



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 45

1992

PROMULGATION OF ACT OF THE NATIONAL ASSEMBLY

The following Act which has been passed by the National Assembly and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 9 of 1992: Civil Aviation Offences Amendment Act, 1992.

Act No. 9, 1992

**CIVIL AVIATION OFFENCES
AMENDMENT ACT, 1992****EXPLANATORY NOTE:**

- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.
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ACT

To amend the Civil Aviation Offences Act, 1972, in order to extend the scope of existing offences; to provide for measures directed at the more effective control of the security of aircraft and airports; to authorize the Minister to make regulations relating to the appointment of a committee to advise the Minister and interested persons as to the safety of civil aviation; the drawing-up and application of security plans; the persons who shall be responsible for the application of security measures at certain airports and in respect of certain flights made with aircraft; the administrative steps which shall precede the designation of aerodromes and heliports as airports; and the part of certain expenses which shall be met by the State, and the duty of airport managements and air carriers to render available particular equipment and to employ certain persons for certain purposes; and to provide for matters incidental thereto.

(Signed by the President on 8 April 1992)

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

Amendment of section 1
of Act 10 of 1972.

1. Section 1 of the Civil Aviation Offences Act, 1972 (hereinafter referred to as the principal Act), is hereby amended -

- (a) by the insertion in subsection (1) before the definition of "aircraft" of the following definition:

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“ ‘aerodrome’ means a defined area on any land, water or building, which is intended to be used for, or in connection with, the arrival, departure or movement of aircraft, and includes any building, installation or equipment within such area;”;

- (b) by the insertion in subsection (1) after the definition of “aircraft” of the following definitions:

“ ‘air navigation facility’ means premises used for the handling of cargo, mail or baggage, an aircraft hangar, a fuel storage area and any other premises, structure or place to which the public have no right of access and in which a service is rendered for the operation of an airport or aircraft or for the public at an airport, aerodrome or heliport and includes any aid provided for promotion of the safe, orderly and expeditious movement of air traffic, and includes, where applicable, any building or structure in or to which such aid or part thereof is housed or attached, and includes the premises on which such aid or part thereof is situated, whether such a building, structure or premises are situated within the boundaries of an airport, aerodrome or heliport or not;

‘airport’ means any aerodrome established and maintained in terms of section 6 of the Aviation Act, 1962 (Act 74 of 1962), and includes any aerodrome or heliport designated by the Minister by notice in the *Gazette* as an airport for the purposes of this Act;

‘airport manager’ includes any person appointed in writing by the airport manager to discharge any function imposed, or to exercise any power conferred, upon the airport manager by this Act;

‘authorized person’ means -

- (a) any member of the Namibian Police Force;
- (b) any other person appointed in writing by the Minister as an authorized person for the purposes of this Act;

‘board’ means the board of inquiry appointed under section 2K;”;

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- (c) by the insertion in subsection (1) after the definition of "convention country" of the following definitions:

" 'harmful article' means -

- (a) any ammunition, as defined in section 1 of the Arms and Ammunition Act, 1969, (Act 75 of 1969), and includes any cartridge or projectile intended for use in the discharge of an arm referred to in section 32(1) of that Act;
- (b) any arm, as defined in section 1 of the Arms and Ammunition Act, 1969, (Act 75 of 1969), as amended from time to time in terms of subsection 62) of that section, and includes any arm referred to in section 32(1) of that Act, any grenade, bomb or similar missile and any article which has the appearance of such an arm or a grenade, bomb or similar missile, whether capable of being discharged or exploded or not;
- (c) explosives, as defined in section 1 of the Explosives Act, 1956 (Act 26 of 1956), and includes any article which has the appearance of an explosive or which is marked or labelled that it is or contains an explosive, whether such an article is capable of explosion or of being exploded or not; or
- (d) any other article which is primarily a weapon of attack or defence in relation to persons or primarily an instrument by means of which property may be damaged or destroyed;

'heliport' means a defined area on any land or building, which is used or intended to be used for, or in connection with, the arrival, departure or movement of helicopters, and includes any building or installation within such area;

'Minister' means the Minister of Works, Transport and Communication;

'Namibian aircraft' means an aircraft registered in Namibia and includes any aircraft that is operated by joint air transport operating organizations or international operating agencies

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established by the State and any other convention country and in respect of which the Minister has, by notice in the *Gazette*, declared it to be deemed to be a Namibian aircraft;”;

