FEDERAL ACT NO. 20 (1991)

PROMULGATING

THE CIVIL AVIATION LAW

We, Zayed Bin Sultan Al-Nahiyan, President of the United Arab Emirates,

Having reviewed the Provisional Constitution;

Federal Law No. 1 (1972) concerning the Powers of the Ministries and Ministers and the amending laws thereto;

Federal Law No. 18 (1981) concerning the Regulation of Commercial Agencies and the amending laws thereto;

Federal Law No. 8 (1984) concerning Commercial Companies and the amending laws thereto;

Federal Act No. 5 (1985) promulgating the Law on Civil Transactions and the amending laws thereto;

Federal Act No. 3 (1987) promulgating the Penal Code;

Federal Act No. 22 (1972) concerning the Participation by the United Arab Emirates in the Project for the Establishment of an Arab Aeronautical Testing Unit for Air Navigation Equipment;

Federal Decree No. 35 (1972) approving the State's Membership in the UN International Civil Aviation Organization;

Federal Decree No. 95 (1980) approving the State's Accession to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;

Federal Decree No. 8 (1981) approving the State's Accession to the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

Federal Decree No. 9 (1981) approving the State's Accession to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;

Federal Decree No. 13 (1986) concerning the State's Accession to the Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air (1929);

Federal Decree No. 85 (1986) concerning the State's Membership in the World Meteorological Organizations;

Federal Decree No. 79 (1988) Ratifying the State's Accession to the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation; and

Based on the submission by the Minister of Communications, as approved by the Council of Ministers and the Federal National Council and ratified by the Supreme Council for the Federation,

We have enacted the following Law:

ARTICLE 1

The Civil Aviation Law herewith attached shall be applied, and shall supersede any provision that may be inconsistent with its provisions.

ARTICLE 2

Ministers and the Competent Authorities in the Emirates, within their respective jurisdiction, shall implement the provisions of this Law. The Minister of Communications, in coordination with the Appropriate Authorities, shall issue the necessary regulations and decisions for its implementation.

ARTICLE 3

This Law shall be published in the Official Gazette and shall enter into force one month from the date of such publication.

Zayed Bin Sultan Al-Nahiyan

President of the United Arab Emirates

Issued by us at
the Presidential Palace, Abu Dhabi
on 10 June 1991.

CIVIL AVIATION LAW

CHAPTER I

DEFINITIONS

ARTICLE 1

For the purpose of implementing the provisions of this Law, and unless otherwise specifically stated, the following terms and phrases shall have the following meanings:

1. The State: The State of the United Arab Emirates.

2. State Territory: The land areas and territorial waters adjacent thereto and the airspace above such areas or waters.

3. State of Registry: The State on where register the aircraft is entered.

4. Competent Authority: The Ministry of Communications or the body designated from among its departments to supervise matters relating to civil aviation and its development.

5. Appropriate Authority: The concerned authorities of the respective Emirates.

6. Chicago Convention: The Convention on International Civil Aviation, signed at Chicago on 7 December 1944 and its Annexes.

7. Aircraft: Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface. This comprises fixed-wing and variable-wing aircraft as well as balloons and the like, when used for civil purposes.

8. Operator: A person, natural or juridical, engaged in the operation by himself, in his own behalf or by leasing to others, of an aircraft whose crew is under his control.

9. State of the Operator: The State in which the operator's principal place of business, or the operator's permanent residence, is located.

10. Air Traffic: All aircraft in flight or operating on the manoeuvering area of an aerodrome.

11. Air Traffic Control Unit: A generic term meaning variously Area Control Centre, Approach Control Office or Aerodrome Control Tower.

12. Aerodrome: A defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.

13. International Aerodrome: Any aerodrome designed by the State in its territory for the arrival and departure of international air traffic, and where the formalities incident to customs, immigration, public health, animal and plant quarantine and similar procedures are carried out.

14. Aerodrome Manoeuvering Area: That part of an aerodrome to be used for the take-off, landing of aircraft and taxiing of aircraft associated with take-off and landing, excluding aprons.

15. Pilot-in-Command: The pilot responsible for the operation and safety of the aircraft during flight time.

16. Flight Crew Member: A licensed crew member charged with duties essential to the operation of an aircraft during flight time.

17. Crew Member: A person assigned by an operator to duty on an aircraft during flight time.

18. Flight Time: The total time from the moment an aircraft first moves under its own power for take-off until the moment it comes to rest at the end of the flight.

19. Prohibited Area: An airspace of defined dimensions designated by the Competent Authority, above the territory of the State, within which the flight of aircraft is prohibited.

20. Restricted Area: An airspace of defined dimensions, above the territory of the State, within which the flight of aircraft is restricted in accordance with certain specified conditions.

21. Danger Area: An airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist.

22. Air Service: An air service open to the public and performed by aircraft for the public transport of passengers, mail or cargo for remuneration or hire.

23. International Scheduled Air Service: An air service that begins or ends in the territory of a State other than the State of Registry of the aircraft performing such a service, and the operation thereof should be according to a published time-table or of an established regular frequency.

