

## **Civil Aviation Act, 2015 (1959)**

Date of Authentication	Publication Date on Nepal Gazette
2015.12.31	2016.1.10
<b><u>Amendments</u></b>	
1. Some Nepal Laws (Amendment and Rearrangement) Act, 2020	2020.11.16
2. Civil Aviation (First Amendment) Act, 2023	2023.5.24
3. Civil Aviation (Second Amendment) Act, 2030	2030.5.16
4. Civil Aviation (Third Amendment) Act, 2034	2034.6.6
5. Administration of Justice Act, 2048	2048.2.16
6. Civil Aviation (Fourth Amendment) Act, 2053	2053.8.5
7. Some Nepal Laws Amendment Act, 2063	2063.6.28
8. Republic Strengthening and Some Nepal Laws Amendment Act, 2066	2066.10.7

Act Number 22 of the Year 2015

### **An Act Made to Control and Regulate Civil Aviation**

**Preamble:** Whereas, it is expedient to control and regulate civil aviation to create conditions favourable to promote the development of civil aviation so that the country could acquire maximum benefit from the air transportation, and to maintain peace, order and convenience of the people in general,

Now, therefore, be it enacted and promulgated by His Majesty the King on the advice of the Council of Ministers.

1. **Short Title, Extent and Commencement:** (1) This Act may be called "The Civil Aviation Act, 2015 (1959)".

(2) This Act shall extend all over the Nepal, and also apply to the following aircrafts and persons -

- (a) Every citizen of Nepal where ver he/she may be, and
- (b) Every aircraft registered in the Nepal, where ver it may be, and every person on board an aircraft.

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\* Amended by Some Nepal Laws (Amendment and Re arrangement) Act, 2020

(3) This Act shall come into force from such date as Government of Nepal, by a Notification published in the Nepal Gazette, may appoint.\*

2. **Definitions:** Unless the subject or context otherwise requires, in this Act -

- (a) "Aircraft" means any machine which can derive support in the atmosphere from reactions of the air, and this term also includes balloons, whether fixed or unfixed, airships, kites, gilders and flying machines.
- (b) "Aerodrome" means any definite or limited area in water or ground intended to be used either wholly or in part, for the landing or take off of aircraft and includes all buildings, sheds, vessels, piers and other structures thereon or appertaining thereto.
- (c) "Import" means the act of bringing into the Nepal.
- (d) "Export" means the act of taking out of the Nepal.
- <sup>+</sup>(e) "Defined Area" means any area or place specified by Government of Nepal with detailed description of the boundaries thereof by a Notification published in the Nepal Gazette.
- <sup>•</sup>(f) "Aerodrome are" means aerodrome of any place, building, shed, tower, aircraft, vessel and pier with or without installation of any machine and communication and navigational aid equipments intended to be used for safe operation or control of air flights or for exchange or information and knowledge related therewith.

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\* Came into force from 2017-4-13 (July 28, 1960) (Date of the publication of Notification in the Nepal Gazette:- 2017-4-17 (Aug. 1, 1960)

<sup>+</sup> Inserted by Civil Aviation (Amendment) Act, 2023

<sup>•</sup> Inserted by Fourth Amendment

- ‘(g) "Corporation operating air service" means a corporation, company, agent, firm or person incorporated with the object of operating air transportation services undertaking the responsibilities for transporting passengers, mail and baggage.
- ‘(h) "Flying school" means an institute meant for imparting training to technicians concerned with the operation of civil aviation in subjects pertaining to civil aviation and imparting other similar type of technical knowledge, and this term also includes a flying club established with a similar object.

●3. **Power to Frame Rules:** (1) In order to implement the objectives of this Act Government of Nepal may frame Rules as required.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), such Rules particularly may provide for any of the following matters:

- (a) Regarding conditions pertaining to establishment of an aerodrome at any place in Nepal, granting permission and prescribing fees for the same.
- (b) Regarding complete prohibition of the use of aircraft in any part of aerial territory of Nepal or allowing flights only in particular conditions or times.
- (c) Regarding adoption of any necessary means for the protection of the person and life of the general people in course of air flights.
- (d) Regarding fixing the modalities for determining the amounts for compensation for any loss or damage

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‘ Inserted by Fourth Amendment  
◦ Amended by Fourth Amendment

which may be caused if any body's house, building, shed, tower etc. are demolished wholly or in part in course of construction or operation of aerodrome or while regulating, restricting or prohibiting any construction work carried out at an aerodrome or aerodrome area.

