

THE UNITED REPUBLIC OF TANZANIA



No. 1 OF 1974

ASSENT,

Julius K. Nyerere
President

11TH APRIL, 1974

An Act to control the Construction and use of Airports

[1st MAY, 1974]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Aerodromes (Licensing and Control) Act, 1974 and shall come into operation on the first day of May, 1974.

Short title
and
Commence-
ment

2. In this Act unless the context otherwise requires-

Interpreta-
tion

"aerodrome" means any parcel of land constructed or adapted, or otherwise used, for the landing or departure of aircraft and includes-

(a) any water area used or intended to be used for the landing or departure of sea-plane or other amphibious aircraft;

(b) any building used or intended to be used for the servicing or maintenance of aircraft or otherwise in connection with the landing or departure of aircraft;

"Director" means the Director of Aerodromes;

"licensed aerodrome" means an aerodrome licensed under this Act and includes an aerodrome to which section 4 does not apply;

"Minister" means the Minister for the time being responsible for civil aviation.

3. The Minister shall appoint public officer to be the Director of Aerodromes and may appoint such number of Assistant Directors of Aerodromes as he may consider necessary.

Director of
Aerodromes

- Control on construction etc. of aerodromes
- 4.**-(1) No person shall construct or maintain any land or building for use as an aerodrome, or shall use, or authorize or permit the use of, any land, building or water area as an aerodrome unless there exists in respect of such land or water area a valid licence granted under this Act authorizing the same to be used as an aerodrome.
- (2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment.
- Evidence
- 5.**-(1) In any proceedings against an occupier of land for an offence under section 4, if the court is satisfied that the land in question or any building thereon has been constructed or maintained in a manner which would facilitate the landing or departure of aircraft on or from such land, the court shall convict the accused of maintaining the land as an aerodrome unless the accused proves to the satisfaction of the court that-
- (a) the land was not being used as an aerodrome; and
 - (b) that he never used or authorized, permitted or acquiesced in the use of the land as an aerodrome; and
 - (c) the manner in which the land or any building thereon was maintained was consistent with the use of such kind for a purpose other than as an aerodrome.
- (2) For the purposes of this section "occupier" means-
- (a) the person for the time being holding or deemed by any written law to be holding a right of occupancy in relation to the land, and includes any lessee or tenant of such person who was at the relevant time in occupation of or had the right to occupy the land or any building thereon;
 - (b) any agent or employee of any of the persons specified in paragraph (a) who was, at the relevant time, responsible for the management of the land or any building thereon;
 - (c) any person in occupation of the land, whether or not such occupation is pursuant to a lawful title.
- Aerodromes licence
- 6.**-(1) Every application for an aerodrome licence shall be in the prescribed form and shall be lodged with the Director.
- (2) The Director may grant an aerodrome licence in respect of any land or water area only if he is satisfied that it is in the public interest that such land or water area be authorized to be used as an aerodrome.
- (3) The Director may annex to an aerodrome licence such terms and conditions as he may deem necessary including the condition that the aerodrome, shall be used by such category of aircrafts as he may specify.
- (4) Every aerodrome licence shall be valid for a period of three years from the date of issue and may be renewed from time to time at the discretion of the Director:
- Provided that an aerodrome licence shall not at any one time be renewed for a period exceeding two years.

(5) Any person who commits breach of any term or condition annexed to any aerodrome licence or who uses or permits to be used any aerodrome in breach of any such, term or condition shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding seven years or to both such fine and imprisonment.

(b) The Director shall, at least twice in every year, cause to be published in the *Gazette* a list of all licensed aerodromes.

7. The Director may, if in his opinion it is in the national interest so to do, at any time cancel or revoke an aerodrome licence, or suspend its validity for such period as he may determine, or vary any of the terms or conditions annexed thereto.

Cancellation
etc, of
aerodrome
licences

8. Any person aggrieved by a refusal of the Director to grant an aerodrome licence or by any term or condition annexed to a licence, or by any revocation, cancellation or suspension of a licence or by any variation of any term or condition annexed to licence may appeal to the Minister within such time and in such manner as may be prescribed and the decision of the Minister on any such appeal shall be final and conclusive.

Appeals

9.-(1) No person shall land or take-off or cause or permit to be landed or taken-off, any aircraft on any land or water area other than a licensed aerodrome.

Landing of
aircraft on
any place
other than
a licence
aerodrome

(2) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding fourteen years or to both such fine and imprisonment, and in addition thereto, the court shall order the forfeiture to the Government of the aircraft in relation to which the offence was committed:

Provided that in proceedings for an offence under this section the court shall acquit the accused if it is satisfied-

- (a) that the landing of the aircraft on such land or water area was necessitated by some emergency condition and that it was in the interest of the safety of the person or persons on board the aircraft that the aircraft be landed on such land or water area; or
- (b) that the aircraft was taken-off from such land or area subsequent to an emergency landing in the circumstance referred to in paragraph (a).

(3) For the purposes of this section "emergency condition" means the occurrence of a mechanical fault in the aircraft engine, fuel shortage, atmospheric conditions or any other event which could not reasonably have been foreseen at the commencement of the journey from the place where the aircraft last departed and which was of such nature as to lead a reasonably competent pilot to the conclusion that an attempt to navigate and land the aircraft to the nearest licence aerodrome might endanger the safety of the persons on board the aircraft.

- Regulations **10.**-(1) The Minister may make regulations for the better carrying out of the provisions of this Act and without prejudice to the generality of the foregoing, may by such regulations-
- (a) prescribe forms of application for aerodrome licence and the fee payable on the making of an application;
 - (b) prescribe the form of an aerodrome licence;
 - (c) prescribe terms and conditions which shall be deemed to be annexed to all aerodrome licences or to any category of aerodrome licences specified in the regulations;
 - (d) prohibit, restrict or control the entry of any person, animal or vehicle to a licensed aerodrome or any part thereof, and provide for controlling the movement of any person, animal or vehicle within such licensed aerodrome, or any part thereof;
 - (e) authorize the removal of any person, animal or vehicle from any licensed aerodrome or part thereof where the presence of such person, animal or vehicle is in contravention of regulations made under this section;
 - (f) provide in respect of a breach of the provisions of regulations made under this section penalties not exceeding a fine of twenty thousand shillings or imprisonment for a term of three years or both such fine and imprisonment;
 - (g) prescribe any thing which may, by any provision of this Act, be prescribed.
- (2) Any fees prescribed by regulations under this section shall be prescribed after consultation with the Minister for the time being responsible for finance.
- Exemptions **11.**-(1) The provisions of section 4 shall not apply in relation to aerodromes constructed or maintained by the Government.
- (2) The Minister may, by order in the *Gazette*, exempt any aerodrome or class of aerodromes or any aircraft or class of aircrafts from all or any of the provisions of this Act or of any regulations made hereunder.
- Repeal and saving
Cap. 581 **12.**-(1) The Aerodromes Control Act, 1965 is repealed.
- (2) Notwithstanding the repeal of the Aerodromes Control Act, 1965, all regulations made under section 3 of that Act shall continue in force as regulations made under section 10 of this Act and may be amended, revoked or replaced accordingly.

Passed in the National Assembly on the twelfth day of March, 1974.

MMwindadi
Acting Clerk of the National Assembly