24. Air Carrier: A person, natural or juridical, offering or operating an air service for the transport of passengers mail or cargo.

25. International operating Agency: A juridical enterprise operating an international air service.

26. Acrobatic Flight: Manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed.

27. Aircraft Accident: An occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all persons have disembarked, in which:

    - a person is fatally or seriously injured as a result of being in the aircraft, or in direct contact with the aircraft or anything attached thereto, or

    - the aircraft sustains substantial damage.

28. Aircraft Incident: An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

29. Flight Authorization: A general authorization, issued by the Competent Authority, containing detailed provisions allowing an operator or an air carrier to operate in the territory of the State for a specified period of time.

30. Flight Permit: A specific permit issued by the Competent Authority for one or more air operations.

31. Certificate of Airworthiness: A document issued by the Competent Authority to certify that an aircraft is airworthy during a specified period of time provided that the operator complies with the requirements prescribed therein.

CHAPTER II

GENERAL

ARTICLE 2

The State has complete and exclusive sovereignty over the airspace above its territory.

ARTICLE 3

The provisions of this Law shall apply in respect of:

a) Civil Aviation in the territory of the State,
b) Civil aircraft registered in the state, wherever they may be, subject to the laws of any foreign State in which they may be operating,
c) Civil airports in the State, including all technical activities such as air traffic control and the installation, operation and maintenance of communication equipment, radio equipment, navigation aids, meteorology .. etc, and
d) Air transport in general.

ARTICLE 4

The Ministry of Communications shall supervise all matters relating to civil aviation and its development in the State. It shall also supervise the compliance with the generally acceptable international regulations at the airports of the State, and monitor the implementation thereof, in coordination with the local authorities.

The Ministry of Communications shall, in cooperation with the Appropriate Authorities, establish the policy for, and exercise supervision of commercial air transport in the light of present and future requirements of the national economy. To this end, it may, inter alia,:

1. Negotiate with other States for the purpose of concluding agreements regarding scheduled and non-scheduled operations and any other agreements relating to international air transport,

2. Participate in discussions between national airlines and foreign airlines for the purpose of concluding agreements or arrangements on joint operations or other commercial accords, in accordance with the rules and conditions established in this connection,

3. Supervise the commercial air transport activity of national airlines, issue operating licences and approve any variation or cancellation of the air services of such airlines,

4. Monitor the commercial air transport activity of foreign airlines, and ensure compliance by such airlines with traffic rights accorded under bilateral agreements or operating licences,

5. Suspend or restrict the commercial air transport activity of any national or foreign airline if it violates the terms of its operating licence, or provisions of a relevant bilateral agreement with a foreign State, or any of the provisions of this Law,

6. Issue permits to national or foreign airlines to operate non-scheduled flights to or from the territory of the State, and

7. Take appropriate decisions on traffic rights applications from foreign States, agencies or airlines.

ARTICLE 5

1. An aircraft is considered a chattel insofar as the application of the laws, rules and regulations in force in the State.

2. No legal act, such as sale, mortgage, lease or any other act concerning an aircraft entered in the State's Register, shall be made to another person except after the approval of the Competent Authority. In all cases, the aircraft owner shall remain responsible for its operation in accordance with the provisions of this Law.

ARTICLE 6

No aircraft shall operate in the territory of the State or in the airspace above its territory without authorization or permit being issued by the Competent Authority and in accordance with the terms thereof. The operator of such aircraft may be permitted to undertake specific air operations by virtue of an international agreement to which the State is a party, or a bilateral air agreement in force between the State and another State for the regulation of air transport.

The authorization or permit as granted shall be considered personal and not transferable to other persons.

ARTICLE 7

The following requirements must be met by aircraft operating in the territory of the State or the airspace above its territory:

1. The aircraft must be registered in the State to which it belongs,

2. The aircraft must carry a valid certificate of airworthiness issued or rendered valid by the State of Registry of that aircraft,

3. The aircraft must display its registration and nationality marks,

4. The aircraft must carry the instruments and equipment required by the State of registry as well as those required by the Competent Authority,

5. Members of the flight crew must hold valid licences issued or rendered valid by the State of registry, and must be of a number equal to that specified in the certificate of airworthiness, and

6. The aircraft must be insured for the benefit of its crew, passengers and third party on the surface, in accordance with the established rules.

The Competent Authority may exempt aircraft flown for testing or instruction purposes from any one or more of the above-mentioned conditions.

ARTICLE 8

Aircraft operating in the territory of the State or in the airspace above its territory shall not carry any radio equipment unless a licence has been issued to this effect by the Competent Authority in the State of Registry. Such equipment shall be used only for air navigation purposes by the flight crew of the aircraft in accordance with the established rules.

ARTICLE 9

Aircraft equipped with aerial photographic apparatus shall not fly over the territory of the State. The use of such apparatus shall not be allowed without a prior authorization by the Appropriate Authorities and in accordance with the relevant rules established by the Competent Authority.

ARTICLE 10

1. Beacons shall not be constructed without the approval of the Appropriate Authority in coordination with the Competent Authority.