- (e) Regarding prohibition, restriction, prevention and regulation of carrying any substance by aircraft.
- (f) Regarding grant of license to corporations operating air services, flying schools and the institutes engaged in the manufacture, repair and overhauling including test of aircraft and their parts.
- (g) Regarding search of aircraft and carrying out rescue operations.
- (h) Regarding controlling the noise of aircraft and preventing environmental pollution cause by the operation of aircraft.

**4. Power of Government of Nepal to issue orders in special situation: (1)**

Government of Nepal may, by an order published in the Nepal Gazette, do as followings if it deems necessary for public safety, peace and order:-

- (a) Cancel or suspend all or any license or certificate, <sup>•</sup>granted in accordance with this Act or prevailing law, in accordance with the terms if, such terms are prescribed by the Government of Nepal it so required

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<sup>•</sup> Amended by Fourth Amendment

and without prescribing any terms if terms are not being prescribed.

- (b) Prohibit the flight of all or any types of aircrafts over Nepal or any part thereof in accordance with the terms if, having deemed it necessary, Government of Nepal has prescribed any terms in the order and otherwise without any terms, or regulate that in accordance with other modalities prescribed in the same order.
- (c) Prohibit or regulate, whether by prescribing any terms or not, the act of making, or carrying out proper maintenance thereof, or using aerodrome, aircraft factory, flying school or club or other types of places where aircrafts are manufactured or repaired or kept.
- (d) To require that any aircraft or any class of aircraft or any aerodrome, aircraft factory, flying school or club or other types of places where aircraft are manufactured, or repaired or kept should hand over machinery, plant, including other materials to be used for the operation, manufacture, repairing or maintenance of aircraft to the prescribed authority immediately or within such period of time or in such modalities as may be prescribed in the same order, Government of Nepal may use the things so handed over in the public service.

(2) If any order made under Clause (c) or (d) of Sub-section (1) results directly in any loss or damage to any person, such person shall be

compensated therefor with such amount as may be fixed by the authority appointed by Government of Nepal for that purpose.

(3) Government of Nepal may, for the compliance with any order made under Sub-section (1), take or cause to be taken such steps as it may deem necessary.

⊙(4) Where any person, who does not comply with the order made under Sub-section (1) or acts in contravention of such orders, shall be punished with imprisonment of upto Three years or a fine of up to Five Thousand Rupees or both.

◆4A. **Power to Declare an Aerodrome Area:** (1) Government of Nepal may, by a Notification published in the Nepal Gazette, declare any are or place in Nepal specifying its boundaries on all four sides as an aerodrome area.

(2) Government of Nepal, by framing Rules, makes necessary arrangements for security of the aerodrome area declared as per Sub-section (1).

5. **Power of Government of Nepal to frame Rules relating to investigation of accidents:** (1) Government of Nepal may frame Rules relating to the investigation of any accident arising out of the air navigation <sup>\*\*</sup>over the territory of Nepal or the flight over elsewhere of an aircraft registered in Nepal; such Rules shall come into force after having been published in the Nepal Gazette.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1), the following matters may be provided for in such Rules:-

(a) Providing information of accidents, the form of such notice and the informant thereof,

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⊙ Amended by Second Amendment

◆ Inserted by Fourth Amendment

\* Amended by Republic Strengthening and Some Nepal Laws Amendment Act, 2066

- (b) Application of the provisions about the investigation of accident contained in the prevailing laws of Nepal, with or without some modifications, to also about the investigation of such accidents,
- (c) Prohibit access to or interference with aircraft to which an accident has occurred until the investigation thereof concludes, and empower any person to have access to such aircraft for the purposes of investigation, examine, remove, take measures for the preservation of or otherwise deal with any such aircraft, and
- (d) Where it is deemed necessary in course of the investigation of the accident, cause to, require to or empower to require to the cancellation, suspension, endorsement or, surrender of any license or certificate granted or recognized <sup>•</sup>in accordance with this Act or prevailing law, and cause to present any such license for the purposes of such investigation.

