

# **The Republican Law by-Decree No. 12 for the Year 1993**

## **AMENDED IN 2009.**

### **Concerning The Civil Aviation Law**

**This law had been amended in 2009 and published in the official gazette (178).The articles had been amended as following:**

**(1,4.5,7,9,10,18,19,22,27,28,29,32,34,35,37,38,42,52,55,56,59,63,64,70,72,78,82,98,99,107,108,109,111,117,119,127,133,136,168,169,170,171,178,180,184,188,190,198,200,204,209,214,215,216,244,245,246,247,253,254,257,265,273,275,276,277,278,279,282).**

**-The articles (255,256)had been integrated into one article 256.**

#### **Chairman of the Presidential Council:**

After perusal to the Constitution of the Republic of Yemen,  
And the Constitutional Proclamation Issued on November 14, 1992,  
And the Republican Decree No. 1 for the Year 1990 for the formation of the Cabinet,  
And based on the presentation of the Prime Minister,  
And after the approval of the Presidential Council,

**It is hereby decreed:**

#### **Part - One**

#### **Definitions**

**Article 1:** This Law shall be cited as ( The Civil Aviation Law), the following words and terms shall have the meanings shown adjacent to them unless the context indicates otherwise:

1. The Republic : The Republic of Yemen.
2. The Republic territory : The territorial lands and waters that are under the sovereignty of the State as well as the air and outer space those are above these territorial lands and waters.

3. Minister : The Minister of Transportation.
4. The Authority : The Civil Aviation and Meteorology Authority.
5. Aviation Authorities : The concerned entities within the Authority.
6. State of Registration : The State in which the aircraft is registered.
7. Aircraft : Any machine that can drive support in the atmosphere from the reactions of the air other than reflected from the earth's surface. This comprises flying machines such as airship, free and tied balloons, sea aircraft, bi-aircraft, fixed wing aircraft, propeller aircraft, space-ships missiles land parachute aircraft, model aircraft and other machines prepared for use in the air.
8. State Aircraft : Military and other aircraft that are specifically for serving the interests of the State only such as Customs and Police Aircraft.
9. National Aircraft : Aircraft, which bear national registration marks.
10. Foreign Aircraft : Aircraft, which bear foreign registration marks.
11. Aviation Security : The measures, human and physical resources specifically designated for the protection of civil aviation from any unlawful interference.
12. Joint Registration : A system for registering aircraft in a joint register, other than the National Register, whether it is unified or separated.
13. International Registration : A system for registering aircraft with organization that enjoy international judicial legal entity.
14. Common Marks : A mark designated by the international Civil Aviation Organization for the Authority to register the common mark, for the purpose of registering aircraft belonging to International Air Transport Airlines or jointly registered aircraft, other than the National Register.
15. Common Mark Registering Authority : The Authority which is responsible for registering other than the National Register, or any part thereof in which aircraft belonging to an International Operating Agency or joint air transport operating organization

are registered.

16. International Operating Agency : An Enterprise that enjoys international judicial legal entity and operates international air services.
17. Pilot-in-command : The Pilot responsible for the operations and safety of the aircraft during the flight period.
18. Flight Crew Member : A person who is assigned by the operator duties on board aircraft during the flight period.
19. Aircraft Crew Member : A member of the aircraft crew, who holds a valid license and assigned essential duties in the operation of the aircraft during flight
20. Duration of Flight : The actual full time from the time the aircraft begins its movement, by means of its own powers for the purpose of taking off, until the time it ceases movement after completing its flight.
21. Certificate of Airworthiness : Certificate of Airworthiness : A document issued by the Civil Aviation Authority which certifies that the aircraft is in airworthy during a specified period of time.
22. Flight Authorization : General approval issued by the Civil Aviation Authority for an aircraft that fulfills the conditions that are stipulated in this Law to engage in civil aviation, specifically in terms of its fitness for flight.
23. Airport : A defined area on land or water including buildings and equipment prepared, equipped or used generally, or specifically designated for, partially or fully taking off, landing and movement of aircraft.
24. Airport Operator : Any natural or juridical person that invests and manage the airport, whether by himself or by his employees.
25. Airport License : A general approval that includes detailed regulatory provisions and conditions, by which the Airport Operator is permitted to run the airport for Civil Aviation services.
26. International Airport : An Airport designated and prepared by the State in its

territories for the entrance and exit of International air traffic, and where which the formalities relating to customs, immigration, general health as well as human, animal and agricultural quarantine and similar procedures are carried out.

- 27. Airport Traffic : All types of traffic in the Aerodrome maneuvering area and all the aircraft flying in the vicinity of the Aerodrome.
- 28. Scope of Airport Traffic : Airspace of specific dimensions which is set around the airport to protect the Airport Traffic of such Airport.
- 29. Aerodrome Maneuvering Area : That part of the Aerodrome to be used for the take-off and landing of Aircraft and the other movements related to take-off and landing, excluding the area designated for unloading or loading of aircraft and as parking area for aircraft.
- 30. Air Traffic : All aircraft on the maneuvering area of an Aerodrome.
- 31. Air Traffic Control Unit : Area Control Center, Approach Control Office, or Aerodrome Control Tower.
- 32. Air Traffic Service Route : A designated air route for the purpose of regulating air traffic flow.
- 33. Air Navigation Services : Information and guidance and other facilities and services issued or provided for serving the aircraft navigation or traffic, and for controlling the movement of the vehicles in any of the vicinity of the airport, which is used for aircraft traffic.
- 34. Prohibited Area : A specific area of the airspace of the Republic, which shall be declared by the competent authority as a prohibited area for air traffic.
- 35. Restricted Area : An Airspace of defined dimensions within the territorial area of the Republic, where air traffic is restricted by specific conditions and declared by the competent authority.
- 36. Dangerous Area. : An Airspace of defined dimensions at specific times, within which there are dangerous operations to aircraft

flight which are so declared by the competent authority.

- 37. Flight : A journey of an aircraft beginning at take-off and ending at landing of aircraft.
- 38. Acrobatic Flight : Aircraft maneuvers intentionally undertaken which include sudden changes in its position or to take on an extraordinary position, or an unusual change in speed.
- 39. Operating License : General approval issued by the Civil Aviation Authority which includes detailed regulating conditions, under which the Aircraft Operator or Air carrier is permitted to operate the Aircraft thereof for flights within the activities specified for this purpose for a specific period.
- 40. Flight Permission : Special approval issued by the Civil Aviation Authority by which the Aircraft Operator or Air carrier is permitted to operate a specific flight or specific flights, or for undertaking a specific air operation or specific air operations.
- 41. Non-commercial Landing (Technical Landing) : Landing for purposes other than embarking or disembarking passengers or loading or unloading cargo or mail.
- 42. Domestic Air Transport : The Air Transport which is designated to begin and end at once or more points, within the territorial area of the state.
- 43. Prohibited Domestic Air Transport (cabotage) : Air Transport, other than Domestic Air Transport designated to start and end in one or more points within the territories of a state and undertaken by a foreign state or an air carrier of a foreign state.
- 44. International Air Transport : Any Air Transport that its starting or ending point lies within the territories of another state other than the State in which aircraft is registered.
- 45. Commercial Air Transport : Flights in which passengers, cargo and mail or any kind thereof are transported in return for a fare or a reward.
- 46- : A set of rules and measures that regulate all the

- Aviation Security National program : aviation security affairs.
47. Scheduled Air Transport : A series of commercial flights that are open to the public for air transport between two or more points within a declared time schedule, or on a periodic or frequent basis.
48. Non-Scheduled Air Transport : Any flight other than Regular Air Transport Flights, the elements of which are specified in Para (47) of this article.
49. Air Service : An air service in which public air transport aircraft are used for passengers, cargo and mail, or any one of them.
50. Domestic Air Service : An air service that serves only points within the territory of the Republic.
51. International Air Service : An air service whose starting point or end point lie in the territories of another state other than the state of registration of aircraft.
52. Scheduled Air Service : An air service whose flights run according to a declared time schedule, or on an obviously regular or frequent basis.
53. Scheduled International Air Service : An air service with its starting point or end point lie in the territories of another state other than the state of registration of the aircraft, and the flights of which run according to a declared time schedule or on an obviously schedule or frequent basis.
54. Scheduled Domestic Air Service : An air service that serves points within the territory of one country and the flights of which operate according to a published schedule, or on an obviously schedule or frequent basis.
55. Air Carrier : A natural or juridical person who operates on air service as services or for the transport of passengers, mail or cargo, or any one of them.
56. National Air Carrier : The specific air carrier designated by two states or more which are parties to air transport bilateral or multilateral agreements.

57. Scheduled Airline : Any airline, which operates or provides scheduled international air services.
58. Joint Air Transport Operating Organization : An Enterprise that enjoys joint juridical legal entity and operating air services with jointly registered aircraft.
59. An International Air Transport Organization : An Enterprise that enjoys juridical international legal entity and operates air services with internationally registered aircraft.
60. Accredited Agent : A responsible person who represents the Operator or the Air Carrier and delegated by the latter or on his behalf to undertake all measures related to the exploitation or operations of his aircraft.
61. General Aviation : Including, without limitation; educational and training flights, flights of institutions, authorities, companies and persons to transport staff and equipment; private or leisure flights; Aerial Works flights, such as agricultural flights and aerial photography flights; oil exploration and service flights, construction and reconstruction flights, advertising and publicity flights; ambulance medical flights; emergency and rescue flights.
62. Operator : Natural or juridical legal entity who operates and exploits aircraft under his management and whose flight crew report to him, whether for his account or on behalf of a lessee.
63. Operator's State : The state in which the headquarters for the management of the operator's business or his permanent domicile is situated.
64. Aircraft Accident : All accidents that are linked to the operations of the aircraft and occurring within the time any person embarks with the intention of flying until the time that all the passengers on the aircraft have disembarked and lead to one of the results outlined hereunder:
- a) The death or serious injury of any person as a result of his being on board the aircraft, or getting into direct contact with it or with

- anything that is affixed thereto.
- b) The aircraft being subjected to major damage.
  - c) The conclusive irrevocable loss of the aircraft and not finding it after search.
  - d) Excluded from this are those fatal or serious injuries that are not directly resulting from operating the aircraft which are:
    - 1. Death by natural causes;
    - 2. Self-inflicted injuries;
    - 3. Injuries caused by other persons;
    - 4. Injuries to persons who infiltrated the aircraft outside the passengers' cabin.
65. An Aircraft Incident : Any incident in which the definition of aircraft accident does not apply thereto, and which is associated with the operation of the aircraft and does or could affect the operational safety.
66. Chicago Convention : The International Civil Aviation Convention signed on December 7, 1944 in the City of Chicago.

## **Part - Two General Provisions**

### **Chapter One Scope of implementation**

#### **Article 2: Civil Aviation, Civil Aircraft and Airports:**

1. The provisions of this Law are applicable to all matters related to civil aviation in the Republic, Civil Aircraft and Airports, State Aircraft, excluding the national military aircraft, without prejudice to the exclusions determined by specific provision in this Law.
2. The provisions of this Law are also applicable to the Yemeni civil Aircraft wherever they may be outside the territory of the Republic, in whatever has no conflict with the provisions of the Laws of foreign countries wherein these Aircraft are found.
3. The provisions of this Law are not applicable to military airports.

#### **Article 3: Aircraft and all (flying Machines):**

1. The provisions of this Law shall apply to all types of aircraft.

**Article 4: Foreign Military Aircraft:**

The provisions of article (17) and provisions of articles (19-130) of this Law are applicable to foreign military aircraft during its flying within the territory of the Republic.

**Chapter - Two  
The Provisions of International  
Civil Aviation Conventions**

**Article 5: Compliance with the International Conventions on civil aviation:**

When applying the provisions of this Law, the provisions of the international conventions on civil aviation shall be complied with that are ratified by the Republic or to which the Republic acceded to, their provisions shall be considered an integral part of this Law.

**Article 6: Civil Aviation Regulations:**

With respect to what is not stipulated specifically in this Law or in the civil aviation procedures and regulations, or in the aeronautical information publication, instructions as bulletins and of the Authority. The Authority may adopt any international regulations for civil aviation provided that this does not conflict with any international conventions in which the Republic is party thereto.

This applies to all the differences between the national and international provisions, rules and regulations which are notified by the Republic to the International civil aviation Organization in accordance with the Chicago Convention of 1944.

**Chapter - Three  
Compliance with the Laws, Rules and Regulations**

**Article 7: Air Services:**

All air services which are operated over the Republic territory as well as the flights that operate from, to and through the Republic etc. shall be subject to all the applicable Laws, rules and regulations in the field of civil aviation, and all airlines, operators and owners of aircraft as well as aircraft pilots shall adhere to the regulating stipulations and provisions for the entering, departure and overflying of civil aircraft, their crew, passengers, cargo, and mail cargo. This also applies to all the Laws and regulations pertaining to immigration, passports, visas, customs and health, and the rules and procedures for flying, aircraft operations, domestic air traffic control.

**Article 8: Entering and Leaving the Republic territory:**

All aircraft passenger and crew, and air freight forwarders, whether by themselves or through agents acting on their behalf or for their account, must comply with the Laws, procedures and regulations related to entering, residing in or leaving the Republic territory in particular those rules, procedures and regulations regarding immigration, passports, customs and health and agricultural quarantine.

**Chapter - Four  
Aviation Authorizations and Permits**

**Article 9: Civil aviation Authorizations:**

Taking into consideration the provisions of Articles from ( 133 to 137) of this Law, any civil aviation activities may not be carried out without a prior authorization from the civil aviation authorities thereof provided that this does not conflict with the Investment Law. In particular this applies to:

- a) Operating national and foreign airlines.
- b) Operating national and foreign general aviation companies.
- c) The activities of the national and foreign airline offices and their agents.
- d) The activities of the offices of air travel and cargo agents.
- e) Activities of air ground services.

**Article 10: Aircraft and Flight Permits:**

Operating any civil aircraft or any air service within, into or out of the Republic territory may only be undertaken with a prior permit from the civil aviation authority, especially for the following:

- a) Overflying the Republic airspace;
- b) Technical Landings; i.e. for purposes not related to air transport flight;
- c) Emergency Flights, for rescue and emergency and other humanitarian purposes;
- d) Foreign Governments Aircraft Flights;
- e) Flights for transport of arms, ammunition or war and hazardous materials taking into consideration the provisions of article (19) of this Law.
- f) Irregular Commercial Air Transport flights.
- g) Chartered Tourist Flights; and

- h) General aviation flights related to business, tourism, aerial works, or private flights;

**Article 11: Aviation Authorizations and Permits:**

All national or foreign aircraft may not fly within, to or from the Republic territory except after securing the following:

- a) An authorization issued by the civil aviation authorities which sets out the conditions thereof, and which gives the aircraft operator the right to operate such aircraft as shown in the authorization. This authorization may be permanent in the event that it is supported by an International Convention ratified by the Republic, or to which the latter is a member thereto with the state of the operator's aircraft, or based on a valid bilateral air transport agreement concluded between the two states. The authorization may also be temporary for a maximum period of one year, which may be renewable, if so required.
- b) A permit issued, and its conditions thereto set out by the civil aviation authorities whereby aircraft are permitted to fly in the manner set forth in the permit.

In all cases, the granted authorization or permit is considered to be specific and conclusive and may not be assigned to any one else.

**Article 12: Overflying the Republic Airspace:**

Every foreign aircraft can only overflying the airspace of the Republic under a permit issued in advance thereto by the civil aviation authorities, and consistent with the regulating rules for air transport and the conditions shown in the permit.

**Article 13: Landing in the Republic Territory for purposes other than Air Transport Purposes:**

Foreign aircraft that do not operate scheduled flights may not land in the Republic territory for purposes other than air transport purposes technical landing except under a permit issued thereto in advance by the civil aviation authorities and in accordance with the conditions therein stipulated.

**Article 14: Humanitarian and Rescue and Emergency Flights:**

Humanitarian, Rescue and Emergency Flights shall be permitted to overfly the Republic airspace, land at and take off from the Republic airports under a permit issued in advance thereto provided that such flights comply with the specified air routes thereof, and pursuant to the regulating rules for air traffic control, and

all the procedures and instructions provided for in the Republic Aeronautical Information Publication.

**Article 15: Cancelled.**

**Article 16: Use of Wireless Equipment:**

The use of wireless equipment, which aircraft are equipped with may only be used for air navigation purposes only and for securing aviation safety and in accordance with the approved conditions thereto and under the knowledge of the aircraft flying crew.

**Article 17: Aerial Photographic Equipment:**

Aircraft equipped with aerial photographic equipment may not fly over the Republic territory or the use of such equipment except a permit thereof has been previously provided by the civil aviation authorities and according to the approved conditions thereof.

**Article 18: Aircraft Advertisement and Publicity:**

Any aircraft flying over the Republic territory shall not broadcast or announce any watched or heard advertisement or announcement from the ground except through a prior permit from the civil aviation authorities.

**Article 19: Transport of Arms, Ammunition, War and Hazardous Materials:**

Arms, Ammunition, Explosives, Firecrackers and other war materials, nuclear and radiating materials, poisonous gases, germs and other hazardous materials or what otherwise may be so prohibited to be transported by the concerned authorities except a permit has been granted thereof and in accordance with:

- a) The rules and regulations that are decreed by the international organizations and associations for the transport of the materials mentioned in a safe manner and in particular the rules and regulations of International Civil Aviation Organization (ICAO) and the International Air Transport Association (IATA) in this respect.
- b) The requirements and measures that must be followed that are issued by the concerned authorities and according to the conditions set out in the permit.

## **Chapter - Five Military Aircraft**

**Article 20: Compliance with Rules of the Air:**

All military aircraft must comply with the rules of the air cited in this Law and regulations issued in application thereof during the use or overfly of the Air Routes or use of the airports by such aircraft.

**Article 21: Coordination Between civil aviation and the Air Force:**

A permanent committee from Civil Aviation and Air Force Specialists shall be set up to coordinate civil and military flight operations towards serving the public interest and insuring the security and safety of the Republic; this Committee shall present its recommendations to the civil aviation authorities so that the latter can issue the appropriate implementation instructions accordingly.

**Article 22: Foreign Military Flights:**

1. Foreign military aircraft are forbidden from flying over, or landing at the Republic territory except under an international convention or agreement which Yemen is a party thereto, and under a special permit issued by the civil aviation authorities after the approval of the Foreign Ministry and ratified by the General Command of the Armed Forces. Such aircraft must display the distinctive marks in a clear way.
- 2- Foreign military aircraft must comply with the rules, conditions and restrictions set forth in the approved rules and regulations that are issued in this regard.
2. Foreign military aircraft must adhere to flying in the air routes specified thereof, considering rules of the air, the regulating air traffic rules, and the guidelines and instructions set forth in the Aeronautical Information Publication of the Republic.
3. All foreign military aircraft during its flight within the Republic territory are subject to the provisions set forth in Article 4 of this Law.

**Chapter - Six**  
**War, Unrests or Internal Crises**

**Article 23: Right to act in accordance with the requirements of the security and safety of the Republic:**

In the event of war, unrests or internal crises, this Law and its Regulations shall not restrict the concerned authorities in their right to act as called for by the requirements of security and safety of the Republic as is the case also with respect to the approved international conventions, or to which the Republic is a member thereto, or the bilateral agreements of air transport concluded with foreign countries.

## **Chapter - Seven Conflicts of Laws**

### **Article 24: Existence Of An Aircraft In Area That Is Not Under The Sovereignty Of Any State:**

An aircraft that is registered in the Republic and found in a location that does not fall under the sovereignty of any state shall be in due regard of an aircraft that is in the Republic territory .

### **Article 25: Scope of applying the Law of Aircraft nationality:**

The Law of the nationality of an aircraft shall be applied to the aircraft as follows:

- a) The Responsibilities and Duties of the Pilot
- b) The employment contracts of the members of the aircraft crew; however, the contractors may choose another Law, if the nationality of any of the aircraft crew is different from that of the nationality of the aircraft.
- c) The right of ownership of the aircraft and the other in kind ownership rights; the manner of announcing the establishment, transfer or waiver of such rights.
- d) The conditions for acquiring the status of an operator, and the legal obligations thereof.
- e) The events and actions which occur in the aircraft during its flight wherever it is found unless the recognized principles of the private international Law indicate otherwise, or if the relevant parties choose another Law applicable.

## **Part - Three The State Sovereignty and Authorities in civil aviation**

### **Chapter - One General Provisions**

### **Article 26: Sovereignty of the State:**

The Republic has full and absolute sovereignty over the air and outer space that lies above its Territory.

