



ZIMBABWE

ACT

To amend the Civil Aviation Act [*Chapter 13:16*]; and to provide for matters connected with or incidental to the foregoing.

ENACTED by the Parliament and the President of Zimbabwe.

PART I

PRELIMINARY

1 Short title

This Act may be cited as the Civil Aviation Amendment Act, 2024.

2 Amendment of section 2 of Cap. 13:16

Section 2 (“Interpretation”) of the Civil Aviation Act [*Chapter 13:16*] (hereinafter called the “principal Act”) is amended—

- (a) by the repeal of the definition of “aircraft” and the substitution of the following—

““aircraft” means 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”;

- (b) by the repeal of the definition of “authorised person” and the substitution of the following—

““authorised officer” means an employee of the Authority designated in terms of section 26(3)(a) and includes an authorised person;

“authorised person” means a person designated in terms of section 26(3)(b) with delegated authority to perform aviation safety and

security supervision tasks, including evaluations, inspections and investigations, on behalf of the State”;

(c) by the insertion of the following definitions—

““act of unlawful interference” means any act, or attempted act that, jeopardises the safety of civil aviation, including but not limited to—

- (a) the unlawful seizure of any aircraft;
- (b) the destruction of an aircraft in service;
- (c) hostage-taking on board or aircraft or on any aerodrome;
- (d) the forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- (e) the introduction on board an aircraft or at an airport of a weapon or hazardous device or any material with intent to use it for criminal purposes;
- (f) the use of an aircraft in service for the purpose of causing death, serious bodily injury, or serious damage to property or the environment; or
- (g) the communication of false information that jeopardises the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility;

“air navigation services” means air traffic services; communication, navigation and surveillance services; meteorological services for air navigation; aeronautical information services; and aeronautical search and rescue services and ancillary procedures to air navigation services and aircraft operations;

“aviation security” means safeguarding civil aviation against acts of unlawful interference;

“navigation safety” comprehends all measures for securing the safety of aircraft and persons not restricted to safeguarding against acts of unlawful interference;

“cargo” means any property carried on an aircraft other than mail, stores and accompanied or mishandled baggage;

“civil penalty” means a penalty governed by the provisions of the Third Schedule;

“technical standard” means a standard published under the authority of the Director-General that additionally specifies the technical requirements, data, information or guidance relating to an acceptable means of compliance with such standard;

“passenger” means any person being conveyed by an aircraft and who is not a member of the crew”;

(d) by the insertion of a new subsection after subsection (1) as follows—

“(2) Anything that the Authority is empowered to do under this Act shall, unless this Act or the content otherwise requires, be done in the name or on behalf of the Authority by the Director-General.”.

3 Amendment of section 6 of Cap 13:16

Section 6 (“Functions of Authority”) of the principal Act is amended in subsection (1)—

- (a) by the insertion of the following paragraph after paragraph (g)—
 - “(g1) to investigate occurrences, accidents and incidents other than occurrences and accidents involving aircraft, and to take such measures as are necessary to prevent their recurrence.”;
- (b) by the deletion of paragraph (h);
- (c) by the insertion in paragraph (i) of the following subparagraphs after subparagraph (vii)—
 - “(viii) operations of aircraft.”.

4 Amendment of section 10 of Cap 13:16

Section 10 (“Board of Authority”) of the principal Act is amended—

- (a) by the repeal of subsection (2) and the substitution of—
 - “(2) In appointing members of the Board, the Minister shall ensure that each of three of the members is appointed for his or her knowledge of or experience in—
 - (a) aviation;
 - (b) aviation law;
 - (c) administration, management or any other field which is relevant to the operation of the Authority.”;
- (b) by the repeal of subsection (3).

5 Amendment of section 12 of Cap 13:16

Section 12 (“Terms and Conditions of office of members”) of the principal Act is amended by the repeal of subsection (1) and the substitution of—

“(1) Subject to this Part, a member shall hold office for such a period, not exceeding four years, as the Minister may fix on his or her appointment, and upon the expiry of his or her term of office, he or she may be eligible for re-appointment as a member for only one such further term.”.

6 Amendment of section 18 of Cap 13:16

Section 18 (“Meetings and procedure of Board”)(1) of the principal Act is amended in the proviso thereto by the deletion of “six times” and the substitution of “once every quarter”.

7 Amendment of section 24B of Cap 13:16

Section 24B (“Powers of Director-General”) of the principal Act is amended by the insertion of the following subsection after subsection (3)—

“(4) The Director-General shall establish a system which shall provide safety and security oversight for the implementation of the aviation safety and security policies, regulations and procedures which shall be implemented in accordance with—

- (a) the provisions of this Act and regulations made thereunder;
- (b) the technical guidance of qualified technical personnel and tools;
- (c) licensing, certification, authorisation or approval obligations;
- (d) surveillance or quality control obligations;
- (e) the requirements for timely resolution of safety and security concerns.”.

8 New sections inserted after section 24B of Cap 13:16

The principal Act is amended by the insertion of the following sections after section 24B—

“24C Scope of the Director-General’s Tertiary Rule Making Powers

(1) Without derogating from or infringing upon regulations made under section 79, the Director-General may in the name of the Authority—

- (a) make any order in the following cases that will be binding for as long as it is in force—
 - (i) in explication or interpretation of any technical standards; or
 - (ii) to compel compliance with national aviation safety and security standards and requirements, if any deficiencies are identified through surveillance or quality control activities or as the result of any air accident investigation; or
 - (iii) in response to any International Civil Aviation Organisation (ICAO) communication notifying the Authority of any change to the Chicago Convention or its annexes, which change does not involve or require an amendment of the regulations; or
 - (iv) to implement any measure recommended by the Unit responsible for aviation accident or incident investigations for the avoidance of similar accidents in the future; or
 - (v) to implement immediately any measure which in the Director-General’s opinion is necessary to ensure the safety and security of civil aviation in Zimbabwe; or
 - (vi) to make temporary provision for any matter for which regulations may be made, which order shall have force for one hundred and eighty days or until the provisions order are promulgated as regulations, whichever is the earlier; or
- (b) issue directives for the purposes of enforcing this Act and the regulations that will be binding upon the person or entity or class of persons or entities, addressed by that directive, for as long as it is in force;
or
- (c) issue a security directive:

Provided that the Director-General shall have a discretion whether to publish such security directive, and if it is not published, the Director-General shall keep a record of it for inspection by an person to whom it has been issued and by other persons affected by it, for a period of at least five years after it has been issued.