2. The Competent Authority may, in coordination with the Appropriate Authority, remove or vary any lights that may interfere with the navigation aids. It may also impose any necessary restrictions on high-elevation installations that constitute obstacles to air navigation, or installations generating smoke or other substances that may affect visibility in the vicinity of airports, or affect the safety of air navigation.

3. A person who owns or operates electrical equipment or any fixed or mobile metallic structures, which might interfere with the proper functioning of radio equipment or other air navigation aids, must comply with the procedures established by the Competent Authority to eliminate such interference.

4. The Competent Authority may, in coordination with Appropriate Authority, prohibit the use of electrical equipment or the removal of any metallic structures of the type mentioned in Paragraph 3 above.

ARTICLE 11

The pilot-in-command shall be responsible for the operation and safety of the aircraft, and the safety of all persons on board during flight time. He may take the necessary measures to maintain order on board the aircraft and must comply with the applicable rules in this respect.

ARTICLE 12

During flight time of an aircraft, no person shall interfere with the duties of any member of the flight crew or prevent him from performing his duties. No person shall wilfully damage any part of the aircraft or its equipment

or commit any act that is likely to endanger the safety of the aircraft, crew or passengers.

ARTICLE 13

The transport of the following articles by air shall be forbidden unless prior authorization is obtained from the Appropriate Authority and in accordance with the terms established by the Competent Authority:

1. Explosives, unless required on board the aircraft for its operation or for signalling,

2. Weapons and munitions of war,

3. Infectious substances and infected live animals,

4. Forbidden dangerous goods,

5. Any other article, the transport of which is prohibited by the Competent Authority.

ARTICLE 14

1. No person shall carry on board an aircraft, without prior authorization of the Appropriate Authority, any weapon, flammable material or any other objects which could be used in committing an act of sabotage, violence or threat during the flight.

2. If a requirement exists to transport a weapon or any material that could be used in committing an act of sabotage, violence or threat, the holder thereof shall, before boarding the aircraft, surrender it to the representative of the aircraft operator, who will ensure the safe-keeping of such material in a location on board that cannot be reached by the passengers, and return it to the holder upon termination of the flight.

ARTICLE 15

1. Aircraft shall use the designated airports and must comply with the relevant laws, rules and regulations. No aircraft may land at other airports except in cases of emergency in accordance with the guidance of the air traffic control unit or by permission of the Appropriate Authority.

2. Any aircraft entering the airspace above the territory of the State shall land at a designated international airport, unless it is authorized to fly over the territory without landing.

3 If an aircraft entering or departing the territory of the State or in transit non-stop across its territory is forced to land at location other than a designated international airport in the State, the pilot-in-command shall immediately notify the nearest local Authority, and shall furnish the Authority with the aircraft's journey log book, the general declaration or any other document that may be requested. In such case, it shall be forbidden to transfer the cargo of the aircraft, or to let the passengers leave the landing area before obtaining authorization from the immigration and passport authorities and clearing the established customs formalities.

ARTICLE 16

Passengers, crew members and consignors of goods, either personally or through agents acting on their behalf and on their account, must comply with laws, rules and regulations governing the admission to, residence in and departure from the territory of the State.

ARTICLE 17

If necessary, the Appropriate Authority may inspect an aircraft, or prevent an aircraft from flying or detain any documents relating thereto, for the purpose of enforcing the provisions of this law.

ARTICLE 18

Authorities responsible for customs, security and health and plant quarantine and others, shall exercise their powers in accordance with the applicable laws, provided that these are not inconsistent with the provisions of this Law.

ARTICLE 19

The Chicago Convention and other protocols and agreements pertaining to civil aviation and its protection, of which the State is a party, shall be considered complementary to the provisions of this Law in as much as they do not contradict its provisions.

CHAPTER III

RULES OF THE AIR

ARTICLE 20

1. The Competent Authority shall establish rules of the air and other regulations concerning overflight of aircraft, air navigation, the protection of persons and property on the surface and the use of the airspace.

2. The Competent Authority shall designate the air ways and routes to be used by aircraft when entering into, departing from or flying over the territory of the State.

ARTICLE 21

The Competent Authority may prohibit or restrict, without discrimination as to nationality, the flight of aircraft over the territory of the State, and may also designate danger areas and give notice thereof.

ARTICLE 22

1. If the pilot-in-command becomes aware that the aircraft under his command is flying over a prohibited

area, he must immediately notify the appropriate air traffic control unit, and must strictly comply with its instructions. If he is unable to do so, he shall promptly land the aircraft at the nearest aerodrome in the State outside the prohibited area and submit to the Appropriate and Competent Authorities a report on the incident and its reasons.

2. If the Competent Authority issues a warning to an aircraft flying over a prohibited area, the aircraft must promptly comply with the instructions issued by the Authority; otherwise such aircraft shall be forced to land after it is duly notified.

ARTICLE 23

The pilot-in-command shall ensure that:

1. the fuel supply is adequate for the flight,

2. the flight can be safely completed in accordance with the established rules and regulations, including the alternate procedures,

3. the aircraft is flown in accordance with the applicable rules of the air,

4. the rules relating to the use of the airport and air traffic regulations are complied with, and

5. all clearances and instructions received from the air traffic control unit are complied with.

