equipment required under sub-paragraph (a), provided in a stowage accessible from outside the flying machine;

(d) equipment of marine type for making, from the surface of the water, the pyrotechnical signal of distress specified in regulation 79 of the Aviation (Rules of the Air) Regulations;

(e) equipment for mooring or for anchoring appropriate to the maximum total weight authorised for the flying machine.

(4) For flights which involve manoeuvres on the water by flying machines the maximum total weight authorised of which exceeds 5,000 lb.-

(a) sea anchor (drogue);

(b) apparatus necessary to facilitate manoeuvring the aircraft under its own engine power on the water appropriate to its weight, size and handling characteristics, and, if such apparatus is not controlled by the pilot, a communication system enabling him to instruct the operator thereof.

(5) For flights over water beyond gliding distance from any coast or shore-

(a) the equipment and notices specified in sub-paragraphs (a) and (b) respectively of paragraph (3);

(b) equipment necessary for making the pyrotechnical signal of distress and the green light urgency signals specified in regulations 79 and 80 of the Aviation (Rules of the Air) Regulations.

(6) For flights by aeroplanes over water, the following equipment if required under sub-regulations (2) and (3) of regulation 55:

(a) suitably equipped dinghies of an approved type sufficient to accommodate all occupants of the aeroplane. Each dinghy shall carry the following equipment:

- (i) means for maintaining buoyancy;
- (ii) a drogue to reduce drift;
- (iii) life lines and means of attaching one raft to another;
- (iv) paddles or other means of propulsion;
- (v) equipment to protect the occupants from the elements;
- (vi) a waterproof torch;
- (vii) marine type pyrotechnical distress signals;
- (viii) means of making sea water drinkable;
- (ix) sufficient food and water to sustain the occupants of the dinghy for a period as notified;
- (x) first-aid equipment;

(b) the items mentioned in sub-paragraphs (i) to (v) and (vii) of sub-paragraph (a) shall be of a type approved for operation in the type of dinghy in which they are installed;

(c) routine maintenance and inspection of dinghies and dinghy equipment shall be carried out to ensure that they are maintained in a serviceable condition;

(d) the method of stowage of dinghies required by sub-paragraph (a) and the method of launching shall be such as to ensure the most expeditious and efficient use of them in the event of a forced landing of the aeroplane;

(e) the equipment specified in sub-paragraphs (vi) to (x) of sub-paragraph (a) shall be contained in a pack and one such pack shall be stowed with each dinghy so that it is immediately available when the dinghy is launched;

(f) for every four or proportion of four dinghies, one dinghy radio transmitter shall be carried in the aeroplane in the position in which it would be most readily available for use in an emergency. The radio transmitter shall be of an approved type and the method of stowage in the aeroplane and subsequent operation in the dinghy shall be approved;

(g) in the case of flights over water by flying machines other than aeroplanes, such items of equipment shall be carried as the director may require.

(7) For flights by night-

(a) landing lights consisting of two single-filament or one dual-filament lamp with separately energised filaments;

(b) cabin lights in all passengers' compartments;

(c) one electric torch for each member of the aircraft personnel on duty: Provided that, if a flying machine is authorised by the certificate of airworthiness to carry more than nineteen persons, it shall be equipped with two electric torches and with an emergency lighting system of approved type, design and construction, which will provide illumination in the passenger compartments in the event of failure of the lights specified in sub-paragraph (b);

(d) means of observing the existence and build-up of ice on the aircraft if the aircraft has a maximum total weight authorised which exceeds 12,500 lb.

(8) For flights in the course of which a height of 10,000 feet or more above sea level is likely to be reached-

(a) an adequate supply of oxygen together with suitable apparatus for the use thereof-

(i) by the crew, when the aircraft will be operated at heights above 10,000 feet above sea level for periods in excess of 30 minutes;

(ii) by the crew and passengers, when the aircraft will be operated at heights above 13,000 feet above sea level for any period of time, in which case the supply and apparatus shall be under the control of a member of the operating crew;

(b) an adequate emergency portable supply of oxygen for the relief of individual passengers;

(c) when a supply other than an emergency supply of oxygen must be carried, means of indicating to the passengers in each passenger compartment at appropriate times when oxygen should be used, and method of use;

(d) notwithstanding anything in this regulation contained, where the air space in the control compartment and passenger compartments, if any, is kept at a pressure greater than that of the international standard atmosphere at 10,000 feet, then such oxygen only as would be necessary for the operating crew of the aircraft as an emergency measure in the event of pressure failure need be provided.

(9) For flights on which a licensed flight navigator is required to be on board-

(a) chart table;

(b) such navigational instruments as are necessary for the particular flight;

(c) adequate facilities for the taking of astronomical observations, including observations for checking the magnetic compass.

(10) For flights when the weather reports available at the time of departure indicate the probability that conditions pre-disposing to ice formation will be encountered-

(a) means of preventing the formation of or means of removing such ice on the wings, tail surfaces and control surfaces as would seriously alter the aero-dynamic characteristics of the aircraft or interfere with the proper functioning of its flying controls;

(b) means of preventing the formation of or means of removing such ice on the propellers as would seriously alter their aero-dynamic characteristics, and, in the case of a variable-pitch propeller, would interfere with its pitch-changing mechanism;

(c) means of protecting any fixed aerial to ensure that ice accretion will not interfere with the electrical insulation;

(d) if a non-retractable direction-finding loop is fitted, means of preventing ice accretion thereon;

(e) such safeguards, whether by heating or otherwise, as are necessary to ensure that all instruments and equipment required for use during the flight of the aircraft will continue to function under icing conditions;

(f) means of preventing the formation of or means of removing ice on such portion of the pilot's windscreen as is necessary to provide an adequate view.

(11) For flights on which passengers are carried-

The pilot in charge of the flying machine, or other member of the crew to whom the responsibility has been delegated by the operator of the flying machine, shall-

(a) before the commencement of a flight, take reasonable steps to ensure that all safety belts and safety harnesses have been correctly fastened and that the passengers have been made aware of their method of operation;

(b) before each landing of the flying machine, take reasonable steps to ensure that all safety belts and safety harnesses have been correctly fastened;

(c) when conditions of turbulent air prevail and if he considers such a precaution necessary, take reasonable steps to ensure that all safety belts and safety harnesses have been correctly fastened;

(d) in the case of flights by landplanes over water beyond 30 minutes' flying distance from the nearest shore, show the passengers by practical demonstration before the take-off or before reaching 30 minutes' flying distance from the nearest shore, the position of the lifejackets, or equivalents, and the method of their operation;

(e) in the case of flights by flying boats over water, show the passengers by practical demonstration before the take-off the position of the lifejackets, or equivalents, and the method of their operation.

(As amended by F.G.N. Nos. 151 and 269 of 1957)

29. In public transport and aerial work gliders-

The instruments, equipment and devices required for the issue of a certificate of airworthiness in respect of the particular glider. Such

additional instruments and equipment as the Director may, at his discretion, require to be carried in any particular case. Instruments and equipment: public transport gliders

30. The items specified in this regulation shall, in so far as they may not be included in the requirements specified in regulation 29, also be carried by gliders in the cases respectively indicated.

(1) In all gliders for flights by night-Instruments and equipment: gliders: special circumstances

(a) equipment for displaying the lights described in regulation 76 of the Aviation (Rules of the Air) Regulations;

(b) adequate electrical illumination, supplied from the main source of supply in the glider, for the instruments and equipment (including maps) required to be carried and the illumination of which is necessary to enable use to be made of them during flight.

(2) In all gliders for flights involving aerobatic manoeuvres-
safety harness for every seat in use.

(As amended by F.G.N. No. 269 of 1957)

31. In free balloons-

(1) For all flights-Instruments and equipment: free balloons

(a) equipment necessary for making the pyrotechnical signal of distress specified in regulation 79 of the Aviation (Rules of the Air) Regulations;

(b) such other instruments and equipment as the Director may, at his discretion, require to be carried in any particular case.

(2) In addition for flights by night-

equipment for displaying the light described in regulation 77 of the Aviation (Rules of the Air) Regulations.

(As amended by F.G.N. No. 269 of 1957)

32. In captive balloons-Instruments and equipment: captive balloons

For all flights-

(a) such instruments and equipment as the Director may, at his discretion, require to be carried in any particular case;

(b) equipment for displaying the lights and markings described in regulation 78 of the Aviation (Rules of the Air) Regulations.

(As amended by F.G.N. No. 269 of 1957)

33. All the instruments and equipment referred to in paragraphs (a) and (d) of regulation 26 or in regulations 27 to 32 (both inclusive) shall be of such type, construction and design, and shall be fitted and installed in such manner

as may be approved by the Director.

the navigational instruments referred to in sub-paragraph (b) of paragraph (9) of regulation 28;

the apparatus referred to in sub-paragraph (b) of paragraph (4) of regulation 28;

timepieces;

chart tables;

first-aid kits;

sea anchors (drogues);

torches;

whistles;

sound signals;

equipment for mooring or for anchoring;

mooring lights.

(As amended by S.I. No. 212 of 1973) Approval of instruments, equipment and installation

34. In the case of aircraft carrying passengers for hire and reward, first-aid kits shall contain equipment suitable for rendering first-aid in any accident that may occur and sufficient for the purpose having regard to the number of persons in the aircraft and shall include the following items:

materials—bandages, splints, antiseptic gauze, adhesive plaster, lint, cotton wool, safety pins;

instruments—tourniquet or haemostatic bandage, scissors, forceps;

drugs—water-miscible antiseptic, analgesic, narcotic (if morphine, or any other drug to which the Dangerous Drugs Act applies, is carried, the quantity shall not amount to more than one-quarter grain per person and shall be in the form of ampoule syringes), stimulant, remedy for burns. First-aid equipment

Cap. 252

35. (Revoked by S.I. No. 212 of 1973)

PART V INSPECTION, OVERHAUL, REPAIR AND MODIFICATION OF AIRCRAFT PART V

INSPECTION, OVERHAUL, REPAIR AND MODIFICATION OF AIRCRAFT

36. (1) The provisions of this Part shall apply to locally registered aircraft in respect of which certificates of airworthiness issued or rendered valid under these Regulations are or have been in force. Aircraft to which Part V applies: inspection by authorised persons

(2) Any such aircraft may be inspected by any person or firm authorised in

writing by the Director for that purpose. In addition any person or firm so authorised as aforesaid may in any particular case give any special instructions with regard to the inspection, overhaul, repair, replacement of parts and modification of any such aircraft (including all its equipment and the installation thereof) which appear to him to be required for the purpose of securing the safety of the aircraft.

(3) The Director may at any time inspect the premises and equipment of any person or firm authorised to inspect aircraft or give instructions in terms of sub-regulation (2).

37. (1) The owner or operator of an aircraft shall not carry out any modifications (including changes of equipment or its installation) which, in the opinion of a person authorised as aforesaid, affect the safety of the aircraft without first obtaining the approval of the Director, who must be furnished with copies of such design, data, calculations, reports on tests and drawings as may be required:Approval of modifications

Provided that, if a modification to a type of aircraft has already been approved under this regulation or by the duly competent authority in the country of manufacture, it shall not be necessary save as is provided in regulation 39 to obtain approval for the same modification when incorporated in another aircraft of the same type. The Director may require that, if any modification of an aircraft is carried out, a new certificate of airworthiness in respect of that aircraft is obtained.

(2) An aircraft in respect of which any requirements or special instructions mentioned in sub-regulation (2) of regulation 36 have not been complied with or in respect of which an approval in terms of subregulation (1) or a new certificate of airworthiness required under sub-regulation (1) has not been obtained shall not, pending compliance with such requirements or special instructions or pending the obtaining of such approval or new certificate of airworthiness, as the case may be, fly or attempt to fly except in so far as it may be permitted to fly by the Director or except in so far as it might fly if no certificate of airworthiness was in force in respect thereof.

38. The following requirements shall apply to inspections, overhauls, repairs, replacements, and to approved modifications carried out to an aircraft:Requirements for overhauls, inspections, repairs, replacements and approved modifications

(1) The work shall be carried out in accordance with the relevant technical publications or approved maintenance schedules and in all essential respects shall comply with the approved design in conformity with which the aircraft was constructed, including such modifications as have been approved for embodiment therein or, alternatively, shall be undertaken in accordance with a repair scheme approved in writing by the Director or by the duly competent authority in the country of manufacture of the aircraft. Records of work carried out shall be maintained in a manner acceptable to the Director.

(2) All materials used shall be as approved for the design in conformity with which the aircraft was constructed, or as otherwise approved, and shall have been obtained from sources acceptable to, and stored in a manner and in conditions approved by the Director.

(3) All work shall be inspected, to the extent necessary in the circumstances of the case, in accordance with the requirements of the Director.

(4) A certificate in accordance with the terms of regulation 39 shall be given and, if the Director so requires, the certificate of airworthiness of the aircraft shall be forwarded forthwith to the Director in order that it may be amended.

(5) No unlicensed person shall do work of any nature to an aircraft unless he has first obtained the consent in writing of the Director, nor shall any person permit or direct any unlicensed person to do such work unless the consent as aforesaid has been obtained.

(6) Any welding process applied to the primary airframe structure shall be applied only by a person approved for the purpose by the Director:

Provided that in emergency if it is not reasonably practicable to comply with the requirements mentioned in this regulation, a temporary repair of the part or parts affected may be made for the sole purpose of enabling the aircraft to proceed to the nearest place at which a repair complying with the above requirements can be carried out, and if the person in command of the aircraft is satisfied that, having regard to the circumstances and exigencies of the case, such repair is adequate for the purpose, the aircraft may then proceed to fly to such place without having such temporary repair certified in accordance with the foregoing requirements.

(As amended by S.I. No. 212 of 1973)

39. The following provisions shall apply to or in relation to every certificate required under regulations 37 and 38:

(1) The certificate shall be appended to the particulars of the inspection overhaul, repair, replacement or modification to which it relates and shall be in the form prescribed in the Fourth Schedule.

(2) The certificate shall be signed by an aircraft maintenance engineer qualified under the terms and conditions of his licence to certify the inspection overhaul, repair, replacement or modification to which the certificate relates, or by the authorised representative of a firm or company approved for the purpose of giving such certificates or by some other approved person.

(3) The certificate shall, if relating to the aircraft exclusive of the engines, be written in the aircraft log book; if relating to the engines, be written in the appropriate engine log book; and if relating to a variable-pitch propeller, be written in the appropriate propeller log book:

Provided that-Certification of inspections, overhauls, repairs, replacements and approved modifications

(i) if the details of any inspections, overhaul, repair, replacement or modification are so voluminous as to render it inconvenient to enter them in the space provided in the log book, such details shall be entered in a separate maintenance record which shall be numbered for identification purposes, certified in like manner to that required for the relevant entry in the log book and retained in safe custody in order that it may be produced on such occasions as it may be required for inspection. The number of such record and particulars of the place where it may be inspected shall be inserted in the log book

together with a brief description of the inspection overhaul, repair, replacement or modification to which the record relates;

(ii) if the appropriate log book is not at the place where the inspection overhaul, repair, replacement or modification is carried out, the certificate may be given separately from the log book, in which case it shall be pasted in the log book in terms of paragraph (3) of regulation 79.

(As amended by F.G.N. No. 641 of 1954 and S.I. No. 212 of 1973)

40. (1) Notwithstanding the provisions of paragraphs (4) and (5) of regulation 38 and paragraph (2) of regulation 39, the owner or owners of an aircraft classified in its certificate of airworthiness solely in subdivision (d) "private" may perform such work on the aircraft as may be necessary to maintain it in an airworthy condition, provided that the work does not involve any dismantling of any component of the primary airframe structure; or of the engine other than that which is essential to carry out those maintenance and inspection operations normally necessary to ensure satisfactory engine functioning. After the performance of any work under this regulation, an appropriate entry in the relevant log book shall be made, accompanied by a certificate in terms of paragraph (1) of regulation 39 signed by the owner or, if the aircraft is owned jointly by a number of persons, by one of that number. Work by private owners

(2) If the owner or owners of an aircraft classified in the manner described in sub-regulation (1) require to carry out on the aircraft work of a nature other than that described in sub-regulation (1), permission to do shall first be obtained from the Director who may, in granting permission, impose special requirements in respect of the work with which the applicant shall comply.

(3) For the purposes of this regulation-

"dismantling" means taking apart or altering the position of;

"inspection" means visual examination;

"maintenance" means work necessary to ensure the continuation of a degree of serviceability which, substantially, already exists.

PART VI WEIGHING OF AIRCRAFT PART VI

WEIGHING OF AIRCRAFT

41. (1) The provisions of this Part shall apply to locally registered aircraft in respect of which certificates of airworthiness are or have been in force. Aircraft to which Part VI applies

(2) Any such aircraft may be inspected by a person authorised in writing by the Director for the purpose.

42. An aircraft shall, under arrangements to be made by the operator thereof, be weighted at such times as the Director may require and to his satisfaction. Weighing

43. An aircraft shall carry, exhibited in a prominent position inside it, a weight schedule giving the following information:

(1) The nationality and registration marks of the aircraft;

(2) The weight of the aircraft empty, which shall include-Weight schedules

(a) the weight of the liquid in the system if the aircraft is fitted with liquid cooled engines; and

(b) the weight of all accessories, instruments, equipment and apparatus (including radio apparatus) and other parts which in the opinion of the Director should be regarded as fixed and irremovable;

(3) A list of the accessories, instruments, equipment, and apparatus (including radio apparatus) and other parts which in the opinion of the Director should be regarded as fixed and irremovable, which have been included in the weight of the aircraft empty;

(4) A list of the accessories, instruments, equipment and apparatus and other parts (excluding radio apparatus and radio parts) which in the opinion of the Director should be regarded as not fixed but removable, together with details of their respective weights;

(5) A list of the radio apparatus and radio parts which in the opinion of the Director should be regarded as removable, together with details of their respective weights.

44. The aircraft shall also bear clearly painted upon the outside in a prominent position-

(a) its weight empty, that is to say, the weight referred to in paragraph (2) of regulation 43; and

(b) the maximum total weight authorised for the aircraft as shown for the time being in its certificate of airworthiness.

Alterations of weight schedulesWeights to be affixed

45. (1) Whenever any alteration affecting the particulars or weights entered in the weight schedule is made, the weight schedule carried in the aircraft in accordance with regulation 43 shall be amended or replaced by a revised schedule.Alterations of weight schedules

(2) Whenever the aircraft is weighed in accordance with regulation 42, the fixed accessories, instruments, equipment, apparatus and parts shall be checked against the particulars entered in the weight schedule referred to in regulation 43.

PART VII

CERTIFICATES OF MAINTENANCE(F.G.N. No. 641 of 1954)

46. (1) Subject to the provisions of this Part, no locally registered public transport or aerial work aircraft shall fly or attempt to fly unless it has been maintained in accordance with maintenance schedules approved in writing by the Director (in this Part called "the maintenance schedules") in respect of that aircraft and a certificate has been issued and is in force under this regulation, certifying that the aircraft has been so maintained or has been issued under regulation 8:Certification of public transport aircraft.

Provided that nothing in this regulation contained shall be deemed to require the landing of an aircraft which is actually in flight.

(2) The operator shall incorporate in the maintenance schedules any amendments which may from time to time be required by the Director.

(3) The certificate of maintenance shall come into force immediately after it has been issued and shall cease to be in force-

(a) on the expiry of its period of validity, being a period of time from its issue which shall be specified in the maintenance schedules relating to the aircraft; or

(b) as soon as the aircraft has flown for the number of hours which shall be specified for this purpose in the maintenance schedules relating to it;

whichever is the sooner.

(4) The operator of the aircraft shall record on the certificate of maintenance relating to the aircraft the period of its validity.

(5) As soon as a certificate of maintenance in respect of the aircraft is issued, the operator of the aircraft shall provide a technical log (in this Part called a "record of flying hours") for the purpose of recording the number of hours during which the aircraft has flown since the issue of such certificate of maintenance. The technical log shall be carried in the aircraft on all flights.

(6) On the termination of every flight, the person in command of the aircraft shall enter in the record of flying hours the duration of the flight in hours and minutes and shall sign and date such entry.

(7) The entry referred to in sub-regulation (6) shall be preserved by the operator for two years after the expiry of the certificate of maintenance.

(8) As soon as a certificate of maintenance in respect of the aircraft is issued, the operator of the aircraft shall provide a technical log (in this Part called a "record of defects") for the purpose of recording defects in the aircraft occurring during the period of validity of such certificate of maintenance and the rectification of such defects. The technical log shall be carried in the aircraft on all flights.

(9) On the termination of every flight, the person in command of the aircraft shall enter in the record of defects-

(a) particulars of any defects in the aircraft, including its engines, components, accessories, instruments, equipment, apparatus and their installations, observed by him during the flight or reported to him; or

(b) if no such defect has been observed by him during the flight, or reported to him, a statement to that effect; and shall sign and date such entry.

(10) After rectifying any such defect in the aircraft, the appropriately licensed aircraft maintenance engineer or other approved person effecting such rectification shall enter in the record of defects particulars of such rectification and shall sign and date such entry.

(11) The operator shall either preserve each entry in the record of defects for

a period of two years after the expiry of the period of validity of such certificate of maintenance, or shall, in terms of paragraph (3) of regulation 79, cause a copy of the entry to be made in the aircraft log book, engine log book or propeller log book, whichever is appropriate, kept in respect of the aircraft.

(12) If no copy of an entry is made in the appropriate log book, the operator shall, as soon as is reasonably practicable, and in any case within six months of the expiry of the period of validity of such certificate of maintenance, cause particulars sufficient to identify the entry to be written in such log book.

(13) A certificate of maintenance may be issued for the purposes of this regulation only by-

(a) the holder of a licence granted under these Regulations as an aircraft maintenance engineer, being a licence of appropriate category in accordance with regulation 115; or

(b) the holder of a licence as such an engineer granted under the law of a country other than Zambia and rendered valid under these Regulations, in accordance with the privileges endorsed on the licence; or

(c) a person whom the Director has authorised to issue a certificate of maintenance in a particular case, and in accordance with that authority:

Provided that, upon approving a maintenance schedule, the Director may direct that certificates of maintenance relating to that schedule, or to any part thereof specified in his direction, may be issued only by the holder of such licence as is so specified.

(14) The rectification of any defect in terms of sub-regulation (10) shall be certified by an aircraft maintenance engineer holding an appropriately rated licence in Category A, C, X or A(R) in respect of the relevant type of aircraft, engine, instrument, accessory or radio which has been granted or rendered valid under these Regulations, or by a person authorised in writing by the Director for that purpose.

(15) In such cases as the Director may approve, a certificate of maintenance in respect of a locally registered aircraft may be issued by the holder of a licence as an aircraft maintenance engineer which has been granted or rendered valid by the duly competent authority in any country specified by the Director, and a defect may likewise be rectified.

(As amended by S.I. No. 221 of 1968 and S.I. No. 345 of 1969) and S.I. No. 212 of 1973)

47. The following provisions shall apply to the maintenance and inspection of any public transport aircraft carried out in connection with the issue of a certificate of maintenance:

(a) prior to the issue of a certificate of maintenance, the operator of the aircraft shall furnish such information as may be necessary to enable the aircraft maintenance engineers who are to sign the certificate to be satisfied that up to the date of issue of such certificate all maintenance and inspection required to be carried out in accordance with the maintenance schedules for the aircraft has been so carried out;

(b) the aircraft (including the instruments and equipment prescribed in Part IV but excluding its engines and engine installations and all instruments relating thereto) shall, subject to the provisions of paragraph (d), be certified in the form and manner shown in the Fourth Schedule by the holder of an aircraft maintenance engineer's licence in Category A in respect of such aircraft;

(c) in the case of a flying machine or an airship, the engines and engine installations and the instruments prescribed in Part IV relating thereto shall, subject to the provisions of paragraph (d), be certified in the form and manner shown in the Fourth Schedule by the holder of an aircraft maintenance engineer's licence in Category C in respect of such engines;

(d) the aircraft and engines may be certified by the same aircraft maintenance engineer if he is the holder of an aircraft maintenance engineer's licence both in Category A and Category C in respect of such aircraft and engines: Inspection of public transport aircraft for issue of certificate

Provided that the magnetic compasses may be adjusted and compensated by the holder of an airline transport pilot's licence, a senior commercial pilot's licence or a flight navigator's licence, who shall certify to that effect on the deviation cards. In such case the next subsequent certificate of maintenance issued may be altered by inserting after the word "equipment" the words "other than magnetic compasses". Such alteration to a certificate of maintenance shall be initialled by the aircraft maintenance engineer who issues the certificate.

48. The certificate of maintenance issued in accordance with the provisions of sub-regulation (1) of regulation 46 shall, according to the class of the aircraft concerned, be in one of the forms prescribed in the Fourth Schedule, or in such other form as may be approved as suitable for the purpose. Form of certificates

49. Every certificate of maintenance shall be prepared in ink or indelible pencil. Certificates in ink or indelible pencil

PART VIII SAFETY PRECAUTIONS PART VIII

SAFETY PRECAUTIONS

50. (1) The provisions of this regulation shall apply to locally registered aircraft. Precautionary action to be taken by person in command

(2) No aircraft shall fly or attempt to fly unless the person in command of the aircraft satisfies himself-

(a) that the aircraft is equipped with the appropriate instruments and equipment required in terms of Part IV and, in the case of an aircraft required to be equipped with radio apparatus, that the aircraft is so equipped, and that the aircraft and its instruments, equipment and radio apparatus are fit in every way for the proposed flight;

(b) that provision as may be necessary in the circumstances of the proposed flight has been made for the use of any of the devices prescribed in Part IV and for the taking of any similarly prescribed precautionary measures in the aircraft for the purpose of promoting the safety thereof;

(c) that the load carried is of such weight, and so distributed and secured, that it may safely be carried on the proposed flight;

(d) that the view of the pilot is not interfered with by any obstruction not forming part of the structure of the aircraft and is not obscured by reason of any discoloration of, damage to, or deposit on any of the windows, windscreens or sidescreens of the aircraft;

(e) in the case of a flying machine or airship, that sufficient fuel and oil and cooling fluid (when required) are carried therein for the proposed flight, including a safe margin for contingencies, and that the output of electricity which will be available is sufficient to ensure the effective operation of all the electrical equipment installed in the aircraft which it is intended or which it may be necessary to bring into operation during the flight;

(f) in the case of a flying machine or glider, that the wings and control surfaces are free from ice and hoar frost;

(g) in the case of a flying machine, that, having regard to the performance of the flying machine in the conditions to be expected on the proposed flight, it is capable of clearing by a safe margin the edge of the aerodrome of departure, of reaching and maintaining a safe height thereafter along the route of the proposed flight and of making a safe landing at the aerodrome of destination; and

(h) in the case of an airship or balloon-

(i) that sufficient ballast is carried for the proposed flight; and

(ii) that the conditions laid down in the certificate of airworthiness have been complied with.

(3) No aircraft shall fly or manoeuvre on land or water unless the pilot of the aircraft has taken all such steps as are practicable to secure that the windows, windscreens or side-screens of the aircraft through which he obtains his view forward or sideways are maintained in such a condition as not to obscure his view.

51. The requirements specified in regulation 52 shall apply to locally registered public transport and locally registered aerial work aeroplanes other than public transport aeroplanes which are being used solely for the purpose of training any persons carried therein, in addition to the personnel thereof, to perform duties in an aeroplane. Exemption of training aircraft

52. Subject to the provisions of regulation 51, a public transport or aerial work aeroplane shall not fly or attempt to fly unless-

(1) the weight of such aeroplane immediately before the commencement of the proposed flight is such that one of the following conditions is complied with: Weight and performance requirements for public transport aircraft

(a) the wing loading of the aeroplane does not exceed 20 lb. per square foot; or

(b) the stalling speed of the aeroplane in the landing configuration does not exceed 60 knots; or

(c) the aeroplane, with any one of its engines inoperative and the remaining engines developing maximum continuous power, has a positive rate of climb at an altitude of 5,000 feet above sea level in conditions of standard atmosphere;

(2) the person in command of the aeroplane has satisfied himself that the distance estimated to be required for the take-off under the meteorological conditions prevailing at that time does not exceed the length of the landing strip to be used or the extent of the landing area measured in the direction in which the take-off will be made and that the aeroplane will be able to clear by a safe margin all obstructions in the flight path which the aeroplane will follow immediately after take-off;

(3) having regard to the best information available to him at the time of the start of the proposed flight of the meteorological conditions likely to prevail at the aerodrome of destination when the aeroplane arrives there, the person in command of the aeroplane has satisfied himself that the aeroplane will be able, when landing, to clear by a safe margin all obstructions in the vicinity of the aerodrome of destination and that the distance estimated to be required for the landing, under those conditions, does not exceed 70 per centum of the length of the appropriate landing strip or the extent of the landing area measured in the direction in which the landing is expected to be made;

Provided that, when a visual approach and landing is expected to be made, such estimated distance may be increased to 80 per centum of the length of the landing strip or the extent of the landing area;

(4) the person in command of the aeroplane is satisfied, in the event of the engine or any one of the engines becoming inoperative at any stage of the proposed flight subsequent to the take-off and initial climb, that-

(a) in the case of an aeroplane unable to comply with the provisions of sub-paragraph (c) of paragraph (1), the aeroplane could, having regard to the nature of the route of the proposed flight and to the meteorological conditions forecast as likely to prevail along the route, be flown at such heights as would enable the person in command to have sufficient time to select a safe landing place and make a landing thereat;

(b) in the case of an aeroplane unable to comply with any of the provisions of sub-paragraph (a) or (b) of paragraph (1), the weight of the aeroplane does not exceed the weight at which, having regard to the meteorological conditions to be expected on the route of the proposed flight, the aeroplane would be capable of maintaining a safe height until a landing could be made by a safe margin at an aerodrome either along the route (including the aerodrome of departure) or along a divergence from that route planned in advance to provide for such a contingency.

53. The distances and lengths mentioned in paragraphs (2) and (3) of regulation 52 shall be computed as follows:

(a) the take-off distance shall be measured along the ground (or water) in the direction of take-off from the point at which the aeroplane is to start its run for that purpose to the point above which the aeroplane after taking-off would attain a height of 50 feet above the ground (or water) and be flying at a safe speed;

(b) the landing distance shall be measured along the ground (or water) in the direction of landing from the point above which the aeroplane, when descending

in preparation for landing, would be at a height of 50 feet above the ground (or water) and flying at a safe speed, to the point at which, on completion of its landing, it would first come to rest, or, in the case of a seaplane, first be under full control on the water;

(c) the length of the landing strip for take-off shall be that part of the surface of the aerodrome of departure which is available for the purpose and is free from obstructions, measured in the direction in which the take-off is to be made from the point at which the aeroplane is to commence its run for that purpose to the limit of the available aerodrome surface; and

(d) the length of the landing strip for landing shall be that part of the surface of the aerodrome of destination which is available for the purpose and is free from obstructions, measured in the direction in which the landing is expected to be made. Measurement of distances for assessing performance

54. (1) A locally registered public transport aircraft shall not fly or attempt to fly unless-Loading and load sheets

(a) the operator of the aircraft has obtained the approval of the Director to written loading instructions in respect of the aircraft;

(b) the loading thereof for the proposed flight has been carried out in accordance with the said instructions and such conditions as may be prescribed; and

(c) the person superintending the loading of the aircraft for the proposed flight has made out, signed, and dated a load sheet in duplicate containing the particulars specified in sub-regulation (2), and the said load sheet has been submitted to and examined by the person in command of the aircraft in order to assist him to ascertain, for the purpose of paragraph (c) of sub-regulation (2) of regulation 50, whether the load carried by the aircraft is of such weight and so distributed and secured that it may safely be carried on the proposed flight:

Provided that the requirements of this paragraph shall not apply in respect of a flight to be made by a public transport aeroplane-

(i) solely for the purpose of training any persons carried therein, in addition to the personnel thereof, to perform duties in an aeroplane; or

(ii) as a local pleasure flight of short duration commencing from and finishing at one and the same aerodrome with no intermediate landing.

(2) Every load sheet required in accordance with the provisions of paragraph (c) of sub-regulation (1) shall contain-

(a) particulars of the nationality and registration marks of the aeroplane;

(b) sufficient data to enable the particular flight to be readily identified;

(c) particulars of the several weights (e.g. weight empty, removable equipment, fuel and oil, passengers, goods, etc.) from which the total weight of the aeroplane as loaded has been computed; and

(d) a certificate by the person superintending the loading of the aeroplane that the load has been distributed in accordance with the written loading instructions submitted to the Director and approved by him in respect of the

aeroplane.

(3) Except as provided in sub-regulation (4), the weight of the crew and passengers of an aeroplane entered in the load sheet shall be computed from the actual weight of each person as ascertained by individual weighings.

(4) In respect of an aeroplane having a total seating capacity of 12 persons or more, the person superintending the loading of the aeroplane may, if so instructed by the person in command of the aeroplane, compute the weight of the crew and passengers to be entered in the load sheet in accordance with the following table of average weights instead of from the actual weight of each person as ascertained by individual weighings:

For adult males, including crew	. . . . .	165 lb.
For adult females, including crew	. . . . .	143 lb.
For children of either sex two years of age, or more, but less than twelve years	. . . . .	85 lb.
For infants under two years of age	. . . . .	17 lb.

(5) The person in command of an aeroplane shall, however, have regard to any undue preponderance among the persons to be carried of persons appearing to be above the average weights as set out in the above table and shall, if he considers it necessary, require the actual weights of such persons to be ascertained by individual weighings.

(6) Whenever the weights of persons entered in a load sheet are average weights computed in accordance with the table set out in sub-regulation (4), the load sheet shall be endorsed to show that the said method of computation has been used.

55. (1) Subject to the provisions of sub-regulation (2), a public transport aeroplane shall not carry out or attempt to carry out a flight over water in the course of which the aeroplane may at any time be more than 30 minutes' flying distance in still air from the nearest shore calculated at the most economical cruising speed of the aeroplane at sea level, according to the best information available, unless the person in command has satisfied himself—Flights over water

(a) that the weight and performance of the aeroplane is such that the condition specified in sub-paragraph (c) of paragraph (1) of regulation 52 can be complied with; and

(b) that the quantity of fuel carried by the aeroplane is sufficient to ensure that, in the event of failure of one of its engines during the period of the flight over water, the aeroplane could safely reach the nearest landing ground.

(2) Subject to the provisions of sub-regulation (3), a public transport aeroplane in respect of which the requirements specified in sub-regulation (1) cannot be complied with may nevertheless carry out or attempt to carry out a flight over water in the circumstances mentioned in sub-regulation (1) provided that the equipment specified in sub-paragraph (a) of paragraph (6) of regulation 28 is carried in the aeroplane.

(3) A public transport aeroplane shall not carry out or attempt to carry out a flight over water in the course of which the aeroplane may at any time be more than 90 minutes' flying distance in still air from the nearest shore calculated at the most economical cruising speed of the aeroplane at sea level, according to the best information available, unless-

(a) the person in command has satisfied himself that the requirements specified in sub-regulation (1) are complied with; and

(b) the equipment (i.e. dinghies, etc.) specified in sub-paragraph (a) of paragraph (6) of regulation 28 is carried in the aeroplane.

56. (1) If aircraft about to fly consist of one or more flying machines with a glider or gliders in tow, they shall not fly or attempt to fly unless the person in command of the flying machine, or, if there is more than one flying machine, the person in command of one of them who is to be in charge of the tow, has satisfied himself that-

(a) the types of the flying machine or flying machines and the glider or gliders are such as to form a combination which is in accordance with the authorisations as to towing operations included in the terms of the certificates of airworthiness or any validation of such a certificate in force in respect of such aircraft;

(b) the tow rope or ropes to be used are in good condition and of adequate strength for the purpose of the towing operation; and

(c) the weights of the flying machine or flying machines and the glider or gliders considered in combination are such as to satisfy on the proposed flight the requirements of paragraph (g) of sub-regulation (2) of regulation 50 and, where applicable, of regulation 52.

(2) In the case of a public transport aircraft, which for the purpose of this sub-regulation shall be deemed to include an aircraft belonging to or being flown under arrangements made by a flying club and carrying a member of the club whether for the purpose of instruction or otherwise, the person in command thereof, if other than the operator of the aircraft, shall, immediately on the termination of any flight in which the aircraft has been engaged, furnish to the operator of the aircraft or to the representative of such operator particulars of any defects in the aircraft including its engines, components, accessories, instruments, equipment and apparatus and their installations, observed by him during the flight.

(3) No aircraft which is a flying machine or glider shall carry out any trick flying or exhibition flying while carrying passengers for hire or reward unless the person in command of the flying machine or glider has satisfied himself before commencing the flight that every passenger (whether carried for hire or reward or not) and the pilot (or pilots, if more than one) are properly secured by the safety harness or other similar devices carried in accordance with Part IV and maintained in a fit condition for immediate use in the flying machine or glider.

PART IX NAVIGATIONAL RESTRICTIONS, MANAGEMENT OF AIRCRAFT AND SAFETY PROVISIONS

NAVIGATIONAL RESTRICTIONS, MANAGEMENT OF AIRCRAFT AND SAFETY PROVISIONS

57. (1) The Director may, by notice to airmen-Specified areas

(a) specify within Zambia control zones, control areas, airways, flight information centres and regions, corridors and flight advisory routes;

(b) restrict, prohibit and control the flying of aircraft in any such control zone, control area, airway, flight information region, corridor or flight advisory route or in such other area of Zambia as he may specify in such notice.

(2) No aircraft shall fly in contravention of the provisions of any notice to airmen made in terms of paragraph (b) of sub-regulation (1).

(As amended by G.N. No. 387 of 1963)

58. (1) If it is brought to the notice of the Director-Power to restrict flying

(a) that a large number of persons are likely to gather in any area in Zambia for the purpose of witnessing some event of public interest; or

(b) that any area in Zambia is to be used for purposes relating to national defence which render expedient the temporary restriction of the flying of aircraft within or in the neighbourhood of such area; the Director may, by a notice to airmen, impose such temporary restriction on the flying of aircraft within or in the neighbourhood of any such area as he may consider expedient in the interest of public safety, and no aircraft shall fly in contravention of any such notice.

(2) No aircraft race, contest, exhibition of flying or air rally shall be held unless the Director has first given permission in writing for the event to take place. In giving permission, the Director may impose such conditions as he may consider expedient in the interest of public safety and the safety of those persons taking part. The Director may also, by a notice to airmen, impose such temporary restrictions on the flying of aircraft as may be required with respect to an area affected by such race, contest, exhibition or rally, and no aircraft shall fly in contravention of such notice.

(3) Any notice to airmen made in pursuance of this regulation shall specify the area or areas to which the restrictions extend and the time or times during which the restrictions are to be in force, and, in the case of restrictions applying only to aircraft of, or other than, any particular class or description, the class or description of aircraft to which the restrictions apply, or do not apply, as the case may be.

(As amended by F.G.N. No. 151 of 1957 and G.N. No. 387 of 1963)

59. No aircraft shall carry munitions of war or implements of war. Carriage of munitions of war forbidden

60. (1) No person shall carry in-Carriage of dangerous goods

(a) any aircraft in or over Zambia; or

(b) any locally registered aircraft when flying outside Zambia;

any dangerous goods except with the permission in writing of the Director and subject to any conditions imposed in such permission:

Provided that the permission of the Director shall not be required for the carriage of-

(i) safety cartridges, so long as, when carried as cargo in an aircraft carrying passengers or goods for hire or reward, such cartridges are packed in substantial tin-lined wooden cases in such a manner as to ensure that there is not undue movement within the package; and

(ii) any article of equipment of the aircraft or any article required for the purposes of the operation, navigation or safety of the aircraft or the safety or well-being of any person or persons on board, so long as, in the case of a locally registered aircraft, fuel and oil are carried in the fuel and oil tanks of such aircraft or in special stowage approved in writing for the purpose by or under the authority of the Director and articles of an inflammable nature required in connection with the navigation or safety of the aircraft are of a type approved in writing by or under the authority of the Director.

(2) Any person consigning for carriage by any aircraft any dangerous goods shall-

(a) mark distinctly on the outside of the package or container containing such goods their nature, weight and quantity;

(b) give to the carrier of the goods written notice of such nature, weight and quantity and of the name and address of the sender thereof by means of an air consignment note coloured red or bearing the words "dangerous goods" in prominent red letters; and

(c) in any case where the permission in writing of the Director given under sub-regulation (1) is required for the carriage of such goods, attach such permission to the air consignment note:

Provided that -

(i) paragraph (b) in so far as it requires the air consignment note to be coloured red or to bear the words "dangerous goods" in prominent red letters shall not apply to the case of the carriage of safety cartridges in accordance with proviso (i) to sub-regulation (1);

(ii) the provisions of this sub-regulation shall not apply to the carriage of equipment or other articles in accordance with proviso (ii) to sub-regulation (1).

(3) Any person who consigns by air any dangerous goods other than safety cartridges packed in the manner prescribed in proviso (i) to sub-regulation (1) or articles of equipment mentioned in proviso (ii) to sub-regulation (1) shall inform the person in command of the aircraft of the nature, weight and quantity of the goods at or before the time of sending such goods to be carried or taken on board the aircraft.

(4) In this regulation-

"dangerous goods" means any explosive substance and any other goods (whether explosive or not) which by reason of their nature are liable to endanger the safety of the aircraft or persons on board the aircraft;

"safety cartridge" means any cartridge used in small arms which is so constructed that-

(a) after firing, the case of the cartridge may be extracted;

(b) an explosion in one cartridge cannot be communicated to any other cartridge.

(5) The provisions of this regulation shall be in addition to and not in derogation of the provisions of regulation 59.

(As amended by G.N. No. 387 of 1963)

61. (1) (a) (i) A captive balloon shall not be flown within Zambia; Restrictions on captive balloons, kites and moored airships

(ii) A kite shall not be flown within Zambia at a distance of less than 3 miles from the boundary of an aerodrome or be elevated at any place within Zambia above a height of 200 feet from ground level; and

(iii) An airship shall not be moored at any place within Zambia;

except with the permission in writing of the Director and subject to any conditions which may be prescribed or specified in such permission.

(b) The Director may, on the granting of such permission or subsequently, direct that any of the provisions of these Regulations which he may specify shall not apply to a particular captive balloon, kite or airship, as the case may be, or shall apply thereto subject to any modification which he may consider to be required in the circumstances of the case.

(2) An application for the permission referred to in subregulation (1) shall be made to the Director and in connection therewith the applicant shall furnish the director with particulars and information in accordance with such requirements as he may require.

(3) A captive balloon or kite flown within Zambia and an airship when moored at any place within Zambia shall comply with such conditions as to mooring, lighting and marking as the Director may in the circumstances of any particular case impose.

(As amended by G.N. No. 387 of 1963)

62. No person shall commit any act likely to imperil the safety of an aircraft or any person on board, whether by interference with any member of the personnel of the aircraft, or by tampering with the aircraft or its equipment, or by disorderly conduct or by any other means. Imperilling safety of aircraft

63. (1) No person shall enter or be in any aircraft while in a state of intoxication. Drunkenness

(2) No person, while acting as a member of the personnel of an aircraft or carried in an aircraft for the purpose of so acting, shall be in a state in which his capacity so to act is impaired by reason of his having taken any intoxicating liquor or taken or used any sedative, narcotic or stimulant drug or preparation prior to embarkation or in flight.

(3) No aircraft shall fly or commence to fly carrying any person who is acting in contravention of this regulation.

64. (1) No locally registered aircraft shall fly unless the certificate of airworthiness of such aircraft contains a condition stating in what compartment or compartments of the aircraft smoking is or is not permissible. Smoking

(2) No locally registered aircraft shall fly unless the operator of such aircraft causes to be exhibited and kept exhibited in a conspicuous place in every compartment (including every control cabin) of the aircraft a legible notice, consistent with the conditions referred to in sub-regulation (1), stating either that smoking is or that smoking is not permitted in that compartment and no person shall smoke in any compartment of the aircraft unless smoking therein is stated by such notice to be permitted.

65. No locally registered aircraft shall fly unless such particulars of or notice relating to the design, construction and weight of the aircraft or the equipment thereof or to any restrictions to be observed and precautions to be taken to secure the safety of the aircraft are exhibited in such manner and in such places in the aircraft as are prescribed in Parts IV, V, VIII and IX or as may in any particular case be required by the Director. Notices in aircraft

66. No locally registered aircraft carrying passengers for hire or reward, or, if the carriage is effected by an air transport undertaking whether for hire or reward or not, shall fly unless-

(a) every means of exit from the aircraft and from every passenger compartment therein is kept free from obstruction and no such means of exit is so fastened by locking or otherwise as to hinder the immediate use thereof in an emergency; and Exits in aircraft

(b) the position of every such means of exit which is specially provided for use in an emergency is clearly marked with the words "Emergency Exit" and in each case the method of operation is indicated.

67. (1) When any aircraft is flying within Zambia no person shall at any time be carried on the wings or undercarriage of the aircraft, or on or in any other part thereof which is not designed for the accommodation of the personnel or passengers, or on or in anything (other than a glider or a flying machine) attached to the aircraft: Persons not to be carried in certain parts of aircraft

Provided that-

(a) nothing in this regulation shall prevent a person having temporary access-

(i) to any part of the aircraft for the purpose of executing repairs to the aircraft or adjusting the machinery or equipment thereof or for the purpose of doing anything which may be necessary for the safety of the aircraft or persons or goods carried therein; or

(ii) to any part of the aircraft in which goods or stores are being carried and to which proper means of access is provided; and

(b) a person may be carried on or in any part of the aircraft, or anything attached thereto, with the permission in writing of the Director and subject to any conditions which may be specified in that permission.

(2) No aircraft shall fly or commence to fly carrying any person who is acting in contravention of this regulation.

(As amended by G.N. No. 387 of 1963)

68. (1) Subject to the provisions of sub-regulation (2), no flying machine shall fly towing another aircraft, other than a glider of which the maximum total weight authorised does not exceed 1,250 lb. and no aircraft, other than such a glider as aforesaid, shall be towed in flight by a flying machine unless the pilot in charge of the flying machine is entitled or permitted in accordance with the provisions of this regulation to fly as pilot in charge of a flying machine towing another aircraft. Towing

(2) Save with the special permission in writing of the Director and subject to any conditions or limitations contained therein, a person shall not fly or attempt to fly as pilot in charge of a flying machine towing another aircraft, other than such a glider as aforesaid, unless he is the holder of a pilot's licence (flying machines) granted or rendered valid under these Regulations and is entitled by virtue of a towing rating included in such licence to fly as pilot in charge of a flying machine towing another aircraft:

Provided that the holder of such a licence may fly within Zambia as pilot in charge of a flying machine towing another aircraft if he flies in accordance with the provisions of regulation 109 and for the purpose of becoming qualified to have a towing rating included in his licence. For this purpose he may also fly as pilot in charge of any other aircraft, notwithstanding that his licence does not entitle him to fly as pilot thereof, which he may be required to fly in order to comply with the requirements set out in sub-regulation (3).

(3) The provisions of this sub-regulation shall have effect with respect to the towing rating required under sub-regulation (2)-

(a) the rating may be included by the Director in a licence on application being made and on the Director being satisfied that the applicant is qualified in accordance with the requirements for the rating;

(b) the rating shall, subject to the provisions of regulation 83, continue in operation while the licence in which it is included remains in force:

Provided that upon the renewal of such licence the holder thereof may be required to satisfy the Director in accordance with the provisions of regulation 109 that the rating may so continue in operation;

(c) application for the rating shall be made in accordance with the provisions of regulation 109 and the applicant shall furnish the Director with such particulars as he may require in connection therewith.

(As amended by G.N. No. 387 of 1963)

69. (1) Subject to the provisions of sub-regulation (2), no person under the age of seventeen years shall have sole control of any aircraft in motion. Control of aircraft by young persons

(2) A person over the age of fourteen years may have sole control of a glider in motion, if-

(a) such person is exercising control thereof in accordance with arrangements made for the supervision of that person by a gliding club of which he is a member;

(b) if the glider is being towed by a flying machine, the authorised maximum total weight of the glider does not exceed 1,250 lb.

(3) No person shall cause or permit-

(a) any person under the age of seventeen years to have sole control of an aircraft in motion other than a glider;

(b) any person under the age of fourteen years to have sole control of any glider;

(c) any person who has attained the age of fourteen years but not the age of seventeen years to have sole control of any glider unless compliance is made with the provisions of sub-regulation (2).

70. The Director may, for the purpose of promoting the safety of aircraft, approve and publish by means of a notice to airmen any special rule or rules as to signals and other communications to be made by or to an aircraft, as to the course on which and the height at which an aircraft shall fly and as to any other precaution to be observed in relation to the navigation and control of aircraft which the Director may consider expedient for the purpose aforesaid, and no aircraft shall fly in contravention of any such rules. Special signals and other communications

PART X OPERATIONAL TRAINING AND OPERATIONS MANUALPART X

OPERATIONAL TRAINING AND OPERATIONS MANUAL

71. (1) In this regulation-

"aerodrome meteorological minima" means minimum heights of cloud base and minimum values of visibility defined for the purpose of determining the suitability of an aerodrome either for take-off or landing;

"alternate aerodrome" means an aerodrome selected prior to take-off to which a flight may proceed when a landing at the intended destination becomes inadvisable;

"appropriate authority" means the national authority of a contracting State responsible for the safety of air navigation over the territory of that State and, in the case of Zambia, means the Director;

"flight time" means the period from the moment at which an aircraft first moves under its own power for the purpose of taking off for a flight until the moment at which it comes to rest at the end of that flight during which a member of the operating crew of the aircraft is engaged in discharging or remains liable to discharge his duties and responsibilities in the capacity in which he is acting as such member. Training of operating crew, Operations Manual and aerodrome meteorological minima

(2) The provisions of this regulation shall apply to every locally registered public transport aircraft, except that-

(a) the said provisions shall not apply to such aircraft which are being used solely for the purpose of training any persons carried therein, in addition to the personnel thereof, to perform duties in an aircraft; and

(b) sub-regulations (5), (6), (8), (10), (11) and (12) shall not apply to such aircraft having a maximum weight of less than 12,500 lb. when operated on a non-scheduled journey and in accordance with visual flight rules.

(3) The operator of the aircraft (hereinafter in this regulation called "the operator") shall ensure that every member of the operating crew thereof is fully instructed in the duties and responsibilities to be discharged by him in the capacity in which he is acting as such member and in the relationship of such duties and responsibilities to the operations system on any air route over which he may be called upon to discharge the same and that he has adequate knowledge of every such air route.

(4) The operator shall ensure that every member of the operating crew has training, practice and periodical tests in accordance with such requirements as may be notified with respect to those matters.

(5) The operator shall provide for the use and guidance of the members of the operating crew an Operations Manual containing such particulars as may be notified, such further information as to the conduct of flying operations as will enable them to become fully acquainted with the nature of such operations and clearly outlining the duties and responsibilities of each of them, and the particulars referred to in sub-regulation (8).

(6) The provisions of this sub-regulation shall have effect with respect to the said Manual-

(a) the operator shall cause the Manual to be revised from time to time as may be necessary in consequence of any change affecting the operation of the aircraft or the equipment thereof or as may otherwise appear to the operator to be necessary or as may be required by the Director;

(b) the operator shall cause copies of the Manual and of any revised portion thereof to be furnished to the members of the operating crew and to such other persons as appear to the operator to be persons to whom it is necessary or expedient that such copies should be supplied or as may be designated by the Director;

(c) the operator shall ensure that all copies of the Manual in the hands of members of the operating crew are kept so revised as to show at any time any variation which may then have been made in the requirements with respect to the matters to which the Manual relates.

(7) The operator shall maintain current records of the flight times of every member of the operating crew and shall establish limitations on those flight times in accordance with the provisions of regulation 74 to ensure that the safety of the aircraft is not endangered by reason of fatigue of any such member attributable to the length or frequency of his flight times.

(8) (a) In respect of any flight to be made by the aircraft on a scheduled journey, the operator shall establish in the said Manual-

(i) the aerodrome meteorological minima for each aerodrome of intended

destination and any alternate aerodrome on the route of such a flight:

Provided that no such minima for any particular aerodrome shall be lower than the aerodrome meteorological minima, if any, for that aerodrome established by the appropriate authority, unless such minima have been specifically approved by or on behalf of that authority;

(ii) the minimum safe flight altitudes for each route to be flown;

(iii) a route guide for each route flown, containing information relating to communication facilities, navigation aids, aerodromes, in-flight procedures, and such other information as the operator may deem necessary for the proper conduct of flight operations.

(b) In respect of any flight to be made by the aircraft otherwise than on a scheduled journey, the operator shall establish in the said Manual-

(i) the method by which the aerodrome meteorological minima for each aerodrome of intended destination and any alternate aerodrome on the route of such a flight shall be determined:

Provided that, if any such aerodrome will frequently be used, the operator shall establish such minima for that aerodrome and shall specify such minima in the said Manual;

(ii) the method of determining minimum safe flight altitudes;

(iii) instructions regarding the procurement of detailed information with respect to communication facilities, navigation aids, aerodromes, in-flight procedures, and such other information as the operator may deem necessary.

(c) In respect of any flight to be made by the aircraft on all journeys, the operator shall establish in the said Manual-

(i) instructions outlining the responsibilities of operations personnel pertaining to the conduct of flight operations;

(ii) the flight crew for each type of operation to be conducted including the designation of the succession of command;

(iii) emergency flight procedures, including procedures for pilots-in-command observing an accident;

(iv) the circumstances in which a radio listening watch is to be maintained;

(v) a list of the navigational equipment to be carried;

(vi) specific instructions for the computation of the quantities of fuel and oil to be carried having regard to all circumstances of the operation including the possibility of the failure of one or more power plants while en route;

(vii) the conditions under which oxygen shall be used.

(9) When a flight is planned and the meteorological information obtained by the person in command of the aircraft indicates that Instrument Flight Rules will be in force at the aerodrome of first intended landing, the person in command shall

select an alternate aerodrome unless no such aerodrome suitable for use in the circumstances of the case is available.

(10) Prior to commencing a flight, the person in command of the aircraft shall obtain the aerodrome meteorological minima for take-off at the aerodrome of departure and for landing at the aerodrome of first intended landing, and, if the provisions of sub-regulation (9) apply, the aerodrome meteorological minima for landing at any alternate aerodrome selected by him, as specified in the said Manual, or, in a case where such minima are not so specified, as determined by him in accordance with the method specified in the said Manual:

Provided that, if the minima for any such aerodrome are determined by the person in command in accordance with the method specified in the Manual, they shall not be lower than the aerodrome meteorological minima, if any, for that aerodrome established by the appropriate authority, unless such minima have been specifically approved by or on behalf of that authority.

(11) The aircraft shall not commence a flight unless the meteorological information obtained by the person in command thereof indicates that weather conditions at the aerodrome of first landing or, if the provisions of sub-regulation (9) apply, at any alternate aerodrome selected by him, will at the estimated time of arrival at that aerodrome be at or above the aerodrome meteorological minima for landing at that aerodrome as specified in the said Manual or, as determined by him in accordance with the provisions of sub-regulation (12), as the case may be.

(12) The aircraft shall not, unless compelled by accident or other unavoidable cause, continue its approach to landing at any aerodrome beyond a point at which the limits of the aerodrome meteorological minima for landing at that aerodrome as specified in the said Manual, or, as determined by the person in command thereof in accordance with the provisions of sub-regulation (10), as the case may be, would be passed.

(13) The Director may take such measures as he may consider necessary to satisfy himself that the provisions of sub-regulations (3) to (8) are being complied with by the operator.

(As amended by F.G.N. No. 269 of 1957 and G.N. No. 387 of 1963)

PART XI OPERATING CREW

OPERATING CREW

72. (1) Subject to the provisions of this regulation, no person shall fly or attempt to fly as a member of the operating crew of a locally registered aircraft unless he is the holder of a licence granted or rendered valid under these Regulations. Holding of licences

(2) No person shall fly or attempt to fly within Zambia as a member of the operating crew of an aircraft registered outside Zambia unless he is the holder of a licence granted or rendered valid under the law of the country in which the aircraft is registered.

(3) No aircraft shall fly or attempt to fly unless every member of the operating crew thereof is the holder of the licence which he is required to hold under the provisions of this Part.

(4) For the purposes of this regulation, "licence" means a licence which entitles the holder thereof to act in the capacity in which he is flying as a member of the operating crew of an aircraft having regard to the privileges conferred by the licence and any limitation affecting such privileges in relation to the class, type and description of the aircraft or otherwise and to the circumstances of the flight in which the aircraft is engaged.

(5) For the purposes of this regulation, a person shall not be deemed to be a member of the operating crew of an aircraft-

(a) if he is flying in accordance with the provisions of these Regulations for the purpose of becoming qualified for the grant or renewal of a pilot's licence of any class; or

(b) if he is flying in accordance with the provisions of these Regulations for the purpose of undergoing tests or receiving instruction in flying required to be undertaken for admission into any military or naval air force.

(6) (a) The holder of a pilot's licence of any class may fly as pilot in charge of classes or types of aircraft other than those to which the licence applies if he flies in accordance with the provisions of Part XIV and for the purpose of qualifying for an extension of the aircraft rating included in the licence to cover additional classes or types of aircraft.

(b) A person may fly in accordance with the provisions of paragraph (a) as pilot in charge of a public transport flying machine provided that the licence he holds entitles him to fly as pilot in charge of a public transport flying machine and every passenger carried in the flying machine is being carried for the purpose of being trained to perform duties as a member of the operating crew of a flying machine.

(As amended by G.N. No. 387 of 1963
and S.I. No. 153 of 1965)

73. (1) No aircraft shall fly or attempt to fly unless the members of its operating crew are of the number and description required by the law of the country in which the aircraft is registered. Operating crew to be carried

(2) No locally registered aircraft shall fly unless the number and description of the members of the operating crew carried in such aircraft and the arrangements made as to their duties are in accordance with the following requirements:

(a) Minimum crew for any flight.

On all flights an aircraft shall have on board, for the purpose of acting as members of the operating crew, the number and description of persons specified as the minimum operating crew for that aircraft in its certificate of airworthiness.

(b) Carriage of a flight engineer.

Where a flight engineer is required by the terms of the certificate of airworthiness to be carried in an aircraft, and a separate flight engineer's station is incorporated in the design of the aircraft, a flight engineer, qualified under the terms of his licence to act in that capacity in the aircraft, shall be carried and assigned for duties only at the said station

unless the operating crew includes a person, licensed for flight duties in another capacity and being also the holder of the appropriate flight engineer's licence who could, without interference with his normal duties, carry out satisfactorily the duties also of flight engineer, in which case that person may act in the capacity of flight engineer.

(c) Carriage of additional pilots.

(i) When an aircraft carries two or more pilots as members of the operating crew-

A. one of them shall, before the flight commences, be designated by the operator of the aircraft as the senior pilot and the other pilots shall act only under his direction;

B. two pilots shall remain at the controls when the aircraft is departing from or landing at an aerodrome; and

C. at least one pilot shall remain at the controls at all times during flight.

(ii) A public transport flying machine having a maximum total weight authorised of more than 22,550 lb. when departing from or arriving at an aerodrome in instrument meteorological conditions as defined in regulation 2 of the Aviation (Rules of the Air) Regulations shall carry, to act in the capacity of second pilot and for the particular purpose of assisting the senior pilot during such departure and arrival as aforesaid, a person who is the holder of a commercial, senior commercial or airline transport pilot's licence (flying machines) including an instrument rating.

(d) Carriage of a flight navigator.

(i) A public transport flying machine carrying out-

A. a flight during the course of which it may be over water for a great circle distance of more than 1,000 nautical miles; or

B. a flight without landing for a great circle distance of more than 1,500 nautical miles; shall have on board to act in the capacity of flight navigator a person who is the holder of a flight navigator's licence. Save as provided in sub-paragraph (ii), he shall be a separate person from any other member of the operating crew and shall not carry out any duties in the flying machine other than navigational duties.

(ii) When a pilot and second pilot are carried, either the pilot or the second pilot, whichever is licensed as a flight navigator, may be responsible for the navigation of the flying machine if he holds a commercial, senior commercial or airline transport pilot's licence (flying machines) having an aircraft rating in respect of the particular type of flying machine.

(3) The Director may vary any of the requirements prescribed in sub-regulation (2) or add further requirements thereto including requirements with respect to the class, type and description of the aircraft or the circumstances of the flight in which it is engaged, or may exempt an aircraft from compliance with any of the prescribed requirements subject to such conditions, if any, as he may consider to be required, if in the circumstances of that case it appears to him to be expedient.

(As amended by F.G.N. No. 269 of 1957)

74. (1) For the purposes of this regulation-Duty time limitations for flight crews

(a) a member of a flight crew shall be deemed to be performing duty during-

(i) the period commencing not less than thirty minutes before the scheduled time of the first take-off of the aeroplane on a flight and ending the moment the aeroplane moves under its own power before take-off on that flight;

(ii) any period spent on flying duty;

(iii) the period of fifteen minutes immediately following the moment when the engines of the aeroplane are switched off after landing;

(iv) any period spent at an aerodrome or elsewhere in the course of a flight which is not a rest period;

(v) any period of dead head flying;

(b) "commander" means the person in charge of a public transport aircraft;

(c) "dead head flying" means any flying as a passenger by a member of a flight crew for the purpose of travelling to or from a duty assignment;

(d) "flying duty" means any period spent on duty as a member of the flight crew in an aeroplane while it is in actual flight, such period being calculated from the moment the aeroplane moves under its own power before take-off to the moment when the engines of the aeroplane are switched off after landing;

(f) "month" means any one of the twelve named parts into which a year is ordinarily divided in the calendar;

(g) "rest period" means a period during which no duties whatsoever are performed by a member of a flight crew in connection with the business of an air transport undertaking including any such period spent in an aeroplane equipped with sleeping quarters in terms of sub-paragraph (i) of paragraph (b) of sub-regulation (6) but not including any period spent in travelling to or from a duty assignment;

(h) "year" means a period of twelve months ending at midnight on the 31st December.

(2) No operator of an air transport undertaking shall cause, permit or schedule any member of a flight crew to perform duty or flying duty, and no member of a flight crew shall perform duty or flying duty, otherwise than in accordance with the provisions of this regulation.

(3) In relation to any flight or flights by an aeroplane with an operating crew of one pilot only-

(a) a pilot shall not perform duty for more than eleven hours or, if such duty commences after 6 a.m. local time and ends before 10 p.m. local time, for more than twelve hours during any twenty-four consecutive hours:

Provided that he may exceed these limits for the purpose of dead head flying after he has performed eleven or twelve hours' duty, as the case may be;

(b) a pilot shall not perform flying duty for more than eight hours during any twenty-four consecutive hours unless he has a continuous rest period of not less than eight hours' duration at or before the end of eight hours' flying duty, and to this rest period there shall be added a further rest period calculated at the rate of one and a half hours for every hour spent by him in dead head flying after he has performed eleven or twelve hours' duty, as the case may be;

(c) a pilot shall have a continuous rest period of not less than thirty-six hours' duration once in every seven consecutive days;

(d) a pilot shall not perform flying duty for periods exceeding in the aggregate-

(i) twenty-eight hours in any seven consecutive days;

(ii) ninety hours in any month;

(iii) nine hundred hours in any year.

(4) In relation to any flight or flights by an aeroplane with an operating crew of two pilots only or one pilot and one licensed member of an operating crew who is not a pilot-

(a) a pilot shall not perform duty for more than twelve hours or, if such duty commences after 6 a.m. local time and ends before 10 p.m. local time, for more than thirteen hours during any twenty-four consecutive hours:

Provided that he may exceed these limits for the purpose of dead head flying after he has performed twelve or thirteen hours' duty, as the case may be;

(b) a pilot shall not perform flying duty for more than nine hours or, if such duty commences after 6 a.m. local time and ends before 10 p.m. local time, for more than ten hours during any twenty-four consecutive hours unless he has a continuous rest period of not less than eight hours' duration at or before the end of nine or ten hours' flying duty, as the case may be, and to this rest period there shall be added a further rest period calculated at the rate of one and a half hours for every hour spent by him in dead head flying after he has performed twelve or thirteen hours' duty, as the case may be;

(c) a pilot shall have a continuous rest period of not less than thirty-six hours' duration once in every seven consecutive days;

(d) a pilot shall not perform flying duty for periods exceeding in the aggregate-

(i) thirty-two hours in any seven consecutive days;

(ii) one hundred hours in any month;

(iii) nine hundred hours in any year.

(5) In relation to any flight or flights by an aeroplane with an operating crew of two pilots and one licensed member of an operating crew who is not a pilot-

(a) a pilot shall not, during any twenty-four consecutive hours, perform-

(i) duty for more than fifteen hours; or

(ii) flying duty for more than eleven and a half hours; unless he has, before and after such duty, rested in accordance with paragraph (b);

Provided that these limits may be exceeded for the purpose of emergencies or dead head flying;

(b) a pilot shall have a continuous period of rest for eight hours' duration and to this rest period there shall be added a further rest period calculated at the rate of one and a half hours for every hour spent by him in dead head flying after fifteen hours' duty; hours for every hour spent by him in dead head flying after he has performed fourteen or fifteen hours' duty, as the case may be;

(c) a pilot shall have a continuous rest period of not less than thirty-six hours' duration once in every seven consecutive days;

(d) a pilot shall not perform flying duty for periods exceeding in the aggregate-

(i) thirty-six hours in any seven consecutive days;

(ii) one hundred hours in any month;

(iii) nine hundred hours in any year.

(6) In relation to any flight or flights by an aeroplane with an operating crew of three or more pilots and one or more licensed members of an operating crew who are not pilots-

(a) flying duty shall be scheduled in such a manner as to provide for adequate rest periods on the ground while the operating crew is away from base;

(b) when pilots are scheduled to proceed on a flight for a period exceeding twelve hours during any twenty-four consecutive hours-

(i) adequate sleeping quarters providing comfort in the fully prone position shall be available on the aeroplane; and

(ii) two pilots shall be designated proficient to act as pilot-in-command of the aeroplane by the operator of the air transport undertaking; and

(iii) the senior pilot-in-command shall ensure that adequate rest periods are given to members of the operating crew;

(c) upon return to base from any flight a pilot shall have at base a rest period of not less than twice the total number of hours of flying duty performed by him since his last rest period;

(d) a pilot shall not perform flying duty for periods exceeding in the aggregate-

- (i) one hundred and twenty hours in any one month;
- (ii) three hundred hours in any three consecutive months;
- (iii) nine hundred hours in any year.

(7) Licensed members of an operating crew, who are not pilots, shall-

- (a) perform duty and flying duty within the limits prescribed for pilots who are members of the same operating crew;
- (b) have rest periods equal to those prescribed for pilots who are members of the same operating crew.

(8) Pilots assigned to instructional duties, who during any month exceed twenty hours' flying duty spent in flight instruction, shall not perform more than eighty hours' flying duty in that month.

(9) If a pilot performs flying duty as a member of more than one of the operating crews referred to in sub-regulations (3), (4), (5) and (6), then the aggregate of his periods of flying duty in any month shall not exceed the limit prescribed for that aggregate in respect of a pilot member of that operating crew, with which the pilot has operated, which contains the least number of pilots:

Provided that if a pilot performs flying duty for a total period of not more than ten hours as a member of an operating crew or crews containing a lesser number of pilots than any other operating crew to which he is assigned, then the provisions of this sub-regulation shall not apply.

(10) In times of any public emergency the limits of duty and flying duty fixed in this regulation may, with the permission of the Director, be exceeded to an extent to be determined by the Director when he grants permission.

(11) A person shall be deemed not to have contravened the provisions of this regulation by making any flight during which he exceeds the limits of duty or flying duty or does not have the rest period fixed in this regulation and applicable to that person, if he proves-

- (a) that he was only flying at that time due to an unavoidable delay in completing the flight; and

- (b) that before commencing the flight he could not reasonably have foreseen that any delay in completing it was likely to occur.

(12) Notwithstanding anything to the contrary contained in this regulation, the commander of a public transport aircraft may make or authorise any other person to make a flight in that aircraft in such circumstances that the commander or that other person, as the case may be, will exceed the limits of duty or flying duty or not have the rest period fixed in this regulation and applicable to the commander or that other person, if the commander is satisfied that the safety of the aircraft on that flight will not be endangered if he or that other person makes that flight, and-

- (a) it appears to the commander-

- (i) that arrangements had been made for the flight to be made; and

(ii) if the flight had been made in terms of those arrangements, each member of the flight crew would not have exceeded the limits of duty or flying duty and would have had the rest period fixed in this regulation and applicable to him; and

(iii) that the flight had been or will be prevented from being made in accordance with those arrangements by reasons of-

A. exceptional circumstances; or

B. circumstances which were not foreseen as likely to prevent that flight from being made; or

(b) in the opinion of the commander the flight is one which ought to be made in the interests of the safety or health of any person.

(13) Where a flight is made in a public transport aircraft in terms of sub-regulation (12), a written report stating-

(a) the name of the person who made the flight; and

(b) the circumstances in which the flight was made; and

(c) the reason for making the flight;

shall be submitted by the commander to the operator of the aircraft who shall submit the report to the Director and furnish such further information relating to the flight as the Director may require.

(F.G.N. No. 130 of 1962) and S.I. No 180 of 1985)

75. (1) A student pilot shall credit the total flight time during which he is the sole manipulator of the controls or is being instructed towards the experience required for a private pilot licence. Crediting of flight time

(2) A private pilot shall be entitled to be credited with the total flight time during which he acts as pilot-in-command and is the sole manipulator of the controls, towards the total flight time required for a higher grade of licence.

(3) A private pilot, when acting as co-pilot in an aircraft normally required to be operated with a co-pilot, shall be entitled to be credited with not more than fifty per centum of such flight time towards the total flight time required for a commercial pilot licence. Flight time so credited shall not exceed fifty hours.

(4) A commercial pilot or senior commercial pilot shall be entitled to be credited with the total flight time whilst acting as pilot-in-command.

(5) A commercial pilot or senior commercial pilot, whilst acting as co-pilot in an aircraft normally required to be operated with a co-pilot, shall be entitled to be credited with not more than fifty per centum of such flight time towards the total flight time required for a higher grade of pilot licence.

(6) An airline transport pilot shall be entitled to be credited with the total flight time whilst acting as pilot-in-command or as co-pilot, provided that he is the holder of the appropriate category, class and type rating.

(7) A pilot actually manipulating the flight controls of an aircraft under actual or simulated instrument flight conditions solely by reference to instruments and without external reference points, shall be entitled to be credited with the instrument flight time thus acquired.

(8) Dual instruction time shall be counted in full towards the total flight time required for a higher grade of pilot licence.

(9) Flight crew members other than the aforementioned shall be entitled to credit the flight time of any flight whilst acting in the respective category.

(10) A flight radio operator who, during flight, manipulates radio or radar equipment other than radio compass, direction-finding loop or communication equipment, shall be credited, under each type of equipment, with the flight time thus acquired.

(11) Where a flight crew member, other than a flight radio operator, undertakes the duties of a flight radio operator, he may credit the flight time spent exclusively on such duties in his radio operator log book and the log book applicable to his briefed flight-crew capacity.

PART XII LOG BOOKS AND DOCUMENTS

LOG BOOKS AND DOCUMENTS

76. (1) No locally registered aircraft shall fly unless the following log books are kept in respect of such aircraft:

- (a) an aircraft log book;
- (b) an engine log book, or if the aircraft is fitted with more than one engine, a separate log book for each engine;
- (c) a variable pitch propeller log book, or if the aircraft is fitted with more than one such propeller, a separate log book for each propeller;
- (d) in addition for every aircraft equipped with radio apparatus, a telecommunication log book.

(2) The following log books shall be in all essentials in the form of the authorised patterns:

Aircraft log book, other than for airships and balloons;

Engine log book;

Variable pitch propeller log book;

Personal flying log book.

(3) The log books specified in sub-regulation (2) may be obtained from the Director on payment of the appropriate fees.

(As amended by F.G.N. No. 151 of 1957)

77. All log books shall show all the information and particulars which are

required to be supplied, and the instructions for use set out therein shall be followed.

(F.G.N. No. 151 of 1957) Log books

78. No locally registered aircraft shall fly unless every member of the operating crew of such aircraft and every person flying in accordance with the provisions of these Regulations and the conditions prescribed for the purpose of becoming qualified for the grant or renewal of a licence by the Director, or flying in accordance with the provisions of these Regulations for the purpose of undergoing tests or receiving instruction in flying required to be undertaken for admission into any military or naval air force, keeps a personal flying log book, and all flight time spent as a flight crew member is recorded therein. The form of log book and the manner in which log books are to be maintained shall be as notified.

(As amended by S.I. No. 153 of 1965) Flying log books

79. The following provisions shall have effect with respect to the log books specified in regulations 76 and 78:

(1) All entries, other than preliminary data ordinarily furnished by the constructor in the original aircraft, engine and variable pitch propeller log books shall-Entries in log books

(a) in the case of a certificate under regulation 39, be made and signed in accordance with that regulation or regulation 40, as the case may be;

(b) in other cases, be made and signed by a licensed aircraft maintenance engineer:

Provided that-

(i) in respect of matters which could not have come to the notice of a licensed aircraft maintenance engineer, entries shall be made and signed by the pilot;

(ii) this sub-paragraph shall not apply in respect of any entry prescribed to be made by the persons referred to in regulation 40.

(2) Where repairs to an aircraft, engine or variable pitch propeller have been required in consequence either of damage caused by a forced landing or of defects which have occasioned a forced landing, the entry of such repairs made in the aircraft, engine or variable pitch propeller log book shall state that they have been so required and shall identify the forced landing in question.

(3) Entries in the personal flying log book shall be made at latest 24 hours after the events to which they relate, and entries in the aircraft, engine or variable pitch propeller log book shall be made at latest within 24 hours after the aircraft has been rendered airworthy by the execution of the work to which they relate or, if the work was performed whilst the aircraft was away from its station, within 24 hours of the return of the aircraft to its station.

(4) Every entry and signature in any log book shall be made in ink or indelible pencil.

(5) The log book, except the telecommunication log book, shall be preserved

for a period of two years from the date of the last entry therein; the telecommunication log book shall be preserved for a period of at least six months from the date of the last entry therein and, in a case where that log book is required in connection with any inquiry or proceedings, for such longer period as may be required for the purposes thereof.