(2) Any order or directive made or issued under this section—

- (a) shall, in the case of an order, have effect from the date when—
 - (i) it is published on the official website of the Authority (or in the event that the Website is offline, on the date of the order’s issuance under subparagraph (ii)); or
 - (ii) it is issued to such persons and in such manner, as in the opinion of the Director-General, will give any person affected by it an adequate opportunity of getting

to know it (and when such order is published later on the Authority's Website, the date of issuance is the effective date of the order):

Provided that if an effective date is specified in the order which is later than the date referred to in subparagraph (i) or (ii), that later date shall be the effective date;

- (b) shall, in the case of a directive, have effect from the date when it is issued to such persons and in such manner as in the opinion of the Director-General, will give any person affected by it an adequate opportunity of getting to know it (and when such directive is published later on the Authority's website, the date of issuance is the effective date of the directive);
- (c) may be varied or revoked in the same manner as it was published or issued under paragraph (a) or (b).

(3) Any person who contravenes any order or directive referred to in this section, commits an offence, on prosecution and conviction for which the offender, shall be liable to a fine not exceeding level 5 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(4) In addition a person who contravenes such order or directive commits a civil default for which the Authority may, without derogating from any criminal or non-criminal penalty that may be imposed by this Act or any other law for the conduct constituting the default, serve upon the defaulter a civil penalty of category 1, for which any continuing default shall attract a penalty at the cumulative rate.

24D Technical standards for civil aviation

(1) The Director-General may issue technical standards for civil aviation by means of an order made under section 24C.

(2) In any order issued for the purposes of subsection (1), the Director-General may incorporate into a technical standard any international aviation standard or any amendment, without stating the text of such standard or amendment, by mere reference to the title, number and year of issue of such standard or amendment or to any other particulars by which such standard or amendment is sufficiently identified.

(3) An authorised officer designated by the Director-General for that purpose must keep in his or her office a copy of the complete text of each international aviation standard or each amendment thereof which has been incorporated into any technical standard in accordance with subsection (1), and must at the request in writing of any interested person make such copy available free of charge to such person for inspection or for making a copy thereof, at such person's expense, at a place approved by the said officer.

(4) To the extent that any technical guidance material is binding on any person by virtue of any provision of the regulations, such technical guidance material shall be deemed to form part of the regulations, and any breach of a requirement of such technical guidance material is punishable in the same way as a breach of the relevant provision of the regulations is punishable.

9 Amendment of section 42 of Cap 13:16

Section 42 (“Control of Aviation in Zimbabwe”) of the principal Act is amended by the repeal of subsection (2) and substitution of the following—

“(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 5 or to imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment.”.

10 Amendment of section 43 of Cap 13:16

Section 43 of the principal Act (“Air Navigation Services”) is amended by the insertion of the following subsection after subsection (2)—

“(3) Regulations made under section 79 may prescribe anything necessary or expedient to be prescribed for the purpose of this section, including the provision of specified measures of assistance to aircraft in distress in Zimbabwean territory, and allowing owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances.”.

11 Amendment of section 44 of Cap 13:16

Section 44 (“Safety standards”) of the principal Act is repealed and substituted by the following—

“44 Safety and security standards

The Authority shall be responsible for—

- (a) setting and maintaining safety and security standards related to aviation personnel, aircraft and aerodromes; and
- (b) ensuring the safety and security of passengers, aviation personnel and the general public in all matters related to safeguarding against acts of unlawful interference;
- (c) establishing and implementing a process for management of conflict in a civil aviation setting between safety or security and environmental concerns and in the event of such conflict not being resolved by mutual agreement, aviation safety and security shall not be compromised and shall take precedence.”.

12 Amendment of paragraph 44A of Cap 13:16

The principal Act is amended by the insertion of the following paragraph after paragraph 44A (1)(d) as follows—

- “(e) ensure that the primary objective of aviation security is the safety of passengers, crew, ground personnel and the general public in all matters related to safeguarding against acts of unlawful interference.”.

13 New section inserted after section 44B of Cap 13:16

The principal Act is amended by the insertion of the following section after section 44B—

“44C Establishment and constitution of the National Air Transport Facilitation Committee

(1) The Minister shall establish a National Air Transport Facilitation Committee, which shall have the following mandate—

- (a) to develop and implement a National Air Transport Facilitation Programme to ensure coordination between relevant

ministries, agencies and the civil aviation industry to remove unnecessary obstacles and delays to the provision of civil air transport services and improve their level of efficiency;

- (b) to advise the Authority on matters relating to facilitation of civil air transport and recommend and review the effectiveness of facilitation measures and procedures;
- (c) to encourage the development of best practices in all areas related to the facilitation of civil air transport, including immigration, customs and handling of persons with disabilities;
- (d) to inform Government departments, competent Statutory and non-statutory agencies and other organisations having a stake in the facilitation of civil air transport, of developments in that field, and solicit their advice and make recommendations to them regarding issues of concern to them related to the National Air Transport Facilitation Programme;
- (e) to consider recommendations to enhance facilitation of civil air transport made by relevant entities or the public;
- (f) to propose changes to regulations with a view to facilitating civil air transport; and
- (g) to coordinate with the National Civil Aviation Security Committee on security related elements of civil air transport facilitation matters.

(2) The composition of National Air Transport Facilitation Committee shall be as prescribed by the Minister.

(3) The Director-General or his or her designate shall be the Chairperson of the committee and shall appoint an employee of the Authority to the secretary of the committee.”.

14 Amendment of section 49 of Cap 13:16

Section 49 (Air operator’s certificate required for operation of air service”) of the principal Act is amended by the repeal of subsection (2) and substitution of—

“(2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 5 or to imprisonment for a period not exceeding 5 years or to both such fine and such imprisonment.”.

15 New section inserted after section 57 of Cap 13:16

The principal Act is amended by the insertion of the following section after section 57—

“57A Non-disclosure of records and recordings

An investigator shall ensure that information collected in the course of an investigation, including information collected from Cockpit Voice Recorders (CVR), and airborne image recordings shall not be disclosed or made available to any other person other than in connection with an investigation carried out under this Part provided that the final report of investigations must be submitted to the Minister and published thirty days after the investigation.”.

16 Amendment of section 59 of Cap 13:16

Section 59 of the principal Act is repealed and substituted by the following—

“59 Obstruction of Investigators

(1) Any person who hinders or obstructs an investigator in the exercise of his or her functions shall be guilty of an offence and liable to—

- (a) a fine not exceeding level 2 or imprisonment for one year or both, where the person hindering or obstructing the investigator does not use physical force or violence in doing so;
- (b) a fine not exceeding level 5 or imprisonment for 5 years or where the person alleged to be hindering or obstructing the inspector uses physical force or violence against the inspector in doing so.

