

[AS PASSED BY THE NATIONAL ASSEMBLY]

A
Bill

to establish the Pakistan Airports Authority for better administration, operation and development of airports and air transport services in Pakistan

WHEREAS it is expedient to provide for the establishment of the Pakistan Airports Authority for better administration, operation and development of airports and related services and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows —

CHAPTER I
PRELIMINARY

1. **Short title, extent, application and commencement.**— (1) This Act shall be called the Pakistan Airports Authority Act, 2023.

(2) It extends to the whole of Pakistan.

(3) It shall apply to all airports and the air navigation services operated or kept for air transport other than those belonging to or operated for the exclusive use of any of the armed forces of Pakistan.

(4) The Federal Government may, by notification in the Official Gazette, direct that this Act, or any provisions thereof which it may specify in the notification, shall come into force on such date as it may appoint in this behalf and if no such date is appointed within one hundred and eighty days from the date of notification of the Act, it shall come into force at once on the expiry of this period.

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

(a) “Act” means the Pakistan Airports Authority Act, 2023;

(b) “aircraft” means any machine which can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth’s surface, and includes a balloon, whether captive or free, airship, kite, glider, any other flying machine and an unmanned aircraft;

(c) “air navigation services” mean services and aids for communicating with and guiding, controlling and surveilling an aircraft for safe navigation during all phases of flight operations and include air traffic and aeronautical information management services, charting and cartographic services, as well as procedure for air navigation services, flight procedure design services and other incidental and consequential services;

(d) “airport” means—

(i). an aerodrome, airstrip, airfield, heliport and any other facility transferred to, or acquired, set up or developed by the Authority and set apart or commonly used or intended to be used, either wholly or partly, for affording facilities for the landing and departure of aircrafts as well as any runway, taxiway, building, shed, hanger, vessel, pier, parking areas and any other structure

- or facility appertaining to the airport in relation to the landing and departure of an aircraft, embarkation and disembarkation of passengers, loading and unloading and handling of passenger baggage, cargo and mail; and
- (ii). for the purpose of Chapter VI, any airport not being an airport operated or kept for the exclusive use of any of the armed forces of Pakistan, whether or not it is transferred to, or acquired, set up or developed by the Authority;
- (e) "airport manager" means —
- (i). an officer of the Authority in-charge of the airport; or
- (ii). the person in-charge of an airport not being an airport transferred to, or acquired, set up or developed by the Authority on whom any or all of the powers of the airport manager under this Act or conferred by the Secretary;
- (f) "Airport Order" means an order issued by the Director General under section 68;
- (g) "Airport Security Force" means the Airport Security Force established under the Pakistan Airport Security Force Act, 1975 (LXXVII of 1975);
- (h) "Authority" means the Pakistan Airports Authority;
- (i) "authorized officer" means —
- (i). an officer of the Authority authorized by the Director General for the purpose of the Act; or
- (ii). in relation to an airport not being an airport transferred to, or acquired, set up or developed by the Authority, a person on whom any or all of the powers of the authorized officer under this Act are conferred by the Secretary;
- (j) "Board" means the Board of the Authority;
- (k) "Chairperson" means the Chairperson of the Board;
- (l) "Collector" means the Collector of the district appointed under the law relating to land revenue;
- (m) "Director General" means the Director General of the Authority;
- (n) "Federal Government" means the Government of Pakistan;
- (o) "member" means a member of the Board;
- (p) "member of a committee" means member of a committee of the Board;
- (q) "meteorological services" means the provision of weather information and forecasts to support safe and efficient navigation of aircrafts;
- (r) "Minister" means the Minister in-charge of the Aviation Division;
- (s) "Pakistan Civil Aviation Authority" means the Pakistan Civil Aviation Authority established under the Civil Aviation Ordinance, 1982 (Ordinance XXX of 1982);
- (t) "prescribed" means prescribed by rules or regulations;
- (u) "Prime Minister" means the Prime Minister of Pakistan;
- (v) "private member" means a member mentioned at clause (g) of sub-section (1) of section 6;
- (w) "regulations" means the regulations made under the Act;
- (x) "rules" mean the rules made under the Act;
- (y) "Schedule" means the schedule appended to the Act;
- (z) "Secretary" means the Secretary to the Government of Pakistan in-charge of the Aviation Division; and

- (aa) "Secretary of the Board" means the Secretary of the Board.

CHAPTER II PAKISTAN AIRPORTS AUTHORITY

3. Establishment of the Authority.— (1) As soon as may be, but no later than ninety days of the commencement of this Act, the Federal Government shall, by notification in the official Gazette, establish an authority to be known as the Pakistan Airports Authority.

(2) The Authority shall be a body corporate, having perpetual succession with power, subject to the provisions of this Act and the rules, to acquire, hold and dispose of property, and to enter into contract, and shall by the said name sue and be sued.

4. Functions and powers of the Authority.— (1) The Authority shall administer, operate and develop airports and air navigation services.

(2) Without prejudice to the generality of sub-section (1), the Authority shall —

- (a) provide facilities and services as are necessary for the convenience of passengers and other persons using an airport;
- (b) provide air navigation services and meteorological services to aircrafts navigating in or over the territory of Pakistan and the adjoining international waters;
- (c) take such measures as are necessary or convenient for, or incidental to, ensuring the safety of aircrafts, passengers, cargo, mail and other facilities at the airports at all times;
- (d) make provisions for search and rescue services for or in relation to the navigation of aircrafts in or over the territory of Pakistan and the adjoining international waters;
- (e) assist aircraft in distress in or over the territory of Pakistan and in that, make arrangements for crash landing and firefighting at the airports;
- (f) coordinate and support the provision of customs, border management, security and other services at the airports by persons or entities other than the Authority;
- (g) take measures for preventing any danger to public health and spread of infection from aircrafts arriving at or departing the airport;
- (h) levy and collect rent, rate, fee, fine and other charges authorized under this Act, rules or regulations;
- (i) take all such steps as are necessary or convenient for, or incidental to, the exercise of any power or discharge of any function or duty conferred or imposed on it by this Act;
- (j) secure compliance of environmental standards applicable to or in relation to the operation of airports;
- (k) affect Pakistan's obligations under any international treaty, convention, engagement or agreement connected with or ancillary to the purpose of this Act to which Pakistan is a signatory; and
- (l) carry out its duties and functions in a cost effective and efficient manner.

(3) The Authority may —

- (a) plan, prepare and execute schemes for the construction, development, operation, maintenance, repair and redoing of airports as well as development of aviation infrastructure in Pakistan in general;
- (b) take such measures as are, in its view, necessary for the efficient

- (c) operation and management of Pakistan's airspace; make provisions for service, maintenance, repair and fueling of aircraft at the airports;
- (d) provide for the storage, handling, sorting and transport by air of mail and cargo;
- (e) train its officers, staff and other persons for the purpose of this Act and establish and maintain such facilities as are, in its view, necessary to this end;
- (f) provide expert services in relation to the establishment or operation of airports, ground aids, safety services or other similar matter;
- (g) enter into contracts for the purchase and supply of goods and services or any other contract as may be necessary for the proper discharge of any function, duty or power imposed or conferred upon it under this Act;
- (h) acquire by purchase, lease, exchange or otherwise any land or other moveable or immovable property or any interest in such land or property for the purpose of this Act;
- (i) pledge any property vested in it, including any immovable property transferred to it under this Act, to raise finances for the acquisition of any capital asset or development of any infrastructure for the purpose of the Act; and
- (j) permit the use of any land, building, facility, premises or other property, including any moveable or immoveable property, vested in it or transferred to it under this Act on rent, lease, licence, concession or through such other mean or instrument as it deems fit.

(4) In carrying out its duties and functions, the Authority shall have regards to the development of air transport and to efficiency, economy and safety of operations.

