

Civil Aviation Authority Act

AN ACT TO CREATE AN INDEPENDENT CIVIL AVIATION AUTHORITY, TO PROVIDE FOR REGULATION AND PROMOTION OF CIVIL AVIATION IN LIBERIA, TO FOSTER ITS SAFE AND ORDERLY DEVELOPMENT, AND FOR OTHER PURPOSES INCIDENTAL THERETO

SUBCHAPTER I--GENERAL PROVISIONS

- § 101. Short title
- § 102. Definitions

SUBCHAPTER II-ESTABLISHMENT OF THE LIBERIA CIVIL AVIATION AUTHORITY AND ITS BOARD OF DIRECTORS

- § 201. Creation of Authority
- § 202. Statement of Authority Policy
- § 203. Qualifications of Director
- § 204. Officers and Employees

SUBCHAPTER III-ADMINISTRATION OF THE AUTHORITY

- § 301. Co-operation with Other Agencies
- § 302. Acquisition of Property
- § 303. Financial Autonomy
- § 304. Annual Estimates
- § 305. Business Plan
- § 306. Revenues
- § 307. Expenditures
- § 308. Authorisation to Contract
- § 309. Exchange of Information
- § 310. Delegation of Functions

SUBCHAPTER IV-GENERAL POWERS AND DUTIES

- § 401. General
- § 402. Orders
- § 403. Applicability of Administrative Procedure Act
- § 404. Public Compliance
- § 405. Exemptions
- § 406. Development of Civil Aviation
- § 407. Airspace Control and Facilities
- § 408. Air Navigation Facilities
- § 409. Regulation of Air Traffic
- § 410. Accident Investigation
- § 411. Flight Standards Inspectorate

- § 412. Validation
- § 413. Right of Access for Inspection
- § 414. Authority to Prevent Flight
- § 415. Authority Respecting the Transportation of Dangerous Goods by Air
- § 416. International Obligations

SUBCHAPTER V-SECURITY

- § 501. Aviation Security
- § 502. National Aviation Security Programme
- § 503. Power to Search
- § 504. Power to Stop and Search Vehicles and Aircraft and Inspect Goods

SUBCHAPTER VI-NATIONALITY AND OWNERSHIP OF AIRCRAFT

- § 601. Aircraft Registration
- § 602. Recordation of Interests in Aircraft

SUBCHAPTER VII-SAFETY REGULATION OF CIVIL AVIATION

- § 701. General Safety Powers and Duties
- § 702. Airman Certificates
- § 703. Airworthiness Certificates
- § 704. Air Operator Certificate (AOC)
- § 705. Schools and Approved Maintenance Organisations
- § 706. Training Schools
- § 707. Form of Applications
- § 708. Air Navigation Facility Safety Standards
- § 709. Duty of Operators and Airmen
- § 710. Authority to Inspect
- § 711. Amendment, Modification, Suspension, and Revocation of Certificates
- § 712. Prohibitions

SUBCHAPTER VIII-PENALTIES

- § 801. Civil Penalties
- § 802. Criminal Penalties

SUBCHAPTER IX-PROCEDURE

- § 901. Conduct of Proceedings
- § 902. Complaints to and Investigations by the Director
- § 903. Evidence
- § 904. Designation of Agent for Service
- § 905. Venue
- § 906. Judicial Review of Orders

- § 907. Judicial Enforcement
- § 908. Procedure for Civil Penalties

SUBCHAPTER X-AIR OPERATOR ECONOMIC REGULATION

- § 1001. Certificate of Public Convenience and Necessity
- § 1002. Permits to Foreign Operators
- § 1003. Economic Regulations
- § 1004. Technical Regulations

SUBCHAPTER XI-MATTERS RELATING TO AIRCRAFT

- § 1101. Records of Births and Deaths
- § 1102. Exemption from Seizure of Certain Aircraft of Patent Claim
- § 1103. Patent Claims not Protected under Chicago Convention

SUBCHAPTER XII-MISCELLANEOUS

- § 1201. Publication of Reports, Orders, Etc.
- § 1202. Extra-Territorial Effect
- § 1203. Exemption
- § 1204. Offences
- § 1205. Offences by Bodies Corporate
- § 1206. Provisions as to Bail
- § 1207. Provisions as to Extradition
- § 1208. Application of Law of Wreck and Salvage to Aircraft
- § 1209. Application to Seaplanes of Regulations as to Vessels
- § 1210. Application of the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Montreal on 28th May, 1999
- § 1211. Conversion of Special Drawing Rights
- § 1212. Rules for Carriage by Air which is not International
- § 1213. Advance Payments
- § 1214. Insurance
- § 1215. Compensation Schemes for passengers to Grievances like denied Boarding, Etc.
- § 1216. Inconsistency
- § 1217. Regulations
- § 1218. Repeal and Savings

CIVIL AVIATION ACT

An Act to create an independent Civil Aviation Authority, to provide for the regulation and promotion of civil aviation in Liberia, to foster its safe and orderly development, and for other purposes incidental thereto.

SUBCHAPTER I-GENERAL PROVISIONS

§101. SHORT TITLE

This Act may be cited as the "Civil Aviation Act of 2005"

§102. DEFINITIONS

1. **LIBERIA.** The term LIBERIA in this Act means the land and water territory of LIBERIA to the outer limits of the territorial sea and includes the airspace above such territory.

2. The following definitions apply to these words where they are used in this Act.

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

a) a person is fatally or seriously injured as a result of:

-being in the aircraft, or

-direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or

-direct exposure to the jet blast,

except when the injuries are from natural causes, self inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

b) the aircraft sustains damage or structural failure which:

- adversely affects the structural strength, performance or flight characteristics of the aircraft, and

- would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tires, brakes, fairings, small dents or puncture holes in the aircraft skin; or

c) the aircraft is missing or completely inaccessible.

Note 1. - For statistical uniformity only, an injury resulting in death within thirty days of the date of the accident is classified as a fatal injury by/GAO

Note 2. -An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.

(2) **Aerial Work.** An aircraft operation in which an aircraft is used for specialised

services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc.

(3) **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. The term "aircraft," when used in this Act or in regulations issued under this Act, shall refer to civil aircraft only, and will not include state or public aircraft.

(4) **Aircraft engine.** Any engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.

(5) **Aircraft piracy.** Any actual or attempted seizure or exercise of control, by force or violence, or by any other form of intimidation, with wrongful intent, of an aircraft within the jurisdiction of LIBERIA.

(6) **Airman.** This term refers to-

(i) Any individual who engages, as the person in command or as pilot, mechanic, or member of the crew, or who navigates an aircraft while the aircraft is underway;

(ii) Any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft, and any individual in charge of the inspection, maintenance, overhauling, or repair of aircraft engines, propellers, or appliances; or

(iii) Any individual who serves in the capacity of flight operations officer;

(7) **Air navigation facility.** Any facility used in, available for use in, or designed for use in aid of air navigation, including airports, landing areas, lights, any apparatus or equipment for disseminating weather information, for signaling, for radio directional finding, or for radio or other electromagnetic communication, and any other structure or mechanism having a similar purpose for guiding or controlling flight in the air or the landing and take-off of aircraft.

(8) **Air Operator.** Any organisation which undertakes to engage in domestic commercial air transport or international commercial air transport, whether directly or indirectly or by a lease or any other arrangement.

(9) **Air Operator Certificate (AOC).** A certificate authorising an operator to carry out specified commercial air transport operations.

(10) **Airport.** 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.

(11) **Annexes to the Chicago Convention.** The documents issued by the International Civil Aviation Organisation (ICAO) containing the Standards and Recommended

Practices applicable to civil aviation.

(12) **Appliances.** Instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including parachutes and including - communication equipment and any other mechanism or mechanisms installed in or attached to aircraft during flight), and which are not part or parts of aircraft, aircraft engines, or propellers.

(13) **Chicago Convention.** Means the Convention on International Civil Aviation, signed at Chicago on 7 December 1944.

(14) **Commercial air transport operation.** An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

(15) **Citizen of LIBERIA.** This term refers to one of the following:

(i) An individual who is a citizen of Liberia;

(ii) A partnership of which each member is a citizen of Liberia; or

(iii) A corporation or association created or organised and authorised under the laws of Liberia.

(16) **Civil aircraft.** Any aircraft other than a state or public aircraft.

(17) **Civil aviation.** The operation of any civil aircraft for the purpose of general aviation operations, aerial work or commercial air transport operations.

(18) **Crew Member.** A person assigned by an operator to duty on an aircraft during a flight duty period.

(19) **Cabin Crew Member.** A crew member who performs, in the interest of safety of passengers, duties assigned by the operator or the pilot-in-command of the aircraft, but who shall not act as a flight crew member

(20) **Dangerous goods.** Articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions.

(21) **Dollars.** This term means United States Dollars.

(22) **Flight Crew Member.** A licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period.

(23) **Foreign air operator.** Any operator, not being a Liberian air operator, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of Liberia, whether on a scheduled or charter basis;

(24) **General aviation operation.** An aircraft operation of a civil aircraft for other than a commercial air transport operation or aerial work operation.

(25) **ICAO.** Where used in this Act, this is an abbreviation for the International Civil Aviation Organisation.

(26) **International commercial air transport.** The carriage by aircraft of persons or property for remuneration or hire or the carriage of mail between any two or more countries.

(27) **Navigable airspace.** The airspace above the minimum altitudes of flight prescribed by regulations under this Act and includes airspace needed to insure safety in the takeoff and landing of aircraft.

(28) **Navigation of aircraft.** A function which includes the piloting of aircraft.

(29) **Operator.** A person, organisation or enterprise engaged in or offering to engage in an aircraft operation. Any person who causes or authorises the operation of aircraft, whether with or without the control (in the capacity of owner, lessee, or otherwise) of the aircraft, shall be deemed to be engaged in the operation of aircraft within the meaning of this Act.

(30) **Person.** Any individual, firm, partnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative of these entities.

(31) **Pilot-in-command.** The pilot designated by the operator, or in the case of general aviation, the owner, as being in command and charged with the safe conduct of the flight.

(32) **Propeller.** An inclusive term for all parts, appurtenances, and accessories of a propeller.

(33) **Spare parts.** Any parts, appurtenances, and accessories of aircraft (other than aircraft engines and propellers), of aircraft engines (other than propellers), of propellers, and of appliances, maintained for installation or use in an aircraft, aircraft engine, propeller, or appliance, but which at the time are not installed therein or attached thereto.

(34) **State aircraft.** Means Aircraft used in military, customs and police services,

operated by other State agencies, to be used exclusively in the service of any government or of any political jurisdiction thereof, including the Government of Liberia, but not including any government owned aircraft engaged in operations which meet the definition of commercial air transport operations.

(35)

(36) **Special aircraft jurisdiction of LIBERIA.** This includes:

(i) Civil aircraft of Liberia; and

(ii) Any other aircraft within the jurisdiction of Liberia, while the aircraft is in flight, which is from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation or, in case of a forced landing, until the competent authorities take over the responsibility of the aircraft and the persons and property aboard.

(37) **Validation.** The written acceptance of an action of the civil aviation authority of another country in lieu of an action that this Act assigns to the Director General.

