CONSOLIDATED TO 30 JUNE 2012

LAWS OF SEYCHELLES

CIVIL AVIATION ACT

Act 4 of 2005
S.I. 7 of 2007

[1st April, 2005]

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1. This Act may be cited as the Civil Aviation Act.

2. In this Act —

"aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of
aircraft capable of descending or climbing vertically;

"Chicago Convention" means the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944 as amended by any subsequent convention or agreement;

"Government aerodrome" means an aerodrome under the control of the Seychelles Civil Aviation Authority, and a naval, military or air force aerodrome;

"land" includes any estate or other interest in land and easement.

(2) Any reference in this Act to the carrying out of works on land shall be construed as including a reference to the making of excavations on the land or the carrying out of levelling operatic, on the land, and references to the maintenance of works or to interference with works shall be construed accordingly.

(3) For the avoidance of doubt it is hereby declared that in this Act the expression "loss or damage" includes, in relation to persons, loss of life and personal injury.

(4) Any reference in this Act to goods or articles shall be construed as including a reference to mails or animals.

(5) Any reference in this Act to the Republic shall, unless the context otherwise requires, be construed as including a reference to the territorial waters adjacent to the Republic.

(6) Any power conferred by this Act shall be in addition to and not in derogation of any other power so conferred.

Part II - Regulation of Civil Aviation

3. (1) The Minister may, by regulations, make such provision as appears to him to be requisite or expedient —

(a) for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention; or

(b) for carrying out any other international agreement relating to aviation; or

(c) generally for regulating air navigation.

(2) The Minister may, by regulations, make provision —

(a) as to the registration of aircraft in the Republic;

(b) for prohibiting aircraft from flying unless certificates of airworthiness issued, or validated under the regulations are in force with respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified in the regulations;

(c) for the licensing, inspection and regulation of aerodromes, for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting work therein carried on in relation to aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes;

(d) for prohibiting persons from engaging in, or being employed in or (except in the maintenance at unlicensed aerodromes of aircraft not used for or in connection with commercial, industrial or other gainful purposes) in connection with, air navigation in such capacities as may be specified in the regulations except in accordance with

provisions in that behalf contained in the regulations, and for the licensing of those employed at aerodromes licensed under the regulations in the inspection or supervision of aircraft;

(e) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving the Republic may fly, and as to the conditions under which aircraft may fly from one part of the Republic to another;

(f) as to the conditions under which passengers and goods 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 specified in the regulations;

(g) for minimising or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;

(h) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;

(i) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;

(j) for regulating the making of signals and other communications by or to aircraft and persons carried therein;

(k) for regulating the use of the civil air ensign and any other ensign established by the Minister for purposes connected with air navigation;

(l) for prohibiting aircraft from flying over such areas in the Republic as may be specified in the regulations;

(m) for applying, adapting or modifying, or enabling the Minister responsible for finance to apply, adapt or modify, the enactments relating to customs in relation to aerodromes and to aircraft and to persons and property carried therein and for preventing smuggling by air, and for permitting, or enabling the Minister responsible for finance to permit, in connection with air navigation, subject to such

conditions as appear to the Minister responsible for finance to be requisite or expedient for the protection of the revenue or the importation of goods into the Republic without payment of duty;

(n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the regulations (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such documents;

(o) for regulating, or enabling the Minister after consultation with the Minister responsible for finance to regulate, the charges that may be made for the use of aerodromes licensed under the regulations and for services provided at aerodromes;

(p) for prescribing, or enabling the Minister after consultation with the Minister responsible for finance to prescribe, the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document or the undergoing of any examination or test required by, or in pursuance of, the regulations and in respect of any other matters in respect of which it appears to the Minister after consultation with the Minister responsible for finance to be expedient for the purpose of the regulations to charge fees;

(q) for exempting from the provisions of the regulations or any of them any aircraft or persons or classes of aircraft or persons;

(r) for prohibiting aircraft from taking off or landing in the Republic unless there are in force in respect of those aircraft such certificates of compliance with standards as to noise as may be specified in the regulations and except upon compliance with the conditions of those certificates.

