

CIVIL AVIATION (AIR TRANSPORT LICENSING) REGULATIONS, 1976

(LI 1075)

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SCHEDULES

IN exercise of the powers conferred on the Supreme Military Council by sections 11 and 12 of the Civil Aviation Act, 1958 (No. 37), these Regulations are made this 7th day of June, 1976.

PART I—LICENCES FOR SCHEDULED JOURNEYS

Regulation 1—Application of Part I.

This Part shall not apply to the carriage of passengers, mail or freight by air for hire or reward on journeys other than scheduled journeys.

Regulation 2—Application for Licence.

(1) Any holder of an air operator's certificate granted under regulation 4 of the Civil Aviation Regulations, 1970 (L.I. 674) may apply to the Licensing Authority in the form contained in the First Schedule for a licence to use aircraft in Ghana for the carriage of passengers, mail or freight for hire or reward upon scheduled journeys.

(2) Six copies of the application shall be submitted accompanied by a fee of ₵200.00.

(3) For the purpose of determining the application the applicant shall give to the Licensing Authority such further information as the Licensing Authority may reasonably require.

Regulation 3—Objections and Representations.

(1) The Licensing Authority shall publish in the Gazette the following particulars of any application for a licence under this Part: —

- (a) applicant's name and address;
- (b) applicant's business name;
- (c) the proposed routes;
- (d) the proposed times and frequency of the service;

- (e) the proposed date of commencement of the service;
- (f) the period for which the licence is required.

(2) Any person who objects to the application or who wishes to make any representation in respect of it shall within 21 days after the publication of the particulars send his objection or representation in writing signed by him to the Licensing Authority and serve a copy on the applicant for the licence.

(3) Every objection or representation shall specify the application to which it relates and shall state concisely the grounds on which it is made.

(4) Upon receipt of an objection or representation under sub-regulation (2) of this regulation, the applicant may within seven days send his reply thereto to the Licensing Authority and to the person making the objection or representation.

(5) The Licensing Authority shall not proceed to determine the application until at least 28 days have expired after the publication of the application in the Gazette.

(6) Where the Licensing Authority thinks fit, it may appoint any person to enquire into any objections or representations made under this regulation, and such person shall in writing report his findings to the Licensing Authority.

(7) Both the applicant and the person making the objection or representation shall be entitled to appear and be heard at any enquiry referred to in sub-regulation (6) of this regulation.

Regulation 4—Provisional Licence.

(1) The Licensing Authority may, pending consideration of an application for a licence, grant to the applicant a provisional licence to use in Ghana for the carriage of passengers, mail or freight for hire or reward such aircraft, on such scheduled journeys, and subject to such conditions, as may be specified in the provisional licence.

(2) A provisional licence shall be valid until the application is approved or refused by the Licensing Authority.

(3) A provisional licence may if the Licensing Authority thinks fit be limited to the carriage of passengers or to the carriage of freight.

Regulation 5—Grant of Licence.

(1) The Licensing Authority may, subject to the requirements of any enactment for the time being in force, grant to any applicant a licence to use in Ghana for the carriage of passengers, mail or freight for hire or reward such aircraft, on such scheduled journeys, and subject to such conditions, as may be specified in the licence.

(2) Upon the grant of a licence under this regulation the person to whom it is granted shall pay to the Licensing Authority, on or before the day on which the licence is expressed to take effect, a

fee of €150.00 in respect of each year or part of a year of the period for which the licence is expressed to remain in force.

(3) A licence granted under this regulation shall be valid for such period not exceeding five years commencing from the date of issue of the licence as the Licensing Authority may specify in the licence:

Provided that if on the expiration of the said period of validity of the licence the holder has applied to the Licensing Authority for the renewal of the Licence the licence shall remain valid until such time as the Licensing Authority renews the licence or otherwise decides.

Regulation 6—Publication of Decision.

The Licensing Authority shall publish in the Gazette in the manner prescribed in the Second Schedule its decision in respect of the granting, suspension or revocation of any licence under this Part.

Regulation 7—Conditions of Licence.

(1) It shall be a condition of every licence that the holder of the licence and any person having a financial interest in the business of the holder of the licence shall refrain from stipulating that any other person shall: —

(a) refuse booking facilities to any other holder of a licence; or

(b) afford such facilities to such other holder only on terms less favourable to that holder than the terms which are enjoyed by the first-mentioned holder.

(2) Any licence may if the licensing Authority thinks fit be limited to the carriage of passengers or to the carriage of freight.

(3) The conditions which may be attached to any licence shall include:—

(a) conditions relating to the giving, by the holder of the licence, to the licensing Authority of information in respect of any air services provided under the licence and relating to the time within which such particulars shall be given; and

(b) conditions as to the fares, freight or other charges to be charged by the holder of the licence in respect of air services provided thereunder.

