

Tanzania

Civil Aviation Act Chapter 80

Legislation as at 31 July 2002

Note: There are **outstanding amendments** that have not yet been applied:
Act 10 of 2003, Act 13 of 2008, Act 10 of 2013, Act 13 of 2016, Act 5 of 2021.

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Tanzania

Civil Aviation Act

Chapter 80

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[G.N. No. 9 of 1978; Acts Nos. 13 of 1977; 3 of 1992; 5 of 2002]

An Act to make provision for the constitution and the functions of the Tanzania Civil Aviation Board and the Directorate of Civil Aviation, and to enable effect to be given to the Chicago Convention; generally to provide for the control, regulation and orderly development of civil aviation.

Part I – Preliminary provisions (ss. 1-2)

1. Short title

This Act may be cited as the Civil Aviation Act.

2. Interpretation

(1) In this Act, unless the context requires otherwise—

"**accident**" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as such persons have disembarked, in which—

(a) a person is fatally or seriously injured as a result of—

- (i) being in the aircraft; or
- (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
- (iii) direct exposure to the jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to passengers and crew; or

(b) the aircraft sustains damage or structural failure which—

- (i) adversely affects the structural strength, performance or flight characteristics of the aircraft; and
- (ii) would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wingtips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

- (c) the aircraft is missing or is completely inaccessible; for the purpose of this definition an aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located;

"aerial work" means and includes an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue and aerial advertisement;

"aerodrome" and **"airport"** means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

"air navigation services" means—

- (a) communication services, whether ground to air or ground to ground, provided for the safety of aircraft; and
- (b) visual and non-visual aids to navigation; and
- (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;

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

"the Board" means the Tanzania Civil Aviation Authority Ministerial Advisory Board established by the Executive Agencies (The Tanzania Civil Aviation Authority) (Establishment) Order, 1999;

"cargo" means movable property carried in an aircraft;

"the Chicago Convention" means the Convention on International Civil Aviation concluded at Chicago on 7th December, 1944;

"commercial air transport operations" means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

"crew" includes every person employed or engaged in an aircraft in flight on the business of the aircraft;

"Director-General" means the Director-General of the Tanzania Civil Aviation Authority appointed under the Executive Agencies (The Tanzania Civil Aviation Authority) (Establishment) Order, 1999;

"domestic animal" means the male, female or young of any animal of the following kinds namely, horse, ass, mule, cattle sheep, goat or pig;

"Government aerodrome" means an aerodrome under direct management of the Government of the United Republic;

"Licensing Committee" means the Air Services Licensing Committee established by section 5 of the Act;

"Minister" means the Minister responsible for matters relating to civil aviation;

"owner" means, in relation to an aircraft or aerodrome, the person in whose name the aircraft or aerodrome is registered or licensed, and includes any person who is or has been acting as agent in the United Republic for a foreign owner, or any person by whom the aircraft or aerodrome is hired at the time;

"rocket" means any projectile for projection through the air by the combustion of its own contents and having a total weight before firing of more than 2,267,962 kg;

"security" means a combination of measures and human and material resources intended to safeguard international civil aviation against acts of unlawful interference;

"State aircraft" means—

- (a) aircraft in the military service of the United Republic or any other state and aircraft that are commanded by members of the military forces of the United Republic or such a state who are detailed for the purpose of commanding such aircraft; and
- (b) aircraft used in the customs or police service of the United Republic or other state;

"Tanzania aircraft" means aircraft registered in the United Republic;

"United Republic" means the United Republic of Tanzania.

- (2) Any reference in this Act to goods or articles shall be construed as including a reference to mail and animals.

Part II – Functions of the Minister (s. 3)

3. Functions of the Minister

The functions of the Minister shall be in accordance with the provisions of the Executive Agencies (The Tanzania Civil Aviation Authority) (Establishment) Order, 1999.