(As amended by F.G.N. No. 151 of 1957)

80. (1) No aircraft shall fly unless it carries the documents required to be carried therein by the law of the country in which it is registered. Documents to be carried in aircraft

(2) There shall be carried in every locally registered aircraft-

(a) when engaged in international navigation-

(i) its certificate of registration;

(ii) its certificate of airworthiness;

(iii) the licences of its operating crew;

(iv) sufficient copies of the general declaration form specified in the Fifth Schedule;

(v) (Revoked by S.I. No. 212 of 1973);

(vi) any licence to install and operate radio apparatus in the aircraft for the time being in force;

(vii) in the case of a public transport aircraft, one of the duplicate copies of the certificate of maintenance which was last issued in respect of the aircraft;

(viii) in the case of a public transport aircraft, one of the duplicate copies of any load sheet relating to the aircraft required under these Regulations;

(ix) in the case of an aircraft carrying passengers, a list of their names and places of embarkation and destination;

(x) in the case of an aircraft carrying goods, a manifest of the goods;

(b) when not engaged in international navigation-

(i) if flying as a public transport aircraft, the documents specified in sub-paragraphs (i), (ii), (iii), (vi), and (vii) of paragraph (a) and the documents, if required, specified in sub-paragraph (viii) thereof;

(ii) if flying as an aerial work aircraft, the documents specified in sub-paragraphs (ii), (iii) and (vi) of paragraph (a);

(iii) when flying as a private aircraft, the documents specified in sub-paragraphs (ii), (iii) and (vi) of paragraph (a);

(iv) (Revoked by S.I. No. 212 of 1973)

(3) In any case where a certificate of airworthiness or a licence required to be carried in an aircraft in accordance with the provisions of these Regulations has been rendered valid by a validation issued by the Director under these Regulations, there shall be carried in the aircraft with the certificate or licence the validation so issued.

(As amended by F.G.N. No. 641 of 1954 and F.G.N. No. 151 of 1957 and S.I. No. 212 of 1973)

81. (1) No aircraft registered outside Zambia shall fly unless the documents required by these Regulations to be carried therein are kept in the form and manner required by the law of the country in which the aircraft is registered. General provisions

(2) No locally registered aircraft shall fly unless the certificate of airworthiness of such aircraft and, if such certificate has been rendered valid by a validation issued by the Director under these Regulations, the validation so issued is kept with the general declaration when the document is required under these Regulations to be carried in the aircraft.

(3) The provisions of this sub-regulation shall have effect with respect to the duplicate copies of a certificate of maintenance-

(a) one copy shall, if the certificate is issued by a person in the employment of the operator of the aircraft, be retained by the operator and, if not issued by such a person, shall be sent by the person in command of the aircraft to the operator thereof;

(b) no aircraft shall fly unless it carries the other copy kept with the general declaration whenever such document is required under these Regulations to be carried in the aircraft. When a further certificate is issued, the old copy of the certificate shall be sent by the person in command of the aircraft to the operator thereof;

(c) the operator of the aircraft shall preserve both copies until the expiration of a period of six months from the date of the certificate.

(4) The following provisions of this sub-regulation shall have effect with respect to the duplicate copies of a load sheet:

(a) after the load sheet has been completed and examined in accordance with the provisions of sub-regulation (1) of regulation 54, the operator of the aircraft shall cause one copy thereof to be sent to him;

(b) no aircraft shall fly unless it carries the other copy kept with the general declaration whenever such document is required under these Regulations to be carried in the aircraft. When the flight to which such copy relates has been completed, the person in command of the aircraft shall send it to the operator thereof;

(c) the operator of the aircraft shall preserve both copies until the expiration of six months from the date of completion thereof;

(d) in any case where the loading of the aircraft to which the load sheet relates forms the subject of inquiry or proceedings, the particulars contained in the load sheet shall be deemed to be correctly stated unless the contrary is

proved.

(5) If the operator of an aircraft is also the person in command thereof, he shall cause the copy of the certificate of maintenance referred to in paragraph (a) of sub-regulation (3) or the copy of the load sheet referred to in paragraph (a) of sub-regulation (4), as the case may be, to be kept at his principal office or place of business and shall retain the copy of the certificate of maintenance referred to in paragraph (b) of sub-regulation (3) or the copy of the load sheet referred to in paragraph (b) of sub-regulation (4), as the case may be, for a period of six months after the issue in the one case of the further certificate referred to in paragraph (b) of sub-regulation (3) or the completion in the other case of the flight referred to in paragraph (b) of sub-regulation (4).

(6) As from the time when any copy of a certificate of maintenance or any load sheet becomes retainable by or transmissible to the operator of the aircraft, it shall not be carried in the aircraft to which it relates.

(As amended by F.G.N. No. 641 of 1954, F.G.N. No. 151 of 1957 and G.N. No. 387 of 1963)

82. (1) The person in command of an aircraft shall, on demand made on the landing or departure of the aircraft by an authorised person, produce to that person any of the following documents relating to the aircraft or to persons or goods carried therein: Production of documents

(a) its certificate of registration;

(b) any certificate of airworthiness for the time being in force with respect to the aircraft and, in the case of a locally registered public transport aircraft, one of the duplicate copies of its certificate of maintenance;

(c) the licences of its operating crew, and the student pilot's licence of any person required under regulation 98 to be the holder of such a licence;

(d) the general declaration in all cases in which the general declaration is required under these Regulations to be carried in the aircraft;

(e) (Revoked S.I. No. 212 of 1973)

(f) any licence to install and operate radio apparatus in the aircraft for the time being in force;

(g) in the case of a locally registered public transport aircraft, one of the duplicate copies of any load sheet relating to the aircraft which may be required under these Regulations;

(h) if it is engaged in international navigation and carries passengers, a list of their names and places of embarkation and destination;

(i) if it is engaged in international navigation and carries goods, a manifest of the goods:

Provided that, in the case of a locally registered aircraft which is within Zambia and is not engaged in international navigation, it shall be deemed to be a sufficient compliance with this regulation, as regards the production of the documents specified in paragraphs (b), (c), and (f) in the case of an aircraft

flying as a public transport, aerial work, or private aircraft, and as regards the document specified in paragraph (g), if the person in command of such aircraft to whom any such demand has been made to produce any of the said documents, within five days after such demand has been made, produces or causes to be produced the document or documents so demanded at such police station as may be specified by such person in command at the time of such demand.

(2) (a) The operator of a locally registered aircraft shall, on demand made by an authorised person, produce or cause to be produced, within a reasonable time, to that person-

(i) any certificate of registration or certificate of airworthiness for the time being in force with respect to the aircraft;

(ii) one of the duplicate copies of any certificate of maintenance issued, or of any load sheet in respect of the aircraft completed and examined in accordance with the provisions of sub-regulation (1) of regulation 54 within the period of six months next before the date of the demand;

(iii) any general declaration or log book required by these Regulations to be kept in respect of the aircraft wherein any entry was made within the period of two years next before the date of the demand;

(iv) any licence to install and operate radio apparatus in the aircraft for the time being in force.

(b) Any person having the possession or custody of any record or certificate made or given in accordance with requirements prescribed with respect to the maintenance and certification of radio apparatus in aircraft shall, on demand made by an authorised person, produce or cause to be produced such record or certificate.

(3) The holder of any licence granted or rendered valid under these Regulations shall, on demand made by an authorised person, produce such licence:

Provided that, if a demand is made for the production of a licence granted under regulation 90 or rendered valid under sub-regulation (13) of regulation 90 which is not a licence entitling the holder thereof to act in any capacity as a member of the operating crew of a public transport aircraft or an aerial work aircraft, it shall be deemed to be a sufficient compliance with this sub-regulation if the holder of such licence, within five days after such demand has been made, produces or causes to be produced the licence so demanded at such police station as may be specified by such holder at the time of such demand.

(4) Every person required in accordance with the provisions of regulation 78 to keep a personal flying log book shall, on demand by an authorised person, produce or cause to be produced, within a reasonable time, to that person any personal flying log book kept by him.

(5) If a certificate of airworthiness or a licence required to be produced in accordance with the provisions of this regulation has been rendered valid by a validation issued by the Director under these Regulations, there shall be produced with the certificate or licence the validation so issued.

(6) For the purposes of this regulation, "authorised person" includes a superior or commissioned police officer.

(As amended by F.G.N. No. 641 of 1954, F.G.N. No. 151 of 1957, G.N. No. 387 of 1963 and S.I. No. 212 of 1973)

83. (1) The Director may, on sufficient ground being shown to his satisfaction after due investigation by him and with effect from such date as he may determine, cancel, suspend or endorse any certificate, licence or other document issued under these Regulations, or cancel, suspend or vary any particulars or other matter entered by him in or on any such certificate, licence or other document and may in any particular case provisionally suspend any such certificate, licence or other document pending investigation of the case. Such cancellation, suspension or endorsement shall be subject to confirmation by the Minister. Powers of Director as to cancellation, etc., of documents

(2) The holder or any person having the possession or custody of any certificate, licence or other document issued under these Regulations shall, within a reasonable time after demand made by the Director, surrender the same to the Director.

(3) The Director may, on being satisfied that the original of any certificate, licence or other document issued under these Regulations has been lost or destroyed, issue a copy thereof or a similar document in replacement thereof.

(4) Upon application being made to the Director for the renewal of any certificate, licence or other document issued under these Regulations after such certificate, licence or other document has ceased to be of force, the Director may, if he is satisfied that the conditions prescribed under these Regulations relating to the renewal of such certificate, licence, or other document have been complied with, either renew the same or, if he thinks fit, issue to the applicant a fresh certificate, licence or other document, as the case may be.

84. (1) No person shall with intent to deceive—Forgery, etc., of documents

(a) forge, alter, assist in forging or altering, or procure to be forged or altered, any certificate, licence or other document required by these Regulations or authorised by these Regulations to be issued; or

(b) use any such certificate, licence or other document which has been forged, altered, cancelled or suspended, or to which he is not entitled; or

(c) lend any such certificate, licence or other document to or allow it to be used by any other person; or

(d) make, assist in making, or procure to be made, any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence or other document.

(2) No person shall mutilate, alter or render illegible any log book or any entry made therein, or wilfully make, or procure or assist in the making of, any false entry in or omission from any log book, nor shall any person destroy any log book during the period for which it is required under these Regulations to be preserved.

(3) No person shall wilfully or negligently make in a log sheet any entry which is incorrect in any material particular.

PART XIII RADIOCOMMUNICATION AND TELECOMMUNICATION SERVICE PART XIII

RADIOCOMMUNICATION AND TELECOMMUNICATION SERVICE

85. No aircraft shall fly unless it is equipped with radio apparatus to such extent and in such manner as may be required by the law of the country in which the aircraft is registered. Aircraft to carry radio apparatus

86. (1) A locally registered aircraft shall be equipped with such radio apparatus when engaged in any flight as the Director may from time to time require. Such radio apparatus shall be of such type and operational capacity as may be required by the duly competent authority of the country of manufacture or by the Director, and shall be installed in the aircraft in such manner as may be approved by the Director, and shall be maintained in working order: Types of apparatus: modification: carriage of licensed operators

Provided that the approval in writing of the Director shall be required as to each type of such radio apparatus and as to each aircraft radio station.

(2) No modification shall be made to any such radio apparatus or installations to which the approval of the Director in writing has been given without the approval of the Director.

(3) Every aircraft required under sub-regulation (1) to be equipped with radio apparatus shall carry the number of licensed flight radio operators or flight radiotelephony operators qualified to operate that apparatus required by paragraph (a) of sub-regulation (2) of regulation 73, and every such operator shall perform duties with respect to that apparatus in accordance with such requirements as may be prescribed by the Director or by international agreement:

Provided that-

(i) the Director may exempt any particular aircraft or type of aircraft from compliance with all or any of the requirements prescribed in this regulation subject, if he thinks fit in the circumstances of the case, to such conditions as he may impose;

(ii) an aircraft employed on a scheduled journey shall comply with such further conditions, relating to any of the matters mentioned in this regulation, as the Director may in any particular case impose in addition to such other conditions as may be prescribed in terms of this regulation;

(iii) nothing in sub-regulation (1) shall be deemed to prevent an aircraft, the radio apparatus in which has sustained any defect, from undertaking or continuing a flight to the nearest convenient place at which the defect can be remedied, if the person in command of the aircraft is satisfied that such flight can safely be performed having regard to the circumstances and exigencies of the case.

(As amended by S.I. No. 345 of 1969)

87. No aircraft shall fly unless the radio station on board such aircraft is operated in accordance with such conditions as may from time to time be prescribed by international agreement. Operation of aircraft station

88. Nothing in these Regulations shall be deemed to affect any of the provisions of the laws relating to radiotelegraphy and radiotelephony. Laws relating to radio-telegraphy and radiotelephony

89. For the purposes of this Part-Definition

"licensed flight radio operator" means an operator who is the holder of a flight radio operator's licence granted under regulation 112.

89A. (1) An operator who owns radio navigation aids for domestic or international use by aircraft in Zambia shall maintain such aids to the highest standards possible and shall have them calibrated according to ICAO Standards. Telecommunication service charges

(2) During calibration of the equipment the Director of Civil Aviation shall send an inspector to participate and make a report on the exercise.

(3) All telecommunication equipment at all airports in Zambia shall be inspected by the Director of Civil Aviation from time to time.

(As amended by S.I. No. 177 of 1989)

PART XIV PERSONNEL LICENSING REQUIREMENTS PART XIV

PERSONNEL LICENSING REQUIREMENTS

Licensing of Members of Operating Crew and Other Ground Personnel

90. (1) For the purpose of entitling persons to act as members of the operating crew and other ground personnel of a locally registered aircraft, the Director may grant licences of any of the following classes: General provisions

Student pilot's licence (flying machines);

Private pilot's licence (flying machines);

Private pilot's licence (free balloons);

Commercial pilot's licence (flying machines);

Commercial pilot's licence (free balloons);

Airline transport pilot's licence (flying machines);

Commercial pilot's licence (soaring gliders);

Commercial pilot's licence (trailing gliders);

Flight navigator's licence;

Flight engineer's licence;

Flight radio operator's licence;

Flight radiotelephony operator's licence;

Air traffic controller's licence;

Aeronautical station operator's licence;

Telecommunications and navigation aids engineer's licence;

and of any other class which he may prescribe, and the provisions of this regulation shall apply to any licence so prescribed.

(2) An applicant for the grant of a licence of any of the classes mentioned in sub-regulation (1) shall be able to read, write and converse fluently in the English language.

(3) The Director may grant a licence of any class on his being satisfied that the applicant is qualified in accordance with such requirements as may for the purposes of this Part be prescribed by the Director or from time to time specified in a publication issued by him (hereinafter in this Part referred to as "the requirements") to hold a licence of the class to which the application relates.

(4) (a) A licence shall, subject to the provisions of regulation 83, remain in force for such period as the Director may prescribe in the certificate of validity issued by the Director with the licence but on the Director being satisfied that the applicant is qualified in accordance with the requirements to have the licence renewed, may from time to time be renewed by the Director so as to remain in force for the further period, not exceeding the prescribed period, shown in the certificate of validity issued by the Director on the occasion of the renewal:

Provided that the applicant may be required to satisfy the Director as to his qualifications in accordance with all or any of the requirements applicable with respect to the grant of a licence of the class to which the application relates.

(b) A certificate of validity issued in accordance with the provisions of paragraph (a) shall, while it remains in force, be deemed to form part of the licence to which it relates and the certificate of validity which is for the time being in force shall be carried with that licence.

(5) (a) (i) With respect to each class of licence the privileges which may be conferred by a licence of that class shall, subject to the provisions of paragraph (b), be as prescribed by the Director and shall be subject to any prescribed conditions or limitations.

(ii) A rating may be included by the Director in a licence on the grant thereof or at any time while the licence remains in force on application being made.

(iii) A rating specifying a privilege may be included in a licence if the Director is satisfied that the applicant for, or the holder of, the licence is qualified in accordance with the requirements for such rating, as the case may be.

(iv) A rating may be deleted by the Director at any time while the licence in which it is included remains in force if the Director is satisfied that it should no longer be included in that licence.

(b) (i) A pilot's licence (flying machines) of any class shall include a rating or ratings (in this regulation collectively called "an aircraft rating") specifying the classes and types of flying machine which the holder of the licence may fly as pilot-in-charge or as second pilot.

(ii) A pilot's licence of any other class shall include a corresponding aircraft rating, if so prescribed by the Director.

(iii) A pilot's licence (flying machines) of any class may, and, if so prescribed by the Director, shall include an instrument rating entitling the holder of the licence to fly as pilot-in-charge or as second pilot under instrument flight rules.

(iv) The holder of a private pilot's licence (flying machines) shall not fly by night unless there is included in the licence a night rating entitling him to do so.

(v) A flight engineer's licence shall include an aircraft rating specifying the types of aircraft in which he is entitled to act as flight engineer.

(vi) A flight radio operator's licence may include a rating showing the type of radio apparatus which he is entitled to operate.

(vii) The ratings specified in this paragraph shall be framed in accordance with such provisions as may be prescribed by the Director.

(viii) There may be included in a licence other ratings to which the provisions of regulations 92 and 94 apply.

(6) The Director may, on the grant or renewal of any particular licence or at any time during the period it remains in force, impose any special limitation on or in connection with the exercise of the privileges conferred by the licence. Any such limitation shall be entered in the licence and may at any time be removed by the Director upon his being satisfied that the same need no longer be imposed.

(7) Where any privilege is limited to the class or type of aircraft with respect to which it is conferred, the Director may, at any time while the licence remains in force, extend the rating limiting the effect of the privilege to cover additional classes or types of aircraft if he is satisfied that the applicant is qualified in accordance with the requirements to have the rating so extended.

(8) The holder of a flight engineer's licence may carry out the duties of a flight engineer in an aircraft of a type other than a type to which the licence applies if he is so acting under the direct supervision of the flight engineer of that aircraft.

(9) Every holder of a licence shall submit himself to medical examination as prescribed in regulation 114 and the Second Schedule.

(10) On the issue of a licence to an applicant, he shall forthwith sign his name thereon in ink with his ordinary signature.

(11) A licence shall not be granted or renewed if the Director is satisfied that the applicant is not a fit and proper person to hold a licence and the Director may refuse to grant or renew a licence if in the circumstances of the case it appears to him to be inexpedient in the public interest that the licence should be granted or renewed, as the case may be.

(12) Application for the grant or renewal of a licence or for a rating or for an extension of a rating shall be made in the manner prescribed by the Director and the applicant shall furnish the Director with such particulars as he may require in connection therewith.

(13) When a licence has been granted by a duly competent authority in any foreign country, the Director may issue and from time to time renew validations conferring on such licence, subject to such conditions and limitations and for such period as he may think fit, the same validity as if such licence had been granted under these Regulations:

Provided that-

(i) a validation shall not be issued or renewed if the Director is satisfied that the holder of such licence is not a fit and proper person to hold such a validation;

(ii) the Director may refuse to issue or to renew a validation if in the circumstances it appears to him to be inexpedient in the public interest that the validation should be issued or renewed, as the case may be.

(As amended by G.N. No. 387 of 1963, S.I. No. 153 of 1965, 177 of 1989, S.I. No. 87 of 1991 and S.I. No. 169 of 1992)

91. (1) A person shall not fly within Zambia as pilot-in-charge of a flying machine for the purpose of becoming qualified for the grant or renewal of a flying machine pilot's licence of any class unless he is the holder of a student pilot's licence or-Exemptions

(a) within the immediately preceding six months he was either the holder of a flying machine pilot's licence, granted under these Regulations, or was serving as a qualified pilot of flying machines in any military or naval air force and his physical condition has not, so far as he is aware, deteriorated in any respect so that it is below the standard required for the grant of a pilot's licence of the class for which he intends to qualify; or

(b) he is flying in accordance with the provisions of these Regulations for the purpose of undergoing tests or receiving instruction in flying required to be undertaken for admission into any military or naval air force:

Provided that a qualified pilot of flying machines in any military or naval air force shall not fly as pilot-in-charge in terms of paragraph (a) unless he has undergone an examination in aviation law to the satisfaction of the Director.

(2) The provisions of this sub-regulation shall apply to a student pilot's licence-

(a) the Director may grant a licence on application being made and on his being satisfied that the applicant is qualified in accordance with such requirements as may be prescribed by him to hold a licence;

(b) a licence shall be granted subject to such conditions as may be prescribed and to any further conditions which in any particular case the Director may think fit to add thereto;

(c) a licence shall, subject to the provisions of regulation 83, remain in force for such period as the Director may prescribe therein but may from time to time be renewed by the Director for such further period, not exceeding the prescribed period, as may be shown therein on application being made and on the Director being satisfied that the applicant is qualified in accordance with the prescribed requirements to have the licence renewed;

(d) on the issue of a licence to an applicant, he shall forthwith sign his name thereon in ink with his ordinary signature;

(e) a licence shall not be granted or renewed if the Director is satisfied that the applicant is not a fit and proper person to hold a licence and the Director may refuse to grant or to renew a licence if in the circumstances of that case it appears to him to be inexpedient in the public interest that the licence should be granted or renewed, as the case may be;

(f) application for the grant or renewal of a licence shall be made in the manner prescribed by the Director and the applicant shall furnish the Director with such particulars as he may require in connection therewith.

(3) An applicant who has at any time qualified as a pilot of flying machines in any military or naval air force may, at the discretion of the Director and according to the applicant's qualifications and flying experience, be exempted from all or any of the requirements specified in this Part for the grant of a flying machine pilot's licence, the extension of the aircraft rating in such a licence or the inclusion therein of an instrument rating:

Provided that-

(i) such exemption may, if it relates to practical flying tests, be made conditional upon the satisfactory completion by the applicant of a special flying test; and

(ii) any exemption from the requirements specified for the extension of an aircraft rating shall be determined having regard to the applicant's flying experience on the class or type of flying machine to which the application relates.

(As amended by F.G.N. No. 641 of 1954, F.G.N. No. 151 of 1957, G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

92. (1) No person shall give flying instruction in an aircraft, other than a glider (except a towed glider of which the maximum total weight authorised exceeds 1,250 lb.) unless such person holds a pilot's licence (in which is included a valid instructor's rating)-Flying instruction

(a) to fly aircraft of the class and type in which instruction is to be given; or

(b) which, if payment is to be made for the instruction, is a licence entitling such person to act as pilot-in-charge of a public transport aircraft:

Provided that-

(i) the provision of this sub-regulation shall not apply in a case where special approval is given by the Director for one licensed pilot to give instruction to another licensed pilot for an extension to the aircraft rating. The pilot about to receive instruction must hold a licence the type rating of which includes aircraft of the same class as that in which he is about to receive instruction; and

(ii) paragraph (b) shall not apply in a case where the aircraft belongs to, or is being flown under arrangements made by, a flying club of which both the

person giving and the person receiving instruction are members.

(2) The following provisions of this sub-regulation shall apply to the instructor's rating required under the provisions of sub-regulation (1):

(a) the rating may be included by the Director in a licence on application being made and on the Director being satisfied that the applicant is qualified in accordance with the prescribed requirements for the rating;

(b) a rating enabling the holder of the licence to give instruction in flying aircraft of any class and type may subsequently be extended by the Director to cover the giving of instruction in flying aircraft of any other class or type on application being made and on the Director being satisfied that the applicant is qualified in accordance with the prescribed requirements to have the rating so extended;

(c) the rating shall, subject to the provisions of regulation 83, continue in operation for such period as the Director may prescribe in the certificate of validity for the time being in force relating to the licence in which the rating is included, but may from time to time be renewed by the Director for such further period, not exceeding the prescribed period, as may be shown in that certificate on application being made and on the Director being satisfied that the applicant is qualified in accordance with the prescribed requirements to have the rating renewed;

(d) for the purpose of satisfying himself that an applicant is qualified in accordance with the prescribed requirements to have a rating included in his licence or to have a rating extended or renewed, as the case may be, the Director may accept a certificate that the applicant is so qualified furnished by any person or persons approved by the Director as qualified to give such a certificate;

(e) a rating shall be subject to such conditions and may from time to time be varied as may be prescribed by the Director;

(f) a rating shall not be included in a licence or renewed if the Director is satisfied that the holder of the licence is not a fit and proper person to have the rating;

(g) application for the inclusion in a licence, extension or renewal, of a rating shall be made in the prescribed manner and the applicant shall furnish the Director with such particulars as he may require in connection therewith.

(3) (a) Persons qualified to give instruction in flying may be graded as instructors and assistant instructors according to their qualifications as ascertained in accordance with the prescribed requirements:

Provided that a person graded as an assistant instructor shall be authorised to give instruction in flying only under the direction of an instructor.

(b) If a person is graded as an assistant instructor, any rating included in his licence with respect to the giving of instruction in flying shall be an assistant instructor's rating and the provisions of sub-regulation (2) shall be deemed to apply thereto.

(c) The expression "instructor's rating" in sub-regulation (1) shall be deemed to include an assistant instructor's rating:

Provided that, with respect to flights in which a person receiving instruction is flying as pilot-in-charge of an aircraft, an assistant instructor shall not in such cases as may be prescribed by the Director give any direction to such person.

(4) Payment shall be deemed for the purposes of these Regulations to be made for the instruction to which this regulation relates if any sum is paid or payable by any person in respect of the particular flight in which the instruction is given either to the person giving the instruction or to any person by whom the person giving the instruction is employed, or to whom he gives his services as an instructor in flying, or if the person giving the instruction is employed for reward primarily for the purpose of instructing persons in flying.

(5) Application for the inclusion in a licence, extension or renewal of a rating to give instruction in flying (i) flying machines and (ii) gliders (of which the maximum total weight authorised exceeds 1,250 lb.) towed by flying machines, should be made in writing to the Director. Such ratings may be included in a licence, extended or renewed in accordance with the requirements and conditions specified in this regulation. The requirements for the inclusion in a licence, extension or renewal of a rating to give instruction in the flying of flying machines, other than aeroplanes (e.g. helicopters or gyroplanes), shall be as specified in this regulation for flying machines, subject to such modification as the Director may consider appropriate in the particular case.

(6) The examination and tests for the inclusion in a licence, extension or renewal of a rating to give instruction in flying shall be conducted by a panel of examiners approved by the Director for the purpose, hereinafter referred to as "the examining body". On each occasion before the inclusion in a licence, extension or renewal of any such rating a report shall be furnished to the Director stating whether, in the opinion of the examining body, the applicant is qualified for the rating or for such extension or renewal, as the case may be.

(7) The Director may, upon production by the applicant of his pilot's licence and after consideration of the report furnished by the examining body, include in such licence a rating entitling the holder thereof to give instruction in flying in the capacity of instructor or of assistant instructor, subject to such conditions as may be specified in the rating.

(8) The period for which a rating to give instruction in flying may continue in operation, following either the inclusion in a licence or any renewal thereof, shall not exceed the period of validity of the licence.

(As amended by F.G.N. No. 151 of 1957)

93. An instrument rating shall entitle the holder of the licence in which it is included, subject to the privileges attaching to the licence, to act as pilot-in-charge, or as second pilot when a second pilot is required to be carried, of a flying machine carrying out a flight in accordance with the instrument flight rules.

(As amended by F.G.N. No. 151 of 1957) Privileges of instrument rating

94. (1) Subject to the provisions of sub-regulation (2) of regulation 68, a person who is the holder of a pilot's licence to fly flying machines may fly within Zambia as pilot-in-charge of a flying machine towing a glider of which

the maximum total weight authorised exceeds 1,250 lb. Qualifying conditions for towing rating

(2) For the purpose of becoming qualified for the grant of a towing rating in respect of gliders, the following conditions shall be observed:

(a) no person, other than the pilot or person required under these Regulations to be carried as a member of the operating crew, shall be carried in the flying machine or the glider;

(b) in cases where the glider is released in flight, each flight shall be carried out in accordance with instructions given by a person entitled, by virtue of a rating included in his pilot's licence, to give instruction in flying gliders towed by flying machines, and in such manner that both the flying machine, and the glider after release therefrom, land either at the aerodrome of departure, or, with the consent of such person, at a place within three nautical miles therefrom; and

(c) in cases where the glider is not released in flight, each flight shall be carried out in accordance with instructions given by a person entitled, by virtue of a rating included in his pilot's licence, to give instruction in flying gliders towed by flying machines, and shall terminate either at the aerodrome of departure, or, with the consent of such person, at a place within three nautical miles therefrom:

Provided that the provisions of this sub-regulation shall not apply if the person flying in charge of the glider is the holder of a glider pilot's licence valid for the type of glider in which the flight is being made.

(As amended by G.N. No. 387 of 1963)

95. Subject to the provisions of sub-regulation (5) of regulation 72, any person who is not the holder of a pilot's licence to fly flying machines or public transport or aerial work gliders may fly within Zambia as pilot-in-charge of a flying machine or a public transport or aerial work glider, as the case may be, for the purpose of becoming qualified for the grant or renewal of such a licence, subject to the conditions specified in paragraphs (1) and (2).

(1) Flying machines-Practice flights

(a) he shall, if required to do so by regulation 91, be the holder of a student pilot's licence granted under these Regulations;

(b) he shall be not less than 17 years of age;

(c) no person, other than a person required under these Regulations to be carried as a member of the operating crew, shall be carried in the flying machine; and

(d) each flight shall be carried out in accordance with instructions given by a person entitled, by virtue of a rating included in his pilot's licence, to give instruction in flying machines and shall terminate at the aerodrome of departure. Intermediate practice landings may, however, in accordance with such instructions, be made elsewhere than at the aerodrome of departure.

(2) Public transport or aerial work gliders-

(a) he shall be not less than 16 years of age: Provided that a person who is not less than 14 years of age may carry out flights on a glider not towed by a flying machine or on a towed glider of which the maximum total weight authorised does not exceed 1,250 lb. if each such flight is carried out wholly within three nautical miles from a certified point;

(b) no person, other than a person required under these Regulations to be carried as a member of the operating crew, shall be carried in the glider;

(c) in the case of a glider of which the maximum total weight authorised exceeds 1,250 lb. which in the course of flight is towed by a flying machine and released therefrom, each flight shall be carried out in accordance with instructions given by a person entitled, by virtue of a rating included in his pilot's licence, to give instruction in flying gliders towed by flying machines, and shall terminate either at the aerodrome of departure, or, with the consent of such person, at a place within three nautical miles therefrom.

(As amended by G.N. No. 387 of 1963)

96. Subject to the provisions of sub-regulation (6) of regulation 72, a person who is the holder of a pilot's licence to fly flying machines or gliders may fly within Zambia as pilot-in-charge of a flying machine or glider, as the case may be, of a class or type other than a class or type to which the licence relates, for the purpose of qualifying for an extension of the licence to include such class or type of flying machine or glider:Qualifying flights for licence extensions

Provided that, when he is flying, no other person shall be carried in the flying machine or glider except-

(i) a person required under these Regulations to be carried as a member of the operating crew of the flying machine or glider; or

(ii) if the pilot-in-charge of the flying machine is the holder of a pilot's licence to fly public transport flying machines, a person carried with the consent of the operator of the flying machine for the purpose of being trained to perform duties as a member of the operating crew of a flying machine.

(As amended by G.N. No. 387 of 1963)

97. (1) Application for the grant, renewal, extension or validation of a licence to act as a member of the operating crew of a locally registered aircraft shall be made to the Director on a form which will be supplied by him on request.Requirements

(2) The requirements to be complied with in respect of technical competency, flying experience, etc., and the other conditions relating to the various classes of licences are specified in this Part as indicated in regulations 98 to 113. Regulations 95 prescribes the conditions under which practice flights to acquire the necessary competence and flying experience may be carried out.

(3) Subject to the provisions of regulations 99 to 102 (which relate to flying machine pilot's licences), the requirements and conditions therein specified may, in respect of licences to fly flying machines other than aeroplanes (e.g. helicopters or gyroplanes), be subject to such modifications as the Director may consider appropriate in the particular case.

Student Pilot's Licence (Flying Machines)

Age of Applicant and Period of Licence-

98. (1) An applicant for the grant of a licence shall be not less than 17 years of age. Student pilot

(2) The period for which a licence may, subject to the provisions of paragraph (e) of sub-regulation (5), remain in force, following either the grant or any renewal thereof, shall not exceed twelve months.

Medical Requirements-

(3) An applicant for the grant or renewal of a licence shall be required to-

(a) satisfy the requirements as to mental and physical fitness specified in regulation 114 for the grant of a private pilot's licence (flying machines); and

(b) furnish to the medical examiner a declaration, signed by him, stating whether he has previously undergone such medical examination, and if so, where, when and with what result. A false declaration may entail the cancellation of any licence granted or renewed as a result of the examination.

(4) The holder of a licence shall comply with the requirements specified in sub-regulations (3) and (4) of regulation 114.

Conditions of Licence-

(5) A licence-

(a) shall entitle the holder thereof, subject to the provisions of sub-paragraphs (c) and (d) of paragraph (1) of regulation 95, to carry out flights as pilot-in-charge of a flying machine only for the purpose of becoming qualified for the grant or renewal of a flying machine pilot's licence;

(b) shall be valid only for flights within Zambia;

(c) shall be subject to such further conditions as may be attached to or endorsed on the licence;

(d) shall not entitle the holder to fly as pilot-in-charge unless he has undergone an examination in aviation law to the satisfaction of the Director; and

(e) shall lapse upon the grant to the holder of a flying machine pilot's licence.

(As amended by G.N. No. 387 of 1963)

Private Pilot's Licence (Flying Machines)

Age of Applicant and Period of Licence-

99. (1) An applicant for the grant of a private pilot's licence (flying machines) shall be not less than 17 years of age. Private pilot

(2) The period for which a licence may remain in force, following either the

grant or renewal thereof, shall not exceed twelve months:

Provided that if the applicant for the renewal of a licence is less than 40 years of age and has passed a medical examination for the purpose of the grant or renewal of such licence in respect of the twelve months immediately preceding the period for which he seeks a renewal of such licence, he shall not be required to undergo a medical examination.

Privileges Attaching to Licence-

(3) The holder of the licence shall be entitled to fly-

(a) as pilot-in-charge of any private flying machine of a type described or specified in the aircraft rating of the licence; and

(b) as second pilot of any private flying machine of the same class as a flying machine described or specified in the aircraft rating of the licence.

Particulars of Aircraft Rating-

(4) Applicants will be required initially to qualify separately for individual types of aircraft in Groups "A" and "B" below, until such time as they satisfy the Director as to their competency and experience. Thereafter they may be licensed in Group "A" or "B" as a whole. Applicants will be required to qualify separately for individual types of aircraft in Group "C".

Group A-All single-engined types of aeroplanes of which the maximum total weight authorised does not exceed 12,500 lb.

Group B-All types of aeroplanes having two or more engines of which the maximum total weight authorised does not exceed 12,500 lb.

Group C-Particular types of aeroplanes of which the maximum total weight authorised exceeds 12,500 lb.

Technical Requirements for Grant of Licence

Flying Experience-

(5) An applicant for the grant of a licence shall be required to produce satisfactory evidence that he has had not less than 40 hours' experience as a pilot of flying machines, comprising-

(a) flying training under a qualified instructor in a dual-controlled flying machine; and

(b) at least 15 hours' flying as pilot-in-charge including-

(i) not less than 5 hours' flying of which 3 hours was cross-country flying, carried out within the period of six months immediately preceding the date of application; and

(ii) one flight on a triangular course during which the flying machine landed and came to rest at two intermediate places, one being not less than 50 nautical miles from the place of departure:

Provided that-

A. in the case of an applicant who has experience in the flying of gliders, the foregoing requirements, excepting those in respect of cross-country flying, may be reduced to such extent as the Director may consider appropriate in the particular case; and

B. in the case of an applicant who has passed an approved course of flying training, the said requirements of 40 hours' flying may be reduced to 30 hours.

Practical Flying Tests-

(6) The applicant shall, subject to the provisions of sub-regulation (8), be required to demonstrate in the course of general flying tests his competence to carry out normal and emergency manoeuvres on the class, group or type of flying machine to which the application relates.

Technical Examination-

(7) The applicant shall, subject to the provisions of sub-regulation (8), be required to undergo an examination as to his knowledge of the following subjects:

(a) aviation law;

(b) elementary meteorology;

(c) map reading and use of compass;

(d) method of operation and functioning of flying machines, with particular relation to the class or type of flying machine for which the licence is desired.

Exemptions-

(8) An applicant may, at the discretion of the Director and according to the applicant's qualifications and experience, be exempted from all or any part of the flying tests and technical examination if he-

(a) has at any time held a flying machine pilot's licence; or

(b) holds a United Kingdom Royal Aero Club Aviator's Certificate in respect of the class or type of flying machine to which the application relates issued within the period of one year immediately preceding the date of the application for the licence.

Night Rating-

(9) (a) A night rating may be included in a licence and shall entitle the holder, subject to the privileges attaching to the licence, to act as pilot-in-charge of flying machines on flights made by night:

Provided that the holder of a licence which includes a night rating shall not (except in a case where the licence also includes a rating entitling him to act as instructor or as assistant instructor in the flying of flying machines and he is flying for the purpose of so acting) exercise the privileges of such night rating unless he has, within the immediately preceding six months, carried out as pilot-in-charge of a flying machine not less than 5 take-offs and 5 landings

by night.

(b) An applicant for a night rating shall be required to produce satisfactory evidence that he has carried out in an aeroplane not less than 50 hours' flying as pilot, comprising-

(i) night flying training under a qualified instructor in a dual-controlled aeroplane;

(ii) at least 25 hours' flying as pilot-in-charge of the aeroplane;

(iii) at least 5 hours' instruction in instrument flying; and

(iv) at least 5 hours' night flying including not less than five flights as pilot-in-charge, carried out to the satisfaction of a qualified instructor within the six months immediately preceding the date of the application:

Provided that a maximum of two and a half hours' instrument flying training carried out on the ground in approved devices may be accepted in part satisfaction of the requirement specified in sub-paragraph (iii).

(c) The evidence normally required with respect to the flying experience specified in sub-paragraph (iii) of paragraph (b) shall consist of a certificate issued by a person who holds a flying machine pilot's licence including an instructor's rating.

Flying Experience for Renewal of Licence-

(10) An applicant for the renewal of a licence shall be required to produce satisfactory evidence that he has had during the twelve months immediately preceding the date of the application not less than 5 hours' flying experience as pilot-in-charge on each class of flying machine for which the renewal is desired and, if the application is in respect of aeroplanes in Group "C", reasonable flying experience as pilot-in-charge of each type of aeroplane for which the renewal is desired. In default of such evidence, the applicant may be required to undergo all or any part of the practical flying tests and the technical examination specified for the grant of a licence, as the Director may consider appropriate in the circumstances of the case.

Extension of Licence-

(11) An applicant for the extension of the aircraft rating in a licence to include an additional class or type of flying machine will normally be required to carry out practical flying tests in accordance with sub-regulation (6) and to undergo a technical examination in the method of operating and functioning of flying machines of the class or type to which the application relates.

(As amended by F.G.N. No. 641 of 1954 and F.G.N. No. 151 of 1957)

Commercial Pilot's Licence (Flying Machines)

Age of Applicant and Period of Licence-

100. (1) An applicant for the grant of a commercial pilot's licence (flying machines) shall be not less than 18 years of age. Commercial pilot

(2) The period for which a licence may remain in force, following either the

grant or any renewal thereof, shall not exceed six months.

Aircraft Rating-

(3) The aircraft rating included in the licence shall specify, in Group 1 and Group 2 thereof, the type or types of flying machines which, subject to the provisions of sub-regulation (4), the holder of the licence is entitled to fly as pilot-in-charge and as second pilot respectively. Group 2 shall include all the types of flying machines which are entered in Group 1 and such other types as may be specified.

Privileges Attaching to Licence-

(4) (a) The holder of the licence shall be entitled to fly-

(i) as pilot-in-charge of-

A. any public transport flying machine of which the maximum total weight authorised does not exceed 12,500 lb.;

B. any aerial work flying machine which is of the same type as a flying machine specified in Group 1 of the aircraft rating of the licence;

C. any private flying machine which is of the same type as a flying machine specified in Group 1 of the aircraft rating of the licence;

D. any private flying machine of which the maximum total weight authorised does not exceed 12,500 lb. if a flying machine of the same class is specified in Group 1 of the aircraft rating of the licence:

Provided that the holder of the licence shall not, unless he is a person entitled by virtue of a rating included in the licence to act as instructor or as assistant instructor in the flying of a flying machine and is flying for the purpose of so acting, be entitled to act as pilot-in-charge of a flying machine carrying passengers on a flight made by night, unless he has, within the immediately preceding 90 days, carried out as pilot-in-charge of a flying machine not less than 5 take-offs and 5 landings by night;

(ii) as second pilot of-

A. any public transport flying machine carrying passengers which is of the same type as the flying machine specified in Group 2 of the aircraft rating of the licence;

B. any public transport flying machine not carrying passengers, any aerial work flying machine, or any private flying machine, which is of the same class as the flying machine specified in Group 2 of the aircraft rating of the licence.

Instrument Rating-

(b) The licence shall include an instrument rating if the holder is employed on a scheduled journey.

Technical Requirements for Grant of Licence

Flying Experience-

(5) An applicant for the grant of a licence shall, subject to the provisions of sub-regulation (8), be required to produce satisfactory evidence that he has had not less than 200 hours' experience in flying flying machines, comprising-

(a) flying training under a qualified instructor in a dual-controlled flying machine, not less than 10 hours of which must have been instruction in instrument flying;

(b) flying as pilot-in-charge for not less than 100 hours, including-

(i) at least 20 hours' cross-country or oversea flying, including one flight of at least 300 nautical miles during which the flying machine must have landed and come to rest at two intermediate places;

(ii) at least 10 hours' night flying (5 hours of which, however, may have been carried out under instruction) during which the applicant must have carried out 10 take-offs and 10 landings by night without assistance from any other person on board the flying machine; and

(iii) at least 10 hours' flying carried out during the six months immediately preceding the date of the application; and

(c) a reasonable amount of flying experience as pilot on the type of flying machine to which the application relates:

Provided that-

A. in the case of an applicant who has passed an approved course of flying training, the said requirement of 200 hours' flying experience may, at the discretion of the Director, be reduced to 150 hours;

B. flying experience as second pilot may be reckoned towards the total requirement of 200 hours (or 150 hours) to the extent that one-half of such flying, up to a maximum allowance of 50 hours, may be included if it was carried out on flying machines required under these Regulations to have on board more than one pilot, or military flying machines which normally carried more than one pilot.

Practical Flying Tests-

(6) The applicant shall, subject to the provisions of sub-regulation (8), be required in the course of flying tests, including flights by day and by night with an examiner on board, to demonstrate his general competence as a pilot during normal and emergency manoeuvres and his ability to fly the type of flying machine to which the application relates.

Technical Examination-

(7) The applicant shall, subject to the provisions of sub-regulation (8), be required to undergo an examination (including practical tests) as to his knowledge of the following subjects:

(a) aviation law;

(b) flight operation;

- (c) air navigation;
- (d) meteorology;
- (e) the interpretation of navigational aid identification signals;
- (f) theory of flight and aircraft operating limitations;
- (g) aircraft equipment and installations;
- (h) airframe and power plant maintenance.

Exemptions-

(8) An applicant who has been the holder of a commercial pilot's licence (flying machines) or a licence of a higher class may, at the discretion of the Director and having regard to the type of flying machine for which a licence is desired, be exempted from all or any part of the requirements as to flying experience, practical flying tests and technical examination specified in sub-regulations (5), (6) and (7). Any exemption in respect of the said practical flying tests may be made conditional upon the satisfactory completion by the applicant of a special flying test.

Renewal of Licence-

(9) (a) An applicant for the renewal of a licence shall be required to produce satisfactory evidence that he has had reasonable flying experience as a pilot of flying machines during the six months immediately preceding the date of the application. The applicant may also, at the discretion of the Director, be required to produce satisfactory evidence that he has had reasonable flying experience as a pilot on each type of flying machine for which the renewal is desired since the type was entered on the licence. In default of such evidence as aforesaid the applicant may be required to undergo all or any part of the practical flying tests and technical examination specified for the grant or extension of a licence as the Director may consider appropriate in the circumstances of the case.

(b) For a type of aircraft to be retained in Group 1 of a licence, evidence of one flight as pilot-in-charge on that type during the preceding twelve months will be called for. Any type on which there has been no flying, or flying as second pilot only, during the preceding twelve months will be down-graded to Group 2 of the aircraft rating.

Extension of Licence-

(10) An applicant for the extension of the aircraft rating of a licence to include the flying of an additional type of flying machine, either as pilot-in-charge or as second pilot, shall be required to satisfy the Director as to his competence to fly the type of flying machine concerned.

(As amended by F.G.N. No. 641 of 1954)

Senior Commercial Pilot's Licence (Flying Machines)

Age of Applicant and Period of Licence-

101. (1) An applicant for the grant of a senior commercial pilot's licence

(flying machines) shall be not less than 21 years of age. Senior commercial pilot

(2) The period for which a licence may remain in force, following either the grant or any renewal thereof, shall not exceed six months.

Aircraft Rating-

(3) The aircraft rating included in the licence shall specify, in Group 1 and Group 2 thereof, the type or types of flying machines which, subject to the provisions of sub-regulation (4), the holder of the licence is entitled to fly as pilot-in-charge and as second pilot respectively. Group 2 shall include all types of flying machines which are entered in Group 1 and such other types as may be specified.

Privileges Attaching to Licence-

(4) (a) The holder of the licence shall be entitled to fly-

(i) as pilot-in-charge of-

A. any public transport flying machine of which the maximum total weight authorised does not exceed 30,000 lb.;

B. any public transport flying machine, not carrying passengers, of which the maximum total weight authorised does not exceed 45,000 lb.;

C. any aerial work flying machine;

D. any private flying machine, which is of the same type as the flying machine specified in Group 1 of the aircraft rating of the licence; and

E. any private flying machine of which the maximum total weight authorised does not exceed 12,500 lb. if a flying machine of the same class is specified in Group 1 of the aircraft rating of the licence;
and

(ii) as second pilot of-

A. any public transport flying machine carrying passengers which is of the same type as a flying machine specified in Group 2 of the aircraft rating of the licence;

B. any public transport flying machine not carrying passengers, any aerial work flying machine, or any private flying machine, which is of the same class as a flying machine specified in Group 2 of the aircraft rating of the licence.

Instrument Rating-

(b) The licence shall include an instrument rating.

Technical Requirements for Grant of Licence

Instrument Rating-

(5) An applicant for the grant of a licence shall be required to satisfy the

requirements for an instrument rating specified in regulation 105:

Provided that an applicant who is the holder of a flying machine pilot's licence in which an instrument rating is included shall be exempted from this requirement.

Flying Experience-

(6) The applicant shall, subject to the provisions of sub-regulation (9), be required to produce satisfactory evidence that he has had not less than 700 hours' experience as pilot in flying machines, comprising-

(a) not less than 200 hours' experience as pilot-in-charge of flying machines, including-

(i) at least 50 hours' cross-country or oversea flying;

(ii) at least 15 hours' night flying and at least 10 hours' cross-country or oversea flying, either by night or solely by reference to the instruments; and

(iii) at least 10 hours' flying carried out during the six months immediately preceding the date of the application; and

(b) a reasonable amount of flying experience as pilot on the type of flying machine to which the application relates:

Provided that flying experience as second pilot may be reckoned towards the total requirement of 700 hours to the extent that one-half of such flying may be included if it was carried out on-

A. flying machines required under these Regulations to have on board more than one pilot; or

B. military flying machines which normally carried more than one pilot.

Practical Flying Tests-

(7) The applicant shall, subject to the provisions of sub-regulation (9), be required, in the course of flying tests with an examiner on board and including an instrument flying test, to demonstrate his general competence as a pilot during normal and emergency manoeuvres under visual and instrument flight conditions and his ability to fly the type of flying machine to which the application relates.

Technical Examination-

(8) The applicant shall, subject to the provisions of sub-regulation (9), be required to undergo an examination (including practical tests) as to his knowledge of the following subjects:

(a) aviation law;

(b) flight operation;

(c) air navigation;

(d) meteorology;

- (e) the interpretation of navigational aid identification signals;
- (f) theory of flight and aircraft operating limitations;
- (g) aircraft equipment and installations;
- (h) airframe and power plant maintenance.

Exemptions-

(9) (a) An applicant who is the holder of a commercial pilot's licence (flying machines) in respect of the type of flying machine to which the application relates shall not be required to undergo again the flying tests and technical examination normally required in respect of that type.

(b) An applicant who has been the holder of a senior commercial pilot's licence (flying machines) or a licence of a higher class may, at the discretion of the Director and having regard to the type of flying machine for which a licence is desired, be exempted from all or any part of the requirements as to flying experience, practical flying tests and technical examination specified in sub-regulations (6), (7) and (8). Any exemption in respect of the said practical flying tests may be made conditional upon the satisfactory completion by the applicant of a special flying test.

Renewal of Licence-

(10) (a) An applicant for the renewal of a licence shall be required to produce satisfactory evidence that he has had reasonable flying experience as a pilot of flying machines during the six months immediately preceding the date of the application. The applicant may also, at the discretion of the Director, be required to produce satisfactory evidence that he has had reasonable flying experience as a pilot on each type of flying machine for which the renewal is desired since the type was entered on the licence. In default of such evidence as aforesaid, the applicant may be required to undergo all or any part of the practical flying tests and technical examination specified for the grant or extension of a licence as the Director may consider appropriate in the circumstances of the case.

(b) For a type of aircraft to be retained in Group 1 of a licence, evidence of one flight as pilot-in-charge on that type during the preceding twelve months will be called for. Any type on which there has been no flying, or flying as second pilot only, during the preceding twelve months will be down-graded to Group 2 of the aircraft rating.

Extension of Licence-

(11) An applicant for the extension of the aircraft rating of a licence to include the flying of an additional type of flying machine, either as pilot-in-charge or as second pilot, shall be required to satisfy the Director as to his competence to fly the type of flying machine concerned.

(As amended by F.G.N. No. 641 of 1954 and F.G.N. No. 151 of 1957)

Private pilots licence (Free Balloons) Age of applicant and period of validity of licence

101A. (1) An applicant for the grant of a private pilot's licence (free balloons) shall be not less than 17 years of age.

(2) The period for which the licence may remain in force, following either the grant or renewal, shall not exceed twenty-four months in the case of an applicant who is less than 40 years of age and shall not exceed twelve months in the case of an applicant who is 40 years of age or over.

Technical requirements for grant of licence

Knowledge

(3) The applicant shall be required to pass a technical examination in the following subjects, the detailed syllabus of which shall be notified:

(a) Aviation Law, rules and procedures-Rules and regulations relevant to the holder of a pilot's licence (free balloons); rules of the air; appropriate air traffic service and procedures.

(b) Meteorology-Application of elementary aeronautical meteorological information, altimetry;

(c) Navigation (General)-Practical aspects of free balloon air navigation and dead-reckoning techniques, principles of operation of appropriate flight instruments;

(d) Flight performance, planning and principles-

(i) effects of loading on flight characteristics; mass calculations;

(ii) use and practical application of launching, landing and other performance data, including the effect of temperature;

(iii) Preflight and enroute flight planning appropriate to operations under visual flight rules; appropriate air traffic services procedures; operations in areas of high-density traffic;

(iv) principles of flight relating to free balloons;

(e) Aircraft general knowledge-

(i) principles of operation of free balloon systems and instruments;

(ii) operating limitations of free balloons, relevant operational information from the flight manual or other appropriate document;

(iii) structures, materials and airborne heaters; and

(f) Human performance and limitations relevant to the free balloon pilot.

Experience

(4) If a gas balloon or a hot air balloon with an airborne heater is used, the applicant shall have flown not less than 10 hours as a pilot of free balloons of which-

(a) at least six launches and ascents were carried out under the supervision

of a person holding a valid pilots licence (free balloons) of which-

(i) two flights were carried out each of a duration of not less than 1 hour if a gas balloon is used or each of a duration of not less than 30 minutes if a hot air balloon with an airborne heater is used;

(ii) one ascent was carried out under control to 5,000 feet above the point of take off if a gas balloon is used or 3,000 feet above the point of take off if a hot air balloon with an airborne heater is used; and

(b) two solo flights were carried out in free balloons.

(5) If a hot air balloon without an airborne heater is used, the applicant shall have carried out-

(a) at least six launches in a free balloon under the supervision of the holder of a pilots licence (free balloons); and

(b) at least two solo flights.

(6) At the time of applying for the licence, the applicant shall produce evidence of having carried out not less than two flights as pilot in charge of free balloons in the six months immediately preceding the date of application.

Practical flight test

(7) The applicant shall be required to demonstrate to an approved flight examiner operational experience in free balloons, in flight and on the ground as appropriate, of the class to which the application relates in at least the following areas:

(a) pre-flight operations, including balloons assembly, rigging, inflation, mooring and inspection;

(b) techniques and procedures for the launching and ascent, including appropriate limitations, emergency procedures and signals used;

(c) collision avoidance precautions;

(d) control of a free balloon by external visual reference;

(e) recognition of and recovery from rapid descents;

(f) cross-country flying using visual reference and dead reckoning;

(g) approaches and landings, including ground handling; and

(h) emergency procedures.

Extension of licence

(8) An applicant for the extension of the free balloon rating licence to include an additional class of free balloon normally required to carry out the practical flying test in accordance with subregulation (7) and to undergo a technical examination in the method of operating and functioning of free balloons of the class to which the application relates.

Privileges and limitations attaching to the licence

(9) (a) The holder of the licence shall be entitled to fly as a pilot in charge or as second pilot of any free balloon the class of which is specified in the free balloon rating of the licence for leisure and private purposes other than for hire and reward.

(b) The holder of the licence shall not give flight instructions.

Exemptions

(10) The Director may in accordance with the applicants qualifications, experience and recency of flying practice, exempt, from all or any part of the flying tests and technical examination if an applicant who has at any time held a free balloon pilot's licence.

Renewal of licence

(11) (1) An applicant for the renewal of a licence shall have flown during the twelve months immediately preceding the date of the application not less than two flights as pilot in charge totalling not less than 1 hour if a gas balloon or a hot air balloon with an airborne heater was used or 30 minutes if a hot air balloon without an airborne heater was used.

(2) If the classes of free balloon are flown in combination, the said two flights shall total not less than 1 hour as pilot in charge.

(3) Where an applicant does not qualify under sub-regulation (1) or (2) such applicant may be required to undergo all or any part of the practical flight tests and technical examination specified for the grant or extension of a licence as the Director may consider appropriate in the circumstances of the case.

(As amended by S.I. No. 169 of 1992)

Commercial pilot's licence (free balloons)-Age of applicant and period of validity of licence

101.B (1) An applicant for the grant of a commercial pilot's licence (free balloons) shall not be less than 18 years of age.

(2) The period for which the licence may remain in force following either the grant or renewal, shall not exceed six months.

Knowledge

(3) The applicant shall be required to pass a technical examination in the following subjects, the detailed syllabus of which shall be notified:

(a) Aviation Law, rules and procedures-Rules and regulations relevant to the holder of a pilot's licence (free balloons), rules of the air, appropriate air traffic services and procedures;

(b) Meteorology-Application of elementary aeronautical meteorology, use of and procedures for obtaining meteorological information; altimetry;

(c) Navigation (General)-Practical aspects of free balloon air navigation and

dead-reckoning techniques; principles of appropriate flight instruments;

(d) Flight performance, planning and principles-

(i) effects of loading on flight characteristics, mass calculations;

(ii) use and practical application of launching, landing and other performance data, including the effect of temperature;

(iii) pre-flight and enroute flight planning appropriate to operations under visual flight rules; appropriate air traffic services procedures; operations in area of high-density traffic;

(iv) principles of flight relating to free balloons;

(e) Aircraft general knowledge-

(i) principles of operation of free balloons systems and instruments;

(ii) operating limitations of free balloons, relevant operational information from the flight manual or other appropriate document;

(iii) structures, materials and airborne heaters; and

(f) Human performance and limitations relevant to the free balloon pilot.

Experience

(4) If a gas balloon or a hot air balloon with an airborne heater is used, the applicant shall have flown not less than 35 hours as a pilot of free balloons of which-

(a) twenty hours were carried out in free balloons; and

(b) ten flights were carried out in free balloons including-

(i) six flights under the supervision of the holder of a commercial pilot's licence (free balloons);

(ii) two flights as pilot in charge;

(iii) two flights of at least two hours duration if a gas balloon was used or at least one hour duration if a hot air balloon with an airborne heater is used; and

(iv) one ascent under control to more than 10,000 feet above the take off point if a gas balloon is used or 5,000 feet above the take off point if a hot air balloon with an airborne heater is used.

(5) If a gas balloon without an airborne heater is used, the applicant shall have carried out at least ten flights in free balloons including-

(a) six flights under the supervision of the holder of a commercial pilots licence (free balloons); and

(b) two flights as pilot in charge of free balloons.

(6) At the time of applying for the licence, the applicant shall produce evidence having carried out not less than two flights as pilot in charge of free balloons in the six months immediately preceding the date of application.

(7) The applicant shall be required to demonstrate to an approved flight examiner operational experience in free balloons of the class to which the application relates, in flight and on the ground as appropriate, in at least the following areas-

(a) Aviation Law, rules and procedures-Rules and regulations relevant to the holder of a pilot's licence (free balloons); rules of the air; appropriate air traffic services and procedures;

(b) Meteorology-Application of elementary aeronautical meteorology; uses of and procedures for obtaining meteorological information, altimetry;

(c) Navigation (General)-Practical aspects of free balloon air navigation and dead-reckoning techniques; principles of operation of appropriate flight instruments;

(d) Flight performance, planning and principles-

(i) effects of loading on flight characteristics, mass calculations;

(ii) use and practical application of launching, landing and other performance data, including the effect of temperature;

(iii) pre-flight and enroute flight planning appropriate to operations under visual flight rules, appropriate air traffic services procedures, operations in areas of high-density traffic;

(iv) principles of flight relating to free balloons;

(e) Aircraft general knowledge-

(i) principles of operation of free balloon systems and instruments;

(ii) operating limitations of free balloons, relevant operational information from the flight manual or other appropriate document;

(iii) structures, materials and airborne heaters; and

(f) Human performance and limitations relevant to the free balloon pilot.

Free balloon rating

(8) (a) (i) The free balloon rating included in the licence shall specify, in Group 1 and Group 2, the class or classes of free balloons which, subject to the privileges attaching to the licence, the holder of the licence is entitled to fly as pilot in charge and as second pilot respectively.

(ii) Group 2 shall include all classes of free balloons which are entered in Group 1 and such other classes as may be specified.

Extension of licence

(b) An applicant for the extension of the free balloon licence to include an

additional class of free balloons which is normally required to carry out the practical flying test in accordance with subregulation (7) and to undergo a technical examination in the method of operating and functioning of free balloons of the class to which the application relates.

Privileges attaching to the licence

(9) (a) The holder of the licence shall be entitled to fly as pilot in charge of any free balloon specified in Group 1 of the free balloon rating of the licence or as second pilot of any free balloon specified in Group 1 or in Group 2 of the free balloon rating:

(i) in any public transport free balloon;

(ii) in any aerial work free balloon; and

(iii) in any private free balloon.

(b) (i) The holder of the licence may give flight instructions in any free balloon of a class specified in Group 1 of the free balloon rating of the licence;

(ii) This privilege may be exercised as long as the licence is valid unless the Director cancels or limits the privilege by making an appropriate entry in the licence.

Exemptions

(10) The Director may, having due regard to the class of free balloon for which the licence is desired and the recency of flying practice in free balloons, exempt an applicant who has been the holder of a commercial pilot's licence (free balloons) or a licence of a higher class, from all or any part of the requirements relating to flying experience, practical flight tests and technical examination.

Renewal of Licence

(11) (1) An applicant for the renewal of a licence shall be required to produce satisfactory evidence of having had reasonable flying experience as a pilot of a free balloon during the six months immediately preceding the date of the application.

(2) Where the applicant is in default of subregulation (1) the Director may require that the applicant undergo all or any part of the practical flying tests and technical examinations specified for the grant of the licence.

(As amended by S.I. No. 169 of 1992)

Airline Transport Pilot's Licence (Flying Machines)

Age of Applicant and Period of Licence-

102. (1) An applicant for the grant of an airline transport pilot's licence (flying machines) shall be not less than 21 years of age. Airline transport pilot

(2) The period for which a licence may remain in force, following either the grant or any renewal thereof, shall not exceed six months.

Aircraft Rating-

(3) The aircraft rating included in the licence shall specify, in Group 1 and Group 2 thereof, the type or types of flying machines which, subject to sub-regulation (4), the holder of the licence is entitled to fly as pilot-in-charge and as second pilot respectively. Group 2 shall include all the types of flying machines which are entered in Group 1 and such other types as may be specified.

Privileges Attaching to Licence-

(4) (a) The holder of the licence shall be entitled to fly-

(i) as pilot-in-charge of-

A. any public transport flying machine;

B. any aerial work flying machine;

C. any private flying machine which is of the same type as a flying machine specified in Group 1 of the aircraft rating of the licence; and

D. any private flying machine of which the maximum total weight authorised does not exceed 12,500 lb. if a flying machine of the class is specified in Group 1 of the aircraft rating of the licence; and

(ii) as second pilot of-

A. any public transport flying machine carrying passengers which is of the same type as a flying machine specified in Group 2 of the aircraft rating of the licence;

B. any public transport flying machine not carrying passengers, any aerial work flying machine, and any private flying machine, which is of the same class as a flying machine specified in Group 2 of the aircraft rating of the licence.

Instrument Rating-

(b) The licence shall include an instrument rating.

Technical Requirements for Grant of Licence

Instrument Rating-

(5) An applicant for the grant of a licence shall be required to satisfy the requirements for an instrument rating specified in regulation 105:

Provided that an applicant who is the holder of a flying machine pilot's licence in which an instrument rating is included shall be exempted from this requirement.

Flying Experience-

(6) The applicant shall, subject to the provisions of subregulation (9), be required to produce satisfactory evidence that he has had not less than 1,200 hours' experience as a pilot in flying machines, comprising-

- (a) at least 100 hours' night flying as pilot-in-charge or as second pilot;
- (b) at least 250 hours' flying as pilot-in-charge, of which not less than 10 hours must have been carried out during the six months immediately preceding the date of the application, and including not less than 100 hours' cross-country or oversea flying of which not less than 25 hours must have been flown by night;
- (c) at least 75 hours' flying solely by reference to instruments which must have been carried out by the applicant without assistance from any other person on board the flying machine;
- (d) a reasonable amount of flying on the type of flying machine to which the application relates;
- (e) at least 200 hours' cross-country or oversea flying as second pilot in flying machines required under these Regulations to have on board more than one pilot, or in military flying machines which normally carried more than one pilot:

Provided that-

- (i) flying experience as second pilot may be reckoned towards the total requirement of 1,200 hours to the extent that one-half of such flying may be included if it was carried out in flying machines required under these Regulations to have on board more than one pilot, or in military flying machines which normally carried more than one pilot;
- (ii) an applicant who has had not less than 200 hours' experience as pilot-in-charge on cross-country or oversea flights may be exempted from the requirements specified in paragraph (e);
- (iii) training in instrument flying carried out on the ground in approved devices may, at the discretion of the Director, up to a maximum of 25 hours, be accepted in part satisfaction of the requirement specified in paragraph (c).

Practical Flying Tests-

(7) The applicant shall, subject to the provisions of subregulation (9), be required, in the course of flying tests with an examiner on board and including an instrument flying test, to demonstrate his general competence as a pilot during normal and emergency manoeuvres under visual and instrument flight conditions, and his ability to fly the type of flying machine to which the application relates.

Technical Examination-

(8) The applicant shall, subject to the provisions of subregulation (9), be required to undergo an examination (including practical tests) as to his knowledge of the following subjects:

- (a) aviation law;
- (b) flight operation;
- (c) air navigation;

- (d) meteorology;
- (e) the interpretation of navigational aid identification signals;
- (f) theory of flight and aircraft operating limitations;
- (g) aircraft equipment and installations;
- (h) airframe and power plant maintenance.

Exemptions-

(9) (a) An applicant who is the holder of a commercial or a senior commercial pilot's licence (flying machines) in respect of the type of flying machine to which the application relates shall not be required to undergo again the flying tests and technical examination normally required in respect of that type.

(b) An applicant who has been the holder of an airline transport pilot's licence (flying machines) may, at the discretion of the Director and having regard to the type of flying machine for which a licence is desired, be exempted from all or any part of the requirements as to flying experience, practical flying tests and technical examination specified in sub-regulations (6), (7) and (8). Any exemption in respect of the said practical flying tests may be made conditional upon the satisfactory completion by the applicant of a special flying test.

Renewal of Licence-

(10) (a) An applicant for the renewal of a licence shall be required to produce satisfactory evidence that he has had reasonable flying experience as a pilot of flying machines during the six months immediately preceding the date of the application. The applicant may also, at the discretion of the Director, be required to produce satisfactory evidence that he has had reasonable flying experience as a pilot on each type of flying machine for which the renewal is desired since the type was entered on the licence. In default of such evidence as aforesaid, the applicant may be required to undergo all or any part of the practical flying tests and technical examination specified for the grant or extension of a licence as the Director may consider appropriate in the circumstances of the case.

(b) For a type of aircraft to be retained in Group 1 of a licence, evidence of one flight as pilot-in-charge on that type during the preceding twelve months will be called for. Any type on which there has been no flying, or flying as second pilot only, during the preceding twelve months will be down-graded to Group 2 of the aircraft rating.

Extension of Licence-

(11) An applicant for the extension of the aircraft rating of a licence to include the flying of an additional type of flying machine, either as a pilot-in-charge or as second pilot, shall be required to satisfy the Director as to his competence to fly the type of flying machine concerned.

Commercial Pilot's Licence (Soaring Gliders)

Age of Applicant and Period of Licence-

103. (1) An applicant for the grant of a commercial pilot's licence (soaring gliders) shall be not less than 19 years of age. Commercial pilot (soaring gliders)

(2) The period for which a licence may remain in force, following either the grant or any renewal thereof, shall not exceed six months.

Aircraft Rating-

(3) A licence shall include an aircraft rating specifying the types of gliders which, subject to the provisions of sub-regulation (4), the holder is entitled to fly.

Privileges Attaching to Licence-

(4) The licence shall entitle the holder to fly as pilot-in-charge or as second pilot of-

(a) any type of glider of which the maximum total weight authorised does not exceed 1,250 lb.; and

(b) any type of glider exceeding the above weight if such type is specified in the licence.

Technical Requirements for Grant of Licence

Flying Experience-

(5) The applicant shall be required to produce satisfactory evidence that he has had at least 50 hours' flying experience (i.e. in free flight, not towed flight) as pilot-in-charge of a glider, including 25 winch launchings and 10 completed aero-tow launchings, of which not less than 3 hours, including 10 winch launchings and 3 completed aero-tow launchings, were carried out during the twelve months immediately preceding the date of the application.

Practical Flying Tests-

(6) (a) The applicant shall, subject to the provisions of sub-regulation (8), be required to undergo the following practical tests in a glider of which the maximum total weight authorised does not exceed 1,250 lb.:

(i) a free flight of not less than one minute's duration in the course of which the candidate shall manoeuvre the glider so that its flight path is in the form of the letter "S", followed by a normal landing;

(ii) a free flight, during which height is not lost over a continuous period of at least five minutes, followed by a landing made within 100 yards of a point fixed beforehand by the candidate. A barograph chart endorsed by a designated observer will be accepted as evidence as an alternative to visual observation on the flight but not of the landing;

(iii) two winch launchings; and

(iv) two completed aero-tow launchings.

(b) Where the application relates to a glider of which the maximum total weight authorised exceeds 1,250 lb., the applicant may be required to undergo such

flying tests as the Director may consider appropriate in the particular case.

(c) The tests shall be subject to the following conditions:

(i) the candidate shall be alone in the glider;

(ii) the tests may be carried out in any order;

(iii) the tests shall be carried out within a maximum period of six months or within such longer period as may be authorised by the Director;

(iv) the tests shall be witnessed by properly accredited examiners who shall deposit their reports with the Director. The reports shall give full details of the flights and particularly of the landings; and

(v) the candidate shall, before each test, furnish the examiners with proof of his identity.

Technical Examination-

(7) The applicant shall, subject to the provisions of sub-regulation (8), be required to undergo an examination on his knowledge of aviation law, with particular reference to these Regulations, and on his knowledge of any information notified with respect to the responsibilities of a pilot.

Exemptions-

(8) At the discretion of the Director-

(a) an applicant who is the holder of a commercial pilot's licence (trailing gliders) may be exempted from the technical examination mentioned in sub-regulation (7);

(b) an applicant who is the holder of a flying machine pilot's licence may be exempted from the technical examination mentioned in sub-regulation (7);

(c) an applicant who produces satisfactory evidence that he has at any time been employed as a pilot in any military or naval air force may, according to his qualifications and his experience in respect of soaring flight, be exempted from the practical flying test mentioned in sub-regulation (6); and

(d) an applicant who holds a British Gliding Association Gliding Certificate issued within the period of two years immediately preceding the date of the application may be exempted from the technical examination referred to in sub-regulation (7) and from the flying tests specified in paragraphs (a) and (b) of sub-regulation (6).

Flying Experience for Renewal of Licence-

(9) An applicant for the renewal of a licence shall be required to produce satisfactory evidence that he has carried out as pilot-in-charge of a glider not less than two hours' flying during the twelve months immediately preceding the date of the application, or, in default thereof, to carry out the practical flying tests specified in sub-regulation (6).

(As amended by S.I. No. 153 of 1965)

Commercial Pilot's Licence (Trailing Gliders)

Age of Applicant and Period of Licence-

104. (1) An applicant for the grant of a commercial pilot's licence (trailing gliders) shall be not less than 19 years of age. Commercial pilot (trailing gliders)

(2) The period for which a licence may remain in force, following either the grant or any renewal thereof, shall not exceed six months.

Aircraft Rating-

(3) A licence shall include an aircraft rating specifying the types of gliders which, subject to sub-regulation (4), the holder is entitled to fly.

Privileges Attaching to Licence-

(4) The licence shall entitle the holder to fly as pilot-in-charge or as second pilot of any public transport or aerial work glider, of such type as may be specified in the licence, of which the maximum total weight authorised exceeds 1,250 lb.

Technical Requirements for Grant of Licence

Flying Experience-

(5) The applicant shall, subject to the provisions of sub-regulation (8), be required to produce satisfactory evidence that he has had not less than 200 hours' flying experience, of which not less than 100 hours were as pilot-in-charge of gliders or flying machines, including not less than 30 hours' flying as pilot-in-charge of a glider during which the applicant carried out 80 take-offs and 80 landings, 5 of which take-offs and landings being made by night. Of this 30 hours' flying not less than 10 hours shall be carried out during the six months immediately preceding the date of the application:

Provided that, in the case of an applicant who has passed an approved course of flying training, the said requirement of 200 hours' flying experience may, at the discretion of the Director, be reduced to 150 hours.

Practical Flying Tests-

(6) The applicant shall, subject to the provisions of sub-regulation (8), undergo such practical flying tests as the Director may require.

Technical Examination-

(7) The applicant shall, subject to the provisions of sub-regulation (8), be required to undergo an examination (including practical tests) as to his knowledge of the following subjects:

- (a) aviation law;
- (b) air navigation;
- (c) meteorology;

- (d) interpretation of navigational aid identification signals;
- (e) theory of flight and aircraft operating limitations;
- (f) aircraft equipment and installations;
- (g) airframe maintenance.

Exemptions-

(8) (a) At the discretion of the Director-

(i) an applicant who is the holder of a commercial, senior commercial or airline transport pilot's licence (flying machines), may, according to his qualifications, be exempted from all or any part of the practical flying tests and technical examination required by sub-regulations (6) and (7);

(ii) an applicant who produces satisfactory evidence that he has at any time been employed as a pilot of gliders in any military or naval air force may, according to his qualifications and experience, be exempted from all or any of the requirements as to flying experience and practical tests, and, from the technical examination, except as regards the examination subject specified in paragraph (a) of sub-regulation (7);

(iii) an applicant who does not satisfy the night flying requirements specified in sub-regulation (5) or which may be required under the provisions of sub-regulation (6), may be accepted as eligible for the grant, renewal or extension of a commercial pilot's licence (trailing gliders) restricted to flights between sunrise and sunset within Zambia.

(b) Any exemption granted in accordance with the provisions of sub-paragraphs (i) and (ii) of paragraph (a) may be made conditional upon the satisfactory completion of a special flying test.

Flying Experience for Renewal of Licence-

(9) An applicant for the renewal of a licence shall be required to produce satisfactory evidence that he has had reasonable flying experience as pilot of a glider during the six months immediately preceding the date of the application. In default thereof he may, at the discretion of the Director, be required to undergo all or any part of the practical flying tests and technical examination specified for the grant of a licence.

Extension of Licence-

(10) An applicant for the extension of a licence to include the flying of an additional type of glider shall normally be required to pass practical flying tests and a technical examination on the type to which the application relates.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

105. (1) An applicant for an instrument rating shall be required to satisfy the requirements as respects flying experience, instrument flying tests and technical examinations hereunder specified. Instrument rating requirements

Flying Experience-

(2) The applicant shall be required to produce satisfactory evidence that he-

(a) has carried out as pilot-in-charge of a flying machine not less than 150 hours' flying, including 50 hours' cross-country flying by day; and

(b) has carried out as pilot of a flying machine not less than 40 hours' flying solely by reference to instruments:

Provided that-

(i) a maximum of 20 hours' instrument flying training carried out on the ground in approved devices may be accepted in part satisfaction of this requirement; and

(ii) in the case of an applicant who has passed an approved course of training in instrument flying, the said requirements of 40 hours' flying may be reduced to 30 hours, but in such case the maximum of 20 hours' instrument flying training referred to in proviso (i) shall be reduced to 10 hours.

Instrument Flying Tests-

(3) The applicant shall be required, in the course of an instrument flying test with an examiner on board, to demonstrate his competence to fly solely by reference to instruments and in accordance with instrument flight rules.

Technical Examination-

(4) The applicant shall be required to undergo an examination (including practical tests) as to his knowledge of the following subjects:

(a) aviation law;

(b) flight operation;

(c) air navigation;

(d) meteorology; and

(e) the interpretation of signals given in morse code.

Renewal of Instrument Rating-

(5) (a) The holder of an instrument rating may not exercise the privilege of such rating, either as pilot-in-charge or as second pilot, unless he has, during the immediately preceding twelve months, passed an instrument rating or instrument rating renewal flying test and a certificate by an approved examiner to that effect is included in the certificate of validity relating to the licence.

(b) In the case of an instrument rating renewal flying test, when the said holder has passed such test, the rating shall be renewed for twelve months from the date-

(i) of expiry of the rating if such test is undergone within 28 days before the date of expiry of the rating; or

(ii) of such test if such test is undergone more than 28 days before the date

of expiry of the rating.

(As amended by F.G.N. No. 151 of 1957)

106. (1) A rating to act in the capacity of assistant instructor may be included in a flying machine pilot's licence of any class and shall be limited to particular classes and types of flying machines, having regard to the report of the examining body. Assistant instructor's rating

(2) A rating of one or more classes or types of flying machines may be extended to cover the giving of instruction in flying additional classes or types on the Director being furnished by the examining body with a satisfactory report that the applicant has produced such evidence and completed such examination and tests as may be appropriate in the circumstances of the case.

(3) Such a rating will be made valid only for the giving of instruction under the direction of a qualified instructor and will not authorise the holder to give directions to a pupil in regard to either the pupil's first solo flight or his first solo cross-country flight.

