

LAWS OF SOUTH SUDAN

**SOUTH SUDAN CIVIL AVIATION AUTHORITY ACT, 2012
(AMENDMENT) ACT, 2024**

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ARRANGEMENT OF CHAPTERS AND SECTIONS

CHAPTER I PRELIMINARY PROVISIONS

1. Title and Commencement
2. Repeal and Savings.
3. Purpose
4. Authority and Application
5. Interpretation

CHAPTER II ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF CIVIL AVIATION AUTHORITY

6. Establishment of the Authority
7. Objectives of the Authority
8. Code of Conduct
9. Conflict of Interest
10. Powers and Functions of the Authority

CHAPTER III GOVERNANCE OF THE AUTHORITY

11. The Governing Structures of the Authority
12. Establishment of the Board
13. Composition and Tenure of the Board
14. Eligibility of Appointment
15. Removal or Resignation of a Member of the Board
16. Powers and Functions of the Board
17. Disclosure of interest
18. Conducting the Regular Business of the Board
19. Executive Management
20. Appointment of the Director General.
21. Eligibility for Appointment
22. Powers and Functions of the Director General
23. Detain, Prohibit, Suspend or revoke of a license
24. Appointment of Inspectors
25. Inspection of Aerodromes, Premises and Aircraft
26. Staff of the Authority
27. Limitations on Arrest
28. Credential
29. Declaration of Assets

30. Oath
31. Restriction on Outside Employment

**CHAPTER IV
POWERS AND FUNCTIONS OF THE MINISTER**

32. Powers and Functions of the Minister
33. International Obligations
34. Inspection and Assessment

**CHAPTER V
CONTROL OVER AND USE OF THE SOUTH SUDAN AIRSPACE AND AERODROMES**

35. Air Space control
36. Use of South Sudan Airspace
37. Eligibility to Operate Aircraft in South Sudan Airspace
38. Use of aerodromes
39. Prohibition and Restriction of Flight, Air Route and Aerodrome

**CHAPTER VI
SECURITY**

40. Competent Authority

**CHAPTER VII
OFFENCES AND PENALTIES**

41. Offences and Penalties

**CHAPTER VIII
THE NATIONAL CIVIL AVIATION ADMINISTRATIVE REVIEW TRIBUNAL**

42. Establishment of Tribunal
43. Jurisdiction of Tribunal
44. Proceedings of Tribunal
45. Tenure and Vacation of Office
46. Secretary to Tribunal
47. Appeals to the High Court
48. Appeals to the Court of Appeal
49. Powers of Tribunal
50. Awards of Tribunal
51. Contempt of Tribunal

**CHAPTER IX
FINANCIAL PROVISIONS**

52. Operational Principle
53. Financial Year of the Authority
54. Sources of Funding of the Authority
55. Commercial Ventures
56. Bank Accounts
57. Business plan
58. Borrowing
59. Accounts and Book Keeping
60. Audit
61. Annual and Other Reports.
62. Charges and Fees.
63. Revision of Aviation Charges or Fees

**CHAPTER X
GENERAL PROVISIONS**

64. Contracting Out
65. Facilities and Services of the Authority
66. Authorization to Provide Air Navigation Services
67. Security Control
68. Investigation and Enforcement

69. Aircraft in distress
70. Search and Rescue Unit
71. Unmanned Aircraft
72. Imperiling, Permitting or Interfering with the Safety of Aircraft and Persons on Board
73. Being under the Influence of Alcohol or Drugs in Aircraft or while on Duty
74. Exemption by the Authority
75. Land use in the Vicinity of an Aerodrome and Restriction of Building in Declared Areas
76. Control of structures etc., on or near aerodromes
77. Trespass
78. Nuisance and liability for damage
79. Responsibility where an Aircraft is Demised, Let or Hired out
80. Flying from Unmanned Aerodrome
81. Dangerous Flying
82. Aircraft piracy
83. Interference with Air Navigation
84. Exemption from seizure of certain aircraft on patent claims or Spare Parts
85. Documents to be carried on aircraft
86. Journey log books
87. Power to Detain, Inspect, Search or Recall an Aircraft
88. Protection from Personal Liability
89. Compounding of Offences

CHAPTER XI MISCELLANEOUS PROVISIONS

90. Performance Agreement
91. Transfer of Certain Functions and Duties
92. Exclusive Powers of the Authority
93. Confidentiality
94. Assumption of Powers, Assets and Property
95. Environmental Protection
96. Transfer of Assets and Liabilities
97. Inventory of Assets
98. Property of the Authority in Custody of Employees and Other Persons
99. Regulation

SCHEDULES

First Schedule
Transfer of certain functions and duties
Second Schedule
Provisions relating to the meetings of the
Board of Directors

LAWS OF SOUTH SUDAN

SOUTH SUDAN CIVIL AVIATION AUTHORITY ACT, 2012 (AMENDMENT) ACT, 2024

In accordance with the provisions of Article 55 (2) & (3) (b) of the Transitional Constitution of the Republic of South Sudan, 2011, (as amended), the Transitional National Legislature, hereby enacts the following:

CHAPTER I PRELIMINARY PROVISIONS

Section 1 of the Civil Aviation Authority Act, 2012 hereinafter referred to as the (Amendment) Act, 2024.

1. Title and Commencement

This Act may be cited as “The South Sudan Civil Aviation Authority Act, 2012” (Amendment) Act, 2024 and shall come into effect on the date of its signature by the President.

Section 2. is amended by deleting and substituting to read as follows:

2. Repeal and Savings

Any provisions of existing legislation in South Sudan which are governed by this Act are hereby repealed; provided that all proceedings, orders and regulations taken or made there under, except to the extent they are repealed by or are otherwise inconsistent with the provisions of this Act, shall remain in full force until they are repealed or amended in accordance with provisions of this Act.

3. Purpose

The purpose of this Act is to provide a regulatory framework for a Civil Aviation Authority in South Sudan to establish a financial and administrative autonomous institution to supervise, promote, develop and regulate the Civil Aviation industry and to provide a system for assuring aviation safety and security of Airspace, aerodromes, airstrips and compliance with aviation standards and international best practices.

4. Authority and Application

- (1) This Act is drafted in accordance with the provisions of Article 142 read together with the provisions of Schedule (A), paragraphs 12 and 27 of the Transitional Constitution of the Republic of South Sudan 2011 (as amended), which grants the National Government the exclusive legislative and executive powers over international and inter-state transport, including roads, airports, river ports and railways.

Section 4(2) of the Principal Act, is amended by deleting, adding new subsection (3) and (4) and substituted with the following:

- (2) The provisions of this Act shall apply throughout South Sudan on:
- (a) aerodromes used for civil aviation in South Sudan;
 - (b) air services established or operating in South Sudan;
 - (c) any aircraft registered by the South Sudan Civil Aviation Authority;
 - (d) any foreign aircraft within the territory of South Sudan;
 - (e) aviation personnel;
 - (f) aviation training organizations;
 - (g) enterprises operating in South Sudan in the design, manufacture, maintenance, repair and modification of aircraft and aircraft parts or components;
 - (h) operator certificated to operate in South Sudan;
 - (i) air navigation facilities and services for civil aviation in South Sudan; and
 - (j) all matters related to Civil Aviation
- (3) The provisions of this Act shall not apply to State Aircraft, unless the Minister so directs by ministerial order.
- (4) Notwithstanding the provision of subsection (3) of this Section, in the interest of aviation safety and security, all aircraft shall be subject to the requirements of this Act in respect of rules of the air.

5. Interpretation

The interpretation section of the Principal Act, is amended by deleting the word CEO whenever it appears and substituting it with "Director General", also added new definitions to read as follows:

In this Act, unless the context otherwise requires:

"Accident" means any occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

- (a) a person is fatally or seriously injured as a result of:
 - (i) being in the aircraft;
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
 - (iii) direct exposure to jet blast;

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to

- stowaways hiding outside the areas normally available to the passengers and crew; or
- (b) the aircraft sustains damage or structural failure which:
 - (i) adversely affects the structural strength, performance, or flight characteristics of the aircraft; and
 - (ii) would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, including its cowlings or accessories, to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin such as small dents or puncture holes, or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike including holes in the aerodrome; or
 - (c) the aircraft is missing or is completely inaccessible;

“acts of unlawful interference” means any acts, conspiracy or attempted acts intended to or which have the result of jeopardizing the safety of civil aviation and air transport and include:

- (a) unlawful seizure of aircraft in flight or on the ground;
- (b) hostage taking on board aircraft or on aerodromes;
- (c) introduction on board aircraft or at an airport of a weapon or hazardous device or material intended for criminal purposes;
- (d) forcible intrusion on board an aircraft, at an aerodrome or on the premises of an aeronautical facility;
- (e) destroying or causing damage to air navigation facilities, or interfering with their operation, if any such act is likely to endanger the safety of aircraft in flight;
- (f) communication of false information such as to jeopardize 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;
- (g) causing destruction to an aircraft in service, or causing damage to an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- (h) violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft;
- (i) unlawfully and intentionally using any device, substance, or weapon, to:

- (i) perform an act of violence against a person at an airport serving civil aviation which causes or is likely to cause serious injury or death;
- (ii) destroy or seriously damage the facilities of an airport serving civil aviation or an aircraft not in service located at the airport or disrupting the services of the airport, if that act endangers or is likely to endanger safety at that airport; and
- (j) use of an aircraft in service for the purpose of causing death, serious bodily injury, or threats of bodily harm to passengers and crew or persons not on the aircraft but whose safety are of interest to passengers or crew on the aircraft or serious damage to property or the environment;

“Accident Investigation” means the procedures applied when an air accident occurs and includes collection, analysis and assessment of the data related to such accidents;

“Aerial Work” means any purpose other than commercial transport for which an aircraft is flown if hire or reward is given or promised in respect of the flight or the purpose of the flight;

“Aerodrome” means a specific area on land or water, including any building, installation and equipment, intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“Aircraft” means any machine that derives support in the atmosphere through reactions of the air, other than reactions of the air against the earth’s surface;

“Air Navigation” means navigation facilities, including but not limited to equipment, network, and surveillance systems in which communication with an aircraft or aircrafts, airports and airstrip is maintained;

“Air navigation services” means:

- (a) communication services, whether ground to air or ground to ground, provided for the safety of the aircraft;
- (b) air traffic services provided for the safety of
- (c) aircraft; meteorological services, provided for air navigation;
- (d) aeronautical information services;
- (e) navigational and surveillance services, that is to say radio, radar, and visual aids to navigation;
- (f) search and rescue services.