SUBCHAPTER II-ESTABLISHMENT OF THE LIBERIA CIVIL AVIATION AUTHORITY AND ITS BOARD OF DIRECTORS

§ 201. CREATION OF THE LIBERIA CIVIL AVIATION AUTHORITY

1. There is hereby established a body to be known as The Liberia Civil Aviation Authority, referred to in this Act as the "Authority."

2. The Authority shall be headed by a Director General referred to in this Act as the "Director General," who shall be appointed by the Head of State, with the advice and consent of the Senate, and shall be responsible for civil aviation in LIBERIA and the administration of this Act.

3. The Authority is a body corporate with perpetual existence and a common seal and may -

(a) sue or be sued in its corporate name;

(b) enter into contracts and acquire, hold or dispose of property; and

(c) so far as is possible for a body corporate, exercise the rights, powers and privileges and incur the liabilities and obligations of a natural person of full age and capacity.

4. The application of the common seal of the Authority shall be authenticated by the signature of the Director General, or any other person as authorised by the Director General to sign on his or her behalf and every document bearing the imprint of the seal of the Authority, shall be deemed to be properly sealed unless the contrary is proved.

The SEAL will be in the custody of the Legal Officer.

§ 202. STATE OF AUTHORITY POLICY

In the exercise and performance of the powers and duties assigned under this Act, the Director General shall consider the following, among other things, as being in the public interest-

- (1) The promotion, encouragement, and development of safety in civil aviation; and
- (2) The regulation of civil aviation in such manner as to best promote safety.

§ 203. APPOINTMENT AND QUALIFICATIONS OF DIRECTOR GENERAL

1. The Director General shall be appointed with regard to being properly qualified and experienced in civil aviation for the efficient discharge of the powers and duties vested in and imposed by this Act.

2. At the time of nomination, the Director General shall have at least ten years management or similar technical experience in a field directly related to aviation.

3. The Director General shall have no monetary interest in or own any stocks or bonds of any aeronautical enterprise following his appointment.

4. The Director General shall not engage in any other business, vocation, or employment.

5. The Director General shall hold office for a term of five years and may be re-appointed.

§ 204. OFFICERS AND EMPLOYEES

The Director General may, with specific approval of the Board appoint, employ, and appoint such officers, employees, consultants, attorneys, and agents as shall be necessary to carry out the provisions of this Act, and to define their authority and duties. No officer, employee, or attorney of the Authority shall have a monetary interest in or over any stocks and bonds of any aeronautical enterprise.

§ 205. BOARD OF DIRECTORS OF THE AUTHORITY

There is hereby established for the Authority a Board of Directors, which shall consist of

- (a) A Chairperson;
- (b) A designated senior civil servant of the Minister responsible for civil aviation, who shall be the Vice Chairman of the Board;
- (c) A senior civil servant of the Ministry of Finance appointed/designated by the Minister of Finance or his or her designated representative;

(d) three persons from the private sector with knowledge in Law, Business and Aviation;
and

(e) the Director General of the Authority.

4. The Chairperson and the members of the Board referred to in subsection {4}{c) shall be appointed by the Head of State on the recommendation of the Minister in consultation with the Civil Service Commission.

5. The members specified in subsection 4 {b) and (c) are ex-officio members of the Board.

6. TENURE OF OFFICE OF MEMBERS OF THE BOARD. The members of the Board in 4 (a) and (d) other than ex officio members shall hold office for a term of three years and may be re-appointed for one further term. The term of the Director General is described in Sub-section 203.

No person shall be qualified to be a member or to continue to be a member of the Board if-

(a) he or she is adjudged to be a person of unsound mind;

(b) he or she has been convicted of an offence involving dishonesty or fraud and has not been granted a free pardon;

(c) he/she maintains any lien with the entities subject to the Authority's jurisdiction, or keep any interests in these entities

(d) A member of the Board may resign his or her office by notice in writing addressed to the
Minister.

(e) He/she receive gifts or contributions from the operators of the civil aviation sector, from their shareholders or participants, associations or representatives of the mentioned operators or consumer representatives;

(f) To communicate with interested parties about subjects related to issues pending before the Authority, outside the procedures referred to in law or applicable regulations;
or

(g) in the case of a person who has professional qualifications, he or she is disqualified or suspended otherwise than at his or her request, from practicing his or her profession by the order of a competent authority made in respect of him or her personally.

b) After the conclusion of their mandate and for a period of two years the members of the Board of Directors shall not establish any lien or enter in any relationship with the

entities subject to the Authority's jurisdiction being eligible to a pecuniary allowance equal to 2/3 of the respective remuneration, if and when they do not exercise any other remunerated function;

7. GENERAL POWERS OF THE BOARD: The Board shall give general directions as to the management of the property, business and funds of the Authority and any other matters relating to the Authority.

8. DUTIES OF THE BOARD. The Board shall be responsible for-

(a) the development, planning for, and, formulating of policy with respect to the use of the navigable air space and civil aviation in Liberia;

(b) the formulation of general policies for the proper management of the Authority and for ensuring that such policies are carried out by the Authority;

(c) the good governance and management of the Authority and shall delegate the day-to-day operations of the Authority to the Director General;

(d) overseeing the sound and proper financial management of the Authority; and

(e) the appointment of all management staff except the Director General.

9. ASSIGNMENT OF POWERS OF THE BOARD. For the purpose of discharging its functions under this Act, the Board shall assign to the Director General, the power to-

(a) sign any contract for and on behalf of the Authority;

(b) sign, accept, negotiate, endorse and receive any negotiable instrument on behalf of the Authority;

(c) acquire or authorize the acquisition of any movable or immovable property and transfer or allocate any funds of the Authority for that purpose

(d) authorize the disposal of securities of any kind belonging to the Authority;

(e) open and operate current, deposit or credit account on behalf of the Authority at any bank or financial institution;

(f) negotiate and obtain loans on behalf of the Authority and determine the nature and conditions of such loans.

11. MEETINGS OF THE BOARD.

(1) The Board shall meet for the discharge of its business at least once in every three months at such time and place, as the Chairperson shall determine.

(2) The Chairperson shall, at the written request of the Director General or by not less

than four members of the Board, convene a special meeting of the Board to transact any extraordinary business on a date specified in the request.

(3) A written notice of a special meeting of the Board shall-

- a. be sent to each member not later than forty eight hours before the meeting; and
- b. specify the business for which the meeting is being convened.

(4) Where a request under subsection (2) is made by members, other than the Director General, the request shall be transmitted to the Director General stating the business to be transacted, at least two working days before the date specified in the request.

(5) The quorum of the Board at any meeting shall be four, including the Chairperson or the Director General

(6) The Board shall take decisions by a simple majority of the votes of members present and, where there is an equality of votes, the person presiding shall have a casting vote.

(7) The Chairperson shall preside at every meeting of the Board at which he or she is present, and in his or her absence, the Vice Chairman or his or her representative shall preside and where both the Chairperson and Vice Chairperson are absent, the members of the Board present shall appoint one of their number to preside at the meeting.

(8) The minutes of every meeting of the Board shall be recorded, and signed by the Chairperson or the person who presided at the meeting after confirmation by the Board.

(9) The Board may at any time co-opt any person to act as an adviser at any of its meetings, but no person so co-opted shall be entitled to vote at any of its meetings.

(10) The validity of any proceeding of the Board shall not be affected by vacancy in its membership.

12. ABSENCE OF DIRECTOR GENERAL FROM MEETINGS.

If the office of the Director General is vacant or the Director General is for any reason unable to attend a meeting of the Board, the person for the time being designated to carry out the duties of the Director General shall attend the meetings and may participate in its deliberations as if he were the Director General.

13. DISCLOSURE OF INTEREST.

(1) A member of the Board who has an interest in a company or an undertaking with which the Authority proposes to enter into a contract shall -

- a) disclose the nature of his or her interest to the Board; and

b) not participate in any deliberation and voting of the Board in respect of the contract.

(2) A member who contravenes the provisions of subsection (1) may be removed from the Board by the Head of State on the recommendation of the Minister in charge of civil aviation with the approval of the Civil Service Commission.

14. TRANSACTION OF BUSINESS WITHOUT MEETING.

A resolution is a valid resolution of the Board if-

(a) it is signed or assented to by a majority of the members; and

(b) proper notice of 48 hours of the proposed resolution was given to each member and to the Director General, notwithstanding that it was not passed at a meeting of the Board.

15. PROTECTION OF MEMBERS.

No action, suit, prosecution or other proceedings shall be brought or instituted against a member of the Board personally in respect of anything done in pursuance, execution or intended execution of any of the provisions of this Act.

16. ALLOWANCES TO MEMBERS OF THE BOARD.

Members of the Board and persons co-opted to the Board shall be paid such allowances as the Minister may approve.

SUBCHAPTER III-ADMINISTRATION OF THE AUTHORITY

§ 301. CO-OPERATION WITH OTHER AGENCIES

The Director General shall have the power to use, with their consent, the available services, equipment, personnel, and facilities of other agencies of Liberia, or at international level, on a reimbursable basis when appropriate, and on a similar basis to co-operate with those agencies in the establishment and use of services, equipment, and facilities of the Authority.

§ 302. ACQUISITION OF PROPERTY

The Director General may, where appropriate-

(1) Accept on behalf of Liberia any gift or donation of money or other property, real or personal, or of services; and

(2) Acquire by purchase, lease, or otherwise, personal and real property or interests therein, including, in the case of air navigation facilities owned and operated by Liberia, easements through or other interests in airspace immediately adjacent thereto and needed in connection therewith.

§ 303. FINANCIAL AUTONOMY

The Authority shall have financial management autonomy befitting independent

administrative authorities, as far as its budget is concerned.

§ 304. ANNUAL ESTIMATES

The Authority shall prepare annual estimates of activities at least four months in advance in relation to the beginning of the fiscal year.

§ 305. BUSINESS PLAN

The Authority shall prepare a 5-year business plan, which shall be evaluated and revised every year. When preparing the business plan, the Board shall consider:-

- 1) The performance of the Authority in meeting its objectives;
- 2) Continued maintenance of high standards of Aviation Safety;
- 3) Current and projected aviation growth;
- 4) Regional and International aviation programs agreed on by the Government;
- 5) The authority development plans and to meet with the objectives;
- 6) The objectives and policies of the Government;
- 7) Funds of the Authority;
- 8) Assets and liabilities of the Authority;
- 9) Any other consideration that seems appropriate to the Board.

§ 306. REVENUES

The Authority shall determine the fees to be charged for its services, and generate its own revenues, namely:

- 1) Fees for the services provided;
- 2) Contributions legally levied on operators and other entities of the civil aviation sector, which is necessary to finance its budget;
- 3) Contributions from the annual billing of the Roberts Flight Information Region (Roberts FIR) regarding the immediate previous year;
- 4) The allocations and transfers from the State Budget and subsidies deriving from any other public or private, national or foreign entities;
- 5) The proceeds of its own assets and of constitution of rights on them;
- 6) The interests resulting from financial applications;

- 7) The inheritances, legacies or donations assigned to it;
- 8) The balances settled in each financial year;
- 9) The costs of contraventions processes;
- 10) The product of expenses reimbursement made on account of others, in view of the functions committed to it;
- 11) The interest resulting from financial applications; and
- 12) Any other proceeds or revenues that are granted to it by law, contract or otherwise.

