



**THE ZANZIBAR AERODROMES ACT
NO. 9 OF 2011**

ARRANGEMENT OF SECTIONS

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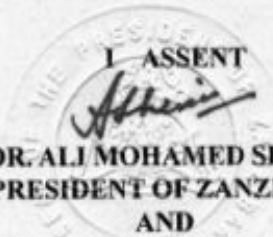
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ACT NO. 9 OF 2011



{ DR. ALI MOHAMED SHEIN }
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

16 August, 2011

AN ACT TO PROVIDE FOR THE MANAGEMENT, CONTROL
AND OPERATION OF ZANZIBAR AERODROMES AND
OTHER MATTERS CONNECTED THERETO

ENACTED by the House of Representatives of Zanzibar.

PART I
PRELIMINARY PROVISIONS

Short title and Commencement. 1. This Act may be cited as the Aerodrome Act, 2011 and shall come into operation on such date as the Minister may, by notice published in the Gazette, appoint.

Interpretation. 2. In this Act, unless the context otherwise requires:-

"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.



and also includes an airport which has the meaning given to it under the Zanzibar Airport Authority Act;

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;

"airport manager" means the officer for the time being responsible for the administration and operation of any aerodrome;

"airport operator" means an individual, organisation or enterprise however designated for the time being responsible for the administration and operation of an airport;

"airport staff permit" means a permit issued by the Director General under the provisions of the Regulations made under this Act;

"air navigation services" means:-

- (a) communication services during landing, departing or movement of an aircraft on surface ground provided for the safety of aircraft;
- (b) navigational services, that is to say, visual and non-visual aids to navigation;
- (c) air traffic services provided for the safety of aircraft; and
- (d) meteorological services provided for the safety of aircraft and for the regularity of flight.

"air traffic control service" means a service provided for the purpose of:

- (a) preventing collision:-
 - (i) between aircraft; and
 - (ii) on the manoeuvring area between aircraft and obstructions.
- (b) expediting and maintaining orderly flow of air traffic;

"authorized officer" means any person authorized by the Director General either generally or in relation to a particular case or class of cases,



and includes reference to the holder of any office designated by the Director General;

"Authority" means the Zanzibar Airports Authority established under the provisions of the Zanzibar Airport Authority Act;

"Director General" means the Director General of Authority appointed under the provisions of the Zanzibar Airport Authority Act;

"Government" means the Revolutionary Government of Zanzibar;

"heliport" means an aerodrome or a defined area on a structure intended to be used wholly or in part for the arrival, departure and surface movement of helicopters;

"Public Aerodromes" means aerodromes specified in the Second Schedule of the Zanzibar Airports Authority Act and any other airports to be established by the Authority;

"Minister" means the Minister for the time being responsible for airports;

"Passenger" means a person other than a member of the crew on board who has completed all transport procedures before coming on board and that on board to the aircraft;

"President" means the President of Zanzibar and Chairman of the Revolutionary Council;

"Safety" means a state in which risk of harm to persons or of property damage is reduced, and maintained at or below unacceptable level through a continuing process or hazard identification and risk management;

"Security" means a combination of human measures and material resources intended to safeguard civil aviation against acts of unlawfully interference;

"Security Committee" means an Airport Security Committee established under section 21 of this Act;



PART II ESTABLISHMENT AND CONTROL OF THE AERODROMES

Establishment of Aerodrome. 3.(1) Subject to the provisions of the Land laws, the Minister shall, by notice published in the Official Gazette, declare any area to be an Aerodrome with its boundaries and vicinity.

(2) The Minister may for the purpose of civil aviation erect, make or place upon the aerodrome in such position as he may deem fit such building, structures, barriers, conveniences, amenities, sign post, notices, marking and other things as he may deem fit for the more complete, effective, and for safe use and enjoyment of aerodrome as a public landing ground for aircraft.

(3) The Director General shall be responsible for the Management and Administration of the Aerodromes and all services provided including signalling services, flying control services, safety services and other services connected with the execution of the Aerodrome works.