6. **Power to Detain Aircraft:** (1) The authority empowered therefor by Government of Nepal may detain any aircraft on the following conditions:-

- (a) having regard to the nature of an intended flight, the flight of such aircraft is likely to endanger to the safety of persons therein or any other persons or any body's property, or
- (b) In so far as it deems to be expedient to ensure compliance with any of the provisions of this Act or the Rules applicable to such aircraft, or to prevent

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<sup>•</sup> Amended by Fourth Amendment

violations of <sup>⊙</sup>any Rule made under Clause (b) of Sub-section (2) of Section 3.

(2) Government of Nepal may frame Rules to regulate all the activities which are ancillary or incidental to the exercise of the powers under Sub-section (1). These Rules, shall come into force after having been published in the Nepal Gazette.

7. **Power of Government of Nepal to frame rules for the protection of public health**: Government of Nepal may frame rules for the prevention of danger arising to the public health by the introduction or spread of any infectious or contagious disease from aircraft arriving at or being at any aerodrome, and for the prevention of the conveyance of such infectious or contagious disease by means of any aircraft departing from an aerodrome. These rules shall come into force after having been published in the Nepal Gazette.
8. **Emergency powers for protecting the public health**: (1) Government of Nepal, if it is of the opinion that any dangerous epidemic disease has out broken or is likely to outbreak in the Nepal or any part thereof and that the provisions of Nepal Law for the time being in force are not sufficient for the prevention of danger arising to the public health through the introduction or spread of the disease by the agency of aircraft, may take or cause to be taken such measures as it deems necessary for the prevention of such danger.
- <sup>⊙</sup>(2) Government of Nepal may, by notification published in the Nepal Gazette issue necessary orders to carry out the objectives of Sub-section (1).

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<sup>⊙</sup> Amended by Fourth Amendment  
<sup>⊙</sup> Amended by Third Amendment

9. **Punishment for the violation of any Rule framed under this Act:** Any person violating any Rule framed under Section 3, Section 5, Section 6, Section 7 and Section 8 or <sup>④</sup>an order issued shall be punished with imprisonment upto Three Months or with a fine <sup>④</sup>upto Ten Thousand rupees or both.

<sup>④</sup>9A. **Offence and Punishment:** (1) Commission of any of the following acts shall constitute following offences:

- (a) **Offence relating to unauthorized entry:** If any aircraft enters into Nepal without obtaining permission under this Act or the prevalent law, it shall be deemed to have committed an offence relating to unauthorized entry.
- (b) **Offence relating to violation of aerial territory:** In case any aircraft flies over the territory of Nepal without obtaining permission under the prevalent law it shall be deemed to have committed an offence relating to violation of aerial territory.
- (c) **Unlawful seizure or hijacking of an aircraft:** In case any person on board an aircraft on flight, unlawfully by force or threat thereof or by displaying any other type of threat or intimidation, captures or exercises control over that aircraft, he/she shall be deemed to have committed the offence of unlawful seizure or hijacking of the aircraft.

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<sup>④</sup> Amended by Fourth Amendment

- (d) **Offence against the safety of air flight:** Commission of any of the following acts, shall constitute an offence against the safety of air flight:-
- (1) Committing an act of violence against a person on board an aircraft on flight or the likelihood of any danger to be caused to the safety of an aircraft by such an act.
  - (2) Destroying an aircraft in service or causing damage to such an aircraft by rendering it incapable of flight or probably endangering its safety during flight.
  - (3) Destroying or damaging an aircraft on ground or the parts or equipments installed in an aircraft or the air navigation facilities or the aid equipments relating to communication-aviation or fire prevention or life saving services and protection equipments or materials or goods related thereof or unlawfully taking out any part or mechanical parts thereof or interfering with their operation.
  - (4) Endangering the safety of an aircraft on flight by communicating any information in spite of the knowledge of its being false.
- (e) **Offence against the safety of Aircraft:** If any device or substance is placed or caused to be placed on an aircraft in service or on ground which is likely to destroy that aircraft or to render it incapable of flight

or to endanger its safety during flight pursuant to Clause (d), Sub-clause (2), it shall be treated as an offence committed against the safety of the aircraft.