- (d) by the deletion in subsection (1) of the definition of “Republic”;
- (e) by the insertion in subsection (1) after the definition of “pilot in command” of the following definitions:

“ ‘restricted area’ means any area, building or place at an airport, in respect of which access control has been instituted for security purposes by, or with the concurrence of, the management of such airport, and includes any area, building or place at an airport in respect of which the Minister has directed the management of the airport, or any organization conducting business at the airport, to institute access control and in respect of which access control has been so instituted;

‘search’ includes the use of metal detectors for persons and metal detectors, X-ray equipment and explosive detecting equipment for personal effects, baggage, cargo, mail and other goods;”;

- (f) by the deletion in subsection (1) of the definition of “South African aircraft”; and
- (g) by the insertion in subsection (1) after the definition of “search” of the following definition:

“ ‘this Act’ includes any regulations made under this Act.”.

Amendment of section 2
of Act 10 of 1972.

2. Section 2 of the principal Act is hereby amended -

- (a) by the substitution for paragraph (c) of the following paragraph:

“(c) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft or to cause damage to it which ren-

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ders it incapable of flight or is likely to endanger its safety in flight;”;

- (b) by the substitution for paragraph (d) of the following paragraph:

“(d) destroys or wilfully damages air navigation facilities or wilfully interferes with their operation [, **if such destruction damage or interference is like to endanger the safety of aircraft in flight**];”;

- (c) by the substitution for paragraph (e) of the following paragraph:

“(e) communicates information which he or she knows to be false, thereby endangering the safety of an aircraft in [**flight**] service;”;

- (d) by the substitution for paragraph (f) of the following paragraph:

“(f) places or causes to be placed at, on or in any airport, aerodrome, heliport or air navigation facility any device or substance which is calculated to endanger, injure or kill any person, or to endanger, damage, destroy, render useless or unserviceable or put out of action any property, vehicle, aircraft, building, equipment or air navigation facility or part thereof;”;

- (e) by the insertion after paragraph (f) of the following paragraph:

“(fA) wilfully pollutes or causes to pollute any aviation fuel;”;

- (f) by the substitution for paragraph (g) of the following paragraph:

“(g) performs any other act which [**jeopardizes**] endangers or may [**jeopardize**] endanger the operation of an air carrier or the safety of [an] any airport, aerodrome, heliport, aircraft in [flight] service or of persons or property thereon or therein or which may [jeopardize] endanger good order and dis-

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cipline at an airport, aerodrome or heliport
or on board an aircraft in [flight] service.”;
and

- (g) by the addition of the following subsections, the existing section becoming subsection (1):

“(2) Any person -

(a) who threatens to commit any offence referred to in subsection (1) or who falsely alleges that any other person has committed or is about to commit any such offence; or

(b) who communicates information which he or she knows to be false or incorrect,

and thereby interferes with or may interfere with the operation of an air carrier or of an airport, aerodrome or heliport, shall be guilty of an offence and on conviction be liable to imprisonment without the option of a fine for a period not exceeding 15 years.

(3) Any person who on board any aircraft in service commits any nuisance or any disorderly or indecent act or is in a state of intoxication or behaves in a violent or offensive manner to the annoyance of any other person on the aircraft or uses abusive, indecent or offensive language, shall be guilty of an offence and on conviction be liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.”.

Insertion of sections 2A, 2B, 2C, 2D, 2E, 2F, 2G, 2H, 2I, 2J, 2K, 2L and 2M in Act 10 of 1972.

3. The following sections are hereby inserted in the principal Act after section 2:

“Prohibition and control of carriage of persons and harmful articles in aircraft.

2A. (1) Except with the permission of the aircraft operator, and subject to such conditions as the operator may stipulate, no person shall at an airport, aerodrome or heliport board or attempt to board, or be on, an aircraft if he or she has in his or her possession or under his or her control any harmful article or if any harmful article has to his or her knowledge been placed within his or her reach or at his or her disposal.

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(2) Any person who wishes to consign any harmful article by aircraft, shall consign the article in the manner required, and in accordance with the conditions stipulated, by the aircraft operator: Provided that where the Minister has by regulation under the Aviation Act, 1962 (Act 74 of 1962), prescribed the manner in which, and the conditions subject to which, an article which is also a harmful article under this Act, shall be consigned by aircraft, the provisions of such a regulation shall prevail in the case of a conflict with any requirement, or any condition stipulated, under this subsection.

