

Cap 394 - Civil Aviation

Kenya Civil Aviation (Amendment) Act, 2002.

Preamble

Act of parliament to make Provision for the control, regulation and orderly development of civil aviation in Kenya and for matters incidenta¹ thereto or connected therewith

1. Short Title

This Act may be cited as [the Civil Aviation Act](#).

2. Interpretation and application.

2.(1) In this Act, unless the context otherwise requires -

"accident" means any 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 all such persons have disembarked, in which -

(a) any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto; or

(b) the aircraft receives substantial damage;

"aerial work" means any purpose other than public transport for which an aircraft is flown if hire or reward is given or promised in respect of the flight or the purpose of the flight;

"aerodrome" means any defined area on land or on water, including any building, installation or equipment therein, used or intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft, and includes any such area as the Minister may by notice in the Gazette declare to be an aerodrome;

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air, other than reactions of the air against the earth,s surface, and includes all flying machines, aeroplanes, gliders, seaplanes, rotocrafts, airships, balloons, gyroplanes, helicopters, ornithopters and other similar machines but excludes state aircraft;

"air navigation services" means -

(a) communication services, whether ground to air or ground to ground, provided for the safety of the aircraft;

(b) navigational services, that is to say radio, radar and visual aids to navigation;

(c) air traffic services provided for the safety of aircraft; and

(d) aeronautical information services;

"air route" means navigable airspace between two points and the terrain beneath such air space identified, to the extent necessary, for the application of flight rules;

"air transport enterprise" includes persons, corporate bodies and unincorporated bodies, companies, firms, partnerships, societies and associations, now or hereafter operating an air transport service for public hire, under proper authority, in the transport of passengers, mail or cargo;

"air transport service" means any air service performed by aircraft for public transport of passengers, mail or cargo;

"airway" means a designated control area or portion thereof established in the form of a corridor.

"Authority" means the Kenya Civil Aviation Authority established under section 3;

"authorized employee" means an employee authorized by the Director General to exercise the powers or perform the duties and functions in respect of which the expression is used;

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

"Board" means the Board of Directors of the Authority constituted under section 4;

"cargo" means any movable property carried in an aircraft;

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

"convention" means any international convention or protocol and any annex thereto relating to civil aviation to which Kenya is a signatory or has acceded, or to which Kenya is in any way a party, whether made, concluded, signed or acceded to before or after the commencement of this Act, and includes the Chicago Convention;

"crew" includes any person assigned by the owner to duty on an aircraft during flight;

"charges" means all sums received or receivable, charged or chargeable under this Act or subsidiary legislation made thereunder for any service performed or facilities provided by the Authority;

"Chairman" means the Chairman of the Board of Directors of the Authority appointed under section 4 (1);

"controlled area" means a controlled airspace extending upwards from a specified limit above the earth;

"Director-General" means the Director-General of the Authority appointed under section 5;

"financial year" means the period of twelve months ending on the thirtieth June in each year;

"Government aerodrome" means an aerodrome under the control of the Government;

"Kenya aircraft" means an aircraft registered in Kenya;

"Kenya Airports Authority" means the Authority by that name established by [the Kenya Airports Authority Act](#);

"licence" includes any certificate, permit or document, howsoever named, authorizing any person to do or to omit to do anything under this Act;

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

"operator" in relation to an aircraft, means the person having the management of the aircraft for the time being or, in relation to time, at the time;

"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 Kenya for a foreign owner, or any person by whom the aircraft or aerodrome is hired at the time;

"passenger" means any person being conveyed by an aircraft who is not a member of the crew;

"private aerodrome" means an aerodrome other than an aerodrome under the control of Government, Governmental agency, local authority, military or police;

"publication" includes information given in any of the following publications issued, whether before or after the commencement of this Act, that is-

(i) notices to airmen;

(ii) aeronautical information publications;

(iii) notices to licensed aircraft maintenance engineers and to owners of civil aircraft;

(iv) civil aviation publications;

(v) aeronautical information circulars;

(vi) manuals of air traffic control instructions; and

(vii) such other official publications issued for the purpose of enabling any of the provisions of this Act to be complied with;

"public transport" means the carriage of passengers or cargo for hire or reward;

"rates" includes all sums which may, under the provisions of this Act, be levied for, or in respect of any aircraft or any other service performed or facility provided by the Authority;

"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 2.2 kilogrammes;

"state aircraft" means -

(a) aircraft in the military service of Kenya or any other state and aircraft that are commanded by members of the military forces of Kenya 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 Kenya or any other state;

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

(3) The provisions of this Act and of regulations made thereunder shall, except where expressly or be implication included, apply to -

(a) all aircraft whilst in or over any part of Kenya; and

(b) all Kenya aircraft and the crew and other persons on board wherever they may be.

(4) The provisions of this Act shall, except where expressly included, not apply to state aircraft.

(5) Notwithstanding the provisions of subsection (4), in the interest of aviation safety, all aircraft shall be subject to the requirements of this Act as to rules of the air and air traffic control.

3. Establishment of the Kenya Civil Aviation Authority.

3.(1) There is established an Authority to be known as the Kenya Civil Aviation Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of -

(a) suing and being sued,

(b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property,

(c) borrowing money;

(d) entering into contracts,

(e) doing or performing all such other things or acts for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

Objectives of the Authority

3A. The object and purpose for which the Authority is established shall be to plan, develop, manage, regulate and operate a safe, economical, and efficient civil aviation system in Kenya in accordance with the provisions of this Act.

Functions of the Authority.