(f) **Offence against the safety or aerodrome:** If an aerodrome and the communication and navigational aid equipments existing inside or outside an aerodrome area, visual aids, equipments pertaining to weather and climate, machines and equipments relating to fire prevention and life-saving services, other equipments and machines relating to safety and other machines or equipments related directly or indirectly to air navigation, buildings, run-way, taxi-way, apron, hangar etc. or goods related thereof are in any way fully or partially spoiled, destructed, damaged or destroyed, it shall be treated as an offence committed against the safety or an aerodrome.

(g) **Offence against the safety of persons concerned with Air Navigation:** If any attempts are made to endanger or obstruct air navigation and its safety by coercing any employees involved in air navigations, Government or non-Government employees employed at an aerodrome and any visitor to an aerodrome including air passenger to deviate from their duties by abducting or capturing them through intimidation or threat, with or without arms, or through temptation or adoption of other means, it shall be treated as an

offence committed against the safety or persons concerned with air navigation.

(2) Making attempts at the Commission of offences mentioned in Clauses (c), (d), (e), (f) and (g) of Sub-section (1) or being accomplices to the commission or an attempt at such offences shall be also treated as offences under this Section.

(3) Those who commit the following offences mentioned in Sub-section (1), shall be liable to the penalties as mentioned below:

- (a) Any person who commits an offence under Clauses (a) and (b) shall be punished with imprisonment for a term ranging from One year to Three years.
- (b) Any person who commits an offence under Clauses (c), (d) and (e) shall be punished with imprisonment for life, and any person who attempts at its commission or is an accomplice of a person committing such offences shall be punished with imprisonment for a term ranging from Fifteen to Twenty years.
- (c) Any person who commits an offence under Clause (f) shall be punished with imprisonment for a term ranging from One year to Five years, besides making him/her liable to pay the amount claimed for the loss.
- (d) Any person who commits an offence under Clause (g) shall be punished with imprisonment for a term of Five to Ten years.
- (e) Notwithstanding anything contained in the Clauses mentioned above, if as a consequences of any such

offence any person on board an aircraft dies or the aircraft itself is destroyed, the offender shall be punished with imprisonment for life, and an accomplice to such an offence shall be punished with imprisonment for life or for a term of Fifteen to Twenty years, and the assets of such an offender and the accomplice shall be confiscated.

◇ **9B. Aircraft in flight or in service:**

- (a) An aircraft shall be deemed to be in flight at any time from the moment with all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation.

Provided that, in case of a forced landing, the aircraft shall be deemed to be continued in flight until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

- (b) An aircraft shall be deemed to be in service from the beginning of the preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until Twenty Four hours after landing. Such period of service shall, in any event, extend for the entire period during which the aircraft is in flight as defined in Clause (a) above.

◇ **9C. Conditions to which Section 9A. Applies:** The provisions of Section 9A shall apply to the following conditions:

- (1) When the aircraft is engaged in any flight, international or domestic.

Provided that, if the aircraft is registered in the country other than Nepal, the following conditions must be existed:

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◇ Inserted by Second Amendment

- (a) The place of take-off or landing, actual or intended, of the aircraft is situated outside the territory of the state in which the aircraft is registered, or
  - (b) The offense is committed outside the territory of the state in which the aircraft is registered.
- (2) When the offense is committed against the air navigation facilities.  
Provided that, when such facilities are situated in foreign country, such facilities must be used in international air flights.

◇9D. **Jurisdiction:** ⑨(1) The courts of Nepal shall have jurisdiction over the offenses under Section 9A in any of the following conditions:

- (a) When the offense under this Act is committed in the territory of the Nepal,
- (b) When the offense is committed against or on board an aircraft registered in the Nepal,
- (c) When the aircraft on board which the offense is committed lands in the territory of the Nepal with the alleged offender still on board,
- (d) When the offense is committed against or on board an aircraft leased without crew (dry lease) to a lessee who has principal place of business in Nepal or, if the lessee has no such place of business, his/her permanent residence in the Nepal.