(4) An applicant for an assistant instructor's rating shall, subject to the provisions of sub-regulation (3) of regulation 107, be required-

(a) to produce satisfactory evidence that he has carried out not less than 100 hours' flying as pilot-in-charge of a flying machine, of which not less than 30 hours shall have been carried out on the class of flying machine to which the application relates;

(b) to produce satisfactory evidence that he has passed a flying instructor's course the syllabus of which has been approved;

(c) to undergo an oral examination in the subjects of such a course;

(d) to undergo a flying test, with an approved examiner on board, for the purpose of determining the applicant's practical ability to act as an assistant instructor; and

(e) if the application relates to seaplanes-

(i) to undergo an oral examination for the purpose of determining his knowledge of the practical matters relating to the manoeuvring of seaplanes on the water; and

(ii) to undergo a test on a seaplane of the type or group to which the application relates, with an approved examiner on board, for the purpose of determining the applicant's practical ability to give instruction in the handling of such seaplane on the water.

107. (1) A rating to act in the capacity of instructor may be included in a private, commercial, senior commercial or airline transport pilot's licence (flying machines) and will be limited to the giving of instruction on such types of flying machines, specified in the aircraft rating of the licence, as the holder is, by the terms of the licence, entitled to fly as pilot-in-charge. Instructor's rating

(2) An applicant for an instructor's rating shall, subject to the provisions of sub-regulation (3), be required-

(a) to produce satisfactory evidence that-

(i) he has carried out not less than 400 hours' flying as pilot-in-charge of a flying machine, of which not less than 30 hours were carried out on the class and type of flying machine to which the application relates;

(ii) his flying experience includes not less than 100 hours' flying in the capacity of assistant instructor;

(b) to undergo a flying test, with an approved examiner on board, for the purpose of determining the applicant's practical ability to act as an instructor; and

(c) to satisfy the requirements for a rating to act as an assistant instructor specified in paragraphs (b), (c) and, when applicable, (e) of sub-regulation (4) of regulation 106.

(3) An applicant who has qualified as an instructor in flying machines in any military or naval air force may, according to his qualifications and experience, be exempted from all or any of the requirements specified in sub-regulation (4) of regulation 106 or sub-regulation (2). Such exemption may be made conditional upon the satisfactory completion of any part of the examination and tests.

(As amended by S.I. No. 153 of 1965)

108. (1) An applicant for a rating to give instruction in flying gliders (of which the maximum total weight authorised exceeds 1,250 lb.) towed by flying machines shall be required-Instructor's rating (towed gliders)

(a) to produce satisfactory evidence that he has carried out not less than 400 hours' flying as pilot-in-charge of a glider or flying machine, of which-

(i) not less than 30 hours' flying and 80 landings shall have been carried out by him as pilot-in-charge of a glider; and

(ii) not less than 25 hours' flying including 5 flights during which a glider was towed by the flying machine and released therefrom, were carried out by him as pilot-in-charge of a flying machine;

(b) to undergo an oral examination in the subjects of a gliding instructor's course conducted in accordance with an approved syllabus.

(2) In addition, the applicant may be required to undergo a flying test, on a flying machine or a glider towed by a flying machine, or on both, with an approved examiner on board, for the purpose of determining his practical ability to give instruction in flying gliders towed by flying machines:

Provided that an applicant-

(i) in whose licence there is included a rating to give instruction in flying flying machines; or

(ii) who has qualified as an instructor in flying machines or gliders in any military or naval air force; may, according to his qualifications and experience, be exempted from all or any of the requirements of this regulation. Such exemption may be made conditional upon the satisfactory completion of a

special examination or test.

(As amended by S.I. No. 153 of 1965)

109. (1) Application by the holder of a flying machine pilot's licence for a towing rating entitling the holder to fly flying machines towing gliders of which the maximum total weight authorised exceeds 1,250 lb. shall be made in writing to the Director. Towing rating requirements

(2) Subject as hereinafter provided, an applicant for a towing rating shall be required to produce evidence of flying experience and undergo tests and examinations as specified in sub-regulation (4).

(3) A towing rating shall not authorise the towing of a glider or gliders by more than one flying machine.

Requirements for Grant of Towing Rating-

(4) (a) An applicant for a towing rating must be the holder of a commercial, senior commercial or airline transport pilot's licence (flying machines) granted under the provisions of these Regulations.

(b) The applicant shall be required to satisfy the requirements as to flying experience and undergo tests and examinations as specified in sub-regulations (5), (6) and (7).

Flying Experience-

(5) The applicant shall be required to produce satisfactory evidence that he has, during the twelve months immediately preceding the date of the application, carried out-

(a) as pilot-in-charge of a flying machine towing a glider, not less than 5 hours' flying including at least ten flights, not less than three of which were carried out at night; and

(b) as pilot-in-charge of a glider towed by a flying machine and released therefrom, not less than 3 hours' flying, including at least ten flights, one of which was carried out at night.

Practical Flying Tests-

(6) (a) Two flights as pilot-in-charge of a flying machine of a type included in Group 1 of the aircraft rating of the applicant's licence, towing one or more gliders, during each of which flights the applicant shall, in accordance with a plan arranged beforehand, fly to the position where the glider or gliders are to be released and after such release, drop the tow rope within the assigned area and land the flying machine at the assigned place. In respect of one of these flights, the total weight of the glider or gliders shall approximate to the maximum weight which the flying machine may be permitted to tow in the circumstances of the flight. The other flight shall be carried out at night and the position of release shall be when the flying machine is down wind of the place at which the glider or gliders are to land and is flying across wind at a suitable height above the level of that place.

(b) The tests shall be subject to the following conditions:

(i) the tests may be carried out in any order;

(ii) the tests shall be witnessed or conducted, as the case requires, by properly accredited examiners who shall deposit their reports with the Director. The reports shall give full details of the flights and, in particular, of the landings; and

(iii) the applicant shall, before each test, furnish the examiners with proof of his identity.

Technical Examination-

(7) (a) General knowledge of the procedure for towed flights, including the systems of intercommunication which may be used; the methods of towing; the effect of variation of load, and of wind and other meteorological conditions on gliding and towed flights; and the principles governing the selection of landing grounds for gliders;

(b) Knowledge of the types of gliders approved for towing by such types of flying machines included in Group 1 of the aircraft rating of the applicant's licence as have been approved for towing; the flight characteristics of and the instruments prescribed for such types of gliders; the permissible limits of loading for such combinations of flying machines and gliders; the types of tow ropes which may be used; the methods of inspection of tow ropes and quick release devices;

(c) Practical knowledge of aviation law, with particular reference to these Regulations, and knowledge of any information notified with respect to the responsibilities of a pilot in towing operations:

Provided that-

(i) an applicant who is the holder of a commercial pilot's licence (trailing gliders) may be exempted from technical examination in the subjects specified in paragraphs (a) and (c); and

(ii) an applicant who has at any time flown as a pilot of flying machines towing gliders in any military or naval air force may, according to his qualifications and experience, be exempted from all or any of the above requirements as to flying experience and practical flying tests, and from technical examination on the subjects specified in paragraphs (a) and (b). Such exemption may be made conditional upon the satisfactory completion of a special flying test.

(As amended by S.I. No. 153 of 1965)

Flight Navigator's Licence

Age of Applicant and Period of Licence-

110. (1) An applicant for the grant of flight navigator's licence shall be not less than 21 years of age. Age of applicant and period of licence for flight navigator

(2) The period for which a licence may remain in force, following either the grant or any renewal thereof, shall not exceed twelve months.

Privileges Attaching to Licence-

(3) The licence shall entitle the holder to act as flight navigator in any aircraft.

Technical Requirements for Grant of Licence

Flying Experience-

(4) The applicant shall, subject to the provisions of subregulation (6), be required to produce satisfactory evidence that he has-

(a) carried out in the capacity of flight navigator not less than 200 hours' cross-country flying, 50 hours of which were carried out during the twelve months immediately preceding the date of the application, and including not less than 50 hours' night flying; and

(b) made during flight not less than 25 celestial observations by day and not less than 25 celestial observations by night and has applied the results of such observations to the navigation of the aircraft:

Provided that, at the discretion of the Director-

(i) in the case of an applicant who has passed an approved course of training as a flight navigator, the requirements as to flying experience specified in paragraph (a) may be reduced to such extent as the Director may think fit;

(ii) in the case of an applicant who holds a certificate of competency (or its naval equivalent) as master or mate of a foreign-going vessel, the requirements of 200 hours' flying may be reduced to 100 hours; and

(iii) in the case of an applicant who has had flying experience as a pilot of public transport aircraft, one-half of such experience, up to a maximum of 100 hours, may be reckoned towards the said requirement of 200 hours' flying.

Technical Examination-

(5) The applicant shall, subject to the provisions of sub-regulation (6), be required to undergo an examination (including practical tests) as to his knowledge of the following subjects:

(a) aviation law, in so far as it affects the responsibilities of a flight navigator;

(b) air navigation, including the interpretation of navigational aid identification signals; and

(c) meteorology.

Exemptions-

(6) At the discretion of the Director, an applicant who has at any time qualified as a flight navigator in any military or naval air force may, according to his qualifications and experience as flight navigator, be exempted from all or any of the requirements specified in sub-regulations (4) and (5).

Renewal of Licence-

(7) An applicant for the renewal of a licence shall be required to produce satisfactory evidence that he has had reasonable experience in the navigation of aircraft during the twelve months immediately preceding the date of the application. In default thereof the applicant shall, at the discretion of the Director, be required either to-

(a) undergo further training in navigational duties in aircraft under the supervision of a person who is the holder of a flight navigator's licence; or

(b) undergo all or any part of the technical examination specified for the grant of a licence.

(As amended by S.I. No. 153 of 1965)

Flight Engineer's Licence

Age of Applicant and Period of Licence-

111. (1) An applicant for the grant of a flight engineer's licence shall be not less than 21 years of age. Age of applicant and period of licence for flight engineer

(2) The period for which a licence may remain in force, following either the grant or any renewal thereof, shall not exceed twelve months.

Privileges Attaching to Licence-

(3) The licence shall entitle the holder to act as flight engineer in any type of aircraft specified in the aircraft rating included in the licence.

Technical Requirements for Grant of Licence

Aeronautical and Flying Experience-

(4) The applicant shall, subject to the provisions of sub-regulation (6), be required to produce satisfactory evidence that he-

(a) has had at least 50 hours' experience in flight engineering duties on board the type of aircraft to which the application relates, or one of similar characteristics, during the twelve months immediately preceding the date of the application; and

(b) has demonstrated in flight to the satisfaction of the pilot-in-charge of an aircraft of the type to which the application relates, or one of similar characteristics, his practical knowledge of emergency procedures and his ability to take appropriate action in the event of any engine failure occurring, particularly during landings and take-offs.

Technical Examination-

(5) The applicant shall, subject to the provisions of sub-regulation (6), be required to undergo an examination on his knowledge of the following subjects; such examination will have reference to the type of aircraft to which the application relates:

(a) international air legislation;

- (b) these Regulations in so far as they affect the responsibilities of a flight engineer;
- (c) the theory of flight and aerodynamics;
- (d) various terms and definitions used in the operation of aircraft;
- (e) general knowledge of the maintenance and functioning of airframes, power plants and related appliances;
- (f) general knowledge of aircraft operation and maintenance and a detailed knowledge of the manual or manuals relating to the type of aircraft to which the application relates or one of similar characteristics;
- (g) methods of effecting in flight minor repairs, adjustments and replacements;
- (h) aircraft performance with respect to speed limitations, and the procedure to be followed in case of emergency, particularly in the event of fire in the air or power plant failure;
- (i) flight planning based on loading and performance charts, fuel consumption and engine power curves; control of power output and the mathematical computations involved;
- (j) general knowledge of varying meteorological conditions and their effect on power plant operations;
- (k) aircraft loading and centre of gravity computations;
- (l) types of fuel and oil and fuelling procedure; and
- (m) the preparation of reports, illustrated by sketches, if necessary, describing the replacement or repair required in case of damage.

Exemptions-

- (6) An applicant who has at any time served as a flight engineer in any military or naval air force may, at the discretion of the Director and according to the applicant's qualifications and experience, be exempted from all or any of the requirements specified in sub-regulations (4) and (5).

Renewal of Licence-

- (7) An applicant for the renewal of a licence shall be required to produce satisfactory evidence that he has had reasonable experience in flight engineering duties in the twelve months immediately preceding the date of the application, including experience on board each type of flying machine for which the renewal is desired. In default of such evidence, the applicant may be required to satisfy all or any of the requirements specified for the grant or extension of a licence as the Director may consider appropriate in the circumstances of the case.

Extension of Licence-

- (8) An applicant for the extension of the aircraft rating of a licence to

include an additional type of aircraft shall be required to satisfy the requirements specified in sub-regulation (4). He may also, at the discretion of the Director, be required to undergo all or any part of the technical examination specified in sub-regulation (5).

(As amended by S.I. No. 153 of 1965)

112. (1) Any person who applies for the grant of a cabin attendant's licence shall not be less than 18 years nor more than 55 years of age. Age of applicant and period of licence for cabin attendant's license

(2) The period for which a licence may remain in force, following either the grant or renewal thereof, shall not exceed twelve months.

(3) Any person who applies for the grant or renewal of a license shall be required to-

(a) pass a medical examination and the results shall remain valid for 24 months if the applicant is under 40 years of age and 12 months if the applicant is 40 years of age or over;

(b) satisfy the requirements as to mental and physical fitness specified in regulation 114 to the following medical standards:

(i) physical standard No. 2;

(ii) visual standard No. 2;

(iii) colour perception standard No. 2; and

(iv) hearing standard No. 1.

(4) Pregnancy shall be regarded as incapacitating the holder of a license from carrying out flying duties when the pregnancy is three months old or if a medical examiner assesses the holder unfit for flying duties even if she is less than three months pregnant.

(5) A cabin attendant's license of any class shall specify the appropriate type of aircraft which the holder of the license is qualified to operate.

(6) An applicant for a license shall be required to qualify separately for each type of aircraft.

(7) A cabin attendant shall not be allowed to work in more than three types of aircraft at any one given time.

(8) A cabin attendant's license shall entitle the holder to act in accordance with the following ratings as specified for each Class:

(a) Class I:

(i) instructor of other cabin attendants;

(ii) cabin attendant in charge of any type of aircraft which is endorsed in the Class I section of the license;

(iii) to provide passenger cabin services, and

(iv) to be in charge of emergencies.

(b) Class II:

(i) to provide passenger cabin services; and

(ii) to be in charge of emergencies;

(c) Class III:

(i) to provide passenger cabin services; and

(ii) cabin attendant on training prior to qualifying for initial or additional aircraft type.

(9) Upon passing of the examination to which sub-regulation (12) refers, a cabin attendant's license may be applied for and be granted.

(10) For a type of aircraft to be entered in any Class of the cabin attendant's license, the applicant shall be required to produce satisfactory evidence that such applicant-

(a) has carried out at least 10 flights of instructional and supervisory experience within the preceding 12 months on a type of aircraft to which the application relates or one with similar characteristics; and

(b) has undergone an approved course of technical training.

(11) The applicant shall be required to demonstrate, during a general practical test in flight, competency to carry out normal and emergency procedures relating to the Class and type of aircraft to which the applicant relates.

(12) The applicant shall be required to undergo an examination, as to knowledge of the following subjects:

(a) aviation law, flight rules and procedures;

(b) aircraft general knowledge;

(c) aircraft type rating;

(d) human performance and limitations;

(e) first aid and medical knowledge; and

(f) dangerous goods carried by air;

(13) The pass mark in all subjects of examination shall be seventy per centum.

(14) At the discretion of the Director, an applicant who has at any time served as a cabin attendant of any registered and licensed organisation or company, may, according to the applicant's qualifications and flying experience, be exempted from all or any of the requirements specified in sub-regulations (9), (10) and (11).

(15) Any person who applies for the renewal of a license shall be required to

produce satisfactory experience in flight duties in the twelve months immediately preceding the date of the application, including experience on board each type of aircraft for which the renewal is desired;

(16) Where the applicant does not produce the evidence specified in sub-paragraph (15), the applicant may be required to undergo all or any part of the practical tests and technical examinations specified for the grant of a license as the Director may consider appropriate.

(17) For a type of aircraft to be maintained in Class I or II of a cabin attendant's license, evidence of at least one flight on that type of aircraft during the preceding twelve months shall be required.

(18) An applicant for the extension of an aircraft rating of a license so as to include an additional type of aircraft, shall produce evidence of having undergone an approved course of training and shall demonstrate to the satisfaction of the Director, general competency on board that type of aircraft or one with similar characteristics.

(19) A rating to act in the capacity of Cabin crew flight instructor may be included in a cabin attendant's license and shall be limited to the giving of instructions only on types of aircraft in Class I.

(20) A Cabin crew flight instructor's rating shall remain in force for twenty-four months from the date of the flying test.

(21) An applicant for a Cabin crew flight instructor's rating shall produce satisfactory evidence that such applicant has:

(a) attended and passed an International Air Transport Association (IATA) type of ground training course for cabin flight instructors which has been approved by the Director;

(b) not less than one hundred hours as a Class I cabin attendant of which not less than fifty hours are on the types of aircraft to which the application relates;

(c) undergone not less than twenty hours of ground training at an approved training centre and has demonstrated to an approved examiner practical ability to act as a ground instructor; and

(d) undergone not less than fifty hours of flight training and has demonstrated to a flight examiner in the course of a flight, ability to act as a flight instructor.

(22) An applicant for the renewal of an instructor's rating shall-

(a) produce evidence of having carried out a reasonable number of flights as an instructor in the twenty-four months immediately preceding the date of application; and

(d) demonstrate to an approved examiner in the course of a flight, ability to act as an instructor.

(As amended by S.I. No. 130 of 1994)

Flight Radiotelephony Operator's Licence

Age of Applicant and Period of Licence-

113. (1) An applicant for the grant of a flight radiotelephony operator's licence shall be not less than 18 years of age. Age of applicant and period of licence for flight radio-telephony operator

(2) The period for which a licence may remain in force, following either the grant or any renewal thereof, shall not exceed twelve months.

Privileges Attaching to Licence-

(3) The licence shall entitle the holder to act as flight radiotelephony operator in any locally registered aircraft, provided that the aircraft radio equipment embodies technical principles in respect of which his competency has been determined.

Technical Requirements for Grant of Licence-

(4) The applicant shall hold a current Certificate of Proficiency in Radiotelephony (Aeronautical), either General or Restricted, issued by the Postmaster-General of Zambia.

Experience-

(5) An applicant for the grant of a flight radiotelephony operator's licence shall not be required to furnish evidence of experience.

Renewal of Licence-

(6) An applicant for the renewal of a licence shall be required to-

- (a) produce satisfactory evidence that he has maintained competency; and
- (b) renew the certificate of medical fitness in accordance with the standards prescribed in paragraph (j) of sub-regulation (10) of regulation 114.

(As amended by G.N. No. 387 of 1963)

113A. (1) Any person who applies for an Air Traffic Controller's licence shall not be less than 21 years of age. Age of applicant and period of licence for Air Traffic Controller's Licence

(2) Any person who applies for an Air Traffic Controller's Licence shall hold a current certificate of proficiency in Air Traffic Control from any recognised Air Traffic Control School approved by the Director.

(3) Any person applying for an Air Traffic Controller's licence shall furnish the Director evidence of his experience.

(4) The licence shall entitle the holder to perform the functions as an Air Traffic Controller at any controlled aerodrome in Zambia.

(5) The period for which a licence shall remain in force following either its grant or renewal shall not exceed twelve months.

(6) Any person who applies for a renewal of a licence shall be required to

renew the certificate of medical fitness in accordance with standards prescribed in paragraph d of the sub-regulation 10 of regulation 114.

113B. (1) Any person who applies for an Aeronautical Station Operator's licence shall not be less than 21 years of age. Age of applicant and period of licence for Aeronautical Station Operator's Licence

(2) Any person who applies for an Aeronautical Station Operator's licence shall hold a current certificate of proficiency in Aeronautical Mobile and Aeronautical Fixed Services from any recognised aeronautical training school.

(3) Any person who applies for an Aeronautical Station Operator's licence shall be required to furnish evidence of his experience.

(4) The licence shall entitle the holder to perform the functions of an Aeronautical Station Operator at any Controlled aerodrome in Zambia.

(5) The period for which a licence shall remain in force following either its grant or renewal shall not exceed twelve months.

(6) Any person who applies for a renewal of a licence shall be required to renew the certificate of medical fitness in accordance with the standards prescribed in paragraph (j) of sub-regulation (10) of regulation 114.

(As amended by S.I. 177 of 1989)

114. (1) A person applying for the grant or renewal of a licence to act as a member of the operating crew of an aircraft shall be required to undergo a medical examination to ascertain whether his physical condition conforms with the standard of fitness, that is to say, the physical, visual, colour perception and hearing, applicable to his case, specified in sub-regulation (10). The examination shall be based upon the requirements specified in the Second Schedule: Medical requirements

Provided that-

(a) an applicant who does not satisfy the appropriate medical requirements may, at the discretion of the Director, be accepted as eligible for the grant or renewal of a licence, so far as medical requirements are concerned, if the licence is to be restricted to flying within Zambia. Any licence granted or renewed in accordance with this proviso may be made subject to such conditions and restrictions as the Director may consider appropriate in the particular case;

(b) if an applicant for the renewal of a licence is for the time being on duty as a member of the operating crew of an aircraft in a region distant from official medical centres, the medical examination which he should normally pass to obtain renewal of the licence may at the discretion of the Director-

(i) be deferred once for a period of six months in the case of a member of the operating crew of a private aircraft; or

(ii) be deferred for two consecutive periods of three months each in the case of a member of the operating crew of a public transport or aerial work aircraft, on condition that the applicant obtains locally on each occasion a satisfactory medical certificate after having been examined by a qualified medical officer.

(2) If an applicant for the renewal of a licence passes the medical examination, such licence shall be renewed for the period prescribed in these Regulations for that particular class of licence from the date-

(a) of expiry of the licence, if such examination is undergone within 21 days before the date of expiry of the licence;

(b) of such examination, if such examination is undergone more than 21 days before the date of expiry of the licence.

(3) Medical examinations, other than the examination referred to in proviso (b) to sub-regulation (1), shall be carried out as follows:

(a) in the case of a student pilot's licence (flying machines) and a private pilot's licence (flying machines), the examination shall be carried out by a duly qualified medical practitioner, who may be the applicant's usual medical attendant. It shall be conducted in accordance with C.A. Form 19, and a copy of the appropriate form, completed as required, shall be forwarded by the medical examiner to the address specified on the form;

(b) in the case of a commercial pilot's licence (flying machines), a senior commercial pilot's licence (flying machines), an airline transport pilot's licence (flying machines), a flight navigator's licence, a flight radio operator's licence, a flight engineer's licence, a commercial pilot's licence (soaring gliders), a commercial pilot's licence (trailing gliders), the medical examination shall be conducted by specially qualified medical officers appointed by or acting under the authority of the Director.

(4) Every applicant who presents himself for medical examination for the grant or renewal of a licence shall be required to furnish to the medical examiner a declaration signed by him stating whether he has previously undergone such medical examination and, if so, where, when and with what result. A false declaration may entail the cancellation of any licence granted or renewed as a result of the examination.

(5) If the holder of a licence is aware, or has reasonable grounds to suspect, that his physical, aural or eye condition has deteriorated in any respect, even if only temporarily as the result of a common minor ailment, so that it may be below the standard of medical fitness required for the grant of such licence, he shall not act in any capacity for which he is so licensed until he is satisfied that his condition has been restored to the required standard.

(6) If the holder of a licence-

(a) suffers any personal injury as the result of an accident occurring while he is acting in any capacity for which he is licensed;

(b) suffers any personal injury involving incapacity for work as the result of an accident occurring otherwise than while he is acting in any capacity for which he is licensed;

(c) suffers from any illness involving incapacity for work during twenty days or more;

he shall send notification of the occurrence, in writing, to the Director as soon as possible in the case of accident and, in the case of illness, as soon as the period of twenty days has elapsed.

(7) The holder of a licence may, after suffering any such personal injury or illness, be required to undergo a full or partial medical examination. He shall not resume acting in any capacity for which he is licensed until he has arranged for a medical report, detailing the nature of the injury or illness, the treatment received, the progress made whilst under treatment and his present condition, to be forwarded to the Director and has, in the light of such report, either been examined and pronounced fit or has been informed by the Director that an examination is not required.

(8) Pregnancy shall be regarded as incapacitating the holder of a licence from carrying out flying duties. As soon as the condition has been diagnosed, the holder of a licence shall cease flying and shall not again fly until she has, in due course, been examined and pronounced fit.

(9) Save as is provided in proviso (b) to sub-regulation (1), the medical examination required for the purpose of sub-regulation (7) shall conform with the same conditions and standards as for the grant or renewal of a licence.

Standards of Fitness-

(10) The standards of fitness appropriate to the various classes of licences shall be-

(a) Private Pilot's Licence and Student Pilot's Licence (Flying Machines)-

Physical Standard	No. 3
Visual Standard	No. 3
Colour Perception Standard	No. 2
Hearing Standard	No. 4

(b) Commercial Pilot's Licence (Flying Machines)-

Physical Standard	No. 2
Visual Standard	No. 1
Colour Perception Standard	No. 2
Hearing Standard	No. 3

(c) Senior Commercial Pilot's Licence (Flying Machines)-

Physical Standard	No. 1
Visual Standard	No. 1
Colour Perception Standard	No. 2
Hearing Standard	No. 1

(d) Airline Transport Pilot's Licence (Flying Machines)-

	Physical Standard	No. 1
	Visual Standard	No. 1
	Colour Perception Standard	No. 2
	Hearing Standard	No. 1
(e)	Commercial Pilot's Licence (Soaring Gliders)-	
	Physical Standard	No. 2
	Visual Standard	No. 1
	Colour Perception Standard	No. 2
	Hearing Standard	No. 3
(f)	Commercial Pilot's Licence (Trailing Gliders)-	
	Physical Standard	No. 2
	Visual Standard	No. 1
	Colour Perception Standard	No. 2
	Hearing Standard	No. 3
(g)	Flight Navigator's Licence-	
	Physical Standard	No. 2
	Visual Standard	No. 2
	Colour Perception Standard	No. 2
	Hearing Standard	No. 3
(h)	Flight Engineer's Licence-	
	Physical Standard	No. 2
	Visual Standard	No. 2
	Colour Perception Standard	No. 2
	Hearing Standard	No. 3
(i)	Flight Radio Operator's Licence-	
	Physical Standard	No. 2
	Visual Standard	No. 2
	Colour Perception Standard	No. 2

Hearing Standard No. 1

(j) Flight Radiotelephony Operator's Licence-

Physical Standard No. 2

Visual Standard No. 2

Colour Perception Standard No. 2

Hearing Standard No. 1

(11) A person who is the holder of a flying machine pilot's licence (private or commercial) and who has been granted, or makes application for, an instrument rating shall be required to satisfy Hearing Standard No. 1.

(12) If an application for the grant or renewal of a licence or for the inclusion in a licence or the renewal of a rating for which Hearing Standard No. 1 is required fails to satisfy that standard, the licence or rating may nevertheless be granted, included or renewed, as the case may be, if the applicant either-

(a) satisfies Hearing Standard No. 2; or

(b) demonstrates his ability, under practical or simulated practical conditions, to receive spoken messages by radiotelephony accurately in a complex noise background of an intensity level of not less than 100 decibels, the intensity level of the spoken message being 8 decibels above the intensity level of the background noise;

and the Director is satisfied that the applicant, by reason of his experience in radio reception, can competently perform the duties for which a licence or rating is desired.

(As amended by F.G.N. No. 151 of 1957 and G.N. No. 387 of 1963)

115. (1) The Director may grant licences to persons to act in the capacity of aircraft maintenance engineers for the purpose of entitling such persons to issue in connection with the construction, repair and maintenance of aircraft and matters connected therewith the certificates required to be issued under the provisions of these Regulations, and the provisions of this regulation shall apply to such licences. Age of applicant and period of licence of licensing and duties for aircraft maintenance engineers

(2) Application for the grant or renewal of a licence to act in the capacity of aircraft maintenance engineer, or for the extension of a rating included in such a licence, shall be made to the Director, and the applicant shall furnish the Director with such particulars as he may require in connection therewith.

(3) An applicant for the grant of an aircraft maintenance engineer's licence shall be not less than 21 years of age, and shall be able to read, write and converse fluently in the English language.

(4) The Director may grant a licence on application being made and on his being satisfied that the applicant is qualified in accordance with such requirements (hereinafter in this regulation called "the requirements") as may, for the purposes of this regulation, be notified from time to time.

(5) A licence may relate to aircraft, engines, instruments, accessories or radio.

(6) (a) Following the grant or renewal thereof, a licence shall, subject to the provisions of regulation 83, remain in force for a period not exceeding twelve months, as shown on the certificate of validity issued by the Director with the licence, but may, on application being made and on the Director being satisfied that the applicant is qualified in accordance with the requirements to have the licence renewed, from time to time be renewed by the Director so as to remain in force for a further period, not exceeding twelve months, specified in a certificate of validity issued by the Director on the occasion of renewal:

Provided that, on any such application being made, the applicant may be required to satisfy the Director as to his qualifications in accordance with all or any of the requirements applicable with respect to the grant of a licence.

(b) A certificate of validity issued in accordance with the provisions of paragraph (a) shall, while it remains in force, be deemed to form part of the licence to which it relates and the certificate of validity which is for the time being in force shall be carried with that licence.

(7) On the issue of a licence to an applicant, he shall forthwith sign his name thereon in ink with his ordinary signature.

(8) The categories of certification and duties of certification in respect of which licences may be granted shall be as follows:

Category A (applicable to aircraft, excluding engines)-

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

(ii) certification in the manner prescribed in Part VII, in respect of public transport aircraft;

(iii) certification of work done under approved maintenance schedules;

(iv) certification of repairs approved as minor repairs;

(v) certification of modifications approved as minor modifications;

(vi) certification of replacement of approved components and parts.

Category B (applicable to aircraft, excluding engines)-

(i) certification of aircraft after overhaul, including the engine installation, except that the overhaul, repair or modification of the instruments, automatic pilots, variable-pitch propellers, or electrical equipment shall have been previously certified by a firm approved for the purpose or by an aircraft maintenance engineer licensed for the purpose in Category X;

(ii) certification of approved repairs;

(iii) certification of approved modifications;

(iv) certification of the replacement of approved components and parts;

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

Category C (applicable to engines)-

(i) certification as to fitness for flight of the engines in an aircraft for which a certificate of airworthiness is about to be issued;

(ii) certification in the manner prescribed in Part VII, in respect of engines in public transport aircraft;

(iii) certification of work done under approved maintenance schedules;

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

Category D (applicable to engines only)-

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

(ii) certification of approved repairs;

(iii) certification of approved modifications:

(iv) certification of the replacement of approved components and parts;

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

Category X-

(i) certification of the installation and the compensation of compasses;

(ii) certification of overhauls, repairs, modifications or replacements to magnetos and other ignition equipment;

(iii) certification of overhauls, repairs, modifications or replacements to and installation of-

(a) variable-pitch propellers;

(b) aircraft instruments and engine instruments;

(c) electrical equipment;

(d) automatic pilots.

Category A(R) (applicable to radio)-

- (i) certification of the inspection, overhaul, repair and modification of aircraft radio stations, excluding equipment that is normally removable;
- (ii) certification of the correct functioning of radio apparatus installed in aircraft;
- (iii) certification of work done under approved maintenance schedules;
- (iv) certification in the manner prescribed in Part VII, in respect of radio apparatus installed in public transport aircraft;
- (v) if the licence is so endorsed, certification of radar apparatus as under paragraphs (i), (ii), (iii) and (iv).

Category B(R) (applicable to radio)-

- (i) certification of the inspection, overhaul, repair and modification of all aircraft radio apparatus in workshops approved for the purpose by the Director;
- (ii) if the licence is so endorsed, certification of radar apparatus as under paragraph (i).

(9) A rating in any of the categories specified in sub-regulation (8) shall specify the types of aircraft, engines, instruments, accessories or radio in respect of which the holder of the licence is entitled to perform the duties of certification appropriate to that category.

(10) A rating in respect of aircraft or engines may relate either to a single type of aircraft or engine or to a group of types of aircraft or engines.

(11) The Director may, on application being made, at any time during the currency of a licence extend the ratings included therein by the addition of further ratings in any category on his being satisfied that the applicant is qualified in accordance with the requirements to have such extension.

(As amended by F.G.N. No. 641 of 1954, F.G.N. No. 151 of 1957 and S.I. No. 345 of 1969)

115A. (1) The Director may grant a licence to any person to be a telecommunications and navigation aids engineer which shall entitle such a person to issue certificates in connection with the installation, repair, modification and maintenance of equipment and matters connected with telecommunications and navigation aids. Age of applicant and period of licence for Telecom-munications and Navigation aids engineer's licence

(2) Any person applying for a telecommunications and navigation aids engineer's licence, shall furnish the Director with evidence of his qualifications, experience and any other information which the Director may require.

(3) An applicant for the grant of the telecommunications and navigation aids engineer's licence shall not be less than twenty-one years of age and shall be able to read, write and converse fluently in the English Language.

(4) The Director may grant a licence or renewal of a licence under this regulation if he is satisfied that the applicant has the necessary qualification and experience.

(5) A licence granted under this regulation may relate to HF and VHF communications equipment, navigation aids systems or accessories.

(6) A licence, shall subject to regulation 83, remain in force for a period not exceeding twelve months as specified on the certificate of validity issued by the Director.

(7) A licence issued under this regulation may, on application, be renewed by the Director and shall be in force for a further period not exceeding twelve months as specified on the certificate of validity issued with the renewal.

(8) The certificate of validity referred to in sub-regulations (6) and (7) shall form part of the licence.

(9) The category of certificates and duties of certification for which a licence may be granted under this regulation shall be as follows:

Category T (Applicable to HF and VHF\UHF communication, etc., excluding navigation aids facilities)-

(i) certification of the inspection, repair and modification of ground based communication apparatus in workshops approved by the Director;

(ii) certification of the correct functioning of ground based communication apparatus;

(iii) certification of work done under approved maintenance schedules;

(iv) certification of AFTN message switching system apparatus as specified in paragraphs (i) to (iii).

Category N (applicable to all navigation facilities)-

(i) certification of the inspection, repair and modification of ground based navigation aids facilities in workshop approved by the Director;

(ii) certification of the correct functioning of ground based navigation aids facilities;

(iii) certification of work done under approved maintenance schedules;

(iv) certification of radar apparatus as specified in paragraphs (i) to (iii).

(10) A rating in any of the categories specified in sub-regulation (9) shall specify the type of communication or navigation aids facility for which the holder of the licence is entitled to perform his duties of certification.

(11) A rating in respect of telecommunications or navigation aids may relate either to a single equipment or to a group of types of equipment.

(12) The Director may, on application at any time during the currency of a licence add further ratings in any category if he is satisfied that the applicant has the necessary qualification and experience.

(As amended by S.I. No. 87 of 1991)

PART XV AERODROMESPART XV

AERODROMES

116. (1) The Director may licence an aerodrome either for public use or for use by particular persons or classes of persons, and for use either by aircraft of all classes and descriptions or by particular aircraft or classes or descriptions of aircraft.Licensing of aerodromes

(2) The Director may grant a licence in respect of an aerodrome on such conditions as may be specified in the licence, and any conditions so specified shall be complied with by the licensee of the aerodrome as if they were contained in these Regulations.

(3) A licence granted by the Director in respect of an aerodrome shall, subject to the provisions of regulation 83, remain in force for such period, not exceeding twelve months, as may be shown therein but may from time to time be renewed by the Director for such period, not exceeding twelve months, as may be shown therein and such renewal may be with or without variation of any conditions or of the description of the aerodrome previously contained in the licence.

(4) Application for the grant or renewal of a licence in respect of an aerodrome shall be made to the Director and the applicant shall furnish the Director with such particulars as he may require in connection therewith and shall comply with any requirements of the Director as to inspection of the aerodrome.

(5) All military aircraft belonging to or employed in any branch of the Defence Force performing air service shall, subject to the conditions of the licence, have at all reasonable times the right of access to any licensed aerodrome.

(6) An aerodrome which is not a Government aerodrome or a licensed aerodrome shall be registered with the Director by the owner of the land on which it is situated as an unlicensed aerodrome and shall be open to inspection by the Director.

(7) Nothing in these Regulations shall be construed as conferring any right to land in any place against the owner of the land or other persons interested therein, or as prejudicing the rights or remedies of any person in respect of injury to persons or property caused by an aircraft.

(As amended by S.I. No. 153 of 1965)

117. The Director may authorise any person to exercise the powers conferred by paragraphs (a) and (b) of subsection (1) of section seven of the Act.Authorisation by Director

118. (1) The Director may-Charges at and accessibility of aerodromes

(a) prescribe or approve-

(i) a scale of fees to be charged at any aerodrome licensed for public use or at any Government aerodrome, in respect of any services to aircraft which may be specified in such scale; and

(ii) different scales of fees at any such aerodromes for different types or classes of aircraft so specified; and

(iii) conditions to be observed in relation to the charging of such fees or the rendering of such services; and

(iv) any modification to any scale or conditions mentioned in sub-paragraphs (i), (ii) and (iii);

(b) in respect of any aircraft or class or type of aircraft, exempt any government, person or class of person, from the payment of any fee or the observance of any condition so prescribed or approved;

(c) classify aerodromes licensed in terms of regulation 116, for the purpose of prescribing or approving any such scale or conditions with reference to a particular class of such aerodromes.

(2) The person in control of an aerodrome so licensed-

(a) shall exhibit and keep exhibited in a conspicuous place in the aerodrome a tariff in a form approved by the Director of the charges to be made thereat in respect of services to aircraft; and

(b) shall not make in respect of any service rendered to an aircraft any charge which is greater or less than the charge specified in such tariff in respect of that service, which charge shall be in accordance with a scale prescribed or, as the case may be, approved by the Director pursuant to the provisions of sub-regulation (1).

(3) The person in control of any aerodrome which is open to public use by locally registered aircraft on payment of charges shall allow the aircraft of all contracting States alike to use the aerodrome to the same extent and upon the same conditions and shall ensure that any charges made at any such aerodrome for landing and length of stay are uniformly applicable with respect to the aircraft of all contracting States alike.

(As amended by F.G.N. No. 151 of 1957)

119. (1) A Government or designated aerodrome may be notified as available for use as a place of landing or departure by aircraft other than aircraft belonging to or employed in any branch of the Defence force performing air services and if so notified, may be so used subject to any conditions or limitations which may be so notified with respect to such use but, no aircraft other than an aircraft belonging to or employed in any branch of the Defence forces performing air service shall use any Government or designated Aerodrome as a place of landing or departure unless it does so by, and in accordance with the terms of, special permission of the Director or person authorised by him or unless it is compelled by accident, stress of weather or other unavoidable cause to make an emergency landing thereon. Use of government and designated aerodromes

(2) Every aircraft making use of a Government or designated aerodrome in accordance with sub-regulation (1) shall comply with the requirements of the Director or person authorised by him at the aerodrome relating to such use.

(3) Regulation 120 of the principal regulations is amended by the deletion of paragraph (b) and the substitution therefor of the following new paragraph: Amendment of regulation 120

(b) a Government or designated aerodrome which has been notified as available for use by such an aircraft or which in a particular case such an aircraft is specially permitted to use under regulation 119:

Provided that this prohibition shall not apply-

(i) to a landing due to accident, stress of weather or other unavoidable cause or to the next subsequent departure from the place in which the landing due to any such cause has been made; or

(ii) to a landing or departure made by a flying club and carrying a member of the club whether for the purpose of instruction or otherwise.

(As amended by F.G.N. No. 641 of 1954, S.I. No. 153 of 1965 and S.I. No. 87 of 1991)

120. (1) No aircraft carrying passengers for hire or reward shall use as a place of landing or departure any place in Zambia other than-Passenger aerodromes

(a) an aerodrome licensed for use by such an aircraft; or

(b) a Government aerodrome which has been notified as available for use by such an aircraft, or which in a particular case such an aircraft is specially permitted to use under the provisions of regulation 119:

Provided that this prohibition shall not apply-

(i) to a landing due to accident, stress of weather or other unavoidable cause or to the next subsequent departure from the place in which the landing due to any such cause has been made; or

(ii) to a landing or departure made by a glider being flown under arrangements made by a flying club and carrying a member of the club whether for the purpose of instruction or otherwise.

(2) The person in control of any aerodrome other than an aerodrome mentioned in sub-regulation (1) shall not permit that aerodrome to be used-

(a) by an aircraft in contravention of that sub-regulation; or

(b) by night by aircraft not carrying passengers for hire or reward unless lights are provided which are adequate for the purpose of such use.

(3) (a) An aerodrome may be notified as not available for use as a place of landing or departure by aircraft during any period notified and, if an aerodrome has been so notified, no aircraft shall during such period use that aerodrome as a place of landing or departure unless it is compelled by accident, stress of weather or other unavoidable cause to make an emergency landing thereon.

(b) An aerodrome may be notified for use as a place of landing or departure only by aircraft of such class, type or description during such period and subject to such conditions or limitations with respect to the use thereof as may be notified and, if an aerodrome has been so notified-

(i) every aircraft of such class, type or description shall in making use of

that aerodrome during such period do so in accordance with such conditions or limitations; and

(ii) no aircraft as aforesaid shall during such period use that aerodrome as a place of landing or departure unless it is compelled by accident, stress of weather or any other unavoidable cause to make an emergency landing thereon.

(As amended by F.G.N. No. 269 of 1957 and G.N. No. 387 of 1963)

121. With respect to any licensed aerodrome or Government aerodrome, the conditions under which noise and vibrations may be caused by any aircraft (including military aircraft) on any licensed aerodrome or Government aerodrome shall, subject to any special conditions which may be prescribed with respect to a particular aerodrome, be as follows:Noise on aerodromes

(a) when the aircraft is taking-off or landing; or

(b) when the aircraft is moving on the ground or on water; or

(c) when the engines of the aircraft are being operated-

(i) for the purpose of ensuring their satisfactory performance; or

(ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or

(iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

122. No person, other than a person engaged on duty connected with aircraft and their operation or an aircraft passenger in charge of a person engaged on duty connected with aircraft and their operation, shall enter a restricted area except with the permission of the superintendent or manager of the aerodrome. For the purpose of this regulation "restricted area" means any portion of an aerodrome on which (in the case of building on) and round which (in the case of an area of an aerodrome) there are notices, erected with the authority of the superintendent or manager of the aerodrome, prohibiting entry. Prohibition of entry on aerodromes

PART XVI INVESTIGATION OF ACCIDENTS PART XVI

INVESTIGATION OF ACCIDENTS

123. This Part shall apply to accidents arising out of, or in the course of, aircraft operation which occur in or over Zambia, or which occur elsewhere to locally registered aircraft.

(As amended by G.N. No. 387 of 1963) Application of Part XVI

124. In this Part, unless the context otherwise requires- Interpretation of terms in Part XVI

"accident" means-

(a) a landing in circumstances of emergency due to any cause; or

(b) an occurrence 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 any person suffers death or serious injury while in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or the aircraft receives substantial damage;

"board of inquiry" means a commissioner or commissioners appointed by the Minister in terms of sub-regulation (1) of regulation 128;

"substantial damage" means any damage that necessitates the replacement or extensive repair of any major component or the equivalent considering all damage to the aircraft collectively.

125. (1) If an accident occurs, the pilot or, if the pilot is incapacitated by injury, the owner or hirer of the aircraft shall-Notification of accidents

(a) if the accident occurs in or over Zambia, send notice thereof by telegram to the Director and notify the officer-in-charge of the nearest police post; and

(b) if the accident has occurred elsewhere than in or over Zambia, send notice thereof in writing to the Director;

Provided that in the case of an aircraft which is engaged on hire at the time of the accident, the owner thereof shall, as between himself and the hirer and in the absence of any agreement to the contrary, be responsible for compliance with this regulation.

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

(3) The notice shall state-

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

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

(c) the name of the pilot of the aircraft;

(d) the name of the place where the accident occurred;

(e) the date and time when the accident occurred;

(f) the nature of the accident;

(g) whether death or injury was caused by the accident, and, if so, to whom.

(As amended by G.N. No. 387 of 1963)

126. (1) If an accident occurs in or over Zambia the aircraft shall not, except under the authority of the Director, be removed from its place or otherwise interfered with:Interference with aircraft

Provided that-

(i) the aircraft or any part thereof may be removed or interfered with as far as may be necessary for the purpose of extricating persons or animals involved,

removing mail carried by the aircraft, preventing destruction by fire or other cause, or for some other urgent reason approved of by a superior or commissioned police officer;

(ii) goods, mail or passengers' baggage may be removed from the aircraft under the supervision of the pilot or a police officer but, in the case of an aircraft which has come from some place outside Zambia, shall not be removed from the vicinity of the aircraft except on clearance by or with the consent of a customs officer.

(2) The Director may authorise any person, so far as may be necessary for the purpose of any investigation under these Regulations, to take measures for the preservation of the aircraft and to have access to examine, remove, or otherwise deal with the aircraft:

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

(As amended by G.N. No. 387 of 1963)

127. (1) If an accident occurs, a person or persons generally or specially appointed by the Director for the purpose (in this Part referred to as inspectors) may, whether or not such accident is one whereof notice is required to be given under these Regulations, make inquiries as to the cause of the accident and report thereon to the Director. All persons are required, by all reasonable means, to assist the inspectors who shall have access to and authority to examine any aircraft concerned in the accident, the place where the accident occurred, and any documents, material, equipment or components that may be pertinent to their inquiries. Appointment of inspectors

(2) On completion of any inquiries made under sub-regulation (1), and after submission to the Director of the inspector's report, the Minister may, at his discretion, instruct that the contents of such report are made public in whole or in part.

128. (1) Where it appears to the Minister that it is expedient to hold a public inquiry into the causes and circumstances of an accident, he may appoint a commissioner or commissioners for that purpose. Boards of inquiry

(2) To assist a board of inquiry the Minister may appoint an assessor or assessors possessing aeronautical, engineering, or other special skill or knowledge.

(3) A board shall hold an inquiry in public save to the extent to which the board is of opinion that in the interests of justice or in the public interest any part of the evidence, or any argument relating thereto, should be heard in camera.

129. (1) A board may make such rules for its own guidance and the conduct and management of proceedings before it and the hours and times and places for its sittings as it may think fit. Powers of boards of inquiry

(2) A board shall have power to inspect or authorise any person to inspect any aircraft concerned in the accident and to enter and inspect any place or building, the entry and inspection whereof appears to the board to be necessary for the purpose of the inquiry.

(3) Any person who is in any way implicated or concerned in the accident under inquiry shall be entitled to be legally represented by any person entitled to practise in the High Court or any subordinate court in Zambia.

(4) The Commissioner of Police shall detail police officers to attend upon a board, to preserve order during the proceedings and to perform such duties as the board may direct.

(5) A board shall not be liable to any action or suit for any matter or thing done by it in the exercise of its functions under these Regulations.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

130. (1) The Minister may direct what remuneration (if any) shall be paid to a board and to any assessor, and may direct the payment of any other expenses attendant upon the carrying out of the board's functions. Remuneration and costs

(2) A board may order the costs and expenses of an inquiry, or any part thereof, to be paid by any party, if it finds that the accident was due to the act or default or negligence of that party or of any person in the employment of that party; and any such order shall be of the same force and effect and proceedings may be taken thereon as if such order were a judgment as to costs in a subordinate court.

131. On conclusion of the proceedings of a board, the board shall make a report to the Minister stating fully the circumstances of the case and the opinion of the board concerning the causes of the accident and adding any observations and recommendations which the board thinks fit to make with a view to the preservation of life and the avoidance of similar accidents in future, including a recommendation for the cancellation, suspension or endorsement of any licence, certificate, or other document. Reports of boards of inquiry

PART XVII GENERAL AND SUPPLEMENTARY PART XVII

GENERAL AND SUPPLEMENTARY

132. The Civil Air Ensign established in the Republic under the Civil Air Ensign Regulations shall not be flown within Zambia save-Civil Air Ensign

- (a) on locally registered aircraft;
- (b) at any licensed aerodrome or aerodrome under the control of the Director;
- (c) by the person operating an air transport undertaking owning Zambian aircraft on or in proximity to any building occupied by him at his principal office or place of business;
- (d) by any person to whom permission in writing is granted by the Director:

Provided that the Civil Air Ensign shall not be hoisted on board any ship or boat without warrant from the President.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

133. No person shall secrete himself and be carried in an aircraft without the consent of the pilot-in-charge of the aircraft, or in the case where a

person other than the pilot-in-charge is in command thereof, without the consent of that person. Stowaways

134. (1) If it appears to the Director or an authorised person that any aircraft is intended or likely to be flown—Power to prevent flights

(a) in such circumstances that the flight would be in contravention of the provisions or any provision of regulation 10, 16, 20, 59, 72 or 73;

(b) in such circumstances that the flight would be in contravention of any other provision of these Regulations and be a cause of danger to persons in the aircraft or goods carried for hire or reward therein or to other persons or property on land or water or in the air; or

(c) while in a condition unfit for flight, whether the flight would otherwise be in contravention of any provision of these Regulations or not;

the Director or such authorised person may give such instructions and take such steps by way of detention of the aircraft or otherwise as appear to him necessary in order to prevent the flight.

(2) For the purposes of sub-regulation (1), the aircraft may be inspected by an authorised person.

(3) If any person contravenes any instructions given under this regulation, he shall be deemed to have contravened these Regulations, and no aircraft shall fly in contravention of any such instructions.

(4) For the purposes of this regulation, "authorised person" includes—

(a) a person authorised in writing by the Director; and

(b) a superior or commissioned police officer.

(As amended by F.G.N. No. 269 of 1957)

135. Any authorised person and any police officer shall—Powers of authorised persons and police officers

(a) have the right to enter and inspect any aerodrome, hangar, or aircraft, or any operational servicing or manufacturing organisation engaged in aviation and to inspect any aircraft equipment, components or materials for the purpose of ensuring that the provisions of the Act and of these Regulations have been or are being complied with. Such persons shall have access to all documents reasonably required by them for the proper execution of their duties;

(b) have access to any place where an aircraft has landed for the purpose of inspecting the aircraft or any document which he has the power to demand under these Regulations, and for the purpose of detaining the aircraft under the provisions of these Regulations;

(c) provided the commercial operation of the aircraft is not thereby prejudiced, have access to any aircraft for the purpose of checking whilst in flight, the performance of the aircraft, its engines, propellers and other appliances and the efficiency of flight crew members in the performance of their duties.

136. No person shall obstruct or impede any person acting in the exercise of his powers or the performance of his duties under these Regulations. Obstruction of authorised persons

137. Liability shall not be accepted by the Department of Civil Aviation, its servants or agents, or by any servant or agent of the Government for loss or damage by accident, fire, flood, tempest, explosion or any other cause to aircraft, or for loss or damage from whatever cause arising to goods, mails, or other articles, or for loss or injury from whatever cause arising to passengers or other persons (including pilots, engineers, or other personnel of aircraft) landing at, departing from, or accommodated in or at any Government aerodrome or landing ground even if such loss, damage or injury is caused by or arises from negligence on the part of any servants or agents of the Department of Civil Aviation or any servant or agent of the Government.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965) Department not liable

138. The holder of any licence, certificate or rating issued in terms of these Regulations shall, within fourteen days from the date of any change of permanent address, notify the Director of such change of address. Changes of address

139. Monthly returns or such other returns or information as and when required for statistical purposes shall be rendered to the Director by all operators. Statistical returns

140. (1) The provisions of the Third Schedule shall have effect with respect to the fees to be charged in connection with the certificates, licences and other documents referred to in these Regulations and otherwise in connection with the purposes of these Regulations. Prescribed fees

(2) Upon an application being made in connection with which any fee is chargeable in accordance with the said provisions, the applicant may be required before the application is entertained to pay the whole or to deposit a portion of the fee or fees so chargeable. If, after such payment or deposit has been made, the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Director, the Director may, subject as hereinafter provided, refund the amount of such payment or deposit. Where the amount paid or deposited is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cesser or refusal, the Director may refund the amount so attributable or, in a case where an investigation has been partially completed, so much of that amount as in the opinion of the Director is reasonable having regard to the stage to which the investigation has progressed at the time of such withdrawal, cesser or refusal:

Provided that, if in any case the amount deposited by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application is withdrawn by him or otherwise ceases to have effect or is refused by the Director, the amount representing the balance of such fee shall be payable by the applicant.

(3) In sub-regulation (2) and in the Third Schedule, "investigation" includes

an inspection, examination, calculation or test.

(4) Where application is made for the grant or renewal of any licence specified in paragraphs 7 and 8 of the Third Schedule, or for the addition of a rating to, or any other extension of, such licence, and it is necessary for an examination or examinations to be conducted by any approved person or approved body other than the Director, the fees chargeable shall be such as the Director may in each case fix.

(As amended by F.G.N. No. 641 of 1954)

FIRST SCHEDULE

(Regulation 17)

NATIONALITY AND REGISTRATION MARKS

1. Save as provided in paragraph 3, the nationality and registration marks shall be painted on the aircraft, or shall be affixed thereto by any other means ensuring a similar degree of permanence, in the following manner:

(a) Flying Machines and Gliders-

(i) Wings-The marks shall appear once on the upper surface of the wing structure and once on the lower surface of the wing structure. They shall be located on the right half of the upper surface and on the left half of the lower surface of the wing structure unless they extend across the whole of both the upper and lower surfaces of the wing structure. So far as is possible, the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing.

(ii) Fuselage (or equivalent structure) or Vertical Tail Surfaces- The marks shall also appear either on each side of the fuselage (or equivalent structure) between the wings and the tail surfaces, or on the upper halves of the vertical tail surfaces. When located on a single vertical tail surface, they shall appear on both sides. When there is more than one vertical tail surface, the marks shall appear on the outboard sides of the outer surfaces.

(b) Airships and Balloons-

(i) Airships-The marks shall appear on each side of the airship and also on the upper surface on the line of symmetry. They shall be located lengthwise near the maximum cross-section of the airship.

(ii) Spherical Balloons-The marks shall appear in two places diametrically opposite. They shall be located near the maximum horizontal circumference of the balloon.

(iii) Non-spherical Balloons-The marks shall appear on each side They shall be located near the maximum cross-section of the balloon immediately above either the rigging band or the points of attachment of the basket suspension cables.

(iv) In the case of all airships and balloons, the side marks shall be so placed as to be visible both from the sides and from the ground.

2. Subject to the provisions of paragraphs 3 and 4, the following

provisions concerning the letters constituting the marks shall be complied with:

Flying Machines and Gliders-

(i) Wings-The letters constituting each group of marks shall be of equal height. The height of the marks shall be at least twenty inches.

(ii) Fuselage (or equivalent structure) or Vertical Tail Surfaces- The marks on the fuselage (or equivalent structure) shall not interfere with the visible outlines of the fuselage (or equivalent structure). The marks on the vertical tail surfaces shall be such as to leave a margin of at least two inches along each side of the vertical tail surface. The letters constituting each group of marks shall be of equal height. The height of the marks shall be at least twelve inches.

3. In cases where the constructional details of the aircraft do not admit of compliance with any of the provisions of paragraphs 1 and 2, the nationality and registration marks shall be affixed to the aircraft in such a manner, and the letters constituting the marks shall be of such a height, as may be approved by the Director.

(F.G.N. No. 151 of 1957)

4. (1) The width of each letter (except the letter I) and the length of the hyphen between the nationality mark and registration mark shall be two-thirds of the height of a letter.

(2) The letters and hyphen shall be formed by solid lines and shall be of a colour clearly contrasting throughout with the background on which they appear. The thickness of these lines shall be one-sixth of the height of a letter.

(3) As nearly as constructional features of the aircraft permit, each letter shall be separated from the letter which it immediately precedes or follows by a space equal to half the width of a letter. A hyphen shall be regarded as a letter for this purpose.

(F.G.N. No. 151 of 1957)

5. The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft.

(F.G.N. No. 151 of 1957)

SECOND SCHEDULE

(Regulations 90 and 114)

STANDARDS OF FITNESS AND MEDICAL EXAMINATIONS PHYSICAL REQUIREMENTS

1. Physical Standard No. 1-

The medical examination and assessment shall be based on the following requirements of mental and physical fitness:

(1) The applicant shall be required to have adequate functional use of his

four limbs and to be free from any active or latent, acute or chronic, physical disability, that would entail any degree of functional incapacity which is considered by the medical examiner likely to interfere with the safe handling of an aircraft at any altitude throughout a prolonged or difficult flight.

(2) The medical examination will include a full inquiry into the family and personal history of the applicant. The information obtained shall be given in a statement made and signed by him and will be taken into consideration by the medical examiner.

(3) Examination of the nervous system.-The applicant shall have no history of significant mental or nervous trouble. He shall be required to be free from any mental impairment, pathological tremor, or presumptive evidence of latent epilepsy. He shall be required to be free from any progressive disease of the nervous system and from any non-progressive disease of that system, the effects of which are considered by the medical examiner to be of sufficient degree as likely to interfere with the safe handling of an aircraft. Cases in which syphilis, past or present, has affected the central nervous system will be assessed as permanently unfit.

As to injuries of the head-

(a) Cases of simple concussion, or simple fracture of the skull without associated intracranial injury, will be assessed as temporarily unfit for a period of not less than two months from the date of the concussion or fracture. When the licence is renewed, it will be made valid only for a period of two months in the first instance. Thereafter its validity will be restricted to consecutive periods of two months until the medical examiner reports he has good reason to presume that the after-effects of the concussion or fracture are no longer likely to cause a sudden incapacity in flight;

(b) Cases of head injury associated with intracranial injuries will be assessed as permanently unfit if a local lesion of the brain persists;

(c) Cases of head injury in which there has been an operation on the skull with loss of bony substance involving the two tables of the cranial vault will be assessed as permanently unfit;

(d) Cases of head injury associated with a lesion of the dura mater will be assessed as permanently unfit even if a bone graft has been done.

(4) General surgical examination.-The applicant shall neither suffer from any wound or injury, nor have undergone an operation, nor possess any abnormality, congenital or acquired, which is considered by the medical examiner likely to interfere with the safe handling of an aeroplane at any altitude throughout a prolonged or difficult flight. He shall be required to be completely free from hernia. Cases in which there is any significant anatomical or functional lesion in the walls of any part of the digestive tract, any stricture, any calculus or foreign body, any significant peritoneal lesion, established by clinical or laboratory examination, will be assessed as unfit. An applicant who has undergone a major surgical operation on the biliary passages or the digestive tract, except for appendicitis, which has involved a total or partial excision or a diversion of any of these organs will be assessed as unfit unless a period of one year has elapsed since the surgical operation and the effects of the operation are not considered liable to cause sudden incapacity in the air, provided that this period of one year may be shortened on the production of an attestation made by a surgeon having knowledge of the nature of

the disease which necessitated the operation, certifying that no immediate or future after-effects are to be feared.

(5) General medical examination.-The applicant shall not suffer from any disease or disability which renders him liable suddenly to become unable to handle aircraft safely.

The heart shall be normal. Cases in which there is arrhythmia associated with a liability to giddiness will be assessed as unfit. Respiratory arrhythmia, occasional extra systoles which disappear on exercise, increase of pulse rate from excitement or exercise, or a slow pulse not associated with auriculoventricular dissociation may be regarded as coming within "normal" limits.

The systolic and diastolic blood pressures shall be within normal limits.

There shall be no signs of aneurism of the large arterial trunks.

There shall be no acute disability of the lungs nor any active disease of the structures of the lungs, mediastinum or pleura. In the case of an examination for the first grant of a licence, radioscopy will form part of the chest examination. Radiography will form part of the medical examination in all doubtful clinical cases.

Cases of active pulmonary tuberculosis, however diagnosed, will be assessed as unfit. Cases of quiescent or healed lesions which are known to be tuberculous, or are presumably tuberculous, in origin may be assessed as fit. Cases of doubt about the activity of a lesion, where symptoms of activity of the disease are lacking clinically, will be assessed as temporarily unfit for a period of not less than three months from the date of the medical examination. At the end of the three months' period, a further radiographic record will be made and compared carefully with the original. If there is no sign of extension of the disease and there are no general symptoms nor symptoms referable to the chest, the applicant may be assessed as fit but, where the licence is renewed in these circumstances, it will be made valid only for a period of three months in the first instance; thereafter, provided there continues to be no sign of extension of the disease as shown by radiographic examinations carried out at the end of each three months' period, the validity of the licence will be restricted to consecutive periods of three months. When the applicant has been under observation under this scheme for a total period of at least two years and comparison of all the radiographic records shows no changes or only retrogression of the lesion, the lesion will be regarded as "quiescent" or "healed"

Cases of pulmonary emphysema will not be assessed as unfit unless the condition is causing symptoms.

Cases of disease of, or of significant impairment of the functioning of, the liver, biliary passages or pancreas will be assessed as unfit. Cases of diabetes will also be assessed as unfit.

Cases of severe and moderate enlargement of the spleen persistently below the costal margin will be assessed as unfit. Cases of generalised enlargement of the lymphatic glands and of diseases of the blood will be assessed as unfit; those due to a transient condition may be assessed as temporarily unfit.

Cases presenting any signs of organic disease of the kidneys will be assessed

as unfit; those due to a transient condition may be assessed as temporarily unfit. The urine shall contain no pathological element. Cases of affection of the urinary passages, and of the genital organs will be assessed as unfit; those due to a transient condition may be assessed as temporarily unfit. Cases of tuberculous epididymitis, in its mild and localised form, may be assessed as fit.

An applicant for the first grant of a licence who has a personal history of syphilis shall be required to furnish evidence, satisfactory to the medical examiner, that he has undergone adequate treatment; this evidence shall include the result of an examination of the blood and of the cerebro-spinal fluid. An applicant showing any clinical signs of active syphilis will be assessed as temporarily unfit for a period of not less than three months from the date of the medical examination. At the end of the three months' period, provided the applicant furnishes proof, satisfactory to the medical examiner, that he has undergone adequate treatment in the interim and that the serological reaction for syphilis is negative, he may be assessed as fit, but where a licence is granted or renewed in these circumstances it will be made valid only for a period of three months in the first instance. Thereafter, provided serological reactions for syphilis continue to be negative at the end of each three months' period, the validity of the licence will be restricted to consecutive periods of three months. When the applicant has been under observation under this scheme for a total period of at least three years and the serological reactions have continued to be negative, the restriction on the period of validity of the licence may be removed. In cases where the serological reaction for syphilis remains persistently positive, examinations of the cerebro-spinal fluid at the end of each period of six months with negative results may be accepted in lieu of negative serological reactions at the end of each period of three months. Any evidence of syphilis of the central nervous system will be confirmed by the result of an examination of the cerebro-spinal fluid.

The cases of applicants of the female sex who have undergone gynaecological or other surgical operations will be considered individually. In the event of presumed pregnancy, the applicant will be assessed as temporarily unfit until, at least, after the pregnancy has been terminated; after confinement or miscarriage, the applicant will not be permitted to exercise the privileges of her licence until she has undergone a new medical examination and been assessed as fit.

(6) Eye examination.-There shall be no active pathological condition, acute or chronic, of either eye or adnexae which is considered likely by the medical examiner to interfere with its proper function.

NOTE.-The details of the Visual Requirements are specified in sub-paragraphs (1) to (4) of paragraph 4 of this Schedule and those for Colour Perception in sub-paragraphs (1) to (3) of paragraph 5.

(7) Ear examination.-There shall be-

- (i) No active pathological process, acute or chronic, of the internal ear or middle ear cleft;
- (ii) No unhealed (unclosed) perforation of the tympanic membrane;
- (iii) No obstruction of the Eustachian tubes;
- (iv) No disturbances of the vestibular apparatus.

NOTE.-The details of the Hearing Requirements are specified in sub-paragraphs (1) to (5) of paragraph 6.

(8) Nose, throat and mouth examination.-There shall be free nasal air entry on both sides. There shall be no serious malformation, nor serious, acute or chronic affection of the buccal cavity or upper respiratory tract.

2. Physical Standard No. 2-

The medical examination and assessment shall be based on the following requirements of mental and physical fitness:

(1) The applicant shall be required to be free from any congenital or acquired disability causing such degree of functional incapacity as is considered by the medical examiner likely to interfere, in the case of piloting, with the safe handling of an aircraft at any altitude throughout a prolonged or difficult flight or, in the case of flight crew members other than pilots, with the efficient performance of the duties to be carried out when exercising the privileges of the licence.

(2) The medical examination will include a full inquiry into the family and personal history of the applicant. The information obtained shall be given in a statement made and signed by him and will be taken into consideration by the medical examiner.

(3) Examination of the nervous system.-The applicant shall have no history of significant mental or nervous trouble. He shall be required to be free from any disability of the nervous system considered by the medical examiner to be of such degree as likely to interfere with efficient function during prolonged flight. Cases in which syphilis, past or present, has affected the central nervous system will be assessed as permanently unfit.

As to injuries of the head-

(a) Cases of simple concussion, or simple fracture of the skull without associated intracranial injury, will be assessed as temporarily unfit for a period of not less than two months from the date of the concussion or fracture. When the licence is renewed, it will be made valid only for a period of two months in the first instance. Thereafter its validity will be restricted to consecutive periods of two months until the medical examiner reports he has good reason to presume that the after-effects of the concussion or fracture are no longer likely to cause a sudden incapacity in flight;

(b) Cases of head injury associated with intracranial injuries will be assessed as permanently unfit if a local lesion of the brain persists;

(c) Cases of head injury in which there has been an operation on the skull with loss of bony substance involving the two tables of the cranial vault will be assessed as permanently unfit;

(d) Cases of head injury associated with a lesion of the dura mater will be assessed as permanently unfit even if a bone graft has been done.

(4) General surgical examination.-The applicant shall neither suffer from any wound or injury, nor have undergone any operation, nor possess any abnormality, congenital or acquired, which is considered by the medical examiner

likely to interfere with the efficient performance of the duties to be carried out when exercising the privileges of the licence.

Cases in which there is any significant anatomical or functional lesion in the walls of any part of the digestive tract, any stricture, any calculus or foreign body, any significant peritoneal lesion, established by clinical or laboratory examinations, will be assessed as unfit. An applicant who has undergone a major surgical operation on the biliary passages or the digestive tract, except for appendicitis, which has involved a total or partial excision or a diversion of any of these organs will be assessed as unfit unless a period of one year has elapsed since the surgical operation and the effects of the operation are not considered liable to cause sudden incapacity in the air, provided that this period of one year may be shortened on the production of an attestation made by a surgeon having knowledge of the nature of the disease which necessitated the operation, certifying that no immediate or future after-effects are to be feared.

(5) General medical examination.-The applicant shall not suffer from any disease or disability which renders him liable suddenly to become incompetent in the performance of the duties to be carried out when exercising the privileges of the licence.

There shall be no significant cardiovascular abnormality. The systolic and diastolic blood pressures shall be within normal limits.

There shall be no acute disability of the lungs nor any active disease of the structures of the lungs, mediastinum or pleura. In the case of an examination for the first grant of a licence, radioscopy will form part of the chest examination. Radiography will form part of the medical examination in all doubtful cases.

Cases of active pulmonary tuberculosis, however diagnosed, will be assessed as unfit. Cases of quiescent or healed lesions which are known to be tuberculous, or are presumably tuberculous, in origin may be assessed as fit. Cases of doubt about the activity of a lesion, where symptoms of activity of the disease are lacking clinically, will be assessed as temporarily unfit for a period of not less than three months from the date of the medical examination. At the end of the three months' period, a further radiographic record will be made and compared carefully with the original. If there is no sign of extension of the disease and there are no general symptoms nor symptoms referable to the chest, the applicant may be assessed as fit but, where the licence is renewed in these circumstances, it will be made valid only for a period of three months in the first instance; thereafter, provided there continues to be no sign of extension of the disease as shown by radiographic examinations carried out at the end of each three months' period, the validity of the licence will be restricted to consecutive periods of three months. When the applicant has been under observation under this scheme for a total period of at least two years and comparison of all the radiographic records shows no changes or only retrogression of the lesion, the lesion will be regarded as "quiescent" or "healed".

Cases of disease of, or of significant impairment of the functioning of, the liver, the biliary passages or the pancreas will be assessed as unfit. Cases of diabetes will also be assessed as unfit.

The applicant shall be required to be free from disease of the urogenital tract.

An applicant for the first grant of a licence who has a personal history of syphilis shall be required to furnish evidence, satisfactory to the medical examiner, that he has undergone adequate treatment; this evidence shall include the result of an examination of the blood and of the cerebro-spinal fluid. An applicant showing any clinical signs of active syphilis will be assessed as temporarily unfit for a period of not less than three months from the date of the medical examination. At the end of the three months' period, provided the applicant furnishes proof, satisfactory to the medical examiner, that he has undergone adequate treatment in the interim and that the serological reaction for syphilis is negative, he may be assessed as fit, but where a licence is granted or renewed in these circumstances it will be made valid only for a period of three months in the first instance. Thereafter, provided serological reactions for syphilis continue to be negative at the end of each three months' period, the validity of the licence will be restricted to consecutive periods of three months. When the applicant has been under observation under this scheme for a total period of at least three years and the serological reactions have continued to be negative, the restriction on the period of validity of the licence may be removed. In cases where the serological reaction for syphilis remains persistently positive, examinations of the cerebro-spinal fluid at the end of each period of six months with negative results may be accepted in lieu of negative serological reactions at the end of each period of three months. Any evidence of syphilis of the central nervous system will be confirmed by the result of an examination of the cerebro-spinal fluid.

The cases of applicants of the female sex who have undergone gynaecological or other surgical operations will be considered individually. In the event of presumed pregnancy, the applicant will be assessed as temporarily unfit until, at least, after the pregnancy has been terminated; after confinement or miscarriage, the applicant will not be permitted to exercise the privileges of her licence until she has undergone a new medical examination and been assessed as fit.

(6) Eye examination.-There shall be no active pathological condition, acute or chronic, of either eye or adnexae which is considered likely by the medical examiner to interfere with its proper function.

NOTE.-The details of the Visual Requirements are specified in sub-paragraphs (1) to (4) of paragraph 4 of this Schedule and those for Colour Perception in sub-paragraphs (1) to (3) of paragraph 5.

(7) Ear examination.-There shall be-

(i) No active pathological process, acute or chronic, of the internal ear or middle ear cleft;

(ii) No unhealed (unclosed) perforation of the tympanic membrane;

(iii) No obstruction of the Eustachian tubes;

(iv) No disturbances of the vestibular apparatus.

NOTE.-The details of the Hearing Requirements are specified in sub-paragraphs (1) to (5) of paragraph 6.

(8) Nose, throat and mouth examination.-There shall be free nasal air entry on both sides. There shall be no serious malformation, nor serious, acute or

chronic affection of the buccal cavity or upper respiratory tract.

3. Physical Standard No. 3-

The medical examination and assessment shall be based on the following requirements of mental and physical fitness:

(1) The applicant shall be required to be free from any congenital or acquired disability causing such degree of functional incapacity as is considered by the medical examiner likely to interfere with the safe handling of an aircraft under ordinary conditions, or in the cases of persons other than pilots, with the efficient performance of the duties to be carried out when exercising the privileges of the licence.

(2) The medical examination will include a full inquiry into the family and personal history of the applicant. The information obtained shall be given in a statement made and signed by him and will be taken into consideration by the medical examiner.

(3) Examination of the nervous system.-The applicant shall have no history of significant mental or nervous trouble. He shall be required to be free from any disability of the nervous system considered by the medical examiner to be of sufficient degree as likely to interfere with efficient function.

(4) General surgical examination.-The applicant shall neither suffer from any wound or injury, nor have undergone any operation, nor possess any abnormality, congenital or acquired, which is considered by the medical examiner likely to interfere with the efficient performance of the duties to be carried out when exercising the privileges of the licence.

An applicant who has undergone a major surgical operation on the biliary passages or the digestive tract, except for appendicitis, which has involved a total or partial excision or a diversion of any of these organs, will be assessed as unfit unless a period of one year has elapsed since the surgical operation and the effects of the operation are not considered liable to cause sudden incapacity in the air, provided that this period of one year may be shortened on the production of an attestation made by a surgeon having knowledge of the nature of the disease which necessitated the operation, certifying that no immediate or future after-effects are to be feared.

(5) General medical examination.-The applicant shall not suffer from any disease or disability which renders him liable suddenly to become incompetent in the performance of the duties to be carried out when exercising the privileges of the licence.

There shall be no significant cardiovascular abnormality. The systolic and diastolic blood pressures shall be within normal limits.

There shall be no acute disability of the lungs nor any active disease of the structures of the lungs, mediastinum or pleura.

Cases showing significant impairment of function of the liver, the biliary passages, or the pancreas will be assessed as unfit. Cases of diabetes will also be assessed as unfit.

The applicant shall be required to be free from disease of the urogenital tract.

An applicant for the first grant of a licence who has a personal history of syphilis shall be required to furnish evidence, satisfactory to the medical examiner, that he has undergone adequate treatment; this evidence shall include the result of an examination of the blood and of the cerebro-spinal fluid. An applicant showing any clinical signs of active syphilis will be assessed as temporarily unfit for a period of not less than three months from the date of the medical examination. At the end of the three months' period, provided the applicant furnishes proof, satisfactory to the medical examiner, that he has undergone adequate treatment in the interim and that the serological reaction for syphilis is negative, he may be assessed as fit, but where a licence is granted or renewed in these circumstances it will be made valid only for a period of three months in the first instance. Thereafter, provided serological reactions for syphilis continue to be negative at the end of each three months' period, the validity of the licence will be restricted to consecutive periods of three months. When the applicant has been under observation under this scheme for a total period of at least three years and the serological reactions have continued to be negative, the restriction on the period of validity of the licence may be removed. In cases where the serological reaction for syphilis remains persistently positive, examinations of the cerebro-spinal fluid at the end of each period of six months with negative results may be accepted in lieu of negative serological reactions at the end of each period of three months. Any evidence of syphilis of the central nervous system will be confirmed by the result of an examination of the cerebro-spinal fluid.

The cases of applicants of the female sex who have undergone gynaecological or other surgical operations will be considered individually. In the event of presumed pregnancy, the applicant will be assessed as temporarily unfit until, at least, after the pregnancy has been terminated; after confinement or miscarriage, the applicant will not be permitted to exercise the privileges of her licence until she has undergone a new medical examination and has been assessed as fit.

(6) Eye examination.-There shall be no active pathological condition, acute or chronic, of either eye or adnexae which is considered likely by the medical examiner to interfere with its proper function.

NOTE.-The details of the Visual Requirements are specified in sub-paragraphs (1) to (4) of paragraph 4 of this Schedule and those for Colour Perception in sub-paragraphs (1) to (3) of paragraph 5.

(7) Ear examination.-There shall be-

(i) No active pathological process, acute or chronic, of the internal ear or middle ear cleft;

(ii) No obstruction of the Eustachian tubes;

(iii) No disturbances of the vestibular apparatus.

NOTE.-The details of the Hearing Requirements are specified in sub-paragraphs (1) to (5) of paragraph 6.

(8) Nose, throat and mouth examination.-There shall be free nasal air entry on both sides. There shall be no serious malformation, nor serious acute or chronic affection of the buccal cavity or upper respiratory tract.

VISUAL REQUIREMENTS

4. (1) The measurement of visual acuity will be made by means of a series of optotypes of Landholt, or similar optotypes, illuminated at not less than twelve lux and not more than twenty lux, and placed at a distance of twenty feet from the applicant.