3B.(1) The Authority shall be responsible for -

(a) the licensing of air services;

(b) the provision of air navigation services;

(c) the establishment and maintenance of a system for the registration and the marking of civil aircraft;

- (d) securing sound development of the civil aviation industry in Kenya;
 - (e) advising the Government on matters concerning civil aviation;
 - (f) the coordination and direction of search and rescue services;
 - (g) the provision of services and facilities in relation to the investigation of aircraft accidents and incidents;
 - (h) the safety and technical regulation of civil aviation;
 - (i) dealing with incidents of unlawful interference with aviation security;
 - (j) the certification of aircraft operators;
 - (k) enforcement of approved technical standards of aircraft;
 - (l) the licensing and monitoring of aeronautical personnel;
 - (m) the provision of technical services for the design, installation, and modification of electronic, radio and other equipment used in the provision of air navigation services;
 - (n) ensuring the integrity of the systems, equipment and facilities of the Authority;
 - (o) the issuance and dissemination of the publications referred to in this Act;
 - (p) the production of accurate, timely comprehensive and relevant air transport information for planning and decision making purposes;
 - (q) the approval, certification and licensing of aircraft maintenance organizations and training institutions;
 - (r) the establishment, management and operation of training institutions for the purposes of the Authority;
 - (s) the registration of rights in aircraft;
 - (t) the planning, development and formulation for the safe and efficient utilization of Kenyan airspace;
 - (u) the performance of such other functions as may, from time to time, be conferred on it by the Minister or by any other written law.
- (2) The Authority shall discharge its functions without prejudice to the functions of the Kenya Airports Authority.

(3) The Authority shall provide air navigation services in Kenya airspace, and for any areas outside Kenya for which Kenya has, in pursuance of international arrangements, undertaken to provide air navigation services, alerting service and to coordinate search and rescue services, therein.

(4) The Authority shall carry out its functions in a manner consistent with the Chicago Convention, any Annex to the Convention relating to international standards and recommended practices and any amendment thereto or other international conventions and protocols relating to civil aviation that Kenya is party to.

(5) It shall be the responsibility of the Authority to perform any obligations required by any agreement, treaty or arrangement between Kenya and any other country, inter-Governmental organization or other body with respect to the safety, regularity and efficiency of air navigation and aviation safety in general.

(6) In the discharge of its responsibility for aviation safety and security the Authority shall coordinate its activities with other agencies of the Government, including the Kenya Ports Authority, the Department of Defence and the Police.

Powers of the Authority

3C.(1) The Authority shall have all the powers necessary for the proper performance of its functions under this Act.

(2) Without prejudice to the generality of subsection (1), the Authority shall have power to -

(a) determine, impose and levy rates, charges, dues or fees for any services performed by the Authority, or for use by any person of the facilities provided by the Authority or for the grant, renewal or validation of a licence, permit or certificate, subject to the approval of the Minister;

(b) receive any gifts, grants, donations or endowments made to it or any other monies in respect of it and to make legitimate disbursement therefrom in accordance with the provisions of this Act;

(c) invest any monies not immediately required for its purposes in the manner provided in this Act or any other written law;

(d) enter into contracts, arrangements, agency, associations or partnerships with any person, Government agency or authority, whether, within or outside Kenya, subject to any limitations that may be set out by the Minister;

(e) acquire, hire, hold, lease out, dispose of all types of assets or property including land:

Provided that the Authority shall not sell, let or otherwise dispose of any buildings, land or other assets vested in it by virtue of section 7D except with the consent of and subject to any conditions that may be imposed by the Government.

Board of Directors.

4.(1) There shall be a Board of Directors of the Authority which shall be the governing body of the Authority consisting of -

(a) a Chairman who shall be appointed by the Minister;

(b) the Director-General;

(c) the Permanent Secretary of the Ministry for the time being responsible for matters relating to civil aviation or his representative;

(d) the Permanent Secretary to the Treasury or his representative;

(e) the Permanent Secretary of the Ministry for the time being responsible for internal security or his representative;

(f) the chief executive of the Kenya Tourist Board or his representative;

(g) three members, not being public officers, with aviation knowledge and experience to be appointed by the Minister;

(h) three other members, not being public officers, to be appointed by the Minister.

(2) No person shall qualify for appointment as Chairman under subsection (1) (a) unless such person has knowledge and experience in matters relating to administration or has such other qualifications and experience of proven ability in such other fields as the Minister may prescribe.

(3) The members appointed under subsection (1) (a), (g) and (h) shall serve for a period of three years on such terms and conditions as may be specified in their instruments of appointment and shall be eligible for re-appointment.

(4) If a member of the Board appointed under subsection (1) (a), (g) and (h) -

(a) dies;

(b) resigns;

(c) gets his appointment revoked; or

(d) ceases to be a member of the Board for any other reason other than the above,

the Minister may appoint another person to take the place of that member, and the person so appointed shall hold office until the expiration of the term of office of the member in whose place he was appointed.

(5) The Chairman shall notify the Minister as soon as a vacancy occurs in the membership of the Board, and the Minister shall, appoint a member to fill such vacancy within three months of receiving the notice.

Termination of appointment of Directors.

4A.(1) The Minister may terminate the appointment of a member appointed under section 4 (1) (a), (g) and (h) if he -

(a) has been absent from three consecutive meetings of the Board without the permission from chairman; or,

(b) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors; or

(c) is convicted of an offence involving dishonesty or fraud; or

(d) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or,

(e) is incapacitated by prolonged physical or mental illness; or

(f) fails to comply with the provisions of this Act relating to disclosure.

(2) A member appointed under section 4 (1) (a), (g) and (h) may resign his office in writing under his hand to the Minister.