(2) Hindering or obstructing an investigator shall also be a civil default and be punishable in accordance with the Third Schedule.”.

17 Amendment of section 63 of Cap 13:16

Section 63 (“Controls over use of land and water in vicinity of aerodromes”) of the principal Act is amended in subsection (2) by—

- (a) the repeal of paragraph (e) and the substitution of—
 - “(e) restricting the installation of telecommunication towers, powerlines, wind turbines, cables, wires or other apparatus across, over or under any land;”;
- (b) the insertion of the following paragraph after paragraph (f)—
 - “(g) prohibiting the erection of buildings, objects or the placement of any obstacles in areas surrounding aerodromes, which may constitute an obstruction to safe flight operations.”.

18 Amendment of section 65 of Cap 13:16

Section 65 (Reservation of aerodrome materials”) of the principal Act is amended—

- (a) in subsection (8) by the deletion of “level 4” and substitution of “level 1”;
- (b) in subsection (10) by the deletion of “level 5” and substitution of “level 1”.

19 Amendment of section 67 of Cap 13:16

Section 67 (“Security at Aerodromes”) of the principal Act is amended by the insertion of the following subsection after subsection (4)—

“(5) Any person who contravenes subsection (1) shall be guilty of a civil default and be punishable in accordance with the Third Schedule.”.

20 Amendment of section 68 of Cap 13:16

Section 68 “Offences at aerodromes” is amended by the deletion of “two level 5” and the substitution of “level 1”.

21 Amendment of section 69A of Cap 13:16

Section 69A (“Powers of entry, inspection, etc. by safety and security oversight inspectors”) is amended —

- (a) by the repeal of subsection (1) and the substitution of—

“(1) A safety or security oversight inspector designated as an authorised officer shall have unlimited and unrestricted access to enter and inspect any aircraft or aerodrome, or any land or premises without warrant or the consent of the owner or occupier thereof (but subject to the production on demand of an identity document issued by the Authority), if he or she has reasonable grounds for believing that—

- (a) the inspection, entry or search is necessary in the interests of aviation safety; or
 - (b) the inspection, search or entry is necessary for the prevention, investigation or detection of an offence under this Act, or for the seizure of property which is the subject matter of such an offence or which may be evidence relating to such an offence.”;
- (b) by the insertion in subsection (2)(c)(i) of the words “or any other aviation facility” after the word “situated”.

22 Amendment of section 74 of Cap 13:16

Section 74 (“Detention of aircraft for certain offences or upon non-payment of certain dues”) of the Principal Act is amended—

- (a) by the repeal of subsection (4) and the substitution of—

“(4) Any person who knowing that an aircraft is being detained in terms of subsection (1), removes such an aircraft or causes it to be removed shall be guilty of an offence and liable to a fine not exceeding level 1 or to imprisonment for a period not exceeding 5 years.”;
- (b) by the insertion of the following subsection after subsection (5)—

“(6) Contravening subsection (1) shall also constitute a civil default, punishable in accordance with the Third Schedule.”.

23 Amendment of section 75 of Cap 13:16

Section 76 (“Restriction on use of “approved” in connection with flying schools”) is amended by the deletion of “level 6” and the substitution of “level 5”.

24 New Section inserted after section 78 of Cap. 13.16.

The principal Act is amended by the insertion of the following section after section 78—

“78A Standard Scale of Fines and Monetary Penalties

(1) In this section—

“fine” means a monetary criminal penalty imposed by a criminal court;

“monetary penalty” means a sum of money leviable in respect of a civil default;

“standard scale of fines and monetary penalties” means the standard scale of fines and monetary penalties referred to in subsection (2), as amended or replaced from time to time.

(2) To avoid doubt, the standard scale of fines and monetary penalties prescribed under this section applies to the exclusion of the standard scale of fines provided for in the Criminal Law Codification and Reform Act [*Chapter 9:27*].

(3) Subject to subsection (4) the Minister with the concurrence of the Minister responsible for Justice, may publish a statutory instrument setting forth a standard scale of fines and monetary penalties, which shall specify—

- (a) different levels of fines and monetary penalties, each level being designated by a number; and
- (b) in respect of each level of fine or monetary penalty, the monetary amount of the fine.

(4) Subject to subsection (5) the Minister may with the concurrence of the Minister responsible for Justice, by statutory instrument, amend or replace the standard scale of fines and monetary penalties, whenever the Minister considers such an amendment or replacement to be necessary as a result of a change in the purchasing power of money or for any other reason:

Provided that—

- (i) an increase in the monetary amount corresponding to any level in the standard scale of fines and monetary penalties shall not have the effect of increasing the fine or the monetary penalty to which any person is liable in respect of an offence or civil default committed before the increase came into effect;
- (ii) a reduction in the monetary amount corresponding to any level in the standard scale of fines or monetary penalties shall reduce the fine or monetary penalty to which any person is liable in respect of an offence committed before the reduction came into effect, if the penalty is imposed after that date.

(5) Where this Act provides that a person who is guilty of an offence or civil default is liable to a fine or a maximum fine or monetary penalty by reference to a level on the standard scale, the amount of the fine or monetary penalty or the maximum fine, as the case may be, that may be imposed shall be fine or the monetary amount specified in respect of that level in the standard scale of fines.

(6) Notwithstanding any other provision of this section, whenever—

- (a) a court imposes a sentence of a fine upon an offender, the court shall specify the monetary amount of the fine and shall not specify the fine by reference to a level on the standard scale of fines;
- (b) the Authority imposes a monetary penalty upon a defaulter, the civil penalty order containing the monetary penalties imposed by the Authority shall specify the monetary amount of the monetary penalty and shall not specify the penalty by reference to the standard scale of fines.

(7) Regulations made under section 79 may—

- (a) create any offence for which the penalty may be a fine of a specified level not exceeding level 4 or imprisonment for a period not exceeding 5 years or both such fine and such imprisonment;

- (b) create any civil default—
- (i) that conforms in its expression to any category (1-5) of penalty in the Third Schedule, whose monetary penalty shall be of a specified level not exceeding level 4;
 - (ii) that does not conform in its expression in every respect to any category referred to in sub paragraph (1):

Provided that the level of the monetary penalty must not exceed level 4 and any criminal penalty specified in default of any obligation imposed by the civil penalty order must not exceed a fine of level 4 or imprisonment not exceeding 5 years, or both such fine and such imprisonment.