Regulation 8—Conveyance of Mails.

(1) The Director General of Posts and Telecommunications may require the holder of a licence to perform such reasonable services for the conveyance of mails on such flights as he may specify.

(2) The remuneration for such services shall be determined by agreement between the Director General of Posts and Telecommunications and the holder:

Provided that any dispute arising in connection with such remuneration shall be settled by arbitration in accordance with the provisions of the Arbitration Act, 1961 (Act 38).

PART II—LICENCES FOR NON-SCHEDULED JOURNEYS

Regulation 9—Application of Part II.

(1) This Part shall not apply —

(a) to the carriage of passengers, mail or freight by air for hire or reward on scheduled journeys; or

(b) to aircraft operators registered in foreign countries which exempt aircraft operators registered in Ghana from similar conditions under this Part.

(2) Foreign aircraft operators exempted under paragraph (1) (b) of this regulation must obtain prior permission for each non-scheduled flight or series of flights, except for tourists or group charter services, and an application containing the particulars in the Third Schedule shall be submitted not less than fourteen days before a flight begins.

Regulation 10—Application for Licence.

(1) Any holder of an air operator's certificate granted under regulation 4 of the Civil Aviation Regulations, 1970 (L.I. 674) may apply to the Licensing Authority in the form contained in the Third Schedule for a licence to provide air services other than services referred to in regulation 2 (1).

(2) The application shall be submitted not less than fourteen days before the proposed date of commencement of the licence applied for:

Provided that in special circumstances the Licensing Authority may accept an application submitted within a lesser period.

(3) Six copies of the application shall be submitted accompanied by a fee of ₵100.00.

(4) For the purpose of determining the application the applicant shall give to the Licensing Authority such further information as the Licensing Authority may reasonably require.

Regulation 11—Provisional Licence.

(1) The Licensing Authority may, pending consideration of an application for a licence, grant to the applicant a provisional licence to provide such air services (other than services referred to in regulation 2 (1)) and subject to such conditions, as may be specified in the provisional licence.

(2) A provisional licence shall be valid until the application is approved or refused by the Licensing Authority.

Regulation 12—Grant of Licence.

(1) The Licensing Authority may, subject to the requirements of any enactment for the time being in force, grant to any applicant a licence to use in Ghana such aircraft for the provision of such air services (other than services referred to in regulation 2 (1)), for such period and on such conditions as may be specified in the licence.

(2) Upon the grant of a licence under this regulation the person to whom it is granted shall pay to the Licensing Authority, on or before the day on which the licence is expressed to take effect, a fee of ₵75.00 in respect of each year or part of a year of the period for which the licence is expressed to remain in force.

PART III—TOURISTS OR GROUP CHARTER SERVICES

Regulation 13—Application for Licence.

(1) An application for permission or a licence to operate flights on behalf of tourists or closed groups shall contain the particulars set out in the Third Schedule, and shall comply with the regulations or conditions of the Ghana Tourist Control Board or any enactment for the time being in force.

(2) Particulars regarding such regulations or conditions may be obtained from the Executive Director, Ghana Tourist Control Board, P.O. Box 3106, Accra, Ghana.

(3) An application under this regulation shall be submitted not less than twenty working days in advance in the case of flights exceeding 2,000 miles and not less than ten working days in advance in the case of flights not exceeding 2,000 miles.

PART IV—GENERAL PROVISIONS

Regulation 14—Tariffs.

It shall be the duty of an aircraft operator granted permission or a licence under these Regulations to file with the licensing Authority, and seek confirmation of all tariffs to be charged.

Regulation 15—Duties of Holder of Licence.

It shall be the duty of the holder of a licence granted under these Regulations:—

(a) at all times during the currency of his licence to comply with the requirements of every enactment for the time being in force relating to air navigation or air transport;

(b) to give to the Director of Civil Aviation such information as the Director may from time to time require.

Regulation 16—Revocation or Suspension of Licence.

(1) Subject to the provisions of this regulation, the Licensing Authority may revoke or suspend any licence granted under these Regulations if —

(a) the holder of the licence has, since the licence was granted, been convicted of an offence under section 10 (1) of the Civil Aviation Act, 1958; or

(b) where the holder of the licence is a body corporate, any officer of that body corporate has, since the licence was granted, been convicted, in his capacity as such officer, of an offence under section 10 (1) of the Civil Aviation Act, 1958; or

(c) any condition subject to which the licence was granted has not been complied with.