(2) Except as provided in Sub-section (1) above, the courts of the Nepal shall have jurisdiction over the offense under Section 9A, wherever it committed, if the accused of such offense is in the territory of Nepal and

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◇ Inserted by Second Amendment  
⑨ Amended by Third Amendment

he/she is not extradited pursuant to this Act or any extradition treaty to which Nepal is a party.

- ◇ **9E. Power to Arrest:** (1) Where the offense under Section 9A. has been committed or is about to be committed, personnel of aerodrome, crew of the aircraft, or personnel of the concerned air transportation service or any person witnessing the commission or about to the commission of the crime or identifying the accused or offender with having reasonable ground thereto, police or personnel of Nepal Army or security personnel or any other persons may arrest the accused or offender, and having arrested the accused or offender, they should hand over them to the police forthwith.

Provided that, while arresting such criminal or accused, if circumstances so warrant that it could be detrimental to the lives of the passengers or other persons or it could cause a great damage to the aircraft or air transport facilities, other persons other than police and security personnel should proceed activities to arrest only with the permission of the police or security personnel.

(2) Air service personnel, police, security personnel may, so as to arrest under Sub-section (1), seek help of armed police, security personnel and Nepal Army or other governmental or non-governmental persons; and it shall be the duty of such all to render their help thereupon.

(3) If the accused or offender arrested pursuant to this Section is a citizen of a foreign country, he/she shall be provided with an opportunity for or assisted in communicating with the nearest appropriate representative of his/her country; and following the notification of such arrest and the carrying out of other preliminary inquiries, the concerned countries shall be

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◇ Inserted by Second Amendment

notified of the findings of such inquiries and also about whether the jurisdiction of this Act is exercised.

◇ **9F. Accused or offender may be extradited** : (1) In case where a person committing the crime under Section 9A is a Non-Nepalese citizen and the state, in the territory of which the crime is committed or the crime is committed against the aircraft of which registration, requests the extradition of such person, Government of Nepal may, notwithstanding anything contained in the <sup>•</sup>Extradition Act, 2045, extradite such person; and where he/she is not so extradited, a suit against such person shall be initiated in the court of Nepal for punishing him/her.

(2) With respect to extradition, any offense mentioned in Section 9A shall not be treated as a political crime notwithstanding committed by any person irrespective of his/her position or the motive therefor.

◇ **9G. To return the Seizure of aircraft and allow to make flight**: If any aircraft, being subject to the unlawful seizure and hijacking <sup>•</sup>under Clause (C) of Sub-section (1) of Section 9A, lands in any aerodrome or place of the Nepal, it shall be handed over to the commander having legal rights over such aircraft or the personnel of the air transportation service to repossess thereon; and such aircraft shall be allowed, without any obstruction and as promptly as possible, to make flight, with its pilot, passengers and cargo, to the place from where it has made its flight or the intended destination of such flight.

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◇ Inserted by Second Amendment  
• Amended by Fourth Amendment

◇9H. **Jurisdiction under other Laws of Nepal:** Notwithstanding anything contained in this Act with respect to punishment for and proceedings in the offenses under Section 9A., it shall not be deemed to exclude or limit the exercise of criminal jurisdiction conferred by the existing laws.

◇9I. **Recognition of International conventions relating to the Prevention of unauthorized Interference in Air Service:** (1) If Nepal becomes a party to any of the following conventions, Government of Nepal may issue order with specifying the effective date of such convention for the Nepal and with indicating other things necessary in course of implementing such convention, and such order shall be published in the Nepal Gazette.

(a) Convention on Offenses and Certain Other acts Committed on Board Aircraft Concluded in Tokyo in 1963 A.D.

(b) Convention for the Suppression of Unlawful Seizure of Aircraft Concluded in Hague in 1970 A.D.

(c) Convention for the Suppression of Unlawful acts Against the Safety of Civil Aviation Concluded in Montreal in 1971 A.D.