(3) An air carrier may refuse to transport on any aircraft any person, personal effects, baggage, mail, cargo or other goods, if in the opinion of the air carrier -

- (a) the person concerned may, while on board, perform or attempt to perform any act which may endanger the safety of the aircraft or interfere with the flight of the aircraft; or
- (b) any occurrence which may endanger the safety of the aircraft or which may interfere with the flight of the aircraft, may eventuate from the transportation of such person, personal effects, baggage, mail, cargo or other goods.

Prohibition
and control of
persons and
harmful articles
in restricted
areas.

2B. (1) (a) Subject to the provisions of this Act, no person shall enter or attempt to enter or be within any restricted area if he or she has in his or her possession or under his or her control any harmful article or if any harmful article has to his or her knowledge been placed within his or her reach and at his or her disposal.

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(b) The provisions of paragraph (a) shall not apply in relation to a passenger or crew member who arrived by aircraft and who is in a restricted area for the purpose of taking possession of baggage in which a harmful article is, if the passenger or crew member, before he or she collects the baggage, declares the harmful article to any customs officer where such an officer is on duty in the restricted area, or, where such an officer is not available, to an authorized person.

(2) The provisions of subsection (1) shall not apply in relation to -

- (a) an employee of the State;
- (b) an authorized person;
- (c) any person authorized in writing by the airport manager concerned to be within the restricted area in question, which authority may be conditional,

who is in possession of a harmful article within the restricted area in the course, and for the purpose, of his or her employment at the airport in question.

(3) Any authorized person may refuse entry into a restricted area to any person, or of any baggage, personal effects, mail, cargo, vehicle or other goods, if in the opinion of the authorized person -

- (a) the person concerned may, while he or she is within the restricted area, perform or attempt to perform, any act which may endanger the safety of the airport or of any aircraft,

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air navigation facility or air traffic service unit, or which may interfere with the operation thereof; or

- (b) any occurrence which may endanger the safety of the airport or of any aircraft, air navigation facility or air traffic service unit, or which may interfere with the operation thereof, may eventuate from the entry into the restricted area of such person, baggage, personal effects, mail, cargo, vehicle or other goods.

(4) Any person to whom, and any person who has a legal interest in any baggage, personal effects, mail, cargo, vehicle or goods in respect of which, entry into a restricted area has been refused in terms of subsection (3), may forthwith request any person in authority over the authorized person concerned, or the airport manager, to review the refusal of the authorized person, and such a person in authority or the airport manager may confirm the refusal or grant the permission required on such conditions as he or she may deem fit.

Prohibition
and control
of persons and
harmful articles
in air naviga-
tion facilities.

2C. (1) Except with the permission of the person in control of an air navigation facility, and subject to such conditions as such person may stipulate, no person shall have access to any air navigation facility.

(2) The person in control of an air navigation facility may refuse access thereto to any person, or of any personal effects or of any goods, if in his or her opinion -

- (a) the person concerned may, while he or she is at or within the air navigation facility, per-

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form or attempt to perform any act which may endanger the safety of the air navigation facility or any contents thereof or which may interfere with the operation thereof; or

- (b) any occurrence which may endanger the safety of the air navigation facility or any contents thereof, or which may interfere with the operation thereof, may eventuate from the access thereto of such a person, effects or goods.

Penalties.

2D. Any person who contravenes any provision of section 2A, 2B or 2C, or who fails to comply with any provision thereof or with any condition of any permission granted thereunder, shall be guilty of an offence and on conviction be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Authorized persons and certain employees may call for identification.

2E. (1)(a) Any authorized person may, if he or she deems it necessary in the interest of security, call upon any person at, in or upon any airport, aerodrome or heliport or air navigation facility to furnish him or her with his or her full name and address.

- (b) Any employee attached to an airport, aerodrome or heliport or an air navigation facility, who has been authorized thereto in writing by the airport or aerodrome manager or person in control of the air navigation facility, respectively, may, if he or she deems it necessary in the interest of security, exercise the power referred to in paragraph

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(a), in respect of the airport, aerodrome, heliport or air navigation facility in question, as the case may be.

(2) Any person who fails to furnish his or her name and address or who furnishes a false or incorrect name or address, shall be guilty of an offence and on conviction be liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

Search of
persons and
goods.