### **Article 27: The Authorities of civil aviation:**

1. A General Authority which is cited as Civil Aviation & Meteorology Authority shall supervise all the affairs of civil aviation in the Republic and shall enjoy the status of juridical entity and is subject to the supervision of the Minister.
2. The Authority is considered the officially concerned authority that is responsible for regulating, managing and developing all the affairs and facilities of civil aviation and meteorology and to achieve that, it shall practice the responsibilities and functions stipulated in this Law and the Decree of the establishment of the Authority and any other responsibilities stipulated in the other applicable legislations.

**Article 28: Functions of Customs, Security, and Health and Agricultural Quarantine :**

1. The Customs, General Security, Health and Agricultural Quarantine and the other Government Authorities that operate in the airports are entitled to exercise their responsibilities mandated thereto under the Laws, procedures and regulations related to them provided that they do not conflict with the provisions of this Law.
2. The representatives of the Government Authorities cited above are entitled to inspect the aircraft and any person or cargo on board the aircraft, and also entitled to detain any documents pertaining thereto
3. taking into consideration not to take such measures except if necessary to do so in accordance with the Law after coordination with the civil aviation authorities and the participation thereof in the measures that are taken accordingly.
4. The representatives of the Government Authorities previously cited, when exercising their mandated responsibilities, shall comply with enforced Laws, procedures and regulations, but without abuse, excessiveness or exaggerations thereof and in a manner that shall not hinder the easy flow of aircraft, passengers and cargo traffic, and in accordance with the approved international rules in this respect which are endorsed by the civil aviation authorities.

**Chapter - Two**  
**The Authorities of civil aviation**

**Article 29: The Rules and Regulations of civil aviation:**

1. The civil aviation authorities must prepare all the rules and regulations required for regulating and managing the civil

aviation sector in accordance with the provisions of this Law and in a manner that ensures the exercise of their power and duties set forth in it in harmony with Chicago Convention, its Annexes and the development of civil aviation.

2. The rules and regulations of civil aviation must include the stipulations that the civil aviation authorities deem necessary or essential for the implementation of the provisions of this Law and the provisions of Chicago Convention, its Annexes and amendments that have been ratified by the Republic as well as all amendments or additions thereto ratified by the Republic.
3. The civil aviation authorities must prepare and follow up on amendments of its rules and regulations in all that relates to aviation affairs in particular with respect to the following:
  - a) Civil Airports.
  - b) Population and environmental protection from the noise and aircraft emissions.
  - c) Aircraft Registration.
  - d) Aircraft Airworthiness.
  - e) Rules of the Air.
  - f) Flight Operations.
  - g) Air Traffic Services.
  - h) Wire and Wireless Communications.
  - i) Aviation Charts.
  - j) Flight Information services.
  - k) Meteorological Services.
  - l) Regulatory Air Transport.
  - m) Facilitation for Traffic.
  - n) Aviation Authorizations and Permits.
  - o) Personnel Licensing for aviation staff.
  - p) Aviation Security.

- q) Aviation Search and Rescue.
- r) Aircraft Accident Investigations

**Article 30: Inspection of Aircraft; prevention of Aircraft Flight, Forced Landing and Detaining of Aircraft Documents:**

The civil aviation authorities have the absolute right to inspect aircraft, and prevent them from flying and forcing them to land as well as to detain any documents pertaining to the aircraft whenever necessity dictates such action in order to implement the provisions of this Law and the procedures and regulations of civil aviation.

**Article 31: Refraining from revealing any information or data:**

The civil aviation authorities shall refrain from revealing to any one any information or data that it is provided with through another person if it realizes that they relate to commercial or financial affairs of that other person and that revealing such information to others could be damaging to his interests thereof.

**Part - Four**  
**Airports, Navigational services and Facilities**

**Chapter – One**

**Construction, Management, Use and Investment in Airports**

**Article 32: Approval to Construct, Operator or Invest in Airports:**

- a) Private or public airports in the Republic shall not be constructed, operated or invested without a prior approval from the civil aviation authorities and the approval of the Minister in accordance with the conditions and rules stipulated in the approval.
- b) The airports' investors or operators shall prepare the operational manual to get the necessary approvals to construct, operate or invest in airports.
- c) The civil aviation authorities shall issue and establish the regulatory rules to approve the airports, rules and measures of inspection on them.
- d) All the private and public airports and airfields are subject to control, supervision and inspection by the Authority which has the right to cease or cancel their operational licenses in the event that they violate the conditions and rules of the airports' approval or if it is proven that their activities are threatening the safety and security of civil aviation.

**Article 33: Considering Airports and Aviation Facilities as Public Property and Money:**

All airports, aviation facilities, buildings, wires, equipment, wire and wireless communication stations, and towers belonging to the civil aviation authorities are public facilities and are considered public property.

**Article 34: Construction of Airports:**

1. The Authority shall plan, execute, manage, operate, maintain and invest all the civil airports as well as prepare such airports with buildings, equipment and fixtures, and all other requirements of the basic infrastructure for the provision of air navigation services, securing the safety of and aviation service activities or arrival and departing aircraft, passengers, cargo and mail. The Authority shall also follow the preparation and execution of long and medium term plans in order to support and improve them in accordance with the requirements of the national economy and international standards, and the rules of Annex XIV to the Chicago Convention.
2. No any airport of the Republic or airfield may be constructed, operated or invested except with an approval from the civil aviation authorities and after the presentation of the Minister and endorsement of the Council of Ministers, such airports and airfields are subject to the examination, regulation, control, supervision, and inspection of the Authority which has a right in suspending or cancellation of their operation licenses in the event that their activities threaten civil aviation safety.
3. When building or developing airports and airfields, and when permitting the construction of airports or airfields, the Authority shall adhere to the details and requirements of domestic and regional planning, the expected developments in urban expansion and shall not expose public safety or interests to danger or to damages and attempt as much as possible to avoid polluting the environment.
4. The civil aviation authority may present some airports for investment through build, operate and transfer of property ownership after completing the necessary technical and economical studies based on the Minister's proposal and endorsement of the Council of Minister.
5. The Minister in accordance with the presentation of Authority may issue a regulation that regulates the condition of management and investment in the airports of the Republic.

**Article 35: Air Navigation Services and Facilities and Securing Aviation Safety:**

1. The Authority is solely responsible for all the activities, facilities and services for air navigation and for securing aviation safety throughout the Republic, including all wire and wireless communication services related to the regulation of air traffic and for the provision of aviation safety; the Authority may issue licenses to other parties to undertake some of these tasks or services in accordance with the terms it sets out.

2. Airlines and other firms operating in the area of civil aviation may not exchange their telegrams with any other entities except through the authority's navigation service communication centers with the exception of cases otherwise permitted by the Authority accordingly.

**Article 36: Types and categories of Airport:**

The civil aviation authorities shall specify the kinds and categories of civil airports, especially those that are international airports.

**Article 37: The Supervision Of Civil Aviation Authorities :**

The civil aviation authorities shall supervise all the staff in the airports under their responsibility, notwithstanding the entity they report to, to warrant that the regulations or instructions and good progress of work in the airports, and in the event that any one of them commits a violation, he shall be sent to the entity he is reporting to in order to take the required measures against him in accordance with the Laws and regulations.

**Article 38: Use of Airports:**

1. The use of any Airport, or any place therein, shall only be made with a permit thereof from the civil aviation authorities and in accordance with conditions and limitations of this license.
2. All airlines, owners and operators of aircraft and other operators of civil airports, facilities and services shall abide by the Laws, procedures and regulations related thereto in particular the regulations and instructions issued by the civil aviation authorities for regulating, securing and controlling aircraft, passenger, cargo and mail traffic in the area of loading, unloading, supplying and housing aircraft.
3. Aircraft shall use only the announced airports, and shall give due regard to the Laws, rules and regulations for such use. Landing in unannounced airport is forbidden except in emergency situations .
4. Every aircraft coming to the Republic territory must land in publicized international airport, except if otherwise the aircraft is permitted to only overflying. Similarly, every aircraft leaving the Republic territory must also depart from an international airport.
5. With due regard to having to take the measures followed in international airports, it is allowed through a permit from the civil

aviation authorities that some aircraft may be exempted from adherence to such measures due to the nature of their operations or for other considerations provided that such a permit shall designate the landing and departure airports and the routes and instructions that need to be followed accordingly.

6. If any aircraft entering, or departing from, or overflying the Republic territory was compelled to land outside the international airports in the Republic, its Captain must immediately notify the nearest local Authority, and shall present the aircraft flight logbook and the General Declaration as well as any other document, when so requested. In this case, the aircraft shall be banned from taking off or transporting its freight or depart with its passengers to the place it had landed in before obtaining the permit from the civil aviation authorities and taking the prescribed measures in accordance with the applicable legislations' provisions.

## **Chapter - Two**

### **Air servitude and easement Rights**

#### **Article 39: The Right of Air servitude and easement.:**

1. Special servitude rights are imposed upon the lands that surround or adjoin airports, service facilities and securing the aviation safety of aircraft which are called Right of Air servitude, within the following purposes:
  - a) Insuring the safety and competence of aviation and ensuring the efficient performance of the navigational equipment and services.
  - b) Provision of essential and required services and facilities for the use of airports and lands that are related to them efficiently and safely in order to achieve the objectives of civil aviation.
2. Air servitude rights include all the rights required for achieving the purposes outlined in the previous paragraphs and, in particular, the following:
  - a) The rights to frequently use the lands cited above, and to carry out any engineering tasks or works that serve civil aviation purposes.

- b) The right to construct or maintain any facilities, installations, or equipment required for conducting civil aviation affairs as well as to extend or affix any kind of wires.
- c) The right to remove or prevent setting up any buildings, construction works, cultivation, wires or any other kind of obstruction, or to limit the height thereof in the surrounding and adjacent areas to airports and navigational services and facilities.
- d) Setting up guiding signs to obstructions that creating risks to aviation safety.

**Article 40: The Scope of Rights of Servitude:** The civil aviation authorities shall set up the scope and extent of air servitudes' easement rights and the areas in which designated for such purposes including the safety areas around the airports in a manner that shall insure the safety of aviation and the protection of people and property, and in accordance with the international rules and regulations that are adopted in this respect.

**Article 41: Restrictions Imposed on Areas Subject to Servitude:**

1. No construction or erection of any buildings or any obstructions may be made in the areas included as areas of Servitude, nor making any changes in the nature or user of the lands subject to rights of servitude or the entity using it except this is done under the prior permit from the civil aviation authorities and in accordance with the adopted conditions thereof, especially with respect to the permitted height of buildings, establishment, facilities or equipment.
2. Any action that violates the provisions of the previous paragraph of this Article shall be considered as void, and the concerned authorities shall remove any effects arising thereof, and the violator thereof shall bear all the costs of removal in addition to the implementation of penalties set forth in this Law..

**Article 42: Construction and Installations that Affect Aviation Safety:**

1. No lighthouse or wireless tower that is not included in the aviation services plans can be constructed except after obtaining approval of the civil aviation authorities.
2. Based on the request of the civil aviation authorities, the concerned authorities shall remove or alter any lighting fixture that could potentially create confusion with the associated lighting fixtures for air navigation. Aviation authorities may also impose the necessary restrictions to

buildings from which smoke arises, or to anything that shall affect visibility near airports or affect aviation safety.

3. All those who own or use electrical equipment or fixed or mobile metallic installations that could cause interference that shall obstruct the operation of wireless communication equipment or air navigation associated equipment must adhere to the arrangements identified to them by the civil aviation authorities for the removal of this interference, and based on the request of the civil aviation authorities thereto, the concerned authorities must prevent the use of such electrical equipment or metallic installations referred to above.

**Article 43: Ownership of the Required Land for Airports:** The concerned authorities are entitled to own the required lands for the construction or expansion of airports, or for connecting them to transportation roads, or the lands required for air navigation services and facilities, whether this is by agreement through contracts or compulsory appropriation thereof in accordance with the applicable Laws relating to for taking over land ownership for public benefit.

**Article 44: Compensation for Imposing Rights of Servitude:** Just compensation shall be paid in accordance with the general rules in return for the imposition of Air Rights of Servitude.

## **Chapter – Three**

### **Environmental Protection and Aircraft Noise Limitation**

**Article 45: Limiting Noise and Effects Detrimental to the Environment:** The civil aviation authorities shall adhere to the need for limiting the detrimental effects on the environment to the maximum level possible that arise from the pollution of the air or any disturbance to the public due to the noise and vibrations of aircraft, or any damages that might arise from the use of aircraft for civil aviation purposes.

**Article 46: Limiting Noise Level:** The civil aviation authorities shall determine the level of noise that is allowed for aircraft which use civil airports and determine the altitudes, speed and engine power of aircraft as well as the other conditions that ensure that the levels cited shall not be exceeded accordingly.

**Article 47: The Noise Level Measuring Units in Airports:**

The noise level shall be measured by the internationally applied noise units at the following points:

- a) During Take-off: At any point along the center of the runway axis stretch and at three and a half nautical miles distance from the starting point of the aircraft's take-off.
- b) During Approach: At the point along the center of the runway stretch, and to a distance of one nautical mile from the threshold of the runway.
- c) Side Noise: At any point situated on a parallel line to the center of the runway axis stretch and at a quarter of a nautical mile from the runway.

**Article 48: Noise Level Certificate:**

1. No subsonic jet aircraft shall be allowed to fly over the Republic territory unless they obtain the Noise Level Certificate from the State of Registration in accordance with the approved international standards in Annex XVI of the Chicago Convention.
2. The civil aviation authorities shall approve the sub-sonic jet noise level certificates that are issued by the countries of registration after ensuring they fulfill the conditions which correspond with the international standards provided for in the Annex cited in the previous paragraph.

**Part - Five  
Aircraft**

**Chapter - One  
General Provisions**

**Article 49: The following conditions are applicable to all aircraft operating in the Republic territory:**

1. The following conditions must be met by the aircraft operating in the Republic territory:
  - a) It shall be registered in the state it belongs to;
  - b) The Certificate of Airworthiness is valid and issued by the State of Registration or approved thereby. The same case applies to the Noise Level Certificate in accordance with the standards set forth in the Annex XVI of the Chicago Convention;
  - c) That it displays clearly the markings of the state of registration and nationality;

- d) That it is equipped with the instruments and equipment specified by the State of Registration in addition to those set forth by the civil aviation authorities.
  - e) That the flight crew are holders of valid licenses from the State of Registration or approved thereby, and that their number and qualifications are in accordance with the Approved Aircraft Flight Manual.
  - f) That there is insurance for the benefit of the crew, passengers and cargo on board and a third party insurance in land in accordance with the provisions of this Law.
2. The civil aviation authorities may exempt aircraft that are flying for technical tests, education or training or private aircraft from any one or more conditions herein above except for Item F of Paragraph 1 of this Article.

**Article 50: Aircraft with Radio Equipment:**

No aircraft operating in the Republic territory may be equipped with radio equipment unless it has a license obtained accordingly from the concerned authorities in the State of Registration.

**Article 51: Marine Aircraft:**

Marine aircraft are also subject to the supervision and control of the Authority, and are to abide by the approved regulating rules to prevent their collision in the air or on sea surface, or to prevent their collision with marine vehicle.

**Chapter - Two  
Aircraft Registration**

**Article 52: Nationality and Registration mark:**

No aircraft shall operate in the Republic territory unless they carry the marks of their nationality in accordance with the rules of registration; and the civil aviation authorities may permit any aircraft not registered in a State to fly or to land for the purpose of carrying out technical tests or for other purposes provided that this is in accordance with what the civil aviation authorities set forth in this respect.

**Article 53: Determination of the Nationality and Registration mark:**

The civil aviation authorities shall specify the nationality and registration marks for registering aircraft as well as the manner by which such marks are set on the aircraft.

**Article 54: The Rules and Procedures for Aircraft Registration:**

The civil aviation authorities shall set forth the rules and procedures for the registration of aircraft in the registries that, they shall prepare and manage and register the rights, actions, procedures and court decisions that apply to the registered aircraft, through registration and recording marks in the mentioned registries, and also the rules and procedures for special documenting the letters related to the actions that are allowed for the aircraft, for the way to approve the signatures thereon and the forms and the certificates to be issued by the Authority, based on the request of the stakeholders thereto, based on the data contained in these registries.

**Article 55: Aircraft Registration:**

1. Every aircraft that is state-owned or privately owned by a natural or juridical legal Yemeni entity must be registered in the General Aircraft Register with the Authority in accordance with the rules and conditions for such registration.
2. All aircraft leased with the intention of purchasing such aircraft or for periods that exceed six months duration, by a natural or juridical legal entity of Yemeni nationality must be registered in the General Register of Foreign Aircraft at the Authority in accordance with the rules and conditions of registration.
3. All aircraft owned by natural or juridical legal entities, who are residents in the Republic but not having its nationality in the special register of foreign aircraft at the Authority in accordance with the rules and conditions.

**Article 56: The Aircraft Register:**

1. The Authority shall prepare and manage the General Register for national aircraft and the register for foreign aircraft that were cited in the preceding Article.
2. The following conditions shall apply for registering any aircraft in the General Register:
  - a) That the aircraft is not registered in the Register of another State.
  - b) That the Aircraft holds a valid Certificate of Airworthiness in accordance with the rules set forth accordingly.

- c) If the applicant for registration is a natural person, he shall own the aircraft completely, or leasing it for purchase, or leasing it for a period exceeding six months and shall be a citizen and resident of the Republic.
- d) If the applicant for registration of an aircraft is a juridical legal entity, the following conditions must be fulfilled:
  - 1- The juridical legal entity person shall be established in accordance with applicable Laws' provisions regulating that in particular the Investment Law.
  - 2- The headquarters of the main center of the juridical legal entity person shall be in the Republic.
  - 3- Any person of interest may look at the contents of the General Register in accordance with the rules set forth by the civil aviation authorities.
  - 4- The Chairman of the Board of Directors shall be a citizen of the Republic of Yemen.
  - 5- The effective leading management of the Corporation shall be in the hands of Yemeni nationals.
- 3. The Aircraft Register regarded as a general public register and any stakeholder may examine it.

**Article 57: The Contents of the Aircraft Register:**

The Register cited in the previous article includes the following information:

- a) Number and Date of Registration
- b) The Nationality and Registration Marks.
- c) Basic Data on the Aircraft, Engine and the Certificate of Airworthiness.
- d) The name and residence of owner or lessee and any changes thereof.
- e) List of all the documents and contracts that are evidence of the ownership and investment and any changes thereof.
- f) All the events and actions that occur upon the aircraft and the dates thereof.

- g) The names and nationality of the Management of the Company and its Board of Directors in the event that the aircraft is owned by a Corporation with Yemeni nationality.
- h) Any other information that the civil aviation authorities require to be entered in the Register.

**Article 58: The Aircraft Registration Certificate:**

- 1. The civil aviation authorities shall issue an Aircraft Registration Certificate after the completion of the procedures required for registration thereof.
- 2. The Aircraft Registration Certificate includes the basic data based on the data entered in the Aircraft Register in accordance with the form provided for in Annex - VII of the Chicago Convention.

**Article 59: Nationality of Registered Aircraft:**

- 1. All aircraft registered in the General Register of National Aircraft enjoy the nationality of the republic of Yemen, and they shall obtain the marks of its nationality and registration and display them clearly in accordance with the rules and specifications approved by the Authority.
- 2- The owner shall not dispose an aircraft carrying the Republic of Yemen nationality marks for sale or lease or by any other method except after the approval of the civil aviation authorities.

**Article 60: Cancellation of Aircraft from the Register:**

- 1) An aircraft is cancelled from the Register in the following cases:
  - a) If the owner or lessee loses the nationality of the State.
  - b) If the ownership of the aircraft is transferred to a foreign national.
  - c) If the aircraft is destroyed, lost or finally withdrawn from use.

The aircraft is considered lost when the civil aviation authorities issue a decision accordingly.

- 2) The owner or lessee of an aircraft shall notify the civil aviation authorities of all changes stipulated in this Article immediately as they occur with the return of the Aircraft Registration Certificate.

