

GOVERNMENT OF ZAMBIA

# ACT

**No. 10 of 2024**

Date of Assent: 16th August, 2024

**An Act to amend the Civil Aviation Authority Act, 2012.**

[16th August, 2024

ENACTED by the Parliament of Zambia.

Enactment

**1.** This Act may be cited as the Civil Aviation Authority (Amendment) Act, 2024, and shall be read as one with the Civil Aviation Authority Act, 2012, in this Act referred to as the principal Act.

Short title

Act No. 7  
of 2012

**2.** Section 2(1) of the principal Act is amended by the—

Amendment  
of section 2

(a) deletion of the definition of “Chicago Convention” and the substitution therefor of the following:

“Chicago Convention” has the meaning assigned to the words in the Civil Aviation Act, 2016;;

Act No. 5  
of 2016

(b) deletion of the definition of “permit”; and

(c) insertion of the following new definition in the appropriate place:

“Zambia Civil Aviation Requirements” has the meaning assigned to the words in the Civil Aviation Act, 2016.

Act No. 5  
of 2016

Amendment  
of section 11

3. Section 11(2) of the principal Act is amended by the—
- (a) insertion of the following new paragraphs immediately after paragraph (b):
    - (c) the licensing of personnel and certification of air operators under this Act;
    - (d) the safety and security oversight of flight operations, airworthiness, air navigation services and aerodromes;
    - (e) the safety and security oversight of carriage and transportation of dangerous goods under civil aviation;; and
  - (b) renumbering of paragraph (c) as paragraph (f).

Amendment  
of section 36

4. Section 36(1) of the principal Act is amended by the—
- (a) insertion of the following new paragraph immediately after paragraph (a):
    - (b) an aircraft flying over or manoeuvring within the territory of the Republic; and
  - (b) renumbering of paragraphs (b) and (c) as paragraphs (c) and (d), respectively.

Repeal and  
replacement  
of section 37

Air  
navigation  
facilities

5. The principal Act is amended by the repeal of section 37 and the substitution therefor of the following:

37. Despite any other written law, the Authority may, in order to enhance civil aviation safety, recommend to the Minister the acquisition, establishment and improvement of air navigation facilities in accordance with the Chicago Convention.

Amendment  
of section 50

6. Section 50 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) A person may file with the Director-General an application for a licence in a manner and form as specified under the Zambia Civil Aviation Requirements.

Amendment  
of section 51

7. Section 51 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) The owner of an Aircraft registered in the Republic may file, with the Director-General, an application for a certificate of airworthiness for the aircraft in a manner and form as specified under the Zambia Civil Aviation Requirements.

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**8.** Section 52 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following: Amendment of section 52

(1) A person who intends to operate as an air operator, and who is a citizen, may file, with the Director-General, an application for an air operator certificate in a manner and form as specified under the Zambia Civil Aviation Requirements.

**9.** Sections 53 and 54 of the principal Act are repealed. Repeal of sections 53 and 54

**10.** The principal Act is amended by the repeal of section 55 and the substitution therefor of the following: Repeal and replacement of section 55

55. (1) A person who intends to operate an aerodrome that serves a scheduled or non scheduled operation of an air operator or foreign air operator shall apply to the Director-General for an aerodrome operating licence in a manner and form as specified under the Zambia Civil Aviation Requirements. Aerodrome operating licence

(2) The Director-General shall, where the Director-General finds, after due evaluation, that a person applying for an aerodrome operating licence under subsection (1) is properly and adequately equipped and is able to conduct a safe operation in accordance with this Act and the Zambia Civil Aviation Requirements, issue an aerodrome operating licence to that person.

(3) The Director-General shall, where the Authority rejects an application under subsection (1), notify the applicant in writing, stating the reasons for the rejection.

(4) An aerodrome operating licence shall specify terms, conditions and limitations that are reasonably necessary to ensure safety and security in commercial air transport.

(5) Subject to subsection (4), the terms, conditions and limitations under an aerodrome operating licence shall, except where the Director-General determines that it would be contrary to public interest, include the—

(a) operation and maintenance of adequate safety equipment capable of rapid access to any area of an aerodrome used for landing, take off or surface manoeuvring of an aircraft; and

(b) condition and maintenance of Primary and secondary runways as the Director-General considers necessary.

(6) A person who does not comply with a term, condition or limitation under an aerodrome operating licence commits an offence and is liable, on conviction, to a fine not exceeding seven hundred thousand penalty units or to imprisonment for a term not exceeding seven years, or to both.