2F. (1)(a) When requested thereto by an air carrier, an authorized person may, subject to the provisions of subsection (7), without a warrant search at an airport, aerodrome or heliport -

(i) any person, or the hand baggage and personal effects of any person, who intends to board, or who has disembarked from, an aircraft;

(ii) any other baggage, or any cargo or goods, before such baggage, cargo or goods are loaded into, or after such baggage, cargo or goods have been off-loaded from, an aircraft.

(b) The Minister may in respect of any particular flight or in respect of flights in general, direct the manager of any particular airport, aerodrome or heliport, or an air carrier in respect of any particular airport, aerodrome or heliport, that a search shall, subject to the provisions of subsection (7), be conducted by an authorized person without a warrant -

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- (i) of all persons, or the hand baggage and personal effects of all persons, who intend to board an aircraft, or who have disembarked from an aircraft at the airport, aerodrome or heliport, as the case may be;
 - (ii) of any other baggage, or any cargo or goods, before such baggage, cargo or goods are loaded into, or off-loaded from, any aircraft at the airport, aerodrome or heliport.
- (c) Any person who fails to comply with any direction in terms of paragraph (b), shall be guilty of an offence and on conviction be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
- (2) Any air carrier may refuse to transport -
- (a) a person or the hand baggage or personal effects of a person who refuses to be searched or to have his or her hand baggage or personal effects searched in terms of subsection (1);
 - (b) any other baggage, or any cargo or goods, for any person who refuses to have such baggage, cargo or goods searched in terms of subsection (1).
- (3)(a) If an airport manager is of the opinion that it is necessary for the security of the airport that a person, or the baggage or

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personal effects of a person, who intends to enter a restricted area, or that any vehicle cargo or goods which are, to enter a restricted area, be searched, he or she may direct any authorized person to conduct, subject to the provisions of subsection (7), such search without a warrant.

(b) The Minister may direct the manager of any particular airport, or the manager of any organization conducting any business at any particular airport, that any person, or the baggage or personal effects of any person, who enters any restricted area at the airport, or that any vehicle, cargo or goods which are, to enter a restricted area at the airport, be searched, subject to the provisions of subsection (7), by an authorized person without a warrant.

(c) Any person who fails to comply with any direction in terms of paragraph (b), shall be guilty of an offence and on conviction be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(4) Any authorized person may, subject to the provisions of subsection (7) without a warrant search -

(a) at any place, any building, structure, equipment or part thereof, or any vehicle, cargo or other goods;

(b) at any airport, aerodrome or heliport, any person or his or

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her baggage or personal effects,
or any aircraft,

if he or she has reasonable grounds to believe that the search is necessary for the security of any airport or any passengers or aircraft at any airport or of an air navigation facility of any airport, or to avoid interference with the operation of an air carrier, any airport or an air navigation facility of any airport.

(5) Any authorized person may without a warrant search any air navigation facility or the contents thereof, or, subject to the provisions of subsection (7), any person or article found thereat, if he or she has reasonable grounds to believe that the search is necessary for the security of the air navigation facility, or to avoid interference with the operation of such a facility of any airport.

(6)(a) If a person refuses to be searched, or to have his or her baggage or personal effects searched in terms of subsection (1) or (3), an authorized person may, where such a person intends boarding an aircraft or entering a restricted area, in writing order such person to leave the airport, aerodrome or heliport immediately, as the case may be, and not to return thereto for a specified period, which period shall not exceed 24 hours.

(b) If any person at any airport, aerodrome or heliport refuses to have any cargo, goods, vehicle or article searched under subsection (1) or (3), an authorized person may, where such cargo, article or goods are, to be consigned, or where such cargo, vehicle, article or goods

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are, to enter a restricted area, in writing order such person immediately to remove, or may himself or herself remove, the cargo, goods, vehicle or article from the airport, aerodrome or heliport, as the case may be.

- (c) Any person who, in contravention of paragraph (a), refuses to leave an airport, aerodrome or heliport, or returns thereto before the expiration of the specified period, or who, in contravention of paragraph (b), refuses to remove any cargo, goods, vehicle or article from the airport or aerodrome shall be guilty of an offence and on conviction be liable to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(7) A search of any person, baggage, personal effects, cargo, goods, vehicle, aircraft, structure, building or equipment shall be conducted with strict regard to decency and order and shall not be excessively intrusive having regard to the purpose for the search, and a woman shall be searched by a woman only, and if no female authorized person is available, the search shall be made by a woman designated for such purpose by an authorized person: Provided that the correspondence or home of a person shall not be subject to any interference unless such interference is necessary for a purpose referred to in Article 13(1) of the Namibian Constitution.