- “Air route”** means navigable airspace between two points and the terrain beneath such air space identified, to the extent necessary, for the application of flight rules;
- “Air Traffic”** means all aircrafts in flight or operating in the maneuvering area of an aerodrome or airstrip;
- “Air Transport Service”** means any air service performed by aircraft for commercial transport of passengers, mail, or cargo;
- “Authority”** means South Sudan Civil Aviation Authority established under this, Act;
- “Aviation Security”** means a combination of measures, human and material resources intended to safeguard civil aviation against acts of unlawful interference;
- “Board”** means the Board of Directors of the Authority established under this Act;
- “Code of Conduct”** means a code of conduct adopted by the Authority in accordance with section 8 (1) of the Act;
- “Conflict of Interest”** means a situation in which an employee benefit from action or discussion made in their official capacity;
- “Cargo”** means any movable property carried in an aircraft;
- “Certification”** means the process of determining that a person or organisation possesses the knowledge, skills, key competencies, facilities and equipment required of a specified operation;
- “Charges”** means all sums received or receivable, charged or chargeable under this Act or regulations made thereunder for any service performed or facilities provided by the Authority;
- “Chicago Convention”** means the Convention on International Civil Aviation concluded at Chicago on the 7th of December 1944;
- “Contracting State”** means any State which is party to the Chicago Convention;
- “Crew”** means any person assigned by the owner to perform duty on an aircraft during flight;
- “Director General”** means the Director General of the Authority appointed under this Act;
- “Domestic Passenger”** means any passenger who leaves for or arrives from an airport within South Sudan;

- “Financial year”** means the period of twelve months ending on the 30th of June of each year;
- “Goods”** means includes articles, baggage, mail, and animals;
- “Incident”** means an occurrence, other than an accident, associated with the operation of an aircraft which affects or may affect the safety of operation;
- “International Passenger”** means any passenger who leaves for or arrives from an airport outside South Sudan;
- “Inspector”** means a person appointed or employed by the Authority to ensure compliance with this Act;
- “License”** means any certificate, permit or document, authorizing any person to do or to omit to do anything under this Act;
- “Minister”** means the National Minister responsible for Transport;
- “Ministry”** means the National Ministry responsibly for Transport;
- “National Civil Aviation Security Programme”** means the processes adopted for ensuring the security and safety of civil aviation and prevention against acts of unauthorized interference with aviation practices;
- “Owner”** means, in relation to an aircraft or aerodrome, a person in whose name the aircraft or aerodrome is registered or licensed, and includes any person who is or has been acting as agent in South Sudan for a foreign owner, or any person by whom the aircraft or aerodrome is hired at the time;
- “Owner of an Aircraft”** means any person or entity under whose name an aircraft is registered;
- “Passenger”** means any authorized person being conveyed by an aircraft and who is not a member of the crew;
- “Publication”** means information given in any of the following publications issued, before or after the commencement of this Act:
- (a) notices to airmen (NOTAMs);
 - (b) aeronautical information publications;
 - (c) notices to licensed aircraft maintenance engineers and to owners of civil aircraft;
 - (d) civil aviation publications;
 - (e) aeronautical information circulars;
 - (f) manuals of air traffic control instructions; and

- (g) such other official publications issued for the purpose of enabling any of the provisions of this Act or regulations made thereunder to be complied with;

“Regulated Agent” means an agent, freight forwarder or any other entity approved by the appropriate authority that conducts business with an air operator and provides security controls that are accepted or required by the appropriate authority in respect of cargo, courier and express parcels or mail;

“Security Programme” means any measures and procedures adopted to safeguard civil aviation against acts of unlawful interference;

“Serious Incident” means an incident involving circumstances indicating that there was a high probability of an accident associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down;

“State Aircraft” means aircraft used in military, customs, and police services of South Sudan or of any other State or any other civil registered aircraft at the time performing a state function and fully converted to offer services to heads of States, military service, customs, or police or to any other State;

“State Safety Programme” means an integrated set of regulations and activities promulgated and performed by the State aimed at improving safety and efficient delivery of aviation services;

“Territory of the State” means the land areas or territorial waters and the air space of the Republic of South Sudan;

“Transit Passenger” means a passenger who arrives at any airport or airstrip in South Sudan and continues on that trip at the same or any other airport or airstrip;

“Tribunal” means the Civil Aviation Administrative Review Tribunal established under this Act; and

“Unmanned Aircraft” means an aircraft operated with no pilot on board.

Chapter II of the Principal Act, is amended by deleting the word duties and substitute with composition:

CHAPTER II
ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF CIVIL AVIATION
AUTHORITY

Section 6 of the Principal Act, is amended by renumbering and added new subsection (4) to read as follows:

6. Establishment of the Authority

- (1) There is established an authority to be known as South Sudan Civil Aviation Authority.
- (2) The Authority shall be a body corporate with perpetual succession, and a common seal and shall in its corporate name, be capable of:
 - (a) suing and being sued;
 - (b) taking, purchasing or otherwise acquiring, holding and disposing of movable and immovable property;
 - (c) borrowing money with the approval of the Minister responsible for matters relating to finance;
 - (d) entering into contracts; and
 - (e) doing or performing all such other things or acts necessary for the proper discharge of its functions under this Act, which may be lawfully done or performed by a body corporate.
- (3) The seat of the Authority shall be in the capital city of the Republic of South Sudan and it may establish branch offices within and outside the Republic of South Sudan.
- (4) The Authority shall be the state agency for the management of aviation safety and security in the Republic of South Sudan and shall coordinate with ICAO in that regard.

Section 7 of the Amendment is a new addition to the Principal Act 2012 to read as follows:

7. Objectives of the Authority

The objectives of the Authority shall be to:

- (a) economically and efficiently plan, develop and manage civil aviation;
- (b) promote safety, regulate, secure, efficient use and development of civil aviation;
- (c) minimise the adverse environmental effects of civil aviation activities; and
- (d) regulate and operate a safe and secure civil aviation system in the Republic of South Sudan in accordance with the provisions of this Act.

8. Code of Conduct

- a) Within the first twelve months from the commencement of this Act, the Authority shall adopt a code of conduct prescribing standards of behavior to be observed by members and employees of the Authority in the performance of their duties.
- b) Subject to subsection (1), before finally adopting a code of conduct the Authority shall:-
 - I. Publish a draft of the code in the Gazette and in the public Register; and
 - II. Hold an inquiry.
- c) The Authority shall place on the Public Register a copy of its code of conduct and shall include in it an annual report on compliance with the code.
- d) The code of conduct adopted or prescribed under this section shall be binding to the members, of the Authority and may be amended from time to time.

9. Conflict of interest

- a) A member or employee of the Authority shall be considered to have a conflict of interest for the purposes of this Act, if he/she has or acquires any pecuniary or other interest that could conflict with the proper performance by that person of his/her duties or functions as a member or employee of the Authority.
- b) Where at any time a member of the Authority has a conflict of interest in relation to:-
 - I. Any matter before the Authority for consideration or determination; or
 - II. Any matter Authority could reasonably expect might come before it for consideration or determination, the member shall immediately disclose the conflict of interest to other members of the Authority and refrain from taking part, or any further, in the consideration or determination of the matter.
- c) Where the Authority becomes aware that a member has a conflict of interest in relation to any matter which is before the Authority, the Board shall direct the member to refrain from taking part, or taking any further part, in the consideration or determination of the matter.
- d) Upon the Board becoming aware of any conflict of interest it must make a determination as to whether in future the conflict is likely to interfere significantly with the proper and effective performance of the functions and duties of the member of the Authority, and the member with the conflict of interest shall on this determination.
- e) When the Authority determine that the conflict is likely to interfere significantly with the member's proper and effective performance as provided in subsection (d), the member shall resign, except if within the next thirty days the member eliminate the conflict to the satisfaction of the board.
- f) The authority shall report to the board any determination by the authority that a conflict is likely to interfere significantly with the effective performance of the functions and duties of the member of the authority.
- g) The annual report of the authority shall disclose details of all conflicts of interest and determinations arising therefrom.

- h) A member or employee of the authority who is subject to this Act shall be considered to have breached the code if:-
- I. He/she fails without reasonable cause to make declaration of his/her interests as required or;
 - II. He/she knowingly makes declaration false or misleading in material particulars, thereby affecting the decision, that person shall be guilty of an offense the effect of which will be resigning from office.

Section (7) of the Principal Act is amended by deleting the word duties in the title and deleted subsection (2) and substituting it with powers and function and added new subsections (2), (3), (4), (5), (6) and (7) to read as follows:

10. Powers and Functions of the Authority

- (1) The Authority shall exercise and perform the following:
- (a) conduct safety, security and economic oversight of civil aviation;
 - (b) issue certificates, licences, authorizations, permits and approvals for civil aviation operations;
 - (c) conduct certification of air operators, aircraft, approved training organisation, aerodromes, approved maintenance organisations and air navigation service providers;
 - (d) regulate and supervise the establishment, design, development, certification, licensing and operation of aerodromes;
 - (e) provide air navigation services and air navigation facilities, to facilitate international air navigation;
 - (f) establish appropriate standards of communication procedure, codes, markings, signals, lighting and other operational practices and rules;
 - (g) collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards prescribed in the applicable State regulations;
 - (h) secure development of the civil aviation industry in the Republic of South Sudan;
 - (i) advise the Government of the Republic of South Sudan on matters concerning civil aviation;
 - (j) co-ordinate and direct search and rescue services;
 - (k) carry out investigations on incidents that are not classified as accidents or serious incidents;
 - (l) secure and conduct comprehensive aviation industry surveillance, including assessment of safety related decision taken by the industry management at all levels for their impact on aviation safety;
 - (m) establish registration system and marking of civil aircraft and regulate, supervise and monitor the activities of all national and foreign air carriers operating in the Republic of South Sudan;
 - (n) establish and maintain a State Safety Programme that is commensurate with the size and complexity of the civil aviation system;
 - (o) enforce approved technical standards of aircraft;
 - (p) license and monitor personnel;

- (q) ensure the efficiency of the systems, equipment and facilities of the Authority;
 - (r) negotiate bilateral or multilateral aviation agreements on air transportation and cooperate with authorities in other countries to ensure proper implementation and effective air transport services;
 - (s) examine relevant International Air Transport Agreements and provide recommendations for adoption, amendments or changes to such agreements;
 - (t) issue and disseminate publications which include aeronautical information publications, and aeronautical information circulars;
 - (u) produce accurate, timely, comprehensive and relevant air transport information;
 - (v) regulate aircraft maintenance organizations and approved training organizations in the Republic of South Sudan;
 - (w) establish, manage and operate approved training organisations for the Authority;
 - (x) regulate the use of Aeronautical Meteorology services for civil aviation purposes;
 - (y) plan, develop and formulate airspace master plan for the safe and efficient utilization of South Sudan Airspace;
 - (z) issue license, certify, register and conduct surveillance of air operators, aircraft, approved training organisation, approved maintenance organisation, air navigation service providers and aerodromes;
 - (aa) take measures to minimize, to the extent possible, any disturbance to the public and any adverse effect on the environment from noise, vibration, atmospheric pollution or any other cause attributable to the use of aircraft for the purpose of civil aviation;
 - (bb) protect consumer rights, environment and ensure fair competition practices;
 - (cc) ensure the proper aviation security control of all persons, vehicles and goods for security purposes;
 - (dd) Provide oversight of rescue and firefighting services at aerodromes.
- (2) The Authority shall provide air navigation services in the South Sudan airspace, and for any areas outside the Republic of South Sudan for which South Sudan has an Agreement, in pursuance of international arrangements, undertaken to provide air navigation services, alerting service and to co-ordinate search and rescue.
 - (3) In providing air navigation services or any other service, the Authority shall ensure that a clear distinction and separation between its regulatory and operational functions is maintained.
 - (4) The Chicago Convention and its Annexes are integral part of this Act.
 - (5) Notwithstanding the provision of sub-section (4), the Authority may file to ICAO differences between its own practice and that established by the international standard.
 - (6) The Authority shall be responsible for the performance of any obligations required by any agreement, treaty or arrangement between the Republic of South Sudan and any other country, inter-Governmental organization or other body with respect to the

safety and security, regularity and efficiency of air navigation and aviation safety in general.

- (7) In the discharge of its responsibility for aviation safety and security, the Authority shall co-ordinate its activities with other agencies, including the Airports Authority, Communication Regulatory Authority, Meteorological Authority, Maritime Authority, Accident Investigation Agency, Search and Rescue Agencies, the Department of Defence and the National Police Service.
- (8) Determine, set out and levy rates, charges, dues or fees for any services performed by the Authority, or for use by any person of the facilities provided by the Authority or for the grant, renewal or validation of a licence permit or certificate, subject to the approval of the Director General.
- (9) Receive any gifts, grants, donations or endowments made to it or any other monies in respect of it and to make legitimate disbursement there from in accordance with the provisions of this Act.
- (10) Invest any monies not immediately required for its purposes in the manner provided in this Act or any other written law.
- (11) Enter into contracts, arrangements, agency, associations or partnerships with any person, Government agency or authority, whether, within or outside South Sudan, subject to any limitations that may be set out by the Director General.
- (12) Acquire, hire, hold, lease out, or dispose of all types of assets or property including land:

Provided that the Authority shall not sell, let or otherwise dispose of any buildings, land or other assets, except with the consent of and subject to any conditions that may be set out by the Government.