(2) Visual Standard No. 1-

The applicant shall be required to have-

- (a) a visual acuity of at least 6/9 (20/30) in each eye separately, without correction: provided that if the vision in either or both eyes is less than 6/9 (20/30) but not less than 6/18 (20/60) and can be brought up to 6/6 (20/20) or better in each eye by glasses, the applicant may be assessed as fit upon condition that correcting glasses are worn while exercising the privileges of the licence;
- (b) not more than +2.25 dioptries of hypermetropia, in the case of an applicant for the first grant of a licence;
- (c) not more than 1 dioptre of hyperphoria in either eye;
- (d) not more than 10 dioptries of esophoria;
- (e) not more than 5 dioptries of exophoria;
- (f) an accommodation of at least $V = 1.00$ at 12 inches (30 centimetres) with each eye separately without the use of correcting lenses: provided that, where the applicant is over forty years of age and already holds a licence, correcting glasses may be used to provide the same character of near vision;
- (g) normal fields of vision.

(3) Visual Standard No. 2-

The applicant shall be required to have-

- (a) a visual acuity of at least 6/12 (20/40) in each eye separately, without correction: provided that-
 - (i) in the case of an applicant for the first grant of a licence, if the vision in either or both eyes is less than 6/12 (20/40) but not less than 6/24 (20/80) and can be brought to up 6/6 (20/20) or better in each eye by glasses, the applicant may be assessed as fit upon condition that correcting glasses are worn while exercising the privileges of the licence; and
 - (ii) in the case of an applicant for the renewal of a licence, if the vision in either or both eyes is less than 6/12 (20/40) but not less than 6/60 (20/200) and can be brought up 6/9 (20/30) or better in each eye by glasses, the applicant may be assessed as fit upon condition that correcting glasses are worn while exercising the privileges of the licence and that a second set of correcting glasses are carried on his person;
- (b) normal fields of vision, due allowance being made, where errors of refraction exist, for those areas not covered by the correcting lenses.

(4) Visual Standard No. 3-

The applicant shall be required to have-

(a) a visual acuity of at least 6/12 (20/40) in each eye separately, without correction: provided that if the vision in either or both eyes is less than 6/12 (20/40) but not less than 6/60 (20/200) and can be brought up to 6/9 (20/30) or better in each eye by glasses, the applicant may be assessed as fit upon condition that correcting glasses are worn while exercising the privileges of the licence;

(b) satisfactory ocular muscle balance;

(c) normal fields of vision, due allowance being made where errors of refraction exist, for those areas not covered by the correcting lenses.

COLOUR PERCEPTION REQUIREMENTS

5. (1) The measurement of colour perception for Colour Perception Standard No. 1 should be made by means of pseudoisochromatic plates or a suitable lantern. The measurement for Colour Perception Standard No. 2 should be made by means of a suitable lantern. When a lantern is used it should present the light, transmitted by coloured screens lighted at five lux, for one second and seen at a distance of 20 feet in an angle of three minutes.

(2) Colour Perception Standard No. 1-

The applicant shall be required to have normal colour perception.

(3) Colour Perception Standard No. 2-

The applicant shall be required to be able to distinguish easily signal red, signal green and white.

HEARING REQUIREMENTS

6. (1) The measurement of the auditory acuity in the first three standards detailed below will be made by means of a standard pure tone audiometer in a quiet room, that is, a room in which the intensity of the background noise is less than 50 decibels as measured by a sound level meter.

(2) Hearing Standard No. 1-

The applicant shall be required not to have a loss in either ear of more than 20 decibels at any one of the four frequencies, 500, 1,000, 2,000 and 3,000 cycles per second.

(3) Hearing Standard No. 2-

The applicant shall be required not to have a loss in either ear of more than 20 decibels at any one of the three frequencies, 500, 1,000 and 2,000 cycles per second nor of more than 40 decibels at the frequency of 3,000 cycles per second.

(4) Hearing Standard No. 3-

The applicant shall be required not to have a loss in either ear of more

than 40 decibels at any one of the three frequencies, 500, 1,000 and 2,000 cycles per second.

(5) Hearing Standard No. 4-

The applicant shall be required to be able to hear a conversational voice, using both ears and standing with his back towards the examiner, at a distance of ten feet from the examiner.

THIRD SCHEDULE

(Regulation 140)

PRESCRIBED CHARGES

1. Certificate of Registration

(1) The fee units for the certificate of registration of an aircraft shall be-

(a) where its maximum weight does not exceed 2730 kg 150

(b) where its maximum weight exceeds 2730 kg but does not exceed 5700 kg 250

(c) where its maximum weight exceeds 5700 kg 350

(2) The fee units for a duplicate certificate of registration under sub-paragraph (1) above shall be 350

(3) For the purpose of this Schedule "maximum weight" means a maximum total weight as authorised in the certificate of airworthiness or the flight manual of the aircraft.

(4) The fee units for an individual approval of works on the aircraft shall be 750.

(5) The fee units for an individual approval for welders shall be 150.

2. Certificate of Airworthiness

(1) Where an application is made for a certificate of airworthiness in respect of a prototype aircraft, the fees for the certificate shall represent the costs incurred by any investigation necessary for the preparation of that certificate.

(2) Where an application is made for the issue, renewal or validation of certificate of airworthiness for series aircraft, the fees shall be in accordance with the following tables:

1.

Aircraft weight not exceeding 2730kg Issue Fee units Renewal Fee units Validation Fee units
A. Private Aircraft 15,015,025,0 B. Other Classification of Aircraft e.g. Public Transport Aircraft 35,035,035,0 C. Revalidation Extensions Means fees payable for private aircraft. *75,0

Means fees payable for by other classification. +15,0_

-

2.

Aircraft weight exceeding 2730kg but not exceeding 5700kg Issue Fee units Renewal Fee units Validation Fee units
A. Private Aircraft 35,035,035,0 B. Other Classification of Aircraft e.g. Public Transport Aircraft 65,065,065,0 C. Revalidation Extensions 25,0

150,0_

-

3.

Aircraft weight exceeding 5700kg Issue Fee units Renewal Fee units Validation Fee units
A. Private Aircraft 65,065,065,0 B. Other Classification of Aircraft e.g. Public Transport Aircraft 130,0130,0130,0 C. Revalidation Extensions Means fees payable for private aircraft. *35,0

Means fees payable for by other classification. +65,0_

-

*Means fees payable for private aircraft.

+Means fees payable for by other classification.

(3) The fees for the extension of airworthiness is 50 per centum of the normal rates set out in the tables under sub-paragraph (2).

(4) The fee units for initial or duplicate issue of a certificate of airworthiness shall be 65.0 for each certificate.

3. Temporary Permit to Fly

(1) Where a temporary Permit to fly is issued for an aircraft which does not have a certificate of airworthiness, a fee unit of 75 shall be paid.

(2) A temporary permit issued under sub-paragraph (1) above shall be valid for a period of twenty-eight days from the date of issue.

4. Approval of Modification of an Aircraft

Where application is made for approval of a modification or a repair scheme to an aircraft supported by local specifications and drawings and investigation of the proposed scheme or modifications is required before approval can be given, the fee unit to be paid shall represent the cost of the work incurred in the requisite investigation prior to the consideration of granting the approval, but shall not be less than 150.

5. Engineering Examinations and Fees for Licence

The following fee units shall be charged in respect of:

- (a) the basic engineering examination 50
- (b) the Air Navigation Regulations examination 50
- (c) type rating examination 80
- (d) issue of a Licence 5,0
- (e) all Licence renewals 5,0
- (f) issue of a duplicate licence 5,0
- (g) validation of aircraft maintenance engineers licence 5,0

6. Aircraft Log-Book

The fee for an aircraft log-book shall be 2,5

7. Weighing Charges

The fees for weighing an aircraft are as follows:

- (a) where its weight does not exceed 2730 kg 15,0
- (b) where its weight exceeds 2730 kg but does not exceed 5700 kg 25,0
- (c) where its weight exceeds 5700 kg 35,0

8. Airworthiness Notices

(1) One copy of each airworthiness notice is free of charge to-

- (a) each owner of a civil aircraft on the Zambian register; and
- (b) each licenced aircraft maintenance engineer.

(2) Fee units for an additional set of airworthiness notices including binders 2,5

9. Inspection, Registration and licence of Aerodromes

(1) Designated Aerodrome-Inspection and licensing of designated Aerodromes:

Fee units

- (a) Each inspection of designated aerodrome 20,0
- (b) The grant or renewal of licence for designated Aerodrome per year-
 - (i) Lusaka International Airport 1,000,0
 - (ii) Ndola Aerodrome 750,0
 - (iii) Livingstone Aerodrome 500,0
 - (iv) Mfuwe Aerodrome 500,0

(2) Non-Designated Aerodromes-The following are fees in respect of:

- (a) each inspection of an aerodrome or intended aerodrome site which the Director has been requested to make 15,0
- (b) the grant of a licence for an aerodrome 15,0
- (c) registration of an aerodrome and issue of registration certificate 15,0

(3) In addition to the charge prescribed in sub-paragraph (1), an applicant is required to arrange suitable transport for the designated officer to and from the aerodrome which is to be inspected or the proposed aerodrome site.

(4) The following are the fees to be charged in respect of:

- (a) aerodrome log-book 1,5
- (b) personal flying log-book 4,0
- (c) wind sock 5,0

(5) (a) Extension of a pilot's licence shall, if made by telex or facsimile, be levied at 5,0 fee units for any class of licence.

(b) The renewal fee shall be charged on application for renewal.

(As amended by Act No. 13 of 1994)

10. (1) Fees for Licences for Operating Crew

Technical Examinations Processing of Licensing Applications Validations of Licences

Endorsements of additional Rating to the Licence First sitting in any of Tech. Subjects Re-Examination in any of the Tech. Subjects

Flying tests

Initial Issue

Renewal

Duplicate Issue

Initial Validation

Renewal	Fee	units	Fee	units	Fee	units	Fee	units	Fee	units	Fee	units	Fee	units														
Student Pilot	---	30,02,53,0	---	Private Pilot	5,58,09,010,05,010,08,05,02,5	Commercial Pilot	10,012,025,015,08,015,010,06,02,5	Airline Transport Pilot	--25,015,08,015,010,06,02,5	Flight Engineer	10,012,025,015,08,015,010,06,02,5	Flight Navigator	10,012,025,015,08,015,010,06,02,5	Cabin Attendant	8,010,09,010,05,010,08,05,02,5	Free Balloon Pilot	5,58,09,010,05,010,08,05,02,5	Glider Pilot	5,58,09,010,05,010,08,05,02,5	Parachute Permit	---	10,05,010,0	---	Flight Radio Telephone Operator	10,012,0-15,0-15,010,0	---	Microlight Pilot	5,58,09,010,05,010,08,05,02,5

10. (2) Ratings

Private Pilot

Commercial Pilot

Airline Transport

Flight Engineer

Flight Navigator

Cabin Attendant

Free Balloon

Glider

Parachute Permit

Student Pilot Flight Radio Tele Operator Fee units Fee units Fee units Fee units Fee units
units Fee units Fee units Fee units Fee units Fee units Additional type or
class of Aircraft

Flight Test 7,510,010,0--8,0-8,0---Technical Examination
6,08,08,08,0-6,0-6,0--10,0 Instructor and Assistant Instructor Rating

Flight Test 15,020,020,0-----Technical
Examination 10,015,015,0-----Instrument Rating

Flight Test 25,025,025,0-----Technical Examination 10,010,010,0-----Banner
or Aircraft Towing Rating

Flight Test 6,010,010,0-----Technical Examination 4,05,05,0-----

11. Air Traffic Controllers licence

Fee units

- (a) air traffic controller's licence initial issue) 5,0
- (b) approach controller's rating) 2,5
- (c) area controller's rating) 2,5
 - radar approach rating) 3,0
- (d) re-test in all above) 2,5
 - radar area rating) 2,5
- (e) renewals (a)-(d)) 2,5
- (f) duplicate issue of rating above) 3,0
- (g) conversion from a foreign licence to a Zambian licence) 5,0

12. Aeronautical Station Operators licence

- (a) Class 'A' initial issue) 4,0
- (b) Class 'B' endorsement) 3,0

13. Telecommunications and Navigational Aids-Engineers Licence

- (a) initial issue and endorsement) 3,0
- (b) subsequent endorsement in either category) 1,0
- (c) duplicate issue irrespective of endorsement) 4,0

14. Aeronautical Information Service

(1) (a) Aeronautical Information publication initial issue with cover, including amendment service, Air Sup Aeronautical Information Circulars and postage in Zambia shall be 35.00 United States Dollars or equivalent in Kwacha.

(b) To subscribers abroad at 75.00 United States Dollars.

(2) (a) Aeronautical Information Publication Amendment Service, Air Sup Aeronautical Information Circulars and postage in Zambia for a year shall be 25.00 United States Dollars or equivalent.

(b) Subscribers abroad at 50.00 United States Dollars or equivalent in kwacha.

(3) Air Sup and Aeronautical Information Circulars including postage or subscribers in Zambia for a year shall be 10.00 United States Dollars or equivalent in kwacha.

(4) Aeronautical Information Publication initial issue without cover including amendment service and postage for a subscription per year shall be-

(a) 15.00 United States Dollars or equivalent in kwacha for those based in Zambia.

(b) Subscribers abroad at 30.00 US Dollars or equivalent in kwacha.

NOTE: The Subscription year begins from 1st January and ends 31st December of each year.

15. General

(1) An operator of an airport or designated airport in Zambia shall allow staff of the Department of Civil Aviation who hold qualifications in the following disciplines to carry out duties at the airports concerned:

- (a) aeronautical information service;
- (b) air traffic control;
- (c) aeronautical telecommunications;
- (d) telecommunications engineering; and
- (e) rescue fire service.

(2) When an aircraft operator introduces onto the Zambian register an aircraft of a new type of model or introduces a model of a Zambian registered aircraft which is substantially different from such registered type of aircraft, the operator shall meet all expenses connected with the training of Department of Civil Aviation staff on that model or type of aircraft.

(3) When an Airport Operator introduces new equipment where training in maintenance and operations is required, the operator shall meet all the expenses connected with the training of Department of the Civil Aviation staff.

(4) An operator of an airport or owner of a designated airport or owner of a privately owned airport providing air traffic control to public air transport, shall provide transport to and from the station where validations and or proficiency checks are to be conducted in addition to accommodation of the Department of Civil Aviation staff.

(5) When an air service permit holder who provides domestic and/or international services is about to introduce a service to a destination to which that permit holder has not previously or recently operated, such permit holder shall ensure that Department of Civil Aviation staff witness the very first flight to such destination to enable them carry out-

- (a) a route check, and
- (b) an inspection of the relevant facilities and services at the destination, for the purpose of issuing an approval of the route and destination and all expenses incurred by the Department of Civil Aviation staff shall be met by the permit holder.

(6) When an aircraft operator is about to use a flight crew including Cabin

Attendants, ground training device or (procedure trainers and simulators) and related facilities and services not previously approved by the Director of Civil Aviation or device and devices for which approval has expired by reason of temporary cessation of use or where approval has been suspended or revoked for any reason, such an operator shall ensure that the Department of Civil Aviation staff inspect the device or devices and related facilities and services for the purpose of issuing written approval and expenses incurred by the Department of Civil Aviation staff as a result of this exercise, shall be met by the aircraft operator.

(7) When an application for an air service permit is made by a Zambian registered company, the applicant or the aircraft operator, as the case may be, shall meet all expenses incurred by the Department of Civil Aviation, including subsistence allowance, in carrying out the following-

- (a) aircraft base inspection;
- (b) operations base inspection;
- (c) aircraft inspection; and
- (d) travelling to and from the Department of Civil Aviation Headquarters.

(As Amended by S.I. No. 96 of 1994 and Act No. 13 of 1994)

FOURTH SCHEDULE

(Regulations 39, 47 and 48)

CERTIFICATION OF INSPECTIONS, OVERHAULS, REPAIRS, REPLACEMENTS AND MODIFICATIONS

1. The following provisions shall apply to or in relation to every certificate required under sub-regulation (1) of regulation 39:

The certificate shall be appended to particulars of the inspection, overhaul, repair, replacement or modification to which it relates and shall be in the following form:

I hereby certify that, in carrying out the inspection/overhaul/repair/replacement/modification specified above, all the conditions and requirements of the Air Navigation Regulations for the time being in force which are applicable thereto have been complied with.

Signed

Date

CERTIFICATES OF MAINTENANCE

2. The certificate of maintenance issued in accordance with the provisions of regulation 48 shall, according to the class of aircraft concerned, be in one of the following forms, or in such other form as may be approved as suitable for the purpose:

- (1) In the case of a flying machine or an airship-

NOTE.-This certificate includes the attachment of the radio apparatus to the aircraft structure, and the condition of the earth system of the aircraft, including the bonding and screening to ensure suppression of high frequency electrical interference. It does not include the radio apparatus.*CERTIFICATE OF MAINTENANCE

Flying Machine Type or Airship Type
Nationality and Registration Marks

I hereby certify that the above aircraft (including its prescribed instruments and equipment, but excluding the engines and engine installations and all instruments relating thereto) has been maintained and inspected in accordance with the approved maintenance schedules and that adjustments and rectifications found necessary have been made and inspected to my satisfaction.

Signed

Aircraft Maintenance Engineer: Licence No..

Time of issue

Dated at. this day of
..... 19.....

Period of validity days from the time of issue or upon completion
by the aircraft of flying hours, whichever is the shorter period.

I hereby certify that the engines and engine installations (including the prescribed instruments relating thereto) of the above aircraft have been maintained and inspected in accordance with the approved maintenance schedules and that adjustments and rectifications found necessary have been made and inspected to my satisfaction.

Signed

Aircraft Maintenance Engineer: Licence No.

Time of issue

Dated at this day of
..... 19.....

Period of validity days from the time of issue or upon completion by
the aircraft of flying
hours, whichever is the shorter period.

*NOTE.-This certificate includes the attachment of the radio apparatus to the aircraft structure, and the condition of the earth system of the aircraft, including the bonding and screening to ensure suppression of high frequency electrical interference. It does not include the radio apparatus.

(2) In the case of a free balloon-

NOTE.-This certificate includes the attachment of the radio apparatus to the aircraft structure, and the condition of the earth system of the aircraft, including the bonding and screening to ensure suppression of high frequency electrical interference. It does not include the radio apparatus.*CERTIFICATE OF MAINTENANCE

Free Balloon Type

Nationality and Registration Marks

I hereby certify that the above aircraft (including its prescribed instruments and equipment) has been maintained and inspected in accordance with the approved maintenance schedules and that adjustments and rectifications found necessary have been made and inspected to my satisfaction.

Signed

Aircraft Maintenance Engineer: Licence No.

Time of issue

Dated at this day of 19.....

Period of validity days from the time of issue or upon completion by the aircraft of flying hours, whichever is the shorter period.

*NOTE.-This certificate includes the attachment of the radio apparatus to the aircraft structure, and the condition of the earth system of the aircraft, including the bonding and screening to ensure suppression of high frequency electrical interference. It does not include the radio apparatus.

(3) In the case of a captive balloon-

NOTE.-This certificate includes the attachment of the radio apparatus to the aircraft structure, and the condition of the earth system of the aircraft, including the bonding and screening to ensure suppression of high frequency electrical interference. It does not include the radio apparatus.*CERTIFICATE OF MAINTENANCE

Captive Balloon Type

Nationality and Registration Marks

I hereby certify that the above aircraft (including its prescribed instruments and equipment and also the winch and cable by which it is operated) has been maintained and inspected in accordance with the approved maintenance schedules and that adjustments and rectifications found necessary have been made and inspected to my satisfaction.

Signed

Aircraft Maintenance Engineer: Licence No.

Time of issue

Dated at this day of
..... 19.....

Period of validity days from the time of issue or upon completion by
the aircraft of flying hours,
whichever is the shorter period.

*NOTE.-This certificate includes the attachment of the radio apparatus to
the aircraft structure, and the condition of the earth system of the aircraft,
including the bonding and screening to ensure suppression of high frequency
electrical interference. It does not include the radio apparatus.

(4) In the case of a glider-

NOTE.-This certificate includes the attachment of the radio apparatus to the
aircraft structure, and the condition of the earth system of the aircraft,
including the bonding and screening to ensure suppression of high frequency
electrical interference. It does not include the radio apparatus.*CERTIFICATE OF
MAINTENANCE

Glider Type

Nationality and Registration Marks

I hereby certify that the above aircraft (including its prescribed instruments
and equipment and also its towing gear) has been maintained and inspected in
accordance with the approved maintenance schedules and that adjustments and
rectifications found necessary have been made and inspected to my satisfaction.

Signed

Aircraft Maintenance Engineer: Licence No.

Time of issue

Dated at . this day of
..... 19.....

Period of validity . days from the time of issue or upon completion by
the aircraft of flying
hours, whichever is the shorter period.

*NOTE.-This certificate includes the attachment of the radio apparatus to
the aircraft structure, and the condition of the earth system of the aircraft,
including the bonding and screening to ensure suppression of high frequency
electrical interference. It does not include the radio apparatus.

(F.G.N. No. 641 of 1954 as amended by S.I. No. 345 of 1969)

FIFTH SCHEDULE

(Regulation 80)

PRESCRIBED FORMS

FORM NO. 1

GENERAL DECLARATION
(Upper Front Half)

GENERAL DECLARATION

(Outward/Inward)

Owner or Operator

Aircraft

.....
Flight No. Date
.....

(Registration Marks and Nationality)

Point of Clearance

..... For entry at
.....

(Place and Country) (Place and Country)

ITINERARY OF AIRCRAFT
(Commencing with Point of Origin of this Flight No.)

AirportDeparture DateAirportDeparture Date

DECLARATION OF HEALTHFOR OFFICIAL USE ONLYIllness suspected of being of an
infectious nature which has occurred on board during the flight

Any other condition on board which may lead to thespread of disease

Details of each disinfecting or sanitary treatment (place, date, time,
method) during the flight. If no disinfecting has been carried out during the
flight give details of most recent disinfecting

Animals (including birds and insects), plants, unprocessed animal and
plant
products, cultures of bacteria, fungi and viruses, samples of soil and
fertiliser on board (where required by State of arrival)

Time of Departure

Time of Arrival

CREW MANIFESTSurname and InitialsDuties on BoardNationalitySerial No. and
Country of Issuance of Licence or Certificate or Passport *Size of entire
document not more than 8 1/2 by 14 inches (216 by 356 millimetres)
outside.*GENERAL DECLARATION-continued

(Lower Front Half)

Whenever separate Passenger or Cargo Manifests are not attached hereto, the information required below must be furnished. If no passengers or no cargo are being carried, insert the word "None" in the appropriate Manifest.

PASSENGER MANIFESTSurname and InitialsFromToFor use by Owner or Operator onlyFor
Official use only

CARGO MANIFESTMarks and Numbers
on
PackagesNumber and Type of Packages

Nature of Goods

From

To

Gross WeightFor use by Owner or Operator only

For Official use only

I declare that this General Declaration, all statements and particulars contained therein, and in any attached manifests or stores lists, are complete and contain to the best of my knowledge and belief an exact and true account of all-

Crew}
Embarked on

Disembarked from}

the above aircraftPassengersCargo}

Laden on

Unladen fromStoresMail

Signature

.....

(Pilot-in-Command or Authorised Agent)

*Size of entire document not more than 8 1/2 by 14 inches (216 by 356 millimetres) outside.

Size of entire document not more than 8 1/2 by 14 inches (216 by 356 millimetres) outside.*PASSENGER MANIFEST (SEPARATE)

(Front)

FORM NO. 2

PASSENGER MANIFEST

Owner or Operator

Aircraft Flight No. Date

(Registration Marks and Nationality)

Point of Embarkation

(Place and Country)

Point of Disembarkation

(Place and Country)

Surname

and Initials For use by Owner

or Operator only For Official

use only Prepared by

.....

..... .page of

pages

*Size of entire document not more than 8 1/2 by 14 inches (216 by 356 millimetres) outside.

*Size of entire document not more than 8 1/2 by 14 inches (216 by 356 millimetres) outside.

*CARGO MANIFEST (SEPARATE)

(Front)

FORM NO. 3

CARGO MANIFEST

Owner or Operator

Aircraft Flight No. Date

(Registration Marks and Nationality)

Point of Loading Point of Unloading

(Place and Country) (Place and Country)

Marks and Numbers on PackagesNumber and Type of PackagesNature of GoodsGross WeightFor use by Owner or Operator onlyFor Official use onlyPrepared bypage of pages

*Size of entire document not more than 8 1/2 by 14 inches (216 by 356 millimetres) outside.

SECTION 4-AVIATION (INSURANCE FOR PRIVATE AIRCRAFT) REGULATIONS

Regulations by the Minister Statutory Instrument
44 of 1985

1. These Regulations may be cited as the Aviation (Insurance for Private Aircraft) Regulations. Title

2. Unless the context otherwise requires, words and phrases in these Regulations shall have the meaning ascribed thereto in the Air Navigation Regulations. Interpretation
Cap. 353, p.25

3. No private aircraft shall be allowed to fly within the Zambian flight information region unless it is insured-

(a) for at least K100,000 in respect of loss to third parties; and

(b) for at least K50,000 in respect of loss arising from damage to the aircraft or injury to passengers.

Insurance for private aircraft

SECTION 4-THE AVIATION (GOVERNMENT AERODROMES) REGULATIONS

Regulations by the Minister Federal Government Notices
640 of 1954
277 of 1961
300 of 1962
270 of 1963
Government Notice
387 of 1963
Statutory Instruments
153 of 1965
134 of 1970
Act No.
13 of 1994

1. These Regulations may be cited as the Aviation (Government Aerodromes) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"aerodrome" means an aerodrome which is owned or controlled by the Government, other than an aerodrome belonging to, or for the time being in use exclusively by, the Defence Force;

"aerodrome official" means any person authorised by the controlling authority to marshal or otherwise control the movement of aircraft at an aerodrome;

"controlling authority" means the Director or the officer in control of an aerodrome;

"Director" means the Director of Civil Aviation appointed in terms of regulation 3 of the Air Navigation Regulations;

"restricted area" means an aerodrome or any portion of an aerodrome to which the entry of persons is restricted in terms of sub-regulation (1) of regulation 3;

"vehicle" means any vehicle except an aircraft.

(As amended by F.G.N. No. 277 of 1961, G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

3. (1) The controlling authority may, whenever it appears to him to be necessary or desirable for the efficient management and operation of the aerodrome and ancillary services thereto or the safety of the buildings thereon, restrict the entry of persons into an aerodrome or any portion thereof by notice in such form as he thinks suitable and such notice shall be conspicuously displayed—Restriction of entry

(a) at or near a gate or entrance to the aerodrome, in the case where entry to the aerodrome is restricted; or

(b) on any portion of an aerodrome, in the case where entry to a portion of the aerodrome is restricted.

(2) Whenever a notice referred to in sub-regulation (1) is displayed in accordance with the provisions of that sub-regulation, no person, other than the holder of a ticket authorising him to board an aircraft, shall enter a restricted area, save with the permission of the controlling authority and subject to such conditions as he may specify.

(F.G.N. No. 277 of 1961)

4. Any person who, within the area of an aerodrome—

(a) obstructs or interferes with the proper use of the aerodrome;

(b) obstructs any person acting in the execution of his duty in relation to the aerodrome;

(c) except with the permission of the controlling authority, enters a restricted area;

(d) remains on the aerodrome after having been required by the controlling authority to leave;

(e) allows his vehicle or animal to remain on the aerodrome after having been required by the controlling authority to remove it, or after its presence on the aerodrome has been forbidden by the controlling authority;

(f) without the authority of the person in charge of an aircraft—Offences

(i) boards such aircraft; or

(ii) tampers or interferes with such aircraft or anything used in connection therewith;

(g) smokes in or brings a naked light into any place—

- (i) where such act is prohibited by notice; or
- (ii) within 50 feet of an aircraft or a store of liquid fuel or explosives;
or otherwise commits any act causing or tending to cause an outbreak of fire;
- (h) wilfully gives a false fire or ambulance alarm;
- (i) throws, leaves or drops anything capable of causing injury to any person or property;
- (j) climbs any wall, fence, barrier, railing or post;
- (k) fails, when so required by an aerodrome official, to place an aircraft of which he is in charge in a place or position fixed by such official;
- (l) fails to moor properly or otherwise secure a stationary aircraft which is not in a hangar and of which he is in charge;
- (m) when requested by the controlling authority to give his name and address-
 - (i) fails or refuses to give his name and address; or
 - (ii) gives a false name and address;
- (n) drives a vehicle when he is not the holder of either-
 - (i) a driving licence which would, in terms of the Roads and Road Traffic Act, entitle him to drive a vehicle of that class or description on a road (as defined in the said Act); or Cap. 766
 - (ii) a certificate of competency issued by the controlling authority, authorising him to drive a vehicle of that class or description;

shall be guilty of an offence.

(As amended by F.G.N. No. 277 of 1961 and S.I. No. 134 of 1970)

5. (1) Any person who, at any aerodrome, operates an internal combustion engine which does not form part of an aircraft installation within a distance of 50 feet from any part of an aircraft except in terms of a written permit issued by the controlling authority, shall be guilty of an offence. Issue of written permits by controlling authority

(2) An application for the issue of the permit referred to in sub-regulation (1) shall be made to the airport manager or the officer-in-charge of the airport concerned.

(3) The controlling authority shall only issue a permit if he is satisfied that-

(a) all possible precautions have been taken to avoid a fire risk being generated; and

(b) an efficient safety device has been fitted to the engine or its component parts to prevent the emission of sparks or flames.

(4) A permit-

(a) shall not be valid for a period of more than three months; and

(b) may be cancelled, without notice, by the controlling authority if he considers that the internal combustion engine for which the permit was issued has become an unacceptable fire risk.

(5) The controlling authority may, at any time, inspect an internal combustion engine for which a permit has been issued and its fittings.

(F.G.N. No. 270 of 1963 as amended by S.I. No. 153 of 1965)

6. Any driver of a vehicle who, within the area of an aerodrome-

(a) fails to conform to the indications given by any traffic sign;

(b) parks his vehicle elsewhere than in a place provided for that purpose;

(c) fails to move his vehicle from a parking place when required by a police officer or the controlling authority to do so;

shall be guilty of an offence.

(As amended by S.I. No. 153 of 1965) Offences by drivers of vehicles

7. Any person who, without first having obtained the written permission of the Director to do so, commits any of the following acts within the area of an aerodrome, that is to say:

(a) enters or leaves the aerodrome otherwise than through a gate or entrance for the time being provided for that purpose;

(b) enters any part of the aerodrome to which members of the public are not for the time being admitted;

(c) sells or distributes anything, offers anything for sale or hire, or makes any offer of services;

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

(e) leaves a vehicle on the aerodrome longer than is reasonably necessary for the transaction of the business for the purpose of which it was brought there;

(f) drives a vehicle in a restricted area or elsewhere than in a place provided for the passage or accommodation of such a vehicle;

(g) drives a motor vehicle into a hanger used for the maintenance or storage of aircraft;

(h) runs an aircraft engine in a hanger;

(i) runs an aircraft engine without a competent person sitting at the controls;

(j) fills into or discharges from any container (including any part of an aircraft or vehicle) liquid fuel elsewhere than in a place approved for that purpose by the controlling authority;

(k) lights a fire elsewhere than in a place constructed for that purpose;

(l) grazes animals;

(m) cuts, digs or removes any soil or turf;

shall be guilty of an offence.

(As amended by S.I. No. 134 of 1970) When written permission of Director necessary

8. Any person who contravenes or fails to comply with any provision of, or is guilty of an offence under, these Regulations shall be liable to a fine not exceeding six thousand penalty units or, in default of payment, to imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine, or to both.

(F.G.N. No. 300 of 1962 and Act No. 13 of 1994) Offences

SECTION 4-THE AVIATION (OBSTRUCTIONS, LIGHTS AND SMOKE) REGULATIONS

Regulations by the Minister

Federal Government Notice

71 of 1963

Government Notices 387 of 1963

497 of 1964

Statutory Instrument

153 of 1965

1. These Regulations may be cited as the Aviation (Obstructions, Lights and Smoke) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"aerodrome" means an aerodrome-

(a) owned or leased by the Government; or

(b) licensed for public use by the Director; or

(c) administered by the Director;

"aerodrome reference point" means the point at an aerodrome which is beaconed and designated by the Director as its geographical location;

"approach or take-off area", in relation to an aerodrome, means an area at each end of any strip at that aerodrome each area being set symmetrically about the extended centre line of that strip and bounded by four straight lines consisting of-

(a) a line along the end of that strip and extending for the width of that

strip, but not extending more than 500 feet on either side of the centre line;

(b) a line parallel to and 48,000 feet from the line referred to in paragraph (a) and extending-

(i) if the line referred to in paragraph (a) extends for 500 feet on either side of the centre line, 8,000 feet on either side of the extended centre line;

(ii) if the line referred to in paragraph (a) extends for less than 500 feet on either side of the centre line, for a distance on either side of the extended centre line which bears the same proportion to 8,000 feet as the distance the line referred to in paragraph (a) extends on either side of the centre line bears to 500 feet;

(c) a line on one side of the extended centre line from the end of the line referred to in paragraph (a) to the end of the line referred to in paragraph (b);

(d) a line on the other side of the extended centre line from the end of the line referred to in paragraph (a) to the end of the line referred to in paragraph (b);

"area under the jurisdiction of a local authority" includes any area where electricity is supplied by the local authority under licence granted to that local authority;

"centre line", in relation to a strip, means an imaginary line down the centre of that strip and "extended centre line" means an extension of that imaginary line for a distance of 48,000 feet from each end of that strip;

"development plan" means a development plan under the Town and Country Planning Act; Cap. 283

"development plan area" means the area comprised within the limits of a development plan;

"Director" means the Director of Civil Aviation appointed in terms of regulation 3 of the Air Navigation Regulations;

"main approach or take-off area", in relation to an aerodrome, means the approach or take-off area at each end of the main strip at that aerodrome;

"main strip", in relation to an aerodrome, means the strip at that aerodrome or if that aerodrome has more than one strip, the strip designated by the Director as the main strip at that aerodrome;

"obstruction" means-

(a) any overhead line, building, vegetation or other object projecting above the surface of the ground which is within a safeguarded area and projects through any of the imaginary surfaces set out in the Schedule;

(b) any overhead line which is within a safeguarded area and projects through an imaginary surface inclined upwards from the end of any strip at the aerodrome over the approach or take-off area for a distance measured horizontally of 10,000 feet from the end of that strip with the incline gaining proportionately one foot of vertical rise for every 100 feet of horizontal distance from the end

of that strip;

"overhead line" means a wire or cable erected above the ground and in the open air and includes any pole, tower or support and any component parts associated therewith;

"owner", in relation to land, means-

(a) the person registered as the proprietor of the land except where that person has leased or subleased the land to another person for a period of fourteen years or more;

(b) the person in whom the fee simple of the land is vested under a registered deed except where that person has leased or subleased the land to another person for a period of fourteen years or more;

(c) the lessee of land held under a lease from the State expressed to be for a period of fourteen years or more;

(d) the lessee of land held under any other lease expressed to be for a period of fourteen years or more;

(e) the allottee of land held under a provisional title and in process of alienation by the State;

and includes the legal representative of a person who has died, become bankrupt, assigned his estate for the benefit of his creditors, is a minor, is of unsound mind or is otherwise under disability and the liquidator of a company;

"planning authority", in relation to a development plan, means the person or authority responsible for the preparation or enforcement of the provisions of that development plan;

"prohibited obstruction" means an obstruction other than a regulated obstruction;

"regulated obstruction" means an obstruction which is authorised by or in terms of regulation 7;

"runway", in relation to an aerodrome, means a straight path within any strip at that aerodrome which is specially prepared and used for the landing and departure of aircraft;

"safeguarded area", in relation to an aerodrome, means an area set symmetrically about the centre line of the main strip at that aerodrome and bounded by four straight lines consisting of-

(a) a line 25,000 feet from and parallel to the centre line on the one side of the centre line;

(b) a line 25,000 feet from and parallel to the centre line on the other side of the centre line;

(c) a line 48,000 feet from and parallel to the one end of that strip;

(d) a line 48,000 feet from and parallel to the other end of that strip;

"safeguarding map" means a safeguarding map issued in terms of regulation 5;

"smoke" includes soot, ash, grit, gritty particles, dust and any other substance whatsoever which obscures visibility;

"smoke restriction area", in relation to an aerodrome, means an area which is-

- (a) within the safeguarded area surrounding that aerodrome; and
- (b) within 40,000 feet of the boundary of that aerodrome; and
- (c) shown on the safeguarding map or smoke restriction area map issued in respect of that aerodrome as an area in which the emission or causing of smoke is restricted;

"smoke restriction area map" means a smoke restriction area map issued in terms of regulation 5;

"strip", in relation to an aerodrome, means a clearly marked rectangular portion of the landing area at that aerodrome which is prepared or part of which is prepared for the landing and departure of aircraft in a particular direction and includes the runway and any area at the end of that runway provided for aircraft making an emergency stop or to meet aircraft operational requirements during take-off.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

3. Any person who is engaged in construction, maintenance or repair work on an aerodrome shall be exempt from the provisions of these Regulations. Exemptions

4. (1) If the Minister, by Gazette notice, declares an area as an area which is intended to be used for the landing and departure of aircraft, that area shall, subject to the provisions of sub-regulation (2), be an aerodrome for the purposes of these Regulations from the date of publication of that notice. Proposed aerodrome

(2) An aerodrome referred to in sub-regulation (1) shall cease to be an aerodrome for the purposes of these Regulations if-

(a) the Minister, by Gazette notice, cancels the notice referred to in sub-regulation (1); or

(b) at the expiration of eighteen months from the date of publication of the notice referred to in sub-regulation (1)-

(i) the area which is intended to be used for the landing and departure of aircraft has not been acquired or leased for aerodrome purposes by the Government; or

(ii) aerodrome construction work on the area has not commenced.

(3) At an aerodrome which is intended to be used for the landing and departure of aircraft but is not yet in use and where no strip or runway has been prepared-

(a) a strip shall be that portion of the proposed landing area which the

Minister, by Gazette notice, declares to be intended for preparation and use as a strip at that aerodrome;

(b) where the Minister has in terms of paragraph (a) declared more than one proposed strip, the main strip shall be that strip which the Minister, by Gazette notice, declares to be intended for preparation and use as the main strip at that aerodrome;

(c) a runway shall be that portion of a strip which the Minister, by Gazette notice, declares to be intended for preparation and use as a runway at that aerodrome.

(4) An owner of land which is within the safeguarded area surrounding an area declared in a notice published in terms of sub-regulation (1) to be an area which is intended to be used for the landing and departure of aircraft who objects to the area specified in that notice being used for such purposes may appeal to the President, in accordance with the provisions of sub-regulation (5), against the use of the area for such purposes.

(5) An appeal by any person in terms of sub-regulation (4) shall-

(a) be in writing and fifteen copies thereof shall be submitted; and

(b) be lodged with the Minister within thirty days of the date of publication in the Gazette of the notice referred to in sub-regulation (4); and

(c) set forth the reasons for his objection to the area specified in the notice referred to in sub-regulation (4) being used for the landing and departure of aircraft.

(As amended by G.N. No. 387 of 1963)

5. (1) The Director may, after publication of a notice in terms of sub-regulation (5), issue a safeguarding map in respect of any aerodrome and, if a safeguarding map has not been issued in respect of a particular aerodrome, may issue a smoke restriction area map in respect of that aerodrome. Issue of safeguarding maps and smoke restriction area maps

(2) A safeguarding map shall be signed by the Director and shall show the date of issue and, in relation to the aerodrome in respect of which it is issued-

(a) the safeguarded area surrounding that aerodrome; and

(b) different areas within that safeguarded area where obstructions not exceeding a height specified for each different area may be erected or permitted to come into existence; and

(c) the smoke restriction area within 40,000 feet of the boundary of that aerodrome.

(3) A smoke restriction area map shall be signed by the Director and shall show the date of issue and, in relation to the aerodrome in respect of which it is issued-

(a) the safeguarded area surrounding that aerodrome; and

(b) the smoke restriction area within 40,000 feet of the boundary of that

aerodrome.

(4) Where any of the safeguarded area surrounding an aerodrome falls within the area under the jurisdiction of a local authority or within a development plan area, the Director shall, whilst any safeguarding map or smoke restriction area map in respect of that aerodrome is being prepared, consult the local authority and, additionally or alternatively, as the case may be, the planning authority concerned as to so much of the areas to be shown and heights specified in that map as fall within the area under the jurisdiction of that local authority or within that development plan area, as the case may be.

(5) When any safeguarding map or smoke restriction area map is to be issued, the Director shall, by Gazette notice, notify the public-

(a) that such map is to be issued; and

(b) of the date on which such map is to be issued; and

(c) of the office or offices where such map may be inspected free of charge.

(6) The Director may, by Gazette notice, withdraw any safeguarding map or smoke restriction area map and may substitute a safeguarding map or smoke restriction area map therefor.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

6. (1) No person shall erect or permit the coming into existence of a prohibited obstruction. Prohibited obstructions

(2) Where any person has contravened the provisions of sub-regulation (1), the Director may order that person in writing to reduce the height of the prohibited obstruction so that it ceases to be a prohibited obstruction.

(3) Where a person has received an order from the Director in terms of sub-regulation (2), he shall, within seven days of the receipt of that order, reduce the height of the prohibited obstruction so that it ceases to be a prohibited obstruction.

(4) Where a person fails to reduce the height of a prohibited obstruction in terms of sub-regulation (3), the Director may cause such prohibited obstruction to be reduced in height so that it ceases to be a prohibited obstruction.

7. (1) A person may erect or permit the coming into existence of an obstruction within the safeguarded area surrounding an aerodrome if-Regulated obstructions

(a) that obstruction-

i(i) is within an area shown in the safeguarding map as an area where obstructions may be erected or permitted to come into existence; and

(ii) does not exceed the maximum height specified in the safeguarding map for that area; or

(b) the Director has in terms of sub-regulation (3) or (5) authorised that person to erect or permit the coming into existence of that obstruction.

(2) A person who wishes to erect or permit the coming into existence of an obstruction other than an obstruction referred to in paragraph (a) of sub-regulation (1) shall-

(a) apply in writing to the Director for authority to erect or permit the coming into existence of that obstruction; and

(b) submit with his application a plan showing the proposed location, shape and height of the obstruction and its proposed elevation in relation to the aerodrome reference point or, if the Director agrees, in relation to the best available trigonometrical level datum.

(3) If, after receiving and considering an application and plan submitted in terms of sub-regulation (2), the Director is of the opinion that the proposed obstruction will not be a hazard to air navigation, he shall authorise in writing the person who has made the application to erect or permit the coming into existence of the proposed obstruction.

(4) If, after receiving and considering an application and plan submitted in terms of sub-regulation (2), the Director is of the opinion that the proposed obstruction will be a hazard to air navigation, he shall not authorise the person who had made the application to erect or permit the coming into existence of the proposed obstruction.

(5) If the proposed obstruction referred to in sub-regulation (4) is modified in one or more of the following ways:

(a) by removal to another location;

(b) by alteration of its shape;

(c) by reduction of its height;

(d) by provision for lighting it in such manner as the Director may require to give visual warning of its presence in darkness or in conditions of poor visibility;

(e) by provision for marking it in such manner as the Director may require to give visual warning of its presence in daylight;

so that it ceases to be a hazard to air navigation, the Director shall authorise in writing the person who has made the application to erect or permit the coming into existence of the proposed obstruction as modified.

(6) If a proposed obstruction has been authorised by the Director in terms of sub-regulation (3) or (5), no alteration to the location, shape or height of the proposed obstruction or to any lighting or marking referred to in paragraph (d) or (e) of sub-regulation (5) shall be made before or during the erection or coming into existence of the obstruction unless the Director approves in writing such alteration.

(7) If an obstruction has been erected or permitted to come into existence on the authority of the Director in terms of this regulation, no person shall alter the shape or increase the height of that obstruction or permit the height of that obstruction to increase beyond the height authorised by the Director unless the Director approves in writing such alteration or increase in height.

(8) Where provision for lighting or marking a regulated obstruction is required to be made, the owner of the land on which that obstruction is situated shall ensure that-

(a) if provision for lighting is to be made, that obstruction is lighted in accordance with the provisions of paragraph (d) of sub-regulation (5) during the hours of darkness between fifteen minutes after sunset and fifteen minutes before sunrise and any other time when that obstruction cannot be seen clearly at a distance of at least 15,000 feet;

(b) if provision for marking is required to be made, that obstruction is clearly marked in accordance with the provisions of paragraph (e) of sub-regulation (5) during the hours of daylight.

8. (1) Any building, tower, mast or other structure which exceeds 500 feet in height shall have provision for lighting it in such manner as the Director may require to give visual warning of its presence in darkness or in conditions of poor visibility. Lighting of structures exceeding 500 feet in height

(2) The owner of the land on which a building, tower, mast or other structure referred to in sub-regulation (1) is situated shall ensure that that structure is lighted in the manner required by the Director during the hours of darkness between fifteen minutes after sunset and fifteen minutes before sunrise and any other time when that structure cannot be seen clearly at a distance of at least 15,000 feet.

9. (1) No person shall-Lights and beacons

(a) erect or permit the erection of; or

(b) alter, destroy or interfere with;

an aerial lighthouse or lighted beacon for air navigational purposes except with the written consent of the Director and in such manner as the Director may authorise.

(2) No person shall display or permit the display of a light which endangers or is likely to endanger the safety of aircraft-

(a) by reason of glare; or

(b) by causing confusion with or preventing clear reception of any light or signal displayed for air navigational purposes on the authority of the Director or in accordance with the provisions of any regulations made under the Act.

(3) If the Director is of the opinion that any light is being displayed which endangers or is likely to endanger the safety of aircraft as specified in sub-regulation (2), he may, by notice in writing, order the person displaying or permitting the display of that light to remove that light or alter it in such manner that it ceases to endanger or be likely to endanger the safety of aircraft.

(4) Where a person has received an order from the Director in terms of sub-regulation (3), he shall, within seven days of the receipt of the order, remove the light specified in the order or alter it in such manner that it ceases to endanger or be likely to endanger the safety of aircraft.

(5) Where a person fails to remove or alter a light in terms of sub-regulation (4), the Director may cause such light to be removed or altered in such manner that it ceases to endanger or be likely to endanger the safety of aircraft.

10. (1) Subject to the provisions of sub-regulation (2), no person shall operate or cause to be operated within a smoke restriction area any machinery or plant used for industrial or trade purposes which emits or causes smoke unless the authority, in writing, of the Director has been obtained for such operation and the machinery or plant is operated in compliance with any conditions the Director may impose when granting such authority. Smoke

(2) The provisions of sub-regulation (1) shall not apply in relation to machinery or plant used for industrial or trade purposes which was installed or an agreement for the purchase or the installation of which has been entered into before the date of issue of the safeguarding map or smoke restriction area map, as the case may be, showing the premises where the machinery or plant is operated or is to be operated as being within a smoke restriction area.

(3) A person who wishes to operate or cause to be operated within a smoke restriction area any machinery or plant used for industrial or trade purposes which emits or causes smoke, other than machinery or plant referred to in sub-regulation (2), shall-

(a) apply in writing to the Director for authority to operate or cause to be operated such machinery or plant; and

(b) submit with his application information as to-

(i) the type of machinery or plant to be operated;

(ii) the use to which such machinery or plant is to be put;

(iii) the hours during which and days on which such machinery or plant is to be operated;

(iv) the maximum volume and density of smoke likely to be emitted or caused by the operation of such machinery or plant.

(4) On receipt of an application in terms of sub-regulation (3), the Director may call for the submission of further information by that person, including information as to any practicable means there may be for minimising the smoke likely to be emitted or caused by the operation of such machinery or plant.

(5) After receiving and considering an application in terms of sub-regulation (3) and any information submitted in terms of sub-regulation (4), the Director may, subject to the provisions of sub-regulation (6), grant authority in writing to the person who has made the application to operate or cause to be operated that machinery or plant and in granting such authority the Director may impose such conditions as he may consider necessary as to-

(a) the use of any practicable means for minimising the smoke emitted or caused by such operation;

(b) the volume of smoke that may be emitted or caused;

(c) the periods when no smoke may be emitted or caused.

(6) If, after receiving and considering an application in terms of sub-regulation (3) and any information submitted in terms of sub-regulation (4), the Director is of the opinion that the proposed operation of the machinery or plant is likely to emit or cause smoke affecting visibility at or over the aerodrome or any approach or take-off area at that aerodrome, he shall not grant authority to the person who has made the application to operate or cause to be operated such machinery or plant.

(7) Any person who operates or causes to be operated within a smoke restriction area machinery or plant referred to in sub-regulation (2) shall use any practicable means there may be for minimising the smoke emitted or caused by such operation during any period when the Director notifies him that the emission or causing of smoke within that area is likely to affect visibility at or over the aerodrome or any approach or take-off area at that aerodrome.

(8) For the purposes of this regulation, "practicable" means reasonably practicable having regard, amongst other things, to-

- (a) local conditions and circumstances;
- (b) the financial implications;
- (c) the current state of technical knowledge;
- (d) the proper use of the plant or machinery.

SCHEDULE

(Regulation 2)

SURFACES WITHIN A SAFEGUARDED AREA

1. The traffic area surface located 150 feet above ground-level over the safeguarded area.
2. The horizontal surface located 150 feet above the mean elevation of the ends of the runway, or if there is more than one runway, the main runway at the aerodrome over a circular area of 13,000 feet horizontal radius from the aerodrome reference point.
3. The conical surface sloping upwards and outwards from the perimeter of the horizontal surface to an outer limit of 20,000 feet horizontal radius from the aerodrome reference point with the incline gaining proportionately one foot of vertical rise for every 20 feet of radial increase.
4. The safety surface located 10 feet above ground-level over any approach or take-off area for a horizontal distance of 5,000 feet from the end of the strip.
5. The instrument approach surface at each end of the main strip inclined upwards from the end of the main strip over the main approach or take-off area for a distance measured horizontally of 48,000 feet from the end of the main strip with the incline gaining proportionately one foot of vertical rise for every 50 feet of horizontal distance from the end of the main strip.
6. The instrument take-off surface at each end of the main strip inclined upwards from the end of the main strip over the main approach or take-off area

for a distance measured horizontally of 10,000 feet from the end of the main strip with the incline gaining proportionately one foot of vertical rise for every 84 feet of horizontal distance from the end of the main strip.

7. The non-instrument approach surface at each end of any strip inclined upwards from the end of the strip over the approach or take-off area for a distance measured horizontally of 10,000 feet from the end of that strip with the incline gaining proportionately one foot of vertical rise for every 40 feet of horizontal distance from the end of that strip.

8. The transitional surface sloping upwards and outwards to the intersection with the horizontal surface from-

(a) the boundary of any strip; and

(b) the edge of any-

(i) instrument approach surface;

(ii) instrument take-off surface;

(iii) non-instrument approach surface;

with the incline gaining proportionately one foot of vertical rise for every 7 feet of horizontal distance from the said boundary or edge.

SECTION 4-THE AVIATION (RULES OF THE AIR) REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I PRELIMINARYPART I

PRELIMINARY

Regulation

1. Title

2. Interpretation

PART II GENERALPART II

GENERAL

3. Departures from these Regulations

4. Special rules

5. Locally registered aircraft flying outside Zambia

6. Exemptions

PART III GENERAL FLIGHT RULESPART III

GENERAL FLIGHT RULES

7. Flights by aircraft
8. Pre-flight action
9. Notification of flight
10. Election to fly under instrument flight rules
11. Course of flight
12. Restricted flying areas
13. Operation on and in the vicinity of an aerodrome
14. Air traffic control instructions and international flight and communication procedures
15. Right of way
16. Minimum safe height
17. Towing and picking up of objects
18. Dropping of objects
19. Parachute descents
20. Aerobatic flight
21. Flying instruction
22. Flying in simulated instrument flight conditions
23. Avoidance of collision

Regulation

24. Aircraft on the water
25. Failure of lights
26. Night flights within controlled airspaces
27. Authority of person in command of an aircraft
28. Compliance with reporting procedures
29. Locally registered aircraft equipped with radio apparatus
30. Right-hand side traffic
31. Notification of arrival
32. Hazardous flight conditions

PART IV VISUAL FLIGHT RULESPART IV

VISUAL FLIGHT RULES

- 33. V.F.R. flight within a flight information region
- 34. V.F.R. flight within a controlled airspace
- 35. Non-compliance with Part IV

PART V INSTRUMENT FLIGHT RULESPART V

INSTRUMENT FLIGHT RULES

- 36. Application of Part V
- 37. I.F.R. flight within a flight information region
- 38. I.F.R. flight within a controlled airspace
- 39. I.F.R. flight within a control area or control zone
- 40. Qualifications for I.F.R. flight within a control area or control zone
- 41. Radiocommunications
- 42. Failure of radiocommunications

PART VI AERODROME FLIGHT RULESPART VI

AERODROME FLIGHT RULES

- 43. Application of Part VI
- 44. Arrivals at and departures from an aerodrome
- 45. Aerodrome traffic rules
- 46. Landing rules
- 47. Landing signals
- 48. Take-off rules
- 49. Taxying rules
- 50. Movement signals

PART VII GROUND MARKS AND SIGNALS BY DAY AT AERODROMESPART VII

GROUND MARKS AND SIGNALS BY DAY AT AERODROMES

Regulation

- 51. Application of Part VII
- 52. Ground marks and signals at all aerodromes in use
- 53. Ground marks and signals at aerodromes having an air traffic control unit

54. Ground marks and signals at aerodromes where glider flights are in progress

PART VIII NIGHT LIGHTING AT AERODROMESPART VIII

NIGHT LIGHTING AT AERODROMES

- 55. Application of Part VIII
- 56. Lighting of obstructions
- 57. Lighting for landings and take-offs
- 58. Lighting at non-runway aerodromes
- 59. Lighting at runway aerodromes
- 60. Supplementary lighting
- 61. Lighting at aerodromes where glider flights are in progress
- 62. Lighting of ground marks
- 63. Approach lighting
- 64. Taxi-way and manoeuvring area lighting
- 65. Identification beacon

PART IX GLIDER FLIGHT RULESPART IX

GLIDER FLIGHT RULES

- 66. Application of Part IX
- 67. Permission to use certain aerodromes necessary
- 68. Towing rules
- 69. Dropping of tow ropes
- 70. Glider landing and take-off rules

PART X LIGHTS AND OTHER OBJECTS TO BE DISPLAYED BY AIRCRAFTPART X

LIGHTS AND OTHER OBJECTS TO BE DISPLAYED BY AIRCRAFT

- 71. Application of Part X
- 72. Interpretation of terms in Part X
- 73. Flying machines on land or in flight

Regulation

- 74. Flying machines on the water

- 75. Towing vehicles and aircraft under tow
- 76. Gliders
- 77. Free balloons
- 78. Airships

PART XI INTERNATIONAL SIGNALS OF DISTRESSPART XI

INTERNATIONAL SIGNALS OF DISTRESS

- 79. Distress signals
- 80. Urgency signals

PART XII OFFENCESPART XII

OFFENCES

- 81. Dangerous flying
- 82. Wrongful making of signals
- 83. Dangerous lights

FIRST SCHEDULE-Landing T

SECOND SCHEDULE-Dumb-bell signal

THIRD SCHEDULE-H signal and ground signal

FOURTH SCHEDULE-Boundary marker

FIFTH SCHEDULE-Warning cross

SIXTH SCHEDULE-Double cross

SECTION 4-THE AVIATION (RULES OF THE AIR) REGULATIONS

Regulations by the Minister Federal Government Notice
268 of 1957
Government Notices
387 of 1963
497 of 1964
Statutory Instrument
153 of 1965

PART I PRELIMINARYPART I

PRELIMINARY

- 1. These Regulations may be cited as the Aviation (Rules of the Air) Regulations.Title
- 2. In these Regulations, unless the context otherwise requires-Interpretation

"advisory area" means a notified area within a flight information region where air traffic advisory service is available;

"advisory route" means a route within a flight information region along which air traffic advisory services is available;

"aerobatic flight" means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, or an abnormal attitude or an abnormal variation in speed;

"aerodrome traffic" means aircraft operating on and in the vicinity of an aerodrome and any other traffic operating on the manoeuvring area;

"aerodrome traffic circuit" means the specified path to be flown by an aircraft operating in the vicinity of an aerodrome within the airspace enclosed in the area 9,000 feet from the boundary of the aerodrome up to a height of 2,000 feet above the aerodrome level or within such other distance from and height above an aerodrome as may be notified;

"aeroplane" means a flying machine supported in flight by fixed wings;

"airship" means an aircraft having gas lighter than air as a means of support, which has means of propulsion and means of directional control;

"air traffic" means all aircraft in flight or operating on the manoeuvring area of an aerodrome;

"air traffic advisory service" means a service provided to ensure separation, in so far as is possible, between aircraft operating on I.F.R. flight plans outside controlled airspaces but within the advisory route or advisory areas;

"air traffic control clearance" means authorisation by an air traffic control unit for an aircraft to proceed, subject to compliance with air traffic control instructions issued by the air traffic control unit for the airspace through which the aircraft is flying;

"air traffic control instructions" means directions issued to a pilot by an air traffic control unit specifying how a flight is to be conducted;

"air traffic control service" means a service established for the purpose of-

(a) preventing collisions-

(i) between aircraft in the air; and

(ii) on the manoeuvring area, excluding the marshalling area, between aircraft and aircraft and between aircraft and obstructions; and

(b) expediting and maintaining an orderly flow of air traffic; and

(c) providing advice and information to assist in the safe and efficient conduct of flights;

"air traffic control unit" means a unit established for the purpose of providing

an air traffic control service;

"air traffic service unit" means a unit established for the purpose of providing any of the following services:

- (a) flight information service;
- (b) air traffic control service;
- (c) air traffic advisory service;

"alerting service" means a service provided for the purpose of-

- (a) notifying appropriate organisations regarding aircraft in need of search and rescue aid; and
- (b) assisting such organisations as required;

"altitude" means the vertical distance of a level, point or object considered as a point measured from mean sea level;

"angle of approach light" means a light placed at or near ground level at an aerodrome to indicate to an aeroplane in the approach way, which is approaching for the purpose of landing, its position in the vertical plane relative to a predetermined safe path of descent for landing, and so arranged as to show-

- (a) an amber light when the aeroplane is above;
- (b) a green light when it is within; and
- (c) a red light when it is below;

the said path;

"approach way" means the determined airspace over an approach area, through which aircraft in flight approach or leave a strip or a channel;

"appropriate authority" means the national authority of a contracting State responsible for the safety of air navigation over the territory of that State and, in the case of Zambia, means the Director;

"approved" means approved by the Director;

"balloon" means an aircraft having gas lighter than air as a means of support which has no means of propulsion;

"contracting State" means any State which is a party to the Convention;

"controlled airspace" means an airspace of notified dimensions within which an air traffic control service is provided to I.F.R. flights;

"control area" means a controlled airspace extending upwards from a notified height above the surface of the earth or from a notified altitude;

"control zone" means a controlled airspace extending upwards from the surface of the earth;

"Director" means the Director of Civil Aviation appointed in terms of regulation 3 of the Air Navigation Regulations;

"flight information region" means an airspace of notified dimensions within which flight information service and alerting service are provided and air traffic advisory service may be provided;

"flight information service" means a service provided for the purpose of giving advice and information to assist in the safe and efficient conduct of a flight;

"flight levels" means surfaces of constant atmospheric pressure which are related to a specific pressure datum, 1013.2 millibars (29.92 inches of mercury) and are separated by specific pressure intervals and "flight level" shall be construed accordingly;

"flight plan" means notified information relative to the intended navigation of an aircraft;

"flight visibility" means the average range of visibility forward from the cockpit of an aircraft in flight;

"flying machine" means an aircraft heavier than air and having means of mechanical propulsion;

"glider" means an aircraft heavier than air, not fixed to the ground and having no means of mechanical propulsion, but having means of directional control;

"Government aerodrome" means an aerodrome which is owned or controlled by the Government, other than an aerodrome belonging to, or for the time being in use exclusively by, the Defence Force;

"height" means the vertical distance of a level, point or object considered as a point measured from a specified datum;

"helicopter" means a flying machine supported in flight by aerofoils normally mechanically rotated about a substantially vertical axis (or axes);

"I.F.R. flight" means a flight conducted in accordance with instrument flight rules;

"instrument flight rules" means the provisions of Part V;

"instrument meteorological conditions" means weather conditions below the minima laid down for visual flight rules;

"kite" means a non-mechanically driven aircraft, heavier than air, moored to or towed from the ground or water;

"land" and "landing", in relation to aircraft, include alighting on water;

"landing area" means that part of the manoeuvring area primarily intended for the take-off and landing of aircraft;

"landing strip" means a rectangular portion of the landing area specially prepared for the take-off and landing of aircraft in a particular direction;

"landing T" means a device as shown in the First Schedule to indicate visually

to aircraft the direction designated for the time being for landing or take-off;

"licence" includes any certificate of competency required to be held in connection with such licence by the law of the country in which such licence was granted;

"licensed aerodrome" means any aerodrome licensed in terms of regulation 116 of the Air Navigation Regulations;

"magnetic track" means the angle measured clockwise from magnetic north to the path followed by an aircraft over the earth;

"manoeuvring area" means that part of an aerodrome used for the take-off and landing of aircraft and for the movements of aircraft associated with take-offs and landings;

"marshalling area" means that portion of the manoeuvring area normally set aside for the loading, off-loading or parking of aircraft;

"nautical mile" means a distance of 6,080 feet;

"night" means the hours of darkness between fifteen minutes after sunset and fifteen minutes before sunrise or any other time when an unlighted aircraft or other unlighted prominent object cannot clearly be seen at a distance of at least 15,000 feet;

"notification of flight" means specified information relative to the intended navigation of an aircraft;

"notified" means shown in any notice to airmen, notice to aircraft owners and aircraft maintenance engineers, or any other circular or publication issued by the Director for the purposes of these Regulations;

"person in command", in relation to an aircraft, means, if any person other than the pilot-in-charge is in command, such person, and in any other case, the pilot-in-charge;

"radio" is to be interpreted as a general term applied to the use of electromagnetic waves of frequencies between 10 kilocycles a second and 3,000,000 megacycles a second;

"radio apparatus" includes all apparatus, including any ancillary equipment, for sending or receiving by means of radio;

"rating" means an entry in a licence specifying or limiting the effect of any right conferred by such licence entitling the holder thereof to perform any function to which such licence relates;

"reporting point" means a geographical location in relation to which the position of an aircraft is to be reported;

"runway" means a hard-surfaced straight path within a landing strip normally used for the take-off and landing of aircraft;

"runway threshold lights" means a line of fixed lights placed across the end of a runway or landing strip to indicate the usable limit thereof, the line being-

(a) at right angles to the axis of the runway or landing strip; and

(b) composed of at least four lights spaced equal distances apart and showing green in the direction of approach;

"signal area" means a selected part of an aerodrome set aside for the display to aircraft in flight of the ground signals referred to in Part VII;

"taxi-way" means a specially prepared or marked path on the manoeuvring area of a land aerodrome which is intended for the use of aircraft in motion, other than when taking off or landing;

"V.F.R. flight" means a flight conducted in accordance with visual flight rules;

"visibility" means the ability, as determined by atmospheric conditions and expressed in units of distance, to see and identify prominent unlighted objects by day and prominent lighted objects by night;

"visual flight rules" means the provisions of Part IV;

"visual meteorological conditions" means weather conditions equal to or above the minima laid down for visual flight rules.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

PART II GENERALPART II

GENERAL

3. (1) In complying with these Regulations the person in command of an aircraft shall have due regard to all dangers of navigation and collision and to any other special circumstances which may render necessary, in order to avoid immediate danger, a departure from compliance with any provision of these Regulations. Departures from these Regulations

(2) The person in command of the aircraft shall, as soon as possible after such departure has occurred-

(a) within Zambia, notify the appropriate air traffic service unit;

(b) with respect to a locally registered aircraft outside Zambia, notify the appropriate authority.

(3) If so required by the appropriate air traffic service unit or the appropriate authority, as the case may be, the person in command of the aircraft shall, within 10 days from the time of receipt by him of such requirement, submit to such service unit or such authority, as the case may be, a report in writing of the special circumstances which rendered such departure necessary. When submitting a report to the appropriate authority, the person in command of the aircraft shall also submit a copy of such report to the Director.

(As amended by G.N. No. 387 of 1963)

4. (1) The Director may, where it appears to him to be necessary, make any special rule or rules with respect to the navigation of aircraft in the vicinity of a Government aerodrome or in or over any other notified area and shall cause any such rule or rules to be notified. Special rules

(2) Notwithstanding anything to the contrary contained in these Regulations, all operators, pilots and crews of aircraft operating within Zambia shall comply with any rule or rules made in terms of sub-regulation (1).

(As amended by G.N. No. 387 of 1963)

5. In the application of Parts III, IV and V to a locally registered aircraft outside Zambia-

(a) if the aircraft is over the territory of a contracting State, nothing in the said Parts shall be deemed to interfere with the application to the aircraft of any special rules made by that State relative to flights over its territory, which are not in conflict with the provisions of the said Parts; and

(b) if the aircraft is over the territory of a State other than a contracting State, the provisions of the said Parts shall be deemed to apply to the aircraft only in so far as they do not conflict with any rules made by that State relative to flights over its territory.

(As amended by G.N. No. 387 of 1963) Locally registered aircraft flying outside Zambia

6. The Minister may by written authority exempt from any of the provisions of these Regulations aircraft flown for experimental purposes, or any other aircraft or any persons, when it appears to him unnecessary that such provisions should apply. Such exemption may be made subject to any conditions or limitations which, in the circumstances of the case, appear to him to be required. Exemptions

PART III GENERAL FLIGHT RULES PART III

GENERAL FLIGHT RULES

7. An aircraft shall be flown at all times in compliance with the provisions of this Part and, in addition, shall comply either with visual flight rules or with instrument flight rules. Flights by aircraft

8. The person in command of an aircraft shall, prior to commencing a flight-

(a) familiarise himself with information necessary for the proper operation of the aircraft en route and on the aerodromes which may be used;

(b) other than a flight within the immediate vicinity of the aerodrome, carefully study the current weather reports and forecasts and then decide whether-Pre-flight action

(i) the flight can be made with safety, taking into full consideration fuel requirements and an alternative course of action in case the flight cannot be completed as planned; and

(ii) instrument meteorological conditions prevail or are likely to prevail along any part of the proposed flight so that if I.F.R. flight is necessary the provisions of Part V may be complied with;

(c) within or through a controlled airspace-

(i) submit or cause to be submitted to the appropriate air traffic control unit a flight plan which shall, unless otherwise authorised by such control unit, contain particulars as notified; and

(ii) unless otherwise authorised by the appropriate air traffic control unit, obtain from such control unit an air traffic control clearance.

9. (1) Prior to commencing a flight-Notification of flight

(a) within or through an airspace notified for the purposes of this regulation; or

(b) over an area notified as an area in which search and rescue operations would be difficult;

the person in command of the aircraft shall submit or cause to be submitted to the appropriate air traffic service unit a notification of flight containing such particulars as may be required by such service unit:

Provided that, where such person is unable to comply with the provisions of this sub-regulation, he shall follow the notified procedure.

(2) If the flight referred to in sub-regulation (1) is to be made within or through a controlled airspace, the person in command of the aircraft shall apply for an air traffic control clearance from the appropriate air traffic control unit. If the air traffic control clearance-

(a) is obtained, the provisions of regulation 39 shall apply to such flight;

(b) is not obtained, the aircraft shall not fly within the controlled airspace except in accordance with visual flight rules.

10. Prior to commencing or at any time during a flight, the person in command of the aircraft may elect to fly in accordance with instrument flight rules when visual meteorological conditions prevail along the path of the proposed flight. In such case, he shall submit or cause to be submitted a flight plan to the appropriate air traffic control or service unit and, if any part of the flight is to be made within a controlled airspace, shall obtain from such control unit an air traffic control clearance in respect of that part of the flight. Election to fly under instrument flight rules

11. (1) When a flight plan or notification of flight has been submitted in respect of a particular flight, the aircraft shall, unless otherwise directed by the appropriate air traffic control or service unit, be flown in accordance with such flight plan or notification of flight and the person in command of the aircraft shall not cancel such flight plan or notification of flight unless-Course of flight

(a) he is able, and intends, to continue his flight in uninterrupted visual meteorological conditions; and

(b) he has informed the appropriate air traffic control or service unit.

(2) When a flight plan or notification of flight has been submitted in respect of a particular flight and during such flight it is found necessary to deviate in respect of any particular from such flight plan or notification of flight, the person in command of the aircraft shall, if he is able to communicate with

an appropriate radio station, report by radio the nature of the proposed deviation to such radio station as soon as is practicable and, if the flight is being made in accordance with an air traffic control clearance, shall obtain an amended air traffic control clearance.

12. (1) An aircraft shall not be flown within any area where flight is restricted or prohibited by a contracting State and particulars of which have been notified by the appropriate authority unless—Restricted flying areas

(a) special permission to fly within such an area has been granted in respect of the aircraft by the appropriate authority; and

(b) the aircraft is flown in accordance with the terms and conditions of such special permission.

(2) If the person in command of an aircraft flying within Zambia becomes aware that the aircraft is flying in contravention of a notice made in terms of regulation 57 or 58 of the Air Navigation Regulations, the aircraft shall immediately make a signal of distress by radiotelephony or by one of the visual signals described in regulation 79 and shall land as soon as possible at the nearest aerodrome in Zambia, not being an aerodrome within the area to which such notice applies or an aerodrome from the vicinity of which the aircraft is excluded in terms of paragraph (b) of sub-regulation (2) of regulation 43:

Provided that for the purpose of so landing an aircraft shall not, unless compelled by accident, stress of weather or other unavoidable cause, fly further into or commence to descend while still above such an area.

(3) In Zambia when a notice restricting or prohibiting flights within certain areas has been made in terms of regulation 57 or 58 of the Air Navigation Regulations, the following visual signals may be used:

(a) to warn an aircraft that it is in the vicinity of an area specified in such a notice and should alter its course—

(i) by day, a series of projectiles discharged at intervals of 10 seconds, each showing on bursting black or white smoke;

(ii) by night, a series of projectiles discharged at intervals of 10 seconds, each showing on bursting a white light or star; or

(iii) by night, an intermittent white luminous beam directed at the aircraft which is being warned;

(b) to notify an aircraft that it is flying in contravention of such a notice and must comply with the provisions of sub-regulation (2), a series of projectiles discharged at intervals of 10 seconds, each showing on bursting a green light or star.

(4) If an aircraft fails to comply with the provisions of sub-regulation (2) after being required to do so, either by radiotelephony or by visual signals, by or at the direction of a commissioned officer of the Defence Force, such officer may use any means at his disposal to compel the aircraft to comply with such provisions.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965)

13. The person in command of an aircraft being operated on or in the vicinity of an aerodrome shall-

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

(b) conform to or avoid the aerodrome traffic circuit;

(c) unless otherwise prescribed by the appropriate authority or instructed by the air traffic control unit, make all turns to the left when approaching for a landing and after taking off;

(d) if an air traffic control unit is in operation at such aerodrome-

(i) maintain a continuous watch on the notified radio frequencies for air traffic control instructions, or, if this is not possible, keep a watch for such instructions as may be issued by visual means;

(ii) obtain, either by radio or visual signal, such authorisation for his movements as may be necessary for the protection of aerodrome traffic;

(e) if an air traffic control unit is not in operation at such aerodrome, land and take off, so far as practicable, into the wind;

(f) with respect to an aerodrome in Zambia, comply with the provisions of Part VI.

(As amended by G.N. No. 387 of 1963) Operation on and in the vicinity of an aerodrome

14. The person in command of an aircraft shall comply with any air traffic control instructions received by him and, generally, shall act in conformity with such flight and communication procedures as are internationally recognised. Air traffic control instructions and international flight and communication procedures

15. (1) An aircraft-Right of way

(a) shall not be operated in such proximity to other aircraft as to create a collision danger;

(b) shall not fly in formation with another aircraft except by pre-arrangement between the persons in command of the aircraft so flying;

(c) which is obliged by these Regulations to keep out of the way of another aircraft shall not pass over or under or cross ahead of the other aircraft unless passing well clear of it.

(2) Subject to the provisions of sub-regulations (4) and (5), when in flight an aircraft shall give way to another aircraft of a class different from its own as follows:

(a) flying machines shall give way to airships, gliders and balloons;

(b) airships shall give way to gliders and balloons;

(c) gliders shall give way to balloons.

(3) When two aircraft of the same class are flying at approximately the same altitude and on converging courses, the aircraft which has the other on its right shall give way:

Provided that flying machines shall give way to flying machines which are towing other aircraft.

(4) When two aircraft are approaching head-on or approximately so and there is danger of collision, each shall alter its course to the right.

(5) An aircraft which 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 course to the right, and no subsequent change in the relative positions of the two aircraft shall release the overtaking aircraft from this obligation until it has passed and is entirely clear of the other aircraft:

Provided that within Zambia nothing in this sub-regulation shall apply to a glider overtaking another glider if the person in command of the overtaking glider is satisfied that, having regard to all the circumstances, hazard would be caused by altering his course to the right.

(6) Subject to the provisions of sub-regulation (8), an aircraft which is landing or approaching an aerodrome for the purpose of landing has the right of way over other aircraft in flight or on the ground or water:

Provided that-

(i) in the case of two or more flying machines or two or more gliders approaching an aerodrome for the purpose of landing, the flying machine or the glider, as the case may be, at the lower altitude shall have the right of way but it may not overtake or cut in in front of the other if such other flying machine or glider, as the case may be, is descending in a straight line for the purpose of landing;

(ii) in the case of a flying machine and a glider approaching an aerodrome for the purpose of landing, the glider shall have the right of way.

(7) An aircraft about to take off shall not attempt to do so until the person in command thereof is satisfied that there is no apparent risk of collision with any obstacle, vehicle or other aircraft.

(8) An aircraft which is aware that another aircraft is compelled to land shall give way to that aircraft.

(As amended by G.N. No. 387 of 1963)

16. (1) Within Zambia no aircraft shall fly over any city, municipality, town or other populous area-Minimum safe height

(a) at a height of less than 1,000 feet above the highest obstacle within a radius of 2,000 feet from the aircraft; and

(b) except at such height as will enable the aircraft to alight outside the limits of such city, municipality, town or other populous area, notwithstanding, in the case of a flying machine, the failure of its engine, if it has only one engine, or of one of its engines, if it has more than one engine:

Provided that the provisions of this sub-regulation shall not apply to-

(i) an aircraft which is departing from or about to land at a licensed aerodrome or a Government aerodrome if the aircraft is flying at a height which, having regard to all the circumstances of the case, is reasonable and is otherwise in conformity with the provisions of any regulations made under the Act and with normal aviation practice in such a case;

(ii) a helicopter which is being flown with special permission in writing given by the Director and in accordance with any conditions or limitations contained in such special permission.