Seizure or
retention of
harmful
articles.

2G. (1) An authorized person may seize any harmful article found during a search carried out in terms of section 2F, or retain such article for safe custody while the person in whose possession or

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custody or under whose control the article was found, remains on the aircraft or in the restricted area or at or in the air navigation facility, as the case may be.

(2) A harmful article seized in terms of subsection (1) shall be delivered to a police official, as defined in section 1 of the Criminal Procedure Act, 1977 (Act 51 of 1977), and shall be dealt with and be disposed of in terms of the provisions of Chapter 2 of that Act as if it were an article seized, and delivered to such a police official, in terms of that Chapter.

Powers of
arrest.

2H. (1) An authorized person may without a warrant arrest any person -

- (a) who, in his or her presence, commits any offence in relation to any provision of section 2, 2A, 2B, 2C, 2E or 2F(6)(c);
- (b) whom he or she reasonably suspects of having committed any offence in relation to any provision of section 2, 2A, 2B, 2C, 2E or 2F(6)(c).

(2) If an authorized person attempts to arrest any person under subsection (1) and such a person -

- (a) resists the attempt and cannot be arrested without the use of force; or
- (b) flees when it is clear that an attempt to arrest him or her is being made, or resists such attempt and flees,

the authorized person may, in order to effect the arrest, use such force as may in the circumstances be reasonably neces-

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sary to overcome the resistance or to prevent the person concerned from fleeing, and may call on any competent person to assist him or her to effect the arrest.

Powers of
peace officers.

2I. No provision of this Act shall derogate from any power in terms of the Criminal Procedure Act, 1977 (Act 51 of 1977), of a peace officer, as defined in section 1 of that Act, who is an authorized person in terms of this Act.

Powers of
Minister in
respect of any
action which
is a threat to
safety.

2J. (1) If the Minister is of the opinion that any action by any person or any group of persons is of such a nature that the safety of any person on or in any aircraft or at any airport, aerodrome, heliport or air navigation facility, or of any aircraft, airport, aerodrome, heliport or air navigation facility, or of any property at any airport, aerodrome, heliport or air navigation facility, is being seriously and immediately threatened, he or she or any person designated by him or her for such purpose may issue such orders as may be deemed necessary, to any person or group of persons to counter such action.

(2) An authorized person may take such steps as he or she may in the circumstances deem necessary to ensure that an order referred to in subsection (1) is complied with.

(3) Any person who fails or refuses to give effect immediately to an order issued in terms of subsection (1), shall be guilty of an offence and on conviction be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(4) The Minister may, to such extent as he or she may determine, compensate out of the State Revenue Fund any person who satisfies him or

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her that he or she has suffered any damage or bodily harm, or has incurred costs, in the execution of any order issued in terms of subsection (1).

Board of
inquiry.

2K. (1) When an offence has been committed in relation to any provision of section 2, 2A, 2B or 2C, or if any orders have been issued in terms of section 2J to counter any action contemplated in that section, the Minister may appoint a board of inquiry, which shall consist of so many persons as the Minister may determine, to inquire into any aspect of such offence or such action or any circumstance relating thereto, which the Minister may refer to the board, and to report to him or her thereon and make such recommendations in relation thereto as the board may deem fit.

(2) The board shall determine its own procedure and, where it consists of more than one member, have a chairperson designated by the Minister.

(3) The board shall have the power to summon and examine witnesses on oath or affirmation and to call for the production for examination by the board of any books, documents or other matter.

(4) The laws and rules governing magistrates' courts shall *mutatis mutandis* apply in relation to procuring the attendance of witnesses, their examination, the production of books and documents, and for such purpose the chairperson of the board or, where the board consists of one person only, such person, shall have power to sign such documents as may be necessary for the purpose of the inquiry, in the same manner as the magistrate or the clerk of the court has power to do under the magistrates' courts rules.

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(5) Any process to be served for the purposes of the board shall be served by the messenger of the court for the district in which the person upon whom service is to be made, resides, or by a member of the Namibian Police Force.

(6) The chairperson of the board or, where the board consists of one person only, such person, may direct, subject to the provisions of Article 12(1)(a) of the Namibian Constitution, that the public or any category thereof shall not be present at the proceedings, or any part of the proceedings, of the board.

(7) Where an offence or any action contemplated in subsection (1) is associated with an accident as referred to in section 12 of the Aviation Act, 1962 (Act 74 of 1962), the Minister may appoint one board consisting of the same member or members, to conduct a joint inquiry under that Act and this Act in accordance with the provisions of this section.