(5) In the conduct of its business, the Authority shall ensure that its revenue is not less than sufficient for making provision for meeting its expenses, taking one year with another.

(6) Subject to the provisions of this Act, rules and regulations, the Authority may exercise such powers and take such measures as may be necessary for carrying out the purpose of the Act.

5. Performance of functions otherwise than through officers.— The Authority may, in the interest of better management and efficiency, make arrangements that one or more functions or duties undertaken by the Authority are carried out on its behalf otherwise than through its officers, servants, experts and other employees under a licence against such fee and for such duration and in terms of such other conditions as it deems fit.

6. The Board and members.— (1) The general direction and administration of the Authority and its affairs shall vest in a Board consisting of the following members —

- (a) The Secretary, who shall also be the Chairperson of the Board;
- (b) The Vice Chief of Air Staff, Pakistan Air Force;
- (c) The Director General;
- (d) The Secretary to the Government of Pakistan in-charge of the Finance Division or a senior officer of the Division nominated by him;
- (e) The Secretary to the Government of Pakistan in-charge of the Planning Division or a senior officer of the Division nominated by him;
- (f) The Chairman of the Federal Board of Revenue or a senior officer of

the Federal Board of Revenue nominated by him; and

- (g) Not more than three private members appointed by the Prime Minister in such manner as may be prescribed by the rules from among the persons having special knowledge and experience in air transport, business and industry, commercial or financial matters, public administration, law or any other subject related to the one or more functions and duties of the Authority.

(2) The Chairperson may coopt any person at any meeting of the Board to render advise on any specific matter on which that person has special knowledge or experience but such person shall not vote in case of any decision on the matter.

(3) The Board may appoint a senior officer of the Authority as the Secretary of the Board for a term of three years from the date of assumption of office which the Board may extend for two other similar terms.

(4) A private member shall hold office for three years from the date of assumption of office and may, by notice in writing to the Prime Minister, resign from his office and on such resignation being notified in the official Gazette, he shall be deemed to have vacated his office.

(5) A person shall be disqualified for being appointed as a private member if he -

- (a) holds, for the time being, a political office;
- (b) has not attained the age of forty years;
- (c) has been convicted and sentenced to imprisonment for an offence involving moral turpitude;
- (d) is an undischarged insolvent;
- (e) is of unsound mind and stands so declared by a competent court;
- (f) has been removed or dismissed from a public office or from an office of a body corporate or other entity owned or controlled by any government in Pakistan;
- (g) is involved directly or indirectly in an activity for the purpose of gain in or relating to an aviation undertaking or business or holds office or employment in or relating to an aviation undertaking or business; or
- (h) holds directly or indirectly, any share or pecuniary or other interest, tangible or intangible, in any business, licence, certificate, permit, authorization, inspection, examination or contract, or any other interest in the Authority as is likely to affect prejudicially the discharge of his functions as a member.

(6) The Prime Minister may, after providing him an opportunity of being heard either personally or through an officer authorized in this behalf, remove any private member from office if he —

- (a) attracts any of the disqualifications mentioned in sub-section (4);
- (b) refuses to act or, for any reason, becomes incapable of acting as a member;
- (c) without leave of absence, absents himself from three consecutive meetings of the Authority;
- (d) is guilty of misconduct;
- (e) has abused his office in a manner that renders his continuation in office detrimental to public interest.

(7) Any person ceasing to be a private member shall, unless disqualified under sub-section (4) or removed from office under sub-section (5) shall be eligible for re-appointment for one similar term.

7. Meetings of the Board.— (1) The Board shall meet at least once in a quarter and at such other times and places as the Chairperson may direct.

(2) The Secretary of the Board or, in his absence, the Director General shall, with the approval of the Chairperson, issue notice and agenda of a meeting of the Board.

(3) The Chairperson or, in his absence, a member authorized by him in this behalf and three other members shall constitute a quorum for a meeting of the Board.

(4) A decision at a meeting of the Board shall be adopted by a simple majority of the members present and voting except that in the case of an equality of votes the Chairperson or the member presiding the meeting shall have a casting vote in addition to his original vote.

(5) No act or proceeding of the Board shall be invalid merely by reason of —

- (a) any vacancy in its membership or any defect in its constitution;
- (b) any defect in the appointment of a person as its member; and
- (c) any irregularity in the procedure of the Board not effecting the merits of the case.

(6) Subject to the provisions of this Act and rules, the Board may regulate its own procedure generally and in particular, with respect to the holding of meetings, the notice to be given of such meetings, proceedings at the meetings, the recording and keeping of minutes and the custody, production and inspection of minutes.

(7) Until the regulations are made in this behalf, the Chairperson may, by circular to the members, regulate the procedure of the Board.

8. Committees of the Board.— (1) For the purpose of advising or assisting it in the due discharge of the functions and duties of the Authority, the Board may appoint such committees as it deems fit.

(2) A committee shall consist of at least two members, out of whom one shall be the head of the committee, together with such officers of the Authority and such other persons as the Board may deem fit in relation to the nature of the action to be taken or the matter to be discussed or decided by the committee.

(3) On receipt of advice from any of its committees, the Board shall decide whether or not to adopt that advice, in whole or in part or with such modifications as it deems fit.

(4) A committee shall, in the performance of its functions delegated by the Board, at all times be subject to such directions, conditions and restrictions as may be imposed by the Board and shall adhere to all policies of the Board.

(5) The head of every committee shall submit to the Chairperson a report on the functions and matters entrusted to the committee, and the progress thereof, at the end of every quarter of the year or at such other interval or by such other dates as the Chairperson may direct.

9. Executive committee of the Authority.— (1) There shall be an executive committee of the Authority consisting of the following —

- (a) the Director General, who shall also be its head;
- (b) three most senior officers of the Authority;
- (c) a senior officer of the Finance Division nominated by the Secretary to the Government of the Pakistan in-charge of the Finance Division; and
- (d) such other officers of the Authority as the Board may appoint generally or specifically in relation to the nature of the action to be taken or matter to be discussed or decided by the executive committee.

(2) Subject to the Act, rules and regulations, the executive committee shall —

- (a) perform such functions and duties and exercise such powers in matters

relating to the administration and affairs of the Authority as may be delegated to it by the Board; and

- (b) where in its opinion any matter which is not delegated to it under clause (a) requires an immediate action to prevent injury or loss to the Authority and it is improbable to timely obtain approval of the Board for this purpose, take such action and report it for approval of the Board in the next meeting.

(3) The procedure of the executive committee generally and in particular, with respect to the holding of meetings, the notice to be given of such meetings, proceedings at the meetings, the recording and keeping of minutes and the custody, production and inspection of minutes shall be such as may be prescribed by the regulations.

(4) Until the regulations are made in this behalf, the Director General may, by circular to the members, regulate the procedure of the executive committee.

10. The Director General.— (1) The Prime Minister may, in the manner prescribed by the rules, appoint an officer in the service of Pakistan or an officer of the Authority as the Director General for a term of three years from the date of assumption of office and where the Prime Minister considers it so appropriate, he may extend the term of the Director General for a period not exceeding two years.

(2) The Director General shall receive such salary and allowances and be subject to such conditions of service as may be determined by the Prime Minister.

(3) The Director General shall be the executive head of the Authority and apart from day-to-day administration of the Authority, carry out such other functions and duties and exercise such powers as may be delegated to him by the Board.

(4) In the absence or inability of the Director General to perform his functions, the Chairperson may appoint a senior officer of the Authority to discharge the functions and exercise the powers of the Director General during his absence or inability for a term which shall not exceed ninety days.

11. Resignation by the Director General.— (1) The Director General may, by notice in writing to the Prime Minister, resign from his office.