Functions of the Board.

4B.(1) The Board shall be responsible for the general control of the performance and management of the undertakings and affairs of the Authority, and shall include a general duty to ensure that the functions of the Authority are carried out in an efficient, transparent and ethical manner and that no particular person or body is given undue preference or subjected to any undue disadvantage.

(2) The Board shall consider and advise the Minister on the development and maintenance of civil aviation policy framework and the objectives of the Authority.

(3) Without prejudice to the generality of subsection (1),(2) and (3), the Board shall-

(a) consider and advise the Minister in relation to the establishment of air services;

(b) determine and set priorities of the general performance targets of the Authority;

(c) consider and determine the strategic and business plans and budgets of the Authority;

(d) ensure that measures for the development of civil aviation are initiated and implemented;

(e) consider and advise the Minister on legislative proposals on civil aviation including legislation to give effect to the Chicago Convention, and other international conventions and instruments relating to civil aviation;

(f) ensure that promotion of safety, security and efficiency in air transport is fostered through enforcement of the highest possible standards and recommended practices;

(g) consider and advise the Minister on measures to promote or support any airline designated by the Government for the purpose of any international air services agreement;

(h) consider and advise the Minister in relation to fares and freight rates and related matters including any resolution of the International Air Transport, Association or any body which succeeds that Association;

(i) consider and advise the Minister in relation to the establishment, maintenance and development of air navigation facilities and services;

(j) consider and advise the Minister on such other matters affecting civil aviation as it considers desirable in the interest of civil aviation in Kenya;

(k) perform such other functions as the Minister may, from time to time, assign to it.

Powers of the Board.

4C.(1) The Board shall have all the powers necessary for the proper performance of the functions of the Authority in accordance with the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to-

(a) control and oversee the administration of the assets of the Authority in such manner and for such purposes as best promote the purposes for which the Authority is established; and

(b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority

Meetings of the Board.

4D.(1) The Board shall meet at least four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) The quorum at a meeting of the Board shall be six members excluding the Director-General.

(3) The conduct and regulation of the business and affairs of the Board shall be as provided in the First Schedule, but subject thereto, the Board may regulate its own procedure.

The common seal of the Authority.

4E.(1) The common seal of the Authority shall be kept in such custody as the Board may direct and shall not be used except on the order of the Board.

(2) The common seal of the Authority when affixed to a document and duly authenticated, shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization by the Board under this section shall be presumed to have been duly given.

Director-General.

5.(1) There shall be a Director-General of the Authority who shall be appointed by the Minister, from a list of persons, recommended by the Board.

(2) Subject to this section, the terms and conditions of service of the Director-General shall be determined by the Board.

(3) No person shall qualify for appointment as the Director-General under subsection (1) unless such person has knowledge and experience in matters relating to civil aviation.

(4) The Director-General shall hold office for a term of five years from the date of appointment but shall, upon the recommendation of the Board, be eligible for re-appointment for one further term of a period not exceeding five years.

(5) The Minister may, in consultation with the Board, terminate the appointment of the Director-General if he-

(a) has been absent from three consecutive meetings of the Board without the permission from the Chairman; or,

(b) is adjudged bankrupt or enters into a composition scheme or arrangement with his creditors; or

(c) is convicted of an offence involving dishonesty or fraud; or

(d) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings; or,

(e) is incapacitated by prolonged physical or mental illness; or

(f) fails to comply with the provisions of this Act relating to disclosure.

(6) The Director-General may, at any time, resign his office by notice in writing to the Minister.

Powers of the Director-General.

5A.(1) There Director-General shall be the chief executive officer of the Authority responsible to the Board for the day to day management of the Authority and shall be responsible for the

exercise of all powers and the discharge of all functions of the Authority and shall have control over all personnel and activities of the Authority.

(2) The Director-General shall exercise such powers as are necessary for the performance of the functions of the Authority to enable the objectives, implementation and applications of the regulations made under this Act and in particular, but without prejudice to the generality of the foregoing, the Director-General shall have power to -

(i) ensure that the provisions of this Act and any rules and regulations made therein are complied with to the extent necessary in the interest of aviation;

(ii) encourage and foster the safe development of civil aviation in Kenya;

(iii) plan, develop and formulate safe and efficient utilization of the Kenya airspace;

(iv) acquire, establish and improve air navigation facilities where necessary within the limits of available appropriation;

(v) establish a school or schools for the purpose offering instruction and training in matters related to the aviation industry;

(vi) promulgate rules and procedures governing the notification and reporting of accidents and incidents involving aircraft so as to facilitate investigations.

(vii) use, with their consent the available services, equipment and facilities of other agencies and to cooperate with those agencies in the establishment, and use of services, equipment and facilities of the Authority;

(viii) monitor the deployment and utilization of the movable and immovable property of the Authority;

(ix) prepare the annual report and financial statement of the Authority.

Delegation by the Director-General

5B.(1) The Director-General may from time to time, in writing, either generally or particularly, delegate to any person all or any of the powers, exercisable by him under any written law, but not including this present power of delegation.

(2) Subject to any general or special direction given or condition attached by the Director-General, the person to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had 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 person or to persons of a specified class or may be made to the holder or holders for the time being of a specified public office or class of public officers.

(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 for the time being holding office as Director-General.

Corporation Secretary

5C.(1) There shall be a Corporation Secretary who shall be appointed by the Board on such terms and conditions as the Board may determine and who shall perform such duties as the Board may, from time to time, assign.

(2) In the performance of his duties under this Act, the Corporation Secretary shall be responsible to the Director-General.

Staff of the Authority.