CHAPTER III GOVERNANCE OF THE AUTHORITY

11. The Governing Structures of the Authority

The Authority shall have the following Governing Structures:

- (a) The Board; and
- (b) The Executive Management.

12. Establishment of the Board

There shall be a Board to be known as "The Board of Directors of the Civil Aviation Authority".

Section 10 of the Principal Act, is amended by deleting subsection (1) and rephrasing with composition with skills on civil aviation and re-numbering (1) as (a)-(f) and added subsection (2) in the amendment Act.

13. Composition and Tenure of the Board

- (1) The Board shall be comprised of:
 - (a) Chairperson, who shall be appointed by the President;
 - (b) The Director General who shall be Ex-officio;
 - (c) Two (2) members with the knowledge and experience in the field of civil aviation;
 - (d) One (1) member with qualification and expertise in financial management, accounting and auditing;
 - (e) One (1) member with knowledge and experience in aviation law or business; and
 - (f) One (1) member with knowledge and experience in management.
- (2) Other five (5) members in subsection (c) to (f) of this section shall be appointed through an open and competitive process as appropriate.
- (3) 35% woman affirmative action must be considered to the Board.
- (4) Members of the Board may hold other offices or engage in other work but shall be required to commit adequate time to attend to the business of the Authority. They shall discharge the functions of the Authority on a part-time basis. Appointment to serve on the Board of the Authority shall not prejudice a Board member's terms and conditions of other employment or work obligations such a Board member might have.
- (5) The Chairperson and Members of the Board shall hold office for a period of four (4) years commencing from the date of appointment and may be eligible for reappointment for one subsequent term of similar duration.
- (6) The list of Members of the Board constituted in accordance with the provisions of sub-section (1) of this section shall be published in the official gazette.
- (7) Members of the Board maybe paid a sitting allowance and such reasonable travel expenses as shall be approved by the Director General.

Section 11 of the principal Act is amended by adding new subsection (b) and (c)

14. Eligibility of Appointment

A member of the board shall fulfil the eligibility requirement:

- (a) is a citizen of the Republic of South Sudan;
- (b) is a graduate of a recognized University;
- (c) has technical knowledge and experience in aviation matters, and at least seven 7 years' experience in one or more of aviation, management, law, economics, finance, engineering, administration, or any other related field;

- (d) shall not have been convicted of any offence involving fraud, dishonesty, or moral turpitude over the last seven (7) years;
- (e) shall not have been dismissed from service due to disciplinary administrative misconduct or poor performance.

15. Removal or Resignation of a Member of the Board

- (1) The President may terminate the appointment of a Board member upon recommendation of the Minister.
- (2) A member of the Board may be removed from office after giving such a member written notice and a reasonable opportunity to reply and be heard.
- (3) Without limiting the generality of sub-sections (1) and (2) of this section, a member of the board may be removed on any of the following grounds:
 - (a) where the member is an un-discharged bankrupt or where such member has made arrangements with creditors in proceedings for bankruptcy;
 - (b) where the member is declared to be of unsound mind in accordance with applicable law and proof from the medical commission;
 - (c) where the member has ceased to meet the qualifications for membership as provided for under this Act;
 - (d) proven incompetency;
 - (e) gross misconduct;
 - (f) absence from board meetings for three consecutive meetings without permission or sufficient cause;
 - (g) having been convicted of an offence involving fraud, dishonesty or moral turpitude; and
 - (h) A member of the board may resign from the board by submitting a written letter of resignation addressed to the minister through the chairperson of the board.
- (4) Where a seat of the Board becomes vacant because of death, resignation, termination or removal, the Minister shall recommend another person for appointment by the President.

16. Powers and Functions of the Board

Section 14 (1) and (2) is amended by deleting subsection (1) and (2) and substitute with the following:

- (1) The Board shall set the general policy of the Authority, supervise and promote the achievement of its objectives.

- (2) Initiate the process of recruiting the Director General.

Subsection 14 (2) of the Act is amended by deleting subsections (a) to (x) substituted with the following:

- (3) The Board shall:

- (a) consider and advise the Minister on:

- (i) matters of civil aviation;
- (ii) the development and maintenance of civil aviation policy framework and the objectives of the Authority;
- (iii) matters relating to the establishment of air services;
- (iv) legislative proposals relating to civil aviation including legislation to give effect to the Chicago Convention, and other international conventions and instruments relating to civil aviation;
- (v) measures for the promotion or support of any airline designated by the Government for the purpose of any international air services agreement;
- (vi) matters relating to fares and freight rates and related matters including any resolution of the International Air Transport Association or anybody which succeeds that Association;
- (vii) matters relating to the establishment, maintenance and development of air navigation facilities and services; and
- (viii) such other matters affecting civil aviation as it considers desirable in the interest of civil aviation in the Republic of South Sudan.

- (b) determine and set priorities for the general performance targets by the Authority.
- (c) consider and determine the strategic and business plans and budgets of the Authority.
- (d) review and approve the budget of the Authority.
- (e) ensure that measures for the development of civil aviation are initiated and implemented.
- (f) approve the strategic plan of the Authority.
- (g) ensure that the necessary resources are in place for the Authority to meet its objectives.
- (h) consider and review management performance.
- (i) approve organizational structures of the authority.
- (j) determine and set priorities of the general performance targets of the Authority.
- (k) approve internal regulations of the Authority.
- (l) ensure that measures for the development of civil aviation are initiated and

- implemented; and
- (m) perform such other functions as the Minister may direct.

Section 15 of the Principal Act is amended by adding subsection (2), (3) and (4)

17. Disclosure of Interest

- (1) A member of the Board, who has any direct or indirect interest in any matter or business before the Board, shall disclose the nature of such interest and its relationship with the subject matter before the Board. The Board may decide, after considering the disclosure that the member concerned shall not participate in any of the discussion before the Board nor in discussion making by the Board in relation to that subject matter.
- (2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting and the Chairperson or a member shall not take part in the consideration or discussion on or vote during any deliberations on the matter.
- (3) A person who fails to make the requisite disclosure under this section commits an offence.
- (4) A member of the Board shall excuse himself or herself from proceedings before the Board in which he or she has apparent or perceived conflict of interest.

Section 16 of the principal Act is amended in section (1) by deleting the word three (3) and subsisting with four (4) and added new subsection (5), (6) and (7)

18. Conducting the Regular Business of the Board

- (1) The Board shall meet at least four (4) times in every financial year.
- (2) The quorum for the Board meeting shall be by simple majority (50%+1) of the total number of members of the Board.
- (3) Decision of Board shall be by simple majority vote of the members' presents.
- (4) In the event of tie vote, the Chairperson shall have the casting vote.
- (5) The conduct and regulation of the business and affairs of the Board shall be as set out in the First Schedule.
- (6) The Board shall establish such number of Committees to assist it in the performance

of its duties.

- (7) The Board may co-opt experts/consultants or any person to assist the Board in the proceedings.

Section 17 of the principal Act is deleted

19. Executive Management

- (1) The Authority shall have executive and administrative management staff who shall be responsible for discharging the day-to-day functions of the Authority.
- (2) Management staff shall be headed by the Director General who shall be the Chief Administrator of the Authority and shall report directly to the Board.
- (3) Management staff of the Authority shall comprise of individuals of integrity, high moral character and reputation; who shall be appointed by the board.

Section 19 (1) of the principal Act is deleted, renumbered and subsist with the following

20. Appointment of the Director General

- (1) The Director General shall be recruited by the Board and appointed by the President upon recommendation of the Minister.
- (2) The Director General shall be the Chief Executive Officer and Accounting Officer of the Authority.
- (3) The President may, in consultation with the Minister and Board, terminate the appointment of the Director General.
- (4) The salary and emolument of the Director General shall be determined by the Board with the consent of the Minister concerned.

Section 21(1) (b) of the Principal Act is deleted

21. Eligibility for Appointment

- (1) The Director General shall be selected from among persons of integrity, high moral, character and reputation and shall meet the following requirements:
 - (a) be a South Sudanese national;
 - (b) shall not have been convicted of any offence involving fraud, dishonesty or moral to turpitude over the past seven years; and
 - (c) shall not have been dismissed from service due to indiscipline misconduct and poor performance.

- (2) In addition to requirements set forth under subsection (1) above the Director General shall possess the following specific qualifications:
- (a) be a person registered in accordance with the requirement for registration of professional engineers in South Sudan preferable in the field of civil aviation engineering or be a member of a local, regional or international civil aviation professional society; and
 - (b) shall have not less than ten (10) years of professional experience in civil aviation

Section 20 of the Principal Act is rephrased with the following

22. Powers and Functions of the Director General

- (1) The Director General shall exercise the following:
- (a) Primary aviation legislation and specific operating regulations;
 - (b) Civil aviation organization;
 - (c) Personnel licensing and training;
 - (d) Aircraft operations and the safe transportation of dangerous good;
 - (e) Airworthiness of aircraft;
 - (f) Air navigation services;
 - (g) Aerodromes and ground aids;
 - (h) Aviation security;
 - (i) The exercise of powers and the discharge of functions of the Authority;
 - (j) Giving effect to the Chicago Convention and other international agreements relating to civil aviation;
 - (k) Implementing the national civil aviation policy;
 - (l) Controlling the resources and operations of all the services under the authority;
 - (m) All personnel and activities of the Authority; and
 - (n) Carrying out any duty that may be delegated to him or her by the Minister or the Board.
- (2) The Director General shall and perform the following:
- (a) inspect, board, or detain an aircraft if serious safety and security concerns are identified;
 - (b) issue interim regulatory directives and technical decisions;
 - (c) recall an aircraft in flight and search such aircraft during routine inspections or where he or she has reasonable grounds to suspect that the aircraft is being used in contravention of this Act or that it contains any matter which may be used as evidence in respect of an offence under this Act;
 - (d) plan, develop and formulate safe, secure, and efficient utilization of the South Sudan airspace;
 - (e) acquire, establish, and improve air navigation facilities;
 - (f) promulgate, adopt, amend, varies rules, procedures, orders, circulars, notices, directives, aeronautical publications governing all aspects of civil aviation;

- (g) monitor the deployment and utilization of the movable and immovable property of the Authority;
 - (h) prepare the annual report and financial statement of the Authority;
 - (i) establish and maintain state safety programme;
 - (j) implement, co-ordinate and supervise the defined activities related to the management of aviation safety and security as the accountable executive of the State Safety Programme and the National Civil Aviation Security Programme;
 - (k) assess and audit the performance standards of the State Safety Programme functions of other State aviation agencies identified by the Minister, to ensure that the State Safety Programme is performing effectively; and
 - (l) ensure that the provisions of this Act are complied with.
- (3) Notwithstanding the provisions of subsections (1) and (2) the powers of the Director General shall:
- (a) exercise functions and powers of the Authority;
 - (b) ensure establishment and maintenance of a safety and security oversight system which shall be implemented in accordance with the:
 - (i) provisions of this Act and Regulations and made there under;
 - (ii) provisions of aviation security programs;
 - (iii) state Civil Aviation System and Safety and Security Oversight Functions;
 - (iv) personnel Qualification and Training;
 - (v) technical guidance, tools and the provision of safety and security - critical information;
 - (vi) licensing, certification, authorization and approval obligations;
 - (vii) surveillance obligations; and
 - (viii) resolution of safety and security concerns;
 - (c) search any aircraft for compliance with documents stipulated under the Chicago Convention;
 - (d) prohibit an aircraft from flying until an unsafe condition is rectified;
 - (e) prohibit a person from exercising the privileges of any aviation document;
 - (f) suspend, revoke, or vary the privileges of any aviation document or any other authorization issued by the Authority;
 - (g) impose operating restrictions and sanctions on the operators or holders of aviation documents in the event of non-compliances with approval, licensing and certification requirements or unresolved safety and security deficiencies or concerns;
 - (h) determine the technical and financial capability of a prospective operator to conduct the proposed operations;
 - (i) where he or she believes on reasonable grounds that an unsafe condition exists in any aircraft or aeronautical product may, by notice in writing, issue an

- airworthiness directive in respect of aircraft or aeronautical products, as the case may be, of that design; and
- (j) prohibit a foreign registered aircraft from flying if a major defect or damage is found whilst within the Republic of South Sudan.