(2) Such resignation shall take effect from the date of its acceptance by the Prime Minister.

12. Removal of the Director General.— The Prime Minister may, after providing the Director General an opportunity of being heard either personally or through an officer authorized by him in this behalf, remove him from office if he —

- (a) has failed to discharge, or has become incapable of discharging, his duties effectively under this Act;
- (b) has been convicted of an offence involving moral turpitude and sentenced to imprisonment; or
- (c) has knowingly acquired or continues to hold, directly or indirectly, any share or pecuniary or other interest, tangible or intangible, in any business, licence, certificate, permit, inspection, or contract, or any other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as the Director General.

13. Airport manager.— (1) The Authority shall appoint an airport manager for each airport.

(2) With respect to the airport under his charge, the airport manager shall, among

other things, discharge the following functions and duties —

- (a) oversee the day-to-day operation and administration of the airport;
- (b) secure compliance with the provisions of this Act, rules, regulations, Airport Orders, policies and other directions of the Authority;
- (c) coordinate and support the provision of customs, border management, security and other services at the airport by persons and entities other than the Authority; and
- (d) ensure that the services provided at the airport are in accordance with the standards laid down under section 65.

(3) In the course of discharge of his functions and duties, the airport manager shall have regards to the need for efficiency, economy and safety of the airport operations.

(4) Subject to the provisions of this Act, rules and regulations, the airport manager may exercise such powers and take such measures as may be necessary for carrying out the purpose of this section.

14. Duty to avoid conflict of interest.— (1) Before assuming his office, every member shall tender a certificate under his hand that he does not hold, or will not acquire any share or pecuniary or other interest, tangible or intangible, in any business, licence, certificate, permit, inspection or contract, or any other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions and duties as member.

(2) Where it comes to the notice of a member that in relation to any matter which is to be considered or decided by the Board or a committee he has professionally acted on behalf of any person having any share or interest in that matter, or any of his immediate relatives, or his employer or employee would receive or have a reasonable expectation of receiving, a direct or indirect pecuniary or other benefit, share or interest or would suffer or have a reasonable expectation of suffering a direct or indirect pecuniary or some other detriment, he shall immediately inform the Secretary of the Board.

(3) The Secretary of the Board shall record every such disclosure in the minutes of the meeting of the Board or the committee and, after the disclosure, that member shall abstain from taking part in the meeting or any other deliberation of the Board or the committee with respect to that matter.

(4) For the purpose of determining whether there is a quorum where a member abstains from meeting in terms of this section, that member shall be treated as being present at that meeting notwithstanding that he cannot vote or has withdrawn from the meeting in respect of the matter in question.

15. Delegation of powers.— (1) The Board may, by general or special order, delegate to the executive committee, the Director General or any other officer of the Authority any of its functions, duties or powers under this Act, subject to such conditions as it deems fit.

(2) Every delegation of functions, duties or powers under this section shall be in writing, revocable at any time by the Board, but no such delegation shall prevent the Board from undertaking the function or duty or exercise of the power so delegated.

(3) Notwithstanding the provisions of sub-section (1), the Board shall not delegate its following functions, duties and powers —

- (a) making of regulations;
- (b) approval of budget, audited accounts and reports of the Authority;
- (c) approval of plan of schemes drawn up under section 34;
- (d) approval of plans for the investment of funds of the Authority;
- (e) making arrangements for undertaking one or more functions or duties of the Authority on its behalf by otherwise than the officers of the

Authority;

- (f) the grant of lease, licence or concession of an airport with or without a right to the lessee to discharge one or more functions or duties undertaken by the Authority on its behalf in terms of section 23;
- (g) the rate at which fees and other charges authorized under this Act, rules or regulations shall be levied and collected by the Authority;
- (h) acquisition of an immoveable property by purchase, lease, exchange or any interest in immoveable property for the purpose of this Act;
- (i) pledging or mortgaging any movable or immovable property vested in the Authority to raise finances for the acquisition of any capital asset or development of infrastructure for the purpose of this Act;
- (j) creation of a position of an officer, servant, expert or other person in the Authority;
- (k) constitution of any committee of the Board or appointment of officers of the Authority as members of the executive committee of the Authority in terms of sub-section (3) of section 9;
- (l) any policy matter and where there is a question as to whether a matter is a matter of policy or otherwise, the decision of the Minister shall be final; and
- (m) any other function, duty or power of the Board which the Board is barred from delegating under the rules.

(4) The Board shall not delegate any function, duty and power to the Director General or any other officer of the Authority that it has delegated to the executive committee and in the like manner, any function, duty and power which is delegated to the Director General shall not be delegated to any other officer of the Authority.

16. Recruitment of officers and staff.— (1) The Authority may appoint such officers, servants, experts and other persons as it may consider necessary for the due discharge of its functions and duties under this Act.

(2) The Authority shall, by regulations, prescribe the procedure for appointment of its officers, servants, experts and other persons, and the terms and conditions of their service.

17. Members and other officers of the Authority to be public servants.— The members, members of the committees, Director General, officers, servants, experts and other persons in the service of the Authority shall, when acting or purporting to act in pursuance of any of the provisions of this Act, rules or regulations, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860).

CHAPTER III TRANSITION ARRANGEMENTS

18. Transfer of airports and undertakings etc.— (1) The Federal Government shall, by notification in the official Gazette, determine the date, mode and manner in which the assets and undertakings, including lands, buildings, airports, works, machinery, apparatus, equipment, material, plants, cash balance, share in pension fund, capital, reserves, reserve funds, investments, concessions, licences, leases and all other rights and interests arising out of such undertakings that are related to the functions, duties and affairs of the Authority under this Act as were immediately before that day vested in the Pakistan Civil Aviation Authority shall, without any conveyance or assignment, stand transferred to and vest in the Authority free of any charge and all borrowings, debts, liabilities and other

obligations then subsisting in respect of the said assets and properties shall become the liability of the Authority.

(2) The asset and property of the Pakistan Civil Aviation Authority, which stands transferred to and vests in the Authority under sub-section (1) shall be deemed to include all assets, rights, obligations, powers and privileges, in relation to the asset or property, all books of account and documents relating the asset or property and shall also be deemed to include all borrowings, debts, liabilities and obligations of whatever kind then subsisting of the Pakistan Civil Aviation Authority, in relation to such asset or property.

(3) The assets, properties and liabilities of the Pakistan Civil Aviation Authority, shall be evaluated by the Federal Government and taken on books, and the excess of the assets over the liabilities shall be deemed to be the Federal Government's contribution to the Authority either as equity or loan as may be determined by the Federal Government.

(4) The evaluation of the net assets transferred to the Authority under sub-section (3), the terms governing the transfer, the return on equity, if any, and the conditions governing the loan shall be determined by the Federal Government.

19. Transfer of service of existing employees.— (1) The Federal Government shall, by notification in the official Gazette, determine the date, mode and manner in which any officer, servant, expert or any other person or category of such officers, servants, experts or persons who immediately before the commencement of this Act have been in the service of the Pakistan Civil Aviation Authority in relation to the functions, duties and affairs of the Authority under the Act, shall stand transferred to the Authority, on the same terms and conditions as were applicable to him or them unless modified or amended under the provisions of the Act.

(2) The pay, pension and any allowance to which such an officer, servant, expert or other person is entitled shall not be less favorable than that he was entitled to immediately before such transfer.

(3) The service of an officer, servant, expert or other person transferred under sub-section (1) in the service of the Authority shall be taken for all purposes to have been continuous with his service immediately before the transfer date, as an employee of the Pakistan Civil Aviation Authority.

(4) Notwithstanding anything contained in any other law, an officer, servant, expert or other person transferred to the service of the Authority under sub-section (1) shall not be entitled to receive any payment or other benefit merely because he stopped being an employee of the Pakistan Civil Aviation Authority.