5D.(1) The Director-General may appoint such staff of the Authority as are necessary for the proper discharge of the functions of the Authority under this Act upon such procedures, terms and conditions of service as the Board may determine.

(2) The Board may review salaries, wages and other terms and conditions of service of the staff of the Authority from time to time.

Protection from personal liability.

5E. Subject to section 5F no matter or thing done by a member of the Board or by any officer, employee or agent of the Authority shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Authority under this Act, render the member, officer, employee or agent or any person acting on their direction personally liable to any action, claim or demand whatsoever.

Liability for damages.

5F. The provisions of section 22 shall not relieve the Authority of the liability to pay compensation or damages to any person for any injury to him, his property or any of interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, whether wholly partially of any works.

Principles of operation.

6. The Authority shall perform its functions in accordance with sound financial principles and shall ensure, as far as reasonably practicable, that its expenditure is properly chargeable to its revenue.

Funds of the Authority.

6A.(1) The funds of the Authority shall consist of -

- (a) monies that may accrue to the Authority in the discharge of its functions,
- (b) grants and loans from the government,
- (c) grants and loans from any body, organization or persons,
- (d) interest on savings made by the Authority,
- (e) such moneys as may be provided by Parliament for the purposes of the Authority, and
- (f) money from any other source.

(2) The Authority may open and operate its own bank accounts in both domestic and foreign currencies in banks approved by the Board.

(3) The Authority may, with the approval of the Minister, invest any funds of the Authority not immediately required for use by the Authority in such securities as the Board deems fit.

(4) The Government may provide appropriations to meet operating deficits and capital funding of the Authority.

Commercial ventures.

6B. The Authority may, with a written approval of the Minister -

- (a) subscribe to or purchase shares, debentures or other securities of a company,
- (b) form a company that would be a subsidiary of the Authority,
- (c) enter into partnership with any body, organizations or enterprise whose objectives are compatible with the purposes for which the Authority has been established.

Annual estimates.

6C.(1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year.

(2) The annual estimates shall make provision for the financial year concerned, and in particular shall provide for -

(a) the payment of the salaries, allowances and other charges in respect of the staff of the Authority and the members of the Board;

(b) the payment of the pensions, gratuities and other charges in respect of retirement benefits to staff of the Authority;

(c) the proper maintenance of buildings and the grounds of the Authority;

(d) the proper maintenance, repair and replacement of the equipment and other movable property of the Authority;

(e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment or in respect of such other matters pertaining to the Authority as the Board may decide;

(f) the provisions of air navigation services;

(g) the provision of personnel training.

(3) The annual estimates shall be submitted to the Minister for approval before the commencement of the financial year to which they relate provided that once approved, the sum provided in the estimates shall not be increased without the prior consent of the Minister.

(4) No expenditure shall be incurred for purposes of the Authority except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Minister.

Annual estimates.

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(2) The annual estimates shall make provision for the financial year concerned, and in particular shall provide for -

(a) the payment of the salaries, allowances and other charges in respect of the staff of the Authority and the members of the Board;

(b) the payment of the pensions, gratuities and other charges in respect of retirement benefits to staff of the Authority;

(c) the proper maintenance of buildings and the grounds of the Authority;

(d) the proper maintenance, repair and replacement of the equipment and other movable property of the Authority;

(e) the creation of such reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings or equipment or in respect of such other matters pertaining to the Authority as the Board may decide;

(f) the provisions of air navigation services;

(g) the provision of personnel training.

(3) The annual estimates shall be submitted to the Minister for approval before the commencement of the financial year to which they relate provided that once approved, the sum provided in the estimates shall not be increased without the prior consent of the Minister.

(4) No expenditure shall be incurred for purposes of the Authority except in accordance with the annual estimates approved under subsection (3) or in pursuance of an authorization of the Minister.

Business plan.

6D.(1) The Authority shall prepare a five-year business plan which shall be reviewed yearly.

(2) The business plan shall contain financial targets and performance indicators for the Authority.

(3) When preparing the business plan, the Authority shall consider -

(a) standards of aviation safety;

(b) the objectives and policies of the Government;

(c) funds of the Authority;

(d) assets and liabilities of the Authority;

(e) any other consideration the Authority deems appropriate.

(4) The business plan and the revisions thereof shall be prepared by the Authority at least six months prior to the commencement of the Authority's financial year.

Borrowing powers.

6E.(1) The Authority may borrow funds by the issue of loan stock on such terms as may be approved by the Minister responsible for finance upon recommendation of the Minister.

(2) The Authority may borrow money or obtain credit in Kenya or abroad for carrying out its functions with the concurrence of and subject to such limitations as may be imposed by the Minister responsible for finance.

(3) Such stock issued under subsection (1), and such monies borrowed or credit obtained under subsection (2), for the purposes of this section, and all interest and other charges payable in respect of such stock or credit, shall, unless the instrument or note evidencing or supporting such borrowing shall otherwise provide, be charged upon all the property, undertakings and revenue of the Authority by operation of this section and without further charge or instrument.

(4) Any stock issued by the Director of Civil Aviation which, by virtue of an order made under subsection 3 of section 21 becomes the liability of the Authority shall, subject to the terms of such order, be deemed to be the stock issued by the Authority and shall be held in the same right and on the same powers, privileges, provisions and charges as those in, or subject to which such stock was issued.

(5) Except as provided in this section, the Authority shall not give or execute any mortgage or charge over any of its property by way of security for borrowed money.

Financial year.

6F. The financial year of the Authority shall be the twelve calendar months commencing on the 1st day of July in each year and ending on the 30th day of June the following year.