**Article 61: The Rules for Joint Registration:**

The following rules shall apply to the Aircraft Joint Registration that are owned by an international operating agency or jointly owned, whereby the Republic is a member thereto:

- a) The civil aviation authorities of Yemen shall agree with the civil aviation authorities of other countries that are members in the Agency to set up a joint register for registering the Aircraft owned by the Agency, which shall be separate from the National Register, which is held by the Republic.
- b) The civil aviation authorities of Yemen shall agree with the civil aviation authorities of the other countries that are members in the Agency that the joint Register shall be uniformed or partitioned with due regard to the following:
  1. In the event of agreement on the establishment of a jointly uniformed register, the civil aviation authorities of other member countries in the agency shall decide on a country amongst them to hold the Standard Joint Register.
  2. In the event of agreement to partition the Joint Register to a number of parts, the civil aviation authorities shall agree with the civil aviation authorities of the other member states in the agency as to which one of them shall hold a part of such a register.
  3. The Aircraft owned by the agency shall be registered once, either in the Joint Register or in the part of the Joint Register that is held by the Republic. The mentioned aircraft shall not be registered in the National Register of the Republic, whether it holds the Joint Register or a part thereof.
  4. All the aircraft that are owned by the Authority which are registered either in the Standard Joint Register or in a part thereof shall carry general marks.
  5. All aircraft that are registered in the manner stipulated in this Article shall be considered as if carrying the nationality of the member states in the agency.
- c) The Republic shall jointly commit itself with the other member states in the agency abide by all the obligations imposed by this Law upon the

State of Registration, and those imposed by the International Conventions on civil aviation.

- d) Without prejudice to the joint liabilities according to the provisions of Item C of this Article, the Republic shall in the event that it holds the Standard Joint Register or any parts thereof, undertake the tasks of the Registering State in accordance with the provisions set forth accordingly, especially with respect to the issuance of Registration Certificates, Certificate of Airworthiness and the licenses for the pilot crew. When the Republic exercises these tasks shall execute its obligations on its behalf and on behalf of all the member states in the agency.

**Article 62: Rules for International Registration:**

The following rules shall apply for International Registration of Aircraft:

- a) The civil aviation authorities of Yemen shall agree with the civil aviation authorities of the other member states in the international operating agency or joint air transport operating organization on the determination of the international organization with which the aircraft of the organization shall be internationally registered.
- b) Aircraft owned by the organization shall only be internationally registered with one international organization.
- c) All the aircraft owned by the organization and which are registered internationally shall only carry general marks.
- d) Aircraft that are registered internationally as set forth in this Article are deemed to be as though they hold the nationality of each of the member states in the organization.
- e) The Republic is jointly obligated, with other member states in the organization, to abide by all the commitments that are imposed by this Law on the State of Registration and also the commitments imposed by the International Conventions of Civil Aviation.
- f) The civil aviation authorities of Yemen shall agree with the other civil aviation authorities of the other member states in the organization on one of the states amongst them to undertake the duties of the State of Registration in accordance with the provisions set forth accordingly, especially with regards to the issuance of the Registration Certificates, Aircraft Airworthiness Certificates and the licenses for the flight crew. When the Republic exercises these tasks, it shall execute its obligations on its own behalf and on behalf of all the member states in the organization.

### **Chapter - Three** **Airworthiness of Aircraft**

#### **Article 63: Certificate of Airworthiness:**

1. Only aircraft that have valid certificate of airworthiness of aircraft may operate in the Republic territory which is issued or approved by the concerned authorities of the State of Registration, and with the condition that the aircraft should correspond to the contents of its certificate of airworthiness and to the conditions and restrictions of its Flight manual. Exceptions to this whenever it is necessary are the domestic flights which require special permits issued thereof by the civil aviation authorities.
2. The civil aviation authorities may approve the certificate of airworthiness issued by another state or to be revised before approval.
3. The civil aviation authorities may approve the certificate of airworthiness issued by another state or to be revised.
4. The operator of any aircraft registered in the Republic shall be obligated to renew the certificate of airworthiness in accordance with the validity of the certificate in accordance with the rules set forth by the civil aviation authorities.
5. The civil aviation authorities shall approve the national and foreign companies, corporations that undertake maintenance and overhaul of aircraft registered in the Republic or the accessories thereof, and the civil aviation authorities also endorse the maintenance and overhaul work with these companies. In all cases in order for such approval to be granted, all facilities and requirements such as documents and inspection procedures shall be provided at the expense of the applicant to ensure the competence and completions of these works.
6. The civil aviation authorities may suspend or terminate the approval of any national or foreign companies, corporations engaged in maintenance and overhaul of aircraft registered in the Republic, if they find out that the technical efficiency standard has deteriorated and if the said corporations, companies refuse to allow the inspectors of the civil aviation authorities from carrying out the periodic or sudden inspection which they undertake accordingly.
7. If the civil aviation authorities find out that any aircraft registered in the Republic is not airworthy or that its type is unsuitable to fly, then they can suspend or withdraw the certificate of airworthiness and has the right to subject the Aircraft to a technical inspection and prevent it from flying

except when all required measures to ensure its safety to fly are met accordingly.

**Article 64: Aircraft Maintenance:**

1. The operator of any aircraft registered in the Republic shall operate such aircraft in commercial transport or aerial works except such aircraft is maintained, including its engines, equipment and systems in accordance with the maintenance programs approved by the civil aviation authorities and in accordance with the approved rules and regulations in this regard.
2. The Captain of any aircraft registered in the Republic and which operates in commercial airlines flights or general aviation shall record the data related to the conditions of serviceability of the aircraft during the flight on the forms for this and in accordance with the rules set by the civil aviation authorities.
3. The operator of any aircraft registered in the Republic shall keep the documentation pertaining to the serviceability of the aircraft even after their expiry date, and may not dispose of them except a permit has been obtained thereto from the civil aviation authorities.

**Article 65: Aircraft Instrumentation and Equipment :**

1. The operator of any aircraft registered in the Republic is obligated to equip the aircraft with the equipment and instruments stipulated in the annexes to the Chicago Convention.
2. The civil aviation authorities may order the installation of any additional equipment or instrument on any aircraft registered in the Republic to ensure the safety of the aircraft or its crew or to facilitate search and rescue operations.
3. The equipment and instrument required for the aircraft shall be installed for easy replacement, and they shall be maintained and fixed, whereby they become fit for use accordingly.
4. The emergency equipment and the instructions for their use must be clearly highlighted on all aircraft registered in the Republic.
5. Care shall be given when installing any aircraft equipment that they are not a source of hazard to the serviceability of the aircraft and whereby they do not have an adverse effect on the performance of any safety equipment and fixtures.

**Article 66: Technical Documents of Aircraft.**

1. The records set forth by the civil aviation authorities for all aircraft registered in the Republic must be maintained and they may not be disposed of unless the latter has issued a permit accordingly.
2. The data set forth by the civil aviation authorities must be recorded in the aircraft's technical records as soon as permissible to do so, once the tasks pertaining to such data have been completed and provided that this does not exceed a maximum of seven days hence.
3. When recording such data in any of the technical records of the aircraft, any reference to any other documents or papers may be made accordingly. In this case, these documents and papers shall be deemed part of this record.

**Article 67: Weight and balance of Aircraft:**

1. The weight of every aircraft which the civil aviation authorities issue or approve a certificate of airworthiness, must be weighed, and have its center of gravity periodically in the method and conditions set forth by the civil aviation authorities.
2. The aircraft operator shall prepare the system for aircraft loading after weighing it in accordance with the procedures set forth by the civil aviation authorities.
3. The operator must maintain the aircraft's load balancing system and may not dispose of it except a permit thereto has been obtained from the civil aviation authorities.

**Article 68: Inspection to ensure Aircraft Airworthiness:**

The civil aviation authorities are entitled to undertake or require inspection, testing and flying of any aircraft for the purpose of carrying out tests whenever it deems necessary to do so accordingly in order to ensure the serviceability of the aircraft for flying or any of its equipment, instruments or any of its components in accordance with Certificate of Airworthiness. Such measures shall be undertaken at the expense of the operator. The authorities shall also be entitled to enter the aircraft location to undertake any such tasks. The civil aviation authorities are also entitled to issue the required instructions to the operator in this regard. In the event of a violation of any of the measures cited in this article, the civil aviation authorities may suspend the Certificate of airworthiness of the relevant aircraft.

**Chapter - Four**  
**Aircraft Records and Documents**

**Article 69: Records and Documents On-Board Aircraft**

1. Only aircraft that carry on board the required documents according to the Laws, rules and regulations of the state wherein such aircraft is registered, may fly in the territories of the Republic as well as any other documents and papers set forth by the civil aviation authorities in the Republic.
2. No aircraft registered in the Republic may begin any flight unless it carries on board the documents and records specified in the following article except for those flights that begin and end at the same airport in the Republic, without the aircraft passing through the territory of any other state, wherein such a case only the documents and records set forth to be maintained in the airport shall be maintained, rather than having them carried on-board the aircraft.

**Article 70: Documents and Records Required On-Board the Aircraft:**

1. With regards to international flights: Every aircraft must carry on-board the following documents and records.
  - a) The aircraft registration certificate.
  - b) Certificate of Airworthiness of the aircraft.
  - c) Acceptable noise level certificate in accordance with the standards set forth in the Sixteenth Annex of the Chicago Convention.
  - d) The licenses of each of the members of the aircraft crew.
  - e) The technical conditions record of the aircraft.
  - f) The general declaration for the flight.
  - g) The licenses for the aircraft radio equipment.
  - h) The operations manual and maintenance certificate for the aircraft engaged in commercial transport or general aviation.
  - i) A detailed manifest of the commercial and mail cargo of the aircraft.
  - j) Passenger manifest with the beginning and destination locations.
  - k) Weight and weight balance certificate of the aircraft.
  - l) Aircraft insurance certificate.

- m) Operation certificate And the Authority shall inspect the aircraft as needed to verify carrying on-board the documents and records stipulated in the aforementioned paragraphs of this clause.
2. With regards to domestic flights: The civil aviation authorities shall set forth the documents from among the documents stipulated in Paragraph 1 of this article of what aircraft should carry with them in domestic flights.

The authorities may also waive any aircraft flying for technical testing or training from having to carry any of these documents and records.

3. In all cases, certificates, licenses and documents cited in this article must be valid.

**Article 71: Presentation of Documents, Records and Data:**

The operator and pilot of the aircraft must present to the concerned authorities upon demand and at the nearest possible chance any documents or records or data required under this Law.

**Article 72: Maintaining Records and Documents:**

All owners and operators of aircraft who suspend the use or exploitation of the Aircraft thereof shall continue to keep the documents and records pertaining to such aircraft as well as the records of the aircraft flight crew members as if such suspension has not occurred, for such duration as set forth by the civil aviation authorities with regards to the following:

1. If the exploitation and use of such aircraft is transferred to another person, while the aircraft is still registered in the State of the Republic, the operator and original owner shall hand over to the next operator or second owner the maintenance documentation and records of its loading and weight and balance system and whatever other records maintained by the aircraft recording equipment. The new operator or owner, prior to operating such an aircraft, shall obtain all records and documents cited herein, while all obligations of the former owner or operator are transferred to the new owner in this respect.
2. If any engine or propeller is lifted off an aircraft and if any part thereof is installed in another aircraft registered in the Republic, and exploited by another person, the original operator of such aircraft shall hand over the special record of such engine or propeller to the new operator accordingly.
3. If a flight crew member of an aircraft registered in the Republic transfers to work with another operator, the original operator shall submit to the new operator all the records of such member, and in all cases, the latter operator

thereof shall accept the contents therein as though he was the original employee accordingly.

**Article 73: Withdrawal or Suspension of Documents:**

If a decision is made as to the suspension or withdrawal of any certificate, license, approval, permit or any other document issued by the civil aviation authorities, these documents shall be submitted to such authorities by whoever such documents were issued to or held by upon demand as soon as possible.

**Article 74: Insuring the Safety and Prohibiting Abuse and Misuse of Aircraft Documents and Records:**

1. Any certificate, license, permit, record, approval or any other document that are in use in accordance with this Law shall not be tampered with. Any data set forth therein shall not be violated, and in particular the following acts are prohibited:
  - a) The use of any certificate, license, permit, record, approval or any other document issued by the civil aviation authorities which have been decided to be suspended, amended or forfeited from the use by holder thereof accordingly.
  - b) Lending any certificate, license, permit, approval or any other document issued by the civil aviation authorities, or allowing any other person to use them.
  - c) The false impersonification of another person's identity with the intention of obtaining or renewing or modifying any certificate, license, permit, approval or any other document, whether for himself or for any other person.
  - d) Tampering or assisting in the tampering, destruction or distortion of any record decided to be used as stipulated hereunder, amending or incorporating, or deletion of any of the data contained therein, or the incorporation of false information therein during the period required for maintaining such records accordingly.
  - e) Deletion of any information from the loading manifest or the introduction of false information therein, whether intentionally or due to negligence.
2. No person may issue any certificate, license or permit unless he is delegated the Authority to do so, and in accordance with the conditions decided accordingly.
3. All data to be entered in any document or record shall be written in ink or any other substance that is not easily erasable.

**Part - Six**  
**Rights and Acts Related to Aircraft**

**Chapter - One**  
**General Provisions**

**Article 75 : Scope of Application:**

The provisions of this chapter are applicable to the aircraft registered in the Republic. However, the aircraft not registered therein are subject to international conventions which the Republic is party thereto, then such conventions are applicable thereto within the relevant limitations and conditions thereof and subject to the specified stipulated in such convention and the rules of the effective Laws of the Republic shall apply on aircraft.

**Article 76 : Legal Position of the Aircraft:**

Without prejudice to the provisions herein stipulated in this Law, an aircraft is considered transferable property. Nevertheless, the acts, events which lead to the transfer or termination of the right of ownership or other in-kind rights on such aircraft shall not represent a substantiation to the other party unless such transfer of rights is made public through the registration or recording as the case may be in the registries set forth in Chapter II of Part Five of this Law.

**Article 77 : Transfer of Registration of Aircraft to Another State:**

Except in cases of compulsory sale, the registration of an aircraft may not be transferred to another state before settlement of all registered or recorded rights thereof, voluntarily or by litigation.

**Chapter - Two**  
**Aircraft Ownership and Leasing**

**Article 78: Transfer of Aircraft Ownership:**

The transfer of ownership of an aircraft shall only be through an official document which shall only be valid, sustentative or effectiveness after it has been duly registered in the Aircraft Register accordingly.

**Article 79: Legal Action with the Aircraft:**

Any aircraft registered in the National Register may only be disposed of to a foreign person, whether through sale or mortgage, or any other legal disposal actions thereof in accordance with the applicable Laws and after the approval thereof by the civil aviation authorities.

**Article 80: Aircraft Leasing:**

Aircraft lease is a written contract under which the lessor is obliged to enable the lessee to utilize his aircraft with or without the flight crew, for one or more flights, for aviation task, or for a certain duration in return for a rental fee or reward and the aircraft lease contract shall not be effective except after the approval of the civil aviation authorities.

**Article 81: The Obligations of the Aircraft Lessor:**

The Aircraft lessor must handover the aircraft in good conditions and fit for navigation, and has to perform maintenance of the aircraft and carry out the necessary technical inspections thereof except unless otherwise agreed upon.

**Article 82: The Liabilities of the Lessor:**

The lessor of the aircraft is liable for any damages requiring compensation and resulting from the aircraft defects and without prejudice to the right of the lessor to revert to any other person responsible for that.

**Article 83: The Aircraft Lessee:**

The lessee of the aircraft shall use the aircraft in accordance with its technical specifications, and to return it to the lessor upon the termination of the lease in a good condition on the time and in the place so agreed upon. Except otherwise expressly agreed upon, he is also obligated to place the aircraft at the disposal of the lessor and the concerned entities to undertake the required technical maintenance and inspections.

**Article 84: The Legal Position of the Aircraft Lessee:**

The lessee of an aircraft is regarded as an operator thereof in the event of leasing the aircraft without its flight crew, or with a flight crew that is subject to his commands. In such a case, he is responsible for the mistakes or damages that arise out of an act by a crew member.

**Article 85: Assignment of Aircraft Lease:**

A lessee of an aircraft may not assign such a lease to another party or to sublease the aircraft except with the approval of the lessor and the civil aviation authorities accordingly.

**Article 86: Joint Liability:**

The owner of a leased aircraft remains liable jointly with the lessee thereof for any legal liabilities that are imposed upon the operator thereof with respect to the aircraft and its flight as required by the provisions of this Law. However, if the lease agreement is recorded in the Aircraft Register, and the lessee fulfills and satisfies the legal conditions as an owner of a national aircraft, then he solely is liable as an operator for any of the liabilities cited above.

**Article 87: Leasing Aircraft Capacity:**

1. The lease of aircraft capacity is a written contract whereby the lessor maintains the management of the aircraft's navigation and is obligated to enable the lessee to utilize the full capacity of the aircraft, or any part thereof, for one or more flights, air task, or specific duration in return for a rental fee or reward.
2. The lessor of an aircraft's capacity except otherwise explicitly agreed upon, must place the capacity of the aircraft, or any part thereof, at the agreed upon airport provided that the aircraft is of the agreed upon model in good condition and fit for navigation.
3. The lessor of the capacity of the aircraft shall secure the technical services and control of the aircraft.
4. The lessor of the capacity of the aircraft may in the event of transporting people or cargo aboard the leased aircraft, may still maintain the right to issue the transport documents in his name provided that he is committed to the provisions of the Convention for Unification of certain Rules relating to International Carriage by Air at Warsaw in 1929 and the other amending and supplementary protocols and agreements thereto which the Republic is party to, whether this pertains to international or domestic air transport.
5. The lessor of an aircraft's capacity is liable towards the lessee for any damages that require compensation as a result of a defect in the aircraft or the mistake of the pilot or the rest of its flight crew.

**Article 88: Operating a leased Aircraft with a Nationality Different from that of the Operator:**

Foreign Airlines may not operate leased aircraft that are of a nationality other than their own for commercial purposes to and from or overfly the Republic unless they have fulfilled the conditions set forth by the civil aviation authorities accordingly.

**Chapter - Three**  
**Precautionary Detention Of The Aircraft**

**Article 89: The Meaning of Precautionary Detention:**

Precautionary Detention in this chapter implies all acts, under whatever name, by which the operation of an aircraft is suspended, to serve some special interest, through judiciary assistants, or administrative personnel on behalf of a creditor, owner or holder of any rights in kind on the aircraft without the ability of the seizer to be supported by a previously obtained ruling requiring implementation thereof in the usual manner, or a similar executive document. The right of Seizure, which is authorized by Law to the creditor, who is the holder of the aircraft without the approval of the operator thereof is for all practical purposes deemed to be precautionary detention of the aircraft within the implications of this article accordingly.

**Article 90: Scope of Application:**

The provisions of this chapter are not applicable to special precautionary detention of aircraft related to bankruptcy Lawsuits and the claims related to government debts, nor to precautionary measures that are taken for violation of aviation rules and regulations, customs regulations, criminal Laws, or general security rules and regulations.

**Article 91: Aircraft not Subject to Precautionary Detention:**

1. Precautionary Detention may not be implemented on the following:
  - a) Specialized aircraft that are absolutely assigned for state service, including postal service except for aircraft, which are designated for commercial purposes.
  - b) Aircraft which are actually and absolutely used for a regular air services, and the standby aircraft thereof which are indispensable.
  - c) Any other aircraft that is used for the transport of passengers or properties in return for a fare, fee or reward, whenever it is about to take off for such transport except in the event that this seizure was related to a debt contracted for with regards to the flight which the aircraft is about to embark upon or for a claim or debt that arose during the flight.
2. The provisions of this article are not applicable to precautionary detention imposed by the owner or operator of an aircraft who lost his possession thereof by an unlawful act.

**Article 92: The Right of Detaining an Aircraft:**

The right of detaining, which the Law allows for the creditor to take into possession of an aircraft without the consent of its owner or operator, is considered in the position of precautionary detention.

**Article 93: Suspension or Lifting of Precautionary Detention:**

1. In case the precautionary detention of an aircraft not being prohibited, or in the case such seizure of an aircraft may not occur, wherein the owner or operator does not sue for not undertaking such seizure, an adequate guarantee or bond may be presented that shall prevent the implementation of such precautionary detention, or which authorize the right to immediately lift off such seizure.
2. A bond is deemed adequate if it covers the amount of debt and expenditures, and if it is allocated in full to settle the debt to the creditor, or if it covers the value of the aircraft in the event that this value is less than the amount of the debt or expenditures and it was allocated for the settlement of the debt of the seizer.

**Article 94: The Procedures for precautionary detention:**

With regards to the precautionary detention the provisions of the effective Law for Civil Litigation and Execution and the Civil and Commercial Laws are to be followed, with the exception of the conditions stipulated in the international conventions and agreements which the Republic is a member of.

**Article 95: The Swift Ruling on Disputes of Seizure of Aircraft:**

Rulings are to be swiftly reached on all disputes pertaining to detaining of aircraft.

**Article 96: Seizure and Sale of Aircraft to meet civil aviation fees and the fines imposed thereof:**

In the event that an owner or operator of an aircraft does not fulfill civil aviation fees which are due on his aircraft, and the fines imposed on it due to its violation of the civil aviation Law, rules and regulations, the civil aviation authorities may seize such an aircraft upon which such fees or fines are due, or any other aircraft belonging to such an owner or operator at the time of carrying out such a seizure accordingly.