◇(d) Any convention specified by Government of Nepal by publishing a Notification in the Nepal Gazette.

(2) The order issued under Sub-section (1) shall be deemed as the provision of this Act.

●10. **Penalties for those Flying an Aircraft in a dangerous way:** (1) Any person who flies an aircraft in a dangerous way which may cause loss or

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- ◇ Inserted by Second Amendment
  - ◇ Inserted by Fourth Amendment
  - Amended by Fourth Amendment

damage to the life or person of anybody or to any property located at water, land or in the aerial territory or which may cause obstruction or damage to any aircraft on flight or on ground shall be punished upto Six Months imprisonment and a fine from Fifty Thousand Rupees to One Hundred Thousand Rupees.

(2) If anybody dies or an aircraft gets destroyed as mentioned in Clause (e) of Sub-section (3) of Section 9A as a result of flying an aircraft in a dangerous way as mentioned in Sub-section (1), penalties shall be awarded as provided in the same Clause.

◇ **10A. Penalties for access to the restricted areas without permission:** (1) Government of Nepal may, by a Notification published in the Nepal Gazette, designate the prescribed area of any aerodrome, specified in the same notice, as the restricted area; and following such designation, it shall be the responsibility of the Chief Official of the concerned aerodrome to keep displaying such notice in main places of people's passage, around such restricted area.

(2) Any person without obtaining permission of the chief official of the concerned aerodrome shall not enter into the restricted area designated under Sub-section (1).

Provided that, where the chief official of the concerned aerodrome has, having deemed it reasonable, displaced the notice allowing the general public to travel within such area in any time for some period, it shall be deemed, for the purposes of this Sub-section, to have permission obtained to enter into such restricted area in such time.

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◇ Inserted by Second Amendment

(3) A person who enters into the restricted area in contravention of Sub-section (2) may be liable to a fine not exceeding Two Hundred Rupees, by an order of the chief official of the concerned aerodrome.

◇ **10B. To make searches of passenger, or any other persons or goods:** (1) The Chief authority of any aerodrome or an official authorized therefor, or police or security official may, so as to prevent the commission of the offenses of under section 9A., may make searches of passengers and their goods, whether before or after they embark on any aircraft ready to make flight, and any scientific device and equipment may also be used in making such searches.

Such searches may also be made of the pilots of the aircraft and officials of the air transportation service as well as all workers who embark on or approach to the aircraft for the purposes of managing the flight.

(2) The passengers or persons who refuse to undergo a search under Sub-section (1) may be denied to embark on or approach to the aircraft.

(3) While making searches of the passengers or pilots under Sub-section (1), so long as any gun (all types), artificial gun which is illusive or seems as if it were a real one, other fatal weapons other than gun (sword, *Khukuri* (Nepalese sword), knife) or explosive substance (including bomb, grenade, bullet, gun-powder) have been seized, the following shall be followed:

- (a) If such gun or explosive substance is illegal, the passenger or person shall be caught and handed over to the police for legal proceedings.
- (b) Where it has been tried to secretly keep or carry such gun, artificial gun, other fatal weapons or explosive

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◇ Inserted by Second Amendment

substances, although they are not illegal, without providing information thereof, the chief official of the aerodrome or personnel authorized therefor, or police or security officials may, as they deem proper, hand over the real or artificial gun, fatal weapon or explosive substance to the commander of the aircraft, or seize such weapons or substances and allow only the passenger or pilot to proceed, or stop the passenger or pilot also and make necessary inquiries thereabout and only in so far as they are convinced that not any *mala fide* intention to commit an offense is there, such passenger or pilot may be allowed to proceed or carry such gun, weapon, explosive substances.

(4) If information has been received or the circumstances so warrant to suspect thereof that any person, with an intention to commit the criminal offenses under section 9A. or other prevailing Nepalese laws, carrying any type of gun, artificial gun, fatal weapons, or explosive substances, has entered or is about to enter into the aerodrome or any restricted areas thereof, the chief official of the aerodrome or the personnel authorized by him/her therefor or security officials or police or military officials deputed to maintain security of the aerodrome may, without warrant, make searches of such persons and goods with such persons and, if such gun, other weapons or explosive substances have been seized, shall hand over them to the police for making necessary inquiries and actions.