Records and Accounts of the Authority.

6G.(1) The Board shall cause to be kept all proper books and records of the income, expenditure, assets and liabilities of the Authority.

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Controller and Auditor-General or an auditor appointed under subsection (3), the accounts of the Authority together with -

(a) a statement of income and expenditure during that year, and

(b) a statement of the assets and liabilities of the Authority as at the last day of the financial year.

(3) The accounts of the Authority shall be audited by the Controller and Auditor-General or by an auditor appointed by the Board with the written approval of the Controller and Auditor-General.

(4) The appointment of an auditor shall not be terminated by the Board without the prior written consent of the Controller and Auditor-General.

(5) The Controller and Auditor-General may give general or special directions to an auditor appointed under subsection (3) and the auditor shall comply with those directions.

(6) An auditor appointed under subsection (3) shall report directly to the Controller and Auditor-General on any matter relating to the directions given under subsection (5) of this section.

(7) Notwithstanding anything in this Act, the Controller and Auditor-General may submit to the Minister a special report on any matters incidental to his powers under this Act, and section 19 (3) and (4) of [the Exchequer and audit Act](#) shall *mutatis mutandis*, apply to any report made under this section.

(8) The Minister shall lay the audit report before the National Assembly as soon as reasonably practicable after the report is submitted to him.

(9) The fee for any auditor, not being a public officer, shall be determined and paid by the Board.

Annual report by the Authority.

6H. The Director-General shall, within three months after the end of each financial year prepare a report of the operations of the Authority during that year and shall submit such report to the Minister, through the Board, who shall cause it to be presented to the National Assembly together with the report of the Controller and Auditor-General and certified copies of the accounts referred to in section 6 (2).

Charges and fees.

6I.(1) The Authority may determine, impose and levy charges for any services performed by the Authority, or for use of the facilities provided by the Authority, or for use of the facilities provided by the Authority, or for the grant of a license, permit or certificate, based on the transparent principle of cost recovery and subject to the approval by the Minister,

(2) The schedule of charges shall be published in an Aeronautical Information Circular.

(3) The schedule of charges shall come into force on a date specified therein, which shall be at least thirty days following publication in the Aeronautical Information Circular.

(4) If any amount due and payable under this section is not paid by any party after demand by the Authority and remains unpaid beyond the time specified for payment thereof, the Authority may seize the aircraft or other property of the debtors after giving reasonable notice of the intention to seize the aircraft or property of the owner or operator of the aircraft and the Authority shall detain the aircraft or property until payment is made.

Contracting out.

7. The Authority may contract out any of its services provided that such contracting out shall not abrogate from the Authority's regulatory functions and compromise safety standards.

Consultation with users or departments.

7A.(1) In the performance of its functions and exercise of its powers, the Authority shall, where appropriate, consult with Government Ministries, other authorities, bodies or persons and users of the Authority's facilities and services,

(2) The Authority shall establish any consultative mechanism it deems necessary to obtain the views of the users of the Authority's facilities and services.

Authorization to provide air navigation services.

7B. The Authority may authorize an aerodrome to provide air navigation services for the use of such aerodrome and subject to such conditions as may be set by the Authority.

Inspection of aircraft.

7C.(1) The Authority may inspect all aircraft on Kenya territory regardless of their state of registry or Kenya registered aircraft wherever it may be for reasons of safety and for any other reason for which the Authority is established.

(2) The Authority's inspectors shall have unhindered access to the aircraft wherever it may be and the related facilities and installations and any records, information and explanation that may be required in the course of their inspections.

Acquisition of Land for purposes of the Authority.

7D.(1) Where land is required by the Authority for its use, the Authority may either -

(a) if such land is not public land, acquire such land through negotiation and agreement with the registered owner thereof, provided that notwithstanding the provisions of section 6 of [the Land Control Act](#), the ensuing transaction shall not require the consent of a Land Control Board if the land to be acquired is agricultural land; or

(b) if such land is public land or if the Authority is unable to acquire it by agreement in accordance with paragraph (a), it shall notify the Minister responsible for lands that the land specified in the notice is required for the purposes of the Authority.

(2) When notice has been given under subsection (1) (b) then -

(a) if the land is public land, the Minister responsible for lands may, in his discretion and upon such terms and conditions as he may think fit, place such land at the disposal of the authority to be utilized for the purposes of the Authority, or

(b) if the land is not public land, any provision in any written law which empowers the President or the Minister responsible for lands to acquire or direct the acquisition of such land for any specific purpose shall be, deemed to include a power enabling the President or the Minister

responsible for lands to acquire or direct the acquisition of such land for the purposes of the Authority.

(3) Where any compensation is payable to any person in respect of any land specified in the notice given under subsection (1) (b) acquired by the President or the Minister responsible for lands, and such land after being so acquired is placed at the disposal of the Authority in accordance with subsection (2) (a), the amount of compensation payable to that person, in accordance with the provisions of the law under which the land was acquired, shall be paid by the Authority.

(4) The Authority may at any time convey, transfer or surrender any land surplus to both its existing and future requirements by a conveyance or a deed of surrender:

Provided that such land shall be surrendered to the government and shall not be conveyed or transferred to any other person unless the Minister responsible for lands shall consent and so direct.

(5) The provisions of subsection (4) shall apply to land vested in the Authority by any written law, including this Act, as well as land conveyed to it or otherwise placed at its disposal.

Limitation of actions.