ARTICLE 24

1. An aircraft shall not be flown at altitudes below those prescribed by the Competent Authority.

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

3. An aircraft shall not be operated in such a negligent or reckless manner as to endanger life or property of others.

4. No aircraft may be flown acrobatically, in formation or display without the authorization of the Appropriate Authority and in accordance with the terms prescribed by the Competent Authority.

5. Nothing shall be dropped or sprayed from an aircraft in flight except in emergency situations or by permission from the Competent Authority.

6. Parachute descents, other than emergency descents, shall not be made without the prior authorization of the Competent Authority.

7. No person shall pilot an aircraft or act as a member of its flight crew while drunk or under the influence of a narcotic drug or any other substance which may impair his capacity to effectively perform his duties. In all circumstances, he shall not use any such substances while on duty.

8. Pilotless aircraft shall not be operated in the territory of the State without authorization of the Competent Authority.

9. Supersonic aircraft and aircraft with high noise levels shall not be operated into or over the territory of the State or land at airports of the State. The Competent Authority may allow such types of aircraft to operate under conditions to be prescribed in the authorization as to altitude and speed limits. The aircraft operator shall be responsible for any damage occurring as a result of the use of such aircraft and any compensation that may arise therefrom.

CHAPTER IV

LICENCES

ARTICLE 25

A person shall not act as a member of a flight crew of an aircraft operating in the territory of the State or in its airspace unless that person is the holder of a valid licence issued under the applicable rules and regulations in the State of Registry of that aircraft. A flight crew member of an aircraft registered in the State must be the holder of a valid licence, issued or rendered valid by the Competent Authority.

ARTICLE 26

1. The Competent Authority shall issue flight crew licences and licences of other technical personnel and it shall prescribe the requirements for the issue, validation and renewal of such licences, bearing in mind that such requirements shall not be below the internationally agreed standards. In this connection, the Competent Authority may conduct examinations and tests as it may deem necessary.

2. The Competent Authority may refuse to issue, renew or extend the validity of any licence, and may revoke or suspend any licence if the applicant for such licence or the holder thereof fails to meet the appropriate requirements or contravenes any of the provisions of this Law.

3. A licence is considered suspended if the holder suffers from:

   a) any injury entailing incapacity which is likely to interfere with the performance of the duties pertaining to the licence, or

   b) any illness for twenty days or more, entailing incapacity which is likely to interfere with the performance of duties pertaining to the licence.

In such cases, the licence holder shall inform the Competent Authority in writing of the injury or illness so that it may take the necessary measures to resubmit him to the medical examination required for his type of licence.

ARTICLE 27

No institute, club or other organization shall engage in flying, flying instruction or training, or perform any other aviation activity without a licence from the Competent Authority and in accordance with the terms thereof. The Competent Authority may suspend or revoke such licence if the holder contravenes its terms or if he contravenes the laws, rules and regulations in force.

CHAPTER V

REQUIREMENTS OF REGISTRATION, AIRWORTHINESS AND DOCUMENTS

ARTICLE 28

1. The Competent Authority shall designate the nationality marks of aircraft and shall prescribe the method of displaying such marks on the aircraft.

2. The Competent Authority shall maintain a special aircraft register in accordance with the terms and procedures established by it. It shall also issue certificate of registry for each aircraft upon completion of the required procedures.

3. An aircraft entered in the above mentioned register shall bear the nationality of the State and shall display its nationality and registration marks.

4. The Competent Authority shall establish the conditions and procedure for registering aircraft owned by nationals of other States who have their place of residence in the State.

ARTICLE 29

An aircraft shall be removed from the register in the following cases:

1. If its owner or lessee ceases to be a national of the State,

2. If its ownership is transferred to a national of another State, or

3. If it is destroyed, lost or permanently withdrawn from use.

ARTICLE 30

1. An aircraft shall not be operated in the territory of the State or in the airspace above its territory unless it carries a valid certificate of airworthiness, issued or rendered valid by the Competent Authority of the State of Registry, in accordance with the laws, rules and regulations applicable therein, and unless the aircraft meets the requirements of such certificate. Aircraft engaged in domestic flights under a special authorization issued by the Competent Authority are exempted from this rule.

2. The Competent Authority may render valid a certificate of airworthiness issued by another State, and may prescribe any requirements or any other additional limitations prior to rendering such a certificate valid.

3. The Competent Authority shall approve national or foreign enterprises engaged in the maintenance and overhaul of aircraft registered in the State.

4. The Competent Authority may suspend or revoke the certificate of airworthiness of any aircraft registered in the State if it judges that the operation of such aircraft is unsafe, or that the type thereof is no longer airworthy. It may require a technical inspection of the aircraft to be conducted and forbid it from flying until it is restored to an airworthy condition.

ARTICLE 31

1. An aircraft shall not be operated without the instruments and equipment required for its flight and navigation under normal and emergency conditions, in accordance with the provisions contained in its certificate of airworthiness and the relevant Annexes to the Chicago Convention. The Competent Authority may exempt any aircraft from this requirement if it considers that it is equipped with alternate instruments and equipment that furnish the necessary data or fulfil the required purposes.