**Chapter - Four**

## **Executive Seizure and Compulsory Sale of Aircraft**

### **Article 97: Cases of the Carrying out Executive Seizure:**

Executive seizure of aircraft may not be implemented on aircraft which may not be provisionally seized, pursuant to the provisions hereunder stipulated except in the following two cases:

1. If such a seizure is for the fulfillment of a guaranteed loan by pawn or a right of liens on the aircraft being sought for detention.
2. If the creditor demanding seizure has dispossessed the debtor, who owns the aircraft, of all his other properties, and that such properties did not cover the debt and expenses he owes, or if the creditor presents evidence that the other property of the debtor – owner of the aircraft – have been used up to in another provisional or executive seizures, or that such debtor does not possess any property other than the aircraft that shall meet the debt owed to the claimant for seizure or expenses.

### **Article 98: The Procedures for Executive Seizure:**

With regards to executive seizure, the provisions of the effective Law for Civil Litigation and Execution and the Civil and Commercial Laws shall be followed and get a sentence thereof unless the international conventions and agreements which were ratified by the Republic indicate otherwise.

### **Article 99: Registration of Seizure:**

The seizer must register his seize in the Aircraft Register within eight days of the implementation of the seizure, otherwise such seizure shall be considered as non-existent.

## **Chapter - Five Official Securities and Guarantees on Aircraft**

### **Article 100: Conclusion of Guarantees and Securities:**

An aircraft may be secured officially. The security may include the whole aircraft or for just a common portion thereof.

The security on an aircraft is concluded though an official paper that is written before the civil aviation authorities.

### **Article 101: The Official Security:**

The provisions of the effective Civil and Commercial Laws of the Republic shall be followed with regards to official security and the relevant procedures thereto.

**Article 102: Mortgaging of a Whole or a Part of an Airline Fleet:**

A single security contract may be arranged for all or part of an airline fleet belonging to the same owner provided that the contract in such a case includes a detailed list of all the aircraft that comprise this fleet, which is covered by this security.

**Article 103: Registering of Securities:**

Securities shall be registered in the Aircraft Register. If the pawn contract included more than one aircraft, each of the secured aircraft shall then be registered individually.

**Chapter - Six  
Liens on Aircraft**

**Article 104: The arrangement of liens on aircraft:**

1. The following rights have a privilege on the aircraft and shall be met from the value obtained thereof in accordance with their ranking as stipulated in this chapter except otherwise indicated by the effective Laws of the Republic.

- a) The entitlement to the Civil Aviation Authorities.
- b) The expenditures spent in favor of all creditors in the legal execution and sale of the aircraft and the distribution of its value.
- c) The debts related to the awards due for saving the aircraft and the extraordinary expenses required for safeguarding the aircraft.
- d) The compensations due for damages that are inflicted by the aircraft to third parties on land, whether such damage arose from the aircraft itself or by the fall of an individual or something from the aircraft, unless the owner or operator of the aircraft has insured the aircraft against such damages to the benefit of the injured persons accordingly through an insurance that covers all the compensations that are due in such cases, or

twenty percent of the value of the aircraft, as if it was a new one, or the lower of the two values.

- e) The debts that were due for the last flight undertaken by the aircraft, or was about to make before it was compulsory sold pursuant to provisions of Chapter Four of this Part as a result of its repairs, maintenance, arrival, departure or supplying the aircraft with its requirements of fuel, lubricants or the food and consumable needs of the passengers and crew.
2. The rank of privilege for each of these rights among them shall subject to the priority scooted in accordance with the order of their reference in this article.

## **Part - Seven Aviation Licenses**

### **Article 105: Flight crew Licenses:**

1. Aircraft flight crew members who works in the Republic territory are required to be holders of valid license pursuant to the applicable Laws, rules and regulations of the registering state.
2. Nevertheless, the civil aviation authorities may not recognize the licenses and certificates obtained by Yemeni nationals in foreign countries for flying in the Republic territory.

### **Article 106: Licenses of National Flight Crew:**

Any member of an aircraft flight crew that is registered in the Republic is required to obtain a valid license issued or approved by the civil aviation authorities, which authorizes him to carry out his tasks accordingly.

### **Article 107: The Exceptions for Requiring Licenses for Flight crew During Training:**

The pilots of aircraft registered in the Republic for the purpose of training and during the training period are excluded from the condition of requiring licenses for flight crew that is referred to in the aforementioned Article, and the civil aviation authorities shall set forth the regulatory foundations and conditions.

### **Article 108: Issuance, Renewal and Endorsement of Aviation Licenses:**

1. The civil aviation authorities are responsible for the issuance, endorsement and renewal of flying licenses, and the other technical licenses related to all civil aviation services in accordance with the conditions and rules set forth by civil aviation authorities pursuant to the approved international conditions

and standards that are stipulated in the Annex I of the Chicago Convention accordingly.

2. The civil aviation authorities shall issue the licenses mentioned in the previous Clause after having confirmed that the applicant for the license is qualified in terms of expertise, knowledge, skills, age and health level to carry out the tasks authorized to him by the license and by the civil aviation authorities shall carry out theoretical and practical tests that it sets forth in this respect.
3. The civil aviation authorities have the right not to issue, endorse, renew any license; and it is also entitled to withdraw, suspend or cancel its endorsement thereof, if it finds out that the applicant or holder of such a license is below the standards required, or that the latter had violated any of the provisions of this Law.
4. The holder of any license may not continue carrying out any of the tasks authorized to him by such a license, if he is aware or there is sufficient reason for him to believe that his health conditions do not permit him to be fit for undertaking such tasks, whether temporarily or permanently.
5. The aviation license is considered suspended if the holder thereof has been inflicted with:
  - a) An injury that impedes him from performing the tasks authorized thereto by such license, or
  - b) An illness that prevents him from performing the tasks authorized thereto by such license.

In such cases the holder of the license shall inform the civil aviation authorities in writing accordingly for the latter to take the appropriate measures for carrying out the required medical examination required for the license held by the license holder accordingly.

**Article 109: Aircraft Maintenance Licenses and the Authorities of their Holders:**

1. The civil aviation authorities shall issue the licenses for the Engineers of the aircraft airframes, engine, units and avionics equipment, or any part thereof. No person may engage in any associated work thereto except if he holds the licenses set forth and in accordance with the conditions set forth by the civil aviation authorities.
2. The civil aviation authorities shall issue the licenses mentioned in the previous Clause after having confirmed that the applicant for the license is qualified in terms of expertise, knowledge, skills, age and health level to carry out the tasks authorized to him by the license and the civil aviation authorities shall carry out theoretical and practical tests that it sets forth in this respect.

3. The civil aviation authorities have the right not to issue, endorse or renew or extend the validity of any license of the licenses mentioned in the previous Clause No. (1) of this Article; and it is also entitled to withdraw, suspend or cancel its endorsement thereof if it finds out that the applicant or holder of such a license is below the standards required, or that the latter had violated any of the provisions of this Law.

**Article 110: Issuance of Temporary Approvals for Aircraft Maintenance:**

In the event of the lack of licensed aircraft maintenance personnel required for facing the use of new models of aircraft by national airlines, or updating new methods for the inspection, examination and testing of aircraft the civil aviation authorities may issue temporary approvals for aircraft maintenance engineers, who enjoy long experience in aircraft maintenance of multiple models in order to undertake the duties and responsibilities authorized to holders of licenses in this case, after ascertaining the ability to complete such tasks.

**Article 111: Licenses and Authorities of Air Traffic Controllers:**

1. The civil aviation authorities shall issue the Air Traffic Controllers' licenses in accordance with the conditions set forth by such authorities for issuance, renewal and extension of the validity thereof.
2. The civil aviation authorities shall issue the licenses mentioned in the previous Clause after having confirmed that the applicant for the license is qualified in terms of expertise, knowledge, skills, age and health level to carry out the tasks authorized to him by the license and the civil aviation authorities shall carry out theoretical and practical tests that it sets forth in this respect.
3. The civil aviation authorities have the right not to issue, endorse or renew or extend the validity of any license of the licenses mentioned in the previous Clause No. (1) of this Article; and it is also entitled to withdraw, suspend or cancel its endorsement thereof if it finds out that the applicant or holder of such a license is below the standards required, or that the latter had violated any of the provisions of this Law.
4. No Air Traffic Controller may work in any traffic unit unless he has obtained the required licenses for such unit.

**Article 112: Personal Flying Record:**

Every member of a crew of an aircraft registered in the Republic and every person who flies for the purpose of rehabilitation, whether to learn flying or for the completion of his tests, or for the issuance or renewal of any of his licenses, shall maintain a personal flying record which must be approved, along with the data contained thereof, by the civil aviation authorities. He shall also maintain such a record and shall not dispose of it before permission has been given thereto by such authorities whereby the minimum duration for maintaining such

a record shall not be below two years after the last entry has been made in the record.

**Article 113: Flight Training:**

No one may train other persons in flying for the purpose of preparing him to obtain a flying license, unless the person who does the training possesses valid training licenses issued or approved by the civil aviation authorities which authorize him the right to work as an aircraft captain for the purpose and conditions he carries out his training, and unless such license includes evidence of his competence and fitness as a trainer permitted to undertake training. The civil aviation authorities shall issue the conditions for the issuance and approval of licenses for training to fly and the conditions for renewal and extension of the validity thereof in accordance with the international rules set forth in this regard.

**Article 114: Civil Aviation Institutes and Clubs:**

1. The civil aviation authorities shall issue the rules and regulations pertaining to how Civil Aviation institutes and clubs can carry out their activities. They also undertake the supervision, inspection, and guide them on technical aspects.
2. Institutes, clubs or any other agency may not engage in training of flying or teaching its techniques or engaging in any other aviation activity except that a prior license to do so is issued by the Civil Aviation Authorities thereto, and in accordance with the terms of this license. The Civil Aviation Authorities shall suspend or withdraw such a license in the event of a violation of its terms or conditions or the applicable Laws, rules and regulations.
3. It is permissible to establish any Civil Aviation Training Institute for flight training, flying techniques, or for the engagement in any other aviation activity of an investment nature pursuant to the Investment Law.

**Part - Eight  
Rules of the Air**

**Chapter - One  
Controlling Air Traffic in the Republic Airspace**

**Article 115: The Responsibility of civil aviation authorities:**

1. The civil aviation authorities are the Authority that is absolutely responsible for securing aviation safety, and preventing the hazards to citizens or their property or the general public order that may arise from any shortfalls in the

regulation of air traffic in the airspace of the Republic or in Air Traffic Control.

2. The civil aviation authorities may delegate some of their responsibilities to any specialized agency, which shall act as a supporting agency of the Authority to undertake certain tasks in air traffic control after the approval thereof by the Minister.

**Article 116: Rules of the Air:**

The civil aviation authorities shall issue the Rules of the Air and all the other regulations related to air navigation, maneuvering of aircraft in the airspace of the Republic, use of airspace, protection of individuals and property on the surface, prevention of aircraft hazards and the limitation of harmful effects resulting from their use, especially with respect to noise and environmental pollution in accordance with the international rules and regulations set forth in this regard.

**Article 117: Air Routes and Airways :**

All aircraft must comply to follow the air routes and airways that are set forth by the civil aviation authorities and shall not deviate from such routes or airways whatever the case may be except for reasons of force majeure, wherein in such case they shall contact the nearest air traffic control unit and to comply with the instructions issued by this unit.

**Article 118: Aircraft Altitude:**

1. No aircraft may maneuver at elevations that violate the elevations set forth by the civil aviation authorities except in emergency situations or by the permission thereof of such authorities.
2. No aircraft may maneuver over a city, inhabited area or a general meeting place except at an altitude that shall enable it to land in emergency situations without causing damage to persons or property, except in the cases of take-off and landing or through a permit issued by the civil aviation authority and with due regard to the provisions of the previous Clause.

**Article 119: Prohibited, Restricted and Dangerous Areas:**

1. The civil aviation authorities may prohibit or restrict, without distinction between nationalities, the maneuvering of aircraft over the following areas:
  - a) Above certain areas of the Republic for military reasons or as per the requirements for public order and safety.

- b) Over the territory of the Republic, or any part thereof in exceptional situations or for reasons related to public order.
2. The civil aviation authorities may set out the dangerous areas where flying is banned.
3. If the pilot of the aircraft realizes that he is flying over a prohibited area, he shall immediately contact the relevant responsible air traffic control unit, and he shall follow the instructions thereof accurately. If this could not be done, he shall rush to land in the nearest airport in the Republic outside the prohibited area and he shall present a detailed report to the concerned authorities of this incident and its justifications thereof.
4. If the concerned authorities warned an aircraft for flying over prohibited area, it must immediately carry out the instructions issued by these authorities, otherwise such authorities may take the appropriate measures to force the aircraft to land.

**Article 120: Exceptions of Sovereignty Actions:**

No aircraft may deviate from rules of the air except in the event that this was unavoidable to exercise an act of sovereignty of the state, or in the event the police practice their exceptional authorities.

**Chapter - Two**  
**Functions and Responsibilities**  
**of the Aircraft Pilot in Command:**

**Article 121: The Responsibility and the Authority of the Pilot in Command:**

The aircraft pilot in command is responsible for the operation and safety of the aircraft with all those on board of it during its flight; he enjoys full power in taking any procedures or necessary precautions to secure the aircraft's safety and the passengers and property it carries, as well as keeping order and establishing discipline aboard the aircraft wherever the aircraft is. He must also observe the application of rules in force in this regard.

**Article 122: Interference with flight crew task and Tampering with the aircraft:**

All persons are prohibited to intervene, during the aircraft's flight in the business of any member of the flight crew member or impede him from carrying his work. Furthermore, all persons are prohibited to tamper or fiddle with any part of aircraft or equipment thereof, or commit any act that would endanger the safety of the aircraft and its crew or passengers.

**Article 123: Observation of Rules of the Air:**

The pilot of the aircraft is directly responsible for piloting of his aircraft in accordance with the applicable rules of the air and regulations. He may, however, has the right to divert from such rules and regulations in the event whereby it becomes a must for the sake of safety; in such a case, he is obliged to notify the concerned authorities once the situation permits him to do so.

**Article 124: Compliance with the Air Traffic Permissions and Instructions:**

The pilot of the aircraft must comply with the applicable flight plans comply with all permissions and instructions of the air traffic control. He is not permitted to deviate such permissions and instructions, except in emergency cases which call for an immediate action. In such cases, he is obliged to notify the concerned Air Traffic Control Unit as soon as possible and, if necessary obtain a modified permission.

**Article 125: Air Traffic in Airports and Surrounding Areas:**

The pilot of any aircraft operating within the area of the airport traffic or its vicinity thereto must comply with the regulations pertaining to airport operation and air traffic rules. Furthermore, he must abide by the orders and instructions issued to him from the concerned authorities.

**Article 126: Duties of the aircraft Pilot Before the Flight:**

Prior to take-off of any specific flight, the pilot of the aircraft must carry-out the following:

- (a) Ascertain the possibility of fulfilling a safe flight in accordance with the established rules and regulations in this respect, including the alternative procedures in the event the flight could not be completed according to what is prescribed in the flight plan.
- (b) Ascertain of provision of the aircraft with adequate fuel for the flight.
- (c) Study accurately the available meteorological reports and forecasts that are in application and the navigation information pertaining to the flight .
- (d) Ensure completion of procedures with respect to the aircraft serviceability.
- (e) Every flight crew member of the aircraft shall apply the established review procedures for procedures which shall be carried out before the flight take-off.

**Article 127: Response of the aircraft Pilot to Instructions or Orders for Landing:**

- 1- All National Aircraft Pilots flying in foreign airspace must respond to any instructions or orders for landing in any specific airport, if the foreign authorities, by virtue of its sovereignty to its territorial airspace, consider that the aircraft is flying on its territories without right, or in the event they have reasonable grounds to suspect that the aircraft is used for any purpose other than the purposes stipulated in the 1944 Chicago Convention.
- 2- All pilots of aircraft are prohibited to use the aircraft deliberately and intentionally for any purpose that contradicts the purposes stipulated in the 1944 Chicago Convention.

### **Chapter - Three General Provisions**

#### **Article 128: Flying in accordance with the Rules of the Air and Air Traffic Regulations:**

- 1- In all cases, aircraft pilot must use the aircraft in accordance with the rules of the air and air traffic regulations that are established in this respect, and in the manner that would avoid collision with aircraft or endanger the safety of air navigation or the persons and properties on the surface of the land.
- 2- All aircraft that are flying near water must abide by keeping distance from vessels and not expose their safety to danger.

#### **Article 129: Flying over Private Properties:**

- 1- An aircraft may not fly above cities or populated areas, or places of festivals and gatherings at an altitude whereby there is a possibility to endanger the safety of persons and properties.
- 2- Acrobatic flights, air parades, and flying in the form of aero formations, and flying with remote controlled aircraft, unless a special permit is granted by the civil aviation authority and in accordance with the conditions stipulated therein.

#### **Article 130: Prohibited Acts:**

- 1- It is prohibited to throw, discard or spray any thing from the aircraft during its flight except in emergency cases or through a permit from the civil aviation authority.
- 2- Any aircraft is not allowed to tow another aircraft or anything else, unless a permit is obtained from the civil aviation authority.

- 3- It is not allowed to land down by parachutes without a prior permit from the civil aviation authority, except in emergency cases.
- 4- It is prohibited to maneuver in a negligent or reckless manner, in a manner that would jeopardize the lives of other people or their properties to danger.
- 5- It is prohibited to maneuver in proximity of another aircraft in a manner that forms a risk of collision with it or endanger its safety.
- 6- Anyone is prohibited to pilot an aircraft or work as a member of its crew so long as he is under the effect of intoxication or narcotics or any other substance that may lead to weakening his capabilities to perform his duties in the most perfect manner. In all cases, he is prohibited to use any such substances during the period of his duties.
- 7- It is prohibited to use any aircraft in the territories of the Republic for any other purpose beyond the scope of Civil Aviation, or for the purpose of conducting unlawful acts or the commitment of a crime.

**Part - 9**  
**Flight Operations**  
**Air Transportation and General Aviation Operations**

**Chapter One**  
**General Provisions**

**Article 131: Scope of Application:**

Without prejudice to the rules of Article (2) of this Law, provisions stipulated in this part shall be applied in the following cases:

- 1- Air operation conducted by an operator of an aircraft that is registered in the Republic.
  - (a) Scheduled and non-scheduled domestic and international commercial air transportation operations.
  - (b) General Aviation Operations locally and abroad (business/ tourism / Aerial Works).

- 2- Operations outlined in (1) above, conducted by a Yemeni National operator with an aircraft that is registered in a foreign state.
- 3- Operations outlined in (1) above conducted in the territories of the Republic by a foreign operator with an aircraft that is registered in a foreign state.
- 4- Any person employed by an operator conducting any of the operations outlined in Paras (1) and (2) above.
- 5- Any person on board of any aircraft conducting any of the operations outlined in Paras (1) and (2) above.

**Article 132: Applicable Laws, Rules and Regulations:**

Without prejudice to the rules of the Chicago Convention and its Annexes ratified by the Republic, any operator of an aircraft that is registered in the Republic and is conducting business in Air Transportation or General Aviations must, in the course of its operations, abide by the provisions, rules and regulations of this Law, unless they contradict with the Laws, rules and regulations of other countries in which they exercise activities.

**Chapter - Two**  
**Establishment and Operation of Airlines**  
**and Aviation Institutions**

**Article 133: Establishment of Airline Companies and Institutions:**

With due regard to the provisions of Laws regulating the Establishment of Companies and Institutions and the Investment Law, a Company may be established in order to exercise Domestic or International Commercial Air Transport activity or various activities of General Aviation in the Republic after the approval of the civil aviation authorities upon submitting the technical and economic study of the project that is proposed to be established and ratification of the Minister.

**Article 134: License and Certificate:**

Upon completion of the necessary procedures pertaining to establishment of the airline company or institution in the manner outlined in Article (133), an operator shall not assume exercising his activities until the civil aviation authorities has issued the following:-

- (a) Operation License in accordance with the established provisions in this respect, after submitting the relevant documents pertaining to the establishment of the Company or the Institution; and other supporting documents pertaining to availability of the technical, financial and administrative capabilities.
- (b) Air Operator Certificate in accordance with the established rules in this respect.
- (c) Operation permit for each of the aircraft utilized.