(3) Regulations under this section may make different provision with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances and with respect to different parts of the Republic but shall, so far as practicable, be so framed as not to discriminate in like circumstances between aircraft registered in the Republic operated on charter terms by one air transport undertaking and such aircraft so operated by another such undertaking.

(4) Regulations under this section may, for the purpose of securing compliance with the provisions thereof, provide for the imposition of penalties not exceeding a fine of R200,000 and imprisonment for a term not exceeding two years and, in the case of any provision having effect by virtue of paragraph (1) of subsection

(2) of this section, may also for that purpose provide for the taking of such steps (including firing on aircraft) as may be specified in the regulations.

4. (1) The Minister may, by regulations, make provision for the mortgaging of aircraft registered in Seychelles.

(2) Regulations made under this section may —

(a) make provision for a register of mortgages;

(b) make provision as respects the rights and liabilities of mortgagors and mortgagees of aircraft and as respects the priority inter se of such rights and the relationship of such rights to other rights in or over such aircraft;

(c) make provision specifying the fees to be paid in respect of the making or deletion of entries in the register of mortgages, of the inspection of the register and of making copies thereof;

(d) make provision for the imposition of penalties not exceeding 5 years' imprisonment and fine of R100,000 in respect of making of false statements in connection with matters relating to mortgages of aircraft and in respect of the forgery of documents relating to such matters.

5. (1) In time of war, whether actual or imminent, or of great national emergency, the Minister may by Order regulate or prohibit, either absolutely or subject to such conditions as may be contained in the Order, the navigation of all or any descriptions of aircraft over the Republic or any portion thereof, and may by Order provide for taking possession of the using for the purposes of the naval, military or air forces of the Republic any aerodrome, or any aircraft in the Republic, or any machinery, plant, material or things found in or on any such aerodrome or such aircraft, and for regulating or prohibiting the use, erection, building, maintenance or establishment of any aerodrome, or flying school, or any class or description thereof.

(2) An Order under this section may make, for the purposes of the Order, such provision as Regulations under section 3 of this Act may by virtue of subsection (4) of that section make for the purpose of securing compliance with provisions thereof having effect by virtue of paragraph (1) of subsection (2) of that section.

(3) Any person who suffers direct injury or loss owing to the operation of an Order of the Minister under this section shall be entitled to receive compensation from the Minister from such public funds as he may lawfully apply for the purpose, the amount thereof to be fixed, in default of agreement, by an arbitrator to be agreed upon or failing agreement to be appointed by the Chief Justice:

Provided that no compensation shall be payable by reason of the operation of a general Order under this section prohibiting flying in the Republic or any part thereof.

6. (1) The Minister may make regulations providing for the investigation of any accident arising out of or in the course of air navigation and either occurring in or over the Republic or occurring elsewhere to aircraft registered in the Republic.

(2) Regulations under this section may contain provisions—

(a) requiring notice to be given of any such accident as aforesaid in such manner and by such persons as may be specified;

(b) applying, with or without modification, for the purpose of investigations held with respect to any such accidents any of the provisions of any law in force in the Republic relating to the investigation of deaths or accidents;

(c) prohibiting, pending investigation, access to or interference with aircraft to which an accident has occurred, and authorising any person, so far as may be necessary for the purposes of an investigation, to have access to, examine, remove, take measures for the preservation of, or otherwise deal with, any such aircraft;

(d) authorising or requiring the cancellation, suspension, endorsement or surrender of any licence or certificate granted in the Republic under this Act or any Regulation or Order made under this Act, or the withdrawal or suspension of any validation conferred in the Republic of a licence granted by a competent authority elsewhere, where it appears on an investigation that the licence or certificate ought to be cancelled, suspended, endorsed or surrendered, or the validation withdrawn or suspended as the case may be, and requiring the production of any such licence or certificate for the purpose of being so dealt with:

Provided that nothing in this section shall limit the powers of any authority under any law relating to merchant shipping.