New Section is added to the Act

23. Detain, Prohibit, Suspend or Revoke of a License

Where the Director General has reasonable grounds to believe that a violation of a licence, certificate, permits, approvals, or any other authorization issued by the Authority. in respect of the offending entity, he or she make an order to detain, prohibit, suspend, revoke.

New section is added to the Act

24. Appointment of Inspectors

For the purpose of ensuring aviation safety, security, consumer protection and for any other reasons for which the Authority is established, the Authority shall appoint such number of inspectors as may be necessary.

New section is added to the Act

25. Inspection of Aerodromes, Premises and Aircraft

- (1) The Inspectors shall inspect with unhindered Access to:
- (a) any aircraft and crew on South Sudan territory regardless of their state of registry;
 - (b) any aircraft and crew of any other state whilst in South Sudan.
 - (c) Republic of South Sudan registered aircraft wherever it may be;
 - (d) flight compartment;
 - (e) aerodrome used for civil aviation operations;
 - (f) air navigation services facilities;
 - (g) fuel storage facilities;
 - (h) premises of all regulated agents;
 - (i) hangars and workshops;
 - (j) approved maintenance organizations and training organizations facilities;
 - (k) ramps;
 - (l) cargo handling areas;
 - (m) premises and documents of any regulated agents;
 - (n) premises of the holder of an air service license, certificate, authorization; and
 - (o) licence, certificates, authorization, approvals, manuals, records, files, procedures, information, and any other documents issued by the Authority or

- any competent authority, that may be required in the course of their inspections;
- (p) premises of the holder of an air service license, certificate, authorization, or other approval document issued by the Authority;
 - (q) licence, certificates, authorization, approvals, records, information, and any other documents issued by the Authority or any competent authority;
 - (r) Aviation Security Service Providers.
- (2) Where an inspector finds that an aerodrome operator, regulated agent, a holder of licence, certificate, authorization, approval document or an aircraft is in violation of this section, the inspector shall issue a compliance order or infringement notice to such holder, stating the particulars of the violation, the period within which to comply and the attendant penalty for the stated violation.

Section 20 (3)(b) and (4) powers to delegate

26. Staff of the Authority

- (1) The Director General may in consultation with the Minister, appoint such staff of the Authority, for the proper discharge of the functions of the Authority, in order to effectively fulfill its obligations under the Chicago Convention.
- (2) The Director General shall prepare a detailed organizational structure reflecting current staffing of the Authority and requirements for the following year which shall be made part of the financial report to be considered and approved by the Board.
- (3) The Board may, in consultation with the Minister review salaries, wages and other terms and conditions of service of the staff of the Authority from time to time.
- (4) The Director General shall conduct general staff assessments and performance appraisal of each staff of the Authority and shall make observations and recommendations in an annual staff evaluation report which shall be submitted to the board for consideration.
- (5) Promotion of the staff shall be made on the basis of the degree of efficiency of the candidate provided that academic qualification and seniority shall be taken into considerations, the performance evaluations records shall meet degree of efficiency of the staff and the nature and standards of performance, the regularity of his or her attendance to his or her duty shall be taken in to consideration.
- (6) The staff of the Authority shall be seconded to institution outside the Authority for one (1) year renewable. The staff seconded to authority from national government or states institutions other than aviation authority shall be subject to technical and

professional supervision of the authority for the period of secondment.

- (7) Transfer of the staff of the Authority to other institutions or departments shall not be effective or done except with his or her consent the transfer shall be done only by the Director General.

27. Limitations on Arrest

Except where staff of the Authority is found in the act of committing an offence, the staff shall not be arrested or detained any proceedings be taken or criminal proceedings instituted against him or her except with the written consent of the Minister or Director General with within 24 hours.

28. Credential

The staff of the Authority shall have access to any place at any time to conduct inspections, surveillance or audits in order to determine that operations are conducted in accordance with prescribed safety standards and industry best practices and shall have access to civil aircraft without restriction wherever they are operated and registered in South Sudan for the purposes of ensuring that those aircraft are airworthy and being operated safely.

29. Declaration of Assets

Not later than three (3) months after assuming office, the Director General, senior staff of the Authority and all members of the board shall make confidential declaration of their assets and liabilities including those of their spouses and children in accordance with the regulations on Declaration of Assets and other applicable laws.

30. Oath

Prior to assuming their respective offices, members of the board and the Director General of the Authority shall take the following oath or affirmation before the president; and the other senior staff shall take their oath before the minister concerned:

“I[.....Name of person.....], do hereby swear by the Almighty God, [or Solemnly affirm] that as [a Member of the Board, Director General or Employee, as the case may be] of the South Sudan Civil Aviation Authority, shall be faithful, and shall diligently, honestly and with integrity discharge my functions and carry-out the duties of the Authority with integrity and dignity and in the best interest of the people of South Sudan; I shall respect and uphold all the rules, regulations and instruments made by the Authority and refrain from disclosing, without authorization, the confidential information of the Authority by reason of my employment or service to the Authority, so help me God”.

31. Restriction on Outside Employment

The Director General and staff of the Authority shall be employed on a full-time basis and shall not engage in other private or commercial businesses that conflict with or compete with activities that are performed by the Authority or receive remuneration of any kind from any other person or source other than the Authority.

Chapter IV of the Principal Act is deleted by repealing the whole chapter on Aircraft Accident, objectives and Investigation Incidents,

New Chapter on Powers and Functions of the Minister

CHAPTER IV POWERS AND FUNCTIONS OF THE MINISTER

32. Powers and Functions of the Minister

- (1) The Minister shall, for the purpose of better implementation of the functions and mandate of the Authority, have the following powers and functions to:
 - (a) give directions of a general nature to the Board regarding the operations of the Authority;
 - (b) propose alterations in the tariffs, rates, fees and any other charges levied for the services and facilities provided by the Authority;
 - (c) approve any individual capital work for the purposes of the Authority, whose estimated cost exceeds prescribed limit set by the Minister, from time to time;
 - (d) delegate to the Director General any of the powers, exercisable by him or her under any written law, but not including this present power of delegation;
 - (e) Amend, vary and alter regulations and Schedules.
- (2) Every delegation under this section shall be revocable and no such delegation shall prevent the exercise of any power by the Minister.
- (3) Any such delegation under this section shall, until revoked, continue in force according to its tenure, despite the fact that the Minister by whom it was made may have ceased to hold office.

33. International Obligations

The Minister shall be responsible for:-

- a) Civil aviation policies;
- b) Investigation of civil aircraft accidents and incidents for the sole purpose of prevention of further occurrence of similar accidents and incidents;
- c) Establishment of incident reporting systems to facilitate collection of information on actual and potential safety deficiencies;
- d) Establishment and review of air services agreement in an open and transparent manner; and

- e) Submission of variations to the Chicago Convention, any Annex to the Convention relating to international standards and recommended practices and any amendment thereto, or other international conventions and protocols, relating to civil aviation that South Sudan is party to.

34. Inspection and Assessment

- (1) The Minister shall assess and audit the performance standards of the functions of the Authority to ensure that they meet prescribed international standards at such time intervals as he or she may consider desirable.
- (2) Without prejudice to the powers and functions of the Auditor General, the Minister may request audit inspectors to carry out the assessment and audit referred to in subsection (1) of this Section.
- (3) The auditor requested under subsection (2) of this Section, shall have unhindered access to all records, information, facilities and installations and to any explanation that may be required in the course of their duties.
- (4) The Minister may, on the advice of any auditor, take appropriate action to ensure that noted safety and security deficiencies are corrected and appropriate standards are maintained.

CHAPTER V

CONTROL OVER AND USE OF THE SOUTH SUDAN AIRSPACE AND AERODROMES

35. Air Space Control

The Authority, on behalf of the Republic of South Sudan, shall have full and exclusive control over the South Sudan airspace.

36. Use of South Sudan Airspace

South Sudan airspace shall be used by aircraft as provided by this Act and other related legislations.

37. Eligibility to Operate Aircraft in South Sudan Airspace

- (1) Aircraft listed below may fly in the South Sudan airspace; provided that they are airworthy:
 - (a) South Sudan state aircraft;
 - (b) South Sudan civil aircraft registered with the South Sudan Civil Aviation Authority;
 - (c) Aircraft authorized to fly in the South Sudan airspace pursuant to agreements signed by South Sudan Authorities;

- (2) Any aircraft not listed in sub-section (1) above, is subject to the authorization of the Authority to fly in South Sudan airspace.

38. Use of Aerodromes

- (1) Aircraft are permitted to depart and land only at designated aerodromes. Aircraft engaged in international air traffic are permitted to depart and land only at designated customs airports.
- (2) Aircraft are permitted to depart and land outside designated aerodromes, only with consent of the landowner or any other entitled person and prior permission of the respective ANS provider.
- (3) Sub-section (2) of this Section, does not apply to landings due to safety reasons in case of emergency or distress. In this case the crew of the aircraft shall promptly notify the respective air traffic services provider and provide the landowner with the name and the address of the aircraft operator.
- (4) A take-off after a technical landing shall only be permitted upon clearance of the respective air traffic Services provider.

39. Prohibition and Restriction of Flight, Air Route and Aerodrome

- (1) South Sudan authorities may for reasons of public order and security or for military purposes, as a temporary or lasting measure, prohibit or restrict flights in the whole or certain part of the South Sudan airspace or over certain regions thereof.
- (2) The South Sudan authorities may also determine the air route to be followed and aerodromes to be used by aircraft entitled to fly in South Sudan airspace and by other aircraft.

CHAPTER VI SECURITY

40. Competent Authority

- (1) Unless otherwise provided under this Act, the Civil Aviation Authority is the responsible authority for Civil Aviation Security.
- (2) The Civil Aviation Authority is in charge of:
 - (a) establishment, implementation and maintenance of appropriate measures in order to prevent acts of unlawful interference with civil aviation operations;
 - (b) initiation and implementation of the National Civil Aviation Security Programme in accordance with:
 - (i) the National Civil Aviation Security Training Programme;
 - (ii) the National Civil Aviation Security Quality Control Programme;
 - (c) approving the Aerodrome Security programmes set up by air carriers and operators of aerodromes;
 - (d) controlling the implementation of the provisions made in the Aerodrome Security Programmes by the air carriers and operators of aerodromes;
 - (e) coordinating the activities of the military forces of the Republic of South Sudan, state security institutions, police and customs services, air carriers and operators of aerodromes;
 - (f) performing background checks of personnel as provided for under this Act;
 - (g) in fulfilling these functions, the Authority shall seek and consult the minister of interior, the minister of transport and any other minister where appropriate.

Chapter VII of the Principal Act is renumbered in accordance with the new inserted number of the Act

CHAPTER VII OFFENCES AND PENALTIES

41. Offences and Penalties

- (1) No person shall:
 - (a) operate an Aerodrome or Airstrip within the territory of South Sudan without first obtaining authorization and license from the Authority;
 - (b) advertise or cause to be advertised anything or solicit for business within the premises of any Airport or Airstrip of the Authority without first obtaining express authorization and license from the Authority;
 - (c) Write, scribe, paint or affix profane, obscene or abusive words or any picture, depiction or representative character intended to insult, defame or

injure any person or entity, or place any such material on any premises owned or occupied by the Authority or on any aircraft or airport or airstrip in South Sudan;

- (d) engage in any act likely to obstruct the free movement of aircrafts or interfere with the operation of any machine or equipment operating at any airport or airstrip in South Sudan or unlawfully land, park, or move any parked aircraft without the express knowledge or consent of the Authority or owner of such aircraft; and
 - (e) pollute the airspace or release harmful or waste products into the Airspace of South Sudan or release human or animal waste products into the Airport or Airstrip yards.
- (2) Any person who contravenes the provisions of section 37 (2) of this Act commits an offence and shall be punishable by law.