(7) The Authority may, in addition to the penalty specified under subsection (5), impose operating restrictions on the aerodrome.

Repeal of  
section 56  
Amendment  
of section 57

**11.** Section 56 of the principal Act is repealed.

**12.** Section 57 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) The Director-General may alter, amend, modify, suspend or revoke an air operator certificate, a personnel licence or aerodrome operating licence, or an authorisation in whole or in part, for failure to comply with any—

(a) provision of this Part;

(b) order, notice, circular, directive, requirement or regulation issued under this Act;

(c) term, condition or limitation of the certificate, licence or authorisation; or

(d) other written law.

Repeal of  
sections 58  
and 59  
Amendment  
of section 62

**13.** Sections 58 and 59 of the principal Act are repealed.

**14.** Section 62 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

(1) The Director-General or an authorised officer shall have free, unrestricted and unobstructed access at all times to air navigation facilities, an aerodrome, an aircraft operating to, from or within Zambia, and the premises of an operator within Zambia.

15. Section 76 of the principal Act is amended by the insertion of the following new subsections immediately after subsection (5):

Amendment  
of section 76

(6) The Authority may, in accordance with the Chicago Convention—

(a) enter into a bilateral agreement with the aeronautical authority of another country and consent to transfer to that country all or part of the Authority's functions with respect to a *Zambian* registered aircraft engaged in international navigation, to ensure compliance by the aircraft operator with rules and regulations, of that country relating to—

- (i) the flight and manoeuvre of aircraft;
- (ii) the use of aircraft radio transmitting apparatus or equipment;
- (iii) certificates of airworthiness; and
- (iv) licences of personnel; and

(b) relinquish responsibility over the *Zambian* registered aircraft where the functions of the Authority are transferred to another country in accordance with paragraph (a).

(7) The Authority may, in accordance with the Chicago Convention, accept responsibility with respect to the functions specified under a bilateral agreement entered into with another country for aircrafts registered in that country that are transferred to the Republic.

(8) The Authority may, in accordance with the Chicago Convention and a bilateral agreement entered into with another country, provide for conditions necessary for the transfer of functions under this section, except that the Authority may not relinquish responsibilities for a *Zambian* registered aircraft to a country that the Authority determines is in contravention of that country's obligations under the Chicago Convention.

(9) The transfer referred to under subsection (6) shall, where the Authority has transferred its functions have effect, with respect to other ICAO member States, where—

- (a) a bilateral agreement entered into between the Authority and another country is made public in accordance the Chicago Convention and registered with ICAO; or
- (b) the existence and scope of a bilateral agreement is directly communicated to the aeronautical authorities of other ICAO member States.

(10) The Authority shall, where the Authority enters into a bilateral agreement for the transfer of functions, notify ICAO and other ICAO member States.

(11) The Authority shall, where an aircraft registered in another country is operated in accordance with a bilateral agreement and by an air operator who has a principal place of business or, if the air operator has no place of business, a permanent residence in another country, recognise the validity of certificates, licenses or authorisations issued by that country.

(12) The Director-General may issue guidelines for the implementation of this section.

Repeal and replacement of section 80

**16.** The principal Act is amended by the repeal of section 80 and the substitution therefor of the following:

Flight procedure and aeronautical charts

80. The Authority shall provide regulatory oversight over the production, publishing and use of flight procedures and aeronautical charts in accordance with the Zambia Civil Aviation Requirements.

Amendment of section 87

**17.** Section 87 of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:

Act No. 4 of 2013

(1) Subject to the Higher Education Act, 2013 and the Zambia Qualifications Authority Act, 2011, the Authority may establish a school or acquire any existing school for the purpose of providing aviation training to—

Act No. 13 of 2011

- (a) employees of the Authority in subjects that are necessary for the proper performance of the functions of the Authority, and other subjects; and
- (b) the public on a commercial basis.

**18.** The principal Act is amended by the insertion of the following new section immediately after section 88:

Insertion of section 88A

88A. A person who contravenes a provision of this Act for which no penalty is provided is liable, on conviction, in the case of—

General penalty

(a) an individual, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both; or

(b) a body corporate or unincorporated body, to a penalty not exceeding one million penalty units.

**19.** The First Schedule to the principal Act is amended, in paragraph 4(5), by the deletion of the word “Five” and the substitution therefor of the word “Three”.

Amendment of First Schedule

**20.** The principal Act is amended by the deletion of the word “permit” wherever the word appears.

General amendment

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