§ 307. EXPENDITURES

The Authority on its own accord shall:-

- 1) Constitutes expenditures of the Authority, resulting from the expenses made in the performance of the respective functions.
- 2) The Authority is subject to the procedures of public contract regime concerning the acquisition or lease of movable goods and acquisition of services.
- 3) The Board of Directors or the Director General, depending on the case, has the power to authorize expenses, except in the special cases provided by law.

§ 308. AUTHORISATION TO CONTRACT

The Director General is hereby authorised, subject to available appropriations and applicable laws of Liberia, and in furtherance of the proper exercise of assigned powers and duties under this Act, to contract or otherwise arrange for the services of private persons, and private, public, or governmental organisations.

§ 309. EXCHANGE OF INFORMATION

The Director General shall have the power to exchange with foreign governments, through appropriate agencies of the Government of Liberia, information pertaining to civil aviation.

§ 310. DELEGATION OF FUNCTIONS

1. DELEGATION TO OFFICERS, EMPLOYEES, AND ADMINISTRATIVE UNITS OF AUTHORITY. The Director General may, subject to such regulations, supervision, and review as may be prescribed, authorise the performance by any officer, employee, or administrative unit under the Director General's jurisdiction of any function under this Act.

2. DELEGATION TO PRIVATE PERSONS. The Director General is authorised to delegate any assigned powers and duties to any properly qualified private person,

subject to such regulation, supervision, and review as may be prescribed. However, the Director General shall ensure that such functions are not delegated in such a way that air operators, aerial work or general aviation operators and maintenance facilities, in effect, regulate themselves.

3. The Director General Shall not delegate his delegative powers.

SUBCHAPTER IV-GENERAL POWERS AND DUTIES

§ 401. GENERAL

1. GENERAL AUTHORITY. The Director General shall have the power to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedures pursuant to and in accordance with the provisions of this Act, as the Director General shall deem necessary to carry out the provisions of, and the exercise and performance of the powers and duties assigned under this Act.

2. PUBLICATIONS. The Director General shall provide for the publication of all reports, orders, decisions, rules, and regulations issued under this Act in such form and manner as may be best adapted for public information and use.

3. EVIDENCE. In the conduct of any public hearings or investigations authorised by this Act, the Director General shall have the power to take evidence, issue subpoenas, and take depositions. Actions of the Director General in such cases shall be governed by the procedures specified in Subchapter VIII of this Act.

4. RESPONSIBILITY OF DIRECTOR GENERAL. The Director General shall be responsible for the day to day exercise of all powers and the discharge of all duties of the Authority and shall have control over all personnel and activities of the Authority.

§ 402. ORDERS

1. EFFECTIVENESS OF ORDERS. Except in emergency situations, all orders, rules, and regulations of the Director General shall take effect within such reasonable time as the Director General may prescribe, and shall continue in force until a further order, rule, or regulation, or for a specified period of time, as shall be prescribed in the order, rule, or regulation.

2. EMERGENCIES. Whenever the Director General is of the opinion that an emergency requiring immediate action exists with respect to safety in civil aviation, the Director General shall have the power, either upon complaint or the Director General's initiative without complaint, at once, if the Director General so orders, without answer or other form of pleading by the interested person or persons, and with or without notice, hearing, or the making or filing of a report, to make such just and reasonable orders, rules, or regulations as may be essential in the interest of safety in civil aviation to meet such emergency; provided that the Director General shall immediately thereafter initiate proceedings relating to the matter giving rise to any such order, rule, or regulation.

3. **SUSPENSION AND MODIFICATION OF ORDERS.** The Director General shall have the power to suspend or modify orders upon such notice and in such manner as the Director General shall find proper.

§ 403. APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT

Except as otherwise provided in this Act, in the exercise of making rules and regulations under this Act, the Director General shall be subject to the provisions of [STATE ADMINISTRATIVE PROCEDURES] Act.

§ 404. PUBLIC COMPLIANCE

It shall be the duty of every person (along with any agents and employees thereof in the case of entities other than individuals) subject to this Act, to observe and comply with any order, rule, regulation, or certificate issued by the Director General under this Act, affecting such person so long as the same shall remain in effect.

§ 405. EXEMPTIONS

1. The Director General may grant exemptions from the requirements of observing any rule or regulation prescribed under this Act if the Director General finds such action would be in the public interest.

2. Except as provided in paragraph (1), the Director General may not grant exemptions from the requirements of this Act.

§ 406. DEVELOPMENT OF CIVIL AVIATION

The Director General shall foster safety of civil aviation.

§ 407. AIRSPACE CONTROL AND FACILITIES

1. **USE OF AIRSPACE.** The Director General is authorised and empowered to develop, plan for, and formulate policy with respect to the use of the navigable airspace of Liberia. The Director General may assign by rule, regulation, or order the use of the navigable airspace under such terms, conditions, and limitations as the Director General may find necessary to insure the safety of aircraft and the efficient utilisation of such airspace.

2. **LIMITS ON AUTHORITY.** The authority of the Director General under this Section shall be exercised only in that airspace for which air traffic control responsibility has not been assigned to a foreign country by international agreement or other arrangement.

§ 408. AIR NAVIGATION FACILITIES

1. The Director General may, within the limits of available appropriations-

(1) Acquire, establish, and improve air navigation facilities wherever necessary; and

(2) Operate and maintain such air navigation facilities.

§ 409. REGULATION OF AIR TRAFFIC

1. GENERAL. The Director General shall have the power to prescribe, as in the opinion of the Director General may be necessary in the interests of aviation safety, air traffic rules and regulations-

- (1) Governing the flight of aircraft;
- (2) For the navigation, protection, and identification of aircraft;
- (3) For the protection of persons and property on the ground; and
- (4) For the efficient utilisation of the navigable airspace, including rules as to safe altitude of flight and rules for the prevention of collision between aircraft, between aircraft and land or water vehicles and objects, and between aircraft and airborne objects.

2. FACILITIES AND PERSONNEL. The Director General is authorised to provide, as required in the interest of aviation safety, the necessary facilities and personnel for the regulation and protection of air traffic.

3. LIMITS ON AUTHORITY. The authority granted to the Director General under this Section shall be exercised only in that airspace for which air traffic control responsibility has not been assigned to a foreign country by international agreement or other arrangement.

4. NATIONAL DEFENCE AND CIVIL NEEDS. In exercising the authority granted in, and discharging the duties imposed by this Act, the Director General shall give full consideration to the requirements of national defence, of commercial and general aviation and to the public right of transit through the navigable airspace.

§ 410. ACCIDENT INVESTIGATION

1. REPORTING OF ACCIDENTS. The Director General shall promulgate rules and regulations governing the notification and reporting of accidents and incidents involving aircraft.

2. GENERAL AUTHORITY TO INVESTIGATE. Except as provided in subsection (c) of this Section, the Director

General shall have-

- (1) The power and shall investigate, or arrange by contract or otherwise for the investigation of accidents involving civil aircraft occurring in Liberia and civil aircraft registered in Liberia occurring outside the territory of any foreign country for the purpose of determining the facts, conditions, and circumstances relating to each accident and the probable cause thereof.
- (2) The authority to participate in the investigation of accidents involving aircraft

registered in Liberia and occurring in the territory of a foreign country, consistent with any treaty, convention, agreement, or other arrangement between Liberia and the country in whose territory the accident occurred.

3. ACCIDENT PREVENTION. The Director General shall take any corrective actions which, on the basis of the findings of the accident investigations authorised under this Section, that, in the judgement of the Director General, will tend to prevent similar accidents in the future.

4. INVESTIGATION OF ACCIDENTS WITHIN MILITARY SITES. Notwithstanding any other provision of this Section, and, the investigation of an accident involving aircraft occurring within military sites in Liberia or an accident involving solely an aircraft of the armed forces of any foreign country occurring shall be the responsibility of the military. For the purposes of this subsection, the term "military sites" means those areas within Liberia which are under the control of the military of Liberia or the military of another country.

5. USE AS EVIDENCE. No part of any report or reports of the Director General relating to any accident or the investigation thereof, shall be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in such report or reports.

§ 411. FLIGHT SAFETY STANDARDS DEPARTMENT

1. ESTABLISHMENT. The Director General is authorised to establish an organisation to assist in carrying out the responsibilities of the Director General's office for certification and on-going inspections of aircraft, airmen and air operators.

2. FACILITIES AND PERSONNEL. The Director General is authorised to provide, as required in the interest of aviation safety, the necessary facilities and personnel for the Civil Aviation Authority for performances of its functions.

§ 412. VALIDATION

1. The Director General is authorised, in the discharge of certification and inspection responsibilities, to validate the actions of the civil aviation authority of another State in lieu of taking the specific action; with the following restrictions:

(1) For action on airman or airworthiness certificates, the other State must be a party to the Chicago Convention and be fulfilling their obligations under the Chicago Convention with respect to the issuance and currency of these certificates.

(2) For actions applicable to Air Operators, the Director General must exercise discretion and require supporting documents; and

(3) The Director General should ensure that, when validation is based on the actions of another civil aviation authority, there is no information to indicate that State does not meet their obligations under the Chicago Convention regarding certification and on-

going validation of their air operators.

§ 413. RIGHT OF ACCESS FOR INSPECTION

1. The Director General shall be authorised access to civil aircraft without restriction wherever they are operated within Liberia airspace for the purposes of ensuring that those aircraft are airworthy and are being operated in accordance with this Act, regulations issued under this Act, and applicable ICAO Annexes to the Chicago Convention.

2. The Director General shall be authorised access to civil aircraft registered in Liberia without restriction wherever they are operated in the world for the purposes of ensuring that these aircraft are airworthy and are being operated in accordance with this Act, regulations issued under this Act, and applicable directives and Annexes to the Chicago Convention

3. The Director General shall be authorised access by Liberia Air Operators any place and any time to conduct any tests or inspections in order to determine that those operations are conducted in accordance with this Act, regulations issued under this Act, and applicable directives and Annexes to the Chicago Convention.

§ 414. AUTHORITY TO PREVENT FLIGHT

1. The Director General is authorised to direct the operator or airman of a civil aircraft that the aircraft is not to be operated in situations where-

(1) The aircraft may not be airworthy; or

(2) The airman may not be qualified or physically or mentally capable for the flight; or

(3) The operation would cause imminent danger to persons or property on the ground.

2. The Director General may take such steps as are necessary to detain such aircraft or airmen.

§ 415. THE TRANSPORTATION OF DANGEROUS GOODS BY AIR

The Director General shall monitor and enforce compliance with the provisions of Annex 18 to the Chicago Convention and the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air, and is authorised to submit variations to the Technical Instructions on behalf of Liberia where necessary.

§ 416. INTERNATIONAL OBLIGATIONS

In exercising and performing powers and duties under this Act, the Director General shall act consistently with any obligation assumed by the Government of Liberia under any international treaty, convention and agreement that may be in force between the Government of Liberia and any foreign countries.