New Chapter is added to the Act

CHAPTER VIII

THE NATIONAL CIVIL AVIATION ADMINISTRATIVE TRIBUNAL

42. Establishment of Tribunal

- (1) There shall be established a tribunal to be known as the Civil Aviation Administrative Review Tribunal which shall consist of:
- (a) a Chairperson nominated through a competitive process by the Judicial Service Commission who shall be a person qualified for appointment as a Judge;
 - (b) an advocate through a competitive process with knowledge, experience and professional qualifications in aviation law;
 - (c) two persons to be recruited through a competitive recruitment process from the aviation industry who shall have knowledge and experience in aviation matters;
 - (d) one other person recruited competitively and who shall be a holder of such other qualifications and experience of proven ability in such other fields; and
 - (e) 35% Woman affirmative action shall be considered.
- (2) All appointments to the Tribunal shall be done by the Minister.
- (3) In appointing members of the Tribunal, regard shall be taken to ensure that no more than two thirds of the members of the Tribunal shall be of the same gender and that the chairperson and the vice chairperson shall not be of the same gender.

43. Jurisdiction of Tribunal

The Tribunal shall have the jurisdiction to hear and determine complaints or appeals arising from:

- (a) any refusal to grant a licence, a certificate or any other authorisation by the Authority or transfer of a licence;
- (b) application for issuance of warrants;
- (c) the imposition of any condition, limitation or restriction on a licence;
- (d) any revocation, suspension or variation of a licence;
- (e) any amount of money which is required to be paid as a fee;
- (f) the imposition of any order or direction by the Authority;
- (g) consumer protection compliance and enforcement activities (related to areas such as right violations, unfair and deceptive practices and unfair competition by air carriers and travel agents, deceptive airline advertising including fare, on-time performance, schedule, code sharing, and violations of rules concerning denied boarding, compensation, ticket refunds, baggage liability requirements, flight delays and charter flights); or
- (h) any exercise of powers to make decisions, but not powers in respect of staff employment, granted to the Director- General or the Authority.

44. Proceedings of Tribunal

- (1) The Tribunal shall, upon an appeal made to it, in writing, within thirty days after the occurrence of the event against which a party is dissatisfied, inquire into the matter and make an award, give directions, make orders or make decisions thereon, and every award, direction, order or decision made shall be notified by the Tribunal to the parties concerned, the Authority or any relevant committee thereof, as the case may be.
- (2) The Tribunal shall sit at such times and in such places as it may appoint by Gazette Notice.
- (3) The proceedings of the Tribunal shall be open to the public save where the Tribunal, for good cause, otherwise directs.
- (4) Except as expressly provided in this Act or any regulations made thereunder, the Tribunal shall regulate its proceedings as it deems fit.
- (5) A person who is party to the proceedings before the Tribunal may appear in person or be represented by an advocate.

45. Tenure and Vacation of Office

- (1) A member of the Tribunal shall hold office for a term of three (3) years but shall be eligible for re- appointment for three (3) years further term.
- (2) The office of a member of the Tribunal shall become vacant:
 - (a) at the expiration of three years from the date of his or her appointment;
 - (b) if he or she accepts any office the holding of which, if he or she were not a member of the Tribunal, would give rise to the existence of a conflict of interest with his or her membership to the Tribunal;
 - (c) if he or she is removed from membership of the Tribunal by the Minister upon findings of an inquiry determining his or her failure to discharge the functions of his or her office or for misbehavior;
 - (d) if he or she resigns the office of member of the Tribunal; or
 - (e) upon death.
- (3) Members of the Tribunal shall be paid allowances approved by the Minister, in consultation with the Minister of finance and planning.

46. Secretary to Tribunal

- (1) The Tribunal shall have a Secretary who shall be a public officer appointed by the Minister through an open and competitive process.
- (2) The Secretary shall hold office on the terms and conditions specified in his or her letter of appointment.
- (3) The Secretary shall be responsible for the day-to-day affairs of the Tribunal and shall be answerable to the Tribunal in performance of his or her functions.
- (4) The Secretary shall perform any other functions determined by the Tribunal.

47. Appeals to the High Court

- (1) Any person aggrieved by a decision or order of the Tribunal may, within fifteen (15) days of such decision or order, appeal against such decision or order to the High Court.
- (2) A decision or order of the Tribunal shall be enforced forthwith except where an appeal has been lodged or commenced provided that the lodging or commencing of an appeal shall not on its own, operate as a stay.
- (3) Upon the hearing of an appeal under this section, the High Court may:
 - (a) confirm, set aside or vary the decision or order in question;
 - (b) remit the proceedings to the Tribunal with such instructions for further consideration, report, proceedings or evidence as the Court may deem fit to give;
 - (c) exercise any of the powers which could have been exercised by the Tribunal in the proceedings in connection with which the appeal is brought; or
 - (d) make such other order as it may deem just, including an order as to costs

of the appeal or of earlier proceedings in the matter before the Tribunal.

48. Appeals to the Court of Appeal

A person aggrieved by the decision or order of the High Court may, within fifteen (15) days of that decision or order, appeal against that decision or order to the Court of Appeal on matter of law.

49. Powers of Tribunal

- (1) On hearing of a complaint or an appeal, the Tribunal shall have all the powers to:
 - (a) summon witnesses, take evidence on oath or affirmation and order the production of documents; or
 - (b) summon expert evidence as may be necessary.
- (2) Where the Tribunal considers it desirable for the purposes of minimizing expenses, to avoid delay or for any special reason, it may receive evidence by affidavit and administer interrogatories or interrogations and require the person to whom the interrogatories or interrogations have been made to respond.

50. Awards of Tribunal

- (1) The Tribunal may:
 - (a) award damages;
 - (b) confirm, set aside or vary the order or decision in question; or
 - (c) make an order for the maintenance of the status quo of any matter or activity which is the subject of a complaint or appeal before it until the complaint or appeal is determined.
- (2) The Tribunal in making a final judgement shall, of its own motion, determine the payment of the costs of the suit. The Costs shall include fees of advocates and experts and witnesses expenses.
- (3) Where the Tribunal awards costs in an appeal, it shall, on application by the person to whom the costs are awarded, issue to him or her certificate stating the amount of the costs.
- (4) Every certificate issued under subsection (3) may be filed in the High Court by the person in whose favor the costs have been awarded and upon being so filed, shall be deemed to be a decree of the High Court and may be executed as such.
- (5) The Chief Justice may make rules governing the making of appeals and

providing for the fees to be paid, the scale of costs of any such appeal, the procedure to be followed, and the manner of notifying the parties, and until such rules are made, the provisions of the Civil Procedure Act shall apply.

- (6) All summons, notices or other documents issued under the hand of the Chairperson of the Tribunal shall be deemed to be issued by the Tribunal.

51. Contempt of Tribunal

Any person who:

- (a) fails to attend the Tribunal after being summoned by the Tribunal to do so;
- (b) refuses to take oath or affirmation before the Tribunal, or refuses to produce any article or document when lawfully required to do so by the Tribunal;
- (c) knowingly gives false evidence or information which is misleading before the Tribunal; or
- (d) at any sitting of the Tribunal:
 - (i) willfully insults any member or officer of the Tribunal; or
 - (ii) willfully interrupts the proceedings or commits any contempt of the Tribunal; or
- (e) fails or neglects to comply with a decision order, direction or notice confirmed by the Tribunal, commits an offence under this Act and shall be liable, upon conviction, to imprisonment to a term not exceeding three (3) months, or to a fine not exceeding five Hundred thousand south Sudanese pounds or both.

CHAPTER IX FINANCIAL PROVISIONS

52. Operational Principle

The Authority shall manage its finances in accordance with sound accounting principles and best practices. The Board shall have primary responsibility to ensure that its approved budget is sufficient to meet its expenditures including all operational costs. The Director General shall ensure compliance with requirements of the Public Finance Management and Accountability Act.

53. Financial Year of the Authority

The Financial year of the Authority shall be the twelve (12) months period commencing on the 1st day July and ending on the 30th day of June of the following year.

54. Sources of Funding of the Authority

Section 31(1) of the Principal Act is amended by deleting subsection (1) to read as follows:

- (1) The funds of the Authority shall consist of:
 - (a) monies that approved by the National Parliament;
 - (b) monies that may accrue to the Authority in the discharge of its functions;
 - (c) grants and loans from the Government, organization or persons;
 - (d) interest on savings made by the Authority; and
 - (e) money from any other lawful source.

- (2) The Authority shall prepare its annual budget proposal and shall submit it for approval by the Minister not later than three (3) months before commencement of the Government's budget process.

Subsection (3) is a new section added to this section to read as follows

- (3) The Authority may, with the approval of the Minister, and in consultation with the Minister of finance and Planning, invest any funds of the Authority in such securities as the Board deems fit.

Section 30 is new section added to the Act

55. Commercial Ventures

The Authority may, with a written approval of the Minister:

- (a) subscribe to or purchase shares, debentures or other securities of a company; or
- (b) enter into partnership with any person, organisations or enterprise whose objectives are compatible with the purposes for which the Authority has been established.

Section 32 of the Principal Act is amended by deleting the words within or outside South Sudan.

56. Bank Accounts

The Authority shall open and maintain a bank account at the Bank of South Sudan and may maintain other accounts at any other recognized commercial banks as may be deemed appropriate or necessary and upon the approval of the Board and the Minister.

New Section 32 is added to the Act

57. Business plan

- (1) The Authority shall prepare its five-year business plan at least six months prior to the commencement of the financial year, which shall be reviewed annually.
- (2) The business plan shall contain financial targets and performance indicators for the Authority.
- (3) When preparing the business plan, the Authority shall consider:
 - (a) standards of aviation safety and security;
 - (b) the objectives and policies of the Government;
 - (c) funds of the Authority;
 - (d) assets and liabilities of the Authority; and
 - (e) any other consideration the Authority deems appropriate.

New Section 33 is added to the Act

58. "Borrowing and Lobbying for funds"

- (1) The Authority may borrow funds through negotiation with the ministry of finance and the Bank of South Sudan which shall be the guarantee of such loan.
- (2) The Authority may in line with principles of public finance management, borrow money or obtain credit in the Republic of South Sudan or abroad for carrying out its functions with the concurrence of and subject to such limitations as may be set out by the Minister responsible for finance.
- (3) The Authority shall not give or execute any mortgage or charge over any of its property by way of security for borrowed money, except as provided in any other applicable law.

59. Accounts and Book Keeping

- (1) The Authority shall cause to be kept all proper books and records of the income, expenditure, assets and liabilities of the Authority.
- (2) The Director General shall prepare and submit to the board a financial report not later than three months from the end of a financial year and the report shall, among others, include the following:
 - (a) a financial statement of income and expenditure during the financial year;
 - (b) a statement of assets and liabilities of the Authority for the financial year prepared in accordance with generally accepted accounting principles; and
 - (c) a financial audit reports.

60. Audit

- (1) The board shall ensure that for each financial year, the accounts of the Authority are audited by the Auditor General or other audit firm approved by the Auditor General.
- (2) The board shall submit the audited statements of accounts to the minister four (4) months before the end of the financial year or at such other intervals as the minister shall require.
- (3) The Auditor-General shall have access to all the books of accounts, vouchers and other supporting documents and shall be entitled to additional information or explanations and may require other records of the Authority when needed.