Part III – The Tanzania Civil Aviation Authority Ministerial Advisory Board and the Tanzania Civil Aviation Authority Licensing Committee (ss. 4-13)

4. Establishment of the Tanzania Civil Aviation Authority Ministerial Advisory Board

The establishment, function, membership, and duration of membership, meetings and procedures of the Board shall be in accordance with the provisions of the Executive Agencies, Act, 1997, the Executive Agencies (The Tanzania Civil Aviation Authority) (Establishment) Order, 1999; and The Executive Agencies (Ministerial Advisory Board) Rules, 1999.

5. Establishment of a Licensing Committee

There is hereby established a Licensing Committee to be known as the Tanzania Civil Aviation Authority Licensing Committee.

6. Chairman of the Committee

The Director-General shall be the Chairman of the Committee.

7. Other members of the Committee

Six other members of the Committee shall be appointed by the Director-General.

8. Functions of the Committee

The Committee shall consider and advise the Director-General in relation to licensing of air services, economic regulation of air transport and such particular matters as the Director-General may refer to it for advice and the Committee shall have such other functions and powers as may be prescribed by regulations made under this Act.

9. Duration of membership

The Members of the Committee, other than the Director-General, shall hold office for a period of three years.

10. Meetings and procedures of the Committee

- (1) Subject to the provisions of this Act and any regulations which may be made under it, the Committee shall have power to regulate its own proceedings.
- (2) Four members of the Committee shall constitute a quorum.

11. The Tanzania Civil Aviation Authority and the Director-General

- (1) There shall be a Government executive agency to be known as the Tanzania Civil Aviation Authority established by the Executive Agencies (The Tanzania Civil Aviation Authority) (Establishment) Order, 1999.
- (2) There shall be a Director-General of the Tanzania Civil Aviation Authority whose appointment shall be according to the Executive Agencies Act, 1997.
- (3) In the exercise of his functions under this Act the Director-General may allocate functions to officers appointed to the Tanzania Civil Aviation Authority or posted to any place where the Director-General exercises any of his functions under this Act.

[s. 9]

12. ***

[Repealed by Act [No. 5 of 2002 Sch.](#)]

[s. 9A]

13. Establishment of the Civil Aviation Technical Committee

- (1) There shall be established a technical committee to be known as the Civil Aviation Technical Committee.
- (2) The Director-General shall be the Chairman of the Committee.
- (3) Other members of the Committee shall be appointed by the Director-General.
- (4) The Committee shall regulate its own proceedings.
- (5) Notwithstanding the provisions of subsection (3) the Committee shall consider and advise the Director-General on technical aspects of civil aviation generally and on such particular matters as the Director-General may refer to it for advice and the Committee shall have such other functions and powers as may be prescribed.

[s. 9B]

Part IV – Regulation of civil aviation (s. 14)

14. General powers to make regulations

- (1) The Minister may make regulations as he considers necessary or expedient to give effect to and for the better carrying out of the objects and purposes of this Act, to provide generally for regulating air navigation and air transport and for carrying out and giving effect to the Chicago Convention, any Annex thereto and any amendment of the Convention or Annexes.