SUBCHAPTER V-SECURITY

§ 501. AVIATION SECURITY

1. SCREENING. The Director General shall prescribe reasonable regulations requiring that all passengers and all property intended to be carried in the aircraft hold or cabin in commercial air transport be screened by weapon detecting procedures, including x-ray metal detection or physical search or other procedures facilities employed or operated by security personnel or employees or agents of the air operator or foreign air operator prior to boarding the aircraft for such transportation.

2. PROTECTION AGAINST VIOLENCE AND PIRACY. The Director General is hereby authorised to prescribe such other reasonable rules and regulations requiring such practices, methods, and procedures as the Director General may find necessary to protect persons and property aboard aircraft operating in commercial air transport against acts of criminal violence and aircraft piracy.

3. PROCEDURES FOR INSPECTIONS, DETENTIONS, AND SEARCHES. The Director General shall, to the extent practicable, require uniform procedures for the inspection, detention, and search of persons and property in domestic commercial air transport and international commercial air transport to assure their safety and security to assure that they will receive courteous and efficient treatment by air operators and their agents and employees.

§502. NATIONAL AVIATION SECURITY PROGRAMME

The Director General shall coordinate the establishment and have power to give effect to the requirements contained within the National Aviation Security Programme of Liberia which will require the creation and implementation of-

- a) an airport security programme for every airport; and
- b) an airline security programme for every airline operating in Liberia.
- c) to review and keep in force the national program of civil aviation security, including evaluation of security measures and procedures following an act of unlawful interference and to take the necessary steps to overcome the weakness as well as to prevent its recurrence;
- d) to review and approve the security programs of the air operators and international airports;
- e) to assure that the services responsible for airport security are guaranteed the necessary means in facilities, including spaces for offices, communications resources, adequate security equipments and for training of the security personnel;
- f) to develop and review, depending on the needs, the national policies related to civil aviation security;
- g) to develop and issue national regulations concerning civil aviation security;

h) to ensure that the architecture of the airport infrastructures comprise necessary requirements for implementation of measures of civil aviation security in an integrated way, either in the architectural designs of the new facilities or in the alterations on existing facilities in Liberia airports;

i) to develop and implement the national training program of civil aviation security and coordinate its development and approve the individual training programs of operators and organizations; and

j) to develop and implement the national program of quality control of civil aviation security and ensure inspections to determine whether the pertinent legislation is complied with and supervises the efficacy of the national security program and its implementation.

§ 503. POWER TO SEARCH

The Director General or an officer of the Authority's security force may stop and search –

(a) a vehicle entering or leaving a restricted or prohibited place or area of an airport;

(b) a person or vehicle entering or leaving any area of an airport, if he has reasonable grounds for suspecting that an offence under this Act has been committed or is about to be committed, or as part of routine procedure.

§ 504. POWER TO STOP AND SEARCH VEHICLES AND AIRCRAFT AND INSPECT GOODS

(1) A member of the delegate security force or an authorized officer or agent may -

(a) Stop question and search any person or passenger who is leaving a cargo area and inspect any receptacle carried by the person;

(b) Stop and search any vehicle or aircraft which is leaving the cargo area and inspect the vehicle or aircraft and any goods carried in it; and

(c) Detain in a cargo area-

(i) goods for which no valid document is produced authorizing their removal from the cargo area,

(ii) a vehicle or an aircraft where there are in or on it, goods liable to detention under the laws of Liberia:

(2) The Authority may, by order published in the Gazette, designate any area, which is used wholly or in part for storage or handling of cargo as a "cargo area" for the purpose of this section

SUBCHAPTER VI-NATIONALITY AND OWNERSHIP OF AIRCRAFT

§ 601. AIRCRAFT REGISTRATION

1. ESTABLISHMENT OF REGISTRY. The Director General will establish and maintain a system for the national registration of civil aircraft in Liberia.

2. REGISTRATION REQUIREMENT. It shall be unlawful to operate a civil aircraft in Liberia unless it is registered in Liberia or is registered under the laws of a foreign country.

3. ELIGIBILITY. An aircraft shall be eligible for registration if and only if it is not registered in a foreign country and unless otherwise permitted by the Director General by regulation) it is owned by-

(1) A citizen of Liberia;

(2) A partnership that is not a citizen of Liberia of which each member is a citizen of Liberia;

(3) The Government of Liberia thereof; or

(4) A body incorporated under the laws of Liberia.

4. CERTIFICATE OF REGISTRATION. Upon request of the owner of any aircraft eligible for registration) such aircraft shall be registered by the Director General and the Director General shall issue to the owner thereof a certificate of registration.

5. APPLICATION. Applications for such certificates shall be in such form, be filed in such manner, and contain such information as the Director General may require. _

6. SUSPENSION AND REVOCATION. Any certificate issued by the Authority may be suspended or revoked by the Director General for any cause if the Director General finds such suspension or revocation to be in the public interest.

7. NATIONALITY AND EVIDENCE OF OWNERSHIP. An aircraft shall acquire Liberia nationality when registered under this Act. A certificate of registration issued under this Section shall not be considered evidence as to ownership in any proceeding under the laws of Liberia in which ownership of the aircraft by a particular person is or may be an issue.

§ 602. RECORDATION OF INTERESTS IN AIRCRAFT

1. ESTABLISHMENT OF SYSTEM. The Director General is authorised to establish a national system for recording documents which affect title to or any interest in any civil aircraft registered in Liberia and in any aircraft engine, propeller, appliance, or spare part intended for use on any aircraft registered in Liberia.

2. **VALIDITY BEFORE FILING.** Upon the Director General establishing a recording system, no document affecting title to or any interest in such registered aircraft, aircraft engines, propellers, appliances, or spare parts shall be valid, except between the parties thereto, unless it is recorded in that system.

3. **APPLICABLE LAWS.** The validity of any document so recorded, unless otherwise specified by the parties thereto, shall be determined under the laws of Liberia. The requirements for documents to be recorded shall be specified in regulations issued by the Director General.

SUBCHAPTER VII SAFETY REGULATION OF CIVIL AVIATION

§ 701. GENERAL SAFETY POWERS AND DUTIES

1. **PROMOTING SAFETY.** The Director General shall have the power and duty to promote safety of flight of civil aircraft in civil aviation by prescribing and revising from time to time as necessary-

(1) Rules and regulations implementing, at a minimum, all Standards and Recommended Practices of the Annexes to the Chicago Convention; and

(2) Such other reasonable rules, regulations, or minimum standards governing other practices, methods, and procedures as the Director General may find necessary to provide adequately for safety in civil aviation.

2. **CONSIDERATIONS IN THE REGULATION OF AIR OPERATORS.** In prescribing standards, rules, and regulations and in issuing certificates under this Act, the Director General shall take into consideration the obligation of air operators to perform their services with the highest possible degree of safety in the public interest.

§ 702. AIRMAN CERTIFICATES

1. **AUTHORITY TO CERTIFICATE AIRMEN.** The Director General is authorised to issue airman certificates specifying the capacity in which the holders thereof are authorised to serve as airman in connection with aircraft.

2. **APPLICATION AND ISSUANCE.** Any person may file with the Director General an application for an airman certificate.

3. If the Director General finds, after investigation, that such person possesses the proper qualifications for, and is physically able to, perform the duties pertaining to the position for which the airman certificate is sought, the Director General shall issue such certificate.

4. The Director General may, in lieu of such a finding, consider prior issuance of an airman certificate by a foreign country that is a member of the International Civil Aviation Organisation as satisfactory evidence, in whole or in part, that the airman possesses the qualifications and physical ability to perform the duties pertaining to the position for

which the airman certificate is sought.

5. TERMS AND CONDITIONS. The certificate shall contain such terms, conditions, and tests of physical fitness, and other matters as the Director General may determine to be necessary to assure safety in civil aviation.

6. CERTIFICATION OF FOREIGN NATIONALS. Notwithstanding the provisions of subsection (4) of this Section, the Director General may prohibit or restrict, in such manner as the Director General shall deem appropriate, the issuance of airman certificates to citizens of foreign countries.

7. CONTENTS. Each airman certificate shall-

(1) Be numbered and recorded by the Director General;

(2) State the name and address of, and contain a description of, the person to whom the certificate is issued; and

(3) Be titled with the designation of the airman privileges authorised.

§ 703. AIRWORTHINESS CERTIFICATES

1. AUTHORITY TO CERTIFICATE AIRWORTHINESS. The owner of any aircraft registered in Liberia may file with the Director General an application for an airworthiness certificate for such aircraft.

2. ISSUANCE. If the Director General finds that the aircraft conforms to the appropriate type certificate, and, after inspection, finds that the aircraft is in an airworthy condition for safe operation, the Director General shall issue an airworthiness certificate.

3. TERMS AND CONDITIONS. The Director General may prescribe in an airworthiness certificate the duration of such certificate, the type of service for which the aircraft may be used, and such other terms, conditions, limitations, and information as are required in the interest of safety.

4. Each airworthiness certificate issued by the Director General shall be recorded by the Director General.

5. AIRWORTHINESS APPROVALS. The Director General may prescribe the terms under which additional airworthiness approvals for the purposes of modification may be issued.

§704. AIR OPERATOR CERTIFICATE (AOC)

1. AUTHORITY TO CERTIFICATE CARRIERS AND ESTABLISH SAFETY

STANDARDS. The Director General may issue an air operator certificates and establish safety standards in accordance with Annex 6 to the Chicago Convent for the operation of the air operator to which any such certificate is issued.

2. APPLICATION AND ISSUANCE. Any person desiring to operate as an air operator may file with the Director General an application for an air operator certificate.

3. If the Director General finds, after thorough investigation, that the applicant is properly and adequately equipped and has demonstrated the ability to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, the Director General shall issue an air operator certificate to such applicant.

§ 705. APPROVED MAINTENANCE ORGANISATION

1. EXAMINATION AND RATING. The Director General shall provide for the examination and rating of-

(1) Approved Maintenance Organisation or shops for the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy and suitability of the equipment, facilities, and materials for, and methods of, repair and overhaul, and the competency of those engaged in the work or giving any instruction therein.

2. AUTHORITY TO CERTIFICATE. The Director General is hereby authorised to issue appropriate certificates of approval for approved maintenance organisations.

3. AUTHORITY TO CERTIFICATE TRAVEL AGENTS. The Director General is hereby authorised to issue Travel Agent certificates specifying the capacity in which the holders thereof are authorised to serve as travel or cargo agent in connection with airline ticketing and cargo.

§ 706. TRAINING SCHOOLS

1. AUTHORITY TO OPERATE. The Director General may operate a school or schools for the purpose of training employees of the Authority in those subjects necessary for the proper performance of all authorised functions of the Authority. The Director General also may authorise attendance at courses given in such schools by other governmental personnel and personnel of foreign governments, or personnel of the aeronautical industry.

2. OFFSET OF TRAINING COSTS. The Director General is hereby authorised, where appropriate, to require payment of appropriate consideration to offset the costs of training provided by such school or schools.

3. PRIVATE & COMMERCIAL. The Director General shall approve private training schools to operate within compliance with requirements and specifications as proposed by the Director General. Upon completion of such requirements, an Aviation Training Operator (ATO) certificate may be issued to;

a) Civilian schools giving instruction in flying or in the repair, alteration, maintenance and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy of

the course of instruction, the suitability and airworthiness of the equipment, and the competency of the instructors.

