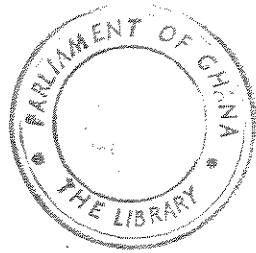


*IN THE FOURTH SESSION OF THE THIRD
PARLIAMENT OF THE FOURTH
REPUBLIC OF GHANA*



**REPORT OF THE COMMITTEE ON
ROADS & TRANSPORT**

ON THE

**CIVIL AVIATION
AUTHORITY BILL**

OCTOBER 2004

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1.0 INTRODUCTION

1.1 Pursuant to Article 103 of the 1992 Constitution and Order No. 189 of the Standing Orders of the House, the Civil Aviation Bill was laid before Parliament on 12th October 2004. It was accordingly referred to the Committee on Roads and Transport for consideration and report.

1.2 In deliberating on the Bill, the Committee met with the Minister for Roads and Transport, Mr. Justice V. C. R. A. C. Crabbe of the Attorney General's Department, the Director-General of the Civil Aviation Authority and his technical team and officials from the underlisted institutions:

- i. Ministry of Roads & Transport
- ii. The Ghana Airforce
- iii. The Judicial Service
- iv. The Ghana Police Service

The Committee expresses its appreciation to the above-mentioned for their co-operation.

1.0 REFERENCE DOCUMENTS

The Committee availed itself of the following documents in its deliberations:

- a. The 1992 Constitution of Ghana
- b. The Standing Orders of the Parliament of Ghana
- c. The Ghana Civil Aviation Authority Law, 1986 (P.N.D.C.L 151)

2.0 PURPOSE OF THE BILL

The Civil Aviation Bill seeks to amend and consolidate the Civil Aviation Authority Law, 1986 (P.N.D.C.L. 151) in order to provide broader internationally recognized standards and practices for the safety, security, efficiency and regularity of air transport.

3.0 BACKGROUND INFORMATION

The Civil Aviation Authority Law, 1986 (P.N.D.C.L 151) provided the legal foundation which converted the then Department of Civil Aviation to Civil Aviation Authority (CAA) to enable it have full responsibility of ensuring the efficient and effective regulation of air transport in the country.

Ghana, a member of the International Civil Aviation Organisation (ICAO), is a signatory to the Convention on International Civil Aviation signed in Chicago in 1944 which provides for safe, secure and orderly air transport operations in the world. For efficient and effective performance of functions of Civil Aviation Authorities (CAAs), ICAO enjoins member states to comply with safety and security requirements as contained in the Convention. ICAO therefore instituted a Universal Safety Oversight Audit Programme (USOAP) to

assess the level of compliance of member states. At the end of the 32nd Session of the ICAO Assembly on the 2nd of October 1998, Resolution A32-11 which provided for a regular, mandatory, systematic and harmonized safety audits for greater transparency and increased disclosure of findings was unanimously adopted.

Consequently, the Civil Aviation Authority was audited in October 1998. This audit identified certain deficiencies in the P.N.D.C.L. 151 which has necessitated the revision of the law to provide certain vital provisions omitted in the P.N.D.C.L. 151 to enable Ghana meet its obligation under the Chicago Convention.

4.0 SUMMARY OF PARTS OF THE BILL

The Civil Aviation Bill is structured in three (3) parts and are summarized as follows:

4.1 Part One - Administration

Part one of the Bill makes provisions for the establishment of the Authority, its policy objectives, functions, as well as its policy directions. It further provides for the establishment of a Board and spells out its functions. It also deals with the appointment of a Director-General, two Deputy Directors-General, a Secretary to the Authority and the engagement of officers and other employees for the proper and efficient performance of the functions of the Authority. Part one finally deals with the finances of the Authority.