- (2) Without prejudice to the generality of subsection (1) the Minister may make regulations—
- (a) regulating the use of aircraft by establishing licensing authorities and a system of licensing for—
 - (i) public transport; or
 - (ii) flying undertaken for the purposes of aerial work;
 - (b) providing for appeals to the Minister from decisions made under this Act by licensing authorities, the Director-General and such persons and authorities as may be specified in the regulations;
 - (c) the registration and marking of aircraft in the United Republic;
 - (d) prohibiting the flying of any aircraft—
 - (i) unless there is in force in respect of such aircraft a certificate of airworthiness or permit to fly issued or recognised in accordance with regulations made under this Act; and
 - (ii) except upon compliance with such conditions as to maintenance and repair as may be prescribed or specified in the certificate or permit;
 - (e) requiring persons performing prescribed functions in relation to the operation or maintenance of aircraft to be the holders of licences or certificates of specified kinds and providing for the grant, revocation, extension, validation, suspension or variation of such licences or certificates;
 - (f) prescribing the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving the United Republic may fly and the conditions under which aircraft may fly from one part of the country to the other;
 - (g) prescribing the conditions under which, and passengers and cargo 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 prescribed;
 - (h) minimising or preventing interference with the use or effectiveness of apparatus used in connection with air navigation and prohibiting or regulating the use of that apparatus and the display of signs and lights liable to endanger aircraft;
 - (i) generally securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and cargo carried therein, and for preventing aircraft endangering other persons and property;
 - (j) requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation;
 - (k) regulating the making of signals and other communications by or to aircraft and persons carried therein;
 - (l) prescribing a civil air ensign for the United Republic and regulating its use, and regulating the use of any other ensign established for the purposes connected with air navigation;
 - (m) prohibiting aircraft from flying over such areas in the United Republic as may, by order published in the *Gazette*, be declared as prohibited areas;
 - (n) prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate or licence or other document by regulations made under this Act and in respect of any other matters of which it appears to the Minister to be expedient to charge fees;

- (o) prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air navigation services and aerodrome services including landing fees and parking fees, and providing for the recovery of such charges;
 - (p) empowering an authority, prescribed for the purpose, to exempt any aircraft or persons or classes of aircraft or categories of persons from the provisions of regulations made under this Act or any of them;
 - (q) providing for the investigation in such manner as may be prescribed, including by means of a tribunal established for the purpose, of any accident arising out of or in the course of air navigation and occurring either in or over the United Republic or occurring elsewhere to a Tanzanian aircraft;
 - (r) prohibiting 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, remove, take measures for the preservation of, or otherwise deal with any such aircraft;
 - (s) requiring any person who owns an aircraft or who carries on the business of operating aircraft for hire or reward to furnish to such authorities as may be prescribed any information relating to the aircraft, the crew, the mails, the passengers and the cargo carried, other work performed by the aircraft, the journeys made by the aircraft and such traffic reports, cost statistics and financial statements showing among other things, all receipts and the sources as may be prescribed;
 - (t) providing for licensing, inspection and regulation of aerodromes, access to aerodromes and places where aircraft have landed or may land, access to aircraft factories or maintenance establishments or places where aircraft parts and engines are maintained for the purposes of inspecting work carried on in relation to aircraft or parts and prohibiting or regulating the use of unlicensed aerodromes;
 - (u) regulating the firing of rockets;
 - (v) prescribing the powers, including powers of arrest, that may be exercised by the members of the crew of an aircraft, in relation to persons on board the aircraft, for the purpose of ensuring the safety of the aircraft or its passengers, crew or cargo or otherwise for the purposes of this Act or the regulations made under this Act;
 - (w) generally for providing for the economic regulation of air transport;
 - (x) providing for measures to safeguard international and domestic civil aviation against acts of unlawful interference, intensify efforts to suppress acts of unlawful seizure of aircraft as well as other civil aviation security matters and providing for extradition or submission of the case to competent authorities for the purpose of prosecution of those who commit them;
 - (y) prescribing the fines to be paid in respect of compounded offences.
- (3) Different regulations may be made for different classes of aircraft, aerodromes or property or categories of persons, and for different parts of the United Republic.
- (4) (a) Any employee of the authority authorised by name in that behalf by the Director-General, or any police officer not below the rank of the inspector specifically authorised by name in that behalf by the Minister, may compound any offence under this Act or these Regulations.
- (b) All fines imposed for any offence under this Act or these Regulations made under it, shall be paid to the funds of the Tanzania Civil Aviation Authority.
- (c) Where an offence is compounded in accordance with the provisions of paragraph (a) and any proceedings are brought against the offender for the same offence, it shall be a good defence

for such offender to prove to the satisfaction of the court that the offence with which he is charged has been compounded under paragraph (a).