(2) Save when temporary restrictions have been imposed by a notice made in terms of regulation 58 of the Air Navigation Regulations, within Zambia no aircraft shall fly over or in the vicinity of any area where a large number of persons are assembled in the open air except with special permission in writing given by the Director:

Provided that the provisions of this sub-regulation shall not apply to an aircraft which is departing from or about to land at a licensed aerodrome or a Government aerodrome if it is necessary for the purpose of effecting such departure or arrival that the aircraft should fly over or in the vicinity of such an area.

(3) No aircraft shall be flown in such a manner or in such circumstances as, by reason of low height or proximity to persons or dwellings or to other aircraft or for any other reason, to cause danger to any person or property, including animals, on land or water or in the air.

(As amended by G.N. No. 387 of 1963)

17. (1) The person in command of a locally registered aircraft outside Zambia shall not permit anything to be towed by such aircraft except in accordance with the requirements of the appropriate authority. Towing and picking up of objects

(2) Subject to the provisions of sub-regulation (4), within Zambia no aircraft shall-

(a) be used in flight for the purpose of towing another aircraft or any banner, drogue, flag or similar article; or

(b) be towed in flight by another aircraft;

unless the aircraft is being so used or towed in accordance with an express authorisation for that purpose included in the terms of the certificate of airworthiness or the validation of such certificate in force in Zambia in respect of the aircraft and subject to any conditions or limitations contained in such terms:

Provided that no aircraft shall be so used or towed at night or in instrument meteorological conditions except with special permission in writing given by the Director and in accordance with any conditions or limitations contained in such special permission.

(3) Subject to the provisions of sub-regulation (4), within Zambia no aircraft shall be used in flight for the purpose of picking up any object from the ground

except with special permission in writing given by the Director and in accordance with any conditions or limitations contained in such special permission.

(4) The provisions of sub-regulations (2) and (3) shall not apply to an aircraft flown in accordance with the provisions of paragraph (b) of sub-regulation (2) of regulation 20 of the Air Navigation Regulations.

(5) Nothing in this regulation shall prohibit the reasonable use or display by or from an aircraft in flight of-

(a) radio aerials;

(b) any instrument which is being used for experimental purposes; or

(c) any signal, apparatus, equipment or article required or permitted to be used or displayed from an aircraft in flight when used or displayed in accordance with the provisions of any regulations made under the Act.

(6) For the purposes of this regulation, an aircraft in flight shall be deemed to be towing another aircraft or a banner, drogue, flag or similar article if such other aircraft or banner, drogue, flag or similar article is attached to the aircraft in flight by any means external to such aircraft which cause such other aircraft or banner, drogue, flag or similar article to follow or accompany in flight the aircraft to which it is thus attached.

(As amended by G.N. No. 387 of 1963)

18. (1) When an aircraft is in flight the person in command thereof shall ensure that nothing which might endanger persons or property, including animals, on land or water is dropped from such aircraft. Dropping of objects

(2) No object, whether attached to a parachute or not, shall be dropped or projected from an aircraft flying within Zambia unless the object is dropped or projected in accordance with the special permission in writing given by the Director and subject to any conditions or limitations contained in such special permission.

(3) Nothing in this regulation shall prevent the person in command of an aircraft or any person authorised by him from-

(a) dropping ballast in the form of fine sand or water not enclosed in a bag or other container;

(b) dropping, in accordance with the provisions of regulation 69, ropes used for towing aircraft;

(c) jettisoning fuel in a case of emergency;

(d) using apparatus for the purpose of navigating the aircraft when the type of apparatus and method of use have been approved;

(e) dropping or projecting material for the purpose of dusting or spraying crops in accordance with an express authorisation for that purpose included in the terms of the certificate of airworthiness or the validation of such certificate in force in respect of the aircraft; or

(f) dropping or projecting medical supplies, food, equipment or any other requisites in the event of illness or other emergency.

(As amended by G.N. No. 387 of 1963)

19. Save in emergency, no person shall descend by means of a parachute from an aircraft unless-

(a) if such aircraft is flying within Zambia, the descent is made in accordance with the special permission in writing given by the Director and subject to any conditions or limitations contained in such special permission;

(b) if such aircraft is flying over the territory of another contracting State, the descent is authorised by the appropriate authority.

(As amended by G.N. No. 387 of 1963) Parachute descents

20. (1) No aircraft shall carry out aerobatic flight so as to endanger air traffic. Aerobatic flight

(2) If the appropriate authority has prohibited aerobatic flight over any area, no aircraft shall perform such flight over that area without the permission of such authority.

(3) Within Zambia no aircraft shall carry out aerobatic flight-

(a) over any city, municipality, town or other populous area;

(b) within a control zone, except with the consent of the appropriate air traffic control unit.

(As amended by G.N. No. 387 of 1963)

21. Within Zambia any person who gives to another person instruction in flying, including directions to that person when flying or about to fly as pilot-in-charge of an aircraft, shall take care that the instruction which he gives is such as to ensure as far as possible that an aircraft flown by the person receiving the instruction is flown in accordance with these Regulations.

(As amended by G.N. No. 387 of 1963) Flying instruction

22. (1) Within Zambia no aircraft shall be flown in simulated instrument flight conditions unless-Flying in simulated instrument flight conditions

(a) the aircraft is equipped with dual controls which are functioning properly;

(b) a qualified pilot, being the holder of the appropriate pilot's licence and rating, is carried in the second control seat of the aircraft for the purpose of rendering such assistance as may be necessary to the person in command thereof; and

(c) if the field of vision of such qualified pilot is not adequate both forward and to each side of the aircraft, a competent observer is carried in a position in the aircraft from which his field of vision adequately supplements that of the said pilot and from which he can readily communicate with the said pilot.

(2) When flying within Zambia in visual meteorological conditions, no aircraft shall carry out instrument aerodrome approach practice in simulated instrument flight conditions unless-

(a) such approach practice is authorised by the appropriate air traffic control unit; and

(b) the provisions of sub-regulation (1) are complied with.

(3) For the purposes of this regulation, "simulated instrument flight conditions" means flight conditions where the field of vision of the person in command of the aircraft has been reduced by means of mechanical, optical or other devices.

(As amended by G.N. No. 387 of 1963)

23. When flying in visual meteorological conditions it is the direct responsibility of the person in command of the aircraft to avoid collision with other aircraft notwithstanding that the flight is being conducted on an air traffic control clearance. Avoidance of collision

24. (1) In areas in which regulations for preventing collision at sea or on water are in force-Aircraft on the water

(a) an aircraft manoeuvring under its own power on the water shall comply with the said regulations and for this purpose shall be deemed to be a steam vessel:

Provided that the aircraft shall display only the lights specified in Part X and not those prescribed for steam vessels in the said regulations and shall not use, except as provided by paragraph (b), the sound signals specified in the said regulations nor shall those signals be observed;

(b) in fog, mist, snow or heavy rainstorm, an aircraft on the water shall make the following signals:

(i) if not anchored or moored, a sound, at intervals of not more than two minutes, consisting of two blasts each of approximately five seconds' duration with an interval of approximately one second between them:

Provided that if the aircraft is not equipped for making such sound, it shall make some other efficient sound at intervals of not more than one minute;

(ii) if at anchor or moored, the rapid ringing of an efficient bell or gong for approximately five seconds, at intervals of not more than one minute.

(2) An aircraft in flight near or manoeuvring on the surface of the water shall, as far as possible, keep clear of and avoid impeding the navigation of all ships, boats, vessels and other craft which are used or capable of being used as a means of transportation on water.

25. In the event of the failure in an aircraft flying within Zambia of any light which is required to be displayed in flight, and if the light cannot be immediately repaired or replaced, such aircraft shall land as soon as it can safely do so, unless authorised by an air traffic service unit to continue its flight.

(As amended by G.N. No. 387 of 1963) Failure of lights

26. Aircraft operating by night within controlled airspaces shall be flown in accordance with instrument flight rules or as otherwise authorised by the air traffic control unit. Night flights within controlled airspaces

27. The person in command of an aircraft shall be directly responsible for the operation of and the maintenance of discipline amongst all persons on board such aircraft. Authority of person in command of an aircraft

28. Aircraft operating within a flight information region shall comply with the notified reporting procedures. Compliance with reporting procedures

29. A locally registered aircraft which is undertaking a flight for which the carriage of radio apparatus is compulsory shall-

(a) maintain two-way radiocommunication with such radio stations as may be appropriate to the route along which it is flying; and

(b) make such reports as to its position, flight level, course, speed and other matters pertaining to the safety of air navigation, such as weather and icing conditions, as the circumstances may require. Locally registered aircraft equipped with radio apparatus

30. The person in command of an aircraft flying within Zambia-

(a) in sight of the ground and following a line of landmarks, such as a road, railway, canal, river or electricity transmission lines, shall keep such line of landmarks-

(i) on his left-hand side at a distance of not less than 900 feet; or

(ii) on his right-hand side at a sufficient distance so as to avoid other aircraft which may be following the line in accordance with the provisions of sub-paragraph (1);

(b) and following a track indicated by a directional radio guide shall, as far as practicable, navigate the aircraft so as to keep the centre line of such guide on his left.

(As amended by G.N. No. 387 of 1963) Right-hand side traffic

31. (1) The person in command of an aircraft making a flight for which a flight plan or a notification of flight has been submitted to the appropriate air traffic control or service unit, as the case may be, shall ensure that immediately upon landing a notification of his arrival is submitted for transmission to such unit: Notification of arrival

Provided that if the aircraft has not entered or left Zambia on such flight the notification shall only be submitted if-

(i) it is required by such unit; or

(ii) a requirement that the notification should be submitted has been notified for the purposes of this sub-regulation.

(2) The person in command of an aircraft making a flight referred to in sub-regulation (1) who, prior to or during the flight, has submitted or caused to be submitted a notification of his intended arrival to the responsible aviation authority of the aerodrome of his destination and subsequently changes his destination or makes a detour or landing en route so that arrival at his destination will be appreciably delayed beyond the time notified shall, by the most rapid means at his disposal, make known or cause to be made known to that authority any such alteration.

(As amended by G.N. No. 387 of 1963)

32. The person in command of an aircraft shall, as soon as possible, report to the appropriate air traffic service unit any hazardous flight conditions encountered by him in the course of a flight, with such details thereof as may be pertinent to the safety of other aircraft. Hazardous flight conditions

PART IV VISUAL FLIGHT RULES PART IV

VISUAL FLIGHT RULES

33. An aircraft flying within a flight information region shall-

(a) below a height of 1,200 feet above ground level, remain in sight of ground or water in a flight visibility of at least five nautical miles and clear of cloud;

(b) above a height of 1,200 feet above ground level, remain at least one nautical mile horizontally and 1,000 feet vertically from cloud and in a flight visibility of at least five nautical miles. V.F.R. flight within a flight information region

34. (1) An aircraft flying within a controlled airspace shall remain at least one nautical mile horizontally and 1,000 feet vertically from cloud and in a flight visibility of at least five nautical miles: V.F.R. flight within a controlled airspace

Provided that in control zones clearance may be granted by the appropriate air traffic control unit for special V.F.R. flight.

(2) For the purposes of this regulation, "special V.F.R. flight" means a flight within a control zone carried out in instrument meteorological conditions or at night, which is subject to prior air traffic control clearance but not to full instrument flight rules.

35. An aircraft unable to comply with the provisions of this Part shall be flown in accordance with instrument flight rules. Non-compliance with Part IV

PART V INSTRUMENT FLIGHT RULES PART V

INSTRUMENT FLIGHT RULES

36. The provisions of this Part shall be complied with by an aircraft in flight-

(a) when the aircraft is flying in instrument meteorological conditions;

(b) when the person in command of the aircraft has elected, in terms of

regulation 10, to fly in accordance with instrument flight rules;

(c) when the aircraft is required, in terms of regulation 26, to fly in accordance with instrument flight rules. Application of Part V

37. An aircraft flying above a notified height within a flight information region shall be flown at a flight level appropriate to its magnetic track as notified. I.F.R. flight within a flight information region

38. (1) Unless a flight plan has been submitted in terms of paragraph (c) of regulation 8 and has not been cancelled, prior to entering a controlled airspace the person in command of the aircraft shall submit or cause to be submitted to the appropriate air traffic control unit a flight plan which shall, unless otherwise authorised by such control unit, contain particulars as notified. I.F.R. flight within a controlled airspace

(2) An aircraft flying within a controlled airspace shall be flown in accordance with the flight plan until-

(a) such flight plan is cancelled in terms of regulation 11; or

(b) otherwise directed by the appropriate air traffic control unit.

39. (1) Unless an air traffic control clearance has been obtained in terms of paragraph (c) of regulation 8, prior to entering a control area or control zone the person in command of the aircraft shall obtain from the appropriate air traffic control unit an air traffic control clearance. I.F.R. flight within a control area or control zone

(2) An aircraft flying within a control area or control zone shall be flown in accordance with the air traffic control clearance and, where applicable, shall follow the notified instrument aerodrome approach procedure for the aerodromes to be used.

(3) No deviation shall be made from the requirements of the air traffic control clearance unless an emergency necessitating immediate action arises, in which case as soon as possible after such action is taken the person in command of the aircraft shall inform the appropriate air traffic control unit of the deviation and, if necessary, obtain an amended air traffic control clearance.

40. In the case of an aircraft flying within a control area or control zone-

(a) the pilot in charge of such aircraft shall be qualified for flight under instrument flight rules in accordance with international standards for personnel licensing;

(b) if such aircraft is a flying machine, no person shall act as pilot-in-charge thereof unless there is included in the pilot's licence which he holds a valid instrument rating;

(c) if such aircraft is a locally registered aircraft, it shall be equipped with the prescribed instruments and with the notified radio apparatus which shall be operated by a person who is the holder of a licence authorising him to operate such apparatus;

(d) if such aircraft is not a locally registered aircraft, it shall be equipped with the instruments, radio apparatus and radio navigation apparatus

with which it is required, by the laws of the State in which such aircraft is registered, to be equipped. Qualifications for I.F.R. flight within a control area or control zone

41. The person in command of an aircraft flying within a control area or control zone shall be responsible for ensuring that-

(a) a continuous listening watch is maintained on the appropriate radio frequency; and

(b) the time and flight level of passing each reporting point, together with any other required information, are reported by radio as soon as possible to the appropriate air traffic control unit. Radiocommunications

42. In the event of inability to maintain two-way radiocommunication as required by regulation 41, the person in command of the aircraft shall-

(a) continue the flight to its destination if it is possible to do so by flying only in visual meteorological conditions; or

(b) follow the notified procedure. Failure of radiocommunications

PART VI AERODROME FLIGHT RULES PART VI

AERODROME FLIGHT RULES

43. (1) The provisions of this Part shall be complied with by aerodrome traffic operating on and in the vicinity of an aerodrome situated within Zambia. Application of Part VI

(2) The Director may, where it appears to him to be necessary-

(a) make special rules applicable within the airspace up to 2,000 feet above the level of a particular aerodrome and within 9,000 feet of the aerodrome boundaries, or within such other height above or distance from a particular aerodrome as may be notified;

(b) exclude from such airspace certain classes of aircraft or any aircraft which cannot conform to such special rules;

(c) temporarily suspend, in respect of a particular aerodrome, the application of any or all of the provisions of this Part and shall cause such suspension to be notified and the signal described in sub-regulation (8) of regulation 53 to be displayed by day at such aerodrome.

(As amended by G.N. No. 387 of 1963)

44. (1) The person in command of an aircraft shall, immediately on arrival at or prior to departure from an aerodrome having an air traffic control unit, ensure that such control unit is notified of the flight which he has just made or which he is about to undertake. Arrivals at and departures from an aerodrome

(2) The person in command of an aircraft about to undertake a flight by night shall ensure that such advance notice of the flight as may be required by the circumstances of the case is given to the appropriate air traffic control unit or units in order that the provisions of Part VIII may be complied with at the aerodromes to be used by the aircraft.

(3) At an aerodrome where there is an air traffic control unit, unless otherwise authorised by such control unit, two or more aeroplanes shall not land or take off in formation.

(4) An air traffic control unit may prohibit the departure of an aircraft on a flight which in its opinion could not be made without contravention of these Regulations.

(5) An air traffic control unit may, as regards arrivals and departures, give priority to aeroplanes operating in accordance with an air traffic control clearance over aeroplanes not so operating.

45. (1) Unless otherwise authorised by the air traffic control unit, an aeroplane flying less than 2,000 feet above an aerodrome level and within 9,000 feet of the aerodrome boundaries, or flying within such other height above or distance from a particular aerodrome as may be notified, shall—Aerodrome traffic rules

(a) fly at least 1,000 feet below and clear of cloud, or as far below cloud as is consistent with sub-paragraph (ii) of paragraph (b); and

(b) except for the purpose of taking off from or landing at the aerodrome—

(i) Keep the manoeuvring area on its left or follow the procedure authorised by the air traffic control unit;

(ii) not fly at a height of less than 500 feet above the level of the manoeuvring area; and

(iii) not fly over the manoeuvring area.

(2) If an aeroplane having taken off from or being about to land at an aerodrome makes a circuit or partial circuit, the turning shall be made clear of the manoeuvring area and shall be left-handed, or shall be in conformity with the procedure authorised by the air traffic control unit.

46. (1) An aeroplane shall land at an aerodrome—Landing rules

(a) by day, in the direction indicated by the landing T or, if no landing T is displayed, as nearly into wind as practicable;

(b) by night, in the direction indicated by the landing lights described in Part VIII.

(2) When a dumb-bell signal as shown in the Second Schedule is displayed at a land aerodrome, an aeroplane shall land upon a runway. Unless otherwise authorised by the air traffic control unit, an aeroplane shall not land upon a runway until such runway is clear of other traffic.

(3) At an aerodrome where landings are not confined to a runway—

(a) an aeroplane when landing shall leave clear on its left any aeroplane which has already landed, is already landing or is about to take off and if, after landing, it requires to turn, it shall turn to the left after making sure that such action will not conflict with other traffic movements;

(b) when the landing strip in use is lighted by the method described in paragraph (b) of regulation 58, an aeroplane shall land parallel to the shaft of the T and, except in emergency, with the shaft of the T on its left;

Provided that where, on the cross-arm of the T, a light is displayed on one side of the shaft only landings shall be made on that side.

(4) Before landing at an aerodrome having an air traffic control unit, an aeroplane which is unable to communicate by radio with such control unit shall, unless otherwise authorised by such control unit, make a circuit or partial circuit of the aerodrome for the purpose of observing the traffic and reading such ground marks and signals as may be displayed in terms of Part VII.

(5) Where in exceptional circumstances by day it is necessary for the safety of an aeroplane that it should land in a direction other than that indicated by the landing T, such aeroplane shall not land in such other direction until authorised by the air traffic control unit.

(6) When an H signal as shown in Part I of the Third Schedule is displayed at a land aerodrome, a helicopter shall, unless otherwise authorised by the air traffic control unit, land in the area marked by a ground signal as shown in Part II of the Third Schedule.

47. (1) At any aerodrome-Landing signals

(a) the firing of a red pyrotechnical light or the display of a red flare from the ground or a continuous red luminous beam directed at an aeroplane in flight shall, notwithstanding any previous authorisation to land, constitute an instruction to such aeroplane that its landing is temporarily prohibited:

Provided that by day the red pyrotechnical light or red flare shall normally be used in preference to the red luminous beam when, in emergency, it is necessary to prohibit the landing of an aeroplane which is about to land and which is at a height of less than 300 feet above the level of the landing area;

(b) an intermittent red luminous beam directed at an aeroplane in flight shall constitute an instruction to such aeroplane that it should make a landing elsewhere;

(c) a continuous green luminous beam directed at an aeroplane in flight shall constitute an authorisation to such aeroplane to land;

(d) an intermittent green luminous beam directed at an aeroplane in flight shall constitute an instruction to such aeroplane that it shall return to the aerodrome and await the signal for authorisation to land.

(2) Except in emergency, an aeroplane wishing to land-

(a) by night at an aerodrome notified as having an air traffic control unit at night; or

(b) by day in a direction other than that indicated by the landing T, unless otherwise agreed beforehand with the air traffic control unit;

shall, before landing, request authorisation to do so either by radiotelephony or by means of a green visual signal made by using a lamp or projector, but not by using its navigation lights. Exceptionally, in the event of an aeroplane

being unable to request authorisation by either of the above methods, it shall fire a green pyrotechnical light.

(3) The reply to a signal made in terms of sub-regulation (2) shall be given from the air traffic control unit to the aeroplane either by radiotelephony or by visual signal:

Provided that, when authorisation to land has been requested by visual signal, the reply shall always be given by visual signal.

(4) When the reply is given by visual signal, such signal shall be a continuous luminous beam directed at the aeroplane, and the colour of such beam shall be-

- (a) green, if authorisation to land is granted; and
- (b) red, if authorisation to land is refused.

(5) By night an aeroplane which has received authorisation to land by visual signal shall acknowledge such signal by displaying until it lands a steady white light directed downwards.

(6) When from an aeroplane wishing to land without being compelled to do so there is seen by night either of the visual signals described in sub-regulation (1) of regulation 80 indicating that another aircraft is compelled to land, the aeroplane shall not attempt to land, notwithstanding that it may already have been authorised to do so, until it has received a fresh authorisation.

48. (1) An aeroplane when taking off from an aerodrome shall normally do so in the direction indicated for landings. At an aerodrome where by day a black ball signal is displayed on a mast, the direction in which take-off is to be made shall be agreed with the air traffic control unit. Take-off rules

(2) When a dumb-bell signal as shown in the Second Schedule is displayed at a land aerodrome an aeroplane shall, unless otherwise authorised by the air traffic control unit, take off upon a runway.

(3) At an aerodrome where landings and take-offs are not confined to a runway, an aeroplane about to take off shall leave clear on its left any aeroplane which is already taking off or has just taken off.

(4) At an aerodrome notified as having an air traffic control unit, no aeroplane shall take off until it has been authorised by such control unit to do so.

(5) When an H signal as shown in Part I of the Third Schedule is displayed at a land aerodrome, a helicopter shall, unless otherwise authorised by the air traffic control unit, take off from the area marked by a ground signal as shown in Part II of the Third Schedule.

49. (1) The application of the provisions of this regulation to aeroplanes and water craft manoeuvring under their own power on the water shall be subject to the provisions of regulation 24. Taxying rules

(2) On the manoeuvring area of an aerodrome-

(a) aeroplanes which are landing or taking off shall be given free way by other aeroplanes and by vehicles or water craft;

(b) an aeroplane after landing shall move clear of the landing strip in use as soon as it is possible to do so;

(c) a vehicle or water craft which is towing an aeroplane shall be given free way by other vehicles and water craft and by aeroplanes which are not landing or taking off;

(d) an aeroplane shall be given free way by a vehicle or water craft which is not towing an aeroplane;

(e) an aeroplane, vehicle or water craft which is obliged by the provisions of this sub-regulation to give free way to another shall, if necessary in the circumstances in order to do so, reduce its speed or stop.

(3) If on the manoeuvring area of an aerodrome danger of collision exists between an aeroplane, vehicle or water craft and another aeroplane, vehicle or water craft, then-

(a) if the two are approaching head-on or approximately so, each shall alter its course to the right;

(b) subject to the provisions of sub-regulation (2), if the two are on converging courses, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it;

(c) if the aeroplane or vehicle is overtaking another aeroplane or vehicle, the one which is overtaking shall keep out of the way of the other by altering its course to the left, and no subsequent change in the relative positions of the two shall release the one which is overtaking from this obligation until it has passed and is entirely clear of the other.

(4) A vehicle moving along a runway or taxi-way shall as far as practicable keep to the right-hand side of such runway or taxi-way.

(5) At a land aerodrome no vehicle shall have access to the manoeuvring area except as may be permitted by the responsible aviation authority at the aerodrome.

(6) When an aeroplane is being towed, the person in charge of the towing vehicle or water craft shall be responsible for compliance with the provisions of this regulation.

(7) At a land aerodrome notified as having an air traffic control unit, the movements of aeroplanes and vehicles on the manoeuvring area shall be subject to control by such control unit and no aeroplane or vehicle shall proceed on to the manoeuvring area, and, in the case where a runway is in use, on to that runway, until it has been authorised by such control unit to do so.

50. (1) Aerodrome traffic shall be controlled by an air traffic control unit either by the use of radiotelephony or by the use of any of the following visual signals directed at the aeroplane or vehicle to which the instruction or authorisation is to be given: Movement signals

(a) an intermittent green luminous beam to-

(i) instruct an aeroplane in flight to return to the aerodrome and await the signal for authorisation to land; or

(ii) authorise an aeroplane or vehicle on the manoeuvring area to carry out a movement, other than taking off;

(b) a continuous green luminous beam to authorise an aeroplane to land or take off;

(c) an intermittent red luminous beam to-

(i) instruct an aeroplane in flight to land elsewhere; or

(ii) instruct an aeroplane or vehicle which has moved on to the landing strip in use to move clear of such landing strip immediately;

(d) subject to the proviso to paragraph (a) of sub-regulation (1) of regulation 47, a continuous red luminous beam to instruct an aeroplane or vehicle that landing, taking off or any movement on the manoeuvring area is temporarily prohibited;

(e) an intermittent white luminous beam, preceded when necessary by a continuous red luminous beam, to instruct an aeroplane or vehicle which has moved on to the manoeuvring area to return to the place from which it started.

(2) By day to indicate to aircraft on the manoeuvring area that aerodrome traffic is subject to control by means of the movement signals described in sub-regulation (1), the signal described in sub-regulation (7) of regulation 53 shall be displayed at or near the position of the air traffic control unit so as to be clearly visible to such aircraft.

PART VII GROUND MARKS AND SIGNALS BY DAY AT AERODROMESPART VII

GROUND MARKS AND SIGNALS BY DAY AT AERODROMES

51. (1) The provisions of this Part shall be complied with by day at a land aerodrome which is a licensed aerodrome or a Government aerodrome notified as available for use by civil aircraft. Application of Part VII

(2) The Director may, where it appears to him to be necessary, suspend in respect of a particular aerodrome the application of any or all of the provisions of this Part and shall cause such suspension to be notified.

52. (1) The provisions of this regulation shall be complied with whenever aircraft are making or may be expected to make use of the aerodrome. Ground marks and signals at all aerodromes in use

(2) The direction of the surface wind shall be clearly indicated by a wind sleeve. Any other method of wind indication may be used in addition.

(3) The manoeuvring area shall as far as possible be kept free from obstructions. Any obstruction on the manoeuvring area shall be indicated by aerodrome markings clearly visible to aircraft, whether on the manoeuvring area or in flight.

(4) Any area set apart as a parking area shall be situated so as to be clear of the landing strip in use and so as not to interfere with the normal movements of

aircraft manoeuvring on the ground.

(5) At an aerodrome where the manoeuvring area is not confined to runways and taxi-ways-

(a) the boundaries of the landing area shall be indicated by boundary markers as shown in the Fourth Schedule so as to be clearly visible to aircraft, whether on the manoeuvring area or in flight;

(b) if part of the manoeuvring area becomes unfit for use, such part shall be delimited by-

(i) markings or flags; and

(ii) warning crosses as shown in the Fifth Schedule;

so that such delimitation is clearly visible to aircraft, whether on the manoeuvring area or in flight.

(6) At an aerodrome which has one or more runways there shall be displayed at each extremity of a runway which becomes unfit for use a warning cross as shown in the Fifth Schedule so as to be clearly visible to aircraft, whether on the manoeuvring area or in flight.

(7) When aeroplanes are required to land and take off on a runway-

(a) there shall be displayed horizontally in the signal area a dumb-bell signal as shown in Part I of the Second Schedule;

(b) if the manoeuvring area is not confined to runways and taxi-ways, there may be displayed in the signal area, in place of the signal referred to in paragraph (a), a dumb-bell signal as shown in Part II of the Second Schedule.

(8) At an aerodrome which is open for use by aeroplanes and helicopters, when an area is set aside for the take-off and landing of helicopters-

(a) an H signal as shown in Part I of the Third Schedule shall be displayed in the signal area;

(b) the centre of such area shall be marked by a ground signal as shown in Part II of the Third Schedule; and

(c) if such area forms part of the landing area for aeroplanes, its boundaries, unless otherwise clearly defined, shall be indicated by boundary markers as shown in the Fourth Schedule so as to be clearly visible to aircraft, whether on the manoeuvring area or in flight.

(9) Whenever any of the provisions of this regulation cannot be complied with, the signal to prohibit all landings referred to in sub-regulation (10) of regulation 53 shall be displayed.

53. (1) The Director may establish an air traffic control unit at any aerodrome where in his opinion such a course is necessary. He may apply to such aerodrome any or all of the provisions of this regulation which shall be complied with to such extent as they are so applied. Ground marks and signals at aerodromes having an air traffic control unit

(2) A landing T shall be displayed in the signal area.

(3) Subject to the provisions of sub-regulations (4) and (5), every landing T shall be placed so as to indicate the direction in which aircraft shall land and take off in order to take advantage of the most favourable conditions available at the time for these manoeuvres. The shaft of the T shall be set parallel to the direction in which aircraft are to land or take off and the end of the shaft at which the cross-arm is set shall indicate the direction in which such landing or take-off is to be made. When a runway is to be used for landings and take-offs, the shaft of the T shall be set parallel to such runway.

(4) Where the natural conditions do not permit landings and take-offs to be made in the same direction, the landing T shall indicate the direction for landing, and there shall be displayed-

(a) on a mast, so as to be clearly visible to aircraft on the manoeuvring area, a black ball two feet in diameter; and

(b) alongside the cross-arm of the landing T and in line with the shaft thereof, a disc two feet in diameter and of the same colour as the landing T;

to indicate to aircraft that the directions of landing and take-off do not coincide.

(5) In circumstances liable to be prolonged when a single direction of landing and take-off is not suitable for all types of aircraft using the aerodrome-

(a) the ground marks and signals referred to in sub-regulations (4) and (11) shall be displayed; and

(b) a landing or take-off in a direction other than that indicated by the landing T shall be authorised by the air traffic control unit.

(6) To indicate to aircraft on the manoeuvring area the direction in which aircraft are to take off, one or more sets of two figures, denoting the magnetic direction of the take-off in units of ten degrees to the nearest ten degrees, may be displayed vertically at or near the position of the air traffic control unit so as to be clearly visible to such aircraft.

(7) To indicate to aircraft on the manoeuvring area that aerodrome traffic is subject to control by means of the movement signals described in sub-regulation (1) of regulation 50, a rectangular flag or vertical board having 12 equal squares arranged in sets of four squares horizontally and three vertically, and coloured red and yellow alternately, shall be displayed at or near the position of the air traffic control unit so as to be clearly visible to such aircraft.

(8) When the Director, in terms of paragraph (c) of sub-regulation (2) of regulation 43, temporarily suspends, in respect of a particular aerodrome, the application of any or all of the provisions of Part VI there shall be displayed horizontally in the signal area of such aerodrome a red square panel not less than ten feet square.

(9) If-

(a) during any suspension in terms of paragraph (c) of sub-regulation (2) of regulation 43, it is also provided that; or

(b) without any such suspension, the air traffic control unit requires that;

an aircraft flying within the aerodrome traffic circuit is to keep the manoeuvring area on its right and that the circuit or partial circuit is to be right-handed, the signal area shall, along each of two adjacent sides, be bordered by a rectangular panel, not less than three feet wide, and at the extremity of one of the rectangular panels there shall be displayed, in such a manner as to indicate a right-hand circuit, an equilateral triangle. Such panels and triangle shall be coloured with red and yellow bands.

(10) When special circumstances necessitate a prolonged prohibition of landing there shall be displayed horizontally in the signal area a red square panel, not less than ten feet square, with two yellow strips, not less than 20 inches wide, arranged diagonally across such panel in the form of an X.

(11) When the observance of special precautions in approaching to land or landing is required there shall be displayed horizontally in the signal area a red square panel, not less than ten feet square, with one yellow strip, not less than 20 inches wide, arranged diagonally across such panel.

(12) When landings by means of a radio guide are taking or about to take place there may be displayed on a mast, so as to be clearly visible to aircraft on the manoeuvring area, a yellow triangular equilateral pyramid, with each side not less than six feet.

(13) At an aerodrome situated within a control zone, when conditions of cloud or visibility are such that flights to and from such aerodrome cannot be made under visual flight rules except with the consent of the air traffic control unit, a flashing amber light may be displayed at or near the position of the air traffic control unit.

(14) There shall be displayed vertically, so as to be clearly visible to aircraft on the manoeuvring area which have landed or are about to depart, in a position at or near the air traffic control unit referred to in sub-regulation (1) of regulation 44, the letter C in black against a yellow background.

54. (1) The provisions of this regulation shall be complied with when gliders are making use of or may be expected to make use of the aerodrome. Ground marks and signals at aerodromes where glider flights are in progress

(2) Unless otherwise authorised by the Director, an area within the aerodrome shall be set apart for the dropping of tow ropes and shall be situated so as to be clear of all obstructions and of the landing strip in use by a distance of not less than 500 feet measured outwards from the boundaries of such area and so as to lie, when viewed in the direction of landing, on the right-hand side of the aerodrome. Such area shall be-

(a) rectangular in shape, having sides of not less than 600 feet and 300 feet respectively; and

(b) so orientated that the longer side lies parallel to the direction in which landings and take-offs are to be made.

(3) The centre of the area set apart in terms of sub-regulation (2) for the dropping of tow ropes shall be marked by a yellow cross displayed horizontally and clearly visible to aircraft in flight.

(4) At an aerodrome open to use by aeroplanes there shall be displayed-

(a) on a mast, so as to be clearly visible to aircraft on the manoeuvring area, two red balls, one above the other and separated by a distance equal to their diameter; and

(b) horizontally in the signal area a double cross as shown in the Sixth Schedule.

PART VIII NIGHT LIGHTING AT AERODROMESPART VIII

NIGHT LIGHTING AT AERODROMES

55. (1) The provisions of this Part shall be complied with by night at any aerodrome which is a licensed aerodrome or a Government aerodrome notified as available for use by civil aircraft whenever aircraft are making use of or may be expected to make use of such aerodrome by night:Application of Part VIII

Provided that at a water aerodrome the provisions of this Part shall be complied with only in so far as compliance therewith is practicable in the circumstances.

(2) The Director may, where it appears to him to be necessary, suspend in respect of a particular aerodrome, the application of any or all of the provisions of this Part and shall cause such suspension to be notified.

56. (1) Subject to the provisions of sub-regulation (2), steady red lights shall be displayed on all obstructions-Lighting of obstructions

(a) within the manoeuvring area;

(b) within the approach way; and

(c) in the vicinity of the aerodrome which, in the opinion of the Director, constitute a danger to aircraft in flight.

(2) Flashing red lights may be displayed to mark particularly dangerous or extensive obstructions.

57. The landing strip or, where landings and take-offs are made on parallel runways, the landing strips which afford the most favourable conditions for the landing or take-off of an aeroplane at the time of using the aerodrome, having regard to the strength and direction of the wind and all other relevant circumstances, shall be lighted by steady lights in the manner described in regulation 58 or 59 as may be appropriate and no other part of the manoeuvring area shall be so lighted at the same time, except for such lights as may be necessary for guiding aeroplanes manoeuvring on the ground.Lighting for landings and take-offs

58. At an aerodrome where a runway is not being used for landing or take-off the landing strip in use shall be lighted by one of the following methods:

(a) by floodlights, with white boundary lights spaced 300 feet apart along the boundary of the aerodrome;

(b) by fixed lights in the form of a T, in which case-Lighting at non-runway aerodromes

(i) the shaft of the T shall be not less than 1,500 feet in length and shall be composed of at least six lights spaced not more than 300 feet apart along a line parallel to the axis of the landing strip;

(ii) the cross-arm of the T shall be composed of three lights and shall be formed by displaying a light on either side of the light at the head of the shaft:

Provided that, if an area on one side of the shaft becomes obstructed, the light required to be displayed on that side so as to form the cross-arm shall not be displayed;

(iii) the light at the foot of the T shall indicate the point where aircraft should touch down and the cross-arm shall indicate where the run should be completed;

(iv) the colour of the lights shall be white with white boundary lights spaced 300 feet apart along the boundary of the aerodrome;

(c) by two lines of fixed lights, in which case-

(i) each line shall extend the full available length of and parallel to the axis of the landing strip and shall be composed of at least six lights spaced not more than 300 feet apart;

(ii) the distance between the lines shall be not more than 400 feet and not less than 150 feet;

(iii) the lights in one line shall be arranged in pairs with those in the opposite line, each pair being at right angles to the axis of the landing strip;

(iv) the colour of the lights shall be-

A. white throughout the full length of the lines; or

B. in the direction of take-off and landing, white for the first two-thirds and yellow for the remaining one-third of the length of the lines.

59. At an aerodrome where a runway is being used for landing or take-off-

(a) such runway shall be lighted along its edges by two lines of fixed lights, in which case-Lighting at runway aerodromes

(i) each line shall extend the full length of the runway and shall be composed of at least six lights spaced not more than 300 feet apart;

(ii) the lights in one line shall be arranged in pairs with those in the opposite line, each pair being at right angles to the axis of the runway:

Provided that, in the case of a runway exceeding 150 feet in width, the lights may be inset in lines parallel to the edges of such runway;

(b) the approach end of such runway may be indicated by angle of approach lights or runway threshold lights.

60. On request from the person in command of an aeroplane a floodlight, if available, may be used to supplement the lighting of the landing strip or runway

in use. Supplementary lighting

61. (1) At an aerodrome where glider operations are to take place and where a runway is not being used for the landing of gliders—Lighting at aerodromes where glider flights are in progress

(a) the landing strip in use shall be lighted by the method described in paragraph (b) of regulation 58; and

(b) a double cross as shown in the Sixth Schedule shall be illuminated and displayed at the approach end and, when viewed in the direction of landing, on the left-hand side of the zone reserved for the landing of gliders.

(2) At an aerodrome where glider operations are to take place and a runway is being used for the landing of gliders—

(a) the edges of each runway shall be lighted by the method described in regulation 59; and

(b) a double cross as shown in the Sixth Schedule shall be illuminated and displayed at the approach end and, when viewed in the direction of landing, on the left-hand side of such runway.

62. (1) The landing T shall be illuminated with fixed white lights and shall be orientated so as to indicate the direction of landing. Lighting of ground marks

(2) At an aerodrome where the method of lighting described in paragraph (c) of regulation 58 or in regulation 59 is in use, the landing T shall be placed at the approach extremity and, when viewed in the direction of landing, on the left-hand side of the line of lights.

(3) At an aerodrome open to use by aeroplanes and where glider flights are in progress, a double cross as shown in the Sixth Schedule shall be illuminated with fixed white lights and shall be displayed at the approach end and, when viewed in the direction of landing, on the left-hand side of the runway or of the zone reserved for the landing of gliders, as the case may be.

(4) The centre of the area set apart in terms of sub-regulation (2) of regulation 54 for the dropping of tow ropes shall be marked by three red or white lights arranged in the form of an equilateral triangle.

63. The approach way shall be marked by—

(a) an approved system of lighting; or

(b) an angle of approach light placed beside and not less than 100 yards from the approach extremity of the landing strip in use which, when viewed in the direction of landing, is on the left-hand side of such landing strip. A second angle of approach light may be placed opposite the first on the right-hand side of the landing strip. Approach lighting

64. (1) Taxi-ways in use shall be lighted by means of fixed lights spaced—Taxi-way and manoeuvring area lighting

(a) along the edges of such taxi-ways, in which case the colour of such lights shall be—

(i) blue along both edges of the taxi-way; or

(ii) blue along one edge of the taxi-way and yellow along the other; or

(b) down the centre of such taxi-ways, in which case the colour of such lights shall be green.

(2) At an aerodrome where the manoeuvring area is not confined to runways and taxi-ways-

(a) paths for guiding aircraft manoeuvring on the ground to or from the landing strip in use shall be marked by either of the methods referred to in sub-regulation (1); or

(b) white lights shall be used to mark the boundary of the manoeuvring area:

Provided that, where there is an obstruction or obstructions on such boundary, the lights marking the obstruction or obstructions, as the case may be, may serve to mark that particular part or parts of such boundary.

65. An identification beacon, if provided, shall be located on an approved position on the aerodrome and shall flash in a green light in morse code the two letters which have been notified as the letters for that particular aerodrome. Identification beacon

PART IX GLIDER FLIGHT RULES

GLIDER FLIGHT RULES

66. (1) The provisions of this Part shall be complied with by gliders and by aircraft or vehicles towing gliders on and in the vicinity of an aerodrome which is a licensed aerodrome or a Government aerodrome notified as available for use by civil aircraft. Application of Part IX

(2) The Director may, where it appears to him to be necessary, suspend in respect of a particular aerodrome, the application of any or all of the provisions of this Part and shall cause such suspension to be notified.

(3) For the purposes of this Part, when a glider is being towed by an aeroplane or by a vehicle, the combination shall be regarded as a single aircraft or vehicle and the person in command of the aeroplane or vehicle towing shall be the person in charge of the tow and responsible for compliance with these Regulations. When there is more than one aeroplane or vehicle engaged in towing, the person in charge of one of such aeroplanes or vehicles shall, by arrangement with the person or persons in charge of the other aeroplane or vehicle, or the other aeroplanes or vehicles so engaged, be designated as the person in charge of the tow and shall be responsible for compliance with these Regulations and the person or persons in charge of the other towing aeroplane or vehicle, or aeroplanes or vehicles, shall conform to the movements and instructions of the persons in charge of the tow.

67. Except in emergency, a glider shall not be manoeuvred, towed into flight or land at an aerodrome used by other classes of aircraft without the permission of the air traffic control unit or, in the absence of such control unit, of the person in charge of the aerodrome and, if any conditions considered necessary for the safety of aerodrome traffic have been made in granting such permission,

without complying with such conditions. Permission to use certain aerodromes necessary

68. (1) When one or more gliders is or are about to be towed into flight by an aeroplane, there shall be appointed by arrangement between the persons in command of the aircraft concerned a suitable person to take charge of the operation as a whole, who shall decide suitable signals and station other persons in suitable positions so that he and the persons in command of all the aircraft concerned shall be in effective communication with each other during the preparations for and the initial stages of the take-off. Towing rules

(2) Unless otherwise specially authorised in writing by the Director, the length of tow measured from the rearmost part of the towing aircraft to the most forward part of the glider, or of the rearmost glider if more than one, which it is towing shall not exceed 1,000 feet.

(3) The rope by which a glider is being towed in or into flight shall normally be released at the point of attachment to the glider by the person in command of the glider, but provision shall also be made for the release of the rope in emergency by the person in charge of the towing aircraft at the point of attachment of the rope to the towing aircraft.

(4) Save in emergency, the person in command of a glider which is being towed by an aeroplane shall not release the tow rope without the knowledge and consent of the person in charge of the tow.

(5) Save in emergency, a glider which is being towed by an aeroplane in the vicinity of an aerodrome having an air traffic control unit shall not, except with the consent of such control unit, be released for the purpose of landing on that aerodrome unless it is in such a position and at such a height as will enable it to land on that aerodrome in the place appointed for the purpose by manoeuvring in conformity with the provisions of Part VI.

69. Unless otherwise authorised by the air traffic control unit or, in the absence of such control unit, by the person in charge of the aerodrome, an aeroplane which has been towing a glider or gliders, as the case may be, shall drop any tow rope which it has used-

(a) in the area set apart in terms of sub-regulation (2) of regulation 54 for the dropping of tow ropes and marked in terms of sub-regulation (3) of regulation 54 or sub-regulation (4) of regulation 62; and

(b) when flying in the direction in which landings and take-offs are to be made and at a height above ground level of not less than two-thirds of the length of the tow rope. Dropping of tow ropes

70. (1) By day at an aerodrome where a runway is being used, subject to instructions from the air traffic control unit or, in the absence of such control unit, from the person in charge of the aerodrome-Glider landing and take-off rules

(a) an aeroplane when taking off with a glider in tow or when landing shall use the appropriate runway for such take-off and landing;

(b) a glider shall land upon the runway or the adjoining grass area;

(c) glider manoeuvring on the landing area may be made upon the runway or the

adjoining grass area.

(2) By night at an aerodrome where a runway is not being used and the landing strip in use is lighted by the method described in paragraph (b) of regulation 58, subject to the instructions from the air traffic control unit or, in the absence of such control unit, from the person in charge of the aerodrome-

(a) an aeroplane when taking off with a glider in tow or when landing shall take off and land parallel to the shaft of the T and, except in emergency, with the shaft of the T on its left;

(b) a glider shall land parallel to the shaft of the T and, except in emergency, with the shaft of the T on its right.

(3) By night when a glider is being towed by an aeroplane in the vicinity of an aerodrome, the visual signal to request authorisation for the glider to land may be sent either by the aeroplane or by the glider. Such signal shall be composed of-

(a) the last three letters or figures, as the case may be, of the registration mark of the aeroplane, followed by the letter G; or

(b) the letter G.

(4) The visual signal authorising the glider to land shall consist of a repetition of the signal sent in terms of sub-regulation (3).

PART X LIGHTS AND OTHER OBJECTS TO BE DISPLAYED BY AIRCRAFTPART X

LIGHTS AND OTHER OBJECTS TO BE DISPLAYED BY AIRCRAFT

71. (1) The provisions of this Part shall be complied with by aircraft within Zambia:Application of Part X

Provided that an aircraft registered elsewhere than in Zambia may display, in place of the lights or objects required by this Part, the lights or objects specified in the relevant International Standards published by the International Civil Aviation Organisation for the time being in force.

(2) A locally registered aircraft shall, when it is within a territory other than Zambia, show the lights or objects which it would be required to show if it was within Zambia, unless the law of such territory otherwise provides.

(3) Nothing in this regulation shall interfere with-

(a) the operation of any special rules made by any State with respect to additional signal or station lights for military aircraft, aircraft exclusively employed in the service of the State or aircraft in group formation; or

(b) the exhibition of recognition signals adopted by owners of aircraft which have been authorised by their respective governments and duly published.

72. (1) For the purposes of this Part, unless the context otherwise requires-Interpretation of terms in Part X

(a) an aircraft shall be deemed to be "on the surface of the water" when any part of the aircraft is in contact with the water;

(b) an aircraft in flight or on the surface of the water shall be deemed to be "under way" when it is not moored to the ground or to any fixed object on the land or in the water;

(c) an aircraft under way in flight or on the surface of the water shall be deemed to be "making way" when it has a velocity relative to the air or water respectively;

(d) an aircraft shall be deemed not to be "under command" when it is unable to execute a manoeuvre required in respect of it by these Regulations or by any regulations for preventing collisions at sea or on water;

(e) "visible", in relation to lights, means visible on a dark night with a clear atmosphere;

(f) "plane of symmetry", in relation to an aircraft, means the plane of symmetry passing through the longitudinal axis of the aircraft;

(g) the angular limits for lights laid down shall be determined when the aircraft is in its normal attitude for flying on a rectilinear horizontal course.

(2) Where, owing to difficulty in producing lamps to meet the requirements of this Part, an overlap of sector lights is unavoidable, the overlap shall be kept as small as possible. There shall be no sector in which no light is visible.

(As amended by G.N. No. 387 of 1963)

73. (1) By night a flying machine in flight or on the manoeuvring area of a land aerodrome shall, unless within a suitably marked or lighted parking or marshalling area, display the following lights: Flying machines on land or in flight

(a) an unobstructed green light having an intensity of at least 5 candles showing to the starboard side through an angle of 110 degrees from dead ahead in its horizontal plane;

(b) an unobstructed red light having an intensity of at least 5 candles showing to the port side through an angle of 110 degrees from dead ahead in its horizontal plane; and

(c) an unobstructed white light having an intensity of at least 5 candles showing astern through angles of 70 degrees from dead astern to each side in its horizontal plane.

(2) The lights required by sub-regulation (1) shall either all be steady lights or all be flashing lights flashing together:

Provided that after the 1st January, 1958, they shall all be flashing lights if the flying machine has a maximum total weight exceeding 12,500 lb. authorised in its certificate of airworthiness.

(3) If the lights required by sub-regulation (1) are flashing lights, the flying machine shall also display an unobstructed white light having an intensity of at least 20 candles, showing in all directions so far as is reasonably practicable and flashing alternately with the said lights required by

sub-regulation (1).

(4) If the lamp giving either the green or the red light is fitted more than 6 feet from the wing tip, a lamp may be fitted at the extremity of the wing tip to indicate its position, giving a steady light of the same colour and showing through the same angle, so far as is reasonably practicable.

(5) Where by this regulation a light is required to show through a specified angle or specified angles in the horizontal plane, the lamp or lamps giving such light shall be so constructed that the light is visible through angles of 90 degrees above and below the horizontal plane but, so far as is reasonably practicable, through no greater angles.

74. (1) By night a flying machine under way on the surface of the water shall display lights as follows: Flying machines on the water

(a) if it is under command and is not being towed, it shall display-

(i) steady lights as specified in sub-regulation (1) of regulation 73; and

(ii) forward, a steady white light fixed so as to show forward an unbroken light, having an intensity of at least 7 candles, through a dihedral angle of 220 degrees formed by two vertical planes and bisected by the plane of symmetry of the aircraft;

(b) if it is being towed, it shall display steady lights as specified in sub-regulation (1) of regulation 73;

(c) if it is not under command, it shall display two steady red lights placed where they can best be seen, one vertically above the other and not less than 3 feet apart, with both having an intensity of at least 5 candles, and it shall also display-

(i) if it is making way, steady lights as specified in sub-regulation (1) of regulation 73;

(ii) if it is not making way, a steady light as specified in paragraph (c) of sub-regulation (1) of regulation 73;

(d) if it is towing another aircraft, it shall display-

(i) steady lights as specified in sub-regulation (1) of regulation 73; and

(ii) forward, two steady white lights placed where they can best be seen, one vertically above the other and not less than 6 feet apart, with both having an intensity of at least 7 candles and showing through a dihedral angle of 220 degrees formed by two vertical planes and bisected by the plane of symmetry of the aircraft.

(2) By night a flying machine at anchor or moored on the surface of the water shall display lights as follows:

(a) in every case, it shall display forward centrally where it can best be seen a steady white light having an intensity of at least 5 candles:

Provided that, where the length of the flying machine is 150 feet or more, such light shall have an intensity of at least 7 candles; and

(b) where the length of the flying machine is 150 feet or more, it shall display at or near its stern, at a lower height than the forward light specified in paragraph (a), a steady white light having an intensity of at least 7 candles; and

(c) where the maximum lateral dimension of the flying machine is 150 feet or more, it shall display on each side and placed in such a manner as to demarcate the maximum lateral dimension of the flying machine, a steady white light having an intensity of at least one candle.

(3) By day a flying machine under way on the surface of the water and not under command shall display where they can best be seen two black balls or discs, each not less than 2 feet in diameter spaced vertically one above the other and not less than 3 feet apart.

75. A vehicle engaged in towing aircraft and an aircraft under tow on the manoeuvring area of a land aerodrome shall display such lights as may be notified. Towing vehicles and aircraft under tow

76. By night a glider in flight or on the manoeuvring area of a land aerodrome shall, unless within a suitably marked or lighted parking or marshalling area, display-

(a) a red light visible so far as practicable in all directions; or

(b) lights as specified in regulation 73. Gliders

77. By night a free balloon shall display a red light placed not less than 15 nor more than 30 feet below the basket and visible so far as practicable in all directions at a distance of not less than two and a half nautical miles. Free balloons

78. (1) Subject to the provisions of sub-regulation (2), by night an airship when under way shall display the following lights: Airships

(a) forward, a white light fixed so as to show forward an unbroken light visible at a distance of at least 5 nautical miles, through a dihedral angle of 220 degrees formed by two vertical planes and bisected by the plane of symmetry of the aircraft;

(b) on the starboard side, a green light fixed so as to show an unbroken light visible at a distance of at least 5 nautical miles, through a dihedral angle of 110 degrees formed by two vertical planes, of which one is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the right;

(c) on the port side, a red light fixed so as to show an unbroken light visible at a distance of at least 5 nautical miles, through a dihedral angle of 110 degrees formed by two vertical planes, of which one is parallel to the plane of symmetry of the aircraft and directed dead ahead, and the other is directed to the left; and

(d) at the rear, a white light fixed so as to show astern an unbroken light visible at a distance of at least 3 nautical miles, through a dihedral angle of 140 degrees formed by two vertical planes and bisected by the plane of symmetry of the aircraft.

Where in order to comply with the provisions of this sub-regulation a single light has to be replaced by several lights, the field of visibility of each of these lights shall be so limited that only one can be seen at a time.

(2) By night an airship which-

- (a) is under way and not under command; or
- (b) has voluntarily stopped its engines; or
- (c) is being towed;

shall display-

(i) lights as specified in paragraphs (a) and (d) of sub-regulation (1);

(ii) below the airship, two red lights placed vertically one below the other 12 feet apart, the upper light being 25 feet below the control car, and both being visible, so far as practicable, in all directions at a distance of not less than two and a half nautical miles; and

(iii) if the airship is making way but not otherwise, lights as specified in paragraphs (b) and (c) of sub-regulation (1).

(3) By day an airship in the circumstances mentioned in sub-regulation (2) shall display two black balls or discs each at least two feet in diameter, placed vertically one below the other 12 feet apart, the upper one being 25 feet below the control car and both being visible, so far as practicable, in all directions. Where necessary, in order to comply with this provision, the said two black balls or discs may be duplicated.

PART XI INTERNATIONAL SIGNALS OF DISTRESSPART XI

INTERNATIONAL SIGNALS OF DISTRESS

79. (1) Nothing in this regulation shall prevent the use by an aircraft in distress of any means at its disposal to attract attention, make known its position and obtain help. Distress signals

(2) When an aircraft is threatened by grave and imminent danger and requests immediate assistance, before the sending of a message, the following signals shall be used or displayed, either together or separately:

(a) by visual signalling-

(i) the signal S.O.S. in morse code with signalling apparatus;

(ii) a succession of pyrotechnical lights fired at short intervals each showing a single red light;

(iii) the two-flag signal corresponding to the letters NC of the International Code of Signals;

(iv) the distant signal, consisting of a square flag having either above or below it a ball or anything resembling a ball:

(b) by sound signalling-

(i) the signal S.O.S. in morse code with any sound apparatus;

(ii) a continuous sounding with any sound apparatus.

80. (1) When an aircraft wishes to give notice of difficulties which compel it to land without requiring immediate assistance, before the sending of a message, the following visual signals shall be used, either together or separately: Urgency signals

(a) by day, a succession of white pyrotechnical lights;

(b) by night, a succession of white pyrotechnical lights or a repeated switching on and off of the lights displayed by aircraft in such a manner as to be clearly distinguishable from the flashing lights described in sub-regulations (2) and (3) of regulation 73.

(2) When an aircraft has a very urgent message to transmit concerning the safety of the aircraft or of any person on board or within range of assistance of such aircraft or the safety of another aircraft or of any ship or vehicle, before the sending of the message, the following visual signals shall be used, either together or separately:

(a) a succession of green pyrotechnical lights;

(b) a succession of green flashes made with signalling apparatus.

PART XII OFFENCES PART XII

OFFENCES

81. An aircraft shall not be operated in a negligent manner or in a reckless manner so as to endanger life or property. Dangerous flying

82. (1) Where any signal is authorised or required by these Regulations to be used for a particular purpose, no person in an aircraft or on or in the vicinity of an aerodrome shall make such signal except for that particular purpose. Wrongful making of signals

(2) No person in an aircraft or on or in the vicinity of an aerodrome shall-

(a) make any signal which may be confused with a signal made in terms of these Regulations;

(b) without lawful authority make any naval, military or air force signal.

83. No person on or in the vicinity of an aerodrome shall exhibit any light which may endanger the safety of aircraft, whether by reason of glare or by causing confusion with or preventing clear visual reception of the lights or signals authorised or required by these Regulations to be displayed.

Dangerous lights

FIRST SCHEDULE

(Regulation 2)

LANDING T

The colour of the T shall normally be white but this may be varied if the background is of such character that alteration of the colour would give improved visibility from the air.

SECOND SCHEDULE

(Regulations 46 (2), 48 (2) and 52 (7))

DUMB-BELL SIGNAL

PART I

The colour of the dumb-bell shall be white.

PART II

The colour of the dumb-bell shall be white with a black strip placed across each circular disc at right angles to the shaft of the dumb-bell.

THIRD SCHEDULE

(Regulations 46 (6), 48 (5) and 52 (8))

PART I

H SIGNAL

PART II

GROUND SIGNAL

FOURTH SCHEDULE

(Regulation 52 (5) and (8))

BOUNDARY MARKER

FIFTH SCHEDULE

(Regulation 52 (5) and (6))

WARNING CROSS

The colour of the cross shall be white.

SIXTH SCHEDULE

(Regulations 54 (4), 61 and 62 (3))

DOUBLE CROSS

The colour of the double cross shall be white.

SECTION 4-THE CIVIL AIR ENSIGN REGULATIONS

Regulations by the Minister Statutory Instrument
193 of 1965

1. These Regulations may be cited as the Civil Air Ensign Regulations. Title
2. The ensign of which the design and description are set out in the Schedule is hereby established and shall be called the "Civil Air Ensign". Establishment of the Civil Air Ensign
3. The Civil Air Ensign shall be flown subject to the provisions of the Air Navigation Regulations.

Air Navigation Regulations

SCHEDULE

(Regulation 2)

CIVIL AIR ENSIGN

SECTION 21 (2)-APPLICATION

The provisions of the Act shall not apply to-

- (a) aircraft or aerodromes belonging to, or for the time being in use exclusively by, the Defence Force;
- (b) aircraft or aerodromes belonging to, or in the service of, the Government, while used exclusively for military purposes.

Federal Government Notice
250 of 1954
Government Notice
497 of 1964

REGULATION 9 OF THE AIR NAVIGATION REGULATIONS-THE AVIATION (EXEMPTION OF GLIDERS) NOTICE

Notice by the Minister Federal Government Notice
259 of 1959
Government Notice
387 of 1963
Statutory Instrument
153 of 1965

1. This Notice may be cited as the Aviation (Exemption of Gliders) Notice. Title
2. Gliders are hereby exempted from the provisions of Parts II, III, IV, V, VI, VII and XII of the Air Navigation Regulations, subject to the following conditions:

(a) this exemption shall not apply to any glider being flown outside Zambia;

(b) this exemption shall not apply to any glider being used for purposes of public transport or aerial work;

(c) there shall be in force in respect of the glider a policy of insurance issued by a person authorised to carry on insurance business in terms of the Insurance Act, which, subject to any restrictions or conditions specified therein, insures the owner of the glider against all liability which he may incur in respect of loss or damage caused to persons or property on land or water or in the air by, or by any person in, or any article or person falling from, the glider while in flight, taking off or landing, and the amount of liability to be covered by such policy shall be not less than K4,000 in respect of loss or damage caused on any one occasion.

(As amended by G.N. No. 387 of 1963 and S.I. No. 153 of 1965) Exemption from certain provisions of the Air Navigation Regulations
Cap. 705

SECTION 4 (REGULATION 118)-THE AVIATION (AERODROME FEES) REGULATIONS. Statutory Instrument No.
487 of 1985
S.I. No. 65 of 1987

1. These Regulations may be cited as the Aviation (Aerodrome Fees) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"domestic flight" means a flight which originates and terminates within Zambia without landing at any place outside Zambia;

"international flight" means a flight which originates within Zambia for a destination outside Zambia or which originates outside Zambia and terminates in Zambia;

"scheduled aerodrome" means any aerodrome set out in the First Schedule;

"weight" means the maximum permissible take-off weight of an aircraft as stated in the certificate of airworthiness or the flight manual of the aircraft.

3. (1) Subject to the provisions of regulations 8, 9 and 10, a landing charge shall be levied and shall become payable in accordance with the weight of the aircraft landing at any scheduled aerodrome at the rates fixed in the Second Schedule. Day landing charges

(2) Landing charges shall be divided into two categories according to whether the flight is a domestic flight or an international flight.

(3) Training flights, aircraft belonging to commercial firms, scheduled airlines or charter operators licensed by the Minister being used on local flights for the purpose of flying practice or training of aircrew employed by such operators shall be charged one landing fee for every two hours of training regardless of the number of touch and go landings made during that period at a scheduled aerodrome:

Provided that the operator shall give, to the aerodrome authority at the scheduled aerodrome concerned, adequate notice of his intended flight.

(As amended by S.I. No. 65 of 1987)

4. (1) In addition to the charge referred to in regulation 3, there shall be levied a surcharge equal to fifty per cent of the applicable day landing charge for each landing or for each take-off which occurs outside the published hours of operation of the aerodrome:Surcharge

Provided that where the aircraft departs within one hour of landing, only one surcharge shall be payable.

(2) Where a request has been received for a landing or take-off outside the published hours of operations of an aerodrome, one surcharge shall be payable unless notice of cancellation of the request is received by the aerodrome authority at least twenty-four hours before the proposed time of landing or take-off.

5. A single surcharge shall be levied and shall become payable where an aerodrome is opened or remains open outside the published hours of operation of that aerodrome for the purpose of acting as an alternate aerodrome for an aircraft at the request of the operator:Surcharge for alternate aerodrome

Provided that no surcharge shall be levied where cancellation of the request is received by the aerodrome authority in terms of regulation 4 (2).

6. (1) Subject to the other provisions of this regulation, an application for an annual landing permit, to be charged at the rate set out in the Third Schedule, may be made in respect of any aircraft whose weight does not exceed three tonnes and which is used by a registered flying club in respect of the aerodrome at which it is based or which is an aircraft registered in the private category only in respect of any scheduled aerodrome or aerodromes:Annual landing charge

Provided that such permit shall not cover any landing made at Lusaka International Airport.

(2) An application for an annual landing permit shall be made to the Director in writing to reach him at least twenty-one days before the date from which the permit is to commence and shall include full details of the operator, the registration marks, type and weight of the aircraft in respect of which the application is made.

(3) If the Director is satisfied that the application has complied with the provisions of this paragraph, he shall, upon payment of the appropriate fee set out in the Third Schedule, issue an annual landing permit.

(4) An annual landing permit shall be valid for a period of twelve months commencing 1st January in the year in which it is issued.

(5) If an aircraft in respect of which there is in force an annual landing permit is grounded during the first half of the year and the Director is satisfied that it is likely to remain unserviceable and grounded during the remaining half of the year, he shall authorise the refund of fifty per cent of the annual landing charges paid in respect of that aircraft for such year.

7. (1) Subject to the provisions of sub-regulation (1) of regulation 9, where hangar facilities exist, charges for the hangarage of aircraft shall be levied and become payable for the use of such facilities at the rates prescribed in the Fourth Schedule in accordance with the weight of the aircraft and the length of the period of hangarage. Hangar charges

(2) Application for hangarage charges at the monthly rates prescribed in Part II of the Fourth Schedule in respect of the hangarage of an aircraft during the period of any named month may be made to the Director so as to reach him at least twenty-one days before the first day of the named month during which the charging of the monthly rate is requested.

(3) On receipt of an application made in terms of sub-regulation (2), the Director shall, if he is satisfied with the application, grant the charging of the monthly rate.

8. Subject to the provisions of sub-regulation (1) of regulation 9, a parking charge shall be levied and shall become payable at the rate prescribed in the Fifth Schedule in respect of any aircraft which lands at a scheduled aerodrome and remains there for a continuous period of more than three hours: Parking charge

Provided that no parking charges shall be levied or become payable by an operator in respect of the parking of an aircraft on a parking site which has been leased to the same operator.

9. (1) No landing, hangar or parking charges shall be charged or become payable in respect of any aircraft-Exemptions

(a) owned by the Government or proceeding on Government business;

(b) exclusively transporting Heads of State, Heads of governments or official delegations for an official visit;

(c) belonging to the United Nations Organisation or its specialised agencies;

(d) which, without remuneration, is participating in any search or rescue operation or is undertaking any mission for humanitarian purposes or is rendering any other service to the public;

(e) if a notice in that behalf is received and acknowledged by the Director at least twenty-four hours before such aircraft undertakes non-commercial operations related to training or testing navigational instruments or other equipment;

(f) landing pursuant to instructions given by the Department of Civil Aviation for reasons other than violation of aviation rules;

(g) belonging to the Zambia Defence Force; and

(h) Any other flight which the Director of Civil Aviation, with the prior consent of the Minister, may

(2) No landing charge shall be charged or become payable in respect of any aircraft-

(a) if, after prior notice of intended flight has been given, the aircraft is flown on a test flight from any scheduled aerodrome solely for the purpose of testing the aircraft and the aircraft returns at the end of the flight to that aerodrome without making any intermediate landing other than an emergency landing;

(b) if the aircraft has departed from a scheduled aerodrome and it has become necessary because of any hazard caused by the weather, or any other circumstances, for the aircraft to return to that aerodrome without making any intermediate landing other than an emergency landing;

(c) if the aircraft is being used by a registered flying club at the scheduled aerodrome at which the club is based, unless the aircraft is being so used for commercial purposes.

(3) During the period of first thirty days from the date of first entering into Zambia, an aircraft which is-

(a) of a type which has not previously entered Zambia; and

(b) being operated solely for sales demonstration purposes; shall be liable to pay only one landing charge in respect of a scheduled aerodrome.

(4) No parking charge shall be charged or become payable in respect of any locally registered aircraft of a private category when parked at its home base:

Provided that-

(a) the operator informs the Director of the designated home base; and

(b) Lusaka International Airport may not be so designated.

(As amended by S.I. No. 65 of 1987)

10. (1) All payments due in respect of landing, parking and hangarage charges shall be paid, by the captain of the aircraft, to the airport manager or to the officer-in-charge or the designated representative at the scheduled aerodrome for which the charges apply, unless an alternative arrangement has been or credit facilities have been arranged in terms of sub-regulation (2). Payment

(2) Application for the granting of credit facilities for the payment of charges shall be made through the Director, who shall forward the application with his comments to the Permanent Secretary in the Ministry responsible for civil aviation.

(3) The application shall indicate particulars of the applicant, the reason why credit facilities are sought, proposed payment arrangements and other relevant details and shall be accompanied by a certificate of credit worthiness from the applicant's bankers.

(4) When hangar charges are payable at the monthly rate in terms of sub-regulations (2) and (3) of regulation 7, the amount of the charges shall be paid in advance before the first day of the named month during which hangar facilities are required.

(5) The charges set out in the Schedules are common to all scheduled aerodromes

unless it is stated to the contrary.

(6) Unless agreement to the contrary is entered into, between the Government of the Republic of Zambia and the government of the aircraft operator's nationality, the charges payable under the Second, Third, Fourth and Fifth Schedules shall be paid in United States dollars or any other convertible currency, at the rate of exchange last notified by the Bank of Zambia:

Provided that in case of locally registered aircraft the charge shall be paid in kwacha.

(As amended by S.I. No. 65 of 1987)

FIRST SCHEDULE

(Regulation 2)

SCHEDULED AERODROMES

Category I

Livingstone

Lusaka International

Mfuwe

Ndola

Category II

Chipata

Kasama

Lusaka City

Mansa

Mongu

Solwezi

Zambezi

Category III

Kalabo

Kasaba Bay

Lilayi

Lukulu

Ngoma

Senanga

Sesheke

Southdowns

APPENDIX I

(Regulation 7)

SECOND SCHEDULE

(Regulation 3)

DAY LANDING CHARGES

FIXED WING AIRCRAFT

PART I

CATEGORY I AERODROME

For each tonne or part thereof

	..	International	Domestic	
Aircraft Weight	..	Flights	Flights	
(Metric tonne)	..	US Dollars	Fee units	
First 25 tonnes	4.00	6.0
Next 75 tonnes	5.00	8.0
Over 100 tonnes	6.00	9.0

PART II

CATEGORY II AND III AERODROME

1. Landing charge at Category II aerodrome shall be at the rate of seventy per centum of the charges prescribed for Category I aerodrome.

2. Landing charge at Category III aerodrome shall be at the rate of fifty per centum of the charges prescribed for Category I aerodrome.

NOTES:

(a) Minimum landing charge for an aircraft whose weight is more than two tonnes shall be-

(i) US \$15.00 per international flight; and

(ii) 3 fee units per domestic flight.

(b) Lighting surcharge of twenty-five per centum of the day landing charges shall be levied and payable for all night landing or take-off at scheduled aerodromes equipped with night landing facilities.

(c) Charges for helicopters shall be at fifty per centum of the charges applicable to fixed wing aircraft.

(As amended by S.I. No. 65 of 1987)

THIRD SCHEDULE

(Regulation 6)

Annual landing charge shall be 450 fee units.

FOURTH SCHEDULE

(Regulation 7)

PART I

DAILY RATE OF HANGER CHARGES

CATEGORY I AERODROME

For each tonne or part thereof per twenty-four hours or part thereof:

	..	International	Domestic	
Aircraft Weight	..	Flights	Flights	
(Metric tonne)	..	US Dollars	Fee units	
First 25 tonnes	2.50	4
Next 75 tonnes	3.00	3
Over 100 tonnes	3.50	5

PART II

WEEKLY AND MONTHLY CHARGES

CATEGORY I AERODROME

1. Weekly rate is five times the twenty-four hour charge.
2. Monthly rate is eighteen times the twenty-four hour charge.

NOTE:

Minimum hanger charge shall be-

- (i) US \$25.00 for each international flight; and
- (ii) 38 fee units for each domestic flight.

(As amended by S.I. No. 65 of 1987)

APPENDIX III

(Regulation 9)

FIFTH SCHEDULE

(Regulation 8)

PARKING CHARGES

PART I

CATEGORY I AERODROME

Fees for each tonne or part thereof per hour or part thereof:

	..	International	Domestic	
Aircraft Weight	..	Flights	Flights	
(Metric tonne)	..	US Dollars	Fee units	
First 25 tonnes	.. ..	0.30	2	
Next 75 tonnes	.. ..	0.20	1	
Over 100 tonnes	.. ..	0.10	1	

PART II

CATEGORY II AND III AERODROME

1. Parking fees at Category II aerodromes shall be at the rate of fifty per centum of the charges prescribed for Category I aerodrome.

2. Parking fees at Category III aerodrome shall be at the rate of twenty-five per centum of the charges prescribed for Category I aerodrome.

NOTES:

(a) First three hours after landing shall be free of charge.

(b) Minimum parking charge shall be-

(i) US \$10.00 for each international flight; and

(ii) 13 fee units for each domestic flight.

(As amended by S.I. No. 65 of 1987)

SECTION 34-THE AVIATION (PARKING OF MOTOR VEHICLES AT DESIGNATED AIRPORTS)
REGULATIONS.

Regulations by the Minister Statutory Instrument
7 of 1991
Act No.
13 of 1994

1. These Regulations may be cited as the Aviation (Parking of Motor Vehicle
at Designated Airports) Regulations. Title

2. In these Regulations "Company" means the National Airports Corporation
Limited a Company Limited by shares and registered under the Companies
Act. Interpretation
Cap. 388

3. No person shall park any motor vehicle at a place other than that
specified for that purpose by the Company. Parking of motor vehicles at specified
areas of designated airports

4. (1) Any motor vehicle found at a designated airport parked in a place other
than that specified for the purpose by the Company- Penalties

(a) shall have its wheels clamped or its mobility inhibited in any other
manner; and

(b) may be removed to another area of the designated airport in the interest
of public safety.

(2) Any motor vehicle which has its wheels clamped or its mobility inhibited
under subsection (1) shall be unclamped or allowed to move only on payment of a
fine of three hundred and seventy-five penalty units to the Company.

(3) Any person who obstructs another person empowered to give effect to these
Regulations shall be charged with an offence and liable upon conviction to a
fine not exceeding eighty penalty units or to imprisonment not exceeding one
month or to both.

(As amended by Act No. 13 of 1994)

SECTION 4-THE AVIATION (AIR NAVIGATION FACILITY AND SERVICE CHARGES)
REGULATIONS.

Regulations by the Minister Statutory Instrument
66 of 1987
98 of 1988
150 of 1988

1. These Regulations may be cited as the Aviation (Air Navigation Facility
and Service Charges) Regulations. Title and commencement

2. In these Regulations unless the context otherwise requires- Interpretation
"charge" means the air navigation facility and service charge;

"domestic flight" means a flight which originates and terminates within Zambia without landing at any place outside Zambia;

"international flight" means a flight which originates within Zambia for a destination outside Zambia or which originates outside Zambia and terminates in Zambia or overflies the Lusaka Flight Information Region for a destination outside Zambia;

"weight" means the maximum permissible take-off weight of an aircraft as stated in the certificate of airworthiness or the flight manual of the aircraft.

3. (1) Subject to the provisions of regulations 4 and 5, a charge shall be levied and shall become payable by all aircraft operating within the Lusaka Flight Information Region. Navigation and service charge

(2) The charge shall be divided into two categories according to whether the flight is a domestic flight or an international flight.

4. (1) Unless agreement to the contrary is entered into between the Government of the Republic of Zambia and the government of the aircraft operator's nationality, the charges payable under Part I of the Schedule shall be paid in United States dollars or any other convertible currency, at the rate of exchange last notified by the Bank of Zambia: Calculation of charge

Provided that in the case of locally registered aircraft, the charge shall be paid in kwacha in accordance with Part II of the Schedule.

(2) An application for commuted monthly payment, to be charged at the rate set out in Part II of the Schedule, may be made in respect of any aircraft.

(3) The application for commuted monthly payment shall be made to the Director in writing to reach him at least fourteen days before the date from which the permit is to commence and shall include full details of the operator, the registration marks, type and weight of the aircraft in respect of which the application is made.

(4) If the Director is satisfied that the application has complied with the provisions of this paragraph, he shall, upon payment of the appropriate fee set out in the Schedule, approve the application.

5. No charge shall be charged or become payable in respect of any aircraft-

(a) owned by the Government or proceeding on Government business;

(b) exclusively transporting Heads of State, Heads of Governments or official delegations for an official visit;

(c) belonging to the United Nations Organisation or its specialised agencies;

(d) which, without remuneration, is participating in any search or rescue operation or is undertaking any mission for humanitarian purposes or is rendering any other service to the public;

(e) belonging to the Zambia Defence Force;

(f) if a notice in that behalf is received and acknowledged by the Director at least twenty-four hours before an aircraft undertakes non-commercial

operations related to training or testing navigational instruments or other equipment;

(g) undertaking test flights and flights made exclusively for the purpose of instruction or testing of flight crews;

(h) landing pursuant to instructions given by the Department of Civil Aviation for reasons other than violation of aviation rules;

(i) whose weight is two tonnes or less and is on a domestic flight;

(j) irrespective of its weight is on a domestic flight making a journey of less than forty nautical miles; and

(k) any other flight which the Director of Civil Aviation with the prior consent of the Minister, may exempt.