2. The Competent Authority shall issue regulations or instructions regarding the instruments and equipment referred to in Paragraph 1 of this Article, together with the method of operation thereof, in order to safeguard the safety of the flight and the comfort of passengers.

ARTICLE 32

1. The operator of aircraft registered in the State shall not operate any such aircraft in commercial air transport or any aerial work unless the maintenance of the aircraft, its engines and other equipment and radio equipment is done in accordance with a maintenance manual approved by the Competent Authority.

2. The pilot-in-command of an aircraft registered in the State and used in commercial air transport or aerial work shall enter the following information in the technical log book of the aircraft:

   a) Times of commencement and termination of the flight, and

   b) Information on any technical defect or malfunction in any part of the aircraft or its equipment occurring during the flight. The pilot-in-command shall sign and date the statement containing such information.

3. The operator of an aircraft shall be responsible for keeping the technical log book of the aircraft and shall maintain a copy of all entries in a place other than the aircraft.

4. The operator of an aircraft registered in the State shall keep its maintenance records for a period of two years after the expiry thereof, or for a longer period, if so required by the Competent Authority.

ARTICLE 33

1. Location of emergency equipment should be clearly marked in any aircraft registered in the State and used in commercial air transport. In particular, location of life rafts, if any, and method of their use should be clearly marked in every passenger cabin.

2. Care must be taken in the installation or carriage of any instrument or equipment on board an aircraft that these shall not pose any hazard to the airworthiness of the aircraft or interfere with the performance of any of the instruments or equipment necessary for its safety.

ARTICLE 34

1. When issuing or rendering valid a certificate of airworthiness of an aircraft, the Competent Authority shall ensure that the weight of the aircraft and its centre of gravity location have been established at such times and in such a manner as required by the Authority.

2. Once the weight of an aircraft has been established, a load distribution schedule shall be prepared by the operator, in accordance with the requirements prescribed by the Competent Authority.

3. The operator shall keep an aircraft's load distribution schedule for a period of six months from date of the next determination of its weight and centre of gravity location.

ARTICLE 35

The Competent Authority may, whenever it deems necessary, conduct or require the completion of such inspections, tests or test flights as to ensure that an aircraft is airworthy or that the aircraft's instruments, equipment and components are functioning reliably. The representative of the Authority shall have the right to enter, at all times, any location to conduct any of the above mentioned tasks. The operator shall be responsible for payment of any cost resulting from the implementation of such procedures.

ARTICLE 36

A flight of an aircraft registered in the State shall not be commenced unless the aircraft carries the following documents and records:

1. For an aircraft engaged in international flights:

   a) Its certificate of registration,
   b) Its certificate of airworthiness,
   c) Licences of the flight crew members,
   d) Its journey log book or the flight's general declaration,
   e) Its radio station licence,
   f) The operations manuals, maintenance records and any other document as may be prescribed by the Competent Authority for commercial air transport operations or aerial works,
   g) A manifest and detailed declaration of the cargo and mail if it carries cargo or mail, and
   h) A load sheet, if it is engaged in a commercial air transport operation.

2. For an aircraft engaged in domestic flights:

   The Competent Authority shall determine what documents and records must be carried by an aircraft engaged in domestic flights with reference to the list of documents and records mentioned in Paragraph 1 of this Article.

   The Authority may exempt aircraft engaged in a test flight or instructional flying from carrying any of the above mentioned documents or records.

   In all events, the certificates, licences and documents referred to in this Article must be valid.

ARTICLE 37

1. The operator and pilot-in-command of an aircraft shall furnish the Competent Authority, at its request, with any documents or records prescribed under this Law.

2. The operator of owner of an aircraft who ceases to use or operate his aircraft shall continue to keep its

documents and records and records of its flight crew members, as if such cessation has not occurred, provided that:

a) If another person becomes the operator of the aircraft and it remains on the register of the State, the former operator shall furnish the new operator with the aircraft maintenance documents, records and load distribution schedule and any other recordings made by the flight recorders of the aircraft,

b) If an engine or a propeller is removed from an aircraft and installed in an aircraft entered in the register of the State and operated by another operator, the operator of the former aircraft shall furnish the operator of the latter aircraft with the log book pertaining to that engine or propeller, and

c) If a member of the flight crew of an aircraft registered in the State leaves the employ of the operator to be employed by another operator, the former operator shall furnish the latter operator with all the records pertaining to that person. In any event, the latter operator shall treat such records and documents as if he himself were the original operator.

3. If a decision is made to revoke or suspend a certificate, licence, approval, permission or any other document issued by the Competent Authority, the holder or keeper thereof shall surrender it to the Authority, if so requested.