[s. 10]

Part V – Aerodromes and obstructions (ss. 15-16)

15. Indication of presence of obstructions

If the Director-General is satisfied that, in order to secure that aircraft may be navigated with safety and efficiency, provision ought to be made, whether by lighting or otherwise, for giving warning to aircraft, of the presence of a building, structure or erection, he may by order authorise, and require, subject to any conditions specified in the order, the proprietor of an aerodrome, and any person acting on his behalf or any person acting on behalf of the Director-General—

- (a) to execute, instal, maintain, operate and, as an occasion may require, 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.

[s. 11]

16. Trespassing at an aerodrome

- (1) Any proprietor of an aerodrome shall ensure that no person or animal trespasses on any land forming part of an aerodrome licensed in pursuance of the Regulations made under this Act, and shall ensure that notices warning trespassers are posted so as to be readily seen and read by members of the public.
- (2) In this section, the expression "proprietor of an aerodrome" means, in the case of a licensed aerodrome, the person entitled to carry on the business of the aerodrome, and in the case of a Government aerodrome the officer-in-charge thereof.

[s. 12]

Part VI – Liability for damage caused by aircraft (ss. 17-19)

17. Nuisance and liability for damage

- (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 or other reasonable circumstances, or the ordinary incidents of such flight, so long as the provisions of this Act and regulations or other subsidiary legislation made thereunder are duly complied with.
- (2) Where material loss or damage is caused to any person or property on land or water by a person or property on land or water 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.
- (3) 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.

[s. 13]

18. Nuisance caused by aircraft and aerodromes

- (1) Regulations made under section 14 may provide for regulating the conditions under which noise and vibration may be caused by aircraft and may provide that subsection (2) shall apply to any aerodrome.
- (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 made under section 14 so long as the provisions of any such regulations are duly complied with.

[s. 14]

19. Responsibility where an aircraft is hired out, etc.

Where an aircraft has been *bona fide* demised, let or hired out for any period exceeding fourteen days to any person by the owner and during such period no and pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, this part of this Act shall have effect as if references to the owner were substituted for references to the person to whom the aircraft has been demised, let or hired out.

[s. 15]

Part VII – Detention of aircraft (ss. 20-21)

20. Exemption from seizure of certain aircraft on patent claims

- (1) Any lawful entry into the United Republic or any lawful transit across the United 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 United 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 United Republic of spare parts and spare equipment for an aircraft to which this section applies and the use and installation in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts 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 United 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.
- (3) This section applies—
- (a) to an aircraft registered in any country or territory in the case of which there is in force a notice made by the Minister and published in the *Gazette*, with a view to the fulfilment of the provisions of the Chicago Convention to which this section relates, that the benefits of these provisions apply to that country or territory; and
- (b) to such other aircraft as the Minister may prescribe.

[s. 16]

21. Detention of aircraft

Any regulations made under this Act may provide for the detention of aircraft to secure compliance with this Act or the regulations made and may make such further provisions as appear to the Minister to be necessary or expedient for securing such detention.

[s. 17]

Part VIII – National Air Transport Facilitation Programme, National Air Transport Facilitation Committee and Airport Facilitation Committees (ss. 22-27)

22. National Air Transport Facilitation Programme

There shall be a National Air Transport Facilitation Programme organised by the Tanzania Civil Aviation Authority for the purpose of implementing the relevant articles of the Chicago Convention.

23. National Air Transport Facilitation Committee

There shall be a National Air Transport Facilitation Committee organised by the Tanzania Civil Aviation Authority.

24. Functions of the Air Transport Facilitation Committee

Functions of the National Air Transport Facilitation Committee shall include:

- (a) to implement the National Air Transport Facilitation Programme;
- (b) to review questions of policy in relation to clearance formalities applied to international air transport services;
- (c) to consider recommendations made by Airport Facilitation Committees established at international airports; and, in turn, refer matters to Airport Transport Facilitation Committees for attention;
- (d) to make recommendations to the departments, competent authorities and other organisations concerned with the National Air Transport Facilitation Programme;
- (e) to keep the departments, competent authorities and other organisations concerned informed of significant developments in the field of international civil aviation in so far as they affect operations into and out of the United Republic.