(4) The Director General in performing the directions given under sub section (1) of this section, shall make such provision as necessary to ensure that adequate facilities for consultation are provided for the local authority in whose areas the Aerodromes or any part thereof is situated, and for other local authorities whose areas are in the neighbourhood of the Aerodrome, and for other organisations representing the interest of persons concerned with the locality in which the Aerodrome is situated or to be situated.

(5) The Minister may grant any person upon application permission to erect buildings or any other structure or thing consistent with the use of the land as private aerodrome.

Technical Committee. 4.(1) There shall be a Technical Committee which shall be composed by the following members:

(a) Director General;

(b) Airport Manager;



- (c) Airport Engineer; and
- (d) not more than three other persons whom the Minister may deem appropriate including Civil Engineer.

(2) Subject to the provisions of this Part, the Technical Committee shall advise the Minister in all matters relating to the construction permit and development for aerodromes.

Requirement
for
Aerodrome
Construction
Permit.

5.(1) An application for an aerodrome construction permit shall be considered for approval, where:

- (a) the applicant holds a valid authorization from a relevant Institution for use of the place as an aerodrome;
- (b) the application is approved by the Institution responsible for national environment management;
- (c) it is in public interest that the land, water or building be used as an aerodrome.

(2) The site for construction of an aerodrome shall be selected so as not to endanger the safety of aircraft operations, taking into consideration:-

- (a) the proximity to other aerodromes and landing sites including military aerodromes; and
- (b) obstacles, terrain and existing airspace restrictions.

(3) The applicant shall submit a detailed airport design report including architectural related requirements and aerodrome data in accordance with the characteristics of the aircraft category for which the aerodrome is intended.

Application
of aerodrome
construction
permit.

6.(1) An applicant for aerodrome construction permit shall submit an application to the Minister:-

- (a) on a form as may be prescribed by regulations;



(b) containing the relevant information and documentation prescribed by regulations;

(2) The Minister may issue the aerodrome construction permit if the applicant meets the requirements set out in regulations and any other requirements as may be specified by the Authority.

(3) For the purpose of this Act, the provisions of the laws relating to Town and Country Planning, shall not apply to the construction or development of Aerodrome.

Heliport permit

7. Heliport other than Aerodromes shall be regulated in the manner as provided in the Regulations made by the Minister under this Act, for that purpose.

Health control at aerodromes.

8. Without prejudice the general duties under any Law, it shall be the duty of the Minister of Health in consultation with the Minister and Director General to make such arrangements as they think necessary:-

(a) for preventing danger to public health from such aircraft arriving or departing at any Aerodrome in Zanzibar; or

(b) for preventing the spread of infectious diseases by means of any aircraft departing any such Aerodrome;

so far as may be necessary or expedient for the purpose of carrying out any treaty, convention, arrangement or engagement with any other country.

PART III MANAGEMENT AND SAFETY MEASURES

Management of Aerodrome.

9.(1) Every Aerodrome shall apply and be governed by this Act and Regulations made hereunder and such other civil aviation laws and regulations applicable to Zanzibar.

(2) Every Aerodrome shall be managed and controlled by the management dully appointed by an appropriate authority and approved by the Minister.



(3) The Minister shall, by regulations, provide the manner in which Airport Staff Permit shall be issued by the Director General.

(4) Subject to the provisions of sub section (3) of this section, a person shall not work for any entity at the Aerodrome unless he obtains an Airport Staff Permit.

(5) The Director General may suspend any person working in an Aerodrome who is suspected or accused of breaching security or safety measures or any guidelines or code of conducts.

Safety of
aircraft.

10.(1) For the purpose of ensuring the safety of aircraft in accordance with aviation standards, the Minister may by Order published in the Gazette restricting the use of land in the vicinity of aerodrome.