(8) Any breach of this Act or regulations made thereunder maybe specified to be a criminal offence or a civil default or both and where the breach is specified to be both, the processing of the civil default shall be pursued independently or alongside the prosecution of the offence.

(9) The Fourth Schedule incorporates the standard scale of fines and levels of monetary penalties applicable to this Act as amended or replaced from time to time under this section.

(10) When the Minister wishes in accordance with subsection (4), to amend or replace the Fourth Schedule, the Minister shall lay the draft statutory instrument amending or replacing the Fourth Schedule before the House of Assembly, and if the House makes no resolution against publication of the draft statutory instrument within 14 sitting days from the date when it was laid before the House, that the Minister may at any time thereafter publish it as a statutory instrument in the *Gazette*.

25 Amendment of section 79 of Cap 13:16

Section 79 (“Regulations”) (1) of the principal Act is amended by the insertion after paragraph (aa) of the following paragraph—

- “(bb) giving effect to the Yamoussoukro Decision (an African Union Treaty signed on 14 November, 1999, which established a framework for liberalisation of and fair competition among air transport services among African Countries).”.

26 Amendment of section 80 of Cap 13:16

The principal Act is amended by the insertion of new subsections in section 80 as follows—

“(2) The Minister may make regulations including powers of the Director-General to exempt any person, aircraft, aerodrome, facility or service from any provision of any regulations made in terms of section 79, where the Director-General is satisfied that the exemption is necessary to prevent delays in aviation and is not likely to affect the safety of aviation.

(3) Any exemption granted by the Director-General under the regulations made in terms of subsection (2) shall be submitted to the Minister for review within 7 days of being granted.”.

27 New Part inserted after Part XI of Cap 13:16

The principal Act is amended by the insertion of the following Part after Part XI—

“PART X1A

REGULATION DEVELOPMENT COMMITTEE

80A Interpretation in Part X1A

(1) In this Part, unless the context requires otherwise—

“Aeronautical Information Publication” means a publication issued by or with the Authority and containing aeronautical information of a lasting character essential to air navigation;

“Category A difference” means a difference when the national regulation is more stringent than the corresponding Standard and Recommended Practice, or imposes an obligation within the scope of the Annex which is not covered by a Standard and Recommended Practice;

“Category B difference” means a difference when the national regulation is different in character from the corresponding ICAO Standard and Recommended Practice, or when the national regulation differs in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation;

“Category C difference” means a difference when the national regulation is less protective than the corresponding SARP; or when no national regulation has been promulgated to address the corresponding SARP, in whole or in part;

“SARPs” stands for Standard and Recommended Practices;

“REDCOM” means Regulatory Development Committee.

80B Establishment and Composition of REDCOM

(1) REDCOM is hereby established by this section.

(2) The Regulations Development Committee shall consist of not less than twenty members but not more than twenty-five members who shall be appointed by the Minister in consultation with the Board and shall include the following—

- (a) the Chairperson who shall be the head of the department of the Authority responsible for flight safety and standards and the Vice Chairperson who shall be an employee in that department nominated by the Chairperson;
- (b) at least eight (8) civil aviation Industry representatives (representing commercial, general aviation, helicopter operation, ground handling entities, maintenance and Aviation Training Organisations Industry) nominated by an organisations which, in the opinion of the Minister, represent stakeholders in those sectors;
- (c) at least eight (8) employees nominated by the Director-General from the Authority representing the following sections—
 - (i) Personnel Licensing;
 - (ii) Flight Operations (including Dangerous Goods);
 - (iii) Airworthiness;
 - (iv) Air Navigations Services;

- (v) Aerodromes and Ground Aids; and
- (vi) the department responsible for air transport development;
- (d) the Chief Inspector of accidents or his or her delegate;
- (e) the employee of the Authority designated as the Legal Advisor Regulation Development to the Authority or his or her authorised delegate from the department responsible for regulation development;
- (f) a Secretary who shall be an employee of the department responsible for flight safety nominated by the Chairperson; and
- (g) an officer of the Attorney-General's office nominated by the Attorney-General.

80C Functions of Committee

(1) The functions of REDCOM shall be to—

- (a) review and recommend to the Minister proposed regulations whether on its own initiative or on referral of the proposed regulations to it by the Minister;
- (b) review and recommend to the Director-General proposed orders or temporary regulations made under sections 24C and 24D on its own initiative or on referral of the proposed regulations to it by the Director-General;
- (c) develop technical standards for approval by the Director-General;
- (d) identify differences between the national aviation legislation and international aviation law and advise the Minister accordingly;
- (e) perform any other function with respect to aviation reform in the aviation industry as maybe conferred upon the Committee by the Minister.

(2) The Second Schedule shall apply to the procedure to be followed by the Committee at its meetings.”.

80D Filing of differences

(1) The filing of a Category A, B or C difference with Article 38 of the Chicago Convention shall be done by the Minister after consultation with or on the recommendation of REDCOM, and the manner of filing shall be as prescribed in regulations.”.

28 New sections inserted after section 80 of Cap 13:16

The principal Act is amended by the insertion of the following sections after section 80—

“80E Limitation of liability

(1) No member of the Board, employee or agent of the Authority shall be liable in respect of an action or thing done or omitted in good faith in the exercise of a power or the performance of a duty action or thing in terms of this Act, or in respect of anything that may result therefrom.

(2) The provisions of subsection (1) shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act.

80F Compliance with Marshalling Signals, Interception Manoeuvres and Order

(1) All Zimbabwean aircrafts must comply with any marshalling signal, interception order or manoeuvre issued by any State.

(2) Any aircraft, when in Zimbabwean airspace, must comply with any marshalling signal, interception order or manoeuvres issued by any State aircraft.”.

29 Amendment of section 87 of Cap 13:16

Section 87 of the principal Act is repealed and substituted by a new section 87 as follows—

“87 Sharing of certain revenues between Airports Company and Authority

(1) Seventy seven point five *per centum* of—

- (a) the Airport Departure Fee (commonly known as the passenger service charge) levied in terms of the Civil Aviation (Airport Departure Fee) Regulations, 2003, published in Statutory Instrument 165 of 2003, shall be retained by the Airports Company and the remaining thirty two point five *per centum* shall be paid by airlines directly to the Authority;
- (b) landing and parking fees charged to air operators shall be retained by the Airports Company and the remaining thirty two point five *per centum* shall be paid by the air operators directly to the Authority;
- (c) the fuel levy charged to fuel service providers at the airports and aerodromes of the Airports Company shall be retained by the Airports Company and the remaining thirty two point five *per centum* shall be paid by the fuel service providers directly to the Authority.