(3) If any person contravenes or fails to comply with any regulation under this section, he shall be liable, on conviction, to a fine not exceeding R100,000 or to imprisonment for a term not exceeding 1 year.

7. (1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft, and also the owner thereof unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be liable

on conviction to a fine not exceeding R200,000 or to imprisonment for a term not exceeding 2 years or to both such fine and such imprisonment.

In this section, the expression "owner" in relation to an aircraft includes any person by whom the aircraft is hired at the time of the offence.

(2) The provisions of this section shall be in addition to and not in derogation of the powers conferred on the Minister by section 3 of this Act.

8. (1) The Minister may make regulations —

(a) to secure that aircraft shall not be used in the Republic by any person —

(i) for plying, while carrying passengers or goods for hire or reward, on such journeys or classes of journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations; or

(ii) for such flying undertaken for the purpose of any trade or business as may be so specified, except under the authority of, and in accordance with, a licence granted to the said person by the licensing authority specified in the regulations;

(b) as to the circumstances in which a licence under the regulations may or shall be granted, refused, revoked or suspended, and in particular as to the matters to which the licensing authority specified in the regulations is to have regard in deciding whether to grant or refuse such a licence;

(c) as to appeals from the licensing authority by persons interested in the grant, refusal, revocation or suspension of any licence under the regulations;

(d) as to the conditions which may be attached to such a licence (including conditions as to the fares, freight or other charges to be charged by the holder of the licence), and for securing compliance with any conditions so attached;

(e) as to the information to be furnished by an applicant for, or the holder of, such a licence to such authorities as may be specified in the regulations;

(f) prescribing the fees to be paid in respect of the grant of any licence under the regulations, or enabling such fees to be prescribed by any person or authority specified in that behalf by the regulations,

and such regulations may make different provision as respects different classes of aircraft and different classes of licences.

(2) Regulations made under this section may, for the purpose of securing compliance with the regulations, provide for the imposition of the following penalties, namely —

(a) in the case of a first offence against the regulations, a fine not exceeding R200,000 or imprisonment for a term not exceeding 2 years or both such fine and such imprisonment; and

(b) in the case of a second or subsequent offence against the regulations, a fine not exceeding R1,000,000 or imprisonment for a term not exceeding 5 years or both such fine and such imprisonment.

9. (1) The Minister may make regulations —

(a) requiring any person —

(i) who carries on the business of carrying passengers or goods in aircraft for hire or reward on such journeys (whether beginning and ending at the same point or at different points) as may be specified in the regulations; or

(ii) who is the holder of a licence in respect of a customs aerodrome,

to furnish to such authorities as may be specified in the regulations such information relating to the use of aircraft for the purpose of his said business and to the persons employed in connection with that use, or, as the case may be, relating to the use of the aerodrome and to the persons employed in aircraft arriving thereat or departing therefrom, as may be prescribed by the regulations;

(b) requiring the owner, or the pilot or other person in charge of any aircraft arriving at, or departing from, any customs aerodrome to furnish to the older of the licence in respect of that aerodrome such information as may be necessary to enable the holder of the said licence to comply with such of the provisions of the regulations as relate to him;

(c) prescribing the times at which, and the form and manner in which, any information required under the regulations is to be furnished:

Provided that a person carrying on such a business as is mentioned in subparagraph (i) of paragraph (a) of this subsection shall not be required to furnish information relating to the use of aircraft on journeys wholly outside the Republic unless the person carrying on the business is either a citizen of the Republic or a body corporate incorporated under the law of the Republic.

(2) Regulations under this section may provide for imposing on any person who contravenes or fails to comply with any provision of the regulations such penalties (not exceeding a fine of R100,000 and a further fine of R25,000 for every day on which the contravention or non-compliance continues after conviction therefor) as may be specified in the regulations.