§ 707. FORM OF APPLICATIONS

Applications for certificates issued under the authority of this Act shall be in such form, contain such information, and be filed and served in such manner as the Director General may prescribe and shall be under oath or affirmation whenever the Director General so requires.

§ 708. AIR NAVIGATION FACILITY SAFETY STANDARDS

1. MINIMUM SAFETY STANDARDS. The Director General shall have the power to prescribe and revise from time to time as necessary minimum safety standards for the operation of air navigation facilities located in Liberia.

2. CERTIFICATION OF AIRPORTS.

(1) The Director General is empowered to issue airport certificates to, and to establish minimum safety standards for the operation of, airports that serve any scheduled or unscheduled passenger operations of air operator or foreign air operator aircraft.

(2) Any person desiring to operate an airport that is described in this subsection and that is required by the Director General, by rule, to be certified may file with the Director General an application for an airport operating certificate.

(3) If the Director General finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of this Act and the rules, regulations, and standards prescribed thereunder, the Director General shall issue an airport operating certificate to such person.

(4) Each airport operating certificate shall prescribe such terms, conditions, and limitations as are reasonably necessary to assure safety in commercial air transport.

(5) Unless the Director General determines that it would be contrary to the public interest, such terms, conditions, and limitations shall include but not be limited to terms, conditions, and limitations relating to-

(i) The operation and maintenance of adequate safety equipment, including fire fighting and rescue equipment capable of rapid access to any portion of the airport used for landing, takeoff, or surface maneuvering of aircraft; and

(ii) The condition and maintenance of primary and secondary runways as the Director General determines to be necessary.

§ 709. DUTY OF OPERATORS AND AIRMEN

1. DUTY OF OPERATORS. It shall be the duty of each operator to make or cause to be made, such inspection, maintenance, overhaul, and repair of all equipment used in civil

aviation and to ensure that the operations conducted are in accordance with this Act and the regulations, directives and orders of the Director General issued under this Act.

2. DUTIES OF AIR OPERATORS. It shall be the duty of each holder of an Air Operator Certificate to ensure that the maintenance of aircraft and operations of that air operator are conducted in the public interest and in accordance with the requirements of this Act and the regulations, directives and orders issued under this Act by the Director General.

3. DUTIES OF AIRMEN. It shall be the duty of each holder of an airman certificate to observe and comply with the authority and limitations of that certificate, the requirements of this Act and the regulations, directives and orders issued under this Act.

4. DUTY OF PERSONS GENERALLY. It shall be the duty of every person performing duties in civil aviation to observe and comply with the requirements of this Act and the orders, rules, and regulations issued under this Act relating to their tasks.

5. DANGEROUS GOODS. It shall be the duty of every person who offers, or accepts, shipments, cargo, or baggage for commercial air transport, whether originating or arriving in international flights to or from Liberia, or for flights within Liberia, to offer or accept such shipments, cargo, or baggage in accordance with the provisions of Annex 18 to the Chicago Convention and the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air.

§ 710. AUTHORITY TO INSPECT

1. AUTHORITY TO INSPECT EQUIPMENT. The Director General shall have the power and duty to-

(1) Make such inspections of aircraft, aircraft engines, propellers, and appliances used by any operator of civil aircraft as may be necessary to determine that the operators are maintaining these in safe condition for the operation in which they are used; and

(2) Advise each operator in the inspection and maintenance of these items.

2. UNSAFE AIRCRAFT, ENGINES, PROPELLERS, AND APPLIANCES. When the Director General finds that any aircraft, aircraft engine, propeller, or appliance, used or intended to be used by any operator in civil aviation, is not in a condition for safe operation, the Director General shall so notify the operator.

3. Such aircraft, aircraft engine, propeller, or appliance then shall not be used in civil aviation or in such manner as to endanger civil aviation, unless and until found by the Director General to be in a condition for safe operation.

§ 711. AMENDMENT, MODIFICATION, SUSPENSION, AND REVOCATION OF CERTIFICATES

1. RE-INSPECTION AND RE-EXAMINATION. The Director General may, from time to time, for any reason, reinspect or re-examine any civil aircraft, aircraft engine, propeller,

appliance, air operator, school, or approved maintenance organisation, or any civil airman holding a certificate issued under § 602 of this Act.

2. **ACTIONS OF THE DIRECTOR GENERAL.** If, as a result of any such re-inspection or re-examination, or if, as a result of any other investigation made by the Director General, the Director General determines that safety in civil aviation or commercial air transport and the public interest requires, the Director General may issue an order amending, modifying, suspending, or revoking, in whole or in part, any airworthiness certificate, airman certificate, air operator certificate, or certificate for any airport, school, or approved maintenance organisation issued under this Act.

3. **NOTICE TO CERTIFICATE HOLDERS AND OPPORTUNITY TO ANSWER.** Prior to amending, modifying, suspending, or revoking any of the foregoing certificates, the Director General shall advise the holder thereof as to any charges or reasons relied upon by the Director General for the proposed action and, except in cases of emergency, shall provide the holder of such a certificate an opportunity to answer any charges and be heard as to why such certificate should not be amended, modified, suspended, or revoked.

4. **APPEALS.** Any person whose certificate is affected by such an order of the Director General under this Section may appeal the Director General's order to the Court of Competent Jurisdiction, and the Director General shall be made a party to such proceedings.

5. **EFFECTIVENESS OF ORDERS PENDING APPEAL.** The filing of an appeal with the Court of Competent Jurisdiction shall stay the effectiveness of the Director General's order unless the Director General advises the appropriate court that an emergency exists and safety in civil aviation requires the immediate effectiveness of the order, in which event the court may order that the Director General's order shall remain effective pending judicial review.

§ 712. PROHIBITIONS

1. It shall be unlawful for any person to-

(1) Operate in civil aviation any civil aircraft for which there is not currently in effect an airworthiness certificate, or in violation of the terms of any such certificate;

(2) Serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller, or appliance used or intended for use in civil aviation without an airman certificate authorising that person to serve in such capacity, or in violation of any term, condition, or limitation of this certificate, or in violation of any order, rule, or regulation issued under this Act;

(3) Employ for service in connection with any civil aircraft used in civil aviation an airman who does not have an airman certificate authorising that person to serve in the capacity for which the person is employed;

(4) Operate as an air operator without an air operator certificate, or in violation of the terms of any such certificate;

(5) Operate aircraft in civil aviation in violation of any rule, regulation, or certificate issued by the Director General under this Act; and

(6) While holding a certificate issued to a school or approved maintenance organisation as provided in this Act, to violate any term, condition, or limitation thereof, to violate any order, rule, or regulation made under this Act relating to the holder of such certificate.

2. EXEMPTION. On terms the Director General prescribes as being in the public interest, the Director General may exempt a foreign aircraft and airmen serving on the aircraft from subsection (1) of this section. However, an exemption from observing air traffic regulations may not be granted.

SUBCHAPTER VIII-PENALTIES

§ 801. CIVIL PENALTIES

1. GENERAL PENALTY. Any person, other than a person conducting an operation in commercial air transport or international commercial air transport, who violates any provision of this Act or any rule, regulation, or order issued thereunder shall be subject to a civil penalty not exceeding Twenty Thousand United States Dollars for each such violation. If any such violation is a continuing one, each day of such violation shall constitute a separate offence.

2. PENALTIES APPLICABLE TO COMMERCIAL AIR TRANSPORT. Any person conducting an operation in commercial air transport or international commercial air transport who violates any provision of this Act or any rule, regulation, or order issued thereunder shall be subject to a civil penalty not exceeding Two Hundred Thousand United States Dollars for each such violation. If any such violation is a continuing one, each day of such violation shall constitute a separate offence.

3. PENALTY CONSIDERATIONS. The Director General shall have the power to assess and compromise any civil penalty. In determining the amount of such penalty, the Director General shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the person found to have committed such violation, the degree of culpability, history of prior offences, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

4. INFLATION ADJUSTMENT TO CIVIL PENALTIES. The Director General shall adjust the amount of civil monetary penalties for inflation at least every four years. Prior to adjusting the civil penalties for inflation, the Director General shall submit the proposed increase to the Board for approval. Once approved by the Board, the Director General shall publish the adjusted monetary civil penalties to the public. Thirty (30) days after the Director General first publishes the adjusted civil monetary penalties, the modified civil penalties may be imposed for all violations committed after the date of publication.

5. AIRCRAFT SUBJECT TO LIENS. In case a civil aircraft is involved in such violation and the violation is by the owner or operator of the aircraft, such aircraft shall be subject to a lien for the penalty.

6. DANGEROUS GOODS. Any person who, with actual knowledge of the facts of the occurrence, or who can be imputed to have such knowledge as reasonable person exercising reasonable care in the circumstances, offers or accepts dangerous goods for commercial air transport in violation of Annex 18 to the Chicago Convention or the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air has violated the duty imposed by in § 609(5) of this Act, and shall be subject to a civil penalty not exceeding Ten Thousand United States Dollars for each part of the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air that are violated.

§ 802. CRIMINAL PENALTIES

1. CERTIFICATE VIOLATIONS. Every person who knowingly and wilfully forges, counterfeits, alters, or falsely makes any certificate authorised to be issued under this Act, or knowingly uses or attempts to use any such fraudulent certificate; and

2. any person who knowingly and wilfully displays or causes to be displayed on any aircraft any marks that are false or misleading as to the nationality or registration of the aircraft, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding One Hundred Thousand United States Dollars, or to a term of imprisonment not exceeding ten years, or both.

3. INTERFERENCE WITH AIR NAVIGATION. A person shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding One Hundred Thousand United States Dollars, or to a term of imprisonment not exceeding ten years, or both, who-

(1) With intent to interfere with air navigation within Liberia, exhibits within Liberia any light, signal, or communication at such place or in such manner that is likely to be mistaken for a true light or signal established pursuant to this Act, or for a true light or signal in connection with an airport or other air navigation facility, or, after due warning by the Director General, continues to maintain any such misleading light or signal; or

(2) Knowingly removes, extinguishes, or interferes with the operation of any such true light or signal.

4. REPORTING AND RECORD KEEPING VIOLATIONS. Any air operator, or any officer, agent, employee, or representative thereof, who shall, knowingly and wilfully, fails or refuses to make a report to the Director General as required by this Act; or fails or refuses to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Director General; or mutilates or alter any such report, account, record, or memorandum; or files a false report, account, record, or memorandum; shall be guilty of a misdemeanour and shall upon conviction be liable for

each offence to a fine of not less than One Hundred Thousand Dollars or imprisonment for a term not exceeding five years, or to both the fine and imprisonment.

5. REFUSAL TO TESTIFY OR PRODUCE RECORDS. Every person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in that person's power to do so, in obedience to a subpoena or lawful requirement of the Director General, shall be guilty of a misdemeanour and shall upon conviction be liable to a fine not less than Ten Thousand Dollars and not exceeding Twenty Thousand Dollars, or to a term of imprisonment not exceeding one year, or both.

6. AIRCRAFT PIRACY.

(1) Whoever commits or attempts to commit aircraft piracy, as hereinafter defined, shall be punished-

(i) With imprisonment; or

(ii) If the death of another person results from the commission or attempted commission of the offence, with imprisonment for life.