(2) The rentals if any, to be charged by the Authority in consideration for the use by the Airports Company of its land long leased to it in terms of Statutory Instrument 193 of 2003 and of any of the Authority’s buildings thereon, shall be as agreed between the Minister, Authority and Airports Company.”.

30 New Schedules inserted after First Schedule of Cap 13:16

The principal Act is amended by the insertion of the following schedules after the First Schedule—

“SECOND SCHEDULE (Section 80C (2))

Meetings of Committee

1. (1) The REDCOM shall meet at such times and places as may from time to time be determined by the chairperson—
 - (a) within four weeks of new or amended SARPs by ICAO; or

(b) as may be deemed necessary but not less than twice a year.

(2) The chairperson shall call such meetings at least 14 days in advance.

(3) The chairperson shall normally preside at every meeting of the committee.

(4) If the chairperson is absent from a meeting of the committee, the members present shall from among their number elect a person to preside at that meeting.

(5) The procedures to be followed at meetings of the committee shall be determined by the chairperson.

(6) The committee shall cause minutes to be kept of every meeting thereof.

(7) The minutes referred to in subsection (6), shall be kept at the offices of the Director-General.

(8) The majority of the serving members shall constitute a quorum at any meeting.

(9) Notwithstanding subsection (1), the Director-General may at any time call an extraordinary meeting of the committee in circumstances which he or she deems necessary and in the public interest.

Subcommittees of the Committee

2. (1) The committee may, with the approval of the Director-General establish such subcommittees as it may deem necessary for the performance of its functions.

(2) The membership of each sub-committee established in terms of subsection (1) shall be unlimited.

(3) The chairperson of the committee shall appoint a chairperson for each subcommittee so established.

(4) Subject to the provisions of these regulations, the committee shall, after consultation with the Director-General, determine the procedures to be followed by a subcommittee in the performance of its functions.

Administration

3. All administrative work as well as secretarial work, in connection with the performance of the functions of the committee and any subcommittee shall be carried out by employees of the Authority.

Allowances of Committee members

4. The Minister may from time to time fix the allowances for members.

THIRD SCHEDULE (Section 78A)

CIVIL PENALTY ORDERS

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Interpretation in Third Schedule.
2. Power of Director-General to issue civil penalty orders and categories thereof.

3. Service and enforcement of civil penalties and destination of proceeds thereof.
4. Limitation on issuance and enforcement of civil penalty orders.
5. Civil penalties to be paid in foreign currency by certain defaulters.
6. When hearings on question whether to serve civil penalty orders may be held.
7. Evidentiary provisions in connection with civil penalty orders.

Interpretation in Third Schedule

1. In this Schedule, unless the context otherwise requires—

“citation clause”, in relation to a civil penalty order, is the part of the order in which the Director-General names the defaulter and cites the provision of this Act in respect of which the default was made or is alleged, together with (if necessary) a brief statement of the facts constituting the default;

“civil penalty register” means the register referred to in paragraph 7 (“Evidentiary provisions in connection with civil penalty orders”);

“continuing default” means a default in complying with any statutory obligation or duty which is continuous in nature at the time it is detected and of which the remediation consists exclusively or primarily in ceasing to do the action complained of;

“corporate defaulter” means a defaulter which is a company, syndicate or other corporate person (and includes a partnership for the purpose of paragraph 3(3) and (6));

“date of issuance”, in relation to the service of a civil penalty order, means the date on which it is served;

“defaulter” means the person on account of whose default a civil penalty order is served, and includes an alleged defaulter;

“level”, in relation to a fine, means a level on the standard scale;

“officer”, in relation to a corporate defaulter, means a member of its board or other governing body (by whatever name called), and if there is no such board or governing body, any employee or agent of the corporate defaulter acting on behalf of the corporate defaulter;

“standard scale” means the standard scale of fines referred to in section 78A;

“penalty clause”, in relation to a civil penalty order, is the part of the order that fixes the penalty to be paid by the defaulter, and “fixed penalty clause” and “cumulative penalty clause” shall be construed accordingly;

“remediation clause” in relation to a civil penalty order, is the part of the order that stipulates the remedial action to be taken by the defaulter;

“show cause clause” in relation to a civil penalty order is the part of the order that requires the defaulter to show cause why the civil penalty order should not have been served or should be withdrawn.

Power of Director-General to issue civil penalty orders and categories thereof

2. (1) Where default is made in complying with any provision of this Act or of any regulations or order made under this Act for which a civil penalty is specified to be leviable, the Director-General may, in addition to, and without derogating from, any criminal or non-criminal penalty that may be imposed by this Act or any other law for the conduct constituting the default, serve upon the defaulter a civil penalty order of the appropriate category specified in subparagraph (2), (3), (4), (5) or (6) or any combination of such orders as the provision in question may allow.

- (2) A category 1 civil penalty order provides for—
- (a) a combination of a fixed penalty and a cumulative penalty over a period not exceeding ninety days for a specified completed default, of which—
 - (i) the fixed penalty shall be the maximum amount specified for the level prescribed by or under this Act (not exceeding level 4 if prescribed by regulations); and
 - (ii) the cumulative penalty, for each day (beginning on the day after the service of a civil penalty order) during which the defaulter fails to pay the fixed penalty under paragraph (a) shall be the maximum amount specified for the cumulative level;
 - (b) the suspension of the operation of the civil penalty order for a period of 48 hours from the date of its issuance to enable the alleged defaulter to show cause to the Director-General why the order should not have been issued:

Provided that—

- (i) if no such cause is shown within that period the order shall be deemed to have been issued with effect from the beginning of such period;
 - (ii) if within that period it is shown that the order should not have been issued, the Director-General shall withdraw the order and make the appropriate notation of withdrawal in the civil penalty register.
- (3) A category 2 civil penalty order provides for—
- (a) a cumulative civil penalty for a specified completed but remediable default which—
 - (i) must be suspended conditionally upon the defaulter taking the remedial action specified in the civil penalty order immediately (that is to say, within forty-eight hours after the civil penalty order is served on him or her);
 - (ii) upon the civil penalty becoming operative because of non-compliance with the requested remedial action, shall provide for a penalty of 25% of the maximum amount of level one for each day, not exceeding sixty days, during which the defaulter continues to be in default (beginning on the day after the last day on which the defaulter fails to take the remedial action);
 - (b) the suspension of the operation of the civil penalty order for a period of 48 hours from the date of its issuance to enable the alleged defaulter to show cause to the Director-General why the order should not have been issued:

Provided that—

- (i) if no such cause is shown within that period, the order shall be deemed to have been issued with effect from the beginning of such period;
 - (ii) if within that period it is shown that the order should not have been issued, the Director-General shall withdraw the order and make the appropriate notation of withdrawal in the civil penalty register.
- (4) A category 3 civil penalty order provides—

- (a) for a combination of a fixed penalty and potentially two cumulative penalties for a specified completed but partially remediable default, of which—
 - (i) the fixed penalty shall be the maximum amount specified for the level prescribed by or under the Act (not exceeding level 4 if prescribed by regulations); and
 - (ii) the cumulative penalty—
 - A. relating to subparagraph (i) shall be a penalty of 25% of the maximum amount of level one for each day (beginning on the day after the service of a civil penalty order) during which the defaulter fails to pay the civil penalty under subparagraph (i); and
 - B. relating to the taking of the specified remedial action—
 - I. shall be the maximum amount of the cumulative level for each day, not exceeding sixty days, that the defaulter fails to take the specified remedial action with effect from a specified date; and
 - II. must be suspended conditionally upon the defaulter taking the remedial action specified in the civil penalty order within the time specified in the order;
- (b) the suspension of the operation of the civil penalty order for a period of 48 hours from the date of its issuance to enable the alleged defaulter to show cause to the Director-General why the order should not have been issued:

Provided that—

- (i) if no such cause is shown within that period, the order shall be deemed to have been issued with effect from the beginning of such period;
 - (ii) if within that period it shown that the order should not have been issued, the Director-General shall withdraw the order and make the appropriate notation of withdrawal in the civil penalty register.
- (5) A category 4 civil penalty order provides for—
- (a) a cumulative penalty for a continuing default which—
 - (i) must be suspended conditionally upon the defaulter immediately (that is to say, within forty-eight hours after the civil penalty is served on him or her) ceasing the default;
 - (ii) upon the civil penalty becoming operative because of failure to cease the default immediately, shall be 25% of the maximum amount fixed for level 1 for each day during which the default continues, not exceeding a period of sixty days;
 - (b) the suspension of the operation of the civil penalty order for a period of 48 hours from the date of its issuance to enable the alleged defaulter to show cause to the Director-General why the order should not have been issued:

Provided that—

- (i) if no such cause is shown, within that period the order shall be deemed to have been issued with effect from the beginning of such period;

- (ii) if within that period it is shown that the order should not have been issued, the Director-General shall withdraw the order and make the appropriate notation of withdrawal in the civil penalty register.
- (6) A category 5 civil penalty order provides for—
- (a) a combination of a fixed penalty and a cumulative penalty for a specified continuing default where the time of compliance is of the essence—
 - (i) of which the cumulative penalty must be suspended conditionally upon the defaulter taking the remedial action specified in the civil penalty order immediately (that is, within 24 hours of the issuance of the order, or a lesser specified time specified in the order);
 - (ii) which, upon the civil penalty becoming operative because of noncompliance with the requested remedial action, shall provide—
 - A. a fixed penalty of the maximum amount for level one for not meeting the specified deadline; and
 - B. a cumulative penalty of the maximum amount of level one for each day, not exceeding sixty days during which the defaulter fails to pay the amount of the fixed penalty specified in—
 - I. subparagraph (i); and
 - II. subparagraph A;
 - (b) the suspension of the operation of the civil penalty order for a period of 24 hours from the date of its issuance to enable the alleged defaulter to show cause to the Director-General why the order should not have been issued:

Provided that—

 - (i) if no such cause is shown, within that period the order shall be deemed to have been issued with effect from the beginning of such period;
 - (ii) if within that period it is shown that the order should not have been issued, the Director-General shall withdraw the order and make the appropriate notation of withdrawal in the civil penalty register.

Service and enforcement of civil penalties and destination of proceeds thereof

3. (1) References to the Director-General serving upon a defaulter any civil penalty order in terms of this Act, are to be interpreted as requiring the Director-General to serve such order (or such notice) in writing to the defaulter concerned in the manner specified that is to say—
- (a) by hand delivery to the defaulter or his or her director, manager, secretary or accounting officer in person (or through an inspector or other person employed in the office of the Director-General, or a police officer), or to a responsible individual at the place of business of the defaulter; or
 - (b) by delivery through a commercial courier service to the defaulter's place of business or his or her principal office in Zimbabwe or other place of business of the defaulter; or

- (c) by electronic mail address furnished by the defaulter to the Director-General in any application or manual furnished by the defaulter to the Director-General within the previous six months; or
- (d) if after diligent inquiry service of the civil penalty order by any of the foregoing means has not been made, the defaulter shall be deemed to be notified of the civil penalty order if the Director-General posts a copy of it for fourteen continuous days on the notice board at his or her office (in which event the civil penalty order shall be deemed to be served on the defaulter on the first date of such posting):

Provided that in this case the Director-General shall also depose in an affidavit to the following facts, namely that—

- (i) service of the civil penalty order could not be made by any of the means referred to in subparagraphs (a), (b), (c) or (d); and
- (ii) the first date on which the copy of the civil penalty order was posted on the notice board of his or her Office;

and the Director-General shall file such affidavit for record.

(2) The Director-General shall not extend the period specified in a civil penalty order for compliance therewith except upon good cause shown to him or her by the defaulter, and any extension of time so granted (not exceeding in any case 30 days) shall be noted by the Director-General in the civil penalty register.

(3) The Director-General may, if the defaulter is a corporate defaulter—

- (a) in the same civil penalty order, name the corporate defaulter and every officer of the company, syndicate, other corporate person or partnership concerned as being so liable separately, or issue separate civil penalty orders in respect of the defaulter and each of the officers concerned;
- (b) choose to serve the order only upon the corporate defaulter without naming the officers:

Provided that nothing in this subparagraph affects the default liability of officers of the defaulter mentioned in subparagraph (6).

(4) The Director-General may, in the citation clause of a single civil penalty order, cite two or more defaults relating to different provisions of this Act if the defaults in question—

- (a) occurred concurrently or within a period not exceeding six months from the first default or defaults to the last default or defaults; or
- (b) arose in connection with the same set of facts.

