

CIVIL AVIATION

Act 15 of 1974 – 25 October 1986

ARRANGEMENT OF SECTIONS

1	Short title	9	Offences
2	Interpretation	10	Jurisdiction
3	Application of Act	11	Regulations
4	Licences	12	Delegation of powers
5	Supply of information	13	Exemptions
6	Limitation of liability	14	Repeal
7	Patent claims	15	-
8	Minister's powers		

1 Short title

This act may be cited as the Civil Aviation Act.

2 Interpretation

“aerodrome” means an area of land or water intended or designed to be used either wholly or partly for the landing, departure and movement of aircraft, and includes any building, installation or equipment on or near an aerodrome used in connection with its administration;

“aircraft” means a machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth;

“air transport service” means a service for the carriage of passengers or cargo by aircraft for hire or reward;

“Convention” means the Convention on International Civil Aviation, concluded at Chicago on 7 December 1944, and includes the international standards and recommended practices and procedures adopted by the International Civil Aviation Organization under article 37 of the Convention;

“licence” means a licence issued under section 4;

“Minister” means the Minister to whom responsibility for the subject of civil aviation is assigned;

“Registrar” means the Master and Registrar of the Supreme Court.

3 Application of Act

This Act shall apply –

- (a) to the land and air space of all the islands comprised in the State of Mauritius;
- (b) to the territorial sea and the air space above the territorial sea of Mauritius;
- (c) to every aircraft and air transport service registered in Mauritius.

4 Licences

(1) No person shall operate an aircraft or an air transport service or establish or operate an aerodrome or flying school unless he holds a licence to do so.

(2) Any person who wishes to obtain a licence shall make a written application to that effect.

(3) On receipt of an application under subsection (2), the Minister may, if he is satisfied that --

- (a) the applicant is a fit and proper person to hold the licence applied for;
- (b) the equipment and facilities to which the licence will relate are adequate;
- (c) the requirements of any regulation made under this Act are satisfied;
- (d) in the case of an application for an air transport service licence, the applicant is the designated airline of a State which has entered into an air services agreement with the Government or commands sufficient technical knowledge, experience and financial resources to ensure the proper conduct of air transport services,

grant the licence subject to such terms and conditions as he thinks fit.

5 Supply of information

The Minister may require the holder of a licence or any person whom he has reason to believe has committed or is likely to commit an offence against this Act or any regulation made under this Act to furnish such information as he thinks necessary for the purpose of this Act.

6 Limitation of liability

Notwithstanding anything to the contrary in any other law in force, no liability shall attach to --

- (a) the Government in respect of loss arising from the use of an aerodrome or from the exercise by a public officer of his functions in good faith at an aerodrome;
- (b) the Government or the operator of an aircraft by reason only of --
 - (i) ordinary incidents of flight of an aircraft at a height above the ground which is reasonable having regard to the wind, the weather and other circumstances;
 - (ii) noise or vibration within the prescribed levels caused by an aircraft in flight or an aerodrome.

7 Patent claims

(1) Subject to subsections (2) and (3), no seizure or detention shall be made and no proceedings shall lie in respect of --

- (a) an aircraft; or
 - (b) spare parts and spare equipment for an aircraft making a lawful entry into, or in lawful transit through Mauritius,
on the ground that the construction, mechanism, or a part of accessory of the aircraft or of the spare part or spare equipment infringes a patent protected by the law of Mauritius.
- (2) Subsection (1) shall have effect only in respect of -
- (a) an aircraft registered in a State party to the Convention, or such other aircraft as the Minister may approve; and
 - (b) a spare part or spare equipment sold or distributed in Mauritius.

(3) Where it is alleged by an interested person that an aircraft, other than an aircraft to which subsection (1) applies, which is in Mauritius, infringes in itself or in any part of it any patent protected by the law of Mauritius, the Supreme Court may, on motion, order the detention of the aircraft until the owner of the aircraft deposits, or gives security for, a sum with the Registrar in respect of the alleged infringement.

(4) The sum specified in subsection (3) shall be of an amount agreed between the parties, or, in default of agreement, of such amount as may be fixed by the Supreme Court.

8 Minister's powers

(1) The Minister may take such measures as he thinks fit -

- (a) to promote the orderly and economic development of civil aviation;
- (b) to regulate the safe and efficient operation of aircraft, air transport services, aerodromes and flying schools;
- (c) to investigate any accident arising out of or in the course of air navigation and occurring in or over Mauritius.

(2) The Minister may, notwithstanding anything to the contrary in any other law in force, by regulation impose restrictions on the power of any person to build or plant on land anything which is likely to create an obstruction or danger to aircraft.

(3) Any person appointed, pursuant to subsection (1)(c), to investigate an accident shall have the same powers as the Supreme Court to summon witnesses, to examine them under oath and to order the production of documents or other articles.

9 Offences

(1) Any person who -

- (a) fails to supply information requested under section 5 or supplies information which he knows or should have known to be false or misleading in a material particular;
- (b) without lawful excuse or authority, is found on an aerodrome to which a licence relates;
- (c) fails to comply with or contravenes any other provision of this Act or of any regulation made under this Act,

shall commit an offence.

(2) A person who commits an offence shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding twelve months.

(3) Where an offence is committed by a body corporate every person who at the time of the commission of the offence was concerned in the management of the body corporate or was purporting to act in that capacity shall commit the like offence unless he proves that the offence was committed without his consent or connivance and that he exercised all due diligence to prevent the commission of the offence.

(4) The court before which a person is convicted of any offence may order the forfeiture of any aircraft to which the offence relates and thereupon the aircraft shall be detained and disposed of in such manner as the Minister may determine.

10 Jurisdiction

(1) An act or omission which takes place outside Mauritius in an aircraft registered in Mauritius shall be deemed, for the purposes of civil and criminal jurisdiction, to have taken place in the district of Port Louis and the law of Mauritius shall have effect in relation to that act or omission as if it had taken place in Mauritius.

(2) Notwithstanding the provisions of -

- (a) section 114 of the Courts Act; and

(b) section 72 of the District and Intermediate Courts (Criminal Jurisdiction) Act, a Magistrate shall have jurisdiction to try all offences and to impose all penalties provided for under this Act.

11 Regulations

(1) The Minister may make such regulations as he thinks fit for the purpose of this Act.

(2) Any such regulations may provide for the taking of fees and the making of charges.

(3) All such regulations shall be laid before the National Assembly
[Amended 48/91]

12 Delegation of powers

The Minister may, by written instruction, delegate any of his powers under this Act, other than the powers conferred by sections 11 and 13, to a public officer.

13 Exemptions

The Minister may, by Order published in the *Gazette* or by regulation, exempt any aircraft, class of aircraft or person from the provisions of this Act or of any regulation made under this Act.

14 Repeal

[This section made provision for the repeal, by Proclamation, of the Plaisance Airport (Building Restrictions) Act and certain subsidiary enactments. The repeal had not, as at 31 December 2000, been proclaimed.]