61. Annual and Other Reports

- (1) The Authority shall, in addition to the audited statements of account referred in this Act, also prepare an annual report of its activities during that fiscal year ended. The Annual Report of the Authority shall be approved by the Board and shall be submitted to the minister no later than three (3) months prior to the Government fiscal year end.
- (2) The Annual Report shall, inter alia, include the following information with respect to the activities of the Authority:
 - (a) a statement of final account that shall indicate financial performance, cash flow, budget and statement of balance;
 - (b) a copy of the report of the Auditor- General;
 - (c) a report on progress of the work of the Authority during the fiscal year ended including a synopsis of future programmes and work plans;
 - (d) a comprehensive performance evaluation report indicating compliance with the Board's directives during the fiscal year ended;
 - (e) variances in financial and administrative management of the Authority;
 - (f) a report on the status and conditions of aerodromes and an overall assessment of the status and conditions of the Civil Aviation sector in South Sudan;
 - (g) a review of technical adequacy, competitiveness and cost effectiveness of Civil Aviation services in South Sudan; and
 - (h) other information and reports as the minister may require in writing.
- (3) The Authority shall make its annual report and audited accounts public.

Section 36 of the Principal Act is amended by deleting subsection (4) and replace by new subsection (4) and (5).

62. Charges and Fees

- (1) Subject to consultations with the Ministry of Finance and Economic Planning, the Authority shall establish appropriate fees, charges and levies for any services performed or licenses issued by the Authority or for the use of its properties.
- (2) All fees, charges and levies established by the Authority shall be made part of the regulations that are issued pursuant to this Act and any fee-schedule, statement of charges or levies that are established in accordance with this Act shall be annexed to the regulations issued pursuant to this Act.
- (3) Fees, charges and levies shall come into effect on the date specified therein, in any event, not less than thirty (30) days from the date of publication in the official gazette.
- (4) Charges and fees shall be published in an Aeronautical Information Circular and shall come into force on a date specified therein, which shall be at least thirty (30) days following publication in the Aeronautical Information Circular.
- (5) Where any amount due and payable under this section is not paid by any party after demand by the Authority and remains unpaid beyond the time specified for payment, the Authority may deny, withdraw service, licence or certificate, seize the aircraft or other property of the debtors after giving reasonable notice of the intention to seize the aircraft or property of the owner or operator of the aircraft and the Authority shall detain the aircraft or property until payment is made.
- (6) The Authority may, in accordance with any applicable law, institute legal proceedings against any person or debtor who owes the Authority an amount due or payable under the provisions of this Act, and such person or debtor fails to pay within the specified time and upon written demand by the Authority.

In this Section, delete the word Economic in the Ministry of Finance

63. Revision of Aviation Charges or Fees

The charges or fees prescribed under Section 59 of this Act, may be reviewed at the end of each fiscal year in consultations with the Ministry of Finance and Planning, provided that any revised fees shall be published in the official gazette and in at least two (2) newspapers with nation-wide circulation.

New Chapter is added to the Act

**CHAPTER X
GENERAL PROVISIONS**

64. Contracting Out

The Authority may contract out any of its services provided that such contracting out shall not abrogate from the Authority's regulatory functions and compromise safety and security standards.

65. Facilities and Services of the Authority

- (1) The Authority shall, where appropriate, consult with Government departments, institutions, other authorities, bodies or persons and users of the facilities and services.
- (2) The Authority shall develop consultative mechanism where it deems necessary to obtain the views of the users of the facilities and services.

66. Authorisation to Provide Air Navigation Services

The Authority may authorise an aerodrome to provide air navigation services for the use of such aerodrome subject to such conditions as may be set by the Authority.

67. Security Control

- (1) The Authority shall ensure proper aviation security controls of all persons, vehicles and goods.
- (2) A person shall not board an aircraft unless the person has submitted to an authorised search of his or her person and goods.

68. Investigation and Enforcement

- (1) The Director General shall, save for accidents and serious incidents, and after due notice to the person concerned, have powers to carry out investigations into complaints and occurrences.
- (2) The Director General shall have powers to:
 - (a) initiate investigation with respect to an action committed or omitted by any person in contravention of any provision of this Act; or
 - (b) proceed with an investigation over a complaint lodged in terms of subsection (2).

- (3) The Director General shall, after investigations on a complaint filed by the person or investigation initiated by him or her, and has established that there has been violation of the provisions of this Act, require a person in default to take corrective measure to comply with, and prevent further violation of the provisions of this Act.
- (4) Where the Director General finds, after having required the person in default to take corrective measure under subsection (3) of this section, such person has failed to take corrective measure to comply with the provisions of this Act, the Director General shall, consistent with the provisions of this Act, impose appropriate penalty or refer such violations to the Tribunal or Court.
- (5) The trial of any offence under this Act shall be by the Tribunal or Court.
- (6) Without prejudice to the provisions of subsection (1), the Director General may investigate a holder of aviation document if he or she:
 - (a) believes, on reasonable grounds, that it is necessary in the interests of civil aviation safety and security;
 - (b) has reasonable grounds to believe that the holder has failed to comply with any conditions of an aviation document or with the requirements of this Act;
 - (c) considers that the privileges or duties for which the aviation document or any other authorization has been granted are being carried out by the holder in a careless or incompetent manner;
 - (d) establishes that the aviation document was erroneously issued based on a mistake, misrepresentation, dishonesty, or fraud; or
 - (e) consider it necessary to investigate for any other cause in the course of exercising his or her functions under this Act.
- (7) Where the Director General is satisfied after such investigation that a person has violated any provisions of this Act, he or she shall by order require that person to take such action consistent with the provision of this Act as may be necessary in his or her opinion to prevent further violation of the provisions of this Act.
- (8) The Director General shall have power to take all steps reasonably necessary, including issuance of infringement notice as provided for under the Third Schedule, ground any aircraft and to close the premises and suspend operations of the operator or service provider, in order to ensure compliance with the provisions of this Act.

- (9) Where the Director General issues an infringement notice under subsection (8), the notice shall state the particulars of the violation, the period within which to comply and the penalty for the stated violation.
- (10) A holder of an aviation document or any person aggrieved by any of the matters raised by the infringement notice issued by the Director General shall have a right to review from the Director General within twenty-one (21) days from the time of issuance of the infringement notice.
- (11) The Director General may upon receipt of an application for review consider the grounds for review and may:
- (a) confirm, set aside, or vary the order or decision in question;
 - (b) exercise any of the powers which could have been exercised by the Authority in the proceedings in connection with which the appeal is brought; or
 - (c) make such other order as he or she may deem just and expedient.
- (12) Any person aggrieved by the order of the Director General under subsection (11) of this section may appeal to the Tribunal in accordance with the relevant provisions of this Act.
- (13) A person shall not use any weapon against civil aircraft in flight and in case of interception of civil aircraft in flight, lives of persons on board and safety of aircraft shall not be endangered.
- (14) Without prejudice to the provisions of subsection (1), where an unauthorized civil aircraft is flown above the territory of South Sudan or if there are reasonable grounds to believe that the aircraft is being used for any purpose inconsistent with the provisions of this Act, or any convention to which the Republic of South Sudan is party to, the Authority may require the aircraft to:
- (a) land at any airport within South Sudan; or
 - (b) comply with any instruction given for the purpose of bringing to an end such violation, and for this purpose, the Republic of South Sudan may resort to an appropriate means consistent with relevant rules of international law, the provisions of this Act and the regulations made thereunder regarding interception of civil aircraft.
 - (c) Every aircraft irrespective of the State of registry shall comply with an order given in pursuant to this section and to the provisions of any regulations made thereunder to effect the provisions of this Section.

- (d) Any person who contravenes the provisions of this section commits an offence and is liable, upon conviction, to a fine not exceeding fourteen million (14000000) SSP or to a term not exceeding three (3) years, or to both.

69. Aircraft in Distress

- (1) The Authority shall provide such measures of assistance to aircraft in distress within the Republic of South Sudan as it may consider practicable.
- (2) In the provision of the assistance referred in subsection (1), the Authority shall collaborate in coordinated measures which may be recommended from time to time in pursuant to the provisions of the Chicago Convention.
- (3) The Authority may enter into mutual arrangements with other States in respect to the provision of the assistance and for coordination purposes mentioned in subsections (1) and (2).
- (4) In the event of the aircraft missing or in distress is registered in another State, the Authority may permit the owner of the aircraft or the authorities of such other State to provide such measures of assistance as may be required under the circumstances, provided that the furnishing of any such assistance shall, at all time, be under the control of the Authority.
- (5) The Authority may consider requests by another State or international organization to render search and rescue assistance to aircraft missing or in distress in adjacent territories.

70. Search and Rescue Unit

The Authority shall:

- (a) establish search and rescue units which shall render such assistance as may be required by any aircraft missing or in distress within the territory of South Sudan; and
- (b) co-ordinate government departments, institutions, organizations and other authorities to pool resources and manpower for the conduct of aircraft search and rescue services.

71. Unmanned Aircraft

- (1) An unmanned aircraft shall not be flown over the territory of South Sudan without special authorization by the Authority and in accordance with the terms of such authorization.
- (2) A person shall not cause or permit an unmanned aircraft to endanger any person or property.
- (3) South Sudan shall ensure that the flight of unmanned aircraft in the regions open to civil aircraft shall be controlled to avoid danger to civil aircraft.

72. Imperiling, Permitting or Interfering with the Safety of Aircraft and Persons on Board

A person shall not:

- (a) imperil the safety of an aircraft or any person on board, whether by interference with any member of the crew of the aircraft, by tampering with the aircraft or its equipment, by disorderly conduct or by any other means;
 - (b) cause or permit an aircraft to endanger any person or property; or
 - (c) interfere or tamper with an air navigation facility.
- (2) A person who contravenes the provisions of subsection (1) commits an offence and shall be liable upon conviction to a fine not exceeding One Million four hundred thousand South Sudan Pounds (1, 400,000 SSP).

73. Being under the Influence of Alcohol or Drugs in Aircraft or while on Duty

- (1) A person shall not, when involved in aviation safety and security operations or operation of any aircraft whether in-flight or on the ground or being carried in any aircraft for the purpose of so acting be under the influence of alcohol or drugs.
- (2) Without prejudice to the provisions of applicable laws a person who contravenes the provisions of subsection (1) commits an offence and shall be liable upon conviction to a fine not exceeding two million (2,000,000) SSP or a suspension of his or her privileges, withdrawal or cancellation of licence or any other sanction on the certificate or licence as the Director General may deem fit.

74. Exemption by the Authority

- (1) The Director General may grant exemption or special authorization on any civil aviation matter upon an application by a holder of aviation document or any

authorization, as the case may be, on such terms and conditions as may be necessary; Provided that any such exemptions or special authorization granted shall not compromise aviation safety and security standards and shall be in the interest of the public.

- (2) Without limiting the provisions of subsection (1), exemptions shall be issued in accordance with the procedure for applications and approvals prescribed by the Authority.

75. Land use in the Vicinity of an Aerodrome and Restriction of Building in Declared Areas

- (1) All land use practices and activities in the vicinity of an aerodrome shall conform to safety and security requirements.
- (2) The Minister or Director General may, where he or she considers it to be necessary in the interests of the safety and security of air navigation, by order published in the Gazette, prohibit the erection within a declared area of any building or structure above a height specified in the order.
- (3) For the purposes of this section, "declared area" means any area adjacent to or in the vicinity of an aerodrome which the Minister may by order or notice in the Gazette declare.

76. Control of Structures on or near Aerodromes

- (1) Where the Director General considers that provisions for civil aviation safety and security or efficiency of air navigation ought to be made:
 - (a) whether by lighting or otherwise for giving aircraft warning of the presence of any building, structure, masts, tree or natural growth or formation on or in the vicinity of an aerodrome; or
 - (b) by the removal or reduction in height of any such obstruction or surface, he or she may by order, and subject to any conditions specified in the order or notice, require or authorise either the owner or occupier of the land on which the obstruction is situated or any person acting on behalf of the Director General to enter upon the land and carry out such work as is necessary to enable the warning to be given or the obstruction to be reduced in height.
- (2) The Director General shall before make an order under subsection (1), cause to give a notice to the owner or to be published in a Gazette or Aeronautical

Information Circular, notice of the proposal to make the order or notice, and of the place where copies of the draft order or notice may be obtained free of charge.