(5) If any question arises as to whether any officer, servant, expert or other person has been transferred to the service of the Authority under sub-section (1), a certificate under the hand of the Director General shall be conclusive evidence that he was or was not so transferred.

20. Transfer of operating licences.— (1) Any permit, certificate, quota, exemption, lease, licence or concession previously granted in respect of the operation of an airport, asset, property, facility or service transferred to the Authority shall be deemed to have been granted by or to the Authority.

(2) Where an airport, asset, property, facility or service transferred to the Authority requires a licence, permit, certificate, quota or other permission or exemption for its continuous operation and such licence, permit, certificate, quota, permission or exemption has not been issued previously, the Authority shall obtain it within twelve months of such transfer.

CHAPTER IV LAND AND OTHER PROPERTIES

21. Acquisition of land for the Authority.— (1) The acquisition of any land or any interest in land for the Authority for the discharge of any of its functions under this Act shall be deemed to be an acquisition for a public purpose within the meaning of the Land Acquisition Act, 1894 (I of 1894), and the provisions of the said Act shall apply to all such proceedings.

(2) The Director General or any officer of the Authority authorized by him for this purpose, may enter upon and survey any land, erect pillars for the determination of intended lines of works, drill bore holes, excavate land and do all other acts which may be necessary for the preparation of any scheme or in relation to discharge of any function or duty by the Authority, but if the affected land does not vest in the Authority, the power conferred by this sub-section shall be exercised in such manner as to cause least interference with and least damage to the rights of the owner or occupant thereof.

(3) Where the Director General or an authorized officer enters into or upon any land in pursuance of sub-section (2), he shall at the time of entering or as soon thereafter as may be practicable, pay or tender payment for all damage done to the land and in case of dispute as to the sufficiency of the amount so paid or tendered, the dispute shall be referred to the Collector of the district whose decision shall be final.

22. Restriction on sale of immovable property.— The Authority shall not sell or otherwise transfer the title of any of its immovable property without prior approval of the Federal Government.

23. Lease, licence or concession of airports.— (1) The Authority may grant lease, licence or concession of the whole or any part of an airport including land, buildings and structures and other facilities thereon or appertaining there to, with or without a right to the grantee to discharge one or more functions and duties undertaken by the Authority on its behalf and for such time and subject to such conditions as it deems fit.

(2) The Authority shall not grant lease, licence or concession under sub-section (1) without the previous approval of the Federal Government if the rent or return to be received from it exceeds such sum of money, or the term for which it is likely to remain effective exceeds such duration, or it involves the transfer of rights to undertake such functions or duties of the Authority, or it involves any other condition as may be prescribed by the Federal Government through a notification in the official Gazette.

(3) Where a grantee is assigned to discharge any function or duty of the Authority for specified term under sub-section (1) —

- (a) the grantee may exercise such powers of the Authority as the Authority deems necessary and fit for the due discharge of such function or duty by the grantee; and
- (b) an employee of the grantee may exercise such powers of an officer of the Authority as the Authority deems necessary and fit for the due discharge of such function or duty by the grantee.

24. Restoration of property from unauthorized possession.— (1) The Authority may authorize one or more officers and define the local limits within which they may exercise power conferred and duties imposed under this section.

(2) Where the authorized officer has reasons to believe that a person is in unauthorized possession of any part of an airport, or any other facility or property of the

Authority, the authorized officer may, through a written notice require such person to vacate the part, facility or property or to appear personally and show cause as to why he shall not be evicted by such date as may be mentioned in the notice.

(3) Where such person refuses to or fails to vacate the part, facility or property by the date specified in the notice or the cause shown by him is not accepted by the authorized officer, the authorized officer may after passing a written order, evict the person and take the possession of the part, facility or property, and may for this purpose, use or cause to be used such force as may be necessary.

(4) Where a person has been evicted but has left any equipment, good or other thing at the part, facility or property, the authorized officer shall, give him a written notice of not less than fifteen days to have such equipment, good or thing removed after payment of any amount due to the Authority.

(5) Where such person refuses to or fails to remove the equipment, good or other thing within the period mentioned in the notice, the authorized officer shall, publish a notice in at least two newspapers having wide circulation in Pakistan and through such other means as may be prescribed, informing that the equipment, good or other thing if not removed by the date mentioned in the notice, shall be removed and disposed of by public auction.

(6) Where the equipment, good or other thing is not removed by the date given in the notice, the authorized officer shall dispose it of by public auction and —

(a) where a claim to the equipment, good or thing is received within thirty days of the auction, he shall, after deducting the expenses of removal, custody and sale and any other amount due to the Authority, pay the sale proceeds to the owner; and

(b) where no such claim is received within thirty days, deposit the sale proceeds with the Federal Government after deducting the expenses of removal, custody and sale and any other amount due to the Authority.

(7) Notwithstanding other provisions of this section, where the authorized officer considers that the good or thing mentioned at sub-section (4) is perishable or prone to quick decay and deterioration, he may, in the manner prescribed by the rules, immediately sell it through public auction without the requirement of publication of notice, but the owner or person in-charge of the good or thing may, within thirty days of the disposal, claim and receive the sale proceed after deduction of expenses incurred on removal, custody and sale and any other amount due to the Authority.

(8) Where the authorized officer is unable to decide as to the person to whom the balance of the amount is payable or as to the apportionment of the same, he may refer such dispute to the Collector and the decision of the Collector thereon shall be final.

(9) An authorized officer shall, for the purpose of production of persons and documents and holding of any inquiry under this section, may exercise the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), while trying a suit in respect of the following matters —

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) execution of a decree; and

(d) any other matter as may be prescribed.

(10) An order of the authorized officer shall be deemed as a decree of a civil court for the purposed of execution of a decree under the Code of Civil Procedure, 1908 (Act V of 1908).

(11) Any proceeding before the authorized officer shall be deemed to be a judicial proceeding within the meaning of sections 193, 196 and 228 of the Pakistan Penal Code 1860

(Act XLV of 1860) and the eviction officer shall be deemed to be a court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1898 (Act V of 1898).

(12) Any person aggrieved by an order of the authorized officer under this section, may, within thirty days from the date of the order, prefer an appeal to the High Court having territorial jurisdiction and decision of the High Court on such appeal shall be final.

(13) Subject to sub-section (11), any proceedings before or an order of the authorized officer under this section shall be final and shall not be called in question in any suit, application, execution or other proceeding and a court shall not grant an injunction in respect of any action taken or intended to be taken by an authorized officer under this section.

(14) Notwithstanding anything contained in any other provision of this section, where the authorized officer considers that an agency or entity owned or controlled by the Federal Government engaged in the provision of a service in relation to the operation of the airport or generally for the purpose of this Act is in unauthorized possession of any part of an airport, or any other facility or property of the Authority, the authorized officer shall inform the Director General who may then inform the Secretary.

(15) If the Authority and the agency or entity are unable to reach an agreement, the Secretary shall place the matter before the Federal Government for decision."

CHAPTER V FINANCIAL PROVISIONS

25. Charges, fees and rents.— (1) The Authority may levy and collect fees and other charges for —

- (a) the embarking and disembarking of passengers from an aircraft at an airport;
- (b) the transport, arrival, loading or unloading of cargo, mail and other things by or from an aircraft at an airport;
- (c) the landing, housing or parking of aircrafts, or for any other service or facility offered in connection with the operation of aircrafts at an airport;
- (d) measures taken by the Authority for securing the safety of aircrafts in or over the territory of Pakistan;
- (e) provision of search and rescue services for or in relation to the aircrafts;
- (f) provision of air navigation services and meteorological services for or in relation to the navigation of aircrafts; and
- (g) any other facility or service provided by the Authority for or in relation to the navigation of an aircraft, or to a passenger or other person visiting or otherwise using the airport.