(3) No information with respect to any particular undertaking which has been obtained by virtue of regulations under this section shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of such regulations, and if any person discloses any such information in contravention of this subsection, he shall be liable on conviction to imprisonment for a term not exceeding 1 year or to a fine not exceeding R100,000 or to both such fine and such imprisonment.

Nothing in this subsection shall apply to the disclosure of any information for the purposes of any legal proceedings which may be taken by virtue of this subsection or regulations made under this section or for the purpose of any report of any such proceedings, but, save as aforesaid, the restriction imposed by this subsection shall, in relation to any legal proceedings (including arbitration), extend so as to prohibit and prevent any person who is in possession of any such information so obtained from disclosing, and from being required by any court or arbitrator to disclose, that information (whether as a witness or otherwise) except with the consent of the person carrying on the undertaking to which the information relates.

(4) In this section, the expression “customs aerodrome” means an aerodrome for the time being appointed as a place of landing or departure of aircraft for the purposes of the enactments relating to customs.

Part III - Aerodromes and Other Land

10. (1) If the Minister is satisfied, with respect to any building, structure or erection in the vicinity of any aerodrome to which this section applies that, in order to avoid danger to aircraft flying in that vicinity in darkness or conditions of poor visibility, provision ought to be made (whether by lighting or otherwise) for giving to such aircraft warning of the presence of that building, structure or erection, he may by order in writing authorise (subject to any conditions specified in the order) the proprietor of the aerodrome, and any person acting under the proprietor's instruction —

(a) to execute, install, maintain, operate, and, as occasion requires, to repair and alter, such works and apparatus as may be necessary for

enabling such warning to be given in the manner specified in the order; and

(b) so far as may be necessary for exercising any of the powers conferred by the order to enter upon and pass over (with or without vehicles) any such land as may be specified in the order:

Provided that no such order shall be made in relation to any building, structure or erection if it appears to the Minister that there have been made, and are being carried out, satisfactory arrangements for the giving of such warning as aforesaid of the presence of the building, structure or erection.

(2) The Minister shall, before making any such order as aforesaid cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order and of the place where copies of the draft order may be obtained free of charge, and take into consideration any representations with respect to the order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order; and at the end of that period the order may, subject to the provisions of this section, be made with such modification (if any) of the original draft as the Minister thinks proper.

(3) Every such order as aforesaid shall provide —

(a) that, except in a case of emergency, no works shall be executed on any land in pursuance of the order unless, at least fourteen days previously, the proprietor of the aerodrome to which the order relates has served in the manner prescribed by the order on the occupier of that land, and on every other person known by the proprietor to have an interest therein, a written notice containing such particulars of the nature of the proposed works, and the manner in which and the time at which it is proposed to execute them, as may be prescribed by or in accordance with the order; and

(b) that if, within fourteen days after service of the said notice on any person having such an interest, the proprietor of the aerodrome receives a written intimation of objection on the part of that person to the proposals contained in the notice, being an intimation which specifies the grounds of objection, then, unless and except in so far as the objection is withdrawn, no step shall be taken in pursuance of the notice without the specific sanction of the Minister, and shall also provide for requiring the proprietor of the aerodrome to which the order relates to pay to any person having an interest in any land affected by the order such compensation for any loss or damage which that person may suffer in consequence of the order as may, in default of agreement, be determined from time to time by a single

arbitrator appointed by the Chief Justice and, for the purposes of this subsection, any expense reasonably incurred in connection with the lawful removal of any apparatus installed in pursuance of such an order, and so much of any expense incurred in connection with the repair, alteration, demolition or removal of any building, structure or erection to which such an order relates as is attributable to the operation of the order, shall be deemed to be loss or damage suffered in consequence of the order.