- (3) The Director General shall take into consideration any representations with respect to the proposed order or notice under subsection (1) which may, within such period not being less than two months after the publication of the notice or order as may be specified, be made to him or her by any person appearing to him or her to have an interest in any land which would be affected by the order or notice, and at the end of that period the order may, subject to the provisions of this section, be made with such modifications, if any, of the original draft as the Director General thinks proper.
- (4) Every order or notice made under subsection (1) shall provide that:
 - (a) no work shall be executed on any land under the order until a period of at least fourteen days has elapsed from the date of publication; and
 - (b) compensation shall be paid to any person who had legally acquired the land or having an interest in land affected by the order for any loss or damage which that person may suffer in consequence of the order or notice as may be agreed between that person and the Director General.
- (5) Any person who:
 - (a) willfully interferes with any works or things which to the knowledge of that person are executed or placed in, on or over land under an order under subsection (1);
 - (b) willfully obstructs a person in the exercise of any powers conferred by such an order; or
 - (c) willfully disobeys or fails to comply with any order made under subsection (1), commits an offence and shall be liable upon conviction to a fine not exceeding one million and four hundred thousand (1400000) SSP or imprisonment for a term not exceeding three months, or both.

77. Trespass

- (1) Any person who trespasses on any land forming part of an aerodrome or air navigation facility commits an offence.
- (2) Notwithstanding subsection (1) of this Section a person shall not be liable to conviction under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were posted so as to be readily seen and read by members of the public.

- (3) Any person being the owner of or for time being having charge of a domestic animal which trespasses in or upon an aerodrome commits an offence.
- (4) willfully disobeys or fails to comply with any order made under subsection (1), commits an offence and shall be liable upon conviction to a fine not exceeding Seven Hundred Thousand South Sudan Pounds (700,000) SSP or to imprisonment for a term not exceeding three months, or to both.

78. Nuisance and liability for damage

- (1) An action shall not lie in respect of trespass or in respect of nuisance, by reason only of the flight, or the ordinary incidents of the flight, of an aircraft over any property at a height above the ground, which, having regard to wind, weather and all the circumstances of the case is reasonable, so long as the provisions of any written law or Chicago convention are complied with.
- (2) Where material loss or damage is caused to any person or property on land or water by, or by a person in, or by an article or person falling from, an aircraft while in flight, taking off or landing, then, unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered, damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the willful act, neglect or default of the owner of the aircraft, provided that where such material loss or damage is caused in circumstances in which :
 - (a) damages are recoverable in respect of such loss or damage by virtue only of the foregoing provisions of this subsection; and
 - (b) a legal liability is created in some person other than the owner to pay damages in respect of such loss or damage, the owner shall be entitled to be indemnified by that other person against any claim in respect of such loss or damage.

79. Responsibility where an Aircraft is Demised, Let or Hired out

Where an aircraft has been bona fide demised, let or hired out for any period exceeding fourteen days to any person by the owner, and during such period no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as if for reference therein to the owner there were substituted a reference to the person to whom the aircraft has been so demised, let or hired out.

80. Flying from Unmanned Aerodrome

- (1) Where an aircraft is flown from any unmanned aerodrome or point within South Sudan to another unmanned aerodrome or point within South Sudan, the pilot in-command of such aircraft and the operator of such aerodrome shall be required to provide such information as the Authority may specify.
- (2) The information under subsection (1) shall include details of the flight and the nature of the operations.

81. Dangerous Flying

Where an aircraft is flown in such a manner as to cause unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft and the owner, unless he or she proves that the aircraft was so flown without his or her knowledge or consent commits an offence and shall be liable upon conviction to a suspension of his or her privileges, withdrawal, cancellation of licence or any other sanction on the certificate or licence as the Director General may deem fit.

82. Aircraft piracy

- (1) A person shall not commit aircraft piracy, either while the aircraft is in flight or not in flight within the jurisdiction of the Republic of South Sudan.
- (2) A person who contravenes this section commits an offence and shall be liable, upon conviction to life imprisonment.

83. Interference with Air Navigation

A person who:

- (a) commits an act of unlawful interference within the territory of South Sudan.
- (b) aids or abets the commission of an act of unlawful interference within the territory of South Sudan;
- (c) vandalizes navigation related equipment or system;
- (d) produces, causes to be produced, exhibits or attempts to exhibit within the territory of South Sudan:
 - (i) any light, signal, or communication at such place or in such manner that is likely to be mistaken for a true light or signal established pursuant to this Act or impede the vision of a pilot;
 - (ii) a false light or signal in connection with an airport or other air navigation facility; or

- (iii) such light, signal, or communication referred to under subparagraphs (i) and (ii) after due warning by the Director General and continues to maintain any such misleading light, signal or communication; and
- (e) removes, extinguishes, or interferes or attempts to remove, extinguish or interfere with the operation of any such true light, signal or communication, commits an offence and is liable, upon conviction, to a fine not exceeding fourteen million (14,000000) SSP or to a term of imprisonment not exceeding ten (10) years, or both.

84. Exemption from seizure of certain aircraft on patent claims or Spare Parts

- (1) Any lawful entry into South Sudan or any lawful transit across South Sudan with or without landing, of an aircraft to which this section applies shall not entail seizure or detention of the aircraft or any proceedings being brought against the owner or operator or any other interference by or on behalf of any person in South Sudan on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.
- (2) The importation into and storage into South Sudan of spare parts and spare equipment for aircraft to which this section applies and the use and installation in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in South Sudan.
- (3) On the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model; provided that this subsection shall not apply in relation to any spare parts or spare equipment, which are sold or distributed in South Sudan or are, exported for sale or distribution.
- (4) This section shall apply:
 - (a) to an aircraft registered in any country or territory in respect of which there is in force a notice made by the Minister and published in the Gazette, that the benefits of those provisions apply to that country or territory; and
 - (b) to such other aircraft as the Minister may prescribe.

85. Documents to be carried on aircraft

- (1) An aircraft shall not be flown unless the following documents are carried on board:
 - (a) the certificate of registration;
 - (b) the certificate of airworthiness;
 - (c) the aviation personnel certificate of each flight crew member;
 - (d) the journey logbook;
 - (e) the aircraft radio license;
 - (f) the passengers list or the cargo manifest, if carried;
 - (g) the flight manual; and
 - (h) in case of commercial flight, the air operator certificate.
- (2) Documents carried on board an aircraft registered in another State shall be in conformity with the requirements of that State, but the Authority shall have the power to require the production of such documents for examination.

86. Journey log books

Every aircraft engaged in international navigation shall maintained a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as prescribed by Authority.

87. Power to Detain, Inspect, Search or Recall an Aircraft

Where the Director General has reasonable ground to suspect that an aircraft is used in contravention of safety and security regulations or contains any matter which may be used as evidence in respect of an offence under this Act, the Director General may detain, inspect, search or recall that aircraft in flight.

88. Protection from Personal Liability

- (1) An action or thing done by a member of the Board, by any officer, employee or agent of the Authority shall not, if the action or thing is done in good faith for executing the functions, powers or duties of the Authority under this Act, render the member, officer, employee or agent or any person acting on their direction personally liable to any action, claim or demand whatsoever.
- (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 or any other written law or by the failure, whether wholly or partially, of any works.

89. Compounding of Offences

- (1) Any employee of the Authority authorised by name in that behalf by the Director General, or any police officer not below the rank of the inspector, may compound any offence under this Act or regulations.
- (2) All fines or penalties levied for any offence under this Act or regulations shall be paid to the funds of the Authority.

CHAPTER XI MISCELLANEOUS PROVISIONS

90. Performance Agreement

- (1) The Authority shall enter into a Memorandum of Understanding (MOU) with the ministry concerned with respect to management of Civil Aviation and delivery of related services within South Sudan.
- (2) The MOU, shall set forth key outputs that the Authority shall be required to achieve in any fiscal year as presented in the form of performance indicators and targets.
- (3) The Minister may require an independent report on implementation of the MOU.

91. Transfer of Certain Functions and Duties

- (1) The Minister may by agreement transfer certain functions and duties of the Authority to another State in accordance with Article 83 based on the Chicago Convention.
- (2) The transfer of functions and duties in subsection (1) of this section, shall be undertaken in accordance with the First Schedule to this Act.
- (3) The agreements under subsection (1) of this section, shall not have effect if the State has not ratified the Convention.

92. Exclusive Powers of the Authority

Except where expressly provided by law or by way of an express delegation of powers by the Authority, no person or authority shall exercise the powers or carry-out any of the functions conferred upon the Authority under this Act in relation to regulating, supervising and controlling the Civil Aviation industry in South Sudan.

93. Confidentiality

- (1) The Authority shall treat any material containing private identified information about any individual which is acquired in the course of performing its functions or in the exercise of its powers under this Act, as confidential and shall ensure the security of all such information in accordance with established regulations.
- (2) No information of the type referred to under subsection (1) of this section, shall be disclosed without the consent of the person to whom it relates, except to the extent that disclosure is expressly authorized or required by law or where it appears to the Authority to be necessary under the following limited circumstances:
 - (a) to enable the Authority to perform its functions or exercise its powers pursuant to applicable law;
 - (b) in the interest of supporting investigations, detection, prevention or prosecution of a crime;
 - (c) in connection with discharging an international duty or obligation under treaty or convention to which South Sudan is party;
 - (d) to assist, in public interest, any authority that appears to the Authority to exercise functions corresponding to some or all of those performed by the Authority within or outside South Sudan; or
 - (e) to comply with the lawful orders of any courts in or outside South Sudan.
- (3) Any information that is communicated to the Authority by a committee of government shall be considered and treated as confidential if that committee so requests; and board members and all personnel of the Authority shall maintain the confidentiality and security of such communications.
- (4) Member of the board or employee of the Authority shall not acquire, hold or maintain, whether directly or indirectly, any office, employment, consultancy arrangement or business inside and outside South Sudan where he or she shall be required to use or disclose information acquired as a board member or employee of the Authority in the performance of the duties of such office, employment, consultancy, arrangement or business after ceasing to be a board member or employee of the Authority. If the former board member or employee of the Authority acquires such interests involuntarily, then he or she shall divest from such interest within a period of sixty (60) days from the date of acquisition of such interest.
- (5) Whoever discloses information or causes or permits the disclosure of information in a manner which he or she knows or has reasons to believe it to be in contravention of the provisions of subsection (2) and (4) above, commits an offence and shall, upon conviction, be liable to pay a fine not exceeding Twelve Million South Sudan Pounds (SSP 12,000,000 SSP) or be sentenced to imprisonment for a period not exceeding six months or both.

94. Assumption of Powers, Assets and Property

Upon the coming into force of this Act the functions, duties and powers in relation to Civil Aviation that were previously performed by Directorate of Civil Aviation in South Sudan and the assets and property shall be transferred to the Authority.

95. Environmental Protection

For the purposes of environmental protection, the Authority shall:

- (a) in consultations with relevant Government and international agencies, establish minimum standards for all aircraft and machinery used in air transportation within its jurisdictional authority;
- (b) ensure protection of the environment against any adverse effects of aviation; and
- (c) develop emergency plans designed to control or respond to natural disasters or hazards in the field of aviation or air transportation.

96. Transfer of Assets and Liabilities

- (1) The powers, functions and duties which were vested in the Directorate of Civil Aviation immediately before the coming into effect of this Act shall be transferred and vested in the Authority.
- (2) The properties, assets and interests in relation to Aviation which immediately before the coming into force of this Act were vested into or enforceable against the Sudan Civil Aviation Authority, with respect to the assets and property located in South Sudan, shall upon the coming into effect of this Act, be transferred to and vested in the Authority.
- (3) Any lawful act carried out by or done on behalf of or in the name of the Directorate of Civil Aviation prior to the coming into effect of this shall be deemed to be the act of the Authority.
- (4) Any lawful action done, proposed to be done or committed to be done by any person acting in good faith or on behalf of the Directorate of Civil Aviation prior to coming into force of this Act, shall be deemed to be acted or done, proposed or committed by the Authority.