(2) An attempt to commit aircraft piracy shall be within the special aircraft jurisdiction of Liberia even though the aircraft is not in flight at the time of such attempt, if the aircraft would have been within the special jurisdiction of Liberia had the offence of aircraft piracy been completed.

7. INTERFERENCE WITH CREWMEMBERS

(1) Whoever while aboard an aircraft within the special aircraft jurisdiction of Liberia, interferes with the performance by such crew member of his or her duties or lessens the ability of such member or attendant to perform his or her duties shall be guilty of an offence and shall upon conviction be liable for a fine not exceeding Two Hundred Thousand Dollars.

(2) In addition, any person who, in the interference with a crewmember's performance of their duties, assaults, intimidates, or threatens any flight crew member or flight attendant, including any steward or stewardess of such aircraft, shall be guilty of an offence and shall upon conviction be liable to a term of imprisonment not exceeding ten years, or both. Whoever in the commission of any such act referred to in this subsection uses a deadly or dangerous weapon shall be liable to a term of imprisonment for any term of years or for life.

8. GENERAL CRIMINAL PENALTY. Whoever, while on board an aircraft within the special aircraft jurisdiction of Liberia, commits an act, which, if committed in Liberia would be a violation of the laws of Liberia, shall be punished as provided herein.

9. WEAPON AND EXPLOSIVE VIOLATIONS.

(1) Whoever, while on board, or while attempting to board, any aircraft in or intended for

operation in commercial air transport, has on or about their person or their property a concealed deadly or dangerous weapon, which is, or would be accessible to such person in flight, or any person who has on or about their person, or who has placed, attempted to place, or attempted to have placed aboard such aircraft any bomb or similar explosive or incendiary device, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding One Hundred Thousand Dollars, or to a term of imprisonment not exceeding ten years, or both.

(2) Whoever wilfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, shall commit an act prohibited by paragraph (1) of this subsection shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding One Hundred Thousand Dollars, or to a term of imprisonment not exceeding ten years, or both.

(3) This subsection shall not apply to law enforcement officers of Liberia, who are authorised or required within their official capacities to carry arms, or to persons who may be authorised by the Director to carry deadly or dangerous weapons in commercial air transport, nor shall they apply to persons transporting weapons contained in baggage which is not accessible to passengers in flight if the presence of such weapons has been declared to the air operator.

10. INTERFERENCE WITH AIRCRAFT OPERATIONS. Whoever wilfully and with reckless disregard for safety of human life interferes or attempts to interfere with the safe operation of any aircraft in, or intended for operation in, the special aircraft jurisdiction of Liberia, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding One Hundred Thousand Dollars, or to a term of imprisonment not exceeding fifteen years, or both.

11. FALSE INFORMATION.

(1) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do an act which would be a crime prohibited by subsections (5) through (7) of this Section, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding One Hundred Thousand Dollars, or to a term of imprisonment not exceeding ten years, or both;

(2) Whoever wilfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act, which would be a crime prohibited by subsections (5) through (7) of this Section, shall be guilty of an offence and shall upon Conviction be liable to a fine not exceeding One Hundred Thousand, or to a term of imprisonment not exceeding ten years, or both.

12. REMOVAL OF PARTS OF AIRCRAFT INVOLVED IN ACCIDENTS. Every person who knowingly and without authority removes, conceals, or withholds any part of a civil

aircraft involved in an accident, or any property which was aboard such aircraft at the time of the accident, shall be guilty of an offence and shall upon conviction be liable to a fine of not less than Five Thousand Dollars and not exceeding Ten Thousand Dollars, or to a term of imprisonment not exceeding five years, or both.

13. DANGEROUS GOODS. A person is guilty of an offence if that person wilfully, with knowledge of the provisions of this Act, delivers or causes to be delivered to an Air Operator for commercial air transport, or if that person recklessly causes the transportation in commercial air transport, of shipment, cargo, baggage, or other property in violation of the provisions of Annex 18 of the Chicago Convention and the ICAO Technical Instruction for the Safe Transport of Dangerous Goods by Air shall be subject to a fine of Ten Thousand Dollars or imprisoned for a period not exceeding five years, or both.

SUBCHAPTER IX-PROCEDURE

§901. CONDUCT OF PROCEEDINGS

1. CONDUCTING PROCEEDINGS. The Director General shall, subject to the provisions of this Act, conduct proceedings in such manner as will be conducive to the proper dispatch of business and to the ends of justice.

2. CONFLICTS OF INTEREST. No employee of the Authority shall participate in any hearing or proceeding in which he, she or the Director General has an interest.

3. APPEARANCE. Any person may appear before the Director General or the Director General's designee and be heard in person or by an attorney.

4. RECORDING AND PUBLIC ACCESS. Every official act of the Director General shall be entered on record, and the proceedings thereof shall be open to the public upon request of any interested party, unless the Minister determines that withholding from public disclosure is necessary on grounds of national interest.

§ 902. COMP INTS TO AND INVESTIGATIONS BY THE DIRECTOR GENERAL

1. FILING OF COMPLAINTS. Any person may file with the Director General a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provision of this Act, or of any requirement established pursuant thereto.

2. If the person complained against does not satisfy the complaint and there appears any reasonable ground for investigating the complaint, it shall be the duty of the Director General to investigate the matters set forth in the complaint.

3. Whenever the Director General is of the opinion that any complaint does not state facts which warrant an investigation or action, such complaint may be dismissed without hearing.

4. INVESTIGATIONS. The Director General is hereby empowered to institute an investigation at any time, on the Director General's initiative, in any case and as to any matter or thing within the Director General's jurisdiction by any provision of this Act, concerning which a complaint is authorised to be made to or before the Director General, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The Director General shall have the same power to proceed with any investigation instituted on the Director General's own motion as though it had been made by complaint.

5. ORDERS TO COMPEL COMPLIANCE. If the Director General finds, after notice and hearing, in any investigation instituted upon complaint or upon the Director General's initiative, with respect to matters within the Director General's jurisdiction, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Director General shall, consistent with the provisions of this Act, issue an appropriate order to compel such person to comply therewith.

§ 903. EVIDENCE

1. GENERAL. The Director General may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in Liberia.

2. SUBPOENAS. For the purposes of this Act, the Director General shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

3. COMPLIANCE WITH SUBPOENAS. The attendance of witnesses, and the production of books, papers, and documents, may be required from any place in Liberia, at any designated place of hearing.

4. In case of disobedience to a subpoena, the Director General or any party to a proceeding before the Director General, may invoke the aid of the Attorney General in requiring attendance and testimony of witnesses and the production of such books, papers, and documents under the provisions of this Section.

5. DEPOSITIONS.

(1) The Director General may order testimony to be taken by deposition in any proceeding or investigation pending before the Director General, at any stage of such proceeding or investigation.

(2) Such depositions may be taken before any person designated by the Director General and having power to administer oaths.

(3) Reasonable notice must first be given in writing by the party or the party's attorney proposing to take such deposition to the opposite party or the party's attorney of record, which notice shall state the name of the witness and the time and place of the taking of the deposition.

(4) Any person may be compelled to appear and be deposed, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Director General, as herein before provided.

(5) Every person being deposed as herein provided shall be cautioned and shall be required to swear or to affirm, if requested, to testify to the whole truth, and shall be carefully examined.

(6) The testimony shall be reduced to writing by the person taking the deposition, or under deponent's direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

(7) All depositions shall be promptly filed with the Director General.

(8) If a witness whose testimony may be desired to be taken by deposition is in a foreign country, the deposition may be taken, provided the laws of the foreign country so permit, by a person commissioned by the Director General or agreed upon by the parties by Stipulation in a writing to be filed with the Director General, or may be taken under letters issued by a court of competent jurisdiction at the request of the Director General.

§ 904. DESIGNATION OF AGENT FOR SERVICE

1. DESIGNATING AGENTS. It shall be the duty of every air operator in Liberia and each foreign air operator with operations in Liberia to designate in writing an agent in Liberia upon which service of all notices and process and all orders, decisions, and requirements of the Director General may be made for and on behalf of the air operator or foreign air operator, and to file such designation with the Director General. Such designation may be changed by subsequent filing.

2. SERVICE UPON AGENTS.

(1) Service of all notices and process and of orders, decisions, and requirements of the Director General may be made upon any air operator or foreign air operator by service upon its designated agent at their office in Liberia or place of residence in Liberia with the same effect as personal service upon such air operator or foreign air operator.

(2) If a designated agent is in default or is absent, service of any notice or other process in any proceedings before the Director General, or of any order, decision, or requirement of the Director General, may be made by posting such notice, process, order, requirement, or decision in the Office of the Director General.

3. SERVICE GENERALLY. Service of notices, processes, orders, rules, and regulations upon any person may be made by personal service or upon an agent designated in writing for this purpose, or by registered or certified mail addressed to such person or agent. Whenever service is made by registered or certified mail, the date of mailing

shall be considered as the date when service is made.

§ 905. VENUE

The trial of any offence under this Act shall be in the courts of Liberia.

§ 906. JUDICIAL REVIEW OF ORDERS

1. AVAILABILITY OF JUDICIAL REVIEW. Any order issued by the Director General shall be subject to review by the [JUDICIAL AUTHORITY] upon petition filed within 30 days after the entry of such order, by any person disclosing a substantial interest in such order.

2. A petition may be filed beyond 30 days after the entry of an order of the Director General only with the permission of the [JUDICIAL AUTHORITY] upon a showing of reasonable grounds for failure to file the petition within time.

3. JUDICIAL PROCEDURES. A copy of the petition shall, upon filing, be forthwith transmitted to the Director General by the Clerk of [JUDICIAL AUTHORITY] and the Director General shall thereupon file with the [JUDICIAL AUTHORITY] the record, if any, upon which the order complained of was entered.

4. AUTHORITY. Upon transmittal of the petition to the Director General, the [JUDICIAL AUTHORITY] shall have exclusive jurisdiction to affirm, modify, or set aside the order complained of, in whole or in part, and if need be, to order further proceedings by the Director General.

5. Upon good cause shown and after reasonable notice to the Director General, interlocutory relief may be granted by stay of the order or a stay of such mandatory or other relief as may be appropriate by the [JUDICIAL AUTHORITY].

6. SCOPE OF REVIEW. The findings of facts by the Director General, if supported by substantial evidence, shall be conclusive.

7. No objection to an order of the Director General shall be considered by the [JUDICIAL AUTHORITY] unless such objection shall have been urged before the Director General or if it was not so urged, unless there were reasonable grounds for failure to do so.

§ 907. JUDICIAL ENFORCEMENT

1. JURISDICTION OF [JUDICIAL AUTHORITY]. The [JUDICIAL AUTHORITY] shall have jurisdiction to enforce obedience to any provision of this Act, or any rule, regulation, requirement, or order issued thereunder; or any term, condition, or limitation of any certificate issued under this Act.

2. CIVIL ACTIONS TO ENFORCE THIS PART.

(1) Where any person violates any provision of this Act, or any rule, regulation, requirement, or order issued thereunder, or any term, condition, or limitation of any

certificate issued under this Act, the Director General may apply to the Attorney General for the enforcement of such provision of this Act, or of such rule, regulation, requirement, order, term, condition, or limitation.