7E. Where an action or other legal proceeding is commenced against the Authority for any act done in pursuance or, execution or intended execution of this Act or any public duty or authority, or in respect of any alleged neglect or default in the execution of this Act, or of any such duty of authority, the following provisions shall have effect -

(a) [the action](#) or legal proceedings shall not be commenced against the Authority until at least one month after written notice containing the particulars of the claim, and of the intention to commence [the action](#) or legal proceedings, has been served upon the Director-General by the plaintiff or his agent;

(b) [the action](#) or legal proceedings shall not lie or be instituted unless it is commenced within twelve months next after [the act](#), neglect, omission or default complained of or in the case of a continuing injury or damage, within six months next after the cessation thereof.

Restriction in the execution against property of the Authority.

7F.(1) Notwithstanding anything to the contrary in any law -

(a) where any judgment or order has been obtained against the Authority, no execution or attachment or process in the nature thereof, shall be issued against the immovable property of the Authority or any of its vehicles, vessels, aircraft or its other operational equipment, machinery, fixtures or fittings; but the Director General shall cause to be paid out of the revenue of the Authority such amount as may, by the judgment or order or decree, be awarded against the Authority to the person entitled thereto;

(b) no immovable property of the Authority or any of its vessels, vehicles, aircraft or its equipment, machinery, fixture or fittings, shall be seized or taken by any person having by law, power to attach or distrain property without the previous written permission of the Director-General

Service of notice on the Director-General.

7G. Any notice, summons, warrant, process or any other document required or authorized under this Act or any other law to be served on the Authority or the Director-General may be served-

(a) by delivery of the notice or document to the Director-General or to any authorized employee,

(b) by leaving it at the office of the Director-General; or

(c) by sending it by registered post to the Director-General.

Imperiling the safety of aircraft and persons on board.

7H.(1) No person shall will-fully or negligently imperil the safety of an aircraft or any person on board, whether by interference with any member of the crew of the aircraft or by tampering with the aircraft or its equipment, or by disorderly conduct by any other means.

(2) No person shall will-fully or negligently cause or permit an aircraft to endanger any person or property.

(3) No person shall will-fully or negligently interfere or tamper with an air navigation facility.

(4) Any person who contravenes the provisions of subsection (1), (2), or (3) shall be guilty of an offence and shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

Service of notice on the Director-General.

7G. Any notice, summons, warrant, process or any other document required or authorized under this Act or any other law to be served on the Authority or the Director-General may be served-

(a) by delivery of the notice or document to the Director-General or to any authorized employee,

(b) by leaving it at the office of the Director-General; or

(c) by sending it by registered post to the Director-General.

Imperiling the safety of aircraft and persons on board.

7H.(1) No person shall will-fully or negligently imperil the safety of an aircraft or any person on board, whether by interference with any member of the crew of the aircraft or by tampering with the aircraft or its equipment, or by disorderly conduct by any other means.

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(3) No person shall will-fully or negligently interfere or tamper with an air navigation facility.

(4) Any person who contravenes the provisions of subsection (1), (2), or (3) shall be guilty of an offence and shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

Drunkenness in aircraft or on duty.

7I.(1) No person shall, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of alcohol or drug.

(2) No employee of the Authority shall report on duty or be on duty when under influence of drugs or alcohol

(3) Any person who contravenes the provisions of subsection (1) or (2) shall be guilty of an offence and shall be liable to a fine not exceeding one hundred and fifty thousand shillings or to imprisonment for a term not exceeding three years or to both.

Exemption.

7J. Notwithstanding the provisions of this Act, the Minister may, upon the recommendation of the Authority, by in the Gazette notice and on such terms and conditions as may be necessary, exempt any aircraft, person, aerodrome facility or service or enterprise from the application of any regulations made under this Act, if such exemption is in the public interest and is not likely to adversely affect aviation safety.

Transfer of Government assets and liabilities and certain staff to the Authority.

7K.(1) Upon the commencement of this Act, all existing assets used in the provision of services for which the Authority has been established shall be transferred to an vest in the Authority.

(2) Subject to subsection (3) the Minister may, by order published in the Gazette, transfer to the Authority any property or asset belonging to the Government which appears to him to be necessary or useful to the Authority for the performance of its functions under this Act, which

property or asset shall vest in the Authority by virtue of the order and without further assurance.

(3) An order under subsection (2) may contain such incidental, consequential or supplemental provisions as the Minister thinks necessary or expedient.

(4) All liabilities incurred in the provisions of services for which the Authority has been established, shall vest in the Authority without further assignment.

(5) Notwithstanding any other provision of this Act to the contrary, any person who, as at the 31st March, 2002, was an employee of the Directorate of Civil Aviation shall, upon the commencement of this Act, be deemed to be an employee of the Authority

Powers of the Minister.

8. The Minister shall have powers to determine the policy framework within which the Authority shall operate and for that purpose but with due regard to the need to uphold the Authority's autonomy the Minister may:

- (i) give directions of a general nature to the Board regarding the operations of the Authority,
- (ii) approve alterations in the tariffs, rates, fees, charges and impositions levied for the services and facilities provided by the Authority,
- (iii) approve any individual capital work for the purposes of the Authority, whose estimated cost exceeds prescribed limit set by the Minister from time to time.

International obligations.

8A. The Minister shall be responsible for -

- (i) civil aviation policy;
- (ii) investigation of civil aircraft accidents and incidents;
- (iii) establishment and review of air services agreement;
- (iv) submission of variations to the Chicago Convention, any Annex to the convention relating to international standards and recommended practices and any amendment thereto, or other international conventions and protocols, relating to civil aviation that Kenya is party to.

Inspection and assessment.