Exemptions

APPENDIX

(Regulation 2)

SCHEDULE

(Regulation 4)

AIR NAVIGATION FACILITY AND SERVICE CHARGE

PART I

INTERNATIONAL FLIGHTS

The following formula shall be used in calculating the charge:

Distance travelled in km Maximum take-off weight
----- X ----- X 12 USD
100 50

(As amended by S.I. No. 150 of 1988)

PART II

DOMESTIC FLIGHTS

Aircraft weight	Daily	Commuted
(Metric Tonne)	rate	Monthly rate
	Fee units	Fee units
0-2 tonne Free Free

Over 2 tonne but not exceeding 10 tonne	5	90
Over 10 tonne but not exceeding 20 tonne	12	200
Over 20 tonne	24	400

NOTE:

The daily rate will apply to all domestic flights, operated by one chargeable aircraft within a period of twenty-four hours, commencing at 0001 UTC to 2400 UTC the same day.

(As amended by S.I. No. 98 of 1988)

SECTION 5-AVIATION (EMERGENCY POWERS) (AIRCRAFT NAVIGATION CONTROL) NOTICE

Whereas it appears to the Minister necessary and desirable in the public interest to exercise the powers conferred in section five of the Aviation Act:

Now Therefore in exercise of the powers contained in that section, the following Notice is hereby issued: Statutory Instrument
83 of 1986

1. This Notice may be cited as the Aviation (Emergency Powers) (Aircraft Navigation Control) Notice. Title

2. It is hereby declared that for the purpose of section five of the Act-

(a) the areas specified in the First Schedule shall be totally restricted areas;

(b) the areas specified in the Second Schedule shall be prohibited areas;

(c) the areas specified in the Third Schedule shall be partially restricted areas; and

(d) the areas specified in the Fourth Schedule shall be regulated areas. Declaration of restricted, prohibited and regulated areas

3. All the powers set forth in paragraph (b) of subsection (1) of section five of the Act are hereby assigned-

(a) in respect of the areas set out in Part I of the First Schedule, to the Air Commander, Air Headquarters, P.O. Box 31291, Lusaka; and

(b) in respect of the areas set out in Part II of the First Schedule, to the Army Commander, Army Headquarters, Old National Assembly Building, Independence Avenue, Lusaka;

(hereinafter collectively referred to as "the appropriate authority"). Assignment of powers

4. (1) All operators of scheduled commercial flights shall apply to the appropriate authority six months in advance for overflight rights over the area described in the First Schedule. Persons affected to contact appropriate authority

(2) All owners of aerodromes, charter and private aircraft operators or owners of aircraft which are within or likely to enter any area described in the First Schedule shall apply to the appropriate authority for flying clearance at least twenty-four hours in advance of the flight.

5. The Aviation (Emergency Powers) (Aircraft Navigation Control) Notice, 1978, and the Aircraft (Emergency Powers) (Aircraft Navigation Control) Notice, 1980, are hereby revoked. Revocation of S.I. No. 159 of 1978 and S.I. No. 145 of 1980

FIRST SCHEDULE

(Paragraph 2)

Totally Restricted Areas

PART I

Central Province

Lusaka Province

Southern Province

PART II

Western Province

SECOND SCHEDULE

(Paragraph 2)

Prohibited Areas

PROHIBITED AREA NO. 1

LUKANGA

Starting from Lat. 1353S and Lo. 2838E where the powerlines cross the Lukanga River the boundary follows the Lukanga River downstream in a westerly direction to Lat. 1355S and Lo. 2832E, thence in a northerly direction to Lat. 1359S and Lo. 2831E, thence in an easterly direction on Lat. 1359S to Lo. 2837E a point east of the powerlines, thence in a southerly direction to Lat. 1353S and Lo. 2838E where the powerlines cross the Lukanga River the point of starting. Total prohibition at all times from ground to flight level one seven zero (FL 170).

PROHIBITED AREA NO. 2

STATE HOUSE, LUSAKA

Centred at State House on Lat. 152542S and Lo. 281942E at a radius of 1/2 nautical mile. Lower and upper level from ground to 6,000 feet above sea level. Total prohibition at all times.

PROHIBITED AREA NO. 3

MBALA

Starting from Lat. 092320S and Lo. 301720E Shipalala Village, the area boundary is a straight line in a north-easterly direction to a point on the Zambia-Tanzania International boundary on Lat. 0832S and Lo. 3059E, thence the boundary follows the Zambia-Tanzania International boundary in a south-easterly direction to a point on Lat. 0902S and Lo. 3157E south-east of Mukusa Hills, thence in a straight south-easterly direction line to a point on the Kasama-Mbala Road on Lat. 0927S and Lo. 3113E, thence in a south-westerly direction following Road D19 to Chipalala Village the point of starting. Total prohibition at all times.

PROHIBITED AREA NO. 4

MUMBWA

Starting from Lat. 1500S and Lo. 2600E Chunga Valley, the boundary follows the Kafue River upstream to Lufupa Rest Camp on Lat. 1436S and Lo. 261130E, thence upstream the Kafue River to its confluence with the Lunga River at Lat. 14345 and Lo. 262550E, thence upstream the Lunga River in a northerly direction to a point on Lat. 1400S and Lo. 262030E, thence the boundary goes in a straight easterly direction on Lat. 1400S to Lo. 2710E, thence in a southerly straight line to a point on Lat. 144330S and Lo. 2723E, thence in a straight south-easterly direction line to a point on Lat. 1448S and Lo. 2730E, thence southwards along Lo. 2730E to Lat. 1521S, thence following an areas of 25 nautical miles radius centred at Mumbwa Military Aerodrome to a point on Lat. 1458S and Lo. 264630E Mongu Road M9, thence westwards following Road M9 to its junction with the Chunga Ferry branch off road, then following the Chunga Ferry branch off road to Chunga Ferry Lat. 1500S and Lo. 2600E the point of starting. Total prohibition at all times.

PROHIBITED AREA NO. 21

MULUNGUSHI DAM

All that piece of land centred at Lat. 1428S and Lo. 2849E, at a radius of 5 nautical miles. Total prohibition at all times from ground to flight level one zero zero (FL. 100).

PROHIBITED AREAS NO. 22

MUKOBEKO MAXIMUM PRISON

All that piece of land centred at Lat. 1422S and Lo. 2824E, at a radius of 2 nautical miles. Total prohibition at all times from ground to 6,000 feet above mean sea level.

PROHIBITED AREA NO. 25

LUSAKA SOUTH-EAST

Centred at Lat. 153400S and Lo. 283700E at a radius of 5 nautical miles circle, the area lies 17 nautical miles south-east of Lusaka International Airport. Total prohibition at all times from ground to flight level one seven zero (FL. 170).

PROHIBITED AREA NO. 28

LUSAKA CITY

Starting from Lat. 152112S and Lo. 281235E the area boundary follows a straight line to Lat. 152400S and Lo. 281220E, thence a straight line to Lat. 152400S and Lo. 281400E, thence a straight line to Lat. 152910S and Lo. 282910E, thence a straight line to Lat. 152215S and Lo. 283000E, thence a straight line to Lat. 152112S and Lo. 281235E the point of starting. Total prohibition at all times from ground to all flight levels.

THIRD SCHEDULE

(Paragraph 2)

Partially Restricted Areas

RESTRICTED AREA NO. 5

KAFUE NATIONAL PARK

Starting at Lat. 1410S and Lo. 2540E, the boundary line goes eastwards on Lat. 1410S to Lo. 2635E, thence in a south-easterly straight line to a point on Lat. 1500S and Lo. 2645E, thence in a straight westerly direction line on Lat. 1500S to Lo. 2600E, thence in a straight southerly direction line to Lat. 1640S and Lo. 2605E, thence in a westerly direction to a point along Lat. 1640S and Lo. 2550E, thence in north-westerly direction to a point on Lat. 1550S and Lo. 2505E, thence the boundary goes in a north-westerly direction to Lat. 1410S and Lo. 2540E, the point of starting. No person other than a park officer or servant, shall, without special Ministerial permission, fly by aircraft over any part in such a manner as to alarm game or land and take off in the park by aircraft. This does not apply to aircraft landing or taking off from airfields within the park. Restriction is from ground to 1,500 feet above ground level.

RESTRICTED AREA NO. 6

KARIBA GORGE

All that area centred at Lat. 1631S and Lo. 2846E at a radius of 1 nautical mile from ground to 1,500 feet above mean sea level.

RESTRICTED AREA NO. 7

LAVUSHI MANDA

Starting at a point on Lat. 1200S and Lo. 3045E, the boundary line proceeds in a south-easterly direction to a point on Lat. 1210S and Lo. 3105E, the boundary projects in a south westerly direction to a point Lat. 1240S and Lo. 3040E, thence in a straight line north-west to Lat. 1220S and Lo. 3040E, thence in a north-easterly direction to Lat. 1200S and Lo. 3045E the point of starting. Game Reserve, from ground to 1,500 feet above ground level. No person other than a park officer or servant shall, without special Ministerial permission, fly by aircraft over any part in such a manner as to alarm game, or land or take off in the park by aircraft. This does not apply to aircraft taking off and landing at airfields in this restricted area.

RESTRICTED AREA NO. 8

LUNGA

Starting at a point on Lat. 1230S and Lo. 2430E, the boundary line proceeds east-wards on Lat. 1230S to a point on Lo. 2455E, thence in a south-easterly direction straight line to a point on Lat. 1300S and Lo. 2505E, thence in a south-westerly direction to a point on Lat. 1310S and Lo. 2435E, thence in a north-westerly direction to Lat. 1230S and Lo. 2430E the point of starting. Game Reserve, from ground to 1,500 feet above ground level. No person other than a park officer or servant shall, without special Ministerial permission, fly by aircraft over any part in such a manner as to alarm game, or land or take off in the park by aircraft. This does not apply to aircraft taking off and landing at airfields in this restricted area.

RESTRICTED AREA NO. 9

MWERU MARSH

Starting at a point on Lat. 0825S and Lo. 2915E, the boundary proceeds in an easterly direction to a point on Lat. 0820S and Lo. 3000E, thence in a straight line southwards on Lo. 3000E to Lat. 0900S, thence westwards on Lat. 0900S to Lo. 2915E, thence in a straight line northwards on Lo. 2915E to Lat. 0825S, the point of starting. Game Reserve, from ground to 1,500 feet above ground level. No person other than a park officer or servant shall, without special Ministerial permission, fly by aircraft over any part in such a manner as to alarm game, or land or take off in the park by aircraft. This does not apply to aircraft taking off and landing at airfields in this restricted area.

RESTRICTED AREA NO. 10

VICTORIA FALLS BRIDGE

All that piece of land centered on Lat. 1755S and Lo. 2551E at a radius of 1 nautical mile. Restriction is from ground to 1,500 feet above ground level. Information on traffic circling Victoria Falls must be obtained from Living-stone approach.

RESTRICTED AREA NO. 11

BANGWEULU SWAMPS

Starting at a point on Lat. 1200S and Lo. 2935E, the boundary is a straight north-west line to Lat. 1052S and Lo. 2930E, thence in a straight north-easterly direction line to Lat. 1038S and Lo. 2950E, thence in south-easterly direction line to Lat. 1110S and Lo. 3030E, thence in a southerly direction following Lo. 3030E to Lat. 1150S, thence on a south-west straight line to Lat. 1200S and Lo. 2935E, the point of starting. Restriction applies only to single engined aircraft. Area difficult for search and rescue. From ground to flight level nine five (FL 95).

RESTRICTED AREA NO. 12

LUANGWA VALLEY NORTH

Starting at a point on Lat. 1022S and Lo. 3237E, the boundary line proceeds south-eastwards to Lat. 1052S and Lo. 3309E, thence in a southerly direction

line to Lat. 1223S and Lo. 3304E, thence in a south-westerly straight line to Lat. 1305S and Lo. 3245E, thence in a straight line south-westerly to Lat. 1320S and Lo. 3223E, thence in a north-westerly direction line to Lat. 1300S and Lo. 3149E, thence in a south-west straight line to Lat 130430S and Lo. 3058E, thence in a north-easterly straight line to Lat. 1112E and Lo. 3200E, thence in a north, north-easterly straight line to Lat. 1022S and Lo. 3237E the point of starting. Restriction is from ground to 1,500 feet above ground. No aircraft shall fly below 1,500 feet above ground or in such a manner as to alarm game, unless landing or taking off at an airfield in the area.

RESTRICTED AREA NO. 13

LUANGWA GAME PARK (SOUTH)

Starting at a point on Lat. 1434S and Lo. 3000E, the boundary line proceeds in a straight line to Lat. 1314S and Lo. 3051E, thence in a straight line to a point on Lat. 1304S and Lo. 3058E, thence in a straight line to a point on Lat. 1300S and Lo. 3149E, thence in a straight line to a point on Lat. 1320S and Lo. 3223E, thence in a straight line to Lat. 1434S and Lo. 3000E, the point of starting. Restriction is from ground to 1,500 feet above ground. No aircraft shall fly below 1,500 feet above ground or in such a manner as to alarm game, unless landing or taking off at an airfield in the area.

RESTRICTED AREA NO. 14

LUKANGA SWAMP

Starting as a point on Lat. 140730S and Lo. 272230E, the boundary proceeds eastwards on Lat. 140730S to Lo. 275650E, thence in a straight line south-eastwards to Lat. 1435S, and Lo. 2805E, thence in a straight westerly direction line to Lat. 1433S and Lo. 2734E, thence the direction line proceeds north-westwards to Lat. 140730S and Lo. 272230E the point of starting. Area difficult for search and rescue. Restriction applies only to single engined aircraft. However a ten (10NM) nautical mile wide corridor is available for single engined aircraft.

RESTRICTED AREA NO. 24

LOWER ZAMBEZI GAME PARK

Starting at a point on Lat. 1510S and Lo. 2919E the boundary proceeds in a straight line to a point on Lat. 1510S and Lo. 301230E, thence in a straight line to a point on Lat. 153900S and Lo. 301230E, thence following the Zambezi River upstream to a point on Lat. 151500S and Lo. 291600E, thence to a point on Lat. 1510S and Lo. 2919E, the point of starting. Restriction is from ground to 1,500 feet above ground. No aircraft shall fly below 1,500 feet above ground or in such a manner as to alarm game, unless landing or taking off at an airfield in the area.

FOURTH SCHEDULE

(Paragraph 2)

Regulated Areas

DANGER AREA NO. 16

COPPERBELT TRAINING AREA

Starting at Lat. 1230S and Lo. 2730E, the boundary line proceeds eastwards on Lat. 1230S to Lo. 2750E, thence in a straight line southwards on Lo. 2750E to Lat. 1248S, thence in a south-westerly direction line to Lat. 1307S and Lo. 2746E, thence westwards on Lat. 1307S to Lo. 2730E, thence northwards on Lo. 2730E to Lat. 1230S the point of starting. Danger is from ground to flight level seven zero (FL 70). Area for flying training and sliding and this takes place from sunrise to sunset.

DANGER AREA NO. 18

LIVINGSTONE

Starting at Lat. 1751S and Lo. 2530E, the boundary line proceeds northwards on Lo. 2530E to Lat. 1730S, thence the line proceeds westwards on Lat. 1730S to Lo. 2500E, thence southwards on Lo. 2500E to the Zambezi River, thence downstream the Zambezi River to Lat. 1751S and Lo. 2530E, the point of starting. Danger is from ground to flight level six five (FL 65). Flying training will take place from sunrise to sunset.

DANGER AREA NO. 19

NDOLA

Centered at Lat. 1304S and Lo. 2845E at a radius of 3 nautical miles circle, the area lies 7 nautical miles south-east of Ndola Airport. Danger is from ground to flight level one seven zero (FL 170). 24 hours notice will be given by NOTAM class one. Air Traffic Control will give routing instructions to IFR flights when area is active.

DANGER AREA NO. 20

LUSAKA SOUTH-WEST

Starting at Lat. 1518S and Lo. 274650E the confluence of Kabile and Mwembeshi Rivers, the boundary line proceeds south-eastwards to Lat. 1525S and Lo. 2800E, thence the boundary line proceeds southwards on Lo. 2800E to Lat. 1543S on the Kafue River, thence upstream the Kafue River to Lat. 153930S and Lo. 274730E the confluence of the Kafue and Mwembeshi Rivers, thence upstream the Mwembeshi River to its confluence with the the Kabile River Lat. 1518S and Lo. 274650E, the point of starting. Danger is from ground to flight level seven zero (FL 70). Flying training will take place from sunrise to sunset.

DANGER AREA NO. 23

MUMBWA EAST

Starting at a point on Lat. 144800S and Lo. 273000E, the boundary line proceeds in a straight line to Lat. 145400S and Lo. 274600E, thence in a straight line to a point on Lat. 152030S and Lo. 275550E, thence in a straight line to a point on Lat. 152900S and Lo. 271700E, thence following eastern boundary along P4 to a point on Lat. 144800S and Lo. 273000E, the point of starting. Danger is from the ground to unlimited flight levels the area being a military flying training area. Air Traffic Control will give routing instructions to IFR flights.

DANGER AREA NO. 27

NCHANGA OPEN PIT

Centred at a point on Lat. 123030S and Lo. 275730E at a radius of one (1 NM) nautical mile being an area where blasting of rock takes place between sunrise and sunset. Danger is from ground to flight level 6,000 feet above mean sea level.

REPUBLIC OF ZAMBIA

THE SAFETY OF CIVIL AVIATION ACT

CHAPTER 445 OF THE LAWS OF ZAMBIA

CHAPTER 445 SAFETY OF CIVIL AVIATION ACTCHAPTER 445

SAFETY OF CIVIL AVIATION ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Aircraft in flight
4. Aircraft in service
5. Territorial limits
6. Country of registration
7. Offences in flight
8. Offences in service and endangering safety
9. Penalty
10. Provisions as to extradition
11. Duties of commander
12. Powers of commander of aircraft
13. Assistance with restraint
14. Emergency measures
15. Disembarking person
16. Report to authorities

17. Termination of restraint
18. Continuation of restraint
19. Duty of authority taking custody
20. Jurisdiction of High Court
21. Deemed registration
22. Application of criminal law to aircraft
23. Consent of Director of Public Prosecutions
24. Jurisdiction
25. Certification of convention country
26. Evidence of offence on aircraft
27. Offences
28. Reporting offences

CHAPTER 445

SAFETY OF CIVIL AVIATION Act No.
18 of 1989.
13 of 1994

An Act to make provision for offences in relation to the hijacking of aircraft and for offences which endanger the safety of aircraft in flight and to provide for matters connected with or incidental to the foregoing.

[18th August, 1989

1. This Act may be cited as the Safety of Civil Aviation Act. Short title
2. (1) In this Act, unless the context otherwise requires-

"aircraft" means any aircraft, whether or not a Zambian controlled aircraft, other than an aircraft used in military, customs or police services;

"commander" in relation to an aircraft means the member of the crew designated as commander of the aircraft by the operator of it, or failing that person, the person who for the time being is the pilot in command of the aircraft;

"Contracting State" means a State that is a member of the International Civil Aviation Organisation under the 1944 Chicago Convention;

"Convention country" means a country in which the Hague Convention or the Montreal Convention or both is for the time being in force;

"Hague Convention" means the Convention for the Suppression of Unlawful Seizure of Aircraft signed at the Hague on the 16th December, 1970.

"Intelligence" means information, and the results of analysis, integration or interpretation of information, relating to-

- (a) civil aviation security;
- (b) the prevention of security violations from occurring; and
- (c) any security violation that is in progress:

"Montreal Convention" means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on the 23rd September, 1971;

"military aircraft" includes any naval, military or air force aircraft and any aircraft commanded by a person in naval, military or air force service, detailed to command such aircraft;

"operator" in relation to any aircraft means the person who at that time has the management of the aircraft;

"pilot in command", in relation to an aircraft, means the person who for the time being, is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

"sabotage" means an act, or a deliberate omission intended to cause malicious or wanton destruction of property, which may endanger or result in unlawful interference with international civil aviation and its facilities;

"Zambian-controlled aircraft" means an aircraft-

- (a) which is for the time being registered in Zambia; or
- (b) which is not for the time being registered in any country but either the operator of the aircraft; or each person entitled as owner to any legal or beneficial interest in it, satisfies the following requirements:
 - (i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in Zambia; and
 - (ii) that he resides or has his principal place of business in Zambia; or
- (c) which, although registered in some other country, is for the time being chartered, leased or otherwise demised to a person or persons each of whom satisfies the requirements referred to in paragraph (b). Interpretation

3. For the purpose of this Act the period during which an aircraft is in flight shall be deemed to include-

- (a) any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run at the termination of the flight ends; and
- (b) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and

(c) if the aircraft makes a forced landing, any period thereafter until the time the competent authorities of the country, in which the forced landing takes place, take over the responsibility for the aircraft and for the persons and property on board the aircraft. Aircraft in flight

4. An aircraft shall be deemed to be in service from the beginning of the pre-flight preparation of the aircraft by ground personnel and by the crew for a specific flight until twenty-four hours after any flight. Aircraft in service

5. In this Act, except where the context otherwise requires any reference to a country or the territorial limits of that country shall be construed as including the territorial waters, if any, of the country and any part of a flight which is on or over the surface of the sea or land but not within the territorial limits of any country. Territorial limits

6. Where an airline, or air transport organisation, operator or other agency operates an aircraft between two or more countries it shall-

(a) designate for each aircraft, the country among them which shall exercise the jurisdiction and have the attributes of the country of registration for that aircraft; and

(b) give notice of the designation to the International Civil Aviation Organisation, which shall communicate the notice to all countries which are parties to the Hague Convention, or the Montreal Convention. Country of registration

7. Any person who, on board an aircraft in flight-

(a) unlawfully, by force or threat or by any other form of intimidation, seizes or exercises control of that aircraft or attempts to perform any such act; or

(b) is an accomplice of a person who performs or attempts to perform any such act;

(c) performs an act of violence against any person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft:

shall be guilty of an offence. Offences in flight

8. Any person who-

(a) causes damage to an aircraft in service or which is likely to endanger its safety in flight;

(b) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to damage or destroy that aircraft, or endanger its safety in flight;

(c) does any act to an aircraft which is likely to endanger its safety in flight;

(d) destroys or damages air navigation facilities or interferes with their operation, if that act is likely to endanger the safety of an aircraft in flight;

(e) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight; or

(f) aids, abets or is an accomplice of a person who performs or attempts to perform any of the foregoing acts;

shall be guilty of an offence; Offences in service and endangering safety

9. Any person convicted of an offence under sections seven or eight shall be liable to imprisonment for a minimum term of not less than fifteen years and up to a maximum term of life imprisonment. Penalty

10. (1) For the purpose of the application of the Extradition Act to a crime committed on board an aircraft in flight, any aircraft registered in a convention country shall at any time while that aircraft is in flight be deemed to be within the jurisdiction of that country whether or not it is for the time being also within the jurisdiction of any other country. Provisions as to Extradition Act, Cap. 94

(2) The Extradition Act shall apply, in so far as it can be made applicable, to any offence committed under this Act. Cap. 94

11. The Commander of an aircraft shall take all measures he considers reasonable-

(a) to protect the safety of the aircraft and of persons and property on board the aircraft; and

(b) to maintain good order and discipline on board the aircraft. Duties of commander

12. If the commander of an aircraft in flight is of the opinion that any person on board the aircraft-

(a) has done or is about to do any act on the aircraft while it is in flight which appears likely to jeopardise- Powers of commander of aircraft

(i) the safety of the aircraft or of persons or property on board the aircraft; or

(ii) good order and discipline on board the aircraft; or

(b) has done any Act on the aircraft while in flight which, in the opinion of the commander, is a serious offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious description; the commander may take with respect to that person such measures, including restraint of his person as the Commander considers to be reasonable.

13. Any member of the crew of an aircraft who is authorised or requested by the commander of the aircraft, to do so shall render assistance in restraining any person whom the Commander considers should be restrained. Assistance with restraint

14. At any time when the aircraft is in flight any member of the crew or any other person, if he has reasonable grounds to believe that measures are

emergently and immediately necessary for protection of the safety of the aircraft or of any person or property on board the aircraft, may take any necessary measures including restraint of any person prior to obtaining the authority of the Commander. Emergency measures

15. The commander of an aircraft may disembark any person on board that aircraft in any country in which that aircraft may be, if he believes it is necessary to do so in order to-

(a) protect the safety of the aircraft or of persons or property on board the aircraft; or

(b) maintain good order and discipline on board the aircraft. Disembarking person

16. (1) Before the commander of an aircraft disembarks any person under section fifteen, he shall report his intention and his reasons for doing so to a police officer or any immigration officer in the country of disembarkation. Report to authorities

(2) After compliance with subsection (1), the commander of the aircraft may deliver that person into the custody of a police officer or an immigration officer.

17. Any restraint imposed on any person on board and aircraft under sections twelve, thirteen or fourteen shall not be continued after the time when the aircraft first ceases to be in flight unless, before or as soon as is reasonably practicable after that time, the Commander of the aircraft has reported his intention to disembark that person under to section sixteen. Termination of restraint

18. Any restraint imposed on any person under this Act may be continued after the Commander has reported his intention pursuant to section sixteen-

(a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able, with any requisite consent of police or immigration authorities, to disembark or deliver the person under restraint; or

(b) if the person under restraint agrees to continue his journey under restraint on board that aircraft. Continuation of restraint

19. Any police officer or immigration officer who takes custody of any person disembarked by the commander of an aircraft shall-

(a) notify the appropriate diplomatic or consular officers of the country of nationality of the person so disembarked as soon as is reasonably possible; and

(b) keep the person so disembarked in custody until criminal or extradition proceedings have been instituted. Duty of authority taking custody

20. (1) The High Court shall have jurisdiction over any offence committed on board an aircraft in the following circumstances: Jurisdiction of High Court

(a) where the offence is committed on board an aircraft that is registered in Zambia;

(b) where the aircraft on board which the offence is committed lands in Zambia with the alleged offender on board the aircraft; or

(c) where the offence is committed on board an aircraft that has been leased without crew to a lessee who has his principal place of business in Zambia or, if the lessee has no such place of business is permanently resident in Zambia.

(2) Nothing in this section shall exclude the exercise by the High Court of any criminal jurisdiction in accordance with any other law.

21. Any Zambian controlled aircraft shall be deemed to be registered in Zambia whether or not it is, in fact, so registered and whether or not it is, in fact registered in some other country. Deemed registration

22. (1) Any Act or omission taking place on board a Zambian controlled aircraft while in flight elsewhere than in or over Zambia which, if taking place in Zambia, would constitute an offence under the law in force in Zambia, shall constitute that offence. Application of criminal law to aircraft

(2) Subsection (1) shall apply to any act or omission which is expressly or impliedly authorised by or under that law if it takes place outside Zambia.

23. (1) No proceedings for any offence under the law in force in Zambia which was committed on board an aircraft while in flight elsewhere than in or over Zambia, other than an offence under the Aviation Act, shall be instituted in Zambia except by or with the consent of the Director of Public Prosecutions. Consent of Director of Public Prosecutions
Cap. 444

(2) Subsection (1) shall not prevent the arrest, or the issue of a warrant of arrest, of any person in respect of any offence or the remand in custody or the release on bail of any person charged with any offence.

24. For the purpose of conferring jurisdiction and notwithstanding anything contained to the contrary in any other written law, any offence under the law in force in Zambia committed on board an aircraft in flight shall be deemed to have been committed in any place in Zambia where the offender may be for the time being. Jurisdiction

25. The Minister may, by statutory instrument, certify that any country specified in that instrument is a convention country, and that statutory instrument shall be conclusive evidence that the country in question is a convention country. Certification convention country

26. (1) Where in any proceedings before a court in Zambia for an offence committed on board an aircraft, the testimony of any person is required and the court is satisfied that the person in question cannot be found in Zambia, there shall be admissible in evidence, before that court, any deposition relating to the subject-matter of those proceedings previously made on oath by that person outside Zambia which was so made. Evidence of offence on aircraft

(a) in the presence of the person charged with the offence; and

(b) before a judge or magistrate of the country before whom the deposition was made, or before a consular officer of the Republic of Zambia.

(2) Any deposition made under subsection (1) shall be authenticated by the

signature of the judge, magistrate or consular officer before whom it was made, who shall certify that the person charged with the offence was present at the taking of the deposition.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing to have authenticated any deposition or to have given any certificate, and, unless the contrary is proved, the certificate shall be sufficient evidence in any proceedings that the person charged with the offence was present at the making of the deposition.

27. Any commander of an aircraft who, without reasonable cause, fails to comply with section sixteen and, any police officer or immigration officer who without reasonable cause, fails to comply with section nineteen shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred penalty units or to imprisonment for a term not exceeding six months or to both.

(As amended by Act No. 13 of 1994)Offence

28. The Director of Public Prosecutions shall report to the Council of the International Civil Aviation Organisation, as soon as is reasonably possible, any relevant information that Zambia may have concerning-

(a) the circumstances of any alleged offence under this Act; and

(b) any measures taken in relation to an offender or alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

Reporting offences

REPUBLIC OF ZAMBIA

THE AIR SERVICES ACT

CHAPTER 446 OF THE LAWS OF ZAMBIA

CHAPTER 446 THE AIR SERVICES ACTCHAPTER 446

THE AIR SERVICES ACT

ARRANGEMENT OF SECTIONS

PART I PRELIMINARYPART I

PRELIMINARY

Section

1. Short title
2. Interpretation
3. Application
4. Air services to be provided in accordance with permits

PART II ISSUE, RENEWAL TRANSFER AND AMENDMENT OF PERMITSPART II

ISSUE, RENEWAL TRANSFER AND AMENDMENT OF PERMITS

5. Applications
6. Applications to be published and open to inspection
7. Objections
8. Reference of applications to tribunal
9. Tribunals
10. Inquiries
11. Matters tribunal must consider
12. Procedure after inquiry
13. Applications with no objections
14. Copies of permits open to inspection
15. Temporary and provisional permits

PART III REVOCATION, SUSPENSION AND VARIATION OF PERMITS

REVOCATION, SUSPENSION AND VARIATION OF PERMITS

16. Revocation, suspension and variation of permits: inquiries
17. Inquiries for purposes of section 16
18. Procedure after inquiry

PART IV MISCELLANEOUS

MISCELLANEOUS

Section

19. Permits to continue in force if application made for renewal
20. Prescribed fees
- 20A Regulations
21. Offences and penalties

CHAPTER 743

AIR SERVICES

An Act to provide for the regulation of services performed in Zambia by means of aircraft; and to provide for matters incidental thereto.

[1st January, 1964]8 of 1964

Government Notices

301 of 1964

497 of 1964

Statutory Instruments

153 of 1965

301 of 1967

26 of 1979

13 of 1994

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Air Services Act.Short title

2. (1) In this Act, unless the context otherwise requires-

"air service"-

(a) means a service performed by means of an aircraft for payment or material advantage on one or more occasions; and

(b) includes a service for the carriage of passengers or cargo performed by means of a vehicle, other than an aircraft, which-

(i) is ancillary to and directly connected with a service referred to in paragraph (a); and

(ii) is declared by the Minister, by statutory notice, to be an air service for the purpose of any or all of the provisions of this Act;

"application" means an application for the issue, renewal, transfer or amendment of a permit, as the case may be;

"aviation law" means the Aviation Act or any enactment substituted therefor;

"contracting State"-

(a) in relation to the International Agreement, means a State which is a contracting party to the International Agreement; and

(b) in relation to the International Convention, means a State which is a contracting party to the International Convention;

"Corporation" means the Central African Airways Corporation constituted by the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963;

"International Agreement" means the International Air Services Transit Agreement signed at Chicago in the United States of America on the 7th December, 1944, or any other international agreement amending that Agreement or substituted for that Agreement to which the Government may be a party;

"International Convention" means the Convention on International Aviation signed at Chicago in the United States of America on the 7th December, 1944, or any other international convention amending that Convention or substituted for that Convention to which the Government may be a party;

"objection" means an objection to an application;

"permit" means a permit authorising the holder to provide an air service to, from or within Zambia;

"tribunal" means a tribunal as described in section nine. Interpretation
Cap. 444
App. 1

(2) A person who lets out on hire, with or without pilot or crew, an aircraft which is registered in Zambia in terms of the aviation law shall, for the purposes of this Act, be deemed to be providing an air service to, from or within Zambia.

(As amended by S.I. No. 301 of 1967)

3. The provisions of this Act shall not apply in relation to-

(a) an aircraft of a contracting State which, in the exercise of the privileges conferred by section 1 of the International Agreement-Application

(i) flies across Zambia without landing; or

(ii) lands in Zambia for non-traffic purposes; in accordance with the provisions of the International Agreement;

(b) an aircraft of a contracting State which, in the exercise of the right conferred by Article 5 of the International Convention, makes a flight into or in transit non-stop across or a stop in Zambia in accordance with the provisions of the International Convention;

(c) an aircraft of any country which, in the exercise of a right conferred by treaty or agreement to which the Government is a party, makes a flight into or in transit non-stop across or a stop in Zambia in accordance with the provisions of that treaty or agreement; or

(d) an aircraft used for the provision of an air service to, from or within Zambia by such persons for such purposes and in accordance with such conditions as the Minister may determine.

(As amended by S.I. No. 153 of 1965
and S.I. No. 301 of 1967)

4. No person shall provide an air service to, from or within Zambia-

(a) otherwise than in accordance with the conditions of a permit issued by the Minister; or

(b) whilst the permit authorising the provision of the air service is suspended.

(As amended by S.I. No. 301 of 1967) Air services to be provided in accordance

with permits

PART II ISSUE, RENEWAL, TRANSFER AND AMENDMENT OF PERMITS PART II

ISSUE, RENEWAL, TRANSFER AND AMENDMENT OF PERMITS

5. (1) An application shall be made to the Minister in such manner as the Minister may direct. Applications

(2) An applicant for the issue of a permit shall-

(a) state in his application-

(i) the particulars of the air service to be provided;

(ii) the proposed areas and routes of operation;

(iii) the numbers and types of aircraft to be used; and

(iv) the tariffs to be charged; and

(b) supply thereafter such other information in connection with his application as the Minister may require.

(3) An applicant for the renewal, transfer or amendment of a permit shall-

(a) state in his application-

(i) the particulars of the permit to be renewed, transferred or amended; and

(ii) the period of renewal or, as the case may be, the nature of the transfer or amendment; and

(b) supply thereafter such further information in connection with his application as the Minister may require.

(As amended by S.I. No. 301 of 1967)

6. (1) An applicant shall, unless he applies for the issue of a temporary or provisional permit in terms of section fifteen, publish at his own expense particulars of his application in accordance with the directions of the Minister. Applications to be published and open to inspection

(2) An application, other than an application for the issue of a temporary or provisional permit in terms of section fifteen, and any information supplied in connection with the application, other than information of a confidential nature that has been specifically called for by the Minister, shall be open to inspection by persons providing air services to, from or within Zambia at the offices of the Ministry of Transport and Communications during the period of twenty-one days beginning on the date of the publication referred to in subsection (1).

(3) During such period the Minister shall, in respect of any application to provide an air service to, from or within Zambia, consult with the Director of Civil Aviation appointed in terms of the aviation law, in respect of all matters relevant to the application which lie within his responsibility.

(As amended by S.I. No. 301 of 1967)

7. (1) A person shall not be qualified to object to an application unless he is a person providing an air service to, from or within Zambia. Objections

(2) An objection to the issue, renewal, transfer or amendment of a permit shall be made and notice of the objection given to the Minister in such manner as the Minister may direct, within twenty-eight days after the publication of the particulars of the application.

(3) No objection to an application shall be valid if-

(a) the objection does not relate to one or more of the matters specified in section eleven;

(b) the objection is frivolous or vexatious; or

(c) the objection is not made or notice of the objection is not given in accordance with the provisions of subsection (2).

(As amended by S.I. No. 153 of 1965 and S.I. No. 301 of 1967)

8. As soon as may be after the expiration of the period of twenty-eight days referred to in subsection (2) of section seven, the Minister-

(a) shall, if an objection has been made; or

(b) may, if an objection has not been made;

refer the matter to be dealt with by a tribunal.

(As amended by S.I. No. 301 of 1967) Reference of applications to tribunal

9. (1) A tribunal shall consist of an officer in the public service nominated by the Minister and such assessors, if any, as may be appointed by the Minister. Tribunals

(2) Any such tribunal may be appointed generally for any period or periods, or specially for the purpose of dealing with a particular application.

(3) The powers, rights and privileges of a tribunal in an inquiry shall be the same as those conferred upon commissioners by the Inquiries Act, and the provisions of sections seven, thirteen, fourteen and seventeen of that Act shall, mutatis mutandis, apply in respect of a tribunal. Cap. 42

(4) Assessors shall be entitled to such allowances as the Minister, with the approval of the Minister responsible for finance, may determine.

(As amended by S.I. No. 153 of 1965 and S.I. No. 301 of 1967)

10. (1) The Minister shall give to the applicant and any objector not less than fourteen days' notice of the date and place at which any inquiry is to be held. Inquiries

(2) At any inquiry the applicant and any objector may appear in person or be represented and appear by a legal practitioner.

(3) The applicant or an objector shall have the right at any inquiry to make representations in support of the application or the objection, as the case may be.

(As amended by S.I. No. 301 of 1967)

11. In any inquiry a tribunal shall have regard to-

(a) whether the grant or refusal of an application is expedient in the public interest;

(b) the need for air services in the area to be served by the proposed air service;

(c) the existence and efficiency of air services serving the routes or the areas in or through which the proposed air service is to be provided;

(d) any uneconomic duplication or uneconomic overlapping of air services which the proposed air service might cause;

(e) the financial resources of the applicant and-Matters tribunal must consider

ii(i) if the application is for the issue of a permit, the likelihood of his being able to provide an air service which is satisfactory from the point of view of safety, regularity, frequency of operation, reasonableness of charges and general efficiency; or

i(ii) if the application is for the renewal or amendment of a permit, whether or not the applicant's existing air service is satisfactory from the point of view of safety, regularity, frequency of operation, reasonableness of charges and general efficiency;

(f) whether or not the aircraft proposed to be used and the air service proposed to be provided are suited to the airports and the airport facilities to be used in conjunction with the proposed air service;

(g) any objection to the application;

(h) any other matter which, in the opinion of the tribunal, is relevant to the application; and

(i) any views on the application expressed by the Director of Civil Aviation appointed in terms of the aviation law;

(j) any obligation imposed upon the Government by international agreement or treaty.

(As amended by S.I. No. 301 of 1967)

12. (1) As soon as may be after the conclusion of an inquiry the tribunal shall submit a report thereon, together with its recommendations, to the Minister. Procedure after inquiry

(2) The Minister may, without reference to the applicant or any objector-

(a) grant the application, subject to such conditions, if any, to be inserted

in the permit, and for such period, as the Minister may think fit;

(b) reject the application; or

(c) refer the application back to the tribunal with such instructions, with which the tribunal shall comply, as to the reopening of the inquiry and the further proceedings to be had in connection with the application, as the Minister may think fit.

(3) In coming to a decision in terms of subsection (2), the Minister-

(a) shall have regard to the report on the proceedings of the inquiry and to the advice and recommendations of the tribunal; and

(b) may have regard to such other information and considerations as the Minister considers relevant.

(4) No report or recommendations submitted by a tribunal in terms of subsection (1) shall be open to inspection by the applicant or any objector.

(As amended by S.I. No. 301 of 1967)

13. As soon as may be after the expiration of the period of twenty-eight days referred to in subsection (2) of section seven, the Minister shall, in the case of an application to which no objection has been made and which has not been referred to a tribunal in terms of section eight, grant the application subject to such conditions, if any, to be inserted in the permit, and for such period as the Minister may direct.

(As amended by S.I. No. 301 of 1967)Applications with no objections

14. Copies of all permits shall be kept at the offices of the Ministry of Transport and Communication, and shall be open to inspection by any applicant or person providing an air service to, from or within Zambia.

(As amended by S.I. No. 301 of 1967)Copies of permits open to inspection

15. Notwithstanding anything to the contrary in this Act, an applicant may apply for and the Minister may issue-

(a) a temporary permit valid for a period not exceeding twenty-one days; or

(b) a provisional permit valid pending the publication and determination of an application;

subject to such conditions to be inserted in the permit as the Minister may consider expedient in the public interest.

(As amended by S.I. No. 301 of 1967)Temporary and provisional permits

PART III REVOCATION, SUSPENSION AND VARIATION OF PERMITS

REVOCATION, SUSPENSION AND VARIATION OF PERMITS

16. (1) If at any time the Minister believes that-Revocation, suspension and variation of permits: inquiries

(a) the holder of a permit has failed to comply with a condition of the permit; or

(b) the holder of a permit, his servant or agent, has been convicted of an offence against the aviation law or any enactment relating to aviation, air navigation or air services or any other offence, wherever committed, of such a nature as, in the opinion of the Minister, makes him no longer a fit or proper person to provide or assist in providing, as the case may be, the air service to which the permit relates; or

(c) it would be expedient in the public interest to revoke, suspend or vary a permit;

the Minister shall-

(i) refer the matter to a tribunal for inquiry into and advice upon the circumstances; and

(ii) give to the holder of the permit written notice of such reference and the reasons therefor.

(2) If the Minister considers it expedient in the public interest, he may, notwithstanding the provisions of sub-section (1), suspend a permit pending inquiry and report by a tribunal.

(As amended by S.I. No. 301 of 1967)

17. (1) The Minister shall give not less than twenty-one days' notice to the holder of a permit referred to in section sixteen of the date and place at which the inquiry is to be held. Inquiries for purposes of section 16

(2) At the inquiry the holder of the permit may appear in person or be represented and appear by a legal practitioner and shall have the right to make representations.

(As amended by S.I. No. 301 of 1967)

18. (1) As soon as may be after the conclusion of an inquiry the tribunal shall submit a report thereon, together with its recommendations, to the Minister who may, without reference to the holder of the permit-Procedure after inquiry

(a) revoke the permit;

(b) suspend the permit for such period as the Minister thinks fit;

(c) vary the permit in such manner as the Minister thinks fit; or

(d) refer the matter back to the tribunal with such instructions, with which the tribunal shall comply, as to the reopening of the inquiry and the further proceedings to be had in connection with the matter, as the Minister may think fit.

(2) In deciding whether a permit should be revoked, suspended or varied the Minister-

(a) shall have regard to the report on the proceedings of the inquiry and to

the recommendations of the tribunal; and

(b) may have regard to such other information and considerations as in his opinion are relevant.

(3) No report or recommendations of the tribunal submitted to the Minister in terms of subsection (1) shall be open to inspection by the holder of the permit.

(4) The Minister shall not be liable to refund to the holder of a permit which is revoked, suspended or varied in terms of this Act the fee, or any portion of the fee, paid on the issue of the permit.

(As amended by S.I. No. 301 of 1967)

PART IV MISCELLANEOUSPART IV

MISCELLANEOUS

19. If a holder of a permit applies for the renewal of the permit before the lapse of the period of validity of the permit, the permit shall be treated as being of force until the holder is notified in writing by the Minister that his application has been refused or the permit has been renewed.

(As amended by S.I. No. 301 of 1967)Permits to continue in force if application made for renewal

20. The Minister may, by statutory notice, fix fees which shall be payable by applicants and fees which shall be payable on the issue, renewal, transfer or amendment of a permit.

(As amended by S.I. No. 301 of 1967)Prescribed fees

20A. (1) The Minister may, by statutory instrument, make regulations for the better carrying out of the objects and purposes of this Act, and, without prejudice to the generality of the foregoing, such regulations may make provision for-Regulations

(a) any measures aimed at enhancing the safety and security, both on the ground and in the air, of passengers, aircraft and any personnel connected therewith;

(b) any measures aimed at enhancing the smooth operation, both on the ground and in the air, of air services;

(c) the terms and conditions on which passengers, baggage or cargo may be carried by any person operating an air service in, from or into Zambia.

(2) Different regulations may be made for different classes of aircraft, persons or property, and for different parts of Zambia.

(3) Regulations made under this section may prescribe penalties for the contravention thereof but no such penalty shall exceed a fine of twenty-five thousand penalty units, or a term of imprisonment not exceeding six years, or both.

(As amended by Act No. 26 of 1979 and Act No. 13 of 1994)

21. A person who-

(a) procures or attempts to procure for himself or another a permit by means of fraud, a false representation or the concealment of a material fact;

(b) makes or causes to be made in connection with an application a false declaration in a document used for the purposes of the application;

(c) forges or utters, knowing the same to be forged, a document purporting to be a permit; or

(d) contravenes the provisions of section four;

shall be guilty of an offence and liable-Offences and penalties

(i) on first conviction, to a fine not exceeding six thousand penalty units or to imprisonment for a period not exceeding two years, or to both; and

(ii) on a second or subsequent conviction, to a fine not exceeding sixty thousand penalty units or to imprisonment for a period not exceeding ten years, or to both.

(As amended by Act No. 13 of 1994)

SUBSIDIARY LEGISLATION

SECTION 20A-THE ZAMBIA AIR SERVICES REGULATIONS Statutory Instrument
50 of 1982

Regulations by the Minister

1. (1) These Regulations may be cited as the Zambia Air Services Regulations. Title and commencement

(2) These Regulations shall come into operation on the 1st April, 1982.

2. (1) The General Conditions of Carriage for Passengers and Baggage shall be as set out in the First Schedule. Conditions of carriage

(2) The General Conditions of Carriage for Cargo shall be as set out in the Second Schedule.

(3) The Special Conditions of Carriage for Air Express Parcels shall be as set out in Part 1 of the Third Schedule; and the Special Conditions of Carriage for Air Express Letters shall be as set out in Part 2 of the Third Schedule.

FIRST SCHEDULE

(Regulation 1 (1))

GENERAL CONDITIONS OF CARRIAGE FOR PASSENGERS AND BAGGAGE

CONTENTS

Article	Subject
---------	---------

I	Definitions
---	-------------

II	Applicability
III	Tickets
IV	Stopovers and Agreed Stopping Places
V	Fares, Charges and Routings
VI	Changes to Ticket or Schedules, Missed Connections
VII	Reservations
VIII	Refusal of Carriage
IX	Baggage
X	Schedules, Cancellation of Flights
XI	Refunds
XII	Ground Transfer Service
XIII	Service in Aircraft and Ground Arrangements
XIV	Taxes
XV	Administrative Formalities
XVI	Successive Carriers
XVII	Liability for Damage
XVIII	Time Limitation on Claims and Actions
XIX	Modification and Waiver
XX	Headings

ARTICLE I

DEFINITIONS

In these Conditions, except where the context otherwise requires or where it is otherwise expressly provided, the following expressions have the meanings respectively assigned to them, that is to say:

"baggage" means such articles, effects and other personal property of a passenger as are necessary or appropriate for wear, use, comfort or convenience in connection with his trip. Unless otherwise specified, it shall include both checked and unchecked baggage of the passenger;

"baggage check" means those portions of the ticket which provide for the carriage of passenger's checked baggage;

"baggage tag" means a document issued by Carrier solely for identification of checked baggage, the baggage (strap) tag portion of which is attached by Carrier

to a particular article of checked baggage and the baggage (identification) tag portion of which is given to the passenger;

"carriage" which is equivalent to the term transportation, means carriage of passengers and/or baggage by air, whether gratuitously or for reward;

"Carrier" includes the air carrier issuing the ticket and all air carriers that carry or undertake to carry the passenger and/or his baggage thereunder or perform or undertake to perform any other services related to such air carriage;

"checked baggage" means baggage of which Carrier takes sole custody and for which Carrier has issued a baggage check;

"conjunction ticket" means a ticket issued to a passenger in conjunction with another ticket which together constitute a single contract of carriage;

"Convention" means the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw, October 12, 1929, or the Warsaw Convention as amended at The Hague, 1955, whichever may be applicable to the carriage under the contract of carriage;

"damage" includes death, injury, delay, loss or other damage of whatsoever nature arising out of or in connection with carriage or other services performed by Carrier incidental thereto;

"days" means calendar days, including Sundays and legal holidays:

Provided that, for the purpose of notification, the day upon which notice is dispatched shall not be counted; and that for purposes of determining duration of validity the day upon which the ticket is issued, or flight commenced, shall not be counted;

"flight coupon" means that portion of the ticket that bears the notation "Good for Passage" and indicates the particular places between which the coupon is good for carriage;

"French gold francs" means francs consisting of 65 1/2 milligrams of gold with a fineness of nine hundred thousandths:

Provided that sums mentioned in terms of French gold francs in these conditions shall be converted into national currencies, in the absence of any applicable national law governing such conversions, as follows:

One French gold franc shall be deemed to be one-fifteenth of one Special Drawing Right as defined by the International Monetary Fund, and any sum so arrived at in terms of the Special Drawing Right shall then be converted into national currencies according to the value of such currencies in terms of the Special Drawing Right. The value of a national currency, in terms of the Special Drawing Right, of a state which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund for its operation and transactions. The value of a national currency, in terms of the Special Drawing Right, of a state which is not a member of the International Monetary Fund shall be calculated in a manner determined by that state.

"International carriage as defined by the Warsaw Convention" means carriage in which according to the contract made by the parties the place of departure and

the place of destination, whether or not there be a break in the carriage or a trans-shipment, are situated either within the territories of two High Contracting Parties to the Warsaw Convention one or both of which have not ratified The Hague Protocol or within the territory of a single High Contracting Party not having ratified The Hague Protocol if there is an agreed stopping place within the territory subject to the sovereignty, suzerainty, mandate or authority of another Power even though that Power is not a High Contracting Party;

"International carriage as defined by the Warsaw Convention as amended at The Hague, 1955" means carriage in which according to the agreement between the parties the place of departure and the place of destination, whether or not there be a break in the carriage or a trans-shipment, are situated either within the territories of states both of which have ratified The Hague Protocol or within the territory of a single state which has ratified The Hague Protocol if there is an agreed stopping place within the territory of another state even if that state has not ratified The Hague Protocol;

"normal fare" means the highest fare established for a first or economy/tourist class service during the period of applicability;

"passenger" means any person, except members of the crew, carried or to be carried in an aircraft with the consent of Carrier;

"passenger coupon" means that portion of the ticket which is so marked and which ultimately is retained by the passenger;

"special fare" means a fare other than the normal fare;

"stopover", which is equivalent to a break of journey, means a deliberate interruption of a journey by the passenger, agreed to in advance by Carrier, at a point between the place of departure and the place of destination;

"ticket" means the document entitled "Passenger Ticket and Baggage Check" issued by or on behalf of the Carrier and includes the Conditions of Contract and Notices and the flight and passenger coupons contained therein;

"unchecked baggage" means any baggage of the passenger other than checked baggage.

ARTICLE II

APPLICABILITY

General

1. These Conditions are the Conditions of Carriage referred to in the ticket and, except as provided in paragraphs 2, 3, 4, 5 and 6 of this Article, apply to all carriage of passengers and baggage, including services incidental thereto, performed by Carrier for reward.

Not Applicable to USA and Canada

2. These Conditions do not apply to carriage between places in the United States or in Canada or between a place in the United States or in Canada and any place outside thereof to which tariffs in force in those countries apply. The tariffs applicable to such carriage are available for inspection at the offices

of Carrier.

Gratuitous Carriage

3. These Conditions also apply to gratuitous carriage except to the extent that Carrier has provided otherwise in its Regulations or in the relevant contracts, passes or tickets.

Conditions Subject to Change-Effectiveness

4. These Conditions and Carrier's Regulations, fares and charges are subject to change without notice, provided that no such change shall apply after the carriage hereunder has commenced. The fares and charges applicable to the carriage are those in effect at the date of commencement of carriage covered by the first flight coupon of the ticket except as otherwise provided in Carrier's Regulations.

Charters

5. Carriage performed pursuant to a charter agreement with Carrier shall be subject to the Charter Regulations (if any) of Carrier applicable thereto, and these Conditions shall not apply except to the extent provided in the said Charter Regulations. Where Carrier has no Charter Regulations applicable to such carriage, these Conditions shall apply to such carriage except as far as Carrier has in the said charter agreement, or ticket issued in connection with it, excluded the application of all or any part of them. In case of any inconsistency between these Conditions and the provisions contained or referred to in the said charter agreement the latter shall prevail. The passenger, by accepting the carriage pursuant to the said charter agreement, whether or not concluded with the passenger, agrees to be bound by the applicable provisions of such agreement.

Overriding Law

6. In so far as any provision contained or referred to herein may be contrary to anything contained in the Convention, laws, government regulations, orders or requirements which cannot be waived by agreement of the parties, such provision shall remain applicable and be considered as part of the contract of carriage to the extent only that such provision is not contrary thereto. The invalidity of any provision shall not have the effect of invalidating any other provision.

Conditions Prevail over Regulations

7. Save as provided herein, in the event of inconsistency between these Conditions and Carrier's Regulations, these Conditions shall prevail.

ARTICLE III

TICKETS

Ticket Prima Facie Evidence of Contract

1. (a) The ticket constitutes prima facie evidence of the contract of carriage between Carrier and the passenger. The conditions of contract contained in the ticket are a summary of some of the provisions of these Conditions of Carriage.

Requirement for Ticket

(b) A person shall not be entitled to be carried on a flight unless he presents a ticket valid and duly issued in accordance with Carrier's Regulations and containing the flight coupon for that flight and all other unused flight coupons, and the passenger coupon. A passenger shall furthermore not be entitled to be carried if the ticket he presents is mutilated or if it has been altered otherwise than by Carrier or his authorised agent.

Loss, etc., of Ticket

(c) In case of loss or mutilation of a ticket, or part thereof, or non-presentation of a ticket containing the passenger coupon and all unused flight coupons, Carrier may at the passenger's request replace such ticket or part thereof by issuing a new ticket without further charge on receipt of proof satisfactory to Carrier that a ticket valid for the flights in question was duly issued, provided that the passenger undertakes in such form as may be prescribed by Carrier to pay to Carrier the fare applicable to the new ticket in the event, and to the extent, that the lost or missing ticket or the missing flight coupons are used by any person, or that refund in respect thereof is made to any person.

Ticket not Transferable

(d) A ticket is not transferable. If a ticket is presented by someone other than the person entitled to be carried thereunder or to a refund in connection therewith, Carrier shall not be liable to the person so entitled if in good faith it provides carriage or makes a refund to the person presenting the ticket.

(e) Each flight coupon will be accepted for carriage in the class of service specified therein on the date and flight for which accommodation has been reserved. When flight coupons are issued without a reservation being specified thereon, space will be reserved on application subject to availability of space on the flight applied for.

Period of Validity

2. (a) A ticket issued at the normal fare is valid for carriage for one year from the date of commencement of flight or if no portion of the ticket is used, from the date of issue thereof. A ticket issued at other than the normal fare is valid for carriage or for refund only for the period and subject to the conditions prescribed in Carrier's Regulations or in the ticket itself.

Extension of Validity

(b) If a passenger is prevented from travelling within the period of validity of his ticket because Carrier-

(i) cancels the flight on which the passenger holds a reservation; or

(ii) omits a scheduled stop, being the passenger's place of departure, place of destination or place of stopover; or

(iii) fails to operate a flight reasonably according to schedule; or

(iv) causes the passenger to miss a connection; or

(v) substitutes a different class of service; or

(vi) is unable to provide space that has been reserved;

the validity of such passenger's ticket will be extended until Carrier's first flight on which space is available in the class of service for which the fare has been paid.

(c) When a passenger holding a normal fare ticket, or a special fare ticket which has the same validity as a normal fare ticket, is prevented from travelling within the period of validity of his ticket because at the time such passenger requests reservation Carrier is unable to provide space on the flight, the validity of such passenger's ticket will be extended until Carrier's first flight on which space is available in the class of service for which the fare has been paid, but not for more than seven days.

(d) When a passenger after having commenced his journey is prevented from travelling within the period of validity of his ticket by reason of illness, Carrier will extend, provided such extension is not precluded by Carrier's Regulations governing the fare paid by the passenger, the period of validity of such passenger's ticket until the date when he becomes fit to travel according to a medical certificate, or until Carrier's first flight after such date from the point where the journey is resumed on which space is available in the class of service for which the fare has been paid. When the flight coupons remaining in the ticket involve one or more stopovers, the validity of such ticket will be extended for not more than three months from the date shown on such certificate in the case of a normal fare ticket or a special fare ticket having the same validity as a normal fare ticket, and for not more than seven days in any other case. In such circumstances, Carrier will extend similarly the period of validity of tickets of other members of his immediate family accompanying an incapacitated passenger.

Coupon Sequence and Production

3. Carrier will honour flight coupons only in sequence from the place of departure as shown on the passenger coupon. The passenger coupon and all unused flight coupons not previously surrendered to Carrier shall be retained by the passenger throughout his journey and shall be produced and the applicable flight coupons surrendered to Carrier at Carrier's request.

Name and Address of Carrier

4. Carrier's name may be abbreviated in the ticket, the full name and its abbreviation being set forth in Carrier's Regulations or time-tables; Carrier's address shall be the airport of departure shown opposite the first abbreviation of Carrier's name in the ticket.

ARTICLE IV

STOPOVERS AND AGREED STOPPING PLACES

When Stopovers Permitted

1. In the case of a passenger holding a ticket issued at the normal fare stopovers within the period of validity of the ticket will be permitted at any scheduled stop (subject to paragraph 2 below) unless Government requirements or Carrier's Regulations or time-tables do not permit such stopover. In the case of passengers holding tickets at special fares, stopovers are in addition subject

to the limitations or prohibitions on stopovers as provided in Carrier's Regulations. Additional charges for stopovers will be payable as provided in Carrier's Regulations.

Advance Arrangements Required

2. Stopovers will be permitted only if arranged with Carrier in advance and provided for in the ticket.

Agreed Stopping

3. For the purposes of the Convention and of these Conditions the agreed stopping places (which may be altered by Carrier in accordance with Article X) are those places, except the place of departure and the place of destination, set forth in the ticket or as shown in Carrier's time-table as scheduled stopping places on the passenger's route.

ARTICLE V

FARES, CHARGES AND ROUTINGS

General

1. Fares apply only for carriage from the airport at the point of origin to the airport at the point of destination. Fares do not include ground transport service between airports and between airports and town centres, unless Carrier's Regulations provide that such ground transport will be furnished without additional charges.

Applicable Fares

2. Applicable fares for carriage governed by these Conditions are those published by Carrier or, if not so published, constructed in accordance with Carrier's Regulations. Except as otherwise provided in Carrier's Regulations, the applicable fare is the fare for the flight or flights in effect on the date of commencement of the carriage covered by the first flight coupon of the ticket. When the amount that has been collected is not the applicable fare the difference shall be paid by the passenger or, as the case may be, refunded by Carrier, in accordance with Carrier's Regulations.

Precedence of Fares

3. Unless otherwise provided in Carrier's Regulations, a published fare takes precedence over the combination of intermediate fares applicable to the same class of service between the same points via the same routing.

Routing

4. Unless otherwise provided in Carrier's Regulations, fares apply in either direction and only to routings published in connection therewith. If there is more than one routing at the same fare, the passenger, prior to issue of the ticket, may specify the routing; if no routing is specified, Carrier may determine the routing.

Currency

5. Subject to applicable law, fares and charges are payable in any currency

acceptable to Carrier. When payment is made in a currency other than the currency in which the fare is published, such payment will be made at the rate of exchange established for such purpose by Carrier, the current statement of which is available for inspection by the passenger at Carrier's office where the ticket is purchased.

Payment of Fares and Charges

6. Carrier shall not be obliged to carry, and may refuse onward carriage of a passenger or his baggage, if the applicable fare or any charges or taxes payable have not been paid, or if credit arrangements agreed between Carrier and the passenger (or the person paying for the ticket) have not been complied with. On refusal by Carrier to carry the passenger or his baggage in accordance with the provisions of this paragraph, Carrier's sole liability shall be to refund any amount that may be payable under Article XI, paragraph 3 (b), of these Conditions.

ARTICLE VI

CHANGES TO TICKET OR SCHEDULES, MISSED CONNECTIONS

Changes Requested by Passenger

1. Changes to the ticket requested by the passenger will be subject to Carrier's Regulations.

Cancellation, Changes of Schedule, etc.

2. If Carrier cancels a flight, fails to operate reasonably according to schedules, substitutes a different type of equipment or different class of service, is unable to provide previously confirmed space, or causes a passenger to miss a connecting flight on which he holds a reservation, Carrier, with due consideration to the passenger's reasonable interests, shall-

(a) carry the passenger on another of its scheduled passenger services on which space is available; or

(b) re-route the passenger to the destination indicated on the ticket or applicable portion thereof by its own scheduled services or the scheduled services of another Carrier, or by means of surface transportation. If the fare, excess baggage charges, and any applicable service charge for the revised routing is higher than the refund value of the ticket or applicable portion thereof as determined under Article XI, paragraph 3 (b), Carrier shall require no additional fare or charge from the passenger and shall refund the difference if the fare and charges for the revised routing are lower; or

(c) make a refund in accordance with the provisions of Article XI, paragraph 3 (b)

ARTICLE VII

RESERVATIONS

Reservation Requirements

1. (a) A reservation of space on a flight shall not be effective and binding on Carrier unless (i) a ticket for that flight has been duly issued to the

passenger and the reservation entered on the appropriate flight coupon by Carrier or its authorised agent; or (ii) the passenger has made a deposit in the amount and within the time limit prescribed in Carrier's Regulations. A reservation that does not comply with one or other of these requirements may be cancelled by Carrier at any time without notice.

(b) On failure of Carrier to provide space in the class of service for which a reservation has been duly made in accordance with sub-paragraph (a) and paragraph 6 hereof, Carrier shall be liable to the extent provided in Article XVII, paragraph 3 (i).

No Particular Space Guaranteed

2. Carrier does not undertake to provide any particular seat in the aircraft. The passenger agrees to accept any seat that may be allotted to him on the flight in the class of service for which his ticket has been issued.

Time of Arrival at Check-in

3. The passenger shall arrive at Carrier's check-in location at the airport or other point of departure at the time fixed by Carrier or, if no time is fixed, sufficiently in advance of flight departure to permit completion of government formalities and departure procedures. If the passenger fails so to arrive in time at Carrier's check-in location at such airport or other point of departure, or appears improperly documented and not ready to travel, Carrier may cancel the space reserved for him. Departures will not be delayed for passengers who arrive at Carrier's check-in location at airports or other points of departure too late in Carrier's opinion for such formalities to be completed before scheduled departure time. Carrier is not liable to the passenger for loss or expenses due to the passenger's failure to comply with the provisions of this paragraph.

Service Charge When Space Not Occupied

4. A service charge in accordance with Carrier's Regulations shall be payable by any passenger who fails to arrive at Carrier's check-in location at the airport or other point of departure by the time fixed by Carrier (or if no time is fixed, sufficiently in advance of flight departure to permit completion of government formalities and departure procedures) or appears improperly documented and not ready to travel, and as a consequence thereof does not use space for which a reservation has been made for him, or who cancels his reservation later than the time limit for cancellation prescribed in Carrier's Regulations. The service charge shall not be payable if the passenger's failure to cancel his reservation or to arrive in time is due to a flight delay or cancellation, or omission of a scheduled stop, or failure to provide reserved space, or to medical reasons supported by a doctor's certificate.

Communications Expenses

5. The passenger will be charged for communications expenses incurred by Carrier as the result of a request by the passenger in connection with his reservation or journey other than communications expenses incurred in securing his original reservation on a flight.

Reconfirmation of Reservations

6. Any onward or return reservation shall be subject to the requirement to

reconfirm the reservation in accordance with and within the time limits specified in Carrier's Regulations. Failure to comply with any such requirement will entitle Carrier to cancel the onward or return reservation.

Cancellation of Onward Reservations Made by Carrier

7. If a passenger fails to occupy space that has been reserved for him on a flight, Carrier shall be entitled to cancel or to request cancellation of any onward or return reservations that Carrier has made or procured for the passenger.

ARTICLE VIII

REFUSAL OF CARRIAGE

Right to Refuse Carriage

1. Carrier will refuse carriage or onward carriage, or will cancel the reservation of any passenger when, in the exercise of its reasonable discretion, Carrier decides-

- (a) that such action is necessary for reasons of safety; or
- (b) that such action is necessary to prevent violation of any applicable laws, regulations, or orders of any state or country to be flown from, into or over; or
- (c) that the conduct, age, or mental or physical state of the passenger is such as to-
 - (i) require special assistance of Carrier; or
 - (ii) cause discomfort or make himself objectionable to other passengers; or
 - (iii) involve any hazard or risk to himself or to other persons or to property; or
- (d) that such action is necessary owing to the failure of the passenger to observe the instructions of Carrier.

Recourse When Carriage Refused

2. The sole recourse of any person so refused carriage or whose reservation is cancelled for any reason specified in the preceding paragraph shall be recovery of the refund value, in accordance with Article XI, paragraph 3 (b), of the unused portion of his ticket from the Carrier so refusing, or cancelling. In cases falling under paragraph 1 (c) (ii) or 1 (d) of this Article the refund will be subject to deduction of any applicable service charge.

Weight or Seating Limitation

3. If the aircraft's weight limitations or seating capacity would otherwise be exceeded, Carrier shall decide in its reasonable discretion which passengers or articles shall not be carried.

Carriage of Children

4. Children will be accepted for carriage subject to the provisions of and to compliance with the requirements of Carrier's Regulations.

ARTICLE IX

BAGGAGE

Articles Unacceptable as Baggage

1. (a) The passenger shall not include in his baggage:

(i) Articles which do not constitute baggage as defined in Article I hereof.

(ii) Articles which are likely to endanger the aircraft or persons or property on board the aircraft, including (but without limitation) explosives, compressed gases, corrosives, oxidising radio-active or magnetised materials that are easily ignited, poisonous, offensive or irritating substances, and liquids (other than liquids in the passenger's unchecked baggage for his use in the course of the journey).

(iii) Articles the carriage of which is prohibited by the applicable laws, regulations or orders of any state to be flown from, to or over.

(iv) Articles which in the opinion of Carrier are unsuitable for carriage by reason of their weight, size or character.

(v) Live animals, except that dogs, cats, household birds and other pets will be accepted for carriage subject to the provisions of paragraph 10 of this Article.

(b) If the passenger is in possession of, or if his baggage includes any arms or munitions, he shall present them to Carrier for inspection prior to commencement of carriage. If Carrier accepts such articles for carriage it may require them to be delivered to and remain in its custody until the passenger's arrival at the airport building at the place of destination.

Right to Refuse Carriage

2. Carrier may refuse carriage as baggage of any article described in paragraph 1 of this Article and may refuse further carriage of any baggage on discovering that it consists of or includes any such articles.

Right of Search

3. Carrier may request the passenger to permit a search to be made of his person and his baggage, and may search the passenger's baggage in his absence if the passenger is not available for such permission to be sought, for the purpose of determining whether he is in possession of or whether his baggage contains any article described in paragraph 1 (a) above or any arms or munitions which have not been presented to Carrier in accordance with paragraph 1 (b) above. If the passenger is unwilling to comply with such request Carrier may refuse to carry the passenger or his baggage and in that event Carrier shall be under no liability to the passenger except to refund to him in accordance with the provisions of Article XI, paragraph 3 (b), of these Conditions.

4. If Carrier accepts as baggage articles which do not constitute baggage as defined in Article I hereof, the carriage thereof shall nevertheless be subject to the charges, limitations of liability and other provisions of these Conditions applicable to the carriage of baggage.

Checked Baggage

5. (a) Upon delivery to Carrier of baggage to be checked, Carrier shall take custody thereof. Carrier will thereupon make an appropriate entry on the ticket which act shall constitute the issue of the baggage check. Baggage (identification) tags that may be issued by the Carrier in addition to the baggage check are for identification purposes only.

(b) Carrier may refuse to accept baggage as checked baggage unless it is properly packed in suitcases or similar containers to ensure safe carriage with ordinary care in handling.

(c) The passenger shall not include in his checked baggage, and Carrier may refuse to carry as checked baggage, fragile or perishable articles, money, jewellery, precious metals, negotiable papers, securities or other valuables, business documents or samples.

(d) Checked baggage will be carried on the same aircraft as the passenger unless Carrier decides that this is impracticable, in which case Carrier will carry the checked baggage on Carrier's next preceding or subsequent flight on which space is available.

Free Baggage Allowance

6. Passengers may carry free of charge baggage as specified and subject to the conditions and limitations in Carrier's Regulations. Where two to more passengers, travelling as one party to a common destination or point of stopover by the same flight, present themselves and their baggage for travelling at the same time and place, they shall be permitted a total free baggage allowance equal to the combination of their individual free baggage allowances.

Excess Baggage

7. The passenger shall pay a charge for the carriage of baggage in excess of the free baggage allowance at the rate and in the manner provided in Carrier's Regulations.

Excess Value Declaration and Charge

8. (a) A passenger may declare a value for checked baggage in excess of 250 French gold francs or its equivalent in Zambian Kwacha per kilogram for checked baggage. If the passenger makes such a declaration, he shall pay the applicable charges in accordance with Carrier's Regulations.

(b) Except as otherwise provided in Carrier's Regulations, excess value charges shall be payable at the point of origin for the entire journey to final destination:

Provided that if at a stopover en route a passenger declares a higher excess value than that originally declared, additional excess value charges for the increased value from such stopover to final destination shall be payable.

(c) Nothing contained herein shall entitle the passenger to declare such excess value for baggage in connection with carriage over Carrier's route in relation to which the Carrier's Regulations do not provide for such declarations unless the carriage over such route forms a part of carriage by successive Carriers including routes in respect of which such declarations are provided for by the Regulations of the Carriers concerned.

Collection and Delivery of Baggage

9. (a) The passenger shall collect his baggage as soon as it is available for collection at place of destination or stopover.

(b) Carrier shall deliver checked baggage to the bearer of the baggage check upon payment of all unpaid sums due to Carrier under the contract of carriage. Carrier is under no obligation to ascertain that the bearer of the baggage check is entitled to delivery of the baggage and Carrier is not liable for any loss, damage, or expenses arising out of or in connection with its failure so to ascertain. Delivery of baggage will be made at the destination shown in the baggage check.

(c) If a person claiming the baggage is unable to produce the baggage check and identify the baggage by means of a baggage (identification) tag, if one has been issued, Carrier will deliver the baggage to such person only on condition that he establishes to Carrier's satisfaction his right thereto, and if required by Carrier, such person shall furnish adequate security to indemnify Carrier for any loss, damage or expense which may be incurred by Carrier as a result of such delivery.

(d) Acceptance of baggage by the bearer of the baggage check without written complaint at the time of delivery is prima facie evidence that the baggage has been delivered in good condition and in accordance with the contract of carriage.

Pets and "Seeing-Eye" Dogs

10. (a) Dogs, cats, household birds and other pets, when properly crated and accompanied by valid health and vaccination certificates, entry permits, and other documents required by countries of entry or transit will be accepted for carriage, subject to Carrier's Regulations.

(b) The weight of accompanied pets including the weight of containers and food carried shall not be included in the free baggage allowance of the passenger but shall be charged to and paid by the passenger at the rate applicable to excess baggage.

(c) "Seeing-eye" dogs together with containers and food will be carried free of charge in addition to the normal free baggage allowance, subject to Carrier's Regulations.

(d) Acceptance for carriage of pets or "seeing-eye" dogs is subject to the condition that the passenger assumes full responsibility for such pet or dog. Carrier shall not be liable for injury to or loss, delay, sickness or death of such pet or dog or in the event that it is refused entry into or passage through any country, state or territory.

ARTICLE X

SCHEDULES, CANCELLATION OF FLIGHTS

Time and Schedules not Guaranteed

1. (a) Carrier undertakes to use its best efforts to carry the passenger and his baggage with reasonable dispatch. Time shown in the ticket, time-tables or elsewhere are not guaranteed and do not form part of the contract of carriage and Carrier assumes no responsibility for making connections.

(b) Schedules are subject to change without notice. Carrier may when circumstances so require alter or omit stopping places shown on the ticket or in schedules and may without notice substitute alternate carriers or aircraft.

(c) Carrier will not be liable for errors or omissions in time-tables or other publications of schedules or in statements or representations made by employees, agents or representatives of Carrier as to the dates or times of departure or as to the operation of any flight.

Right to Cancel, Postpone, etc.

2. When circumstances so require Carrier may without notice cancel, terminate, divert, postpone, or delay any flight, and in any of these events Carrier shall with due consideration to the passenger's reasonable interests carry, re-route, or make a refund to the passenger as provided in Article VI, paragraph 2, but shall be under no further liability to him.

ARTICLE XI

REFUNDS

General

1. On failure by Carrier to provide carriage in accordance with the contract of carriage, or on voluntary change of his arrangements by the passenger, refund for an unused ticket or portion thereof shall be made by Carrier in accordance with the following paragraphs of this Article and the further provisions relating to refund contained in Carrier's Regulations.

Person to Whom Refund Will be Made

2. (a) Except as hereinafter provided in this paragraph, Carrier shall be entitled to make refund either to the person named in the ticket or to the person who has paid for the ticket.

(b) If at the request of the person paying for a ticket, being a person other than the passenger named in the ticket, Carrier has indicated on the ticket at the time of issue that there is a restriction on refund, Carrier shall make refund only to the person paying for the ticket or to his order.

(c) Except in the case of lost tickets refunds will only be made on production to Carrier of the passenger coupon and surrender of all unused flight coupons.

(d) A refund made to anyone presenting the passenger coupon and all unused flight coupons and holding himself out as a person to whom refund may be made in terms of sub-paragraphs (a) or (b) of this paragraph shall be deemed a refund to such person.

(e) A refund made to a person in accordance with this paragraph shall discharge Carrier from liability to refund and no other person shall be entitled to claim further refund.

Amount of Refund

3. (a) The amount of any refund payable by the Carrier in respect of an unused ticket or portion thereof shall be determined in accordance with Carrier's Regulations.

(b) If the passenger is prevented from using the carriage, or part thereof, provided for in his ticket because of cancellation of a flight, or postponement or delay of a flight, or omission of a stop provided for in the ticket, or inability of Carrier to provide previously confirmed space, or substitution of a type of aircraft or class of service other than that for which the fare has been paid, or because Carrier causes the passenger to miss a connection flight on which he holds a reservation, or because of removal of or refusal to carry the passenger in accordance with Article V, paragraph 6, or Article VIII, paragraph 1, or Article IX, paragraph 3, the amount of the refund shall be calculated in accordance with Carrier's Regulations relating to refunds described therein as "Involuntary Refunds". Carrier will furthermore refund to the passenger any communications expenses paid by the passenger in accordance with Article VII, paragraph 5.

(c) In cases other than those set out in sub-paragraph (b) of this paragraph the amount of the refund shall be calculated in accordance with Carrier's Regulations relating to refunds described therein as "Voluntary Refunds".

Refund on Lost Ticket

(d) If a ticket or portion thereof is lost, refund will be made on proof of loss satisfactory to Carrier, provided that the lost ticket or portion thereof has not been used or previously refunded or replaced free of charge, and provided further that the person to whom the refund is made undertakes in such form as may be prescribed by Carrier to repay to Carrier the amount refunded in the event and to the extent that the lost ticket or portion thereof is used by any person or that refund thereof is made to any person.

Right to Refuse Refund

4. (a) Carrier may refuse refund when application therefor is made later than thirty days after the expiry of the validity of the ticket.

(b) Carrier may refuse refund on a ticket which has been presented to Carrier or to government officials of a country as evidence of intention to depart therefrom, unless the passenger establishes to Carrier's satisfaction that he has permission to remain in the country or that he will depart therefrom by another carrier or another means of transport.