4.2 Part Two – Regulation of Civil Aviation and Air Navigation

This Part of the Bill deals with regulation of air navigation, control of civil aviation in an emergency situation, prohibiting flying over specified areas, dangerous flying as well as investigation of accidents arising out of or in the course of air navigation. Other provisions regarding the prohibition of unlicensed commercial flying, valid insurance documents, trespass, nuisance and damage, and nuisance on aerodromes are covered under this Part of the Bill.

4.3 Part Three – Miscellaneous

This Part contains various miscellaneous provisions such as custody and disposal of lost property, wreck and salvage service to aircraft and the powers of the Minister to make regulations on vessels applicable to seaplanes. It also provides for the repeal of the P.N.D.C.L 151, but saves the transitional provisions and interpretation.

5.0 OBSERVATIONS

The Committee made a number of observations and these are submitted as follows:

- 5.1 the Committee observed the increasing need to enhance safety and security within Civil Aviation operations. It was thus, happy to note that ICAO has instituted the Universal Safety Oversight Audit

Programme (USOAP) to provide for regular and greater transparency in the activities of member states to ensure a high level of compliance of ICAO Conventions.

- 5.2 the Committee noted that the audit of CAA undertaken by USOAP identified certain deficiencies in the P.N.D.C.L. 151. The audit Report indicated the need for the primary law governing CAA to be amended to include certain vital provisions which were omitted in the P.N.D.C.L. 151. This includes the need to separate air space management and safety regulatory functions from airport infrastructural development and management.
- 5.3 the Committee further noted that the amendment of the existing law would enable a limited liability company to be set up under the Companies Code, 1963 (Act 179) to develop and manage all airports in the country on sound commercial principles. This will give the CAA the freedom to focus on the management of air navigation services for reasons of national safety and security.
- 5.4 the Committee observed the need for CAA to be administratively and financially autonomous to enhance the smooth operation of CAA. The Director-General should therefore be empowered to amend, revise, revoke and suspend technical orders, rules and regulations through the issuance of operational orders, directives, airworthiness notices and circulars. CAA should also be exempted from payment of

taxes in order to plough back sufficient funds into the aviation industry to ensure safety.

5.5 the Committee further observed that the existing law was silent on certain areas of activities of CAA such as aviation security, aerodrome certification and licensing of air traffic personnel which are important activities that need to be undertaken by the Authority.

5.6 the Committee noted that it is necessary for CAA to put a mechanism in place to provide for the establishment, examination and rating of organizations giving instruction in the following:

flying, repair, alteration, maintenance and overhaul of aircraft engines, propellers and appliances. The mechanism should also determine the suitability of air worthiness of equipment and the competency of instruction. It is equally important that these instructions should be carried out by maintenance organizations and shops issued with approved certificates.

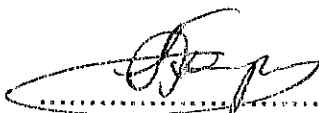
5.7 Finally, the Committee observed that the various provisions in the Bill will in effect enable CAA to meet the prescribed requirements of ICAO for its effective operation.


6.0 RECOMMENDATION AND CONCLUSION

The passage of this Bill would provide a framework that would ensure that CAA meets international standards and requirements through effective and efficient performance and thereby enable Ghana compare favourably with the one hundred and eighty-eight (188) member states of ICAO.

The Committee hereby recommends to the House upon the adoption of the proposed amendments (see attached Appendix), the passage of the Civil Aviation Bill.

Respectfully submitted.


.....
JANET FRIMPONG (Ms.)
(CLERK TO THE COMMITTEE)


.....
HON. S. K. SARFOH
(CHAIRMAN, COMMITTEE ON
ROADS AND TRANSPORT)

OCTOBER 2004

A P P E N D I X

GHANA CIVIL AVIATION BILL **AMENDMENTS PROPOSED**

1. **Short title** – insert "*Ghana*" before "*civil*" to read "Ghana Civil Aviation Authority"

2. **Part One**

Clause 1 (2) (d)

Line two – insert "*subject to Article 181 of the 1992 Constitution*" after the word "*Minister*".