**Article 135: Issuance of Operation Specifications**

The operator is not allowed to start operations of his aircraft until he obtains the certified operation specifications from the civil aviation authorities. Such specifications shall form an integral part of the granted permit to the Operator, and shall be mandatory.

**Article 136: Operation Specifications Clauses:**

Operation specifications issued to the operator include the following Clauses:

- (a) Authorized airlines and types of aircraft used in each airlines.
- (b) Authorized airports to be used, whether destination or alternate airports.
- (c) Routes that shall be followed by each authorized certified air service.
- (d) Minimum quantity of fuel that is needed for each flight of the certified air service, taking into consideration the other alternate airports.
- (e) Maximum authorized weight for the aircraft upon take-off and landing in all utilized airports.
- (f) Minimum Radio and Navigation Appliances that shall be equipped to the aircraft.
- (g) Weather minimum in all operating airports.
- (h) Formation of Flight Crew for each type of the operating aircraft in each flight of the certified air services.

- (i) Dispatch Control and follow-up System during flights.
- (j) Any other specifications or instructions, whereby the civil aviation authority decide to add in order to secure operation safety and regularity.

**Article 137: Certification of Operation Specifications:**

- 1- The operator shall prepare relevant operation specifications with respect to his operations and shall submit them to the civil aviation authorities.
- 2- The civil aviation authorities shall review such specifications to ascertain that they meet the standards of the established safety, regularity, efficiency and capability. Pursuant thereto, the Civil Aviation shall issue its certification to such specifications.

**Article 138: Supply Operation Offices with the Operation specifications:**

The operator shall provide adequate copies of the certified operation specifications with respect to his operations in accordance with the latest modifications, in all his main operations offices. He shall notify his concerned personnel with the contents thereof and include the contents of such specifications in his of operation manuals.

**Article 139: Operation Specification Amendment:**

Operation specifications may be amended based on a request from the operator or in the event whereby the civil aviation authorities deem necessary to secure the required standards of operations and regularity.

**Article 140: Violation of Operation specifications:**

Under no circumstances shall the Operation specifications issued to the operator be violated or avoided, except in emergency cases. In such cases, the aircraft operator and pilot shall submit the relevant reports to the civil aviation authorities as soon as possible.

**Article 141: Preliminary Flights:**

- 1- The operator shall not operate new air service or extend an existing service before conducting one or more preliminary flights in order to assure to the civil aviation authorities the efficiency and safety of operations in

accordance with the provisions of this Law and the rules and regulations issued pursuant thereto. The civil aviation authorities shall issue the necessary permit when it is convinced of the availability of the required criteria and conditions.

- 2- The civil aviation authorities may exempt the operator from conducting any preliminary flight if it has adequate information and reasons that ascertain that such flight is not needed. In such case, the initial flight or flights shall be conducted in accordance with the conditions stipulated by the authorities with respect to such specific flights.
- 3- The operator may not carry passengers on board the aircraft during the preliminary flights, other than the persons needed to operate the aircraft and the concerned representatives of the civil aviation authority. It is however, allowed to carry postal mail or cargo during such flights.

### **Chapter - Three** **Operations manuals**

#### **Article 142: Obligations Pertaining to Preparation of Operations manual:**

- 1- The operator shall prepare and issue a manual for the operations that shall contain details on the operations system to be used and referred by the pilots and operations staff. The manual shall specify the duties and responsibilities of the crew and operations staff, to assist them to conduct their duties and secure sound operation. The operator shall take necessary actions for certification of the manual by the civil aviation authorities.

The manual shall not contain any instructions or information that contradict with the applicable Laws, rules and regulations in the Republic or those issued by the civil aviation authorities.

- 2- The operations manual may be issued in two or more separate volumes, as deemed necessary by the operator in order to split and divide the work and distribute the responsibilities amongst his employees. However, each volume shall contain the following:
  - (a) Easy to carry into the aircraft.

- (b) Accuracy, clarify and easy access of information.
- (c) Possibility of amendment thereof without expecting any fault therein.
- (d) Should not be subjected to damage.

**Article 143: Flight Operations Manual:**

The Authority shall issue the regulatory rules pertaining to preparation of the Flight Operation Manual, its contents, amendment and approval thereof. The manual shall contain the following:

- (a) Instructions that establish the responsibility of the operations staff concerning the flight operation process.
- (b) Formation of Aircraft flight crew for each sector on various airline flights, including the order of command sequence.
- (c) Rules and procedures pertaining to aircraft dispatching, follow up of flights and monitoring its progress thereof.
- (d) Limits of the certified maximum take-off, landing weight or during flight.
- (e) Emergency procedures during flight and responsibility of each member of the aircraft crew.
- (f) Minimum altitudes of the flight in each route under operation and the method governing the establishment of such altitudes with respect to irregular flights in accordance with the provisions stipulated in Annex VI of the Chicago Convention.
- (g) Minimum limits for weather in each airport of the operated routes which are likely to be used as destination or alternate airports or may be used in emergency cases, and the method governing establishment of the minimum weather with respect to irregular flights in accordance with the provisions of Annex VI of the Chicago Convention.

- (h) Circumstances in which listening to the Radio is mandatory..
- (i) List of the Radio Equipment that shall be equipped the aircraft with.
- (j) Specific instruction on the method of estimation of fuel and lubricants that shall be taken on board in every route, taking into consideration all operations conditions, including possibility of failure of one or more engines during the flight.
- (k) Manual for each route to be operated containing detailed information concerning the communications facilities, navigational aids, airports and the procedures to be followed during flight and other information deemed necessary by the operator to improve air operation process.
- (l) Conditions necessitate the use of oxygen in the aircraft.
- (m) Procedures that shall be followed in the event the pilot-in-command witnesses an accident, as established in the Annex XII of the Chicago Convention, and any decision taken by the Authority in this respect.
- (n) Comprehensive Training programs for the aircraft crew members covering different aspects of their work on land, in air and in emergency cases.
- (o) Duty time, flying and rest periods for aircraft crew.
- (p) Aircraft refueling procedure, protection of the aircraft from fire, and monitoring passenger's protection during such procedures.

**Article 144: Distribution of Operations manuals:**

The operator shall distribute adequate copies of the operations manual and amendments thereof, or some parts thereof in conformity with the work requirements to the concerned staff that are assigned to implement its operations and supervise such implementation process, and in particular:

- (a) Main Operations Offices
- (b) Relevant sections in charge of clearing and dispatching, maintenance, loading and fuel supply of aircraft.
- (c) Aircraft crew members.

- (d) Civil aviation authorities.

**Article 145: Aircraft manual:**

The operator shall provide manuals for each aircraft he is operating to be certified by the civil aviation authorities in the state of the aircraft manufacturer. The manual shall contain all information that oblige the aircraft crew members to conduct and perform their duties and obligation in accordance with the required safety measures, whether in ordinary conditions or in emergency cases. Such a manual shall contain information on the aircraft and its engines, appliances, equipment and ordinary/emergency operations methods, its performance and established limits for operations.

**Article 146: Certification of Operations and Aircraft Manuals :**

- 1- The operator shall submit to the civil aviation authorities an adequate number of copies of his operations manual and any amendment thereto for necessary certification.
- 2- The operator shall submit to the civil aviation authorities two copies of the manual pertaining to each flight conducted by each aircraft for necessary certification. The operator undertakes to carry a certified copy of the aforementioned manual on board the aircraft during its flights. Furthermore, the operator undertakes to include any amendments made to the manual after its certification by the civil aviation authorities.

**Chapter - Four  
Aircraft Crew**

**Article 147: Appointment of Pilot Crew Members:**

With the exception of the training flights for the crew members on performance of their duties on board the aircraft, the operator of any aircraft that is registered in the Republic shall not recruit any person to be a member of the aircraft crew in any flight, unless such a person has a valid license that qualify him to conduct such tasks, and maintain relevant qualifications and certificates of the practical periodical tests which allow him to perform the assigned tasks in the required manner.

**Article 148: Formation of the aircraft Crew:**

- 1- The civil aviation authorities may decide whether it is necessary to add one or more members of the aircraft flight crew with respect to some or all

flights, in addition to the established formation in the aircraft competency certificate and flight manual in the event they consider that such a decision necessary to secure the safety of the flight.

- 2- Upon formation of the flight crew, it is prohibited to assign any member of the crew to conduct the duties of two or more crew members in any flight
- 3- The civil aviation authorities shall decide on the number of air hostess who shall conduct the relevant duties pertaining to the safety of the aircraft and services of its passengers thereof.

**Article 149: Training Programs:**

The operator shall arrange training programs for the crew members of his aircraft and the Flight Dispatchers in order to secure that all members perform their duties in the correct manner. Such programs are to be certified by the civil aviation authorities.

**Article 150: Pilots Proficiency Test:**

- 1- Each operator shall ascertain that the proficiency and capabilities of the pilots to encounter the emergency circumstances during flight were practically tested and confirm to the required standards.
- 2- In the event whereby the aforementioned tests are carried out in accordance with the instrument flight rules, the operator shall ascertain that such tests are conducted under the supervision of a pilot examiner certified by the civil aviation authorities or in the presence of an official acting on its behalf.

**Article 151: Specifying the Flight, Duty and Rest Times:**

- 1- The civil aviation authorities shall specify the regulations and instructions pertaining to specifying the flying hours, duty hours and period of the rest time with respect to the crew members of the aircraft.
- 2- With due regard to the regulations and instructions stipulated in the aforementioned paragraph, the operator shall undertake that the periods requested from any crew member to work on board the aircraft or in which he is allowed to conduct such a work or any other duties, and the rest time periods granted to him shall insure that the crew member will not be exposed to fatigue during his flight that may endanger the safety of the aircraft and his safety.

**Article 152: Flight Time and Working Periods Records:**

- 1- The operator shall maintain a complete and accurate record book for each crew member in which it is clarified the time of the flights and periods of work in accordance with the regulations and instructions established by the civil aviation authorities.
- 2- The operator shall maintain such records after completion of the flying work with respect to every member of the crew for a period of five years.

## **Chapter - Five**

### **Aircraft Equipment and Appliances**

#### **Article 153: Aircraft Equipment and Appliances:**

Any aircraft may not be operated without equipping it with equipment and appliances necessary for its flying and navigation whether in normal or emergency conditions as stipulated in its Airworthiness Certificate and its Flight Manual as well as the applicable regulations in the Republic and any regulations and instructions issued by the civil aviation authorities in this regard to secure the safety of the flight and comfort of the passengers.

#### **Article 154: Alternate Equipment and Appliances:**

The civil aviation authorities may exempt any aircraft from being equipped with any of the prescribed equipment and appliances if it finds that such aircraft is equipped with alternate equipment and appliances that fulfill the required parameters and purposes.

#### **Article 155: Special regulations and instructions related to Equipment and Appliances:**

The civil aviation authorities must issue regulations and instructions related to the equipment and apparatuses of the aircraft and the method of their use to ensure the safety of the flight and the comfort of passengers.

## **Chapter - Six**

### **Loading the aircraft**

#### **Article 156: Loading the aircraft:**

The operator must not allow the loading of the aircraft except under the supervision of a trained person whom the operator has furnished with sufficient written information and instructions related to the distribution and fixing of the cargo in the manner that ensures the following:

- a. Completion of transporting cargo in safety throughout the flight.

- b. Execution of the rules, regulations and instructions issued in this regard, including any conditions specified in the aircraft airworthiness certificate and the flight manual.

## **Chapter - Seven**

### **Air operations**

#### **Article 157: Flight Operation Supervision :**

The operator or his representative shall be responsible for supervising flight operations related to his aircraft in a manner that ensures their undertaking according to the specified safety standards and in execution of the provisions of the Laws, rules and regulations related thereto.

#### **Article 158: Appointment of aircraft captain:**

The operator must not allow the take off of any flight except after appointing one of the two pilots as captain of the aircraft. The captain is responsible for the safety of the aircraft and those on board of it. All persons on board of the aircraft must execute any orders or instructions issued by the captain to ensure the safety of the aircraft and the persons and property on board of it and to ensure the safety and regularity of air navigation.

#### **Article 159: Maintaining of the Crew members in their seats:**

No member of the aircraft crew may leave his place during flight or release himself of the seat belt except when necessary or for performing tasks related to flight operations.

Throughout take-off and landing, all members of the crew must remain in their places and keep the seat belts and shoulder straps tied to them. Any one not occupying the pilot seat may take off the shoulder straps only if they obstruct him from freely undertaking tasks assigned to them.

#### **Article 160: Use of control equipment:**

No person may use the aircraft control equipment during flight except if he is a qualified pilot and assigned therein by the operator.

**Article 161: Entry into the cockpit:**

1. No person may enter the cockpit of the aircraft except if he is a member of the crew or an inspector or controller appointed by the civil aviation authorities, or a person assigned by the operator or the civil aviation authorities to carry out a specific task during the flight. It is a condition that the captain of the aircraft should be informed in the latter case.

Such condition shall not in any manner limit the powers of the captain of the aircraft in cases of emergency to prevent the entry of any person into the cockpit or remove any person thereof if he should consider that the safety of the aircraft requires so doing.

2. Every person permitted to enter the cockpit shall have a seat in the aircraft; the number of persons present in the cockpit should not exceed at any given time the number of seats specified in the aircraft's airworthiness certificate.

**Article 162: Notification of flight risks:**

If during flight the captain of the aircraft should face extraordinary weather conditions or notices extraordinary performance of the air navigation aides that may endanger the flight, he must inform the concerned air traffic department of such conditions. He must also notify of any other conditions that constitute a danger to aviation safety.

**Article 163: Notification of defect in aircraft equipment:**

The captain of the aircraft must record in the aircraft's logbook any abnormal performance in any of the aircraft's equipment that may occur or is noticed during flight. Before beginning the flight he must ascertain what has been done in respect of any faults or remarks previously recorded in the aircraft's technical record in its previous flight.

**Article 164: Guidance to Passengers:**

1. The operator must take the necessary measures to ensure guidance to the aircraft's passengers for the location and ways of use of seat belts, emergency exits, safety jackets, oxygen equipment and other emergency equipment prepared for individual and collective use.
2. In the case of emergency during flight the passengers must be guided to the emergency procedures that must be followed.

**Article 165: Alcoholic Drinks:**

1. The operator is not permitted to allow any person to embark the aircraft if signs of drunkenness are evident.
2. No member of the aircraft crew may present alcoholic drinks to any person on board the aircraft.

### **Chapter - Eight**

#### **Inspection of Air Transport Operations and Aerial works**

##### **Article 166: Inspection and implementation control :**

1. The Authority shall carryout inspection of air transport operations and monitors implementation of inspection requirements and the Laws, regulations and rules prescribed in this regard. For this end, the Authority shall appoint inspectors specialized in air transport affairs, navigation inspection, flight and Pilot Inspectors and the aircraft airworthiness inspections.
2. The Inspectors referred to in this article shall enjoy the status of a judicial enforcement capacity.
3. The Authority shall determine the rules and measures for the inspection system of air transport operations and aerial works as well as the powers and duties of the inspectors.
4. The Authority shall inform the aircraft operator whose aircraft has been inspected of the results of the inspection and its comments so that the compliance to be carried within the period specified by the Authority.
5. If through inspection it was proved that the level of operation is not in conformity with operation requirements, Laws, rules, regulations and instructions issued in this respect, the Authority may suspend any flight or flight route operated by the operator.

##### **Article 167: Aircraft Inspection, prevention from flight and detention of its documents.**

1. When necessary the Authority may inspect aircraft, prevent them from flight or withhold any of their documents pursuant to the Authority entrusted to it to undertake control of the implementation of the rules of this Law throughout the Republic.

2. The Authority shall specify its representatives who undertake inspection of aircraft, prevent their flight and determine any of their documents if such action is needed to control the implementation of the rules of this Law. These persons must be from among those officials who enjoy judicial enforcement capacity.
3. The Authority shall determine the regulations and procedures necessary for carrying out inspection, prevent flight and detain any documents to control implementation of the rules of this Law.

## **Part – Ten**

### **Air Transport, General Aviation and Ground Services.**

#### **Chapter - One**

#### **General Provisions**

**Article 168: Air transport policy:**

The Authority's Board of Directors shall undertake the general air transport policy and supervise its implementation after approval which ensures achieving the following:

- 1- The high State's interests, the national economy interests, tourism and foreign trade.
- 2- Develop the civil aviation facilities in an economic and effective manner ensuring the civil aviation safety and security and keep up with the international and regional changes in air transport industry.
- 3- Promoting the investment in air transport industry.
- 4- Raising the efficiency of air transport services to achieve in a balanced manner the requirements of the users on the one hand and the interests of the investors in such services on the other.
- 5- Provide the competitive environment between the Yemeni Airline Companies to ensure the capability of the Yemeni Companies to

provide their services on the international air routes fairly and equivalent with the services that provided by the foreign companies.

- 6- The Authority's Board of Directors carries out a review and development for such policy in light of the global developments in the field of international air transport in a manner that ensures the continuity of such policy and its adaptation to future requirements.

**Article 169:** Commitment to air transport policy :

The national air carriers and civil aviation operators must commit to the general policy of air transport and act for the achievement of the objectives contained therein.

**Article 170: Ruels and Regulations of Air Transport :**

The civil aviation authorities must issue, publish, follow-up and revise the regulating rules for scheduled and non-scheduled air transport, general aviation, airports and air traffic, etc. to meet the confrontation of the actual needs and requirements of air transport, tourism, foreign and home trade and the beneficiary public.

**Article 171: Adherence to the regulatory rules of air transport :**

All National and foreign airlines and general aviation companies, travel and cargo agents, air transport and aviation services providers and airports must act in accordance with the rules regulating their services that are approved by the civil aviation authorities and abide by all the provisions contained therein.

**Chapter - Two**  
**Air Transport Rights**

**Article (172): Exchange and granting of commercial air transport rights:**

1. Commercial air transport rights are considered to be sovereign rights prescribed for the government of Yemen pursuant to its sovereignty over its airspace, and may, through the civil aviation authorities, issue permits to national air carriers to exploit such rights according to the conditions that are determined therein.
2. The Authority is the only one entitled to conclude bilateral or unilateral agreements for international air transport, and conclude any agreements or make any arrangements or adopt any measures related to the

exchange of commercial air transport rights with any foreign agency.

3. It is not permitted for other than the Authority to negotiate with foreign states to conclude scheduled and non-scheduled air transport agreements or any other agreements related to the exchange or granting of international air transport rights.

**Article 173: Provision of air transport rights :**

The Authority must provide air transport rights necessary for supporting the airways network that link the Republic with foreign states and, in particular, to the vital centers of international air transport movement, while giving due regard to the high national interest and national economy, tourism, foreign trade interests and the economics of operating air services, and the economic equality of exchanged rights.

**Article 174: Cancelled**

**Article 175: Agreements and arrangements between the national and foreign Air Carriers:**

1. It is not permissible for the national air carriers to conclude agreements or conduct commercial arrangements between them and a foreign air carrier related to regular operation of air services or joint operation or investment except after obtaining the approval of the Authority. They must abide by all that is determined by the Authority of rules and conditions in this respect.
2. The Authority may participate in the capacity of an observer during the negotiations to conclude agreements and arrangements referred to in this article, whenever the matter should so require.
3. The national air carrier must submit what has been concluded of agreements and arrangements in this respect to the Authority for endorsement, the execution of any of

these agreements or arrangements is not permitted, except after their endorsement by the Authority.

**Article 176: Monitoring of air transport activity:**

The Authority must monitor air transport activity undertaken by the national and foreign carriers, also monitor the commitment of the foreign carriers by the air transport rights granted to them in accordance with a bilateral agreements or a temporary authorization.

**Chapter - Three**

**Air Transport, General Aviation And Ground Service Authorizations**

**Article 177: Air Operator certificate for Aviation activities :**

It is not permissible to begin any activity in the fields of air transport, aerial works or ground services except after obtaining an air operator certificate from the concerned sector at the Authority.

**Article 178: Authorizaion to Operate Scheduled International and Domestic Air Transport Services:**

1. It is not permissible to operate a scheduled international or domestic flight to and from the territory of the Republic, or through its airspace except by permit or authorization issued by the civil aviation authorities, and in accordance with the rules and conditions stipulated in such permit or authorization.
2. National and foreign air carrirs may not operate its services on the specified route except after obtaining the necessary operation permits or authoriztion, and meeting the technical conditions and requirements thereof, and approve schedules for their flights, and after approving fares and rates to be applied thereto.
3. It is not permissible to operate additional flights on regular routes except in accordance with a permit from the Authority.

**Article 179: Non-scheduled air transport permits:**

1. No aircraft is allowed to undertake non-scheduled flight for reward to embark or disembark passengers or goods or

mail within the territory of the Republic except with a prior permit from the Authority, and pursuant to the rules, provisions and conditions related to such non-scheduled flights.