Regulations.

2L. (1) The Minister may make regulations relating to -

- (a) the establishment, constitution and functions of a committee to advise the Minister and interested persons with regard to the safety of civil aviation and the effective application of the provisions of this Act;
- (b) the drawing-up of plans in relation to measures which shall be adopted in order to promote or ensure the security of civil aviation and the effective application of the provisions of this Act (hereinafter in this section referred to as security plans), the approval by the

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Minister of security plans and
the secrecy thereof;

- (c) the designation of officers in the public service to apply the provisions of this Act or any security plan, and the other functions of such officers;
- (d) the designation, training, qualifications and functions of persons charged with the application of security measures at particular airports and in respect of flights with aircraft;
- (e) the administrative steps which shall precede the designation by the Minister, in accordance with the provisions of the definition of "airport", of any aerodrome or heliport as an airport;
- (f) (i) the part of the expenses incurred in connection with the application of the provisions of any security plan or of this Act which shall be met by the State;

(ii) the duty of airport managements and air carriers to render available particular equipment at airports and to employ persons for the purposes of the application of the provisions of this Act or any security plan;
- (g) the levying of charges or the re-imbusement of expenses in relation to the provision of security services for aircraft or at airports;
- (h) the prohibition or the control of the publication of incidents

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relating to security or affecting the safe and orderly operation of an air carrier, airport, aerodrome or heliport, or of an aircraft in flight, or of the publication of any particulars or information relating to any measures dealing with the security of an aircraft, airport, aerodrome or heliport or air navigation facility, including particulars or information relating to any plan or programme, staff, device or system, agreement or special procedure in connection with security;

- (i) the serving and consumption of intoxicating liquor on aircraft, the responsibility of air carriers and the training and powers of crew members of aircraft in this regard, the manner in which beverage containers shall be stored and handled and the admission to aircraft of persons who are under the influence of intoxicating liquor or drugs;
- (j) generally, any matter which the Minister may consider necessary for the better achievement of the objects, and the better administration of the provisions of this Act.

(2) The regulations may provide for penalties in respect of any contravention of, or failure to comply with, any provision thereof or of any security plan approved by the Minister.

(3) Different regulations may be made in respect of different air carriers, airports, aerodromes, or air navigation facilities.

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(4) No charges or rates of compensation shall be prescribed under these regulations, except in consultation with the Minister of Finance.

Delegation
of powers.

2M. The Minister may delegate to the Permanent Secretary: Works, Transport and Communication any power conferred upon him or her by sections 2F(1)(b) and (3)(b) and 2J(1)."

Amendment of section 3
of Act 10 of 1972.

4. Section 3 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Any act contemplated in section 2 and committed outside [**the Republic**] Namibia on board any aircraft in flight, other than a [**South African**] Namibian aircraft, and any act of violence against passengers or crew committed on any such aircraft by a person in connection with an act contemplated in section 2(1)(a)(i), shall -

- (a) if such aircraft lands in [**the Republic**] Namibia with the person who committed any such act, still on board;
- (b) if such aircraft is leased without crew to a lessee who has his or her principal place of business or, if he or she has no such place of business, his or her permanent residence, in [**the Republic**] Namibia; or
- (c) if that person is present in [**the Republic**] Namibia,

be deemed to have been committed also in [**the Republic**] Namibia."

Repeal of section 9 of Act
10 of 1972.

5. Section 9 of the principal Act is hereby repealed.

Substitution of certain
expressions in Act 10 of
1972.

6. The principal Act is hereby amended -

- (a) by the substitution for the expression "South African Aircraft", wherever it occurs, of the expression "Namibian aircraft"; and

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(b) by the substitution for the expression “the Republic”, wherever it occurs, of the word “Namibia”.

Substitution of long title
to Act 10 of 1972.

7. The following long title is hereby substituted for the long title to the principal Act:

“To give effect to the Convention on Offences and certain other Acts committed on board Aircraft; the Convention for the Suppression of Unlawful Seizure of Aircraft; and the Convention for the Suppression of unlawful Acts against the Safety of Civil Aviation; to provide for additional measures directed at the more effective control of the security of aircraft and airports; to amend the Aviation Act, 1962; and to provide for matters connected therewith.”

Short title.

8. This Act shall be called the Civil Aviation Offences Amendment Act, 1992.