Currency

5. All refunds will be subject to government laws, rules and regulations or orders of the country in which the refund is being made. Subject to the foregoing provision, refunds will be made in the currency in which the fare was paid, or at the option of Carrier in the currency of the country of the Carrier making the refund or of the country where the refund is made or of the country

in which the ticket was purchased, in an amount equivalent to the amount due in the currency in which the fare or fares for the flight covered by the ticket as originally issued was collected.

By Whom Ticket Refundable

6. Refund will be made only by the Carrier which originally issued the ticket. When a ticket is issued by an authorised agent of Carrier such agent may make refund to the passenger on behalf of Carrier in accordance with Carrier's Regulations.

ARTICLE XII

GROUND TRANSFER SERVICE

General

1. Unless otherwise provided in Carrier's Regulations, Carrier does not maintain, operate or provide ground transfer services between airports or between airports and town centres. Carrier is not liable for the acts or omissions of the operator of such ground transfer services and shall not be liable therefor by reason of anything done by an employee or agent of Carrier in assisting the passenger to avail himself of such services.

Conditions and Regulations Apply

2. In cases where Carrier itself maintains and operates for its passengers ground transfer services, these Conditions and Carrier's Regulations shall be deemed applicable to such ground transfer services. Charges for the use of ground transfer services maintained and operated by Carrier itself shall be payable by the passenger in accordance with Carrier's Regulations. No portion of the fare shall be refundable if such ground transfer services are not used by the passenger.

ARTICLE XIII

SERVICE IN AIRCRAFT AND GROUND ARRANGEMENTS

Meals, etc., in Aircraft

1. Meals served in the aircraft will be free of charge except as otherwise provided in Carrier's Regulations. Liquor, and the provision of in-flight entertainment, will be charged for in accordance with Carrier's Regulations.

Hotel Expenses and Meals on Ground

2. Hotel expenses and meals other than meals served in the aircraft, are not included in the fare and are payable by the passenger, except as otherwise provided in Carrier's Regulations.

Arrangements by Carrier

3. In making arrangements for hotel accommodation or the provision of other board or lodging for passengers, or for excursion trips on the ground or other similar arrangements, whether or not the cost of such arrangements is for the account of Carrier, Carrier acts only as agent for the passenger and Carrier is not liable for loss, damage or expense of any nature whatsoever incurred by the

passenger as a result of or in connection with the use by the passenger of such accommodation or arrangements or the denial of the use thereof to the passenger by any other person, company or agency.

ARTICLE XIV

TAXES

Any tax or charge imposed by government or by municipal or other authority, or by the operator of an airport, in respect of a passenger or the use by a passenger of any services or facilities will be in addition to the published fares and charges and shall be payable by the passenger, except as otherwise provided in Carrier's Regulations.

ARTICLE XV

ADMINISTRATIVE FORMALITIES

General

1. The passenger shall comply with all laws, regulations, orders, demands and travel requirements of countries to be flown from, into or over, and with Carrier's rules and instructions. Carrier shall not be liable for any aid or information given by any agent or employee of Carrier to any passenger in connection with obtaining necessary documents or complying with such laws, regulations, orders, demands, and requirements, whether given in writing or otherwise; or for the consequences to any passenger resulting from his failure to obtain such documents or to comply with such laws, regulations, orders, demands, requirements, rules or instructions.

Travel Documents

2. The passenger shall present all exit, entry, health and other documents required by laws, regulations, orders, demands or requirements of the countries concerned. Carrier reserves the right to refuse carriage of any passenger who has not complied with applicable laws, regulations, orders, demands or requirements or whose documents are not complete. Carrier is not liable to the passenger for loss or expenses due to the passenger's failure to comply with the requirements of this paragraph.

Refusal of Entry

3. Subject to applicable laws and regulations, the passenger agrees to pay the applicable fare whenever Carrier, on government order, is required to return a passenger to his point of origin or elsewhere owing to the passenger's inadmissibility into a country, whether of transit or of destination. Carrier may apply to the payment of such fare any funds paid to Carrier for unused carriage, or any funds of the passenger in the possession of Carrier.

Passenger Responsible for Fines, etc.

4. If Carrier is required to pay or deposit any fine or penalty or to incur any expenditure by reason of the passenger's failure to comply with laws, regulations, orders, demands and travel requirements of the countries concerned or to produce the required documents, the passenger shall on demand refund to Carrier any amount so paid or deposited and any expenditure so incurred.

Customs Inspection

5. If required, the passenger shall attend inspection of his baggage, checked or unchecked, by customs or other government officials. Carrier is not liable to the passenger for any loss or damage suffered by the passenger through failure to comply with this requirement.

6. Carrier is not liable if it determines what it understands to be applicable law, government regulation, demand, order or requirement that it refuse and it does refuse to carry a passenger.

ARTICLE XVI

SUCCESSIVE CARRIERS

Carriage to be performed under one ticket or under a ticket and any conjunction ticket issued in connection therewith by several successive Carriers is regarded as a single operation.

ARTICLE XVII

LIABILITY FOR DAMAGE

1. Carriage hereunder is subject to the rules and limitations relating to liability established by the Convention unless such carriage is not international carriage to which the Convention applies. In International Carriage as defined by the Warsaw Convention the liability of the Carrier for each passenger is limited to the sum of 125,000 French gold francs or its equivalent in Zambian Kwacha and in International Carriage as defined by the Warsaw Convention as amended at The Hague, 1955, the liability of the Carrier is limited to 250,000 French gold francs, or its equivalent in Zambian Kwacha.

For Carriers who are Parties to Montreal Agreement

Special Agreement applicable to carriage to, from or with, an agreed stopping place in the United States of America (see applicable US tariffs).

Special Agreement

The Carrier shall avail itself of the limitation of liability provided in the Convention. However, in accordance with Article 22 (1) of the Convention Carriers agree that as to all international carriage by such Carriers to which the Convention applies and which according to the Contract of Carriage includes a point in the United States of America as a point of origin, a point of destination or agreed stopping place-

(a) the limit of liability for each passenger for death, wounding or other bodily injury shall be the sum of US\$75,000 or its equivalent in Zambian Kwacha inclusive of legal fees and costs except that, in case of a claim brought in a state where provision is made for separate award of legal fees and costs the limit shall be the sum of US\$58,000 or its equivalent in Zambian Kwacha inclusive of legal fees and costs;

(b) such Carrier shall not, with respect to any claim arising out of the death, wounding or other bodily injury of a passenger, avail themselves of any defence under Article 20 (1) of the Convention.

Nothing herein shall be deemed to affect the rights and liabilities of such Carriers with regard to any claim brought by, on behalf of, or in respect of, any person who has wilfully caused damage which resulted in death, wounding, or other bodily injury of a passenger.

The names of Carriers party to the agreement referred to in this paragraph are available at all ticket offices of such Carriers and may be examined on request. Each of such Carriers has entered into the said agreement solely on its own behalf and with respect to carriage performed by it and has not thereby imposed any liability on any other Carrier with respect to the portion of the carriage performed by such other Carrier or assumed any liability with respect to the portion of the carriage performed by such Carrier.

2. In carriage which is not international carriage to which the Convention applies:

(a) Carrier shall be liable for damage to a passenger or his checked baggage only if such damage has been caused by the negligence of Carrier. If there has been contributory negligence on the part of the passenger Carrier's liability shall be subject to the applicable law relating to contributory negligence.

(b) The liability of Carrier in respect of each passenger for death, wounding, or other bodily injury shall be limited to the sum of 250,000 French gold francs or its equivalent in Zambian Kwacha provided that if in accordance with applicable law a different limit of liability is applicable such different limit shall apply.

(c) With respect to delay, Carrier shall be under no liability except as provided in these Conditions of Carriage.

3. To the extent not in conflict with the foregoing and whether or not the Convention applies:

(a) Carrier is liable only for damage occurring on its own line. A Carrier issuing a ticket or checking baggage over the lines of another Carrier does so only as agent for such other Carrier. Nevertheless, with respect to checked baggage the passenger shall also have a right of action against the first or last Carrier.

(b) Carrier is not liable for damage to unchecked baggage unless such damage is caused by the negligence of Carrier. If there has been contributory negligence on the part of the passenger Carrier's liability shall be subject to the applicable law relating to contributory negligence.

(c) Carrier is not liable for any damage arising from its compliance with any laws or government regulations, orders or requirements, or from failure of the passenger to comply with the same.

(d) The liability of Carrier in the case of damage to checked baggage shall be limited to 250 French gold francs or its equivalent in Zambian Kwacha per kilogram and in the case of damage to unchecked baggage is limited to 5,000 French gold francs or its equivalent in Zambian Kwacha per passenger unless, in the case of checked baggage, a higher valuation is declared as provided in Article XI, paragraph 8. In that event the liability of Carrier shall be limited to such higher declared value.

In the event of delivery to the passenger of part but not all of his

checked baggage, or in the event of damage to part but not all of such baggage, the liability of Carrier with respect to the undelivered or damaged portion shall be reduced proportionately on the basis of weight, notwithstanding the value of any part of the baggage or contents thereof.

(e) Carrier's liability shall not exceed the amount of proved damages. Carrier shall furthermore not be liable for indirect or consequential damages.

(f) Carrier is not liable for damage to a passenger's baggage caused by property contained in the passenger's baggage. Any passenger whose property causes damage to another passenger's baggage or to the property of Carrier shall indemnify Carrier for all losses and expenses incurred by Carrier as a result thereof.

(g) Carrier is not liable for damage to fragile or perishable articles, money, jewellery, precious stones or metals, silverware, negotiable papers, securities, or other identification documents or samples which are included in the passenger's checked baggage, whether with or without the knowledge of Carrier.

(h) If a passenger is carried whose age or mental or physical condition is such as to involve any hazard or risk to himself, Carrier shall not be liable for any illness, injury or disability, including death, attributable to such condition or for the aggravation of such conditions.

(i) On failure of Carrier, otherwise than in circumstances beyond the control of Carrier or in the circumstances referred to in Article VIII, to provide space in the class of service for which a reservation has been duly made in accordance with Article VII, paragraphs 1 and 6 thereof, Carrier shall be liable for damages sustained by the passenger as the result of such failure:

Provided that Carrier's liability for such failure shall be limited to reimbursement of the reasonable expenses of the passenger for accommodation, meals, communications and ground transport to and from the airport, and to compensation for any other damages sustained by the passenger at a rate not exceeding US\$50.00 or its equivalent in Zambian Kwacha per day or part thereof up to the time when Carrier is able to provide such space either on another of its own services or on the services of another Carrier.

(j) Any exclusion or limitation of liability of Carrier shall apply to and be for the benefit of agents, servants and representatives of Carrier and any person whose aircraft is used by Carrier and such person's agent, servants and representatives. The aggregate amount recoverable from Carrier and from agents, servants, representatives and person shall not exceed the amount of Carrier's limit of liability.

4. Unless so expressly provided nothing herein contained shall waive any exclusion or limitation of liability of Carrier under the Convention or applicable laws.

ARTICLE XVIII

TIME LIMITATION ON CLAIMS AND ACTIONS

Notice of Claims

1. No action shall lie in the case of damage to baggage unless the person

entitled to delivery complains to the Carrier forthwith after the discovery of the damage and, at the latest, within seven days from the date of receipt; and in the case of delay, unless the complaint is made at the latest within twenty-one days from the date on which the baggage has been placed at his disposal. Every complaint must be made in writing and dispatched within the times aforesaid.

Limitation of Actions

2. Any right to damages shall be extinguished if an action is not brought within two years reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped. The method of calculating the period of limitation shall be determined by the law of the court seised of the case.

ARTICLE XIX

MODIFICATION AND WAIVER

No agent, servant or representative of Carrier has authority to alter, modify or waive any provision of these Conditions of Carriage or of Carrier's Regulations.

ARTICLE XX

HEADINGS

Headings are for ease of reference only and are not part of these Conditions of Carriage.

Name of Carrier:

Abbreviation of Name:

SECOND SCHEDULE

(Regulation 2 (2))

GENERAL CONDITIONS OF CARRIAGE FOR CARGO

CONTENTS

Article	Subject
1.	Definitions
2.	Applicability of Conditions
3.	Execution of Air-Waybill
4.	Rates and Charges
5.	Acceptance of Shipments for Carriage: Forwarding and Reforwarding
6.	Acceptability of Goods for Carriage
7.	Schedules, Cancellation of Flights

8. Consignments in Transit
9. Shipper's Right of Disposition
10. Delivery
11. Failure of Consignee to Take Delivery
12. C.O.D. Consignments: Collection of Charges from the Consignee
13. Applicable Laws and Provisions
14. Liability of Carrier
15. Complaints and Actions
16. Qualification to Claim, Right of Action
17. Overriding Law
18. Modifications

ARTICLE 1

DEFINITIONS

"Air-Waybill", which is equivalent to the term air consignment note, means the document entitled "Air-Waybill/Air Consignment Note" made out by or on behalf of the shipper which evidences the contract between the shipper and Carrier(s) for carriage of goods over routes of the Carrier(s);

"cargo" which is equivalent to the term goods, means any property carried or to be carried in an aircraft, other than mail or other property carried under the terms of an international postal convention, baggage or property of the Carrier; provided that baggage moving under an Air-Waybill is cargo;

"carriage", which is equivalent to the term transportation, means carriage of cargo by air, gratuitously or for hire;

"Carrier" includes the air carrier issuing the Air-Waybill and all air carriers that carry or undertake to carry the cargo under such Air-Waybill or to perform any other services related to such air carriage;

"Carrier's Regulations" are any conditions or provisions contained in Carrier's tariffs, time-tables, manuals, circulars or other written notices whether for public information or for internal use of Carrier and those publications to which reference is made therein directly or indirectly relating to carriage as defined in these conditions. They may be inspected at Carrier's offices;

"charge" means an amount to be paid for carriage of goods based on the applicable rate for such carriage; or an amount to be paid for a special or incidental service in connection with the carriage of goods;

"C.O.D. or cash on delivery" is an arrangement between the shipper and the Carrier whereby the latter, upon delivery of the consignment, has to collect from the consignee the amount indicated on the Air-Waybill as payable to the shipper. The Carrier is not obliged to deliver the shipment prior to payment of

said amount by the consignee;

"consignment", equivalent to the term shipment, means one or more pieces of goods accepted by the Carrier from one shipper at one time and at one address, receipted for in one lot and moving on one Air-Waybill to one consignee at one destination address;

"consignee" means the person whose name appears on the Air-Waybill as the party to whom the goods are to be delivered by the Carrier. The persons appearing on the Air-Waybill under the heading "also notify" are persons to be notified.

If, however, a Carrier participating in the carriage is named as the consignee, the rights and obligations of the consignee belong to the person to be notified;

"consignor", which is equivalent to the term shipper, means the person whose name appears on the Air-Waybill as the party contracting with the Carrier(s) for carriage of goods;

"Convention" means the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw, October 12, 1929, in its original form or that Convention as amended by The Hague Protocol of September 28, 1955, whichever may be applicable to a particular carriage;

"days" means full calendar days, including but not limited to Sundays and legal holidays;

"French gold francs" means francs consisting of 651/2 milligrams of gold with a fineness of nine hundred thousandths:

Provided that sums mentioned in terms of French gold francs in these conditions shall be converted into national currencies, in the absence of any applicable national law governing such conversions, as follows:

One French gold franc shall be deemed to be one-fifteenth of one Special Drawing Right as defined by the International Monetary Fund, and any sum so arrived at in terms of the Special Drawing Right shall then be converted into national currencies according to the value of such currencies in terms of the Special Drawing Right. The value of a national currency, in terms of the Special Drawing Right, of a state which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund for its operation and transactions. The value of a national currency, in terms of the Special Drawing Right, of a state which is not a member of the International Monetary Fund shall be calculated in a manner determined by that state.

"International carriage as defined by the Warsaw Convention" means carriage in which according to the contract made by the parties the place of departure and the place of destination, whether or not there be a break in the carriage or a trans-shipment, are situated either within the territories of two High Contracting Parties to the Warsaw Convention one or both of which have not ratified The Hague Protocol or within the territory of a single High Contracting Party not having ratified The Hague Protocol if there is an agreed stopping place within the territory subject to the sovereignty, suzerainty, mandate or authority of another Power even though that Power is not a High Contracting Party;

"International carriage as defined by the Warsaw Convention as amended at The

Hague, 1955" means carriage in which according to the agreement between the parties the place of departure and the place of destination, whether or not there be a break in the carriage or a trans-shipment, are situated either within the territories of states both of which have ratified The Hague Protocol or within the territory of a single state which has ratified The Hague Protocol if there is an agreed stopping place within the territory of another state even if that state has not ratified The Hague Protocol;

"Rate" means the amount charged by the Carrier for the carriage of a unit of goods and is the current rate at which the Carrier, in the publication it normally uses to publish rates, holds out to the public or the appropriate segment of the public, as being applicable for carriage of a unit of weight or volume and/or value of goods.

ARTICLE 2

APPLICABILITY OF CONDITIONS

1. Except as hereinafter expressly stated otherwise, these conditions shall apply to all carriage of cargo including all services incidental thereto, performed by Carrier. Excluded is carriage which is subject to the tariffs filed with the Civil Aeronautics Board in Washington and the Air Transport Board of Canada. The tariffs applicable to such carriage are available for inspection at offices of the Carrier.

2. As far as permitted by applicable law, Carrier reserves the right to exclude the application of all or any part of these conditions to gratuitous carriage.

3. With respect to carriage of cargo pursuant to a Charter Agreement these conditions and the conditions reproduced on the Air-Waybill shall only apply to the extent not in conflict with the Charter Agreement and the special rules and conditions mentioned therein.

4. These conditions and the Carrier's regulations, rates and charges are subject to change without notice; provided that no such change shall apply after the carriage hereunder has commenced.

ARTICLE 3

EXECUTION OF AIR-WAYBILL

1. The shipper shall hand over to the Carrier together with each shipment an Air-Waybill properly completed in the form, manner and number of copies prescribed by Carrier or shall furnish to the Carrier all information necessary for the completion of the Air-Waybill by the Carrier. However, charges for carriage and other charges shall in any case be inserted in the Air-Waybill by Carrier. Carrier is authorised to complete or correct on behalf of shipper to the best of its knowledge any incomplete or incorrect Air-Waybill or information received by the shipper without being under any obligation to do so.

2. The shipper is responsible for the correctness and completeness of the particulars and statements which he inserts in the Air-Waybill and for the information furnished to the Carrier for the purpose of being inserted in the Air-Waybill by the Carrier. The shipper shall be liable for damage of whatever nature suffered by Carrier or any other person by reason of the irregularity, incorrectness or incompleteness of said particulars or statements or of the

corrections or completions made by Carrier on behalf of shipper pursuant to paragraph 1, last sentence, above, and he is obliged to hold harmless the Carrier, its agents, employees and servants from third party claims for such damage.

3. If the apparent order and condition of the cargo and/or packing is other than good the shipper shall insert in the Air-Waybill an appropriate statement to that effect. If the shipper fails to do so, Carrier may insert such statement.

4. The Air-Waybill shall be deemed to be executed when signed or stamped by the Carrier. It proves the contract made between the shipper and the Carrier for the carriage of goods.

ARTICLE 4

RATES AND CHARGES

1. The applicable rates and charges for carriage are those duly published by Carrier and in effect on the date of the execution of the Air-Waybill. If a rate or charge between any two points is not specifically published, such rate or charge will be constructed as provided in Carrier's will, as the case may be, claim or refund the balance.

Service charges are not included in the rates for carriage. If such charges are provided by Carrier's Regulations they will be collected in addition.

2. Unless provided otherwise in Carrier's Regulations the published rates and charges cover only the carriage of consignments by air between airports. Especially they do not include the following services or charges:

- (a) surface transportation;
- (b) storage charges;
- (c) insurance charges;
- (d) C.O.D. service charges;
- (e) advanced charges;
- (f) charges related to customs clearance;
- (g) eventual airport, import or export charges or taxes;
- (h) other charges or penalties imposed or collected by government authorities including duties and taxes;
- (i) expenses for the repair of faulty packing and other expenses incurred by Carrier, by reason of non-compliance with these conditions or breach of other obligations in connection with the carriage by the shipper or the consignee;
- (j) expenses in connection with the acceptance and delivery of the shipment including service charges and expenses in connection with the consignee;
- (k) any other similar services, costs or charges.

3. Rates and charges are payable in any currency acceptable to Carrier. The rates of exchange will be established by Carrier. Reserved are applicable laws and government regulations.

4. All rates, costs and charges, as far as they can be determined, will be due and payable upon receipt of the cargo by Carrier and if they accrue later, immediately at such later stage. They may, however, be collected by Carrier at any time thereafter. They will be deemed fully earned upon acceptance of the cargo for carriage, whether or not the cargo is lost or damaged, or fails to arrive at the destination or otherwise cannot be delivered or timely delivered. For any rates or charges which cannot be determined at the time when the cargo is accepted for carriage, Carrier may require the shipper to deposit with the Carrier an appropriate sum which will be accounted for after completion of carriage.

5. The shipper is liable for payment of all rates, charges and expenses. He is also liable to indemnify the Carrier for all costs, expenditures, loss or damage of whatever nature which incorrect or insufficient marking, numbering, addressing, packing or description of the cargo, or the absence or incorrectness of any export or import or other licence or any improper customs declaration or incorrect statement of weight or volume or by non-compliance with these conditions or breach of other obligations in connection with the carriage by the shipper or the consignee. The shipper shall hold harmless the Carrier, its employees, servants and agents from claims by third parties for such costs, loss or damage.

6. Carrier shall have a lien on the cargo for all claims arising out of the contract of carriage. In the event of non-payment of any amount due within a time limit notified in writing, Carrier shall furthermore have the right to dispose of the cargo at public or private sale, and to pay itself out of the proceeds of such sale any and all such amounts. The shipper will remain liable for any deficiencies. No such lien or right of sale, and no right of Carrier to collect any of the foregoing shall be in any way affected, lost or prejudiced by reason of the acknowledgment of payment, if not actually paid.

7. By taking delivery of the consignment or the Air-Waybill or by exercising any other right arising from the Contract of Carriage, the consignee agrees to be jointly and severally liable with the shipper for the aforementioned obligations. If it is agreed that rates, charges or expenses are to be collected from the consignee, the shipper remains liable for the payment of the same. However, his obligations with respect to such rates, charges or expenses shall cease upon delivery of the shipment by Carrier to the consignee.

ARTICLE 5

ACCEPTANCE OF SHIPMENTS FOR CARRIAGE: FORWARDING AND REFORWARDING

1. The shipments are accepted at Carrier's cargo receiving offices or at the airport of departure for carriage to the airport of destination. Forwarding to the cargo receiving office or to the airport of the departure (pick-up service) and reforwarding beyond the airport of destination (delivery service) will only be performed upon special agreement and subject to paragraphs 3 and 4 hereafter.

2. If Carrier accepts goods for storage or for the performance of preparatory actions, this shall be done upon the same conditions and limitations relating to liability as set forth in Article 14 hereof.

3. Pick-up and delivery services will be available at the places and subject to the rates and conditions established by Carrier's Regulations. They will be performed on request of the shipper or the consignee.

4. Pick-up and delivery services, transportation of cargo between the Carrier's cargo receiving offices and the airport of departure and any other surface transportation shall be performed subject to the following:

(a) if such transportation is operated by the Carrier itself it shall be upon the same terms and limitations as to liability as set forth in Article 14 hereof;

(b) the Carrier may, however, in the name and for the account of the shipper or the consignee, as the case may be, and without being responsible itself, charge a third party with such transportation.

In such case it shall not be liable for damage of whatever nature arising in connection with such transportation, unless proved to have been caused by its own negligence in which case, however, the conditions of Article 14 will also apply.

The Carrier is free to select the means and routes for such transportation. It may also, if it engages a third party, as its own discretion select such third party and executive and accept on behalf of the shipper or the consignee, as the case may be, the necessary transportation documents (which may include provisions exempting from or limiting liability) and consign the shipment with no declaration of value notwithstanding any declaration of value in the Air-Waybill.

ARTICLE 6

ACCEPTABILITY OF GOODS FOR CARRIAGE

1. Carrier undertakes to carry, subject to the availability of suitable equipment and space, general merchandise, goods, wares and products of all kinds, provided that-

(a) the transportation, or the exportation or importation or transit thereof is not prohibited;

(b) they are packed and marked in a manner suitable for carriage by air;

(c) they are accompanied by the requisite shipping documents:

(d) they are not likely to endanger the aircraft, persons or property, or cause annoyance to passengers;

(e) the transportation is not excluded by Carrier's Regulations.

2. Explosives, live animals, perishables and other articles specified in Carrier's Regulations or in applicable laws, ordinances or government regulations in relation to the carriage of restricted articles are acceptable only under the conditions set forth therein. It shall be the responsibility of the shipper to see to it that the respective regulations are complied with and that the necessary safety measures are taken.

3. Carrier reserves the right to refuse carriage of valuable cargo or to

accept such cargo under certain conditions only.

4. Cargo must be packed so as to ensure safe carriage with ordinary care in handling and so as not to injure or damage any persons, goods or property. Each package shall be legibly and durably marked with the name and full street address of the shipper and consignee.

5. Carrier reserves the right to examine at any time the contents, the packing and marking of all consignments, but shall be under no obligation to do so. Whether or not such examination is performed the shipper shall solely be liable for damage of whatever nature arising out of the carriage of cargo without compliance with the above rules and regulations and he shall hold harmless the Carrier, its employees, servants and agents from claims by third parties for any such damage.

ARTICLE 7

SCHEDULES, CANCELLATION OF FLIGHTS

1. Schedules are subject to change without notice. Subject to special agreement Carrier does not undertake to carry the shipment on a particular aircraft or over a particular route or by a particular flight nor to make connections according to a particular schedule. Reserved are in any case paragraphs 2 to 4 hereafter.

2. Carrier may without notice substitute alternate Carriers or aircraft. It is, however, under no obligation to do so even if the carriage cannot be performed or completed with the aircraft originally provided.

3. The Carrier may without notice cancel a flight or refuse carriage of the shipment or terminate, divert or delay a flight or the carriage of a shipment if, in its opinion, it is advisable to do so for any of the following reasons:

(a) actual or threatened causes beyond its control such as unfavourable meteorological conditions, acts of God, force majeure, government regulations or demands, strikes, riots, civil commotion, war, hostilities, embargoes, etc., or delays, demands, conditions or requirements due to any such fact;

(b) shortage of labour or fuel, labour difficulties of Carrier or others, shortage of material or facilities or technical difficulties;

(c) any circumstances which jeopardise the safe performance of the flight.

4. Carrier may refuse carriage of a consignment if the rates and charges are not paid despite monition.

5. Neither the shipper nor the consignee shall be entitled to claim damages in the cases mentioned in paragraphs 2 to 4 above. The Carrier may in such cases in the name of the shipper or the consignee and on their account hand over the shipment to any forwarding agent or Carrier for onward carriage by any means of transportation or to any store-keeper for storage, but it shall be under no obligation to do so. Handing over of the shipment as aforesaid shall constitute proper delivery to the person entitled to take delivery and the Carrier shall have no further obligation or liability except that it shall notify the shipper or the consignee at the address mentioned in the Air-Waybill.

ARTICLE 8

CONSIGNMENTS IN TRANSIT

1. The shipper shall comply with all applicable laws, customs and other government regulations of any country to, from, through or over which the cargo will be carried, including but not limited to those relating to the packing, carriage or delivery of the cargo. He shall furnish such information to the Carrier and attach such documents to the Air-Waybill as may be necessary to comply with such laws and regulations or to furnish Carrier with the correct and complete information and documents.

2. Carrier may (but is under no obligation) refuse carriage if the applicable laws or other regulations do not permit such carriage or only permit it under conditions which the shipper does not fulfil or the fulfilment of which cannot be reasonably expected from Carrier. No liability shall attach to Carrier for loss or expenses if Carrier refuses carriage because it reasonably determines in good faith that what it understands to be the applicable law or other regulation does not permit carriage or only permits it under such conditions.

3. Carrier is authorised (but shall be under no obligation) to advance any duties, taxes or charges and to make disbursements with respect to the cargo. The shipper and, after taking delivery of the consignment jointly and severally with him, the consignee, shall be liable for the reimbursement thereof.

4. If it is necessary to make customs entry of the cargo at any transit station the Carrier may, in the absence of other agreements, proceed or have proceeded by a third person with the necessary formalities at shipper's costs. After taking delivery of the consignment the consignee shall also be liable for these costs.

5. If it is necessary for any reason, the Carrier may hold the consignment at any place either before, during or after transit and, upon giving notice thereof to the person entitled to dispose of the consignment, at the risk and expense of the latter, store the consignment with another transportation service for onward carriage. With respect to the goods mentioned in Article 6, paragraph 2, the Carrier may further more upon giving notice to and at the expense of the person entitled to dispose of the consignment, take any measure whatsoever which is necessary for the safety of persons and goods, the consignment, the aircraft and its load or which in the Carrier's reasonable opinion is deemed to be necessary. The Carrier shall in such case not be liable for damage of whatever nature.

ARTICLE 9

SHIPPER'S RIGHT OF DISPOSITION

1. Every exercise of the right of disposition must be made by the shipper or his designated agent and must be applicable to the whole consignment under a single Air-Waybill. Instructions as to disposition must be given in writing in the form prescribed by Carrier. Subject to paragraph 4 hereafter the right of disposition over the cargo may only be exercised upon producing the shipper's original copy of the Air-Waybill.

2. Shipper may only exercise his right of disposition if and as far as no prejudice is caused thereby to Carrier, other shippers or passengers and provided he has carried out all his obligations under the contract of carriage. The shipper shall be liable for and shall reimburse Carrier for any expenses and indemnify Carrier for all loss or damage suffered or incurred by Carrier as a

result of its compliance with the shipper's orders, and he shall hold harmless the Carrier, its employees, servants and agents from third party claims arising in connection therewith.

3. The shipper may dispose of the cargo either-
 - (a) by withdrawing it at the airport of departure or of destination;
 - (b) by stopping it in the course of the journey on any landing;
 - (c) by calling for it to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the Air-Waybill; or
 - (d) by requiring it to be returned to the airport of departure.

If it is not reasonably practicable to carry out the order of the shipper, Carrier shall so inform him promptly. The costs of so doing shall be borne by shipper.

4. The shipper's right of disposition shall cease at the moment when the consignment has arrived at the airport of destination. Nevertheless, the shipper resumes his right of disposition and the consignee waives his rights if the consignee refuses to accept the Air-Waybill or the consignment or if he fails to accept the same within the period mentioned in Article 10, paragraph 3, or if he cannot be communicated with. In such case the shipper may exercise his right of disposition without producing his original copy of the Air-Waybill.

ARTICLE 10

DELIVERY

1. Except as otherwise specifically provided in the Air-Waybill, delivery of the consignment will be made only to the consignee named on the face of the Air-Waybill or to his designated agent unless such consignee is one of the Carriers participating in the carriage, in which event delivery shall be made to the person indicated on the face of the Air-Waybill as the person to be notified.
2. The Carrier will give notice of arrival of the consignment to the consignee or the person to be notified in the manner provided by Carrier's Regulations.
3. Unless otherwise agreed between the shipper or the consignee and the Carrier, the consignee must accept delivery of the consignment at the airport of destination within seven days from dispatch of the notice mentioned in paragraph 2 hereabove; perishables, dangerous articles and live animals must be accepted immediately.
4. Delivery of the consignment to the consignee will be made by Carrier only against written receipt. Delivery shall also be deemed to have been effected when the consignment has been delivered to customs or other government authorities or customs clearance agents as required by applicable law or regulations and Carrier has delivered to the consignee against written receipt the consignee's original copy of the Air-Waybill.
5. Upon delivery or immediately thereafter the consignee must remove the

consignment from Carrier's premises. After delivery the Carrier shall not be liable for loss or damage of whatever nature.

6. By accepting delivery of the Air-Waybill and/or the consignment the consignee shall become liable for payment of all costs and charges in connection with the carriage. Unless otherwise agreed the shipper shall not be released from his own liability for these costs and charges and will remain jointly and severally liable with the consignee. The Carrier may make delivery of the consignment or the Air-Waybill conditional upon payment of these costs and charges.

ARTICLE 11

FAILURE OF CONSIGNEE TO TAKE DELIVERY

1. If the consignee refuses to take delivery of the consignment or fails to take delivery within the period specified in Article 10, paragraph 3, or if the Carrier is unable to deliver the consignment because the consignee refuses to pay the charges and costs due to it, the rights of the consignee shall cease. In such case, Carrier will, subject to paragraph 2 hereafter, endeavour to comply with any instructions of the shipper set forth on the face of the Air-Waybill. If no such instructions are set forth, or if such instructions reasonably cannot be complied with, Carrier may, after forwarding to the shipper notice of the failure of the consignee to take delivery and in the absence of instructions from the shipper within thirty days return the consignment to the airport of departure or sell such consignment at public or private sale according to applicable law.

2. If the consignment contains perishable or dangerous articles or live animals Carrier is not obliged to respect the time limits mentioned in paragraph 1 above. It may immediately and prior to the notification of the shipper take such steps as it sees fit for the protection of the consignment, of itself or other parties.

3. The shipper is liable for all charges and expenses and costs resulting from or in connection with the consignee's failure to take delivery of the consignment.

ARTICLE 12

C.O.D. CONSIGNMENTS: COLLECTION OF CHARGES FROM THE CONSIGNEE

C.O.D. consignments and consignments for which rates, charges and costs are to be collected from the consignee will be accepted only for carriage to the countries and under the conditions and at the rates provided in Carrier's Regulations. In any case Carrier reserves the right to refuse the acceptance of such consignments if in the country of destination the conversion of money into other currencies or the exportation of money is prohibited, restricted or subject to conditions which may cause losses to the Carrier or if such prohibitions, restrictions or risks of loss are likely to occur.

ARTICLE 13

APPLICABLE LAWS AND PROVISIONS

1. All "international carriage" as defined by the Convention is governed by the rules and limitations relating to liability and other provisions of the

Convention. Carriage to be performed by several successive Carriers shall be deemed to be one undivided carriage if it has been agreed between the parties as a single operation. Such carriage is "international carriage" whether it is to be performed under one single or under a series of Air-Waybills. For the purpose of the Convention and of the national laws implementing or extending the application of the Convention the agreed stopping places are the places set forth as such in the Air-Waybill or shown in Carrier's time-tables as scheduled stopping places for the route. They may be altered by Carrier but for the purpose of the Convention or the said national laws nevertheless are still to be deemed the agreed stopping places.

2. To the extent not in conflict with the provisions of paragraph 1 above, all carriage and other services performed by Carrier are subject to-

(a) applicable laws (including national laws implementing the Convention or extending the rules of the Convention to carriage which is not "international carriage" as defined in the Convention), government regulations, orders and requirements;

(b) applicable tariffs, these conditions and other applicable conditions, rules and regulations of Carrier. They are part of the contract of carriage and may be inspected at any of Carrier's offices.

ARTICLE 14

LIABILITY OF CARRIER

Except as mandatory provisions of applicable law may otherwise require:

1. Carrier is not liable to the shipper or to any other person for any damage of whatsoever nature arising out of or in connection with the carriage or other services performed by Carrier, unless such damage has been caused by the negligence of the Carrier while there has been no contributory negligence of the shipper, consignee or another person claiming damages.

2. No warranty concerning any aircraft engaged in the carriage or concerning its fitness for the carriage of the cargo to which the contract relates is implied in the contract of carriage.

3. Carrier is not liable for indirect or consequential damage. Carrier shall not be liable for loss of income.

4. Carrier is not liable for any damage directly or indirectly arising out of compliance with laws, government regulations, orders or requirements, or from failure of shipper or consignee to comply with same, or from any cause beyond Carrier's control.

5. Liability of Carrier is limited to 250 French gold francs or its equivalent in Zambian Kwacha per kilogram of cargo lost, damaged or delayed. This limitation shall not be applicable if shipper on handing over the cargo to Carrier will have declared a higher value and paid the applicable additional charge. In such event Carrier's liability is limited to such higher declared value.

If only part of the cargo is lost, damaged, destroyed or delayed Carrier's liability will be reduced in the same proportion as the weight of the packages concerned bears to the total weight of the consignment carried under

the Air-Waybill regardless of the value of the objects lost, damaged, destroyed or delayed. Nevertheless, if the loss, damage or delay affects the value of other packages carried under the same Air-Waybill, the weight of such packages shall also be taken into account. In no case shall Carrier's liability exceed the actual loss suffered. All claims shall be subject to proof of value.

6. Carrier shall not be liable for damage to or destruction of a consignment caused by or as a result of property contained therein. Any liability is also excluded for damage caused by change of climate, temperature or altitude or by other circumstances normally connected with air transportation or due to the length of time of the carriage.

7. Carrier will not be liable for any damage arising from death or injury of an animal carried due to natural causes or due to the animal's own state or nature or a cause mentioned in paragraph 6 hereabove or caused by the conduct or acts of the animal itself or of other animals. In no event will Carrier be liable for death of or injury to any animal attendant caused or contributed to by the condition, conduct or acts of the animal attended or by any other animals.

8. If a consignment or its contents cause death of or injury to any person or damage to other consignments or the property of Carrier or third parties or if special measures have to be taken to avoid such damage, shipper shall indemnify Carrier for all losses and expenses arising therefrom and shall hold harmless Carrier, its employees, servants, agents or representatives from third party claims for such damage. Carrier has the right to take any measures it thinks appropriate including abandonment or destruction with respect to consignments which might injure persons or damage property and shall not be liable for the consequences arising therefrom.

9. Carrier shall not be liable for damage not occurring on its own line. Nevertheless, in the case of carriage to be performed by several successive Carriers the consignor shall also have a right of action for such damage against the first Carrier and the consignee who is entitled to delivery shall also have such a right of action against the last Carrier.

A Carrier issuing an Air-Waybill for carriage over the lines of others does so-notwithstanding the definition of Carrier in Article 1-only as an agent.

10. Whenever the liability of Carrier is excluded or limited under these conditions such exclusion or limitation shall also apply to employees, agents, servants or representatives of the Carrier acting within the scope of their employment and also to any Carrier whose aircraft is used for carriage and to its employees, agents, servants or representatives, acting within the scope of their employment. For purposes of this provision Carrier acts herein as agent for all such persons.

ARTICLE 15

COMPLAINTS AND ACTIONS

1. Receipt by the person entitled to delivery of the cargo without complaint is prima facie evidence that the same has been delivered in good condition and in accordance with the document of carriage.

2. In the case of damage to or partial loss of cargo the person entitled to delivery must complain to the Carrier forthwith after the discovery of the

damage, and at the latest within seven days from the date of receipt. In the case of delay the complaint must be made at the latest within fourteen days from the date on which the consignment has been placed at the disposal of the person entitled to delivery and in the case of loss (including non-delivery) within 120 days from the date of issue of the Air-Waybill. If mandatory provisions of applicable law request other time-limits the complaint must be made within those limits.

3. Every complaint must be made in writing upon the document of carriage or by separate notice in writing and dispatched within the times aforesaid.

4. Failing complaint within the times aforesaid, no action shall lie against the Carrier, save in the case of fraud on its part.

5. Any right to damages against Carrier shall be extinguished unless an action is brought within two years, reckoned from the date of arrival of the aircraft at the destination or from the date on which the aircraft ought to have arrived or from the date on which the carriage stopped. The method of calculating the period of limitation shall be determined by the law of the court seised.

ARTICLE 16

QUALIFICATION TO CLAIM, RIGHT OF ACTION

Any claim related to damage, loss, destruction or delay shall exclusively have to be made by the shipper as far as he is entitled to dispose of the consignment pursuant to Article 9 hereabove and exclusively by the consignee in so far as he is entitled to delivery according to Article 10 hereabove.

Any right of action therefore belongs exclusively to the person entitled to dispose of the cargo. After delivery of the consignment the consignee will exclusively be entitled to bring an action.

ARTICLE 17

OVERRIDING LAW

In so far as any provision contained or referred to in the Air-Waybill or in these conditions may be contrary to mandatory law, government regulations, orders or requirements, such provision shall remain applicable and form a part of the contract of carriage to the extent that it is not overridden thereby. The invalidity of any provision shall not affect any other part.

ARTICLE 18

MODIFICATIONS

1. No employee, agent, servant or representative of Carrier has authority to alter, modify or waive any provisions of the contract of carriage or of these conditions.

2. Subject to approval by the Ministry of Power, Transport and Communications, Carrier may alter without notice these conditions and the published tariffs and charges and Carrier's Regulations unless excluded by applicable laws or ordinances. These conditions shall be applicable in the form valid on the day of issue of the Air-Waybill.

THIRD SCHEDULE

(Regulation 2 (3))

PART 1 SPECIAL CONDITIONS APPLICABLE TO THE CARRIAGE OF AIR EXPRESS PARCEL(S)

ARTICLE 1

LAWS AND PROVISIONS APPLICABLE

Except where otherwise stated, the Company's General Conditions of Carriage for Freight shall apply, and the acceptance, conveyance and delivery of Air Express Parcels will only be effected subject to those conditions and to such special conditions as are set out hereunder.

ARTICLE 2

DEFINITIONS

"Air Express Parcel", which is equivalent to the term "Express Parcel", means a parcel containing general merchandise, cargo or goods, having a maximum weight of 4 kilograms with dimensions not exceeding 76.2 centimetres in height and 96.7 centimetres square, which is accepted for carriage at a special rate and between those stations as specified in the Company's tariffs from time to time;

"Air Express Parcel Waybill", which is equivalent to the terms "Express Parcel Waybill" or "Express Parcel Consignment Note", means the document made out by the Carrier on behalf of the shipper which evidences the contract between the two parties for the carriage of Air Express Parcels over the specified routes of the Carrier.

ARTICLE 3

EXECUTION OF EXPRESS PARCEL WAYBILL

The Carrier shall make out the prescribed Express Parcel Waybill as agent for the shipper, and under the conditions set out in paragraphs 2, 3 and 4 of Article 3 of the General Conditions of Carriage for Cargo.

ARTICLE 4

CHARGES

C.O.D. consignments will not be accepted, and all charges must be prepaid by the shipper on acceptance by Carrier.

ARTICLE 5

DELIVERY

Except where special arrangements have been made between the shipper/consignee and the Carrier, the consignee must accept delivery from the city/town terminal of destination.

ARTICLE 6

LIMITATION OF LIABILITY

It is agreed that any liability of Carrier in respect of Air Express Parcels shall in no event exceed K9.51 per kilogram of goods destroyed, damaged or delayed, and then only on proof of value of loss.

PART 2 SPECIAL CONDITIONS APPLICABLE TO THE CARRIAGE OF AIR EXPRESS LETTERS

ARTICLE 1

LAWS AND PROVISIONS APPLICABLE

Carriage under the Airways Letter Post is subject to the terms, conditions, provisions and limitations as contained in the Agreement made between any airline which is operating within Zambia and the Director-General of the Posts and Telecommunications Corporation or its successor and any amendments and additions thereto, and the Corporation's regulations and tariffs, and the Corporation's General Conditions of Carriage are expressly excluded.

ARTICLE 2

DEFINITIONS

"Air Express Letter", which is equivalent to the terms "Airway Letter" or "Late Letter" or "Air Letter", means any letter handed to Carrier for conveyance by the Air Express Letter Service within the territories of Malawi, Zambia and Zimbabwe.

"Airway Letter Post" is equivalent to the term "Air Express Letter Service".

ARTICLE 3

LIMITATION OF LIABILITY

The Air Carrier accepts no liability whatsoever for damage or delay to, or loss or incorrect delivery of, any Air Express Letter.

SECTION 20-PRESCRIBED FEES

Notice by the Minister Government Notice
39 of 1964
Statutory Instrument
63 of 1991
Act No.
13 of 1994

The following fees payable by applicants on the issue, renewal, transfer or amendment of a permit are hereby prescribed:

1. Fee payable by an applicant-

Fee units

- (a) for the issue of a permit, other than a temporary or provisional permit 24
- (b) for the issue of a temporary permit 16
- (c) for the renewal or transfer of a permit 24
- (d) for the amendment of a permit 16

2. Fee payable on the issue of a permit, other than a temporary or provisional permit: for each year or part of a year for which the permit is expressed to be valid 40

3. Fee payable on the issue of a temporary permit 28

4. Fee payable on the amendment of a permit 28

(As amended by S.I. No. 63 of 1991 and Act No. 13 of 1994)

SECTIONS 3, 20 AND 20A-THE AIR SERVICES (AERIAL APPLICATION PERMIT) REGULATIONS

Regulations by the Minister Statutory Instrument
45 of 1985
Act No.
13 of 1994

1. These Regulations may be cited as the Air Services (Aerial Application Permit) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"aerial application operations" means operations connected with the dropping of chemicals or other articles from the air for the purposes of agriculture, horticulture or forestry; and includes operations designed to train others for such operations;

"Director" shall have the meaning ascribed to it in the Air Navigation Regulations. Cap. 444

3. (1) A person shall not carry out aerial application operations otherwise than in accordance with an aerial application permit issued in accordance with these Regulations. Permit for aerial application operations

(2) An application for an aerial application permit shall be made through the Director.

(3) The Director shall satisfy himself-

(a) that the applicant is competent and experienced in carrying out aerial application operations;

(b) that the equipment, organisation and staff of the applicant are satisfactory to secure the safe operation of the aircraft to be used in carrying out aerial application operations;

(c) that the applicant has prepared a satisfactory aerial application manual containing such information and instructions as may be necessary to enable the operating staff to carry out their duties safely; and

(d) as to such other matters as may be relevant to the carrying out of aerial application operations.

(4) The Director shall make a report to the Minister on each application received by him, and may recommend any conditions that are, in his opinion, desirable to be imposed upon the granting of a permit for aerial application operations.

(5) Upon receiving the report from the Director, the Minister may-

(a) reject the application; or

(b) grant it subject to such conditions, if any, as he may think fit.

(6) The Minister may at any time require the holder of an aerial application permit to amend his aerial application manual in such manner as the Minister may think fit, and such holder shall comply with such requirement.

4. An aerial application permit shall remain valid up to the end of the year in respect of which it is granted or renewed, and it may be renewed from time to time. Duration

5. The fees set out in the Schedule shall be payable for an aerial application permit. Fees

6 (1) The provisions of sections six to thirteen of the Act shall not apply in respect of an aerial application permit. Non-application of certain provisions

(2) Notwithstanding the provisions of sub-regulation (1), any person affected by an aerial application permit issued or to be issued in accordance with these Regulations may make an objection in writing to the Minister, and the Minister may deal with such objection as he thinks fit.

(3) The provisions of sections sixteen, seventeen and eighteen shall not apply in respect of an aerial application permit to the extent that those provisions require the Minister to refer to a tribunal matters concerning revocation, suspension or variation of such permits.

SCHEDULE

(Regulation 5)

FEES

Fee units

(1) Issue of aerial application permit 250 per annum

(2) Renewal of aerial application permit 125 per annum

(As amended by Act No. 13 of 1994)

SECTION 20-THE AIR SERVICE (PERMIT FEES) REGULATIONS

Regulations by the Minister Statutory Instrument
86 of 1993
Act No.
13 of 1994

1. These Regulations may be cited as the Air Service (Permit Fees) Regulations. Title

2. There shall be paid the fees set out in the Schedule to these Regulations relating to an air service permit for the matters specified therein. Permit Fees

SCHEDULE

(Regulation 2)

PERMIT FEES

In this Schedule-

1. (1) "small aircraft operators" means an applicant whose aircraft, to which the application relates, satisfies the following requirements:

(a) the maximum all up weight of each aircraft does not exceed 5,700 kg (12,500lb);

(b) the maximum approved seating capacity of each aircraft does not exceed 8 passengers; or

(c) the total fleet of aircraft comprises not more than 4 aircraft.

(2) "medium aircraft operator" means an applicant whose aircraft, to which the application relates, satisfies the following requirements:

(a) the maximum all up weight of at least one aircraft exceeds 5,700 kg (12,500lb) but does not exceed 15,000 kg (33,000lb);

(b) the maximum approved seating capacity of at least one aircraft exceeds 8 passengers but does not exceed 42 passengers; or

(c) the total fleet of aircrafts comprises more than 4 aircrafts but does not exceed 8 aircrafts.

(3) "large aircraft operator" means an applicant whose aircraft, to which the application relates, satisfies the following requirements:

(a) the maximum all up weight of at least one aircraft exceeds 15,000 kg (33,000lb);

(b) the maximum approved seating capacity of at least one aircraft exceeds 42 passengers; or

(c) the total fleet of aircraft exceeds 8 aircraft.

2. Application Fees:

(a) for the issue of a permit other than a temporary permit-

Fee units

(i) small aircraft 500

(ii) medium aircraft 500

(iii) large aircraft 500

(b) for the issue of a temporary permit-

(i) small aircraft 200

(ii) medium aircraft 200

(iii) large aircraft 200

(c) for the renewal or transfer of a permit-

(i) small aircraft 350

(ii) medium aircraft 350

(iii) large aircraft 350

(d) for amendment of a permit-

(i) small aircraft 300

(ii) medium aircraft 300

(iii) large aircraft 300

Fee units

3. Permit fees:

(a) for the issue of a permit other than a temporary permit-

(i) small aircraft 2000

(ii) medium aircraft 3000

(iii) large aircraft 4000

(b) for the issue of a temporary permit-

(i) small aircraft 300

(ii) medium aircraft 600

(iii) large aircraft 4000

(c) for the amendment of a permit-

- (i) small aircraft 1500
- (ii) medium aircraft 2000
- (iii) large aircraft 2500

(As amended by Act No. 13 of 1994 and S.I. No. 120 of 1995)

REPUBLIC OF ZAMBIA

THE CARRIAGE BY AIR ACT

CHAPTER 447 OF THE LAWS OF ZAMBIA

CHAPTER 447 THE CARRIAGE BY AIR ACT CHAPTER 447

THE CARRIAGE BY AIR ACT

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY PART I

PRELIMINARY

Section

1. Short title
2. Interpretation
3. Text of Conventions and Protocol
4. Designation of High Contracting Parties

PART II CARRIAGE TO WHICH THE WARSAW CONVENTION AND THE HAGUE PROTOCOL APPLY PART II

CARRIAGE TO WHICH THE WARSAW CONVENTION AND THE HAGUE PROTOCOL APPLY

5. Meaning of "the Convention" in Part II
6. Convention to have force of law
7. Conversion of damages into Zambian currency
8. Provisions relating to proceedings for damages in respect of death of passenger
9. Liability of carrier for personal injuries to be exclusive of other civil liability
10. Liability of carrier to persons other than passengers
11. Certain sums not to be taken into account in assessment of damages
12. Contributory negligence

13. Jurisdiction in certain cases

PART III CARRIAGE TO WHICH THE WARSAW CONVENTION WITHOUT THE HAGUE PROTOCOL APPLIESPART III

CARRIAGE TO WHICH THE WARSAW CONVENTION WITHOUT THE HAGUE PROTOCOL APPLIES

14. Meaning of "the Convention" in Part III

15. Warsaw Convention to have force of law

16. Provisions of Part II applicable to this Part and repeal

PART IV CARRIAGE TO WHICH THE GUADALAJARA CONVENTION APPLIESPART IV

CARRIAGE TO WHICH THE GUADALAJARA CONVENTION APPLIES

Section

17. Guadalajara Convention to have force of law

18. Construction of Parts II and III for purposes of Guadalajara Convention

PART V OTHER CARRIAGE TO WHICH THIS ACT APPLIESPART V

OTHER CARRIAGE TO WHICH THIS ACT APPLIES

19. Meaning of "the amended Warsaw Convention" in Part V

20. Modification of Conventions for purposes of this Part

21. Powers of Minister

PART VI MISCELLANEOUSPART VI

MISCELLANEOUS

22. Liability of persons other than carrier

23. Regulations

24. Act to bind the Republic

25. Repeals and saving

FIRST SCHEDULE-The Warsaw Convention

SECOND SCHEDULE-The Hague Protocol

THIRD SCHEDULE-The Guadalajara Convention

FOURTH SCHEDULE

FIFTH SCHEDULE }Rules applicable to non-international

carriage under Part V

SIXTH SCHEDULE-Repeals

CHAPTER 447

CARRIAGE BY AIR 59 of 1968

An Act to make provision with respect to carriage by air and to give effect to the Warsaw Convention, The Hague Protocol; to repeal certain laws relating to carriage by air; and for connected purposes.

[1st June, 1970]

PART I PRELIMINARY PART I

PRELIMINARY

1. This Act may be cited as the Carriage by Air Act. Short title
2. In this Act, unless the context otherwise requires- Interpretation

"the Guadalajara Convention" means the Convention supplementary to the Warsaw Convention for the Unification of Certain Rules relating to International Carriage by Air Performed by a Person other than the Contracting Party opened for signature at Guadalajara on the 18th September, 1961;

"The Hague Protocol" means the Protocol to amend the Warsaw Convention opened for signature at The Hague on the 28th September, 1955;

"the Warsaw Convention" means the Convention for the Unification of Certain Rules Relating to International Carriage by Air opened for signature at Warsaw on the 12th October, 1929, including the Additional Protocol to that Convention with reference to Article 2 of that Convention.

3. (1) Subject to subsection (4), the text of the Warsaw Convention shall, for the purposes of this Act, be deemed to be the text set out in the First Schedule in the English language.

(2) Subject to subsection (4), the text of The Hague Protocol shall, for the purposes of this Act, be deemed to be the text set out in the Second Schedule in the English language.

(3) Subject to subsection (4), the text of the Guadalajara Convention shall, for the purposes of this Act, be deemed to be the text set out in the Third Schedule in the English language. Text of Conventions and Protocol

(4) If any inconsistency is shown between the text set out in the First Schedule or the Second Schedule or the Third Schedule and the authentic text in the French language of the Warsaw Convention or The Hague Protocol or the Guadalajara Convention, as the case may be, the authentic French text shall prevail.

(5) A certificate in writing under the hand of the Minister that a document to which the certificate is annexed is a true copy of the authentic text in the French language of the Warsaw Convention or The Hague Protocol or the Guadalajara Convention is conclusive evidence that the document is such a true

copy.

4. (1) The Minister may from time to time-Designation of High Contracting Parties

(a) certify who are the High Contracting Parties to the Warsaw Convention or The Hague Protocol, the territory in respect of which any such party is bound by the Convention and to what extent they have availed themselves of the provisions of the Additional Protocol to the Convention;

(b) certify who are the States that have or have not taken any action referred to in Article II, III, XIV, XV or XVI of the Guadalajara Convention and as to the particulars of any action so taken.

(2) Any certificate issued under subsection (1) shall, except in so far as it has been superseded by a subsequent certificate, be conclusive evidence of the matters so certified.

PART II CARRIAGE TO WHICH THE WARSAW CONVENTION AND THE HAGUE PROTOCOL APPLY PART II

CARRIAGE TO WHICH THE WARSAW CONVENTION AND THE HAGUE PROTOCOL APPLY

5. In this Part, "the Convention" means the Warsaw Convention and The Hague Protocol read and interpreted together as one single instrument in accordance with Article XIX of The Hague Protocol. Meaning of "the Convention" in Part II

6. The provisions of the Convention shall have, subject to this Part, the force of law in the Republic in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage. Convention to have force of law

7. Any sum in francs mentioned in Article 22 of the Convention shall, for the purposes of an action against a carrier, be converted into Zambian currency at the rate of exchange prevailing on the date on which the amount of any damages to be paid by the carrier is ascertained by the court. Conversion of damages into Zambian currency

8. (1) The provisions of this section shall apply in relation to liability imposed by the Convention on a carrier in respect of the death of a passenger (including the injury that resulted in death). Provisions relating to proceedings for damages in respect of death of passenger

(2) Subject to section ten, the liability under the Convention shall be in substitution for any civil liability of the carrier under any other law in respect of the death of the passenger or in respect of the injury that resulted in such death.

(3) Subject to subsection (4), the liability shall be enforceable for the benefit of such of the members of the passenger's family as sustained damage by reason of his death.

(4) To the extent that the damages recoverable include loss of earnings or profits up to the date of death, or funeral, medical or hospital expenses paid or incurred by the passenger before his death or by his personal representative, the liability shall be enforceable for the benefit of the personal

representative of the passenger in his capacity as personal representative.

(5) For the purposes of subsection (3), the members of the passenger's family shall be deemed to be the wife or husband, parents, step-parents, grandparents, brothers, sisters, half-brothers, half-sisters, children, step-children and grandchildren of the passenger, and, in ascertaining the members of the passenger's family, an illegitimate person or an adopted person shall be treated as being or as having been, the legitimate child of his mother and reputed father or, as the case may be, of his adoptors.

(6) The action to enforce the liability may be brought by the personal representative of the passenger or by a person for whose benefit the liability is, under the preceding provisions of this section, enforceable, but only one action shall be brought in Zambia in respect of the death of any one passenger, and the action, by whomsoever brought, shall be for the benefit of all persons for whose benefit the liability is so enforceable.

(7) The damages recoverable in the action include loss of earnings or profits up to the date of death and the reasonable expenses of the funeral of the passenger and medical and hospital expenses reasonably incurred in relation to the injury that resulted in the death of the passenger.

(8) In awarding damages, the court is not limited to the financial loss resulting from the death of the passenger.

(9) Subject to subsection (10), the amount recovered in the action, after deducting any costs not recoverable from the defendant, shall be divided amongst the persons entitled in such proportions as the court directs.

(10) The court may at any stage of the proceedings make any such order as appears to it to be just and equitable in view of the provisions of the Convention limiting the liability of the carrier and of any proceedings which have been, or are likely to be, commenced against the carrier, whether within or outside Zambia.

9. Subject to section ten, the liability of a carrier under the Convention in respect of personal injury suffered by a passenger, not being injury that has resulted in the death of the passenger, shall be in substitution for any civil liability of the carrier under any other law in respect of the injury. Liability of carrier for personal injuries to be exclusive of other civil liability

10. Nothing in the Convention or in this Part shall be deemed to exclude any liability of a carrier-

(a) to indemnify an employer of a passenger in respect of liability of that employer under the law of the Republic providing for compensation to workmen or employees in respect of accidents arising out of or in the course of their employment; or

(b) to pay contribution to a tortfeasor who is liable in respect of the death of, or injury to, a passenger;

but this section does not operate to increase the limit of liability of a carrier in respect of a passenger beyond the amount fixed by or in accordance with the Convention. Liability of carrier to persons other than passengers

11. In assessing damages in respect of liability under the Convention, there

shall not be taken into account by way of reduction of the damages-

(a) a sum paid or payable on the death of, or personal injury to, a passenger under a contract of insurance;

(b) a sum paid or payable out of a superannuation, provident or like fund, or by way of benefit from a friendly society, benefit society or trade union;

(c) any sum in respect of a pension, social service benefit or repatriation benefit paid or payable, consequent upon the death or injury, by any government or person;

(d) in the case of death, any sum in respect of the acquisition by a spouse or child of the deceased, consequent upon the death of, or of an interest in, a dwelling used at any time as the home of that spouse or child, or of, or of an interest in, the household contents of any such dwelling; or

(e) in the case of death, a premium that would have become payable under a contract of insurance in respect of the life of the deceased passenger if he had lived after the time at which he died. Certain sums not to be taken into account in assessment of damages

12. (1) Effect shall be given to Article 21 of the Warsaw Convention in accordance with the provisions of this section. Contributory negligence

(2) If, in an action against a carrier under the Convention, the carrier proves that the damage was caused by or contributed to by the negligence of the passenger or the consignor, the damages recoverable shall be assessed in accordance with this section.

(3) The court shall first determine the damages that would have been recoverable if there were no limit on the amount of those damages fixed by or in accordance with the Convention and there had been no negligence on the part of the passenger or consignor.

(4) The damages determined under subsection (3) shall be reduced to such extent as the court thinks just and equitable having regard to the share of the passenger or the consignor in the responsibility for the damage.

(5) If the damages as reduced in accordance with subsection (4) exceed the maximum liability of the carrier fixed by or in accordance with the Convention, the court shall further reduce the damages to that maximum amount.

13. (1) A Party to the Convention which has not availed itself of the provisions of the Additional Protocol to the Warsaw Convention with reference to Article 2 of that Convention shall, for the purpose of an action under the Convention brought in a court in Zambia to enforce a claim in respect of carriage undertaken by that Party, be deemed to have submitted to the jurisdiction of that court. Jurisdiction in certain cases

(2) Nothing in this section shall be deemed to authorise the issue of execution against the property of a Party to the Convention.

PART III CARRIAGE TO WHICH THE WARSAW CONVENTION WITHOUT THE HAGUE PROTOCOL APPLIES PART III

CARRIAGE TO WHICH THE WARSAW CONVENTION WITHOUT

THE HAGUE PROTOCOL APPLIES

14. In this Part, "the Convention" means the Warsaw Convention as unamended and unaffected by The Hague Protocol. Meaning of "the Convention" in Part III

15. The provisions of the Convention shall have, subject to this Part, the force of law in the Republic in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage. Warsaw Convention to have force of law

16. (1) The provisions of sections eight to thirteen apply for the purpose of this Part as if contained in this Part. Provisions of Part II applicable to this Part and repeal

(2) This Part shall continue in force until a date to be appointed by the Minister by statutory instrument, being a date not earlier than the date upon which a denunciation by the Republic of the Convention in accordance with Article 39 of the Convention takes effect.

(3) Upon the date fixed in pursuance of subsection (2), this Part shall be deemed to be repealed for all purposes.

PART IV CARRIAGE TO WHICH THE GUADALAJARA CONVENTION APPLIES PART IV

CARRIAGE TO WHICH THE GUADALAJARA CONVENTION APPLIES

17. The provisions of the Guadalajara Convention shall have, subject to Parts II and III as modified and affected by section eighteen, the force of law in the Republic in relation to any carriage by air to which that Convention applies, irrespective of the nationality of the aircraft performing that carriage. Guadalajara Convention to have force of law

18. In relation to carriage to which the Guadalajara Convention applies, references in Part II (other than section six) and Part III (other than section fifteen) to "the Convention" shall be read and construed as including references to those provisions of the Guadalajara Convention which have the force of law by virtue of this Part. Construction of Parts II and III for purposes of Guadalajara Convention

PART V OTHER CARRIAGE TO WHICH THIS ACT APPLIES PART V

OTHER CARRIAGE TO WHICH THIS ACT APPLIES

19. In this Part, "the amended Warsaw Convention" means the Warsaw Convention and The Hague Protocol read and interpreted together as one single instrument in accordance with Article XIX of The Hague Protocol. Meaning of "the amended Warsaw Convention" in Part V

20. Subject to the provisions of section twenty-one, the provisions of the amended Warsaw Convention and of the Guadalajara Convention as having the force of law in the Republic and as adapted and modified in the Fourth and Fifth Schedules respectively shall apply to all carriage by air, not being international carriage as defined in Article I of the Second Schedule. Modification of Conventions for purposes of this Part

21. The Minister may, by statutory instrument, direct that the provisions of this Part shall not apply to any carriage by air, or to any class of carriage by

air, and any such direction may be expressed to be, or if so expressed shall take effect, subject to any conditions or limitations which in the circumstances of the case appear to the Minister to be required. Powers of Minister

PART VI MISCELLANEOUS PART VI

MISCELLANEOUS

22. (1) In an action for damages arising out of the death or bodily injury of a passenger by air occasioned by the negligence of any person other than the carrier, the sum awarded shall not exceed twelve thousand kwacha in addition to the costs of the action and, in making its award, the court shall take into consideration any sum paid or to be paid by the carrier. Liability of persons other than carrier

(2) The provisions of subsections (3), (4), (5), (6), (7) and (8) of section eight apply to this section as if contained in this section.

23. The Minister may, by statutory instrument, make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, the Warsaw Convention, the Warsaw Convention as amended and affected by The Hague Protocol or the Guadalajara Convention. Regulations

24. This Act shall bind the Republic. Act to bind the Republic

25. (1) Subject to subsection (2), the laws specified in the Sixth Schedule shall be repealed to the extent specified in the second column thereof with effect from such date as the Minister may, by statutory instrument, appoint in respect of each such law. Repeals and saving

(2) Neither a repeal effected by subsection (1) nor any provision of this Act shall apply so as to affect rights or liabilities arising out of an occurrence before the date of such repeal or the date of any such provision coming into force.

FIRST SCHEDULE

(Section 3 (1))

CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR

CHAPTER I. SCOPE-DEFINITIONS

Article 1

1 This Convention applies to all international carriage of persons, baggage or cargo performed by aircraft for reward. It applies equally to gratuitous carriage by aircraft performed by an air transport undertaking.

2. For the purposes of this Convention the expression "international carriage" means any carriage in which, according to the agreement between the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties, or within the territory of a

single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to this Convention. A carriage without such an agreed stopping place between territories subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party is not deemed to be international for the purpose of this Convention.

3. Carriage to be performed by several successive air carriers is deemed, for the purpose of this Convention, to be one undivided carriage, if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within a territory subject to the sovereignty, suzerainty, mandate or authority of the same High Contracting Party.

Article 2

1. The Convention applies to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

2. This Convention does not apply to carriage performed under the terms of any international postal Convention.

CHAPTER II. DOCUMENTS OF CARRIAGE

SECTION I. PASSENGER TICKET

Article 3

1. For the carriage of passengers the carrier must deliver a passenger ticket which shall contain the following particulars:

- (a) the place and date of issue;
- (b) the place of departure and of destination;
- (c) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right, the alteration shall not have the effect of depriving the carriage of its international character;
- (d) the name and address of the carrier or carriers;
- (e) a statement that the carriage is subject to the rules relating to liability established by this Convention.

2. The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts a passenger without a passenger ticket having been delivered he shall not be entitled to avail himself of those provisions of this Convention which exclude or limit his liability.

SECTION 2. BAGGAGE CHECK

Article 4

1. For the carriage of baggage, other than small personal objects of which the passenger takes charge himself, the carrier must deliver a baggage check.

2. The baggage check shall be made out in duplicate, one part for the passenger and the other part for the carrier.

3. The baggage check shall contain the following particulars:

- (a) the place and date of issue;
- (b) the place of departure and of destination;
- (c) the name and address of the carrier or carriers;
- (d) the number of the passenger ticket;
- (e) a statement that delivery of the baggage will be made to the bearer of the baggage check;
- (f) the number and weight of the packages;
- (g) the amount of the value declared in accordance with Article 22 (2);
- (h) a statement that the carriage is subject to the rules relating to liability established by this Convention.

4. The absence, irregularity or loss of the baggage check does not affect the existence or the validity of the contract of carriage, which shall none the less be subject to the rules of this Convention. Nevertheless, if the carrier accepts baggage without a baggage check having been delivered, or if the baggage check does not contain the particulars set out at (d), (f) and (h) above, the carrier shall not be entitled to avail himself of those provisions of the Convention which exclude or limit his liability.

SECTION 3. AIRWAY BILL

Article 5

1. Every carrier of cargo has the right to require the consignor to make out and hand over to him a document called an "airway bill"; every consignor has the right to require the carrier to accept this document.

2. The absence, irregularity or loss of this document does not effect the existence or the validity of the contract of carriage which shall, subject to the provisions of Article 9, be none the less governed by the rules of this Convention.

Article 6

1. The airway bill shall be made out by the consignor in three original parts and be handed over with the cargo.

2. The first part shall be marked "for the carrier", and shall be signed

by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier and shall accompany the cargo. The third part shall be signed by the carrier and handed by him to the consignor after the cargo has been accepted.

3. The carrier shall sign on acceptance of the cargo.

4. The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

5. If, at the request of the consignor, the carrier makes out the airway bill, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

Article 7

The carrier of cargo has the right to require the consignor to make out separate airway bills when there is more than one package.

Article 8

The airway bill shall contain the following particulars:

- (a) the place and date of its execution;
- (b) the place of departure and of destination;
- (c) the agreed stopping places, provided that the carrier may reserve the right to alter the stopping places in case of necessity, and that if he exercises that right the alteration shall not have the effect of depriving the carriage of its international character;
- (d) the name and address of the consignor;
- (e) the name and address of the first carrier;
- (f) the name and address of the consignee, if the case so requires;
- (g) the nature of the cargo;
- (h) the number of the packages, the method of packing and the particular marks or numbers upon them;
- (i) the weight, the quantity and the volume or dimensions of the cargo;
- (j) the apparent condition of the cargo and of the packing;
- (k) the freight, if it has been agreed upon, the date and place of payment and the person who is to pay it;
- (l) if the cargo is sent for payment on delivery, the price of the cargo, and, if the case so requires, the amount of the expenses incurred;
- (m) the amount of the value declared in accordance with Article 22 (2);
- (n) the number of parts of the airway bill;

- (o) the documents handed to the carrier to accompany the airway bill;
- (p) the time fixed for the completion of the carriage and a brief note of the route to be followed, if these matters have been agreed upon;
- (q) a statement that the carriage is subject to the rules relating to liability established by this Convention.

Article 9

If the carrier accepts cargo without an airway bill having been made out, or if the airway bill does not contain all the particulars set out in Article 8 (a) to (i) inclusive and (q), the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability.

Article 10

1. The consignor is responsible for the correctness of the particulars and statements relating to the cargo which he inserts in the airway bill.
2. The consignor will be liable for all damage suffered by the carrier or any other person by reason of the irregularity, incorrectness or incompleteness of the said particulars and statements.

Article 11

1. The airway bill is prima facie evidence of the conclusion of the contract, of the receipt of the cargo and of the conditions of carriage.
2. The statements in the airway bill relating to the weight, dimensions and packing of the cargo, as well as those relating to the number of packages, are prima facie evidence of the facts stated; those relating to the quantity, volume and condition of the cargo do not constitute evidence against the carrier except so far as they both have been, and are stated in the airway bill to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the cargo.

Article 12

1. Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the cargo by withdrawing it at the aerodrome of departure or destination, or by stopping it in the course of the journey on any landing, or by calling for it to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the airway bill, or by requiring it to be returned to the aerodrome of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any expenses occasioned by the exercise of this right.
2. If it is impossible to carry out the orders of the consignor, the carrier must so inform him forthwith.
3. If the carrier obeys the orders of the consignor for the disposition of the cargo without requiring the production of the part of the airway bill delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any

person who is lawfully in possession of that part of the airway bill.

4. The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the airway bill or the cargo, or if he cannot be communicated with, the consignor resumes his right of disposition.

Article 13

1. Except in the circumstances set out in the preceding article, the consignee is entitled, on arrival of the cargo at the place of destination, to require the carrier to hand over to him the airway bill and to deliver the cargo to him, on payment of the charges due and on complying with the conditions of carriage set out in the airway bill.

2. Unless it is otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the cargo arrives.

3. If the carrier admits the loss of the cargo, or if the cargo has not arrived at the expiration of seven days after the date on which it ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

Article 14

The consignor and the consignee can respectively enforce all the rights given them by Articles 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

Article 15

1. Articles 12, 13 and 14 do not affect either the relations of the consignor or the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

2. The provisions of Articles 12, 13 and 14 can only be varied by express provision in the airway bill.

Article 16

1. The consignor must furnish such information and attach to the airway bill such documents as are necessary to meet the formalities of customs, octroi or police before the cargo can be delivered to the consignee. The consignor is liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his servants or agents.

2. The carrier is under no obligation to inquire into the correctness or sufficiency of such information or documents.

CHAPTER III. LIABILITY OF THE CARRIER

Article 17

The carrier is liable for damage sustained in the event of the death or

wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

Article 18

1. The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered baggage or any cargo, if the occurrence which caused the damage so sustained took place during the carriage by air.

2. The carriage by air within the meaning of the preceding paragraph comprises the period during which the baggage or cargo is in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

3. The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an aerodrome. If, however, such a carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or transshipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air.

Article 19

The carrier is liable for damage occasioned by delay in the carriage by air of passengers, baggage or cargo.

Article 20

1. The carrier is not liable if he proves that he and his servants and agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

2. In the carriage of cargo and baggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.

Article 21

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the Court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

Article 22

1. In the carriage of passengers the liability of the carrier for each passenger is limited to the sum of 125,000 francs. Where, in accordance with the law of the Court seised of the case, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed 125,000 francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

2. In the carriage of registered baggage and of cargo, the liability of the carrier is limited to a sum of 250 francs per kilogram, unless the consignor

has made, at the time when the package was handed over to the carrier, a special declaration of the value at delivery and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the actual value to the consignor at delivery.

3. As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 5,000 francs per passenger.

4. The sums mentioned above shall be deemed to refer to the French franc consisting of 651/2 milligrams gold of millesimal fineness 900. These sums may be converted into any national currency in round figures.

Article 23

Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Convention.

Article 24

1. In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Convention.

2. In the cases covered by Article 17 the provisions of the preceding paragraph also apply, without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

Article 25

1. The carrier shall not be entitled to avail himself of the provisions of this Convention which exclude or limit his liability, if the damage is caused by his wilful misconduct or by such default on his part as, in accordance with the law of the Court seised of the case, is considered to be equivalent to wilful misconduct.

2. Similarly the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused as aforesaid by any servant or agent of the carrier acting within the scope of his employment.

Article 26

1. Receipt by the person entitled to delivery of baggage or cargo without complaint is prima facie evidence that the same has been delivered in good condition and in accordance with the document of carriage.

2. In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within three days from the date of receipt in the case of baggage and seven days from the date of receipt in the case of cargo. In the case of delay the complaint must be made at the latest within fourteen days from the date on which the baggage or cargo has been placed at his disposal.

3. Every complaint must be made in writing upon the document of carriage

or by separate notice in writing despatched within the times aforesaid.

4. Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

Article 27

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this Convention against those legally representing his estate.

Article 28

1. An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the Court having jurisdiction where the carrier is ordinarily resident, or has his principal place of business, or has an establishment by which the contract has been made or before the Court having jurisdiction at the place of destination.

2. Questions of procedure shall be governed by the law of the Court seized of the case.

Article 29

1. The right to damages shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

2. The method of calculating the period of limitation shall be determined by the law of the Court seized of the case.

Article 30

1. In the case of carriage to be performed by various successive carriers and falling within the definition set out in the third paragraph of Article 1, each carrier who accepts passengers, baggage or cargo is subjected to the rules set out in this Convention, and is deemed to be one of the contracting parties to the contract of carriage in so far as the contract deals with that part of the carriage which is performed under his supervision.

2. In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

3. As regards baggage or cargo, the passenger or consignor will have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery will have a right of action against the last carrier, and further, each may take action against the carrier who performed the carriage during which the destruction, loss, or damage or delay took place. These carriers will be jointly and severally liable to the passenger or to the consignor or consignee.

CHAPTER IV. PROVISIONS RELATING TO COMBINED CARRIAGE

Article 31

1. In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of this Convention apply only to the carriage by air, provided that the carriage by air falls within the terms of Article 1.

2. Nothing in this Convention shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of this Convention are observed as regards the carriage by air.

CHAPTER V. GENERAL AND FINAL PROVISIONS

Article 32

Any clause contained in the contract and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless for the carriage of cargo arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place within one of the jurisdictions referred to in the first paragraph of Article 28.

Article 33

Nothing contained in this Convention shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this Convention.

Article 34

This Convention does not apply to international carriage by air performed by way of experimental trial by air navigation undertakings with the view to the establishment of a regular line of air navigation, nor does it apply to carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.