(2) The Authority may levy and collect a fee or rent from a person —

- (a) holding any airport or a part thereof, or any land, building, facility or property including any immovable property of the Authority on lease, licence, concession or otherwise;
- (b) using any land, building, facility space or other facility of the Authority for the purpose of advertisement or for carrying out trade or business; and
- (c) allowed to undertake a function or duty of the Authority at an airport under a licence.

(3) The Authority may levy on and collect from the passengers embarking and disembarking at an airport, an additional fee to be called the development fee, for the

purposes of—

- (a) meeting the cost of upgrading, expanding or developing an airport;
- (b) provisioning, improving or replacing any capital assets including vehicles, rolling stock, machinery, instrument and equipment in respect of or in connection with the operation of an airport;
- (c) establishing or developing a new airport;
- (d) undertaking any survey, research or investigation preparatory to the undertaking of any purpose referred to in clauses (a), (b) and (c); or
- (e) meeting any other expense for the purpose of this Act that may be approved by the Federal Government.

(4) The Authority shall keep in a separate account the sums collected by way of development fee and shall not use it for any purpose other than the purposes mentioned in sub-section (3).

26. Recovery of sums due to Authority.— In addition to such other means as may be prescribed by the rules, the Collector of the district shall, on an application of an authorized officer, recover any sum due to the Authority as fine, fee, charge, rent or on any other account under this Act and any arrear of such fine, fee, charges, rent or account as arrears of land revenue.

27. Grants, capital and loan by the Federal Government.— The Federal Government may—

- (a) pay any sum to the Authority as grant;
- (b) provide any capital that may be required by the Authority on such terms and conditions as the Federal Government may determine; and
- (c) pay any sum to the Authority, on such terms and conditions as the Federal Government may determine, by way of a loan.

28. Borrowing by the Authority.— (1) The Authority may, with the previous general or special approval of the Federal Government, borrow money from any source including by issuing bonds, debentures or such other instruments for the due discharge any of its functions and duties.

(2) Subject to such limits as the Federal Government may impose, the Authority may borrow temporarily by way of overdraft or otherwise such amounts as it may require for the due discharge of its functions and duties.

29. Fund of the Authority.— (1) The Authority shall establish a fund that shall vest in it.

(2) All sums received or collected by the Authority as fee, rent, levy, charge, grant, donation, contribution, loan, profit, interest, dividend or on any other account shall be credited to the fund and all payments of the Authority shall be made from the fund.

(3) The Authority may spend sums from the fund to meet expenses in relation to the due discharge of its functions and duties and also for the purpose of this Act.

30. Reserve account of the Authority.— (1) The Authority may set apart any amount from the fund as a reserve account for the purpose of—

- (a) expanding or improving existing facilities or services or creating new facilities or services at an airport;
- (b) providing against any temporary decrease of revenue or increase of expenditure from transient causes; or

- (c) meeting expenditure incidental to unforeseen reasons, or from loss or damage of property, accident or for meeting any liability arising out of any act in the discharge of its functions.

(2) Without prejudice to the power of the Authority to establish specific reserves account for one or more specific purposes, the Authority may also establish a general reserve account.

31. Investment of surplus moneys.— (1) The Authority may, by way of one or more of the following means, invest any sum from the fund, which cannot be applied immediately —

- (a) deposits in the State Bank of Pakistan or a scheduled bank or other public financial institutions subject to such conditions as may be specified by the Federal Government;
- (b) investment in the securities of the Federal Government;
- (c) investment in equity in respect of shares subscribed by the Authority; and
- (d) such other manner as may be prescribed by the rules.

(2) Any sum received by the Authority as profit, interest, dividend, return or any other account against the money invested under sub-section (1) shall forthwith be credited to the fund.

32. Financial year.— (1) The financial year of the Authority shall comprise of twelve months beginning with the first day of July and ending on the thirtieth day of June of the following calendar year.

(2) The first financial year shall consist of the period commencing on the date of the establishment of the Authority and ending on the thirtieth day of June immediately following the establishment of the Authority.

33. Budget.— (1) The Director General shall, well before the commencement of a financial year and in the manner as may be prescribed by the rules, prepare annual budget of the Authority and place it before the Board for approval.

(2) The budget shall include a statement showing estimate of sums likely to be received by the Authority and the sums required to meet recurrent and capital expenditure during the next financial year and actual income and expenditure of the Authority during the outgoing financial year or during any past period.

34. Annual plan of schemes.— (1) The Director General shall, well before the commencement of a financial year and in the manner as may be prescribed by the rules, prepare a plan of schemes to be undertaken in the next financial year in relation to one or more functions and duties of the Authority together with an estimate of sums of money required to meet the capital and revenue expenditure for their execution and place it before the Board for approval.

(2) The Director General shall, without unnecessary delay, submit to the Minister the plan of schemes approved by the Board for his information.

(3) Where it appears to the Minister that the demand for the use of an airport exceeds, or is likely in the near future to exceed, the operational capacity of the airport, and as a result he considers it appropriate that a scheme is required for building such capacity, he may direct the Director General to have the scheme prepared and submit it to the Board.

35. Maintenance of accounts.— The Authority shall maintain proper accounts

and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance-sheet in such form as may be directed by the Federal Government in consultation with the Auditor General of Pakistan.

36. Audit and submission of certified accounts.— (1) The accounts of the Authority shall be audited every year by the Auditor General of Pakistan.

(2) The accounts of the Authority certified by the Auditor General of Pakistan together with a copy of the audit report shall be sent to the Authority and the Authority shall in turn submit certified accounts and audit report together with its comments to the Secretary who shall inform the Minister.

(3) The Board may, and if so directed by the Minister shall, cause the accounts of the Authority audited by a firm of chartered accountants for any period or transaction in the manner as may be prescribed by the rules.

37. Liability of the Federal Government to be limited.— The liability of the Federal Government to the creditors of the Authority shall be limited to the extent of grants made by it and the loans raised by the Authority with the sanction of the Federal Government.

38. Exemption from taxes.— Notwithstanding anything contained in the Income Tax Act, 2001 (XLIX of 2001) or any other law relating to income tax, super tax, sales tax on services or property tax, the Authority shall be exempted from paying any such tax on its income, services, profits or gains or property.

CHAPTER VI OFFENCES AND PENALTIES

39. Damage to airport property or facilities.— (1) Whoever attempts at or damages an airport, or any facility or other property of the Authority, shall be punished with a simple imprisonment for a term which may extend to six months, or with fine which may extend to five hundred thousand rupees, or with both.

(2) Whoever attempts at or damages an airport, any aid or facility for the provision of air navigation service or any other service in relation to the operation of aircrafts in a manner that it endangers, or is likely to endanger the life of any person or the safety of the aircraft, shall be punished with imprisonment of either description for a term which may extend to seven years or with fine which may extend to one million rupees, or with both.

40. Unauthorized and dangerous trespassing.— (1) Whoever, without being so authorized, attempts to enter or enters into such part of an airport, aid or facility used or kept for the provision of air navigation services or any other service in relation to the operation of aircrafts that is designated and sign marked as restricted area, shall, be punished with simple imprisonment for a term which may extend to three month, or with fine which may extend to twenty-five thousand rupees, or with both.

(2) Whoever, without being so authorized, attempts to enter or enters into an area referred to in sub-section (1) with the intention to damage the airport, aid or facility, or an aircraft, equipment or vehicle, or to interfere with or interrupt air navigation services, or to otherwise bring harm to any person, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine which may extend to five hundred thousand rupees, or with both.

(3) Whoever being the owner, or for the time being the in-charge of an animal,

neglects or fails to take sufficient measures to prevent an unauthorized entry of the animal in an airport, shall, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to twenty-five thousand rupees, or with both.