ARTICLE 38

No person shall commit any of the following acts:

1. Use a certificate, licence, approval, permission or any other document issued by the Competent Authority, which has been revoked, suspended or altered or if the holder is not entitled thereto,

2. Lend a certificate, licence, approval, permission or any other document issued by the Competent Authority to another person, or allow its use by any other person,

3. Make false representation for the purpose of obtaining, renewing or altering a certificate, licence, permission or any other document, either for himself or on account of any other person,

4. Destroy or distort any record the use of which is required under this Law, or alter, render illegible or delete any data from, or make false entries in, any such record during the period required for its retention, or assist in committing any such act, or

5. Delete any data from the load sheet of the aircraft or make false entry therein either wilfully or negligently.

CHAPTER VI

COMMERCIAL AIR TRANSPORT

ARTICLE 39

1. No operator shall use an aircraft in commercial air transport operations unless he has obtained an operating

specification approved by the Competent Authority. Such specification shall constitute an integral part of the authorization granted to the operator and shall be complied with.

The operator shall make available sufficient copies of the approved operating specification incorporating the latest amendments thereto. The operator shall also maintain copies thereof at each of his principal offices, and inform his staff of the contents and incorporate the relevant specifications in his manuals.

2. The operating specification may be amended at the request of the operator or whenever the competent Authority deems it necessary to do so in order to maintain the required standard or regularity of operation.

ARTICLE 40

1. The operator shall issue, for the use and guidance of pilots and operational staff, an operations manual which is relevant to their duties and responsibilities. The operations manual may not contain any instructions or information that is inconsistent with international laws, rules and regulations applied by the State or issued by the Competent Authority.

2. The operator shall issue a manual for each type of his aircraft, containing all information needed by pilots and flight engineers to perform their duties on such type of aircraft so as to ensure the required standard of safety under normal or emergency conditions.

3. The operator shall provide the Competent Authority with copies of the operations manual and aeroplane flight manual for each type of aircraft, including any amendments thereto, for approval of the Authority prior to the use thereof.

ARTICLE 41

1. The Competent Authority may, in respect of all or certain flights, require an aircraft to carry one or more members in addition to the flight crew specified in the certificate of airworthiness, whenever the Authority deems such addition necessary for ensuring the safety of the flight.

2. A member of the flight crew of an aircraft may not perform simultaneously the duties of two or more other members of the flight crew.

3. The Competent Authority may require the presence of cabin attendants in the aircraft to perform functions related to the safety and comfort of passengers. The number of such persons shall be specified in instructions to be issued by the Authority.

ARTICLE 42

The Competent Authority shall, in coordination with the Appropriate Authority, establish limits on flying times, flight duty periods and rest periods for the flight crew of an aircraft.

ARTICLE 43

The operator of an aircraft shall not permit it to be loaded except under the supervision of a trained person whom he has given written adequate information and instructions as to the distribution and securing of the load so

as to ensure that:

1. the load may be safely carried on the flight, and

2. any regulations or instructions relating to the loading of the aircraft, including any conditions specified in its certificate of airworthiness, are complied with.

ARTICLE 44

The operator or his representative shall be responsible for controlling the flight operations of his aircraft so as to ensure that such operations are conducted in accordance with the required standards of safety and in compliance with the relevant laws, rules and regulations.

ARTICLE 45

1. No person may use the flight instruments of an aircraft in flight unless he is a qualified pilot and designated by the operator for this purpose.

2. No person may enter the flight cabin of an aircraft unless he is a member of its crew, an inspector, a supervisor assigned by the Competent Authority or a person assigned by the operator or the Competent Authority for a specified task during the flight.

3. The operator shall ensure that passengers are aware of the locatio and method of use of the seat belt, the emergency exits and other equipment provided for individual or collective use.

ARTICLE 46

The authorized representatives of the Competent Authority and the Appropriate Authority shall be permitted, at all times, to enter any location belonging to the operator for the purpose of inspection and to ensure his compliance with the operating specification and the other national and international laws, rules, regulations and instructions in force in the State. The Competent Authority shall have the right to suspend any flight or air service if it finds that its operation is below the prescribed standard.

ARTICLE 47

Provisions of the Warsaw Convention of 1929 and other air transport agreements of which the State is a party shall apply in respect of the carriage of persons, baggage and freight by air.

CHAPTER VII

AIRCRAFT ACCIDENTS

ARTICLE 48

1. The Competent Authority shall conduct, or designate an external authority to conduct an investigation of

aircraft accidents occurring in the territory of the State and the airspace above it, and accident involving national civil aircraft on the high seas.

2. The local Authorities within the jurisdiction of which an aircraft accident occurs, shall promptly forward a notification to the Competent Authority. The local Authorities shall prevent the departure of the affected aircraft and shall safeguard its components, all its contents or wreckage until the arrival of representatives of the Competent Authority.

ARTICLE 49

1. An aircraft accident investigating committee, to be appointed by the Competent Authority in coordination with the Appropriate Authority, shall have the right to visit the scene of the accident and other locations that may benefit the investigation. It shall also have the right to inspect and survey such locations, call in persons, interview witnesses and require them to present any information, documents or articles in their possession which the committee considers necessary for revealing the facts of the accident. The committee shall also take the necessary measures to safeguard the aircraft, its load and components, and may move them, in whole or in part, for the purpose of undertaking any necessary tests thereon.

2. Security agencies and administrative authorities shall, within their respective fields of competence, take the necessary measures to facilitate the work of an investigating committee and comply with any instructions given by such committee to facilitate the performance of its task.