(4) The ownership of anything shall not be taken to be affected by reason only that it is placed in, or affixed to, any land in pursuance of such an order as aforesaid; and (subject, to the provisions of the next following subsection) so long as any such order in respect of an aerodrome is in force, no person shall, except with the consent of the proprietor of the aerodrome, willfully interfere with any works or things which, to the knowledge of that person, are works or things executed or placed, in, on or over anyland in pursuance of the order.

If any person contravenes the foregoing provisions of this subsection, he shall be liable, on conviction, to imprisonment for a term not exceeding 1 year or to a fine not exceeding R100,000 or to both such fine and such imprisonment; and every person who wilfully obstructs a person in the exercise of any of the powers conferred by such an order as aforesaid shall be liable on conviction to a fine not exceeding R50,000.

(5) Nothing in this section shall operate, in relation to any building, structure or erection, so as to restrict the doing of any work for the purpose of repairing, altering, demolishing or removing the building, structure or erection:

Provided that —

(a) notice of the doing of that work is given as soon as may be to the proprietor of that aerodrome; and

(b) the giving of warning of the presence of the building, structure or erection in the manner provided by any order under this section in force in relation thereto is not interrupted.

(6) In this section —

(a) the expression “aerodrome to which this section applies” means a Government aerodrome or any premises which, by virtue of regulations made under section 3 of this Act, are for the time being licensed as an aerodrome for public use; and

(b) the expression “proprietor of the aerodrome” means, in relation to any premises used or appropriated for use as an aerodrome, the person carrying on or entitled to carry on the business of an

aerodrome in those premises or, in the case of a Government aerodrome, the officer in charge of the aerodrome.

11. If any person trespasses on any land forming part of a Government aerodrome or an aerodrome licensed in pursuance of regulations under section 3 of this Act, he shall be liable on conviction to a fine not exceeding R25,000:

Provided that no person shall be liable to any penalty 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 in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

Part IV - Liability for damage, etc., caused by aircraft

12. (1) No action shall lie in respect of trespass or in respect of nuisance, by reason only 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, or the ordinary incidents of such flight so long as the provisions of Part II and this Part of this Act and any regulations or order made thereunder being provisions which extend to the Republic, are
duly 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 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 wilful act, neglect or default of the owner of the aircraft:

Provided that where material loss or damage is caused as aforesaid in circumstances in which —

(a) damages are recoverable in respect of the said 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 the said loss or damage, the owner shall be entitled to be indemnified by that other person against any claim in respect of the said loss or damage.

13. (1) Regulations under section 3 of this Act may provide for regulating the conditions under which noise and vibration may be caused by aircraft on aerodromes and may provide that subsection (2) of this section shall apply to any aerodrome as respects which provision as to noise and vibration caused by aircraft is so made.

(2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an aerodrome to which this subsection applies by virtue of regulations under section 3 of this Act as long as the provisions of any such regulations are duly complied with.

Part V – Miscellaneous

14. (1) Where default is made in the payment of airport charges or air navigation charges incurred in respect of any aircraft at an aerodrome to which this section applies, the aerodrome authority may, subject to the provisions of this section —

(a) detain, pending payment, either —

(i) the aircraft in respect of which the charges were incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time when the detentionbegins); or

(ii) any other aircraft of which the person in default is the operator at the time when the detention begins; and

(b) if the charges are not paid within 56 days of the date when the detention begins, sell the aircraft in order to satisfy the charges.

(2) An aerodrome authority shall not detain or continue to detain an aircraft under this section by reason of any alleged default in the payment of airport charges or air navigation charges to the operator of the aircraft or any other person claiming aninterest therein —

(a) disputes that the charges, or any of them, are due or, if the aircraft is detained under subsection (1)(a)(i) above, that the charges in question were incurred in respect of that aircraft; and

(b) gives to the aerodrome authority, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.

(3) An aerodrome authority shall not sell an aircraft under this section without the leave of the court and the court shall not give leave except on proof—

(a) that a sum is due to the aerodrome authority for airport charges or air navigation charges;

(b) that default has been made in the payment thereof; and

(c) that the aircraft which the aerodrome authority seeks leave to sell is liable to sale under this section by reason of the default.