41. Control over unbecoming, rowdy or indecent behaviour.— (1) The airport manager or an authorized officer shall, with the assistance of a staff of the Airport Security Force or the local police, take such measures as he considers appropriate to prevent unbecoming, rowdy or indecent behaviour at the airport, or in an aircraft, vehicle or equipment at the airport or any other facility under his charge and for this purpose pass such directions as he deems fit and necessary including a direction to the person showing unbecoming rowdy or indecent behaviour to leave the airport, aircraft, vehicle or equipment.

(2) Whoever knowingly and willfully neglects or disobeys any direction passed under sub-section (1), shall be punished with simple imprisonment for a term which may extend to one month, or with a fine which may extend to ten thousand rupees, or with both.

42. Search, seizure and retention of harmful things.— (1) A staff of the Airport Security Force and any other person lawfully authorized for this purpose may, without warrant, search any person, baggage, vehicle, personal effects, cargo or goods, before or after boarding, disembarking, loading or off-loading the aircraft in the interest of preventing any harm to an aircraft, airport or any facility or property of the Authority, or a passenger or person visiting an airport.

(2) The staff of the Airport Security Force or lawfully authorized person may direct a person who refuses to submit himself to search or to have his baggage, vehicle, personal effects, cargo or goods searched, to immediately leave the airport, or to remove the baggage, vehicle, personal effect, cargo or good from the airport.

(3) A staff of the Airport Security Force and lawfully authorized person may, seize and retain anything found during a search under sub-section (1) which is or is likely to be harmful to an aircraft, airport or any facility or property of the Authority, or a passenger or person visiting an airport.

(4) Every search under this section shall be conducted with strict regards to decency, and the rights of the person being searched with respect to privacy and dignity.

(5) Whoever willfully fails to comply with an order under this section shall be punished with simple imprisonment for a term which may extend to one months or fine which may extend to five thousand rupees, or with both.

43. Punishment for contravention of rules or regulations.— (1) Where any rule or regulation provides that a contravention thereof shall be punishable, a person contravening that rule or regulation shall be punished with simple imprisonment for a term which may extend to three months or fine which may extend to one hundred thousand rupees, or with both.

(2) Where any rule or regulation provides that a contravention thereof shall attract fine from the airport manager or an authorized officer, a person contravening that rule or regulation shall pay a fine which may extend to twenty thousand rupees and in the case of a continuing contravention with an additional fine which may extend to five thousand rupees for every day during which such contravention continues after the conviction for the first such contravention.

44. Certain actions to attract administrative penalties.— Whoever, while being at an airport, or upon a vehicle or equipment used for the air transport, when being called upon by the airport manager or an authorized officer, to abstain from any of the act

mentioned in the Schedule, neglects that instruction or refuses to abstain from that act, the airport manager may, after serving him a written notice and recording a summary of appertaining evidence, require that person to pay a penalty which may extend to five thousand rupees.

45. Amendment of the Schedule.— The Federal Government may, by notification in the official Gazette, amend the Schedule through addition, deletion or substitution of an entry in it.

46. Arrest how made.— (1) No person may be arrested for an offence under this Act unless —

- (a) there is a reason to believe that he will abscond; or
- (b) it is necessary to arrest him to prevent continuance of the offence.

(2) A person may be arrested if —

- (a) it is necessary to do so to secure his removal from an airport or any other facility or property of the Authority, or from an aircraft, vehicle or equipment at an airport;
- (b) it is necessary to do so for the purpose of removal of a vehicle, animal, thing or equipment from an airport;
- (c) he, on being directed by the airport manager, an authorized officer, a staff of the Airport Security Force or any other person lawfully authorized for this purpose, refuses to give his full name and address or an account for his being at an airport or any other facility or property of the Authority;
- (d) in the opinion of the airport manager, authorized officer, a staff of the Airport Security Force or any other person lawfully authorized for this purpose there is a reason to believe that the full name, address or the account for his being at the airport or any other facility or property of the Authority given by such person is incorrect.

(3) For the purpose of this section, the airport manager, authorized officer, staff of the Airport Security Force and any other lawfully authorized person may exercise the powers of a police officer in relation to arrest and detention.

47. Removal of persons, vehicles and things.— (1) The airport manager or an authorized officer may, with or without the assistance of a staff of the Airport Security Force or the local police —

- (a) remove from an airport or other property or facility of the Authority any person who, in contravention of any provision of this Act, rules or regulations, fails or refuses to leave the airport, other property or facility or a part thereof after being directed to do so by the airport manager or authorized officer;
- (b) remove from an airport or other property or facility of the Authority, and where he considers it to be necessary, take into his custody, any vehicle, animal, equipment, good or other thing found, brought or left at the airport or a part thereof in contravention of any provision of this Act, rules or regulations, or any vehicle, animal, equipment, good or other thing that, in the view of the airport manager or authorized officer, is dangerous or is likely to cause any obstruction to passengers or other persons or vehicles using the airport.

(2) Where the vehicle, animal, equipment, good or other thing taken in custody is

not claimed by the owner, person in-charge or any other person having a lawful claim over it within thirty days, the airport manager or authorized officer shall, publish a notice in at least two newspapers having wide circulation in Pakistan and through such other means as may be prescribed, informing that the vehicle, animal, equipment or thing, if not claimed by the date specified in the notice, shall be disposed of by public auction.

(3) Where no claim to the vehicle, animal, equipment, good or thing is received by the date given in the notice, the airport manager or the authorized officer shall dispose it of by public auction and —

(a) where a claim to the vehicle, animal, equipment good or thing is received within thirty days of the auction, he shall, after deducting the expenses of removal, custody and sale and any other amount due to the Authority, pay the sale proceeds to the owner, person in-charge or the person having lawful claim over the vehicle, animal, equipment or thing; or

(b) where no such claim is received within thirty days, deposit the sale proceeds with the Federal Government after deducting the expenses of removal, custody and sale and any other amount due to the Authority.

(4) Notwithstanding other provisions of this section, where the airport manager or authorized officer considers that the good or thing mentioned at sub-section (2) is perishable or prone to quick decay and deterioration, he may, in the manner prescribed by the rules, immediately sell it through public auction without the requirement of publication of notice, but the owner or person in-charge of the good or thing may, within thirty days of the disposal, claim and receive the sale proceed after deduction of expenses of removal, custody and sale and any other amount due to the Authority.

(5) For the purpose of this section, the airport manager and the authorized officer, may cause the use such force as is reasonably necessary for effecting the removal of the vehicle, animal, equipment or things.

48. Offences by bodies corporate.— (1) Where a body corporate is guilty of an offence under this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, sub-section (1) shall apply in relation to the acts and omissions of a member in connection with his functions of management as if he is a director of the body corporate.

49. Cognizance of offences by courts.— (1) No court shall take cognizance of an offence under section 39 and 43 of this Act except upon a complaint in writing by the Director General or an officer so authorized by him.

(2) No court shall take cognizance of an offence under section 40, 41 or 42 of this Act except upon a complaint in writing of an authorized officer of the Airport Security Force, airport manager or as the case may be lawfully authorized person before whom a person refuses to submit for inspection.

50. Certain offences to be bailable.— All offences under this Act except the offence under section 39 shall be bailable.

51. Summary trial for certain offences.—(1) A Magistrate of the first class shall try an offence under this Act, except an offence under section 39, in a summary manner and may impose any amount of fine under this Act.

52. Compounding of offences.—(1) Subject to the provision of sub-section (2), the airport manager may, with the permission of the Director General, at any stage, compound an offence under this Act provided that the persons accused of the offence deposits such sum of money to the fund of the Authority as may be agreed to by the Director General as penalty which shall in no case be less than—

- (a) half of the maximum fine provided for that offence under the Act; or
- (b) fifty thousand rupees if half of the maximum fine provided for that offence under the Act is less than fifty thousand rupees.