(5) If any personnel, in the course of carrying out his/her duty, stops or prohibits, in good faith under this Section, any person from *embarking* on or approaching to the aircraft or entering into any restricted area of the

aerodrome, and thereupon, the flight time of aircraft becomes late or any damage is caused to the aircraft, the personnel shall not have any legal responsibility to any person therefor.

□ **Explanation:** For the purpose of this Section the term "pilots" includes flight engineer, radio officer, flight navigator, airhostess, cabin attendant and purser.

**11. Penalties for abetment or attempt of offenses:** In case, any person abets others to commit any offense <sup>◆</sup> violating prescribed air safety provisions and other matters which is punishable under this Act or Rules framed under this Act, or attempts to commit such offense, and if such attempt does any act towards the commission of the offense, shall be liable to the penalties provided for the offense.

**12. The Authority to hear cases, and proceedings for such cases:** (1) The local District Court shall have the power to make initial proceeding (Original Jurisdiction) and decision upon cases under this Act.

(2) In deciding the case, the District Court may give orders to confiscate and take over by Government of Nepal the aircraft or substance or both related to the offense under <sup>●</sup> the Rules framed in respect of Clause (b) or (e) of Sub-section (2) Section 3 and to the act in contravention with the order under Sub-section (1) of Section 4.

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- Proviso Inserted by Third Amendment
  - ◆ Inserted by Fourth Amendment
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(3) In hearing and deciding the cases related to the offense under Section 9A., the District Court shall follow the procedures as prescribed in <sup>></sup>Special Court Act, 2059.

(4) An appeal against any decision made by District Court under Sub-section (1) or (2) may be filed before the <sup>?</sup>Court of Appeal within Thirty-Five days of such decision.

12A. <sup>✕</sup> .....

13. **Power to Apply Nepal law relating to Customs:** Government of Nepal may, by a Notification published in the Nepal Gazette, apply the provisions of prevailing Nepal Law, all or with modifications as may be specified in the notification, related to the import and export of goods, also for the purpose of import and export of goods by air ways.

14. **Prohibition of Certain Suits:** If any person makes flight of an aircraft in any height over the assets of a person and that flight is reasonable on account of wind, weather, and other circumstances, no civil suit shall be initiated in any court against him/her for his/her trespassing to others assets or causing direct or indirect damage or loss to others by reason only of making such flight or any ordinary incident resulted from such flight.

◇ 14A. **Government to be the Plaintiff:** Government of Nepal shall be plaintiff in the cases under Section 9A.

◇ 14B. **Granting Waivers:** Notwithstanding anything contained in the prevalent law, Government of Nepal may, taking into consideration a persons'

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<sup>></sup> Transformed by Special Court Act, 2059

<sup>?</sup> Amended by Administration of Justice Act, 2048

<sup>✕</sup> Repealed by Republic Strengthening and Some Nepal Laws Amendment Act, 2066

◇ Inserted by Second Amendment

◇ Inserted by Fourth Amendment

● Amended by Second Amendment

technical knowledge and efficiency, grant waivers in respect of some of the qualifications concerning license for air service operation, efficiency rating or qualifications required for other certificates to any person who may have acquired membership of any army aviation squad or gained experience and technical knowledge about civil aviation recognized by the Government of Nepal or who may have got through any special examination prescribed by Government of Nepal.

- ◆ **14C. Powers may be Delegated:** (1) Government of Nepal may, by publishing a Notification in the Nepal Gazette, delegate its powers conferred to it under this Act and the Rules framed thereunder to be exercised by anybody or any official.
15. **Saving for acts done in good faith:** No suit, prosecution or other legal proceedings shall initiate against any person for anything done in good faith intended to be done under this Act.
- **16. Saving of application of Act:** Nothing in this Act, or in Rule framed or order issued thereunder, shall apply to <sup>×</sup>..... any aircraft belonging to Government of Nepal or Nepalese Army.

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<sup>×</sup> Removed by Some Nepal Laws Amendment Act, 2063