(5) Where in this Act the same acts or omissions are liable to both criminal and civil penalty proceedings, the Director-General may serve a civil penalty order at any time before the commencement of the criminal proceedings in relation to that default, that is to say at any time before—

- (a) summons is issued to the accused person for the prosecution of the offence; or
- (b) a statement of the charge is lodged with the clerk of the magistrates court before which the accused is to be tried, where the offence is to be tried summarily; or
- (c) an indictment has been served upon the accused person, where the person is to be tried before the High Court; as the case may be, but may not serve any civil penalty order after the commencement of the criminal proceedings until after those proceedings are concluded (the

criminal proceedings are deemed for this purpose to be concluded if they result in a conviction or acquittal, even if they are appealed or taken on review). (For the avoidance of doubt it is declared that the acquittal of an alleged defaulter in criminal proceedings does not excuse the defaulter from liability for civil penalty proceedings).

(6) Every officer of a corporate defaulter mentioned in the civil penalty order by name or by office, is deemed to be in default and any one of them can, on the basis of joint and several liability, be made by the Director-General to pay the civil penalty in the event that the defaulter does not pay.

(7) Upon the expiry of the sixty-day period within which any civil penalty order of any category must be paid or complied with, the defaulter shall be guilty of an offence and liable to a fine not exceeding level 3 or to imprisonment for a period not exceeding one year or to both (in the case of a corporate defaulter, every one of its officers is liable to the penalty of imprisonment, and to the fine if the corporate defaulter fails to pay it).

(8) The amount of any civil penalty shall be payable to the Authority and shall be a debt due to the Authority and may be sued for in any proceedings in the name of the Authority in any court of competent civil jurisdiction.

(9) Proceedings in a court for the recovery of a civil penalty shall be deemed to be proceedings for the recovery of a debt as if the defaulter had acknowledged the debt in writing.

(10) If the Director-General in terms of subparagraph (8) desires to institute proceedings to recover the amounts of two or more civil penalties in any court of competent civil jurisdiction, the Director-General may, after notice to all interested parties, bring a single action in relation to the recovery of those penalties if the orders relating to those penalties—

- (a) were all served within the period of twelve months preceding the institution of the proceedings; and
- (b) were served—
 - (i) on the same defaulter; or
 - (ii) in relation to the same default or set of defaults, whether committed by the same defaulter or different defaulters; or
 - (iii) on two or more defaulters whose registered offices are in the same area of jurisdiction of the court before which the proceedings are instituted.

(11) Unless the Director-General has earlier recovered in civil court the amount outstanding under a civil penalty order, a court convicting a person of an offence against subparagraph (7), may on its own motion or on the application of the prosecutor and in addition to any penalty which it may impose give summary judgment in favour of the Director-General for the amount of any outstanding civil penalty due from the convicted defaulter.

Limitation on issuance and enforcement of civil penalty orders

4. (1) No civil penalty order may be issued more than twelve months from the date when the default or alleged default occurred or ceased to occur.

(2) A single civil penalty order may be served in respect of two or more defaults committed by the defaulter within a single period not exceeding six months, but if the aggregate of such defaults results in the defaulter becoming liable to a penalty or combined penalties in excess of the equivalent of one hundred and twenty thousand dollars, the Director-General may select one or any combination of those

defaults which will not result in the defaulter becoming so liable, while reserving the right to serve a second or further additional civil penalty orders in respect of the defaults not so selected if the defaulter does not comply with the first civil penalty order.

Civil penalties to be paid in foreign currency by foreign registered defaulters

5. A foreign registered defaulter shall pay any monetary penalty under a civil penalty order in United States dollars or another foreign currency at the official exchange rate prevailing on the day the civil penalty order is issued.

When hearings on question whether to serve civil penalty orders may be held

6. (1) If, in response to a show cause clause, an alleged defaulter satisfies the Director-General, that it is not possible within 24 or 48 hours (as the case may be) to demonstrate that the civil penalty order should not have been issued due to a material dispute of fact, or because the alleged default in question was not wilful or was due to circumstances beyond the alleged defaulter's control, the Director-General shall afford the alleged defaulter an opportunity to be heard by making oral representations before the Director-General, for which purpose—

- (a) no later than 96 hours after the issuance of the civil penalty order, the alleged defaulter must furnish to the Director-General an affidavit sworn by him or her giving reasons to show that the civil penalty order should not have been issued due to a material dispute of fact, or because the alleged default in question was not wilful or was due to circumstances beyond the alleged defaulter's control;
- (b) within a reasonable period from the receipt of an affidavit referred to in subparagraph (a) the Director-General may serve copies of the affidavit on any person who, in the Director-General's opinion, is affected by or may be a party to the default, together with an invitation to the parties to attend at the meeting to be presided over by the Director-General (giving particulars of its time and venue) to enable the parties to make oral and written representations at that meeting on the question whether the civil penalty order should have been issued to the alleged defaulter and whether it should be issued to some other person or not issued at all:

Provided that in such invitation referred to in subparagraph (b) or at the meeting the Director-General may restrict the parties to submitting written representations only, before or no later than 48 hours after the conclusion of the meeting.

(2) The following provisions apply to every hearing in connection with the issuance of a civil penalty order—

- (a) if the alleged defaulter fails to attend at the hearing the Director-General will generally decide the issue against him or her and proceed to issue the civil penalty order, unless doing so, given the specific facts and circumstances of the case, would be contrary to this Act or result in injustice;
- (b) the alleged defaulter bears the burden of showing on a balance of probabilities that the civil penalty order should not have been issued due to a material dispute of fact, or because the alleged default in question was not wilful or was due to circumstances beyond the alleged defaulter's control;
- (c) at the conclusion of the hearing Director-General may—
 - (i) in the presence of the parties (if any) at the meeting announce his or her decision verbally whether or not to issue a civil penalty

order, and if so to upon whom, and if the Director-General decides to issue the civil penalty order the Director-General shall do so within twenty-four hours;

- (ii) cancel the civil penalty order or re-issue it with effect from the date of his or her decision on the same or another defaulter, or re-issue it with effect from the date on which it was initially issued if the Director-General finds that the defaulter's objections to its issuance were baseless, vexatious or frivolous:

Provided that the Director-General may defer making a decision by no more than 48 hours after the conclusion of the hearing and give notice of his or her decision, and the reasons for it (together with the civil penalty order, if any), to the alleged defaulter found to be liable for the civil penalty, and post a copy of the decision together with the civil penalty order, if any) and the reasons for it on the public notice board of the Director's office.