(2) The Order of Minister made under subsection (1) of this section, shall prohibit and restrict:-

- (a) the height of building or structures or requiring the total or partial demolition of any building or structure within the specified area of the aerodrome;
- (b) the installation of cable, pipes, wires or other apparatus upon, across, over or under any land within the specified area of the aerodrome or order the removal of the same;
- (c) the height of trees, growing of any plant or crop upon the specified area or order any tree, plant or crop to be cut down or reduces in height.es in height;
- (d) dumping of waste or item which is likely to endanger safety of aircraft within the vicinity of the Aerodrome.

(3) A person who obstructs any authorised officer to perform the function of an Order, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months.



Control over land in the interest of civil aviation.

11. If the Minister upon advice of the Director General is satisfied, with respect to any building, structure or erection in the vicinity of an Aerodrome, that in order to avoid danger to aircraft flying in conditions of darkness or 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, may by Order authorise the Manager or proprietor of the Aerodrome or any person acting under his instructions:-

- (a) to execute, install, maintain, operate, repair or 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 power conferred by the Order to enter upon and pass over with or without vehicle any such land as may be specified in the Order.

Right of entry on land.

12.(1) Subject to the provisions of subsection (2), an authorised officer may enter any land in the vicinity of the aerodrome with or without vehicle for the purposes of:-

- (a) carrying out on such land a survey, inquiry, investigation or preliminary examination or incidental to the acquisition of such land;
- (b) maintaining buildings or facilities of the Authority, whether situated on that land or not;
- (c) carrying out on such land an inquiry, investigation or examination or rendering assistance in the event of an accident or incident involving an aircraft occurring on such land or on land adjoining or in the vicinity of such land; or
- (d) enabling the Authority to carry out any of its functions.



(2) The Authority shall give reasonable notice to the owner or occupier of land where it is intended that an authorised officer shall enter such land for the purposes described under subsection (1) of this section.

(3) Where damage to property occurs in the exercise of the powers under this section, the Authority shall pay such reasonable compensation in relation to such damage to the holder of the property.

Trespassing on the aerodromes. **13.(1)** Any person who trespass on any land forming part of an Aerodrome commits an offence and upon conviction shall be liable to a fine not less than five hundred thousand shillings or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) A person shall not be liable to any fine or imprisonment under subsection (1) of this section, unless it is provided 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 or such person was verbally informed or warned on trespassing.

PART IV LANDING AND DEPARTURE OF AIRCRAFT

Landing of aircraft at the aerodromes. **14.(1)** The Minister in consultation with the Director General may subject to such conditions, by Order designate any Aerodrome to be a place of landing or departure of aircraft for the purpose of the enactments relating to Customs; and may by Order declare that such an Aerodrome shall no longer be a Customs Aerodrome.

(2) The Pilot of every aircraft arriving or departing from Aerodromes in Zanzibar, shall be obliged to comply with laws applicable in Zanzibar.

Immunity in respect of trespass. **15.** No action shall lie in respect of trespass or nuisance by reason only of flight of an aircraft over any property at a height above the ground or water which is reasonable having regard to wind, weather and all the circumstances of the case, or the ordinary incidents of such flight so long as the provisions of any Regulations made under this Act are dully complied with.



Powers of
Authorised
Officer
at the
aerodrome.

16.(1) An authorised officer, in the interest of the proper operation, or the security or safety, of an aerodrome, or the security or safety of persons, aircraft or other property thereon, may do all or any of the following:-

- (a) stop, detain for such time as is reasonably necessary for the exercise of any of his power under this section, and search any person or vehicle on an aerodrome;
- (b) require any person on an aerodrome to:-
 - (i) give his name and address and to produce other evidence of his identify;
 - (ii) state the purpose of his being on the aerodrome;
 - (iii) account for any baggage or other property which may be in his possession;
- (c) order any person:-
 - (i) who refuses to give his name or address, or to produce other evidence of his identity; or
 - (ii) who refuses to state the purpose of his being on the aerodrome; or
 - (iii) who refuses to account for any baggage or other property in his possession; or
 - (iv) who gives a name or address or states a purpose of his being on the aerodrome which is known, or is reasonably suspected, by the authorised officer to be false or fictitious; or
 - (v) whom he knows not to have, or whom he reasonably suspects of not having, a lawful reason for being on the aerodrome;

to leave the aerodrome, or any part thereof, or he may remove such person from the aerodrome.