97. Inventory of Assets

The Authority shall maintain an inventory of all its assets including movable and immovable that are under its management in such format and with such identification details as may be approved by the Board.

98. Property of the Authority in Custody of Employees and Other Persons

- (1) Where an employee dies or leaves the service of the Authority while in possession of any property or assets of the Authority, it shall be the duty of such

employee or legal representative of such a person to deliver any such property or assets to the Authority.

- (2) In the event that the property or asset of the Authority referred to in subsection (1) of this section, is not delivered to the Authority the Director General shall issue a written notice to the person having possession of the assets and property of the Authority to deliver them promptly to the Authority; and if such property is not delivered as requested in the notice, the Director General, may without prejudice to other methods of recovery, apply to a competent court for appropriate orders to recover the assets and property of the Authority.

99. Regulations

- (1) The Minister shall issue such rules, regulations and procedures as are necessary and appropriate for effective and efficient implementation of the provisions of this Act.
- (2) Without limiting the generality of sub-section (1) of this section, the Minister shall issue regulations relating to the following matters:
- (a) personnel licensing Regulations;
 - (b) rules of the Air Regulations;
 - (c) meteorological Services for international air navigation Regulations;
 - (d) aeronautical Charts Regulations;
 - (e) units of Measurements to be used in air and ground operations Regulations;
 - (f) operation of Aircraft Regulations;
 - (g) aircraft Nationality and Registration Marks Regulations;
 - (h) airworthiness of Aircraft Regulations;
 - (i) facilitation Regulations;
 - (j) aeronautical Telecommunications regulations;
 - (k) air Traffic Services Regulations;
 - (l) search and Rescue Regulations;
 - (m) aircraft Accident and Incident Regulations;
 - (n) aerodromes Regulations;
 - (o) aeronautical Information Services Regulations;
 - (p) environmental Protection Regulations;
 - (q) aviation Security Regulations;
 - (r) the Safe Transport of Dangerous Goods by Air;
 - (s) safety Management Regulations; and
 - (t) other civil aviation related regulations.

- (3) Without prejudice to the generality of subsection (2), the Minister shall make regulations on the following:
- (a) regulating, by establishing licensing authorities and a system of licensing for the use of aircraft:
 - (i) for commercial transport; and
 - (ii) for aerial work.
 - (b) providing for the registration and marking of aircraft;
 - (c) prohibiting the flying of any aircraft;
 - (d) requiring the flight crew, and persons, performing prescribed functions in relation to the operation or maintenance of aircraft, air navigation services, design and construction of aircraft to be the holders of licences of specified kinds;
 - (e) providing for the manner and conditions of issue, validation, renewal, extension or variation of any licence required in regulations and for the form, custody, production, cancellation, suspension, endorsement and surrender of such;
 - (f) providing for the conditions under which and in particular the aerodromes to or from which, aircraft entering or leaving South Sudan may fly and the conditions under which aircraft may fly from one part of South Sudan to another;
 - (g) providing for the conditions under which passenger and cargo may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, and for prohibiting the carriage by air of goods of such classes as may be prescribed;
 - (h) minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation and air navigation services and prohibiting or regulating the use of such apparatus and the display of signs and lights liable to endanger aircraft;
 - (i) generally securing the safety, efficiency, and regularity of air navigation and safety of aircraft and of persons and cargo carried therein, and for preventing aircraft endangering other persons;
 - (j) requiring persons engaged in or in connection with meteorology to supply meteorological information for the purpose of air navigation;
 - (k) regulating the making of signals and other communications by or to aircraft and persons carried therein;
 - (l) subject to any other written law, prescribing a civil air [ensign] for South Sudan and regulating the use of any other ensign established for purposes connected with air navigation;
 - (m) prohibiting aircraft from flying over such areas in South Sudan as the Minister may by order published in the Gazette declare to be prohibited areas;
 - (n) prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any license, or the undergoing of any examination or test required by regulations made under this Act or any other matters in respect of which it appears to the Minister to be expedient to charge fees;

- (o) prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air navigation services, regulatory services and providing for the recovery of such charges;
 - (p) providing for consumer rights, environment and ensure fair competition practices and any other related matters;
 - (q) exempting any aircraft or persons or classes of aircraft or persons from the provisions of any regulations made under this Act;
 - (r) requiring any person who owns an aircraft or who carries on the business of operating aircraft for hire or reward to furnish to such authorities as may be prescribed such information relating to the aircraft and the use, the crew, the mail, the passengers and the cargo carried, as may be prescribed;
 - (s) providing for the licensing, inspection and regulation of aerodromes, access to places where aircraft, have landed or may land, access to aircraft factories or maintenance establishments or places where aircraft parts and engines are maintained, for the purpose of inspecting work carried on in relation to aircraft or parts;
 - (t) regulating the firing of rockets;
 - (u) regulating the operations of unmanned aircraft;
 - (v) prohibiting or regulating in the vicinity of any aerodrome the emission or causing of smoke, soot, ash, grit, dust and any other substance whichever obscures or may obscure visibility;
 - (w) controlling and regulating the selling of charters, booking of accommodation and selling of tickets for persons or cargo on flights in any part of the world;
 - (x) controlling and regulating aviation training institutions;
 - (y) the classification and use of airspace and the control and use of air routes and provisions of search and rescue facilities;
 - (z) the design, manufacture, construction, repair, overhaul, maintenance, operation and use of aircraft, maintenance and repair of facilities and related equipment;
 - (aa) the control and operation of the aircraft within or directly above the aerodrome for the purpose of limiting or mitigating the effect of noise;
 - (bb) regulating aviation security operations and providing for security oversight for airports, aerodromes, operators and all entities involved in civil aviation operations;
 - (cc) providing for the regulation of the safe transport of dangerous goods by air;
 - (dd) providing for the establishment of air accident and incident prevention programs;
 - (ee) overseeing the implementation of the safety management systems; and
 - (ff) providing for the development and implementation of the state safety programme.
- (4) Separate or different regulations may be made for different classes of aircraft, aerodromes, persons or property and for different parts of the Republic of South Sudan.

FIRST SCHEDULE (Section 88)

TRANSFER OF CERTAIN FUNCTIONS AND DUTIES

In order to ensure that cross boarder aviation transactions are effectively undertaken in line with the provisions of Section 88 of the Act. The facilitation of such transactions shall be done by providing interested parties and in particular lessors and financiers, with a mechanism for increasing the regulation and safety oversight of aircraft and their operations.

The following arrangements shall apply in facilitating such exchange lease, charter, or interchange of aircraft:

- (a) When an aircraft not registered in the Republic of South Sudan is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has its principal place of business or, if he or she has no such place of business, its permanent residence in another Contracting State, the Minister or Authority may by agreement with such other State, in accordance with Section 88 of this Act, transfer to it all or part of the oversight functions and duties under Section 11 . Such functions shall specifically relate to:
 - i. Rules of the Air;
 - ii. Aircraft Radio Equipment;
 - iii. Certificates of Airworthiness; and
 - iv. Licensed Personnel as State of Registry in respect of South Sudan aircraft.
- (b) The Minister or Authority may, by agreement with such other State; referred to in (a) above; accept all, or part of all such functions relating to Rules of the Air, Aircraft Radio Equipment, Certificates of Airworthiness and Licensed Personnel in respect of the State of registry in respect of such State's aircraft utilized by a South Sudan Operator.
- (c) When an aircraft registered in another Contracting State is operated pursuant to an agreement for the lease, charter or interchange of the aircraft or any similar arrangement by an operator who has its principal place of business or, if it has no such place of business, its permanent residence, in another Contracting State, the Authority shall recognize the validity of licences and certificates issued by such Contracting State.
- (d) The recognition contemplated in sub-section (c) includes the recognition of certificates of airworthiness, personnel licences issued or renewed by the State of Operator, radio licences, crew licences, the transfer of the State of Registry's tasks and functions to another State of Operator, the acceptance of the tasks and functions of a State of Registry from another State and the information of the International Civil Aviation Organization (ICAO) and other States concerned with transfer arrangements.

The Authority shall establish; and from time to time amend; requirements for the implementation of the provisions of Section 88 of this Act.

**SECOND SCHEDULE
PROVISIONS RELATING TO THE MEETINGS OF THE
BOARD OF DIRECTORS**

1. Special meeting

The Chairperson may call a special meeting of the Board of Directors at any time, where he or she considers it expedient for the transaction of the business of the Board of Directors.

2. Written notice

Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board of Directors shall be given to every member of the Board of Directors by the secretary.

3. Quorum

The quorum at a meeting of the Board of the Directors shall be half of the members or a greater number determined by the Board of Directors, in respect of an important matter.

4. Chairperson to preside the meeting

The Chairperson shall preside at the meetings of the Board of Directors and in his or her absence the vice-chairperson, and in the absence of a vice-chairperson, a member of the Board of Directors elected by the members present from among their number, shall preside.

5. Voting

- (a) The matters of the Board of Directors shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.
- (b) The Board may invite any person who is not a member to participate in the deliberations of the Board, but any person so invited shall have no vote at the meeting.

6. Proceedings and invalidated by irregularity

No act or proceeding of the Board shall be invalid by reason of any defect or irregularity in the appointment of any member or by reason that any person who purported bona fide to act as a member at the time of the act or proceedings, was in fact disqualified or not entitled to act as a member.

7. Vice Chairperson

At the first meeting of the Board of Directors, the members shall elect a vice-chairperson, not being an ex-officio member, from among its members.

8. Procedure of the Board

Subject to the provisions of this Schedule, the Board of the Directors may determine its own procedure and the procedure for any committee of the Board of Directors and for attendance of any other persons at the meetings and may make standing orders in respect thereof.

9. Meetings of the Board

The Board shall meet at least four times yearly at such times and places as it deems necessary for the transaction of its business, and it shall convene special meeting upon request by the majority of members.

10. Minutes of the meetings

Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at its next meeting.

11. Official Seal of the Authority

- (a) The official seal of the Authority shall be of such shape, size and form as the Board may determine.
- (b) The official seal of the Authority shall not be affixed to any instrument or document except in the presence of the Secretary or such other employee of the Authority as the Board may appoint in that behalf.

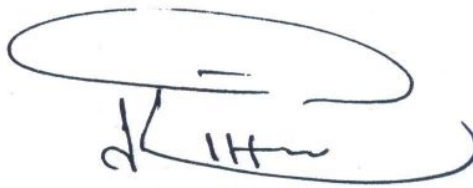
12. Examination of documents

- (a) All deeds, documents, rulings, declarations, or other official instruments requiring the seal of the Authority shall be sealed with the official seal of the Authority in the presence of two officers of the Authority duly authorized to act in that behalf and shall be signed by those officers.
- (b) The Authority may by resolution or otherwise appoint any officer or employee of the Authority or any other agent, either generally or particular case, to execute or sign on behalf of the Authority any agreement or other instrument not under seal in relation to anything coming within the powers of the Authority.

Assent of the President

In accordance with the provision of Article 85(1) of the Transitional Constitution, 2011 (As amended), I Salva Kiir Mayardit, President of the Republic of South Sudan, hereby assent to the South Sudan Civil Aviation Authority Act, 2012. (Amendment) Act, 2024 and sign it into law.

Signed under my hand in Juba this ¹¹.....day of the month of ^{NOV}.....in the year 2024.

A handwritten signature in black ink, consisting of a large, stylized 'S' shape with a horizontal line through it, and the letters 'K M' below it.

Salva Kiir Mayardit
President
Republic of South Sudan
Juba