2. The operator or the owner of the aircraft must take adequate security measures to ensure the safety of the aircraft and the passengers, baggage, cargo and mail on board, and shall inform the Authority of the specified aviation security program and the measures adopted for the sake thereof.

**Article 180: General Aviation Authorization:**

No national or foreign aircraft may undertake any general aviation flight inside the territory of the Republic except after obtaining a special permit issued by the Authority after its approval by the Air Defense and Air Force operations departments, the operations department of the Armed Forces and the consent of the concerned authority.

The operator or owner of the aircraft undertakes to give due regard to the provisions of the Laws, regulatory rules and the conditions and restrictions contained in the permit, in particular the specified air routes, approved flight levels, zones and schedules prescribed for conducting permitted flight operations and the places that are prohibited in the manner shown in the permit.

**Article 181: Aviation Ground Services Licenses :**

1. It is not permissible to undertake any ground services for flight except after obtaining a permit from the civil aviation authorities. This shall apply to the national and foreign air carriers and others.
2. The Authority may grant the national air carrier the right to invest in air transport concessions to undertake the necessary ground services for any other foreign airlines.
3. No foreign air carrier is permitted to undertake ground services for another foreign air carrier.

**Article 182: Withdrawal, suspension or restriction of permits and Authorizations:**

The civil aviation authorities may withdraw, suspend or restrict any permits or authorizations granted pursuant to this Law in the following cases:

- a. In the case of violation of any of the international treaties on civil aviation ratified or acceded by the Republic or any of the provisions of the bilateral agreements concluded with foreign states.
- b. In the case of a violation of the civil aviation Law or its regulations or Laws and regulations in force in the Republic.
- c. In the event of a violation of the provisions or conditions stipulated in the issued permits or authorizations.
- d. If the matter should require ensuring the safety of flights or for reasons related to a state of war, public security or exceptional circumstances.
- e. In the event of not exercising the permitted or authorized activity for a period which the civil aviation authorities consider sufficient to abandon the application for a permit or authorization.

#### **Chapter - Four Operation of Air Services**

##### **Article 183: Operation of Air transport Services :**

1. National air carriers shall operate their regular international and domestic air services in the permitted routes according to a schedule approved by the Authority. They may also operate additional flights or non-scheduled ones to meet the demand for air transport traffic after obtaining the necessary permits thereof from the Authority.
2. With regards to the the national air carrier, the provisions of this Law as well as all other national Laws in force shall apply to the operation of their flights.

##### **Article 184: Operation of regular international flights by foreign Aircraft :**

The foreign airlines designated by the states parties to the bilateral and multilateral agreements concluded with the Republic are authorized to operate their regular international air services on the specified route, pursuant to the provisions contained in such agreements. This shall be in the manner

detailed in on the specified routes attached thereto and within the context of the transport rights granted and the specified points and the capacity offered in terms of the number of flights and the capacities of the types used and any restrictions or conditions imposed therein.

**Article 185: Fulfilling operation conditions and requirements:**

National or foreign air airlines may not operate their air services except after obtaining the operation permit or authorization referred to above. They must meet the technical conditions and requirements related to operation, approve the schedules for their flights in accordance with the prescribed routes and airways and the conditions and restrictions imposed on them, and after approval of the transport tariffs in accordance with the provisions determined in this respect.

**Article 186: Establishment, amendment or cancellation of scheduled air services:**

National and foreign airlines must obtain prior approval of the civil aviation authorities for the establishment, amendment and cancellation of any of their air services or amendment of the number of flights that they operate.

**Article 187: Economic and technical studies of services and types of new aircraft:**

Before opening any new air service they desire to operate or use a new type of aircraft the national airline must carry out comprehensive economic and technical studies for such services or types, and approving the results and recommendations of such studies by the civil aviation authorities.

**Article 188: Commercial domestic air transport :**

Foreign aircraft may not undertake transportation of passengers, goods or mail between two points falling within the territory of the Republic. However, the civil aviation authorities may permit such transportation if public interest so requires, and after the approval of the Minister.

**Article 189: Transportation of air mail:**

1. The concerned mail authorities shall supervise over the transportation of airmail.
2. Laws in force in respect of surface mail shall apply to the transportation of air mail, unless otherwise the contrary thereto is stipulated.

3. The provisions of international agreements related to air mail ratified or acceded by the Republic must be complied with.
4. Air carrier must transport air mail designated for it by the mail authorities in accordance with mail and air transport rules adopted in this respect.
5. The following order must be given due regard in air transportation: passengers, mail, baggage and cargo.

**Article 190: Government orders:**

National and foreign air carriers shall abide by all orders issued to them by the civil aviation authorities and in particular, orders related to the following:

- a. Operation of any or a number of air services.
- b. Inspection of offices and installations of airlines and examine their documents and papers.
- c. Issuance of free and discounted travel tickets.

**Article 191: Civil aviation statistics:**

All national and foreign air carriers must abide by furnishing the Authority with all that it requests of information, data, time schedules, statistics on operation of airlines and general aviation. It must also be furnished with what is issued of statistical reports and other such periodic and annual reports related to their activity and the results of their operations.

**Article 192: Foreign employees in Airlines and General Aviation:**

Taking into consideration the Laws, rules and measures in force in the Republic prior approval of the civil aviation authorities must be obtained in respect of appointment of any foreign employees at the airline and general aviation.

**Chapter – Five**

**Air transport fares and rates and conditions related thereof**

**Article 193: Cancelled.**

**Article 194: Cancelled.**

**Article 195: Cancelled.**

**Article 196: Cancelled.**

**Article 197: Cancelled.**

## **Chapter - 6**

### **Airlines, travel and Air cargo agents' offices**

#### **Article 198: Offices of Airlines:**

1. It is not permissible to open any offices of the airlines inside the territory of the Republic whether they run air services or not to and from the Republic except after obtaining a permit thereof from the Authority.
2. The Authority grants permits to open Arab and foreign airlines offices in accordance with the provisions of air transportation agreements concluded between the Republic and the states of those airlines based on basis of reciprocity with regards to the conditions necessary for that and the type and scope of the facilities provided.
3. The offices of the Arab and foreign airlines are subject to the Laws, regulations and regulatory rules in force and, in particular, those related to the entry, exit and residence of their employees in the Republic as well as the work regulations and permits related to them.
4. All airlines' offices must furnish the Authority with monthly and annual statistics on the air transport traffic on all air services sectors related to their operations to and from the Republic on a regular and detailed manner.

#### **Article 199: Travel and air cargo agents' offices:**

1. No airline or establishment may undertake agency work for airlines except by a special permit issued by the Authority. Such permits are not granted except to the previously accredited national establishment and airline that are recorded in the Authority's records.
2. No foreign airline may undertake agency work in its various forms inside the territory of the Republic for any other foreign airline, even if it has the same nationality.
3. Foreign airlines that are permitted to open offices inside the territory of the Republic must not assign an agency to undertake its work except to a national installation or establishment accredited by the Authority.
4. It is not permissible to register air transport and cargo agency offices in the Commercial Register of the concerned ministry except after obtaining a license from the civil aviation authorities granting them the right to perform their commercial activity in the field of air transportation.

5. The Authority grants permits to the offices of travel and air cargo agents after completion of documents evidencing their financial, commercial and organizational competence and verification of the financial guarantees appropriate to the volume of its actual activity.
6. All offices of travel and air cargo agencies must file with the Authority fares and rates which they collect from passengers and cargo shippers as well as all that relates thereto of conditions and specifications.

## **Chapter - Seven Control and Inspection**

### **Article 200: Air transport inspectors:**

1. The Authority must appoint control and inspection officials on the air transport and general aviation, the offices of airlines and the air travel and cargo offices to verify observation for the provisions and conditions of the permits granted to them.
2. The air transportation inspectors shall have the status of judicial enforcement capacities, and they shall have the absolute right to request perusal and inspection of air transportation and general aviation and the accounts, documents and registers of the airlines and the travel and air cargo agents.

### **Article 201: Obligations of Airlines, Air Travel and Air Cargo Agents:**

1. The airlines and the air travel and cargo agents shall undertake to facilitate the task of the air transportation inspectors and assist them in carrying out of their duties. They also undertake to meet their requirements for any data, reports, copies or extracts of documents, registers, books and papers related to their activity.
2. All airlines and air travel and air cargo agents shall undertake to maintain documents, registers, books and papers referred to in the preceding paragraph for a period of not less than three years from the date of completion of transactions, works or operations related thereto.
3. Airlines and air travel and air cargo agents operating in the Republic are prohibited from making any duped reservations for any of the passengers, and that all reservations should be confirmed and genuine.

**Article 202: Prohibited Acts:**

No person is allowed to commit any of the following acts:

- a. Prevent, obstruct or threaten the representatives of the Authority or the air transportation inspectors in a manner that prevents them from exercising their powers granted to them in accordance with the previously mentioned articles.
- b. Refrain from or neglect the quick response when responding to the Authority's requirement related to the exercising of its responsibilities and powers in the field of control and inspection.
- c. Give the Authority or its representatives or air transportation inspectors' incorrect or misleading information concerning the matter under investigation.

**Article 203: Establishment of Violations:**

The Authority must undertake all measures to establish the facts of the violation and adopt whatever is necessary in this respect in accordance with the Law.

**Part - Eleven  
Civil Aviation Charges**

**Article 204: Determination of charges:**

- 1- The Authority shall support the civil airports efficiency and upgrade their infrastructures thereof the Authority is also, in charge of the operation, maintenance and management of the Civil Airports, in accordance with established international standards and the pre-requisites of economic operations for the International and Local Air Transportation sector. To achieve such goals, the Authority is delegated with all rights pertaining to the establishment and collection of fair and just fees to cover the costs resulting thereof.
- 2- The Authority shall propose the Civil Aviation Fees in return for the services and facilities provided by the Authority in the following fields; such will be determined through a regulation to be issued by the Prime Minister:
  - (a) Landing, parking and housing of aircraft.
  - (b) Air Navigation services and facilities to secure aviation safety.

- (c) Services and facilities for passengers, goods and mail traffic.
- (d) Other services and facilities that is necessary for airports operation.
- (e) Buildings and Estate Lands Leasing.
- (f) Utilization of utilities, services and equipment in airports.
- (g) Registration of aircraft, issuance or validation, and/or renewal of Certificates of Airworthiness.
- (h) Approving Aircraft Maintenance Organizations, fuel inspection laboratories and aviation services suppliers and logistical agencies.
- (i) Issuance of licenses, authorizations, permits and testing procedures without affecting the rights of other bodies by issuing other licenses imposed by the Laws.
- (j) Any other fees and levies in return for other services or facilities provided.

**Article 205: Controlling Measures Pertaining to the Determination of charges:**

The civil aviation authorities shall, upon preparation of the aforementioned fees in the preceding article consider the following:

- (a) Simplification of fees/levying system and convenience of the general applications in various international airports.
- (b) Fairness of the fees, and refraining from imposing exaggerated fees in a manner that discourages users of airports services to utilize the necessary facilities and services that are needed to secure aviation safety.
- (c) Avoid distinction disparity between National and Foreign Air Transportation Airlines working in the same field of the international air services network.
- (d) Exemptions or discounts granted to any user with respect to airports fees and navigation services should not result in imposing severe additional burdens with respect to other remaining users.
- (e) Establish fees within the standards that would, to the extent possible, secure covering the overall economic costs for the airport and the navigation services and facilities as well as the invested capital costs and assets depreciation, operation, maintenance and administrative costs from the airport revenues returns, whether such revenues that are related to aviation or not, with consideration to the following:-
  - (1) Aircraft operators and other users from the airport services shall not bear any fees in return for services or facilities that are not benefited by them. To accomplish such aim, all costs related to

institutions, services or facilities that are leased to other parties are to be excluded.

- (2) Assure fair distribution of costs upon all users of the airport and navigation services and facilities whereby no beneficiary is to bear additional financial burdens for any benefit utilized by others.

**Article 206: Exemptions and Discounts with Respect to charges:**

The authority shall establish and specify the cases in which fee exemptions shall be granted with respect to landing, parking, and housing and other navigation services. Furthermore, the Authority shall decide on the cases pertaining to grants of discounts on fees for landing, parking and housing guided in this by international regulations applied in this regard.

**Article 207: Aviation Fee Regulations:**

The Authority shall collect the civil aviation fees in return of services and facilities provided in the fields stipulated in Article (204), according to the provisions of the Civil Aviation Fees Regulations.

**Article 208: Increase of Fees Rates:**

- 1- Fees rates stipulated in the Civil Aviation Fees Regulation may be increased by a resolution adopted by the Board of Directors of the Authority to meet the increase in costs of airports operation, maintenance and development and cope with the prevailing levels of civil aviation fees in the international practice. However, such an increase shall not exceed thirty percent (30%) annually and as clarified by fees regulations.
- 2- Decisions pertaining to the aforementioned amending civil aviation fees shall come into force after thirty days from the date of publication thereof.

**Article 209: Fees Payment:**

- 1- The operator of the aircraft shall be responsible for the payment of fees with respect to landing, parking and housing in the cases of commercial air transportation, whereas the pilot shall be responsible for payment of the aforementioned fees in all other cases. Such fees shall be paid before the aircraft's take-off, or by establishing monthly accounts with respect to the permanent users of airport services. Such accounts are to be settled on a monthly basis.

- 2- The operator and the pilot of an aircraft, either collectively or individually shall undertake to settle the navigation services fees in all other cases by means of written warranty. All aircraft shall not be permitted to enter the territory of the Republic unless a written or cable warranty is available whereby an undertaking is included to pay the imposed fees from the period of thirty (30) days from the date of notification of settlement in the Republic, and forty five (45) days abroad. In the event, whereby, due fees are not settled in the stipulated period, an additional fees of fifty percent (50%) shall be collected. Another five percent (5%) shall be added for each other elapsing period, unless it is force majeure prevented such situation .
- 3- In the event other due fees are not settled within the stipulated date for payment an additional fees of fifty percent (50%) shall be collected. Another five percent (5%) shall be added for another elapsing period unless it is prevented as result of force majeure.

**Part – Twelve**  
**Aircraft Accidents and Incidents**

**Chapter One**  
**Notification on Aircraft Accidents and Incidents**

**Article 210: Aircraft Accidents in the Territory of the Republic:**

- 1- The local authorities shall, upon knowing about any aircraft accident within the region of its jurisdiction, notify the civil aviation authorities of such an accident.
- 2- In the event of any aircraft accident, the pilot or the members of the crew shall immediately report their case to the civil aviation authorities, so long their condition allows for such action.
- 3- Aircraft pilots shall, immediately, report any aircraft accident they may observe from the air in the course of their flight to the civil aviation authority.

**Article 211: National Aircraft Accidents Beyond the Territory of the Republic:**

Aircraft operators or owners, or other persons acting on their behalf, shall notify the civil aviation authorities of any accident that may occur to any of their aircraft outside the territory of the Republic once they become aware of such accident.

**Article 212: Foreign Aircraft Accidents in the Territory of the Republic:**

In the event, whereby, the civil aviation authorities becomes aware of any accident that may occur to foreign aircraft in the territory of the Republic shall immediately notify the following:

- (a) State of Registration
- (b) State of aircraft manufacturer
- (c) State of the aircraft operator or owner in the event the state is other than the state of registration.
- (d) The state that is affected by the results of the accident.

**Article 213: Incidents of the National Aircraft:**

- 1- Directors of Airports and pilots, operators and owners of aircraft shall report to the civil aviation authorities of any incidents that may happen to their aircraft once they occur.
- 2- The civil aviation authorities shall determine which aircraft incidents shall be reported.

**Chapter - Two  
Responsibility and Duties**

**Article 214: Duties of the Local Authorities:**

- 1- The Local Authorities shall safeguard the crushed aircraft or any parts thereof and all belongings therein or wreckage, and shall not move it from its position, unless it is intended to save humans, or extract valuable objects or postal mail or for the purpose of firefighting, or if the aircraft or its wreckage thereof posed a danger to air navigation or other transportation means. Such measures are to be taken until the arrival of the Investigation Committee and issuance of its instructions in this respect. In all cases, and whenever possible, it is preferable to take photographs for the wreckage before moving it totally or partially or altering its position.
- 2- Security Authorities and Administrative Bodies, each in its respective authority, shall take necessary measures to facilitate the work of the Investigation Committees, particularly in providing the committees with all official papers, which they prepare on accidents. Furthermore, the Security

Authorities and Administrative Bodies shall conduct various rescue and emergency ambulance work, transport injured persons, fire extinguishing and pick up the dead bodies, while preserving the traces of the accident. In addition, the aforementioned bodies shall implement any instructions issued by the Investigation Committees in order to facilitate their respective tasks.

**Article 215: Duties and Responsibilities of the Civil Aviation Authorities:**

- 1- The civil aviation authorities shall establish a system pertaining to investigations in aircraft accidents and incidents, and system for committees formation, rules that shall be followed to conduct the investigation in such accidents and incidents, methods of reporting them as well as the methods of eliminating their impacts, and all other rules that shall be adopted by the concerned bodies and others upon occurrence of such accidents, including reservation the flight and voice records in the control cabin with due regard to international rules thereof.
- 2- In the event any accident occur to a national or foreign aircraft in the territory of the Republic, or to a national aircraft in the high seas or in territories that are not owned by any state, the civil aviation authority must, in the light of the preliminary information available on the accident, notify the Minister, and promptly issue a resolution to conduct an investigation on the circumstances and reasons that led to the accident, not carrying out such investigation or otherwise be content with the available information. In the event of the latter case, a justification report shall be submitted to the Minister.
- 3- The Investigation Committees shall carry out investigations and submit the reports on the cases and circumstances pertaining to accidents and incidents they are investigating with a statement showing the reasons thereof and publication of the investigating results. Furthermore, the civil aviation authorities shall provide the necessary recommendation to avoid repetition of similar accidents and incidents to ensure the safety of aviation in the future. The civil aviation authorities reserve all the records and documents pertaining to the distressed aircraft and which are not available on board.
- 4- In the event whereby it becomes clear from the investigation and before publication of the results thereof that there were indications of one or more factors that threaten aviation safety, the civil aviation authorities must submit the necessary recommendations to the concerned bodies.
- 5- The civil aviation authorities may issue a resolution provided with causes to repeat the investigation process in any of the aircraft accidents in the event whereby new significant evidence or data are discovered and such evidence or data that were not known to the committee that conducted the investigation.

- 6- The Minister may issue a resolution provided with causes to repeat the investigation process in any of the aircraft accidents in the event whereby new significant evidence or data are discovered and such evidence or data that were not known to the committee that conducted the investigation.

### **Chapter - Three Investigation Committees**

#### **Article 216: Formation of the Investigation Committees in Aircraft Accidents and Incidents:**

- 1- The Authority shall form investigation committees in aircraft accidents and incidents provided that the minimum number of the committee members shall not be less than three. The Committee may seek the assistance of specialized experts, whether from the country or abroad, to participate in the investigation process in the capacity of consultants. The Authority shall provide the expenses, travel allowance and remunerations for the members of the committee and those consultants. Furthermore, the Authority shall meet all the respective costs pertaining to expenses needed to conduct air tests, practical tests or technical researches that may be required by the circumstances of the accident.
- 2- Members of the Committee shall not be discharged during the investigation process unless a reasoned resolution is issued.

#### **Article 217: Joint Investigation Committees:**

In the event whereby a collision accident occurs between one or more military aircraft with one or more civil aircraft, consideration is to be made to include equal numbers of representatives of the civil aviation authorities and the Military Air Force Authorities in the Investigation Committee.

#### **Article 218: Representation of the Republic in Investigations of Accidents that Occur to a National Aircraft abroad:**

In the event whereby an accident occurs to a national aircraft in the territory of a foreign state, the Authority must send a consultative committee to participate in the investigation process conducted by the authorities of such foreign state in the capacity of observers.

#### **Article 219: Permitting the Representatives of the State to participate in the Investigation Process:**

- 1- Investigations in national aircraft accidents in the territory of the Republic may be attended and participated by a representative from:
  - (a) The state of the operator in the event whereby the operator is not of Yemeni nationality.
  - (b) The state of the aircraft manufacturer, in the event whereby the investigation in the accident is related to issues affecting the airworthiness of the aircraft the representative of the state has the right to accompany one or more consultants to assist him in the investigation process.
  
- 2- In the event whereby an accident occurs to a foreign aircraft in the territory of the Republic, the states mentioned hereunder have the right to nominate a representative thereto to participate in the investigation process, in the capacity of observers, and may seek the assistance of one or more advisors:
  - (a) The state of registration.
  - (b) The state of the operator.
  - (c) The state that contributes with information that benefits the investigation process, in the event it is requested to do so.
  - (d) The state of the aircraft manufacturer, in the event whereby it is considered that its contribution in the investigation process is necessary.
  