ARTICLE 50

The State of Registry and the State of Manufacture of an aircraft may be allowed to send a representative to be present at the investigation as an observer. Such a representative may be assisted by advisers of his choice.

ARTICLE 51

The investigating committee shall submit its report on the accident, together with a description of its causes and circumstances to the Competent Authority. The report and its conclusions shall be dispatched to the International Civil Aviation Organization and the State of Registry in accordance with the relevant international rules and regulations. The aircraft manufacturers, owners, operator, insurers and injured parties shall be entitled to obtain a copy of such a report.

ARTICLE 52

The Competent Authority may, by a reasoned decision, reopen an investigation of an aircraft accident, if new significant evidence has emerged which affects the conclusion reached by the investigating committee. The final report of the committee investigating an aircraft accident shall, in respect of the facts stated therein, be considered correct until proven otherwise.

ARTICLE 53

If the investigation committee finds evidence or suspicion that the accident has been due to a criminal act, the Competent Authority shall refer the matter to the competent judicial authorities in the State with a view to the

institution of the necessary legal proceedings.

ARTICLE 54

If an accident involving a military and a civil aircraft occurs in the territory of the State or in the airspace above it, the investigating committee shall be composed of equal numbers of representatives of the Competent Authority and the Military Aviation Authorities. The committee shall submit its report to the Competent Authority which will take necessary measures in accordance with the relevant international rules and regulations.

CHAPTER VIII

OFFENCES AGAINST THE SAFETY OF AIRCRAFT

ARTICLE 55

A person commits an offence against the safety of an aircraft if he intentionally and unlawfully commits, or attempts to commit, or is an accomplice of a person who commits, any of the following acts:

1. Perform an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft,

2. Seizes or destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight,

3. Places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight,

4. Destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight,

5. Seizes, by force or threat thereof, or by any other form of coercion or exercises control of an aircraft in flight, or

6. Communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.

ARTICLE 56

1. An aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation.

2. An aircraft is considered to be in service from the beginning of the preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing.

ARTICLE 57

The State shall establish its jurisdiction over the offences mentioned in Article 55 in the following cases:

1. When the offence is committed in the territory of the State,

2. When the offence is committed on board an aircraft registered in the State,

3. When the aircraft on board which the offence is committed lands in the territory of the State with the alleged offender still on board,

4. When the offence is committed on board an aircraft leased to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in the State,

5. When the alleged offender is present in the territory of the State and it does not extradite him to any of the States concerned, and

6. In other cases where the State exercises its criminal jurisdiction in accordance with its laws.

CHAPTER IX

SEARCH AND RESCUE

ARTICLE 58

Search and rescue are intended to mean every assistance, even by way of information, rendered to an aircraft facing the risk of destruction or threatened by any danger or difficulties. This also covers the cases where a suspicion or an apprehension exists as to the safety of an aircraft. Included in this definition is assistance rendered to those on board.

ARTICLE 59

No person shall refuse to render, when so requested by the Competent or Appropriate Authority, search and rescue assistance if he is able to do so, or if the nature of his work is likely to enable him to render such assistance.

ARTICLE 60

1. The Competent Authority shall establish, jointly with the Appropriate Authorities, search and rescue regions for which it shall be responsible, and shall establish search and rescue coordination centres in such regions, in accordance with the requirements prescribed by the International Civil Aviation Organization.

2. The Competent Authority shall organize in the state, jointly with the Appropriate Authorities, rescue units which will always be ready to act in accordance with the established plan.

3. The Competent Authority shall take the necessary measures to coordinate and cooperate with other States, particularly neighbouring States, in search and rescue operations.

ARTICLE 61

The Competent Authority shall permit the entry of aircraft and personnel conducting search and rescue operations into any prohibited area in which it is believed that a distressed aircraft is located or that the accident has occurred therein, provided that such operations are conducted under the supervision of the Competent Authority.

ARTICLE 62

The operator of a distressed aircraft shall be responsible for reimbursement of expenses incurred in the provision of search and rescue assistance and for payment of compensation for any damage occurring during the conduct of such operations or resulting directly therefrom, and for payment of any rewards related thereto.

ARTICLE 63

The court in the place of the accident shall have jurisdiction over claims arising from the search and rescue operations. If an accident occurs on the high seas or in a territory of undetermined sovereignty, the courts of the State shall have jurisdiction in the following cases:

1. If the aircraft subject of the search and rescue operations is registered in the State,
2. If the plaintiff is national of the State, or
3. If the aircraft subject of the search operations is found after an accident in the territory of the State.

ARTICLE 64

Claims arising from search and rescue operations shall cease to be recoverable after two years from the date on which such operations were terminated.

In the case of interruption or suspension of such period, such claims shall not be entertained after three years from the date on which the search and rescue operations were terminated.

CHAPTER X

FEES FOR AIR NAVIGATION SERVICES

ARTICLE 65

Fees to be paid in respect of the registration of aircraft and the issue, validation, renewal or replacement of any licence, certificate, or permit shall be fixed by the Council of Ministers on the recommendation of the Minister of Communications, provided that any single fee shall not exceed four hundred (400) Dirhams.