(2) An offence under this Act shall not be compoundable if the accused has previously been convicted under the Act or his previous offence has been compounded by an airport manager.

CHAPTER VII MISCELLANEOUS

53. Wreckage and salvage.—(1) The provisions of Part XII of the Merchant Shipping Ordinance, 2001 (Ordinance LII of 2001), relating to wreck and salvage shall apply to an aircraft in, on or over, the sea or in tidal waters, or on or over the shores of the sea or tidal waters as they apply to ships, and the Federal Government may, by notification in the official Gazette, make such modifications of the said provisions in their application to the aircrafts as appear to it to be necessary or expedient.

(2) Any services rendered in assisting or in saving life from, or in saving the cargo or apparel of an aircraft in, on or over, the sea or in tidal waters, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage in cases in which they would have been salvaged had they been rendered in relation to a ship, and where services are rendered by an aircraft to any property or person, salvor shall be entitled to the same reward for those services as he would have been entitled to had the aircraft been a ship.

(3) The provisions of sub-section (2) shall have effect notwithstanding that the aircraft concerned is a foreign aircraft and that the services in question are rendered beyond the limits of the territorial waters of Pakistan.

54. Periodical and annual reports.—(1) The Director General shall keep the Secretary generally informed on the working of the Authority and submit to him reports, returns, statements, estimates, statistics or other information on the matters relating to the functions, duties, activities and affairs of the Authority at such intervals and in such form as the Secretary may direct.

(2) The Director General shall, as soon as may be practicable after the close of every financial year, but no later than the last Friday of the immediately following August, submit to the Minister through the Secretary a report on the state of airports in general, statement of accounts of the Authority and in respect of each airport separately, activities undertaken by the Authority, any direction given to the Authority under sections 59 or 60 and action taken on it by the Authority, and any other aspect of the functions and duties of the Authority during that year as the Minister may specify.

(3) The Director General shall, with the approval of the Minister, cause the annual report to be published for general information in the prescribed manner.

55. Joint use of certain airports.— (1) Where an airport is jointly used by the Authority and one or more other users, the Authority shall —

- (a) designate and mark specific areas and facilities at the airports for the use of each joint user; and
- (b) make arrangements for the joint use of common areas and facilities of the airport in the interest of efficiency and safety of air transport.

(2) The provisions of this Act shall apply to the area and facility of an airport that is jointly used by the Authority not being an airport transferred to, acquired, set up or developed by the Authority under this Act.

(3) Where the Authority considers that any directions to a joint user from the Federal Government are necessary in relation to the joint use of an airport, it may obtain such directions through the Secretary.

56. Act X of 2012 not to apply to the Authority.— The Industrial Relations Act, 2012 (Act X of 2012) or any other law related to industrial relations, shall not apply to or in relation, to the Authority or any officer, servant, expert or other person in the service of the Authority.

57. Indemnity.— (1) No suit, prosecution or other legal proceedings shall lie against the Authority, any member or member of a committee, the Director General, or any officer, servant, expert or any other person employed by or with the permission of the Authority in respect of anything, done or intended to be done in good faith under this Act, rules or regulations or for any damage sustained by anything belonging to or under the control of the Authority.

(2) No member or a member of a committee, the Director General, officer, servant, expert or any other person employed by or with the permission of the Authority shall incur any personal liability for any loss or damage caused by any act or omission in good faith in the conduct of the affairs of the Authority, or performance of its functions, or exercise of its powers under this Act, rules or regulations.

58. Certain existing arrangements to continue.— All contracts and working arrangement made and all liabilities incurred earlier by the Pakistan Civil Aviation Authority in connection with, or for the purpose of the Authority, before the establishment of the Authority, shall be deemed to have been made or incurred by the Authority and have effect accordingly.

59. Power of the Federal Government to issue directions.— As and when it considers it to be necessary or expedient, the Federal Government may, by notification in the official Gazette, issue directions to the Authority on matters of policy and such directions shall be binding on it and where a question arises as to whether any matter is a matter of policy or not, the decision thereon by the Federal Government shall be final.

60. Other directions to the Authority.— (1) The Secretary may, with the approval of the Minister, require the Authority by an order in writing to do or not do what is mentioned in the order where it is necessary or expedient to so order —

- (a) in the interest of national security;
- (b) in the interest of Pakistan's relations with another state or territory; or
- (c) to discharge or facilitate the discharge of an international obligation of Pakistan.

(2) The Secretary shall consult the Director General before passing an order under

this section.

61. Emergency measures to protect public health.— (1) Where he is satisfied that Pakistan or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic or any infectious or contagious disease, and that the ordinary provisions of law are insufficient to prevent the danger to public health arising by the arrival of aircrafts, the Secretary may, with the permission of the Minister, direct the Authority or a person in-charge of an airport not being an airport transferred to, acquired, setup or developed by the Authority to take or cause to be taken such measures with respect to aircrafts and persons travelling, or goods, mail or other things carried therein, as may be necessary to prevent such danger.

(2) Any direction passed by the Secretary under sub-section (1) shall continue to remain in force for a period of three months unless otherwise extended for a similar period by the Minister.

(3) The Secretary shall consult the Director General before passing any direction under this section.

62. Discontinuation of the use of an airport.— The Authority shall not discontinue the use of an airport without first obtaining a written permission of the Minister except when the discontinuation is required in pursuance to an order or a direction under sections 59 or 60.

63. Duty not to disclose information.— (1) Except as provided in this Act, rules or regulations, any other law or when so authorized by the Board —

(a) no member, or member of a committee, the Director General or any other officer, servant, expert or other person in the service of the Authority attending a meeting of the Board, or any of its committees, shall disclose any information obtained by him in the course of that meeting; and

(b) the Director General, other officer, servant, expert or other person in the service of the Authority who has access to any information or document relating to the affairs of the Authority shall not disclose that information or document.

(2) A member, or member of a committee, the Director General, officer, servant, expert or other person in the service of the Authority who contravenes any provision of sub-section (1) shall be guilty of misconduct under this Act or any other applicable law relating to his conduct or discipline.

64. Duty to render assistance.— On the request of the airport manager or an authorized officer, an officer of the Federal Investigation Agency established under the Federal Investigation Agency Act, 1974 (VIII of 1975), Airport Security Force or of the local police to whom this request is directed, shall, without unreasonable delay, render such assistance.

65. Standards of airport services.— (1) The Federal Government may lay down the standard of services to be provided by the Authority at an airport or a category of airports for the landing and housing of aircrafts, and for the passengers, mail, cargo or other things intended to be transported by an aircraft, and other users of the airports.

(2) Where standard of services has not been laid down by the Federal Government, the standard shall be that which at the time of provision of service a passenger

or other person visiting the airport could reasonably expect to obtain at that time in Pakistan.