- 3- Representatives of states participating in the Investigation Process shall be granted the following rights:
  - (a) Visiting the site of the accident.
  - (b) Inspecting the wreckage.
  - (c) Questioning and interviewing the witnesses.
  - (d) Reviewing all evidences related to the accident.
  - (e) Obtaining photocopies of all documents that are closely related to the accident.
  - (f) Submit written observations concerning various elements of the investigation process.

**Article 220: Relationship of the aircraft Accident with a Crime:**

In the event it is evident to the committee that the accident was the result of sabotage act or suspect in sabotage crime, it must notify the public prosecution in order to take the necessary legal actions in this respect.

**Article 221: Powers of the Investigation Committees in aircraft Accidents:**

- 1- The Aircraft Accident Investigation and Prevention Officer at the Authority, his assistants and members of the investigation committee shall enjoy the status of judicial enforcement capacity. In such capacity, they shall enjoy the right to enter the site of accident and other places that are related to the accident and benefit the investigation, and have the right to inspect and conduct relevant tests to the aforementioned places. Furthermore, they shall review documents, records, references, diagrams and papers, and preserve any of the objects that may be considered vital and significant to the investigation. They may summon people, interview witnesses and request them to submit any information, papers or objects they may possess, which in the opinion of the committee are necessary to reach the truth. The committee may take necessary actions to preserve the aircraft or its wreckage, and its load and parts, and transport it, in whole or part thereof, in order to conduct the necessary tests thereon.
- 2- Any person or persons who enjoy special expertise and are citizens of the Republic who render assistance in the investigation process shall acquire the status of judicial enforcement capacity. In this capacity, they shall exercise the rights stipulated in the aforementioned paragraph of this article within the limits of the assigned work that are related to the tasks of the committee and delegated by the Chairman of the Accident Investigation Committee.

**Chapter - Four**  
**Report of the Investigation Committee**

**Article 222: Reports Submission and Notification:**

- 1- The Investigation Committee shall submit reports on the accident, and relevant reasons and circumstances thereof to the Authority. The report and its results shall be forwarded, after being certified by the Authority and notification of the Minister, to the concerned countries and bodies in accordance with paragraph (2) of this article. Except in cases whereby the Authority decides not to publish the reports, individuals and bodies may obtain copies of the reports upon settlement of the established fees.
- 2- Notification of the report of the committee shall be in the following manner:-
  - (a) With respect to the national aircraft accidents, reports shall be notified to the following:-

- i- The state or states that have been afflicted in some of its/their citizens, as a result of the accident.
  - ii- The International Civil Aviation Organization.
- (b) With respect to the foreign aircraft accidents in the territory of the Republic, report on the accident and results thereof shall be submitted to the following states:
- i- The state of Registration
  - ii- The state of the operator.
  - iii- The state of the aircraft Manufacturer.
  - iv- The state that submitted information to the benefit of the investigation.
  - v- The state or states that have been afflicted in some of its/their citizens as a result of the accident.
  - vi- The International Civil Aviation Organization.
- (c) With respect to the incidents: Reports on incidents may be submitted to the states that have direct interest, in the event it is characterized by a special importance. Furthermore, data on aircraft incidents, whereupon the weight thereof exceed 5,700 kilograms may be forwarded to the International Civil Aviation Organization.
- (d) With respect to the foreign aircraft accidents in the territory of the Republic, the Authority may, before publishing the final report on the accident, send a draft letter to the following states:-
- i- The state of registration.
  - ii- The state of the operator, if other than the State of Registration.
  - iii- The state of the aircraft Manufacturer.

Furthermore, the Authority may invite such states to submit their comments on the contents of the report. In the event, the Authority did not receive a response within a period of sixty (60) days, it may consider that

the states have implicitly approved the report, and shall assume in the process of its publication thereof in the nearest chance. Accordingly, the Authority shall notify the concerned countries and bodies provided in paragraph (2“b”). Whereas, in the event the Authority received remarks and comments within sixty (60) days from dispatch of the draft, the Authority may modify its report in the lights of such comments, whether in whole or in part. Moreover, it shall place the comments that are not approved by the Authority in an Annex at the end of the Report.

**Article 223: Authoritativeness of the Proceedings of the Final Report of the Investigation Committee:**

The facts that are outlined in the Final Report of the Investigation Committee in an aircraft accident shall be considered true, correct and authoritative, unless proved otherwise.

**Part - Thirteen  
Search and Rescue**

**Chapter - One  
General Provisions**

**Article 224: Meaning of Search and Rescue:**

Search and rescue refers to any assistance provided, even by submitting mere information that an aircraft is facing an accident, or threatened by any danger or difficulties, or there is suspicion or fear with respect to its safety; this includes any assistance rendered to its passengers.

**Article 225: Undertaking to Provide Search and Rescue Assistance:**

Any person or body may not refrain from providing any assistance pertaining to search and rescue within their

capabilities, in the event the concerned authorities requested them such assistance whereby the nature of their work enabled them to provide such assistance.

**Article 226: Preservation of Traces of the Accident:**

No person is allowed to remove any part, piece of the aircraft that was subjected to accident, or disfigure any trace of the accident, unless such an act was important for rescue works or according to a permit from the civil aviation authorities. The Search, Rescue and Guarding Units shall monitor the implementation thereof until completion of information collection that is necessary for investigation in the accident.

**Article 227: Enforcement of the aircraft Nationality Law:**

In the event an aircraft exists in a place that is not subject to the sovereignty of any state, the aircraft Nationality Law, with respect to the aircraft under search, rescued or salvaged, shall be enforced with respect to the obligations resulting from the search and rescue or salvaged.

**Chapter - Two**  
**Duties of the Concerned Authorities with respect to**  
**Search and Rescue**

**Article 228: Organization of the Search and Rescue:**

- 1- The Authority shall establish a Center to coordinate the Search and Rescue and determine the regions of search and rescue, and shall take necessary steps for notification thereof.
- 2- The Search and Rescue Center that is affiliated to the Armed Forces shall be considered a major center that is responsible for search and rescue works in coordination with any other centers to be specified by the Authority.

- 3- The Authority shall take the necessary arrangements for coordination and cooperation with other states, particularly in states neighboring the Republic with respect to search and rescue.
- 4- The Search and Rescue Center and Unit shall always be ready and willing to conduct the assignment in accordance with the established plans.

**Article 229: Permission to enter prohibited Areas for Search and Rescue Purposes:**

The concerned authorities shall permit persons and aircraft conducting search and rescue works to enter any prohibited areas in the event there is any possibility that the aircraft is to be found in these areas. However, such operations are to be conducted under the supervision of the concerned authorities.

**Article 230: Permission to enter the Republic for Search and Rescue Purposes:**

The concerned authorities shall, immediately, grant permissions to the concerned people, equipment and aircraft to enter the territory of the Republic on temporary basis within the limits that are deemed necessary by the civil aviation authorities for such operations.

**Chapter - Three  
Compensations and Rewards for  
Search and Rescue Works**

**Article 231: Reclaims, Compensations and Recovery of Expenses:**

Any assistance rendered in the course of search and rescue in accordance with the provisions stipulated in this chapter gives right to recover the expenses resulting from the assistance process, and compensate for damages that occurred during such operations or those being a direct result thereof, including death.

**Article 232: Limits of Compensations and Expenses:**

In no circumstances shall the expenses and compensations referred to in the previous article exceed the value of the aircraft immediately before the occurrence of the accident.

**Article 233: Rights of the Person Rendering Assistance Without Obligation:**

In the event whereby search and rescue assistance is provided without being the result of work obligation, the assisting person shall have no right to claim compensation, unless he succeeded in achieving positive results in rescuing persons or contributed in their rescue.

**Article 234: Rewards Pertaining to Rescue of Persons:**

- 1- In addition to the expenses and compensations referred to in this chapter, any person rescuing one person or several persons is entitled to a reward that shall not exceed the maximum limit established for rescuing one person and maximum limit of the total compensation established for rescuing several persons. The assisting person who did not succeed in rescuing any person is also entitled for a reward not exceeding the maximum limit established with respect to rescuing one person.
- 2- In the event whereby search and rescue assistance is provided by a number of aircraft or a number of persons, and the total payable rewards exceed the maximum limit established in the earlier paragraph, the ratio of the rewards shall be reduced in accordance with the number of the rescued persons.

**Article 235: Rewards Pertaining to Rescue of the aircraft and the properties on Board:**

In addition to the expenses and compensations referred to in this chapter, any person succeeding in rescuing an aircraft and properties on board the aircraft is entitled to receive a reward, the value thereof shall be established in accordance with the following criteria:

- (a) Success achieved and efforts exerted by the rescuer, difficulties faced, dangers encountered and the time spent in the rescue process by the salver.
- (b) Value of the aircraft and amounts of properties salvaged. However, the rescue compensation shall not exceed the value of the aircraft and amounts of properties salvaged.

**Article 236: Right of Salver of Persons with respect to Rewards of salvaging properties:**

In the event whereby the rescuer succeeded in rescuing persons and property together, the salver of persons shall be entitled to receive a fair ratio of the reward granted for rescuing property.

**Article 237: Loss of Right in Compensations and Rewards and Recovery of Expenditures:**

No payment is due for compensation, recovery of expenditures or rewards in the event whereby the search and rescue assistance is rendered in spite of the explicit and reasonable objection expressed by the salved person.

**Article 238: Mail Cargos:**

Items that are transported in accordance with the regulations governing mail conventions or other pacts pertaining to postal mail affairs will be regarded as property as intended upon in this Part.

**Article 239: Obligations of the Assisted Aircraft Operator:**

The operator of the assisted aircraft shall undertake to return all expenses pertaining to search and rescue assistance, compensations and rewards resulting thereon.

**Article 240: Assistance rendered by the Owner of the Assisted Aircraft:**

The aforementioned expenses, compensations and rewards referred to in this chapter shall deserve payment, even if the assisted aircraft is owned by the Assisting Person.

**Chapter - Four  
Law Suits Pertaining to Search  
and Rescue Operations**

**Article 241: Competent Courts with Search and Rescue Operations Law Suits:**

The court in place of occurrence of the accident is concerned with adjudicating Lawsuits that may arise as a result of search and rescue. However, in the event whereby the accident occurred in the high seas, or in any place that is not subject to the sovereignty of another state, the primary Court in Sana'a city shall be responsible, in the following cases:

- (a) In the event whereby the relevant aircraft looked for or rescued is registered in the Republic.
- (b) If the aircraft that was searched for existed after the accident in the territory of the Republic.
- (c) In the event the claimant is a citizen of the Republic.

**Article 242: Time Limitation of Law Suits concerning Search and Rescue Operations:**

- 1- Lawsuits resulting from Search and Rescue are abated upon expiry of two years from the date of termination of the search and rescue operations.
- 2- In the event conditions of prescriptions are suspended or terminated, such Lawsuits will not be accepted upon the expiry of three years from the date of termination of the search or rescue operations.

**Part - Fourteen**  
**Aviation Security**  
**Chapter - One**  
**Protection of Airports and Aircraft, and**  
**Air Navigation Services and Facilities**

**Article 243: Precautionary Measures:**

The civil aviation authorities are obliged to take all precautionary measures to prevent committing acts and crimes that are committed against the security and safety of the civil aviation in the Republic, and such acts and crimes that are committed on board the national aircraft, in the light of the international rules related thereto.

**Article 244: Aviation Security Rules, Regulations, Procedures and Plans:**

- 1- The civil aviation authorities shall establish and monitor implementation of the necessary rules, regulations, procedures and plans to protect the aircraft, airports, appliances and equipment used for organizing air navigation and secure aviation safety in accordance with the international rules, regulations and procedures approved by the Republic, and particularly, the following:
  - (a) Necessary rules, regulations, procedures and plans to protect the civil aviation from unlawful acts that threaten securing the safety thereof, and application thereof in a manner that would secure minimum intervention or delay of the air transportation traffic.
  - (b) Adequate Systems that would secure effective supervision of individuals movement between passengers waiting buildings and the aircraft; protection of goods, belongings, postal mail, warehouses, transportation means between such buildings and the aircraft, and the loading areas in the parking area of the aircraft to avoid occurrence of any sabotage acts.
  - (c) Security services that are concerned with the protection of the civil aviation against any acts of unlawful interference acts, necessary coordination procedures and preventing persons and transportation means from entering into air traffic zones or any other regions that are important to airport security without valid authorization.
  - (d) Review and approval of security programs of aircraft' operators that are registered in the Republic so that to ensure that they are in compatible with the plans of the Airport Security.
- 2- No person is to be allowed to enter without permit into the airport apron, areas of air traffic, loading of aircraft, places of air navigation services and facilities, or any other areas that are important to secure the safety of aviation or airport security. Furthermore, it is prohibited to leave animals or objects in the aforementioned places that may lead in harming or affecting the safety of navigation.
- 3- The civil aviation authorities aim through the regulations of aviation security and controlling over the security levels up to securing the safety of the passengers and aircraft cabin crew that are using the airports of the Republic,

employees, public, airports and aircraft against actions of unlawful interference in civil aviation.

**Article 245: Right of Inspection:**

The Aviation Security Inspectors have the right to exercise the following:

- 1- Restrict or prohibit persons from entering into some areas in the airports.
- 2- Check the identities of persons and vehicles that have access to the airports, place them under observation and question any person under suspicion and inspect him if necessary.
- 3- Ascertain that passengers do not possess any arms, inflammable objects or any other objects that may be used that would subject the aircraft, the passengers or the goods to danger.

**Article 246: The Judicial Enforcement Capacity:**

The aviation security inspectors shall have the status of the judicial enforcement capacity, in the course of exercising their aforementioned authority referred to in the previous article.

**Article 247: Carrying Arms and Hazardous materials in the aircraft:**

- 1- No person shall be allowed to carry, without a permit from the civil aviation authorities, on board the aircraft, any arms, inflammable objects or any other objects that may be used in any sabotage or violent acts or threats during the flight.
- 2- In the event whereby it is deemed necessary to carry arms without ammunition. Any inflammable object or any other objects that may be used in sabotage or violent acts for the purpose of threat, the possessor of such object must hand it over to the representative of the operator before entering the aircraft. Such objects or arms shall be placed in the aircraft in a place, which is not accessible to passengers, and shall be returned to the person who handed it over upon termination of the flight and under the supervision of the competent authorities .

**Article 248: Air Mail Transportation:**

- 1- Postal mail or parcels that are dispatched by air shall not be transported, unless it is in accordance with the postal mail procedures and subject to provisions of the international agreements and conventions in which the Republic is party to.

2- Airmail or parcels may be searched in the event any suspicion arises whether they contain objects that might endanger the safety of the aircraft during its flight.

**Article 249: Jeopardizing the Safety of the aircraft to Danger:**

No person shall be allowed to lay or result in laying an apparatus or object in the aircraft in service or in goods or belongings or mail on board the aircraft, that may result in destroying or damaging the aircraft and so disables it from flying and so expose the safety of the aircraft to danger. To this effect, the civil aviation authorities shall take all necessary measures to avoid such a situation.

**Article 250: Damaging or Destroying the Appliances and Equipment:**

No person shall be allowed to cause any act that may, in any manner, lead to destroying or ruining any appliances or equipment used in providing services and facilities utilized in the organization of air navigation and securing the safety of aviation, and any action that may lead to jeopardizing the safety of the aircraft during flying. To this effect, the civil aviation authorities shall take all necessary measures to avoid such a situation.

**Article 251: Consideration of the Aircraft in Flying Position:**

The Aircraft is considered in flying position at any time from instant in which all external doors are locked after passengers have boarded the aircraft until the instant in which any of the doors are opened for passengers' departure. In the case of emergency landing, the aircraft continues to be considered in a flying position till the concerned authorities shall assume responsibilities with respect to the aircraft and persons and property on board thereof.

**Article 252: Consideration of the Aircraft in Service:**

The aircraft is considered in service from the start of preparing aircraft for flight by ground service workers or by the aircraft crew to conduct a specific flight until the passing of twenty four hours after the last landing of the aircraft. In any case, the service period extends throughout the period in which the aircraft is considered in flying position, as stipulated in the earlier article.

**Chapter - Two  
Powers Of Aircraft Captain  
And Crew Members**

**Article 253: Preventive and liberty restriction measures:**

The Aircraft captain may, if he finds out that a person has committed on board the aircraft one of the crimes stated in this Law or the International Conventions duly ratified or to which the Republic has acceded to or has commenced any act that endangers the safety of the aircraft, adopt against him such preventive measures or arrests such person as he deems necessary. He may order the rest of the crew to assist him therein. He may also request such assistance from the passengers or permit them thereof. However, he may not force them to do so.

**Article 254: Continuation of restriction of liberty and mandatory notification:**

1. The adoption of liberty restriction measures may not be continued to be imposed on a person in application of the provisions of the previous article beyond any point where the aircraft has landed, except:
  - (a) If such point lies within the territory of a non-contracting state and its authorities refuses the landing of such a person, or if such measures were taken for the purpose of enabling the handing over of the said person to the concerned authorities.
  - (b) In the event of a forced landing of the aircraft and the inability of the captain to hand over such a person to the concerned authorities;
  - (c) In the event of the consent of such person to continue his flight while under arrest.
2. As speedily as possible, the captain of the aircraft must notify the authorities of the state in whose territory the aircraft is to land that it is carrying an arrested person, and in accordance with the provisions of article (253), of the presence of such person aboard the plane and the reasons for his arrest, provided that such notification is to be made before the landing of the aircraft whenever possible.

**Article 255 : Right of aircraft captain to disembark and hand over the arrested person:**

- (1) Whenever necessary the captain may disembark the arrested person in accordance with the provisions of Article (253) and hand him over to the authorities or a Contracting State in which the aircraft lands. He shall also notify the authorities of that state about such incident clarifying its reasons before the landing of the aircraft whenever possible.
- (2) The captain of the aircraft must provide the authorities to which the suspected accused was handed over, in accordance with the provisions of Article (253) with all the available evidences and information in accordance with the Law.

**Article 256: (has been combined with article 255)**

**Article 257: Relegation of liability in respect of treatment of the accused:**

Concerning the measures to be adopted in accordance with the provisions of Article (253), the liability shall be relegated from the captain of the aircraft or any other member of the crew or any passenger or the owner of the aircraft or its operator and the person conducting the flight at his expense with regard to any suit ensuing from the treatment of the person against whom such measures are taken. The responsibility shall be pending when violating the provisions of Article (254).

### **Chapter - Three Powers And Obligations of The Concerned Authorities**

**Article 258: Regaining control over the aircraft by the captain and permitting the passengers to continue their flight:**

1. The concerned authorities must, in the case of committing any of the crimes or acts specified in the international conventions and agreements to which the Republic is party to, or commencing thereof, or any act that endangers the safety of the aircraft, adopt all the measures necessary to enable the captain to regain control over the aircraft or maintaining his control thereof.
2. In such cases the passengers and members of the crew of the aircraft that has landed in the territory of the Republic must be permitted to continue their flight as early as possible. The concerned authorities must return the aircraft and the goods thereon to the persons who have the legal right to their possession.

**Article 259: Legal Procedures:**

1. The concerned authorities must receive any person whom the captain of the aircraft has handed over to them, according to the provisions of article (256). They must conduct an immediate investigation into the accident. If it appears to such authorities that the crime falls within the legal jurisdiction of the Republic, in accordance with the provisions of the enforced Laws, they must adopt the measures necessary to refer the case to court. If it appears to them that the crime does not fall within the

aforementioned legal jurisdiction, they must adopt the appropriate decision according to the Law.

2. In all events the concerned authorities shall, according to the Law, have the right to hand over the accused to the state whose nationality he holds or the state in which he resides in a permanent manner or the state from which he began his journey.
3. When the concerned authorities arrest a person, according to the provisions of this Part, they must immediately inform the state in which the aircraft is registered, or the state of which the arrested person is a national of the facts of such accident as well as the circumstances that led to the adoption of such measures. If they deem the matter so necessitates, they shall intimate such information to any other state that has an interest in the matter. They must also immediately submit a report on the results of the investigation to the aforementioned states showing whether they intend to exercise jurisdiction in this respect.
4. The measure of arrest of the accused or any of the other precautionary measures is subject to the provisions of the national Law, provided that such measures do not exceed the necessary time for the possibility that criminal or handing over procedures could be carried out.