Article 35

The expression "days" when used in this Convention means current days, not working days.

Article 36

The Convention is drawn up in French in a single copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of Poland and of which one duly certified copy shall be sent by the Polish Government to the Government of each of the High Contracting Parties.

Article 37

1. This Convention shall be ratified. The instruments of ratification shall be deposited in the archives of the Ministry for Foreign Affairs of Poland, which will notify the deposit to the Government of each of the High Contracting Parties.

2. As soon as this Convention shall have been ratified by five of the High Contracting Parties it shall come into force as between them on the ninetieth day after the deposit of the fifth ratification. Thereafter it shall come into force between the High Contracting Parties who shall have ratified and the High Contracting Party who deposits his instrument of ratification on the ninetieth day after the deposit.

3. It shall be the duty of the Government of the Republic of Poland to notify to the Government of each of the High Contracting Parties the date on which this Convention comes into force as well as the date of the deposit of each ratification.

Article 38

1. This Convention shall, after it has come into force, remain open for accession by any State.

2. The accession shall be effected by a notification addressed to the Government of the Republic of Poland, which will inform the Government of each of the High Contracting Parties thereof.

3. The accession shall take effect as from the ninetieth day after the notification made to the Government of the Republic of Poland.

Article 39

1. Any one of the High Contracting Parties may denounce this Convention by a notification addressed to the Government of the Republic of Poland, which will at once inform the Government of each of the High Contracting Parties.

2. Denunciation shall take effect six months after the notification of denunciation, and shall operate only as regards the Party who shall have proceeded to denunciation.

Article 40

1. Any High Contracting Party may, at the time of signature or of deposit of ratification or of accession, declare that the acceptance which he gives to this Convention does not apply to all or any of his colonies, protectorates, territories under mandate, or any other territory subject to his sovereignty or his authority, or any territory under his suzerainty.

2. Accordingly any High Contracting Party may subsequently accede separately in the name of all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority or any territory under his suzerainty which has been thus excluded by his original declaration.

3. Any High Contracting Party may denounce this Convention, in accordance with its provisions, separately or for all or any of his colonies, protectorates, territories under mandate or any other territory subject to his sovereignty or to his authority, or any other territory under his suzerainty.

Article 41

Any High Contracting Party shall be entitled not earlier than two years

after the coming into force of this Convention to call for the assembling of a new international Conference in order to consider any improvements which may be made in this Convention. To this end he will communicate with the Government of the French Republic which will take the necessary measures to make preparations for such Conference.

This Convention done at Warsaw on the 12th October, 1929, shall remain open for signature until the 31st January, 1930.

(Here follow the signatures of the Plenipotentiaries of the States on behalf of which the Convention was signed.)

ADDITIONAL PROTOCOL

(With reference to Article 2)

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of accession that the first paragraph of Article 2 of this Convention shall not apply to international carriage by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority.

(Here follow the signatures of the Plenipotentiaries of the States on behalf of which the Additional Protocol was signed.)

SECOND SCHEDULE

(Section 3 (2))

PROTOCOL

to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12th October, 1929.

THE GOVERNMENTS UNDERSIGNED

CONSIDERING that it is desirable to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12th October, 1929,

HAVE AGREED as follows:

CHAPTER I. AMENDMENTS TO THE CONVENTION

Article I

In Article 1 of the Convention-

(a) paragraph 2 shall be deleted and replaced by the following:

"2. For the purposes of this Convention, the expression international carriage means any carriage in which, according to the agreement between the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties or within the territory of a single High Contracting Party if there is an agreed stopping place within the territory of another State, even if that State is not a High Contracting Party.

Carriage between two points within the territory of a single High Contracting Party without an agreed stopping place within the territory of another State is not international carriage for the purposes of this Convention."

(b) paragraph 3 shall be deleted and replaced by the following:

"3. Carriage to be performed by several successive air carriers is deemed, for the purposes of this Convention, to be one undivided carriage, if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within the territory of the same State."

Article II

In Article 2 of the Convention, paragraph 2 shall be deleted and replaced by the following:

"2. This Convention shall not apply to carriage of mail and postal packages."

Article III

In Article 3 of the Convention-

(a) paragraph 1 shall be deleted and replaced by the following:

"1. In respect of the carriage of passengers a ticket shall be delivered containing:

(a) an indication of the places of departure and destination;

(b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place;

(c) a notice to the effect that, if the passenger's journey involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers for death or personal injury and in respect of loss or of damage to baggage."

(b) paragraph 2 shall be deleted and replaced by the following:

"2. The passenger ticket shall constitute prima facie evidence of the conclusion and conditions of the contract of carriage. The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage which shall, none the less, be subject to the rules of this Convention. Nevertheless, if, with the consent of the carrier, the passenger embarks without a passenger ticket having been delivered, or if the ticket does not include the notice required by paragraph 1 (c) of this Article, the carrier shall not be entitled to avail himself of the provisions of Article 22."

Article IV

In Article 4 of the Convention-

(a) paragraphs 1, 2 and 3 shall be deleted and replaced by the following:

"1. In respect of the carriage of registered baggage, a baggage check shall be delivered, which, unless combined with or incorporated in a passenger ticket which complies with the provisions of Article 3, paragraph 1, shall contain-

(a) an indication of the places of departure and destination;

(b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place;

(c) a notice to the effect that, if the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers in respect of loss of or damage to baggage."

(b) paragraph 4 shall be deleted and replaced by the following:

"2. The baggage check shall constitute prima facie evidence of the registration of the baggage and of the conditions of the contract of carriage. The absence, irregularity or loss of the baggage check does not affect the existence or the validity of the contract of carriage which shall, none the less, be subject to the rules of this Convention. Nevertheless, if the carrier takes charge of the baggage without a baggage check having been delivered or if the baggage check (unless combined with or incorporated in the passenger ticket which complies with the provisions of Article 3, paragraph 1 (c)) does not include the notice required by paragraph 1 (c) of this Article, he shall not be entitled to avail himself of the provisions of Article 22, paragraph 2."

Article V

In Article 6 of the Convention paragraph 3 shall be deleted and replaced by the following:

"3. The carrier shall sign prior to the loading of the cargo on board the aircraft."

Article VI

Article 8 of the Convention shall be deleted and replaced by the following:

"The airway bill shall contain-

(a) an indication of the places of departure and destination;

(b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place;

(c) a notice to the consignor to the effect that, if the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers in respect of loss of or damage to cargo."

Article VII

Article 9 of the Convention shall be deleted and replaced by the following:

"If, with the consent of the carrier, cargo is loaded on board the aircraft without an airway bill having been made out, or if the airway bill does not include the notice required by Article 8, paragraph (c), the carrier shall not be entitled to avail himself of the provisions of Article 22, paragraph 2."

Article VIII

In Article 10 of the Convention paragraph 2 shall be deleted and replaced by the following:

"2. The consignor shall indemnify the carrier against all damage suffered by him, or by any other person to whom the carrier is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements furnished by the consignor."

Article IX

To Article 15 of the Convention the following paragraph shall be added:

"3. Nothing in this Convention prevents the issue of a negotiable airway bill."

Article X

Paragraph 2 of Article 20 of the Convention shall be deleted.

Article XI

Article 22 of the Convention shall be deleted and replaced by the following:

"Article 22

1. In the carriage of persons the liability of the carrier for each passenger is limited to the sum of two hundred and fifty thousand francs. Where, in accordance with the law of the Court seised of the case, damages may be awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed two hundred and fifty thousand francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

2. (a) In the carriage of registered baggage and of cargo, the liability of the carrier is limited to a sum of two hundred and fifty francs per kilogramme, unless the passenger or consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the

declared sum, unless he proves that the sum is greater than the passenger's or consignor's actual interest in delivery at destination.

(b) In the case of loss, damage or delay of part of registered baggage or cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall be only the total weight of the package or packages concerned. Nevertheless, when the loss, damage or delay of a part of the registered baggage or cargo, or of an object contained therein, affects the value of other packages covered by the same baggage check or the same airway bill, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability.

3. As regards objects of which the passenger takes charge himself the liability of the carrier is limited to five thousand francs per passenger.

4. The limits prescribed in this Article shall not prevent the Court from awarding, in accordance with its own law, in addition, the whole or part of the court costs and of the other expenses of the litigation incurred by the plaintiff. The foregoing provision shall not apply if the amount of the damages awarded, excluding court costs and other expenses of the litigation, does not exceed the sum which the carrier has offered in writing to the plaintiff within a period of six months from the date of the occurrence causing the damage, or before the commencement of the action, if that is later.

5. The sums mentioned in francs in this Article shall be deemed to refer to a currency unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred. These sums may be converted into national currencies in round figures. Conversion of the sums into national currencies other than gold shall, in case of judicial proceedings, be made according to the gold value of such currencies at the date of the judgment."

Article XII

In Article 23 of the Convention, the existing provision shall be renumbered as paragraph 1 and another paragraph shall be added as follows:

"2. Paragraph 1 of this Article shall not apply to provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried."

Article XIII

In Article 25 of the Convention, paragraphs 1 and 2 shall be deleted and replaced by the following:

"The limits of liability specified in Article 22 shall not apply if it is proved that the damage resulted from an act or omission of the carrier, his servants or agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result; provided that, in the case of such act or omission of a servant or agent, it is also proved that he was acting within the scope of his employment."

Article XIV

After Article 25 of the Convention, the following Article shall be inserted:

"Article 25A

1. If an action is brought against a servant or agent of the carrier arising out of damage to which this Convention relates, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the limits of liability which that carrier himself is entitled to invoke under Article 22.

2. The aggregate of the amounts recoverable from the carrier, his servants and agents, in that case, shall not exceed the said limits.

3. The provisions of paragraphs 1 and 2 of this Article shall not apply if it is proved that the damage resulted from an act or omission of the servant or agent done with intent to cause damage or recklessly and with knowledge that damage would probably result."

Article XV

In Article 26 of the Convention paragraph 2 shall be deleted and replaced by the following:

"2. In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within seven days from the date of receipt in the case of baggage and fourteen days from the date of receipt in the case of cargo. In the case of delay the complaint must be made at the latest within twenty-one days from the date on which the baggage or cargo have been placed at his disposal."

Article XVI

Article 34 of the Convention shall be deleted and replaced by the following:

"The provisions of Articles 3 to 9 inclusive relating to documents of carriage shall not apply in the case of carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business."

Article XVII

After Article 40 of the Convention, the following Article shall be inserted:

"Article 40A

1. In Article 37, paragraph 2, and Article 40, paragraph 1, the expression High Contracting Party shall mean State. In all other cases, the expression High Contracting Party shall mean a State whose ratification of or adherence to the Convention has become effective and whose denunciation thereof has not become effective.

2. For the purposes of the Convention the word territory means not only the metropolitan territory of a State but also all other territories for the foreign relations of which that State is responsible."

CHAPTER II. SCOPE OF APPLICATION OF THE CONVENTION AS AMENDED

Article XVIII

The Convention as amended by this Protocol shall apply to international

carriage as defined in Article 1 of the Convention, provided that the places of departure and destination referred to in that Article are situated either in the territories of two Parties to this Protocol or within the territory of a single Party to this Protocol with an agreed stopping place within the territory of another State.

CHAPTER III. FINAL CLAUSES

Article XIX

As between the Parties to this Protocol, the Convention and the Protocol shall be read and interpreted together as one single instrument and shall be known as the Warsaw Convention as amended at The Hague, 1955.

Article XX

Until the date on which this Protocol comes into force in accordance with the provisions of Article XXII, paragraph 1, it shall remain open for signature on behalf of any State which up to that date has ratified or adhered to the Convention or which has participated in the Conference at which this Protocol was adopted.

Article XXI

1. This Protocol shall be subject to ratification by the signatory States.
2. Ratification of this Protocol by any State which is not a Party to the Convention shall have the effect of adherence to the Convention as amended by this Protocol.
3. The instruments of ratification shall be deposited with the Government of the People's Republic of Poland.

Article XXII

1. As soon as thirty signatory States have deposited their instruments of ratification of this Protocol, it shall come into force between them on the ninetieth day after the deposit of the thirtieth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.
2. As soon as this Protocol comes into force it shall be registered with the United Nations by the Government of the People's Republic of Poland.

Article XXIII

1. This Protocol shall, after it has come into force, be open for adherence by any non-signatory State.
2. Adherence to this Protocol by any State which is not a Party to the Convention shall have the effect of adherence to the Convention as amended by this Protocol.
3. Adherence shall be effected by the deposit of an instrument of adherence with the Government of the People's Republic of Poland and shall take effect on the ninetieth day after the deposit.

Article XXIV

1. Any Party to this Protocol may denounce the Protocol by notification addressed to the Government of the People's Republic of Poland.

2. Denunciation shall take effect six months after the date of receipt by the Government of the People's Republic of Poland of the notification of denunciation.

3. As between the Parties to this Protocol, denunciation by any of them of the Convention in accordance with Article 39 thereof shall not be construed in any way as a denunciation of the Convention as amended by this Protocol.

Article XXV

1. This Protocol shall apply to all territories for the foreign relations of which a State Party to this Protocol is responsible, with the exception of territories in respect of which a declaration has been made in accordance with paragraph 2 of this Article.

2. Any State may, at the time of deposit of its instrument of ratification or adherence, declare that its acceptance of this Protocol does not apply to any one or more of the territories for the foreign relations of which such State is responsible.

3. Any State may subsequently, by notification to the Government of the People's Republic of Poland, extend the application of this Protocol to any or all of the territories regarding which it has made a declaration in accordance with paragraph 2 of this Article. The notification shall take effect on the ninetieth day after its receipt by that Government.

4. Any State Party to this Protocol may denounce it, in accordance with the provisions of Article XXIV, paragraph 1, separately for any or all of the territories for the foreign relations of which such State is responsible.

Article XXVI

No reservation may be made to this Protocol except that a State may at any time declare by a notification addressed to the Government of the People's Republic of Poland that the Convention as amended by this Protocol shall not apply to the carriage of persons, cargo and baggage for its military authorities on aircraft, registered in that State, the whole capacity of which has been reserved by or on behalf of such authorities.

Article XXVII

The Government of the People's Republic of Poland shall give immediate notice to the Governments of all States signatories to the Convention or this Protocol, all States Parties to the Convention or this Protocol, and all States Members of the International Civil Aviation Organisation or of the United Nations and to the International Civil Aviation Organisation:

(a) of any signature of this Protocol and the date thereof;

(b) of the deposit of any instrument of ratification or adherence in respect of this Protocol and the date thereof;

(c) of the date on which this Protocol comes into force in accordance with Article XXII, paragraph 1;

(d) of the receipt of any notification of denunciation and the date thereof;

(e) of the receipt of any declaration or notification made under Article XXV and the date thereof; and

(f) of the receipt of any notification made under Article XXVI and the date thereof.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having been duly authorised, have signed this Protocol.

DONE at The Hague on the 28th day of the month of September, of the year One Thousand Nine Hundred and Fifty-five, in three authentic texts in the English, French and Spanish languages. In the case of any inconsistency, the text in the French language, in which language the Convention was drawn up, shall prevail.

This Protocol shall be deposited with the Government of the People's Republic of Poland with which, in accordance with Article XX, it shall remain open for signature, and that Government shall send certified copies thereof to the Governments of all States signatories to the Convention or this Protocol, all States Parties to the Convention or this Protocol, and all States Members of the International Civil Aviation Organisation or of the United Nations, and to the International Civil Aviation Organisation.

(Here follow the signatures of the Plenipotentiaries of the States on behalf of which the Protocol was signed.)

THIRD SCHEDULE

(Section 3 (3))

CONVENTION,

Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier.

THE STATES SIGNATORY TO THE PRESENT CONVENTION

NOTING that the Warsaw Convention does not contain particular rules relating to international carriage by air performed by a person who is not a party to the agreement for carriage

CONSIDERING that it is therefore desirable to formulate rules to apply in such circumstances

HAVE AGREED AS FOLLOWS:

Article I

In this Convention:

(a) "Warsaw Convention" means the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12th

October, 1929, or the Warsaw Convention as amended at The Hague, 1955, according to whether the carriage under the agreement referred to in paragraph (b) is governed by the one or by the other;

(b) "contracting carrier" means a person who as a principal makes an agreement for carriage governed by the Warsaw Convention with a passenger or consignor or with a person acting on behalf of the passenger or consignor;

(c) "actual carrier" means a person, other than the contracting carrier, who, by virtue of authority from the contracting carrier, performs the whole or part of the carriage contemplated in paragraph (b) but who is not with respect to such part a successive carrier within the meaning of the Warsaw Convention. Such authority is presumed in the absence of proof to the contrary.

Article II

If an actual carrier performs the whole or part of carriage which, according to the agreement referred to in Article I, paragraph (b), is governed by the Warsaw Convention, both the contracting carrier and the actual carrier shall, except as otherwise provided in this Convention, be subject to the rules of the Warsaw Convention, the former for the whole of the carriage contemplated in the agreement, the latter solely for the carriage which he performs.

Article III

1. The acts and omissions of the actual carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the contracting carrier.

2. The acts and omissions of the contracting carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability exceeding the limits specified in Article 22 of the Warsaw Convention. Any special agreement under which the contracting carrier assumes obligations not imposed by the Warsaw Convention or any waiver of rights conferred by that Convention or any special declaration of interest in delivery at a destination contemplated in Article 22 of the said Convention, shall not affect the actual carrier unless agreed to by him.

Article IV

Any complaint to be made or order to be given under the Warsaw Convention to the carrier shall have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, orders referred to in Article 12 of the Warsaw Convention shall only be effective if addressed to the contracting carrier.

Article V

In relation to the carriage performed by the actual carrier, any servant or agent of that carrier or of the contracting carrier shall, if he proves that he acted within the scope of his employment, be entitled to avail himself of the limits of liability which are applicable under this Convention to the carrier whose servant or agent he is unless it is proved that he acted in a manner which, under the Warsaw Convention, prevents the limits of liability from being

invoked.

Article VI

In relation to the carriage performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the contracting carrier, and from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which could be awarded against either the contracting carrier or the actual carrier under this Convention, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.

Article VII

In relation to the carriage performed by the actual carrier, an action for damages may be brought, at the option of the plaintiff, against that carrier or the contracting carrier, or against both together or separately. If the action is brought against only one of those carriers, that carrier shall have the right to require the other carrier to be joined in the proceedings, the procedure and effects being governed by the law of the Court seized of the case.

Article VIII

Any action for damages contemplated in Article VII of this Convention must be brought, at the option of the plaintiff, either before a Court in which an action may be brought against the contracting carrier, as provided in Article 28 of the Warsaw Convention, or before the Court having jurisdiction at the place where the actual carrier is ordinarily resident or has his principal place of business.

Article IX

1. Any contractual provision tending to relieve the contracting carrier or the actual carrier of liability under this Convention or to fix a lower limit than that which is applicable according to this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole agreement, which shall remain subject to the provisions of this Convention.

2. In respect of the carriage performed by the actual carrier, the preceding paragraph shall not apply to contractual provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.

3. Any clause contained in an agreement for carriage and all special agreements entered into before the damage occurred by which the Parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless, for the carriage of cargo arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place in one of the jurisdictions referred to in Article VIII.

Article X

Except as provided in Article VII, nothing in this Convention shall affect the rights and obligations of the two carriers between themselves.

Article XI

Until the date on which this Convention comes into force in accordance with the provisions of Article XIII, it shall remain open for signature on behalf of any State which at that date is a Member of the United Nations or of any of the Specialised Agencies.

Article XII

1. This Convention shall be subject to ratification by the signatory States.

2. The instruments of ratification shall be deposited with the Government of the United States of Mexico.

Article XIII

1. As soon as five of the signatory States have deposited their instruments of ratification of this Convention, it shall come into force between them on the ninetieth day after the date of the deposit of the fifth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.

2. As soon as this Convention comes into force, it shall be registered with the United Nations and the International Civil Aviation Organisation by the Government of the United States of Mexico.

Article XIV

1. This Convention shall, after it has come into force, be open for accession by any State Member of the United Nations or of any of the Specialised Agencies.

2. The accession of a State shall be effected by the deposit of an instrument of accession with the Government of the United States of Mexico and shall take effect as from the ninetieth day after the date of such deposit.

Article XV

1. Any Contracting State may denounce this Convention by notification addressed to the Government of the United States of Mexico.

2. Denunciation shall take effect six months after the date of receipt by the Government of the United States of Mexico of the notification of denunciation.

Article XVI

1. Any Contracting State may at the time of its ratification of or accession to this Convention or at any time thereafter declare by notification to the Government of the United States of Mexico that the Convention shall extend to any of the territories for whose international relations it is responsible.

2. The Convention shall, ninety days after the date of the receipt of such notification by the Government of the United States of Mexico, extend to the territories named therein.

3. Any Contracting State may denounce this Convention, in accordance with the provisions of Article XV, separately for any or all of the territories for the international relations of which such State is responsible.

Article XVII

No reservation may be made to this Convention.

Article XVIII

The Government of the United States of Mexico shall give notice to the International Civil Aviation Organisation and to all States Members of the United Nations or of any of the Specialised Agencies:

- (a) of any signature of this Convention and the date thereof;
- (b) of the deposit of any instrument of ratification or accession and the date thereof;
- (c) of the date on which this Convention comes into force in accordance with Article XIII, paragraph 1;
- (d) of the receipt of any notification of denunciation and the date thereof;
- (e) of the receipt of any declaration or notification made under Article XVI and the date thereof.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having been duly authorised, have signed this Convention.

DONE at Guadalajara on the eighteenth day of September One Thousand Nine Hundred and Sixty-one in three authentic texts drawn up in the English, French and Spanish languages. In case of any inconsistency, the text in the French language, in which language the Warsaw Convention of 12th October, 1929, was drawn up, shall prevail. The Government of the United States of Mexico will establish an official translation of the text of the Convention in the Russian language.

This Convention shall be deposited with the Government of the United States of Mexico with which, in accordance with Article XI, it shall remain open for signature, and that Government shall send certified copies thereof to the International Civil Aviation Organisation and to all States Members of the United Nations or of any Specialised Agency.

(Here follow the signatures of the Plenipotentiaries of the States on behalf of which the Convention has been signed.)

FOURTH SCHEDULE

(Section 20)

CHAPTER I. SCOPE

Article I

(1) This Schedule applies to all carriage of passengers, luggage or cargo performed by aircraft for reward. It applies equally to gratuitous carriage by

aircraft performed by an air transport undertaking.

Article II

(2) This Schedule does not apply to the carriage of mail and postal packets.

CHAPTER II. DOCUMENTS OF CARRIAGE

SECTION 3. AIR WAYBILL

Article 5

(1) Every carrier of cargo has the right to require the consignor to make out and hand over to him an airway bill.

(2) The absence or loss of this document does not affect the existence or the validity of the contract of carriage which shall be nonetheless governed by the provisions of this Schedule.

Article 7

The carrier of cargo has the right to require the consignor to make out separate airway bills when there is more than one package.

Article 10

(1) The consignor is responsible for the correctness of the particulars and statements relating to the cargo which he inserts in the airway bill, if any.

(2) The consignor will be liable for all damage suffered by the carrier or any other person by reason of the incorrectness or incompleteness of the said particulars and statements.

Article 11

(1) The airway bill, if any, is prima facie evidence of the conclusion of the contract, of the receipt of the cargo and of the conditions of carriage.

(2) Any statements in an airway bill relating to the weight, dimensions and packing of cargo, or relating to the number of packages, are prima facie evidence of the facts stated; any such statements relating to the quantity, volume and condition of the cargo do not constitute evidence against the carrier except so far as they both have been, and are stated in the airway bills to have been, checked by him in the presence of the consignor or relate to the apparent condition of the cargo.

Article 12

(1) Subject to his liability to carry out all the obligations under the contract of carriage, the consignor has the right to dispose of the cargo by withdrawing it at the aerodrome of departure or destination, or by stopping it in the course of the carriage on any landing, or by calling for it to be delivered at the place of destination or in the course of the carriage to a person other than the original consignee or by requiring it to be returned to the aerodrome of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any

expenses occasioned by the exercise of this right.

(2) If it is not reasonably practicable to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the airway bill, if any, or the cargo, or if he cannot be communicated with, the consignor resumes his right of disposition.

Article 13

(1) Except in the circumstances set out in the preceding Article, the consignee is entitled, on arrival of the cargo at the place of destination, to require the carrier to deliver the cargo to him, on payment of the charges due and on complying with the conditions of the contract of carriage.

(2) Unless it is otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the cargo arrives.

(3) If the carrier admits the loss of the cargo, or if the cargo has not arrived at the expiration of seven days after the date on which it ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

Article 14

The consignor and the consignee can respectively enforce all the rights given them by Articles 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

Article 15

(1) Articles 12, 13 and 14 do not affect either the relations of the consignor and the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) The provisions of Articles 12, 13 and 14 can only be varied by special contract in writing between the parties.

Article 16

(1) The consignor must furnish such information and documents as are necessary to meet the formalities of customs control or police, before the cargo can be delivered to the consignee. The consignor is liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his servants or agents.

(2) The carrier is under no obligation to inquire into the correctness or sufficiency of such information or documents.

CHAPTER III. LIABILITY OF THE CARRIER

Article 17

The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

Article 18

(1) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any luggage or cargo, if the occurrence which caused the damage so sustained took place during the carriage by air.

(2) The carriage by air within the meaning of the preceding paragraph comprises the period during which the luggage or cargo are in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

(3) The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an aerodrome. If, however, such carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or transshipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air.

Article 19

The carrier is liable for damage occasioned by delay in the carriage by air of passengers, luggage or cargo to the extent of the amount of any such damage which may be proved to have been sustained by reason of such delay or of an amount representing double the sum paid for the carriage, whichever amount may be the smaller:

Provided that-

- (i) the carrier may by special contract in writing expressly exclude, increase or decrease the limit of his liability as above provided; and
- (ii) nothing in this Article shall be deemed to affect any rule of law relating to remoteness of damage.

Article 20

The carrier is not liable if he proves that he and his servants or agents have taken all reasonable measures to avoid the damage or that it was not reasonably possible for him or them to take such measures.

Article 21

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the Court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

Article 22

- (1) Subject to the provisions of paragraph (4) of this Article, in the

carriage of passengers the liability of the carrier in respect of injury (including injury resulting in the death of) to any passenger is limited to the sum of 250,000 francs. In a case where damages are awarded in the form of periodical payments, the equivalent capital value of the said payments shall not exceed 250,000 francs.

(2) Subject to the provisions in paragraph (4) of this Article, in the carriage of luggage of which the carrier takes charge and of goods the liability of the carrier in respect of destruction, loss or damage is limited to a sum of 250 francs per kilogram.

(3) Subject to the provisions of paragraph (4) of this Article, as regards objects of which the passenger takes charge himself the liability of the carrier in respect of destruction, loss or damage is limited to 5,000 francs per passenger.

(4) With respect to the carriage referred to in paragraphs (1), (2) and (3) of this Article the carrier and the passenger or the carrier and the consignor, as the case may be, may by special contract in writing agree to a limit of liability higher than specified in those paragraphs.

(5) The sums mentioned above shall be deemed to refer to the French franc consisting of 651/2 milligrams of gold of millesimal fineness 900. These sums may be converted into any national currency in round figures.

Article 23

Any provision in a contract of carriage tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this Schedule, otherwise than in accordance with the provisions of this Schedule, shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Schedule.

Article 24

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Schedule.

(2) In the case covered by Article 17 the provisions of the preceding paragraph also apply, without prejudice to any question as to who are the persons who have the right to bring such an action and what are their respective rights.

Article 25

(1) The carrier shall not be entitled to avail himself of the provisions of this Schedule which exclude or limit his liability, if the damage is caused by his wilful misconduct.

(2) Similarly, the carrier shall not be entitled to avail himself of the said provisions, if the damage is caused as aforesaid by any servant or agent of the carrier acting within the scope of his employment unless the carrier proves that the wilful misconduct of his servant or agent took place without his actual fault or privity.

Article 25A

(1) If an action is brought against a servant or agent of the carrier arising out of damage to which this Schedule relates, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the limits of liability which that carrier himself is entitled to invoke under Article 22.

(2) The aggregate of the amounts recoverable from the carrier, his servants and agents, in that case, shall not exceed the said limits.

(3) The provisions of paragraphs (1) and (2) of this Article shall not apply if it is proved that the damage resulted from an act or omission of the servant or agent done with intent to cause damage or recklessly and with knowledge that damage would probably result.

Article 26

(1) Receipt by the person entitled to delivery of luggage or cargo without complaint is prima facie evidence that the same has been delivered in good condition and in accordance with the contract of carriage.

(2) In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest within three days from the date of receipt in the case of luggage and seven days from the date of receipt in the case of cargo. In the case of delay the complaint must be made at the latest within fourteen days from the date on which the luggage or cargo has been placed at his disposal.

(3) Every complaint must be made by notice in writing despatched within the times aforesaid.

(4) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

Article 27

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this Schedule, against those legally representing his estate.

Article 29

(1) The right to damages shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the period of limitation shall be determined by the law of the Court seised of the case.

Article 30

(1) In the case of carriage to be performed by various successive carriers, each carrier who accepts passengers, luggage or cargo shall be bound by the provisions of this Schedule, and is deemed to be one of the contracting parties to the contract of carriage in so far as the contract deals with that part of

the carriage which is performed under his supervision.

(2) In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) As regards luggage or cargo, the passenger or consignor will have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery will have a right of action against the last carrier who performed the carriage during which the destruction, loss, damage or delay took place. These carriers will be jointly and severally liable to the passenger or to the consignor or consignee.

CHAPTER IV. PROVISIONS RELATING TO COMBINED CARRIAGE

Article 31

(1) In the case of combined carriage performed partly by air and partly by any other mode of carriage the provisions of this Schedule apply only to the carriage by air.

(2) Nothing in this Schedule shall prevent the parties in the case of combined carriage from agreeing to special conditions relating to other modes of carriage, provided that the provisions of this Schedule are observed as regards the carriage by air.

CHAPTER V. GENERAL AND FINAL PROVISIONS

Article 32

Any provisions contained in the contract and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Schedule by deciding the law to be applied shall be null and void. Nevertheless, for the carriage of cargo arbitration clauses are allowed, subject to this Schedule.

Article 33

Nothing contained in this Schedule shall prevent the carrier either from refusing to enter into any contract of carriage, or from making stipulations which do not conflict with the provisions of this Schedule.

FIFTH SCHEDULE

(Section 20)

Article I

In this Schedule:

(a) "the Convention" means the Warsaw Convention and The Hague Protocol read and interpreted together as one single instrument in accordance with Article XIX of The Hague Protocol;

(b) "contracting carrier" means a person who as principal makes an agreement

for carriage governed by the Convention with a passenger or consignor or with a person acting on behalf of the passenger or consignor;

(c) "actual carrier" means a person, other than the contracting carrier, who, by virtue of authority from the contracting carrier, performs the whole or part of the carriage contemplated in paragraph (b) but who is not with respect to such part a successive carrier within the meaning of the Convention. Such authority is presumed in the absence of proof to the contrary.

Article II

If an actual carrier performs the whole or part of carriage, which according to the agreement referred to in Article I, paragraph (b), is governed by the Convention, both the contracting carrier and the actual carrier shall, except as otherwise provided in this Schedule, be subject to the provisions of the Convention, the former for the whole of the carriage contemplated in the agreement, the latter solely for the carriage which he performs.

Article III

(1) The acts and omissions of the actual carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the contracting carrier.

(2) The acts and omissions of the contracting carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability exceeding the limits specified in Article 22 of the Convention. Any special agreement under which the contracting carrier assumes obligations not imposed by the Convention or any waiver of rights conferred by the Convention or any special declaration of interest in delivery at destination contemplated in Article 22 of the Convention, shall not affect the actual carrier unless agreed by him.

Article IV

Any complaint to be made or order to be given under the Convention to the carrier shall have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, orders referred to in Article 12 of the Convention shall only be effective if addressed to the contracting carrier.

Article V

In relation to the carriage performed by the actual carrier, any servant or agent of that carrier or of the contracting carrier shall, if he proves that he acted within the scope of his employment, be entitled to avail himself of the limits of liability which are applicable under this Schedule to the carrier whose servant or agent he is unless it is proved that he acted in a manner which, under the Convention, prevents the limits of liability from being invoked.

Article VI

In relation to the carriage performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the contracting carrier, and

from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which could be awarded against either the contracting carrier or the actual carrier under this Schedule, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.

Article VII

In relation to the carriage performed by the actual carrier, an action for damages may be brought, at the option of the plaintiff, against that carrier or the contracting carrier, or against both together or separately. If the action is brought against only one of those carriers, that carrier shall have the right to require the other carrier to be joined in the proceedings.

Article IX

(1) Any contractual provision tending to relieve the contracting carrier or the actual carrier of liability under this Schedule or to fix a lower limit than that which is applicable according to this Schedule shall be null and void, but the nullity of any such provision does not involve the nullity of the whole agreement, which shall remain subject to the provisions of this Schedule.

(2) In respect of the carriage performed by the actual carrier, the preceding paragraph shall not apply to contractual provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.

(3) Any clause contained in an agreement for carriage and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Schedule, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless, for the carriage of cargo arbitration clauses are allowed, subject to this Schedule.

Article X

Except as provided in Article VII, nothing in this Schedule shall affect the rights and obligations of the two carriers between themselves.

SIXTH SCHEDULE

(Section 25)

REPEALS

Law	Extent of Repeal
S.I.No. 1206 of 1953	The Carriage by Air (Non-international Carriage) (Colonies, Protectorates and Trust Territories) Order, 1953, of the United Kingdom, as it applies in the Republic.
S.I.No. 1474 of	The Carriage by Air (Colonies, Protectorates and Trust Territories) Order, 1953, of the United Kingdom, as it applies in the Republic.

1953 Kingdom, as it applies in the Republic.

Cap. 74 The Law Reform (Miscellaneous Provisions) Act. (a) In section two in subsection

(5) the words "or any law for the time being in force relating to carriage by air";

(b) in section ten, subsection (6).

SUBSIDIARY LEGISLATION

SECTION 21-THE DOMESTIC CHARTER FLIGHT DIRECTION ORDER

Order by the Minister Statutory Instrument
287 of 1970

1. This Order may be cited as the Domestic Charter Flight Direction Order. Title

2. In this Order, unless the context otherwise requires- Interpretation

"Corporation" means the Zambia Airways Corporation constituted under the Companies Act; Cap. 388

"domestic charter flight" means the hire of aircraft belonging to the Corporation with pilot or crews who are employees of the Corporation for carriage by air within the Republic, not being international carriage as defined in Article I of the Second Schedule to the Carriage by Air Act, of a group of passengers as a unit for a particular voyage or series of voyages or for voyages to be ordered by a charterer during a specified period. Cap. 447

3. The provisions of paragraph 1 of Article 3 of the amended Warsaw Convention as defined in section nineteen shall not apply to a domestic charter flight but the following provisions shall in its stead apply to such flight: Domestic charter flight and master ticket

1. In respect of the carriage of passengers of a domestic charter flight a single master ticket shall be delivered containing-

(a) an indication of the place of departure and destination;

(b) a separate list attached to the ticket giving the names of all the passengers;

(c) a notice to the effect that the amended Warsaw Convention as defined in section nineteen of the Carriage by Air Act, shall apply to the domestic charter flight with the modification that a passenger whose name appears on the list attached to the master ticket issued in respect of the domestic charter flight shall be deemed to have been issued with an individual ticket as required by the said amended Warsaw Convention. Cap. 447

REPUBLIC OF ZAMBIA

THE LIMITATION OF LIABILITY
(PASSENGERS IN GOVERNMENT AIRCRAFT) ACT

CHAPTER 448 OF THE LAWS OF ZAMBIA

CHAPTER 448 THE LIMITATION OF LIABILITY (PASSENGERS IN GOVERNMENT AIRCRAFT)
ACTCHAPTER 448

THE LIMITATION OF LIABILITY
(PASSENGERS IN GOVERNMENT AIRCRAFT) ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Limitation of liability in respect of loss of life of or bodily injury to passengers carried in Government aircraft
4. Limitation of liability in respect of destruction or loss of or damage to luggage and personal effects of passengers carried in Government aircraft
5. Savings

CHAPTER 448

LIMITATION OF LIABILITY (PASSENGERS IN GOVERNMENT AIRCRAFT)

An Act to limit the liability of the Government in respect of the loss of life of or bodily injury to passengers carried in aircraft in the service of the Government and the destruction or loss of or damage to their luggage and personal effects and to make incidental provision in that connection.

[2nd August, 1963]Federal Act

13 of 1963

Government Notices

92 of 1964

497 of 1964

Statutory Instruments

155 of 1965

159 of 1965

1. This Act may be cited as the Limitation of Liability (Passengers in Government Aircraft) Act.

(As amended by G.N. No. 92 of 1964)Short title

2. In this Act, unless the context otherwise requires-Interpretation

"Convention" means the Convention for the unification of certain rules relating to international carriage by air which was signed at Warsaw on the 12th October, 1929;

"conventional damages"-

(a) in relation to loss of life or bodily injury to which the provisions of section three relate, means an amount in the currency of the Republic equal to the sum fixed from time to time by the Convention as the limit of the liability of a carrier in respect of damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger; and

(b) in relation to the destruction or loss of or damage to luggage and personal effects to which the provisions of section four relate, means an amount in the currency of the Republic equal to the sum fixed from time to time by the Convention as the limit of the liability of a carrier in respect of damage sustained in the event of the destruction or loss of or damage to any luggage of which the passenger takes charge himself;

"Government aircraft"-

(a) means any aircraft which-

(i) is the property of the Government or is let out on hire to the Government with or without pilot or crew; and

(ii) is employed in the service of the Government; and

(b) includes any aircraft of the Defence Force;

"passenger", in relation to a Government aircraft, includes any person other than the pilot or member of the crew of the aircraft.

(As amended by G.N. No. 92 of 1964 and S.I. Nos. 155 of 1965)

3. The total liability of the Government to pay damages in respect of the loss of life of or bodily injury caused on any one occasion to any one person whilst journeying as a passenger in a Government aircraft or whilst entering or alighting from a Government aircraft in connection with a journey made or to be made by him as a passenger in the aircraft shall not exceed the conventional damages.

(As amended by G.N. No. 92 of 1964) Limitation of liability in respect of loss of life of or bodily injury to passengers carried in Government aircraft

4. (1) The total liability of the Government to pay damages in respect of the destruction or loss of or damage to luggage and personal effects of a person referred to in section three which are sustained in the course of the journey of the person as a passenger in a Government aircraft shall not exceed the conventional damages. Limitation of liability in respect of destruction or loss of or damage to luggage and personal effects of passengers carried in Government aircraft

(2) For the purposes of subsection (1), the destruction or loss of or damage to the luggage or personal effects of a person referred to in section three shall be treated as having been sustained in the course of the journey of the person as a passenger in a Government aircraft if the luggage or personal effects are destroyed, lost or damaged whilst in the aircraft.

(As amended by G.N. No. 92 of 1964)

5. Nothing in this Act shall be construed as-

(a) affecting the operation within Zambia of the provisions of the Convention; or

(b) derogating from the provisions of any Act, statutory instrument or contract, including a contract of insurance, in terms of which a pension or other benefit is payable by the Government or any person in respect of loss of life or bodily injury.

(As amended by G.N. No. 92 of 1964) Savings

REPUBLIC OF ZAMBIA

THE TOKYO CONVENTION ACT

CHAPTER 449 OF THE LAWS OF ZAMBIA

CHAPTER 449 THE TOKYO CONVENTION ACT CHAPTER 449

THE TOKYO CONVENTION ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Application of criminal law to aircraft
4. Provisions as to Extradition Act
5. Powers of commander of aircraft
6. Provisions as to evidence in connection with aircraft

CHAPTER 449

TOKYO CONVENTION

An Act to make provision with a view to ratification on behalf of the Republic of Zambia of the Convention on offences and certain other acts committed on board aircraft signed in Tokyo on the 14th September, 1963; and to provide for purposes connected with the matters aforesaid.

[16th April, 1971] Act No.

18 of 1971

13 of 1994

1. This Act may be cited as the Tokyo Convention Act. Short title

2. (1) In this Act, unless the context otherwise requires-

"aircraft" means any aircraft, whether or not Zambian-controlled aircraft, other than a military aircraft;

"commander", in relation to an aircraft, means the member of the crew designated as commander of the aircraft by the operator thereof, or, failing such person, the person who is for the time being the pilot in command of the aircraft;

"convention country" means a country in which the Tokyo Convention is for the time being in force; and the Minister may, by statutory instrument, certify that any country specified in that instrument is for the time being a convention country, and any such statutory instrument for the time being in force shall be conclusive evidence that the country in question is for the time being a convention country, but may be varied or revoked by a subsequent statutory instrument;

"military aircraft" includes any naval, military and air force aircraft, and any aircraft commanded by a person in naval, military or air force service detailed for the purpose of commanding such aircraft;

"operator", in relation to any aircraft at any time, means the person who at that time has the management of that aircraft;

"pilot in command", in relation to an aircraft, means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

"Tokyo Convention" means the convention on offences and certain other acts committed on board aircraft signed in Tokyo on the 14th September, 1963;

"Zambian-controlled aircraft" means an aircraft-

(a) which is for the time being registered in Zambia;

(b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely:

(i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in Zambia; and

(ii) that he resides or has his principal place of business in Zambia; or

(c) which, being for the time being registered in some other country, is for the time being chartered by demise to a person who or to persons each of whom satisfies the requirements aforesaid.

(2) For the purposes of this Act, the period during which an aircraft is in flight shall be deemed to include-

(a) any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run, if any, at the termination of the flight ends; and

(b) for the purposes of section three-

(i) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and

(ii) if the aircraft makes a forced landing, any period thereafter until the time when competent authorities of the country, in which the forced landing takes place, take over the responsibility for the aircraft and for the persons and property on board the aircraft (being, if the forced landing takes place in Zambia, the time when a police officer arrives at the place of landing);

and any reference in this Act to an aircraft in flight shall include a reference to an aircraft during any period when it is on or over the surface of the sea or land but not within the territorial limits of any country.

(3) In this Act, except where the context otherwise requires, any reference to a country or the territorial limits thereof shall be construed as including a reference to the territorial waters, if any, of that country.

(4) If the Minister is satisfied that the requirements of Article 18 of the Tokyo Convention have been satisfied (which Article makes provision as to the country which is to be treated as the country of registration of certain aircraft operated by joint air transport organisations or international operating agencies established by two or more convention countries) the Minister may, by statutory instrument, provide that for the purposes of this Act such aircraft as may be specified in such instrument shall be treated as registered in such convention country as may be so specified; and any such statutory instrument may be varied or revoked by a subsequent statutory instrument under this subsection.

3. Any act or omission taking place on board a Zambian-controlled aircraft while in flight elsewhere than in or over Zambia which, if taking place in Zambia, would constitute an offence under the law in force in Zambia, shall constitute that offence:Application of criminal law to aircraft

Provided that this subsection shall not apply to any act or omission which is expressly or impliedly authorised by or under that law when taking place outside Zambia.

(2) No proceedings for any offences under the law in force in Zambia committed on board an aircraft while in flight elsewhere than in or over Zambia (other than an offence under the Aviation Act or any regulations made thereunder) shall be instituted in Zambia except by or with the consent of the Director of Public Prosecutions. The provisions of this subsection shall not, however, prevent the arrest, or the issue of a warrant for the arrest, of any person in respect of any offence or the remand in custody or on bail of any person charged with any offence.Cap. 444

(3) For the purpose of conferring jurisdiction and notwithstanding anything contained to the contrary in any other law, any offence under the law in force in Zambia committed on board an aircraft in flight shall be deemed to have been committed in any place in Zambia where the offender may be for the time being.

4. (1) For the purposes of the application of the Extradition Act to crimes committed on board an aircraft in flight, any aircraft registered in a convention country shall at any time while that aircraft is in flight be deemed to be within the jurisdiction of that country, whether or not it is for the time

being also within the jurisdiction of any other country. Provisions as to Extradition Act.
Cap. 94

(2) The provisions of the Extradition Act shall (so far as applicable) apply, mutatis mutandis, to any offence committed under this Act. Cap. 94

5. (1) The provisions of subsections (2) to (5) inclusive shall have effect for the purposes of any proceedings before any court in Zambia. Powers of commander of aircraft

(2) If the commander of an aircraft in flight, wherever that aircraft may be, has reasonable grounds to believe, in respect of any person on board the aircraft-

(a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardises or may jeopardise-

(i) the safety of the aircraft or of persons or property on board the aircraft; or

(ii) good order and discipline on board the aircraft; or

(b) that the person in question has done on the aircraft while in flight any act which, in the opinion of the commander, is a serious offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination;

then, subject to subsection (4), the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary-

A. to protect the safety of the aircraft or of persons or property on board the aircraft; or

B. to maintain good order and discipline on board the aircraft; or

C. to enable the commander to disembark or deliver the person in accordance with subsection (5);

and, for the purposes of paragraph (b), any Zambian-controlled aircraft shall be deemed to be registered in Zambia whether or not it is, in fact, so registered and whether or not it is, in fact, registered in some other country.

(3) Any member of the crew of an aircraft may, at the request or with the authority of the commander of the aircraft, and any such member shall, if so required by that commander, render assistance in restraining any person whom the commander is entitled under subsection (2) to restrain; and at any time when the aircraft is in flight any such member or other person may, without obtaining the authority of the commander, take with respect to any person on board the aircraft any measures such as are mentioned in the said subsection (2) which he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

(4) Any restraint imposed on any person on board an aircraft under the power conferred by the foregoing provisions of this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless,

before or as soon as is reasonably practicable after that time, the commander of the aircraft causes notification of the fact that a person on board the aircraft is under restraint and of the reasons therefor to be sent to an appropriate authority of the country in which the aircraft so ceases to be in flight, but, subject to such notification, may be continued after that time-

(a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (5); or

(b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(5) The commander of an aircraft-

(a) if, in the case of any person on board the aircraft, he has reasonable grounds-

(i) to believe as mentioned in paragraph (a) of subsection (2); and

(ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft;

may disembark that person in any country in which that aircraft may be; and

(b) if, in the case of any person on board the aircraft, he has reasonable grounds to believe as mentioned in paragraph (b) of subsection (2), may deliver that person-

(i) in Zambia, to a police officer or immigration officer; or

(ii) in any other country which is a convention country, to an officer having functions corresponding to the functions in Zambia either of a police officer or of an immigration officer.

(6) The commander of an aircraft-

(a) if he disembarks any person in pursuance of paragraph (a) of subsection (5), in the case of a Zambian-controlled aircraft, in any country or, in the case of any other aircraft, in Zambia, shall report the fact of, and the reasons for, that disembarkation to-

(i) an appropriate authority in the country of disembarkation; and

(ii) the appropriate diplomatic or consular officer of the country of nationality of that person;

(b) if he intends to deliver any person in accordance with paragraph (b) of subsection (5) in Zambia or, in the case of a Zambian-controlled aircraft, in any other country which is a convention country, shall, before or as soon as reasonably practicable after landing, give notification of his intention and of his reasons therefor-

(i) where the country in question is Zambia, to a police officer or

immigration officer, or, in the case of any other country, to an officer having functions corresponding to the functions in Zambia either of a police officer or of an immigration officer;

(ii) in either case, to the appropriate diplomatic or consular officer of the country of nationality of that person;

and any commander of an aircraft who, without reasonable cause, fails to comply with the requirements of this subsection shall be liable on conviction to a fine not exceeding three thousand penalty units

(As amended by Act No. 13 of 1994)

6. (1) Where, in any proceedings before a court in Zambia for an offence committed on board an aircraft, the testimony of any person is required and the court is satisfied that the person in question cannot be found in Zambia, there shall be admissible in evidence before that court any deposition relating to the subject-matter of those proceedings previously made on oath by that person outside Zambia which was so made-Provisions as to evidence in connection with aircraft

(a) in the presence of the person charged with the offence; and

(b) before a judge or magistrate of the country before whom such deposition was made, or before a consular officer of the Republic of Zambia.

(2) Any such deposition shall be authenticated by the signature of the judge, magistrate or consular officer before whom it was made, who shall certify that the person charged with the offence was present at the taking of the deposition.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing so to have authenticated any such deposition or to have given such a certificate, and such a certificate shall, unless the contrary is proved, be sufficient evidence in any proceedings that the person charged with the offence was present at the making of the deposition.

(4) If a complaint is made to such a consular officer as aforesaid that any offence has been committed on a Zambian-controlled aircraft while in flight elsewhere than in or over Zambia, that officer may inquire into the case upon oath.

(5) In this section-

(a) the expression "deposition" includes any affidavit, affirmation or statement made upon oath; and

(b) the expression "oath" includes an affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing;

and nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.

REPUBLIC OF ZAMBIA

THE AIR PASSENGER SERVICE CHARGE ACT

CHAPTER 450 OF THE LAWS OF ZAMBIA

CHAPTER 450 THE AIR PASSENGER SERVICE CHARGE ACTCHAPTER 450

THE AIR PASSENGER SERVICE CHARGE ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Imposition of passenger service charge
4. Exemption from charge
5. Collection and payment of charge
6. Issue of receipt
7. Power of restraint or removal
8. Inspection of books, etc.
9. Obstruction
10. Regulations

CHAPTER 450

AIR PASSENGER SERVICE CHARGE

An Act to impose a service charge upon air passengers.

[1st April, 1972]11 of 1972

1 of 1973
2 of 1976
5 of 1978
6 of 1982
3 of 1985
5 of 1987
12 of 1989
16 of 1990
13 of 1994

1. This Act may be cited as the Air Passenger Service Charge Act.

(As amended by No. 5 of 1978)Short title

2. In this Act, unless the context otherwise requires-Interpretation

"aircraft" means a commercial aircraft carrying fare-paying passengers;

"airport" means an area of land or water affording facilities for the take-off

and landing of aircraft and appointed by the Minister to be an airport for the purposes of this Act;

"charge" means the passenger service charge imposed under the provisions of section three;

"collection agent" means such person, or Department of the Government, as the Minister may, by statutory instrument, appoint in respect of any airport;

"Company" means the National Airports Corporation Limited, a company limited by shares and registered under the Companies Act;

"designated airport" shall have the meaning assigned to it under section two of the Aviation Act;

"passenger" does not include a member of the crew of the aircraft concerned, or of another aircraft owned, operated or managed by the same undertaking as owns, operates or manages the aircraft concerned, when on duty;

"Permanent Secretary" means the Permanent Secretary, Ministry of Finance.

(As amended by No. 3 of 1985 and No. 12 of 1989)

3 (1) Subject to the provisions of section four, there shall be paid by every passenger on every occasion on which he embarks on an aircraft other than a designated airport at any airport for a destination outside Zambia, a passenger service charge at such rate as the Minister may by statutory instrument determine:Imposition of passenger service charge

Provided that a passenger for a destination outside Zambia who is a national or resident of Zambia may pay the equivalent of the charge in kwacha.

(2) The charge at an airport, other than a designated airport, shall be a debt due to the Government and shall be paid to the collection agent prior to embarkation.

(3) Subject to section four there shall be paid by every passenger embarking on an aircraft at a designated airport for a destination outside or within Zambia a passenger service charge at such rates as the Company may determine.

(4) The charge at designated airports shall be a debt due to the Company and shall be paid to the Company prior to embarkation.

(As amended by No. 1 of 1973, No. 2 of 1976, No. 5 of 1978, No. 3 of 1980, No. 3 of 1985, No. 5 of 1987, No. 12 of 1989 and No. 16 of 1990).

4. (1) There shall be exempt from liability to pay the charge-Exemption from charge

(a) the head of any mission of any Commonwealth country and such members of his staff as are entitled to diplomatic privileges;

(b) members of the diplomatic or permanent consular service of any foreign country;

(c) such members of the staff of any international organisation recognised as such under the laws of the Republic as are entitled to diplomatic privileges;

- (d) any child under the age of two years;
- (e) any passenger embarking at an airport at which he is in transit;
- (f) such other class or classes of persons as the Minister may, by statutory instrument, approve.

(2) Where any aircraft having taken off from an airport returns to the same or any other airport without completing its journey for reasons of bad weather, engine trouble or any other like cause, no charge shall be payable by any passenger who returns on board that aircraft and re-embarks on that or any other aircraft for resuming his discontinued journey.

(3) For the purposes of subsection (1), a passenger is in transit at an airport if-

(a) he disembarks at such airport from one aircraft and re-embarks there on the same or another aircraft; and

(b) between so disembarking and re-embarking he does not leave the airport.

5. (1) The collection agent shall collect the charge from all persons liable to pay it. Collection and payment of charge

(2) Where the collection agent fails or neglects to collect the charge from any person liable to pay the charge, the collection agent itself shall be liable for the charge in respect of that person.

(3) The collection agent shall be paid commission on collection of the charge at such rate as may be determined by the Minister.

(4) The collection agent shall, within thirty days of the last day of each calendar month-

(a) pay to the Permanent Secretary the amounts collected by way of charge, together with the amount for which the collection agent is liable under subsection (2) less the amount of commission due to it; and

(b) submit to the Permanent Secretary a return in such form as may be prescribed by regulations.

(5) The Permanent Secretary or any public officer authorised by him under his hand may recover from the collection agent any amount due to the Government under the provisions of this section, together with costs of suit, in a subordinate court presided over by a senior resident magistrate.

(6) A subordinate court presided over by a senior resident magistrate shall have the jurisdiction to hear and determine any suit under the provisions of subsection (5), notwithstanding that the value of the subject-matter of such suit exceeds the limit prescribed in relation to such court under the provisions of the Subordinate Courts Act or any other written law. Cap. 28

(7) All proceeds of the charge received or recovered by the Permanent Secretary or a public officer authorised by him shall be paid into the general revenues of the Republic.

(As amended by Act No. 5 of 1978)

6. (1) The collection agent and every servant employed by it who collects the charge shall issue a receipt in the prescribed form to the person from whom the charge is collected. Issue of receipt

(2) The collection agent and any servant of the collection agent who collects the charge but who intentionally omits to issue a receipt as required by subsection (1) or in any manner delays or defers the issue thereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding three months, or to both; and in any prosecution for an offence under this subsection, proof of the commission of any of the acts charged shall be prima facie evidence of the intent of the accused to commit such act.

(As amended by Act No. 13 of 1994)

7. Where any person liable to pay the charge refuses or neglects to pay the same, any police officer and any servant of the collection agent authorised by the collection agent in that behalf may-

(a) restrain such person from embarking on an aircraft; or

(b) if such person has embarked on an aircraft, require him to leave the aircraft, and, if such person fails to do so within a reasonable time, may remove him from the aircraft;

and, in restraining or removing any such person, such police officer or servant of the collection agent may use such force as may be reasonably necessary in the circumstances. Power of restraint or removal

8. The Auditor-General or any public officer authorised in that behalf by the Minister may enter upon the premises of the collection agent and may require any servant of the collection agent to produce all books, documents and records relating to the collection of the charge and may copy extracts therefrom. Inspection of books, etc.

9. Any person who obstructs or hinders a police officer or any servant of the collection agent in the exercise of his powers under section seven, or a public officer in the exercise of his powers under section eight, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding two thousand penalty units or to imprisonment for a term not exceeding three months, or to both.

(As amended by Act No. 13 of 1994) Obstruction

10. The Minister may, by statutory instrument, make regulations for the better carrying out of the provisions of this Act, and such regulations may prescribe a penalty not exceeding the penalties prescribed in section nine for the breach of any such regulations. Regulations

SUBSIDIARY LEGISLATION

SECTION 3-THE AIR PASSENGER SERVICE CHARGE (CHARGING) ORDER

Order by the Minister Statutory Instrument
9 of 1992

1. This Order may be cited as the Air Passenger Service Charge (Charging) Order. Title

2. There shall be paid by every passenger on every occasion on which he embarks an aircraft at an airport for a destination within Zambia, a passenger service charge of two hundred kwacha. Imposition of passenger service charge for local destination

3. The Air Passenger Service Charge (Charging) Order, 1990, is hereby revoked. Revocation of S.I. No. 120 of 1990

REPUBLIC OF ZAMBIA

THE CENTRAL AFRICAN CIVIL AIR TRANSPORT ACT

CHAPTER 451 OF THE LAWS OF ZAMBIA

CHAPTER 451 THE CENTRAL AFRICAN CIVIL AIR TRANSPORT ACT CHAPTER 451

THE CENTRAL AFRICAN CIVIL AIR TRANSPORT ACT

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY PART I

PRELIMINARY

Section

1. Short title
2. Interpretation

PART II FINANCIAL PROVISIONS PART II

FINANCIAL PROVISIONS

3. Conduct of financial affairs of Corporation and subsidiaries
4. Charges to revenue account of Corporation
5. Establishment and operation of general reserve and capital reserve of Corporation
6. Budget of revenue and expenditure
7. Meeting of deficiencies
8. Budget of capital expenditure
9. Government to supply additional capital
10. Borrowing
11. Annual report

12. Long-term plans of Corporation and subsidiaries
13. New air transport services
14. Exemption from taxes
15. Accounts of Corporation
16. Appointment of auditors and audit of Corporation's accounts
17. Duties of auditors

PART III FUNCTIONS OF CORPORATIONPART III

FUNCTIONS OF CORPORATION

Section

18. Functions of Corporation
19. Subsidiaries
20. Powers of Corporation
21. By-laws of Corporation
22. Reports of Corporation

PART IV MISCELLANEOUS PROVISIONSPART IV

MISCELLANEOUS PROVISIONS

23. Restriction on use of name of Corporation
24. Proceedings on non-compliance by Corporation

SCHEDULE-Powers of Corporation

CHAPTER 358

CENTRAL AFRICAN CIVIL AIR TRANSPORT

An Act to provide for the functions, power and duties of the Higher Authority for Civil Air Transport and the Central African Airways Corporation; to regulate the procedure of the Corporation in relation to financial matters; to exempt the Corporation and any subsidiary company from taxes on income and profits; and to provide for matters incidental to or connected with the foregoing.

[1st January, 1964]7 of 1964

13 of 1994

Government Notice

301 of 1964

Statutory Instrument

153 of 1965

PART I PRELIMINARYPART I

PRELIMINARY

1. This Act may be cited as the Central African Civil Air Transport Act.Short title

2. (1) In this Act, unless the context otherwise requires-

"aerial work" means a service, other than an air transport service, which is performed by means of an aircraft for payment or material advantage on one or more occasions, and includes the letting out on hire of an aircraft without pilot or crew;

"air transport service" means a service for the carriage of passengers or goods which is performed by means of an aircraft for payment or material advantage on one or more occasions;

"Corporation" means the Central African Airways Corporation constituted by the Order in Council;

"financial year" means the period commencing on the 1st January, 1964, and ending on the 30th June, 1964, and thereafter the period of twelve months ending on the 30th June each year;

"functions" means powers and duties;

"Higher Authority" means the Higher Authority for Civil Air Transport constituted by the Order in Council;

"operations" means the operations mentioned in paragraph (b) of section eighteen;

"Order in Council" means the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council, 1963;

"subsidiary" means a subsidiary company established in terms of section nineteen.Interpretation
App. 1

(2) Any reference in this Act to the functions of the Corporation shall be read and construed as a reference to those functions as specified in the Order in Council and in this Act.

PART II FINANCIAL PROVISIONSPART II

FINANCIAL PROVISIONS

3. It shall be the object of the Corporation so to perform its functions as to ensure that all its revenues, together with those of all its subsidiaries, are not less than sufficient to meet all its outgoings, together with those of all its subsidiaries, properly chargeable to revenue account, taking one year with another; and in general the Corporation and its subsidiaries shall conduct their business on sound commercial lines.Conduct of financial affairs of Corporation and subsidiaries

4. (1) The Corporation shall charge to its revenue account all charges which in the normal conduct of business are regarded as proper to be made to revenue account and, in so doing, shall make in each financial year adequate provision for-Charges to revenue account of Corporation

(a) the redemption of loans at due times;

(b) the payment of interest on and all other charges and expenses incurred in connection with loans;

(c) the depreciation in value of assets not acquired with loan funds; and

(d) the depreciation in value of assets acquired with loan funds to the extent that it is necessary for such provision to exceed the provision for the redemption of loans.

(2) In charging to its revenue account all charges which in the normal conduct of business are regarded as proper to be made to revenue account as in subsection (1) is provided, the Corporation may also make in each financial year provision for-

(a) meeting, wholly or in part, increases in the cost of replacing assets; and

(b) making payments to an insurance fund established by the Corporation to meet, wholly or in part, liabilities of the Corporation arising out of the performance of its functions.

5. (1) Subject to any directions given by the Higher Authority, the Corporation shall establish a general reserve and a capital reserve to which, subject to the provisions of this Part, may be appropriated from a surplus of revenue over expenditure such sums as the Corporation may decide. Establishment and operation of general reserve and capital reserve of Corporation

(2) Subject to the provisions of this Part, sums appropriated to a reserve in terms of subsection (1) may, with the approval of the Higher Authority, be used for such purposes as the Corporation may consider expedient for the proper performance of its functions.

6. The Corporation shall send to the Higher Authority for its information-

(a) before the commencement of each financial year, a revenue and expenditure budget in such detail as the Higher Authority may require, relating to the programme planned for that financial year of the operations of the Corporation and its subsidiaries; and

(b) as soon as may be, any subsequent proposal to amend any such budget;

and such budget, together with any such amendments, upon being received by the Higher Authority, shall be deemed to be the budget for the financial year to which it relates: Budget of revenue and expenditure

Provided that where the budget or any proposed amendment thereto shows a deficit which would reduce the amount in the general reserve below an amount fixed from time to time by the Higher Authority, the budget or amendment, as the case may be, shall first require the approval of the Higher Authority.

7. (1) If in any financial year the revenues of the Corporation, together with any surplus revenue brought forward from any preceding financial year, are found to be insufficient to enable the Corporation to meet the charges and make the provision mentioned in subsection (1) of section four, the deficiency shall be met from the general reserve.Meeting of deficiencies

(2) If the moneys in the general reserve are insufficient for the purpose of meeting the whole of a deficiency referred to in subsection (1), such amount of the shortfall as the Government is called upon by the Higher Authority to contribute shall be paid by the Minister out of moneys appropriated for the purpose by Parliament.

(As amended by G.N. No. 301 of 1964)

8. (1) The Corporation shall, before the commencement of each financial year, submit to the Higher Authority for its approval a budget showing the capital expenditure to be incurred by the Corporation and its subsidiaries during the financial year to which it relates and the amounts of such expenditure intended to be met from the resources of the Corporation and its subsidiaries and from other sources. Each such budget shall include an estimate of the unexpended provision carried forward from previous approved capital budgets.Budget of capital expenditure

(2) Subject to any direction given by the Higher Authority, the Corporation may subsequently amend any budget so approved by the Higher Authority, but shall not exceed the total capital expenditure so approved except with the approval of the Higher Authority.

(3) Notwithstanding that a project involving capital expenditure for which provision has been made in an approved budget in terms of subsection (1), or by an amendment of an approved budget in terms of subsection (2), was not commenced or completed during the financial year for which it was approved, such project may be commenced or continued to the extent that it has been approved, as the case may be, in a subsequent financial year without the further approval of the Higher Authority.

9. In the event of the Higher Authority calling upon the Government to contribute any additional capital to the Corporation, such amount shall be provided by the Minister out of moneys appropriated for the purpose by Parliament.

(As amended by G.N. No. 301 of 1964)Government to supply additional capital

10. Neither the Corporation nor its subsidiaries shall, without the prior approval of the Higher Authority, borrow otherwise than by bank overdraft for temporary accommodation.Borrowing

11. The Corporation shall, as soon as is practicable, and in any case not later than six months, after the termination of each financial year, submit an annual report to the Higher Authority on the activities of the Corporation and its subsidiaries. Such report shall include the balance sheet, the revenue and expenditure account and the annual report of the auditor, relating to the Corporation and each subsidiary.Annual report

12. The Corporation may, whenever the Corporation considers it expedient to do so, and shall, whenever the Higher Authority requires the Corporation to do

so-

- (a) prepare; and
- (b) submit to the Higher Authority;

in accordance with the directions of the Higher Authority, a plan in which the Corporation shall-

(i) describe the nature of the air transport services, aerial work and operations which the Corporation proposes to undertake, either by itself or through any subsidiary, during the period to which the plan relates;

(ii) show the capital expenditure estimated to be required in connection with the proposed air transport services, aerial work and operations referred to in sub-paragraph (i); and Long-term plans of Corporation and subsidiaries

(iii) indicate the requirements of the Corporation and any subsidiary for airport, meteorological and like services during the period to which the plan relates.

13. (1) The Corporation shall not, except with the approval of the Higher Authority-New air transport services

(a) alter the route or frequency of, or the type of aircraft used on, a service operated either by itself or by a subsidiary unless the Corporation is satisfied that such alteration will be to the commercial advantage of the Corporation;

(b) either by itself or through any subsidiary provide any new service unless the Corporation is satisfied that such service can be operated so that its earnings will, within a reasonable period, be sufficient to cover the operating costs thereof:

Provided that nothing in this section shall affect the powers conferred on the Corporation by paragraph 7 of the Schedule.

(2) For the purposes of this section-

"new service" means a service linking, with or without intermediate stopping points, two terminal points not previously linked by a service operated by the Corporation or the Central African Airways Corporation established by the *Repealed by Act No. 15 of 1965.*Central African Airways Corporation Act, 1960, of the Legislature of the former Federation of Rhodesia and Nyasaland;

"service" means an air transport service.

*Repealed by Act No. 15 of 1965.

(As amended by S.I. No. 153 of 1965)

14. The Corporation and any subsidiary shall be exempt from any tax on income or profits.Exemption from taxes

15. The Corporation shall keep proper books of account and other records in relation thereto and to all its air transport services, aerial work, operations

and property. Accounts of Corporation

16. (1) The Corporation shall, with the approval of the Higher Authority, appoint one or more persons who publicly carry on the profession of accountants, hereinafter referred to as the auditors, to examine and report to the Corporation and the Higher Authority on the accounts of the Corporation not less than once in each financial year. Appointment of auditors and audit of Corporation's accounts

(2) In addition to the report referred to in subsection (1), the Higher Authority may require the Corporation to obtain from the auditors such other reports, statements or explanations in connection with the accounts, air transport services, aerial work, operations or property of the Corporation as the Higher Authority may consider expedient.

(3) The Corporation shall produce and lay before the auditors all books and accounts of the Corporation, with all vouchers in support thereof and all books, papers and writing in its possession or control relating thereto.

*Repealed by Act No. 15 of 1965.

(4) The auditors shall be entitled at all reasonable times to require from all members and employees of the Corporation and all officers and employees of any subsidiary such information and explanations as may be necessary for the performance of their duties as auditors.

17. It shall be the duty of the auditors to certify not less than once in each financial year whether or not—Duties of auditors

(a) they have received all the information and explanations which, to the best of their knowledge and belief, were necessary for the performance of their duties as auditors;

(b) the accounts of the Corporation have been properly kept;

(c) the accounts of the Corporation present a true and fair view of the financial position of the Corporation according to the information and explanations given and the books and records produced to them.

PART III FUNCTIONS OF CORPORATION PART III

FUNCTIONS OF CORPORATION

18. In addition to those specified in the Order in Council, the functions of the Corporation shall, subject to the provisions of this Act, be to—

(a) carry out aerial work; and

(b) carry out such operations as, in the opinion of the Corporation, are incidental, ancillary or conducive to or are capable of being carried out in conjunction with the provision of air transport services or the carrying out of aerial work. Functions of Corporation

19. (1) For the better performance of its functions, the Corporation may establish one or more wholly owned subsidiary private limited companies in terms

of the Companies Act, and may delegate thereto such of its functions as it thinks fit. Any such delegation may be revoked by the Corporation at any time. Subsidiaries
Cap. 388

(2) For the purposes of subsection (1), "wholly owned subsidiary private limited company" means a private limited company which has no members except the Corporation and the Corporation's nominees.

20. The Corporation shall, subject to the provisions of this Act, have power to do all or any of the things specified in the Schedule either absolutely or conditionally and either solely or jointly with others. Powers of Corporation

21. (1) The Corporation may make by-laws for-By-laws of Corporation

(a) the good management and conduct of the air transport services, aerial work, operations and property; and

(b) the conditions of service of employees;

of the Corporation or any subsidiary and for any other matter which, in the opinion of the Corporation, is necessary or convenient to be provided in connection therewith.

(2) Any such by-laws made for the protection of the aircraft and other property, or the conduct and discipline of employees, of the Corporation or any subsidiary-

(a) may provide for the imposition of penalties for breaches of the by-laws and for different penalties in the case of successive breaches, but no penalty shall-

(i) in the case of a first conviction, exceed a fine of three hundred penalty units or, in default of payment, imprisonment for a period of one month;

(ii) in the case of a second or subsequent conviction, exceed a fine of seven hundred and fifty penalty units or, in default of payment, imprisonment for a period of three months; and

(iii) in the case of a continuing offence, exceed a daily penalty of sixty penalty units; and

(b) shall not have effect unless and until the by-laws have been approved by the Higher Authority and published in the Gazette.

(As amended by Act No. 13 of 1994)

22. In addition to the annual report mentioned in section eleven, the Corporation-

(a) may submit to the Higher Authority such other reports as the Corporation may deem advisable; and

(b) shall submit to the Higher Authority such other reports as the Higher Authority may require;

in regard to the air transport services, aerial work, operations and property of

the Corporation.Reports of Corporation

PART IV MISCELLANEOUS PROVISIONSPART IV

MISCELLANEOUS PROVISIONS

23. No person shall, on or after the commencement of this Act, assume for the purposes of business, or be registered in terms of the Companies Act, under-

(a) a name which includes with the word "airline" or "airways" the word or words "Central African", "national", "Malawi", "Malawian", "Rhodes", "Rhodesia", "Rhodesian", "state", "Zambia" or "Zambian"; or

(b) the name "Central African Airways Corporation" or a name so nearly resembling "Central African Airways Corporation" as to be likely to be mistaken for it;

without the written approval of the Higher Authority.

(As amended by S.I. No. 153 of 1965)Restriction on use of name of Corporation
Cap. 388

24. (1) If at any time it appears to the Higher Authority that the Corporation has failed to comply with the provisions of the Order in Council or this Act or a direction given to the Corporation in terms of the Order in Council or this Act, it may, by notice in writing, require the Corporation to make good the default within a specified time.Proceedings on non-compliance by Corporation

(2) If the Corporation fails to comply with such notice, the Higher Authority may apply to the High Court for an order compelling the Corporation to remedy the default and the High Court may make such order on the application as it thinks fit.

SCHEDULE

(Section 20)

POWERS OF CORPORATION

1. To acquire, establish and construct workshops, hangars, offices and other premises necessary or convenient for the performance of the functions of the Corporation, and for that purpose, to buy, take on lease or in exchange, hire or otherwise acquire immovable property and interests therein and rights over the same and concessions, grants, rights, powers and privileges in respect thereof.

2. To acquire, take on lease or in exchange or invest in all or part of the business, property and liabilities of any company, society, partnership or person formed to carry on air transport services, aerial work or operations, and to carry on or liquidate or wind up such a business or undertaking.

3. To buy, take in exchange, hire or otherwise acquire movable property including aircraft, vehicles, machinery, plant and apparatus necessary or convenient for the performance of the functions of the Corporation.

4. To maintain, alter and improve property acquired by the Corporation.

5. To apply for, buy or otherwise acquire patents, licences, concessions or

the like conferring an exclusive or non-exclusive or limited right to use information or a process which may seem to the Corporation capable of being used for the purposes of the Corporation or the acquisition of which may seem to the Corporation calculated, directly or indirectly, to benefit the Corporation, and to use, exercise, develop and grant licences in respect of or otherwise turn to account rights, information and processes so acquired.

6. To obtain from or grant to a government or any person whatsoever and gratuitously or otherwise, rights or concessions in connection with air transport services, aerial work and operations.

7. To enter into agreements with a government or any person whatsoever in connection with the provision of air transport services and the carrying out of aerial work and operations:

Provided that where any such agreement provides for such government or person assuming responsibility, in certain circumstances, for any losses incurred by the Corporation in the provision of an air transport service, such agreement shall be subject to the approval of the Higher Authority.

8. To sell, exchange, lease, mortgage, dispose of, turn to account or otherwise deal with assets of the Corporation or any part thereof, which are not required for the purposes of the Corporation, for such consideration as the Corporation may determine.

9. To draw, make, accept, endorse, discount, execute and issue for the purpose of the business of the Corporation promissory notes, bills of exchange, bills of lading, securities and other negotiable and transferable instruments.

10. To insure against losses, damages, risks and liabilities which the Corporation may incur.

11. To make contracts and to enter into suretyships or give guarantees in connection with the performance of the functions of the Corporation and to modify or rescind such contracts and to modify or rescind such suretyships or guarantees.

12. Subject to the provisions of this Act, to raise moneys, temporarily or otherwise.

13. To invest moneys of the Corporation and to vary or realise investments so made.

14. To appoint and employ such persons on such terms and conditions as the Corporation thinks fit, and to dismiss them.

15. To pay such remuneration and allowances, grant such leave of absence and make such gifts, bonuses and the like to employees of the Corporation as the Corporation thinks fit.

16. To provide pecuniary benefits for employees of the Corporation on their retirement, resignation, discharge or other termination of service or in the event of their sickness or injury and for their dependants, and for that purpose to effect policies of insurance, establish pension or provident funds or make such other provision as may be necessary to secure for such employees and their dependants any or all of the pecuniary benefits to which the provisions of this paragraph relate.

17. To purchase, take on lease or in exchange or otherwise acquire dwelling-houses for occupation by employees of the Corporation.

18. To purchase land and construct thereon dwelling-houses for occupation by employees of the Corporation.

19. To sell or lease dwelling-houses and land for residential purposes to employees of the Corporation.

20. To guarantee loans made to employees of the Corporation for the purchase of dwelling-houses or land for residential purposes, the construction of dwelling-houses and the improvement of dwelling-houses or land which are the property of employees of the Corporation.

21. To provide security in respect of loans such as are described in paragraph 20 by the deposit of securities in which the Corporation is hereby authorised to invest such moneys as it may deem necessary for the purpose.

22. To make loans, not exceeding two thousand kwacha in each case, to employees of the Corporation for the purpose of purchasing vehicles, tools or other equipment to be used by those employees in carrying out their duties.

23. To make loans, not exceeding the equivalent of three months' salary or wages, to employees of the Corporation for any purpose on such security as the Corporation may consider adequate.

24. To do anything for the purpose of improving-

(a) the skill, knowledge or usefulness of persons employed in connection with the provision of air transport services or the carrying out of aerial work or operations; or

(b) the efficiency of the equipment of the Corporation or the manner in which the equipment is operated;

and in that connection to provide or assist other persons in providing facilities for training, education and research.

25. Generally to do all such things as are incidental or conducive to the performance of the functions of the Corporation or are incidental to the powers specified in this Schedule or which are calculated, directly or indirectly, to enhance the value of or develop the air transport services, aerial work, operations or property of the Corporation.