Clause 2

New Paragraph

Add a new paragraph to read as follows:

"to protect civil aviation against unlawful acts of interference".

Clause 2 (a)

Insert "*domestic and*" after the word "*for*".

Clause 3 (1)

New Paragraph

Add a new paragraph to read as follows:

"the recognition of certificate of airworthiness, certificate of competency, radio licence and other licenses issued by other contracting states".

Clause 3 (1) (q)

Insert "*communicating*" before the word "meteorological" and delete "*International*" before the word "air".

It now reads as "*communicating meteorological information for air navigation*".

Clause 3 (1) (s)

Line one – insert "*annexes*" after "conventions".

Clause 3 (2) (g)

Clause 3 (2) (g) should be deleted.

Clause 3 (2) (i)

Delete Clause 3 (2) (i)

Clause 3 (2) (j)

The Committee proposes the deletion of Clause 3 (2) (j).

Clause 5 (1) (e)

Delete Clause 5 (1) (e) and insert the following:

"five other members, two of whom shall be women".

Clause 5 (4)

Line four – delete "*misbehaviour*" after the word "*stated*" and insert "*misconduct*".

Clause 8

Insert "*consisting of members or non-members of the Board*" after the word "*necessary*".

Clause 13 (1) (a)

Insert a new paragraph to read as follows:

"by any other organisation".

Clause 13 (2)

Delete Clause 13 (2) and insert the following:

"The Authority is exempt from the payment of rates and taxes".

Clause 16 (2)

Line one – delete "*Board*" and insert "*Authority*".

Clause 16 (4)

Lines one and two – delete "*with the prior approval in writing of the Minister*" after the word "*may*".

Clause 18 (1)

Line two – insert "*and subject to the Bank of Ghana Regulations*" after the word "*Finance*".

Clause 19 (1)

Line one – delete "*with the prior approval in writing of the Minister*" after the word "*may*" and insert "*subject to Article 181 of the 1992 Constitution*".

3. **Part Two**

Clause 21 (1)

Delete "*may*" and insert "*shall*" after "*Director-General*"

Clause 21 (7)

Delete Clause 21 (7) and insert the following:

"The Regulations made under subsection (1) may provide for the examination and rating of,

- (a) civilian school giving instruction in flying or in the repair, alteration, maintenance, and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy of the course of instruction, the suitability and airworthiness of the equipment, and the competency of the instruction; and***
- (b) approved maintenance organizations or shops for the repair, alteration, maintenance and overhaul of aircraft, aircraft engines, propellers, and appliances, as to the adequacy and suitability of the equipment, facilities and materials for, and methods of repair and overhaul, and the competency of those engaged in the work and of the instructors; and***
- (c) the issue of appropriate certificates of approval for schools and approved maintenance organisations.***

4. Part Three

Clause 31 (1)

Line one -- delete "*may*" and insert "*shall*" after "*Director-General*"

Clause 33 (1)

Lines one and two -- delete "*section 173 of the Merchant Shipping Act, 1963 (Act 183)*" and insert "*the Ghana Shipping Act, 2003 (Act 645)*".

Clause 33 (1) (b)

Lines two and three -- delete "*section 173 and sections 174, 175 and 176 of the Merchant Shipping Act, 1963 (Act 183)*" and insert "*the relevant sections of that Act*".

Clause 33 (4)

Line thirteen -- delete "*section 173 of the Merchant Shipping Act, 1963 (Act 183)*" and insert "*Ghana Shipping Act, 2003 (Act 645)*".

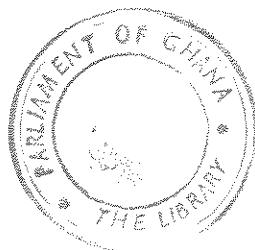
Clause 36

Line one -- delete "*may*" and insert "*shall*" after "Authority"

Clause 39 (6)

Add a new paragraph to read as follows:

"A person who commits an offence under this section is liable on summary conviction to a fine not exceeding 500 penalty units or to a term of imprisonment not exceeding 2 years".



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