25. Composition of the National Air Transport Facilitation Committee

The National Air Transport Facilitation Committee shall be composed of senior officials representing the main interests concerned with facilitation, clearance agencies (immigration, customs, public health, agriculture, security and narcotics control), tourism, trade, Ministry of Communications and Transport, Ministry of Foreign Affairs and operators including ground handling service providers and forwarders, as required.

26. Every International Airport to have Airport Facilitation Committee

There shall be Airport Facilitation Committees at every international airport in the United Republic.

27. Functions of the Airport Facilitation Committee at the airport level

Functions of the Airport Facilitation Committee shall include—

- (a) to implement the National Air Transport Facilitation Programme at the airport level;

- (b) to examine problems arising in connection with the clearance of aircraft, passengers, baggage, cargo, mail and stores and to effect, if possible, immediate solutions to the problems which may arise at the international airport concerned;
- (c) to make recommendations, as appropriate, to the department, ministry or authority concerned, or to the National Air Transport Facilitation Committee for the implementation of proposals which cannot be effected by the Air Transport Facilitation Committee; and
- (d) to inform the National Air Transport Facilitation Committee of action taken and recommendations made by forwarding copies of the minutes of all Committee meetings.

Part IX – Miscellaneous provisions (ss. 28-35)

28. Application of Act and regulations

The provisions of this Act and any regulations made under it shall, except where expressly excluded under this Act or such regulations, apply to—

- (a) all aircraft while in or over any part of the United Republic; and
- (b) all Tanzanian aircraft and the crews and other persons on board or doing anything in relation to a Tanzanian aircraft.

[s. 18]

29. Jurisdiction of courts over acts done within United Republic

Any act done in contravention of this Act or regulations made under it or any offence committed in or over an area within the jurisdiction of the United Republic or any offence committed on a Tanzanian aircraft, shall be tried in any court having competent jurisdiction in the United Republic.

[s. 19]

30. Delegation of powers by Director-General

- (1) The Director-General may by writing under his hand, either generally or specifically, delegate to such officer or officers all or any of the powers exercised by him under any written law.
- (2) Subject to any general or specific direction given or condition attached by the Director-General, the officer to whom any power is delegated under this section may exercise those powers in the same manner and with the same effect as if it has been conferred on him directly by this section and not by delegation.
- (3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting within the terms of the delegation in the absence of proof to the contrary.
- (4) Any delegation under this section may be made to a specified officer or to officers of a specified category, or may be made to the holder or holders, of a specified office or class of offices.
- (5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Director-General.
- (6) Any such delegation shall, until revoked, continue in force according to its tenure, notwithstanding the fact that the Director-General by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the person holding an office as Director-General.

[s. 20]

31. Liability of directors and officers of corporations

Where an offence under this Act or under subsidiary legislation made under this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a Director, General Manager, Secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his consent or connivance or that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all circumstances.

[s. 21]

32. State aircraft

Any regulations made under this Act may if they so expressly provide or if the Minister so directs by order published in the *Gazette* apply to State aircraft or to any class or classes of state aircraft.

[s. 22]

33. Regulations may empower the making of subsidiary legislation

Any regulations made under this Act may provide for the empowering of such authorities or persons as may be specified in the regulations to make orders, notices proclamations, regulations, or to give instructions for any of the purposes for which such regulations are authorised by this Act to be made, and may contain such incidental and supplementary provisions as appear to the Minister to be necessary or expedient.

[s. 23]

34. ***

[Transitional and saving.]

[Omitted]

[s. 24]

35. ***

[Transitional and saving.]

[Omitted]

[s. 25]

Schedule

[Omitted.]