#### **Chapter - Four** **Interception of Civil Aircraft**

##### **Article 260: Ensuring safety of civil aircraft during interception:**

In the event of interception of a civil aircraft while in flight the concerned authorities must ensure that the safety of the aircraft and the safety of the persons on board is not exposed to danger. They must also refrain from resorting to the use of arms against it but without prejudice to the rights and obligations of the Republic according to the United Nations Charter.

##### **Article 261: Forcing Civil Aircraft To Land:**

1. In the event of any civil aircraft flying over the territory of the Republic without permission or without a permit from the Civil Aviation Authority or in the event of reasonable grounds being available and leading to the belief of their use for purposes that are not compatible with the Chicago Convention, the concerned authorities may force the aircraft to land at a specific airport or issue any orders or other instructions that they consider necessary to end such violations.

2. In realization of the objectives of Para (1) of this article the concerned authorities may resort to any other suitable measure that is compatible with the rules of international Law, including the Chicago Convention.

**Article 262: Intercepted Civil Aircraft Response to Orders and Instructions:**

The captain of any civil aircraft intercepted in the airspace of the Republic must immediately respond to any orders or instructions issued to him by the concerned authority according to the provisions of the preceding article.

**Article 263: Interception of national aircraft outside the territory of the Republic:**

In the event of an interception by the concerned authorities in a foreign state of a civil aircraft registered in the Republic, or operated by a person adopting the Republic as his permanent residence or the headquarters of his business, the captain of the aircraft must immediately respond to any orders or instructions issued to him by the concerned authorities to land at the airport designated by them and any other such orders or instructions.

**Article 264: Preventing the use of civil aircraft for purposes that are incompatible with the objectives of civil aviation:**

A national or foreign civil aircraft may not be used for any purposes that are inconsistent with the objectives of civil aviation provided for under the Chicago Convention.

**Part - Fifteen  
Penalties, sanctions and compensation**

**Chapter - One  
General Provisions**

**Article 265: Capacity of Judicial Enforcement:**

The Authority employees, whose nature of work requires the observation of implementing the provisions of this Law, shall have the judicial enforcement capacity within the limits of their responsibilities. A decree naming them shall be issued by the Minister of Justice based on the presentation of the Chairman of CAMA.

**Article 266: Penalties that can be imposed by the civil aviation authorities:**

Without prejudice to the penalties prescribed according to the provisions of this Law the civil aviation authorities shall have the right to adopt the following measures in the event that a violation of its provisions or any of the rules, regulations and decisions in implementation thereof has been established:

- (a) Suspension of the license or permit issued to the operator or the aircraft for a specified period or final nullification.
- (b) Suspend the validity of the aircraft's airworthiness certificate issued or endorsed by them for a specified period or its final withdrawal.
- (c) Suspend the validity of flight authorization or any other permit issued or endorsed by the Authority for specific period or and its final withdrawal.
- (d) Prohibiting the aircraft from flying for a specified period or force it to land after warning it.
- (e) Prohibiting the captain of the aircraft from flying in the airspace of the Republic for a limited period or permanently.
- (f) Any other measure deemed necessary to prevent or end any other violations.

**Article 267: Suspending or withdrawing the permit in case of a penal ruling:**

The civil aviation authorities may suspend the aviation license or any other permits issued or endorsed by them for a limited period or withdraw them permanently, in the event license holder is convicted with a criminal punishment or in the case of an honor-violating crime.

**Article 268: Prevention, Suspending or elimination of violations:**

Without prejudice to penalties provided for according to the provisions of this Law or the penalties referred to in article (266) the civil aviation authorities must adopt the measures necessary for the prevention, suspend or elimination of any violation of the provisions of this Law, and shall commit the violator to bear all the expenses incurred by the Republic thereof.

**Article 269: Application of the severer penalties:**

The provisions of this Law shall not prejudice any other severer penalty provided for under the Penal Law or any other Laws.

**Article 270 : Aggravated Circumstances:**

In the case of aggravated circumstances, or recurrence, or premeditation the specified severest penalties shall be applied and the penalties of restriction of liberty and the prescribed fines may be combined.

**Article 271: Confiscation of aircraft, consignments, equipment and transported goods:**

1. In addition to the penalties prescribed according to this Law, the aircraft or consignments or equipment or apparatuses or materials related to a crime or unlawful act of the crimes and illegal acts provided for under the provisions of this Law may be confiscated.
2. The aircraft and its consignment shall be confiscated in the following cases:
  - (a) Carrying incorrect nationality or registration marks or not carrying any such markings.
  - (b) The undertaking of the owner or operator of the aircraft to transport arms or ammunitions with the purpose of smuggling or any other illegal freight or committing a crime that affects the state security.

**Article 272: Judicial Jurisdictions:**

1. The courts of the Republic shall have jurisdiction in respect of all crimes and illegal acts that are considered to be a violation of the provisions of this Law or the rules, regulations and decisions issued in implementation thereof when committed in the territory of the Republic.
2. The courts of Sana'a shall have jurisdiction in respect of crimes that are committed on board an aircraft registered in the Republic during its presence over the high seas or any places that are not subject to the Authority of any state.
3. In all cases the criminal suit shall be preceded based upon a request from the civil aviation authorities.

**Chapter - Two**  
**Compensation For The Violation**  
**of Provisions Of Aviation Authorizations And Permits**

**Article 273: Permits and Authorizations related to transport inside the territory of the Republic or from and into it:**

In the cases relating to transporting passengers, goods or mail inside the Republic and from and into it compensation shall be collected in favor of the civil aviation authorities of three folds of the prescribed landing and navigation

services fees in addition to the revenue value for violating transport rights calculated based on the announced normal fares and rates to be applied in the event that violations by any airlines or operators or aircraft owners are proven for any of the provisions of articles 10, 11, 178 , 179 and 188.

**Article 274: Permits, Authorizations not related to transportation from and to the Republic:**

In the cases not related to passenger or mail or cargo traffic movement within the territory of the Republic or from and to it, compensation of three folds of the prescribed landing and navigation services fees shall be collected in favor of the civil aviation authorities in the event of aircraft landing, and three folds of the navigation services fees only in the case of the aircraft overflying to be applied in the event that violations by any of the airlines or operators or aircraft owners are proven for any of the provisions of articles 10, 11, 13, 14 and 180.

**Chapter - Three  
Penalties**

**Article 275: Acts in respect of which no specific provision is made to provide a specific penalty:**

Any person or aircraft owner or operator who commits by himself or through his subordinates premeditating or due to negligence a prohibited act as specified in the provisions of this Law or the rules, regulations or violates any of the provisions contained in this Law or any of the conditions, rules, regulations or decisions issued thereby, shall be punished by a monetary penalty of no more than three hundred thousand rials and an imprisonment for no more than a year or both penalties, or one of the two penalties to be applied in all cases unless there is a specific provision that determines a specific penalty in this Law.

**Article 276: Penalties of Duped Reservations:**

A monetary penalty not exceeding 90% of the Value of the ticket is imposed upon any agency that issues duped reservations for any passenger, without prejudice to the Warsaw Convention and its amendments thereto which are ratified by the Republic. The Authority may also double the penalty in the case of recurrence of such violations.

**Article 277: Acts for which the perpetrator is punishable by a fine and imprisonment for a period not exceeding two years:**

A monetary penalty not exceeding five hundred thousand rials and an imprisonment for a period not exceeding two year, or one of the two penalties, is imposed upon whosoever commits one of the following acts:

- (a) Operating an aircraft in the civil aviation field or conducting a flight inside the territory of the Republic or from and to it without a prior permit in a manner that violates the conditions contained therein, without prejudice to the provisions pertaining to the compensations for violating the provisions of licenses and permits of aviation prescribed by the provisions of this Law.
- (b) Operating a national or foreign airline or flying within the territory of the Republic or from or to it without a license or permit or in a way that violates the conditions therein, but without prejudice to the provisions of this Law.
- (c) In the event whereby a foreign aircraft transports passengers, goods or mail in return for a reward or remuneration from one point to another point of destination in the territory of the Republic, without prejudice to the provisions pertaining to the compensations for violating the provisions of licenses and permits of aviation prescribed in this Law.
- (d) Using the aircraft in presenting or broadcasting any advertisement or declaration without a prior permit.
- (e) Piloting an aircraft that does not carry on board adequate documentation and records that should otherwise be so carried pursuant to the Laws, rules and regulations applicable in the state the aircraft is registered.
- (f) In the event whereby a foreign airlines uses another aircraft with a different nationality for commercial purposes from, to and through the Republic without fulfilling the required conditions endorsed by the civil aviation authorities.
- (g) In the event whereby an aircraft tows another aircraft or any other thing without authorization from the civil aviation authorities.
- (h) Landing in parachutes without permit from the civil aviation authorities except in emergency cases.
- (i) Entering without permit to the airport apron, air traffic and aircraft loading areas, air navigation services and facilities, or any other regions that are related to securing the safety of aviation or concerns airport security, or any part thereof, with an intent of sabotage acts or leaving animals or other objects that may damage the safety of air navigation.
- (j) In the event of operating a new airline route or extending route without permit from the civil aviation authorities, or carrying persons during a preliminary flight, other than persons needed for operation of the aircraft and the specialized representatives of the civil aviation authorities.

- (k) Obstructing, hindering or threatening the Civil Aviation Inspectors, who enjoy the status of judicial enforcement capacity in a manner that would prevent them from exercising their designated authorities pursuant to the provisions of this Law, for inspection and controlling violations in the field of aviation operations pertaining to air transportation, aerial works, air transport activities and aviation security.
- (l) Establishment of an office for a foreign airline or travel Agency or Air Cargo Agency in the territory of the Republic without license from the civil aviation authorities.
- (m) Refusing without justification to respond to a request from the concerned authority to contribute in providing any assistance pertaining to search or rescue to an aircraft or a person who may be facing extinction as a result of an aircraft accident.

**Article 278: Acts that are Subject to Fine and Imprisonment Penalties for period not to exceed three years:**

Any person committing any of the under-mentioned acts shall be subject to monetary penalty not exceeding the amount of Yemeni Riyals six hundred thousand (YR.600,000) and imprisonment for a period not exceeding three years, or one of these two penalties stipulated.

- (a) Using Wireless Appliances in the aircraft for purposes other than air navigation and securing the safety of aviation, or violating the established conditions or without the knowledge of aircraft pilot crew.
- (b) Flying over in the territory of the Republic, using aircraft that are equipped with aerial photographing cameras, or using such cameras without having a prior permit, or contradicting the established conditions.
- (c) Construction, preparation, utilization or operating any airport or airport apron, in any manner, whatsoever, without obtaining prior permit.
- (d) Landing and take-off with an aircraft outside or other than the declared airports or the allocated places thereto without a permit from the civil aviation authorities, except in force majeure.

- (e) Equipping the aircraft with any wireless appliances that are not authorized by the concerned authorities in the state of registration.
- (f) Flying an aircraft without a registration certificate or does not carry the nationality and registration marks, or carry inaccurate or unclear marks without a permit from the civil aviation authorities.
- (g) Disposing of an aircraft that carries the nationality of the Republic, whether by selling or leasing it, or any other manner to a foreigner without the approval of the civil aviation authorities.
- (h) Conducting any work services or maintenance of aircraft or air traffic control without possessing a valid license or special authorization/permit thereto from the civil aviation authorities.
- (i) Giving training to any person on flying for the purpose of preparing him to obtain a pilot license without having a valid License authorizing him to conduct such training.
- (j) The practice by any institute, club or any other body of aviation teaching instructions or training on its arts, or exercising any other aviation activities without a license from the civil aviation authorities.
- (k) Flying an aircraft outside the allocated air areas, routes and runways that are established by the civil aviation authorities, except for force majeure reasons.
- (l) Dropping or spraying anything from the aircraft during its flight other than in exceptional or emergency cases or without having a permit thereof from the civil aviation authorities.
- (m) Any person assuming the duties of an aircraft pilot, or working as any crew member thereof, while he is under the influence of intoxication or narcotic impacts, or under the influence of any other material that may result in weakening his

abilities to conduct his duties in the perfect manner.

- (n) The establishment of a company or organization to exercise activities or various types of the general aviation activities without prior consent of the civil aviation authorities.
- (o) The exercise of any of the activities that are related to civil aviation or the ground aviation services without having the prior authorization and permit from the civil aviation authorities.
- (p) Exercise any of the commercial air transportation activities or general aviation activities without obtaining the required operation certificate, air operators certificate and its specifications thereof from the civil aviation authorities.
- (q) Violation of the approved operation specifications, or deviating from the criteria thereof except in necessary cases, and not reporting that to the civil aviation authorities.
- (r) The non-preparation of operations manual , or its being uncertified by the civil aviation authorities, or in the event whereby it contains instructions or information that contradict the applicable Laws, rules and regulations in the Republic or those issued by such authorities.
- (s) Unavailability of the Aircraft Operating Manual certified by the Manufacturing state or in the event whereby it does not contain the relevant information that oblige the aircraft crew to conduct their duties and obligations in accordance with required safety measures and standards whether in ordinary conditions or in emergency cases.
- (t) Operation of the Aircraft without obtaining the respective operation permit thereof from the civil aviation authorities.
- (u) Operating any aircraft, without being fully equipped with the necessary appliances and

equipment for its aviation and navigation thereof in accordance with the provisions of this law.

**Article 279: Acts where Perpetrators are punished by Fine and Imprisonment for a period not to exceed five years:**

Any person committing any of the under-mentioned acts shall be subject to monetary penalty not exceeding the amount of Yemeni Riyals Two millions (YR.2,000,000) and imprisonment for a period not exceeding five years, or any of the two penalties stipulated.

- a) Flying an aircraft that carries weapons, ammunitions, explosives, crackers or any other items that are related to war, or nuclear items, radioactive isotopes, poisonous gasses, microbial or any other dangerous goods, or any things that are prohibited to transport by a resolution thereof by the concerned authorities without prior consent and permit; or otherwise contradicting the international rules and regulations that are determined in this respect, or in violation with the requirements or procedures that are mandatory to be adopted.
- b) The Construction of any building or erecting any barriers in the zones that are included in the Air Aviation easement rights, or conducting any changes or modifications in the nature or area of using lands that are subject to easement, without a proper permit from the civil aviation authorities.
- c) The construction of any lighthouse or wireless that is not provided for in the Civil Aviation Services Plans, without the approval of the civil aviation authorities.
- d) Operation of an aircraft without a valid Airworthiness Certificate that is issued or certified by the concerned authorities in the state of registration.
- e) Operation of aircraft in the commercial aviation transportation or general aviation without maintenance thereof in accordance with the maintenance manual that is certified by the civil aviation authorities.

- f) Fiddling with any certificate, endorsement, certificate, license, permit or any other document that are to be used pursuant to the provisions of this Law; or in the event of intentionally, not recording the data that should have been recorded by the operator or his subordinates in the aircraft's documents or records, or changing their content with ill intention or recording unreal information whereby such an act will or may expose the aircraft to danger.
- g) Piloting an aircraft or conducting any of the tasks pertaining to its flight crew without possessing a valid license or respective permit in accordance with the established Laws, rules and regulations in the Republic or the state of registration.
- h) Intervention in the work of any member of the aircraft flight crew members or hindering him from conducting his work; or tampering with any part of the aircraft or its equipment thereof; or otherwise, committing any act that may expose the safety of the aircraft, or its crew or passengers to danger.
- i) Piloting an aircraft at an altitude other than those specified by the civil aviation authorities except in emergency cases or pursuant to a permit from such authorities.
- j) Circling an aircraft above a city or populated area, or places for public gatherings such festivals and assemblies at an altitude whereby the aircraft cannot possibly land in emergency cases without endangering people or properties, thus violating the provisions of Article 118, or at an altitude, whereby there is a possibility to jeopardize the safety of persons and properties.
- k) Commanding an aircraft above a prohibited, restricted or danger areas without notifying the air traffic control unit immediately after realizing that, or otherwise, not observing its instructions or not complying with the orders issued by the concerned authorities.

- l) Conducting acrobatics, air parades, or flying in aero-formations, or using remote controlled aircraft without pilots, without a permit from the Civil Aviation Authority or contradicting the conditions stipulated in the permit.
- m) Commanding an aircraft in a negligent or reckless manner, in a manner that would jeopardize the life of other people or their properties to danger.
- n) Maneuvering at a nearby distance from another aircraft in a manner that poses a risk of collision with the aircraft or endanger its safety.
- o) Using an aircraft in the territories of the Republic for any other purposes beyond the scope of the Civil Aviation, or for the purpose of conducting unlawful acts or committing a crime.
- p) Appointing any person to be a member of the crew of an aircraft registered in the Republic in any flight without possessing a valid license that qualifies him thereof, and without having the relevant qualifications and certificates of the practical periodical tests that enables certifying him to perform the tasks assigned to him in the required manner.
- q) Non adherence to the stipulated time schedules and periods pertaining to work and intervals in a in a manner that results in fatiguing any of the crew member and exposing his safety and the safety of the plane to danger.
- r) Loading the aircraft without adequate supervision of trained personnel in accordance with the provisions of this law.
- s) The use by any person of any appliances belonging to an aircraft pilot in command during its flight without being a qualified pilot and assigned to do so by the operator.

- t) Carrying a weapon, inflammable items or any other objects that may be used in any sabotage or violent acts or threat during flight.
- u) The non-response of a pilot in command of an intercepted civilian aircraft in the airspace of the Republic to any of the orders or instructions issued to him by the concerned authorities.
- v) Using any civilian aircraft for any purpose that contradicts the goals and objectives of the Civil Aviation stipulated in the Chicago Convention.
- w) The non-response of a national aircraft pilot in command that is flying in a foreign airspace to any instructions or orders to land in any certain airport, or otherwise intentionally using it for purposes other than those mentioned in the Chicago Convention.
- x) Restricting the liberty of the passenger for the purpose of handing him over to the authorities of a foreign state by the pilot in command of the aircraft and its crew members.

**Article 280: Penalty for Attack on Aircraft, Airports, Air Navigation Services and Facilities, and Securing the Safety of Aviation:**

Any person committing any of the under-mentioned acts shall be punished with an imprisonment for a period not less than five years and not exceeding ten years. Penalties shall be doubled in the event whereby such acts result in destruction of the aircraft, or any of the airport's establishments, equipment and appliances, or air navigation services and facilities and securing the safety of aviation. The penalty shall be further intensified to include death penalty if such acts resulted in causing loss of lives:-

- a) Hijacking or control over aircraft command, whether by force or by threatening to use force, or in any form of coercion, or otherwise attempting to commit such a crime, or participate with any person in committing or attempting to commit such a crime.
- b) Committing any of the under-mentioned actions intentionally and without any legitimate right or attempting to commit any of such crimes; or otherwise participating with any person in committing or attempting to commit any of the following crimes:

- 1- Committing any violent act against any person on board the aircraft while in flight, if such act results in exposing the safety of the aircraft to danger.
- 2- Destroying an aircraft in the state of service, or causing any damage thereto that would disable it from flying or may expose its safety to danger whilst flying.
- 3- To put through the use of any means or causing to place an appliance or material inside an aircraft in service that may eventually result in destroying this aircraft or damage it to the extent that the aircraft is disabled from flying, or cause damage to it so as to expose its safety to danger whilst flying.
- 4- To destroy or damage any air navigation facilities or establishments, or intervening in the operation thereof if such acts might result in exposing the safety of the aircraft to danger whilst flying.
- 5- To report information, which that person knows, is false and by so doing exposes the safety of the aircraft whilst flying to danger.
- 6- To steal equipment of air navigation services or any other appliances or wires that are necessary to secure the safety of aviation or related thereto.
- 7- To commit any act of destruction, sabotage, violence or attack to any of the civilian airports and places prepared for the travel and receiving of passengers or loading and unloading of goods in a manner that exposes such utilities and places and persons to danger.

### **Final Provisions**

**Article 281:** The Minister shall issue the necessary Rules and Regulations for the implementation of the provisions of this Law based on the presentation of the Authority, unless otherwise stipulated.

**Article 282:** The Republican Law-by-Decree No. 2 for the year 1969 concerning the organization and specification of the responsibilities of the Civil Aviation Authority, issued in Sana'a, and Law No. 28 of 1979 pertaining to the Civil Aviation Law issued in Aden shall be invalidated as well as any provision or text that contradicts the provisions of this Law.

**Article 283:** This Law-by-Decree shall enter into force from the date of its issuance and is to be published in the official gazette.

Issued in the Presidency of the Republic – in Sana'a  
Dated on 5 Dhul Qa'ada 1413 A.H.  
Corresponding to 26 April 1993

**Haider Abu Bakr Al-Attas**

**Lieutenant General Ali Abdulla Saleh**

**Prime Minister**

**President of the Presidential Council**