(2) A person who was ordered by an authorised officer to leave an aerodrome or part of an aerodrome, or who was removed from an aerodrome or part of an aerodrome by an authorised officer, shall not, on the same day, without the permission of an authorised officer, return to the aerodrome or the part of the aerodrome which he was ordered to leave, or from which he was removed, as the case may be.

(3) Any person who obstructs or cause to be obstructed an authorised officer in the exercise of any of the powers conferred on him by this section, or who fails to comply with any lawful order of an authorised officer issued under this section, commits an offence and shall be liable on conviction to a fine not less than twenty thousand shillings or to imprisonment for a term not exceeding three years, or to both such fine and imprisonment.

Abandoned
aircraft.

17.(1) Where an aircraft is left at an airport and the Authority is of the opinion that it has been abandoned, the Authority shall serve a notice in writing on the registered owner or operator of the aircraft requiring either or both of them, within a period specified in the notice to remove the aircraft from the airport.

(2) A notice under subsection (1) of this section shall state that failure to comply with the notice shall be an offence and the Authority may, where the notice is not complied with, remove, sell or otherwise dispose of the aircraft to which the notice relates.

(3) The removal expenses of the aircraft to which the notice relates, shall be boned by the registered owner of that aircraft.

(4) Any person, who fails to comply with the requirement of a notice under subsection (1) of this section, commits an offence.

(5) The manner in which the Authority may after the expiration of the period specified in a notice under subsection (1) of this section, remove, sell or otherwise dispose of the aircraft to which the notice relates, shall be as specified in the regulations.



PART V AIRPORT CHARGE AND LEVIES

Airport Charge. **18.**(1) The provisions of the Ports Service Charge Act, No 2 of 1999 shall apply to passengers using aerodromes.

(2) The Minister in consultation with the Minister responsible for Finance shall jointly determine the percentage of charges collected to be allocated to the Authority.

Landing and parking fees. **19.** There shall be paid to the responsible authority of the Aerodrome landing and parking fees of any aircraft using an Aerodrome in an amount to be determined by the Minister from time to time.

Airport Development Fund. **20.**(1) It is hereby established a Fund to be known as Airport Development Fund, which shall contain such money to be determined jointly by the Minister and Minister responsible for Finance.

(2) For the purpose of the provisions of this Act, the money allocated in the Airport Development Fund shall be used for investment, development or construction of Aerodrome.

(3) Subject to the provisions of sub section (1) of this section, no fund shall be expended from the Airport Development Fund without the joint approval of the Minister and Minister responsible for Finance.

PART VI SECURITY OF AIRCRAFT, AIRPORTS AND AIR NAVIGATIONAL INSTALLATIONS AGAINST ACTS OF VIOLENCE

Airport Security Committee. **21.**(1) There shall be an Airport Security Committee which shall consist of the following members:-

- (a) Airport Manager as a Chairman;
- (b) two members from security organs at the airport; and
- (c) two members from airport operators provider at the airport.



(2) The Members mentioned under paragraph (b) and (c) shall be appointed by the Director General.

(3) The functions, powers and provisions relating to proceedings of the Airport Security Committee shall be provided in the regulations made by the Minister under this Act.

(4) Without prejudice to the provisions of sub section (2) of this section, the Director General may issue general or specific directives to the Airport Security Committee in relation to its mandate.

Declaration
of
Restricted
area

22. The Minister may for the purpose of ensuring security at any airport declare by Order:-

- (a) on the advice of Security Committee, any part of an aerodrome or navigation installation to be a restricted area; or
- (b) an airport to be a restricted area.

Entry to
aerodrome.

23. Save as herein provided, or with a permission of the Airport Manager, a person other than:-

- (a) persons lawfully employed upon duties in or about the supervision and control of the aerodrome, or in or about the arrival, departure, or servicing of or other attention upon aircraft lawfully using the aerodrome; or
- (b) passengers or intending passengers by aircraft lawfully using aerodrome;

shall not be entitled to enter or be upon the aerodrome or any part thereof.