(4) An aerodrome authority proposing to apply for leave to sell an aircraft under this section shall take such steps as may be prescribed —

(a) for bringing the proposed application to the notice of persons whose interests may be affected by the determination of the court thereon; and

(b) for affording to any such person an opportunity of becoming a party to the proceedings on the application,

and, if leave is given, the aerodrome authority shall secure that the aircraft is sold for the best price that can reasonably be obtained.

(5) Failure to comply with any requirement of subsection (4) above in respect of any sale, while actionable as against the aerodrome authority concerned at the suit of any person suffering loss in consequence thereof, shall not, after the sale has taken place, be a ground for impugning its validity.

(6) The proceeds of any sale under this section shall be applied as follows, and in the following order, that is to say —

(a) in payment of any tax chargeable on imported goods which is due in consequence of the aircraft's having been brought into Seychelles;

(b) in payment of the expenses incurred by the aerodrome authority in detaining, keeping and selling the aircraft, including their expenses in connection with the application to the court;

(c) in payment of the airport charges and air navigation charges which the court has found to be due, and the surplus, if any, shall be paid to or among the person or persons whose interests in the aircraft have been divested by reason of the sale.

(7) The power of detention and sale conferred by this section in respect of an aircraft extends to the equipment of the aircraft and any stores for use in connection with its operation (being equipment and stores carried in the aircraft) whether or not the property of the person who is its operator, and references to the aircraft in subsections (2) to (6) above include, except where the context otherwise requires, references to any such equipment and stores.

(8) The power of detention conferred by this section in respect of an aircraft extends to any aircraft documents carried in it, and any such documents may, if the aircraft is sold under this section, be transferred by the aerodrome authority to the purchaser.

(9) The power conferred by this section to detain an aircraft in respect of which charges have been incurred may be exercised on the occasion on which the charges have been incurred or on any subsequent occasion when the aircraft is on any aerodrome in Seychelles.

(10) This section applies to any Government aerodrome or any aerodrome licensed in pursuance of regulations under section 3 of this Act; and in this section —

"aerodrome authority" in relation to any aerodrome, means the person owning or managing it;

"airport charges" means charges payable to an aerodrome authority for the use of, or for services provided at, an aerodrome;

"air navigation charges" means any fees or charges payable by virtue of regulations made under this Act;

"aircraft documents", in relation to any aircraft, means any certificate of registration, maintenance or airworthiness of that aircraft, any log book relating to the use of that aircraft or its equipment and any similar document.

(11) Nothing in this section shall prejudice any rights of an aerodrome authority to recover any charges, or any part thereof by action.

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

The foregoing provisions of this subsection shall have effect notwithstanding that the aircraft concerned is a foreign aircraft and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of the Republic.

(2) The Minister may by regulations direct that any provisions of any law of the Republic for the time being in force which relate to wreck, to salvage of life or property or to the duty of rendering assistance to vessels in distress shall, with such exceptions, adaptations and modifications, if any, as may be specified in the regulations, applied in relation to aircraft as those

provisions apply in relation to vessels.

(3) the purposes of this section, any provisions of any law of the Republic which relate to vessels laid by or neglected as unfit for sea service shall be deemed to be provisions relating to wreck.

16. (1) Any lawful entry into the Republic or any lawful transit across the Republic, with or without landings, of an aircraft to which this section applies shall not entail any seizure or detention of the aircraft or any proceedings being brought against the owner or operator thereof or any other interference therewith by or on behalf of any person in the Republic 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 in, the Republic of spare parts and spare equipment for an aircraft to which this section applies and the use and installation thereof 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 the Republic 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 the Republic or are exported from the Republic for sale or distribution.