(2) If the Licensing Authority proposes to revoke or suspend any licence for non-compliance with a condition of the licence —

(a) the Licensing Authority shall first give written notice to the holder of the licence specifying the condition which it is alleged has not been complied with; and the occasions on which it was not complied with;

(b) the Licensing Authority shall not revoke or suspend the licence until after the expiration of 28 days from the date of such notice;

(c) the Licensing Authority shall not in any event revoke or suspend the licence unless it is satisfied, after holding an enquiry if the holder of the licence within 7 days after the date of the aforesaid notice by written notice requires the Licensing Authority to hold such enquiry, that, by reason of the number of occasions on which such conditions or any of them have not been complied with or the circumstance that any non-compliance with any such condition was wilful, the licence ought to be revoked or suspended.

(3) Any holder of a licence who has given written notice requiring the Licensing Authority to hold an enquiry referred to in sub-regulation (2) (c) of this regulation shall have the right to appear and be heard at that enquiry and also to submit any written objections he may wish to make to the proposed revocation or suspension.

Regulation 17—Surrender of Licence.

(1) A licence may at any time be surrendered by the holder to the Licensing Authority for cancellation.

(2) If, during the currency of a Licence, the holder applies to the Licensing Authority for a new licence in substitution for the current licence, he shall, if the new licence is granted, surrender the current licence for cancellation on the date from which the new licence is expressed to take effect.

Regulation 18—Transfer of Licence.

No licence granted under these Regulations shall be transferred by the holder to any other person; except that in the event of the death, incapacity, bankruptcy or insolvency of the holder, the Licensing Authority may transfer such licence to any person who is lawfully appointed to manage

the business of such holder, if such person applies in writing to the Licensing Authority and satisfies the Licensing Authority of his ability to operate the business.

Regulation 19—Variation of Licence.

The conditions of a licence granted under these Regulations may at any time be varied by agreement between the holder of the licence and the Licensing Authority.

Regulation 20—No Fees to be Refundable.

No refund of any fee paid under these Regulations shall be made in respect of any refusal to grant a licence, or of any suspension, surrender or revocation of a licence granted under these Regulations.

Regulation 21—Interpretation.

In these Regulations—

"air service" means any service performed by aircraft for hire or reward;

"Licensing Authority" means the Ghana Air Transport Licensing Authority established under section 9 of the Civil Aviation Act, 1958;

"Scheduled journey" means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service in such manner that the benefits thereof are available to members of the public from time to time.

SCHEDULES

FIRST SCHEDULE

(Regulation 2)

APPLICATION FOR LICENCE FOR SCHEDULED JOURNEYS

1. Applicant's name and address

Nationality of applicant

2. Applicant's Business name and address

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3. Names, Addresses and Nationality of persons by whom business is substantially and effectively controlled

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4. Applicant's financial resources

5. Particulars of any insurance policy held or proposed by the applicant to cover third party risks in respect of the proposed service

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6. The type of service — whether to carry passengers or goods or both

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7. Number and type of aircraft to be used on the service

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8. Times and frequency of the service

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9. Proposed routes with intermediate stops for the purpose of loading or landing passengers or goods

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10. Maximum fares or tariffs to be charged in respect of any journey or part of a journey for which separate fares are charged

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11. Date of commencement of service

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12. Particulars of other services operated by applicant

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13. Particulars of working arrangements with other companies

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(Signature of applicant or person authorised to sign on his behalf)

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SECOND SCHEDULE

(Regulation 6)

PUBLICATION OF DECISIONS

Particulars of the decisions of the Licensing Authority—

(a) on applications for licences, and

(b) to revoke or suspend a licence,

shall be published by notice in the Gazette and such notices shall contain the following particulars:—

(i) Application—

(a) Name and address of applicant.

(b) A reference to the Gazette in which notice of the application was published.

(c) Such particulars as will enable the application to be identified.

(d) An indication whether the licence is granted as applied for, granted with modifications (the modifications to be stated) or refused.

(ii) Revocation or suspension—

(a) Name and address of applicant.

(b) Such information as will enable the licence to be identified including places between which passengers or goods are to be carried.

(c) Places at which intermediate landings are to be made for the purpose of loading or landing passengers or goods.

(d) Date from which revocation or suspension takes effect and, in the case of suspension, the period of suspension.

(e) The grounds on which the licence is revoked or suspended.

THIRD SCHEDULE

(Regulations 10 and 13)

APPLICATION FOR LICENCE FOR NON-SCHEDULED JOURNEYS

1. Name of operator

2. Type of aircraft and registration marks

3. Date and time of arrival at, and departure from, the airport or airports concerned
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4. Place or places of embarkation and disembarkation of passengers and/or freight.....
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5. Purpose of flight

6. (i) Number of passengers

(ii) Nature and amount of freight.....

7. Name, address and business of charterer

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(Signature of applicant or person authorised to sign on this behalf)

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Chairman of the Supreme Military Council

Date of Gazette Notification: 25th June, 1976.