66. Power to make rules.—(1) The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act or to give effect to one or more provisions of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the authorities by which any of the powers conferred by or under this Act are to be exercised;
- (b) the period of notice to terminate the appointment of a private member;
- (c) the manner of appointment, conditions of service and remuneration of the members;
- (d) the manner subject to which certain officers or category of officers of the Authority shall be appointed with the approval of the Prime Minister or otherwise on deputation;
- (e) the good conduct of members, members of the committees, and officers, servants, experts and other persons in the service of the Authority;
- (f) the provisions subject to which the Authority may administer and develop its airports, other facilities and air navigation services;
- (g) the manner of issuance and service of notices and detailed procedure for the recovery of possession of properties of the Authority;
- (h) the manner in which a fee or charge shall be fixed, levied and collected by the Authority;
- (i) the rate of development fees and the manner in which it may be levied and collected by the Authority;
- (j) the manner in which the Authority may invest its funds;
- (k) the form and manner in which the annual budget shall be prepared and approved by the Board;
- (l) the form and manner in which the annual statement of accounts shall be prepared and submitted by the Authority;
- (m) the form and manner in which the Authority may cause internal audit of its accounts;
- (n) the form and manner in which plan of schemes shall be prepared and approved by the Authority;
- (o) the form and manner in which a report giving an account of its activities and affairs shall be prepared and submitted by the Authority;
- (p) the supply, for the purpose of navigation of aircrafts, of meteorological services by persons engaged or employed in connection with air navigation;
- (q) the prevention of any danger arising to public health by the introduction or spread of any infectious or contagious disease from aircrafts arriving at or leaving the airport;
- (r) the supply of air-route beacons, airport lights and lights at or in the neighbourhood of the airports and or in the neighbourhood of an air route;
- (s) signals and communication by or to aircraft, and by or to the persons carried thereon; and
- (t) carrying out the provisions of the Convention of International Civil Aviation signed on the seventh day of December 1944, the Convention

on International Recognition of Rights in Aircraft signed in Geneva on the nineteenth day of June 1948, the Convention on Damage Caused by Foreign Aircrafts to Third Parties on the Surface signed in Rome on the seventh day of October, 1952 and any other treaty, agreement or convention to which Pakistan is a signatory or any decision taken at any international body relating to civil aviation in as much as it is applicable for the purpose of this Act.

67. Power of the Authority to make regulations.— (1) The Board may make regulations, not inconsistent with this Act and the rules, to provide for all internal matters and for which provision is necessary or expedient for carrying out the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for —

- (a) the time and place of the meeting of the Board and the procedure to be followed for the transaction of business including the quorum at such meetings;
- (b) the conditions of service and the remuneration of officers and other employees to be appointed by the Authority;
- (c) the storage or processing of goods in any warehouse established by the Authority and the charging of fees for such storage or processing;
- (e) the contracts or class of contracts and the form and manner in which a contract may be made by the Authority;
- (d) for securing the safe custody and redelivery of any lost property found within the airport or in an aircraft within in the airport, the terms and conditions under which it may be restored to the person entitled thereto, and the disposal of any such property in case it is not restored within specified time;
- (e) the custody and restoration of any vehicle which is found abandoned within an airport, the terms and conditions under which it may be restored to the person entitle thereto, and the disposal of any such vehicle in case it is not restored within a specified time;
- (f) securing the safety of aircraft, vehicles and persons using the airport and preventing danger from the use and operation of an aircraft at the airport;
- (g) preventing obstruction within the airport for its normal functioning;
- (h) prohibiting the parking or waiting of any vehicle or carriage within the airport except at places specified by the Authority;
- (i) prohibiting or restricting access to any part of the airport;
- (j) preserving order within the airport and preventing damage to property therein;
- (k) regulating or restricting advertising within the airport;
- (l) requiring any person, if so directed by an officer appointed by the Authority in this behalf, to leave the airport or any particular part of the airport; and
- (m) generally for the efficient and proper management of the airports, any facility or property of the Authority, air navigation services, or the proper and safe use of an aircraft, equipment or vehicle on the airport in relation to air transport.

(3) No regulation made by the Authority under this section shall have effect until it has been approved by the Minister and published in the official Gazette.

68. Airport Orders.— The Director General may, by notification in the official Gazette, pass an Airport Order not inconsistent with this Act, rules and regulations, to provide for any matter and for which provision is necessary or expedient for carrying out the purposes of the Act.

69. Requirement of continuous review of rules etc.— (1) The Director General shall cause the rules, regulations and Airport Orders to be reviewed continuously in the interest of development of air transport and the efficiency, economy and safety of operations and to secure their conformity to the requirements of any relevant international treaty, convention, engagement or agreement to which Pakistan is a signatory.

(2) The Director General shall meaningfully consult the persons interested in or affected or likely to be affected by the review of the rules, regulations or Airport Orders under this section.

(3) The Director General shall submit a biannual report to the Minister, Secretary and the Board on the rules, regulations and Airport Orders reviewed during the period of the report, the persons consulted during such review, any Airport Order or part thereof updated or improved and recommendation, if any, for updating or affecting any improvement in the rules or regulations for the purposes mentioned in sub-section (1).

70. Removal of difficulties.— If any difficulty arises in giving effect to any of the provision of this Act, the Federal Government may make such order, not inconsistent with the provisions of the Act or rules, as may appear to it to be necessary for the purpose of removing the difficulty.

71. Act to override other laws.— (1) The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law.

(2) Notwithstanding the provisions of sub-section (1) nothing in this Act shall affect any provision of the Pakistan Airport Security Force Act, 1975 (LXXVII of 1975) and nothing in this Act shall be construed to derogate any power, function or duty of the Airport Security Force under that Act.

72. Repeal and savings.— (1) On the commencement of this Act and the Pakistan Civil Aviation Act, 2023, the Civil Aviation Ordinance, 1960 (XXXII of 1960) and the Pakistan Civil Aviation Authority Ordinance, 1982 (XXX of 1982) shall be repealed.

(2) Notwithstanding the repeal of the said Ordinances, anything done or any action taken or purported to have been done or taken under any of these Ordinance shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the Act.

SCHEDULE
[see section 44]

Acts Attracting Penalties

1. Refusal when called upon by an airport manager or any authorized officer or member of the Airport Security Force to give his name and address, or gives a false name or address, for the purpose of avoiding prosecution;
2. Committing any act of indecency, or using abusive or foul language;
3. Contravening any lawful direction given by airport manager or any authorized officer or member of the Airport Security Force without lawful excuse;
4. Save with the express permission of the Director General, dealing in, selling or exposing for sale any article or advertising, or applying for or soliciting customers of any description;
5. Smoking at the airport or any part thereof, or on an aircraft or vehicle bearing a notice that smoking is prohibited or that part, aircraft or vehicle not being a designated smoking zone;
6. Disposing of garbage or depositing refuse or any other object at an airport or any part of the airport except by placing it in the receptacle provided for the purpose;
7. Willfully or negligently abandoning any vehicle, animal, equipment, good or other thing at an airport or any part of the airport;
8. Writing, drawing, or affixing any profane, obscene, indecent or abusive word, matter, representation or character upon any part or fixture of an airport and an aircraft or vehicle at an airport;
9. Defacing the writings on any board or any notice authorized to be maintained upon an airport, aircraft or vehicle at an airport; and
10. Willfully obstructs or impedes any other person in the discharge of his duties arising out of his employment in an airport or for the purposes of the Authority.

STATEMENT OF OBJECTS AND REASONS

Considering the sensitivity of operations and involvement of strategic asset, the role of Civil Aviation in Pakistan shall be bifurcated into two entities: one responsible for regulations of civil aviation activities in Pakistan; whereas, the other shall be responsible for provision of civil aviation services and development of aviation infrastructure in Pakistan. Pakistan Civil Aviation Authority (PCAA) shall be entrusted with regulatory functions; whereas, the Pakistan Airports Authority (PAA) shall be entrusted with commercial and operational aspects of airports.

2. The existing institutional arrangement and legal instruments envisages regulatory as well as service provider roles being performed by a single entity which tantamount to infringement upon the regulatory functions being performed by the regulatory authority. To improve services, enhance efficiency at airports and to comply with the Standard and Recommended Practices (SARPs) of international Civil Aviation Organization (ICAO), an institutional arrangement is needed to create separate authorities for civil aviation regulations and services provision.

3. **The Pakistan Airports Authority Bill, 2023** envisages establishment of Separate civil aviation regulatory body.

4. The Bill is designed to achieve the aforesaid purpose.

Minister for Aviation