(3) This section applies —

(a) to an aircraft, other than an aircraft used in military, customs or police services, registered in any country or territory in the case of which there is for the time being in force a declaration made by the Minister, with a view to the fulfilment of the provisions of the Chicago Convention to which this section relates, that the benefits of those provisions apply to that country or territory, and

(b) to such other aircraft as the Minister may by regulations specify.

Part VI – Supplemental

17. (1) Any order or regulation made under this Act, or instructions given by the Minister thereunder, may contain such incidental and supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of the order, regulation or instructions; and any such regulation may authorize the Minister to give instructions for the purposes of the regulation in respect of such matters as may be specified in the regulation.

(2) Any reference in this Act to the provisions of regulations shall include a reference to the provisions of any order or regulation made or instruction given under the regulations.

18. Any order or regulation made under this Act in relation to aircraft may provide for the detention of aircraft to secure compliance with the order or regulation, as the case may be, or with any provision of this Act and may make such further provision as appears to the Minister to be necessary or expedient for securing such detention.

19. Notwithstanding that any regulation or order made under this Act by the Minister has effect only as part of the law of the Republic, no provision contained in the order or regulation shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies to aircraft registered in the Republic wherever they may be, or prohibits, requires or regulates —

(a) the doing of anything by persons in, or any of the personnel of, such aircraft as aforesaid, wherever they may be, or

(b) the doing 'of anything in relation to such aircraft as aforesaid by other persons being citizens of the Republic, wherever they may be.

For the purposes of this section, the personnel of an aircraft shall be deemed to include the commander or other person in charge of the aircraft and all other members of the crew of the aircraft.

20. Any offence under this Act or under an order or regulation made thereunder shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

21. (1) Any act or omission taking place on board an aircraft under the control of the Republic which is in flight elsewhere than in or over the Republic, which if taking place in the Republic would constitute an offence under the law in force in the Republic shall constitute that offence but this section shall not apply to any act or omission which is expressly or impliedly authorised by or under that law when taking place outside the Republic.

(2) No proceeding for any offence under the law in force in the Republic committed on board an aircraft which is in flight elsewhere than in or over the Republic (other than an offence under this Act or any order or regulation made thereunder) shall be instituted except by or with the consent of the Attorney General.

(3) For the purpose of conferring jurisdiction, any offence under the law in force in the Republic committed on board an aircraft in flight shall be deemed to have been committed in any place in the Republic where the offender may for the time being be.

(4) For the purpose of this section, the period during which an aircraft is in flight shall be deemed to include any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when landing run (if any) at the termination of that flight ends; and any reference in this section to an aircraft in flight shall include a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(5) In this section —

"an aircraft under the control of the Republic" means an aircraft —

(a) which is for the time being registered in the Republic;

(b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely —

(i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in the Republic; and

(ii) that he resides or has his principal place of business in the Republic; or

(c) which being for the time being registered in another country is for the time being chartered by demise to a person who or to persons each of whom satisfies the requirements aforesaid.

22. (1) Subject to subsection (2), nothing in this Act shall apply to any aircraft belonging to, or exclusively employed in the service of, the Republic.

(2) The Minister may, by regulation, apply to any such aircraft as is referred to in subsection (1), with or without modification, any of the provisions of this Act or any orders or regulations made thereunder.

(3) Nothing in this Act or in any instrument made thereunder shall prejudice or affect the rights, powers or privileges of any general or local lighthouse authority.

Part VII - General

23. Where a person who is not a resident of Seychelles or a body corporate that is incorporated outside Seychelles is convicted of an offence under this Act or an order or regulation made thereunder and a fine is imposed, the Court may order the person or body corporate to pay the equivalent sum in any foreign currency specified by the Court.

24. The provisions of the Air Navigation (Overseas Territories) Order —

(a) shall have effect as if they were provisions of regulations made under this Act; and

(b) may be amended by the Minister in exercise of the powers conferred by this Act.

25. The Civil Aviation Act 1949 (Overseas Territories) Order, 1969 is repealed.