8B.(1) The Minister shall at least once every two calendar years, and may at such other times as he may consider desirable, assess and audit the standards of air navigational facilities and services, and technical personnel manning the facilities and providing the services of the Authority to ensure that they meet prescribed international standards.

(2) The Minister may appoint audit inspectors to carry out the assessment and audit referred to in subsection (1).

(3) The audit inspectors shall have unhindered access to aerodromes and related facilities and installations, navigational and communication facilities and to any records, information and explanation that may be required in the course of their duties.

(4) The Minister may, on the advice of any audit inspector take appropriate action to ensure that noted safety deficiencies are corrected and appropriate standards are maintained.

Regulations.

8C.(1) The Minister may make regulations 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 carrying out and giving effect to any convention.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations -

(a) regulating, by establishing licensing authorities and a system of licensing and otherwise, the use of aircraft -

(i) for public transport; and

(ii) for aerial work;

(b) establishing an appeals tribunal to which a person aggrieved by a decision of any licensing authority established under paragraph (a) or of the Authority may appeal, and prescribing conditions, procedures and otherwise regulating appeals to such a tribunal;

(c) providing for the registration and marking of aircraft;

(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 recognized 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 the flight crew, and persons, performing prescribed functions in relation the operation or maintenance of aircraft, air navigation services, design and construction of aircraft to be the holders of licences of specified kinds;

(f) providing for the manner and conditions of issue, validation, renewal, extension or variation of any licence required in regulations and for the form, custody, production, cancellation, suspension, endorsement and surrender of such;

(g) providing for the conditions under which and in particular the aerodromes to or from which, aircraft entering or leaving Kenya may fly and the conditions under which aircraft may fly from one part of Kenya to another;

(h) providing for the conditions under which passenger 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;

(i) minimizing or preventing interference with the use or effectiveness of apparatus used in connexion with air navigation and air navigation services and prohibiting or regulating the use of such apparatus and the display of signs and lights liable to endanger aircraft;

(j) generally securing the safety, efficiency, and regularity of air navigation and safety of aircraft and of persons and cargo carried therein, and for preventing aircraft endangering other persons;

(k) requiring persons engaged in or in connexion with meteorology to supply meteorological information for the purpose of air navigation;

(l) regulating the making of signals and other communications by or to aircraft and persons carried therein;

(m) subject to any other written law, prescribing a civil air ensign for Kenya and regulating the use of any other ensign established for purposes connected with air navigation;

(n) prohibiting aircraft from flying over such areas in Kenya as the Minister may by order published in the Gazette declare to be prohibited areas;

(o) prescribing the fees to be paid in respect of the issue, validation, renewal, extension or variation of any license, or the undergoing of any examination or test required by regulations made under this Act or any other matters in respect of which it appears to the Minister to be expedient to charge fees;

(p) prescribing charges or enabling some other authority to prescribe charges to be paid in respect of air navigation services and providing for the recovery of such charges;

(q) exempting any aircraft or persons or classes of aircraft or persons from the provisions of any regulations made under this Act;

(r) 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 Kenya or occurring elsewhere to Kenya aircraft;

(s) prohibiting access to or interference with air-craft to which an accident has occurred, and authorizing any person, so far as may be necessary for the purpose of an investigation, to have access to, remove, take measures for the preservation of, or otherwise deal with any such aircraft;

(t) 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 such information relating to the aircraft and the use thereof, the crew, the mail, the passengers and the cargo carried, as may be prescribed;

(u) providing for the licensing, inspection and regulation of aerodromes, access to 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 purpose of inspecting work therein carried on in relation to aircraft or parts thereof.

(v) regulating the firing of rockets;

(w) prohibiting or regulating in the vicinity of any aerodrome the emission or causing of smoke, soot, ash, grit, dust and any other substance whatever which obscures or may obscure visibility;

(x) controlling and regulating the selling of charters, booking of accommodation and selling of tickets for persons or cargo on flights in any part of the world;

(y) controlling and regulating aviation training institutions.

(z) the classification and use of airspace and the control and use of air routes and provisions of search and rescue facilities;

(aa) the design, construction, repair, overhaul, maintenance, operation and use of aircraft, maintenance and repair of facilities and related equipment;

(bb) the control and operation of the aircraft within or directly above the aerodrome for the purpose of limiting or mitigating the effect of noise.

(3) Separate or different regulations may be made for different classes of aircraft, aerodromes, persons or property and for different parts of Kenya.

(4) Any regulations made under this section may provide in respect of any contravention thereof or noncompliance therewith for the impositions of penalties not exceeding in the case of any particular offence a fine of two million shillings or imprisonment for a term not exceeding three years or to both.

Restriction of building in declared areas

9.(1) Notwithstanding the provisions of any written law, or the terms of any deed, grant, lease or licence concerning the use and occupation of land, the Minister may, where he considers it to be necessary in the interests of the safety of air navigation, by order published in the Gazette, prohibit the erection within a declared area of any building or structure above a height specified in the order.

(2) For the purposes of this section "declared area" means any area adjacent to or in the vicinity of an aerodrome which the Minister may by notice in the Gazette declare to be a declared area.

(3) Any person who contravenes the provisions of an order made under subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

Control of structures, etc., on or near aerodromes.

10.(1) If the Director-General considers that provisions for the safety or efficiency of air navigation ought to be made -

(a) whether by lighting or otherwise for giving aircraft warning of the presence of any building, structure, tree or natural growth or formation on or in the vicinity of an aerodrome; or

(b) by the removal or reduction in height of any such obstruction,

he may by order, and subject to any conditions specified in the order, require or authorize either the owner or occupier of the land on which the obstruction is situated or any person acting on behalf of the Director General to enter upon the land and carry out such work as is necessary to enable the warning to be given or the obstruction to be reduced in height.