(2) Upon the request of the Director General, the Attorney General of Liberia may institute in the [JUDICIAL AUTHORITY] and prosecute all necessary proceedings for the enforcement of the provisions of this Act or any rule, regulation, requirement, or order issued thereunder, or any term, condition, or limitation of any certificate issued under this Act, and for the punishment of all violations defined in the Act.

3. PARTICIPATION OF DIRECTOR GENERAL. Upon request of the Attorney General, the Director General shall have the right to participate in any proceeding in court under the provisions of this Act.

§ 908. PROCEDURE FOR CIVIL PENALTIES

1. CIVIL PENALTY ACTIONS. Any civil penalty imposed or assessed under this Act may be collected by proceedings against the person subject to the penalty and, in the case of an aircraft subject to a lien for the penalty, by proceedings against the aircraft.

2. SEIZURE OF AIRCRAFT. Any aircraft subject to a lien for a civil penalty may be seized by and placed in the custody of the Director General.

3. A report of the seizure and the basis therefore shall be promptly transmitted to the Attorney General. The Attorney General shall promptly institute judicial proceedings for the enforcement of a lien against an aircraft seized by the Director General, or notify the Director General of his failure to so act.

The aircraft shall be released from custody of the Director General upon-

- (1) Payment of the penalty or the amount agreed upon in compromise;
- (2) Seizure in pursuance of judicial proceedings for enforcement of the lien;
- (3) Notice by the Attorney General of failure to institute such proceedings; or
- (4) Deposit of a bond in such amount as the Director General may prescribe, conditioned upon payment of the penalty or the amount agreed upon in compromise.

SUBCHAPTER X-AIR OPERATOR ECONOMIC REGULATION

§1001. LICENSE OF PUBLIC CONVENIENCE AND NECESSITY

1. LICENSE REQUIRED. No air operator shall engage in any commercial air transport unless there is in force an air service license issued by the Authority empowered to authorise the air operator to engage in such transportation.

2. APPLICATION FOR LICENSE. Application for an air service license shall be made in

writing to the Director General and shall be in such form and contain such information as the Director General shall by regulation require.

3. TERMS AND CONDITIONS OF LICENSE.

(1) Each certificate issued under this section shall specify the terminal points and intermediate points, if any, between which the air operator is authorised to engage in commercial air transport and the service to be rendered.

(2) There shall be attached to the statement of the privileges granted by the license, or any amendment thereto, such reasonable terms, conditions, and limitations as the public interest may require.

(3) A license issued under this section to engage in international commercial air transport on a scheduled or charter basis shall designate the terminal and intermediate points only insofar as the Director General shall deem practicable, and otherwise shall designate only the general route or routes to be followed.

4. AUTHORITY TO MODIFY, SUSPEND, OR REVOKE.

(1) The Authority may alter, amend, modify, or suspend any such license, in whole or in part, for failure to comply with any provision of this title or any order, rule, or regulation issued hereunder or any term, condition, or limitation of such license.

(2) Any interested person may file with the Director General a protest or memorandum in support of or in opposition to the alteration, amendment, modification, suspension, or revocation of a license issued pursuant to paragraph (a) of this subsection.

5. TRANSFER OF LICENSE. No license may be transferred unless such transfer is approved by the Director General as being consistent with the public interest.

6. LIABILITY INSURANCE. The Authority may issue a license to the applicant for such license only if the applicant complies with regulations and orders of the Director General governing the filing of an insurance policy or self-insurance plan approved by the Director General. The policy or plan must be sufficient to pay, not more than the amount of the insurance, for bodily injury to, or death of, an individual or for loss of, or damage to, property of others, resulting from the operation or maintenance of the aircraft under the certificate. A license does not remain in effect unless the air operator complies with this subsection.

7. CONTINUING REQUIREMENT. The requirement that each applicant for a license or any other authority under this title must be found to be fit, willing, and able to perform properly the transportation covered by its application and to conform to the provisions of this Act and the rules, regulations, and requirements of the Director General under this Act, shall be a continuing requirement applicable to each such air operator with respect to the transportation authorized by the Director General. The Director General may by order modify, suspend, or revoke such certificate or other authority, in whole or in part, for failure of such air operator to comply with the continuing requirement that their operator be so fit, willing, and able.

§ 1002. PERMITS TO FOREIGN AIR OPERATORS

8. PERMIT REQUIRED. No foreign air operator shall engage in commercial air transport into Liberia unless there is in force a permit issued by the Director General empowered to authorise a foreign carrier to engage in such transportation.

9. ISSUANCE OF PERMIT. The Director General is empowered to issue such a permit if the Director General finds:

(1) That the applicant is fit, willing, and able properly to perform international commercial air transport and to conform to the provisions of this Act and the rules, regulations, and requirements of the Director General made pursuant to the Act; and

(2) Either that the applicant is qualified, and has been designated by its Government, to perform international commercial air transport under the terms of an agreement with Liberia, or that such transportation will be in the public interest.

10. APPLICATION FOR PERMIT. Application for a permit shall be made in writing to the Director General and shall be in such form and contain such information as the Director General shall require.

11. AUTHORITY TO MODIFY, SUSPEND, OR REVOKE.

(1) The Director General may alter, amend, modify, or suspend any such permit, in whole or in part, for failure to comply with any provision of this title or any order, rule, or regulation issued hereunder or any term, condition, or limitation of such permit.

(2) Any interested person may file with the Director General a protest or memorandum in support of or in opposition to the alteration, amendment, modification, suspension, or revocation of a permit pursuant to paragraph (d)(1) of this subsection.

12. LIABILITY INSURANCE. The Director General may issue a permit to the applicant for such permit only if the applicant complies with regulations and orders of the Director General governing the filing of an insurance policy or self insurance plan approved by the Director General. The policy or plan must be sufficient to pay not more than the amount of the insurance, for bodily injury to, or death of, an individual or for loss of, or damage to, property of others, resulting from the operation or maintenance of the aircraft under the Certificate. A permit does not remain in effect unless the foreign air operator complies with this subsection.

§1003. ECONOMIC REGULATION

In the area of economic regulation the Director General is authorized:

1. To regulate the access to activities of commercial aviation in accordance with the terms prescribed in the Civil Aviation Regulations;

2. To regulate the sector economic activity;

3. To ensure the existence of conditions that satisfy the demand of services in the sector, in an effective way;
4. To protect the economic and financial stability of the providers of regulated services;
5. To guarantee to the concessionaires of operating licenses or other contracts the existence of conditions which allow them to accomplish the obligations resulting from concessions or contracts;
6. To ensure objectivity of the regulations norms and transparency of commercial relations among the operators of the sector and among these and the consumers;
7. To avoid anti-competition or discriminatory behaviours of air transportation services operators, air service, and of the providers of services of air navigation, airport and handling;
8. To keep watch over application and inspection of implementation of the applicable laws, regulations and technical requirements within the scope of its specific functions, as well as the operator's compliance with the provisions of their respective operating licenses or contracts;
9. To coordinate with the competent entity the application of competition law in the respective sector;
10. To protect the interest of consumers and the need to have a regular, efficient and economic air transport.

§1004. TECHNICAL REGULATION

In the exercise of technical regulation the Director General has the power, in accordance with the law and the respective statute, specifically:

1. To cooperate with civil aviation specialized international organizations, in particular, participating in the preparation of rules of the civil aviation sector and keeping watch over their application in the country.

SUBCHAPTER XI- MATTERS RELATING TO AIRCRAFT

§1101.RECORDS OF BIRTHS AND DEATHS

(1) The Authority may be regulations require such persons as may be specified in the regulations to keep records and make returns to the Authority of-

- (a) any birth and death occurring in any part of the world in any aircraft registered in Liberia; and
- (b) death, outside Liberia, of any person who, being a traveller on an aircraft registered

in
Liberia is killed on the journey in consequence of an accident.

(2) The Authority shall keep a record of any returns made to it accordance with section (1).

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of one thousand United States Dollars.

(4) The proceeding for an offence under this section shall not be instituted except by or with the consent of the Attorney General

§1102. EXEMPTION FROM SEIZURE OF CERTAIN AIRCRAFT OF PATENT CLAIM

(1) A lawful entry into Liberia or a lawful transit across Liberia, with or without landings, of an aircraft shall not entail-

(a) a seizure or detention of the aircraft;

(b) any proceeding being brought against the owner or operator of the aircraft; or

(c) any other interference with the aircraft by or on behalf of a person in Liberia, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of a patent design or model.

(2) Subject to subsection (1)(c), the importation into and storage in Liberia of spare parts and spare equipment for an aircraft and their use and installation in the repair of an aircraft shall not entail-

(a) any seizure or detention of the aircraft or of the spare parts or spare equipment;

(b) any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment; or

(c) any other interference with the aircraft by or on behalf of any person in Liberia, on the ground that the spare parts or spare equipment or their use or installation are an infringement of any patent, design or model.

(2) section (2) shall not apply in relation to spare parts or spare equipment which are sold or distributed in Liberia or are exported from Liberia for sale or distribution.

§1103. PATENT CLAIMS NOT PROTECTED UNDER CHICAGO CONVENTION

(1) Where it is alleged by an interested person that a foreign aircraft, other than an aircraft to which section 1102 applies, which is making a passage through or over Liberia, infringes in itself or in any part of it any invention, design or model which is entitled to protection in Liberia, it is lawful, subject to an in accordance with Rules of

Court, to detain the aircraft until its owner deposits or secures in respect of the alleged infringement a sum (in this section referred to as "the deposited sum").

(2) An aircraft in respect of which the deposited sum has been made shall not, during the continuance or in the course of the passage, be subject to any lien, arrest, detention or prohibition whether by order of a Court or otherwise, in respect of or on account of the alleged infringement.

(3) The deposited sum shall be such sum as may be agreed between the interested parties or in default of agreement, fixed by the Authority or some person duly authorized on its behalf and shall be made or secured to the Authority in such manner, as it shall approve.

(4) The deposited sum shall be dealt with by such tribunal as in accordance with such procedure as may be prescribed by Rules of Court made by the Chief Justice, and Rules may provide generally for carrying this section into effect.

(5) For the purpose of this section-

(a) "owner" includes the actual owner of the aircraft; and

(b) "passage" includes reasonable landing and stoppage in the course, or for the purposes, of the passage.

SUBCHAPTER XII- MISCELLANEOUS

§1201. PUBLICATION OF REPORTS, ORDERS, ETC.

(1) The Director General shall ensure the publication of all reports, orders, decisions, rules, and regulations issued under this Act in such form and manner as may be best adapted for public information and use.

(2) In the conduct of any public hearings or investigations authorized by this Act, The Director General or a designee has the power to take evidence, issue subpoenas, and take depositions. In accordance with the procedures specified in 801.

(3) If the charges are not paid within sixty days of the date when the detention begins, the Authority may sell the aircraft in order to satisfy the charges.

(4) The Authority shall not detain or continue to detain an aircraft under this section by reason of an alleged default in the payment of airport charges.

§1202. EXTRA-TERRITORIAL EFFECT

(1) No provision contained in an order or regulation made under this Act shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies to an aircraft registered in Liberia, wherever it may be or to the personnel of the aircraft wherever they may be.