Charges to be collected for the use of air navigation services and any other services falling within the Federal executive powers shall be established by decision of the Council of Ministers.

ARTICLE 66

The following classes of aircraft shall be exempt from payment of air navigation facility charges:

a) State aircraft,

b) Government aircraft provided that they are not engaged in any commercial operations for remuneration,

c) Aircraft belonging to the United Nations and its specialized agencies,

d) Aircraft belonging to the League of Arab States and its specialized agencies,

e) Aircraft used without remuneration in air ambulance and search and rescue operations and aircraft belonging to the Red Crescent and the Red Cross, and

f) Any other aircraft which may be exempted by decision of the Council of Ministers.

CHAPTER XI

PENALTIES AND CONTRAVENTIONS

ARTICLE 67

Officials from the Competent Authority, to be designated by decision of the Minister of Communications upon consultation with the Minister of Justice, shall have law enforcement power in respect of any contravention of this Law or of the rules, regulations or decisions relating to the implementation thereof.

ARTICLE 68

In the case of any contravention of a provision of this Law or the rules, regulations or decisions relating to the implementation thereof, the Competent Authority shall take any one or more of the following actions:

1. Revoke or suspend for a specified period of time an authorization or permit issued by the Authority to the operator or the aircraft,
2. Revoke or suspend for a specified period of time the certificate of airworthiness of the aircraft.
3. Revoke or suspend for a specified period of time the flying licence or any other licence,
4. Ground the aircraft for a specified period of time or force the aircraft to land after due warning, or
5. Forbid the pilot-in-command of the aircraft from flying in the territory of the State for a specified period of time or permanently.

ARTICLE 69

A term of imprisonment not exceeding one year and a fine not exceeding fifty thousand Dirhams, or either penalty, shall be imposed on the following persons:

1. An owner or operator of an aircraft who caused it to be flown without an authorization or permit from the Competent Authority or prior to obtaining a certificate of registration or a certificate of airworthiness or after the expiry or revocation of such certificates,

2. Any person who has unlawfully piloted an aircraft or who has taken command of an aircraft in flight without holding the required certificate, licences or authorizations required under the provisions of this Law,

3. Any person who has piloted an aircraft when drunk to such an extent as to impair his capacity to pilot the aircraft,

4. Any person who has caused damage to aeronautical communication facilities or navigation aids on the ground or who has not maintained such facilities in a good condition if required to do so, or

5. A pilot-in-command who has failed to enter the required information in the documents or records of the aircraft or who has altered such information.

ARTICLE 70

A term of imprisonment not exceeding three years and a fine not exceeding one hundred thousand Dirhams, or either penalty, shall be imposed on the following persons:

1. Any person who has piloted an aircraft or caused it to be flown without bearing the nationality and registration marks or displaying incorrect or ineligible marks,

2. Any person who has piloted an aircraft over a prohibited area or has flown over any such area and has failed to comply with the instructions issued to him,

3. Any person who has not complied with an order to land his aircraft while in flight over the territory of the State,

4. Any person who has caused his aircraft to land at or take off from areas other than the designated airports or locations, or has flown the aircraft outside the designated areas, unless he has obtained a special authorization to do so from the Competent or Appropriate Authority,

5. Any pilot-in-command of an aircraft who flies without authorization over the territory of the State and carries on board such an aircraft:

   a) weapons, munitions of war or any other items the carriage of which is prohibited under national laws, or

   b) Persons having the intention of committing an act of smuggling or a felony, even if no such felony has actually been committed.

6. Any person who has refrained unjustifiably from complying with a request from the Competent Authority to participate, within the limits of the means available to him, in the rescue of an aircraft or in the rescue of a person facing imminent danger as a result of an aircraft accident.

ARTICLE 71

A term of imprisonment not exceeding five years shall be imposed on the following persons:

1. Any person who has stolen equipment used in air navigation facilities and services or any instruments or wires required for ensuring aeronautical safety or relating thereto,

2. Any person who has wilfully endangered facilities, buildings, instruments or equipment required for ensuring aeronautical safety or relating thereto.

ARTICLE 72

A person shall be sentenced to life imprisonment or lesser term of imprisonment who wilfully commits any of the offences described in Article 55 of the Law who has been an accomplice in, or has attempted to commit any of those offences.

ARTICLE 73

The provisions of this Law shall be applied without prejudice to any stricter penalties in any other national law.

ARTICLE 74

The court of the State shall have jurisdiction to consider all offences committed in contravention of this Law or the decisions, rules and regulations issued in implementation thereof, if such offences have been committed in the territory of the State or in the airspace above it, or on board a national aircraft in flight over the high seas or over territories of undetermined jurisdiction.

ARTICLE 75

An aircraft may be confiscated in the following cases:

1. If the aircraft displays incorrect nationality or registration marks or if it does not display any such marks, or

2. If the owner or operator of the aircraft uses it in the carriage of weapons or munitions of war with the intent of smuggling or committing an offence prejudicial to the security of the State.