(2) The Director-General shall before making an order under subsection (1), cause to be published, in such manner as he thinks best for informing persons concerned, notice of the proposal to make the order; and of the place where copies of the draft order may be obtained free of charge; and he shall take into consideration any representations with respect to the proposed order which may, within such period not being less than two months after the publication of the notice as may be specified therein, be made to him by any person appearing to him to have an interest in any land which would be affected by the order; and at the end of that period the order may, subject to the provisions of this section, be made with such modifications, if any, of the original draft as the Director General thinks proper.

(3) Every order made under subsection (1) shall provide that -

(a) no work shall be executed on any land in pursuance of the order until a period of at least fourteen days has elapsed from the date of publication thereof; and

(b) such compensation shall be paid to any person having an interest in land affected by the order for any loss or damage which that person may suffer in consequence of the order as may be agreed between that person and the Director-General, or; in default of agreement, as may be determined by an arbitrator.

(4) Any person who -

(a) wilfully interferes with any works or things which to the knowledge of that person are executed or placed in, on or over land in pursuance of an order under subsection (1); or

(b) wilfully obstructs a person in the exercise of any powers conferred by such an order,

shall be guilty of an offence and shall be liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding three years or to both.

Nuisance and liability for damage.

12.(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight, or the ordinary incidents of the flight, of an aircraft over any property at a height above the ground, which, having regard to wind, weather and all the circumstances of the case is reasonable, so long as the provisions of any written law or convention are complied with.

(2) Where material loss or damage is caused to any person or property on land or water by, or by a person in, or by 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:

Provided that where such material loss or damage is caused in circumstances in which-

(i) damages are recoverable in respect of such loss or damage by virtue only of the foregoing provisions of this subsection; and

(ii) a legal liability is created in some person other than the owner to pay damages in respect of such loss or damage,

the owner shall be entitled to be indemnified by that other person against any claim in respect of such loss or damage.

(3) Notwithstanding section 2 (1), where an aircraft has been bona fide demised, let or hired out for any period exceeding fourteen days to any person by the owner thereof, and during such period no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as if for reference therein to the owner there were substituted a reference to the person to whom the aircraft has been so demised, let or hired out.

Nuisance caused by aircraft and aerodromes.

13.(1) Regulations made under section 7 may provide for regulating the conditions under which noise and vibration may be caused by aircraft and may provide that subsection (2) of this section shall apply to any aerodrome concerning which provision as to noise and vibration is so made.

(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 7 so long as the provisions of any such regulations are complied with.

Dangerous flying.

14.(1) Where an aircraft is flown in such a manner as to cause unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft and the

owner thereof, unless he proves that the aircraft was so flown without his knowledge or consent shall be guilty of an offence and liable to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding twelve months or to both.

(2) The provisions of this section shall be in addition to and not in derogation of the powers conferred upon the Minister by section 7.

Exemption from seizure of certain aircraft on patent claims.

15.(1) Any lawful entry into Kenya or any lawful transit across Kenya, with or without landing, of an aircraft to which this section applies shall not entail 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 Kenya 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 Kenya of spare parts and spare equipment for aircraft to which this section applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner 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 Kenya on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model:

Detention of aircraft.

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

Jurisdiction.

17. Any offence under this Act or regulations made under this Act and any offence committed on a Kenya aircraft shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place within Kenya where the offender may for the time being be:

Provided that if such offence is committed in or over Kenya, the offence may be tried by any court having jurisdiction in Kenya.

Liability of directors and officers of corporations.

19. Where an offence under this Act or under subsidiary legislation made thereunder 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 also to be guilty of that offence unless he proves that the offence was committed without his consent or connivance and 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 the circumstances.

Application of regulations to state aircraft.

20. Any part of this Act or any regulation made there under may, if it so expressly provides 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.

Replacement, savings and transitional provisions.

21.(1) In this section, and in sections 21A, 21B and 21C, "Directorate of Civil Aviation" means the Government Department by that name existing immediately before the commencement of this Act.

(2) Every contract made by or on behalf of the Director of Civil Aviation which at the commencement of this Act falls wholly to be performed within Kenya shall, whether or not in writing and whether or not otherwise assignable in law by either party, have effect on and after the commencement of this Act as if made by or on behalf of the Authority with the other party or parties thereto and as if references therein to the Director, Directorate of Civil Aviation or any employee thereof were references to the Director General, the Authority or the corresponding employee of the Authority.

(3) All the liabilities of the Director of Civil Aviation which at the commencement of this Act fall to be discharged within Kenya shall thereupon by virtue of this section and without further assignment become the liabilities of the Authority.

Employees of Directorate of Civil Aviation.

21A. Subject to section 7K (5), the employees of the Directorate of Civil Aviation may at the commencement of this Act, become employees of the Authority in accordance with the Second Schedule.

Contracts etc on behalf of the Authority before commencement of the Act.

21B.(1) Any contract made and any act or thing done or purported to be made or done or any act or thing omitted to be done on behalf of or in the name of Directorate of Civil Aviation prior to incorporation of the Authority under this Act by any person acting in good faith and with due or apparent authority in that behalf shall be deemed to be a contract, act or thing made or act or thing omitted to be done, as the case may be, by the Authority.

(2) The periods of limitations set out in section 7E shall, in respect of any claim, action or legal proceedings arising out of any of the matters covered by subsection (1) commence from the date of the commencement of this Act.

Recovery of debts.

21C. All debts owed to the Authority under this Act shall be recoverable summarily