Jeopardising
air
navigation
or aircraft
safety.

24.(1) Any person who destroys or obstructs anything that jeopardizes air navigation or any other vital installations or aircraft safety, commits an offence.

(2) Any person who does any thing which is likely to endanger the safety of aircraft bound to Zanzibar, while on air, commits an offence and



shall, upon landing at the Aerodrome, be liable to be prosecuted as if the offence was committed at the Aerodrome.

(3) Any person who is convicted of an offence under sub sections (1) and (2) of this section, shall be liable to pay fine of not less than five hundred thousand in shillings or to imprisonment for a period of not less than two years or to both such fine and imprisonment.

Possession
of certain
dangerous
articles in
aerodromes

25. Except for law enforcement officers on duty at Aerodrome, it is hereby prohibited for a passenger or person using aerodrome to possess any of the following:-

- (a) a fire arm, or any article having the appearance of a firearm, whether capable of being discharged or not;
- (b) an explosive, or any article manufactured or adapted so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not;
- (c) any article marked or labeled so as to indicate that it is, or it contains, an explosive;
- (d) any article which does not fall within the meaning of paragraph (a), (b) or (c) and which is made or is adapted for use for causing injuries to or incapacitating a person, or for damaging or destroying property, or which is intended by the person in whose possession it is for such use, whether by himself or, as the case may be, by some other person;

commits an offence, and upon conviction shall be liable to an imprisonment for a term of not less than three years.

Possession
of fire arms
or explosive
in the aircraft.

26. A person who, without lawfully authority takes or attempts to take on board an aircraft:-

- (a) a fire arm;
- (b) any other dangerous or offensive weapon or instrument of any kind;



(c) ammunition;

(d) an explosive or other injurious substance or device of any kind that could be used to endanger the safety of aircraft or of persons on board the aircraft,

commits an offence, and upon conviction shall be liable to an imprisonment for a term of not less than five years.

Failure to comply with safety and security requirements.

27. Any person or body of person that fails to comply with the requirements (including any requirements in relation to that aerodrome, or aerodromes in general, specified in the regulations made under this Act) of public order and security and of the security and safety of the aerodrome and of the security and safety of persons and aircraft using that aerodrome commits an offence and upon conviction is liable to a fine of not less than twenty millions shillings or to imprisonment for a term of not less than five year or to both such fine and imprisonment.

Dumping of waste within or near aerodromes.

28.(1) It is prohibited for a person to dump or attempt to dump any waste within or near the aerodrome.

(2) The Director General shall, for the purpose of the provisions of subsection (1) of this section prescribe the area within which dumping of waste is prohibited.

(3) Any person who contravenes the provisions of sub section (1) of this section, commits an offence and upon conviction shall be liable to a fine of not less than one million shillings or to imprisonment for a term of three month to both such fine and imprisonment.

PART VII MISCELLANEOUS PROVISIONS

Offences by bodies of persons.

29. Where an offence under this Act or regulations made thereof is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any person (or any person acting on his behalf) being a director, manager,



secretary or other similar officer of such body, that person or the person so acting, as the case may be, shall also be guilty of the offence and upon conviction is liable to a fine of not more than four million shillings and not less than two million shillings or to a term of imprisonment of not less than six months or to both such fine and imprisonment

Powers
to make
Regulations.

30. The Minister may make Regulations for the better management, control, operation of aerodromes, heliport and for other matters relevant for the better carrying into effect of the provisions of this Act.

Act to
prevail.

31. Notwithstanding the provision of any other rules, regulations relating to airport, the Director General and the Authority shall have the power, duties, functions and responsibility vested to it by this Act and in the event of any conflict or duplication between any law, rules or regulations, this Act shall prevail.

PASSED in the House of Representatives of Zanzibar on 30th day of July, 2011.

{IBRAHIM MZEE IBRAHIM}
CLERK OF THE HOUSE OF REPRESENTATIVES
ZANZIBAR.