(2) For the purposes of subsection (1), the personnel of an aircraft include the commander or any other person in charge of the aircraft and all other members of the crew of the aircraft.

§1203. EXEMPTION

(1) Subject to subsection (2), the personnel of an aircraft include the commander or any other person in charge of the aircraft and all other members of the crew of the aircraft.

(2) The Minister may by order apply to an aircraft belonging to or in the service of the Government of Liberia or in connection with that aircraft, any order or regulations made under this Act.

§1204. OFFENCES AND JURISDICTION

(1) An act or omission committed on board an aircraft registered in Liberia while in flight elsewhere, other than in or over Liberia which, if committed in Liberia, would constitute an offence under a law in force in Liberia shall constitute that offence, but this subsection shall not apply to any act or omission which is expressly or impliedly authorized by or under that law when committed outside Liberia.

(2) For the purposes of conferring jurisdiction, an offence under the law in force in Liberia committed on board an aircraft in flight shall be deemed to have been committed in a place in Liberia where the offender is for the time being.

(3) The jurisdiction of Liberia shall extend to any offence under section 805 and 806 if the act constituting the offence took place on board -

(a) a civil aircraft registered in Liberia;

(b) a civil aircraft leased with or without crew to an operator whose principal place of business is in Liberia or, if the operator does not have a principal place of business, whose permanent residence is in Liberia;

(c) a civil aircraft on or over the territory of Liberia; or

(d) any other civil aircraft in flight outside Liberia, if-

(i) the next landing of the aircraft is in Liberia, and

(ii) the aircraft commander has delivered the suspected offender to the competent authorities of Liberia, with the request that the authorities prosecute the suspected and with affirmation that no similar request has been or will be made by the commander or the operator to any other State. ,

(4) In this section, "in flight" means the period from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.

§1205. OFFENSES BY BODIES CORPORATE

(1) Where an offence under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a director, chief executive, Secretary or other officer holding office in a similar capacity, shall be deemed to have committed that offence unless he proves that the offence was committed without his consent or connivance and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

(2) In section (1) "director" includes any person occupying the position of director by whatever name called.

§1206. PROVISIONS AS TO BAIL

(1) Notwithstanding anything contained in the Criminal Procedure code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his or her own bond unless-

(a) the prosecution has been given an opportunity to oppose the application for the release; and

(b) where the prosecution opposes the application, the Court is satisfied that there are reasonable grounds for believing that the person is not guilty of the offence and that he or she is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in subsection (1) in addition to the limitations under the Criminal Procedure Code or any other law for the time being in force on granting of bail.

(3) Nothing contained in this section is deemed to affect the special powers of the Supreme Court regarding bail under the Criminal Procedure Code.

§1207. PROVISIONS AS TO EXTRADITION

(1) For the purposes of the application of the Extradition Act to crimes committed on board an aircraft in flight, an aircraft registered in a country which is a signatory to the Chicago Convention 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.

§1208. APPLICATION OF LAW OF WRECK AND SALVAGE TO AIRCRAFT

(1) A service rendered in assisting, or in saving life form or in saving the cargo or apparel of an aircraft on or over the sea or any tidal water, on or over the shores of the sea or any tidal water, shall be deemed to be salvage service in all cases in which it would have been salvage service if it had been rendered in relation to a vessel.

(2) Where salvage service for property or persons is rendered by a person flying an

aircraft, the owner of the aircraft shall be entitled to the same reward for that service as he or she would have been entitled to if the aircraft had been a vessel.

(3) The provisions of sections (1) and (2) shall have effect notwithstanding that

(a) the aircraft concerned is a foreign aircraft; or

(b) the service in question is rendered elsewhere than within the limits of the territorial waters adjacent Liberia.

(4) The Secretary of State may by order direct that the provisions of any enactment in force which relate to wreckage, salvage of life or property or to the duty of rendering assistance to vessels in distress shall with such exceptions, adaptations and modifications, if any, as may be specified in the order, apply in relation to an aircraft.

§ 1209. APPLICATION TO SEAPLANES OF REGULATIONS AS TO VESSELS

(1) The power of the Director General under this Act to make regulations for the investigation of accidents arising out of or in the course of air navigation shall be deemed to extend to the making of regulations for the prevention of collision at sea between -

(a) seaplanes on the surface of the water;

(b) vessels and seaplanes on the surface of the water and

(c) seaplanes and any other object on the surface of the water.

(2) For the purpose of subsection (1)

(a) "seaplane" includes a flying boats and any other aircraft designated to maneuver on the water;

(b) "vessel" includes every description of watercraft other than a seaplane used or capable of being used as a means of transport on water.

(c) seaplanes taking off from or alighting on the water shall be deemed to be on the surface of the water while in contact with the water.

§1210. APPLICATION OF THE CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR SIGNED AT MONTREAL ON 28TH MAY, 1999

(1) The Authority may, by notification in the Gazette, apply the rules contained in the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Montreal on 28th May, 1999, as amended, from time to time, to international carriage by air to and from Liberia.

(2) the rules applied under subsection (1) shall, from the date of notification, have the force of law in Liberia in relation to any carriage, and shall, subject to the provisions of this Act, govern the rights and liabilities of carriers, passengers, consignors, consignees and other persons.

(3) Any liability incurred under the rules is enforceable for the benefit of such members of the passenger's family as sustained damage by reason of his or death.

(4) An action to enforce a liability under subsection (3) may be brought by the personal representative of the passenger or by any person for whose benefit the liability is enforceable under that subsection, provided that -

(a) only one action is brought in Liberia in respect of the death of any one passenger, and

(b) the action by whomsoever brought is for the benefit of all persons entitled to bring an action who are domiciled in Liberia or who, not being domiciled in Liberia, express a desire to take the benefit of the action.

(5) Subject to the provisions of subsection (6), the amount recovered in any action, after deduction any costs not recovered from the defendant, shall be divided between the persons entitled in such proportion as the Court may direct.

(6) The Court before whom an action is brought may, at any stage of the proceedings, make such order as appears to the Court to be just and equitable, in view of the provisions of the notification issued pursuant to subsection (1), limiting the liability of a carrier and of any proceedings which have or are likely to be commenced outside Liberia in respect of the death of the passenger in question.

(7) In subsection (2), the expression "member of a family" means wife, husband, parent, step-parent, child, brother, sister, half-brother, half-sister, child of his or her mother and reputed father or, as the case may be and grandparent.

§1211. CONVERSION OF SPECIAL DRAWING RIGHTS

(1) Any sum in the Special Drawing Rights mentioned in the Convention for Unification of Certain Rules Relating to International Carriage by Air signed at Montreal on 28th May, 1999, shall be in accordance with the method given in the notification issued pursuant to section 112 (1).

§1212. RULES FOR CARRIAGE BY AIR WHICH IS NOT INTERNATIONAL

(1) The Authority may, by notification in the Gazette, apply the rules contained in the convention for Unification of Certain Rules Relating to International Carriage by Air signed at Montreal on 28th May, 1999, to such carriage by air as is not international carriage by air as defined in the Convention, subject to such exceptions, adaptations and modifications, if any, as may be specified by the Authority in the notification.

§1213. ADVANCE PAYMENTS

(1) In the notifications issued under sections 112 (1) and 114, the Authority may provide for advance payment without delay to a natural person or persons who are entitled to claim compensation in order to meet their immediate economic needs.

(2) An advance payment provided under subsection (1) does not constitute recognition of liability and will be offset against the final compensation that may be paid by the carrier to the claimant or claimants, as the case may be, on its own or under a Court order.

§1214. INSURANCE

(1) A carrier operating air transport services to, from or within Liberia shall maintain adequate insurance to cover its liability -

(a) under the rules contained in the notifications issued under sections 112 (1) and 114; and

(b) towards compensation for damages that may be sustained by third parties.

(2) The absence of an insurance cover is sufficient reason for denial or revocation of the permission to operate the air transport service or services in question.

(3) an operator who operates an air transport service without adequate insurance coverage commits an offence and is liable on conviction to a fine of not less than One Thousand United States Dollars or imprisonment for a term not exceeding two years, or to both the fine and imprisonment.

§1215. COMPENSATION SCHEMES FOR PASSENGERS TO GRIEVANCES LIKE DENIED BOARDING ETC.

(1) The Authority may formulate schemes for payment of suitable compensation by carriers to passengers who are denied boarding, in specified circumstances, on flights from Liberia to any point outside Liberia, or on flights within Liberia-

(a) for which the passengers have confirmed reservations; or

(b) for any other reason which in the opinion of the Authority has assumed significant level of public dissatisfaction.

§1216. INCONSISTENCY

(1) Where a provision of this Act is inconsistent with a provision of the Anti-Terrorism Act, 2002, the provision of the Anti-Terrorism Act shall prevail, and the provision of this Act shall, to the extent of the inconsistency, be void.

§1217. REGULATIONS

(1) In addition to the powers conferred on the Director General under this Act, he or she may make regulations, orders or rules for the better functioning of the Authority and

carrying into effect the purpose of the Act.

(2) Any regulations made under this Act may -

(a) make provisions empowering such persons as may be specified in the regulations to make orders, notices, proclamations, rules or give instructions for any of the purposes for which the regulations are authorised by this Act to be made; and

(b) contain such incidental and supplemental provisions as appear to the Director General to be necessary or expedient.

(3) The Authority may make such regulations, orders, rules, as it considers necessary or expedient to give effect to and for the better carrying out of the objects and purposes of this Act, to provide generally for regulating air navigation and air transport and for carrying out and giving effect to the Chicago Convention and the Annexes and any amendments of the convention or Annexes.

(4) Without prejudice to the generality of subsection (1), the Authority may make regulations for different classes of aircraft, aerodromes, persons, property and the licensing and control of air travel agencies, air cargo shipping and forwarding agencies, air tour operators, air ticket sales agencies and ground handling agencies.

§1218. REPEAL AND SAVINGS

(1) The Liberia Communication and Transportation Law, 1972, Part One and the Act creating the Ministry of Transport 1987 Civil Aviation are hereby repealed.

(2) The Bureau of Civil Aviation established under the repealed Act is hereby consequentially dissolved.

(3) As from the commencement of this act, all the rights assets, liabilities and obligations of the dissolved Bureau existing immediately before the commencement of this act shall be transferred to the Authority established under this Act.

(4) Any action proceeding in any court, or any judgment, decision or order which was enforceable by or against the dissolved Bureau immediately before the commencement of this act may be continued and enforced by or against the Authority established under this Act.

(5) A person who was in the employment of the dissolved Bureau immediately before the commencement of the Act shall be transferred to and be deemed to be appointed by the Authority established under this act until he or she vacates the office or the appointment is terminated. The positions to be appointed will be determined by the Authority.

(6) All Regulations, Orders, By-laws and Notices made or issued under the repealed Act, in so far as they are not inconsistent with this Act, shall remain in force until they

lapse or are revoked.

(7) A certificate, license, permit and any other approval issued or given under the repealed act, shall be deemed to be issued under this Act for the duration of the validity, provided that no certificate, license, permit or approval shall be valid under this section for more than twelve months after the commencement of this Act unless it is renewed in accordance with the provisions of this Act.

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