(3) An alleged defaulter or substituted alleged defaulter who wishes to appeal in terms of section 78 against the Director-General's decision in terms of subparagraph (2)(d) must—

- (a) lodge (together with the prescribed fee, if any) an appeal in writing with the Director-General concerned, and copy it to the Minister, no later than two working days after such person has received notification decision under the proviso to subparagraph (2)(d); and
- (b) incorporate in the appeal grounds justifying why the Director-General's decision should be set aside and what decision ought to be substituted for it; and thereupon the Director-General shall, without delay, transmit the appeal to the Secretary together with any report the Director-General may wish to attach thereto justifying the grounds upon which the Director-General based his or her decision.

(4) The effect of lodging an appeal under subparagraph (3) shall be to suspend the decision appealed against until the appeal is determined by the Minister.

(5) Upon receiving an appeal in terms of subparagraph (3) the Minister shall promptly (and in any event no later than seven working days of receiving it)—

- (a) dismiss the appeal by upholding the decision of the Director-General; or
- (b) refer the decision back to the Director-General for reconsideration (whether with or without directions on how the decision is to be reconsidered, including a direction to the Director-General to investigate the matter further and make a further report and recommendations) on any one or more of the following grounds—
 - (i) allowing extraneous or irrelevant considerations to affect the decision; or
 - (ii) failure to take into account relevant considerations in arriving at the decision; or
 - (iii) any material mistake of fact or law that tainted the decision;
- or
- (c) uphold the appeal and substitute any other decision for that of the Director-General, if the Minister finds that there was interest in the cause, bias, malice or corruption on the part of any person involved in making or contributing to the decision:

Provided that the Minister shall not make a finding on this ground without affording the Director-General an opportunity to respond to the proposed finding.

(6) Any alleged defaulter who is aggrieved by a decision of the Minister under subparagraph (5), may seek a review of such decision by the Administrative Court within seven days after the date of its notification to the appellant, whereupon the court may do any of the things the Minister is empowered to do under subparagraph (5):

Provided the taking of a decision on review under this subsection shall not suspend the decision sought to be reviewed until the review is determined by the Administrative Court.

(7) In the event of any inconsistency between this paragraph and section 78, this paragraph shall prevail.

Evidentiary provisions in connection with civil penalty orders

7. (1) For the purposes of this Schedule the Director-General shall keep a civil penalty register wherein shall be recorded—

- (a) the date of service of every civil penalty order, the name and the physical or registered office address of the person upon whom it was served, the civil penalty provision in relation to which the defaulter was in default, and the date on which the civil penalty order was complied with or the penalty thereunder was recovered as the case may be;
- (b) if the alleged defaulter responded to the show cause clause in the civil penalty order with the result that—
 - (i) the order was cancelled because it should not have been issued, the fact and the date of such cancellation; or
 - (ii) a hearing was held in accordance with paragraph 5, then—
 - A. a record or an adequate summary of any representations made at the hearing by way of an entry or cross-reference in, or annexure to, the register (and if recorded by way of annexure or cross-reference, the representations must be preserved for a period of at least ten years from the date when they were made to the Director-General);
 - B. a record of the outcome of the hearing, that is to say, whether or not the civil penalty order was cancelled, and if not the date from which it was to have effect and whether a different defaulter was served with it.

(2) A copy of—

- (a) any entry in the civil penalty register, and of any annexure thereto or record cross-referenced therein, authenticated by the Director-General as a true copy of the original, shall on its mere production in any civil or criminal proceedings by any person, be *prima facie* proof of the contents therein; or
- (b) any civil penalty order that has been served in terms of this Act, authenticated by the Director-General as a true copy of the original, shall on its mere production in any civil or criminal proceedings by any person, be *prima facie* proof of the service of the order on the date stated therein upon the defaulter named therein, and of the contents of the order.

31 Fourth Schedule to Cap 13:16 inserted

The principal Act is amended by the insertion of the following Schedule after the Third Schedule—

FOURTH SCHEDULE (Section 78A)
STANDARD SCALE OF FINES (FOR CIVIL AVIATION)

Level	Monetary amount US\$	Imprisonment
Cumulative level	2% of level 1	
1	5 000	One year
2	10 000	Two years
3	25 000	Three years
4	100 000	Not exceeding 5 years
5	200 000	Not exceeding 10 years.”.

32 Minor amendments to Cap. 2:13

The provisions of the principal Act specified in the first column of the Schedule are amended to the extent set out opposite thereto in the second column.

*Consequential Amendments of the Criminal Law (Codification and Reform)
Act Cap 9:23*

33 Amendment of section 148 of Cap. 9:23

Section 148 (“Damaging, destroying or prejudicing the safe operation of an aircraft”) of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*] (hereinafter called the “principal Act”) is amended by the insertion of the following paragraphs after paragraph (b)—

- “(c) intentionally causes destruction, or serious damage to—
 - (i) the facilities of an airport serving international civil aviation; or
 - (ii) aircraft not in service located at the airport;
 or
- (d) intentionally causes disruption of the services of the airport; or
- (e) does or omit to do anything with the intention or realising that there is a real risk or possibility of prejudicing the safe operation of civil aviation.”.

34 New Section inserted after section 149 of Cap. 9:23

The principal Act is amended by the insertion after section 149 of the following section—

“149A Perpetrating an act of violence against aviation

Any person who perpetrates an act of violence using any device, substance or weapon against any person at an airport serving international civil aviation, which causes or is likely to cause serious injury or death, if such an act endangers or is likely to endanger safety at that airport shall be guilty of an offence and liable to a fine not exceeding level fourteen or to imprisonment for a period not exceeding fifteen years or to both such fine and such imprisonment.”.

SCHEDULE (Section 32)

MINOR AMENDMENTS TO CIVIL AVIATION ACT [CHAPTER 13:16]

<i>Provision</i>	<i>Extent of amendment</i>
Section 20(3)(a)	By the deletion of “level 14” and the substitution of “level 5”.
Section 20(3)(b)	By the deletion of “level 14” and the substitution of “level 4”.
Section 40(2)	By the deletion of “level 4” and the substitution of “level 1”.
Section 42(2)	By the deletion of “level seven or to imprisonment for a period not exceeding one year” and the substitution of “level 5 or to imprisonment for a period not exceeding ten years”.
Sections 59, 65(10) and 69A(6)	By the deletion of “Level 5” and the substitution of “level 2”.
Section 65(8)	By the deletion of “level 4” and the substitution of “level 2”.
Section 68	By the deletion of “level five or to imprisonment for a period not exceeding six months” and the substitution of “level 4 or to imprisonment for a period not exceeding five years”.
Section 74(4)	By the deletion of “level 9” and the substitution of “level 3”.
Section 75 (“Restriction on use of “approved” in connection with flying schools”) (2)	By the deletion of “level 5” and the substitution of “level 3”.